

# City of Webster

Regular Council Meeting

May 20, 2021

6:00 p.m.



## Office Copy



**AGENDA**  
**CITY OF WEBSTER**  
Regular Council Meeting  
Webster City Hall, 85 E. Central Avenue  
May 20, 2021 - 6:00 P.M.

**I. CALL TO ORDER**

Pledge of Allegiance, Invocation, Roll Call and Determination of Quorum

*Note. All public comment will be limited to 3 minutes per speaker. Anyone wishing to speak during citizen's forum or on an agenda item must fill out a speaker card and present it to the City Clerk prior to being recognized. All comments will be addressed after all speakers have spoken during citizen's forum or on a particular agenda item.*

**II. APPROVAL OF MINUTES**

Approval of Regular Council Meeting – April 15, 2021

M\_\_\_\_\_S\_\_\_\_\_ Roll Call Vote

**III. CITIZEN FORUM**

**IV. CONSENT AGENDA**

CDBG Purchasing Policy

CDBG Citizens Participation Plan

Resolution 2021-02 – CDBG Complaint and Grievance Procedures

Resolution 2021-03 – CDBG Protection of Individual Rights

Resolution 2021-04 – Updating Section 504 Handicap Accessibility Requirements of the CDBG Program.

M\_\_\_\_\_S\_\_\_\_\_ Roll Call Vote for Approval for Consent Agenda

**V. CORRESPONDENCE TO NOTE**

HR/ Finance

Director of Public Works

Law Enforcement

**VI. PUBLIC HEARINGS**

Fist Reading of Ordinance 2021- 05 – Changes to City Charter in Relation to Mayor Pro – Tem Appointment.

M\_\_\_\_\_S\_\_\_\_\_ Roll Call Vote to Read by Title Only

M\_\_\_\_\_S\_\_\_\_\_ Roll Call Vote for Approval

**Second Reading of Ordinance 2021- 04 Pets on City Properties**

M\_\_\_\_\_S\_\_\_\_\_ Roll Call Vote to Read by Title

M\_\_\_\_\_S\_\_\_\_\_ Roll Call Vote for Approval

**VII. NEW BUSINESS**

**Standard Operating Procedures on City Properties to be Considered for Surplus and Sale**

M\_\_\_\_\_S\_\_\_\_\_ Roll Call Vote for Approval

**VIII. CITY ATTORNEY'S REPORT AND REQUESTS**

**IX. MAYOR'S AND COUNCIL MEMBER'S REPORTS AND REQUESTS**

**X. STAFF REPORTS**

Sheriff's Office

Planning and Development Services

City Manager

**XI. ADJOURNMENT**

M\_\_\_\_\_S\_\_\_\_\_ -Roll Call Vote.

PLEASE NOTE IN ACCORDANCE WITH FLORIDA STATUTE 286.105, ANY PERSON WHO DESIRES TO APPEAL ANY DECISION AT THIS MEETING WILL NEED A RECORD OF THE PROCEEDINGS AND FOR THIS PURPOSE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED. ALSO, IN ACCORDANCE WITH FLORIDA STATUTE 286.26, PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THE PROCEEDINGS SHOULD CONTACT THE OFFICE OF THE CITY CLERK; 85 E. CENTRAL AVENUE; WEBSTER, FLORIDA; (352) 793-2073; 48 HOURS IN ADVANCE.



## MINUTES

### CITY OF WEBSTER

Regular Council Meeting  
Webster City Hall, 85 E. Central Avenue  
April 15, 2021  
6:00 P.M.

#### **I. CALL TO ORDER**

Pledge of allegiance, Invocation, and Determination of Quorum.

Mayor Yost called the meeting to order at 6:00 P.M. Present were Mayor Bobby Yost, Mayor Pro -Tem Tonya Malott, Councilmember Ana Vigoa and Councilmember Nancy Cherry. We have quorum. Councilmember William Thompkins is not in attendance due to a medical issue.

#### **II. APPROVAL OF MINUTES**

Citizen Kelly Williams of 150 NE 1<sup>st</sup> Ave requested a few changes to the minutes, and asked Council to amend the minutes.

Councilmember Vigoa motioned to approve the Regular City Council minutes of March 18, 2021 with the suggested changes seconded by Mayor Pro -Tem Malott

The vote was as follows:

Councilmember Vigoa -Yes

Mayor Bobby Yost – Yes

Mayor Pro - Tem Tonya Malott- Yes

Councilmember Nancy Cherry- Yes

Motion Passed 4-0.

#### **III. CITIZENS FORUM**

Citizen Judie Mueller of 160 NE 2<sup>nd</sup> Ave Approached council with several questions and concerns. Mrs. Muller also passed out copies of her concerns and questions to council. Her topics of concern were as follows: City's 47-acre contract, surplus guidelines, pet disposal system, suggestions for park, security lights for park, and request for the Sheriff department to patrol Sam Harris park at dark more.

Citizen Kelly Williams of 150 NE 1<sup>st</sup> Ave requested the city to send out an explanation of the billing changes.

Mrs. Williams also requested for the City to make the utility bills clearer, and to make sure turn on charges are on the bill the day they were imposed.

Larry Swagfer approached council with traffic concerns by middle school, and speed limit concerns. He asked if council could write a letter to have these issues addressed.

The City council, city attorney, sheriff's department and city manager addressed citizen's concerns. City Manager Naugler will research prior meeting minutes to determine if any decision or direction was made in relation to pet disposal stations at the city park and will update council at the next meeting.

Mayor Pro-Tem Malott stated she had received email correspondence from a citizen requesting that the monies set aside for the community center remodeling be used toward the fencing to offset monies being used from reserves.

Councilmember Vigoa stated that she was not comfortable using the community hall remodeling money as in the past citizens were very adamant about having funds for the remodeling.

#### **IV. CONSENT AGENDA**

#### **V. CORRESPONDENCE TO NOTE**

Finance Manager

Director of Public Works

Law Enforcement

Citizen Kelly Williams of 150 NE 1<sup>st</sup> Street approached council complimenting the public works department on their report. Ms. Williams had questions on utility impact fees, road impact fees, and the impact study.



City Manager Naugler responded to Ms. Williams questions in reference to utility impact fees and stated it would be discussed as an agenda item during the meeting and stated there is nothing scheduled for road impact fees.

## **VI. PUBLIC HEARINGS**

### **Second Reading of Ordinance 2021-03 – Sewer Stub Out**

Motion to read by title only by Councilmember Vigoa, Seconded by Mayor Pro –Tem Malott.

The vote was as follows:

Councilmember Vigoa -Yes

Mayor Bobby Yost – Yes

Mayor Pro-Tem Tonya Malott- Yes

Councilmember Nancy Cherry- Yes

Motion Passed 4-0

Assistant City Clerk Melissa Britt read the ordinance by title only.

Motion for Approval by Councilmember Vigoa of Ordinance 2021-03, Seconded by Mayor Pro –Tem Malott.

The vote was as follows:

Councilmember Vigoa -Yes

Mayor Bobby Yost – Yes

Mayor Pro-Tem Tonya Malott- Yes

Councilmember Nancy Cherry- Yes

Motion Passed 4-0

First Reading of Ordinance 2021-04- Pets on City Properties

Motion by to read by title only by Mayor Pro –Tem Malott, Seconded by Councilmember Vigoa.

The vote was as follows:

Councilmember Vigoa -Yes

Mayor Bobby Yost – Yes

Mayor Pro-Tem Tonya Malott- Yes

Councilmember Nancy Cherry- Yes

Motion Passed 4-0

Assistant City Clerk Melissa Britt read the ordinance by title only.

Motion by Councilmember Vigoa for Approval of Ordinance 2021-04, Seconded by Mayor Pro-Tem Malott

Citizen Judie Muller expressed concerns about pet ordinance stating that she was confused in reference to pets in the parks and that the city needs to be more pet friendly. Mrs. Mueller also inquired about the pet waste stations.

Citizen Kelly Williams of 150 NE 1<sup>st</sup> Ave. asked Council to table the ordinance 2021-04 due to some objections she has with the pet ordinance. Some of Ms. William's objections are as followed: Citations of Abuser, the limitations of pets on park property, and protocol on how citations should be handled.

Council agreed to some of the objections and approved to modify and make the recommended changes to the 2021-04 Pet Ordinance.

Councilmember Vigoa -Yes

Mayor Bobby Yost – Yes

Mayor Pro-Tem Tonya Malott- Yes

Councilmember Nancy Cherry- Yes

Motion Passed 4-0

### **First Reading of Ordinance 2021 – 05 - Change to City Charter in Relations to Mayor Pro – Tem Appointment.**

Motion by Mayor Pro-Tem Malott to read by title only, Seconded by Councilmember Vigoa.

The vote was as follows:

Councilmember Vigoa -Yes  
Mayor Bobby Yost – Yes  
Mayor Pro-Tem Tonya Malott- Yes  
Councilmember Nancy Cherry- Yes  
Motion Passed 4-0

Assistant City Clerk Melissa Britt read the ordinance by title only.

Motion by Councilmember Vigoa for approval, seconded by Councilmember Cherry.

Councilmember Vigoa stated that she thought there were going to be further changes to the ordinance. City Manager Naugler stated that an email had been forwarded to her for review.

Councilmember Vigoa amended her motion to reschedule the reading of the ordinance to the May council meeting, seconded by Mayor Pro-Tem Malott.

Citizen Kelly Williams of 150 NE 1<sup>st</sup> Ave. had several issues with the recommended changes to the ordinance and requested that if council wanted to proceed with the changes that it be put on the regular election cycle and let the citizens decide on the changes. Ms. Williams stated she felt Ordinance 2021-05 is a bad idea.

Citizen Judie Muller stated to council that she feels the city should keep the charter the way it is.

Councilmember Vigo stated that she was the one that requested the ordinance and explained her reasons for the requested changes.

Citizen Kelly Williams of 150 NE 1<sup>st</sup> Ave. stated that if the ordinance passes that Councilmember Vigoa, being the senior member, would always hold the Mayor Pro-Tem position as long as she is on the council. Ms. Williams further stated that the citizens should make the decision as to the changes to the charter.

Mayor Pro-Tem stated she had researched how other municipalities handle the Mayor Pro-Tem and there were various ways that the Mayor Pro-Tem is appointed.

The vote was as follows:  
Councilmember Vigoa -Yes  
Mayor Bobby Yost – Yes  
Mayor Pro-Tem Tonya Malott- Yes  
Councilmember Nancy Cherry- Yes  
Motion Passed 4-0

## **VII. NEW BUSINESS**

### **Status of City Properties – City Manager Deanna Naugler**

City Manager Naugler stated that she had provided council with a list of city owned properties for their review and determination on how to proceed with the properties. Mrs. Naugler stated that she had received two offers for properties, one from Ms. Kelly Williams and one from Ms. Jessica Duteau and that based on the offers she believes they are looking at action be taken at this council meeting.

Councilmember Vigoa stated that she has not fully reviewed the properties nor made any recommendations on how to proceed with the properties.

Councilmember Malott stated she would review the list and make recommendations on those properties she felt we could surplus.

Jessica Duteau of 190 N. Market Blvd approached Council with an offer to buy all the properties listed on paper. She stated it is a cash offer, with a quick close, and would like to buy them all today. Ms. Duteau stated she would like to put some spec houses up and clean up the lots.

City Manager Naugler informed council and the citizens that the City's properties would need to be surplus first before they can be listed for sale. The city Attorney also apprised the concerned citizens of Webster, the legal process that the city must take to list and sale city properties.

Citizen Kelly Williams of 150 NE 1<sup>st</sup> Ave. made several statements about the city's properties that sold and had many questions for council about the process used for these properties.



Councilmember Vigoa commented that the City Attorney Colbert had already discussed the process for the surplus and sale of city property. Mr. Colbert further elaborated on the process that municipalities follow for the sale of city owned properties. It is a policy not a law. It is a council decision not a legal decision.

Citizen Judie Muller made several statements about the sale of the city's properties and expressed concerns on the process.

Council also apprised the citizens that the proper protocol was take when both properties were sold. That they advertised, on the agenda and were discussed at several meetings before they were approved for sale.

**Approval for Florida Rural Water Association to provide a Feasibility study for Connection Fees.**

Councilmember Vigoa motioned for approval for Florida Rural Water Association to Provide a Feasibility Study for Connection, Seconded by Mayor Pro –Tem Malott.

Citizen Kelly Williams of 150 NE 1<sup>st</sup> Ave. discussed further concerns she had with the sale of the city properties.

The vote was as follows:

Councilmember Vigoa -Yes

Mayor Bobby Yost – Yes

Mayor Pro-Tem Tonya Malott- Yes

Councilmember Nancy Cherry- Yes

Motion Passed 4-0

**VIII. CITY ATTORNEY'S REPORTS AND REQUEST**

**IX. MAYOR'S AND COUNCIL MEMBER'S REPORTS AND REQUEST.**

Mayor Pro-Tem Malott elaborated on her decision to move forward with the sale of the 47-acre parcel.

Citizen Kelly Williams of 150 NE 1<sup>st</sup> Ave. questioned council if someone else was interested in the property what would council have done.

**X. STAFF REPORTS**

**XI. ADJOURNMENT**

**Councilmember Vigoa motioned to adjourn; Mayor Pro – Tem Malott seconded the motion.**

The vote was as follows:

Councilmember Vigoa -Yes

Mayor Bobby Yost – Yes

Mayor Pro-Tem Tonya Malott- Yes

Councilmember Nancy Cherry- Yes

Motion Passed 4-0.

Meeting Adjourned at 8:03 pm

\_\_\_\_\_  
Deanna Naugler, City Manager

Attest:

\_\_\_\_\_  
Melissa Britt, Assistant City Clerk

CITY OF WEBSTER  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM  
PURCHASING POLICY  
INCLUDING THE  
MINORITY BUSINESS ENTERPRISE POLICY

Section 1                      PURPOSE

This policy is adopted to assure that commodities and services for the Community Development Block Grant Programs are obtained efficiently and effectively in free and open competition and through the use of sound procurement practices. All City staff and other persons (subgrantees or contractors) with designated responsibility for the administration of CDBG award contracts are responsible for ensuring compliance with all applicable federal and state laws and regulations. These include but are not limited to: OMB Circular A-102, attachment O; 2 CFR Part 200; s. 255.0525 and 287.055 Florida Statutes, Chapter 73C-23 Florida Administrative Code.

Section 2                      APPLICATION OF POLICY

This policy shall apply to contracts or agreements for the procurement of all materials, supplies, services, construction and equipment for any Community Development Block Grant Program solicited or entered into after the effective date of this policy.

Section 3                      PURCHASING DIRECTOR

The City's City Manager shall serve as the central purchasing officer (the "Purchasing Officer") of the City of Webster for all contracts or agreements described in Section 2.

Section 4                      PURCHASING AND CONTRACT AWARD PROCEDURES

Section 4.01                      PURCHASING CATEGORIES; THRESHOLD AMOUNTS

Except as to Sole Source Purchases (Section 4.06) and Cooperative Purchasing (Section 4.07), all purchases and contract awards are to be made subject to the provisions of the appropriate Section according to the following threshold amounts:

- A. Small Purchases (Section 4.02) ..... \$1.00 to \$750.00
- B. Purchasing Quotes (Section 4.03) .....\$750.01 to \$5,000.00
- C. Competitive Sealed Bids/Proposals  
    (Section 4.04 & 4.05) .....\$5,000.01 and above

Section 4.02                      SMALL PURCHASES

The purchase of commodities, equipment and services which cost less than the threshold authorized in Section 4 does not require solicitation of quotes or bids. Small purchases shall be authorized by the Purchasing Officer or his/her designees.

