



**CITY OF CALLAWAY, FLORIDA**  
**CITY HALL**  
6601 East Highway 22, Callaway, FL 32404  
Phone 850-871-6000 • FAX 850-871-2444  
www.cityofcallaway.com

**Mayor**  
Thomas W. Abbott

**Commissioners**  
Melba Covey  
Pam Henderson  
Bob Pelletier  
Ralph L. Hollister

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## **PUBLIC NOTICE**

### **REGULAR MEETING**

by the City of Callaway Board of Commissioners  
on Tuesday, January 13 2015 – 6:00 P.M.  
at the Callaway Arts & Conference Center  
500 Callaway Park Way  
Callaway, FL 32404

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## **AGENDA**

### **CALL TO ORDER**

### **INVOCATION**

### **PLEDGE OF ALLEGIANCE**

### **ROLL CALL**

### **MAYOR'S INSTRUCTIONS –**

- Call for Additions / Deletions, and any items to be pulled from Consent Agenda for discussion. Remind everyone, elected officials and citizens, to speak directly into microphones.

### **PUBLIC PARTICIPATION (non-agenda items)**

- Citizens must complete a Public Participation form prior to the meeting and submit it to the City Clerk to be called and recognized at the podium.
- Speakers must come to the podium to be heard.
- Comments are limited to five (5) minutes.

### **PRESENTATION / PROCLAMATION**

- Award Employee of the Month for December - Ms. Micah Rodriguez
- Bay County Sheriff's Office December Report - Lt. Michael Branning

### **APPROVAL OF MINUTES**

- Regular Commission Meeting - December 9, 2014

### **CONSENT AGENDA**

ITEM #1 Request for Budget Transfers - City Manager Fuller

### **OLD BUSINESS**

ITEM #2 Lockbox Services Proposal - City Manager Fuller

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**Fire Department**  
P: 850-871-2753  
F: 850-871-5564

**Leisure Services**  
P: 850-874-0031  
F: 850-874-9977

**Planning / Code Enforcement**  
P: 850-871-4672  
F: 850-871-2404

**Public Works**  
P: 850-871-1033  
F: 850-871-2416

**Arts & Conference Center**  
P: 850-874-0035  
F: 850-874-0706

*“This institution is an equal opportunity provider and employer.”*

## REGULAR AGENDA

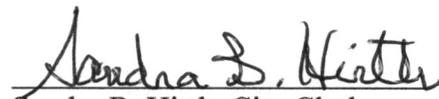
- ITEM #3 Resolution 15-01 - Intent to Use Uniform Method of Collection - City Manager Fuller
- ITEM #4 Resolution 15-02 - Utility Service Disconnection and Reconnection Fees & Times - City Manager Fuller
- ITEM #5 Final Reading/Public Hearing - Ordinance #948 - Imposing Fees for Lien Searches - City Manager Fuller
- ITEM #6 Final Reading/Public Hearing - Ordinance #949 - Nuisance Abatement Assessments Levy and Collection - City Manager Fuller
- ITEM #7 Final Reading/Public Hearing - Ordinance #950 - Amending the Nuisance Abatement Code - City Manager Fuller
- ITEM #8 First Reading - Ordinance #951 - Keeping of Livestock and Fowl - City Manager Fuller
- ITEM #9 First Reading - Ordinance #952 - Dissolving the Bridge Harbor Community Development District - City Manager Fuller
- ITEM #10 Declare Surplus of Capital Asset - Public Works Truck - City Manager Fuller
- ITEM #11 Irrigation Usage at 238 Hugh Thomas Drive - City Manager Fuller
- ITEM #12 Ethics Training for Elected Officials - Mayor Abbott
- ITEM #13 Address the Status of Issues Brought Before the Commission in 2014 - Commissioner Covey

## COMMISSION COMMENTS

## ANNOUNCEMENTS

All meetings will be held at the Callaway Arts & Conference Center, 500 Callaway Park Way, Callaway, FL unless otherwise noted.

- Code Enforcement Board Meeting, Thursday, January 22, 2015, 6:00 P.M.
- Next Regular Commission Meeting, Tuesday, January 27, 2015, 6:00 P.M.

  
Sandra B. Hirth, City Clerk

Providing public input is important. It can be accomplished by calling, emailing, making an appointment with your Commissioner, or speaking at a public meeting. Public Participation for non-agenda items is called at the beginning of the meeting. Public Participation for regular agenda items is called during each item after the Commission has discussed the item and a motion and second are made but before there is a call for a vote.

If a person decides to appeal any decision made by the City Commission with respect to any matter considered at the meeting, if an appeal is available, such person will need a record of the proceeding and such person may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Callaway's City Clerk, at 6601 E. Highway 22, Callaway, FL 32404; or by phone at (850) 871-6000 at least five calendar days prior to the meeting.

If you are hearing or speech impaired, and you possess TDD equipment, you may contact the City Clerk using the Florida Dual Party Relay System, which can be reached at 1-800-955-8770 (Voice) or 1-800-955-7661 (TDD).

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Memorandum

DATE: January 2, 2015  
TO: Human Resources  
FROM: Beverly Waldrip  
RE: Employee of the Month Nomination

Micah has been with the City since 2012 working in our Utility Billing Office as a customer service representative.

She is inherently personable, positive and a pleasure to work with. Micah volunteers to help wherever we have a need and is always willing to take on "other duties as assigned". She has a great attitude, does an excellent job at everything she undertakes and is always professional and polite even when dealing with customers who have been less than polite. Micah has the invaluable attribute of taking the initiative to learn new tasks and trouble shoot questions and issues that arise.

Recently, Micah has put in a lot of evening and weekend hours to ensure customer accounts are ready to be billed and go out on time. She has covered for staff that has been out and researched and resolved issues with our new on-line billing function. She has also been helpful in assisting with the transition of the meter reading function to Public Works.

Micah is very conscientious and thorough about her work. She enjoys learning new things and contributes extra efforts in all aspects of her assignments. We appreciate her positive attitude, exemplary work ethic, professionalism, and excellent customer service, Micah is a most valued employee. In appreciation, she is recommended for Employee of the Month.

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Fire Department  
Center  
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Leisure Services  
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F: 850-874-9977

Planning / Code Enforcement  
P: 850-871-4672  
F: 850-871-2404

Public Works  
P: 850-871-1033  
F: 850-871-2416

Arts & Conference  
P: 850-874-0035  
F: 850-874-0706

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Employee of the Month

DECEMBER 2014

Presented to

Micah A. Rodriguez

*Thank you, Micah for your attention to detail, your positive attitude and your ongoing dedication to our City, Citizens and Staff.*

\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Manager

**City of Callaway Board of Commissioners  
Agenda Item Summary**

January 13, 2015

Request for Budget Transfers

<p><b>1. PLACED ON AGENDA BY:</b> J. Michael Fuller, City Manager</p>	<p><b>2. AGENDA:</b> PRESENTATION <input type="checkbox"/> PUBLIC HEARING <input type="checkbox"/> CONSENT <input checked="" type="checkbox"/> OLD BUSINESS <input type="checkbox"/> REGULAR <input type="checkbox"/></p>
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**3. IS THIS ITEM BUDGETED (IF APPLICABLE)?:** YES  NO   
N/A

**4. BACKGROUND: (WHY, WHAT, WHO, WHERE, WHEN, HOW, & IDENTIFY ALL ATTACHMENTS)**  
  
Per Commission policy, approval is requested for the attached budget transfers. These transfers are to balance line items in the FY15 budget within each Department's budget.  
  
ATTACHMENT:

**5. REQUESTED MOTION/ACTION:**  
Request Commission approval of the attached budget transfer requests for FY15.



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**MEMORANDUM**

**DATE:** January 9, 2015  
**TO:** Mayor & Commission  
**cc:** Beverly Waldrip, Finance Director  
**FROM:** J. Michael Fuller, City Manager JMF  
**RE:** Budget Transfer for Employee Raises

Enclosed, please find a Budget Transfer Request for FY2015. This request comes after the Commission's approval to provide pay raises to a certain number of employees that had been at the top of their maximum pay range. The pay ranges have been amended per the commission meeting in December.

It was recently brought to my attention that a raise would be detrimental to one employee, the Maintenance Shop Supervisor, by placing him in a different city health insurance bracket or tier. The city would be contributing less to his health insurance. Even with the help of a 4% raise, his take home pay will be less. Thus, the employee has requested that he not be given a raise.

Please note that there are two request forms. One shows that transfer of funds with the Maintenance Shop Supervisor and the other has him removed with no raise. I recommend the Commission approve the budget transfer that excludes the Maintenance Shop Supervisor.

Enc./

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**Leisure Services**

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**Planning / Code  
Enforcement**

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**Public Works**

P: 850-871-1033  
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**Arts & Conference**

P: 850-874-0035  
F: 850-874-0706



# BUDGET TRANSFER REQUEST

AMOUNTS MUST BE IN WHOLE DOLLARS

Department Various - Excluding Employee with Insurance Tier Change

Account #	Account Description	CURRENT Budget Amt	Requested Increase	Requested Decrease	REVISED Budget Amt	Explanation for Request
01-541-101-20	Streets - Regular Salaries	\$ 376,043.00	\$ 3,804.00		\$ 379,847.00	Budget adjustment to account for an agenda item passed by the Commission on December 9, 2014. This budget amendment increases personnel costs to allow for pay increases for the employees who were at the top their pay range. The increase is funded using fund reserves.
01-541-102-10	Streets - FICA Taxes	23,510.00	235.00		23,745.00	
01-541-102-11	Streets - Medicare Taxes	5,498.00	55.00		5,553.00	
01-541-102-20	Streets - Retirement Contribution	27,947.00	300.00		28,247.00	
01-522-101-20	Fire - Regular Salaries	517,500.00	1,026.00		518,526.00	
01-522-102-10	Fire - FICA Taxes	35,408.00	64.00		35,472.00	
01-522-102-11	Fire - Medicare Taxes	8,281.00	15.00		8,296.00	
01-522-102-20	Fire - Retirement Contribution	113,190.00	203.00		113,393.00	
01-380-389-10	Gen.Fund Budgeted Use of Reserves	188,400.00	5,702.00		194,102.00	
41-533-101-20	Water - Regular Salaries	284,139.00	1,729.00		285,868.00	
41-533-102-10	Water - FICA Taxes	19,570.00	107.00		19,677.00	
41-533-102-11	Water - Medicare Taxes	4,577.00	25.00		4,602.00	
41-533-102-20	Water - Retirement Contribution	26,035.00	187.00		26,222.00	
41-380-389-10	Water Budgeted Use of Reserves	1,246,319.00	2,048.00		1,248,367.00	
42-535-101-20	Sewer - Regular Salaries	388,819.00	2,962.00		391,781.00	
42-535-102-10	Sewer - FICA Taxes	26,258.00	184.00		26,442.00	
42-535-102-11	Sewer - Medicare Taxes	6,141.00	43.00		6,184.00	
42-535-102-20	Sewer - Retirement Contribution	31,999.00	281.00		32,280.00	
42-380-389-10	Sewer Budgeted Use of Reserves	360,434.00	3,470.00		363,904.00	
43-534-101-20	Waste - Regular Salaries	153,221.00	2,002.00		155,223.00	
43-534-102-10	Waste - FICA Taxes	9,532.00	124.00		9,656.00	
43-534-102-11	Waste - Medicare Taxes	2,229.00	29.00		2,258.00	
43-534-102-20	Waste - Retirement Contribution	11,331.00	158.00		11,489.00	
43-380-389-10	Waste Budgeted Use of Reserves	145,872.00	2,313.00		148,185.00	

## APPROVALS

Department Head \_\_\_\_\_ Date: \_\_\_\_\_

City Manager  Date: 1/9/15

Commission \_\_\_\_\_ Date: \_\_\_\_\_

Finance \_\_\_\_\_ Date: \_\_\_\_\_

**Costs of Increases to Employees at Top of Pay Scale**  
**Effective January 1, 2015**

Note	Dept	Employee Name	Position Title	10/1/14 Hourly Rate	Current Salary	Rate Increase	New Hourly Rate	Annual Base Wages @ new rates	Hourly Increase	Annual Increase	FY 2015 Increase AS OF 1/1/2015	Soc Sec 6.2%	Medicare 1.45%	Retirement at FY15 Rates	Total FY 2015 Budget Increase Required	
	41-533	Water	Bishop Johnny R	17.75	36,920	1.04	18.46	38,397	0.71	1,477	1,136	70	16	140	1,362	
	43-534	Solid Waste	Dohanyos Robert	16.39	34,091	1.04	17.05	35,455	0.66	1,364	1,049	65	15	83	1,212	
	42-535	Sewer	Franklin John P.	21.61	44,949	1.04	22.47	46,747	0.86	1,798	1,383	86	20	109	1,598	
	42-535	Sewer	Hopper Jeffery W(45%)	16.85	15,772	1.04	17.52	16,402	0.67	631	485	30	7	38	561	
	41-533	Water	Hopper Jeffery W(55%)	16.85	19,276	1.04	17.52	20,047	0.67	771	593	37	9	47	685	
	535	Sewer	Lundy Patrick K				0.00	0.00	0.00							
	01-541	Street	McKinney John A	17.48	36,358	1.04	18.18	37,813	0.70	1,454	1,119	69	16	88	1,292	
1)	01-549	Maint(Shop)	Phillips Preston D													
	01-541	Street	Piercy Robert E	22.55	46,904	1.04	23.45	48,780	0.90	1,876	1,443	89	21	114	1,667	
2)	43-534	Solid Waste	Puckett, Ronald J	17.02	35,402	1.0350	17.62	36,641	0.60	1,239	953	59	14	75	1,101	
	01-522	Fire	Schroeder Daniel	16.03	33,342	1.04	16.67	34,676	0.64	1,334	1,026	64	15	203	1,308	
3)	42-535	Sewer	Simpler Donald R.	17.09	35,547	1.04	17.77	36,969	0.68	1,422	1,094	68	16	134	1,312	
	01-541	Street	Turner Gregory A	19.41	40,373	1.04	20.19	41,988	0.78	1,615	1,242	77	18	98	1,435	
Total FY 2015 Budget Increase											14,980	11,523	714	167	1,128	13,533
Increase by Fund											General Fund					5,702
											Water					2,048
											Sewer					3,470
											Solid Waste					2,313
																13,533

1) Raise with result in a decrease of take-home pay due to insurance tier change.

1) Based on rate before receiving .5% increase on 10/1/14.

2) Based on rate before receiving 5% increase on 11/24/14 due to a promotion.



# BUDGET TRANSFER REQUEST

Department Various

AMOUNTS MUST BE IN WHOLE DOLLARS

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01-522-102-20	Fire - Retirement Contribution	113,190.00	203.00		113,393.00	
01-549-101-20	Maint(Shop) - Regular Salaries	123,215.00	1,329.00		124,544.00	
01-549-102-10	Maint(Shop) - FICA Taxes	7,685.00	82.00		7,767.00	
01-549-102-11	Maint(Shop) - Medicare Taxes	1,797.00	19.00		1,816.00	
01-549-102-20	Maint(Shop) - Retirement Contribution	9,135.00	105.00		9,240.00	
01-380-389-10	Gen.Fund Budgeted Use of Reserves	188,400.00	7,237.00		195,637.00	
41-533-101-20	Water - Regular Salaries	284,139.00	1,729.00		285,868.00	
41-533-102-10	Water - FICA Taxes	19,570.00	107.00		19,677.00	
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43-534-102-20	Waste - Retirement Contribution	11,331.00	158.00		11,489.00	
43-380-389-10	Waste Budgeted Use of Reserves	145,872.00	2,313.00		148,185.00	

## APPROVALS

Department Head \_\_\_\_\_

City Manager 

Commission \_\_\_\_\_

Finance \_\_\_\_\_

Date: \_\_\_\_\_

Date: 1/21/15

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**Costs of Increases to Employees at Top of Pay Scale**  
**Effective January 1, 2015**

Includes Preston Phillips

Note	Dept	Employee Name	Position Title	10/1/14 Hourly Rate	Current Salary	Rate Increase	New Hourly Rate	Annual Base Wages @ new rates	Hourly Increase	Annual Increase	FY 2015 Increase AS OF 1/1/2015	Soc Sec 6.2%	Medicare 1.45%	Retirement at FY15 Rates	Total FY 2015 Budget Increase Required	
	41-533	Water	Maint Worker III	17.75	36,920	1.04	18.46	38,397	0.71	1,477	1,136	70	16	140	1,362	
	43-534	Solid Waste	Equip Oper I Solid W	16.39	34,091	1.04	17.05	35,455	0.66	1,364	1,049	65	15	83	1,212	
	42-535	Sewer	Foreman-Lift Station	21.61	44,949	1.04	22.47	46,747	0.86	1,798	1,383	86	20	109	1,598	
	42-535	Sewer	Hopper Jeffery W(45%)	16.85	15,772	1.04	17.52	16,402	0.67	631	485	30	7	38	561	
	41-533	Water	Hopper Jeffery W(55%)	16.85	19,276	1.04	17.52	20,047	0.67	771	593	37	9	47	685	
	535	Sewer	Utility Foreman				0.00	0.00	0.00							
	01-541	Street	Equip Oper II-Street	17.48	36,358	1.04	18.18	37,813	0.70	1,454	1,119	69	16	88	1,292	
1)	01-549	Maint(Shop)	Supv. Maint Shop	23.74	49,379	1.03500	24.57	51,107	0.83	1,728	1,329	82	19	105	1,536	
	01-541	Street	Foreman-Streets	22.55	46,904	1.04	23.45	48,780	0.90	1,876	1,443	89	21	114	1,667	
2)	43-534	Solid Waste	Equip Oper II-Solid W	17.02	35,402	1.0350	17.62	36,641	0.60	1,239	953	59	14	75	1,101	
	01-522	Fire	Fire Driver/Engineer	16.03	33,342	1.04	16.67	34,676	0.64	1,334	1,026	64	15	203	1,308	
3)	42-535	Sewer	Utility Svc Tech	17.09	35,547	1.04	17.77	36,969	0.68	1,422	1,094	68	16	134	1,312	
	01-541	Street	Equip Oper III-Street	19.41	40,373	1.04	20.19	41,988	0.78	1,615	1,242	77	18	98	1,435	
Total FY 2015 Budget Increase											16,709	12,853	797	186	1,232	15,068

1) Raise with result in a decrease of take-home pay due to Insurance tier change.

1) Based on rate before receiving .5% increase on 10/1/14.

2) Based on rate before receiving 5% increase on 11/24/14 due to a promotion.

Increase by Fund	General Fund
Water	7,237
Sewer	2,048
Solid Waste	3,470
	<u>2,313</u>
	<u>15,068</u>





**City of Callaway Board of Commissioners  
Agenda Item Summary**

January 13, 2015

Lockbox Services Proposal

**1. PLACED ON AGENDA BY:**  
J. Michael Fuller, City Manager

**2. AGENDA:**  
PRESENTATION   
PUBLIC HEARING   
CONSENT   
OLD BUSINESS   
REGULAR

**3. IS THIS ITEM BUDGETED (IF APPLICABLE)?:** Yes  No

However costs anticipated to be offset using the remaining personnel budget for a meter reader position which was vacated in December, 2014.

