



CITY OF

BOWLING GREEN

City of Bowling Green Minutes of Regular Meeting

February 16, 2023

Present: Mayor Jones, Vice-Mayor Fite, Commissioner Durastanti, Commissioner Lunn, Commissioner Arreola, City Manager Durrance, City Clerk Kinzel, Chief Scheel, and Administrative Assistant Candice Torres, Attorney Buhr, Stefanie von Paleske-Bush (CFRPC), Dyana Stewart (FRWA) and members of the audience.

1. **Call to order** – The meeting was called to order by Mayor Jones.

2. **Prayer** – The prayer was given by Mayor Jones.

Flag Salute

3. **Old Business**

A. **Approval of Minutes**

1) **Regular Meeting 1/10/20223**

Commissioner Durastanti made the motion to approve. Motion was seconded by Commissioner Lunn. Roll call vote, all in favor, motion carried.

2) **Special Meeting 1/18/2023**

Vice-Mayor Fite made the motion to approve. Motion was seconded by Commissioner Arreola. Roll call vote, all in favor, motion carried.

4. **New Business**

A. **Thank You Letter to the City of Hawthorne**

Vice-Mayor Fite made the motion to sign the letter because they were generous in donating items for our residents. Motion was seconded by Commissioner Durastanti. Roll call vote, all in favor, motion carried.

B. **Entrance Access – Angelo Johnson**

Angelo Johnson did not come to the meeting, so this item was not discussed.

C. **Impact Fees – Jaime Blas**

Mayor Jones asked Mr. Blas to step to the podium and provide his name and address. Jaime Blas (4550 Bryan Ave) is requesting to pay minimum payment on his connection for water for his future residence. He wants to build on a piece of property that had water and sewer already but it was cancelled some years back. He would like the Commission to



CITY OF

BOWLING GREEN

consider reducing the impact fees. Due to his job and his ailing mom, he has not been able to proceed as quickly in getting a home built on the property. He also helps the City on a voluntary basis whenever needed. He demolished an old home and he had help with this even after the hurricane. He has been a resident of Bowling Green his whole life. He has been taught to help. He and his father have employed Bowling Green residents. Mayor Jones thanked Mr. Blas for everything he has done. He deferred to the City Attorney to answer. City Attorney Buhr said that the City has an ordinance that establishes the City's rate and the City cannot deviate from the ordinance, even for a non-profit corporation. Non-profits can request donations to help with paying the impact fees but since Mr. Blas is a private individual he cannot. The City has no choice in charging the impact fees as the law requires it. If the City has bonds (loans), they typically restrict a City from allowing reducing the impact fees. Vice-Mayor Fite asked for clarification that since there was already there, Mr. Blas did not have to repay the tap fees. City Attorney Buhr also asked the question if water was already there. Mr. Blas said yes there was. City Attorney Buhr asked how long the account was idle for; Administrative Assistant Torres stated that it was more than five years if she remembers correctly. City Attorney Buhr said that the tap fees could be credited to him. Mayor Jones said that he wanted to hear from the City Attorney so that everything remains legal. Mr. Blas said he understood, and Mayor Jones again thanked him. Administrative Assistant Torres said that impact fees would not be due until Mr. Blas applies for a certificate of occupancy and he can go ahead on opening the account but the impact fees would not be due until he has received his certificate of occupancy. (Mayor Jones asked Administrative Assistant Torres to identify herself.)

D. Resolution 2023-02: Terminating the Charter Communications, Inc., Cable Franchise in the City

City Attorney Buhr read the short description. He said that Charter Communications requested the charter be cancelled due to Chapter 610 which puts these types of utilities in the hands of the State and not the cities. Vice-Mayor Fite asked if they are liable for the service fees or taxes. City Attorney Buhr said no. City Manager Durrance said that in return they are going to hand over a storage building that was left on the City's property. Mayor Jones asked if it was the trailer but City Manager Durrance said it was a small storage unit inside the water tower. Vice-Mayor Fite made a motion to accept the resolution terminating Charter Communications cable franchise in the City; there was a second from Commissioner Lunn. Roll call vote, all in favor, motion carried.



CITY OF

BOWLING GREEN

- E. Ordinance 2022-05 (Second Reading): Amending the City of Bowling Green Comprehensive Plan Future Land Use Map to Change One Parcel of Land Totaling 8.02 Acres Located on Doc Coil Road from Single Family Residential to Medium Density Residential**

City Attorney Buhr read the short description of the ordinance. Vice-Mayor Fite made the motion to accept the ordinance as read in the second reading. City Attorney Buhr asked Mayor Jones to open for public hearing. After Mayor Jones closed the public hearing, Commissioner Arreola seconded the motion. Roll call vote, all in favor, motion carried.

- F. Ordinance 2022-06 (Second Reading): Amending the Official Zoning Map of the City of Bowling Green, FL Specifically Amending One Parcel of Land totaling 8.02 Acres located on Doc Coil Road from the Zoning of R-1, Single Family Residential to R-2, Single and Two Family Residential**

City Attorney Buhr read the short description of the ordinance. Vice-Mayor Fite made the motion to accept the ordinance as read in the second reading with a second from Commissioner Arreola. Mayor Jones opened the floor for public hearing. Hearing none, Mayor Jones closed the public hearing. Roll call vote, all in favor, motion carried.

- G. Ordinance 2023-03: Amending Chapter 38 of the City Code, Article II Portions of Section 38-23 to Amend Ratemaking Provisions of the Code and to Impose New Water and Wastewater Facility Capacity Fees; Providing for Separate Accounts for Collected Capacity Fees and Proper Accounting and Usage Thereof; Providing New Rates for Capacity Fees (First Reading)**

City Attorney Buhr read the short description of the ordinance. Vice-Mayor Fite made the motion to move forward with this ordinance in the first reading. It was seconded by Commissioner Lunn. Roll call vote, all in favor, motion carried.

- H. Ordinance 2023-04: Providing for Increases in Water and Sewer Monthly Rates and Providing for Additional Increases for Each Year until 2025 (First Reading)**

City Attorney Buhr read the short description of the ordinance. Vice-Mayor Fite made the motion to move forward with this ordinance in the first reading. It was seconded by Commissioner Lunn. City Attorney Buhr asked City Clerk Kinzel if this was properly put on the water bills prior to this meeting. City Clerk Kinzel stated that it was posted on the last two water bills and a copy of both is in the binders for review. Charles Fulse (4915 Doyle Parker Ave) asked if this means the water rates are going up; Mayor Jones said it



CITY OF

BOWLING GREEN

is. He does not mind the rates going up but is concerned the service is the same. He has concerns about his water pressure. City Attorney Buhr said the City needs to look into why the pressure is bad in this area so that it can be fixed. He said the rates were not established based on service. Vice-Mayor Fite asked if Mr. Fulse replumbed from the meter to his house. Mr. Fulse said he did. City Attorney Buhr said City Manager Durrance can have a water operator pull the meter out and do a pressure test of the service line. Mayor Jones asked how beneficial it would be to test the pressure prior to installing the new meters. City Attorney Buhr said that they can but there would be a charge for it. City Manager Durrance said there are new boxes that have been ordered for the meters and Public Works Prine will be going around to see which ones need to be changed out. He can check for pressure as well. City Attorney Buhr said to check the hydrant as well. It will show where the problem is: the main line or the service lines Vice-Mayor Fite said it could be the meters as well. Dorene Brummett (4720 N Bryan Ave) said that Public Works Supervisor Prine has fixed a pipe in the alleyway twice and she said her pressure is going down again. She has also changed all the pipes in her house. City Attorney Buhr stated that she needs to contact City Hall and fill out a complaint so a field operator or contract operator. Mr. Prine said that he will go back out to her house to see what the continuing issue is. City Attorney Buhr asked what the issue is; Mr. Prine stated that her house has 2" galvanized pipe and an old system that needs to be replaced. Mrs. Brummett said it only needs to be replaced in one section. City Attorney Buhr said to bear in mind that she could apply for a grant that will help with replacing her old system. He did say that the rates would go up and the costs would have to be passed on. Roll call vote, all in favor, motion carried.

I. Community Planning Technical Assistance Grant Agreement

Jennifer Codo-Salisbury from the Central Florida Regional Planning Council spoke to the Commission. This is the second time this grant agreement has come before the Commission. The first time was at the end of 2022. The Florida Department of Economic Opportunity awarded the grant in July 2022 however; due to the hurricane and short staffing it was delayed. The grant's purpose is to develop a downtown master plan. They sent the final grant agreement in February. Work is underway to meet the grant deadline of June 30, 2023. The first public workshop has already been held and the grant agreement from the State is being provided today to obtain City Commission approval. Mayor Jones wanted confirmation that the deadline was June 30. Ms. Codo-Salisbury confirmed that it is. Mayor Jones also requested confirmation the grant runs July to June to which Ms. Codo-Salisbury confirmed this as well. He stated that the actual deadline is May 17th; Ms. Codo-Salisbury said it is but the deadline can go later (until June 30th). She hopes to have it completed with May 17th and she thanked the Commission for the great



CITY OF

BOWLING GREEN

turnout at the first public workshop. Mayor Jones asked if the date of the second workshop is available, but Ms. Codo-Salisbury said it has not yet been scheduled but will work with the City Manager to schedule it towards the end of March. The scope calls for two public workshops but Central Florida Regional Planning Council would like to schedule three. The last one would be toward the end of April but will coordinate with the City and School Board in time. Vice-Mayor Fite asked if the second one would compile the feedback from the first workshop and incorporating additional feedback. The final one will be like an open house where the public can tour the plan. Vice-Mayor Fite made the motion to accept the Community Planning Technical Assistance Grant and proceed with workshops with a second from Commissioner Lunn. Roll call vote, all in favor, motion carried.

Ms. Codo-Salisbury said that there is a related item she needs to discuss. It is an overview of Family Advisory Services to allow CFRP to do the work. Vice-Mayor Fite made the motion to accept the overview with a second from Commissioner Durastanti. Roll call vote, all in favor, motion carried.

City Attorney Buhr asked if this was the second reading for the previous ordinance (ordinance 2022-05 and 2022-06). City Clerk Kinzel said that it was.

J. DEP Grant WG075: Wastewater Treatment Facility AWT Improvements

Roger Homan and Jeff McKinney with Pennoni came to speak on this grant. Mr. Homan reviewed both this wastewater grant and the next one (Item K on the agenda). It was received over a year ago. One will improve the wastewater plant with other improvements which are needed (digester and splitter box with clarifier). The second is for expanding the sewer in Bowling Green, which will add 128 residential customers and 8 commercial customers. Both grants are 100%: the first one is for \$8.8 million and the second one is \$6.4 million. They have worked with City staff on this and there are documents that need to be returned to DEP. The grant agreement from the state will need to be executed if the City is ready to move forward. City Attorney Buhr has reviewed the grant agreements and asked if he had any comments. City Attorney Buhr said he already sent his comments that there were no changes and asked the City Manager regarding administrative items. He did ask the Pennoni representatives who was going to administer the grant. Mr. Homan said he was proposing that they would. City Attorney Buhr reminded them to review and adhere to the reporting requirements. Mayor Jones asked who is responsible for the responsible for the accruing interest. City Attorney Buhr and Mr. Homan said there should not be any accruing interest since the grant is 100%. Mr. Homan said that Pennoni would like to design the project and have something ready for the Commission next month. City Attorney Buhr said that they have to be individually procured since the grants are both



CITY OF

BOWLING GREEN

over \$4 million and it will have to go out to RFQ since there is a cap. Mr. Homan said he is aware of that but some cities have not gone to that. He believed it was \$500,000 for an engineering contract but City Attorney said per study and that it was for either/or in this case due to the amount since construction is over the \$4 million. Mr. Homan said that this will need to be done quickly to the upcoming deadline on the grant to get finished. City Attorney Buhr stated that if it is not properly secured when he is asked to certify than he cannot certify it. Mr. Homan said he understands. Vice-Mayor Fite made the motion to accept DEP Grant WG075 (Mayor Jones stated that would be contingent on it going out for RFQ which City Attorney Buhr confirmed; he said that if Pennoni's attorney has a different interpretation then as long as it is in accordance with the statute, he will reexamine it); there was a second from Commissioner Durastanti. Commissioner Durastanti said that when the City has received grants in the past when the grants are completed, it significantly increases operation costs; will that happen here? Mr. Homan said that would not happen here and will make it better due to improvements. City Attorney Buhr clarified that this would be incurring costs due to manpower to operate 24/7. Mr. McKinney said that staffing is based on what the water is used for. Right now, the expansion and addition are not changing that which is industrial reuse. Mosaic is using it and it will not increase staffing costs unless there is a change in use, such as additional customer and using it as public reaccessible water. Based on the type of plant it is, per City Attorney Buhr, AWTs require higher staffing levels. Mr. McKinney reiterated that it is based on water usage so they can build a plant and add filter which will provide protection. It should not affect staffing as it ensures the quality of water. City Attorney Buhr said that the issue with Mosaic is the Nitrogen because of the Tampa Bay Estuary. He asked if it would help that to which Mr. McKinney said it would. Vice-Mayor Fite stated that when he met with DEP in Tallahassee about selling water to customers, he wanted to know if Pennoni received an email from DEP. City Attorney Buhr said if Mosaic wanted it for free would that change anything. Mr. McKinney said it comes down to what it is being used for. Mosaic's current use is industrial waste and not publicly accessible. There are restrictions on what industrial wastewater can be used for. The purpose of this plant was to get off dependence off Mosaic. City Manager Durrance asked if this was the one where the City would not touch until five years from now (Vice-Mayor Fite said commissioned). Mr. Homan said it would have to be commissioned by 2026. City Manager Durrance said it would be five years prior to operation which was confirmed by Mr. Homan. Mr. McKinney said that the improvements would not sit and collect dust. Once it was built it would be utilized and City Manager Durrance stated that it would maintain itself. Mr. McKinney would not increase



CITY OF

BOWLING GREEN

maintenance more than what is current. Mayor Jones wanted assurance that there would be a discontinuation of services. City Attorney Buhr said it has to do with good operators but Pennoni is requesting the grant to build a good plant. Mayor Jones asked what is it going to cost the City to have the quality operators. City Attorney Buhr said that there is a company under contract. At some time, the City will need to hire operators and a manager which City Attorney Buhr offered to help with. Commissioner Arreola asked Mayor Jones wanted a workshop to go over the grant. City Attorney Buhr said that the timing is too close to schedule a workshop prior to signing, however, a workshop while it is in process can be scheduled. The workshop can be used to discuss operations once the contract with current operators is completed in 2½ to 3 years. Mayor Jones said it would benefit the City to properly train personnel versus what the City currently has on staff. Commissioner Arreola explained that all the improvements and changes like Commissioner Durastanti stated would take time and money. City Attorney Buhr said that there would be some things that would require operators with more expertise but this plant will not require that much more. Mr. Homan agreed that this plant has some redundancy but there are some items that do need to be replaced due to condition and age. Commissioner Arreola said that once the current plant goes to maximum capacity, it would then go over to the new plant. City Attorney corrected him but said this was improving the current plant, making it cleaner and more affluent. He also explained the purpose of the digester (hauling solid waste). Commissioner Arreola asked who he could talk to get help with questions he had for the future. Pennoni and City Attorney Buhr said he could call either for explanations. Mr. McKinney said that the City could use the existing concrete structure. City Attorney Buhr explained how the digester operates. City Manager Durrance asked if a workshop could still be held prior to signing the contract and hold a second vote once the workshop is completed. City Attorney Buhr stated that once the vote moves forward then the City would be under contract. He also said that Pennoni needs to move forward now due to deadline. Vice-Mayor Fite said this grant was shelved for about a year. City Attorney Buhr said the workshop should explain why the AWT is better than the secondary one. He said that he agrees with Commissioner Durastanti is right to be concerned about costs after a grant ends. He asked if this included the screw press that will be installed. Mr. Homan said no it was separated which was confirmed by City Manager Durrance. Both Vice-Mayor Fite and Mayor Jones said that it should have been operational June of 2022 based on information from the former City Manager. Mayor Jones stated that the City needs to be prepared to have its own operators. Vice-Mayor Fite said that the increased costs were from the contract operators. City Attorney Buhr said that the City can start building a



CITY OF

BOWLING GREEN

department close to the end of the contract, so it is in place once the contract ends (six months out). The incoming staff can learn from the contract operators so that they do not come in cold. Mayor Jones asked City Manager Durrance to schedule a workshop. Roll call vote, 4 yeas, 1 nay, motion passed and carried.

K. DEP Grant WG077: Hardee Street Area Septic to Sewer Improvements

Vice-Mayor Fite made the motion to accept DEP Grant WF077 with a second from Commissioner Durastanti. Mayor Jones explained that this grant is to turn septic into sewer (also explained by Mr. Homan with Pennoni). City Attorney Buhr said that this is good for the environment and for the City since that will provide more customers. More customers mean that rates can be reasonable. Commissioner Arreola asked is this was outside the City limits. Both Vice-Mayor Fite and Mayor Jones stated that it would be Hardee Street and to the south. Roll call vote, all in favor, motion carried.

L. Peace River Ranch/Peace River RV – Jon Solin

This item was taken off the agenda as it did not need to be discussed.

5. Mayor

Mayor Jones thanked City Manager Durrance for everything she is doing. He individually thanked Chief Scheel, City Clerk Kinzel, and Administrative Assistant Torres for their support. He thanked the Parks and Rec Chair Robinson. There are noticeable changes taking place. He is hoping it will make a difference. He asked to have his registration for Florida League of Cities Legislative Days be approved by the Commission, including the Mayors' program (\$100). Vice-Mayor Fite asked City Manager Durrance if she would like to attend which she asked the Commission to approve her registration costs as well. Vice-Mayor Fite asked to include him as well. Commissioner Lunn made the motion to approve the registration fees for all three. Vice-Mayor Fite seconded it but amended it to include room and board since it will include Monday and Tuesday prior. He said the League has a room block at a reduced rate. Roll call vote, all in favor, motion carried. City Attorney Buhr just cautioned that the Commissioners not travel together.

6. Commissioners

Commissioner Durastanti thanked the City employees for all they do. He appreciates them and the police department. Vice-Mayor Fite provided information from the FLC WDC trip with regards to the Strike Team and Flood Insurance. He wants CoBG to tap into unused federal dollars. He met with the teams of both Senator Rubio and Senator Scott. There has been some concern about ARPA clawbacks. He met with the Deputy Secretary of FEMA



CITY OF

BOWLING GREEN

at the White House (regarding FEMA trailers for homeowners) and the Deputy Secretary of HUD (meet with Vice-Mayor Fite and City Manager Durrance about tapping into HUD dollars for the City). There was a presentation with the Deputy Secretary of Cybersecurity and Homeland Security. Also, there was a presentation about CDBG dollars which is being threatened to go away or reduced. It was felt that FLC was successful in its efforts. He will speak with Senator Ben Albritton about the City's appropriation request about the DOT project through town. He believes the events are going well and looking forward to the one in September. There was a great turnout for the movie on Saturday but he did warn not to get burned out. He has received great feedback from the community. He thanked Chief Scheel and the police department. He did ask for an update on the new police car that had to go back. Chief Scheel said he received an email about it but need to discuss it more later. Commissioner Lunn thanked the City staff, police officers, the public and office workers. Vice-Mayor Fite stated that Bowling Green does have an audience at Commission meetings. Commissioner Arreola thanked the audience and City workers. He also thanked the City Manager and police department. He asked if this new car was part of what was passed recently but Chief Scheel said it was part of last fiscal year's budget. City Manager Durrance said there is an upcoming meeting with Enterprise to finalize everything. It will not be everything on the original list but she said that one can be included for Chief Scheel as the one that is still being waited on is only half-cage (prisoner transport issue). Vice-Mayor Fite asked if this was Bartow Ford but Chief Scheel said it was from the manufacturer.

Mayor Jones said there are a couple more bills to pay attention to: Senate bill 102 and House bills 23, 671, and 383. Vice-Mayor Fite invited the public to join in the calls. City Attorney Buhr said there is discussion about Attorney and City Manager contracts. Mayor Jones said the public has the right to contact their legislators so that their voice is heard. Vice-Mayor Fite said that he can provide brochures to sign up and get involved. Vice-Mayor Fite and City Attorney Buhr said that legislation is being brought up that favors counties over cities.

7. City Attorney

City Attorney Buhr had no additional comments.

8. Recreation

Chiquita Robinson, Recreation Supervisor, thanked the Mayor and Vice-Mayor for attending the first Movie in the Park. Everyone had a good time. The next one will be March 11th 6:00pm at Pyatt Park, and the movie shown will be Grease. There will also be a best-dressed contest. City Manager Durrance said the Hardee County Players will perform a skit. Mayor Jones apologized for his early exit due to sick child. Recreation Supervisor Robinson invited the Commission to the 2nd annual Black History event on February 25th



CITY OF

BOWLING GREEN

starting with a parade at 1:00pm starting at the Fire Department. She asked the Commission to let her know if they plan on being in the parade. There are 7 food trucks, and 15 vendors/pop up organizations. She also has 3 motivation speakers. Vice-Mayor Fite asked her to speak on the September event but deferred to City Manager Durrance. She also said there would be a trivia night on February 23rd but the public will need to call in due to capacity.

9. City Manager

City Manager Durrance told the Commission that on September 23rd, the City will hold its Boots and Pearls event at Ranch 17. There will be a live Nashville band with an opening act from Hardee County. It will be a sit-down meal with choice of 10-ounce prime rib, ½ chicken or 8-ounce salmon, salad, and dessert. There is one drink with meal but cash bar open for the rest of the night. A raffle of a Yeti cooler with gift cards and drinks will be available to purchase. Vice-Mayor Fite said that the Commission will need to commit which City Manager Durrance confirmed. Commissioner Lunn asked about the price of tickets; Vice-Mayor Fite said she could get with him on that. Attendees can sponsor a table and get a carry home gift. Tickets are \$50 each or couple tickets are \$90. Recreation Supervisor Robinson said you can get a table with 8 for \$450. City Manager Durrance said that those tables come with a bottle of wine, gifts and everyone will get a mug with the Boots & Pearls event logo.

Recreation Supervisor Robinson said that the City will offer dedication benches in the park for those who would like to memorialize family members. The fence will be coming up at Pyatt as it will be remodeled. Those who are interested in it can contact City Hall for a donation of \$1,000, as only 5 will be available. Per City Manager Durrance, it will be a bench with a memory plaque with up to 5 lines of text and add a photo or stock image that will be bolted into concrete or the ground.

Mayor Jones said that he will late to the Black History event due to his participation in a Shared Governance meeting in Orlando for National Community Action. He can only help with farm worker assistance for Hardee.

City Manager Durrance said that the City will be finishing up the revamping of Pyatt Park with grant funds. There is a mobile home on City property at the park that is in bad shape. There is one offer of \$3,000 which includes moving it off the property. Vice-Mayor Fite asked what year it was; Administrative Assistant Torres said 2005. Mayor Jones said the information said it is 2004 but Administrative Assistant Torres said it was purchased in 2004 but it is a 2005 model. Vice-Mayor Fite said if it is in bad shape why does the City want it to stay in Bowling Green. City Manager Durrance said that is why it was brought



CITY OF

BOWLING GREEN

for the Commission. Vice-Mayor Fite believes there is an age cut-off per the County as to what can be moved and relocated. She said the other option was to have it auctioned. Commissioner Arreola said that there are restrictions on H2A use. Mayor Jones said for the City to investigate if it can be sold and moved within the County so it can be brought back to the next meeting. Administrative Assistant Torres stated that the City was trying to have it sold and moved prior to the Pyatt Park renovations which will start soon. Mayor Jones said to check to make sure the City is not violating any codes. Vice-Mayor Fite made the motion for the City to check with the Building and Zoning department to take a look at it and see if it a viable move, accept the cash in hand and move forward. Roll call vote, all in favor, motion carried.

City Manager Durrance also asked to open a separate bank account for proceeds sold. The City has sold some vehicles and it will just roll into the General Fund. Her purpose is for a future garbage truck in case one is needed. Vice-Mayor Fite made a motion to authorize 2 additional accounts -- one for the Land and one for the equipment -- that are interest bearing accounts. It was seconded by Commissioner Lunn. Roll call vote, all in favor, motion carried.

Her last item to discuss is that she had a meeting with Mosaic and they are interested in helping the City bring the Train Depot up to ADA standards. It was put in for bid but only one was received. She does someone coming to look at it tomorrow. Vice-Mayor Fite said to bring it back to the Commission. His only concern was the open door at the bottom and cost, along with the painting that is needed.

Pyatt Park will finish up all the original plans that were included in the grant. City Clerk Kinzel will go before the EDA board (as City Manager Durrance sits on it) to ask for additional funds so the City can add the pickle court since the basketball court was out of the City's price range. Commissioner Arreola asked when the Commission would vote on the rezoning on Centennial Park. City Manager Durrance said that at the Downtown Master Plan meeting, she was told that it would not need to be rezoned or change the land use. She has plans in March to level the ground for soccer fields at Centennial Park. She gave an overview of the grant for a new City Hall. She welcomed all ideas.

10. Police Chief

Chief Scheel said the car came and was sent back. The cadet in the academy graduated on January 31st and passed the state exam. He will take Captain Dowden's spot. Captain Dowden will go to part-time. He requested the 7th position come back because Bowling Green cannot rely on HCSO response and there needs to be 2 officers. Mayor Jones said he is on the Citizens Advisory Board and the Sheriff's Department only has 5 officers on the



CITY OF

BOWLING GREEN

street at one time. He feels it needs to be considered due to after hours activity. City Manager Durrance said due to the time it will take to bring someone on board, he would need to go ahead and proceed. Vice-Mayor Fite asked where Chief Scheel was on his labor budget. She has been working on the budget, but she only has read-only access currently. She feels that he has saved in other areas that he can bring an officer on part-time. Vice-Mayor Fite said that funds could be redistributed but the position would not go away. He made the motion for Chief Scheel to proceed with looking into it. Chief Scheel said that it could be advertised but the City may not find an officer. It will take about 5 months for the academy and the next class has already started. There will not be another one until the end of the year. Mayor Jones asked if the police department has received all the safety equipment. Chief Scheel has ordered everything, but City Manager Durrance said only one thing has not come in. Commissioner Lunn seconded the motion on the floor. Jaime Blas (4550 Bryan Ave) said he has a nephew for Lakeland police and he can ask him to apply for the Bowling Green position. Vice-Mayor Fite thanked Chief Scheel and the police department.

11. City Clerk

City Clerk Kinzel did not have much to report. She did remind everyone that the Hardee County Fair starts on Saturday and the circus will be in Bowling Green March 1st and 2nd.

12. Public

Jaime Blas (4550 Bryan Ave) wanted to thank Chief Scheel and the police department for the job he has done over the years. He has worked with him over the years and appreciates him.

Mayor Jones adjourned the meeting.

N’Kosi Jones, Mayor

Katherin Kinzel, City Clerk



CITY OF

BOWLING GREEN

City of Bowling Green Special Meeting Minutes

March 7, 2023

Present: Mayor Jones, Vice-Mayor Fite, Commissioner Arreola, City Manager Durrance, City Clerk Kinzel, Chief John Scheel, City Attorney Buhr and Finance/HR Manager Virginia Gordillo, including members of the public.

Absent: Commissioner Lunn and Commissioner Durastanti

Call to order – The meeting was called to order by Mayor Jones.

2. Prayer was given by Mayor Jones. Vice-Mayor Fite led the pledge.

3. New Business

A. Procurement Procedures

Mayor Jones stated that it was just amended on January 13th. It says that any funding spent in excess of \$5,000 must first be discussed by the Commission. He knows there are a great deal of improvements going on in the City. A statute that part of the procurement process is that RFQs are sent out for people to bid upon. Thus far, none have come before the Commission. Moving forward, he wants to make sure the City is doing everything in order and decent in accordance with the ordinances set forth by the Commission and the laws and statutes. City Attorney Buhr stated that the provision has been like that for a long time. The only thing added in January, it was to allow particular types of purchases through other groups where another group has already gone the bid process. Or those who get bids for groups of utilities who are members. It was allowed by the previous person. Grants are particular about following procurement policy. He asked if the \$5,000 was the spending authority. Mayor Jones said it was part of the ordinance. City Attorney Buhr said that anything above her spending authority would have to be brought before the Commission. Vice-Mayor Fite asked when Jerry Conerly was here, it was upped to \$25,000. A prior grant had required it to be in line their procedures. City Attorney Buhr stated that if it is not part of the code then it needs to be added to the code. He requested City Clerk Kinzel to check the minutes from when Jerry Conerly was City Manager. Vice-Mayor Fite remembers it due to the amount not being acceptable. He does not recall lowering it back to \$5,000. Mayor Jones said a state statute allows for \$35,000 but City Attorney Buhr said this is for state agencies. Municipalities set their own procurement procedures and authorization limits based on the Commission's reasonable discretion. Mayor Jones referred to the current ordinance of \$5,000 set by the Commission. City Clerk Kinzel asked what time frame to be checking on to locate the minutes pertaining to the



CITY OF

BOWLING GREEN

request. Vice-Mayor Fite said it was about 6-7 years ago. He stated that the meeting minutes during this time would likely be lax. City Attorney Buhr said it would be in the time frame that Jerry Conerly was City Manager of Bowling Green. Vice-Mayor Fite said that it would coincide with the funding obligations at the time so that the City was in line with it. City Attorney Buhr wanted it check to make sure it if it was for the grant or not. He felt \$5,000 was low but \$25,000 was high. Mayor Jones said the Commission can look at it. City Attorney Buhr said it is a crime to claim something is a sole source.

Jean Kelly (4640 Bryan Ave) said she was at the meeting that Vice-Mayor Fite was referring to that raised the limit to \$25,000 and it was not for the one-time grant but to make is easier for the City Manager. She believes it was not processed by the City Clerk at that time. City Attorney Buhr said it is easy to change the code once he gets that information. City Manager Durrance said that former City Manager Thompson told her that the limit was \$25,000 when she was first hired. Vice-Mayor Fite asked when she was given the procurement code and she stated it was yesterday (March 6th). He stated that she has been here ninety (90) days without having access to it. City Attorney Buhr asked if it was written in the code or statement of policy. He said if it is statement of policy then it needs to be passed by resolution which Vice-Mayor Fite agreed with. City Attorney Buhr said if the City wanted a policy then it needs to be in the Code. (He was searching for information on this issue). Commissioner Arreola asked if \$25,000 is too high and \$5,000 is too low, could it be put on the agenda to be addressed next Tuesday's regular meeting. This will allow to the absent Commissioners to be present and City Clerk Kinzel to have time to research the information being requested.