Section 4.03                      PURCHASING QUOTES

The purchase of goods and services which cost within the range authorized for purchasing quotes in Section 4 shall require competitive quotations from three or more vendors. The quotations shall be obtained by the Purchasing Division and shall be reviewed and awarded by the Purchasing Officer.



#### Section 4.04

#### COMPETITIVE SEALED BIDDING

1. Conditions for Use. All contracts for purchases of a single item, services or aggregate in excess of the established base amount for Competitive Sealed Bids/Proposals in Section 4, where price, not qualifications, is the basis for contract award, shall be awarded by competitive sealed bidding.
2. Invitation to Bid. Under Section 255.0525(2), F.S. and Rule 73-23.00521(2)(a), F.A.C., an invitation to bid for construction projects that are projected to cost more than \$200,000.00 shall be published in at least one daily newspaper of general circulation in Polk County as well as a nearby federal Office of Management and Budget (OMB) designated metropolitan statistical area (MSA) at least 21 days prior to the established bid opening and at least 5 days prior to any scheduled prebid conference. An invitation to bid for construction projects that are projected to cost more than \$500,000.00 shall be publicly advertised at least once in a newspaper of general circulation in Polk County at least 30 days prior to the established bid opening and at least 5 days prior to any scheduled prebid conference. Additionally, Notice shall be sent to those vendors and contractors on the City's MBE/WBE solicitation list. Alternatively, the City may substitute the above notice with any solicitation procedure which generates at least three responsible and responsive bids or proposals which can be considered. However, if three responsible and responsive bids or proposals are not received, the procurement will be invalid.

An Invitation to Bid shall be issued and shall include specifications, all contractual terms and conditions, and the place, date, and time for opening or submittal. No later than five working days prior to the date for receipts of bids, a vendor shall make a written request to the City for interpretations or corrections of any ambiguity, inconsistency or error which the vendor may discover. All interpretations or corrections will be issued as addenda. The City will not be responsible for oral clarifications. No negotiations, decisions or actions shall be initiated or executed by the proposer as a result of any discussions with any City employee prior to the opening of proposals. Only those communications which are in writing from the City may be considered as a duly authorized expression on the behalf of the Commission. Also, only communications from firms or individuals which are in writing and signed will be recognized by the Commission as duly authorized expressions on behalf of proposers.

(1) Alternate(s). Alternate bids will not be considered unless authorized by and defined in the Special Conditions of the bid specifications.

(2) Approved Equivalents. The City reserves the right to determine acceptance of item(s) as an approved equivalent. Bids which do not comply with stated requirements for equivalents in the bid conditions are subject to rejection. The procedure for acceptance of equivalents shall be included in the general conditions of the bid.

3. Public Notice. Public Notice shall be by publication in a newspaper of general circulation at least twelve (12) working days prior to bid opening or in accordance with Section 4.04-2 above as appropriate. Notice of the Invitation to Bid shall give date, time, and place set forth for the submittal of proposals and opening bids.
4. Bid Opening. Bids shall be opened publicly. The Purchasing Officer or his/her designee shall open bids in the presence of one or more witnesses at the time and place designated in the Invitation to Bid. The amount of each bid, and other such relevant information as may be deemed appropriate by the

Purchasing Officer together with the name of each bidder, and all witnesses shall be recorded. The

record (Bid Report) and each bid shall be open to public inspection.

5. Bid Acceptance and Evaluation. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this policy. Bids shall be evaluated based on the requirements set forth in the Invitation to Bid, which may include, but not be limited to criteria to determine acceptability such as; inspection, testing, quality, recycled or degradable material content, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measured, such as discounts, transportation costs, and total or life cycle costs. No criteria may be used in bid evaluation that are not set forth in the Invitation to Bid, in regulations, or in this policy.
6. Bid Agenda Item. After evaluation, the Purchasing Officer will prepare a recommendation and shall place the item on the agenda of the City Commission.
7. Correction or Withdrawal of Bids; Cancellation of Awards. Correction or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards or contracts based on such bids mistakes, shall be permitted where appropriate. Mistakes discovered before bid opening may be modified or withdrawn by written or telegraphic notice received in the office designated in the Invitation to Bid prior to the time set for bid opening. After bid opening, corrections in bids shall be permitted only to the extent that the bidder can show by clear and convincing evidence that a mistake, of non-judgmental character was made, the nature of the mistake, and the bid price actually intended. After bid opening, no changes in the bid price or other provisions of bids prejudicial to the interest of the City or fair competition shall be permitted. In lieu of bid correction, a low bidder alleging a material mistake of fact may be permitted to withdraw his bid if:
  - (1) the mistake is clearly evident on the face of the bid document but the intended correct bid is not similarly evident; or
  - (2) the bidder submits evidence which clearly and convincingly demonstrates that a mistake was made. All decisions to permit the correction or withdrawal of bids or to cancel awards or contracts based on bid mistakes shall be supported by a written determination made by the Purchasing Officer.
8. Multi-Step Sealed Bidding. When it is considered impractical to initially prepare a purchase description to support an award based on price, an Invitation for bids may be issued requesting the submission of unpriced offers to be followed by an invitation for bids limited to those bidders whose offers have been determined to be technically acceptable under the criteria set forth in the first solicitation.
9. Award. The contract shall be awarded with reasonable promptness to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the Invitation to Bid.
  - (1) Notice of Intended Award. The contract shall be awarded by written notice. Every procurement of contractual services shall be evidenced by a written agreement. Notice of intended award, including rejection of some or all of bids received, may be given by posting the bid tabulations where the bids were opened, by telephone, by first class mail, or by certified United States mail, return receipt requested, whichever is specified in bid solicitation. A vendor may request, in their bid submittal, a copy of the tabulation sheet to be mailed in a vendor provided, self-addressed envelope for their records.



- (2) Notice of Right to Protest. All notices of decision or intended decisions shall contain the statement: "Failure to file a protest within the time prescribed in Section 4.08 of the CDBG Purchasing Policy of the City of Webster shall constitute a waiver of Proceedings under that section of this policy".
10. Cancellation of Invitations for Bids. An Invitation for bids or other solicitation may be canceled, or any or all bids may be rejected in whole or in part when it is in the best interests of the City, as determined by the Commission provided such action does not violate CDBG program requirements. Notice of cancellation shall be sent to all businesses solicited. The notice shall identify the solicitation, explain the reason for cancellation and, where appropriate, explain that an opportunity will be given to compete on any re-solicitation or any future procurement of similar items.
11. Disqualification of Vendors. For any specific bid, vendors may be disqualified by the Finance Director or City Clerk for the following reasons:
  - (1) Failure to perform according to bidding provisions.
  - (2) Conviction in a court of law of any criminal offense in connection with the conduct of business.
  - (3) Clear and convincing evidence of a violation of any federal or state anti-trust law based on the submission of bids or proposals, or the awarding of contracts.
  - (4) Clear and convincing evidence that the vendor has attempted to give a City employee a gratuity of any kind for the purpose of influencing a recommendation or decision in connection with any part of the City's purchasing activity.
  - (5) Failure to execute a Public Entity Crimes Statement as required by Florida Statutes Chapter 287.133 (3) (a).
  - (6) Failure to be a responsive bidder according to the bidding procedures and provisions will result in disqualification of a bid.

#### Section 4.05 COMPETITIVE SEALED PROPOSALS

All contracts for purchases of a single item or services or aggregate in excess of the established base amount for Competitive Sealed Bids/Proposals in Section 4, where qualifications, not price, is the basis for contract award, shall be awarded by competitive sealed proposals. All contracts for the procurement of professional architectural, engineering, landscape architectural, and land surveying services will be awarded according to the provisions of Section 4.051. All other contracts required to be awarded by competitive sealed proposals will be awarded according to the provisions of Section 4.052.

#### Section 4.051 PROFESSIONAL ARCHITECTURAL, ENGINEERING, LANDSCAPE ARCHITECTURAL, AND LAND SURVEYING SERVICES

1. Public Announcement. It is the policy of the City to publicly announce all requirements for professional architectural, engineering, landscape architectural, and land surveying services and to negotiate such contracts on the basis of demonstrated competence and qualifications at fair and reasonable prices. In the procurement of such services, the City may require firms to submit a statement of qualifications, performance data and other related information for the performance of professional services.

- (1) Scope of Project Requirements. Prior to submission of the request for proposals for professional

services as an agenda item for approval by the Commission, the Purchasing Officer shall submit to the City written project requirements indicating the nature and scope of the professional services needed, including but not limited to the following:

- (a) the general purpose of the services or study;
- (b) the objectives of the study or services;
- (c) estimated period of time needed for the services or the study;
- (d) the estimated cost of the service or study;
- (e) whether the proposed study or service would or would not duplicate any prior or existing study or services;
- (f) list of current contracts or prior services or studies which are related to the proposed study or service;
- (g) the described qualifications, listed in order of importance, of the person or firm applicable to the scope and nature of the services requested.

to (2) Distribution of Project Requirements. The Purchasing Officer shall distribute the written project requirements as approved by the City Commission to all persons on the mailing list who have indicated an interest in being considered for the performance of such professional services and any additional persons as the Purchasing Officer or using agency deems desirable. The written project requirements shall include a statement of the relative importance of each of the requirements. The project requirements shall be accompanied by an Invitation to such persons to submit an indication of interest in performing the required services, and by notification of the date and time when such indications of interest are due. This date shall not be less than twelve calendar days from the date of public notice when the Purchasing Officer shall publish in at least one daily newspaper of general circulation in the County where the project is located and in a nearby federal Office of Management and Budget (OMB) designated metropolitan statistical area (MSA). Alternatively, the City may substitute the above notice with any solicitation procedure which generates at least three responsible and responsive bids or proposals which can be considered. However, if three responsible and responsive bids or proposals are not received, the procurement will be invalid.

(3) Modification Prohibition. After the publicized submission time and date, indications of interest shall not be modified or allowed to be modified in any manner except for correction of clerical errors or other similar minor irregularities as may be allowed by the Selection Committee (defined in Section 4.051B) prior to making its selection of those best qualified to be formally interviewed.

(4) Reuse of Existing Plans. There shall be no public notice requirements or utilization of the selection process as provided in this section for projects in which the City is able to reuse existing plans from a prior project. However, public notice of any plans which are intended to be reused at some future time shall contain a statement which provides that the plans are subject to reuse.

2. Selection Committee Membership and Evaluation. Depending on the expected complexity and expense of the professional services to be contracted, the City may determine whether a three member or five-member selection committee will best serve the needs of the Commission.

(1) Three Member Committee Composition. Membership of a three-member selection committee shall be appointed by the City Commission.



(2) Five Member Committee Composition. Membership of a five-member selection committee shall be appointed by the City Commission.

(3) Selection Committee Evaluation. Only written responses of statements of qualifications, performance data, and other data received in the purchasing office by the publicized submission time and date shall be evaluated. Only those respondents who are determined to be best qualified based upon the evaluation of written responses and selected for Formal interview may submit additional data. From among those persons evidencing, by timely submission of written responses, an interest in performing the services the Selection Committee shall:

- (a) prepare an alphabetical list of those persons determined by the Selection Committee to be qualified, interested and available; and
- (b) designate no less than three persons on the alphabetical list considered by the Selection Committee to be best qualified to perform the work required.

(4) Shortlisting. The best qualified respondents shall be based upon the Selection Committee's ability to differentiate qualifications applicable to the scope and nature of the services to be performed. The Selection Committee shall determine qualifications, interest and availability by reviewing the written responses that express an interest in performing the services, and by conducting formal interviews of no less than three selected respondents that are determined to be best qualified based upon the evaluation of written responses. The determination may be based upon, but not limited to, the following considerations:

- (a) competence, including technical educational and training, experience in the kind of project to be undertaken, availability of adequate personnel, equipment and facilities, the extent of repeat business of the persons, and where applicable, the relationship of construction costs estimates by the person to actual cost on previous projects;
- (b) current work load;
- (c) financial responsibilities;
- (d) ability to observe and advise whether plans and specifications are being compiled with, where applicable;
- (e) record of professional accomplishments;
- (f) proximity to the project involved, if applicable;
- (g) record of performance; and
- (h) ability to design an approach and work plan to meet the project requirements, where applicable.

(5) Interview and Commission Approval. After conducting the formal interviews, the Selection Committee shall list those respondents interviewed in order of preference based upon the considerations listed in subsection (4) above. The respondents so listed shall be considered to be the most qualified and shall be listed in order of preference starting at the top of the list. The list of best qualified persons shall be forwarded to the Commission for approval prior to beginning contract negotiations. Negotiation sequence shall be based on the order of preference.

3. Negotiation Staff. Contract negotiations shall be conducted by the Purchasing Officer unless the Commission President directs that negotiations be conducted by a Negotiation Committee.

Negotiation. The Purchasing Officer or the Negotiation Committee shall negotiate a contract with the firm considered to be the most qualified to provide the services at compensation and upon terms which the Purchasing Officer or the Negotiation Committee determines to be fair and reasonable to the City. In making this decision, the Purchasing Officer or the Negotiation Committee shall take into account the estimated value, the scope, the complexity, and the professional nature of the services to be rendered. As a part of the negotiation, the Purchasing Officer or the Negotiation Committee shall conduct a cost analysis, including evaluation of profit, based on a cost breakout by the firm of its proposed price. Should the Purchasing Officer or the Negotiations Committee be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, negotiations with that firm will be formally terminated. The Purchasing Officer or the Negotiation Committee shall then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the Purchasing Officer or the Negotiation Committee shall formally terminate negotiations, and then shall undertake negotiations with the third most qualified firm. Should the Purchasing Officer or the Negotiation Committee be unable to negotiate a satisfactory contract with any of the selected firms, the Selection Committee shall select additional firms in order of their competence and qualifications, and the Purchasing Officer or Negotiation Committee shall continue negotiations in accordance with this section until an agreement is reached or until a determination has been made not to contract for services.

**Section 4.052                      OTHER COMPETITIVE SEALED PROPOSALS (non-287.055 services)**

1.     Conditions for Use. All contracts required by Section 4.05 to be awarded by competitive sealed proposals that are not for the procurement of professional architectural, engineering, landscape architectural, and land surveying services, will be awarded according to the provisions of this section.
2.     Consultant's Competitive Negotiation Act. Professional services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered land surveying, as defined under the Consultant's Competitive Negotiation Act (Section 287.055, Florida Statutes), shall be secured under the provisions of Section 4.051.
3.     Commission Approval. Proposals anticipated to exceed the threshold established in Section 4 for Competitive Sealed Proposals shall be approved by the City of Webster prior to solicitation.
4.     Public Notice. Adequate public notice of the Request for Proposal shall be given in the same manner as provided in subsection 4.04-3 of this policy for competitive sealed bidding. Notice shall also be sent to those vendors and contractors on the City's MBE/WBE solicitation list.
5.     Evaluation Factors. The Request for Proposals shall state the relative importance of criteria outlined in the scope of services, fee proposal, and other evaluation.
6.     Proposal Cancellation or Postponement. The Purchasing Officer may, prior to a proposal opening, elect to cancel or postpone the date and/or time for proposal opening or submission.
7.     Revisions and Discussions with Responsible Offerors. As provided in the Request for Proposals, and under regulations promulgated by the City Commission of the City of Webster, discussions may be conducted with responsible offerors who submit proposals determined to be qualified of being selected for award for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to



any opportunity for discussion and revision of proposals, and such revisions may be permitted after submission and prior to award for the purpose of obtaining the best and final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors. The Purchasing Officer shall prepare a written summary of the proposals and make written recommendation of award to the City Commission. As a part of the recommendation, the Purchasing Officer shall conduct a cost analysis, including evaluation of profit, based on a cost breakout by the firm of its proposed price.

