

AGENDA
CITY OF VALPARAISO & VALPARAISO CABLE AUTHORITY JOINT MEETING
465 Valparaiso Parkway
Valparaiso, Florida
850-729-5402
November 10, 2014
6:00 pm

Invocation (Commissioner Morgan)
Pledge of Allegiance (Mayor Arnold)

CITIZENS' CONCERNS (non-agenda items)

1. Resident
2. Non-resident

NEW ACTION ITEMS

1. Added Agenda Items
2. Health Insurance Waiting Period-----Attach 1
3. Public Transit Service-----Attach 2
4. Ordinance No. 656 Conditional Use (Alcohol License) -----Attach 3
5. Resolution 11-11-10-14 Florida Municipal Investment Trust-----Attach 4
6. BP Restore Act , Protecting the Bayou and Reclaimed Water
7. Etc.

OLD BUSINESS

1. Removal of City Assets from Inventory
2. Plat 1 Docks
3. Resolution No. 09-11-10-14 City Facebook Page-----Attach 5
4. Etc.

REPORTS / CORRESPONDENCE / ANNOUNCEMENTS

1. TPO/DOT
2. Stormwater
3. Legal Activities
4. Median Beautification Update
5. Planning Commission Report
6. Visioning Committee Update
7. CDBG Update
8. Etc.

ADMINISTRATIVE ITEMS

1. Employee Bonuses-----Attach 6
2. Minutes
3. Disbursements
4. Etc.



October 30, 2014

Administration

Trust Services

Financial Services/
Underwriting

Post Office Box 530065
Orlando, FL 32853-0065

Benefit Services

Workers'
Compensation Claims

Property &
Liability Claims

Post Office Box 538135
Orlando, FL 32853-8135

1 (800) 445-6248
(407) 425-9142
Fax: (407) 425-9378

www.insurance.flcities.com

TO: Florida Municipal Insurance Trust Members

FROM: Florida Municipal Insurance Trust

RE: 90 Day Waiting Period
Effective: October 1, 2014

This notice is to inform you that we have not received a decision from you as it relates to the new waiting period guideline mandated by the Affordable Care Act. Effective October 1, 2014, employers can no longer impose a waiting period of longer than 90 days with respect to the health plan.

An employee's coverage with the Florida Municipal Insurance Trust starts on the first day of the month following the municipalities' waiting period. Therefore, an employer group is not able to pro-rate the monthly billing. There are two options available in order to be compliant with this new guideline:

1. The waiting period can be changed to either 30 days or 60 days.
2. Keep the 90 day waiting period and start the coverage on the 90th day of employment and be billed for that month. Example: date of hire 11/18/14, coverage start date will be 02/16/2015 and you would be billed for the month of February.

If you wish to change your waiting period, please fill out the attached waiting period letter and return it to Cindy Rochester at crochester@flcities.com.

For your reference, also attached is a copy of the new Affordable Care Act guidelines regarding this change.

If you have any questions, please contact me at 407-489-2222 or acarper@flcities.com.



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www.flcities.com

October 30, 2014

Please fill out the below statement in regards to your waiting period and return to crochester@flcities.com within 30 days from date received.

Our employees waiting period is as followed:

_____ 30 Days after date of hire

_____ 60 Days after date of hire

_____ 90 Days after date of hire
(Please see attached letter for example)

_____ First of the month after Hire Date

_____ Other

Participation in the plan shall commence on the first of the month following satisfaction of the eligibility requirements set forth.

Signature: _____

Print Name: _____

Title: _____

Date: _____



Brought to you by Andreini & Company

Affordable Care Act Final Rule: 90-Day Waiting Periods and Proposed Rule on "Orientation Periods"

Well, the Agencies have done it again! The following is a summary of the Final Rule on the 90-day waiting period and the Proposed Final Rule addressing orientation periods.

The Basics

Defining the 90-Day Waiting Period. The Final Rule keeps the proposed definition of "waiting period" as the period that must pass before coverage for an individual who is otherwise eligible to enroll under the terms of the group health plan for coverage to be effective. "Days" means calendar days, including weekends and holidays.