B. City Manager

Mayor Jones stated that it is coming up on the City Manager's ninety (90) days. It was requested by the former City Manager to do an evaluation at that time. It is challenging because the Commission until a couple days ago received a copy of the budget and see how things are being spent. He said there needs to be an adequate way to complete the evaluation. City Attorney Buhr stated it would be informal as opposed to the normal annual evaluation since she has only been here a short amount of time. Many of the questions would be inapplicable to her. It would be a matter of how the Commission feels of how she has done so far. She has not had a lot of time to get up to speed and get things done. He believes she is doing a good job so far. Vice-Mayor Fite said that this matter needs to be discussed with the full Commission, not just three of them. It is 100% Commission's discretion, and she is their employee. He had concerns about the questionnaires the Commission received tonight; he did not know who came up with them or who gathered them. He knows the Commission did not request it, so he made a motion to adjourn the meeting until the full Commission is in attendance. City Attorney Buhr asked for clarification on the motion if Vice-Mayor Fite wanted to adjourn the meeting. Vice-Mayor Fite said it was the last thing on the agenda. Virginia Gordillo, CoBG Finance/HR Manager, said she had never been in this situation



CITY OF

BOWLING GREEN

before with Interim. With Timothy Day, he resigned beforehand. What she needs to know because insurance and the other benefits are a time sensitive thing and dependent on the Commission's decision, she will need to submit paperwork which includes offering her the full-time City Manager job. She asked if their decision would override any dates or just a simple letter from the Commission in case it goes over the ninety (90) days. The benefits system shuts down about a ½ week or week before so the 14th will cut it close and since the City has never gone from Interim to City Manager before except City Clerk Kinzel. If City Manager Durrance misses the deadline, then she will have to wait until open enrollment on October 1st. For her job, she needs to know if the Commission tables it. Due to some employees' feedback, some Commissioners were contacted to help with the evaluation process and that is where the forms came from. She stated that however the Commission wanted to utilize it was up to their discretion. It was provided to the Commission with feedback from some employees being that the Commissioners are not here on a day-to-day basis. They were turned in to her and provided them to the Commission so they could see the employee feedback and experiences. If this is being tabled or not, she just needs to know if a letter will be drawn up, so she does not have to wait on insurance until October. City Attorney Buhr said the motion on the floor needs a second or it will die due to a lack of a second. He said that since there was not a second to the motion it dies due to a lack of a second. He told the Commission they could move on. Mayor Jones said that these bits of information came because of concern. There are tenured employees ready to walk out the door. City Attorney Buhr said that no one has tenure; they are considered long-term. Mayor Jones corrected himself by saying long-term. The purpose was the request came from the former City Manager and Mr. Day was here much longer than that and resigned beforehand. When Mr. Thompson came in, he came in directly and was chosen. Again, this is before the Commission. The feedback was provided to Human Resources per personnel policies and protocol. Vice-Mayor Fite asked City Manager Buhr if City Manager Durrance was a Commission employee. City Attorney Buhr stated that she was. Vice-Mayor Fite also stated that as an employee she is due that benefit. City Attorney Buhr said it was based on how the Commission hired her as he was not at that meeting when she was hired. He was asked not to come. Mayor Jones asked if there is a pending contract. City Attorney Buhr said that there could be a pending contract if the Commission hires her full time, but they do not have to have a contract. If that is what she requires and the Commission agrees, then they can do that. The Commission up to now has never hired anyone with a contract. Vice-Mayor Fite said that one resigned because the Commission would not accept his contract. Mayor Jones said based on the personnel policies and the feedback from some employees, he asked what the Commission was to do with it. City Attorney Buhr said that if anything other than discussing it was to be done, it could not be done at this meeting because the City Charter says that you cannot take any action against a City Manager except at a regular meeting and only by a vote of three (3) of the five (5) Commissioners. Vice-Mayor Fite said that the information they received today did not give them time to read or review it. Mayor Jones said the reason this meeting was called was to try to deal



CITY OF

BOWLING GREEN

with this aside from the regular meeting. Since the regular meeting is on the 14th and her ninety days is on the 18th. City Attorney Buhr asked if it (insurance) could be done on the 15th. Finance/HR Manager Gordillo said that paperwork on the 15th would be fine. City Attorney Buhr said it could be taken up at the regular meeting. The Commission could act with regards to providing insurance but could not take any job action against her in this meeting. Mayor Jones said that he was unaware two of the Commissioners were going to be absent. City Attorney Buhr reminded him that it must be done at a regular meeting according to the charter. The Commission cannot call special meetings to take a job action against the City Manager. Mayor Jones said it was not to take an action but to bring to light. Since the Commission cannot discuss anything outside the chambers, this was the only time it could be done to make everyone abreast of what is going on. City Manager Durrance asked if she was allowed to get copies of the feedback that the Commission was provided. City Attorney Buhr and Vice Mayor Fite stated that it is public record, and she could get a copy, including the public and the news media. City Attorney Buhr asked if it was written complaints or verbal that needed to be discussed. Vice-Mayor Fite asked why City Attorney Buhr did not have a copy of the feedback forms, since he is the City's attorney. Finance/HR Manager Gordillo said no to which Vice-Mayor Fite asked why not since he should have copies of it. Finance/HR Manager Gordillo said she did not know and had copies available of the feedback information that had been given to the Commission. City Attorney Buhr asked copies of what to which Vice-Mayor Fite said copies of the evaluations completed by the employees. Commissioner Arreola stated that some of the commissioners are not aware of what is going on or hearing the employee concerns, possibly those employees are only going to certain people. Mayor Jones said that is not necessarily an evaluation, that is just a complaint/grievance according to the personnel policy. City Attorney Buhr said that any action must be taken at a regular Commission meeting and may consider what was discussed/provided at this meeting if the commissioners wish and must be open to the public. At this time, City Attorney Buhr was provided a copy of the feedback information by Finance/HR Manager Gordillo. In his opinion, City Attorney Buhr said this will need to be discussed at a regular meeting with the full Commission to have this discussion. Based on the charter which City Attorney Buhr wrote, it must be the full Commission at a regular meeting even though the information is available now. Mayor Jones said the purpose is to do things according to the charter. Jim Kelly (4640 Bryan Ave and owner of the Herald Advocate) stated that there are new personnel at the City and he checked with his staff but the newspaper did not get notification about tonight's meeting. It was told to them "Word-of-mouth". He wanted to just point out that when meetings are going to happen that they are notified because they are the only news media in the county. City Attorney Buhr stated that it needed to be done when Mayor Jones contacted him. Mayor Jones said that City Attorney Buhr told him: social media. City Attorney Buhr said it was media of any kind which Vice-Mayor Fite said that is standard procedure for any meeting of any kind. Mayor Jones stated that the City Attorney Buhr spoke directly to City Clerk Kinzel and he stated that was not said. Mr. Kelly said that there should be a public notice put in the newspaper to let the citizens



CITY OF

BOWLING GREEN

know what is going on and to attend the meeting. He understands if there was a true emergency that comes up but those should be few and far between. Mayor Jones stated that since Mr. Kelly's newspaper did not go out until Wednesday (tomorrow) and this was a situation where the City Manager was coming up on her ninety (90) days and he wanted to get her to where she needs to be for it. Mr. Kelly said that the newspaper should have received a phone call or email to notify them of the meeting so they have the opportunity to cover it. Mayor Jones asked City Clerk Kinzel to make a note of it which she said she would. Vice-Mayor Fite said that if this was a pressing issue the Commission should have been made aware of it so that they could have scheduled it at the last regular Commission meeting instead having a rapid called meeting since the ninety (90) days did not just pop up. Mayor Jones agreed that the ninety (90) days did not just pop up but these issues did. If you have several people who work for the City ready to walk off and leave, what is the City going to do? City Attorney Buhr said that there is nothing to do since the City has a "Chief Executive Officer". Mayor Jones said he understands that, but the public has the right and need to know. City Attorney Buhr said sure, and he agreed with that. Mayor Jones said the public voted the Commission in. County Commissioner Renee Wyatt (345 Circle Dr, Wauchula, and Hardee County Commissioner) asked if there would be public comment. Commissioner Arreola said that yes there should be since he wants to know what they are thinking. The Commissioners are not here to see the day-to-day activities whereas the public does. He said if the public has something to say then he wants to hear what they have to say. Mayor Jones asked for her name and address for the record. She said she would wait until the public comment time after the Commission finished their discussion. Mayor Jones said that there was no room for public comment since it was not on the agenda but if she wanted to make a comment, she would need to state her name and address. Commissioner Wyatt asked if Mayor Jones said there was no room for public comment, but he told her that it was not written on the agenda for public comment. He said if she wishes to speak then she would need to provide her name and address for the record. Vice-Mayor Fite asked City Attorney Buhr that the public had a right to comment on an item. City Attorney Buhr said that any agenda item that was going out for a vote would need to go out to the audience. Since there was no vote, it would not have to. If there had been a vote, then it would have to go out for public comment. Since the last motion was not seconded, there was not a vote. The City has generally allowed the public to comment in all meetings since he has been here. Jean Kelly (4640 Bryan Ave) said she was concerned if the Commission received feedback from all employees. She was talking to a long-term employee not too long ago who told her that this person said how great and how much they enjoyed working with the City Manager. She wanted to know if the Commission only received the negative or did they get the positive as well. County Commissioner Renee Wyatt (345 Circle Dr, Wauchula and Hardee County Commissioner) said she had concerns with this meeting. She understands if employees that are disgruntled or they had bad run-ins with City Manager Durrance. It could possibly be that she was doing her job putting them in their place, but she does not have all the information. She said that the Commission has a City Manager in place for a reason



CITY OF

BOWLING GREEN

and there will be employees who are displeased with new management or old management. That is just the way it is. A City Manager is put in place for a reason. She has a job to do. Is there an evaluation that says she has not done her job? She then asked if City Manager Durrance's ninety (90) days is on March 18th. City Attorney Buhr said that is the deadline when she would need to be added to the City's insurance which she can do on the 15th so this is a non-issue for this meeting. All the feedback information can be brought up on the 14th. County Commissioner Wyatt said this was being brought due to complaints from a few long-term employees about her or against her, but she does not know what the situation is. It is very concerning because everybody knows where you work and not everyone is happy with who they work for. That is just the way it goes. If a long-term employee is going to walk off a job because of a disagreement, has anyone come to her and discussed it with her? Who does that with the City Manager? Mayor Jones said that the only ones that have the authority to discuss with her regarding her performance is the Commission. County Commissioner Wyatt agreed but clarified that with how everything is coming out tonight regarding the complaints against her and she is not able to defend herself. The Commission presented the complaints tonight and she has not even seen them. She definitely needs a copy and the City's attorney did not get a copy of it to be prepared with questions. It just seems unprepared and unprofessional. Mayor Jones said the Commission does not regulate the administrative side. County Commissioner Wyatt asked then who does. Mayor Jones answered that the City Manager does. County Commissioner Wyatt said exactly because she has a job to do. Mayor Jones said it was not to rain on her parade or put her out to pasture, but the meeting's purpose was to decide what to do concerning her deadline coming up. County Commissioner Wyatt said that the City's attorney said that cannot be done until a regular meeting. Mayor Jones adamantly stated okay. Commissioner Arreola stated that the Commission cannot make a judgment, but it can be discussed to hear what is going on which he asked City Attorney Buhr for confirmation. City Attorney Buhr said if it is an attack on the City Manager, then the information should have been provided to her beforehand and put on the regular meeting for discussion. City Manager Durrance said that there are only six (6) employees who responded with feedback. She read some of them: "I hold them responsible for turning in paperwork" that they did not have. Paperwork was implemented such as checking the trucks before driving them, making sure the job duties are documented which some employees are saying is too much work, and the last employee feedback which was more complaints than anything. City Manager Durrance stated that she received a letter from someone (Amalia Arista) who complained about this last employee talked to her (City Manager Durrance stated that she gets complaints on this employee regularly) and her supervisor, Chief Scheel has spoken to her about it, not her alone. The City will not accept employees talking to residents disrespectfully. Most of the feedback is complaints about completing paperwork but the last one is a complaint by a disgruntled employee. They still do not do even after it was implemented. She told the Commission that she is new, and she is still learning. She learned something today that she did not know. She reaches out to Wauchula, Hardee County, and others



CITY OF

BOWLING GREEN

when she does not know something. She has found out about new grants she had not know about previously. She received about two hours' worth of training. City Attorney Buhr said that he spoke to her a couple weeks ago and was told that she was getting push back from employees and she was not sure how to react to that. He responded by saying she is like a "CEO" of a company and the employees are under her and subject to termination. No employees of the City are under contract and all employees are "at will" but she has not taken any action against anyone currently. This is under her authority if she chooses. The Commission does not have a say about that, but the Commission can terminate her if they choose if they are not happy about it. They cannot tell her how to manage employees. Vice-Mayor Fite said the only ones the Commission can go to are City Manager Durrance, Chief Scheel, and City Attorney Buhr as those are the Commission's direct reports. They cannot tell them how to do their job; they can discuss things, but a decision needs to be done, then it requires the entire Commission. The Commission works for the citizens and employees work for the City. He can see the public that is in attendance and when he heard about the Facebook post stating "Interim City Manager" is made is seem the City was looking for another one. The community has poured a lot of support toward City Manager Durrance based on her involvement in the community and she has been a pleasure to work with. Other City Managers have completed her go-to nature and trying to learn to do the right thing for the residents of the City of Bowling Green and the community. That says a lot for someone who comes in green that does not have the network connections. They knew up front that she had no municipal experience and the Commission needs to work with her. He reiterated what he said at her interview: if she is successful then the Commission is successful. They are supposed to support and uphold her. City Attorney Buhr said she was concerned about the employee issue when he spoke to her. He recommended that Mayor Jones contact her individually and speak to her about this meeting before the weekend, so she did not agonize about it. He understood that was not done. Mayor Jones stated that he did reach out to her first by phone then by email. City Manager Durrance said that she responded back to the email and Mayor Jones sent one back telling her what she needed. He said the feedback forms were placed on their spots tonight when the Commissioners arrived. Concerning the time of the ninety (90) days, he felt when the feedback came up, they needed to be addressed. Commissioner Arreola asked if the Commissioners work for the residents of Bowling Green, then should the City workers know that they can come to them if they choose. City Attorney Buhr said that this must be done carefully but the Commissioners cannot interfere with her management of the employees. The Commission cannot do anything that will belittle her as that is a violation or tell her what to do with regards to employees. Vice-Mayor Fite stated it was like a sounding board to which the City Attorney stated yes. They can listen to it but cannot respond in a way which belittles her. Vice-Mayor Fite said that City Manager Durrance did not have access to City records. If she is like a "CEO" then she should not be restricted to anything, is that correct? (Question was asked of the City Attorney.) City Attorney Buhr said that she must have access. City Manager Durrance stated that it was more for the financials. Finance/HR Manager Gordillo said



CITY OF

BOWLING GREEN

that this request has never been brought to her before and she does not have an issue getting her access to the system. However, she wanted to get guidance from the City's auditors which they recommend not providing full access (such as plugging in number), but she would get reports and see information. Full access refers to payroll, making changes, to change budget and it opens the program to put in information. City Attorney Buhr asked her to send him the auditor's information so he can speak with him about this as to why this is. In his opinion, there should be no one who should have more access than she does. Finance/HR Manager Gordillo said that since she signs checks and will be creating the budget and she will provide full access, but she is concerned that it will be a finding against the City and on her. Both the City Attorney and Vice-Mayor Fite said that she should have access since she is responsible for the budget. City Attorney Buhr said it needs to have two people with full access as a checks and balances in case one person (which he was not making assumptions about Finance/HR Gordillo) is corrupt. She said that it was her and former City Clerk Silva. Since current City Clerk Kinzel is training on it, it is only herself now. She just needed guidance and since Bowling is so small, City Clerk Kinzel does the deposits and Finance/HR Manager Gordillo creates the checks and since she does payables, she cannot do receivables. The auditors state that since City Manager Durrance creates the budget, if numbers are plugged in and Finance/HR Manager Gordillo is balancing but the numbers are wrong, the auditors want to know why. When budget amendments are made, those are provided so the numbers can be plugged in. If the auditors say that is how it is supposed to be then fine, but since the charter say that Interim and City Managers are "CEOs" of cities, they should have full access to everything and be responsible for it. Finance/HR Manager Gordillo asked if it was just reporting because she has access to everything that is put in and paid out. City Attorney Buhr said if that is all the access she wants then that is up to her otherwise she should have full access to everything. He feels that these conversations should include all the commissioners and can be done at the regular meeting on the 14th. Finance/HR Manager Gordillo said she went to City Manager Durrance regarding having this meeting with two commissioners absent as she feels this is too important. She stated that the Mayor was reached out to about it but since there was a quorum it was fine. City Attorney Buhr also stated that press should be individually notified for all meetings. Notices do need to go out; public hearing must be publicized. He stated that there is no reason to have a meeting if that is all. Finance/HR Manager Gordillo said that CS&L (auditors) will be at the March 14th meeting. Jon Solin (1520 County Line Rd) said he can wait until the regular meeting on the 14th if this will be discussed then. He has had the pleasure of working with City Manager Durrance over the last two months with his project. With someone with zero city experience, she has picked up the ball and ran with it. He understands the difficulty of dealing with employees as he had a fleet of twenty (20) truck drivers, and they did not like to fill out pre-trip paperwork, but it is a CDL requirement. He does not feel like if that is the main complaint then it should not be discussed in a public forum such as this but to find another way to do it such as a job review. He has had lengthy discussions with her about her vision for the City and her passion and he seems it is



CITY OF

BOWLING GREEN

detrimental to her to have this hanging over her. He feels she should have the full-time City Manager position. Colette Greene (4921 Epps Ave) said she was born in Wauchula and lived in Bowling Green, left seven times but always came back because it is special to her. She loves her City and sees it growing. She wants to see her grandchildren help make it better in the future. She has been following her sister (Recreation Supervisor Robinson) and there have been so many City Managers, she thinks that the residents should question themselves. Evidently, (pointing to the Commission) they do not know anything about Bowling Green and come in saying they do not like this, or they do not like that. Maybe the residents need to look themselves in the mirror because it is a waste of time for City Managers to come in, apply for the job, do not stay, or leave for whatever reason. Everyone is bickering back and forth and the City does not continue to grow into the future. Our future is our children, and we need to instill family values in our children. Jaime Blas (4550 Bryan Ave) said he is a volunteer for the City of Bowling Green, and he has been here since his day. He says the City has gone through City Managers and he has worked with all of them. The City cannot seem to keep one. Anytime the City has an event, regardless of which one it is, he is there to help. He has had the pleasure of working with City Manager Durrance. She has a lot of heart and learn to do what it takes to run the City. He hears many people complain about their job; they leave and then come back. He wants the City to give her a chance and he is behind her. Finance/HR Manager Gordillo asked for guidance from City Attorney Buhr as her department takes a lot. Both her and City Manager Durrance have an open-door policy. She wanted to know if an employee goes to the Commission and expresses what is going on. She wanted to know if the employee can go to the Commissioners or are they supposed to go to City Manager or HR first. City Attorney Buhr stated that the employee should go to HR but if they feel like their rights as an employee are being violated then they can speak to the Commission. Due to the multiple layers at the City, it alleviates the tension to allow the employees to go to the Commission if they feel like they cannot speak to their supervisor or City management. Vice-Mayor Fite said that the Commission's direct report is City Manager Durrance then they should go to her first. He said that they cannot tell her what to do but let her know what is going on. City Attorney Buhr said everybody knows what to do. He said they can tell her the information they have received but they cannot tell her what to do about an employee. Collette Green (491 Epps Ave) said in a question that the Commissioners cannot talk to each other. City Attorney Buhr confirmed that the Sunshine Law forbids communication between Commissioners when not in a Commission meeting with the public present. Mayor Jones said to bring about clarity, the meeting was established to find out what was going on with the procurement procedures per the ordinance. As well as the City Manager coming up to the ninety (90) days. In the midst of this, HR provided complaints and grievances according to personnel policy. Based on what was said tonight, it was alluded to that it was present. City Manager Durrance said that she was under the impression that the form was created because someone had asked for it and the reason for the meeting tonight. She said that only six (6) employees completed the feedback form and there are more employees than that. Mayor



CITY OF

BOWLING GREEN

Jones said he was not aware of that, and Vice-Mayor Fite asked if it was true. She said she was told they were to create a form for employees to fill out. Finance/HR Manager Gordillo said that employees were asked to provide a written statement if they choose, and an employee volunteered to create the form. She said if she had it any earlier, she would send it out, however, she only just received them prior to the meeting. Vice-Mayor Fite said it was a form to evaluate the City Manager. City Attorney Buhr agreed that the process was a little off. He said that there is a meeting with the City Commission, and they choose the form of the evaluation. He understands why it was done the way it was due to the time constraints. Mayor Jones said that a form is already available that the Commission uses for the City Manager and the Police Chief. City Attorney Buhr said that is correct but the Commission votes on the form they will use for evaluation. He has never seen a ninety (90) day evaluation this formal before. Mayor Jones agreed, and City Attorney Buhr said that he has seen it for a yearly evaluation. He said that there can be discussions about how and why things were done the way they were, however, this was dropped like a bomb on her. Jim Kelly (4640 Bryan Ave and owner of the Herald Advocate) said he has been covering Commission meetings (city, county and school board) for over fifty (50) years and he agrees with the Mayor for calling the meeting to deal with this. But he is concerned the City has City Manager after City Manager which ruining the continuity. He said that City Manager Durrance has a good heart and good ideas. He is concerned for her because she was hired without any municipal experience. He wanted to know if the ninety (90) days could be extended into a month or two to evaluate her. She is going through some personal things, and he is concerned about the employee criticisms/Commissioners not having information ahead of time. Also, the City Attorney not being apprised of this ahead of time. He encouraged a cooling down period and everybody try to work together to give everyone more time. He addressed Mayor Jones by saying he had a good reason to call the meeting, but he is concerned with Commissioners Durastanti and Lunn not being in attendance. He understands the City Manager is the boss of the employees and she does have an open-door policy for those who have grievances and complaints. This should be between her and the employee. He is concerned about continuity in the City and that the City was willing purchase more real estate by spending hundreds of thousands of dollars. It should be put on the back burner. Instead of building a new city hall and police department, the City needs to get the basic workings of the City first (how the City is being run). He is appalled that City Manager Durrance did not have access to City records. If the City auditor has laid out, then everyone should know about it. He recommended a cooling off period. Carolyn Pasdura (4681 W Palm Dr, Avion Palms) said she took over as treasurer as Avion Palms and worked very hard as the previous one let things go. She said that City Manager Durrance is going to work three times harder to get her job done than an experienced person because she is a novice. She is going to look at everything so she can do it right and ninety (90) days is not enough. She needs more time; she is also a female with male workers. Ms. Pasdura said she has a similar situation of dealing with male residents at Avion Palms who did not like being told they had to do things a certain way. But they got used to it so these are some



CITY OF

BOWLING GREEN

of the things the Commission needs to give her a chance. Ms. Pasdura is concerned because she has not been here as long but the City has gone through many City Managers. Some were okay, Mr. Thompson was good, but City Manager Durrance will have to be better, but the Commission needs to give her a chance. The employees who do not like it can go find another job. Vice-Mayor Fite stated that Ms. Pasdura got pushback because she was new person in charge. He holds a doctorate-level certification in as Certified Public Manager. He said that he learned managers come and go but change is inevitable. Change for the sake of change is not good. Change for the better is good. If a good City Manager makes a wrong change, then that person must be strong enough to back up and regroup. He told City Manager Durrance when she was interviewed that if she is successful then the Commission is successful. The Commission must uphold and support her not tear her down. He is in the public and interacts with other individuals that have said nothing but good things about her, including Police Chief Scheel. Other contractors have said that she has been a pleasure to work with. The Commission serves the public and they employ the Commission and City employees. If the public is not happy then the public is not happy. She is the one steering the ship, and all the employees answer to her. He was perplexed with this being brought before the Commission on short notice and the City Attorney not being made aware of it. City Attorney Buhr was aware of the procurement issue, but he did not know about the evaluation packet. Vice-Mayor Fite said it was poor judgement with regards to the packet and not having it presented to the Commission so they could read it. Mayor Jones said to get rid of the misnomer in the room, this was not to tear City Manager Durrance down. This was made because she was coming up on the ninety (90) days of her status based on a request by the former City Manager. The procurement process and the employee issues were just an awareness because the personnel policy, they went to HR. He said that HR brought them forward. City Manager Durrance said that Finance/HR Manager Gordillo told her that no employees came to HR which was confirmed by Finance/HR Manager Gordillo. She said that no one came to her at first. City Manager Durrance said it was brought to HR after this meeting was called. Finance/HR Manager Gordillo said not after but the concerns had gone to the Commission, that is a misunderstanding. This was to help the Commission know what was going on, to get a statement from the employees which is what she did. The employees did not come to her office personally about these issues. City Manager Durrance asked if all the Commissioners asked her to do that or just one. She did not answer the question at first but when Vice-Mayor Fite asked Finance/HR Manager Gordillo who told her to get the information she said that it was Mayor Jones who had asked her. Vice-Mayor Fite asked if that was above the Commission's statutory authority to direct that to be happening. Mayor Jones said that he did not direct her to do anything, he asked if people came to complain that is why you must go by the personnel policy. Finance/HR Manager Gordillo stated this is why she was asking for guidance of the Commission because she prefers the employees go talk to the City Manager. City Attorney Buhr said there is not reason for people to beat themselves up over it and go on to the next meeting and deal with what needs to be dealt with. It is not right that there are two



CITY OF

BOWLING GREEN

Commissioner gone and having this conversation. Vice-Mayor Fite made a motion to adjourn the meeting which was seconded by Commissioner Arreola.

Meeting adjourned.

N’Kosi Jones, Mayor

Katherin Kinzel, City Clerk

RESOLUTION NO. 2017-02

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF BOWLING GREEN, FLORIDA, AMENDING RESOLUTION NO. 2015-06 ADOPTING POLICIES AND PROCEDURES FOR THE PROCUREMENT OF PRODUCTS AND SERVICES FOR THE CITY OF BOWLING GREEN, FLORIDA AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Bowling Green adopted Resolution No. 2015-06 establishing a uniform system of procedures and processes for the procurement of goods and services and disposal of surplus property; and

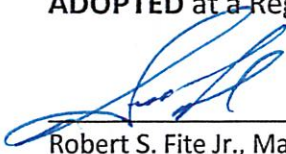
WHEREAS, it is necessary to include policies related to PROCUREMENTS PURSUANT TO STATE AND FEDERAL GRANTS,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF BOWLING GREEN, FLORIDA:

The City Commission of the City of Bowling Green hereby amends the CITY OF BOWLING GREEN PURCHASING AND SURPLUS PROPERTY DISPOSAL PROCEDURES to include **SECTION 12. PROCUREMENTS PURSUANT TO STATE AND FEDERAL GRANTS**, attached hereto and incorporated herein as **Exhibit "A."**

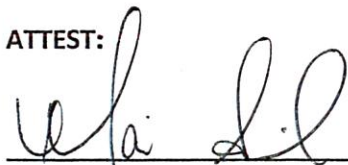
This Resolution shall take effect immediately upon its adoption.

ADOPTED at a Regular Meeting this 14 day of February, 2017.



Robert S. Fite Jr., Mayor

ATTEST:



Maria Carmen Silva
City Clerk

APPROVED AS TO FORM:



Gerald T. Buhr
City Attorney

RESOLUTION NO. 2017-02

EXHIBIT A

12. PROCUREMENTS PURSUANT TO STATE AND FEDERAL GRANTS

12.1 Applicability

These procurement policies establish procedures and guidelines that shall be used for the purchase of procurement of personal property, supplies, equipment, and services related to state and federal grants and loans. All procurements shall be accomplished in compliance with applicable state and federal law. The purpose of these procedures is to facilitate the determination of the most efficient and economical means of securing commodities and services without sacrificing necessary control and good purchasing practice.

12.2 Procurement Law and Regulations.

Laws relative to the procurement process, in general, may be found in Chapter 287, Florida Statutes. The provisions of these procurement procedures shall not be construed to conflict with or supersede the requirements of F.S. § 287.055, 24 CFR 85.36, or any other applicable

12.3 Purchasing - State or Federal laws or regulations. In regard to the procurement of commodities or services in connection with Community Development Block Grants, the U.S. Department of Housing and Urban Development (HUD) grant administration regulations relating to procurement are promulgated in Handbook 1300.17. This Handbook reprints the Office of Management and Budget (OMB) Circular A-102, Attachment O, which pertains to procurement standards and is hereby incorporated by reference. Future state or federal regulations applicable to procurement under the CDBG Program shall supersede and/or supplement this policy.

12.3.1 General standards

12.3.1.1 Except as otherwise provided by law, procurement awards shall be made only on the basis of requirements and evaluation factors that are directly related to the price and quality of the commodities or services or the ability of the prospective supplier or contractor to perform under the agreement.

12.3.1.2 Procurement procedures prohibit the dividing of the procurement of a good or service into a number of smaller groups in order to avoid the more stringent requirements of a higher dollar category [refer to F.S. § 287.057(4)]. However, this provision is not to conflict with the provision of 24 CFR 85.36(e) that the sub-grantee take all necessary affirmative steps to assure that minority firms, women's business enterprises and labor surplus area firms are offered the opportunity to participate to the maximum practicable extent.

12.3.2 Competition

12.3.2.1 All procurement transactions will be conducted in a manner providing full and open completion consistent with standards of § 85.36 of the CDR. Some of the situations considered to be restrictive of competition include but are not limited to:

12.7 Procurement classification

Class	Range	Description	Procurement Method
1	\$25 to \$5,000	Simple procurement	Pricechecks/simple purchase
2	\$5,000.00 to \$25,00	Intermediate procurement	Informal competition, written agreement
3	\$25,000.0 and over	Formal procurement	Formal competition, bids, proposals or contracts

12.7.1 Simple Procurement (not more than \$5,000). Procurement is accomplished through simple purchase. Simple procurement procedures are those relatively simple and informal procurement methods that are sound and appropriate for a procurement of supplies of other property, or services. Items or services under \$25 do not require a written price quote or documented price checks. Appropriate notation of oral price quotes should be made by phone, personal inspection, discussions with vendors, etc., to ensure the highest quality of product or service is obtained for the least cost to the procuring entity.

12.7.2 Intermediate Procurement (\$5,000.01 to \$10,000). Procurement is accomplished by obtaining three written price quotes, when possible, or through informal negotiation if the item or service is expected to cost less than \$10,000. If the actual cost exceeds \$10,000, then the procurement must go to formal procurement, as outlined in: Section C below. Files shall contain documentation of completion. No advertising is required, but all procurement shall be evidenced by a written agreement embodying all provisions and conditions of the procurement. This requirement for written agreement may be met through preparation of a letter on municipality or vendor letterhead, signed by the vendor or appropriate elected and/or appointed official or representative, stating such conditions and terms as price, number of units or purchase (e.g., ea., cs., bx., etc.) or product, delivery date or when service is to begin, point of delivery, specifications, etc. Any price quotes, warranties, guaranties, certifications or contract shall be attached and filed.

12.7.3 Formal Procurement (required over \$10,000.). Formal procurement includes the acquisition of commodities or securi.ng services that are expected to cost \$10,000 or more, and requires formal advertising and submission of competitive sealed bids, sealed proposals, or competitive negotiations. Sealed bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsive bidder who conforms to or exceeds all material requirements, terms and conditions of the invitation for bids, and presents the lowest reasonable bid that meets requirements and needs. Sealed bidding shall be used unless the municipality chief, elected official or chief financial officer certifies in writing that sealed bidding is not practicable or advantageous, in which case procurement shall be based on sealed proposals, or on competitive negotiation when required by Florida Statutes.

12.7.4 The Technique of Competition Negotiation is normally conducted with more than one source submitting a proposal for services for either a fixed-price or cost-reimbursement type contract awarded. It is generally used when conditions are not appropriate for the use of sealed bids or proposals indicating fees. Florida Statutes shall determine the manner in which such negotiations are performed and the types of contractual services which are to be procured in this manner.

12.8.3.2 General description of the commodity or item being requested.

12.8.3.3 Where and how a package of detailed specifications, rating sheets, bid forms (if applicable), and other relevant information may be obtained.

12.8.3.4 State or federal contract number, if applicable.

12.8.3.5 Other information relevant to the evaluation and award or required by law.

12.8.4 The request shall be advertised in at least one regular newspaper published daily in the closest large city (population greater than 50,000). The advertisement shall, as a minimum, allow 10 days for response, with two weeks preferable.

12.8.5 Sealed bids or sealed proposals will be received at any time during normal working hours prior to the time and date as specified. Each proposal shall be annotated with the time and date received. The bids or proposals shall be placed in the applicable file and publicly opened and read at the time designated for the bid opening.

12.8.6 Evaluation. The contract shall be awarded to the lowest responsible and responsive bidder or proposer whose bid or proposal most likely completely meets the requirements and criteria set forth in the invitation for bids or request for proposals.

12.8.6.1 The term "responsible bidder or proposer" refers to the capability of a vendor or contractor to perform fully all aspects of the contract. Financial capability, integrity, and reliability of the bidder or proposer, all of which tend to ensure good faith performance, shall be criteria in evaluation of whether the bidder or proposer is responsible.

12.8.6.2 Evaluation criteria and requirements for bids set forth in the invitation for bids shall be used to determine the most responsible bidder. A technical review shall be performed on proposals in the following manner. A subjective ranging of bids or proposals by a majority of the elected officials, or by persons selected by the body to act on its behalf, shall be utilized as a method of selection. Award shall be made to the responsible individual whose proposal is considered most advantageous to the program, with price and other factors considered.

12.8.6.3 In procuring services for grant administration, evaluation of vendors or service suppliers shall include a rating for proven track record and sound reputation; adequate financial strength; high ethical standards; and a record of adhering to specifications, of maintaining shipping or service delivery scheduled, and of giving a full measure of service. Consideration may also be included in the prospective contractor's records of past performance and experience as a potential criterion.

12.8.6.4 All bidders will be notified that they were not selected for award of contract as soon as possible following the evaluation and decision process.

12.10 Affirmative action/equal opportunity

12.10.1 The City is committed to eliminating discrimination based upon race, color, sex, national origin, familial status, age, or physical handicap. In grant programs, the City will comply with requirements of Section 3 (use of the project area), Equal Employment Opportunity on Federally Assisted Construction Contracts, and Executive Order 11624 (Minority Business). Notice of the policy will be placed in plain sight on the job location for the benefit of interested parties, and all contractors and subcontractors will be so notified. Equal opportunity posters will be displayed as required.

12.10.2 An Equal Opportunity Officer will be appointed by the Commission. Duties will include coordinating local efforts in recruiting employees and soliciting bids, resolving complaints, and submitting required reports

12.10.3 The City will encourage the employment of local residents, especially those who have low to moderate income, and those who are female and/or of a minority racial/ethnic classification. This will be accomplished through the following methods for employment and hiring:

12.10.3.1 All employment opportunities will be publicly advertised, including the "equal opportunity employer" designation unless an internal promotion or upward mobility situation exists.

12.10.3.2 When appropriate, notification of employment opportunities will be issued to organizations such as local schools, the employment centers, minority organizations and social service agencies who may refer qualified applicants.

12.10.3.3 Recruitment practices, including those described in Subsection C(1) and (2) will be conducted in such a way as to include qualified minorities and females in all levels of responsibility and departments, in percentage to the general population and/or available work force, to the maximum practical extent.

12.10.3.4 When applicants are equally qualified in all other areas, preference will be given to hiring minorities and females in furtherance of the goals expressed above.

12.10.4 In accordance with the 1989 State Fair Housing Act (F.S. § 760.20 et seq.), the municipality and any contractors hired with CDBG funds shall not discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, national origin, sex, handicap, familial status, age, or religion. (Refer to Section 12.13 "Protests" for the complaint procedure)

**PERSONNEL POLICIES AND PROCEDURES
FOR THE CITY OF BOWLING GREEN EMPLOYEES
SECTION 1-GENERAL**

Effective _____

1.1 Authority.

Consistent with the City Charter, the City Commission has directed the City Manager to implement a specific personnel system to ensure uniform, fair, and effective personnel administration which is in compliance with federal, state and local laws.

1.2 Nature of Employment.

It is the policy of the City that all employees who do not have a written employment contract with the City for a specific, fixed term of employment are employed at the will of the City for an indefinite period except as otherwise stated in the City Charter.

Procedure:

- A. Employees who do not have an individualized written employment contract are employed at the will of the City and are subject to termination at any time, for any reason, with or without cause or notice. At the same time, these employees may terminate their employment at any time and for any reason.
- B. No City representative is authorized to modify this policy for any employee or to enter into any agreement, oral or written, that changes the at-will relationship. Supervisory and management personnel should not make any representations to employees or applicants concerning the terms or conditions of employment with the City that are not consistent with City policies. No statements made in pre-hire interviews or discussions, or in recruiting materials of any kind, alter the at-will nature of employment or imply that discharge will occur only "for cause."
- C. This policy may not be modified by any statements contained in this Manual or any other employee handbooks, employment applications, City recruiting materials, City memoranda, or other materials provided to applicants and employees in connection with their employment. None of these documents, whether alone or combined, create an express or implied contract concerning any terms or conditions of employment.
- D. At the time of hiring, employees are required to sign a written statement acknowledging that they are employed at the will of the City and are subject to termination at any time and for any reason.
- E. Completion of any introductory period or conferral of regular status does not change an employee's status as an at-will employee or in any way restrict the City's right to terminate the employee or change the terms or conditions of employment.