Award. Award shall be made by the City Commission to the lowest responsive and responsible offer or whose proposal is determined in writing to be the most advantageous to the City of Webster, taking into consideration the evaluation factors set forth in the Request for Proposals. No other factors or criteria shall be used in the evaluation criteria that is not included in the Request for Proposal.

#### Section 4.06                      SOLE SOURCE PURCHASES

Sole Source Certification. The procurement for all professional services and any contract resulting from a non-competitive procurement process must meet the requirements of 2 CFR Part 200 and Section 287.055 of the Florida Statutes. The City's Purchasing Officer must conduct a cost or price analysis of all proposed prices on sole source purchases, analysis shall include a review of profit as a separate element. Sole source purchases must be approved by DEO in writing.

#### Section 4.07                      COOPERATIVE PURCHASING

1. State Contracts. The Purchasing Officer is authorized to purchase goods or services for any dollar amount from authorized vendors listed on the respective state contracts of the Department of General Services, subject otherwise to the requirements of this policy.
2. Other Governmental Units. The Purchasing Officer shall have the authority to join other units of government in cooperative purchasing ventures when the best interest of the City would be served thereby, and the same is in accordance with this policy and with the City and State Law.

#### Section 4.08                      BID PROTEST

1. Right to Protest. Any actual prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or award of contract may protest to the City Commission. Protestors shall seek resolution of their complaints initially with the Purchasing Officer and secondly with the City Clerk prior to protesting to the City Commission.
2. Filing a Protest. Any persons who is affected adversely by the decision or intended decision of the City shall file with the Purchasing Officer a notice of protest in writing within 72 hours after the posting of bid tabulation or after receipt of the notice of intended decision; and file a formal written protest within 10 calendar days after he/she filed the notice of protest. Failure to file a notice of protest or failure to file a formal written protest shall constitute a waiver of proceedings under this Section. A written protest is filed with the City when it is delivered to and received in the office of the Purchasing Officer.
  1. The notice of protest shall contain at a minimum: the name of the bidder; the bidders address and phone number; the name of the bidder's representative to whom notices may be sent; the name and bid number of the solicitation; and a brief factual summary of the basis of the protest.

2. The formal written protest shall; identify the protestant and the solicitation involved; include a plain, clear, statement of the grounds on which the protest is based; refer to the statutes, laws, ordinances, or other legal authorities which the protestant deems applicable to such grounds; and specifically request the relief to which the protestant deems himself entitled by application of such authorities to such grounds.
3. The protestant shall mail a copy of the notice of protest and the formal written protest to any person with whom he/she is in dispute.
3. Settlement and Resolution. The Purchasing Officer shall; within 14 days of the formal written protest, attempt to resolve the protest prior to any proceedings arising from the position. Provided, however, if such settlement will have the effect of determining a substantial interest of another party or business, such settlement must be reached in the course of the proceedings provided herein.
4. Protest Proceedings. If the protest cannot be resolved by mutual agreement, the Purchasing Officer shall conduct or designate another to conduct a protest proceeding pursuant to the following procedures:
  - (1) Protest Proceeding Procedures.
    - (a) The presiding officer shall give reasonable notice to all substantially affected persons or businesses. Otherwise petitions to intervene will be considered on their merits as received.
    - (b) At or prior to the protest proceeding, the protestant may submit any written or physical materials, objects, statements, or affidavits, and arguments which he/she deems relevant to the issues raised.
    - (c) In the proceeding, the protestant, or his/her representative or counsel, may also make an oral presentation of his evidence and arguments. However, neither direct nor cross examination of witnesses shall be permitted, although the presiding officer may make whatever inquiries he/she deems pertinent to a determination of the protest.
    - (d) The judicial rules of evidence shall not apply and the presiding officer shall base his/her decision on such information given in the course of the proceeding upon which reasonable prudent persons rely in the conduct of their affairs.
    - (e) Within seven (7) working days of the conclusion of the proceeding, the presiding officer shall render a decision which sets forth the terms and conditions of any settlement reached. Such decision of the presiding officer shall be conclusive as to the recommendation to the City Commission.
    - (f) Any party may arrange for the proceedings to be stenographically recorded and shall bear the expense of such recording.
  - (2) Intervenor. The participation of intervenors shall be governed by the terms of the order issued in response to a petition to intervene.
  - (3) Time Limits. The time limits in which protests must be filed as provided herein may be altered by specific provisions in invitation for bids or request for proposal.
  - (4) Entitlement to Costs. In no case will the protesting bidder or offeror be entitled to any costs incurred with the solicitation, including bid preparation costs and attorney's fees.



5. Stay of Procurement During Protests. In the event of a timely protest under Subsection A of this Section, the Purchasing Officer shall not proceed further with the solicitation or award of the contract until all administrative remedies have been exhausted or unless the City Commission makes a determination that the award of a contract without delay is necessary to protect the substantial interest of the City.

#### Section 4.09

#### CONTRACT CLAIMS

1. Authority of the Purchasing Officer to Settle Bid Protests and Contract Claims. The Purchasing Officer is authorized to settle any protest regarding the solicitation or award of a City contract, or any claim arising out of the performance of a City contract, prior to an appeal to the City Commission or the commencement of an action in a court of competent jurisdiction, but may not settle any such protest or claim for consideration of \$1,000.00 or greater in value without prior approval of the City Commission.
2. Decision of the Purchasing Officer. All claims by a contractor against the City relating to a contract, except bid protests, shall be submitted in writing to the Purchasing Officer for a decision. The contractor may request a conference with the Purchasing Officer on the claim. Claims include, without limitation, disputes arising under a contract, and those based upon breach of contract, mistake, misrepresentation, or other cause for contract modification or rescission.
3. Notice to the Contractor of the Purchasing Officer's Decision. The decision of the Purchasing Officer shall be promptly issued in writing, and shall be immediately mailed or otherwise furnished to the contractor. The decision shall state the reasons for the decision reached, and shall inform the contractor of his appeal rights.
4. Finality of the Purchasing Officer Decision; Contractor's Right to Appeal. The Purchasing Officer's decision shall be final and conclusive unless, within 10 calendar days from the date of receipt of the decision, the contractor files a notice of appeal with the City Commission.
5. Failure to Render Timely Decision. If the Purchasing Officer does not issue a written decision regarding any contract controversy within fourteen calendar days after receipt of a written request for a final decision, or within such longer period as may be agreed upon between the parties, then the aggrieved party may proceed as if an adverse decision had been issued.

#### Section 4.10

#### REMEDIES FOR SOLICITATION OR AWARDS IN VIOLATION OF LAW

1. Prior to Bid Opening or Closing Date for Receipt of Proposals. If prior to the bid opening or the closing date for receipt of proposals, the Purchasing Officer after consultation with the City Attorney, determines that solicitation is in violation of federal, state, or local law or ordinance, then the solicitation shall be canceled or revised to comply with applicable law.
2. Prior to Award. If after bid opening or the closing date for receipt of proposals, but prior to the award contract, the Purchasing Officer after consultation with the City Attorney, determines that a solicitation or a proposed award of a contract is in violation of federal, state, or municipal law or ordinance, then the solicitation or proposed award shall be canceled.
3. After Award. If, after award, the Purchasing Officer after consultation with the City Attorney, determine that a solicitation or award of a contract was in violation of applicable law or ordinance, then;

(1) if the person awarded the contract has not acted fraudulently or in bad faith:

(a) the contract may be terminated and the person awarded the contract shall be compensated for actual costs reasonably incurred under the contract plus a reasonable profit, but excluding attorney's fees, prior to termination; or

(2) if the person awarded the contract has acted fraudulently or in bad faith the contract may be declared null and void or voidable, if such action is in the best interest of the City.

## Section 5

## CONTRACT ADMINISTRATION

### Section 5.1

### CONTRACT PROVISION

1. Standard Contract Clauses and Their Modification. The City after consultation with the City Attorney, may establish standard contract clauses for use in City contracts. However, the Purchasing Officer may, upon consultation with the City Attorney, vary any such standard contract clauses for any particular contract.

2. Contract Clauses. All City contracts for supplies, services, and construction shall include provisions necessary to define the responsibilities and rights of the parties to the contract. The Purchasing Officer after consultation with the City Attorney, may propose provisions appropriate for supply, service, or construction contracts, addressing among others the following subjects:

- (1) the unilateral right of the City to order, in writing, changes in the work within the scope of the contract;
- (2) the unilateral right of the City to order in writing temporary stopping of the work or delaying performance that does not alter the scope of the contract;
- (3) variations occurring between estimated quantities or work in contract and actual quantities;
- (4) defective pricing;
- (5) time of performance and liquidated damages;
- (6) specified excuses for delay or nonperformance;
- (7) termination of the contract for default;
- (8) termination of the contract in whole or in part for the convenience of the City;
- (9) suspension of work on a construction project ordered by the City;
- (10) site conditions differing from those indicated in the contract, or ordinarily encountered, except that a differing site conditions clause need not be included in a contract
  - (a) when the contract is negotiated;
  - (b) when the contractor provides the site or design; or
  - (c) when the parties have otherwise agreed with respect to the risk of differing site conditions;
- (11) value engineering proposals;
- (12) remedies;
- (13) access to records/retention records;
- (14) environmental compliance; and
- (15) prohibition against contingency fees;
- (16) insurance to be provided by contractor covering employee property damage,



liability and other claims, with requirements of certificates of insurance and cancellation clauses;

(17) bonding requirements as set by the City Commission;

(18) causes of and authorization for suspension of contract for improper contractor activity.

#### Section 5.2                      PRICE ADJUSTMENTS

1. Method of Price Adjustment. Adjustments in price during the term of a contract shall be computed in one or more of the following ways upon approval by the City:

(1) by agreement on a fixed price adjustment before adjustment before commencement of the pertinent performance or as soon thereafter as practicable;

(2) by unit prices specified in the contract or subsequently agreed upon;

(3) by costs attributable to the events or situations under such clauses with adjustment of profit or fee, all as specified in the contract or subsequently agreed upon by the City;

(4) in such other manner as the contracting parties may mutually agree; or

(5) in the absence of agreement by the parties, by a unilateral determination by the City of the costs attributable to the events or situations under such clauses with adjustment of profit or fee as computed by the City, subject to the provisions of this Section.

2. Costs or Pricing Data Required. A contractor shall be required to submit cost or pricing data if any adjustment in contract price is subject to the provisions of this Section.

#### Section 5.3                      CHANGE ORDERS/CONTRACT AMENDMENTS

Change orders and contract amendments, which provide for the alteration of the provisions of a contract may be approved by an appropriate person based upon the dollar value of the change or amendment. The purchasing categories thresholds designated in Section 4.01 shall govern the appropriate level of approval.

#### Section 5.4                      ASSIGNMENTS OF CONTRACTS

No agreement made pursuant to any section of this policy shall be assigned or sublet as a whole or in part without the written consent of the City nor shall the contractor assign any monies due or to become due to the contractor hereunder without the previous written consent of the City.

#### Section 5.5                      RIGHT TO INSPECT PLANT

The City may, as its discretion, inspect the part of the plant or place of business of a contractor or any subcontractor which is related to the performances of any contract awarded, or to be awarded, by the City. The right expressed herein shall be included in all contracts or subcontracts that involve the performance of any work or service involving the City.

#### Section 6                      CITY PROCUREMENT RECORDS

1. Contract File. All determinations and other written records pertaining to the solicitation, award, or performance of a contract shall be maintained for the City in a contract file.

2. Retention of Procurement Records. All procurement records shall be retained and disposed of by the City in accordance with records retention guidelines and schedules established by the State of Florida and Federal Guidelines. For CDBG related activities that retention period is six years.

## Section 7

## SPECIFICATIONS

### Section 7.1

### MAXIMUM PRACTICABLE COMPETITION

All specifications shall be drafted to promote overall economy and encourage competition in satisfying the City needs and shall not be unduly restrictive. The policy applies to all specifications including, but not limited to, those prepared for the City by architects, engineers, designers, and draftsmen.

### Section 7.2

### USE OF BRAND NAME OR EQUIVALENT SPECIFICATIONS

1. Use. Brand name or equivalent specifications may be used when the City determines that:
  - (1) no other design, performance, or qualified product list is available;
  - (2) time does not permit the preparation of another form of purchase description, not including a brand name specification;
  - (3) the nature of the product or the nature of the City requirements makes use of a brand name equivalent specifications suitable for the procurement; or
  - (4) use of brand name or equivalent specification is in the City's best interest.
2. Designation of Several Brand Names. Brand names or equivalent specifications shall seek to designate three, or as many different brands as are practicable, as "or equivalent" references and shall further state the substantially equivalent products to those designated may be considered for award.
3. Required Characteristics. The brand name or equivalent specifications shall include a description of the particular design, functional, or performance characteristics required.
4. Nonrestrictive Use of Brand Name or Equivalent Specifications. Where a brand name or equivalent specification is used in a solicitation, the solicitation shall contain explanatory language that the use of a brand name is for the purpose of describing the standard of quality, performance, and characteristics desired and is not intended to limit or restrict competition.
5. Determination of Equivalents. Any prospective bidder may apply, in writing, for a pre-bid determination of equivalence by the Purchasing Director. If sufficient information is provided by the prospective bidder, the Purchasing Director may determine, in writing and prior to the bid opening time, that the proposed product would be equivalent to the brand name used in the solicitation.
6. Specifications of Equivalents Required for Bid Submittal. Vendors proposing equivalent products must include in their bid submittal the manufacturer's specifications for those products. Brand names and model numbers are used for identification and reference purposes only.

### Section 7.3

### BRAND NAME SPECIFICATIONS

1. Use of Brand Name Specifications. Since the use of a brand name specification is restrictive of product competition, it may be used only when the Purchasing Director makes a determination that only the identified brand name item will satisfy the City needs.
2. Competition. The Purchasing Director shall seek to identify sources from which the designated brand name item or items can be obtained and shall solicit such sources to achieve whatever degree of price competition is practicable. If only one source can supply the requirement, the procurement shall be made under Section 4.10, Sole Source Purchases.



## Section 8

## ETHICS IN PUBLIC CONTRACTING

### Section 8.1

### CRIMINAL PENALTIES

To the extent that violations of the ethical standards of conduct set forth in this section constitute violations of the State Criminal Code they shall be punishable as provided therein. Such penalties shall in addition to civil sanctions set forth in this part.

### Section 8.2

### EMPLOYEE CONFLICT OF INTEREST

1. Participation. It shall be unethical for any City employee, officer, or agent to participate directly or indirectly in a procurement or administration of a contract. A conflict of interest would arise when:

- (1) the City employee, officer or agent;
- (2) any member of his immediate family;
- (3) his or her partner; or
- (4) an organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award. The officer's employees or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, or parties to sub-agreements.

### Section 8.3

### CONTEMPORANEOUS EMPLOYMENT PROHIBITED

It shall be unethical for any City employee who is participating directly or indirectly in the procurement process to become or to be, while such a City employee, the employee of any person contracting with the City of Webster.

### Section 8.4

### USE OF CONFIDENTIAL INFORMATION

It shall be unethical for any employee knowingly to use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of other persons.

### Section 8.5

### GRATUITIES AND KICKBACKS

1. Gratuities. It shall be unethical for any person to offer, give, or agree to give any City employee, officer, or agent to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with the decision, approval, disapproval, recommendation, or preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard rendering of advise, investigation, auditing, or performing in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, subcontract, or to any solicitation or proposal theretofore.
2. Kickbacks. It shall be unethical for any payment, gratuity, or offer of employment to be made by or behalf a subcontractor under a contract to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order.
3. Contract Clause. The prohibition against gratuities and kickbacks prescribed in this section shall conspicuously set forth in every contract and solicitation therefore.