Otherwise Eligible. Plan sponsors may establish substantive criteria unrelated to the passage of time in determining eligibility. The common examples would be eligibility based on job classification or meeting proper licensing requirements. The Final Rule adds a third example of substantive criteria: Bona-fide and reasonable orientation periods. The Proposed Final Rule contains a maximum permissible duration (roughly one month) for orientation periods. We discuss this issue in more depth in the Details section of this Benefits Alert.

Applicability of the 90-Day Waiting Period Limitation. The Affordable Care Act (ACA) Final Rule applies to health insurance policy issuers and to group health plans, whether insured or self insured, and whether grandfathered or non-grandfathered. Policy issuers have a safe harbor as discussed later in this Benefits Alert.

Effective Date. The 90-Day waiting period limitation is effective for plan years beginning on or after January 1, 2014. The Final Rule, itself, is effective for plan years beginning on or after January 1, 2015. To achieve compliance in 2014, plan sponsors may comply with either the 2013 proposed regulations or the 2014 Final Rule, but must comply using one rule or the other.

Penalty for Non-Compliance. For plans that do not comply with the waiting period rules, the plan becomes subject to a \$100/day excise tax per day per failure, payable by filing IRS Form 8298 (an annual self-reporting process).

Details

1. Permissible Eligibility Criteria. The Proposed and Final Rules require a 90-day limit when eligibility is based solely on the passage of time. They also permit plan sponsors to limit coverage solely by class (e.g. office staff versus field sales force), as long as they comply with the 90-day Rule. In situations where plan sponsors use other criteria such as reaching sales goals, obtaining a professional license, or accumulating hours of service (maximum cannot exceed 1,200 hours), it must be clear to the Agencies that such alternative eligibility rules are not designed to avoid the 90-day waiting period (e.g. standard industry practice). Plan sponsors may start the 90-day wait upon reaching these substantive criteria.

Affordable Care Act Final Rule: 90-Day Waiting Periods and Proposed Rule on "Orientation Periods"

9. California Employers. As you know, AB 1083 imposes its own 60-day waiting period limitation on small and large group health care policies issued in California. The California rule, in general terms, trumps the federal rules for insured plans. Self-funded plans are not subject to AB 1083. The California 60-day rule goes into effect on the policy renewal date on or after January 1, 2014.

It also is our understanding that California insurers are inconsistent in their administration of the 60-day rule. We are currently in discussions with the California Department of Managed health Care and will report back to our California clients once there is clarity.



Board of County Commissioners

State of Florida

The Honorable John B. Arnold, Mayor
City of Valparaiso
465 Valparaiso Parkway
Valparaiso, FL 32580

October 21, 2014

Re: Public Transit Service

Dear Mayor Arnold:

For the last three years, the Board of County Commissioners has asked our municipal leaders to consider including in their budgets funds to help the County pay for public transit service. In the months leading up to the adoption of the FY 15 budget, there were a number of meetings between County and City staff regarding the potential creation of a "transit cooperative" which would give the each participant input into the operation and funding of the public transportation system. While these meetings did not produce an agreement in time for the FY 2015 budget, the Board of County Commissioners sincerely hopes that such an agreement may be reached in the upcoming year in time for the FY 2016 budget preparation cycle.

To this end, I respectfully request that you, and your professional staff, give serious consideration to the attached memorandum of agreement and work with our staff to develop a transit cooperative that suits all our needs including, most importantly, the citizens who depend on public transportation for their medical, employment, and other needs. Please be aware that the attached memorandum is a *draft*, and be assured that the Board of County Commissioners is willing to work with any suggestions or recommendations that will enable us to reach a mutually beneficial agreement with our municipal partners.

Thank you very much for your time and consideration of this extremely important issue. If you have any questions or comments, please do not hesitate to contact our Growth Management Director, Elliot Kampert, at 850- 651-7524.