1.3 Purpose:

The purpose of these Personnel Policies and Procedures is to establish guidelines covering most personnel actions which may arise. The final interpretation and application of these Policies and Procedures shall be made by the City Manager or his / her designee. The city reserves the right to amend, alter, modify, delete, and add to these rules as it deems appropriate to serve the best interest of the residents and citizens of Bowling Green, Florida.

1.4 Applicability. (Positions covered)

Except as provided below, unless a specific Section or Subsection provides otherwise, the provisions of these Policies and Procedures shall be applicable to all employees in the City service except:

1. Elected officials.
2. Persons hired as independent contractors on a contractual, fee, or retainer basis
3. Temporary, part-time, or casual employees.
4. Persons employed under the provisions of government programs or grants unless they are classified as employees by the City.

Provided however, the sections or subsections with an asterisk (*) beside them apply to all employees.

For persons and employees covered by these rules, continued employment, discipline and position placement shall be at the will and pleasure of the City under such terms and conditions as are determined by the City, or its designee.

1.5 Administration.

Department Heads/Managerial employees are responsible for the efficient and effective operation and/or the direct supervision of the employees assigned to their department or area of responsibility and for the proper and effective administration and enforcement of these Policies and Procedures. These duties may be delegated by the Managerial Employee, but the ultimate responsibility shall remain with the Managerial Employee. Such responsibilities include, but are not limited to:

1. To administer, interpret and enforce these rules, regulations, and standard operating procedures and to recommend modification.
2. To recruit, hire, supervise, direct, discipline up to and including discharge, the workforce of the City subject to these Rules and any applicable collective bargaining agreement (Hereinafter "CBA")
3. To provide initial orientation of employees to include familiarization with policies, rules and regulation, benefits, working conditions, etc.
4. To provide and/or coordinate employee training programs.
5. To maintain the pay and position classification. Plans and recommends changes to ensure payment of wages and benefits consistent with those in the City and other similarly situated government entities subject always to financial ability of the City and sound fiscal planning.
6. To conduct periodic wage and benefit surveys
7. To foster and develop programs for the improvement of employee relations, moral and effectiveness.
8. To maintain departmental records relating to employment.
9. To recommend, enforce and administer departmental rules, regulations, and standard operating procedures not inconsistent with these rules or any applicable collective bargaining agreements.

1.6 Overall Employment Policy.

The overall employment policy of the City shall include:

- A. There shall be no illegal discrimination in employment, employment opportunities or job actions on the basis of race, color, religion, age, sex, national origin, ancestry, legally recognized disability, immigration status, sexual orientation, or marital status unless one or more of the above constitute a bona fide occupational qualification within the meaning of the law. No job applicant or present employee will be illegally discriminated against or given preference, unless otherwise required by law, because of any of the above characteristics.
- B. Persons with legally recognized disabilities will be given full consideration for employment and opportunities for advancement in all departments and divisions. The city will offer to such person's reasonable accommodation with respect to the essential functions of the job, provided the person is otherwise qualified to perform the job and provided that such accommodation does not create undue hardship on the city.
- C. The city will take affirmative actions to expand employment opportunities for groups that are underutilized in the city workforce, but not in any way which violates applicable law. The city is an Equal Opportunity Employer.

1.7 Collective Bargaining Agreement (CBA).

Where these Policies and Procedures, departmental rules and regulations or departmental standard operating procedures are in conflict with the express terms of any CBA, the terms of the CBA shall take precedence; otherwise, the Policies and Procedures apply.

1.8 Personnel Records.

The Human Resources Director, or his/her designee, will keep adequate records of all persons employed, their pay scale and all other records directed to be made and maintained under these policies and procedures or under applicable state and federal laws

- A. It is the responsibility of each employee to notify their immediate supervisor and the Human Resources (HR) Department, whenever any personal changes are to be made to their personnel file and for providing copies of all requested documents. Changes may include name, address, telephone number, beneficiary designations, emergency contacts, and training or course work completed.
- B. Personnel records are subject to the Florida Public Records Act and the exemptions from disclosure of same, as provided by state and federal law.
- C. All requests to copy and/or inspect personnel files and records are to be referred to the City Clerk's Office, who will consult with the City Attorney as necessary.

1.6 Overall Employment Policy.

The overall employment policy of the City shall include:

- A. There shall be no illegal discrimination in employment, employment opportunities or job actions on the basis of race, color, religion, age, sex, national origin, ancestry, legally recognized disability, immigration status, sexual orientation, or marital status unless one or more of the above constitute a bona fide occupational qualification within the meaning of the law. No job applicant or present employee will be illegally discriminated against or given preference, unless otherwise required by law, because of any of the above characteristics.
- B. Persons with legally recognized disabilities will be given full consideration for employment and opportunities for advancement in all departments and divisions. The city will offer to such person's reasonable accommodation with respect to the essential functions of the job, provided the person is otherwise qualified to perform the job and provided that such accommodation does not create undue hardship on the city.
- C. The city will take affirmative actions to expand employment opportunities for groups that are underutilized in the city workforce, but not in any way which violates applicable law. The city is an Equal Opportunity Employer.

1.7 Collective Bargaining Agreement (CBA).

Where these Policies and Procedures, departmental rules and regulations or departmental standard operating procedures are in conflict with the express terms of any CBA, the terms of the CBA shall take precedence; otherwise, the Policies and Procedures apply.

1.8 Personnel Records.

The Human Resources Director, or his/her designee, will keep adequate records of all persons employed, their pay scale and all other records directed to be made and maintained under these policies and procedures or under applicable state and federal laws

- A. It is the responsibility of each employee to notify their immediate supervisor and the Human Resources (HR) Department, whenever any personal changes are to be made to their personnel file and for providing copies of all requested documents. Changes may include name, address, telephone number, beneficiary designations, emergency contacts, and training or course work completed.
- B. Personnel records are subject to the Florida Public Records Act and the exemptions from disclosure of same, as provided by state and federal law.
- C. All requests to copy and/or inspect personnel files and records are to be referred to the City Clerk's Office, who will consult with the City Attorney as necessary.

1.9 Amendment of Personnel Policies and Procedures:

These policies and procedures may be amended from time-to-time by the City Manager. Amendments to these Policies and Procedures will be distributed to all City employees and/or posted on official bulletin boards prior to its effective date.

1.10 Department Policies.

- A. Departmental policies and standard operating procedures will be in writing and submitted to and reviewed by the City Manager for approval.
- B. Departmental policies and standard operating procedures approved by the City Manager will serve as supplements to these Policies and Procedures. In the event of conflict, the Policies and Procedures shall prevail unless the departmental rule has been specifically approved as an exception by the City Manager.
- C. Approved changes in departmental policies and standard operating procedures shall be distributed to the affected employees after approval.

1.11 Memoranda, Policies, Procedures, Regulations, and Standard Operating Procedures.

All prior memoranda, policies, procedures, regulations, and standard operating procedures inconsistent with these Policies and Procedures are null and void.

SECTION 2 – OPEN DOOR POLICY

EFFECTIVE _____

In order to facilitate communication and maintain an open atmosphere in the work areas, management has an Open-Door Policy. Our employees have the right to secure consideration of any problem, question, or complaint.

Under this Policy, employees are invited to discuss their concerns and suggestions with their Supervisors and Directors in an effort to resolve issues. To give ample opportunity to resolve the issue, the following steps are recommended.

1. An employee, who wishes to resolve a problem, or make an inquiry on any subject concerning their work with the city, may do so at any time by reporting such problem or question to the immediate supervisor. The supervisor will discuss and supply any information to solve the problem or answer the question.
2. If the immediate supervisor cannot give a satisfactory solution or answer, the employee has the right to bring the problem or question to the attention of the Department Director.
3. When a problem cannot be handled in this manner, the employee is advised to seek direction from the HR Director.
4. If the issue has not been resolved after the third step, it is the employee's prerogative to seek an appointment to meet with the City Manager.

SECTION 3 – EQUAL OPPORTUNITY

EFFECTIVE _____

3.1 Equal Employment Opportunity.

The City does not discriminate on the basis of race, color, sex, religion, disability, national origin, ancestry, sexual orientation, familial status, age, or any other protected characteristic as established by local, state or federal law. This policy of Equal Employment Opportunity applies to all policies and procedures relating to recruitment and hiring, compensation, benefits, termination and all other terms and conditions of employment.

The Human Resources Director is the Equal Employment Opportunity Officer for the City and has responsibility for administering and promoting a program of equal opportunity within the city. The Human Resources Director will coordinate the EEO efforts of all supervisory personnel and will make recommendations, where appropriate, to correct any deficiencies found in the City's program.

All employees with questions or concerns about any type of discrimination in the workplace shall bring these issues to the attention of the Human Resources Director. Employees can raise legitimate concerns and make good faith reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including discharge.

3.2 Non-Discrimination and Anti-Harassment

The city is committed to a work environment in which all individuals are treated with respect and dignity. The city prohibits and will not tolerate any form of discrimination or harassment. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunity and prohibits discriminatory practices, including harassment. Therefore, the city expects that all relationships among persons in the workplace will be business-like and free of bias, prejudice and harassment.

A. Definitions of Harassment

1. Sexual harassment constitutes discrimination and is illegal under federal, state, and local laws. For purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and not so subtle behavior and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors;

sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, catcalls or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail and/or the Internet); and other physical, verbal or visual conduct of a sexual nature.

In order to promote the efficient operation of the City's business and to avoid misunderstandings, complaints of favoritism, other problems of supervision, security, and morale, and possible claims of sexual harassment, directors, managers and supervisors are prohibited from dating or pursuing a romantic or sexual relationship with any employees whom they supervise, directly or indirectly. As an employee, you are welcome to discuss with the Human Resources Director the possibility of a transfer when a relationship with a superior or subordinate is wished to be pursued.

1. Harassment other than sexual is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, sexual orientation, age, national origin, disability or any other characteristic protected by law and that: i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or iii) otherwise adversely affects an individual's employment opportunities. The same definitions to this type of harassment apply as indicated above regarding sexual harassment.

Harassing conduct includes, but is not limited to epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail and/or the Internet).

Application

This policy applies to all applicants and employees and prohibits harassment, discrimination and retaliation whether engaged in by fellow employees or by someone not directly connected to the City (e.g., an outside vendor, consultant, or customer). Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

Retaliation is Prohibited

The city prohibits retaliation against any individual who in good faith reports discrimination or harassment or participates in an investigation of such reports. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action up to and including termination of employment. Any violation of this policy must be reported immediately to your supervisor or the Human Resources Director.

Complaint Procedures

The city requires the prompt reporting of all incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe they have experienced conduct that is contrary to the City policy or who have concerns about such matters must file their complaint

with any of the following individuals: their immediate supervisor, the director of their department, the Human Resources Director, the City Attorney, or the City Manager.

All reported allegations of harassment, discrimination, or retaliation will be investigated promptly and confidentially (to the extent possible). Appropriate corrective action will be taken. Any person found to have unlawfully discriminated against or harassed another employee will be subject to appropriate disciplinary action, up to and including termination. Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or termination, as the city believes appropriate under the circumstances. Individuals who have questions or concerns about these policies should talk to the Human Resources Director.

The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing, discriminatory, or retaliatory conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.

If, after a thorough investigation, it is determined that sexual or other harassment has occurred, immediate and appropriate remedial and/or disciplinary action up to and including termination will be taken against the offender(s). Additionally, follow up steps will be taken, if appropriate or required, to ensure that the harassment has in fact stopped.

3.3 Americans with Disability Act Policy and Statement

- A. The City is committed to complying with all applicable provisions of the Americans with Disabilities Act ("ADA") and all other applicable laws relating to disabled employees. It is the City's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability, record of disability, or perceived disability so long as the employee can perform the essential functions of the job with or without a reasonable accommodation. Consistent with this policy of nondiscrimination, the City will provide reasonable accommodation to a qualified individual with a disability, as defined by the ADA, who has made the City aware of his or her disability, and requested an accommodation, provided that such accommodation does not constitute an undue hardship on the City.

Employees with disabilities who believe they need reasonable accommodations to perform the essential functions of their jobs must contact the Human Resources Director to submit their accommodation request.

- B. Procedure for Reviewing Accommodation Requests

On receipt of an accommodation request, a member of the Human Resources Department and your supervisor will meet with you to discuss and identify the precise limitations resulting from the disability and the potential accommodation that the city might make to help overcome those limitations.

The City will determine the feasibility of the requested accommodation considering various factors, including, but not limited to the nature and cost of the accommodation, the City's overall financial resources and organization, and the accommodation's impact on the operation of the City, including its impact on the ability of other employees to perform their duties and on the City's ability to conduct business.

The city will inform the employee of its decision on the accommodation request or on how to make the accommodation. If the accommodation request is denied, an employee will be advised of his or her right to appeal the decision by submitting a written statement explaining the reasons for the request. If the request on appeal is denied, that decision is final.

The ADA and other disability protection laws do not require the city to make the best possible accommodation, to reallocate essential job functions, or to provide personal use items (i.e., eyeglasses, hearing aids, wheelchairs etc.).

An employee or job applicant who has questions regarding this policy or believes that he or she has been discriminated against based on a disability should notify the Human Resources Director. All such inquiries or complaints will be treated as confidential to the extent permissible by law.

3.4 Immigration Law Compliance

The city is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate based on citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with the city

within the past three years, or if their previous I-9 is no longer retained or valid. The city must keep each I-9 on file for at least three years, or one year after employment ends, whichever is longer.

Employees with questions or seeking more information on immigration law issues are encouraged to contact the Human Resources Director. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

Section 4 – EMPLOYMENT CLASSIFICATION POLICY

EFFECTIVE _____

4.1 Policy

It is the policy of the City to classify employees as regular or temporary; as full-time, part-time, or intermittent; and, as exempt or nonexempt for the purposes of compensation administration. In addition, the city may supplement the regular workforce, as needed, with other forms of flexible staffing.

4.2 Procedure.

- A. The Human Resources Department is responsible for classifying employees. Employees are categorized as follows:
1. A regular employee is an individual that has been appointed to a classified or non-classified, exempt or non-exempt position with the city that is not of a temporary nature.
 2. A temporary employee is an individual who is hired either part-time or fulltime for a specified, limited period to a temporary position with the city. A temporary employee may be classified as either exempt or nonexempt. A temporary appointment generally will not exceed six (6) months; any exception to this requires the written authorization of the City Manager. No City benefits are authorized.
 3. A full-time employee is an individual who works at least a 40-hour workweek. A full-time employee may be classified or non-classified, exempt or nonexempt. Fire Department sworn positions are considered full time per contract language in the collective bargaining agreement.
 4. A part-time employee is an individual who works a regular schedule that is less than a 40-hour workweek. A part-time employee may be classified or non-classified, regular or temporary.
 5. An intermittent employee is an employee that works full-time or part-time on an irregular, as needed, basis in a city position that is a regular appointment or is temporary in nature.
 6. A nonexempt employee generally is subject to the minimum wage and overtime provisions of the Fair Labor Standards Act ("FLSA") and is typically paid on an hourly or basis.
 7. An exempt employee is exempt from the provisions of the FLSA and is not entitled to overtime payments. Exempt employees typically are paid on a salary basis and include administrative, executive, and professional employees, and certain highly skilled computer professionals.

Other flexible staffing classifications or arrangements may be added as needed, such as interns and grant-funded positions.

B. Temporary and part-time positions generally will be filled as follows:

1. The head of the department with the need will attempt to fill the position by transfers from within the department.
2. If the position cannot be filled from within the department, then the department head will submit a request to the Human Resources Department. The Human Resources Department will then try to fill the request by transferring an employee from another department with the City Manager's approval.
3. If it is necessary to hire temporary or regular part-time employees from outside the city, the procedures normally used in Section 5 recruitment will be followed.

C. Full-time employees who are given temporary transfers are not considered temporary employees unless their job has been eliminated and only temporary employment is available.

D. The City may use students and other similar applicants for flexible staffing purposes, as allowed by law. Applicants who are minors (age 18 and younger) generally will be required to provide a certificate of age. The Human Resources Department will handle the assignment of students to special temporary or parttime jobs that are part of training programs.

E. Regular appointment full-time employees are generally eligible for all City benefits; regular appointment part-time employees are eligible for retirement benefits and benefits required by law as well as voluntary benefits. An employee whose status changes from full-time to part-time may use any days of paid absence or vacation earned as a full-time employee. An employee whose status changes from a temporary appointment to a regular appointment will be considered as hired on the date of the change of status for purposes of eligibility for City authorized benefits. Information concerning eligibility for other City benefits, such as the retirement plan, is available from the Human Resources Department. Regular appointment intermittent employees are not eligible for city-paid benefits, except for benefits required by law, but may participate in voluntary benefits.

F. All employees, regardless of classification, are generally considered to be employed "at will" and may quit or be terminated at any time.

4.3 New Positions

- A. New positions may be created by the City Manager or upon request by a department head and the approval of the City Manager.
- B. All new positions are subject to budgetary constraints or the budget amendment process, as provided by the City Commission.

4.4 Job Descriptions

Each regular appointment position will have a concise descriptive title, a description of the duties and responsibilities and a statement of the qualifications for filling such position. Job descriptions are developed and written by the HR Director, with the Department Director's participation, and are submitted for approval to the appointing authority. Employees may be assigned other or additional duties and responsibilities as management determines is necessary for efficient operations.

SECTION 5 – RECRUITMENT, APPOINTMENT, AND TERMS OF EMPLOYMENT

EFFECTIVE _____

5.1 Recruitment

It is the desire of the city to fill vacant or newly created positions with the best-qualified applicants.

5.2 Advertising

- A. Except when the City Manager determines it is in the best interest of the City for operational reasons to fill a position without posting, the following shall apply to position vacancies:
 1. Internal Posting - All departments will receive notice that a position vacancy exists and will post the notice in plain view in a place accessible to employees and specifically on the department's official bulletin board. The notice must remain open to City employees for five (5) working days. Interested employees must apply prior to 5:00 P.M. of the closing date stated in the advertisement.
 2. External/Public Posting - If the vacancy is not filled internally as a result of promotion or transfer, or if no qualified City employees apply, the vacancy is posted and advertised as open to the general public.
- B. The City reserves the right to simultaneously do internal postings while advertising an open position to the public at large.
- C. Provided their performance record is satisfactory to the City Manager or his/her designee, employees will be given preference provided their abilities, skills, and experience are, in the judgment of the City Manager, or his/her designee, equal to that of qualified outside applicants.

5.3 Applications

Applicants should complete a standard City employment application form. The completed application must be submitted to the HR Department by the due date indicated in the employment ad or posting. After an offer of employment is made and prior to the start of employment, the applicant will be required to take a drug test and be subject to a background check. Certain positions also require a post-offer physical.

- A. In order to be considered as a valid applicant for an advertised position, each applicant must submit a completed City employment application form and must meet the minimum qualifications for the position as determined by the HR Director or City Manager. The application must be submitted within the time frame noted in the advertisement. Applicants for certain positions may be required to submit a detailed resume in addition to a completed City application.
- B. It is the responsibility of applicants to ensure that all information submitted in the employment application is correct and up to date. Revisions to active employment applications already on file may be made in person, by mail or by phone and verified as needed prior to 5:00 P.M. of the closing date stated in the advertisement.
- C. Applications containing items not pertinent to the process will not be accepted (photos, extraneous documents).

- D. Applications remain active in the HR Office for six (6) months from the date of original submission. This is not to be construed to imply that all active applications on file will automatically be considered for any vacant positions.

5.4 Appointment

- A. The interview process may include selected department personnel, the HR Director and/or City Manager designee. Appointments are made on the basis of assessment of an applicant's work experience, training, and education as reflected on the employment application and the interview process. Applicants who do not meet the minimum qualifications, as determined by the Human Resources Director or designee, for a particular position vacancy, or applications containing deceptive or fraudulent information will not be considered for the position.
- B. Appointment to a position is not deemed final until the hiring process has been completed by the HR Department.
- C. In cases of vacancies requiring special technical or professional qualifications, satisfactory evidence must be submitted upon request. Examples of such evidence include transcripts, certificates and other documents that support contentions of education, training and/or experience.
- D. Department Directors do not extend offers of employment to applicants. Offers of employment can only be formally made by action of the City Manager.

5.5 Introductory Period

An initial introductory period (probation) allows the city an opportunity to evaluate an employee's performance, ability and potential.

- A. All new regular appointment employees of the City must complete an initial introductory period of six (6) months and the successful completion of any certification or training program required for the job they hold, whichever is longer, or as directed by collective bargaining agreements.
- B. The City Manager or his/her designee reserves the right to extend an introductory period, but not more than ninety (90) calendar days.
- C. After successful completion of the initial introductory period, continued employment for employees of the city is as provided in Employment Relationship (Section 10).

5.6 Terms of Employment

- A. All employees serve at the will and pleasure of the City or its designee and may be disciplined or dismissed for any reason, subject only to applicable law.
- B. Temporary employees shall not have access to the City's Complaint Procedure (Section 16) of these Policies and Procedures or any applicable collective bargaining agreement unless the agreement provides otherwise. All decisions concerning wages, hours, and working conditions shall be made by the City Manager or his/her designee.

5.7 Posting and Promotion

- A. Employees promoted to a classification with a higher pay must satisfactorily complete a six (6) month introductory period (probation), except in the case of the Fire Department

Combat personnel who must complete an introductory period as per the collective bargaining agreement. Any employee who fails to satisfactorily complete the introductory period will be returned to the pay and position held immediately prior to the promotion, provided that their previous position is still available, and the employee's qualifications have been maintained. If the position is not available, the employee may be moved to any vacant position for which the City Manager considers the employee qualified, or the employee may be terminated or laid off.

- B. It is the responsibility of the HR Director to coordinate advertising, posting, and screening of all applicants to determine whether they meet the minimum qualifications. The HR Director also informs the gaining and losing departments of the effective date of change in status. The HR Director must coordinate with the losing department for smooth transition and replacement.
- C. The effective date of the promotion becomes the employee's new "Date of Classification" for performance evaluation and salary review purposes.
- D. Employees promoted will receive the minimum of the new pay classification or 4% of their current pay, whichever is greater or as directed by the City Manager.

5.8 Reclassification

- A. A reclassification action generally occurs when it is determined that a particular position's "comparable worth" and/or "prevailing wage" are in need of adjustment.
- B. A reclassification action may also occur when a significant change of an "increased" nature occurs in a position's duties, functions and responsibilities. It is also possible that a "decrease" in duties, functions and responsibilities will warrant reclassification consideration.
- C. Reclassification actions reflect the position's worth, not the incumbent's worth.
- D. A reclassification action does not trigger a change in the incumbent's "Date of Classification".

If a reclassification action occurs to a vacant position, and the position is filled by the promotion of an employee from a lower pay grade, the action is deemed to be a promotion. The effective date of the reclassification becomes the employee's new "Date of Classification" for performance evaluation and salary review purposes.

5.9 Transfers

An employee may request a transfer to another department where a vacancy exists within the same or lower job classification and pay grade, provided that the employee has been in the current job at least six (6) months. The transfer may affect the employee's pay rate; however, the anniversary date or classification date will remain the same.

The transferred employee will serve a minimum introductory period of ninety (90) days in the new department. If a transferred employee does not meet the expectations of the new department, the employee will be terminated or, at the option of the City Manager, be placed in any vacant position for which the City Manager considers the employee qualified. The terminated employee is eligible to apply for any vacancies with the City.

5.10 Demotion

A. An employee may be demoted to a position of lower classification or grade for any of the following reasons:

1. As a form of discipline.
2. When an employee would otherwise be laid off because his position is being abolished; when an employee is removed during promotional probation; reclassification of the employee's job; lack of funds, the employee voluntarily requests a demotion or for any other reason considered by the City Manager to be appropriate for efficient business operations.

B. A demoted employee is eligible to advance in pay within their new pay classification, after the demotion, based on their future job performance.

C. In the event of a demotion, the employee's pay will be reduced to the midpoint, or below, or as determined by the City Manager, in the range of the new pay grade. An employee who wishes to fill a vacant position that is in a lower pay grade may agree to take a reduction in pay in an effort to obtain the desired position. Demotion actions must be coordinated with the HR Director and approved by the City Manager.

D. Prior to the proposed demotion, the employee will be given written notice of the reason for the proposed demotion and will have an opportunity to discuss it with the City Manager or his/her designee.

E. A demoted employee will serve a six (6) month introductory period.

5.11 Reinstatements

An employee who has resigned in good standing or whose position has been abolished may be rehired, if a vacancy exists, to the same or similar position by the same department from which the employee left.

An employee may be reinstated at the same pay rate as previously received, upon approval of the City Manager. Reinstated employees are considered new employees for purposes of leave accrual and salary increases and must once again serve an initial introductory period regardless of status held prior to separation or date of hire.

5.12 Employment of Relatives.

- A. For purposes of this Section only, pursuant to Section 112.3135 Florida Statutes, "Relative" means, with respect to a "Public Official", an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.
- B. For the purposes of this Section only, pursuant to Section 112.3135 Florida Statutes, "Public Official" means an officer, including a member of the City Commission, or an employee of the City in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance

individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in the City, including the authority as a member of the City Commission to vote on the appointment, employment, promotion, or advancement of individuals.

- C. For the purposes of this Section only, the definition of a "close personal relationship" is a person that resides with, is engaged to, or has a business relationship with an employee or City Commissioner.
- D. A public official may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the city in which the official is serving or over which the official exercises, jurisdiction or control any individual who is a relative of the public official. An individual may not be appointed, employed, promoted, or advanced in or to a position in the City if such appointment, employment, promotion, or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over the City or a City department or subdivision, who is a relative of the individual or if such appointment, employment, promotion, or advancement is made by the City Commission of which a relative of the individual is a member. However, this subsection shall not apply to appointments to boards. This subsection does not apply to persons serving in a volunteer capacity who provide emergency medical, firefighting, or police services.
- E. Pursuant to Florida Statute, relatives of employees or City Commissioners will not be considered where a conflict of interest exists, will exist or there is a substantial likelihood that such a conflict of interest will arise, such as a relative working under the direct supervision of a relative, one relative being responsible for the performance evaluation of another, one relative being directly involved in potential disciplinary actions involving another, or one employee being in possession of confidential information about another. Further, employment relationships that create an unacceptable appearance of favoritism because of the relationship will be avoided.
- F. Under the City Charter, the hiring, discipline, supervision, and retention of all employees except the City Attorney and legal staff, are within the sole and exclusive authority of the City Manager. For legal staff employees, the City Attorney shall make all decisions related to hiring, discipline, supervision, and retention. The City Manager shall make all final decisions related to hiring, discipline, supervision, and retention of relatives of employees or City Commissioners free and clear of any undue pressure or influence.
- G. In the event of an emergency, as defined by Section 252.38, Florida Statutes, the City Manager may authorize the temporary employment of individuals who employment otherwise would be prohibited by this policy.
- H. Employees who marry, or establish a close personal relationship, may continue in their current positions as long as a prohibited employment relationship is not created. If one of the prohibited situations does occur, attempts will be made to find another position to which one of the employees can transfer. If accommodations of this nature are not feasible, the employees will be permitted to determine which of them will resign. Should difficulties arise in this decisionmaking process, the employee with greater seniority will remain employed. In a situation with seniority dates being the same, the decision is at the discretion of the City Manager. The employees may continue to work

for the city as long as neither has the responsibility of supervising or recommending for promotion their spouse or co-habitant. No individual will be hired or transferred to fill an available position in a division where a relative, or member of the immediate family, is employed.

5.13 Veterans Preference

Veteran's preference will be granted in accordance with Federal and State Law.

- A. One of the criteria that follow must be met by the applicant, in order to be considered for Veteran's Preference within the hiring process.
 1. A veteran with a service-connected disability who has served on active duty and is receiving, or is eligible for compensation, disability retirement or pension, under the public laws administered by the United States Department of Veterans' Affairs and/or the Department of Defense.
 2. The spouse of a veteran who is unable to work due to a total and permanent service-connected disability according to the public laws administered by the Veteran's Administration or the spouse of any veteran who is considered Missing in Action (MIA), captured in the line of duty or forcibly detained by a foreign power or government.
 3. A veteran of any war as defined by applicable law who has served on active duty for at least one (1) day and has received an honorable discharge (this does not include active duty for training).
 4. Effective July 1, 2007 - A veteran who served honorably but who has not met the criteria for the award of a campaign or expeditionary medal for service in Operation Enduring Freedom or Operation Iraqi Freedom qualifies for preference in appointment based on the service dates as defined below:
 - a). Operation Enduring Freedom October 7, 2001, to date to be determined.
 - b) Operation Iraqi Freedom March 19, 2003, to date to be determined.
 5. An un-remarried widow or widower of a veteran who died of a service-connected disability.
- B. Applicants for employment wishing to claim Veteran's Preference must provide the appropriate paperwork to substantiate their claim at the time of application.
- C. Job applicants who are claiming Veteran's preference will be given job preference in the hiring process, but not to the preclusion of more qualified nonVeterans.
 1. In the event that testing is used in the hiring process, an applicant claiming Veteran's Preference will have additional points applied to his/her overall score, based on Federal and State guidelines.

Other provisions regarding preference in perpetuity, layoffs, reinstatements or reemployment, and promotion will be granted in accordance with Federal and State Law.

5.14 Drivers License.

If a Florida Commercial Driver's License (CDL) is required to satisfy an essential job function, the city will pay the difference in cost between a regular driver's license and a "CDL" license, with City required

endorsements. The city will pay the cost of the test required to obtain such license if required after employment.

If a specific type of driver's license is not required as a condition of employment, the employee must have a valid Florida license in order to drive City vehicles, equipment, or to use his/her personal vehicle in the course of conducting City business.

Any employee who is required as a condition of employment to possess and maintain a valid Florida driver's license, must immediately inform their supervisor if the license is suspended, expires, becomes restricted or is revoked at any time during the course of employment with the City. Failure to report the change in license status may result in disciplinary action up to and including termination. Note: the city conducts an annual driving record report review for all employees required to maintain a valid drivers' license.

5.15 Compensation of Employees Working Out of Classification

The following guidelines shall be followed when compensating non-bargaining unit employees when performing a job outside of their current job classification.

Guidelines:

- A. Department Directors will determine whether the job being performed is outside the employee's current job classification.
- B. The job being performed must be substantially different from the employee's regular job, i.e., falls within a different pay grade.
- C. The employee must be qualified by training or experience to perform the temporary job and must possess required credentials.
- D. Employees on any type of probation or introductory period will not be used or allowed to work outside their current job classification.
- E. An employee must be temporarily assigned and function for more than eighty (80) hours in the new job classification in order to qualify for the higher pay rate.
- F. Employees working out of classification for more than two (2) weeks may be authorized an increase of up to 4% or at the discretion of the City Manager.
- G. Request for temporary reclassification must be forwarded to the Human Resources Department.
- H. Approval must be obtained by the Human Resources Department and the City Manager in order to process the temporary reclassification of the employee.
- I. Temporary reclassifications may not extend beyond an eight (8) week period unless unusual or extenuating circumstances exist. Department Directors must consult the Human Resources Director if needing to extend the temporary reclassification.
- J. Department Directors are responsible for informing the Human Resources Department of the termination date of the temporary reclassification.
- K. Employees temporarily performing work assigned to a lower pay grade are not covered by this policy.

5.16 Drug Testing

The City of Bowling Green has established and maintains a Drug-Free workplace program.

It is the prerogative of the city to administer random drug test without notice at any given time to ensure we are keeping with our drug free workplace policies. Failure to comply with the drug free

workplace requirements, including refusal to sign to sign employee agreement and acknowledgement, will be grounds for dismissal

*Failure to submit to required medical or physical examinations or drug and alcohol tests is misconduct and is grounds for discharge or suspension without pay from employment.

Section 6 – COMPENSATION

EFFECTIVE _____

6.1 Pay Classification Plan.

The pay classification plan is approved by the City Commission and reviewed at the recommendation of the City Manager.

Each position in the pay classification plan is assigned to a pay grade and salary range. The specific rate of compensation for each employee will be within the salary range to which the employee's position has been assigned.

Adjustments in employee compensation, including performance evaluation increases, do not take effect unless and until they are confirmed in a written document approved by the City Manager or his/her designee.

6.2 Starting Rate.

Appointments of new employees may be made above the minimum salary level, but not higher than the midpoint, unless authorized by the City Manager based on related training, experience, or other operational reasons. Requests to start an employee above the midpoint rate must be put in writing by the Department Director, reviewed by the HR Director and approved by the City Manager. The hiring range will generally be advertised as between minimum and midpoint depending on qualifications (DOQ) unless otherwise budgeted or directed by the City Manager.

6.3 Performance Evaluations

At least annually, an employee's immediate supervisor prepares a written evaluation of the performance of each employee based on the employee's performance of the duties and responsibilities of the position. The evaluation must be in writing, on forms approved or supplied by the HR Director. Introductory period employees are evaluated within ten (10) days prior to the completion of the initial introductory period. The City Manager may request an additional performance evaluation at any time.

The supervisor must meet with the employee being evaluated in order to discuss the performance evaluation and allow the employee the opportunity to respond.

Performance evaluations will be considered:

- A. In determining salary increases and decreases within the pay range limits established in the pay classification plan,
- B. As a factor in promotions,
- C. As a means of identifying employees who may be promoted or transferred or who, because of their low performance, should be demoted or terminated as a part of the disciplinary process.