### Section 8.6

### SANCTIONS

1. Employee Sanctions. Upon violation of the ethical standards by an employee, officer or agent of the

City, or other appropriate authority may:

- (1) impose one or more appropriate disciplinary actions as defined in the City Personnel Rules and regulations, up to and including termination of employment; and;
  - (2) may request investigations and prosecution
2. Non-employee Sanctions. The Commission may impose any one or more of the following sanctions on a non-employee for violation of the ethical standards:
  - (1) written warnings;
  - (2) termination of contracts; or
  - (3) debarment or suspension as provided in Section 11-8.

#### Section 8.7                      RECOVERY OF VALUE TRANSFERRED OR RECEIVED IN BREACH OF ETHICAL STANDARDS

1. General Provisions. The value of anything being transferred or received in breach of the ethical standards of this policy by a City employee or non-employee may be recovered from both the City employee and non-employee.
2. Recovery of Kickbacks by the City of Webster. Upon a showing that a subcontractor made a kickback to prime contractor or a higher tier subcontractor in connection with the award of a subcontract or order thereunder, it shall be conclusively presumed that the amount thereof was included in the price of the subcontract or order and ultimately borne by the City and will be recoverable hereunder from the recipient. In addition, that amount may also be recovered from the subcontractor making such a kickback. Recovery from one offending party shall not preclude recovery from other offending parties.

#### Section 9                      FEDERAL POLICY NOTICE

##### Section 9.1                      PATENTS

If a contract involving research and development, experimental, or demonstration work is being funded in whole or in part by assistance from a federal agency, then the contract shall include the following provisions:

1. Notice to Contractor. The contract shall give notice to the contractor of the applicable grantor agency requirements and regulations concerning reporting of, and rights to, any discovery or inventions arising out of the contract.
2. Notice by Contractor. The contract shall require the contractor to include a similar provision in all subcontracts involving research and development, experimental, or demonstration work.

##### Section 9.2                      NOTICE OF FEDERAL PUBLIC POLICY REQUIREMENTS

1. Applicability. If the contract is being funded in whole or in part by assistance from any federal agency, the contract is subject to one or more federal public policy requirements such as:
  - (1) equal employment opportunity;
  - (2) Copeland "anti-kickback" Act;
  - (3) Davis Bacon Act;
  - (4) Contract Work Hours and Safety Act;



- (5) Americans with Disabilities Act; and
  - (6) Other requirements set forth in any contract.
2. Notice. The Purchasing Director shall include in the contract all appropriate provisions giving the contractor notice of these requirements. Where applicable, the Purchasing Director shall include in the contract provisions the requirement that the contractor give similar notice to all of its subcontractors.

Section 10                      PAYMENT TO VENDORS

All payment to vendors shall also in accordance with the amended "Prompt Payment Act", Chapter 89-297, Florida Statutes.

Section 11                      MINORITY BUSINESS ENTERPRISE PARTICIPATION PROGRAM

1. Purpose and Scope. The purpose of the Minority Business Enterprise Program is to enhance the participation of qualified minority and women-owned businesses in providing goods and services and construction contracts required by the City Commission. This program describes procedures to accomplish this purpose and to monitor and evaluate progress. All Department and Divisions under the jurisdiction of the City Commission are responsible for implementing this program.
2. Policy Statement.
- (1) It is the policy goal of the City that two percent (2%) of the Commission approved procurement as contained with both operating and capital improvement budgets (exclusive of in-house services and construction) shall be identified and let through the competitive bid process to minority and women businesses and persons. The program is based on an in-depth evaluation of all actual as well as projected procurement (Capital Improvement Projects, equipment, commodities and services) and on the market place. Procurement identified to establish a base for this program are not limited to those items only. This evaluation is the main factor in building a realistic program with attainable targets.
- (2) All departments and divisions under the jurisdiction of the City Commission are responsible for implementing this program and for making every reasonable effort to utilize MBEs and WBE's when opportunities are available. The Purchasing Officer will take the lead role in this process by taking active steps to encourage minority or women owned businesses.
- (3) Regarding the implementation of this policy, it is the Commission's intent to foster economic development in the City's area by establishing its MBE goals based on availability of minority and women-owned businesses located within the City. This is no way intended to limit or restrict competition. Rather, availability of area companies will be used to guide MBE goals. Such geographical preferences may be adjusted, amended or repealed by the City Commission, with or without a public hearing, as deemed necessary.
3. Definition. Minority Business Enterprise (MBE) as used herein, means a business that is owned and controlled at least 51% by one or more minority persons (MBE) or by one or more women (WBE) and whose management and daily operations are controlled by one or more such persons.
4. Administrative Responsibilities. The Purchasing Officer is responsible for the coordination of the Minority Business Enterprise Program and registration.

(1) Capital Improvement Projects

(a) REVIEW

The Purchasing Officer and an appropriate department representative shall review each proposed project or bid to determine potential for utilization of MBE/WBEs and report their finds to the City Commission. This review is based on known availability of capable MBE/WBEs in the area in relation to the scope of the bid package and considers how a project might be broken down into sub-bids.

(b) PRE-BID ACTIVITY

(1) Language regarding the Minority Business Enterprise Program will be inserted into bid specifications to assure that prospective bidders are aware of a requirement to make good faith efforts to utilize MBE/WBEs.

(2) Registered MBE/WBEs, the Minority Contractors Association and other organizations for minority and women owned businesses will be notified in writing regarding pre-bid conferences where information on project scope and specifications will be presented, along with other types of technical assistance.

(3) Upon request available plans and specification will be provided to MBE/WBE associations along with any special instructions on how to pursue bids.

(4) Majority (prime) contractors on a bid list will be sent a letter outlining the Minority Business Enterprise Program procedures, the supportive documentation required for submittal with their bid, and a list of MBE/WBE contractors on the bid list.

(5) Prior to award the Prime Contractor must provide documentation on attempts to solicit participation from MBE/WBE firms.

(6) The Prime Contractor attempts to utilize MBE/WBE firms during the project must be documented as part of the Prime's contract award responsibilities under this program. Documentation to include but not limited to requests for bids, bids received and justification for not utilizing MBE/WBE firms when bid amounts received are comparable.

Failure to keep these commitments will be deemed noncompliance with the contract and may result in a breach of contract.

(2) Contractor Responsibilities

(a) Contractors must indicate all MBE/WBEs, contacted for quotes regarding a particular scope of work and submit a completed "Intent to Perform" sheet containing information and documentation obtained from each MBE/WBEs.

(b) A contractor who determines that a MBE/WBEs, names in the bid submittal, is unavailable or cannot perform, will request approval from the Purchasing Officer to name an acceptable alternate. Such requests will be approved when adequate documentation of cause for the change is presented by the contractor.

(c) A contractor's MBE/WBE plan will utilize MBE/WBEs to perform commercially useful



functions in the work bid. A MBE/WBE is performing a commercially useful function when it is responsible for the management and performance of a distinct element of the total work.

(d) Contractors are required to make good faith efforts to obtain MBE/WBE participation when so stipulated by bid specifications and/or contracts. If these efforts are unsuccessful, the contractor will submit a non-availability or refusal to participate and will request waiver of MBE/WBE participation.

(e) The contractor who is the successful bidder will attend pre-construction conferences with appropriate City representatives to review the project scope and the MBE/WBE utilization plan.

(f) The contractor who is the successful bidder must request a change order for any modification to the MBE/WBE plan. Change orders require Commission approval and are contingent on contractor documentation of MBE/WBE involvement in the change requested and documentation of cause for these changes.

5. Joint Venture Responsibilities

Definition of Joint Venture - A business arrangement in which two or more parties agree to pool their resources for the purpose of accomplishing a specific task. All parties agree to share in the profit and losses of the enterprise.

(a) All joint ventures between minority and non-minority contractors must meet the "joint venture" definition included in the policy.

(b) The use by MBE/WBEs or prime contractors of "minority fronts" or other fraudulent practices which subvert the true meaning and spirit of the Minority Business Enterprise Program, will not be tolerated and may result in termination of participation.

(c) A joint venture consisting of minority and non-minority business enterprise will be credited with MBE/WBE participation on the basis of the percentages of the dollar amount of the work to be performed by the MBE/WBEs.

(d) Contracts subject to this policy shall contain provisions stating that liquidated damages may be assessed against the general contractor and/or the MBE/WBE specifications in the contract(s). Such liquidated damage provisions shall be in a form approved by the Commission.

6. Fulfilling MBE/WBE Participation Requirements

For the purpose of this policy, a general contractor may utilize the services of a MBE/WBE subcontractor, manufacturer, and/or supplier in estimating and satisfying the scope of work, provided that written contract/agreement is executed between the general contractor and the subcontractor, manufacturer, and/or the supplier.

7. Payment

(1) Payment will be expedited by the City Commission within thirty (30) days upon completion and acceptance of the project. Special consideration may be given to hardship cases upon notification by MBEs/WBEs.

(2) The City will provide work progress payments to all business at the completion and subsequent acceptance by Commission representatives within various stages of a particular project.

8. Bid List.

A bid list for the purpose of bid solicitations shall be maintained by the City. The list shall consist of firms that apply.

(1) The Commission may remove firms from the bid list for the following reasons:

- (a) failure to perform according to contract provisions;
- (b) conviction in a court of law of any criminal offense in connection with the conduct of business.
- (c) clear and convincing evidence of a violation of any federal or state anti-trust law based on the submission of bids or proposals or the awarding of contracts.
- (d) clear and convincing evidence that a vendor has attempted to give a Commission employee, officer or agent a gratuity of any kind for the purpose of influencing recommendation or decision in connection with any part of the City Commission purchasing activity;
- (e) violation of circumvention of the Minority Business Enterprise Program; or
- (f) other reasons deemed appropriate by the City Commission

(2) This policy is consistent with the City's Purchasing Policy. Wherever conflicts may exist, the provision in this Purchasing Policy will prevail.

9. Reporting.

The Purchasing Officer or appropriate person will report, at least annually, to the Commission on the Status of the Minority Business Enterprise Program. Records will be maintained reflecting participation of local minority and women owned businesses and shall be reported.

10. Severability Clause.

Each separate provision of this program is deemed independent of all other provisions herein so that if any provision or provisions be declared invalid, all other provisions hereof shall remain valid and full force and effect.

**DULY PASSED AND ADOPTED** by the City Commission of the City of Webster, Florida at a regular meeting on this \_\_\_\_ day of \_\_\_\_\_, 2021.

(SEAL)

City of Webster

**ATTESTED:**

By: \_\_\_\_\_  
Deanna Naugler, City Manager

By: \_\_\_\_\_  
Bobby Yost, Mayor

**Approved as to form:**

By: \_\_\_\_\_  
William L. Colbert, City Attorney



THE CITY OF WEBSTER, FLORIDA  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM  
CITIZENS PARTICIPATION PLAN

In keeping with the provisions of the Housing and Community Development Act of 1974 as amended, 24 CFR 570.431 and Department of Economic Opportunity (DEO) Rule 73C-23, the City of Webster, Florida hereby establishes a Citizen Participation Plan.

I. OVERALL GOAL

The purpose of this plan is to provide the citizens of the City of Webster with an adequate opportunity for meaningful involvement on a continuing basis and for participation in the planning, development, implementation, and assessment of the City of Webster's Community Development Block Grant Program.

II. OBJECTIVES

- A. To increase interchange of information between CDBG Staff and the local citizens concerning community development and related concerns.
- B. To heighten public awareness as to the purpose and function of the CDBG Program and the types of assistance available, especially among low/moderate income residents of CDBG target areas.
- C. To increase community participation in program planning and implementation and thereby create local support for CDBG goals.
- D. To allow affected or potentially affected citizens to directly assist in shaping and guiding the program's impact upon their neighborhood as well as the community at large.

III. CONSISTENCY

This Citizen Participation Plan is consistent with the requirements Section 508 of the Housing and Community Development Act of 1987 which amends Section 104(a) of the Housing and Community Development Act of 1974, 24 CFR 570.4312 and DEO Rule 73C-23. This Plan supersedes all other Citizen Participation Plans utilized by the City of Webster, Florida. This Plan sets forth the procedures for Citizen Participation that shall be utilized during each stage of the Community Development Block Grant process and upon its adoption by the City of Webster City Commission shall remain in effect until otherwise amended.

IV. OVERVIEW

- A. Citizen participation is a vital element in the preparation of a method by which community involvement will be solicited and maintained throughout the entire Community Development Block Grant process. The City of Webster, Florida shall strive to ensure such participation by utilizing the public hearing process and by appointing a Citizens Advisory Committee.
- B. It shall be the policy of the City of Webster that the effectiveness of citizen participation in the planning, development, implementation, and assessment of the Community Development Block Grant process be analyzed during the public

hearings and other called meetings and amendments to the Plan made when necessary.

V. CITIZEN PARTICIPATION TECHNICAL REQUIREMENTS

Since the purpose of this plan is to provide the citizens of the City of Webster, Florida with an adequate opportunity for meaningful involvement in the planning, implementation, and evaluation of the City's Community Development Block Grant process, it shall be the City's policy to solicit, and respond in a timely manner to, the views and proposals of all citizens, particularly low and moderate income persons, members of minority groups, and residents of blighted areas where the potential exists for the undertaking of CDBG eligible activities. Upon adoption of this Plan, the following technical requirements shall govern this process:

A. Public Hearings

1. To ensure adequate notice of public hearings, all notices shall be printed in the non-legal section of the (local newspaper) no less than five (5) days and no more than twenty (20) days prior to each public hearing held at any stage of the Community Development Block Grant process.
2. When deemed appropriate, the City may also post notices of such hearings in not less than two public places. The posting of notices may only supplement publication of public hearing notices. A news article located in a conspicuous place in the newspaper may be considered as sufficient printed notice to fulfill this requirement. The City may also utilize additional means (personal contact, radio, etc.) to the maximum extent possible to reach target groups identified above when this is necessary. A minimum of two public hearings will be held before the City of Webster City Commission to provide the greatest access for citizen participation in developing CDBG applications.
3. Because of the size of the City, and the centrality of the City Hall, this requirement will generally be satisfied by holding the hearings at the City of Webster City Hall.
4. The City of Webster has a known concentration of non-English speaking residents; therefore the services of a translator will be obtained in the event a significant number of residents of a target area do not speak English and request such services. Notices shall include information concerning the handicapped.

B. Citizens Advisory Task Force

1. The City shall establish a Citizens Advisory Task Force for all CDBG projects other than economic development projects, which shall consist of no less than five (5), not more than eight (8) members appointed by the City of Webster City Commission in a manner, which will ensure substantial representation of low and moderate income persons and minorities. Committee members shall serve two (2) year terms.



2. The Citizens Advisory Task Force shall serve as a focal point or liaison between the City and its constituents in regard to CDBG project development and implementation. The Committee shall have the following duties and responsibilities:
  - a. Disseminate information concerning eligible activities, proposed projects, and the status of current projects.
  - b. Coordinate various groups which choose to participate in the implementation of community development activities.
  - c. Review written comments assessing the implementation of the CDBG program.
  - d. Monitor the overall implementation of the CDBG program and review program status with administrative personnel on a quarterly basis or more frequently if deemed necessary.
  - e. Monitor the overall implementation of the CDBG program and review program status with administrative personnel on a quarterly basis or more frequently if deemed necessary.
  - f. Monitor the citizen participation process and propose such amendments as may be necessary to this Participation Plan.
3. The Citizen Advisory Task Force shall be a tool through which program progress can be analyzed and proposed amendments discussed, if applicable.

C. Access to Records

1. The City of Webster shall maintain a complete project file on its Community Development Block Grant program(s) which shall be available for public inspection during regular office hours in the City Clerk's office. This file shall include but not be limited to the following:
  - a. Citizens Participation Plan
  - b. Community Development Plan
  - c. Community Development Block Grant Application
  - d. Program Amendments
  - e. Environmental Review Record
  - f. Financial Status
  - g. Fair Housing Ordinance
  - h. Equal Opportunity Requirements
  - i. Policies and Procedures Governing Beneficiary Eligibility
  - j. Performance Assessment Report
  - k. Written Comments and City's Response
2. Generally, the project file is available for review by any citizen or group; however, in no case will disclosure be made of any program participant's financial status.