Sincerely,

Charles K. Windes, Jr.
Chairman, Board of County Commissioners

cc: Carl Scott, City Administrator

attachment

Memorandum of Agreement Establishing an Okaloosa County Public Transit Cooperative

This Memorandum of Agreement (the "Agreement") is entered into between Okaloosa County, (the "County") and the municipalities of Crestview, Destin, Fort Walton Beach, Mary Esther, Niceville, Cinco Bayou, Laurel Hill, Valparaiso, and Shalimar, (the "Participating Municipalities") each a municipal corporation located in Okaloosa County;

WHEREAS Part I of Chapter 163, Florida Statutes, more commonly known as The Florida Interlocal Cooperation Act of 1969, provides that public agencies of the State of Florida may exercise jointly with any other public agency of the State of Florida any power, privilege, or authority which such agencies share in common, and which each might exercise separately; and that a joint exercise of power by such agencies may be made by contract in the form of an interlocal agreement; and

WHEREAS, section 125.01(f), Florida Statutes, and its home rule powers, authorizes the County to provide public transportation service; and

WHEREAS, section 166.021(1), Florida Statutes, pursuant to its home rule powers, authorizes municipalities to render municipal services, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the County and the Participating Municipalities desire to jointly enter into an agreement to provide public Transit services that will serve both incorporated as well as unincorporated areas within Okaloosa County; and

WHEREAS, Okaloosa County has been designated as the Community Transportation Coordinator for receipt of state and federal transit funds.

NOW THEREFORE, the parties do agree as follows:

Section 1. PURPOSE: The County and Participating Municipalities agree to cooperate, pursuant to the terms of this Interlocal Agreement, in the operation of a public transit cooperative (the "Cooperative") in Okaloosa County. In particular, it is the express purpose of the Agreement to provide for the coordination of fixed route transit service throughout the legal service area of the Cooperative as provided herein and to formulate and implement consistent plans, programs, policies and procedures in the operation, maintenance and development of Transit service throughout the legal service areas of the participating entities.

Section 2. DEFINITIONS:

- a) "Cooperative" shall mean the Okaloosa County Public Transit Cooperative.
- b) "Cooperative Coordinator" shall mean the employee of the County or Participating Municipalities who serves as the Transit Coordinator and Grants Manager for the Community Transportation Coordinator as provided in Section 427.0155, Florida Statutes.
- c) "County" shall mean Okaloosa County, a political subdivision of the State of Florida.
- d) "Cinco Bayou" shall mean the Town of Cinco Bayou, a municipal corporation located in Okaloosa County, FL.
- e) "Crestview" shall mean the City of Crestview, a municipal corporation located in Okaloosa County, FL.
- f) "Destin" shall mean the City of Destin, a municipal corporation located in Okaloosa County, FL.
- g) "Fiscal Year" shall mean budget year October 1-September 30.
- h) "Fixed Assets" is defined by the county as all property with value of \$1,000 or more purchased under the equipment control account, as amended from time to time. Fixed Assets shall be in accordance with Board directives, Florida Statutes, and the Rules of the Auditor General.
- i) "Fort Walton Beach" shall mean the City of Fort Walton Beach, a municipal corporation located in Okaloosa County, FL.
- j) "Governing Board" shall mean the governing body of the Okaloosa County Public Transit Cooperative as empowered pursuant to the Agreement.
- k) "Laurel Hill" shall mean the City of Laurel Hill, a municipal corporation located in Okaloosa County, FL.
- l) "Mary Esther" shall mean the City of Mary Esther, a municipal corporation located in Okaloosa County, FL.
- m) "Niceville" shall mean the City of Niceville, a municipal corporation located in Okaloosa County, FL.
- n) "Participating Governing Bodies" shall mean the governing body of Okaloosa County and the governing bodies responsible for the decision and policy making activities of Participating Municipalities.
- o) "Valparaiso" shall mean the City of Valparaiso, a municipal corporation located in Okaloosa County, FL.

Section 3. This Agreement shall constitute the entire agreement of the parties hereto regarding the Cooperative. There are no promises, representations, or warranties other than those set forth herein. This Agreement shall be binding upon the parties and successors in interest, in accordance with its terms. Modifications or amendments of the Agreement shall be binding and valid when submitted in writing and approved by each Participating Governing Body and by the Governing Board, and executed on behalf of each Participating Governing Body and the Governing Board.