6.4 Overtime Work

- A. Overtime hours worked by non-exempt, hourly employees are compensated in compliance with the provisions of the Fair Labor Standards Act and applicable Florida Law.
- B. Working overtime without recording the time (i.e., working "off the clock") and working overtime without prior authorization by the Department Director, or his/her designee, are strictly prohibited and may result in disciplinary action up to and including termination.
- C. Department Directors or his/her designee are responsible for documenting overtime worked per pay week and must submit these records to the Finance Department for permanent record.
- D. Employees are to report all time worked and must confirm the accuracy of the work time reported each work week. Errors in work time reported must be noted by a separate written report to ensure compliance with applicable law.
- E. All overtime needs to be approval by the City Manager

6.5 Return to Work / Fit for Duty

The city finds that it is in the City's and its employees' best interest to have a Return-to-Work/ Fit-for-Duty Evaluation program. The purpose of this program is to ensure that employees returning to the workplace following a significant personal illness/injury have an evaluation of his/her readiness to perform all the essential functions of his/her job before returning to the workforce. This program is designed to avoid any exacerbation of the illness/injury, delay or hinder recovery and to minimize the risk of recurrence. It is essential to this program that employees undergo an occupational medicine evaluation (OME) in addition to a clinical medicine evaluation.

For the purpose of this policy, significant illness or injury is defined as any illness or injury that causes the employee to miss work for two weeks or longer but may also include any illness or injury that may affect the employee's ability to perform specific essential functions of his/her job even without missing two weeks of work. Determination of the need for a return-to-work medical evaluation will be made by the Human Resources Director or his/her designee in consultation with the affected employee's department manager and any authorized medical provider. Please refer to Administrative Policy CW08-05 for specific guidance.

6.6 Pay Period

City employees are on a weekly pay period. The City's workweek runs from Thursday through Wednesday. Employees are paid weekly on Fridays.

6.7 Pay Advancement

Neither pay advances nor extensions of credit on unearned wages or leave will be provided to employees.

6.8 On-Call Pay.

Due to the need for providing round-the-clock services to the residents of the City of Bowling Green, it may be necessary to require employees in certain positions (i.e., animal control, public works, utilities, fire investigations, and mechanics) to be available for work during non-scheduled duty hours. Department Directors must obtain the City Manager's approval prior to designating positions "On-call".

Hourly, non-exempt employees who are required to be available for work during off-duty time will be considered as being on "On-call" during the period of time scheduled by their supervisor with the approval of the City Manager. "On-call" is defined as that period of time during which an employee is required to be available for emergency call out. The employee is not required to remain on City premises or at home but is merely required to leave word at home, or with City officials, where he/she may be reached. The employee may be issued a phone and the response time is flexible but may not exceed thirty (30) minutes from the time the employee receives the telephone call requesting a call out.

Employees will be compensated at the flat rate of ten (\$15) dollars per day when on "On-call" status. Employees will be paid for the nearest hour for each call out EX: if an employee is called out to turn on water, they will be compensated for one hour of work. Employees assigned to "On-call" will be compensated at time and a half (overtime) if applicable for each actual call out, including travel time. "Emergency call-out" is defined as unscheduled work required after an employee has been released from regular duties. An employee who is required to remain at work following completion of the normal scheduled day or shift is not eligible for "call-out" pay but will receive pay for actual time worked. Work that has been scheduled at least forty-eight (48) hours prior to the start of such work is not considered an emergency and therefore will not qualify for "call-out" pay.

Department Directors and supervisors are responsible for the following:

1. Rotating "on-call" duty on a weekly basis
2. Properly reviewing and approving call-out pay on employee's time sheets.

6.9 Time Sheets

All time worked by City employees shall be recorded on time sheets provided by the City. The city may choose to use time clocks or any other authorized time keeping method approved by the City Manager.

Time sheets must be kept in a timely manner and are retained for a period of three (3) years by the Finance Department.

Failure of an employee to keep time sheets up to date will result in disciplinary action, unless excused by the City Manager. Employees and supervisors are responsible for correct and accurate recordings on time sheets. Time sheets must reflect not only hours worked but also time off taken under any circumstances. Intentional falsification of time records will result in termination

SECTION 7 – ATTENDANCE

EFFECTIVE _____

Regular attendance and punctuality are very important responsibilities of City employees. Except for scheduled and/or authorized time off or unavoidable absences, every employee is expected to be present and on time for work.

Attendance and dependability are important factors in determining eligibility for merit increases and promotion. Lateness and unexcused absenteeism interfere with Departmental and City operations and may result in disciplinary action up to and including termination of employment. Any employee who is going to be absent or late must personally notify his or her supervisor within the guidelines established in accordance with department policy.

7.1 Hours of Work

- A. Full-Time Employees. The normal workweek for regular full-time employees consists of forty (40) hours and begins on Friday at 6:01 am and ends Friday at 6:00 am. Hours of work for Fire Department Combat Personnel are governed by the collective bargaining agreement. Department Directors are authorized to establish work schedules that may deviate from the standard with the approval of the City Manager.
- B. Normal Work Hours. The normal workday may consist of eight (8), ten (10) or twelve (12) hours of work. Customarily meal periods of one half (1/2) hour or more are not paid. The Department Director or their designee determines the schedule of hours for their employees. Employees are informed of their daily schedule of hours, including mealtime and break time, as well as any changes deemed necessary. Hourly, non-exempt employees are not to work in excess of their normal workweek except when directed by the Department Director or his/her designee, but if they do work, they must report it on their time record.
 - 1. Hourly employees are not to report to work areas more than ten (10) minutes before the scheduled start time or remain for more than ten (10) minutes after the end of the scheduled workday unless approved by their Department Director or their designee. Regardless of time they report and leave, non-exempt employees are not to begin work before the beginning or continue to work beyond the end of their regularly scheduled shift without authorization by their supervisor.
 - 2. Employees are encouraged to leave the work area during prescribed meal periods with the exception of fire combat personnel and dispatchers who may be required to eat meals at their workstations. Non-exempt employees who do not get a 30-minute uninterrupted break or more, must report the lunch break as hours worked.
 - 3. Non-exempt employees are not to work at home without prior authorization.
 - 4. Employees who are delayed in reporting to work more than thirty (30) minutes and who have not notified their supervisor of their expected tardiness may not be allowed to work the balance of the workday.
 - 5. Employees who report for work without proper equipment or in improper attire may not be permitted to work.

- 6. Employees, who report for work in a condition considered not fit for work, whether for illness or any other reason, may not be allowed to work.
- C. Leave Time. Personal leave time taken, such as sick and vacation, is not counted towards the total hours worked in a workweek.
- D. Deviation. Any deviations from the standard hours must be discussed with and approved by the Department Director, or their designee.

7.2 Flextime

Flextime is a privilege that allows an employee some deviation from the normal schedule during the workweek in order to keep an appointment or attend to personal business.

For example: an employee works a 40-hour standard workweek (Friday 6:01 am through Friday 6:00 am) and needs to leave early on Wednesday but does not wish to use paid leave time or be paid less than the scheduled 40 hours. Employees may be allowed to use flextime as long as it is done within the same workweek. In this example, because the employee needs to leave two (2) hours early on Wednesday, the employee may work two hours over or two hours prior to the employee's normal starting or quitting time one day during the same workweek. The employee may also curtail their lunch period by $\frac{1}{2}$ hour for four days in order to "make up" the two hours desired off on Wednesday.

It is emphasized that the decision to allow flextime is solely at the discretion of the Department Director or their designee and it is not to be construed as an employee "right". Care must be taken that the use of flextime is applied consistently, with consideration given to a smooth, uninterrupted workflow. The use of flextime must not create a situation where employees incur overtime in order to make up time used.

7.3 Rest Periods

The City allows one (1) 15-minute paid rest period for each four (4) hours of work. The employee's immediate supervisor determines the actual time of the rest period, usually mid-morning and mid-afternoon. These periods are not to be combined in order to leave work early or extend lunch breaks. Under extenuating circumstances, such as in the event of an emergency, rest periods may be curtailed. Employees are not allowed to leave their job site during rest periods.

7.4 Unapproved Absences

Any unapproved absence from duty will not be paid and may result in disciplinary action.

An employee who is absent for three (3) consecutive days or more without authorized leave, will be deemed to have resigned. Such absence may be approved by the City Manager where extenuating circumstances are found to have existed.

If an employee must be late or absent from work, it is the employee's responsibility to notify the immediate supervisor or the Department Director or their designee before the start of the employee's shift. If the employee is unable to speak to the supervisor directly, a message may be left but the employee is required to call later on in the day to speak to the supervisor directly.

SECTION 8 – LEAVE OF ABSENCES

8.1 Family Medical Leave.

Pursuant to the Family Medical Leave Act, employees who have been employed with the City one (1) year or more and have worked at least 1,250 hours during the twelve (12) month period immediately preceding the commencement of the leave, may be granted up to 12 weeks of family and medical leave (or up to 26 weeks during a 12- month period in accordance with the following provisions and applicable law).

- A. Scope. Twelve (12) weeks of leave during a 12-month period may be taken upon the birth of the employee's child, upon the placement of a child with the employee for adoption or foster care, when the employee is needed to care for a child, spouse, or parent who has a serious health condition when the employee is unable to perform the functions of his/her position because of a serious health condition, or because of any qualifying exigency (as defined by the Department of Labor regulations) arising out of the fact that the spouse, child or parent of the employee is on active duty (or has been notified of an impending call or order to active duty).
An eligible employee who is the spouse, child, parent or next of kin of a service member who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status or is on the temporary disability retired list may take up to twenty-six (26) weeks of leave during a 12-month period to care for the service member.
- B. A "serious health condition" is an illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility or continuing treatment by a health care provider, as defined by Department of Labor regulations.
- C. "Parent" is defined as the biological parent of an employee, or an individual who stood in loco parentis to an employee when the employee was a child, i.e., anyone who took the place of a biological parent.
- D. "Son or daughter" includes a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is under 18 years of age, or 18 years of age or older and incapable of self-care because of a mental or physical disability.
- E. Next of kin is defined as the nearest blood relative of a covered service member.
- F. For leave that is foreseeable, the employee must provide the Department Director with no less than thirty (30) days' notice before the leave is to begin. If an employee cannot provide at least 30 days advance notice, the employee must provide as much notice as practical under the circumstances.
- G. If the leave requested is for the birth, or placement for adoption of a child, it must be taken within twelve (12) months of the birth or adoption.
- H. If employee requests leave due to his own serious health condition or that of a family member the employee will be required to provide a medical certification of the serious health condition. The employee is also required to provide additional re-certification on a periodic monthly basis as requested by the city. Appropriate forms are available from the HR Department.
- I. The City, at its discretion, may require a second medical opinion. If the first and second opinions differ, the city, at its own expense, may require the binding opinion of a third health care provider, selected jointly by the city and the employee.

- J. Leave needed for a serious health condition of the employee or his spouse, child, or parent, or needed to care for a covered service member may be taken on an intermittent or reduced schedule only if medically necessary. If leave is requested on this basis, the city may require the employee to transfer temporarily to an alternative position which better accommodates recurring periods of absence or a part-time schedule, provided that the position has equivalent pay and benefits. Intermittent leave or a reduced leave schedule is not available for leave based upon the birth, adoption or placement of a child for foster care, unless both the City and employee agree.
- K. Spouses who are both employed by the City are entitled to a total of twelve (12) weeks of leave (rather than 12 weeks each) for the birth or adoption of a child or for the care of a sick parent.
- L. Subject to applicable law, employees with accrued and unused leave are required to use sick and vacation leave, in this order, as part of the leave requested and taken. Hours charged will reflect the employee's normal work schedule. Once all accruals are spent the employee is considered to be on leave without pay and accruals of leave will cease.
- M. Employees on unpaid leave are not eligible for holiday pay.
- N. Employees returning from family medical leave are entitled to equivalent or similar job classification provided the employee is physically capable of performing the essential functions of the job with or without reasonable accommodation.
- O. If the absence was due to the employee's own serious health condition, the employee must provide the HR Director with medical certification verifying the employee's ability to return to work and/or any limitations that might apply.
- P. Employees who due to their own medical condition are unable to return to work after expiration of their FMLA leave may request an unpaid extension of leave from the City Manager, who shall have the exclusive discretion to grant or deny the request. Subject to applicable law, leave in excess of twenty-six (26) total weeks will generally not be permitted by the City.
- Q. Employees, who fail to return to work, who fail to request an extension of unpaid leave, and/or who fail to contact the Department Director or HR Director with the reason for the inability to return, will be presumed to have voluntarily resigned after the expiration of their FMLA leave.
- R. During FMLA leave, the City will continue to pay its portion of the health insurance premiums and maintain the employee's coverage under the health plan in the same manner as if the employee had been continuously employed during the entire leave period provided the employee continues to pay his or her share of the premiums. If the employee does not return to work after the expiration of the leave, the employee will be required to reimburse the City for the City's portion of health insurance premiums during the family leave, unless the employee does not return because of the presence of a serious health condition which prevents the employee from performing his or her job or circumstances beyond the control of the employee. To avoid required reimbursement, appropriate certification from a health care provider may be required if the employee does not return to work because of a serious health condition.
- S. Should an employee fall into an unpaid status during an approved FMLA leave of absence, it is advised that they contact the Finance department to arrange payments for continuation of benefits for dependents.

8.2 Bereavement Leave.

If an employee wishes to take time off due to the death of an immediate family member in order to attend a funeral or memorial service, the employee must notify his or her supervisor immediately. Up to three workdays of paid bereavement leave will be provided to regular full-time employees per incident to attend a funeral or memorial service. As soon as practicable, the employee must complete the City's Bereavement Leave Application form which will be attached to the employee's timesheet and a copy placed into the employee's personnel file. Employees have up to thirty (30) days from the date of death of the immediate family member to utilize the Bereavement Leave provided the funeral/memorial services justify such or as approved by the City Manager in special circumstances. Employees are only entitled to bereavement leave every (30) days. Ex: if two eligible family members pass away within (30) days of each other, the employee is only entitled to the (3) days of bereavement pay.

Bereavement pay is calculated based on the base pay rate at the time of the absence and will not include any special forms of compensation. Approval of bereavement leave will occur in the absence of unusual operating requirements except as noted above. Any employee may, with the supervisor's approval, use available vacation leave for additional time off as necessary. Immediate Family is defined in Appendix A of this manual.

According to the Business Dictionary, your immediate family includes the following members:

- Spouse
- Parents
- Grandparents
- Children (adopted, half and stepchildren are included in this definition)
- Grandchildren
- Siblings
- In-Laws (mother, father, brother, sister, daughter and son)

8.3 Military Leave.

A. Military Reserve Leave for Training. Regular employees who are members of the reserve components of any branch of the United States Military Service, or the National Guard, are granted up to thirty (30) calendar days of paid military leave per year, for the purpose of participating in required annual training, ordered under the provisions of Florida Statutes Chapters 115 and 250, or training ordered under the provisions of the United States Military or Naval Regulations for such personnel when assigned to active or inactive duty. (Fire Department combat personnel on 24-hour shift are granted up to nine (9) shifts of paid military leave per year). Any additional military leave for training will require the use of vacation or be unpaid.

Except for emergency situations, it is the employee's responsibility to provide the Department Director with as much notice as possible in advance of the need for military leave with appropriate military orders. Department Directors must reflect military leave on the employee's daily attendance record.

B. Military Leave for Active Military Service. The City of Bowling Green, in an effort to support City Employees who serve our Country when called to active military service under Federal authority, provides for the following:

1. Employees on active military leave will receive full pay during the first thirty (30) days of continuous military service. All other benefits, remain in effect during this period.

2. Thereafter, and for a continuous period limited to six (6) months after the initial thirty (30) days, the City will supplement military pay, to the extent that the serving employee is made "whole". Being made "whole" constitutes the employee being paid the difference between his regular City salary and the total of military pay including base pay and any incentive pay. The employee must provide copies of payroll records to document military compensation.
 3. Employees whose military leave exceeds 31 days may elect to continue health insurance for themselves and their dependents, provided that they pay the full premium cost (both the employee and the City's share) for such coverage. Employees who elect not to continue their health insurance coverage may resume coverage under the City's group policy at the end of their active-duty period.
- C. Re-employment Rights Following Military Leave and Rights During Military Leave. Regular employees in "Reserve" or "National Guard" status who are ordered to active military service are entitled to certain considerations provided by existing Federal and/or State Law as follows:
1. Once an employee has furnished proof of "activation", a "Military Leave of Absence" will be granted for the required period of time.
 2. The city may replace the affected employee with a "temporary" employee until the affected employee completes the active duty and applies to return to his previous job.
 3. The returning employee must apply for reinstatement as follows:
 - a. If absent less than thirty-one (31) days, the employee will need to report to work on the next day after being released from active duty and the expiration of eight (8) hours after a period allowing for safe transportation of the employee from the place of military service to the employee's residence.
 - b. If absent more than thirty (30) days but less than 181 days, the employee must apply for reinstatement within fourteen (14) days after the completion of the military service. If submitting an application within fourteen (14) days is impossible or unreasonable through no fault of the employee, then an application for reinstatement, written or verbal, must be submitted on the next day when submission of the application becomes possible.
 - c. If absent more than 180 days, the employee has up to ninety (90) days to request reemployment after being released from active duty.
 4. Employees on military leave are entitled to accrue seniority and other rights and benefits determined by longevity on the same basis as if there was no break in employment
 5. Employees on military leave are entitled to accrue other non-seniority-based benefits in the same manner as employees on non-military leaves of absence.

8.4 Civil Leave.

- A. Civil Leave with Pay. An employee may be granted necessary time off with pay when:
1. Performing jury duty.
 2. When subpoenaed as a witness, when acting in an official capacity in connection with City business, or when testifying at the direction of the City Manager, or his/her designee.

3. When performing emergency civilian duty in connection with national defense as determined by the City Manager.

4. For the purpose of voting when the polls are not open at least two hours before or after the employee's scheduled hours of work. Time off with pay will be limited to two hours in this instance or the time necessary to vote, whichever is less.

B. Civil Leave Without Pay. If an employee is involved in a personal lawsuit not related to duties with the city, the employee has the option of using vacation leave or leave without pay.

8.5 Other Leave

- A. Meetings, Seminars. Employees may be granted leave with pay to attend meetings, seminars, courses and conventions related to the employee's work for the city when such attendance is authorized by the Department Director and approved by the City Manager.
- B. Educational Leave. Upon written request, an employee may be granted leave without pay for a period of up to a total of nine months, every five years, to further his/her education or seek specialized training that is applicable to their job duties with the City of Bowling Green. The five-year period commences with the first day taken off. Recommendation of the Department Director and approval of the City Manager are necessary. Each Department Director must weigh and determine each case on its own merits. Where possible, the employee's position will remain open until the Department Director determines that the long-term absence of the employee is creating a problem in maintaining the workload. In each case, the city will make a reasonable effort to return the employee to his former position or to a similar position of the same classification in another department. If no opening exists, the employee will be considered for future openings if application is made.

In the event of an approved educational leave of absence, the employee will no longer accrue vacation or sick leave, once all accruals have been paid out.

8.6 Leave of Absence Without Pay.

The decision to grant leave without pay is a matter of administrative discretion. Leaves of absence of up to three (3) months may be granted upon recommendation of the Department Director and approval of the City Manager. Directors must weigh and make a determination on each case based on its own merits. Where possible, an employee's position will remain open until the Director determines that the long-term absence of the employee is creating a problem in maintaining the workload.

In each case, the city will make a reasonable effort to return the employee to his former position while on leave of absence without pay.

Subject to the terms, conditions, and limitations of the applicable plans, health insurance benefits will continue until the end of the month in which the approved leave of absence without pay begins. At that time, employees will become responsible for the full costs of these benefits if they wish coverage to continue. When the employee returns from the leave of absence, benefits will again be provided by the City of Bowling Green according to the applicable plans.

An employee, or authorized representative, granted a leave of absence must keep the HR Department informed on a monthly basis of current activities while absent from work. An employee may not work

for any other organization during his or her leave of absence from the City of Bowling Green without the City's permission.

8.7 Domestic Violence leave

As provided by the Florida Statute 741.313 on Domestic Violence Leave, the City of Bowling Green grants paid leave (if accrued vacation or sick time is available) or, if accrued time is unavailable, unpaid leave for periods of authorized absence in accordance with the terms of this policy. An employee may not work for any other organization during his or her leave of absence from the City of Bowling Green without the City's permission.

Leaves of absence are available only to employees who have been on the City's payroll for a period of three (3) months.

Victims of Domestic Violence:

A leave of absence for a definite period of time, not to exceed three (3) days in any given twelve (12) month period, may be granted for the following reasons:

- A. To seek an injunction for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence, or sexual violence.
- B. To obtain medical care and/or mental health counseling to address physical or psychological injuries resulting from the act of domestic violence (for either the employee or family/household member).
- C. To obtain services from a victim-services organization.
- D. To make the employee's home secure from the perpetrator of domestic violence or to seek new housing or to escape the domestic violence perpetrator; or
- E. To seek legal assistance for issues concerning the domestic violence situation or to attend and prepare for court-related proceedings arising from the act of domestic violence.

Terms and Conditions of Domestic Violence Leave:

- A. Except in cases of imminent danger to the health or safety of the employee, or to the health or safety of a family/household member, an employee must give the City twenty-four (24) hours advance notice of their request for leave to their immediate supervisor.
- B. A leave of absence will be granted to the employee who has been a victim of domestic violence or who has a family or household member who has been a victim of domestic violence. Except in cases of imminent danger to the health or safety of the employee, or to the health or safety of a family/household member, a leave of absence will be granted upon request and if supported by sufficient documentation of the act of domestic violence including, but not limited to:
 - 1. Documentation or report by a law enforcement official.
 - 2. Documentation or report by a domestic violence shelter; or
 - 3. Documentation or report by a medical care or mental health professional
- C. An eligible employee may use accrued vacation or sick leave so that the leave is with pay otherwise unpaid leave is authorized under this policy.
- D. An eligible employee may take up to a maximum of three (3) days of leave in a twelve (12) month period under this policy.

The City will keep all information relating to employee leaves under this policy CONFIDENTIAL

SECTION 9 – OTHER EMPLOYEE BENEFITS

EFFECTIVE _____

9.1 Holidays.

- A. The following holidays, and any other days declared by the City Commission on a one-time basis, are observed by the City of Bowling Green:
- New Year's Day January 1
 - Good Friday
 - Memorial Day Last Monday in May
 - Independence Day July 4th
 - Labor Day 1st Monday in September
 - Veteran's Day
 - Thanksgiving Day
 - Thanksgiving Friday
 - Christmas Eve December 24th
 - Christmas Day December 25th
- B. When a City holiday as designated in Section 9.1 (A), falls on a Saturday the preceding Friday may be declared a holiday by the City Manager. When such holidays fall on a Sunday, the following Monday may be declared a holiday by the City Manager.
- C. All regular full-time, non-bargaining unit employees, including shift employees, receive eight (8) hours of Holiday pay at their regular straight time hourly rate for City observed holidays. These hours will be considered hours worked for payroll purposes. All City observed holidays must be taken as time off or paid in the same pay period as observed by the city.
- D. Employees assigned and scheduled to work on a holiday or who are called in to work and who in fact do work on the holiday, will receive pay at their regular straight time hourly rate for all hours worked that day plus eight (8) hours pay for the holiday. An employee who is scheduled to work on the holiday and who calls in sick will be charged with sick leave time for that day and will forfeit Holiday pay and may be subject to disciplinary action.
- E. Eligible employees on scheduled vacation leave or annual military leave will be paid eight (8) hours of Holiday pay for the City observed holiday and the day will not be charged against vacation leave accrual.
- F. Employees whose normally scheduled day off falls on a city observed holiday receive eight (8) hours Holiday pay. These hours will be considered hours worked for payroll purposes.
- G. To be eligible to receive pay for a city observed holiday, an employee must have actually worked on both their last scheduled workday or shift before and their workday or shift after the City observed holiday unless the absence is authorized.
- H. Regular intermittent and temporary employees are not eligible for Holiday pay, however, if assigned and scheduled to work on a holiday or are called in to work and

in fact do work on the holiday, will receive pay at time and a half for all hours worked that day.

- I. Regular part-time employees as defined in Section 4.2 (A) will be paid for those hours normally worked if their normal work schedule falls on a City holiday and if their normal work location is closed during the holiday, and they meet the eligibility requirements in Subsection (G) above.
- J. No eligible employees whose normal work week is forty (40) hours will be paid less than forty (40) hours due to an observed holiday.

9.2 Vacation Leave

This leave is intended to be used to provide employees with a proper period of rest and relaxation. Department Directors must make every effort to ensure that vacation leave is used by all employees on a current yearly basis. No employee may accrue more than four hundred (400) hours of vacation leave.

- A. Regular Full-time Employees. Regular full-time employees accrue paid vacation leave according to the following schedule.

Vacation Accrual as of October 2012 as approved by the commission on 10/09/2012

1 Year-40 Hours at anniversary or 3.3334 monthly up to anniversary (can't be used until 1 year).

1 year+ - 9yrs- 6.667 hours monthly for a total of 80 hours a year.

9 years + - 19yrs -10 hours monthly for a total of 120 hours a year.

19 years + - 29yrs -13.3334 hours monthly for a total of 160 hours a year.

29 years + - 16.667 hours monthly for a total of 200 hours a year.

**Employees can only accrue up to the total for years of service and excess hours will be lost if not used.

- B. Other Employees. Regular part-time, intermittent, and temporary employees do not earn vacation leave.
- C. Initial Introductory Period. During the initial introductory period new employees are credited with vacation leave but are not permitted to use it prior to the completion of their introductory period. Introductory period employees who are terminated or who resign prior to completing the initial introductory period will not be paid for any accrued vacation leave.
- D. Scheduling. The dates for the taking vacation leave must be scheduled in consultation with and approval by the employee's supervisor or Department Director. In cases where the requested vacation schedules of two or more employees would adversely affect the efficient operation of the city, vacation Leave will be granted on the basis of seniority of City employment.
- E. Holiday During Vacation. City observed holidays that occur during the taking of an employee's authorized vacation leave will not be counted as a day of vacation leave.
- F. Leave Without Pay. An employee does not earn vacation leave when on a leave without pay. Vacation accrual will be pro-rated based on regularly scheduled hours worked or paid within a pay period.

- G. Minimum Hours. Employees may use vacation leave in units of not less than 1/4 hour, subject to the approval of the Department Director. At no time will usage of vacation leave put an employee beyond his/her regularly scheduled hours for the workweek.
- H. Notice. Department Directors must receive approval by the City Manager in advance of their intended vacation leave to coordinate key personnel absences and to insure the efficient operation of City services.
- I. Termination. Upon termination other than involuntary separation, an employee may, with City Manager approval, be compensated for all earned but not used vacation leave at the employee's final rate of pay. Generally, unless otherwise directed by the City Manager, this pay off will be subject to the accumulation limit of four hundred (400) hours and will require that the employee give the City a two (2) week notice and work the notice period.
- J. Death. In case of death of an employee, unused vacation leave will be paid to the employee's beneficiary as designated in the employee's life insurance enrollment card.

9.3 Sick Leave

Regular full-time employees earn sick leave with pay to use in case of absences resulting from illness, injuries, accidents, or other physical incapacity occurring off the job. No employee will be permitted to use sick leave for any period spent on unauthorized leave. Sick leave may also be used for medical, dental and/or vision appointments, provided that at least one day's notice is given to the immediate supervisor.

- A. Amount of Sick Leave. Regular full-time employees earn (8) hours of sick leave each month. This is the equivalent of ninety-six (96) hours per year. Sick leave accrual is pro-rated based on regularly scheduled hours worked or paid within a pay period. No employee may accrue more than four hundred and eighty (480) hours of sick leave.
- B. Regular part-time, intermittent, and temporary employees do not earn sick leave.
- C. Any absence for a fraction or part of a day that is chargeable to sick leave will be charged in increments of not less than one-half (1/2) hour. At no time will usage of sick leave put an employee beyond his/her regularly scheduled hours for the workweek.
- D. Notification to be eligible for paid sick leave an employee or his/her designee, must notify the employee's immediate supervisor with the reason for the absence. This must be done no later than one (1) hour before the beginning of the first workday for which sick leave is being sought.
- E. Termination of Employment. An employee with ten (10) or more years of service is paid twenty-five percent (25%) of accumulated sick leave, at the employee's final rate of pay, upon termination of employment. Generally, unless otherwise directed by the City Manager, payment of these hours will require the employee giving the City two (2) weeks advanced notice and working during the noticed period.
- F. Use. Sick leave is a privilege to be used only when needed and is intended for bona-fide illness, medical and/or dental appointments. The city may, at any time, request medical verification of any absence before authorization of sick leave benefits. The city may also require a physical check-up by a city designated physician, to verify "fitness for duty" in instances of habitual sick leave absence.
Habitual or routine use of sick leave will require written verification from a medical professional. Situations that qualify under FMLA will be handled in accordance with the law.
- G. Family Leave. The City acknowledges the support given to employees by family members. Accordingly, employees may use accrued sick leave to care for legal dependents and

spouses. Provisions for prolonged absences stated above in subsections (D) and (F) are applicable to absences for family member illnesses.

- H. Abuse. Intentional falsification of sick leave requests or abuse of the privilege will be considered as cause for disciplinary action up to and including termination of employment.
- I. Borrowing Sick Leave. Borrowing or advancing sick leave is not permitted.
- J. Application. This sick leave policy applies to all non-bargaining unit employees and may not be waived, altered, or changed without the approval of the City Manager.
- K. The City Manager may authorize sick leave donations to a needy employee on a case-by-case basis, however, only employees on authorized FMLA leave (maternity/paternity FMLA included), unless otherwise authorized by the City Manager, are eligible to receive sick leave donations provided their department director recommends such to the City Manager based on the employee's nonabuse of sick leave.

9.4 Direct Deposit

The city encourages employees to participate in the direct deposit program. This program allows an employee's net pay – that is, wages less mandatory and employee authorized deductions, to be deposited to the employee's bank account so that funds are available for withdrawal or transfer on the scheduled payday.

Employees may have their paychecks deposited directly to any bank, credit union and/ or savings institution in the Federal ACH system. Employees receive a direct deposit earning statement each payday. Direct deposit earning statements include the same pay information that would be included in a paycheck stub – for example, tax deductions. Information and forms are provided during the initial orientation of a new employee and are also available from the Finance Department.

9.5 Group Insurance Coverage

All regular full-time employees are eligible for coverage under our group policies for medical, life, and dental insurance. These insurance programs, and degree of participation, are subject to change. Current coverage particulars are provided during new employee orientation and are available from the HR Department. Insurance coverage becomes effective the first day of the month following the day of hire. There is no charge to the employee for self-coverage. Employees who elect Dependent coverage pay a weekly amount.

9.6 COBRA

The federal Consolidated Omnibus Reconciliation Act (COBRA) gives eligible employees and their qualified beneficiaries the opportunity to continue medical and dental insurance coverages under the City of Bowling Green plans when a qualifying event would normally result in the loss of eligibility.

Some common qualifying events are resignation; termination of employment or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at City of Bowling Green group rates.

The HR department provides eligible employees and their dependents with written notice describing rights granted under COBRA, when the employee becomes eligible for coverage under the City's medical

and dental plans and at termination of employment. The notice contains important information about the employee's rights and obligations.

Eligible employees or their dependents, which become eligible for COBRA, have sixty (60) days from the qualifying event to elect continuation of coverage. Further details and necessary forms are available from the Human Resources Department.

**The city is no longer implementing the sick leave program effective the date of this personnel policies effective date. Employees will have the option to donate sick or vacation time to fellow employees.

9.7 Retirement Program

The City of Bowling Green provides a retirement plan for all eligible employees, to provide income after retirement. In addition, an employee may elect to have payroll deductions made to a voluntary deferred compensation plan. Details of the plans are provided during new employee orientation and are also available from the HR Department.

9.8 Training

City employees are encouraged to participate in training opportunities that will enhance job skills and knowledge. Because of this and based on fund availability, the City will pay for training opportunities that come up throughout the year.

- A. These training opportunities may include conferences, seminars, and individual courses offered by vendors or various professional or educational institutions and associations.
- B. Authorization for training is granted by the Department Director and approved by the City Manager. At the recommendation of the Director, an employee may be allowed to attend a training opportunity during normal working hours. Once the City Manager authorizes a training opportunity, the city will pay convention, conference, or training course registration fees.
- C. If an hourly employee is REQUIRED to attend special training sessions after regularly scheduled working hours, the employee will be paid overtime if hours worked, and time spent in training, equal more than forty hours in the applicable workweek otherwise the training time will be paid at the straight-time rate.
- D. This does not include course work required by the State or Federal Governments for certification purposes or voluntary attendance to training opportunities offered by the city.

9.9 Workers Compensation

In the event of a work-related injury or illness, employees are required to immediately report the incident to his/her immediate supervisor or Department Director. The employee and supervisor must complete and sign an "Accident/Incident Report, Form 889-1" and send it to the Risk Manager by the end of the work shift by fax, email, or interoffice mail. If the employee requires medical treatment, a supervisory employee must take the injured employee to the medical facility. Authorization for medical treatment can be given by the supervisory employee completing the "Authorization to Treat" form 889-2.

- A. Light duty assignments are made in accordance with the City's light duty policy.
- B. Medical payment, review of treatment needs, temporary position changes, and record keeping requirements are coordinated through the City's Risk Manager or HR Director.

Questions or concerns about coverage must be forwarded to the Risk Manager or HR Director for proper handling.

SECTION 10 – EMPLOYMENT RELATIONSHIP

10.1 Employment Contracts.

Employment contracts are subject to the approval of the City Commission.

10.2 City Manager and City Attorney

The City Manager and the City Attorney shall serve at the will and pleasure of the City Commission as an employee of the City as well as in the position under a contract of employment approved by the Commission.

10.3 All Other Employees.

All employees of the City not covered by one or more Paragraphs above, shall be subject to all forms of disciplinary action, including termination of their employment, at the will and pleasure of the appointing authority.