**4. BACKGROUND: (WHY, WHAT, WHO, WHERE, WHEN, HOW, & IDENTIFY ALL ATTACHMENTS)**

**Proposal to stream-line the collection of recurring remittances by outsourcing the processing to a lockbox provider**

Approval to acquire lockbox services is requested in order to address recommendations included in our utility billing function evaluation, conducted by Warren Averett, and in order to address other customer service and staff workload concerns. Lockbox services are designed to expedite the collection of recurring payments and will provide the most cost effective solution for streamlining our Utility Billing operations by freeing personnel from the labor intensive process of manually handling mail, making daily deposits and manually posting payments.

Utilizing up-to-date payment technology through lockbox services will provide a more immediate and efficient method for improving staff productivity than continuing to invest in updated or new remittance processing equipment, it's implementation, associated staff hours and training, especially if we are revisiting the use of a tool that has not worked for us in the past. Lockbox services are also significantly more cost effective than considering hiring additional staff, as recommended in our UB evaluation.

**Issues addressed and other benefits**

- ✓ Solves dilemma of adequately staffing to meet peak workload days verses overburdening a small staff during critical periods
- ✓ Automation of manual processing of cash receipts allowing staff to focus on customer service and risk assessment controls
- ✓ Eliminates tedious work done more efficiently using technology
- ✓ Reduces processing delays associated with sick time, vacation and holidays
- ✓ Reduces data entry errors
- ✓ Payments processed 6 days a week.
- ✓ Payments electronically deposited, daily.
- ✓ Improves cash flow and significantly improves bank reconciliation process
- ✓ Batch imaging of payments.

- ✓ Electronic posting to customer accounts.
- ✓ Electronic transactions through Checkfree and Pay-gov included in electronic file for upload, currency posted manually on following day
- ✓ Reduces burden on other City Hall staff that process drop-box transactions and backup cashiers.
- ✓ NSF check collection at no additional cost
- ✓ Potential increase in customer satisfaction
- ✓ Decreases overtime required

#### **Cost**

Monthly Lockbox fee \$50  
Per transaction charge \$0.65

Cost anticipated to be offset by savings for over-time, supplies, equipment, record retention and job vacancies.

#### **Vendor Information: Credit Business Services, Inc.**

Established, long term, vendor familiar with City collections  
Local, serving other government organization in area  
Strict compliance and knowledge of state /federal collection laws  
Providing IT services to set up software interface free of charge  
No contract or commitment required, service continuation is solely dependent on meeting our needs  
Cutting edge collection technology, equipment

ATTACHMENT: \*Recommendations addressed in the Warren Averett evaluation are attached.

Audit recommendations– deposits in 2 business days – accounts added – increase in overtime – 215 accounts for Sandy Creek – additional position needed to serve non utility duties. “the current staff could not keep pace with the workload of customer assistance, payment processing or cut-off and re-reads, all which affect utility bill processing and cash receipt processing. Need to evaluate additional part or full time position in the Finance function. City should consider running tests to validate that all accounts are billed., monthly report to collection agency, review of new accounts established, bills to be mailed 16 to 18 days prior to due date, workload makes it not feasible until workload is addressed/ close drawer every day, cash and checks should be immediately deposited every day, check scanner and code reader not working

#### **5. REQUESTED MOTION/ACTION: STAFF RECOMMENDS THE COMMISSION APPROVE USE OF LOCKBOX SERVICES WITH CREDIT BUSINESS SERVICES.**

Staff recommends that the City Commission approve the proposal for lock box services.

## OBSERVATIONS AND RECOMMENDATIONS

### 1. Functional Overview – Organizational Structure

#### **Observation**

The current lines of authority are not clear and transitions in the City Clerk, Finance Director, and City Manager functions along with customer service representative transition have impacted operations. In the current organizational structure, the utility billing and collection duties rest with both the Director of Finance as the manager of the function and the City Clerk. One customer service representative technically reports to the City Clerk and the other two representatives and the meter readers report to the Assistant to the Finance Director. Further the City's Utility Billing policy manual refers to a Utility Billing Supervisor; however, no such position formally exists.

#### **Recommendation**

The utility services function should be the overall responsibility of the Director of Finance. The customer service representatives, to include meter readers, should report to the Utility Billing Supervisor, who in turn reports to the Director of Finance. The Assistant to the Finance Director currently functions as the Utility Billing Supervisor.

It is possible an additional position is needed to serve the non-utility duties of the Assistant to the Finance Director role. Some strain on the system may be alleviated if the City were to implement cycle billing. Further the City is now operating without a Director of Finance and just modified City Hall working hours from five 10 hour days requiring staggered shifts to five 8 hour days. The changing circumstances make it difficult to make a formal recommendation; however the need for an additional part or full time position in the Finance function may need to be evaluated by the Commission in the near future.

### 2. Functional Overview – Cycle Billing & Meter Reading

#### **Observation**

The single billing cycle for all utilities results in increased overtime, unnecessary time compression and increased risk of errors. The City currently has one billing cycle per month to service approximately 6,400 utility accounts and 8,300 meters. We inquired of other municipalities providing similar utility service and determined that three cities with number of accounts that range from 6,700 to 10,000 are configured to four billing cycles per month (one per week). One municipality with 1,800 accounts operated one cycle billing. Further using exclusively drive-by meter readings, one municipality could read all meters in the weekly cycle in about 4 hours or in ½ of one day. This is accomplished by one meter reader.

#### **Recommendation**

Cycle billing can create a more balanced workload as well as improve cash flow by spreading out cash receipt. Physical observation during our procedures illustrated the current staff could not keep pace with the workload of customer assistance, payment processing or cut-offs and re-reads, all which affect utility bill processing and cash receipt processing. In an interview with the Director of Finance employed by the City from 2005 to 2013, she indicated during the week of the 15<sup>th</sup> it was normally necessary for the Assistant to the Finance Director and the Director of Finance to process mail and drop box utility cash receipts batches in order for deposits to be made timely. The size of the City's utility operation would benefit from at least a twice a month billing cycle. Further the City Commission should continue consideration of electronic meter reading equipment.

### **3. Functional Overview – Written Policy and Procedures**

#### **Observation**

The City has formal documentation of policy in the Accounting Policy Manual and the Utility Billing Manual. However certain policies need to be updated to reflect changes directed by the governing body such as utility deposits. In addition the current policy manual does not address outside collections or write-offs in the system. The policy documents are not distributed to new staff upon employment or job transition. For example, the City Clerk indicated that she was not aware of the policy that required cash deposits to be made within two days of receipt until brought to her attention in September 2014.

#### **Recommendation**

The accounting and billing policies should be updated to reflect current processes to include recommendations that may be adopted from this report. The documents should be reviewed for significant operational activities (such as collection efforts on delinquent accounts) that may have been overlooked. Job descriptions, to include policy documents that should be provided upon employment or job transition, should be developed and maintained in coordination with the HR function to ensure new employees or employees in new roles have resources and information to properly carry out their duties.

### **4. Functional Overview – Risk Assessment**

#### **Observation**

The City does not have a documented control or fraud risk assessment. Risks in the utility billing function include, but are not limited to the risk that all active accounts in the system are not billed. As documented in attachment 6, we determined 12 accounts were not configured properly in the City's system and thus meters were not recently read.

#### **Recommendation**

While the exceptions noted are not material to the City's financial position, the City should consider performing tests, similar to those outlined in the account and meter analysis section, internally on a bi-annual or annual basis to ensure all accounts are configured properly to reduce the risk of not billing all accounts in the system. This strategy should be documented as part of its risk assessment.

### **5. Flow of Transactions – New Meter Connections**

#### **Observation**

Current policies do not require a secondary review for new accounts opened.

**Recommendation**

We recommend that new accounts established are reviewed by the Assistant to the Finance Director or Director of Finance on a periodic basis to ensure the proper paperwork exists, deposits established are in accordance with policy, and the proper search of past due accounts under the customer name was performed. Springbrook should be able to produce an automated report that lists new accounts established within certain date ranges to facilitate the periodic review.

In addition each customer service representative has the individual responsibility to email the collection agency if they collect on an account previously turned over to the agency. We recommend the City work with Springbrook to develop an automated monthly report that could be submitted to the collection agency of past due collections by the City. This would ensure all information required to be communicated is captured rather than left to the responsibility of each individual customer service representative.

**6. Flow of Transactions – Exception reporting**

**Observation**

Currently the City does not have an efficient method to monitor for inaccurate meter reads. Customer service personnel manually scan the proof list to identify meter readings that might contain possible exceptions for re-reads. The City has attempted to develop an automated report from Springbrook but has not been successful in producing a report that meets their needs.

**Recommendation**

We continue to recommend the City work with their software vendor, Springbrook, to produce automated exception reporting. An automated report will reduce personnel time to scan the list and will also ensure all accounts falling outside the set parameters are flagged.

**7. Flow of Transactions – Bill Calculation**

**Observation**

The City's Utility Billing Manual does not address a policy for the acceptable number of days between when utility bills are sent and when they are due. The policy does address bills are due on the 15<sup>th</sup> day of each month. As illustrated in attachment 2, the number of days between bill due date and mailing due date, over the past 24 months, ranged from a maximum of 19 days to a minimum of 10 days, (excluding two months considered unusual).

**Recommendation**

The City should develop a policy such as bills are to be mailed 16 to 18 days prior to their due date in order to achieve consistency in billing for the users of the services. The City cannot control the number of days it takes the post office to deliver mail; it can control the date of the mailing. However due to the compression on the system based on volume of accounts and the single billing cycle, such a policy may not feasibly be able to be worked out until other aspects of operations are addressed.

## 8. Flow of Transactions – End of Shift Procedures

### **Observation**

Customer service representatives are not balancing drawers to the proof list before closing of their respective shifts. The drawers are balanced the next day between 7:00AM and 7:30AM before City Hall opened. As a result of the impact of the staggered schedules and if any problems are encountered in balancing a drawer, both cash and check deposits are prone to delays in further processing under the existing procedures. We realize the staggered schedule issue was resolved with the change in operating hours effective October 1, 2014.

### **Recommendation**

Customer service personnel should ideally balance their drawers to the proof daily at the close of the shift. To limit overtime, the City may consider shutting down one window at a time starting at 3:00PM and opening a new batch for deposits that are received after balancing the drawer. For example customer service representative A would shut down at 3:00PM and balance the drawer to the proof list and prepare the deposit. Customer service representative A would re-open the window and start a new batch at 3:30. At that time, customer service representative B would shut down the window and balance the drawer to the proof list. Customer service representative B would re-open the window and start a new batch at 4:00PM. Customer service representative C would shut down the window and balance the drawer at 4:00PM and a Sheriff's deputy would take the deposits to the bank at 4:30PM as further described in the next observation. Customer service representative C would then re-open the window and start at new batch at 4:30PM. The smaller batches opened between 3:30PM and 4:30PM are considered part of the following day's batch. This approach may achieve the desired control objective but limit overtime costs.

This process, if adopted, will require modification on the days of payment before penalties are assessed and cutoff.

## 9. Flow of Transactions – Cash Receipts and Deposits

### **Observation**

Cash and checks remitted by the City in the utility billing function are not immediately deposited. Customer service personnel forward the cash and checks, along with other batch information, to the City Clerk for review prior to committing batches. In addition the City began scanning checks in June, 2012 rather than directly depositing them at the bank.

The check scanning process provides immediate deposit of the funds and reduces the need for branch visits. However the software does not always read checks correctly; particularly those that are manually prepared. As a result, time is incurred, particularly in large batch processing, to determine which images were not properly read. The City has been using a temporary employee to scan the checks as well as to function as a customer service representative on Mondays and Fridays due to the staggered schedules and backup for when there are vacancies such as when an employee is on vacation or sick. Batches which include both cash and checks are not forwarded to the City Clerk for processing until after the check scanning takes place. Check scanning is recognized as important but not a critical duty. The process will be delayed if the temporary employee is needed to perform other critical functions such as customer service or to process mail and drop box payments during times of heavy deposit.

**Recommendation**

Internal controls are not significantly enhanced by the second review by the City Clerk of cash and check received prior to committing the batch. Further cash should be deposited as soon as possible after receipt to limit physical security concerns since cash is the asset most susceptible to theft.

We recommend that cash and checks be immediately deposited after the balancing of the drawer to the proof list by the customer service representative which includes preparation of the deposit slips. Since Sheriff's deputies are already tasked to take deposits to the bank on a daily basis, there is limited value to the City in the scanning function. The deputies should be prepared to take a deposit at 4:30PM each day if the City were to implement the staggered drawer balancing.

The validated bank deposit slips and proof list should be used by the City Clerk to commit batches the day following deposit of the funds. Any discrepancies between the proof list and the validated deposit slips should be immediately brought to the attention to the Director of Finance and Assistant to the Finance Director for resolution. Since the customer service representatives have limited ability to make changes in the accounting system, any off the books fraud should be immediately detected as long as the batches are reconciled and committed on a timely basis. Voids and credits to customer accounts require approval by management and should also be reviewed on an ongoing basis by the Director of Finance as part of proper monitoring controls.

**City of Callaway Board of Commissioners  
Agenda Item Summary**

January 13, 2015

Resolution 15-01 – Intent to Use Uniform Method of Collection

**1. PLACED ON AGENDA BY:**

Kevin D. Obos, City Attorney

**2. AGENDA:**

PRESENTATION	<input type="checkbox"/>
PUBLIC HEARING	<input type="checkbox"/>
CONSENT	<input type="checkbox"/>
REGULAR	<input checked="" type="checkbox"/>

**3. IS THIS ITEM BUDGETED (IF APPLICABLE)?:** YES  NO

N/A

**4. BACKGROUND: (WHY, WHAT, WHO, WHERE, WHEN, HOW, & IDENTIFY ALL ATTACHMENTS)**

Resolution 15-01 states the City's intent to use the uniform method of collecting non-ad valorem special assessments authorized in Section 197.3632, F.S. for the purpose of nuisance abatement. A copy of Resolution 15-01 must be provided to the Florida Department of Revenue, the Bay County Tax Collector, and the Bay County Property Appraiser by March 10, 2015.

Attachments

- Resolution 15-01

**5. REQUESTED MOTION/ACTION:**

Staff recommends that the Commission approve Resolution 15-01 providing for the intent to use the uniform method of collection for nuisance abatement, and authorizing the City Clerk to send a copy of the Resolution to the FL Department of Revenue, Bay County Tax Collector and Bay County Property Appraiser by March 10, 2015.

**RESOLUTION NO. 15-01**

**A RESOLUTION OF THE CITY OF CALLAWAY, FLORIDA, ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NUISANCE ABATEMENT, NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED WITHIN THE CITY OF CALLAWAY; STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**SECTION 1. AUTHORITY.** This Resolution of the City of Callaway, Florida (the "City") is adopted pursuant City Ordinance No. 876, as amended by City Ordinance No. 949, Chapter 197, Florida Statutes, and other applicable provisions of law.

**SECTION 2. FINDINGS.** It is hereby ascertained, determined, and deemed as follows:

(A) The City Commission of the City of Callaway, Florida, (the "Commission") is contemplating the imposition of a special assessment for the cost of services, facilities, or programs which provide a special benefit to, or relieve a burden attributable to, one or more parcels of land within the Assessment Area defined herein, by eliminating or abating a public nuisance on such parcel (the "Improvements").

(B) The Commission intends to use the uniform method to collect non-ad valorem special assessment(s) for the cost of providing Improvements to property or properties, as required, within the incorporated city limits of the City of Callaway, Florida, as depicted in Exhibit A (the "Assessment Area"), as authorized by Section 197.3632, Florida Statutes, as amended, because this method will allow such special assessment to be collected commencing in November 2015, in the same manner as provided for ad valorem taxes.

(C) The Commission held a duly advertised public hearing prior to the adoption of this Resolution, proof of publication of such hearing being attached hereto as Exhibit B.

**SECTION 3. ELECTION TO USE UNIFORM METHOD.**

(A) Commencing with the ad valorem tax bills issued in November 2015, the City intends to use the uniform method of collecting non-ad valorem special assessment(s) authorized in Section 197.3632, Florida Statutes, as amended, as the alternative method to collecting non-ad valorem assessments for the cost of providing the Improvements during Fiscal Year 2014-15. Such non-ad valorem assessments shall by subsequent resolution be levied upon one or more parcels within the Assessment Area, as required.

(B) The City hereby determines that the levy of the assessments is needed to fund or repay the cost of the Improvements within the Assessment Area.

(C) The Bay County Property Appraiser and Bay County Tax Collector have agreed to the adoption of this Resolution prior to March 1, 2015.

(D) Adoption of this Resolution is solely for the purpose of complying with the statutory requirements that the City publicly announce to the Florida Department of Revenue, the Bay County Property Appraiser, and the Bay County Tax Collector before March 10, 2015 that it may levy non-ad valorem assessments and use the uniform method of collection.

(E) Adoption of this Resolution shall not be deemed to commit or require the City to impose any assessments.

(F) Upon adoption, the City Clerk is hereby directed to send a copy of this Resolution by United States mail to the Florida Department of Revenue, the Bay County Tax Collector, and the Bay County Property Appraiser by March 10, 2015.

**SECTION 4. EFFECTIVE DATE.** This Resolution shall be effective upon adoption.

**DULY ADOPTED** this 13<sup>th</sup> day of January, 2015.

**CITY COMMISSION OF CALLAWAY,  
FLORIDA**

By: \_\_\_\_\_  
Thomas W. Abbott, Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
Sandra B. Hirth, City Clerk

**EXHIBIT A**  
**LEGAL DESCRIPTION OF**  
**ASSESSMENT AREA**

**EXHIBIT B**  
**PROOF OF PUBLICATION**

**City of Callaway Board of Commissioners  
Agenda Item Summary**

January 13, 2015

Resolution 15-02 Utility Service Disconnection and Reconnection Fees & Times

<p><b>1. PLACED ON AGENDA BY:</b> J. Michael Fuller, City Manager</p>	<p><b>2. AGENDA:</b></p> <p>PRESENTATION <input type="checkbox"/></p> <p>PUBLIC HEARING <input type="checkbox"/></p> <p>CONSENT <input type="checkbox"/></p> <p>OLD BUSINESS <input type="checkbox"/></p> <p>REGULAR <input checked="" type="checkbox"/></p>
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**3. IS THIS ITEM BUDGETED (IF APPLICABLE)?:** YES  NO

N/A

**4. BACKGROUND: (WHY, WHAT, WHO, WHERE, WHEN, HOW, & IDENTIFY ALL ATTACHMENTS)**

Currently, the City imposes a disconnection/reconnection charge only when there has been a physical disconnection at the account address. Resolution 15-02 would amend the procedure for assessing these charges and discontinues after hours reconnections. A charge of \$25.00 shall be imposed on any account that has failed to pay by the disconnect date and time, regardless if a physical disconnect has or has not been accomplished.