Section 4. TERMS: The term of this Agreement shall commence and be effective on the date the last party signs the agreement or by _____, 2015 whichever occurs first, and shall terminate on September 30, 2015 unless terminated prior to this date in accordance with the provisions of the Agreement. This Agreement shall be automatically renewed on a year to year basis unless the terminated as set for therein.

Section 5. WITHDRAWAL AND TERMINATION: Any Participating Governing Body may withdraw from the Cooperative established by the Agreement, and thereby terminate its rights and responsibilities under the Agreement. The termination and withdrawal shall be effective on the next succeeding September 30, and shall be accomplished by the giving of written notice of the withdrawal and termination to the Governing Board and to each Participating Governing Body on or before June 1 prior to the September 30 effective date of termination.

Section 6. ADDITION OF NEW MEMBERS:

- a) Any municipality within Okaloosa County that meets the following minimum standards may become a party to the Agreement and a member of the Okaloosa County Public Transit Cooperative:
 - (1) Be administered by a governing board responsible for the decision and policy making activities of the entity.
 - (2) Have an annual budget capable of sustaining participation in the Transit cooperative as determined by the Governing Board.
 - (3) Submit a letter of intent for formal membership to the Okaloosa County Public Transit Cooperative Governing Board prior to May 1 of the current fiscal year and obtain approval by each Participating Governing Body and execution and delivery of a counterpart original of the Agreement (as then in force), prior to August 1 of the current fiscal year.

- b) Upon satisfaction of these conditions, the proposed new participant shall become a party to the Agreement and a member of the Okaloosa County Public Transit Cooperative effective the next succeeding October 1, subject to all the provisions and obligations, and entitled to all the privileges and rights, accruing to all of the Participating Governing bodies under this Agreement.

Section 7. GOVERNING BOARD: The name of the Governing Board shall be Okaloosa County Public Transit Cooperative Board (the "Governing Board"). Each Participating Governing Body shall appoint one of its members to the Governing Board; the Board of County Commissioners shall appoint one of its members to represent the unincorporated area of the county. Each Participating Governing Body shall designate at least one alternate representative to act on its behalf during any absence. The Chairman of the Governing Body shall be the member appointed by the County. The Cooperative Coordinator shall be an ex officio (non-voting) member of the board. The Governing Board members will not be paid a salary or wages. The Governing Board serves as the governing body for the Cooperative and has the following powers, duties and responsibilities:

- a) Managing the affairs of the Cooperative.
- b) Bylaws will be established by the Governing Board.
- c) There will be six or more open public meetings a year of the Governing Board.
- d) Review the operation of the public transit system and, as it may deem appropriate, recommend changes to the Board of County Commissioners regarding routes, stops, or other components of the fixed route system.
- e) Participate in the funding of public fixed-route transportation as provided herein.

Section 8. STAFFING: The Cooperative Coordinator shall be hired by the County and shall have the following minimal qualifications: Bachelor's degree in with major course work in transportation planning, municipal planning, engineering, business or public administration or a related field; supplemented by a minimum of three (3) years progressively responsible planning experience in public or private transit system management, transit operations or transportation planning; Master's degree with two (2) years professional experience may substitute for the above requirements. The Cooperative Coordinator shall be an employee of Okaloosa County, with compensation and benefits in accordance with County policy.

Section 9. POWERS, DUTIES AND RESPONSIBILITIES OF THE COOPERATIVE COORDINATOR: The Cooperative Coordinator shall have the following powers, duties and responsibilities:

- a) Serves as an integral part of local and regional transportation teams which advise the Okaloosa County Growth Management Director on regional public transportation