D. Technical Assistance

The program staff shall provide technical assistance to citizens' committees and groups and interested persons in the citizen participation process. This technical assistance shall focus on increasing public access to participating in the Community Development Block Grant decision making process through the Citizens Advisory Committee, and ensuring that this participation is meaningful. Technical assistance will also be utilized to foster an understanding of program requirements; i.e., equal opportunity, relocation, environmental policies, beneficiary eligibility, etc.

E. Grievances

1. All grievances regarding individual decisions made as a part of the implementation of the Community Development Block Grant program shall be submitted, in writing to the Program Administrator. If a person feels that his/her complaint has not been sufficiently addressed by the Program Administrator's response, an appeal may be made to the Citizens Advisory Task Force.
2. If a response satisfactory to the aggrieved is not issued by the Committee, an appeal may be made to the City of Webster City Commission. At any point, the aggrieved may register a written complaint with the Florida Department of Economic Opportunity, 107 East Madison Street, MSC-400 Tallahassee, Florida 32399-6508. All written complaints registered at the local level shall have a written response from the Administrator, Committee, or the City Commission within fifteen (15) days of the lodging of said complaint. A file of all grievances and responses shall be maintained and available for public inspection. In the event the aggrieved has exhausted all appeals without a decision satisfactory to himself/herself, he/she may pursue other legal channels in an attempt to achieve satisfaction.

F. Amendment

The amendment of this Plan shall follow all citizen participation requirements delineated in the Section Post Approval Requirements and applicable technical provisions. Such amendments shall require adoption by the City of Webster City Commission prior to becoming effective.

G. Authority

No part of this participation Plan shall be construed to restrict the responsibility and authority of the elected officials of the City of Webster, Florida, in the development and implementation of any Community Development Block Grant program. Rather it is a vehicle through which the elected officials of the City of Webster can assure citizen input prior to their decision making process.



## CITIZEN PARTICIPATION IN EACH STAGE OF THE CDBG PROGRAM

### I. Application Stage

The objective of citizen participation at this stage is to provide meaningful community-wide citizen input into the decision making process during the consideration of priorities and of options associated with the development and submission of the application. The following requirements will be met during the application stage and certified to in the body of the application:

- A. Review of the Citizen Participation Plan
- B. Presentation of the City's Community Development Plan.

Title I of the Housing and Community Development Act of 1974, as revised, has as its primary objective, the development of viable urban communities by providing decent housing, suitable living environment, and expanding economic opportunities, principally for persons of low and moderate incomes. Consistent with these objectives, the City of Webster will develop a Community Development Plan that identifies the community development and housing needs and specifies both short and long term community development objectives to meet the established needs.

### C. Public Hearings

A minimum of two (2) public hearings will be held before the City of Webster City Commission during this stage. The purpose of the first public hearing is to access community needs and problems in an effort to determine the most pressing needs of the community and to solicit citizen input as to the ranking of said needs. The purpose of the second hearing is to present for public comment and review the program of activities that the City has selected for the application as best suited to meet these needs. The City may determine that more than two (2) public hearings during the application stage are desirable and thus hold extra hearings. All such hearings shall be governed by the requirements as set forth herein. The following information will be presented to the public at each public hearing during this stage:

1. The range of activities that may be undertaken with CDBG funds, the kinds of activities previously funded; if any, and the progress made with respect to those activities.
2. An overview of the CDBG program to include analysis of DEO rating process and discussion of applicable grant ceilings.
3. Discussion of the competitive nature of the CDBG process and the likelihood that more applications will be submitted to DEO than can be funded.

4. The process to be followed in soliciting and responding to the views and proposals of citizens in a timely manner.
5. Discussion of the role of the Citizen Advisory Task Force.

## II. POST APPROVAL STAGE

- A. The City shall assure continuing citizen participation throughout the life of the Community Development Block Grant program, particularly when considering amendments to the program. The City shall conduct at least one (1) public hearing, in accordance with the requirements of such hearings, during the grant amendment process.
- B. The involvement of citizens in the amendment process is felt to be essential. To ensure adequate citizen participation during the conduct of the program, the following requirements for amendments will be met:
  1. A minimum of one (1) public hearing will be held prior to the submission of any amendment that involves the reduction of beneficiaries and require formal approval by DEO according to the provisions of this Plan.
  2. Citizens will be involved in amendments not requiring formal DEO approval, budget revisions, and local changes in the CDBG Program. Such changes will be presented for review to the Citizen's Advisory Committee in a meeting of such Committee which shall be open to the public.
  3. The City shall attempt to involve citizens residing in the target area(s) affected by any amendment or revision in the development of such amendment or revision. This shall be accomplished through the dissemination of information on such program changes to the affected residents.

## IV. ASSESSMENT OF PERFORMANCE

Citizens of the City of Webster will be provided opportunities to comment on the implementation of the City's CDBG program and to assess the performance of the City in meeting its community development goals and objectives. Continual community assessment of the effectiveness of the program is considered essential to the success of a CDBG program. In order to ensure this involvement, the City will utilize the following approaches:

1. The Citizen Advisory Task Force, established in accordance with this Plan, will function as the focal point of the evaluation and assessment process. This group will continually provide the City and its staff with feedback on the effectiveness of the program and suggest changes, if applicable.
2. The public hearing process will be used to ensure community-wide



participation in the evaluation of the program.

3. Written comments on the program will be received at any time during the life of the program. All written comments will be presented to the Citizen Advisory Task Force for their review and responses by the appropriate party within fifteen (15) days.

VI. CITIZEN COMMENT TO DEO

Persons may comment to DEO at any time concerning the City of Webster's failure to comply with the citizen participation requirements as set forth in this Plan.

**DULY PASSED AND ADOPTED** by the City Commission of the City of Webster, Florida at a regular meeting on this \_\_\_\_ day of \_\_\_\_\_, 2021.

(SEAL)

City of Webster

**ATTESTED:**

By: \_\_\_\_\_  
Deanna Naugler, City Manager

By: \_\_\_\_\_  
Bobby Yost, Mayor

**Approved as to form:**

By: \_\_\_\_\_  
William L. Colbert, City Attorney

**Resolution No. 2021-02**

**A RESOLUTION OF THE CITY OF WEBSTER, FLORIDA, ADOPTING  
A POLICY FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT  
PROGRAM COMPLAINT AND GRIEVANCE PROCEDURES,  
REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH, AND  
PROVIDING FOR AN EFFECTIVE DATE.**

1. All complaints and or grievances, including those involving the handicapped, shall be submitted in writing to the Community Development Administrator.
2. If remedy is not provided, then the complaint or grievance shall elevate to the Citizens Advisory Task Force (CATF).
3. If remedy is not provided, the complaint or grievance shall elevate to the City of Webster City Commission.
4. It shall be the policy of this locality to respond within fifteen (15) days to all written complaints. It shall further be the policy of this locality to resolve complaints and grievances in a timely manner.
5. Nothing in the policy or procedure is intended to keep anyone aggrieved from appealing decisions to the Florida Department of Economic Opportunity if proper resolution is not received.

**DULY PASSED AND ADOPTED** by the City Commission of the City of Webster, Florida at a regular meeting on this \_\_\_\_ day of \_\_\_\_\_, 2021.

(SEAL)

City of Webster

**ATTESTED:**

By: \_\_\_\_\_  
Deanna Naugler, City Manager

By: \_\_\_\_\_  
Bobby Yost, Mayor

**Approved as to form:**

By: \_\_\_\_\_  
William L. Colbert, City Attorney



**RESOLUTION 2021-03**

**A RESOLUTION OF THE CITY OF WEBSTER, FLORIDA, ADOPTING A POLICY FOR THE PROTECTION OF INDIVIDUALS ENGAGING IN NON-VIOLENT CIVIL RIGHTS DEMONSTRATIONS, REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH, AND PROVIDING FOR AN EFFECTIVE DATE.**

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WEBSTER, FLORIDA AS FOLLOWS:

WHEREAS, 906 of Public Law 101-625, enacted as Section 104 of the Housing and Community Development Act of 1974, requires subrecipients of federal funds to adopt and enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations;

WHEREAS, 906 of Public Law 101-625, enacted as Section 104 of the Housing and Community Development Act of 1974, requires subrecipients of federal funds to adopt and enforce a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within its jurisdiction;

THEREFORE AND HENCEFORTH, it is the policy of the City of Webster to prohibit the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and to enforce applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within its jurisdiction with due and proper consideration given to the extent and limits of the City's power and authority to do so.

All other resolutions and policies or sections of resolutions and policies of the City of Webster in conflict with the provisions of this Resolution are hereby repealed to the extent of such conflict.

If any section, paragraph, sentence, or clause hereof or any provision of this Resolution is declared to be invalid or unconstitutional, the remaining provisions of this Resolution shall be unaffected thereby and shall remain in full force and effect.

This Resolution shall take effect immediately upon its passage.

**DULY PASSED AND ADOPTED** by the City Commission of the City of Webster, Florida at a regular meeting on this \_\_\_\_ day of \_\_\_\_\_, 2021.

(SEAL)

**ATTESTED:**

City of Webster

By: \_\_\_\_\_  
Deanna Naugler, City Manager

By: \_\_\_\_\_  
Bobby Yost, Mayor

**Approved as to form:**

By: \_\_\_\_\_  
William L. Colbert, City Attorney

**RESOLUTION NO. 2021-04**

**A RESOLUTION OF THE CITY OF WEBSTER, FLORIDA UPDATING COMPLIANCE WITH SECTION 504 OF THE REHABILITATION ACT OF 1973, ADOPTING A HANDICAP ACCESSIBILITY SELF EVALUATION PLAN, ADOPTING A TRANSITION PLAN FOR HANDICAP ACCESSIBILITY AND ADOPTING A SECTION 504 GRIEVANCE PROCEDURE**

**WHEREAS**, The City of Webster desires to comply with the Section 504 Handicap Accessibility Requirements of the Community Development Block Grant programs and have all publicly accessible City owned facilities made handicap accessible; and

**WHEREAS**, The City of Webster has completed a review of City-owned facilities accessible to the public for ADA handicap compliance; and

**WHEREAS**, The City of Webster desires to make all City-owned public facilities accessible to Handicap individuals, and

**WHEREAS**, The City of Webster is establishing a Complaint and Grievance Procedure to process any complaints including those relating to handicap accessibility, the treatment of handicapped individuals and to elimination discrimination against any person who: has a physical or mental impairment which substantially limits one or more major life activities, has a record of such impairment, and/or is regarded as having such an impairment.

**NOW THEREFORE, BE IT RESOLVED** by the City of Webster City Council as follows:

1. That the City of Webster hereby adopts the following 24 CFR Part 8 Self Evaluation Plan, and
2. That the City of Webster hereby adopts the following 24 CFR Part 8 Transition Plan, and
3. That the City of Webster hereby adopts the following Section 504 Compliance and Grievance Procedure, and
4. That the City of Webster affirms the City Manager as the person responsible for implementation of the Plan.



**THIS RESOLUTION ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021**

(SEAL)

City of Webster

**ATTESTED:**

By: \_\_\_\_\_  
Deanna Naugler, City Manager

By: \_\_\_\_\_  
Bobby Yost, Mayor

**Approved as to form:**

By: \_\_\_\_\_  
William L. Colbert, City Attorney

P

4/23/2021 thru 5/12/2021

Income:		
Utility Billing		\$59,232.48
State Revenues		\$18,996.72
SECO/DUKE		\$7,397.44
Business license & Container permit		\$24.00
Ad-Valorem Tax		
<b>TOTAL</b>		<b>\$85,650.64</b>
Expenses:		
HEALTH INSURANCE/LIFE INSURANCE		\$1,193.81
FRS		\$2,950.47
FUEL		\$593.66
PAYROLL		\$22,629.63
PAYROLL TAXES		\$7,490.61
CELL PHONE		\$227.40
R&M		\$5,773.74
STREET REPAIR		<b>\$32,357.02</b>
OFFICE		\$670.42
ELECTRIC		\$2,483.00
ACCOUNTING & LEGAL		\$4,629.30
DEPUTIES		\$11,957.65
GARBAGE		\$10,165.05
LEGAL		\$6,782.50
		<b>\$77,647.24</b>
<b>MONEY FROM THE RESERVE ACCT</b>		
		<b>\$8,003.40</b>



## **Public Works City Council Report April 2021**

4/12/21 – Work on LS # 7 at the apartments. Pump 1 was not working properly.

4/12/21 – Check Master LS – High Wet well Omni call. High flow on Monday.

4/13/21 – Work on LS # 7 again. Pump is short cycling. Tightened all the screws on the starters, relays, etc in the panel box. These loosen over time due to vibration from the pumps. Lift Station seems to be running properly now.

4/14/21 – Order green tin for south well building roof. Storm damaged old shingles and roll roofing. Going to replace with tin roof.

4/14/21 – Check LS # 11. Still having issues with Sani wipes in the lift station.

4/16/21 – High volume of trash in the Fairgrounds lift station. Must be coming from the Fairgrounds restrooms. Sumter County was notified.

4/19/21 – Meet Dean from US Water to discuss run times on the pumps at the north well. They run good for a couple of days, then they don't. One day a pump may run 2 minutes. The next day it may run 2 ½ hours. The two pumps should alternate, and the amount of water used daily by residents stays fairly constant. So, I don't understand why the pumps fluctuate so much. Apparently, no one else does either.

4/19/21 – Meet Daniel Hernandez and obtain material list of items he needs to do the block work for the sign at SR 471 and East Central Ave.

4/20/21 – Take both new Gravely zero turn mowers in for service. Both have had the drive belts break with only 50 and 70 hours on the mowers.

4/22/21 – Meet Jamie Hope from FRWA and install new McCrometer meter at the Master LS. He was unable to calibrate the meter, at this time, due to no flow from the market.

4/23/21 – Consult with Bermad about a leaking valve at the south well. The valve is around 20 years old and the diaphragm inside the valve has gone bad. A new replacement valve is several thousand dollars, so I ordered a rebuild kit for the existing valve.

4/23/21 – Pick up green tin for south well roof repair.

4/23/21 – Pour concrete footer for sign.

4/23/21 – Storage shed delivered to Harris Park for Little League.

4/26/21 – Lift Station # 5 was having Omni issues. Replaced the battery inside the Omni box with the last battery we had in inventory and it started working again. Two more batteries ordered for Omni boxes for inventory.

4/27/21 – Lift Station # 4 had a pump ragged up. Pulled pump.

4/27/21 – Radiator went out on the Kubota tractor. Will need a new radiator and hoses.

4/28/21 – Order concrete blocks for sign pedestal.

4/28/21 – Meet Clay Walker at Master LS and have permanent electrical installed for the new McCrometer meter.

4/29/21 – Discuss well run times with Dean at US Water again.



4/30/21 – Even though the gates have been closed and locked, someone has gotten into Hewitt Park and broken something off inside all the locks on the doors at the Concession stand and both bathrooms. We are unable to open the doors with a key. May need to call a locksmith to access so that the locks/door handles can be replaced.

5/3/21 – Get rebar and Mortar mix for Daniel Hernandez for the sign.

5/3/21 - Take template and anchor bolts to Daniel Hernandez for mounting in the concrete for sign.

5/4/21 – Order bricks from Lowes for sign.

5/5/21 – Start laying out furring strips on roof of south well building.