Resolution 15-02 will help the City streamline its utility billing practice by simplifying the length of time it takes to assess disconnection charges.

ATTACHMENT:

- Resolution 15-02

**5. REQUESTED MOTION/ACTION:**

Staff recommends the City Commission approve Resolution 15-02 amending certain fees and time for utility service disconnection and reconnection.

## **RESOLUTION 15-02**

A RESOLUTION OF THE CITY OF CALLAWAY, FLORIDA, AMENDING RESOLUTION 08-29; AMENDING UTILITY SERVICE DISCONNECTION; AMENDING DISCONNECTION CHARGES; REPEALING ALL RESOLUTIONS OR PARTS THEREOF WHICH ARE IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Resolutions 08-29 , 13-27 and 14-14 set utility rates and procedures for residential, commercial, industrial and bulk water and sewer utility service and related charges for the City of Callaway; and

WHEREAS, the City Commission of the City of Callaway has determined that it is fiscally sound and necessary to revise certain charges, dues dates and times.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF CALLAWAY, FLORIDA, AS FOLLOWS:

### **SECTION 1. UTILITY SERVICE DISCONNECTIONS FOR NON-PAYMENT.**

- A. DISCONNECT DATE AND TIME. Failure to pay in full by 5:00 p.m. on the 25<sup>th</sup> day of each month shall result in the disconnection of utility services. In the event the 25<sup>th</sup> is on Friday, Saturday, Sunday or a legal holiday, the utility bills are due and payable by 5:00 p.m. of the next full business day following the Friday, Saturday, Sunday or holiday.
- B. DISCONNECT CHARGE. A disconnection charge of \$25.00 shall be imposed on any account that has failed to pay by the disconnect date and time, regardless if a physical disconnect has or has not been accomplished. A disconnection charge is separate from and in addition to tampering charges imposed because of illegal reconnects and disconnect.

### **V. AUTHORIZATION AND REPEALER.**

This Resolution is adopted pursuant to Sections 18-50, 18-107, and 18-300 of the Code of Ordinances of the City of Callaway authorizing the amendment of charges and fees by resolution by the City Commission. Those portions of Sections 18-50, 18-107 and 18-300 contained in this Resolution which are not amended or do not specify changes in the charges and fees are neither modified nor re-adopted by this Resolution and are included herein for convenient reference only. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

### **VI. EFFECTIVE DATE.**

This resolution shall take effect as to allow the charges and fees to be collected on the utility bills due in December of 2014.

PASSED AND ADOPTED at the Regular Meeting of the City Commission of the City of Callaway, Florida this \_\_\_\_\_ day of January, 2015.

CITY OF CALLAWAY

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Thomas W. Abbott, Mayor

ATTEST:

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Sandra B. Hirth, City Clerk

**City of Callaway Board of Commissioners  
Agenda Item Summary**

January 13, 2015

Final Reading of Ordinance No. 948 – Imposing Fees for Lien Searches

<p><b>1. PLACED ON AGENDA BY:</b> J. Michael Fuller, City Manager</p>	<p><b>2. AGENDA:</b></p> <p>PRESENTATION <input type="checkbox"/></p> <p>PUBLIC HEARING <input checked="" type="checkbox"/></p> <p>CONSENT <input type="checkbox"/></p> <p>OLD BUSINESS <input type="checkbox"/></p> <p>REGULAR <input type="checkbox"/></p>
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**3. IS THIS ITEM BUDGETED (IF APPLICABLE)?:** YES  NO

N/A

**4. BACKGROUND: (WHY, WHAT, WHO, WHERE, WHEN, HOW, & IDENTIFY ALL ATTACHMENTS)**

Due to the high volume of lien search requests coming into utility billing and the amount of time it takes a customer service representative to process these requests, city staff is requesting the Commission to consider imposing fees for lien searches.

ATTACHMENT: Ordinance No. 948  
Request for Lien Search Form

**5. REQUESTED MOTION/ACTION:**  
Staff recommends that the Commission approve the Final Reading of Ordinance No. 948 – Imposing Fees for Lien Searches.

**ORDINANCE No. 948**

AN ORDINANCE OF THE CITY OF CALLAWAY IMPOSING FEES FOR LIEN SEARCHES; IMPOSING FEES FOR RUSH LIEN SEARCHES; AUTHORIZING AMENDMENTS TO SAID FEES TO BE ESTABLISHED BY RESOLUTION; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, pursuant to Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, the City of Callaway, Florida (hereinafter "City") has the power and the authority to enact ordinances and regulations for valid governmental purposes that are not inconsistent with general or special law; and

**WHEREAS**, the City frequently receives requests for lien searches from title companies, banks, financial institutions, attorneys, and other entities and individuals for which the City incurs administrative time and costs processing the requests; and

**WHEREAS**, when a lien search request is received by the City, staff time from multiple departments is required, including the City Clerk's office, the finance department and the utility billing department; and

**WHEREAS**, to offset the increasing demand of staff time and resources, the City recommends imposing a charge for processing lien searches regarding real property located within the City limits of Callaway.

**NOW, THEREFORE, BE IT ENACTED** by the people of the City of Callaway, Florida that:

**SECTION 1.** The following fees are hereby imposed for lien requests submitted to the City:

Lien Search	\$50.00 (7-14 Days Response Time)
Rush Lien Search	\$100.00 (3 Business Day Response Time)

Each lien search provides outstanding municipal debts assessed on a specific city property through a utility account, code enforcement or nuisance abatement case, special assessment, and/or open building permit. Should there be an outstanding municipal debt; payments and release of liens are to be processed by the utility billing office.

**SECTION 2. AMENDMENTS.** Any amendments to the lien search fees established in this Ordinance may be made by future Resolution of the City Commission.

**SECTION 3. SEVERABILITY.** The provisions of this Ordinance are severable; and if any section, subsection, sentence, clause or provision is held invalid by any court of competent jurisdiction, the remaining provisions of this Ordinance shall not be affected thereby.

**SECTION 4. REPEALER.** All ordinances, resolution or parts thereof, including but not limited to Chapter 27900, Laws of Florida (1951), as amended (which became a City ordinance pursuant to and upon enactment of Section 166.021(5), Florida Statutes), which are inconsistent or in conflict herewith are hereby repealed and of no further force and effect.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall be in force and take effect immediately upon its passage and adoption by the City Commission.

DULY PASSED AND ENACTED by the City Commission of the City of Callaway, Florida this \_\_\_ day of \_\_\_\_\_, 2015.

CITY COMMISSION OF THE CITY OF  
CALLAWAY, FLORIDA

(SEAL)

\_\_\_\_\_  
Thomas W. Abbott, Mayor

ATTEST:

\_\_\_\_\_  
Sandra B. Hirth, City Clerk



DRAFT

(850) 871-6000  
Fax (850) 871-2444  
www.cityofcallaway.com

**REQUEST FOR LIEN SEARCH**

Date: \_\_\_\_\_

Rush:  \$100.00 per Parcel ID Number in (3) business days

Regular:  \$50.00 per Parcel ID Number (7) to (14) business days

Duplicate Request:  \$5.00 per Parcel ID Number

.....

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_) \_\_\_\_\_

Email Address: \_\_\_\_\_

.....

Owner(s) Name: \_\_\_\_\_

Property Address: \_\_\_\_\_

Parcel ID Number: \_\_\_\_\_

*Each lien search provides outstanding municipal debts assessed on a specific city property through a utility account, code enforcement or nuisance abatement case, special assessment, and/or open building permit. Should there be an outstanding municipal debt; payments and release of liens are to be processed by the Utility Billing office.*

**City of Callaway Board of Commissioners  
Agenda Item Summary**

January 13, 2015

Final Reading – Ordinance No. 949 – Nuisance Abatement Assessments Levy and Collection

<p><b>1. PLACED ON AGENDA BY:</b></p> <p>J. Michael Fuller, City Manager</p>	<p><b>2. AGENDA:</b></p> <p>PRESENTATION <input type="checkbox"/></p> <p>PUBLIC HEARING <input checked="" type="checkbox"/></p> <p>CONSENT <input type="checkbox"/></p> <p>REGULAR <input type="checkbox"/></p>
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**3. IS THIS ITEM BUDGETED (IF APPLICABLE)?:** YES  NO

N/A

**4. BACKGROUND: (WHY, WHAT, WHO, WHERE, WHEN, HOW, & IDENTIFY ALL ATTACHMENTS)**

If adopted by the Commission, Ordinance No. 949 will amend the existing Ordinance No. 876, the capital improvement and essential services assessment ordinance, to allow assessments to a single parcel of property when public nuisance are abated by the City.

Attachments

- Ordinance No. 949

**5. REQUESTED MOTION/ACTION:**

Staff recommends that the Commission approve the final reading of Ordinance No. 949 relating to the Levy and Collection of Nuisance Abatement Assessments.

ORDINANCE NO. 949

AN ORDINANCE OF THE CITY OF CALLAWAY, FLORIDA, AMENDING ORDINANCE NO. 876 OF THE CITY RELATING TO THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS; DEFINING CAPITAL ASSET AND CLARIFYING DEFINITIONS OF "CAPITAL COST" AND "CAPITAL IMPROVEMENT"; CLARIFYING THAT ASSESSMENTS MAY BE IMPOSED UPON A SINGLE PARCEL WHERE THAT PARCEL IS PREDOMINANTLY BENEFITTED, AS IN THE CASE OF THE CAPITAL COST TO ABATE A PUBLIC NUISANCE; REPEALING ORDINANCES IN CONFLICT; AUTHORIZING CODIFICATION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CALLAWAY, FLORIDA:

SECTION 1. From and after the effective date of this Ordinance, Section 1.01 of Ordinance 876 of the City of Callaway, Florida is amended to read as follows (deleted text ~~stricken~~, new text **bold and underlined**):

**SECTION 1.01. DEFINITIONS.** When used in this Ordinance, the following terms shall have the following meanings, unless the context clearly requires otherwise:

"**Annual Assessment Resolution**" means the resolution described in Section 2.08 hereof, approving an Assessment Roll for a specific Fiscal Year.

"**Assessment**" means a special assessment imposed by the Commission pursuant to this Ordinance to fund or expedite recovery of the Capital Cost of Capital Improvements or the Service Cost of Essential Services. The term "Assessment" and the reference to non-ad valorem assessments herein means those assessments which are not based solely upon millage and which can become a lien against a homestead as permitted by Article X, Section 4 of the

Florida Constitution. "Assessment" may include Capital Costs or Service Costs, or any combination of those costs, associated with the review, planning, investigation, analysis, permitting, notice, enforcement, remediation, improvement, provision of services, demolition or removal, or any combination of those, to abate a public nuisance.

"Assessment Area" means any of specific areas created by resolution of the Commission pursuant to Section 2.02 hereof, that specially benefit from Capital Improvements or Essential Services.

"Assessment Coordinator" means the City Manager or such person's designee.

"Assessment Roll" means the special assessment roll relating to Capital Improvements or Essential Services containing the information specified in Section 2.04 and approved by a Final Assessment Resolution or an Annual Assessment Resolution pursuant to Section 2.07 or Section 2.08 hereof.

"Assessment Unit" means the apportionment unit utilized to determine the Assessment for each parcel of property, as set forth in the Initial Assessment Resolution. "Assessment Units" may include, by way of example and not limitation, one or a combination of the following: front footage, land area, improvement area, equivalent residential connections or units, permitted land use, trip generation rates, rights to future trip generation capacity under applicable concurrency management regulations, property value or any other physical characteristic or reasonably expected use of the property that is related to the Capital Improvements or Essential Services to be funded from proceeds of the Assessment.

"Capital Asset" means property, plant and equipment and intangible assets intended or likely to produce benefits or relieve burdens in future accounting periods beyond the current period.

"**Capital Cost**" means all or any portion of the costs ~~expenses~~ that are properly attributable to the acquisition, design, permitting, preparation, construction, installation, reconstruction, renewal or replacement (including demolition, environmental mitigation and relocation) of a Capital Asset ~~Improvements~~ under generally accepted accounting principles; and including reimbursement to the City for any funds advanced for Capital Cost and interest or debt service on any interfund or intrafund loan or other Obligations for such purposes.

"**Capital Improvements**" means one or more Capital Assets ~~improvements constructed or installed~~ acquired, designed, permitted, prepared, constructed, installed, reconstructed, renewed or replaced (including demolition, environmental mitigation and relocation) in whole or in part by the City which provide a special benefit to lands within an Assessment Area. The term shall include the recovery of costs from undeveloped or underdeveloped lands that benefit from the availability of Capital Improvements as a supplemental or alternative means to pay for or reimburse the City for providing such improvements.

"**City**" means the City of Callaway, Florida.

"**Commission**" means the City Commission of the City of Callaway, Florida.

"**Essential Services**" means the services, facilities, or programs which provide a special benefit to, or relieve a burden attributable to, lands within an Assessment Area.

"**Final Assessment Resolution**" means the resolution described in Section 2.07 hereof, which shall confirm, modify or repeal the Initial Assessment Resolution and which shall be the final proceeding for the imposition of an Assessment.

**"Fiscal Year"** means the period commencing on October 1 of each year and continuing through the following September 30, or such other period as may be prescribed by law as the Fiscal Year for the City.

**"Government Property"** means property owned by the United States of America, the State of Florida, a county, a special district, a municipal corporation, or any of their respective agencies or political subdivisions.

**"Initial Assessment Resolution"** means the resolution described in Section 2.03 hereof, which shall be the initial proceeding for the imposition of an Assessment.

**"Obligations"** means bonds or other evidence of indebtedness including but not limited to, notes, commercial paper, capital leases or any other obligation issued or incurred to finance Capital Improvements which may be secured, in whole or in part, by proceeds of the Assessments.

**"Ordinance"** means this Capital Improvement and Essential Services Assessment Ordinance.

**"Pledged Revenue"** means, as to any series of Obligations, (A) the proceeds of such Obligations, including investment earnings, (B) proceeds of the Assessments pledged to secure the payment of such Obligations, and (C) any other legally available non-ad valorem revenue pledged, at the Commission's sole option, to secure the payment of such Obligations, as specified by the Ordinance and any resolution authorizing such Obligations.

**"Property Appraiser"** means the Bay County Property Appraiser.

**"Resolution of Intent"** means the resolution expressing the Commission's intent to collect Assessments on the ad valorem tax bill required by the Uniform Assessment Collection Act.

**"Service Cost"** means all or any portion of the expenses that are properly attributable to the provision of Essential Services under generally accepted

accounting principles; and including reimbursement to the City for any funds advanced for such expenses and interest on any interfund or intrafund loan for such purposes.

"**Tax Collector**" means the Bay County Tax Collector.

"**Tax Roll**" means the real property ad valorem tax assessment roll maintained by the Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

"**Uniform Assessment Collection Act**" means sections 197.3632 and 197.3635, Florida Statutes, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

SECTION 2. From and after the effective date of this Ordinance, Section 2.01 of Ordinance 876 of the City of Callaway, Florida is amended to read as follows (deleted text stricken, new text **bold and underlined**):

**SECTION 2.01. AUTHORITY.** The Commission is hereby authorized to impose Assessments against property located within an Assessment Area to fund **the Capital Cost or Service Cost of** Capital Improvements or Essential Services**incurred by the City. If more than one parcel is assessed, then the-**~~The~~ Assessment shall be computed in a manner that fairly and reasonably apportions the Capital Costs or Service Costs**among the parcels of property within an Assessment Area, based upon objectively determinable Assessment Units related to the value, use or physical characteristics of the property, except where the special benefit or burden relief provided by a Capital Improvement or Essential Service is provided predominantly to a single parcel of property, the resolution shall uniquely assess only that parcel the Capital Cost or Service**

Cost thereof, as in the case of the Capital Cost to abate a public nuisance on a single parcel of property.

SECTION 3. From and after the effective date of this Ordinance, Section 2.02 of Ordinance 876 of the City of Callaway, Florida is amended to read as follows (deleted text stricken, new text **bold and underlined**):

**SECTION 2.02. CREATION OF ASSESSMENT AREAS.** *The Commission is hereby authorized to create Assessment Areas by resolution. Assessment Areas may be within or without the City limits. Provided, however, any Assessment Area or portion thereof extending outside of the City limits must be within an unincorporated service area created pursuant to the Municipal Public Works Act, Chapter 180, Florida Statutes. Each Assessment Area shall encompass only that property specially benefited by the Capital Improvements or Essential Services proposed for funding from the proceeds of Assessments to be imposed therein. The resolution creating each Assessment Area shall include brief descriptions of the proposed Capital Improvements or Essential Services, a description of the property to be included within the Assessment Area, and specific legislative findings that recognize the special benefit **or burden relief** to be provided by each proposed Capital Improvement or Essential Service to property within the Assessment Area. Properties in any Assessment Area need not be adjacent or contiguous to any other property in an Assessment Area.*

SECTION 4. From and after the effective date of this Ordinance, Section 2.03 of Ordinance 876 of the City of Callaway, Florida is amended to read as follows (deleted text stricken, new text **bold and underlined**):

**SECTION 2.03. INITIAL ASSESSMENT RESOLUTION.** The initial proceeding for imposition of an Assessment shall be the Commission's adoption of an Initial Assessment Resolution. The Initial Assessment Resolution shall:

(A) describe the Capital Improvements or Essential Services proposed for funding from proceeds of the Assessments;

(B) estimate, or if known, state the Service Cost or Capital Cost;

(C) if more than one parcel of property is assessed, describe with particularity the proposed method of apportioning the Service Cost or Capital Cost among the parcels of property located within the Assessment Area, such that the owner of any parcel of property can objectively determine the amount of the Assessment, based upon its value, use or physical characteristics; and

(D) include specific legislative findings that recognize the equity provided by the apportionment methodology or, if applicable, that recognize the equity provided by assessing a predominantly benefitted or relieved, individual parcel the Capital Cost or Service Cost uniquely attributable to that parcel.

SECTION 5. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 6. The appropriate officers and agents of the city are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Code of Ordinances of the City of Callaway, Florida. Sections numbers may be assigned and changed whenever necessary and convenient.

SECTION 7. This Ordinance shall take effect immediately upon passage.