- issues.
- b) Directs and coordinates the development of short and long range transit system plans and improvements.
 - c) Plans, directs and coordinates public transportation activities.
 - d) Identifies transportation issues, formulates alternatives and prepares recommendations for action, assures compliance with various planning requirements and regulations, participates in area transportation planning activities, oversees the development of transit improvement plans and provides Countywide technical support for public transit planning activities.
 - e) Directs the preparation of capital and operating grants and oversees all transportation related grant activity including seeking funding sources.
 - f) Prepares and assists in the preparation of Board of County Commission reports related to transit, and other local, regional, and federal technical and special reports.
 - g) Makes presentations to the Board of County Commission as required and conducts special studies in response to policy issues raised by the County Administrator or the Board.
 - h) Participates in the preparation, administration and monitoring of all transit finances including operating budget, capital improvements, accounting and the Capital Improvement Program through the TPO.
 - i) Provides input for National Database reporting, TEAM and Safety and Security reporting.
 - j) Assures departmental compliance with local, state, regional and federal transportation and transit planning requirements and regulations.
 - k) Coordinates with the Clerk of Courts, Finance and Contract staffs to ensure accurate accounting of all transit revenues and expenditures.
 - l) Directs preparation of all invoices for federal, state and local funding sources.
 - m) Oversees efforts to develop transit improvement plans; updates the County's Transit Development Plan, Title VI Civil Rights and DBE reports as required by state and/or federal authorities.
 - n) Participates on government planning committees and citizen committees.
 - o) Addresses public groups and attends professional meetings.
 - p) Develops new service concepts.
 - q) Participates in contract negotiations, audits and federal grants and third-party contracts and in the development of cost allocation plans.
 - r) Directs and participates in the preparation of government purchasing documents (RFPs and bids) for transit service contracts; oversees administration of professional transit service contracts for bus service and maintenance, transit facility maintenance, capital project design and construction and other regional and local transit related contracts.

Section 10. ANNUAL BUDGET: The budget shall be developed on a fiscal year basis beginning October 1 and ending September 30 each year. The Cooperative budget shall be

developed by the Cooperative Coordinator and shall take into account funds received from the Participating members, state, and federal governmental sources, and all other revenue sources received to provide Transit service. The budget shall be adopted by the Cooperative Governing Board and shall be forwarded to the Board of County Commissioners for inclusion in the County's budget.

Section 11. FISCAL RESPONSIBILITY: All funds administered by the Cooperative Coordinator shall be audited with the County's independent audit annually, which audit shall be prepared and presented to the Governing Board. Upon request, the Cooperative Coordinator shall furnish to each Participating Governing Body, within thirty (30) days following the previous period a written quarterly report regarding the use and expenditure of funds under the control of the Cooperative. Reports shall include quarterly revenues by source and expenditures by object code, year-to-date expenditures by object code, and the balance for the fiscal year; form to be determined by the Cooperative. Upon request, the governing body of each Participating Member shall furnish to the Cooperative Coordinator, within thirty (30) days following the previous period, a written quarterly report regarding the use and expenditure of funds, as they relate to transit functions, under the control of the Participating Governing Body.

Section 12. APPROPRIATION OF PARTICIPATING MEMBER FUNDS: The County and each Participating Municipality shall contribute an amount based on [To Be Determined]. In addition, any annually-recurring costs borne by a municipality that directly support the operations of the fixed route transit system (e.g., provision of office space) may be included as part of that participant's contribution. One-time capital costs (e.g., installation of a shelter or stop) shall not be included. Nothing herein shall prohibit any Participating Member from seeking private contributions to assist in the funding of transit operations. The responsibility for, and timing of application of such funds as part of the Participating Member's contribution, shall be at the discretion of the Participating Member who receives such funds.

Section 13. ADDITIONAL RESPONSIBILITIES OF PARTICIPATING MEMBERS: Participating Members shall abide by all state and federal laws, and specifically those relating to the provision of Transit services.

Section 14. SOVEREIGN IMMUNITY: The parties further agree that nothing contained herein is intended to nor shall be construed a waiver of any Participating Members rights and immunities under Florida Constitution, common law, or Florida Statutes 768.28 as amended from time to time.

Section 15. INSURANCE: The Cooperative and Participating Governing Bodies shall provide, pay for, and maintain in force at all times during this Agreement insurance to cover its respective buildings, contents and vehicles, workers' compensation, liability and any other insurance required by law.

Section 16. MODIFICATION OF AGREEMENT: Modifications, amendments, or alteration of the terms or conditions contained herein shall be effective when submitted in a written document executed by the parties hereto, with the same formality, and of equal dignity herewith.