5/6/21 – Concrete arrived to fill concrete pedestal for sign. As the wet concrete was being poured, the cement block walls broke and wet concrete went everywhere. We were going to be charged for the concrete that was delivered anyway, so we used the concrete to patch holes in roads. Concrete pedestal will have to be rebuilt.

5/6/21 – Transformer blew on a power pole. 3 or 4 lift stations without power. Had to hook up a portable generator to a truck and monitor wet well levels. Multiple calls to Duke Energy finally got power restored before the generator had to be used. NOTE: One portable generator has good tires. The other portable generator needs 3 new tires. It has one new tire. The other three are dry rotted and two of them have blown just from the weight of the transformer.

5/7/21 – Some of the wet concrete was salvaged and used to fill the center of the blocks forming the wall of the pedestal. The center of the pedestal will have to be filled with Sakrete as I cannot get a one yard order of concrete delivered.

5/10/21 – Speak with resident Brian Mobley regarding tree trimming and about limbs rubbing a power line on NW 9<sup>th</sup> Ave.

5/10/21 – Jamie Hope was back today and we calibrated the McCrometer meter at the Master Lift Station. Flow from the Flea Market was measuring 202 GPM coming into the Master Lift Station when their lift station was on. We will be doing some sampling at this location as well.

5/11/21 – Purchase filters and fluids from Napa and Tractor Supply to service the Kubota tractor.

5/11/21 – Discuss and revise invoice with Ranger Construction for the repaving of NW 3<sup>rd</sup> St between CR 478 west and NW 6<sup>th</sup> Ave. They did not mill or use as much asphalt as the estimate showed. We only owe for what was actually used on the site. This saved over \$2,200 from their previous invoice.





## SUMTER COUNTY SHERIFF'S OFFICE

### CALL HISTORY LISTING

Printed By:  
MCASSIDY  
Printed On:  
05/03/2021 12:25:00

Incident Number	Date/Time	Complaint	Location	Disposition Codes	Offense Number
SCSO21CAD038288 PUnit: 152 PURSLEY R	04/29/2021 20:42:46	EXTRA PATROL	772 NW 5TH ST	8901 C4	
SCSO21CAD038280 PUnit: 152 PURSLEY R	04/29/2021 20:21:43	FIRE-UNKNOWN	524 N MARKET BLVD	3702 M8	
SCSO21CAD038184 PUnit: 152 PURSLEY R	04/29/2021 14:24:49	OBSTRUCTION ON HWY	NW 4TH AVE	7702 C1	
SCSO21CAD038129 PUnit: 215 BODLE R	04/29/2021 12:11:28	EXTRA PATROL	772 NW 5TH ST	8901 C4	
SCSO21CAD038085 PUnit: 215 BODLE R BUnit1: S56	04/29/2021 10:11:13	BURGLARY OW	15 S MARKET BLVD	2101 R6	SCSO21OFF002047
SCSO21CAD037926	04/28/2021 19:36:51	EXTRA PATROL	772 NW 5TH ST	8901 C4	
SCSO21CAD037766 PUnit: 152 PURSLEY R	04/28/2021 13:01:21	EXTRA PATROL	772 NW 5TH ST	8901 C4	
SCSO21CAD037594 PUnit: 110 SLAY A	04/28/2021 0:20:43	EXTRA PATROL	772 NW 5TH ST	8901 C4	
SCSO21CAD037593 PUnit: 110 SLAY A	04/28/2021 0:15:49	SUSPICIOUS INCIDENT	855 NW 4TH ST	6601 R6	
SCSO21CAD037561	04/27/2021 21:22:41	SICK/INJURED	138 NE 2ND AVE	6301 M8	
CHPD21CAD000216 PUnit: 701 ODOM R	04/27/2021 13:31:28	INVESTIGATION FOLLOW	349 S MARKET BLVD	6207 L1	
SCSO21CAD037307 PUnit: 128 OTERO JR H BUnit1: 220	04/27/2021 7:51:59	TRAFFIC STOP	N MARKET BLVD	5403 R1 A1 M	SCSO21OFF001998
SCSO21CAD037258 PUnit: 110 SLAY A	04/26/2021 22:41:11	EXTRA PATROL	772 NW 5TH ST	8901 C4	
SCSO21CAD037055 PUnit: 128 OTERO JR H BUnit1: 152 BUnit2: 220 BUnit3: K138	04/26/2021 11:59:50	THEFT	524 N MARKET BLVD	9901 K1	
SCSO21CAD036859 PUnit: 204 AMSLER K	04/25/2021 18:41:26	EXTRA PATROL	772 NW 5TH ST	8901 C4	
SCSO21CAD036758	04/25/2021 11:34:39	THEFT	811 NW 3RD ST	2501 C2	



## SUMTER COUNTY SHERIFF'S OFFICE

### CALL HISTORY LISTING

Printed By:  
**MCASSIDY**  
Printed On:  
**05/03/2021 12:25:02**

Incident Number	Date/Time	Complaint	Location	Disposition Codes	Offense Number
PUnit: 204 AMSLER K					
SCSO21CAD036752	04/25/2021 11:10:18	EXTRA PATROL	772 NW 5TH ST	8901 C4	
PUnit: 204 AMSLER K					
SCSO21CAD036664	04/24/2021 23:06:39	CITIZENS ASSIST	469 N MARKET BLVD	2501 C1	
PUnit: 165 DAY B					
SCSO21CAD036636	04/24/2021 21:13:36	EXTRA PATROL	772 NW 5TH ST	8901 C4	
PUnit: 204 AMSLER K BUnit1: 165					
SCSO21CAD036627	04/24/2021 20:15:18	REPOSSESSION	620 NW 7TH AVE	7704 S75	
SCSO21CAD036454	04/24/2021 12:05:21	INVESTIGATION FOLLOW	133 NE 9TH ST	3801 R6	
PUnit: 204 AMSLER K					
SCSO21CAD036447	04/24/2021 11:17:51	EXTRA PATROL	772 NW 5TH ST	8901 C4	
PUnit: 204 AMSLER K					
SCSO21CAD036343	04/23/2021 23:52:45	EXTRA PATROL	772 NW 5TH ST	8901 C4	
PUnit: 165 DAY B					
SCSO21CAD036296	04/23/2021 20:13:30	911 HANGUP	102 NE 4TH AVE	9201 C5	
SCSO21CAD036282	04/23/2021 19:21:18	THEFT	2684 W C-48	4402 R6	
PUnit: 165 DAY B BUnit1: 148 BUnit2: 204					
SCSO21CAD036215	04/23/2021 16:15:33	INVESTIGATION FOLLOW	133 NE 9TH ST	2501 C2	
PUnit: 204 AMSLER K					
SCSO21CAD036193	04/23/2021 15:11:24	EXTRA PATROL	772 NW 5TH ST	8901 C4	
PUnit: 204 AMSLER K					
SCSO21CAD036189	04/23/2021 15:02:47	911 MISDIAL	213 SW 1ST ST	9201 C1	
SCSO21CAD036186	04/23/2021 14:52:35	SICK/INJURED	213 SW 1ST ST	6301 M8	
SCSO21CAD036166	04/23/2021 14:15:41	CIVIL-SERV PAPER	3840 E C-478	2201 C7	
PUnit: B133 DECKARD S					
SCSO21CAD036151	04/23/2021 13:34:56	INVESTIGATION FOLLOW	133 NE 9TH ST	3801 R6	
PUnit: 204 AMSLER K					



## SUMTER COUNTY SHERIFF'S OFFICE

### CALL HISTORY LISTING

Printed By:  
**MCASSIDY**  
Printed On:  
**05/03/2021 12:25:04**

Incident Number	Date/Time	Complaint	Location	Disposition Codes	Offense Number
SCSO21CAD036084 PUnit: 215 BODLE R	04/23/2021 10:18:23	TRESPASSING	625 NW 9TH AVE	7503 C6	
SCSO21CAD035998 PUnit: 110 SLAY A	04/23/2021 1:10:57	EXTRA PATROL	772 NW 5TH ST	8901 C4	
SCSO21CAD035845 PUnit: 152 PURSLEY R	04/22/2021 15:34:51	DCF/ABUSE REG	133 NE 9TH ST	6101 R6	
SCSO21CAD035825 PUnit: 152 PURSLEY R	04/22/2021 14:23:10	RECOVERED PROPERTY	599 N MARKET BLVD	5702 R6	
SCSO21CAD035672 PUnit: 110 SLAY A	04/22/2021 1:25:22	EXTRA PATROL	772 NW 5TH ST	8901 C4	
SCSO21CAD035222	04/20/2021 17:36:15	911 MISDIAL	102 NE 4TH AVE	9201 C1	
SCSO21CAD035041 PUnit: 215 BODLE R	04/20/2021 7:28:25	SUSPICIOUS PERSON	754 NW 5TH ST	6602 C9	
SCSO21CAD034952 PUnit: 165 DAY B	04/19/2021 18:55:16	EXTRA PATROL	772 NW 5TH ST	8901 C4	
SCSO21CAD034833 PUnit: 204 AMSLER K BUnit1: 215	04/19/2021 12:58:31	FCIC/NCIC HIT	36 NW 3RD AVE	3801 C9	
SCSO21CAD034714 PUnit: 204 AMSLER K	04/19/2021 6:21:37	EXTRA PATROL	772 NW 5TH ST	8901 C4	
SCSO21CAD034702	04/19/2021 4:33:47	SICK/INJURED	258 NE 3RD AVE	6301 M8	
SCSO21CAD034631 PUnit: 176 MARTIN P	04/18/2021 20:13:18	EXTRA PATROL	871 NW 6TH ST	8901 C4	
SCSO21CAD034630 PUnit: 176 MARTIN P	04/18/2021 20:13:00	EXTRA PATROL	772 NW 5TH ST	8901 C4	
SCSO21CAD034544	04/18/2021 14:02:22	SICK/INJURED	321 SW 1ST ST	6301 M8	
SCSO21CAD034451 PUnit: 110 SLAY A	04/18/2021 2:51:44	SUSPICIOUS INCIDENT	850 NW 6TH ST	6601 R6	
SCSO21CAD034135	04/17/2021 0:49:50	911 HANGUP	839 NW 4TH ST	6601 R6	





## SUMTER COUNTY SHERIFF'S OFFICE

### CALL HISTORY LISTING

Printed By:  
**MCASSIDY**  
Printed On:  
**05/03/2021 12:25:06**

Incident Number	Date/Time	Complaint	Location	Disposition Codes	Offense Number
PUnit: 110 SLAY A	BUnit1: S42				
SCSO21CAD034131	04/17/2021 0:35:11	EXTRA PATROL	871 NW 6TH ST	8901 C1	
PUnit: 110 SLAY A					
SCSO21CAD033850	04/16/2021 10:17:18	EXTRA PATROL	871 NW 6TH ST	8901 C4	
PUnit: 204 AMSLER K					
SCSO21CAD033849	04/16/2021 10:12:37	EXTRA PATROL	772 NW 5TH ST	8901 C4	
PUnit: 204 AMSLER K					
SCSO21CAD033767	04/16/2021 0:07:30	EXTRA PATROL	871 NW 6TH ST	8901 C4	
PUnit: 165 DAY B					
SCSO21CAD033752	04/15/2021 22:43:47	EXTRA PATROL	772 NW 5TH ST	8901 C4	
PUnit: 165 DAY B					
SCSO21CAD033725	04/15/2021 21:04:36	SUSPICIOUS PERSON	468 N MARKET BLVD	6601 C1	
PUnit: 165 DAY B					
SCSO21CAD033701	04/15/2021 19:33:34	911 HANGUP	102 NE 4TH AVE	9201 C5	
SCSO21CAD033612	04/15/2021 14:59:44	911 MISDIAL	179 W CENTRAL AVE	9201 C1	
SCSO21CAD033455	04/15/2021 7:29:54	INVESTIGATION FOLLOW	85 E CENTRAL AVE	3102 R1	SCSO21OFF001798
PUnit: 204 AMSLER K	BUnit1: 215				
SCSO21CAD033392	04/14/2021 22:17:52	EXTRA PATROL	871 NW 6TH ST	8901 C4	
PUnit: 165 DAY B					
SCSO21CAD033380	04/14/2021 21:36:05	EXTRA PATROL	772 NW 5TH ST	8901 C4	
SCSO21CAD033277	04/14/2021 16:10:52	INVESTIGATION FOLLOW	85 E CENTRAL AVE	3801 R6	
PUnit: 204 AMSLER K					
SCSO21CAD033260	04/14/2021 15:22:33	ALARM-COMRCL	85 E CENTRAL AVE	3102 C9	
PUnit: 204 AMSLER K	BUnit1: 215 BUnit2: K190				
SCSO21CAD033078	04/14/2021 2:54:58	EXTRA PATROL	772 NW 5TH ST	8901 C4	
PUnit: 110 SLAY A					
SCSO21CAD033077	04/14/2021 2:53:01	EXTRA PATROL	871 NW 6TH ST	8901 C4	
PUnit: 110 SLAY A					



## SUMTER COUNTY SHERIFF'S OFFICE

### CALL HISTORY LISTING

Printed By:  
**MCASSIDY**  
Printed On:  
05/03/2021 12:25:08

Incident Number	Date/Time	Complaint	Location	Disposition Codes	Offense Number
SCSO21CAD033018	04/13/2021 20:54:44	FCIC/NCIC HIT	129 NW 2ND ST	8801 C9	
PUnit: 152 PURSLEY R BUnit1: 110 BUnit2: S53					
SCSO21CAD032940	04/13/2021 17:40:36	SICK/INJURED	650 NW 3RD ST	6301 M8	
SCSO21CAD032879	04/13/2021 14:58:24	EXTRA PATROL	871 NW 6TH ST	8901 C4	
PUnit: 152 PURSLEY R					
SCSO21CAD032877	04/13/2021 14:54:12	EXTRA PATROL	772 NW 5TH ST	8901 C4	
PUnit: 152 PURSLEY R					
SCSO21CAD032862	04/13/2021 14:40:38	911 HANGUP	N MARKET BLVD	9201 C8	
PUnit: 152 PURSLEY R					
SCSO21CAD032703	04/13/2021 7:36:40	TRAFFIC ENFORCEMENT	349 S MARKET BLVD	7001 C4	
PUnit: X126 GUINANE J					
SCSO21CAD032675	04/13/2021 1:20:03	EXTRA PATROL	871 NW 6TH ST	8901 C4	
PUnit: 110 SLAY A					
SCSO21CAD032673	04/13/2021 1:16:42	EXTRA PATROL	772 NW 5TH ST	8901 C4	
SCSO21CAD032621	04/12/2021 19:47:46	THEFT	368 N MARKET BLVD	4401 R6	
PUnit: 176 MARTIN P					
SCSO21CAD032509	04/12/2021 14:26:47	EXTRA PATROL	871 NW 6TH ST	8901 C4	
PUnit: 152 PURSLEY R					
SCSO21CAD032488	04/12/2021 13:40:59	THEFT	374 N MARKET BLVD	4401 C1	
PUnit: 152 PURSLEY R					
SCSO21CAD032435	04/12/2021 11:50:24	911 MISDIAL	524 N MARKET BLVD	9201 C1	
SCSO21CAD032421	04/12/2021 11:04:04	EXTRA PATROL	772 NW 5TH ST	8901 C4	
PUnit: 152 PURSLEY R					
SCSO21CAD032335	04/12/2021 4:41:00	911 MISDIAL	102 NE 4TH AVE	9201 C1	
SCSO21CAD032254	04/11/2021 18:56:27	DISTURBANCE-VERBAL	178 SW 1ST AVE	7503 C6	
PUnit: 204 AMSLER K BUnit1: 165					
SCSO21CAD032248	04/11/2021 18:37:15	EXTRA PATROL	772 NW 5TH ST	8901 C4	
PUnit: 204 AMSLER K					