**City of Callaway Board of Commissioners  
Agenda Item Summary**

January 13, 2015

Final Reading – Ordinance No. 950 – Amending the Nuisance Abatement Code

**1. PLACED ON AGENDA BY:**

J. Michael Fuller, City Manager

**2. AGENDA:**

PRESENTATION	<input type="checkbox"/>
PUBLIC HEARING	<input checked="" type="checkbox"/>
CONSENT	<input type="checkbox"/>
REGULAR	<input type="checkbox"/>

**3. IS THIS ITEM BUDGETED (IF APPLICABLE)?:** YES  NO

N/A

**4. BACKGROUND: (WHY, WHAT, WHO, WHERE, WHEN, HOW, & IDENTIFY ALL ATTACHMENTS)**

If adopted by the Commission, Ordinance No. 950 will amend the City’s Nuisance Abatement Code, Chapter 9.7 of the Callaway Code of Ordinances, clarifying the abatement process and allowing the use of assessments to collect cost of abatement.

Attachments

- Ordinance No. 950

**5. REQUESTED MOTION/ACTION:**

Staff recommends that the Commission approve the final reading of Ordinance No. 950 amending and adopting “Nuisance Abatement Code”.

ORDINANCE NO. 950

AN ORDINANCE OF THE CITY OF CALLAWAY, FLORIDA, AMENDING AND READOPTING THE "NUISANCE ABATEMENT CODE", CHAPTER 9.7 CALLAWAY CODE OF ORDINANCES; AMENDING DEFINITIONS; CLARIFYING THE CONTENTS OF THE NOTICE AND ORDER OF ABATEMENT; CLARIFYING ACTIONS AVAILABLE TO THE CITY UPON FAILURE TO COMPLY WITH A NOTICE AND ORDER OF ABATEMENT; SHORTENING THE CITY'S PERIOD OF FOREBEARANCE OF FORECLOSURE FROM TWO YEARS TO THREE MONTHS; PROVIDING THAT THE CITY MAY COLLECT THE COST OF ABATEMENT THROUGH THE LEVY OF A NON-AD VALOREM ASSESSMENT; PROVIDING THAT THE CITY MAY UTILIZE THE UNIFORM METHOD OF COLLECTION AUTHORIZED BY FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; REPEALING ORDINANCE 508 AND ANY OTHER ORDINANCE OR PROVISIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF CALLAWAY, FLORIDA:

Section 1. From and after the effective date of this Ordinance, Chapter 9.7 of the City of Callaway Code of Ordinances is amended to read as follows (deleted text ~~stricken~~, new text **bold and underlined**):

**Sec. 9.7-1. - DEFINITIONS.**

As used in this chapter the following terms shall have the meanings respectively ascribed to them in this section:

*Construction debris* means any refuse generated by a contractor, subcontractor or other person or supplier during the course of repair, addition to, or construction of any building or structure whether such activity requires a building permit or not.

*Demolition debris* means any refuse generated through the cutting or trimming of trees, bushes or shrubbery for hire, or the destruction or demolition, in whole or in part, of

- (3) Any unfit or unsafe dwelling or structure.
- (4) Any weeds which exceed one foot in height upon an improved lot, tract or parcel of land, or on an undeveloped lot, tract or parcel of land within a subdivision which has had the natural vegetation cleared.
- (5) All unnecessary or unauthorized noises and annoying vibrations, including animal noises.
- (6) All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes that give rise to the emission or generation of such odors and stenches.
- (7) The carcasses of animals or fowl not disposed of within a reasonable time after death.
- (8) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances.
- (9) Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.
- (10) Any accumulation of stagnant water permitted or maintained or allowed to accumulate on any lot, piece of ground, or premises, including that water confined in a swimming pool, spa or hot tub.
- (11) Dense smoke, noxious fumes, gas, soot or cinders, in unreasonable quantities.
- (12) Unsheltered storage for a period of thirty (30) days or more within the corporate limits of this city (except in licensed junkyards) of old and unused stripped junk and other automobiles not in good and safe operating condition, and of

any other vehicles, machinery, implements, or equipment or personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, is hereby declared to be a nuisance and a danger to public health, safety and welfare.

(13) For the purpose of this ordinance, the term nuisance shall also include any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which the premises are located. This includes, but is not limited to, the keeping or depositing on or the scattering over the premises of any of the following:

- a. litter, junk, trash, or construction or demolition debris; and
- b. abandoned, discarded, unused objects or equipment such as, but not limited to, automobiles, furniture, stoves, refrigerators, freezers, cans or containers.

(14) Any unauthorized obstructions to or interferences with the free public use of streets, rights-of-way and public thoroughfares including, but not limited to: (1) an annoyance to the public as to render the use of the street hazardous; (2) a hindrance or prevention of free and unobstructed use for travel which renders passage through the street more difficult or which increases the danger of injury to persons or property; (3) skating, skateboarding, or cycling on structures in streets, rights-of-way and public thoroughfares.

(15) Any building, structure or other property which contains graffiti visible from a public location.

~~(16) Such other acts or conditions which are declared by other ordinances to be or constitute nuisances.~~

(16) Any public nuisance know at common law or in equity jurisprudence or as provided by the Statutes of the State of Florida or ordinances of the City of Callaway.

(17) In regard to portable storage units:

- a. Any placement or the permitting of any placement of more than one portable storage unit in the front yard of a residential premises where there is a dwelling;
- b. Any placement of more than one portable storage unit on a vacant lot in a residential area;
- c. Any continuous keeping of a portable storage unit on residential premises where there is a dwelling in excess of ten days in any 60-day period. In the event of damage to a premises caused by fire, storm, flood or declared government emergency, this period may be extended upon written approval of the city manager; or
- d. Any placement or the permitting of any placement on a residential premises of a portable storage unit exceeding eight feet in width, 20 feet in length, and nine feet in height.

*Portable storage unit* shall mean any container designed for the storage of personal property which is typically rented to owners or occupants of property for their temporary use which is delivered and removed by truck. Examples of portable storage units include, but are not limited to, moving and storage containers, road and storage trailers and steel shipping containers.

*Refuse* means leavings, dregs, rubbish, trash or waste material.

*Trash* means all grass clippings, leaves, tree limbs, old furniture, mattresses, bed springs, small debris, non-putrescible solid waste, cloth, paper, cardboard, glass and other similar materials. The term "trash" shall not include anything weighing over 1,000 pounds, items over ten feet long or any debris or items generated by a contractor, or individual through construction or demolition.

*Underbrush* means any undergrowth or brush conducive to the collection of insects and rodents.

*Unfit or unsafe dwelling or structure* means any dwellings or structure or portions thereof and accessory buildings which are structurally unsafe, unstable, or unsanitary; inadequately provided with exit facilities; constitute a fire hazard; unsuitable or improper for the use or occupancy to which they are put; constitute a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; dangerous to life or property of the occupant thereof or of the surrounding area; unfit for human habitation if so intended or used; or otherwise in violation of the housing, building, electrical, plumbing, mechanical, sanitation and fire codes of the city and/or county.

*Weeds* means any plants which are useless to men or injurious to crops, grasses or flowers.

**Sec. 9.7-2. PROHIBITED ACTS; PENALTY.**

Any ~~person~~ **owner or occupant of a premises knowingly** creating or maintaining a nuisance within the City shall be guilty of an offense. **Where the nuisance is maintained by a fictitious person owning or occupying the premises, a natural person serving as an officer, manager or other agent of the owner or occupant who knowingly permits the nuisance to be maintained shall be guilty of the same offense as the fictitious person.**

**Sec. 9.7-3. POWERS AND DUTIES OF THE ENFORCEMENT OFFICER; DETERMINATION OF INTERESTED PARTIES.**

(a) *Generally.* The Enforcement Officer shall be charged with the duty of administering the applicable standards and securing compliance therewith and in furtherance of this responsibility, the Enforcement Officer shall;

- (1) Make such inspections as may be necessary to effectuate the

purposes and intent of this ordinance.

- (2) Investigate any complaints of alleged violation of this ordinance and maintain a log reflecting the resolution thereof; however, only matters or conditions pertinent to the existence of a nuisance, as defined herein shall be considered or reported by the Enforcement Officer.

(b) *Preparation of notice and order generally.* When the Enforcement Officer verifies the existence of a nuisance ~~involving an unfit or unsafe structure~~, it shall be his duty to promptly prepare and submit to the City ~~Planner~~**Manager a proposed form of** the notice and order required by this ~~ordinance~~**chapter**. The City ~~Planner~~Manager or his or her designee, shall review, approve or modify and execute the form of notice and order and, with assistance of the city attorney, shall determine the owner(s) of record of the real estate upon which the nuisance is located, and send the owner(s) a notice and order of ~~abatement, referred to in this chapter as the notice and order.~~condemnation to said party. In addition, the notice and order shall be given to the record lessee(s) or occupants, if any, and persons of record interest, (including by way of example and not limitation mortgagee, contract purchaser, agent with power of attorney, and any person claiming an interest in the property) and, by the initial posting of notice upon the dwelling or structure in question, to any occupants of that dwelling or structure. All such persons are referred to as the "interested parties" in this chapter.

~~(c) — Where the Enforcement Officer verifies the existence of a nuisance not involving an unsafe or unfit structure, the Enforcement Officer shall serve the notice and order upon the record owner of the premises reflected by the latest tax rolls and upon any occupant of the premises, if other than the owner.~~

~~(d) — Where the Enforcement Officer verifies the existence of a nuisance involving~~

~~public streets, rights of way or public thoroughfares, the Enforcement Officer shall serve a citation on the offender as provided in the City of Callaway Citation Ordinance.~~

Sec. 9.7-4. NOTICE AND ORDER OF ABATEMENT ENFORCEMENT OFFICER.

(a) ~~The notice and order of the Enforcement Officer may require the cutting of weeds or underbrush or the removal of rubbish or such other measures as are reasonably necessary to abate the nuisance.~~

(b) ~~The notice and order of the Enforcement Officer may require the vacation, repair, restoration or replacement demolition or removal of any unfit or unsafe dwelling or structure or of any part or parts thereof, including accessory building(s), or may order the repair, restoration or replacement of any part of same; provided, however, that if the inspector shall determine that the cost to repair, restore or replace any such dwelling or structure or part thereof, including accessory building(s) in compliance with all applicable building and life safety codes, no building or structure shall be subject to repair, restoration or replacement where the cost of repairing, restoring or replacing any part or parts thereof would exceed fifty percent (50%) of the value of such dwelling or structure or part thereof, including accessory building(s) (as determined by reference to the most recent, final ad valorem tax roll prepared by the Bay County Property Appraiser) after repair, restoration or replacement. he may only order the vacation and demolition and removal of the dwelling or structure.~~

(c) In addition, due to a variety of reasons, including but not limited to abandonment, neglect, inadequate property management, or obsolescence, the condition(s) constituting a danger or nuisance to the public cannot be made safe, the notice and order shall require the vacation of the dwelling or structure involved and order the demolition and removal of the dwelling or structure or any part or parts

thereof, including accessory building(s), contributing to the nuisance. Factors evidencing a determination that a property cannot be made safe may include, but not be limited to: a history of unsecured or un-securable, dangerous conditions; a history demonstrating the propertyowner's failure to exercise reasonable control over the property to keep it secure or safe; a history showing that the property has become an attractive nuisance to children or transients; a history showing a proliferation of criminal activity due to dilapidated conditions and lack of management and control over the premises; a history showing that notwithstanding the reasonable efforts of law enforcement or code enforcement personnel, or both, the property remains in a condition which is imminently dangerous to the public health, safety and welfare.

(d) A notice and order requiring the repair, restoration or replacement of any dwelling, structure or part or parts thereof, including accessory building(s), shall require that the work meet the standards specified by all applicable building and life safety codes.

(e)(e) The notice and order shall include: be in writing, signed by the City Manager or his or her designee, with a (1)The description of the nuisance and a location of the buildings and/or land involved either by street address or by legal description of the realty where it is located, including the street address, and shall state what the City orders to be done about the condition and the date within which the work ordered to be done is to be completed. The notice and order shall state that it may be appealed within thirty (30) days by written application to the City Manager. The notice and order shall describe the condition(s) found by the inspector to constitute a public nuisance pursuant to this chapter. If the notice and order requires demolition and removal of an unfit or unsafe dwelling or structure, or part or parts thereof, including an accessory building(s), it shall describe the condition(s) found by the inspector, upon consultation

with the City Attorney, to constitute such a public nuisance pursuant to this chapter as to make demolition reasonable. A notice and order requiring demolition and removal shall also state that interested parties may elect to abate the nuisance by repair, restoration or replacement of the subject unfit or unsafe dwelling or structure, or part or parts thereof, including accessory building(s).

~~(2)A statement providing an accurate description of the nuisance for which the notice is issued.~~

~~——(3)Specification of the section or sections of this chapter upon which the notice of violation is based.~~

~~——(4)If the nuisance does not involve an unsafe or unfit structure, a statement ordering what shall be done to abate the nuisance.~~

~~——(5)If the nuisance does involve an unfit or unsafe structure, a statement of the nature and extent of such repairs or alterations necessary to comply with this ordinance.~~

~~——(6)If the nuisance involves an unfit or unsafe structure and is of such a character that repairs or alterations cannot bring the building into compliance, a statement to this effect and an order of demolition of the building indicating fully the reason therefor.~~

~~——(7)If abatement of the nuisance or demotion of a structure is necessary for compliance, a specification of time for performing same shall be stated in the notice which shall not be less than ten (10) days nor more than ninety (90) days.~~

~~(8)The name or names of persons upon whom the notice is served as stated in section 3(a).~~

~~——(9)A statement advising that upon the owners failure to comply with the notice, the city may vacate, demolish, or remove or otherwise abate the nuisance in accordance with the order~~

~~stated in the notice, and at the expense of such performance by the city shall be charged against the real property and the assessment when made shall constitute a lien upon said property by the city.~~

~~(10) A statement advising of the procedures for review of the action of the Enforcement Officer as set out in section 10.~~

~~(d)~~(f) In the case of an unfit or unsafe dwelling or structure **or part or parts thereof, including accessory building(s)**, this notice and order shall require the owner **or** and other interested parties within thirty (30) days after service to obtain a permit and begin specified repairs or improvements, or begin to demolish and remove the dwelling or structure or portion thereof. This work shall be completed within sixty (60) days from the date of the permit for repair or demolition. Any demolition permit necessary as a result of any **notice and order** ~~condemnation~~ herein shall not require a fee.

~~(e)~~(g) Except as otherwise provided in this **chapter** ~~ordinance~~ for unsafe or unfit dwellings or structures the **City Manager shall** ~~inspector may~~ order such work to be completed within such time as he determines to be reasonable considering the nature of the nuisance, the danger to the public and the amount of work involved to abate the nuisance.

~~(f)~~(h) When the county health officer or licensed pest control operator verifies the existence of a rodent infestation in any dwelling or structure that is to be demolished and removed, in order to preclude the migration of rodents, the notice and order ~~of the inspector~~ shall require that effective rodent extermination methods be employed by a licensed structural pest control operator prior to demolition. Extermination techniques shall include ectoparasite control measures.

**(i) An order to vacate, demolish and remove an unfit or unsafe dwelling or**

structure or any part or parts thereof, including accessory building(s), shall not preclude the immediate repair, restoration or replacement thereof by an interested party entitled to effect such work (herein collectively an applicant).In order to make the election available in this subsection and avoid the demolition and removal, within thirty (30) days after service of the notice and order of demolition, the applicant must submit a competent application for all or a material portion of the work needed to abate the nuisance and in good faith commence and diligently and continuously pursue all the work through completion. The work must meet the standards specified by all applicable building and life safety codes. In the event that the initial permit application does not cover all the work, the application must be accompanied by a description of the remainder of the work to be done and include a schedule of all the work with milestones reasonable and customary in the construction industry.The City Manager shall either accept or reject the application as covering a material portion of the work, the overall work described as sufficient to abate the nuisance and the schedule of work/milestones as reasonable.Should the City Manager find that the initial application does not cover a material portion of the work, that the overall work described is insufficient to abate the nuisance, or that the schedule of work/milestones is not reasonable, he or she shall advise the applicant who shall have ten (10) days to correct the deficiency in writing or appeal in writing to the City Commission which shall hear the matter at its next regular or special meeting.The only issues before the City Commission shall be whether to accept or reject the matter(s) rejected by the City Manager.The City Commission may not amend the application, description of work or schedule without the written consent of the applicant.The appeal shall be conducted as a quasi-judicial, de novo hearing pursuant the city's Land Development Code, except that only the applicant and the City Manager, or their respective designees, shall be

entitled to present evidence.No other persons shall be considered adversely affected persons.Public comment, but only as commentary, shall be permitted.The applicant shall bear the burden of proof.If the applicant's position is accepted then the applicant shall be required to immediately commence and diligently and continuously pursue the work to abate the nuisance strictly in accord with the schedule upon penalty of demolition as provided in Section 9.7-7(b).If the applicant's position is not affirmed, the applicant shall have thirty (30) days after entry of the City Commission's order to comply with the initial notice and order of demolition and removal, and no permit to repair, restore or replace shall be issued.

Sec. 9.7-5. SERVICE OF NOTICE AND ORDER.

It shall be the duty of the ~~Enforcement Officer~~City Manager or his or her designee to see to it that the required notice and order is delivered to the interested parties by personal delivery of copy thereof to the party to be notified, or by leaving such copy at his usual place of abode with some person of the family above fifteen (15) years of age and informing such person of the contents thereof, or by either registered or certified United States mail with return receipt requested, ~~or, if~~If the name of ~~any such~~the party to be notified or his place of residence or his post office address cannot be ascertained after diligent search, or in the event a notice and order sent by either registered or certified mail shall be returned undelivered ~~and the person to be notified is not residing within the city,~~ notice shall be made by publishing a copy thereof once a week for two (2) consecutive weeks in a newspaper of general circulation within the city. A copy of such notice and order shall be posted in a conspicuous place at ~~City Hall and~~ upon such dwelling or structure in question, in a conspicuous place at City Hall, and upon the City website. The subsequent removal or illegibility of the notice and order posted upon the dwelling or structure shall not render the posting invalid. ~~However, if the violation is related to a~~

~~nuisance in a public street, right of way or public thoroughfare, the Enforcement Officer shall provide service on the offender.~~

**Sec. 9.7-6. EXTENSION OF TIME TO COMPLY.**

(a) In the case of an unfit or unsafe building or structure if the interested parties shall have obtained a building or demolition permit within the thirty (30) day period and in good faith and in due time begun work to comply with the order **and diligently pursue the work**, but it appears that they will not be able to complete the work by the date ordered, they may file a written request **with the City Commission** stating the reasons they have been unable to complete compliance, ~~and if~~ **reasonable grounds** are shown therefor, the **City Commission** ~~city clerk~~ is authorized to issue an amended order authorizing an extension of time, not to exceed sixty (60) days, in which to complete compliance with the original **notice and order**. **The City Commission shall consider the request at its next regular or a special meeting, give the requesting party an opportunity to be heard, and grant the request only for good cause shown.**

(b) In the case of a nuisance which is not an unfit or unsafe dwelling or structure the ~~Enforcement Officer~~ **City Manager or his or her designee** may grant extensions of up to sixty (60) days to abate the nuisance as are reasonably necessary under the circumstances upon written request from the interested parties stating the reasons they have been unable to complete compliance and showing reasonable grounds for such failure to complete compliance.