Section 17. NOTICE: All notices, demands, or other writings required to be given or made or sent in this Agreement, or which may be given or made or sent, by any party to the other, shall be deemed to have fully given or made or sent when in writing and addressed to:

CITY OF CRESTVIEW
MAYOR
City of Crestview
P. O. Box 1209
Crestview, FL. 32536

CITY OF DESTIN
CITY MANAGER
City of Destin
4200 Indian Bayou Trail
Destin, FL. 32541

CITY OF FORT WALTON BEACH
CITY MANAGER
City of Fort Walton Beach
107 Miracle Strip Parkway
Fort Walton Beach, FL. 32549

CITY OF MARY ESTHER
CITY MANAGER
City of Mary Esther
195 Christobal Road
Mary Esther, FL. 32569

OKALOOSA COUNTY
COUNTY ADMINISTRATOR
1804 Lewis Turner Blvd.
Suite 400
Fort Walton Beach, FL. 32547

TOWN OF CINCO BAYOU
TOWN CLERK
Town of Cinco Bayou
10 Yacht Club Drive
Cinco Bayou, Florida 32548

CITY OF LAUREL HILL
CITY CLERK
P.O. Box 158
Laurel Hill, FL 32567

TOWN OF SHALIMAR
MAYOR
2 Cherokee Road
Shalimar, FL 32579

CITY OF VALPARAISO
MAYOR
465 Valparaiso Parkway
Valparaiso, FL 32580

Section 18. ENTIRE AGREEMENT: This Agreement embodies the entire agreement between the parties. It may not be modified or terminated except as provided herein. If any provision herein is invalid, it shall be considered deleted therefore, and shall not invalidate the remaining provisions.

Section 19. GOVERNING LAW: The parties intend that this Agreement and the relationship of the parties shall be governed by the laws of the State of Florida. Venue for any action arising out of this Agreement between the parties shall be exclusively in Okaloosa County, Florida and nowhere else.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the respective dates under each signature.

CITY OF CRESTVIEW

ATTEST: _____

(Title): _____ Mayor, City of Crestview
This ____ day of _____,
2015

CITY OF DESTIN

ATTEST: _____

(Title): _____ Mayor, City of Destin
This ____ day of _____, 2015

ORDINANCE NO. 656

AN ORDINANCE OF THE CITY OF VALPARAISO, FLORIDA PROVIDING THAT THE CODE OF ORDINANCES, CITY OF VALPARAISO, BE AMENDED BY REVISING PART II, CHAPTER 6 ALCOHOLIC BEVERAGES TO INCLUDE SECTIONS 6-1 THROUGH 6-4; PROVIDING FOR A LOCAL CONDITIONAL USE PROVISION; PROVIDING FOR CONSISTENCY WITH STATE LAW; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Valparaiso Commissioners are authorized to adopt and enforce regulations concerning alcohol sales and consumption; and

WHEREAS, Title XXXIV Alcoholic Beverages and Tobacco Chapters 561 – 569, Florida Statutes, provides the basis for sales, consumption and authority of the City to regulate the sale and consumption of alcoholic beverages; and

WHEREAS, it is the City's primary duty to act in the best interest of the public at large and to protect the health, safety and welfare of its citizens by providing public food service establishments a means to sell alcohol through obtaining a conditional use permit within the city limits of the City of Valparaiso.

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

SECTION 1. This Ordinance shall create an amendment to Part II Article 6 Alcoholic Beverages as follows with underlining indicating new language and ~~strikethrough~~ indicating deleted language.

SECTION 2. Findings. The City of Valparaiso Commissioners hereby makes the following findings:

- Sec. 6-1. - Hours of sale.

All persons duly and legally licensed by the state are allowed and permitted to sell alcoholic beverages at any time during the 24 hours of each day with the following exceptions:

(a) In any establishment where alcoholic beverages are permitted to be consumed on the premises, and where the value of the sale of alcoholic beverages exceeds the value of the sale of food served on a monthly basis, no alcoholic beverages may be sold, served or consumed or permitted to be sold, served or consumed between the hours of 3:00 a.m. and 10:00 a.m., Monday through Saturday nor between the hours of 3:00 a.m. and 1:00 p.m., on Sunday. Such establishments may not be open to the public between the hours of

3:00 a.m. and 10:00 a.m. Monday through Saturday nor between the hours of 3:00 a.m. and 1:00 p.m. on Sunday.