# SUMTER COUNTY SHERIFF'S OFFICE

## CALL HISTORY LISTING

Printed By:  
**MCASSIDY**  
Printed On:  
**05/03/2021 12:25:12**

Incident Number	Date/Time	Complaint	Location	Disposition Codes	Offense Number
SCSO21CAD032238	04/11/2021 18:20:00	911 MISDIAL	361 SW 5TH ST	9201 C4	
SCSO21CAD032234 PUnit: 204 AMSLER K	04/11/2021 18:10:16	EXTRA PATROL	871 NW 6TH ST	8901 C4	
SCSO21CAD032088 PUnit: 181 NELSON G	04/11/2021 10:04:02	INFORMATION	155 E CENTRAL AVE	2501 C1	
SCSO21CAD032002	04/10/2021 23:26:30	EXTRA PATROL	871 NW 6TH ST	8901 C4	
SCSO21CAD031921 PUnit: 204 AMSLER K	04/10/2021 18:14:55	EXTRA PATROL	772 NW 5TH ST	8901 C4	
SCSO21CAD031857 PUnit: 204 AMSLER K	04/10/2021 15:32:41	SUSPICIOUS INCIDENT	850 NW 6TH ST	6601 C4	
SCSO21CAD031759	04/10/2021 9:41:54	911 HANGUP	382 NE 1ST ST	9201 Z1	
SCSO21CAD031670 PUnit: 165 DAY B BUnit1: 149	04/09/2021 23:56:19	FCIC/NCIC HIT	263 NE 2ND ST	8803 C11	
SCSO21CAD031665	04/09/2021 23:04:12	SICK/INJURED	850 NW 6TH ST	6301 M8	
SCSO21CAD031634 PUnit: 204 AMSLER K	04/09/2021 20:38:47	EXTRA PATROL	871 NW 6TH ST	8901 C4	
SCSO21CAD031608 PUnit: 204 AMSLER K	04/09/2021 19:28:36	EXTRA PATROL	772 NW 5TH ST	8901 C1	
SCSO21CAD031566	04/09/2021 17:33:27	CIVIL	1010 E CENTRAL AVE 10	2501 L1	
SCSO21CAD031563 PUnit: 204 AMSLER K	04/09/2021 17:30:27	CIVIL	1010 E CENTRAL AVE 10	2501 C2	
SCSO21CAD031278 PUnit: 110 SLAY A	04/08/2021 23:17:51	EXTRA PATROL	871 NW 6TH ST	8901 C4	
SCSO21CAD031166 PUnit: 152 PURSLEY R	04/08/2021 16:13:22	CITIZENS ASSIST	146 SE 3RD ST	2501 C1	
SCSO21CAD031160 PUnit: 152 PURSLEY R	04/08/2021 15:59:01	EXTRA PATROL	772 NW 5TH ST	8901 C4	





## SUMTER COUNTY SHERIFF'S OFFICE

### CALL HISTORY LISTING

Printed By:  
MCASSIDY  
Printed On:  
05/03/2021 12:25:13

Incident Number	Date/Time	Complaint	Location	Disposition Codes	Offense Number
SCSO21CAD031135 PUnit: T109 SHEPHERD A	04/08/2021 14:42:56	SICK/INJURED	349 S MARKET BLVD	6301 M8	
SCSO21CAD030988 PUnit: 203 CANNA D	04/08/2021 8:26:32	EXTRA PATROL	772 NW 5TH ST	8901 C4	
SCSO21CAD030987 PUnit: 203 CANNA D	04/08/2021 8:25:47	EXTRA PATROL	871 NW 6TH ST	8901 C4	
SCSO21CAD030921 PUnit: 110 SLAY A	04/08/2021 0:27:55	EXTRA PATROL	772 NW 5TH ST	8901 C4	
SCSO21CAD030920 PUnit: 110 SLAY A	04/08/2021 0:26:26	EXTRA PATROL	871 NW 6TH ST	8901 C4	
SCSO21CAD030847 PUnit: 152 PURSLEY R	04/07/2021 19:15:17	EXTRA PATROL	871 NW 6TH ST	8901 C4	
SCSO21CAD030799 PUnit: X126 GUINANE J	04/07/2021 16:55:10	VIN VERIFICATION	9009 OAK ALLEY BLVD 52	7704 C1	
SCSO21CAD030570 PUnit: 204 AMSLER K BUnit1: 165	04/06/2021 21:33:24	BURGLARY IP	811 NW 3RD ST	2501 C8	
SCSO21CAD030564 PUnit: 204 AMSLER K	04/06/2021 21:20:16	911 HANGUP	146 SE 3RD ST	9201 C4	
SCSO21CAD030526 PUnit: 204 AMSLER K BUnit1: 165	04/06/2021 19:27:07	EXTRA PATROL	871 NW 6TH ST	8901 C4	
SCSO21CAD030509 PUnit: 204 AMSLER K	04/06/2021 18:40:04	EXTRA PATROL	772 NW 5TH ST	8901 C4	
SCSO21CAD030270 PUnit: 215 BODLE R BUnit1: S41	04/06/2021 10:18:17	DCF/ABUSE REG	349 S MARKET BLVD	1102 R1	SCSO21OFF001626
SCSO21CAD030249	04/06/2021 9:34:25	TEST - DO NOT DISP.	9009 OAK ALLEY BLVD	9901 C5	
SCSO21CAD030205 PUnit: 215 BODLE R BUnit1: K190	04/06/2021 5:20:35	CIVIL	772 NW 5TH ST	6602 R6	
SCSO21CAD030171	04/05/2021 22:19:51	BURGLARY IP	811 NW 3RD ST	6601 C1	



## SUMTER COUNTY SHERIFF'S OFFICE

### CALL HISTORY LISTING

Printed By:  
MCASSIDY  
Printed On:  
05/03/2021 12:25:14

Incident Number	Date/Time	Complaint	Location	Disposition Codes	Offense Number
PUnit: 149 COOK M	BUnit1: S52				
SCSO21CAD030140	04/05/2021 19:51:36	DISTURBANCE-UNK	5856 SR 471	7203 R1 A1	SCSO21OFF001617
PUnit: 165 DAY B	BUnit1: 149 BUnit2: S40 BUnit3: S52 BUnit4: X183				
SCSO21CAD030118	04/05/2021 18:55:06	EXTRA PATROL	871 NW 6TH ST	8901 C4	
PUnit: 165 DAY B					
SCSO21CAD029971	04/05/2021 12:54:45	ACCIDENT	NW 4TH AVE	7102 T9	
PUnit: 204 AMSLER K					
SCSO21CAD029920	04/05/2021 10:55:37	911 HANGUP	483 NW 1ST ST	9201 C5	
SCSO21CAD029878	04/05/2021 8:34:37	EXTRA PATROL	871 NW 6TH ST	8901 C4	
PUnit: 204 AMSLER K					
SCSO21CAD029763	04/04/2021 19:48:29	TRAFFIC STOP	S MARKET BLVD	7301 T3	
PUnit: 203 CANNA D					
SCSO21CAD029748	04/04/2021 18:49:08	TRAFFIC STOP	S MARKET BLVD	7301 T3	
PUnit: 203 CANNA D					
SCSO21CAD029564	04/04/2021 4:16:53	SUSPICIOUS INCIDENT	871 NW 6TH ST	6601 C8	
PUnit: 152 PURSLEY R BUnit1: K138					
SCSO21CAD029374	04/03/2021 13:47:40	THEFT	255 SE 3RD ST	2107 R1	SCSO21OFF001585
PUnit: 203 CANNA D					
SCSO21CAD029246	04/03/2021 6:37:38	RECKLESS DRIVER	S MARKET BLVD	2501 C4	
SCSO21CAD029226	04/03/2021 2:09:19	SICK/INJURED	46 SE 3RD ST	6301 M8	
SCSO21CAD029123	04/02/2021 18:12:01	TRAFFIC STOP	SE 1ST AVE	7301 T3	
PUnit: X173 MCCONNELL A					
SCSO21CAD029105	04/02/2021 17:08:09	THEFT -IDENTITY	246 SW 1ST ST	2501 C1	
PUnit: 203 CANNA D					
SCSO21CAD029018	04/02/2021 12:34:15	CIVIL	220 SW 1ST ST	2501 R6	
PUnit: 203 CANNA D					
SCSO21CAD028993	04/02/2021 11:23:01	STOLEN VEHICLE	577 NW 3RD ST	2501 R6	
PUnit: 203 CANNA D					



# SUMTER COUNTY SHERIFF'S OFFICE

## CALL HISTORY LISTING

Printed By:  
**MCASSIDY**  
Printed On:  
**05/03/2021 12:25:15**

Incident Number	Date/Time	Complaint	Location	Disposition Codes	Offense Number
SCSO21CAD028815	04/01/2021 18:26:48	CIVIL	220 SW 1ST ST	2501 C2	
PUnit: X161 WARE G					



**ORDINANCE NO. 2021-04**

**AN ORDINANCE OF THE CITY OF WEBSTER, FLORIDA RELATING TO ANIMAL CONTROL; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROHIBITING THE DEPOSIT OF ANIMAL WASTE IN CERTAIN PLACES; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CODIFICATION AND THE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Webster desires to maintain a high quality of life for the citizens of the City; and

**WHEREAS**, the City Council of the City of Webster desires to provide its citizens with a high quality and, to the maximum extent practicable, nuisance-free life and to protect the positive ambience of the City; and

**WHEREAS**, this Ordinance is enacted pursuant to the home rule powers of the City of Webster as set forth at Article VIII, Section 2, of the *Constitution of the State of Florida*; Chapter 166, *Florida Statutes*, the *City of Webster City Charter*, and other applicable controlling law.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF WEBSTER, FLORIDA:**

**SECTION 1. LEGISLATIVE FINDINGS AND INTENT.:**

(a). The City Council of the City of Webster hereby adopts and incorporates into this Ordinance the recitals (whereas clauses) to this Ordinance, the City staff report and City Council agenda memorandum relating this Ordinance.

(b). The City of Webster has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

**SECTION 2. ANIMAL NUISANCES PROHIBITED.** A new section of the *City Code of the City of Webster* is created to read as follows:

**Animal nuisances prohibited.**

(a). It is prohibited and unlawful for any animal owner, or person in charge or control of an animal, to allow his or her animal to enter the premises of any City property, City park or other governmental park without being leashed and must remove and dispose of, in a sanitary manner, any feces left by such animal provided, however, that the provisions of Florida law and the *Federal Americans with Disabilities Act* shall prevail to the extent of any conflict.

(b). It is prohibited and unlawful for any animal owner, or person in charge or control of an animal, to allow his or her animal to enter the premises of any City or other governmental park's ball fields, park soccer fields, park basketball courts and playgrounds located within a park; provided, however, that the provisions of Florida law and the *Federal Americans with Disabilities Act* shall prevail to the extent of any conflict.

(c). Any code enforcement officer of the City or a law enforcement officer may issue a citation relating to the violation of this Ordinance. The first documented violation of this Ordinance shall be punished by a warning. Any further documented violations of this ordinance will result in a fine of \$50.00 for each violation. The violation of this Ordinance relating to each animal at issue and its owner, or person in charge or control of an animal, shall be a separate violation of this Ordinance and subject the animal owner, or person in charge or control of an animal, to multiple citations and resulting fines. The violation can be witnessed by an officer or documented in at least one (1) affidavits from individuals observing the violation. The affidavits must contain documentation of the times and dates

of such nuisances and must be documented by an officer who will determine if there is probable cause to believe a violation has occurred. A person cited for an offense under this Ordinance may demand a hearing before the City Council at the next scheduled council meeting in which the affiant must be present, if such hearing is not timely demanded, the fine shall be due to the City and immediately constitute a debt in favor of the City and the adjudication of the fine shall be final and not subject to review. If the affiant is not in attendance at the hearing, the violation will be dismissed. If a hearing is demanded, the decision of the City Council shall be final City action.

### **SECTION 3. IMPLEMENTING ADMINISTRATIVE ACTIONS.**

The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions.

### **SECTION 4. SAVINGS; EFFECT OF ORDINANCE.**

The prior actions of the City of Webster in terms of the matters relating to animal control, as well as any and all related matters, processes and procedures of the City pertaining thereto, are hereby ratified and affirmed.

### **SECTION 5. CODIFICATION; SCRIVENER'S ERRORS.**

The provisions, sections, divisions and provisions of this Ordinance may be codified, renumbered or re-lettered as deemed appropriate by the Code codifier. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected without the need for a public hearing.

### **SECTION 6. CONFLICTS.**



All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 7. SEVERABILITY.**

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

**SECTION 8. EFFECTIVE DATE.**

This Ordinance shall take effect immediately upon enactment.

**PASSED AND ENACTED this \_\_\_\_ day of \_\_\_\_\_, 2021.**

**CITY COUNCIL OF THE CITY OF  
WEBSTER, FLORIDA**

\_\_\_\_\_  
**Bobby Yost  
Mayor**

**ATTEST:**

**Approved as to form and Legality:**

\_\_\_\_\_  
**Deanna Naugler  
City Manager**

\_\_\_\_\_  
**William L. Colbert  
City Attorney**

ORDINANCE NO. 2021-05

AN ORDINANCE OF THE CITY OF WEBSTER, FLORIDA CALLING FOR A REFERENDUM ELECTION TO BE HELD ON SEPTEMBER 30, 2021, BY MAIL BALLOT ELECTION, FOR THE PURPOSE OF PROPOSING TO THE ELECTORATE OF THE CITY OF WEBSTER REVISIONS TO THE CHARTER OF THE CITY OF WEBSTER RELATING TO SECTION 9 (2) PERTAINING TO THE POSITION OF MAYOR PRO TEMPORE; PROVIDING FOR BALLOT LANGUAGE; PROVIDING FOR LEGISLATIVE AND ADMINISTRATIVE FINDINGS AND INTENT; PROVIDING FOR DUTIES OF CITY CLERK; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR REVISED CHARTER OF THE CITY OF WEBSTER; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR SEVERABILITY AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS AND PROVIDING FOR EFFECTIVE DATE OF ORDINANCE AND EFFECTIVE DATE OF PROPOSED CHARTER AMENDMENT.

**WHEREAS**, controlling State law and the *Charter of the City of Webster, Florida* provide for alternative means whereby the *City Charter* may be amended; and

**WHEREAS**, the City Council has developed, and hereby recommends to the electors of the City of Webster, that the following proposed amendment to the *Charter of the City of Webster, Florida* be approved by the electors of the City at a mail ballot referendum election held pursuant to the *Charter of the City of Webster, Florida* and applicable controlling State law; and

**Whereas**, the City Council of the City of Webster has concluded that it is in the best interests of the citizens of the City of Webster for the City Council to propose an amendment to the *Charter of the City of Webster* at a referendum election in accordance the *Charter of the City of Webster* and Section 166.031, *Florida Statutes*, and in the form set forth herein; and

**Whereas**, the City Council of the City of Webster approved this Ordinance on first reading on the \_\_\_\_ day of \_\_\_\_\_, 2021; and

**Whereas**, words with underlined type shall constitute additions to the original text, ~~strike through~~ shall constitute deletions to the original text, and ellipses (\*\*\*) shall constitute text that is not changed.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF WEBSTER, FLORIDA:**

**SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS AND INTENT.**

(a). The City of Webster has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

(b). The foregoing recital (whereas clause) is hereby ratified, affirmed and confirmed as being true and correct and are hereby made a part of this Ordinance.