(c) Violations of this ordinance which constitute a nuisance in a related to public streets, rights-of-way and public thoroughfares shall be abated immediately.

(d) **Should the interested parties, through no fault of their own, be unable to complete compliance by the date ordered in the original notice and order nor by any extension date granted pursuant to this section, the** ~~The~~ City Commission, in exceptional

cases, upon written request, may extend the completion date of the Enforcement Officer as merited by special hardship, unusual difficulty, or uniqueness of the situation; however, in no event shall the completion date extend beyond a maximum period of one hundred eighty (180) days.

Sec. 9.7-7. CITY ACTION ON FAILURE TO COMPLY.

(a) If the interested party(s) shall fail to comply with an order made pursuant to the provisions of this chapter within the time therein fixed or extended, the City, acting through the City Manager, is authorized to abate the nuisance in accordance with the notice and order, either with City forces or by independent contractor(s) selected through the City's procurement process.

(b) If the interested party(s) respecting an unfit or unsafe dwelling or structure or any part or parts thereof, including accessory building(s) which are the subject or an order to demolish and remove shall timely elect to repair, restoration or replacement as provided in this chapter but fail to timely obtain the required permits, or fail to timely commence and continuously and diligently pursue the work, the City, acting through the City Manager, is authorized to effect the ordered demolition and removal (including work in progress if work has been commenced) either with City forces or by independent contractor(s) selected through the City's procurement process.

(c) In the event of any failure to comply specified in this section or under this chapter, the City Manager and the City Attorney are authorized to commence on behalf of the City an action in circuit court against the interested party(s) to determine the validity of this chapter on its face and as applied, to require the interested party(s) to comply with the notice and order and, in the absence of compliance within a time specified by the court, to authorize the City to abate the nuisance as specified in the notice and order or as pleases the court, and to determine the amount and validity of the

lien or assessment to be imposed or levied against the subject property to pay the cost of abatement. In the event the City Commission shall by resolution determine to borrow the funds required to pay the cost of abatement and to pledge the proceeds of the lien or assessment to repay the loan, the City Manager and City Attorney are authorized to seek on behalf of the City pursuant to Chapter 75, Florida Statutes, validation of the City's authority to incur the debt, issue the certificates or bonds evidencing the debt and the legality of all the proceedings in connection therewith. In the event validation proceedings are commenced, the City Manager is directed to serve upon the interested parties notice of their right to intervene in those proceedings.

~~(a) — If the owner or other parties in interest fail to repair, restore or replace such parts of the dwelling or structure within the time permitted by the notice and order of the Enforcement Officer, and in the absence of extenuating circumstances as would justify an extension of the time period therefor, the city clerk may order a vacation of the premises until compliance or a demolition of the structure.~~

~~— (b) — In the event that the owner or other parties in interest shall fail to comply with an order made pursuant to the provisions of this ordinance within the time therein fixed, the City, acting through the Director of Public Works, is authorized to vacate, demolish or remove or otherwise abate the nuisance in accordance with such order, either with City forces or by independent contractor submitting the lowest and best bid.~~

**Sec. 9.7-8. ASSESSMENT OF COST OF ABATEMENT; LIEN.**

(a) Upon expiration of the thirty (30) day appeal period with no appeal having been taken, the City ~~Planner~~**Manager**, after proceeding under this ~~ordinance~~**chapter**, shall as often as may be convenient report the action taken toward abatement of the nuisance by the City and the ~~City~~**Commission** shall assess the entire cost of such action against the real property, which assessment, when made shall constitute a lien upon said property in

favor of by the City. The lien of the City shall encompass ~~in addition to the abatement costs~~ of determining the nuisance, effecting for the vacation, securing the property, removing or abating the nuisance, demolishing and removing the dwelling or structure and accessory building(s) when applicable, ~~or removal of the facility~~ all administrative, legal, postal and publication expenses, as well as rodent extermination when employed, and the fees of independent experts offering opinions, reports or testimony concerning the nuisance or abatement, as well as all other direct or indirect costs associated therewith. All such costs and expenses are collectively referred to as the abatement cost. To the extent permitted by law, the The lien upon the property for the abatement cost shall be superior to the interests of all others receiving notice and an opportunity to administratively appeal the notice and order, except taxes.

(b) The City ~~Planner~~ Clerk shall record a notice and claim of ~~file such~~ lien in the County's Official Record Book showing the nature of such lien, the amount thereof, and an ~~accurate~~ legal description of the property, including the street address, and ~~which~~ lien shall date from the date of filing and recite the names of all interested parties known to the City ~~persons notified or interested parties.~~ Such municipal lien shall bear interest from said date at the rate of ten per cent (10%) per annum ~~for individuals and fifteen per cent (15%) for corporation owners~~ and shall be enforceable by foreclosure against the property if unsatisfied after the expiration of three months ~~two (2) years~~ from the date of ~~filing~~ recording the notice and claim ~~of such notice of lien,~~ or enforceable as other liens may be enforced by the City. ~~All such recorded liens shall be included in a municipal tax deed sale and no such deed shall be issued by the City Clerk unless full payment of principal and interest is received.~~ Upon notice of an impending county tax deed sale, the ~~City Planner~~ tax collector shall request the Clerk of the Circuit Court to collect all monies due the City, including such municipal lien with interest.

(c) In addition, the City may collect the abatement cost through the additional and alternative method of levying a special assessment, sometimes called a non-ad valorem assessment, upon the subject property benefitted by the abatement. Collection shall be through the methods authorized by Ordinance No. 876, or any amending or succeeding ordinance, and shall include without limitation the method of collection specified in sections 197.3632 and 197.3635, Florida Statutes, or any amending or succeeding statute. It is the legislative intend of this chapter to authorize the collection of abatement costs by assessment placed on the same bill as ad valorem taxes pursuant to applicable statutes and regulations promulgated thereunder. In the event this additional and alternative method of collection is used, the abatement cost shall include the fees incurred by the City for legal counsel, independent experts offering opinions, reports or testimony concerning the abatement benefit to the subject property or any other matters related or useful to the levy. This method of collection is cumulative to any other method of collection available to the City at law or equity.

Sec. 9.7-9. APPEALS GENERALLY.

(a) Any interested party may appeal to the City Commission the interpretation or application of the code section, ordinance, statute, regulation or common law principle on which the notice and order decision of the ~~Enforcement Officer or City Planner~~Manager to the City Commission upon the ~~by~~ by filing with the City Clerk, within thirty (30) days after service of the ~~Enforcement Officer or City Planner's~~Manager's notice and order, ~~of an application to the building official,~~ setting forth the grounds for the appeal. Upon receipt of the notice of appeal, the City ~~Planner~~Clerk shall forthwith transmit a copy of the notice of appeal, together with all related documents of the Enforcement Officer's his department, to the City Commission. Within ten (10) days after the filing of notice of appeal, the City ~~Commission~~Clerk shall schedule a date for the

hearing thereof and give notice of the date for the hearing to the interested parties, in a manner as would afford them not less than ten (10) days' notice. Under no circumstances shall the ~~Commission~~Clerk establish a hearing date beyond sixty (60) days from the filing of the notice of appeal.

~~(b) All appeals proceedings shall be public and notice thereof published in a newspaper of general circulation within the city at least ten (10) days prior to the date of the hearing. The findings of the commission shall be encompassed in a resolution stating with particularity the grounds for the decision.~~

(e) All interested parties shall have thirty (30) days within which to comply with the resolution of the Commission.

~~(d)~~(c) Nuisances related to public streets, rights-of-way and public thoroughfares shall be abated immediately. However, offenders shall have the right to appeal decision of abatement to the City Commission for determination of whether the conduct constituted a nuisance. If there is a determination that such conduct did not constitute a nuisance, then any fines or penalties assessed against the alleged offender shall be forfeited by the City.

#### **Sec. 9.7-10. FINAL APPEAL TO CIRCUIT COURT.**

An interested party, having exhausted his administrative remedies before the Ceity~~Ce~~ommission, may appeal to the circuit court the decision of the Ceommission in like manner of appeals from county courts.

#### **Sec. 9.7-11. APPEARANCE BY COUNSEL; WITNESSES SWORN.**

Any interested party appearing before the Ceity~~Ce~~ommission may appear in person, by counsel, or by an agent possessing power of attorney provided the agency's instrument appears in the county's official record book, but may not appear through any person otherwise a stranger to the record. All witnesses appearing before the Ceity~~Ce~~ommission in proceedings under this chapter shall be sworn by the mayor or in

his absence, by the person acting in his stead, except counsel representing a client.

**Sec. 9.7-12. DUTIES OF OTHER DEPARTMENT.**

(a) Members of the fire department, law enforcement, and public works department shall make written reports to the Enforcement Officer, of all dwellings or structures which appear to be substandard housing within the terms of this ordinance. Such reports shall be submitted to the Enforcement Officer as soon as practicable.

(b) In carrying out his responsibilities hereunder, the Enforcement Officer may request assistance from a health officer, to determine violations of municipal ordinances, or state law, and rules and regulations of a health officer.

**Sec. 9.7-13. ENTRY POWERS.**

The Enforcement Officers and his designees are hereby authorized to enter upon private property in order to enforce the provisions of this ordinance. When necessary to obtain such entry, the Enforcement Officer and his designees may institute proceedings to obtain a search warrant.

**Sec. 9.7-14. ALTERNATIVE METHOD.**

**This chapter shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby, including without limitation the levy of assessments, sometimes called non-ad valorem assessments, and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing or which may hereafter come into existence. This chapter, being necessary for the health, safety, and welfare of the inhabitants of the City, shall be liberally construed to effect the purposes hereof.**

**Section 2. REPEALER.**

Ordinance 508 and all ordinances in conflict or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

Section 3. **SEVERABILITY.**

In the event that any portion of this Ordinance shall be determined to be unconstitutional or invalid for any reason, the remaining provision shall remain in full force and effect.

Section 4. **EFFECTIVE DATE.**

This Ordinance shall take effect upon passage.

**PASSED, APPROVED AND ADOPTED** this day of \_\_\_\_\_, 20.

CITY OF CALLAWAY, FLORIDA

\_\_\_\_\_  
Thomas W. Abbott, Mayor

ATTEST:

\_\_\_\_\_  
Sandra B. Hirth, City Clerk

**City of Callaway Board of Commissioners  
Agenda Item Summary**

January 13, 2015

First Reading of Ordinance No. 951 – Keeping of Livestock and Fowl

<p><b>1. PLACED ON AGENDA BY:</b></p> <p>J. Michael Fuller, City Manager</p>	<p><b>2. AGENDA:</b></p> <p>PRESENTATION <input type="checkbox"/></p> <p>PUBLIC HEARING <input type="checkbox"/></p> <p>CONSENT <input type="checkbox"/></p> <p>REGULAR <input checked="" type="checkbox"/></p>
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**3. IS THIS ITEM BUDGETED (IF APPLICABLE)?:** YES  NO

N/A

**4. BACKGROUND: (WHY, WHAT, WHO, WHERE, WHEN, HOW, & IDENTIFY ALL ATTACHMENTS)**

Recently, the Commission has discussed the existing city code regarding livestock and fowl, and determined that it should be amended for clarity and to help improve community relations. Ordinance No. 951 amends Chapter 4, Article I of the Callaway Code Ordinances prohibits livestock and fowl within the City, unless exempt by certain conditions outlined in the code. These conditions state a person may have up to six (6) chickens if not restricted by private covenants on the property and secured within a neat and clean yard or pen. Owners of the chickens must register each chicken and pay a registration fee of \$5.00 per chicken. Ordinance No. 951 prohibits roosters within the City.

This is the first reading of the ordinance.

Attachments

- Ordinance No. 951

**5. REQUESTED MOTION/ACTION:**

Staff recommends that the Commission approve the first reading of Ordinance No. 951 and schedule a public hearing for January 27, 2015.

ORDINANCE NO. 951

AN ORDINANCE OF THE CITY OF CALLAWAY, FLORIDA, PROHIBITING THE KEEPING OF LIVESTOCK OR FOWL WITHIN THE CITY; PROVIDING AN EXCEPTION FOR KEEPING CHICKENS UNDER CERTAIN CONDITIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING AND AMENDING DEFINITIONS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, the City desires to clearly establish regulations and restrictions within the City for the keeping of livestock or fowl;

WHEREAS, such restrictions shall improve community relations and protect the health and welfare of the citizens and their property;

NOW THEREFORE, BE IT HEREBY ENACTED BY THE PEOPLE OF THE CITY OF CALLAWAY, FLORIDA THAT:

SECTION ONE. Chapter 4, Article I of the Callaway Code of Ordinances ("Code") is hereby amended to read as follows (deleted text, ~~stricken~~; new text, **double underlined and bold**; comments [*bracketed and italicized*]):

ARTICLE I. IN GENERAL

Sec. 4-1. Definitions.

[*The following definitions shall be added:*]

**Fowl means chickens, geese, ducks, turkeys, and other domesticated barnyard**

**fowl.**

**Livestock means cattle, hogs, goats, horses, mules, sheep and other domesticated barnyard animals.**

[The following definitions shall be amended to read as follows:]

**Pets shall mean any animal owned, harbored or kept for pleasure means an animal, including, but not limited to a dog, a domestic cat, a rodent such as a guinea pig, a hamster, a gerbil, a domestic rat, or a domestic mouse, a domesticated but not a wild ferret, a lagomorph such as a rabbit, a fish, or a reptile, kept as subordinate to residential use for the purpose of providing human companionship. Fowl, livestock, hoofed animals of any type, predatory animals such as lions, tigers, ocelots, pumas, and the like, or any animals of a type which are normally raised to provide food for people shall not be considered pets. For the sake of protecting the public's health and safety, wolf hybrids and raccoons, bats, foxes, skunks, and other known, or potential rabies vectors which cannot be immunized against rabies, shall not be allowed as pets under this section and shall not be kept, sold, traded, or given as pets by any pet shop or by any citizen.**

[All other definitions in this section remain unchanged.]

[Sections 4-2 through 4-7 remain unchanged.]

**Section 4-8. Keeping livestock or fowl.**

(a) ~~The term "livestock" as used in this section shall mean cattle, hogs, goats, horses, mules, sheep and other domesticated barnyard animals. The term "fowl" as used in this section shall mean chickens, geese, ducks, turkeys, and other domesticated barnyard~~

fowl.

~~(b) — No person shall keep any livestock within the city limits except that a permit may be issued for a zoological park, stable, kennel, circus or other performing animal exhibition with the approval of the city clerk or his designee.~~

~~(c) — It shall be unlawful to keep any fowl within the city limits without first obtaining the written permission of the owners or occupants of all property abutting the premises on which such fowl are to be kept and without further obtaining the written permission of the city clerk or his designee.~~

~~(d) — Any livestock or fowl kept within the city limits without the permission or permit required by subsection (b) or (c) shall be subject to impoundment.~~

~~(e) — In the event that anyone shall procure permission to keep fowl within the city limits or shall otherwise obtain a permit for the keeping of other animals, such fowl or animals shall be kept in a pen, yard or place which shall comply with sanitary conditions required by the state department of health, or the county health unit.~~

**It shall be unlawful to have, own, keep, or maintain any livestock or fowl within the city, except as provided in this chapter.**

**(a) Notwithstanding the above, up to six chickens per parcel may be owned, kept, possessed, or maintained within the city, provided that:**

**(1) The property does not contain private covenants or other restrictions prohibiting livestock or chickens on such property;**

**(2) All chickens are securely fenced and confined to the parcel of the owner or occupant and coops and runways are kept clean and free from offensive**

odors. The pen, yard, place, or sty used shall conform to all regulations as to sanitary conditions that the state, county health department, or the City shall require.

(3) The owner of the chickens registers each chicken with the city and pays a registration fee of \$5.00 per chicken.

(b) Roosters prohibited. It shall be unlawful to have, own, keep, or maintain any roosters within the city.

(c) Penalties. Any chickens kept within the city in violation of this chapter shall be subject to impoundment. Any person who violates this chapter shall be subject to the general penalty as set forth in section 1-12 of this Code. Any parcel of real property that does not comply with the requirements of this chapter shall be considered a nuisance under Chapter 9.7 of this Code and subject to all relief therein, including the provisions that allow the city to seek immediate relief as otherwise provided by law.

[Sections 4-9 through 4-18 and any other language in Chapter 4 remain unchanged.]

SECTION TWO. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION THREE. The appropriate officers and agents of the city are authorized and directed to codify, include and publish the provisions of this Ordinance within the Callaway Code of Ordinances, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the

matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION FOUR. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED, AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2015.

CITY OF CALLAWAY, FLORIDA

BY: \_\_\_\_\_  
Thomas W. Abbott,  
Mayor

ATTEST:

\_\_\_\_\_  
Sandra B. Hirth,  
City Clerk

**City of Callaway Board of Commissioners  
Agenda Item Summary**

January 13, 2015

First Reading of Ordinance No. 952 – Dissolving the Bridge Harbor Community Development District (CDD)

**1. PLACED ON AGENDA BY:**

J. Michael Fuller, City Manager

**2. AGENDA:**

PRESENTATION	<input type="checkbox"/>
PUBLIC HEARING	<input type="checkbox"/>
CONSENT	<input type="checkbox"/>
REGULAR	<input checked="" type="checkbox"/>

**3. IS THIS ITEM BUDGETED (IF APPLICABLE)?:** YES  NO

N/A

**4. BACKGROUND: (WHY, WHAT, WHO, WHERE, WHEN, HOW, & IDENTIFY ALL ATTACHMENTS)**

In 2007, the Bridge Harbor Investment Company, LLC filed a petition with the City of Callaway to establish a community development district pursuant to Chapter 190, F.S. Ordinance No. 847 was adopted by the Commission creating the Bridge Harbor Community Development District (CDD).

On January 6, 2015, Mr. Bob Hughes and Mr. Paul Blay filed a petition with the City on behalf of the Bridge Harbor Community Development District. This petition requests that the City Commission adopt an ordinance dissolving the CDD in accordance with Section 190.046(9), F.S. The CDD has no outstanding financial obligations, and no operating or maintenance responsibilities.

Enclosed is Ordinance No. 952 granting the petition and dissolving the Bridge Harbor CDD. This is the first reading.

Attachments

- Ordinance No. 952
- Petition to Dissolve

**5. REQUESTED MOTION/ACTION:**

Staff recommends that the Commission approve the first reading of Ordinance No. 952 and schedule a public hearing for January 27, 2015.