(b) In any establishment where alcoholic beverages are permitted to be consumed on the premises, and where the value of the sale of prepared food served on the premises exceeds the value of the sale of alcoholic beverages, no alcoholic beverages may be sold, served or consumed or permitted to be sold, served or consumed between the hours of 3:00 a.m. and 10:00 a.m., Monday through Sunday. Between the hours of 10:00 a.m. and 1:00 p.m., on Sunday, alcoholic beverages may only be sold, served or consumed or permitted to be sold, served or consumed with a meal service.

- Sec. 6-2. - Distance between establishments restricted—Exception.

(a) It shall be unlawful to sell, or offer to keep for sale, alcoholic beverages containing more than one percent of alcohol by weight in any place or establishment, including a private club or bottle club, for which the appropriate Florida Department of Business and Professional Regulation/Division of Alcoholic Beverages and Tobacco license has not been issued.

(b) No establishment shall permit the on-premises consumption of alcoholic beverages when the location of the premises are or shall be at a distance of less than 1,000 feet from the nearest other such establishment; which distance shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of such establishment to the main entrance of the next nearest such establishment.

(c) Distance from churches, schools, cemeteries, residential zoning districts, and residential uses: Except those vendors licensed in accordance with Section 561.422, Florida Statutes and non-profit civic organizations permitted pursuant to Section 561.422, Florida Statutes and other exemptions provided herein, no vendor of alcoholic beverages as described in subsection 1 above establishment licensed pursuant to subsection 1 above for consumption on premises shall be located within 600 feet of a church, school, cemetery, residential zoning district or residential use. The distance shall be determined by measuring a radius from the closest improved part of the property (excluding stormwater treatment facilities and landscape buffers) supporting the alcoholic beverage establishment to the nearest parcel of land on which occurs a school, church, cemetery, residential zone, or residential use. If any portion of a parcel of land in use as a residence lies within such radius, or if any portion of a parcel of land containing a church, school or cemetery lies within the radius, or if a residential zone lies within the radius, then the establishment shall be deemed to be within such distance.

(d) The provisions of this section shall not apply to establishments in operation as of November 9, 1959, which continue in operation.

- Sec. 6-3. - Same—Inapplicable to certain hotels, motels and restaurants.

The limitations as to the distance required between establishments shall not apply to any bona fide hotel, motel, motor court or to any bona fide restaurant; provided, any restaurant shall be prohibited from selling alcoholic beverages after the hours of serving food have ceased; provided further, the distance requirements shall apply if such restaurant ceases to be a bona fide restaurant.

- Sec. 6-4. - Variance from distance requirements.

The board of commissioners is authorized to grant a conditional use permit from the distance requirements specified herein utilizing the procedures specified in the City of Valparaiso Land Development Code Section 114-13 and pursuant to the standards outlined for evaluating such conditional uses.

Section 2: CONSISTENCY WITH STATE LAW

No provision of this ordinance shall be a violation of State Law as provided in Title XXXIV Alcoholic Beverages and Tobacco Chapters 561 – 569, Florida Statutes.

Section 3: SEVERABILITY PROVISIONS

Should any part of this ordinance be declared unconstitutional or void by a court of competent jurisdiction, the remaining parts shall remain in full force and effect.

Section 4: REPEALED PROVISIONS

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 5: EFFECTIVE DATE

This ordinance shall become effective upon adoption according to law.

ADOPTED IN SESSION THIS _____ DAY OF _____, 2014:

Mayor

Attest:

City Clerk

Ordinance No. 656

Scope: The Purpose of this document is to provide clarification on Florida State Code requirements as adopted by the City of Valparaiso for the Authority Having Jurisdiction (AHJ) in regard to A2 occupancies.