10.4 Discipline.

- A. The purpose of discipline is to ensure high standards of performance and efficiency, to maintain good working relationships among employees and to provide the residents of our city with the highest possible level of courteous and professional public service.
- B. Discipline in the City organization is for the most part "self-discipline." It is the duty of employees to make conscientious effort to work and behave in accordance with the values, service standards, rules and regulations of the City and the department where they work. Each employee is expected to be self-disciplined and to work hard at being the best at what he or she does and in helping the city provide a high level of public service. When an employee does not exercise adequate self-discipline or is not successful in meeting the requirements of the job, it may be necessary for the Department Director or supervisor to consider disciplinary actions to correct the problem.
- C. It is the hope of the City that effective supervision and employee relations will avoid most difficulties which otherwise might necessitate discipline of employees. However, when disciplinary action becomes necessary, the city recognizes the fact that each situation differs in many respects from others that may be similar in some ways. Thus, the City retains the right to treat each incident on an individual basis without creating a precedence for other cases which may arise in the future as to a particular employee or group of employees and to determine the appropriate discipline in every matter on a case-by-case basis.

10.5 Authority to Discipline.

Department Directors are responsible for the conduct and effective performance of all employees under their jurisdiction and have the authority and responsibility to discipline employees in accordance with these Personnel Policies and Procedures manual provided, however, termination of full-time employees shall be subject to the approval of the City Manager.

10.6 Forms of Discipline.

- A. The city recognizes the following forms of discipline:
 - 1. Verbal Warning
 - 2. Written Warning
 - 3. Suspension with or without pay
 - 4. Demotion
 - 5. Combination of above
 - 6. Termination of employment

10.7 Corrective Action/Disciplinary Procedure

- A. It is the policy of the City that all employees are expected to comply with the City's standards of behavior and performance and that any noncompliance with these standards must be remedied.
- B. General Provisions:
 - 1. Under normal circumstances, the City endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. The City does, however, retain the right to administer discipline in any manner it sees fit and to modify or delete these procedures at its sole discretion.
 - 2. Corrective action is typically warranted when an employee is not meeting City standards of attendance, performance, or conduct (attitude or human relations).
- C. Disciplinary Procedures: Facts and circumstances surrounding the incident or violation shall be carefully considered before taking any formal disciplinary steps. In all cases of formal corrective action and/or discipline taken, Human Resources should be contacted to ensure appropriate action steps are taken.

1. Verbal Warning

The intention of a verbal warning is to re-establish expectations, goals, and/or objectives. Supervisors who identify that an employee is not meeting expectations shall discuss the situation with the employee, to include the action necessary to correct the problem. Supervisors should document the conversation and keep that documentation as backup for the employee's annual performance evaluation. Supervisors may use a counseling form or use a standard memorandum to document the verbal warning.

2 Written Warning

A written warning is formal documentation of an incident or violation of expected performance and/or behaviors, usually taken place after a verbal warning has been given. Supervisors may use a Counseling Form or may use a standard memorandum to document the warning. A copy shall be given to the employee and another copy forwarded to Human Resources for inclusion in the employee's file.

3 Suspension

Prior to any suspension being initiated, Human Resources shall be contacted. Human Resources will assist the department in determining whether a suspension is appropriate, and aid in determining the duration of the suspension. Employees in exempt positions may be suspended for as little as one day, if needed. The employee's immediate supervisor, with the approval of the department/division director or designee, shall notify the employee in writing of the proposed corrective action using the Counseling form, and explain the reasons and circumstances relevant to the proposed corrective action.

After the employee is given a reasonable opportunity to review the Counseling Form with its notification of accusations/charges, usually twenty-four (24) hours, the immediate supervisor and/or department/division director or designee will hold a meeting giving the employee an opportunity to explain his/her version of the facts surrounding the accusations/charges. The employee may do this in writing or orally. The employee may bring another City employee to act as a representative or witness who voluntarily wishes to attend the meeting. Following this meeting, a final decision will be made. The Counseling form noting the final decision and the length of the imposed suspension, if upheld, shall be completed and a copy given to the employee and another copy forwarded to Human Resources for inclusion in the employee's file.

In situations where the employee's presence creates, in the City's opinion, a hazard to property, employees, the public, or otherwise interrupts the operations of the City; the employee may be immediately placed on administrative leave without pay. The immediate supervisor and/or department/division director or his designee shall then contact Human Resources to determine future action to be taken.

4 Decision Making Leave

In certain situations, a supervisor may elect to use the decision-making leave as the final step in the corrective action process. During this process, an employee is given time off of work with pay, usually for one day, where they will decide if they are willing to make a commitment to the city. If the employee wants to re-commit to the city, they will sign a letter of commitment and/or last chance agreement. If they are not willing to make this commitment, they will leave the city; a severance package may or may not be offered. In all cases, Human Resources shall be consulted before beginning this process.

5 Demotion or Termination

Prior to a demotion or termination being initiated, the immediate supervisor and/or department director or designee will conduct a formal investigation if applicable and Human Resources shall be contacted. Human Resources will assist the department in determining whether demotion or termination is appropriate and will consult with the City Attorney and City Manager. The employee shall be notified in writing of the proposed discipline action using the Counseling Form and a Notice of Discipline Meeting memorandum issued by the Human Resources Director. Notice shall be complete upon either management personally handing it to the employee or mailing it to the employee's address as contained in the City personnel file. In the case of a termination recommendation, the employee shall immediately be placed on administrative leave without pay, for at least twenty-four (24) hours, until the time of the meeting described below, allowing the employee reasonable opportunity to review the accusations/charges in the Counseling Form.

The immediate supervisor and/or department director or designee and Human Resources Director will hold a meeting, normally within three (3) to five (5) business days of the notice, to give the employee an opportunity to explain his/her version of the facts surrounding the accusations/charges. The employee may do this in writing or orally. The employee may bring another City employee who voluntarily wishes to attend the meeting to act as a representative or witness. Following this meeting, a final decision will be made. A Counseling Form noting the final decision shall be completed and provided to the employee and another forwarded to Human Resources for inclusion in the employee's file. If the employee is placed on administrative leave without pay, all terms and conditions of employment shall continue pending final decision and the action effectively taken.

D. Appeal Process

The employee may appeal a formal disciplinary action to the City Manager or his/her designee within seven (7) calendar days after notice of the disciplinary action. Any appeal must be in writing and must set forth the reasons why the employee desires that the action should be reviewed.

Upon receipt of a timely appeal, the City Manager or his/her designee shall arrange a meeting with the employee, at which the Department Director may be required to attend. The City Manager or his/her designee shall consider the evidence and testimony and make a decision which shall be final and binding on all concerned.

In the event an appeal is filed which involves two (2) or more employees being involved in the incident, the City Manager may rule that the appeal be consolidated for hearing and decision.

10.8 Types of Offenses

Listed below are example offenses for which City Employees may be disciplined up to and including termination. Nothing herein shall be construed to limit disciplinary action to the sample offenses enumerated below. The City of Bowling Green is an employment-at-will employer and reserves the right to terminate an employee for any reason.

1. Quitting work, wasting time, loitering or leaving assigned work area during working hours without permission.
2. Excessive tardiness and/or absenteeism, which disrupts departmental operation regardless of the reason unless allowed by applicable law such as the FMLA.
3. Taking more than allowable times for meal or rest periods.
4. Unacceptable, inefficient productivity or competency.
5. Sleeping on the job unless authorized to do so.
6. Reporting to work or working while unfit for duty, either mentally or physically, unless the condition is a disability in which case the matter will be dealt with in accordance with applicable law.
7. Violating a safety rule or practice
8. Engaging in horseplay, scuffling, wrestling, throwing things, malicious mischief, distracting the work of others, catcalls, or other disorderly conduct.

9. Failure to report the loss or damage of City equipment or other City property entrusted in the employee's custody.
10. Failure to keep the city and department notified of the employee's current proper address and telephone number.
11. Gambling, lottery or engaging in any other game of chance, while on duty, or that brings disrepute upon the City, or not authorized by the City Manager.
12. Violation of published City or departmental policies, rules, standard, orders, operating procedures or regulations, or code of conduct.
13. Unexcused tardiness or absence.
14. Violation of the Standards of Conduct.
15. Not wearing required safety clothing or equipment.
16. Conviction of a felony.
17. Abuse of leave privileges.
18. Use of official position for personal advantage.
19. Deliberately or negligently misusing, destroying, losing or damaging any City property or property of an employee.
20. Falsification of personnel, City, or Departmental records, including employment applications, accident records, work records, purchase orders, time sheets, or any other report, record, or document.
21. Making false claims or intentional misrepresentation in an attempt to obtain sickness or accident benefits, workers' compensation, or any other benefit.
22. Insubordination or the refusal to perform work assigned, or to comply with written or verbal instructions of their Supervisor, Director or the City Manager.
23. Use or possession or display of explosives in City buildings or property unless authorized.
24. Removal of City property or any other employee's property from City locations without proper authorization, including theft of City property or any employee's property.
25. Failure to return at the end of an authorized leave of absence.
26. Concerted curtailment, restriction of production, or interference with work in or about the City's workstations including, but not limited to, instigating, leading, or participating in any walkout, strike, sit down, stand-in, slowdown, or refusal to return to work at the scheduled time for the scheduled shift.
27. Absent without permission or leave (AWOL).
28. Acceptance of a gift, service, or anything of value in the performance of duty or under any other circumstances where the employee knew or should have known it was given with an expectancy of obtaining a service or favored treatment.

29. Possession, use, sale, attempt to sell, or procure illegal controlled substances at any time whether on or off City property or whether on or off duty; and use, sale or attempt to sell or procure alcoholic beverages while on duty, on City property, or while operating or riding in or on City equipment.
30. Refusal to fully and truthfully cooperate in an investigation conducted by or at the direction of the city.
31. On or off the job conduct which adversely affects the ability of the employee to perform his duties and/or adversely affects the efficient operation of the city government or any department, division, or area of City government.
32. Discourteous, insulting, abusive, or inflammatory language or conduct toward the public or co-workers.
33. Improper comments, harassment or violent acts based upon a protected status and directed to any City employee or the general public.
34. Threatening, intimidating, coercing, bullying, or interfering with fellow employees or supervision at any time.
35. Provoking or instigating a fight or fighting while on duty.
36. Unauthorized personal use of the City's exempt tax number for any reason.
37. Accepting a bribe or gratuity, committing an illegal act or accepting a gratuity for performing the normal duties as a city employee.
38. Failure to report in writing an offer of a bribe or gratuity, to permit, ignore, allow, or commit an illegal act.
39. Communicating or imparting confidential information either in writing or verbally to any unauthorized person.
40. Refusal to sign an acknowledgment of receipt of disciplinary action.
41. Failure to possess and maintain a current and valid state motor vehicle operator's license, if driving a vehicle is required by the city as an essential part of the employee's job.
42. Failure to immediately report an arrest or conviction of a DUI or DWI to the City when driving a vehicle is or may be required of the employee.
43. Loss of a license or certification required by the City, the State or other governmental entity to perform the job for which the employee is assigned.
44. Failure to return to light duty when assigned to do so.
45. Disclosure of medical information which violates HIPAA regulations and other laws.
46. Failure to immediately report an on-the-job accident or personal injury.
47. Theft and/or embezzlement and/or extortion.

The above list does not include all the reasons for which an employee may be subject to disciplinary action, but as stated earlier, is intended to provide examples of inappropriate conduct.

10.9 Suspension Pending Resolution of Criminal Charges

In the event an employee is charged with any crime, the employee may be suspended with or without pay. At any time, the City Manager shall have the option of taking disciplinary action based on his/her own investigation without regard to the existence, status, or final disposition of the criminal charges.

The City Manager may elect to wait until the criminal proceeding, or a particular phase thereof is concluded before considering disciplinary action. In such a case, the City Manager may take the resolution of the criminal proceeding, or phase thereof, under consideration but shall not be bound thereby and shall make a determination as to the facts and the appropriate disciplinary action, if any.

If an employee charged with a crime is found not guilty by a judge or jury, and the City Manager determines no disciplinary action is warranted, the City Manager will determine whether the employee will be reinstated or reemployed and what other relief, if any, the employee shall be afforded.

SECTION 11 – SEPERATIONS FROM EMPLOYMENT

Separations and/or termination from positions in the service of the city are designated as one of the following types:

11.1 Voluntary Separations

An employee who terminates employment voluntarily may be terminated in good standing, providing the employee gives a minimum of two (2) weeks written notice to the Department Director or immediate supervisor. Under appropriate circumstances, the employee's Department Director or City Manager may approve a shorter period of notice.

Resignations should be submitted in writing and provide an effective date. For record purposes, regardless of the date on the resignation letter, the effective date of the termination will be the last day of the employee's active employment with the City. The original must be signed and accepted by the Department Director, or designee, and forwarded to the HR director.

Unauthorized absence from work for a period of three (3) consecutive days shall be considered a voluntary separation unless there is acceptable mitigation as determined by senior management. Actions of this nature must be reported immediately to the HR Director by Department Directors.

11.2 Retirement

Retirement is voluntary separation from the employment of the City upon completion of a specified term of service with entitlement to the commensurate benefits then in effect, as specified in the Retirement Plan Regulations. Retirement regulations and benefits will conform to the provisions of the retirement plan in effect at the date of retirement.

An employee planning to retire is advised to contact the HR Department at least six (6) weeks in advance of retirement to assure a smooth transition.

11.3 Health.

If disability of any kind is discovered and it impairs the employee's ability to perform the essential functions of the job or makes continuance on the job a direct threat to the safety or welfare of the employee or others, the city may request that the employee be examined by a city selected physician. The following action shall be taken:

- A. An employee may be separated for disability because of a physical or mental impairment when he/she cannot perform the essential functions of the job with reasonable accommodation as determined by the city. In all cases, the decision to separate must be supported by medical evidence acceptable to the City Manager. The city may require an examination at its expense and performed by a physician of its choice.
- B. If the employee cannot be accommodated to perform the essential function of his or her job, the city may attempt to place the employee in another vacant position that the employee can perform with or without a reasonable accommodation.
- C. In accordance with provisions of the Americans with Disabilities Act (ADA), employees will be provided reasonable accommodation for qualified disabilities provided the accommodation does not cause an undue hardship on the City as determined by the City.

- D. The City reserves the right at any time to require an evaluation of employees to verify their fitness for duty whenever a reasonable belief based on objective evidence exists to question such fitness for duty. The failure to cooperate is considered insubordination.

11.4 Death

For record keeping purposes, separation shall be effective as of the date of death. All benefits due to the employee as of the effective date of separation will be paid to the beneficiary as designated by the employee on the "Life Insurance Beneficiary Designation Card" on file with the HR Department.

11.5 Reduction in Force and Recall

- A. **Reduction in Force** - The City may reduce the number of employees because of lack of funds, shortage of work, and the abolition of a position, City Manager's prerogative, or other causes which do not reflect discredit on the service of the employees. The duties performed by any employee laid off may be reassigned to other employees already working who hold positions in appropriate class(es).
- B. **Position Elimination**- When a position is permanently eliminated, the City Manager may follow the Layoff protocol listed below, or make a managerial determination based on the department director's recommendation, efficiencies, and needs of the department(s) affected.
- C. **Order of Layoff** - When it becomes necessary to reduce the number of employees due to lack of funds, shortage of work, or other causes that do not reflect discredit on the service of employees, the City Manager shall lay off on the basis of the following factors:
 - 1. Job Classification
 - 2. Training, experience, education, special skills and abilities.
 - 3. Performance evaluation for the past three (3) years.
 - 4. Length of service with the department.
 - 5. Length of service with the city

In addition to weighing the above factors, targeted positions will be laid off in the following order of appointment:

- 1. Emergency, temporary, provisional, regular intermittent or regular part-time employees.
- 2. Introductory period employees (new).
- 3. Regular full-time employees
 - a) Any employee who is laid off will be compensated for accrued wages and personal leave, as provided for in this manual.
 - b) Employees on layoff status have preference to recall. In the event of a recall, employees are called back in the inverse order of the layoff.

- c) In the event an employee is to be recalled, the City will notify him/her by certified mail, return receipt requested, not less than fourteen (14) days prior to the date he/she is to report for duty.
- d) Failure of an employee to keep the city informed of his/her current address will relieve the city of all responsibility with regard to the notification time frame.
- e) The employee must contact the HR Department within three (3) days of the date that he/she receives the recall notice and will inform the City whether or not he/she intends to return to work.
- f) An employee who fails to contact the HR Department within three (3) days of receipt of the recall notice, or later fails to report to duty as scheduled will be considered to have voluntarily terminated his/her employment with the City, unless the employee has notified the HR Department of the inability to return to work as scheduled and has been excused from duty by the City Manager.

11.6 Involuntary Separation.

Involuntary separation is defined as an employee's separation from employment with the city when such separation is initiated by the city. Terminated employees will not be eligible for rehire and will lose all seniority and reinstatement privileges.

Employment with the City is "at will". Any reason deemed sufficient by the City Manager may form the basis for involuntary separation, if not prohibited by law.

11.7 Exit Interviews

It is the desire of the city to determine why employees leave City employment. Therefore, the HR Department, prior to the departing employee's last day of active employment, will conduct an exit interview.

This program has been established to determine the causes of and possible solutions for turnover within the work force. Exit interviews, when possible, will include discussion of COBRA eligibility and will be scheduled by the HR Department in cooperation with Department Directors.

11.8 City Property.

At the time of separation, and prior to receiving final monies due, all records, books, assets, uniforms, keys, tools, and other items belonging to the city that are in the employee's custody must be transferred to the department. The Department Director accepting the employee's resignation must make certification to this effect. Any monies due the city may be collected through appropriate payroll action.

11.9 Pay on Termination

- A. Employees who are involuntarily separated from employment with the City are not eligible to receive payment of any accrued benefits such as vacation and sick leave unless otherwise directed by the City Manager.

- B. Employees who are separated from employment during the initial employment introductory period forfeit rights to any accrued benefits, including vacation and sick leave
- C. Upon separation from the city, the city will stop direct deposits and the employee will be issued a paper check that is mailed to the last address on file with the city. This will be done once notification from their direct supervisor that all city equipment and uniforms have been returned

SECTION 12 – CODE OF CONDUCT

EFFECTIVE _____

12.1 Policy

- A. To an unusual extent and in a special way, employees in the city organization are "Good Will Ambassadors". Such status involves a degree of duty and obligation regarding public and private conduct which is not common to other classes of employment. The attitude and deportment of a city employee should at all times be such as to promote the good will and favorable attitude of the public toward the City, its programs, and policies.
- B. All employees are encouraged to develop skills and seek formal training that will enhance their personal development and add to the overall expertise of the organization.
- C. It is the policy of the City to expect from employee's compliance with these PRR, state statutes, federal regulations and departmental rules in the performance of duties, as well as compliance with all safety rules and standards. An employee who violates any of the Standards of Conduct, departmental rules, or the PRR shall be subject to disciplinary action.

12.2 Conflict of interest.

- A. Employees in a position to influence actions and decisions of the City or Member of the managerial staff shall refrain from relationships which may adversely affect the exercise of their independent judgment in dealing with suppliers of goods or services and other persons not employed by the City.
- B. Employees shall not accept loans, advances, gifts, gratuities, or favors from a supplier, bidder, or other person doing business with the City
- C. An employee shall not use his position with the City to obtain or attempt to obtain any special preferences, favors, privileges or exemptions for himself or for any other person.

No employee shall disclose confidential information gained by reason of his official position with the City except in and as a part of his normal duties as a City employee; nor shall such employee use such confidential information not available to the public for personal gain or benefit.

When an employee has or anticipates creating a business relationship with another person, partnership, firm, corporation, or other business entity which does or seeks to do business with the City, or any division thereof, the employee shall advise the Department Head in writing as soon as that relationship is known. Failure to do so and advise the Department Head may result in immediate termination.

The Department Head will determine whether there is a conflict of interest or a potential conflict of interest and direct the employee's activities in such a way that the conflict of interest no longer exists. The Department Head's determination as to whether there is a conflict of interest, or a potential conflict of interest and the actions required by the Department Head of the employees

shall be subject to review under Section 12 or 13 depending on whether disciplinary action is involved.

12.3 Conduct

City employees are expected to demonstrate prompt, courteous, fair, and honest treatment to all citizens and fellow employees. High standards of personal conduct and integrity are essential to good service and are expected of each employee.

12.4 Code of Ethics.

To avoid misunderstandings and conflicts of interest all employees will adhere to the following policy. This policy is in accordance with Section 112.311 through 112.326, Florida Statutes, entitled "Code of Ethics for Public Officers and Employees".

12.5 Political Activity.

- A. No employee, official, or other person shall solicit, orally or by letter, or be in any other manner coerced in obtaining contributions or services for any political party or candidate from any employee during his/her hours of work with the City.
- B. Nothing in this policy is to be construed to restrict the right of an employee to hold membership in and support a political party; to vote his/her choice; to express opinions on all political subjects and candidates; to maintain political neutrality; to attend political meetings after working hours; or to campaign actively during off-duty hours, in all areas of political activity.
- C. Any City employee who wishes to accept appointment to a political office or seek election to a City office, except those employees who are exempt pursuant to Section 99.012, Florida Statutes, must resign from City employment upon indicating such intention by formal declaration or other evidence of candidacy.

12.6 Pecuniary Interest.

As stewards of the public trust, all City employees must use the powers and resources of the City, entrusted to them by the public, to further the public interest and not for any personal gain or financial benefit. Therefore, City employees:

- A. Shall not accept benefits of any sort, under any circumstances, which is intended to influence a pending or future decision of such employee.
- B. Shall not engage in outside employment or financial transactions of any kind with any person, entity, firm, or corporation doing business with the City when such transactions constitute a conflict of interest.
- C. Should seek guidance, for their own protection, by submitting the details of questionable situations, in writing, to the City Manager before engaging in such questionable activity.

12.7 Conflicting Employment/Contractual Relationships.

- A. Secondary employment or contractual relationships are permitted to the extent that they do not constitute a conflict of interest and do not interfere with the employee's job performance with the city.
 - 1. The Department Director or their designee must be notified of any outside employment. Notification must state the type of employment, the hours of work, the name of the prospective employer and the place of employment.
 - 2. Any employee wishing to accept outside employment must understand that City employment is considered the primary employment. The employee must make arrangements with the outside employer to be relieved from duty if called for service by the city.
 - 3. Employees sustaining injuries while engaged in outside employment are ineligible to receive benefits under the City's workers' compensation plan.
 - 4. Equipment or facilities, vehicles and/or property of the City are not to be used by employees for outside employment.
- B. City employees who participate in deciding, approving, recommending, or preparing purchase or procurement requests, or influence the content of any specification or procurement standard, or render advice in the procurement or purchase of contractual services, (as that term is defined in Section 287.012(7), Florida Statutes), may not work for any person or entity attempting to engage in or engaging in contractual services with the City.
- C. City employees, acting in an official capacity, shall not directly or indirectly procure or substantially participate in the procurement of contractual services for the City from any business entity when a relative (as that term is defined in Section 112.312(21), Florida Statutes) is an officer, partner, director, or owner or when such employee, spouse, or child has a material interest in said business.

12.8 Disclosure of Information.

Employees must at all times be courteous, friendly, and helpful to members of the public and co-workers seeking information. Unless the release of information is a normal part of the employee's duties, the employee will decline courteously to reveal information and will direct the inquiry to the Department Director or City Manager. Media requests will be forwarded to the City's Public Information Office.

12.9 Personal Mail/Calls/Visitors.

The city is not in the position to handle and/or distribute the personal mail of its employees. We ask that employees advise correspondents or businesses that personal mail be delivered to their home address. City stationary or postage is not to be used for personal business. The receiving and making of personal telephone calls and the receiving of personal visitors during work hours are strongly discouraged.

12.10 Dress and Appearance.

Dress Code Guidelines:

Dress and good personal grooming and hygiene standards are key parts of the business image we show to all of our citizens, guests, and visitors. This guideline is intended to assist all employees with a

professional image while taking advantage of the more casual and relaxed business dress codes currently in effect throughout many businesses. Business casual attire is required at all times for City employees, and employees should present a neat and businesslike appearance during working hours unless exempted by their Department Director.

Business casual attire includes but is not limited to the following: appropriate attire for men includes a dress shirt or a polo shirt worn with dress slacks. Women may wear a dress, skirt, dress capri's or dress slacks with a polo shirt, blouse, sweater, or jacket.

All employees attending City Commission meetings who will make a presentation during the meeting should wear business attire or appropriate uniform.

Employees are prohibited from wearing inappropriate clothing. Employees must wear shoes that are appropriate for an office setting. All attire must be clean, without stains or soil marks. Examples of inappropriate clothing (unless part of a written department uniform guideline) include, but are not limited to:

- Denim slacks and jeans.
- Jogging suits, wind suits, or workout clothing.
- Shorts, beachwear, T-shirts, halter-type, sheer, midriff, spaghetti straps.
- Slippers, ballet shoes, athletic sneakers, rubber thong sandals, or flip flops; • Shirts with revealing necklines, bare backs, bare midriffs, strapless tops/dresses, tube tops, or tank tops.
- Blouses that do not cover all under garments.
- Excessively tight or revealing garments (stretch pants, spandex, leotard tops, etc.).
- Overalls, jumpsuits and cargo pants, parachute pants or other baggy loose-fitting pants, camouflage, fatigues, or other military type clothing; or
- Clothing that has patches, emblems, symbols or writing that is suggestive or offensive

These guidelines must be followed by employees during working hours except those employees covered by City issued uniforms. Consult with your supervisor, or department head, if you have questions as to what constitutes appropriate attire. Variations to the above may be made for medical reasons based upon a doctor's orders.

Casual Fridays:

Unless a meeting is scheduled on a Friday with someone who is not a city employee, jeans and athletic sneakers are acceptable on Friday of each week.

12.11 Office Decorum. Office

Decorum Guidelines:

This guideline is established to address office decorations/decorum for City employees who perform a majority of his or her work in an office or have a desk (workspace) area.

Employees' offices should be neat and clean with no objects situated in a manner that may obstruct or create a hazard in walkways and may cause possible injury. City employees wishing to display items on the walls or partitions must coordinate with the Facilities/Maintenance division before hanging any

items on the walls to ensure items are hung safely and properly. Open flames such as burning candles are prohibited in City offices.

Displays showing sexually explicit images, gore, profanity, express discrimination, and other displays that could reasonably be deemed to be offensive shall not be displayed. These displays include, but are not limited to, pictures, posters, computer desktop images, screensavers, and objects placed on one's desk. This guideline is not meant to limit personal expression but to reflect a high level of professionalism for the city.

12.12 Employee Use of Office Equipment.

We are committed to providing the best possible service to the residents of the city. The city has remained very competitive in this area by making use of the most modern office equipment available including facsimile machines, electronic mail systems (email), voice mail systems and computer-generated internet access.

Our office equipment has been installed solely for the purpose of promoting the business interest of the City and all office equipment is the property of the City. Use of a password for entrance into any electronic system does not mean the information is limited to personal use, but rather all such information remains City property and is at all times accessible to the City. Accordingly, it is the City's policy that any and all office equipment (including, but not limited to, data processing, computer information, e-mail and voice mail systems) is to be used for business purposes only. In addition, employees should have no expectation of privacy in any information contained on any and all office equipment.

Quality assurance is of utmost importance to the city. Accordingly, the use of any and all office equipment is subject to monitoring at any time, with or without notice, at the City Manager's sole discretion. The City's computer system is set up so that e-mail messages may not be destroyed upon deletion. Rather, deleted e-mail messages may be stored in another electronic location upon deletion. E-mail messages may be read by management for quality assurance purposes and should only be used for business purposes.

As with all office communications devices, employees are prohibited from using the Internet or the e-mail system to send or receive any improper communication, including but not limited to personal messages, inappropriate comments or jokes, cartoons, or any other communications which are derogatory, obscene, or offensive. Additionally, employees are prohibited from using the e-mail system or other office equipment for the purpose of soliciting or distributing for any cause, group, enterprise, or organization. Persons not employed by the city are prohibited from using the City's office equipment for any purpose.

A violation of any provision of this policy will result in disciplinary action up to and including termination.

12.13 City Equipment.

Equipment and vehicles are essential in accomplishing job duties, are expensive and may be difficult to replace. When using City property, employees are to exercise care, perform required maintenance, and follow all operating instructions, safety standards and guidelines.

Please notify your supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective or in need of repair. Prompt reporting of damages, defects and the need for repairs could prevent deterioration of equipment and possible injury to employees and others. Your supervisor can

answer any questions about your responsibility for maintenance and care of equipment or vehicles used on the job.

Theft or loss of City property must be reported to the Department Director and forwarded to the appropriate department in the City.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as avoidable traffic and parking violations, will result in disciplinary action, up to and including termination of employment. The city will not reimburse employees for the cost of avoidable traffic and parking violations.

12.14 Solicitation and Distribution.

The solicitation of support by various organizations is prohibited on work time. Although many of these groups are worthy organizations, the rules in this section will best protect the private lives of our employees and the City's desire to obtain the full benefit of everyone's productivity.

- A. The distribution of literature or material during working time or in working areas is prohibited. Additionally, employees are not to solicit for any groups or organizations during their own working time or the working time of any employee solicited. These rules do not apply to solicitation or distribution during scheduled breaks in non-working areas to employees who are also on their breaks or lunch so long as order and neatness are maintained. Employees are not to enter or remain on the premises unless on duty or on other City-related business.
- B. Non-employees may not solicit for any cause or distribute related material of any kind on City premises at any time.
- C. Items placed on official bulletin boards must be approved by the City Manager, Human Resources, Department Director, or their designee.

12.15 Violence in the Workplace.

The City has a policy of zero tolerance for workplace violence. An employee who threatens violence or becomes violent to another employee or member of the public will be disciplined up to and including termination.

- A. The City can best serve its residents and staff when residents and staff co-exist in a climate that supports the free exchange of ideas and utilizes constructive methods of conflict resolution. The city is committed to creating and maintaining an environment that is free from intimidation, threats and violent acts. Accordingly, all acts or threats of violence will be taken seriously.
- B. A threat or act of violence includes, but is not limited to, any act or gesture intended to harass or intimidate another person; any act or gesture likely to damage City property; or any act or gesture likely to leave another person injured or fearing injury. The following are examples of such behavior:
 - Making threats verbally, in writing, by E-mail, or by voice mail. A communicated intent to inflict physical or other harm on any person or on property

- Displaying or brandishing a gun, knife, grenade or any other items that a "reasonable person" would consider as threatening
 - Punching, kicking, slapping. Exercise of physical force against another person or against property
 - Committing assault, arson, or threatening suicide
- C. All employees are responsible for helping to maintain a violence-free workplace. To that end, each employee is required to govern him or herself accordingly. In addition, it is the responsibility of all members of our city staff to report any occurrence of intimidation, threat or violence for the appropriate City resource, namely the immediate Supervisor, Department Head, Human Resources and/or City Manager.
- D. Any and all acts of intimidation, threats or acts of violence will be considered serious misconduct and will be the basis for disciplinary action, up to and including termination. These acts will be referred, when appropriate, to legal authorities.

12.16 Workplace Bullying.

A. The City defines bullying as "repeated inappropriate behavior, either direct or indirect, whether verbal, physical, or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment." Depending on the type of bullying, the behavior may also be in violation of the City's Violence in the Workplace policy (12.13).

B. The City will not, in any instance, tolerate bullying behavior. Employees including leads, foremen, supervisors, managers, and department heads found to be in violation of this policy will be disciplined, up to and including termination. The city considers the following types of behavior examples of bullying:

1. Verbal Bullying: slandering, ridiculing, or maligning a person or his/her family; persistent name calling which is hurtful, insulting or humiliating; abusive and/or offensive remarks.
2. Physical Bullying: pushing; shoving; kicking; poking, tripping; assault, or threat of physical assault; damage to a person's work area or property.
3. Gesture Bullying: non-verbal threatening gestures, which can convey threatening messages.
4. Exclusion: physically excluding or disregarding a person in work-related activities.

C. In addition, the following examples may constitute or contribute to evidence of bullying in the workplace:

1. Persistent singling out of one person
2. Shouting, raising voice at an individual in public and/or in private
3. Using verbal or obscene gestures
4. Not allowing the person to speak or express him/herself
5. Personal insults and use of offensive nicknames

6. Constant criticism on matters unrelated or minimally related to the person's job performance
7. Spreading rumors and gossip regarding individuals
8. Encouraging others to disregard a supervisor's instructions
9. Deliberately excluding an individual or isolating them from work related activities (meetings, etc.)
10. Unwanted physical contact, physical abuse, or threats of abuse to an individual or an individual's property (defacing or marking up property)

12.17 Incarceration.

It is the sole responsibility of the affected employee to notify the immediate supervisor, no later than the first scheduled workday following the incident, of the fact that he/she has been incarcerated

SECTION 13 – SAFETY

EFFECTIVE _____

13.1 Accident/Injury Prevention.

Emphasis on safe working conditions, practices, and habits is the objective of the City's safety program. Minimizing the number of accidents and damages involving City employees or City equipment and property will result in benefits to employees and the City organization alike. Every member of the city staff must recognize and accept responsibility for successful safety initiatives, participating in the development, implementation, and ongoing efforts to improve the City's safety program. As an employee, you are expected to work in a manner consistent with our safety program and to report all accidents, near misses, and unsafe conditions to your immediate supervisor.

Department Directors, Managers and Supervisors are expected to provide continuing efforts to assure adequate safety training and proper equipment handling, as well as to reduce carelessness and neglect in City operations.

13.2 Accident/Injury Reporting.

All employees are responsible for immediately reporting to their immediate supervisor, or Department Director, all injuries or accidents that occur on the job, however small or minor. An "Initial Incident report" form must be completed by the supervisor and the employee and turned in to the Risk Manager or HR Department within 24 hours of the incident or injury.

Reporting is required for any property/equipment damage, vehicular accident, and/or employee injury that requires first aid treatment or more. In addition, all vehicular accidents, serious injuries, or fatalities require immediate notification of the appropriate law enforcement agency, the Division of Safety, the Risk Manager or HR Department, and the employee's supervisor.

Subsequent forms may need to be submitted as described in the "Claims Reporting Procedure".