**ORDINANCE NO. 952**

**AN ORDINANCE OF THE CITY OF CALLAWAY, FLORIDA, GRANTING BRIDGE HARBOR COMMUNITY DEVELOPMENT DISTRICT'S PETITION TO DISSOLVE; DISSOLVING THE DISTRICT; REPEALING ORDINANCE NO. 847 AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.**

WHEREAS, in 2007, Bridge Harbor Investment Company, LLC, filed a petition with the City Commission pursuant Chapter 190, Florida Statutes, to establish a community development district; and

WHEREAS, the City Commission conducted a public hearing on August 14, 2007, and, after having considered the petition and record of the hearing, adopted Ordinance No. 847 creating the Bridge Harbor Community Development District; and

WHEREAS, in or around December 2014, the Bridge Harbor Community Development District filed a petition with the City Commission to dissolve the District in accordance with Section 190.046(9), Florida Statutes, as the District has no outstanding financial obligations and no operating or maintenance responsibilities; and

WHEREAS, the City Commission, having reviewed and considered the petition to dissolve, a resolution of the District's Board of Supervisors, and applicable law, hereby grants the petition to dissolve the District with the adoption of this Ordinance.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF  
CALLAWAY, FLORIDA:

SECTION 1. Pursuant to Section 190.046(9), Florida Statutes, the City Commission of the City of Callaway grants the Petition to Dissolve Bridge Harbor Community Development District, attached hereto and incorporated herein as Exhibit A, and the District is hereby dissolved.

SECTION 2. Ordinance No. 847 and all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 3. This ordinance shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Commission of the City of Callaway, Florida, this \_\_\_\_ of January, 2015.

**CITY OF CALLAWAY, FLORIDA**

\_\_\_\_\_  
Thomas W. Abbott, Mayor

ATTEST:

\_\_\_\_\_  
Sandra B. Hirth, City Clerk

**BEFORE THE BOARD OF THE CITY COMMISSIONERS OF THE CITY OF  
CALLAWAY, FLORIDA**

**PETITION TO DISSOLVE BRIDGE HARBOR COMMUNITY DEVELOPMENT  
DISTRICT**

Petitioner, Bridge Harbor Community Development District, a community development district established by Ordinance Number 847 by the City Commission of the City of Callaway on August 14, 2007 pursuant to the "Uniform Community Development District Act of 1980," Chapter 190 of Florida Statutes, (hereinafter "Petitioner") hereby petitions the Board of the City Commissioners of the City of Callaway to dissolve the established Bridge Harbor Community Development District (hereinafter "CDD" or "District"). In support of this petition, Petitioner states:

1. Establishment. The District was established by Ordinance Number 847 by the Code of Ordinances of the City of Callaway, Florida, effective August 14, 2007 pursuant to the "Uniform Community Development District Act of 1980," Chapter 190 of Florida Statutes. The District is approximately 157 acres in size and is located entirely within the City of Callaway, Florida. A location map and a metes and bounds description are attached as **Exhibit 1**.

2. Authority. Section 190.046(9) of the Florida Statutes provides that:

"If a district has no outstanding financial obligations and no operating or maintenance responsibilities, upon the petition of the district, the district may be dissolved by a nonemergency ordinance of the general-purpose local governmental entity that established the district or, if the district was established by rule of the Florida Land and Water Adjudicatory Commission, the district may be dissolved by repeal of such rule of the commission."

3. Here, the District does not presently have any outstanding financial obligations and does not have any operating or maintenance responsibilities. For example, the District does not presently own any real property or infrastructure improvements; the District has never issued bonds, notes or other debt instruments; and the District has never levied debt service special

assessments against the assessable real property located within the District. Further, as an organizational matter, the District does not anticipate providing any future planned community development district services or improvements, or providing any financing for the same.

4. Instead, any remaining expenses associated with the this dissolution or the continued administrative operation of the District during the pendency of this dissolution are being funded under an agreement between the District and HCI Bridge Harbor, LLC (“Developer”), the majority landowner within the District. As such, all outstanding obligations have been paid.

5. Accordingly, on December 3rd, 2014, the District’s Board of Supervisors, during a duly noticed public meeting, adopted Resolution 2015-01, which among other things authorized a Plan of Dissolution that allows for the orderly dissolution of the District, and which directed the District Manager and the District Counsel to submit Resolution 2015-01 and this petition to the Board of City Commissioners. A copy of the notice of the December 3rd, 2014 public meeting, together with a copy of the draft minutes from the public meeting, is attached hereto as **Exhibit 2**, and a copy of Resolution 2015-01 is attached hereto as **Exhibit 3** with the Plan of Dissolution attached as **Exhibit A** to Resolution 2015-01.

6. As part of Resolution 2015-01, the District’s Board of Supervisors determined that it is in the best interest of the District and the owners of the lands located within the District that the District be dissolved. The Board further found that any future planned community development services to be provided to the lands within the District may be provided by and through the Developer, a community association or other means in a manner as efficiently as the District; at a level of quality equal to the level of quality to be delivered to the users of those services by the District; and at an annual cost that would be equal to or lower than the annual assessment amount that could be levied by the District. Additionally, the dissolution of the District will have no

negative or adverse impacts on any landowners within the District, or any third parties. Petitioner has obtained written consent of the owners of one hundred percent (100%) of the real property located within the District, as evidenced by **Exhibit 4** attached hereto. The proposed ordinance dissolving the District will not have an adverse impact on small business, and is not likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in this state within one (1) year after the implementation of the ordinance.

7. Supervisors. The current members of the District's Board of Supervisor's are:

- a. Mike Harper  
735 W. 11<sup>th</sup> Street  
Panama City, FL 32401
- b. Michael Hunnicut  
8317 Front Beach Road, Suite #28  
Panama City Beach, FL 32407
- c. Sean Peluso  
643 16<sup>th</sup> Street  
Panama City Beach, FL 32413
- d. Craig Thurmond  
PO Box 15007  
Panama City, FL 34206
- e. Vacant Seat

Each of the above named supervisors will continue to serve until such time as the District is dissolved by Ordinance of the Board of City Commissioners of the City of Callaway or until any successors may be elected or appointed.

8. Official District Records. Upon adoption of the ordinance dissolving the District, the District will cause all official records of the District to be transferred to the Florida Secretary of State in accordance with Florida public record laws.

9. Notice of Dissolution. Upon adoption of the ordinance dissolving the District, the District

will cause notice of adoption of said ordinance to be transmitted to the Florida Department of Economic Opportunity, and will further cause to be recorded in the Official Records of the City of Callaway, Florida, a Notice of Dissolution.

10. District's Representatives. Pursuant to Resolution 2015-01 of the District, Barron & Redding, P.A. has been authorized to represent the District with respect to this Petition. Copies of all correspondence and official notices should be sent to:

J. Robert Hughes, Esq. and  
Paul A. Blay, Esq.  
Barron & Redding, P.A.  
220 McKenzie Ave.  
Panama City, Florida 32401

WHEREFORE, because the District has no outstanding financial obligations and no operating or maintenance responsibilities and accordingly has met the requirements for dissolution as provided in Section 190.046(9), *Florida Statutes* (2014), and for the other reasons herein stated, Petitioner respectfully requests the Board of City Commissioners of the City of Callaway, Florida to:

- a. Consider this Petition and provide for notice of proposed ordinance to dissolve the District and schedule a public hearing thereon, if requested, in accordance with the requirements of chapter 120, Florida Statutes;
- b. Grant the petition and adopt the ordinance dissolving the District pursuant to Section 190.046(9), Florida Statutes; and
- c. Grant other such relief as appropriate.

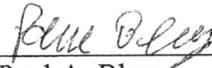
REPECTFULLY SUBMITTED, this 6<sup>th</sup> day of January 2015.

BARRON & REDDING, P.A.



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J. Robert Hughes  
Fla. Bar #111806  
P. O. Box 2467  
Panama City, Florida 32402  
Phone: (850) 785-7454  
Fax: (850) 785-2999  
Primary: [jhughes@barronredding.com](mailto:jhughes@barronredding.com)  
Secondary: [bcowart@barronredding.com](mailto:bcowart@barronredding.com)  
Secondary: [eservice@barronredding.com](mailto:eservice@barronredding.com)



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Paul A. Blay  
Fla. Bar #112838  
P. O. Box 2467  
Panama City, Florida 32402  
Phone: (850) 785-7454  
Fax: (850) 785-2999  
Primary: [jhughes@barronredding.com](mailto:jhughes@barronredding.com)  
Secondary: [bcowart@barronredding.com](mailto:bcowart@barronredding.com)  
Secondary: [eservice@barronredding.com](mailto:eservice@barronredding.com)  
ATTORNEYS FOR PLAINTIFF

**Exhibit 1**



**DESCRIPTION:** COMMENCE AT THE NORTHWEST CORNER OF SECTION 20, TOWNSHIP 4 SOUTH, RANGE 13 WEST, BAY COUNTY, FLORIDA. THENCE SOUTH 89 DEGREES 01 MINUTE 55 SECONDS EAST ALONG THE NORTH LINE OF SAID SECTION 20 FOR 2532.74 FEET TO THE MOST WESTERLY CORNER OF THE PARCEL DESCRIBED IN BAY COUNTY OFFICIAL RECORDS BOOK 974, PAGE 1051; THENCE SOUTH 44 DEGREES 01 MINUTE 55 SECONDS EAST ALONG THE WESTERLY LINE OF SAID PARCEL FOR 53.63 FEET TO THE INTERSECTION OF SAID WESTERLY LINE WITH THE SOUTHERLY LINE OF BOATRACE ROAD; THENCE NORTH 89 DEGREES 29 MINUTES 18 SECONDS WEST ALONG SAID SOUTHERLY LINE OF BOATRACE ROAD FOR 28.06 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 44 DEGREES 01 MINUTE 55 SECONDS EAST PARALLEL WITH SAID WESTERLY LINE FOR 598.48 FEET; THENCE SOUTH 57 DEGREES 19 MINUTES 33 SECONDS WEST FOR 317.00 FEET; THENCE SOUTH 32 DEGREES 40 MINUTES 27 SECONDS EAST FOR 442.95 FEET; THENCE SOUTH 64 DEGREES 47 MINUTES 19 SECONDS WEST FOR 344.63 FEET; THENCE NORTH 40 DEGREES 44 MINUTES 08 SECONDS WEST FOR 112.68 FEET; THENCE SOUTH 65 DEGREES 37 MINUTES 46 SECONDS WEST FOR 439.35 FEET; THENCE SOUTH 38 DEGREES 09 MINUTES 45 SECONDS EAST FOR 543.72 FEET; THENCE NORTH 51 DEGREES 50 MINUTES 15 SECONDS EAST FOR 380 FEET, MORE OR LESS, TO THE EDGE OF CALLAWAY BAYOU; THENCE SOUTHWESTERLY, SOUTHEASTERLY, NORTHEASTERLY AND SOUTHWESTERLY ALONG THE EDGE OF SAID BAYOU FOR 1664 FEET, MORE OR LESS, TO THE SOUTH LINE OF GOVERNMENT LOT 2, SAID SECTION 20; THENCE NORTH 89 DEGREES 02 MINUTES 26 SECONDS WEST ALONG SAID SOUTH LINE FOR 30.02 FEET, MORE OR LESS, TO THE EASTERLY EDGE OF A TRIBUTARY OF CALLAWAY BAYOU; THENCE NORTHERLY, WESTERLY AND SOUTHERLY ALONG THE EDGE OF SAID TRIBUTARY FOR 848 FEET, MORE OR LESS, TO SAID SOUTH LINE OF GOVERNMENT LOT 2; THENCE NORTH 89 DEGREES 02 MINUTES 26 SECONDS WEST ALONG SAID SOUTH LINE FOR 330.80 FEET, MORE OR LESS, TO THE EASTERLY EDGE OF A TRIBUTARY OF CALLAWAY BAYOU; THENCE NORTHERLY, WESTERLY AND SOUTHERLY ALONG THE EDGE OF SAID TRIBUTARY FOR 525 FEET, MORE OR LESS, TO SAID SOUTH LINE OF GOVERNMENT LOT 2; THENCE NORTH 89 DEGREES 02 MINUTES 26 SECONDS WEST ALONG SAID SOUTH LINE FOR 1569.94 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF THE PARCEL DESCRIBED IN BAY COUNTY OFFICIAL RECORDS BOOK 828, PAGE 15; THENCE NORTH 00 DEGREES 02 MINUTES 20 SECONDS EAST ALONG THE EAST LINE OF SAID PARCEL FOR 50.00 FEET; THENCE NORTH 89 DEGREES 02 MINUTES 26 SECONDS WEST ALONG THE NORTH LINE OF SAID PARCEL FOR 50.00 FEET TO THE EAST RIGHT OF WAY LINE OF BERTHA AVENUE (60-FOOT RIGHT OF WAY); THENCE NORTH 00 DEGREES 02 MINUTES 20 SECONDS EAST ALONG SAID EAST RIGHT OF WAY LINE FOR 2531.74 FEET TO THE SOUTH LINE OF BOATRACE ROAD; THENCE SOUTH 89 DEGREES 32 MINUTES 58

**LEGAL DESCRIPTION**

**BRIDGE HARBOR**

CALLAWAY, FLORIDA

**BUCHANAN & HARPER, INC.**  
 Engineering ~ Planning ~ Surveying  
 735 W. 11th Street ~ Panama City, FL 32401  
 Ph: (850) 763-7427 ~ Fax: (850) 784-2120

Scale: 1"=500'  
 Job No.:9217  
 Date: 6/23/06  
 Exhibit 10

# **Exhibit 2**

# Halifax Media Group

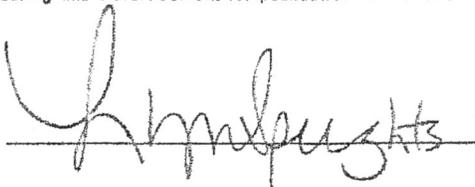
PUBLISHERS OF THE NEWS HERALD  
Panama City, Bay County, Florida  
Published Daily

## State of Florida County of Bay

Before the undersigned authority appeared Lynda Speights, who on oath says that she is Legal Advertising Representative of The News Herald, a daily newspaper published at Panama City, in Bay County, Florida, that the attached copy of advertisement, being a Legal Advertisement # 34503 in the matter of **NOTICE OF SPECIAL MEETING- Board of Supervisors in the Bay County Court**, was published in said newspaper in the issue of

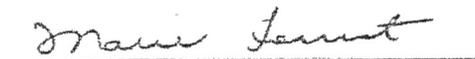
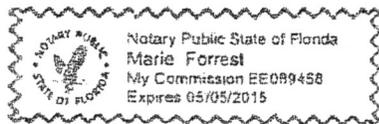
**November 14, 2014.**

Affiant further says that The News Herald is a direct successor of the Panama City News and that this publication, together with its direct predecessor, has been continuously published in said Bay County, Florida, each day (except that the predecessor, Panama City News, was not published on Sundays), and that this publication together with its said predecessor, has been entered as periodicals matter at the post office in Panama City, in said Bay County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper



State of Florida  
County of Bay

Sworn and subscribed before me this 14th day of November, A. D., 2014, by Lynda Speights, Legal Advertising Representative of The News Herald, who is personally known to me or has produced N/A as identification.

  
Notary Public, State of Florida at Large

34503  
PUBLIC NOTICE

NOTICE OF SPECIAL MEETING OF THE BOARD OF SUPERVISORS OF THE BRIDGE HARBOR COMMUNITY DEVELOPMENT DISTRICT

Notice is hereby given to the public and all landowners within Bridge Harbor Community Development District (the "District") the location of which is generally described as comprising a parcel or parcels of land containing approximately 154.4 acres, located west of East Bay, east of S. Barne Avenue, south of Bob Race Field and north of Forsythe Drive, within the City of Callaway, Florida, advising that a special meeting of Board of Supervisors will be held for the purpose of considering certain matters of the Board, and other such business which may properly come before the Board.

DATE: Dec. 3, 2014  
TIME: 2:00 p.m. (CST)  
PLACE: 735 W 11th St.  
Panama City, Fl. 32401

The Board of Supervisors meeting is open to the public and will be conducted in accordance with the provisions of Florida law. The meeting may be continued to a date, time, and place to be specified on the record at such meeting. A copy of the agenda for the meeting may be obtained from 290 Wakiva Springs Road, Suite 2000, Longwood, Florida 32778, or by calling (407) 629-6900. There may be an occasion where one or more supervisors will participate by telephone.

Any person requiring special accommodations to participate in these meetings is asked to contact the District Office at (407) 629-6900, at least 48 hours before the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service at (800) 855-8770 for aid in contacting the District Office.

A person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that such person will need a record of the proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Kevin Grace  
District Manager  
Pub. Nov. 14, 2014

Bridge Harbor Community Development District

A meeting of the Board of Supervisors of the Bridge Harbor Community Development District was held on Wednesday, December 3 at 2:00 p.m. in the offices of Buchanan & Harper, Inc.

Present and constituting a quorum were:

Mike Hunnicut	Board Member
Mike Harper	Board Chairman
Sean Peluso	Board Member

Also present were:

Tucker Mackie	District Counsel-by telephone
Paul Blay	HCI Bridge Harbor, LLC
Kevin Grace	District Manager-by telephone

**FIRST ORDER OF BUSINESS**

**Roll Call**

Michael Harper called the meeting to order and the names of those attending were announced.

**SECOND ORDER OF BUSINESS**

**Board of Supervisors  
Appointments**

**A. Reappointment of Mike Hunnicut**

Ms. Tucker stated that the board needed to reappoint Mike Hunnicut to the Board of District Supervisors for the Bridge Harbor Community Development District. Mike Hunnicut will occupy seat two, term ending in 2018.

ON MOTION by Mr. Harper seconded by Mr. Peluso  
with all in favor, Mr. Hunnicut is reappointed to seat two  
on the Board of District Supervisors.

**B. Reappointment of Sean Peluso**

Ms. Tucker stated that the board needed to reappoint Sean Peluso to the Board of District Supervisors for the Bridge Harbor Community Development District. Mike Hunnicut will occupy seat four, term ending in 2018.

ON MOTION by Mr. Harper seconded by Mr. Hunnicut with all in favor, Mr. Peluso is reappointed to seat four on the Board of District Supervisors.

### **C. Appointment of Martin Gawronski**

Ms. Mackie asked if Martin Gawronski was present at the meeting. Mike Harper said that Martin Gawronski was not attending the meeting. Ms. Mackie stated that the Board should forgo appointing Martin Gawronski to the Board, since the goal of the meeting is to begin dissolving the Bridge Harbor Community Development District.

### **THIRD ORDER OF BUSINESS**

### **Consideration of Dissolution of the District**

Ms. Mackie stated that item three is the primary reason we are meeting today and it is to address issues associated with dissolving the community development district. Ms. Mackie, District Counsel will walk the Board through the individual items.

### **D. Presentation of the Letter Requesting Dissolution**

Ms. Mackie stated that the first item regarding dissolution is the presentation of the letter requesting dissolution. The developer has reevaluated the financing mechanisms, which it was intending to fund infrastructure within the District. Given current economic conditions and the fact that the planned community development improvements can be provided by the developer and/or landowners at a future time at equal or lesser cost and at an equal quality compared to the provision by the District, the developer is requesting that the Board consider the dissolution of the District.