**SECTION 2. PROPOSED REVISION OF SECTION 9 (2); MAYOR PRO TEMPORE; CHARTER OF THE CITY OF WEBSTER.** Section 9 (2) of the *Charter of the City of Webster, Florida*, is proposed to be amended to read as follows:

**Section 9. Powers and duties of the mayor and mayor pro tempore.—**

(1). \*\*\*

(2) **MAYOR PRO TEMPORE.** — At the first regular meeting after each regular municipal election, at which newly elected City Council members assume their duties of office, ~~the five City Council members shall, by majority vote of the City Council, select a City Council member, exclusive of the Mayor, shall be appointed~~ to act as Mayor Pro Tempore. The appointment shall be made on the basis of the longest tenure of service on the City Council, longevity of service, which shall include all periods of service regardless of whether consecutive in nature or not, of the members of the City Council not serving as Mayor. The calculation of the term of service shall be accomplished by the City Clerk and verified by the City Manager



and City Attorney. In the event that there is a tie in terms of longevity of service, the determination as to which City Council shall be determined by lot which shall be accomplished in a manner determined by the City Attorney. In addition to the regular powers invested in any City Council member, the Mayor Pro Tempore shall:

(a) Have all the powers and duties of the Mayor in the absence from the City of the Mayor or his or her inability to act, whether by reason of his or her death, resignation, impeachment, mental or physical sickness, or for any other reason, and the City Clerk certifies as to the absence from the City of the Mayor or his or her inability to act, upon demand, when the Mayor is so absent from the City or unable to act; and

(b) Serve as acting Mayor during the absence or disability of the Mayor, and, during such period, has the same powers and duties as the Mayor.

**SECTION 3. BALLOT QUESTION.** The form of the ballot for the *Charter* amendment provided for in Section 2 of this Ordinance shall be as follows:<sup>1</sup>

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<sup>1</sup> See, Section 101.161, *Florida Statutes*, relating to referenda and ballots relating thereto. The statutory provision provides as follows:

*101.161 Referenda; ballots.—*

(1) Whenever a constitutional amendment or other public measure is submitted to the vote of the people, a ballot summary of such amendment or other public measure shall be printed in clear and unambiguous language on the ballot after the list of candidates, followed by the word “yes” and also by the word “no,” and shall be styled in such a manner that a “yes” vote will indicate approval of the proposal and a “no” vote will indicate rejection. The ballot summary of the amendment or other public measure and the ballot title to appear on the ballot shall be embodied in the constitutional revision commission proposal, constitutional convention proposal, taxation and budget reform commission proposal, or enabling resolution or ordinance. The ballot summary of the amendment or other public measure shall be an explanatory statement, not exceeding 75 words in length, of the chief purpose of the measure. In addition, for every amendment proposed by initiative, the ballot shall include, following the ballot summary, a separate financial impact statement concerning the measure prepared by the Financial Impact Estimating Conference in accordance with s. 100.371(5). The ballot title shall consist of a caption, not exceeding 15 words in length, by which the measure is commonly referred to or spoken of. This subsection does not apply to constitutional amendments or revisions proposed by joint resolution.

(2) The ballot summary and ballot title of a constitutional amendment proposed by initiative shall be prepared by the sponsor and approved by the Secretary of State in accordance with rules adopted pursuant to s. 120.54. The Department of State shall give each proposed constitutional amendment a

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designating number for convenient reference. This number designation shall appear on the ballot. Designating numbers shall be assigned in the order of filing or certification and in accordance with rules adopted by the Department of State. The Department of State shall furnish the designating number, the ballot title, and, unless otherwise specified in a joint resolution, the ballot summary of each amendment to the supervisor of elections of each county in which such amendment is to be voted on.

(3)(a) Each joint resolution that proposes a constitutional amendment or revision shall include one or more ballot statements set forth in order of priority. Each ballot statement shall consist of a ballot title, by which the measure is commonly referred to or spoken of, not exceeding 15 words in length, and a ballot summary that describes the chief purpose of the amendment or revision in clear and unambiguous language. If a joint resolution that proposes a constitutional amendment or revision contains only one ballot statement, the ballot summary may not exceed 75 words in length. If a joint resolution that proposes a constitutional amendment or revision contains more than one ballot statement, the first ballot summary, in order of priority, may not exceed 75 words in length.

(b) The Department of State shall furnish a designating number pursuant to subsection (2) and the appropriate ballot statement to the supervisor of elections of each county. The ballot statement shall be printed on the ballot after the list of candidates, followed by the word "yes" and also by the word "no," and shall be styled in such a manner that a "yes" vote will indicate approval of the amendment or revision and a "no" vote will indicate rejection.

(c)1. Any action for a judicial determination that one or more ballot statements embodied in a joint resolution are defective must be commenced by filing a complaint or petition with the appropriate court within 30 days after the joint resolution is filed with the Secretary of State. The complaint or petition shall assert all grounds for challenge to each ballot statement. Any ground not asserted within 30 days after the joint resolution is filed with the Secretary of State is waived.

2. The court, including any appellate court, shall accord an action described in subparagraph 1. priority over other pending cases and render a decision as expeditiously as possible. If the court finds that all ballot statements embodied in a joint resolution are defective and further appeals are declined, abandoned, or exhausted, unless otherwise provided in the joint resolution, the Attorney General shall, within 10 days, prepare and submit to the Department of State a revised ballot title or ballot summary that corrects the deficiencies identified by the court, and the Department of State shall furnish a designating number and the revised ballot title or ballot summary to the supervisor of elections of each county for placement on the ballot. The revised ballot summary may exceed 75 words in length. The court shall retain jurisdiction over challenges to a revised ballot title or ballot summary prepared by the Attorney General, and any challenge to a revised ballot title or ballot summary must be filed within 10 days after a revised ballot title or ballot summary is submitted to the Department of State.

(4)(a) For any general election in which the Secretary of State, for any circuit, or the supervisor of elections, for any county, has certified the ballot position for an initiative to change the method of selection of judges, the ballot for any circuit must contain the statement in paragraph (b) or paragraph (c) and the ballot for any county must contain the statement in paragraph (d) or paragraph (e).

(b) In any circuit where the initiative is to change the selection of circuit court judges to selection by merit selection and retention, the ballot shall state: "Shall the method of selecting circuit court judges in the (number of the circuit) judicial circuit be changed from election by a vote of the people to selection by the judicial nominating commission and appointment by the Governor with subsequent terms determined by a retention vote of the people?" This statement must be followed by the word "yes" and also by the word "no."

(c) In any circuit where the initiative is to change the selection of circuit court judges to election by the voters, the ballot shall state: "Shall the method of selecting circuit court judges in the (number of the circuit) judicial circuit be changed from selection by the judicial nominating commission and appointment by the Governor with subsequent terms determined by a retention vote of the people to election by a vote of the people?" This statement must be followed by the word "yes" and also by the word "no."

(d) In any county where the initiative is to change the selection of county court judges to merit selection and retention, the ballot shall state: "Shall the method of selecting county court judges in



### **Mayor Pro Tempore.**

An amendment to the *Webster City Charter* is proposed to provide that the Mayor Pro Tempore will be appointed on the basis of the longest tenure of service on the City Council, longevity of service, which shall include all periods of service regardless of whether consecutive in nature or not. Do you favor the amendment?

Yes            ☐

No             ☐

### **SECTION 4. REFERENDUM ELECTION.**

(a). A referendum election is hereby called to be held on September 30, 2021, by mail ballot in accordance with controlling State law, to present to the electors of the City of Webster the ballot questions provided for in this Ordinance.

(b). The Supervisor of Elections of Sumter County is hereby requested to coordinate all matters relating to the said referendum election with the City Clerk, the Division of Elections of the Florida Department of State, and the City Manager, City Clerk and City Attorney.

### **SECTION 5. DUTIES OF CITY CLERK.**

The City Clerk is hereby directed to ensure that the advertising and notice requirements of Section 100.342, *Florida Statutes*,<sup>2</sup> are complied with and to coordinate all

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(name of county) be changed from election by a vote of the people to selection by the judicial nominating commission and appointment by the Governor with subsequent terms determined by a retention vote of the people?" This statement must be followed by the word "yes" and also by the word "no."

(e) In any county where the initiative is to change the selection of county court judges to election by the voters, the ballot shall state: "Shall the method of selecting county court judges in (name of the county) be changed from selection by the judicial nominating commission and appointment by the Governor with subsequent terms determined by a retention vote of the people to election by a vote of the people?" This statement must be followed by the word "yes" and also by the word "no."

<sup>2</sup> 100.342 Notice of special election or referendum.— In any special election or referendum not otherwise provided for there shall be at least 30 days' notice of the election or referendum by



activities necessary to conduct the referendum election called in this Ordinance with the Supervisor of Elections for Sumter County.

#### **SECTION 6. IMPLEMENTING ADMINISTRATIVE ACTIONS.**

(a). The City Manager is hereby authorized and directed to implement the provisions of this Ordinance as may be deemed necessary or appropriate by the City Manager.

(b). The City Manager and City Attorney are also hereby authorized and directed to generally implement the provisions of this Ordinance and to take any and all necessary administrative actions to bring into effect the provisions of this Ordinance in accordance with controlling law as such officers may deem appropriate in their respective roles and functions under the *City of Webster City Charter*.

#### **SECTION 7. REVISED CHARTER OF THE CITY OF WEBSTER.**

(a). If the proposed amendment to the *Charter of the City of Webster* is approved by the electorate in the referendum election called for in this Ordinance, it is the intention of the City Council, and it is hereby ordained, that the approved provisions of this Ordinance shall become and be made a part of the *Charter of the City of Webster*.\\

(b). The City's Code codifier is granted broad and liberal power and authority to codify the *Charter of the City of Webster* in terms of making appropriate harmonizing, technical or editorial changes and notes that do not affect the substantive provisions thereof.

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publication in a newspaper of general circulation in the county, district, or municipality, as the case may be. The publication shall be made at least twice, once in the fifth week and once in the third week prior to the week in which the election or referendum is to be held. If there is no newspaper of general circulation in the county, district, or municipality, the notice shall be posted in no less than five places within the territorial limits of the county, district, or municipality.

## **SECTION 8. SAVINGS.**

The prior actions of the City of Webster relating to the enactment of the *City Charter*, and any and all related matters, are hereby ratified and affirmed.

## **SECTION 9. SEVERABILITY; SCRIVENER'S ERRORS.**

(a). Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion thereof, other than the part so declared to be invalid.

(b). Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

## **SECTION 10. CONFLICTS.**

All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

## **SECTION 11. EFFECTIVE DATE.**

The provisions of this Ordinance shall take effect immediately upon enactment. The amendment to the *Charter of the City of Webster* proposed for approval in this Ordinance shall become effective only upon approval at a referendum election of the electors of the City of Webster in accordance with the provisions of Section 166.031, *Florida Statutes*.

PASSED AND ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

CITY COUNCIL OF THE CITY OF  
WEBSTER, FLORIDA

\_\_\_\_\_  
Bobby Yost  
Mayor

**ATTEST:**

Approved as to form and Legality:

\_\_\_\_\_  
Deanna Naugler  
City Manager

\_\_\_\_\_  
William L. Colbert  
City Attorney



# **CITY OF WEBSTER**

## **Standard Operating Procedure**

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### **Declaring City Property Surplus and Sale of Property**

<b>Origination Date:</b> May 6, 2021	<b>Effective Date:</b> May 20, 2021
<b>Revision No.:</b> Original	<b>Revision Date:</b> N/A
<b>Author:</b> Deanna Naugler, City Manager	<b>Date Approved By City Council:</b> May 20, 2021.

**PURPOSE:** This procedure outlines the process to declare City property as surplus and to list it for sale.

**PROCEDURE:** This procedure will outline the steps to declare City property as surplus and to list it for sale when the City Council has made the decision that there is no beneficial use to retain the property for use by the City.

On a regular basis, at least annually, the City Manager shall review the current inventory of City-owned personal and real property to determine what, if any, City-owned property is in excess of its foreseeable needs and be deemed to be surplus. From time-to-time the City Manager may present to the City Council a list of all City-owned property which the City Manager has determined is surplus to the needs and purposes of the City. Action taken by the City Council to declare City-owned property as surplus shall be by means of a resolution being adopted that has been collaboratively prepared by the City Manager and the City Attorney. Upon the City Council determining that City-owned property is surplus to the needs of the City, it shall direct the City Manager to list the property for sale.

The City Manager is vested with maximum discretion and authority to consider creative means and methods to attain present day value of surplus City property for the benefit of the City and to retain only such assets as may be of utility to the City in the future.

With regard to personal property, such property may be disposed of by auction, bid, notice in a newspaper of sales at listed prices (as determined by a review of prevailing market factor), publication in a trade publication, or any other lawful method, as determined collaboratively by the City Manager and City Attorney, or any combination of the above.

Whenever the City desires to sell any real property, the City Manager, in conjunction with the City Attorney, will be responsible for coordinating all activities related to such activities in accordance with requirements of controlling law.

When the City sells real property, it may engage in competitive bidding when a notice or notices are published on the City's website and posted at City Hall for a reasonable period calling for bids on the property; by private sale which, when the value of the property exceeds \$50,000.00 will involve the engagement real property appraisal services; by property exchange when the City and another property owner exchange parcels of comparable values which will also involve the engagement real property appraisal services when the value of the property exceeds \$50,000; and the sale to a government or non-profit entity when the City Council determines that the City-owned real property is required for use by another governmental entity or non-profit entity for a public purpose in which case the City may convey real property to that entity for such price, whether nominal or otherwise as the City Council may determine.

To address the goals of affordable housing, the City may convey surplus real property to another governmental entity, a non-profit entity, or a private entity or person to carry out the goals of the City relating to affordable housing or economic development. The City may adopt requirements for such conveyances on a case-by-case basis and may include deed restrictions, percentage of affordable units for low-income, moderate-income, and very low-income, and such other restrictions to ensure that said property will be permanently preserved as affordable housing; as well as conditions relative accomplishing economic development within the City. In terms of economic development, the City in an effort to effectively revitalize, foster and retain new job growth potential and recognizing the importance of new and expanding development may donate real property for economic development purposes. In such cases, the City Manager shall provide the City Council with an agenda item which shall include in the background the details describing all the parameters of benefit for the economic development purposes such as, new full-time employment expansion or tax benefits increasing the City's job market growth or other pertinent beneficial matters.

Also, a parcel of City-owned real property may also be declared surplus and donated for a viable public purpose in the best interest of the public to a not for profit corporation, right-of-way, park or other public purpose.

With regard to the engagement of real property appraisal services, as to parcels that are valued at less than \$50,000, the appraised value of real property may be determined by procurement of an independent appraisal report or by using the value of the property as determined by the Sumter County Property Appraiser and adding 15% of that amount to that amount. For parcels that appear to be valued at an amount in excess of \$50,000, but not in excess of \$250,000, an appraisal from a qualified Florida appraiser shall be procured. For parcels that appear to be valued at an amount in excess of \$250,000, appraisals from 2 qualified Florida appraisers shall be procured.

Without City Council authority, the City Manager may grant easements, licenses and rights of entry to other governmental entities upon request by such entities said grants being in a form approved by the City Attorney. The City Manager may bring any such action before the City Council for approval as he or she deems appropriate. A license is a grant of permission authorizing the licensee to do a particular act on a parcel of City-owned real property. As distinguished from a lease, a license merely grants permission to use such real property and does not convey any property. Licenses cannot be assigned by the licensee and is revocable by the City at will. Closing of real property contracts shall be performed by the City Attorney in a manner approved by the City Attorney.



All transactions involving the conveyance of City-owned real property shall be confirmed by a resolution of the City Council or proclamation by the City Manager, with regard to transactions within the authority level of the City Manager, which will include a release any reservation of mineral, metal and petroleum rights and right of entry under the provisions of Section 270.11, *Florida Statutes*, and all such transactions shall be deemed to have included a petition for such release.

The proceeds received from the sale of surplus City property, shall be deposited into the City's Reserve Fund, unless otherwise required by controlling law or other legal requirement.