13.3 Safety Equipment and Devices.

The city will provide proper and necessary safety equipment and devices for employees engaged in work where they are required. Such equipment and devices, where provided, must be used properly. Failure by an employee to use provided equipment or devices, will be subject to disciplinary measures. Additionally, employees could lose 25% of workers' compensation benefits per Florida Statute § 440.09 (5).

13.4 Safety Committee.

A Safety Committee, made up of at least one employee representative from each department, will meet at least quarterly to discuss accident prevention, training, and safety concerns. Department Directors may appoint a representative or seek volunteers. The Risk Manager will be responsible for coordination of the meetings and will act as a facilitator. The Committee will elect a chairperson from the members and the person will serve a term of one (1) year with the possibility of serving a second term. No one will serve more than two consecutive terms; however, after a year's absence from the position, the person will be eligible for election. The chairperson is responsible for leading the meetings and the development of the agenda. In addition, minutes of all meetings will be recorded and distributed to all committee members prior to the next meeting and a copy provided to the City Manager and HR Director.

13.5 Employee Identification Policy.

Purpose

The City finds it is in the best interest of its employees' safety and security, and to identify City employees to the public, to have an employee identification policy. It is important to be able to identify a city employee whenever interaction with the public is possible and the employee is not wearing a city uniform. This policy requires commitment and compliance from all employees in order to accomplish its purpose.

Procedure

All employees shall have a photo identification badge produced and provided by the City including employees who wear a City uniform as part of his/her job.

- A. Employees not in uniform shall display his/her City ID badge in a readily visible manner.
- B. Employees will be issued badges through the HR Department, with assistance from IT, and shall sign a form for the receipt of the ID badge.
- C. Employees are responsible for maintaining their ID badges in good, legible condition. ID badges should not be stored or worn in a manner that may cause cracking, breaking or any other damage. Examples are storing ID badge on dashboard, glove box; repeated washing and/or drying; and storing in a hip wallet.
- D. Employees who have lost or damaged their ID cards shall be responsible for obtaining a new ID badge and at a replacement cost calculated from time to time to address increased costs of supplies and equipment.
- E. Employees must present a receipt for the replacement cost, issued by the Finance Department, to HR and must have supervisor authorization before a replacement ID badge is provided except in the situation described in paragraphs (F) and (G) below.
- F. Employees who have lost or damaged their ID badges in the course of their work will be provided a replacement ID badge at no cost; with a limit of two replacements.
- G. Employees who have legally changed their name (Social Security Card), undergone a significant change in appearance (hairstyles are not contemplated) and work location (department level) will be entitled to a replacement ID badge reflecting the new information and at no cost.
- H. An employee, upon leaving City employment, shall return his/her ID badge along with other articles belonging to the City

SECTION 14 – DRUG AND ALCOHOL-FREE WORKPLACE

EFFECTIVE _____

14.1 Drug Free Workplace.

The city is a "Drug Free Workplace", as defined in Florida Statutes, Chapters 112 and 440 and Florida Administrative Code, Chapter 59A, as well as an alcohol-free workplace.

It is the City's intent to provide its employees, citizens, visitors, and environment with a safe and healthful workplace, free from the negative effects associated with drug/alcohol use or dependence.

14.2 Purpose & Scope.

- A. The City is committed to providing a safe work environment; fostering the wellbeing and health of its employees and maintaining a Drug Free Workplace Program to promote a drug free workplace. This program is intended to comply with the Drug Free Workplace Program requirements set forth in the Drug Free Workplace Act of 1988, in §440.101-440.102, F.S. and Rules 59A-24 F.A.C. (Florida Administrative Code). State and/or Federal laws and regulations may subject certain employees to additional drug testing requirements. Any employee who violates the program is subject to disciplinary action up to and including termination.
- B. This policy applies to applicants for employment and to City employees in all classifications, at all locations, with the exception of Firefighters who are covered by the policy in the current collective bargaining agreement.
- C. The policies and procedures set forth in the City's Drug Free Workplace and Alcohol Policy constitute statements on policy only and are not to be interpreted as a contract of employment between the City and any of its employees. The City reserves the right to change, modify or delete any of the Program's provisions and policies, at any time, with or without prior notice. The policies contained in this Drug Free Workplace Program supersede all prior City policies on substance abuse.

SECTION 15 – EMPLOYEE COMPLAINT PROCEDURE

EFFECTIVE _____

15.1 Purpose.

It is the purpose of this complaint procedure to assure employees that claim violations of this Manual or Departmental Rules and Regulations, will be considered fairly, rapidly and without reprisal. In addition, free discussion between employees and supervisors and managers will lead to better understanding of practices, policies, and procedures which affect employees.

15.2 Definition of a Complaint.

A complaint is a grievance about the misapplication or misinterpretation of this Personnel Policies and Procedures Manual, and/or applicable departmental rules and regulations. Disciplinary action is not

15.3 Procedure.

covered under this policy but rather under the Appeal procedure in Section 10.

Step One: An employee shall present his complaint to his immediate supervisor or the Human Resources Department within five (5) working days from the time of occurrence of the complaint. The supervisor or the Human Resources Department shall attempt to resolve the grievance within three (3) working days after the complaint is submitted.

Step Two: If the employee has not received an answer from the immediate supervisor or Human Resources within five (5) working days, or if the employee feels the answer received is not satisfactory, they will put in writing the facts and circumstances of the problem and present the written statement to their Director or Human Resources within five (5) working days after the supervisor's decision or deadline in Step One, whichever occurs first. Assistance will be provided by Human Resources if requested, including for those employees who cannot read or write or have a language problem. The Director or Human Resources will investigate the grievance and meet with the employee to discuss the grievance within five (5) working days. The Director will notify the employee of his decision within five (5) days following the meeting date.

Step Three: If the employee has not received an answer from the Director within five (5) working days, or if the employee feels the answer received is not satisfactory, he will put in writing the facts and circumstances of the problem and forward the written statement to the City Manager, or his/her designee, within five (5) working days after the Director's decision or deadline in Step Two, whichever first occurs. Assistance will be provided by Human Resources if requested, including for those employees who cannot read or write or have a language problem. The City Manager, or his designee, will investigate the grievance and meet with the employee to discuss the grievance and will notify the employee of his decision following the meeting date.

16.4 General Provisions.

The time limits set forth above, may be extended upon written request for reasons considered appropriate by the City Manager, or his/her designee. Failure of an employee to file a complaint in a timely fashion, unless an extension has been granted in advance, will constitute an automatic abandonment of the complaint.

In the event a complaint is filed which involves two (2) or more employees, the City Manager may rule that the grievance will be consolidated for hearing and decision.

City Manager Performance Review

Department: City Hall

A. Current Goals and Responsibilities

1. Describe the current relationship between the City Manager and your Department overall.

I Feel that the relationship Between the City manager and our department overall is good. I do feel like we are a little more stressed out.

B. Performance Competencies

5 Exceptional:	Performance is consistently superior and significantly exceeds position requirements.	5 Exceptional	4 Highly Effective	3 Proficient	2 Inconsistent	1 Unsatisfactory	N/A New / Not Applicable
4 Highly Effective:	Performance frequently exceeds position requirements.						
3 Proficient:	Performance consistently meets position requirements.						
2 Inconsistent:	Performance meets some, but not all position requirements.						
1 Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A New or Not Applicable:	Employee has not been in position long enough to have demonstrated the essential elements of the position and will be reviewed at a later agreed upon date.						
1.	Proficiency at improving work methods and procedures as a means toward greater efficiency <i>Brief explanation:</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.	Communicates effectively with supervisors, peers, and customers <i>Brief explanation:</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.	Ability to work cooperatively as part of a team <i>Brief explanation:</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.	Adeptness at analyzing facts, problem solving, decision-making, and demonstrating good judgment <i>Brief explanation:</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5 Exceptional: 4 Highly Effective: 3 Proficient: 2 Inconsistent: 1 Unsatisfactory: N/A New or Not Applicable:	Performance is consistently superior and significantly exceeds position requirements. Performance frequently exceeds position requirements. Performance consistently meets position requirements. Performance meets some, but not all position requirements. Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills. Employee has not been in position long enough to have demonstrated the essential elements of the position and will be reviewed at a later agreed upon date.	5 Exceptional	4 Highly Effective	3 Proficient	2 Inconsistent	1 Unsatisfactory	N/A New/Not Applicable
Additional performance competencies for employees with supervisory responsibilities							
5.	Displays fairness towards all subordinates. <i>Brief explanation:</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.	Identifies performance expectations, gives timely feedback and conducts formal performance appraisals. <i>Brief explanation:</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.	Helps employees to see the potential for developing their skills; assists them in eliminating barriers to their development. <i>Brief explanation:</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.	Delegates responsibility where appropriate, based on the employee's ability and potential. <i>Brief explanation:</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.	Takes timely and appropriate corrective/disciplinary action with employees. <i>Brief explanation:</i> She does take us into her office and talks in private.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10.	Takes specific steps to create and develop their diverse workforce and to promote an inclusive environment. <i>Brief explanation:</i> She has done alot to help and fix the cityhall and with new Desk	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11.	Gives helpful explanations and works to clear misunderstandings. <i>Brief explanation:</i> Sometimes she doesn't clear up misunderstanding.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12.	Offers solutions to problems brought before them in a positive and supportive way. <i>Brief explanation:</i> When we go talk to her she does talk to us about how to fix the Problems.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5 Exceptional: 4 Highly Effective: 3 Proficient: 2 Inconsistent: 1 Unsatisfactory: N/A New or Not Applicable:	Performance is consistently superior and significantly exceeds position requirements. Performance frequently exceeds position requirements. Performance consistently meets position requirements. Performance meets some, but not all position requirements. Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills. Employee has not been in position long enough to have demonstrated the essential elements of the position and will be reviewed at a later agreed upon date.	5 Exceptional	4 Highly Effective	3 Proficient	2 Inconsistent	1 Unsatisfactory	N/A New/Not Applicable
13. Is open to actively listening to employees and customers for advice and solutions <i>Brief explanation:</i> She does listen to us when we try to talk to her	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>						
14. Creates a friendly and productive environment for employees and customers <i>Brief explanation:</i> She is always nice to me.	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>						
15. Displays a professional attitude in front of customers <i>Brief explanation:</i> She does a good job with dealing with customers.	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>						

C. Employee Comments (Optional)

The employee may comment on the performance review in the space provided below.

I really have nothing Bad to say about Mrs Pam because she really hasn't done anything to me. I can just tell other people are getting aggravated with her. me and Mrs Pam are good. But I do feel like she is doing too many events instead of doing her actual job. But other than that I have nothing to say.

City Manager Performance Review

Department: _____

A. Current Goals and Responsibilities

1. Describe the current relationship between the City Manager and your Department overall.

She doesn't seem to trust Public Works all that much. She asks us for extra forms and hurdles to jump through before we can order even a bottle of chlorine.

B. Performance Competencies

5 Exceptional:	Performance is consistently superior and significantly exceeds position requirements.	5 Exceptional	4 Highly Effective	3 Proficient	2 Inconsistent	1 Unsatisfactory	N/A New/Not Applicable
4 Highly Effective:	Performance frequently exceeds position requirements.						
3 Proficient:	Performance consistently meets position requirements.						
2 Inconsistent:	Performance meets some, but not all position requirements.						
1 Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A New or Not Applicable:	Employee has not been in position long enough to have demonstrated the essential elements of the position and will be reviewed at a later agreed upon date.						
1. Proficiency at improving work methods and procedures as a means toward greater efficiency Brief explanation: She asks us to fill out forms for everything, even if we are in an emergency, this takes up time and stops us from doing our job.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Communicates effectively with supervisors, peers, and customers Brief explanation: She talks to one group, makes a decision, then changes her mind at midway through		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Ability to work cooperatively as part of a team Brief explanation: We will have one plan then find out about it or a new plan		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Adeptness at analyzing facts, problem solving, decision-making, and demonstrating good judgment Brief explanation: She can make good plans and ideas, she just goes through steps A, B, and C first		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5 Exceptional:	Performance is consistently superior and significantly exceeds position requirements.	<input type="checkbox"/> 5 Exceptional <input type="checkbox"/> 4 Highly Effective <input type="checkbox"/> 3 Proficient <input type="checkbox"/> 2 Inconsistent <input type="checkbox"/> 1 Unsatisfactory <input type="checkbox"/> N/A New/Not Applicable
4 Highly Effective:	Performance frequently exceeds position requirements.	
3 Proficient:	Performance consistently meets position requirements.	
2 Inconsistent:	Performance meets some, but not all position requirements.	
1 Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.	
N/A New or Not Applicable:	Employee has not been in position long enough to have demonstrated the essential elements of the position and will be reviewed at a later agreed upon date.	
Additional performance competencies for employees with supervisory responsibilities		
5.	Displays fairness towards all subordinates. <i>Brief explanation:</i> She seems to favor City Hall but is nice overall	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
6.	Identifies performance expectations, gives timely feedback and conducts formal performance appraisals. <i>Brief explanation:</i> I personally have never met with her for an appraisal but she wants projects done faster than possible	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
7.	Helps employees to see the potential for developing their skills; assists them in eliminating barriers to their development. <i>Brief explanation:</i>	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
8.	Delegates responsibility where appropriate, based on the employee's ability and potential. <i>Brief explanation:</i> She's only met and delegated a couple of times	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
9.	Takes timely and appropriate corrective/disciplinary action with employees. <i>Brief explanation:</i> She is quick with discipline and talking to us when we can	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
10.	Takes specific steps to create and develop their diverse workforce and to promote an inclusive environment. <i>Brief explanation:</i>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
11.	Gives helpful explanations and works to clear misunderstandings. <i>Brief explanation:</i> She gives some suggestions that may or not work	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
12.	Offers solutions to problems brought before them in a positive and supportive way. <i>Brief explanation:</i> She can be a little short with problems but is quick with results	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

5 Exceptional:	Performance is consistently superior and significantly exceeds position requirements.	5 Exceptional	4 Highly Effective	3 Proficient	2 Inconsistent	1 Unsatisfactory	N/A New/Not Applicable
4 Highly Effective:	Performance frequently exceeds position requirements.						
3 Proficient:	Performance consistently meets position requirements.						
2 Inconsistent:	Performance meets some, but not all position requirements.						
1 Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A New or Not Applicable:	Employee has not been in position long enough to have demonstrated the essential elements of the position and will be reviewed at a later agreed upon date.						
13.	Is open to actively listening to employees and customers for advice and solutions <i>Brief explanation:</i> She will listen a bit but you have to go to her, she will not think to come to you about certain problems	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14.	Creates a friendly and productive environment for employees and customers <i>Brief explanation:</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15.	Displays a professional attitude in front of customers <i>Brief explanation:</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

C. Employee Comments (Optional)

The employee may comment on the performance review in the space provided below.

She would work just fine if she coded it with all the project plans and covered up on all the items we have to do. If she relaxed and realized Public Works has her back, she will do just fine. She's still new, so she might just need to relax a bit.

City Manager Performance Review

Department: _____

A. Current Goals and Responsibilities

1. Describe the current relationship between the City Manager and your Department overall.

B. Performance Competencies

		5 Exceptional	4 Highly Effective	3 Proficient	2 Inconsistent	1 Unsatisfactory	N/A New/Not Applicable
5 Exceptional:	Performance is consistently superior and significantly exceeds position requirements.						
4 Highly Effective:	Performance frequently exceeds position requirements.						
3 Proficient:	Performance consistently meets position requirements.						
2 Inconsistent:	Performance meets some, but not all position requirements.						
1 Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A New or Not Applicable:	Employee has not been in position long enough to have demonstrated the essential elements of the position and will be reviewed at a later agreed upon date.						
1. Proficiency at improving work methods and procedures as a means toward greater efficiency <i>Brief explanation:</i>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Communicates effectively with supervisors, peers, and customers <i>Brief explanation:</i>		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Ability to work cooperatively as part of a team <i>Brief explanation:</i>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Adeptness at analyzing facts, problem solving, decision-making, and demonstrating good judgment <i>Brief explanation:</i>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5 Exceptional:	Performance is consistently superior and significantly exceeds position requirements.	5 Exceptional	4 Highly Effective	3 Proficient	2 Inconsistent	1 Unsatisfactory	N/A New/Not Applicable
4 Highly Effective:	Performance frequently exceeds position requirements.						
3 Proficient:	Performance consistently meets position requirements.						
2 Inconsistent:	Performance meets some, but not all position requirements.						
1 Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A New or Not Applicable:	Employee has not been in position long enough to have demonstrated the essential elements of the position and will be reviewed at a later agreed upon date.						
Additional performance competencies for employees with supervisory responsibilities							
5.	Displays fairness towards all subordinates. <i>Brief explanation:</i>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>					
<i>Seems to get on to some before knowing facts</i>							
6.	Identifies performance expectations, gives timely feedback and conducts formal performance appraisals. <i>Brief explanation:</i>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>					
7.	Helps employees to see the potential for developing their skills; assists them in eliminating barriers to their development. <i>Brief explanation:</i>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>					
8.	Delegates responsibility where appropriate, based on the employee's ability and potential. <i>Brief explanation:</i>	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>					
<i>Mostly delegates jobs to supervisor</i>							
9.	Takes timely and appropriate corrective/disciplinary action with employees. <i>Brief explanation:</i>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>					
<i>She disciplines in a timely matter just needs to hear us out first</i>							
10.	Takes specific steps to create and develop their diverse workforce and to promote an inclusive environment. <i>Brief explanation:</i>	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>					
<i>wants to include us all to join in with numerous events she is planning</i>							
11.	Gives helpful explanations and works to clear misunderstandings. <i>Brief explanation:</i>	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>					
12.	Offers solutions to problems brought before them in a positive and supportive way. <i>Brief explanation:</i>	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>					

5 Exceptional:	Performance is consistently superior and significantly exceeds position requirements.	5 Exceptional	4 Highly Effective	3 Proficient	2 Inconsistent	1 Unsatisfactory	N/A New/Not Applicable
4 Highly Effective:	Performance frequently exceeds position requirements.						
3 Proficient:	Performance consistently meets position requirements.						
2 Inconsistent:	Performance meets some, but not all position requirements.						
1 Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A New or Not Applicable:	Employee has not been in position long enough to have demonstrated the essential elements of the position and will be reviewed at a later agreed upon date.						
13.	Is open to actively listening to employees and customers for advice and solutions <i>Brief explanation:</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14.	Creates a friendly and productive environment for employees and customers <i>Brief explanation:</i> Always friendly to me, now	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15.	Displays a professional attitude in front of customers <i>Brief explanation:</i> Very professional that I have witnessed in city hall	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

C. Employee Comments (Optional)

The employee may comment on the performance review in the space provided below.

City Manager has treated me good. seems really focused on recreational projects. I have noticed some employees de-meaner has changed. She needs to try to have more confidence in public works ability to do our jobs, it will make her job easier.

City Manager Performance Review

Department: _____

A. Current Goals and Responsibilities

1. Describe the current relationship between the City Manager and your Department overall.

B. Performance Competencies

		5 Exceptional	4 Highly Effective	3 Proficient	2 Inconsistent	1 Unsatisfactory	N/A New/Not Applicable
5 Exceptional:	Performance is consistently superior and significantly exceeds position requirements.						
4 Highly Effective:	Performance frequently exceeds position requirements.						
3 Proficient:	Performance consistently meets position requirements.						
2 Inconsistent:	Performance meets some, but not all position requirements.						
1 Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A New or Not Applicable:	Employee has not been in position long enough to have demonstrated the essential elements of the position and will be reviewed at a later agreed upon date.						
1.	Proficiency at improving work methods and procedures as a means toward greater efficiency <i>Brief explanation:</i> Heavy work load - too much work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.	Communicates effectively with supervisors, peers, and customers <i>Brief explanation:</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.	Ability to work cooperatively as part of a team <i>Brief explanation:</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.	Adeptness at analyzing facts, problem solving, decision-making, and demonstrating good judgment <i>Brief explanation:</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4802 10/10/11

5 Exceptional: 4 Highly Effective: 3 Proficient: 2 Inconsistent: 1 Unsatisfactory: N/A New or Not Applicable:	Performance is consistently superior and significantly exceeds position requirements. Performance frequently exceeds position requirements. Performance consistently meets position requirements. Performance meets some, but not all position requirements. Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills. Employee has not been in position long enough to have demonstrated the essential elements of the position and will be reviewed at a later agreed upon date.	5 Exceptional	4 Highly Effective	3 Proficient	2 Inconsistent	1 Unsatisfactory	N/A New/Not Applicable
Additional performance competencies for employees with supervisory responsibilities							
5.	Displays fairness towards all subordinates. <i>Brief explanation:</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.	Identifies performance expectations, gives timely feedback and conducts formal performance appraisals. <i>Brief explanation:</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.	Helps employees to see the potential for developing their skills; assists them in eliminating barriers to their development. <i>Brief explanation:</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.	Delegates responsibility where appropriate, based on the employee's ability and potential. <i>Brief explanation:</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.	Takes timely and appropriate corrective/disciplinary action with employees. <i>Brief explanation:</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10.	Takes specific steps to create and develop their diverse workforce and to promote an inclusive environment. <i>Brief explanation:</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11.	Gives helpful explanations and works to clear misunderstandings. <i>Brief explanation:</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12.	Offers solutions to problems brought before them in a positive and supportive way. <i>Brief explanation:</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5 Exceptional: 4 Highly Effective: 3 Proficient: 2 Inconsistent: 1 Unsatisfactory: N/A New or Not Applicable:	Performance is consistently superior and significantly exceeds position requirements. Performance frequently exceeds position requirements. Performance consistently meets position requirements. Performance meets some, but not all position requirements. Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills. Employee has not been in position long enough to have demonstrated the essential elements of the position and will be reviewed at a later agreed upon date.	5 Exceptional	4 Highly Effective	3 Proficient	2 Inconsistent	1 Unsatisfactory	N/A New/Not Applicable
13. Is open to actively listening to employees and customers for advice and solutions <i>Brief explanation:</i>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>						
14. Creates a friendly and productive environment for employees and customers <i>Brief explanation:</i> <i>has no sense of responsibility and no interest</i>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>						
15. Displays a professional attitude in front of customers <i>Brief explanation:</i>	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>						

C. Employee Comments (Optional)

The employee may comment on the performance review in the space provided below.

City Manager Performance Review

Department: Admin

A. Current Goals and Responsibilities

1. Describe the current relationship between the City Manager and your Department overall.

Pam is an excellent planner. She is great at bringing events to the city and making BG more beautiful. She is compassionate and kind to residents, and she is eager to learn. She finds the potential in her employees and holds them to higher standards.

B. Performance Competencies

	5 Exceptional	4 Highly Effective	3 Proficient	2 Inconsistent	1 Unsatisfactory	N/A New/Not Applicable
5 Exceptional: Performance is consistently superior and significantly exceeds position requirements.						
4 Highly Effective: Performance frequently exceeds position requirements.						
3 Proficient: Performance consistently meets position requirements.						
2 Inconsistent: Performance meets some, but not all position requirements.						
1 Unsatisfactory: Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A New or Not Applicable: Employee has not been in position long enough to have demonstrated the essential elements of the position and will be reviewed at a later agreed upon date.						
1. Proficiency at improving work methods and procedures as a means toward greater efficiency <i>Brief explanation:</i> She is eager to streamline work processes.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Communicates effectively with supervisors, peers, and customers <i>Brief explanation:</i> She can sometimes get confused on what was discussed and with whom.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Ability to work cooperatively as part of a team <i>Brief explanation:</i> She lets each person do their part.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Adeptness at analyzing facts, problem solving, decision-making, and demonstrating good judgment <i>Brief explanation:</i> She can assess a problem, and work well with the dept to address it.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5 Exceptional: 4 Highly Effective: 3 Proficient: 2 Inconsistent: 1 Unsatisfactory: N/A New or Not Applicable:	Performance is consistently superior and significantly exceeds position requirements. Performance frequently exceeds position requirements. Performance consistently meets position requirements. Performance meets some, but not all position requirements. Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills. Employee has not been in position long enough to have demonstrated the essential elements of the position and will be reviewed at a later agreed upon date.	5 Exceptional	4 Highly Effective	3 Proficient	2 Inconsistent	1 Unsatisfactory	N/A New/Not Applicable
Additional performance competencies for employees with supervisory responsibilities							
5.	Displays fairness towards all subordinates. <i>Brief explanation:</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Hold everyone to high standards. Hears everyone's explanations.</i>							
6.	Identifies performance expectations, gives timely feedback and conducts formal performance appraisals. <i>Brief explanation:</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.	Helps employees to see the potential for developing their skills; assists them in eliminating barriers to their development. <i>Brief explanation:</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>She is shifting responsibilities of employees to help us grow our skills.</i>							
8.	Delegates responsibility where appropriate, based on the employee's ability and potential. <i>Brief explanation:</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Finds employees strengths and works with them to develop</i>							
9.	Takes timely and appropriate corrective/disciplinary action with employees. <i>Brief explanation:</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Calmly works through issues with employees. and previous Cm's would typically talk through me.</i>							
10.	Takes specific steps to create and develop their diverse workforce and to promote an inclusive environment. <i>Brief explanation:</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11.	Gives helpful explanations and works to clear misunderstandings. <i>Brief explanation:</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>She has a habit of giving brief explanations, but will elaborate when asked. Previous Cm's would not do so to me.</i>							
12.	Offers solutions to problems brought before them in a positive and supportive way. <i>Brief explanation:</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Helps me think outside the box and toughen up when needed</i>							

5 Exceptional:	Performance is consistently superior and significantly exceeds position requirements.	5 Exceptional	4 Highly Effective	3 Proficient	2 Inconsistent	1 Unsatisfactory	N/A New/Not Applicable
4 Highly Effective:	Performance frequently exceeds position requirements.						
3 Proficient:	Performance consistently meets position requirements.						
2 Inconsistent:	Performance meets some, but not all position requirements.						
1 Unsatisfactory:	Performance consistently fails to meet minimum position requirements; employee lacks skills required or fails to utilize necessary skills.						
N/A New or Not Applicable:	Employee has not been in position long enough to have demonstrated the essential elements of the position and will be reviewed at a later agreed upon date.						
13. Is open to actively listening to employees and customers for advice and solutions	<i>Brief explanation:</i> Takes time to speak to employees & customers about issues.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Creates a friendly and productive environment for employees and customers	<i>Brief explanation:</i> Love the return to business casual wear. The new look of City Hall makes a welcoming work environment.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Displays a professional attitude in front of customers	<i>Brief explanation:</i> I have not seen her yell at any customer in person or over the phone.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

C. Employee Comments (Optional)

The employee may comment on the performance review in the space provided below.

Pam may not be perfect, but she is a positive change to the city. She is helping me grow and better myself as an employee.

I probably would have ~~be~~ left by now if not for Pam working here ~~and~~ with me to recover my issues with past city managers.

Code of Ethics: FS. 112.311

(6) It is declared to be the policy of the state that public officers and employees, state and local, are agents of the people and hold their positions for the benefit of the public. They are bound to uphold the Constitution of the United States and the State Constitution and to perform efficiently and faithfully their duties under the laws of the federal, state, and local governments. Such officers and employees are bound to observe, in their official acts, the highest standards of ethics consistent with this code and the advisory opinions rendered with respect hereto regardless of personal considerations, recognizing that promoting the public interest and maintaining the respect of the people in their government must be of foremost concern.

Policy violations I have personally observed and/or actions that have affected me directly or interfered with my job duties.

Non-discrimination and Anti-harassment

****MLK day was not a paid holiday for this fiscal year and police dept did not get compensated for their holiday worked. Should be fair to all employees not just certain departments.

4. Unacceptable, inefficient productivity or competency.

Mrs. Durrance has made no attempt to learn policies and procedures. Recreational projects have monopolized the majority of time of many of the employees in the admin office.

She insisted she review each sign off that sat in her box for two weeks before addressing them.

The front office was allowed to go home 1 hour early on MLK day. Then the policy was changed and the office and public works were given off one day with pay.

2/10/23 4:15 PM Front office closed early and everyone is gone.

Used city funds to pay for a permit for the Circus contractors.

12. Violation of published city or departmental policies, rules, standards operating procedures or regulations, code of conduct. (LDC and or ordinances)

Code of conduct: failed to comply with city policy regulations.

I refused to approve a sign off because it is unlawful per our LDC. She took it upon herself to approve it which created a violation and instructed me to ignore it and let it go. This is highly unethical. I feel I cannot effectively do my job duties in an honorable manner.

Reprimanding me for not signing another sign off after receiving a 3rd party complaint. Customer was instructed to go before the commission in December. Emergency management brought it before the commission for approval 1 week later.

Potential interference in code enforcement case set for court by "working out a solution" with the violator.

31. On the job conduct which adversely affects the ability of the employee to perform their duties in any area of city government.

Micromanaging to the point that I am no longer allowed to complete some of my daily duties, sign-offs and cooperation with county employees (phone calls or emails) without her direct oversight. I feel I cannot effectively do my job duties in an honorable manner.

32. Discourteous, insulting, abusive or inflammatory language towards co-workers or public.

Hollering my name down the hall instead of using intercom.

Making discourteous and unprofessional statements about a commissioner in the front office.

I have received public complaints of her being rude.

33. Improper comments to a city employee or the general public.

Informing me that the city attorney did not like me. What is the purpose of this statement? Intimidation, degradation?

34. Intimidating, bullying with fellow employees.



Told me she wanted me fired. And the only reason I was not being fired is because of Chief Scheel.

Use of office equipment to make copies for side business (wedding)

Workplace bullying: Repeated inappropriate behavior. Examples that may constitute or contribute to evidence of bullying in the workplace.

Verbal ridicule:

teasing based on a complaint

Exclusion: disregarding a person in work related activities:

I have been excluded in areas of my specific job duties. Permits etc.

Shouting, raising voice at an individual in public or in private.

E/c. Yalman #721
3/7/23



CITY OF

BOWLING GREEN

City of Bowling Green Minutes of Regular Meeting

March 14, 2023

Present: Mayor Jones, Vice-Mayor Fite, Commissioner Durastanti, Commissioner Arreola, City Manager Durrance, City Clerk Kinzel, Chief Scheel, and Finance/HR Manager Gordillo, Attorney Buhr, and members of the audience.