The remainder of the agenda items address how the District would seek dissolution. The District was established by passage of an ordinance by the City of Callaway, therefore, the District needs to petition the City of Callaway for dissolution. Given that the District doesn't own or maintain any improvements, that the District has not issued any bonds to fund the infrastructure within the District nor has it levied any assessments, the dissolution process is fairly straightforward, however, I can go through these items individually unless the Board members have any initial questions regarding dissolution.

### **E. Addressing Questions by the Board**

Mr. Hunnicut stated that he had a few questions before going through the items for dissolution. When is the business year for the District for which accounting must be performed for the District and will accounting for the district be pro-rata or will it last through the remainder of the business year after the District is terminated? Ms. Mackie stated that she believes the business year ends for the District at the end of September, but the accounting continues only until the District is terminated. The District will be terminated when Barron & Redding, counsel for the developer, present a petition of dissolution to the City of Callaway and the City of Callaway passes an ordinance to dissolve the District. At this point, Barron & Redding should record the notice of dissolution.

**F. Presentation of Form of Consent Joinder of Landowner to Dissolution of the District**

Ms. Mackie stated that item E is the form of consent that we would be looking for landowners within the district to execute. It is something that will be attached to the petition once it is filed with the City of Callaway. There is nothing the Board needs to approve here, we are just providing this information for informational purposes.

**G. Consideration of Resolution 2015-01 Dissolving the District**

Ms. Mackie stated that item F is consideration of Resolution 2015-01 dissolving the District and basically this resolution sets forth reasons why the District is considering dissolution. It requests that a petition be filed with the City of Callaway and it attaches its plan of dissolution as an exhibit to this resolution. As I stated previously, the District doesn't have any infrastructure that it owns or maintains so it will be fairly straightforward and the plan of dissolution is fairly brief. The current staff that provides services to the District is District Counsel and the District Manager and they would be retained for the purposes of finalizing the dissolution and the plan of dissolution provides for payment of those services until the District is dissolved.

ON MOTION by Mr. Harper seconded by Mr. Hunnicut  
with all in favor Resolution 2015-01 was approved.

**H. Consideration of Funding Agreement between Bridge Harbor Development District and HCI Bridge Harbor, LLC**

Ms. Mackie stated that item G is consideration of the funding agreement with HCI Bridge Harbor, LLC and the District. Basically, this just provides for the funding of the District through dissolution. It is fairly straightforward, however, I would be happy to answer any of questions the Board may have. The developer has agreed to fund those expenses as they relate to the dissolution.

ON MOTION by Mr. Harper seconded by Mr. Peluso  
with all in favor the dissolution agreement with HCI  
Bridge Harbor, LLC was approved.

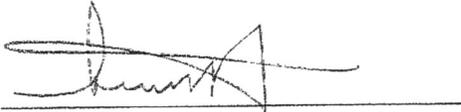
**I. Approval of Forms of Professional Agreement and Release for District Counsel and District Manager**

Ms. Mackie said that the next order of business is the forms of agreement and release. As I stated when speaking about the resolution and the plan of dissolution, the District will enter into these agreements and releases once District staff has finalized everything it needs to as it relates to dissolution.

ON MOTION by Mr. Harper seconded by Mr. Hunnicut  
with all in favor of the agreement and releases for  
District Counsel and District Manager were approved.

**FOURTH ORDER OF BUSINESS**  
**Adjournment**

ON MOTION by Mr. Harper seconded by Mr. Hunnicut  
with all in in favor the meeting adjourned at 2:40 p.m.

A handwritten signature in black ink, appearing to be "Harper", written over a horizontal line.

Chairman

# Exhibit 3

RESOLUTION 2015-01

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BRIDGE HARBOR COMMUNITY DEVELOPMENT DISTRICT ADOPTING A PLAN OF DISSOLUTION; REQUESTING THAT THE CITY COMMISSION OF THE CITY OF CALLAWAY, FLORIDA, ADOPT A NON-EMERGENCY ORDINANCE TO PROVIDE FOR THE DISSOLUTION OF THE BRIDGE HARBOR COMMUNITY DEVELOPMENT DISTRICT; DIRECTING THE DISTRICT MANAGER AND BARRON & REDDING, P.A., TO TAKE APPROPRIATE ACTION TO DISSOLVE THE BRIDGE HARBOR COMMUNITY DEVELOPMENT DISTRICT IN ACCORD WITH THE NON-EMERGENCY ORDINANCE ADOPTED BY THE CITY COMMISSION OF THE CITY OF CALLAWAY, FLORIDA, AND THE PLAN OF DISSOLUTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Bridge Harbor Community Development District (the "District") was established by Ordinance No. 847 of the City Commission of the City of Callaway, Florida, pursuant to Chapter 190, *Florida Statutes*; and

WHEREAS, the District is located wholly within the boundaries of the City of Callaway, Florida (the "City"); and

WHEREAS, the District operations are funded solely by the contributions, in lieu of taxes or assessments, of HCI Bridge Harbor, LLC, the developer and majority landholder within the District (the "Developer"). The District has not levied any special assessments against the assessable real property located within the District for the purposes of funding the District's ongoing operating costs; and

WHEREAS, the District has not taken any actions regarding planned community development services to the lands located within the District and has not levied any special assessments against the assessable real property located within the District for the purposes of funding any planned community development services; and

WHEREAS, the District has not issued any bonds, notes or other debt instruments in anticipation of making any planned community development improvements; and

WHEREAS, the District's Board of Supervisors has determined that based upon information provided to it by the Developer, and the current economic conditions and the level of improvements already completed within the District, that the planned community development services to be provided to the lands within the boundaries of the District may be provided by and through the Developer and/or owners of the lands located within the District (the "Landowners")

in a manner as efficiently as the District and at a level of quality equal to the level of quality to be delivered to the users of those services by the District, at an annual cost that would be equal to or lower than the annual assessment amount that could be levied by the District; and

**WHEREAS**, the District has received a written request from the Developer to dissolve the District; and

**WHEREAS**, the District has received written consent to the dissolution of the District from 100% of the Landowners; and

**WHEREAS**, the termination of the District will not harm or otherwise injure any interests of the Landowners of the District, nor harm nor otherwise injure any interests of any other party within or without the District; and

**WHEREAS**, the District's Board of Supervisors finds that it is in the best interest of the District, the Developer and the Landowners that the District be dissolved and that the planned community development services be provided by the Developer and/or Landowners; and

**WHEREAS**, the District has prepared a Plan of Dissolution that provides for the orderly dissolution of the District and for the final dispensation of all records, financial accounts and contracts; and

**WHEREAS**, the District's Board of Supervisors desires that the City adopt a non-emergency ordinance to provide for the dissolution of the District in accord with Section 190.046(9), *Florida Statutes*.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD  
OF SUPERVISORS OF THE BRIDGE HARBOR  
COMMUNITY DEVELOPMENT DISTRICT:**

**SECTION 1. INCORPORATION OF WHEREAS CLAUSES.** All of the above representations, findings, and determinations contained within the Whereas Clauses of this Resolution are recognized as true and accurate, and are expressly incorporated into this Resolution.

**SECTION 2. APPROVAL OF PLAN OF DISSOLUTION.** The District hereby approves the Plan of Dissolution, attached to this Resolution as Exhibit A.

**SECTION 3. REQUEST FOR ACTION.** The District hereby requests that the City adopt a non-emergency ordinance to provide for the termination of the District in accord with Section 190.046(9), *Florida Statutes*.

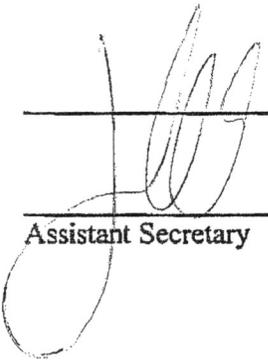
**SECTION 4. DIRECTION TO DISTRICT MANAGER AND DISTRICT COUNSEL.** The District Manager and Barron & Redding, P.A., are hereby directed to take the appropriate actions to transmit this Resolution to the City. Upon the adoption of a non-emergency ordinance by the City, the District Manager and Barron & Redding, P.A., are further directed to proceed with the necessary steps as outlined in the Plan of Dissolution to effectuate an orderly termination of the District.

**SECTION 5. SEVERABILITY.** The invalidity or unenforceability of any one or more provisions of this Resolution shall not affect the validity or enforceability of the remaining portions of this Resolution, or any part thereof.

**SECTION 6. EFFECTIVE DATE.** This Resolution shall take effect immediately upon the passage and adoption of this Resolution by the Board of Supervisors of the Bridge Harbor Community Development District.

**PASSED AND ADOPTED** in public session this 3<sup>rd</sup> day of December, 2014.

ATTEST:

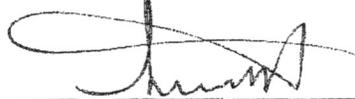


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Assistant Secretary

**BOARD OF SUPERVISORS OF THE  
BRIDGE HARBOR COMMUNITY  
DEVELOPMENT DISTRICT**



---

Michael Haefler, Chairman

**PLAN OF DISSOLUTION FOR  
BRIDGE HARBOR COMMUNITY DEVELOPMENT DISTRICT**

1. **PURPOSE.** The purpose of this Plan of Dissolution is to provide a plan for the orderly dissolution of the Bridge Harbor Community Development District (the "District").

2. **CONSTRUCTION.** This Plan of Dissolution shall be construed liberally to accomplish the smooth and orderly dissolution of the District.

3. **AUTHORITY.** Section 190.046(9), *Florida Statutes*, provides that if a district has no outstanding financial obligations and no operating or maintenance responsibilities, upon petition of the district, the district may be dissolved by a non-emergency ordinance of the local governmental entity that established the district.

4. **SERVICES.** The District is currently managed by a contract administrator and has no employees. Counsel has been retained by the District to provide legal services to the District. The District currently does not provide any community development services to the owners of lands within the boundaries of the District. The District Manager and Barron & Redding, P.A., are responsible for filing any final reports or other documents on behalf of the District that are required by law, and for performing any and all other actions on behalf of the District within thirty (30) days after the effective dissolution of the District. Prior to submitting the resolution requesting dissolution to the City of Callaway (the "City"), HCI Bridge Harbor, LLC, will pay all outstanding District expenses, including among others invoices from the District Manager, District Engineer and District Counsel, and including invoices sufficient to cover the expenses associated with the dissolution process.

5. **ASSETS AND LIABILITIES.** The District has no real property, infrastructure or other assets and has no debt or maintenance responsibilities.

6. **CONTRACTUAL OBLIGATIONS OF THE DISTRICT.**

A. All contractual obligations shall be addressed as follows:

- (1) The District's agreement with the firm of Hopping Green & Sams, P.A. to serve as District Counsel shall terminate upon the effective dissolution of the District. The District Manager will obtain an appropriate release from Hopping Green & Sams, P.A.
- (2) The District's agreement with the firm of Government Services Group, Inc., to serve as District Manager shall terminate upon the effective dissolution of the District. The District Manager will obtain an appropriate release from Government Services Group, Inc.
- (3) Prior to submitting the resolution requesting dissolution to the City, the District Manager on behalf of the District shall terminate

any other pending District agreements, including the District's agreement with the firm of Nabors, Giblin & Nickerson, P.A. to serve as Bond Counsel, and Buchanan & Harper, Inc., to serve as Interim District Engineer, by sending notice of termination to each of these contractors and/or consultants.

B. All revenue agreements with HCI Bridge Harbor, LLC, shall expire and be void upon final payment of all financial obligations of the District to any third party beneficiary, including any payments due to the City, any other governmental entity, the District Manager and/or District Counsel resulting from the dissolution of the District.

7. **FINANCE.** Prior to submitting the resolution requesting dissolution to the City, HCI Bridge Harbor, LLC, will pay all outstanding accounts of the District. HCI Bridge Harbor, LLC, has entered into an agreement with the District whereby it agrees to pay such monies as are necessary to enable the District to proceed with the dissolution of the District and to pay such monies as are necessary to enable District Staff and Barron & Redding, P.A., including legal, engineering and managerial staff, to assist in the dissolution process and proceedings.

8. **NOTICE OF DISSOLUTION.** Barron & Redding, P.A., shall file a Notice of Dissolution of the Bridge Harbor Community Development District in the public records of the City of Callaway, Florida. A copy of the Ordinance passed by the City dissolving the District shall be transmitted to the Florida Department of Economic Opportunity pursuant to Section 189.418, *Florida Statutes*.

9. **MODIFICATION OF THE PLAN OF DISSOLUTION.** The District's Board of Supervisors may modify this Plan of Dissolution by Resolution prior to the effective date of any ordinance of the City dissolving the District.

10. **OFFICIAL DISTRICT RECORDS.** All official records of the District shall be transferred to the Florida Secretary of State by the District Manager. However, such a transfer of official District records shall not occur as long as the District has an obligation, under any law, to keep and maintain any such official District record. If any official record of the District cannot be transferred prior to the dissolution of the District, then the failure by the District Manager to transfer such a record shall not cause this Plan of Dissolution to not be completed within the time permitted. Any such record shall be transferred by the District Manager to the Florida Secretary of State as soon as is practicable after the dissolution of the District, in accord with this Plan of Dissolution.

11. **OPERATION OF THIS PLAN OF DISSOLUTION.** This Plan of Dissolution shall become effective upon adoption of a Resolution by the District's Board of Supervisors approving this Plan of Dissolution. After complying with the terms of this Plan of Dissolution, the District will be dissolved without any further action.

**Exhibit 4**

**Consent and Joinder of Landowners to the Dissolution of  
the Bridge Harbor Community Development District**

The undersigned understands and acknowledges that the Bridge Harbor Community Development District, ("District") intends to seek dissolution of the District in accordance with the provisions of Chapter 190.046(9), Florida Statutes.

As an owner of lands within the Bridge Harbor Community Development District, the undersigned hereby consents to the dissolution of the District. The undersigned also hereby waives the right to object to the District's failure to comply with any and all requirements prescribed by Florida Law, including, but not limited to, Chapters 189 and 190, Florida Statutes. A description of the District lands owned by the undersigned is more fully described in Exhibit "A" attached hereto and made a part hereof.

The undersigned acknowledges that this consent will remain in full force and effect until the dissolution of the District is final or three years from the date hereof, which ever shall first occur.

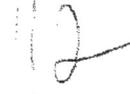
The undersigned hereby represents and warrants that it has taken all actions and obtained all consents necessary to duly authorize the execution of this consent and joinder by the officer executing this instrument.

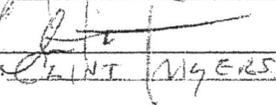
Executed this 3rd day of December, 2014.

Witnessed:

HCI BRIDGE HARBOR, LLC

  
Print Name: PAUL JENSEN

  
By: \_\_\_\_\_  
Its: MANAGER

  
Print Name: CLINT MYERS

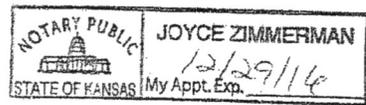
STATE OF Kansas  
COUNTY OF Johnson

I hereby certify that on this day, before me, an officer duly authorized to take acknowledgments, personally appeared Paul Jensen, Manager of HCI BRIDGE HARBOR LLC who executed the foregoing instrument, acknowledged before me that he executed the same on behalf of the foregoing entity and was identified in the manner indicated below.

Witness my hand and official seal in the County of Johnson and State of Kansas this 3rd day of December, 2014.

  
Notary Public

Personally known:   
Produced Identification: \_\_\_\_\_  
Type of Identification: \_\_\_\_\_



Consent and Joinder of Landowners to the Dissolution of  
the Bridge Harbor Community Development District

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The undersigned acknowledges that this consent will remain in full force and effect until the dissolution of the District is final or three years from the date hereof, which ever shall first occur.

The undersigned hereby represents and warrants that it has taken all actions and obtained all consents necessary to duly authorize the execution of this consent and joinder by the officer executing this instrument.

Executed this 3rd day of December, 2014.

Witnessed:

HCI MARINA, LLC

Print Name: PETER ENKELMAN

By: [Signature]  
Its: MANAGER

Print Name: CHAIT MYERS

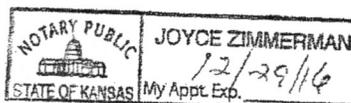
STATE OF Kansas  
COUNTY OF Johnson

I hereby certify that on this day, before me, an officer duly authorized to take acknowledgments, personally appeared Paul Anguish, Manager of HCI Marina, LLC, who executed the foregoing instrument, acknowledged before me that he executed the same on behalf of the foregoing entity and was identified in the manner indicated below.

Witness my hand and official seal in the County of Johnson and State of Kansas this 3rd day of December, 2014.

Joyce Zimmerman  
Notary Public

Personally known:   
Produced Identification: \_\_\_\_\_  
Type of Identification: \_\_\_\_\_



**City of Callaway Board of Commissioners  
Agenda Item Summary**

January 13, 2015

Declare Surplus of Capital Asset – Public Works Truck

<p><b>1. PLACED ON AGENDA BY:</b>  J. Michael Fuller, City Manager</p>	<p><b>2. AGENDA:</b>  PRESENTATION <input type="checkbox"/>  PUBLIC HEARING <input type="checkbox"/>  CONSENT <input type="checkbox"/>  REGULAR <input checked="" type="checkbox"/></p>
--	---

**3. IS THIS ITEM BUDGETED (IF APPLICABLE)?:** YES  NO   
  
N/A

**4. BACKGROUND: (WHY, WHAT, WHO, WHERE, WHEN, HOW, & IDENTIFY ALL ATTACHMENTS)**

This is a request for the City Commission to declare surplus of a capital asset, and to authorize the City Manager to auction and sell the item. The asset is a 1999 Dodge Truck, 2500 Quad Cab. This 1999 Dodge truck was used by the Public Works Street Division, but was recently involved in a vehicle wreck. The truck is no longer useful to the City and should be declared surplus.

Attachments

- Capital Asset Activity Form
- Vehicle Information

**5. REQUESTED MOTION/ACTION:**

Staff recommends that the Commission declare the 1999 Dodge truck as surplus and authorize the City Manager to auction and sell the truck.

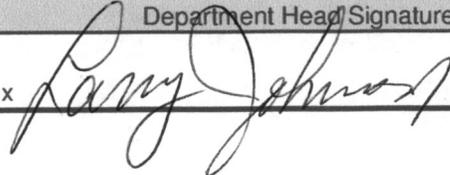


# CAPITAL ASSET ACTIVITY FORM

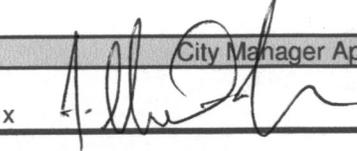
Asset ID#	Dept #	Asset Description (incl. Year)
001630	541	1999 Dodge 2500 Quad Cab TK #55

- // TRANSFER - New Department \_\_\_\_\_
- // CHANGE LOCATION - New Location \_\_\_\_\_
- // SALE - Buyer \_\_\_\_\_
- // TRADE-IN - Vendor \_\_\_\_\_
- // DONATION - Nonprofit Organization \_\_\_\_\_
- DISPOSAL - Other: PUBLIC SURPLUS AUCTION

Activity Date
1-8-15

Department Head Signature:
x 

Approval Date

City Manager Approval
x 

Submit approved form to : Emily Franklin, Assistant to Director of Finance

<b>**Finance Department - Section**</b>	
Board Approval Date:	_____
Original Cost of Asset _____	Current Book Value _____
Asset Record Updated: _____	initial: _____

City of Callaway  
 6623 Omoko St  
 Callaway, FL 32404 USA  
 Phone: 850-871-1780 Fax: 850-871-2416

## Unit Information

**Equip Num** 055

**Date** 12/31/2014

**Equip Desc** '99 Dodge 2500 Quad Cab (Diesel)

**General Information**

Location	Yard		
Department Or Area	541 Streets	Date Activated	Purchase Date
Type	Truck, Pickup	Date Inactivated	Purchase Price \$0.00
Make	Dodge	Fuel Type Diesel	PM Based On Mileage/KM AND Days
Model	Ram 2500 Quad Cab	Default MPG 0	Number Of Axles 0
Year	1999	Capital Equip # 001630	Number Seats 0
Vin#	1B7KC2367 XJ630761	Purchase Order#	Fuel/Gas Card # 55
Engine Type	5.9L Cummins DIESEL	Lease Or Own	Tire Size(s) <span style="border: 1px solid black; padding: 2px;">LT245/75R16</span>
Condition	Poor	Owner 0	

**License Information**

License Number FL 123059  
 Base State/Province  
 Renewal Date  
 MVT Renewal Date  
 HUT Renewal Date

**Odometer/ Hours Information**

Beginning Odometer 62330  
 Current Odometer 94730  
 Current Odometer Date 11/20/2014  
 Beginning Hours  
 Current Hours  
 Current Hours Date

**Fixed Yearly Costs**

Depreciation \$0.00  
 License Fees \$0.00  
 Insurance Amt \$0.00  
 Other Fixed Cost \$0.00

**Equipped With**

- |   |  |
|---|--|
| <input type="checkbox"/> Lift Axle Equipped           | <input type="checkbox"/> Intra State Unit      |
| <input type="checkbox"/> 2 Axle Truck Pulls Trailer   | <input type="checkbox"/> Reefer/ PTO Equipped: |
| <input type="checkbox"/> 2 Axle Truck Pulls 5th Wheel | <input type="checkbox"/> Unit Haul             |

**Weights**

Combined Gross Weigh 0  
 Licensed/Gross Weight 0  
 Unladen Weight 0

**City of Callaway Board of Commissioners  
Agenda Item Summary**

January 13, 2015

Irrigation Usage at 238 Hugh Thomas Drive

<p><b>1. PLACED ON AGENDA BY:</b></p> <p>J. Michael Fuller, City Manager</p>	<p><b>2. AGENDA:</b></p> <p>PRESENTATION <input type="checkbox"/></p> <p>PUBLIC HEARING <input type="checkbox"/></p> <p>CONSENT <input type="checkbox"/></p> <p>REGULAR <input checked="" type="checkbox"/></p>
--	---

**3. IS THIS ITEM BUDGETED (IF APPLICABLE)?:** YES  NO

N/A

**4. BACKGROUND: (WHY, WHAT, WHO, WHERE, WHEN, HOW, & IDENTIFY ALL ATTACHMENTS)**

On November 1, 2014, the resident at 238 Hugh Thomas Drive was sent a utility bill for the consumption on the irrigation meter. The bill was sent after it was discovered that the resident, Mr. Christopher Coffey, was intentionally using irrigation. Mr. Coffey originally established a utility account on June 2<sup>nd</sup>; no irrigation was requested. In September, twelve (12) active meters were found on deleted accounts (during the separate audit conducted by Warren Averett). The error was corrected, but the irrigation meter at 238 Hugh Thomas Drive was one of the 12 meters. The meter was then read and rechecked on September 29<sup>th</sup> and read again on October 31<sup>st</sup>. Afterwards, the irrigation meter was pulled by the Public Works/Utility Division staff and tested. The meter showed no errors and was found to be in good working order. While he did not set up an irrigation account, Mr. Coffey did confirm that he used the irrigation. His attached letter requests that the City waive the amount billed, \$1,974.38.

Due to the fact that this is an extraordinary circumstance, staff recommends that the City Commission consider establishing a payment schedule for Mr. Coffey to pay for irrigation water consumption. The total amount billed is \$1,974.38. If paid over a 3 year period, payments would be approximately \$55/monthly.

Attachments

- Letter from Mr. Coffey
- Copy of utility bill and history

**5. REQUESTED MOTION/ACTION:**

Staff recommends that the Commission authorize the City Manager to establish a payment schedule for the irrigation bill at 238 Hugh Thomas Drive.

14 November 2014

Christopher A. Coffey  
238 Hugh Thomas Drive  
Panama City, FL 32404

City of Callaway  
6601 E. Hwy. 22  
Callaway, FL 32404

SUBJECT: Irrigation Meter Discrepancies

Dear Sir/Madam,

I moved to 238 Hugh Thomas Drive on 30 May 2014 and set up an account with the City of Callaway on 2 June 2014 for water, with a \$250 deposit. On that day, I never signed up for a separate irrigation account, nor did I place a deposit for a second account. For the last five months, I have only received one water bill each month.

Early November, I received my normal water bill and a second irrigation bill (2 separate bills). The second bill (inclusive date: 29 Sep 14 to 31 Oct 14 – 1 month) had a usage of 454,830 gallons of water (which is equal to the pool water capacity at Ship Wreck Island), costing me \$1,934.38. 454,830 gallons of water is equivalent of 2 years' worth of water usage and is nearly impossible to use that amount in 1 month time per the attached water usage chart. Furthermore, the reading from 6 Jun 2012 to 29 Sep 2014 (over 27 month period) is only 28,400 gallons, which is equivalent to 1 months' worth of water usage.

It appears the City of Callaway has failed to both properly check the irrigation meter and turn off the meter when no account was present at 238 Hugh Thomas Dr. for more than 2 years. The numbers do not lie, on 29 Sep 14, either the meter was read/input incorrectly or someone is intentionally falsifying the meter reading. In either case, I do not believe that I am responsible for the irrigation bill. There is obviously a discrepancy with the account, based two reasons:

- a. There's no possible explanation for one month of water usage to equal the aforementioned amount.
- b. I never applied nor placed a deposit for an irrigation account.

Once this error is resolved to my satisfaction, I would consider placing a deposit for irrigation; however, we need to obtain a baseline meter reading prior to opening an account. In the interim as the facts are dissected, I will continue to pay my normal monthly water bill. Additionally, I

appreciate the City of Callaway's effort researching the inaccuracies and hope that this issue can be professionally and reasonably concluded.

Sincerely,

A handwritten signature in black ink, appearing to read 'Christopher A. Coffey', with a long horizontal flourish extending to the right.

Christopher A. Coffey

Attached: Water Usage Chart, Utility Billing History, Water Bill, Deposit Receipt, Lease

# Water Usage Chart

Group 1 – 30 June 2010 to 7 June 2012 (24 month period)	
<b>Total Water Usage:</b>	452,470 gallons
<b>Monthly Avg for 24 Month:</b>	18,852.91 gallons
<b>Peak Usage:</b>	30 June 2010 – 68,790 gallons
	17 August 2010 – 51,120 gallons
	18 May 2011 – 41,200 gallons
	25 July 2011 – 48,920 gallons
<b>Min Usage:</b>	19 January 2011 – 0 gallons
	10 February 2011 – 10 gallons
	23 January 2012 – 70 gallons
	14 March 2012 – 80 gallons
Group 2 – 7 June 2012 to 29 Sep 2014 (27 month and 23 day period)	
<b>Total Water Usage:</b>	28,400 gallons
<b>Monthly Avg for 27 month/23 day:</b>	1,014.28 gallons
<b>Peak Usage:</b>	Not available, due to no readings in 27 month period.
<b>Min Usage:</b>	Not available, due to no readings in 27 month period.
Group 3 – 29 September 2014 to 31 October 2014 (1 month period)	
<b>Total Water Usage:</b>	454,830 gallons
<b>Monthly Avg for 1 month:</b>	454,830 gallons
<b>Peak Usage:</b>	454,830 gallons
<b>Min Usage:</b>	454,830 gallons
Difference Between Total Usages:	
█ - Group 2:	424,070 gallons
█ - Group 3:	2,360 gallons
Group 2 - Group 3:	426,430 gallons
Difference Between Monthly Avgs:	
█ - Group 2:	17,838.63 gallons
█ - Group 3:	435,977.09 gallons
Group 2 - Group 3:	453,815.72 gallons

# Utility Billing

## Account History Report

User: chay  
 Printed: 11/12/2014 - 8:20AM



Account Status: Active  
 Connect Date: 09/29/2014  
 Customer Name: CHRISTOPHER COFFEY  
 Care Of:  
 Customer Address: 238 HUGH THOMAS DR:IRR  
 CALLAWAY, FL 32404

Total Account Balance: 1,974.38  
 Total Deposits: 0.00  
 Total Refunds: 0.00

Owner Name: ANA FELIX  
 Service Address: 238 HUGH THOMAS DR:IRR

Home Phone: (850) 324-2832  
 Business Phone:  
 Account Number: 045339-000

Ext: 0  
 Ext: 0  
 Reference Number: 12500736.03

Tran Date	Tran Type	Description	Amount	WATER	SEWER	SOLIDS	TAX	IRRG	PENALTY	MISC	MISC2
		Current Balance By Service	0.00	0.00	0.00	0.00	175.85	1,798.53	0.00	0.00	0.00
10/31/2014	Billing		1,934.38	0.00	0.00	0.00	175.85	1,758.53	0.00	0.00	0.00
10/31/2014	Balance		1,974.38	0.00	0.00	0.00	175.85	1,798.53	0.00	0.00	0.00
10/30/2014	Billing	DEPOSIT IRRIGATION	40.00	0.00	0.00	0.00	0.00	40.00	0.00	0.00	0.00
Active											
Route-Sequence-Serial: 25-07360-099346448											
		Final Bill									
10/31/2014			2,286.440				454.830	0.00			
9/29/2014			1,831.610				28.400	0.00			
6/7/2012			1,803.210				11.090	0.00			
5/16/2012			1,792.120				27.140	0.00			
4/19/2012			1,764.980				21.680	0.00			
3/14/2012			1,743.300				80.00	0.00			
2/16/2012			1,743.220				150.00	0.00			
1/23/2012			1,743.070				70.00	0.00			
12/19/2011			1,743.000				880.00	0.00			
11/16/2011			1,742.120				14.940	0.00			
10/19/2011			1,727.180				33.090	0.00			
9/19/2011			1,694.090				2,740.00	0.00			
8/17/2011			1,691.350				5,970.00	0.00			

Account Number: 045339-000 Reference Number: 12500736.03

Tran Date	Tran Type	Description	Amount	WATER	SEWER	SOLIDS	TAX	IRRG	PENALTY	MISC	MISC2
		5-19 1605810 no leak ds									
				7/25/2011	6/13/2011	1,685,380.00	48,920.00				
				5/18/2011	5/18/2011	1,636,460.00	30,650.00				
				4/14/2011	4/14/2011	1,605,810.00	41,200.00				
				3/16/2011	3/16/2011	1,564,610.00	31,410.00				
				2/10/2011	2/10/2011	1,533,200.00	2,760.00				
				1/19/2011	1/19/2011	1,530,440.00	10.00				
		Miscread Adjustment		12/16/2010	12/16/2010	1,530,430.00	0.00				
				12/16/2010	12/16/2010	1,530,840.00	-410.00				
				11/10/2010	11/10/2010	1,522,430.00	8,410.00				
				10/19/2010	10/19/2010	1,514,100.00	8,330.00				
				9/27/2010	9/27/2010	1,503,800.00	10,300.00				
				8/17/2010	8/17/2010	1,485,270.00	18,530.00				
				7/20/2010	7/20/2010	1,434,150.00	51,120.00				
		jp		6/30/2010	6/30/2010	1,419,530.00	14,620.00				
				5/12/2010	5/12/2010	1,350,740.00	68,790.00				
		4-22 ds 13109330		4/21/2010	4/21/2010	1,317,900.00	32,840.00				
				3/18/2010	3/18/2010	1,275,610.00	42,290.00				
				2/15/2010	2/15/2010	1,275,610.00	0.00				
				1/21/2010	1/21/2010	1,275,610.00	0.00				
				12/22/2009	12/22/2009	1,275,610.00	40.00				
				11/17/2009	11/17/2009	1,275,570.00	12,630.00				
				10/21/2009	10/21/2009	1,262,940.00	60.00				
				9/24/2009	9/24/2009	1,262,880.00	15,020.00				
				8/17/2009	8/17/2009	1,247,860.00	8,100.00				
				7/23/2009	7/23/2009	1,239,760.00	27,690.00				
				6/16/2009	6/16/2009	1,212,070.00	22,640.00				
				5/14/2009	5/14/2009	1,189,430.00	8,730.00				
				4/22/2009	4/22/2009	1,180,700.00	19,420.00				
				3/16/2009	3/16/2009	1,161,280.00	30.00				
				2/23/2009	2/23/2009	1,161,250.00	50.00				
				1/22/2009	1/22/2009	1,161,200.00	80.00				
				12/16/2008	12/16/2008	1,161,120.00	20.00				
				11/19/2008	11/19/2008	1,161,100.00	90.00				
				10/23/2008	10/23/2008	1,161,010.00	1,910.00				
				9/16/2008	9/16/2008	1,159,100.00	50.00				
				8/19/2008	8/19/2008	1,159,050.00	16,060.00				
				7/16/2008	7/16/2008	1,142,990.00	160.00				
				6/19/2008	6/19/2008	1,142,830.00	30,660.00				
				5/20/2008	5/20/2008	1,112,170.00	30,220.00				
				4/17/2008	4/17/2008	1,081,950.00	60.00				

75 Jun 2012 }  
 50 Jun 2010 }  
 452,470



**Mail payment to:**  
 City of Callaway  
 6601 East Highway 22  
 Callaway Florida 32404-9542

**SERVICE ADDRESS:** 238 HUGH THOMAS DR:IRR  
**CUSTOMER NO.:** 45339-000

**SERVICE DATES** 9/29/2014 - 10/31/2014

**DUE DATE** 11/15/2014  
**AMOUNT DUE** \$1,974.38

BEGINNING BALANCE \$0.00  
 ADJUSTMENTS \$0.00  
 PAYMENTS \$0.00  
 BALANCE FORWARD - DUE NOW \$40.00  
ALL BALANCE FORWARDS ARE SUBJECT TO DISCONNECTION

WATER \$0.00  
 SEWER \$0.00  
 SOLIDS \$0.00  
 TAX \$175.85  
 IRRIGATION \$1,798.53  
 PENALTY \$0.00  
 STORMWATER AND MISC \$0.00  
 TOTAL CURRENT BILLING \$1,934.38  
 VOLUNTARY PARK FEE \$1.00  
**TOTAL W/PARK FEE \$1,975.38**  
**TOTAL NO PARK FEE \$1,974.38**

METER READINGS		
PREVIOUS	PRESENT	USAGE
1831610	2286440	454830

If your bill is not paid by the 15<sup>th</sup> of the month, a 10% late penalty will be added to your account.

Return bottom portion with your payment to insure proper credit to your account.

4320 1 AV 0.251

Address Service Requested

PRESORTED  
 FIRST CLASS  
 US POSTAGE  
 PAID  
 MOCA Mail Services

Christopher Coffey  
 238 Hugh Thomas Dr :Irr  
 Callaway FL 32404-8550



**City of Callaway Board of Commissioners  
Agenda Item Summary**

January 13, 2015

Ethics Training for Elected Officials

**1. PLACED ON AGENDA BY:**

Mayor Thomas Abbott

**2. AGENDA:**

- PRESENTATION
- PUBLIC HEARING
- CONSENT
- REGULAR

**3. IS THIS ITEM BUDGETED (IF APPLICABLE)?:** YES  NO

N/A

**4. BACKGROUND: (WHY, WHAT, WHO, WHERE, WHEN, HOW, & IDENTIFY ALL ATTACHMENTS)**

Changes made to the ethics laws during the 2014 legislative session require Florida's elected municipal officers to take a minimum of four (4) hours of ethics training each year, beginning January 1, 2015. Section 112.3142(2), F.S. states that this requirement may be satisfied by completing a continuing education class, seminar, or presentation. It further states the following:

*(b) Beginning January 1, 2015, all elected municipal officers must complete 4 hours of ethics training each calendar year which addresses, at a minimum, s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees, and the public records and public meetings laws of this state. This requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or presentation if the required subjects are covered.*

Mayor Abbott has added this item to the agenda so the Board can discuss the required ethics training.

The FY15 Budget provides \$1000.00 in education for the elected officials (\$600 IEMO and \$400 Ethics).

Attachments

- Copy of statute

**5. REQUESTED MOTION/ACTION:**

For discussion purposes. No action is required.

## The 2014 Florida Statutes

### **112.3142 Ethics training for specified constitutional officers and elected municipal officers.—**

(1) As used in this section, the term “constitutional officers” includes the Governor, the Lieutenant Governor, the Attorney General, the Chief Financial Officer, the Commissioner of Agriculture, state attorneys, public defenders, sheriffs, tax collectors, property appraisers, supervisors of elections, clerks of the circuit court, county commissioners, district school board members, and superintendents of schools.

(2)(a) All constitutional officers must complete 4 hours of ethics training each calendar year which addresses, at a minimum, s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees, and the public records and public meetings laws of this state. This requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or presentation if the required subjects are covered.

(b) Beginning January 1, 2015, all elected municipal officers must complete 4 hours of ethics training each calendar year which addresses, at a minimum, s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees, and the public records and public meetings laws of this state. This requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or presentation if the required subjects are covered.

(c) The commission shall adopt rules establishing minimum course content for the portion of an ethics training class which addresses s. 8, Art. II of the State Constitution and the Code of Ethics for Public Officers and Employees.

(d) The Legislature intends that a constitutional officer or elected municipal officer who is required to complete ethics training pursuant to this section receive the required training as close as possible to the date that he or she assumes office. A constitutional officer or elected municipal officer assuming a new office or new term of office on or before March 31 must complete the annual training on or before December 31 of the year in which the term of office began. A constitutional officer or elected municipal officer assuming a new office or new term of office

after March 31 is not required to complete ethics training for the calendar year in which the term of office began.

(3) Each house of the Legislature shall provide for ethics training pursuant to its rules.

**History.**—s. 4, ch. 2013-36; s. 2, ch. 2014-183