Absent: Commissioner Lunn

1. **Call to order** – The meeting was called to order by Mayor Jones.
2. **Prayer** – The prayer was given by Commissioner Durastanti.
Flag Salute
3. **Old Business**

A. Approval of Minutes

1) Special Meeting 3/7/2023

Vice-Mayor Fite stated that there needs to be a correction made in these minutes. He researched previous minutes of meeting, the title "Interim City Manager" needs to be corrected to "City Manager". City Manager Durrance was hired as "Manager", not Interim. The minutes need to reflect the correct title. Mayor Jones asked about those minutes (December 13, 2022). Vice-Mayor Fite said that former City Manager Thompson was to contact her and offer her the City Manager position. The Commission did not call her "Interim" and did not hire her as an Interim as that term means temporary and she was hired as a permanent employee with frequent reviews and raises once she got her feet wet. She took the job at a lower salary with the admission that she had no municipal experience. Benchmarks should be established for frequent reviews and the Commission has neglected to do so. Mayor Jones asked where does it stand as it relates to the charter. City Attorney Buhr is this was a motion to modify...however, he never finished this statement as Vice-Mayor Fite said this was a motion to modify the minutes to correctly reflect City Manager Durrance's title. It was seconded by Commissioner Durastanti. Mayor Jones repeated the motion and second for the record. Vice-Mayor Fite shared with Commissioner Arreola for the record Vice-Mayor Fite handed Commissioner a sheet of paper with information). Mayor Jones



CITY OF

BOWLING GREEN

asked where does this stand with what is written in the City's charter. Vice-Mayor Fite stated that the charter does not address Interim Manager. City Attorney Buhr said that someone can take it temporarily while looking for a permanent City Manager. He said that in the twenty-five years he has been with the City, he has never seen an Interim City Manager selected as the City Manager as a temporary employee. There really is no position for it. (Someone from the public asked the Commission and City Attorney to speak up.) Vice-Mayor Fite asked if the microphones were on, which Finance/HR Manager Gordillo and City Clerk Kinzel said that they were. City Attorney Buhr and Vice-Mayor Fite said that they were not. Time was taken to check volumes and microphones were on. Vice-Mayor Fite said that the minutes where City Manager Durrance was hired, she was hired as a City Manager and not an Interim. The Commission gave her that title and that was how she hired, even though she had no municipal experience. The Commission was willing to give her the time and opportunity. She is the City Manager and should be treated and respected as such by the employees and everybody. She is representing this City in public meetings and the community. She should be given that opportunity as how she was hired by the Commission. City Attorney Buhr requested that Mayor Jones ask for any other discussion. Collette Green (4921 Epps Ave) stood up because she said the Special Meeting of March 7th was not right or professional. She said that he (Mayor Jones) was not handling leadership right. Her opinion was that he should be removed. She had a yard sale in 2022 and said Mayor Jones called her sister asking if she had a yard sale permit (which she did). Her sister lived in Wauchula at the time and Ms. Greene lived only a few blocks from him. She said he could have contact her or came by which upset her. She feels this is not leadership to her. City Attorney Buhr said that the Mayor's authority is to speak to the City Manager as opposed to confronting residents directly as that puts it in the position of enforcement which is not in the Commission's purview. City Manager Durrance asked if the charter should be read so everyone understands the responsibility of the Commissioners. Vice-Mayor Fite stated that the minutes from the December 13, 2022 meeting should be read as that would be more correct, then read the charter so it aligns. City Clerk Kinzel read a portion of the minutes regarding the Mayor's comments from December 13, 2022. "Mayor Jones addressed the City having 2 City Managers and 1 Interim in four years, less than five. He said 3 of them have stated unpleasantness with their duties. The headcount for City staff has dropped but the budget has increased. He read some



CITY OF

BOWLING GREEN

items from the City Charter regarding duties and responsibilities as the City moves forward. Section 2.08: Limitations and Prohibitions: 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 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. The Mayor implored everyone to read and study what form of government the City has, which is a Council-Manager and knowing roles and duties. The City Manager has the role to administrate the City and the employees. In doing so, the City Manager should not feel unpleasant or uncomfortable doing their job. The Commission is not to dictate but learn the statutes and laws of the Charter of the City, Florida Statutes and Constitution of the United States.” Mayor Jones wanted verification that he was addressing the Commission. City Clerk Kinzel said he was addressing the Commission at that Commission meeting. He said he was addressing the Commission not any City employee. He said that he has not addressed any City employee. This is the only time he can share with other Commissioners is at the public meeting. He has not said anything personally, demanded, commanded or instructed any employee of anything. Vice-Mayor Fite requested that the first meeting minutes be finished and then the Commission can move on to March 7th. Mayor Jones said that March 7th is listed first on the agenda. City Attorney Buhr said that there was a motion on the floor with a second and if public discussion is finished, then it should move to a vote. Vice-Mayor Fite was addressing was the February 16th meeting which was sent to the Commission as their agenda item. It has since been changed on the revised agenda at their spots. He wanted to addressed some corrections to the March 7th meeting. Minutes need to reflect the correct title of City Manager, The procurement policy that was addressed in 3A of that meeting where he referenced the \$25,000 purchasing limit before the formal bidding process is required and was substantiated by Ms. (Jean) Kelly has been located and is Resolution 2017-02, which will need to be attached to reflect accuracy. Also, the unsolicited City Manager performance review documents and other complaint document that was presented at that meeting be made part of the minutes that the Commission is



CITY OF

BOWLING GREEN

adopting and cannot be left out. The two personnel policies that were given to the commissioners that night also need to be attached and referenced as the old and new personnel policy (both have an effective date of August 22nd). The minutes cannot be adopted without them being full, accurate, and available to the public. The minutes will need to reflect and be amended to reflect such. He asked for confirmation of this from the City Attorney. City Attorney Buhr said that anything that is handed out needs to be part of the minutes. Vice-Mayor Fite said that another point regarding that meeting. The Commission established a policy several years ago of how the meetings are to be arranged and set up with regards to information. The agenda for a regular meeting is to be closed at noon on the Thursday before the meeting or close of business. He could not remember which as it give the City Clerk Friday to prepare all the documents substantiating what will be on the agenda to be delivered to the Commissioners by the close of business on Friday. Therefore the Commissioners have the weekend to review, read, study and develop questions. It gives Monday for the Commissioners to meet with the City Manager and give the City Manager to get answers for them. It is not acceptable to have information put before them prior to the meeting based on that policy. He told Finance/HR Manager Gordillo that as the back up Clerk, she should know that as it has been a long established policy. She agreed with his statement. He said it should not be put in front of them as they walk in the door as this is wrong. She stated that she received that information by 2pm on March 7th and it was short. She also stated that there were two Commissioners (Durastanti and Lunn) who said they would not be at the meeting. The Mayor was contacted to advise that they would not be at that meeting but he said that a quorum would be present and the meeting could proceed. She said there was no other option but to provide the information that late and apologies were made to the Commission. Vice-Mayor Fite said that is no way to run an airline and she agreed with that as well that it was unacceptable. He said that the Commission did not have time to read and digest the information and since reading and reviewing them only one complaint has merit because the others could be anybody writing them. There were no signatures and bears no merit. It is considered hearsay as the same person could have filled them out. That whole process was wrong and she identified as it is in the minutes that it was the Mayor that directed her to develop the form and carry out that process. That whole meeting could have been resolved simply by the Mayor meeting with and speaking to the City Manager. Finance/HR Manager



CITY OF

BOWLING GREEN

Gordillo said that he was absolutely correct and that is why she asked City Attorney Buhr because she did not like being put on the spot. If someone comes to a Commissioner, do not run to HR when the City Manager is right there because HR cannot do anything about it. Vice-Mayor Fite said that the Commission cannot come to HR, they can only meet with the City Manager. City Manager Durrance, Chief Scheel and City Attorney Buhr are direct reports to the Commission. They are who the Commission hired. Everyone else works for the City Manager not for the Commission but indirectly the employees work for the Commission. He feels the City's charter has been violated. Mayor Jones told Vice-Mayor Fite that he did not violate anything. He did not tell Finance/HR Manager Gordillo to make anything but just told her to follow the personnel policy when she asked him a question. He did not give her a directive. He was asked a question and he answered that question. As far as the meeting was concerned, all of his questions went to City Attorney Buhr on how he moves forward. There has not been any time as a Commissioner or Mayor that he deliberately violated anything. He knows that he is not supposed to give directives to employees. He said that at the March 7th meeting an employee was said to make the papers if the minutes are read correctly. He did not tell anyone to make any papers up. Vice-Mayor Fite said that she (meaning Finance/HR Manager Gordillo) identified the Mayor in the meeting in the minutes. Finance/HR Manager Gordillo stated that she was asked to get statements from the employees as feedback. She was just doing what she was told. Vice-Mayor Fite asked "by the Mayor". He asked her again "yes or no". She said yes. Mayor Jones related that when Finance/HR Manager Gordillo about the whole scenario, he told her if the City has a personnel policy then that is what the employees need to go by. He did not give her a directive. Finance/HR Manager Gordillo was asked if she read the personnel policy to which she said yes. She stated that everything mainly fall on HR but she cannot do anything about it. Employees can vent in her office but what can she do. Mayor Jones said that going directly to the City Manager alone, if it is a Council-Manager type government, then all the Commissioners have to go because one Commissioner cannot go to her and correct her. Vice-Mayor Fite said if there is a problem then a Commissioner can discuss it with the City Manager and if it cannot be rectified, then the City Attorney should be engaged. If it continues to not be rectified, then the whole Commission needs to be engaged. Mayor Jones said to stay out of that situation, he brought it before the all of the Commission. That was part of the purpose of



CITY OF

BOWLING GREEN

what was presented and those other procurement processes. He stated that Vice-Mayor Fite may have gone back and found something, but what the Commission was presented and voted on was \$5,000. If Vice-Mayor Fite went back and found something, that is fine but according to what is written and what he read, he did not violate anything. His concern that it was based on what was written and there are copies of the \$5,000. Vice-Mayor Fite said to clarify the point that had his concerns been addressed with the City Manager, the City, the Commission and City Manager Durrance would not have been embarrassed last week. There were citizens from all over the County that attended the March 7th meeting, including an elected official that the City was losing its City Manager based upon the agenda. It caused alarm and concern with the City's residents. It was wrong. Mayor Jones said it was understandable to which Vice-Mayor Fite said he asked to adjourn it. Mayor Jones stated that he consulted the City Attorney. Commissioner Arreola said he did not believe it was a personal attack on her and nobody commented or attacked her. He stated that the Commission was trying to get information. He said that it was not a direct attack and some may have misunderstood it as a direct attack. Nobody mentioned anything she did bad but was trying to see what people and employees are saying. Mayor Jones was sharing information for the sole purpose because time was about to run out on the ninety (90) days. That came from Finance/HR Manager Gordillo. City Manager Durrance said that she had information on that: she had thirty (30) days from her ninety (90) days to do her insurance. That is still thirty (30) days from the 19th of March she has to do her insurance. Mayor Jones said that is understandable but that was not known prior to the meeting. There was no direct attack on her concerning anything. It was trying to get things done by that particular time. City Manager Durrance said that it could have been done at tonight's meeting. Mayor Jones said that was understandable. Vice-Mayor Fite said she was hired as a full-time employee and is due such privileges at point of hire. Mayor Jones said he understands what is being said now but Vice-Mayor Fite said it was understood when she was hired. Mayor Jones asked him to wait a moment and said that the last two (2) months minutes that it had Interim City Manager on the agenda which was confirmed by Commissioner Arreola. Vice-Mayor Fite asked who put it on there to which Mayor Jones said he did not put it there as he does not type it up. Commissioner Arreola stated that it was a misunderstanding as everyone assumed it was an interim job. He said she should have received her benefits right away. Mayor Jones said it had



CITY OF

BOWLING GREEN

nothing to do as a reflection of himself. As he told City Manager Durrance, it was not an attack on her, it was based on the information that was brought to him. City Manager Durrance said that the City can move forward which Vice-Mayor Fite said agreed with that. She wanted to clarify a couple things her and Mayor Jones: approving overtime for her (Finance/HR Manager Gordillo) to be at the meeting last week (March 7th). City Manager Durrance said she cannot be held responsible for or for going to Wauchula to get bills. City Attorney Buhr said that it was not withing the Mayor's authority to approve overtime. That is under the authority of the City Manager. Vice-Mayor Fite said that staff was directed to attend the March 7th meeting, which incurs overtime. Mayor Jones said that he did not tell staff to attend that meeting. Finance/HR Manager Gordillo said that whether it is the Commission or her ex-boss and it pertains to her, she usually stays for the meeting. Former City Manager Mr. Thompson told her to either take time off or he would pay overtime if the meeting pertained to her. She asked who would have answered all the questions that the Commission had. (There was a lot of overlapping conversation.) Mayor Jones reiterated that he did not direct her to be here. City Attorney Buhr restated that the Mayor that he cannot tell and employee to be somewhere that will cost overtime. Mayor Jones said that he knows that and that since he has become a Commissioner, he has not directed anyone to do anything. He said that is why he allowed City Attorney Buhr to explain things on the phone call they had. City Attorney Buhr agreed but said that if it is something that be put on the regular agenda at a regular meeting, then that is what should be done which he said two to three times. However, he stated that Mayor Jones said it was an emergency that it needed to be done. Mayor Jones said this was based on what he was told and since he did not know about the thirty (30) day period, he moved accordingly. City Attorney Buhr said that he was not going to argue with the Mayor since he did not know what Mayor Jones was told. He is simply clearing it up and asked what else was there. City Manager Durrance said that there was a \$1,297.10 bill from City of Wauchula for lights to be put up that she knew nothing about. According to Wauchula, she spoke to Chris who was asked why they had not been put up yet and it was a process between Mayor Jones and Wauchula. She had not been informed of it. Mayor Jones said he can provide emails with former City Manager Thompson about the concern of the crosswalk at Banana Street. He brought this before former City Manager Thompson and that he had the contact from the City of Wauchula from an email and a ZOOM meeting that had taken



CITY OF

BOWLING GREEN

place. He has those documents and has not moved outside of his authority. City Manager Durrance said her and Mayor Jones discussed that they were not being put up and was informed by Wauchula that they were contacted as to why they were not put up and the City received the bill. Mayor Jones stated that City Manager Durrance did not like how they looked. City Attorney Buhr said that there should not be argument about it – one way or the other. He wanted to state on the record that Commissioners or the Mayor do not have any spending authority on behalf of the City. Only the City Manager can do that and has any spending authority. She can delegate spending authority to department directors. Mayor Jones said this was something that had transpired when former City Manager Thompson was still at the City. He already took care of that. Mayor Jones was only the middle man with the Department of Transportation (DOT) who made the connection. He has documentation in the email. City Attorney Buhr said if former City Manager Thompson had committed to it and it went forward, then it is up to the current City Manager (Durrance) to proceed forward as opposed to the Mayor. Mayor Jones said he did not tell anyone about any money or anything. He asked about the lights because he received an email from the contact at DOT. He was involved in it with former City Manager Thompson. City Attorney Buhr said that no one is going to be put under oath and evidence is not being collected but the point is just to resolve it going forward. In the twenty-five years he has been a part of Bowling Green, it has been friendly and congenial Commission that he has been involved in. He just wants to get this behind the City. Vice-Mayor Fite said the sad thing is that the community needs to be apologized to for causing alarm. The room was full as a result of the March 7th meeting. He said it was not handled correctly in his opinion in any way, shape, form or fashion. From the staff to the Commission, it was all wrong and he spoke to Finance/HR Manager Gordillo. She is not a direct report to the Commission but when the Commission asks her a question to something that is going on, it needs to be answered accurately and correctly, not taking four times to get the answer. He is admonishing her in public so that it is on public record. He is not telling her what to do but it is just wrong which leads up to making the cloud even darker. Personally, if it was an issue within the office being done and an investigation being done, she should have gone to City Manager Durrance about it whether it was about her or not. It is not a criminal investigation and no where do the employee evaluate the City Manager, especially not an in-depth evaluation such



CITY OF

BOWLING GREEN

as what was given to the Commission. Finance/HR Manager Gordillo clarified that it was not an evaluation. City Attorney Buhr stated that was a motion on the floor and if other items needed to be included or were not included. Vice-Mayor Fite made a motion to amend the March 7th minutes be corrected to reflect the City Manager's correct title, and the inclusion of Resolution 2017-02, the complaint evaluation forms for the City Manager and also both the old/new personnel policies both dated August 2022. He did not understand how an old and new personnel policy could have the same effective date. It was seconded by Commissioner Durastanti. Roll call vote for amendment to the motion, four commissioners in favor, 1 commissioner absent. Roll call vote for amended motion, four commissioners in favor, 1 commissioner absent, motion carried.

2) **Regular Meeting 2/16/2023**

Vice-Mayor Fite made the motion to approve with amendment to City Manager's title deleting the term "Interim". Motion was seconded by Commissioner Arreola. Roll call vote for amended motion, four commissioners in favor, 1 commissioner absent, motion carried.

B. Ordinance 2023-03 (Second Reading)

City Attorney Buhr said that after talking with Florida Rural Water, there was an error in the rate attachment (in the Commissioners' packet). This is actually for Ordinance 2023-04. He read the short title for a second time. This is a public hearing. Vice-Mayor Fite made the motion to proceed with the ordinance on its second reading. It was seconded by Commissioner Arreola. There were no public comments. Roll call vote for amended motion, four commissioners in favor, 1 commissioner absent, motion carried.

C. Ordinance 2023-04 (Second Reading)

City Attorney Buhr read the short title. He asked City Clerk Kinzel if the statutory notice been put in the bills to which she stated it had. City Attorney Buhr said that after talking with Florida Rural Water, there was an error in the rate attachment. Since it will not have any affect for this year, he recommends the Commission pass it or else the rate will increase if it has to be pushed into another two meetings. He said it could be corrected at a later date. Vice-Mayor Fite said the public notice in the packet shows the public hearing dates as January 10th and February 14th. City Clerk Kinzel said the newspaper published them in February and March. What Vice-Mayor Fite was referring to is what went on the bills and asked if the March 14th meeting should have been on the March bill. City Attorney Buhr asked if the notice went on the March bill. City Clerk Kinzel said it did not include this



CITY OF

BOWLING GREEN

meeting but said it was done on the January and February meetings. City Attorney Buhr said that all meetings where the ordinance is to be considered needs to be on the bill. The ordinance will need to be put off until the next bill goes out. This will need to be postponed indefinitely and Vice-Mayor Fite made the motion with a second from Mayor Jones. Roll call vote, four commissioners in favor, 1 commissioner absent, motion carried. Vice-Mayor Fite asked City Attorney Buhr if the notification process has to start over. City Attorney Buhr said that it did have to go through two more readings. He asked if the capacity fee ordinance (2023-03) was on the March bill. City Clerk Kinzel said it was only on the January and February bills. He said that it will have to be done again as well. Vice-Mayor Fite asked if the previous ordinance vote had to be stricken or undone. Vice-Mayor Fite made the motion that Ordinance 2023-03 be indefinitely postponed due to lack of proper notification to public and consumer with the understanding that it will come back after proper notice. City Attorney Buhr stated that it will be a motion to reconsider which was seconded by Commissioner Arreola. Roll call vote, four commissioners in favor, 1 commissioner absent, motion carried. City Attorney Buhr said that every time the Commission meets to talk about this as an agenda item, those meetings need to be on the bill. Typically, that may need to cover three to four meetings so it covers this type of situation. If the Commission does not talk about it then no big deal but if it is talked about and it is not on the bill then it is null and void. City Clerk Kinzel stated that she was misinformed in that she was told it just had to be put on two bills. If the ordinance is passed without it being on the bill, then someone can have a problem with it. Vice-Mayor Fite asked if it should state the impact fees as well and City Attorney Buhr said it should include both ordinances (capacity fees and water/sewer rate increases). He asked City Clerk Kinzel to contact him to discuss this. She said she would. City Attorney Buhr said that there needed to be a rate correction which had to be considered twice anyway.

4. New Business

A. Audit – 2021-2022 (CS&L – Randy Dillingham & Jeff Gerhard)

(Randy Dillingham was not able to attend.) Jeff Gerhard came to present the 2021-2022 financial audit which was given to the Commission for review. There was a bound set of financial statements and a three to four page letter on letterhead. He is starting with the letter which is the required communication from the auditors to the Commission. He highlighted the main parts of it. There was a new accounting standard implemented this year for all governments called "Leases". The City has a cell water tower lease that previously did not need to be reported



CITY OF

BOWLING GREEN

but now it is required to be reported. It shows the revenues expected based on the lease agreement, which records a Right-of-Use asset and an offsetting Rental liability. There is no real impact to the income statement but shows up on the City-wide statement as a Right-of-Use asset and offsetting Lease liability. That is the only thing that is new and different, other than that, the accounting policies are the same as in the past. Vice-Mayor Fite asked if that would show in the City's annual budget that was adopted. Mr. Gebhard said it can, then Vice-Mayor Fite asked about the line item to which Mr. Gebhard said yes. Mr. Gebhard said that as part of the audit, they look at the estimates that the City makes and the allowance of allowable accounts, there is a discount rate involved in the Lease standard that he referenced earlier, and estimated amounts on depreciation. They have looked at all the estimates and determined them all reasonable and appropriate. They had no disagreements with management as part of the audit nor any difficulties in performing the audit. They did have journal entries that were consistent with last year's. In last year's discussion with all the grant activity going on, those journal entries pile up quick and they are big dollar amounts. It requires the auditors to report which will be discussed during the management letter. It is consistent with last year but the entries were less because last year was complicated. This year had the ARPA money; he was not sure if any of it was used. There complications as to when that is reported. That concludes that letter. Moving on to the financial statements, this year is consistent with last year. There is no single audit as part of this, just a financial statement audit. So one of the financial statements is an independent auditor's report. This is on the basic financial statements; it is an unmodified opinion. It is basically saying that the City's financial statements are in accordance with the generally accepted accounting principles. It has an A+ report card grade. The only difference between this year and last year is the change in accounting principle, otherwise it is similar to last year's report. He flipped over to page 12 and talk about Financial Fund Level, starting with the Governmental Funds. It is a snapshot of where everything was as of September 30, 2022. It reports the General Fund and CRA Fund separately. The General Fund has assets of \$1.6 million; it had liabilities of on available revenue of about \$200,000 and the difference between those two is the City's net position or fund balance of about \$1.42 million to the good. They look at that number as compared to the City's 2022 expenses. It is about 92% of that which is a healthy unassigned fund balance and good for fiscal year 2023. CRA had



CITY OF

BOWLING GREEN

\$140,000 in assets with \$5,000 in payables so it had a fund balance of \$135,000. On page 14, that shows how the City did in both the funds. The General fund had an positive increase of about \$135,000 and the CRA had an positive increase of \$32,000. It was pretty good reporting there. On top of the General Fund and the CRA Fund, there is also the Enterprise Fund (page 16) and the reporting is a little bit different here. This is more on the accrual basis. This also shows a snapshot as of September 30th. There were total assets of about \$16.6 million and liabilities are about \$4.6 million, with the net position of what is left of \$11.7 million. There is \$800,000 of that balance that is used for future operations and other needs. Page 17 shows how the Enterprise Fund did (operating income and loss). The expenses are higher than the charges for services of about \$347,000 keeping in mind that included a net operating income is depreciation. So it is not necessarily cash flow expense but it represents a future need to rebuild and continue to remodel the water and sewer system. It is an expense but when looking at operating income it is not a cash flow loss. Further down the page, Capital Contributions are the grant revenues that the City received for water and wastewater to give the City an overall positive change of net position - \$156,000 for the Enterprise Fund. All three funds showed positive increases at the end of fiscal year 2022. Vice-Mayor Fite asked with regard to grant revenue contributions, can it be noted in an appendix to what the source was. Mr. Gebhard said it can. Vice-Mayor Fite said it will easier to remember when looking back at it, such as see Tab A. Mr. Gebhard stated that he will note that for next year's audit. Vice-Mayor Fite said that the City has many different grants, it will make it easier. Mr. Gebhard skipped the footnote disclosures and moved on to page 40 which is the City's Budget and Actual Statement for the General Fund. It shows the actual revenues were less than budgeted by \$363,000. The expenditures were less than budgeted as well by \$400,000. Those differences are related to grants that the City budgeted for that did not come to fruition or from a timing perspective. ARPA is a good example of this (the City receives the grant but does not use it until a later date). Vice-Mayor Fite said that former City Manager Thompson referred to the shortfall being attributed to the loss of population. He wanted to know if that was correct but Mr. Gebhard said that is not correct. Vice-Mayor Fite said that some of the funding sources or mechanisms relating to the City's population. Mr. Gebhard said if the population decreases some of the funds would go down, such as utilities. But ad valorem taxes and state sources have grown, especially the state has moved out of the COVID



CITY OF

BOWLING GREEN

stage. However, not knowing what former City Manager Thompson was specifically referring to he does not know if he agrees with that. Vice-Mayor Fite stated that former City Manager Thompson told the Commission that it was directly related to the change in the census. Mr. Gebhard said that there is some funding that is impacted by the census. Vice-Mayor Fite was asking for clarity since he did not think it would be that large. Mr. Gebhard continued by stating there are more schedules for the Commission's review and went to page 49. As part of the audit, they also do an audit on Government Auditing Standards. They look at internal controls and compliance with laws, rules, regulations and grant agreements. They did not identify any material weaknesses or significant deficiencies nor any non-compliance matters. Page 51 is the Management Letter required by the Auditor General. The Prior Year Audit Findings (in the middle of the page) had two (2). There were audit adjustments as a finding and spending more than budgeted last year as well. The findings have been corrected in fiscal year in 2022 and did not have that scenario but there were journal entries that were part of the audit. Vice-Mayor Fite asked if a budget amendment was missed last year that should have been done. Mr. Gebhard said the City could have done a budget amendment and it would have prevented the underage. That funding is reported on page 54 and shows year end adjustments for governments the size of Bowling Green. Mr. Gebhard does not get overly excited about this finding but he will note that this is year two (2) of the finding so the City will need to take measures to reduce this for next year. When it gets to be a third year in a row, that is when it will be scrutinized. City Management response is on page 55. Vice-Mayor Fite asked that since the current City Manager is new, would the auditors work with her and she is in the loop so the same mistakes are not made. Mr. Gebhard said that they would do that. City Attorney Buhr brought up the access by the City Manager to the full accounting software and the auditing firm had an issue with changing items and having check signing authority (which she does) but they had no problem with reviewing everything. Mr. Gebhard said that read only access is fine and City Attorney Buhr said he spoke to City Manager Durrance who said that she was perfectly fine with that. When changes need to be made to the budget, then that will have to go through Finance/HR Manager Gordillo. Mr. Gebhard said that that can be changed but other controls will have to be put in place. His recommendation is to go with the read-only access but if it becomes an issue, then the City can get in touch with him so he can change controls. Vice-



CITY OF

BOWLING GREEN

Mayor Fite made the motion to approve the audit as presented with a second from Commission Arreola. Jim Kelly (4640 Bryan Ave and owner of the Herald Advocate) wanted to mention an item in defense of Mayor Jones where he thought City Manager Durrance was Interim as she signed the Audit Management Letter as Interim City Manager. Mr. Kelly said that show there may have been confusion on everyone's part. City Attorney Buhr said that he was not here when the decision to hire her was made but he believes that it was an error that started and was perpetuated. Vice-Mayor Fite was trying to clear the error up. Mr. Kelly said that he as a journalist was confused with the initial hiring since he believed that her lack of municipal experience, she was hired on an interim basis and after a certain amount of time, that she would be made full City Manager. City Attorney Buhr said that City Managers can be fired as their position is at will. If the Commission is unhappy with her, it requires to be done at a regular meeting, a vote of at least three (3) Commissioners (a majority) which he built into the charter. Motion was seconded by Commissioner Arreola. Roll call vote for amended motion, four commissioners in favor, 1 commissioner absent, motion carried.

B. Entrance Access – Angelo Johnson

Angelo Johnson did not come to the meeting, so this item was not discussed.

C. Samuel Delatorre

Cassandra Hendry (915 N Sixth Ave, Wauchula) came before the Commission as they were given a code enforcement violation for a property on 4216 Church Ave. There is a fence that was damaged. The first time it was damaged, she was told by former City employee Roy Briseno that it was a drunk driving accident and then further damaged by the City or County contractor to do hurricane preparedness back in 2019. Her tenant (who still lives there) created a letter for her saying that they witnessed a tree trimming truck or big white truck damage the fence. Code Enforcement Officer Galvan sent a violation notice on August 19th. Their address on the Property Appraiser website is the office address and she sent it to the wrong address which is her dad's home address so they never received it. They came to City Hall, paid the fee and were told to clean it up. Hurricane came through and things got bad for them so they did not get around to doing it. It was brought up again and paid the fine already and they went to court for it once. The property has been cleaned up and she has pictures. City Attorney Buhr told her that it is before the court right now and the Commission cannot do anything for her while it is pending in court. If code



CITY OF

BOWLING GREEN

enforcement can resolve or settle it, then she will need to go to code enforcement about it. He said that it has to go through the court system but code enforcement can discuss it at a later date. Ms. Hendry stated that the fence needs to be removed and since it was damaged by the City, she wants to be allowed to fix it but Code Enforcement Galvan said that she could not comment on that but advised her to go before the Commission to get permission to fix it. She wanted to know how to get permission to repair the fence if it was damaged by the City. City Attorney Buhr referred her to provide evidence to Police Chief Scheel or City Manager Durrance or both that it was damaged by the City and if it is a valid argument then they can bring it before the Commission. But no one is under oath so "evidence" cannot be accepted since it is not clear if it is valid because the Commission is not a court. She can settle it with the City Manager or Code Enforcement if she wants to do. Ms. Hendry asked if she could settle it with the City Manager. City Attorney Buhr said he will talk with the City Manager and Code Enforcement regarding this. Ms. Hendry thanked the Commission for hearing her out.

D. John Raymond - Bond

Mayor Jones said that this item is taken care of per the City Clerk. City Attorney Buhr clarified that it was put off as John Raymond did not have enough information to present at the commission meeting at this time. He will put together a packet of information which will be presented as a CRA item which has to be done at a CRA meeting. A CRA representative will need to be present which is Fred Fox Enterprises. They will need to work on it with the City.

E. Modification #2 to Recreation Grant Agreement Between The Hardee County Economic Development Authority and the City of Bowling Green

City Manager Durrance said that City Clerk Kinzel attended the Hardee County EDA meeting on February 28th as her husband was in the hospital at the time. It is for additional funds to cover the park changes. Instead of a basketball court that was originally requested as the lowest RFP was over \$350,000, it was modified to a pickleball court and the City asked for the extra funds for it. Vice-Mayor Fite wanted confirmation that the EDA approved the additional funds and City Manager Durrance said it was. Vice-Mayor Fite stated that it seemed that this is for information and there was no action by the Commission needed and City Manager Durrance said it was a follow up to her comments in February's meeting that she would be attending to ask for the additional money. City Attorney Buhr said it does not need approval as it is just information. City Clerk Kinzel said it would need



CITY OF

BOWLING GREEN

to be signed by the Mayor. City Attorney Buhr said if it needs to be signed by the Mayor then it needs to be approved by the Commission by vote. Vice-Mayor Fite made the motion to accept this modification to the grant. It was seconded by Commissioner Durastanti.

Jean Kelly (4640 Bryan Ave) spoke to City Manager Durrance, letting her know that when she was the Chair of the Parks & Recreation Committee, there were plans to get several things done. She wanted to know if City Manager Durrance had a copy of that list and how much it was going to cost to get it accomplished. City Manager Durrance said she had an old one but the basketball court would not be able to be built because it was cost prohibitive. Ms. Kelly wanted to know if she had the old one since previously when things could not be built then the money had to be returned and cities could not just replace them with other items. City Manager Durrance told her that was the purpose of going before the EDA so that the basketball court could be changed to the pickleball court and request the additional funds to complete it.

Roll call vote for amended motion, four commissioners in favor, 1 commissioner absent, motion carried.

F. Peace River Campground Utility Agreement

County Attorney Buhr said the previous agreement was approved by the Commission but there have been changes made to it relating to equipment so he felt it needed to come back to the Commission for consideration. Vice-Mayor Fite asked for the highlights to be outlined. City Attorney Buhr stated that since the City does not have utility specifications which he highly recommends get done by the City's engineers. Misunderstandings could occur if equipment that the City does not want but have to handle for the next forty to fifty years. The City Manager approved additional equipment to replace previous equipment that he preferred but the City was in a position where there was not a neutrality of agreement as to what that is. The equipment will be as originally bid. Vice-Mayor Fite asked for clarification if it was the former City Manager or the current one. City Attorney Buhr said the current one; Vice-Mayor Fite asked if he could make the motion with a condition. City Attorney Buhr said if it is in the motion. Vice-Mayor Fite made a motion to accept the utility agreement changes as recommended by City Attorney Buhr and also for him to proceed with developing with a standard so this does not happen again. It was seconded by Commissioner Durastanti. Roll call vote for amended motion, four commissioners in favor, 1 commissioner absent, motion carried.

5. Mayor



CITY OF

BOWLING GREEN

Mayor Jones said that if there was anyone in the room that he alarmed or offended concerning the March 7th meeting, then he apologizes. He did not do anything of his own volition or own knowledge. He reached out to the City Attorney on everything he did. He is an avid reader and researcher. Based on what the City's charter said at that time and prior to Vice-Mayor Fite's findings, anything in excess of \$5,000 must come before the Commission. That was the purpose. There are a lot of projects going on and it is just that simple. City Attorney Buhr wanted to clarify that the code, not the charter, provides for the \$5,000 in the procurement section. There is a procurement manual that is complete different than the procurement code. He combined the two and will present it at the next meeting for change. It needs to be fully in the code or fully in the manual. If it is in the manual, he recommends passing it by resolution so that it becomes law for the City. He prefers doing all procurement in the code so it is clear to everybody so nobody can be ignorant of the law. He apologized for the interruption but wanted to make sure everyone was clear. Mayor Jones said he did what he needed to do based on the information that he had. It was brought to his attention and stated by the former City Manager (as he recalls) that City Manager Durrance was being hired on a ninety (90) evaluation. Also, financial increases were tied and factored in. Ninety (90) days is really not a chance to do an evaluation on anyone, however, it was brought up that the expiration was on March 18th. So because of being that Friday (March 3rd), there was not time to get it into the newspaper since the March 7th meeting, would be over by the time the newspaper went out on Wednesday. He (City Attorney) relayed specific change could go forward and have the public meeting. It was based on the understanding prior to learning that City Manager Durrance has thirty (30) days to get that done. He said the City is trying to move forward in the way things are written. If he reads it and finds it, he prefers to do things accordingly. He said that the City cannot have laws, statutes or ordinances but not abide by it. That is wrong. If he signs his name to anything, he is responsible for anything he signs his name to. He is responsible for what he says. Everything he did was in those lines. It was not about getting rid of the City Manager. That was not the purpose of it. Information came and that was included. Again, he said the charter says Council-Manager. He is not going to the City Manager by himself and address anything especially in a negative light. If anything she can tell you, he has only provided her things that will make things better for the City. When it came to the lighting, it has been years of concern. Vice-Mayor Fite have spoken on it and Chief Scheel has spoken on it about the danger of the fall on Banana Street where someone cannot even see. When the opportunity presented itself, he spoke to former City Manager Thompson about it; since November he was diligent about getting it done. The whole ordeal is that the emails that he has is that it was supposed to be done in Wauchula as well. The City of Wauchula did not want to do it. City Manager Thompson said if it was



CITY OF

BOWLING GREEN

a safety issue that is fine. Last week he pulled out at five-something in the morning to go to work, he could not see the light on the corner (Jones Street). That is how dense the fog was. It was not about doing things out of order but it is about safety situations that for years, people have been trying to get them done but it has not been done. He saw an opportunity to make it happen, he jumped on it. He did not go along on his own but went to the City Manager about it. If there is anything he did that caused harm, alarm, offense, he apologizes. He address City Manager Durrance directly by saying if he offended her by his action, he apologizes as that is not who he is or how he operates. He is about making this City better and he has told her that numerous times. He told City Clerk Kinzel that he is glad she is feeling better. She told him thank you.

6. Commissioners

Commissioner Durastanti thanked the City employees for all they do for the citizens of the City everyday. Vice-Mayor Fite thanked City Manager Durrance, Recreation Supervisor Robinson and the Recreation team for the Movies in the Park event. There was a good turnout and good response not just in the City but the County too. There are a lot of things going on in the County now. Food was good and sold out. Upcoming is the Legislative session which is in full swing. Tomorrow (March 15th) is the Sovereign Immunity Bill which can cripple small cities. It allows \$2,000,000 for one person and \$5,000,000 for multiple and up for vote. City Attorney Buhr said it is crushing but Vice-Mayor Fite stated that it was previously it was \$5,000,000/\$10,000,000. Another one that is concerning for all municipal elected and cites in Florida is Full In-depth Financial Disclosure Bill Form Number 6. Tomorrow is not a critical vote but it is a key vote. It will be up again in the next committee where it should be modified or squelched. Legislative Days in Tallahassee is April 3-5 for himself, City Manager Durrance, and Mayor Jones. City Manager Durrance and Mayor Jones are both enrolled in the Ethics training that day. Mayor Jones said that he took his already; Vice-Mayor Fite said he can drop out of it since it was at no cost but it was automatic register. He wanted to move the April Commission meeting from Tuesday, April 11th to Monday, April 10th. The presence of both federal elected in town to meet and speak (Senator Scott and Congressman Franklin. It would be remiss and not proper if local elected officials did not show up whenever they are representing us and potentially assist and help the City. It is a ticketed event and will be paying for his own ticket. Both he and Commissioner Durastanti should be there; Mr. and Mrs. Kelly should be there. It is a justified reason to move the meeting and made the motion to move it to Monday, April 10th. City Attorney Buhr cannot be in Bowling Green on that date as he is going to be at Avon Park's Commission meeting. He said he could be here on Wednesday, April 12th or



CITY OF

BOWLING GREEN

Thursday, April 13th. Vice-Mayor Fite changed the motion to move the next Commission meeting from Tuesday, April 11th to Wednesday, April 12th. It was seconded by Commissioner Durastanti. Roll call vote for amended motion, four commissioners in favor, 1 commissioner absent, motion carried. Vice-Mayor Fite said his next item is (after speaking with City Attorney Buhr) to prevent occasions such as the March 7th meeting from happening, for City Attorney Buhr to create a correct written policy for the ability to call special meetings whereby items can be discussed at the regular Commission meeting or deciding whether a workshop should be scheduled and defining what qualifies for an emergency meeting. City Attorney Buhr said he would be happy to do that. Vice-Mayor Fite stated that he asked City Clerk Kinzel to research the Commission policy regarding documentation so the Commission can be properly educated prior to the event so they are not blindsided anymore. If it cannot be found, then the Commission can address it. City Clerk Kinzel said she would look into it. Vice-Mayor Fite thanked Ms. Greene for saying what the causes are and the Commission needs to do what is right for the City and the citizens, the revolving door of City Managers needs to stop, and he repeated what he said on March 7th: the Commission is to support, guide, and assist the City Manager to the best of their ability. They are to stand beside and behind them. In City Manager Durrance's case, she is doing a good job and going to the right people. The right people are reaching out to her. She has gained relationships with many City Managers and City Clerks that are willing to assist. He reiterated that she should not be undermined as the City Manager of Bowling Green and should be helping her. A lot of this could be prevented by proper training of staff and the Commission. He asked the City Attorney to develop a brief synopsis since there is a young Commissioner. City Attorney Buhr said he could do a presentation on the City Charter and Code in about an hour. Vice-Mayor Fite said to set it up as a workshop since it is only a presentation. He asked for a quick update on water meters from City Manager Durrance. She said that they were not working on them this week but currently have installed about 200+. They are in the process of installing all the meters. There has been some breakage while doing the installation to which Vice-Mayor Fite said was understandable. He then asked about the screw press. She stated that there was a meeting next week on it and it is 98% now, then be finalized at that meeting. Vice-Mayor Fite asked if she brought Pennoni in so they know what is going on. She said that she talked to Roger about it but not bringing him in on it. Vice-Mayor Fite said to have him call in since he knows the City's plant and future plans of the plant to make sure one does not interfere with the other. She said she would but did not want to charge another bill to have Pennoni involved. He said that Pennoni would probably do it since they have



CITY OF

BOWLING GREEN

involvement in the future. He asked when were the meters read and the data loaded into the system. City Clerk Kinzel said the 15th is when the bills are due and the meters are read that same week into the next week, then billed on the last day of the month. Vice-Mayor Fite said because of the mailing issues possibly pursue electronic billing to prevent delivery issues by the post office so the customer can be emailed their bill. City Manager Durrance said that the system would need to be updated. Vice-Mayor Fite said that since the mail is the issue that the City can look at possible solutions in the future. She was not going to answer yes or no at this time since there is new stuff with this new system that is upcoming. Finance/HR Manager Gordillo said that staff is updating emails and telephone numbers as they come in and call which includes the robocalls. Hopefully the new software will allow the City to do electronic billing. Vice-Mayor Fite said that the mailing issue has been discussed; if the bills are mailed out on the last day of the month, he gets his on the 8th or 9th of the month. He would appreciate it if it be looked at and be feasible so prevent paying late fees on water bills. He said that everyone knows their bills are due on the 15th and should be expecting it but there are those that if they do not get a water bill then they do not owe one. Finance/HR Manager Gordillo stated that since there have been continuous problems with the post office, the City could pay Asyst (billing software) to mail it out so there would be no need for the City to deal with the post office. Vice-Mayor Fite said that the problem is the card itself. Finance/HR Manager Gordillo said that sometimes the cards get stuck. Vice-Mayor Fite said another utility uses the same type of billing card and have the same issue. He just wants the City to find a way to make it better for the public as well as staff without overcharging the late fees. Mayor Jones asked City Manager Durrance if the residents pay electronically and the payment may not be available for 1-2 business days for processing, is there a late fee for that. Both City Manager Durrance and Finance/HR Manager Gordillo stated that the payment is available when the payment is received by the system. Finance/HR Manager Gordillo said if the resident wants it to be received by the 15th, they will have to pay either the 12th or the 13th since it does take time. Mayor Jones asked if that is the only software the City has or is it optional. Vice-Mayor Fite said that it is cost prohibitive to which Mayor Jones said he understands that but with the changing of the hours to 8:30 – 4:30, residents may pay online. Finance/HR Manager Gordillo that is the City's only option unless the Commission approves spending over \$10,000 to go with another utility billing option. Vice-Mayor Fite also added that it is the bank processing of the payment. Finance/HR Manager Gordillo said that some residents may not select the correct option so it could take up to 2-3 business days but now there is Point and Pay or calling City Hall to make the payment over the phone. It will take time if they go through



CITY OF

BOWLING GREEN

the Asyst "Pay My Bill" option. Mayor Jones wanted to know if all these options have been told to the public. Finance/HR Manager Gordillo said she believes so as it is online and started when former City Manager Thompson was here. Now it can be used for sign-offs, water services, etc but if it is used for utilities, staff just has to post it at the end of the day. Vice-Mayor Fite announced that Chief Scheel got a new police vehicle. Chief Scheels said it is a 2021 Ford Explorer. Vice-Mayor Fite asked how it was working out since it was returned. Chief Scheel said it is on the road and insured. Vice-Mayor Fite invited Chief Scheel to update everyone on the new officer. Chief Scheel said that the newest hire is Officer Zachary Coronado (Sargeant Coronado's son) who went through the academy and is certified. Vice-Mayor Fite said he watched Officer Coronado grow up and he is a fine man; he is glad to have another homegrown Bowling Green resident on the payroll. He told Officer Coronado the most important thing is to do the job and go home to his family, especially in this tough climate and face a lot of adversity. Commissioner Arreola wanted to ask about how much text could be put on the bill regarding information. Finance/HR Manager Gordillo said that staff put the notices on the bills when needed through Microsoft Word and the Asyst billing system. City Manager Durrance said that there is also the phone robocall system. Vice-Mayor Fite said the phone does not suffice for certain notifications to which City Manager Durrance said it does not show proof. Commissioner Arreola said that emailing the bills would be a great idea. Finance/HR Manager Gordillo said that the City has to have proof especially when noticing ordinances. Vice-Mayor Fite asked City Attorney Buhr if the City went out via email then would the notice on the electronic bill be sufficient. City Attorney Buhr said the statute says that the notice must be provided throught the process of the billing. If emailing the bills is the City's process, then that would suffice.

7. City Attorney

City Attorney Buhr said this was an interesting meeting and he is glad the audience acted appropriately. He hopes that this issues have been resolved and the City can move forward. He feels this is the most congenial group of Commissioners he has dealt with. He understand that people have to stay in their lane and will discuss this at a later time. He said it is his pleasure to be the City's attorney and thanked the Commission for that.

8. Recreation

Chiquita Robinson, Recreation Supervisor, wanted to thank all those who came to the March Movie in the Park. There is a Movie in the Park every month. She stated that there has been some issues with getting information from the City's website. She spoke to staff



CITY OF

BOWLING GREEN

to advise that there is an issue with people not seeing announcements, information and upcoming events. She does get flyers and notices out and it is up to the public to come. She hopes that everyone will come out when an event is happening. The Movie in the Park will actually be at the Community Center on April 8th starting at 3pm with a movie for the children and later an Easter egg hunt. There will also be a couple food trucks. On March 23rd there is the State of the County at the Civic Center where all the municipalities, county and state will give presentations. Vice-Mayor Fite said that a disaster recovery presentation will be given. Recreation Supervisor Robinson also said that Saturday, March 18th (9am to 12pm) will be the PRECO event where the City will be giving out strawberry shortcakes. It will be on the backside of Knight Road. Vice-Mayor Fite thanked Recreation Supervisor Robinson for bringing up the website as it has serious issues. City Manager Durrance said she is looking at companies but the fees are outrageous. Vice-Mayor Fite recommended she speak with Linda Roberson in Zolfo Springs on what they use as she is pleased with it and it is relatively inexpensive.

9. City Manager

City Manager Durrance told the Commission and the public about Bowling Green's big event on September 23rd. She said this event will bring a lot of money to the Recreation Department. She received a call from someone after being on the radio who wants to sponsor the entire event. After that, everything else will be profit to the City's recreation fund to allow for other events for the community. The parks are getting a makeover and are underway; she is hoping to be done by May as the money would have been lost in June. She has prayed as to whether she wants to remain at the City. She loves the community but she has read previous meeting minutes with previous City Managers. She noticed that it was recorded how they were treated and she said it is happening to her as well. Vice-Mayor Fite reminded her about the public support she has sitting in the Commission chambers. The public hires the Commission and they are there for a reason. He reiterated that if she is successful then they are successful. He also stated that they need to stand behind her and beside her. She said that she does not feel that. It was an eye opener with her staff and how it was all handled. She was also going through some personal issues at that time. City Attorney Buhr did meet with her and to go over items on the agenda. His impression of her is that she is really intelligent and if she stays, she will do a really good job. Vice-Mayor Fite said that he told City Attorney Buhr that he has had a lot of encounters with a lot of citizens and people (business leaders, elected officials, other municipal staff from other communities) who wanted to know why she was put through what she went through on March 7th. It was wrong and just like the City Attorney, City Manager Durrance



CITY OF

BOWLING GREEN

was not given the information and was blindsided as was the Commission. It is no way to conduct business on any form whether who was involved and who was behind it. The insubordination of her staff that knew it prior to did not let on to her, it shows a major trust issue within the office. If she cannot trust her staff, who can she trust? She is the employer and staff works at the will of her. The things that were done to her by the employees was not the right way to go about it. If there is a complaint then file a complaint; employees do not evaluate her. She does not work for the employees; she works for the Commission. The Commission works for the residents so directly she works for the citizens. Employees of the City are employees of the citizens. They do what they can to make Bowling Green better not destroy it. The meeting on March 7th was a sham and a disgrace to the City and citizen. It was done wrong. He as a Commissioner felt like he was made to look like a fool coming to it. It was wrong. He tried to do the right thing by adjourning the meeting until there was a full Commission like the City Attorney stated that it should be handled by the full Commission at a regularly scheduled meeting not at a special meeting. That was a vendetta attack to terminate the manager. The public saw it and recognized it. They saw who was behind it. It needs to be buried to move forward because if it cannot then it needs to be dealt with. There are legal ways to deal with it. It was wrong. City Attorney Buhr hoped that this can be considered a reset for everybody to move forward. Vice-Mayor Fite hopes that education will benefit the citizens. He said that Ms. Greene had it right and the City needs to see what the problem is. Stacy Daniels (5119 Epps Ave) said that this is not Bowling Green and told Vice-Mayor Fite that she is talking now. She said that the same information keeps being told and even the City Attorney stated that the City needs to move forward. She admonished Vice-Mayor Fite for continuing to bring it up the negative even though Mayor Jones has apologized. She told everyone that most of the attendees, Vice-Mayor Fite and City Manager Durrance are Christians but God would not be pleased with any of this. If the Commission cannot come together to talk amongst themselves and resolve the issue in a peaceful manner and respectful tone, she does not want them leading her. She said right now there is still division and Vice-Mayor Fite keeps bringing up the negative and that he represents the elect of Bowling Green. Vice-Mayor Fite said he does but Ms. Daniels said that he does but it is only the select few. He only talks to and communicates with a select few. She said that she has never seen him come to their side of town to find out what their issues and concerns are. She thanked God for City Manager Durrance but has nothing but positive dealings and communication with her. She has managed people before. Managers have a lot on their plate and are not perfect or do everything right. She does not know what happened in the March 7th meeting because she



CITY OF

BOWLING GREEN

was not there. If there are issues that employees are having, they need to be comfortable speaking with the City Manager without fear and retaliation. She is not pleased with how this meeting went. She wanted Vice-Mayor Fite to stop talking about the negative since the City Attorney is coming up with policies and procedures so everyone needs to move forward from this. She said that the Mayor has apologized so it needs to rest and let be. No one has been perfect or done everything right. She said everyone can learn from their mistakes and work together and move forward. She does not want to hear about what Wauchula is doing because they are doing their thing. Their concern is about Bowling Green and to look out for all residents of Bowling Green, not a select few. She said that City Manager Durrance told her that she is here for everybody. She has called City Hall a couple of times and she does not know who a certain young lady was but how she was treated over the phone. She was told to provide her phone number but Ms. Daniels had previously called at least three times to leave a message for the City Manager. That is very unprofessional. That shows her who the City has working in the front office which Vice-Mayor Fite agreed with. He stated that if the City can keep City Manager Durrance then she can fix that. Ms. Daniels said that everyone needs to be treated how they would want to be treated. Everyone leads by example. If there is an issue that is something that can be worked out with policy. The employees that have an issue and cannot talk to the City Manager need to be told who to go to. There has to be some chain of command and a mediator to resolve the issues to keep from having a meeting such as March 7th. She wants everyone to let the negative go. Let the City move forward from there and she prays that City Manager Durrance will stay if that is the LORD's will. She said that everyone needs to be honest and true. Everyone matters and move forward. Recreation Supervisor Robinson thanked Ms. Daniels for her comments but stated that this situation did not just start. She prayed before she came her but certain Commissioners have been riding her. She wants the beautification of Bowling Green It is not her and people will walk around not speaking to her but she does not care anymore. She used to but not anymore. This is Bowling Green and she was raised here, her kids were raised here. It is her town and anyone who wants to do what she does, they are welcome to it. It is not an easy job and the City pays her. She is a City employee and former City Manager Thompson started it. She will talk to the Mayor and will do the right thing by having another Commissioner and the lawyer. Mayor Jones stated that another Commissioner could not be present but Recreation Supervisor Robinson said that it would include the City Manager. She said the front office needed to be cleaned up. The employees working out in the field need to be cleaned up. People came to her after the March 7th meeting complaining. The whole City



CITY OF

BOWLING GREEN

of Bowling Green needs a turnaround. The City of Bowling Green needs a clean house and this is our town. Everyone needs to move forward and start thinking positive. Anyone who wants to join Recreation is free to do that but do not come with negativity. Mayor Jones cautioned about sidebars.

10. Police Chief

Chief Scheel said he already spoke. Mayor Jones stated that he answered questions but did not know if he had anything for his designated time. He said he did not.

11. City Clerk

City Clerk Kinzel announced the Community Workshop for the Downtown Master Plan on March 30th 5:30 PM to 7:30 PM at Bowling Green Elementary. It will be the second one and encouraged everyone to attend. The first one in January had a great turnout. The workshop will show the plan with the ideas from the first workshop and incorporate new ideas if needed. The final workshop will be in May. Mayor Jones invited everyone to come and state what their wishes are.

12. Public

Mayor Jones explained that each person speaking had three minutes and would need to state their name/address for the record. Jack Brown (4762 Martin Luther King Dr) asked the City Attorney that in the corner that he has lived at for sixteen years. The City has told him that it is his responsibility to clean up the area outside his fence. The City has NO PARKING signs there. City Attorney Buhr said he could not advise Mr. Brown. Mr. Brown said there was a tree there and the hurricane blew it on his fence. No one from the City has come to him to see about getting it fixed. City Attorney Buhr recommended he speak with City Manager Durrance. Mr. Brown said he spoke to the two City Managers before her. City Attorney Buhr said that he cannot advise Mr. Brown as he is paid by the City. City Manager Durrance said this is the first she is hearing this. City Attorney Buhr told him to speak with her on how to resolve this. With regards to the lighting, the crossing guard at City Hall does not have light to cross children in the morning. On Martin Luther King, there are no lights. He said there more are drug addicts walking down there. There is no police presence there. He is saying it now because he has the chance to. His wife who works from home is scared of the people who walk around there. Vice-Mayor Fite said that regarding the street lighting, around December 2020-2021, the Department of Transportation (DOT) presented to the Commission information regarding making Highway 17 safer by addressing speeds, etc. Nothing has been done to date. This has been



CITY OF

BOWLING GREEN

forwarded to the to our Senator, old and new State Representative, the DOT Traffic Safety Committee. There was supposed to be a meeting in the morning but due to key players being called to Tallahassee, it will be rescheduled. He just got put on a Committee in the County that will address this. After being dormant for so long, hopefully, there will be a resolution to the issues on Highway 17. The Traffic Safety Team believes they can get some things done quickly. Mayor Jones said that the lighting has been based on appearance instead of safety but safety needs to be the priority since no one wants to see a child or crossing guard getting hit. Vice-Mayor Fite will mark it with the flag tape again and put in a trouble ticket to PRECO but he did invite the public to mark it and go on their website to turn it in. Carolyn Pasdura (4681 W Palm Dr) wanted to tell City Manager Durrance to stay and she understands that the City Manager was hurt and had every right to be. She asked if any employees that have left the job since last week. City Manger Durrance shook her head no. Ms. Pasdura asked how many employees work for the City. Both Vice-Mayor Fite and City Manager Durrance said eighteen. Ms. Pasdura said that out of eighteen employees and she received six feedback forms. She stated that City Manager Durrance is trying to do her job. She reminded the Commission that multiple employees were going to walk out as she had attended the March 7th meeting. No one has walked. She agreed that the March 7th meeting was the worst thing she has ever attended as she had a similar experience. She has empathy for City Manager Durrance and all the Commissioners needs to find out what their job is. Last week's meeting was wrong and was a shame. She says that Avion Palms is a big part of the community. She commended City Manager Durrance for the job she has done so far and knows she will work hard for Bowling Green. She said that City Clerk Kinzel takes care of her when the park has issues. She has called City Hall recently and gotten different answers for the same questions and feels the front office needs more training. She does not want City Manager Durrance to leave and said the City has gone through too many City Managers. She never wants to see another meeting like March 7th. Lacey Webb (4920 County Line Rd and Executive of the Chamber of Commerce) said that Thursday, March 23rd is an initiative that the Chamber is hosting and invited the municipalities and the County to present. She hopes that City Manager Durrance will attend to talk about all the things going on in Bowling Green. Vice-Mayor Fite reminded everyone that they will need to RSVP for the event. Ms. Webb said it is open the public but will need to advise of their attendance. The purpose of the program is to talk about the initiatives and goals. Michelle Jones (4829 Sally Blvd) wanted to mention in this meeting that she has met City Manager Durrance and requested via email a meeting with her and Recreation Supervisor Robinson but never received a response. What hurt her the most is



CITY OF

BOWLING GREEN

that she was part of the Recreation Committee and enjoyed working with it. It was not something she had to do but was helping her cousin and her City. But she sat in a meeting when City Manager Durrance first came and everyone was told about the meeting except her to provide input. She said that when she was in the meeting it was said that it was “My way and no one can change my thinking and this is how it is going to be” so she took a step back. She was hurt by that and she was told before former City Manager Thompson came via ZOOM meeting, since they are not Commissioners they can communicate as a committee. She said that the conversation was already one that had been discussed regarding the financials and where the money was going. She wanted to get that off her chest because she was angry with how things were handled. She hopes the City can move forward and that City Manager Durrance will stay because Bowling Green does not need another one. There are going to be tough times and the stress is real. Everyone needs to come to the table and talk. Mistakes have been made and many were made on Vice-Mayor Fite’s watch so fingers should not be pointed. A lot of mistakes will be made so people should not be crucified. She said that everyone had a say except her at the January Recreation meeting. Vice-Mayor Fite asked City Attorney Buhr if the Recreation Committee was governed by the Sunshine Law. City Attorney Buhr said it was. Vice-Mayor Fite said that where two gather it has to be a public meeting unless it is at the event taking care of tasks for the event. City Attorney Buhr clarified that with the Recreation department having an employee then the Sunshine laws do not apply but when it was a Committee under the Commission it did apply.

City Manager Durrance stated that she now wants her insurance and the pay raise she was promised after the ninety (90) days. Vice-Mayor said the insurance is a non-issue since it should have been done at the point of hire which City Attorney Buhr agreed. Mayor Jones said that she could get her paperwork in to meet the deadline. City Attorney Buhr stated that the pay raise is a Commission issue and will need to make a decision tonight. Commissioner Durastanti asked what she was promised and City Manager Thompson said that she asked for \$85,000 but former City Manager Thompson said the Commission would not do that amount but would do \$80,000. Commissioner Durastanti made the motion to give City Manager Durrance a pay raise to \$85,000 which was seconded by Vice-Mayor Fite. Commissioner Arreola asked if all five commissioners needed to be here to vote on this but City Attorney Buhr said no. Vice-Mayor Fite let the public know that is what was in the budget and what it was advertised as. City Attorney Buhr and Vice-Mayor Fite felt she has earned every penny so far. Mayor Jones asked Commissioner Arreola if he



CITY OF

BOWLING GREEN

was done to which Commissioner Arreola stated he was. Roll call vote for amended motion, four commissioners in favor, 1 commissioner absent, motion carried.

Commissioner Durastanti thanked City Manager Durrance. City Manager Durrance said that she is 100% willing to move forward. She did say she will have trust issues and she is willing to work with her staff. She has not treated them any different since the March 7th meeting. She said she has learned a hard lesson. She as an adult will move forward because she loves Bowling Green whether they like it or not. It is for the community because she is here for Bowling Green. Her door is open to anybody. City Attorney Buhr said what hurts City Managers the most is staff not going directly to them. He recommends going to the City Manager if there is an issue and speak with her. Do not go the City Commission meeting as a bomb as it does create a bad feeling on their part. Mayor Jones said he did not want to go to her alone and coming across as imposing and usurping authority. City Attorney Buhr said he will go over that at a later time but that there is nothing stopping him with meeting with her or even criticizing her. Commissioners need to make sure they do not undercut the City Manager in front of employees. He said that it is okay to inquire but they cannot demand anything of her. City Manager Durrance said that is how she learns.

Mayor Jones adjourned the meeting.

N’Kosi Jones, Mayor

Katherin Kinzel, City Clerk

City of Bowling Green

Minutes of Regular Meeting

December 13, 2022

Present: Mayor Jones, Vice-Mayor Fite, Commissioner Durastanti, Commissioner Lunn, Commissioner Arreola, City Manager Thompson, Interim City Clerk Kinzel, Chief Scheel, Attorney Buhr, Jennifer Codo_Salisbury and Benicia Frazier (CFRPC) and members of the audience.

1. **Call to order** – The meeting was called to order by Mayor Jones.
2. **Prayer** – Pastor Scott Tharp with First Baptist Church, Bowling Green
Flag Salute

Mayor Jones stated that agenda item 4F will need to be renamed Infrastructure Grant per City Manager Thompson.

3. Old Business

A. Approval of Minutes

1) Regular Meeting 11/1/2022

Per City Manager Thompson these minutes will need to be tabled until the December meeting due to an error in printing.

2) Emergency Meeting 11/8/2022

Commissioner Durastanti made the motion to approve. Motion was seconded by Vice-Mayor Fite. Roll call vote, all in favor, motion carried.

4. New Business

A. CRF – Master Plan Kickoff

Jennifer Codo-Salisbury with the Central Florida Regional Planning Council, along with Benicia Frazier, gave an overview of their organization that partners with Hardee County and the municipalities in planning related items. She said that CoBG was awarded a Florida Department of Economic Opportunity Community Planning Technical Assistance Grant. CFRPC worked with BG to apply for the grant to develop a Downtown Master Plan for the City and with that, an update to the land development code for consideration. She provided handouts to the Commission for review. The first step of this is to schedule a community workshop to hear from the residents and stakeholders as to where the core downtown area is and the periphery of the downtown. Also, they are going to identify what is the community's vision. Mayor Jones was concerned about the capacity due to the flyer stating that the workshop would be held at the community center which only holds 49. Ms. Codo-Salisbury will investigate a larger venue and asked for venue recommendations. City Attorney Buhr and Mayor Jones suggested BG Elementary as that would be the optimal location for capacity within the City. City Attorney Buhr asked for a definition of stakeholders. Ms. Codo-Salisbury said that stakeholders are schools, FDOT, committees, the BG City Commission, any other organizations they are identified to be included. Mayor Jones said since there will be so many people and groups involved there needs to be a large enough place to accommodate everyone. The CFRPC wanted to

but City Attorney Buhr said they must be considered separately. Roll call vote, all in favor, motion carried.

D. Ordinance 2022-05 (First Reading)

This was taken care of in Agenda Item C.

E. Ordinance 2022-06 (First Reading)

City Attorney Buhr read the brief description of this ordinance. Vice-Mayor Fite said that he would make a motion for this ordinance since the discussion had previously taken place during Agenda Item C. The motion was seconded by Commissioner Arreola. City Attorney Buhr said the same error in ordinance numbering needed to be corrected which Interim City Clerk Kinzel will fix. Roll call vote, all in favor, motion carried. City Manager Thompson commended both Mr. Jimenez and Mr. Raymond for their presentation.

F. Infrastructure Grant

City Manager Thompson said this was a board item. He, Mr. Solin, and City Attorney Buhr has gone through the contract to get this settled. Two issues that came about was when they took it to the EDA and the City was shovel-ready, it was already bid out as a private person. City Attorney Buhr had the question if the City could proceed without bidding it out itself. City Manager Thompson spoke with the County Attorney and the EDA Chairman both who said it was okay to proceed. But City Manager Thompson wanted the approval of the BG City Commission prior to proceeding. He stated that if it went to rebid it would put the project out a couple months and increase the price of it. He recommended the City proceed but he wanted the Commission to agree first. City Attorney Buhr said he would have the final contract ready based on the decision of the Commission. He asked City Manager Thompson if he has an engineer reviewing the plans which City Manager Thompson confirmed. He asked for a set of the plans which City Manager Thompson said he would provide. Motion was by Vice-Mayor Fite stating that the County and City Attorneys and the County have approved to proceed with rebidding the project City Manager Thompson explained that Mr. Solon was a private citizen, but the grant was secured by the City. City Attorney Buhr said that since the County was providing the grant money it was ultimately their decision. A second came from Commissioner Durastanti. Roll call vote, all in favor, motion carried.

City Manager Thompson said this project (Peace River Campground) started prior to his employment with the City and whether any concessions would be given to them with regards to impact fees since he is building. He wanted to get this taken care of by providing some kind of concession whether it be waiving or charging half on the impact fees, whatever the City is willing to provide. Commissioner Durastanti and Mayor Jones do not recall discussing providing any concessions. City Manager Thompson asked if the Commission would be willing to consider it. Commissioner Durastanti said no. Mayor Jones asked if it was something that needed to be voted on, but City Attorney Buhr and City Manager Thompson said the Commission only needed to vote if they were considering waiving or charging less on the impact fees.

G. Inframark – Corrosion Control

City Manager Thompson said the item name should only state Corrosion Control only. Inframark is trying to get more business and with the City. They purchased a company

a grinder station. City Manager Thompson said he required two houses on Dixiana that set off the road to put in grinder pumps. It cost the City because they had to bore into the road so they could tap into it. City Attorney did not understand why the City took on that cost since all costs associated with connecting to the City should be paid by the resident. City Manager Thompson clarified that the residents may have repaid the boring costs but the City had to order the boring but he would check on it. The City was charged to tap because it could not be done without boring into the road. City Attorney Buhr reiterated that the code states that residents are required to incur the costs for connecting to the City water/sewer. City Manager Thompson said that the City would have to pay for the piping upgrade on the street so that the fire hydrant can be put in and make sure there is enough water for the hydrant. He said that is why there was a waiver on the original ordinance. City Attorney Buhr said that it was the Commission's decision but to be careful. Mayor Jones asked why wouldn't the City upgrade if it should be upgraded which City Manager Thompson agreed. Commissioner Lunn asked if the City can be held liable since there is not one there now if there were a fire. Vice-Mayor Fite wanted to know where the fire hydrant would be located. City Manager Thompson said it would go in front of their property. He said there would not be enough pressure to hold it in the 2" pipes and would have to be upgraded to a 6" pipe. Mayor Jones understood what City Attorney Buhr was saying but City Attorney Buhr did say this was a slippery slope as the City would have to justify why it was being done for one person and not another. He did ask Mr. Strickland if this was a residence; Mr. Strickland stated it was a single-family home on 2.5 acres. He also said there would be an irrigation system. Mayor Jones let Mr. Strickland know that the questions were not intended to be mean since the Commission cannot do things for some residents and not others which Mr. Strickland understood. City Attorney Buhr did clarify that waivers can be made for situations such as well prohibitions when you do not need to have potable water such as irrigation. He said that water should be connected to the City. City Manager Thompson said that grinder stations were cheaper than septic tanks. Vice-Mayor Fite asked if City Manager Thompson and City Attorney Buhr had a chance to talk about it. City Attorney Buhr stated that he was not aware of this situation at all. Vice-Mayor Fite made a motion that until both the City Manager and City Attorney have a conversation about this to bring information back to the Commission. It was seconded by Commissioner Durastanti; roll call vote, all in favor, motion carried.

I. Shannon Rasnake – Waiver of Vacation Fee

Shannon Rasnake said that this was about 4057 Dixiana Dr. Her parents who own this property are being charged \$45 per month (vacation fee) to not have water at their house. They live in Michigan and vacation in Florida. Every month they incur the fee for non-usage. City Manager Thompson said that the City does not charge for non-usage. The City still provides water, fixes issues with the water on the City's side and run the garbage truck through there. When an account is on vacation, services are still available to the resident. Ms. Resnake said her parents are not opposed to paying something but wanted a reduced amount, such as \$10 or \$15 per month. City Attorney Buhr said that the fee could not be waived. He explained that there is a cost associated with the treatment plant. The City is charging the minimum charge and is required for insurance, operators and 24/7 monitoring. The vacation of \$45 is the least amount to charge to pay the fixed costs. This is charged to everyone. City Manager Thompson said it would be unfair to waive the costs for her parents and not for others as there are many residents who are only her during the

built then moved, got a new garbage truck for the City, and now has new water meters being installed soon. Mayor Jones stated he got the Community Center completed. Vice-Mayor Fite said that County Manager Lawrence McNaul came to Bowling Green before the meeting to tell City Manager Thompson good-bye and complimented what he has done. Commissioner Arreola said he was looking forward to working with City Manager Thompson and said it was not too late to change his mind. He also wished him luck and said he would be welcomed back. He complimented the parade and thanked Chiquita Robinson for her hard work.

7. City Attorney

City Attorney Buhr said he tried to talk City Manager Thompson out of leaving to no avail. He is sorry to see him leave and wished him well. He commented on something Mayor Jones stated earlier by saying Bowling Green is a Commission-Manager style government. The Commission does the legislative and grand policy while the City Manager implements the policy (with other policies) and oversees management of employees. The two roles are meant to be separated. He has given brief seminars to some commissions at the request of City Managers who felt it was needed. He welcomed anyone to contact him with any issues. He warned the Commission not to interfere with the City Manager's administrative tasks.

8. Recreation

Chiquita Robinson, Recreation Supervisor, wanted to thank everyone who had helped with the parade. She was happy and surprised with the turnout. She thanked the office staff and City Manager Thompson for their assistance. She said that she is already planning events for 2023 and have two left, Black History on the third Saturday in February which she stated was not just for Black History but everyone in Bowling Green. She also stated that Cinco de Mayo will be on May 6th. She said she has a lot of people ready to help and encouraged everyone to call the City if they have any ideas or help. She thanked the Mayor and the Commission. Her only concern was the soccer field at Centanino Park and had to call for help. City Manager Thompson will discuss during his time.

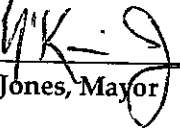
9. City Manager

City Manager Thompson started with the soccer field at Centanino Park. One of his projects was setting up the soccer field because it is a fantastic use of it. It gets used more than Pyatt Park. There are two separate individuals with soccer leagues who want to use it regularly and the City Manager is all for it. He put in the budget to build a bathroom out there. The problem is one of the leagues is charging money to use the City's field without the City's authorization. City Manager Thompson has spoken to the person in charge of this league and said he could not charge without written permission from the City. He stated that no league should charge money to use the City's property, but he was out on Saturday doing it which caused a problem. He ordered signs to put out at the park that no league can use the field without written permission from the City. Leagues will be run off if they do not comply and they should never charge for using the City park. City Attorney Buhr stated that the leagues should provide indemnification and insurance. City Manager Thompson said he would take care of that as this is something new for the City and would work on it. The league that was charging is no allowed to use it until an agreement is in place. The park can used if needed.

He also stressed that the City has made great strides and felt great things are coming. It will not be just the job of the City Manager but the support of the residents. He said that the residents that showed up and had a great time despite the money spent. Bowling Green

City Manager Thompson said that this was bid prior. City Attorney Buhr said it should go out to bid now. Commissioner Durastanti made the motion to bid out the property with a second from Vice-Mayor Fite. City Manager Thompson asked how long it would have to be out for bid which City Attorney Buhr said whatever is reasonable. It would need to be published for about 2 weeks and put on January's meeting agenda. The bids can be opened at the January 10th meeting. Mr. Raymond asked if a signed contract would be signed at that time. City Attorney Buhr said that it would be to be worked out. Vice-Mayor Fite asked if the bids would be opened at the meeting or prior to; City Attorney Buhr said it could be either. He said it could be done the week of January 10th. The only other bid was the individual who came to a prior Commission meeting to set up an RV park like Avion Palms, but the bid was lower than the Commission was willing to accept. City Attorney recommended by end of January 9th so the City Manager and Commission can review it. City Manager Thompson has been wanting to sell it. Roll call vote, all in favor, motion carried.

Mayor Jones adjourned the meeting.



N'Kosi Jones, Mayor



Katherin Kinzel, Interim City Clerk