Edition Date: Florida Building Code 2010 adopted October, 2011

Subject: Code Considerations for Current and/or Constructing Covered Outdoor Spaces Adjacent to an Existing Restaurant, Bar or Nightclub

1.0 INTENT

This Document addresses 2010 Florida State Building Codes (FBC) requirements where a permanent or a seasonal roof structure either preexists or will be constructed over an outdoor space (for example, a patio, deck, balcony, etc.) that is adjacent and physically attached to an existing building. The commercial establishment in the existing building is primarily intended for the consumption of food and/or alcoholic beverages and the new covered outdoor space will serve the same function. The structural framing over the outdoor space may support a solid covering (i.e., metal, shingles, fabrics, light transmitting plastic panels, flexible coverings like canvas) or a semi-solid/opened covering (i.e., structural framing supporting lattice work, grating/trellis).

These establishment types include, but are not limited to, banquet halls, nightclubs, restaurants, taverns and/or bars and are usually classified by occupancy in the FBC as either a Mercantile (Group M) or an Assembly (Group A-2), depending on their calculated aggregate design occupant load. Reference Section 303.1.1 – Restaurants and drinking establishments with an occupant load of less than 50 persons shall be classified as Group M, Mercantile.

The establishment may be located in a single occupancy use building or may be a tenant space in a multi-tenant building with multiple non-separated or separated occupancy uses. This document assumes that the existing or new covered outdoor space is located on the level of exit discharge and is not separated from the existing building by a fire wall (FBC-706).

This document is not applicable to awnings and canopies as addressed in Section 3105 of the Florida State Building Code (FBC).

2.0 FLORIDA CODE REFERENCES

Florida Building Code (FBC) 2010.

Florida Fire Prevention Code (FFPC) 2009.

Florida Energy Code (FEC) 2010.

Florida Plumbing Code (FPC) 2010.

3.0 CODE DEFINITIONS

Assembly Group A-2 Occupancies (FBC-Section 303): Assembly uses intended for food and/or drink consumption including, but not limited to (1) banquet halls, (2) night clubs, (3) restaurants and (4) taverns and bars. Note that Exception # 1 under Section 303.1 states that “A building or tenant space used for assembly purposes with an occupant load of less than 50 persons shall be classified as Group B occupancy.” As previously noted this does not apply to restaurants and drinking establishments with an occupant load of less than 50 where a Group M, Mercantile designation shall be used.

AREA, BUILDING (FBC-Section 502): The area included within surrounding exterior walls (or exterior walls and fire walls) exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.

FIRE SEPARATION DISTANCE (FBC-Section 702): The distance measured from the building face to one of the following: (1) the closest interior lot line; (2) to the centerline of a street, an alley or public way; or (3) to an imaginary line between two buildings on the property. The distance shall be measured at right angles from the face of the wall. Refer to FBC-Table 602 for fire-resistance rating requirements for exterior walls based on fire separation distance.

FIRE AREA (FBC-Section 902): The aggregate floor area enclosed and bounded by fire walls, fire barriers, exterior walls, or horizontal assemblies of a building. Areas of the building not provided with surrounding walls shall be included in the fire area if such areas are included within the horizontal projections of the roof or floor next above.

FIRE BARRIER (FBC-Section 702): A fire-resistant-rated wall assembly of materials designed to restrict the spread of fire in which continuity is maintained. Fire barrier requirements are addressed in FBC-Section 707. Note that a fire barrier provides a higher degree of protection than a fire partition (FBC-Section 709), but lacks the inherent structural integrity of a fire wall (FBC-Section 706). Fire barrier assemblies must be continuous from the top of a fire-resistance-rated floor/ceiling assembly to the underside of the floor or roof slab or deck above. The barrier must be constructed tight and securely attached to the underside of the floor slab or roof deck.

FIRE PARTITION (FBC-Section 702): A vertical assembly of materials designed to restrict the spread of fire in which openings are protected. Fire partition requirements are addressed in FBC-Section 709.

FIRE WALL (NCBC-Section 702): A fire-resistant-rated wall having protected openings, which resist the spread of fire and extends continuously from the foundation to or through the roof, with

sufficient structural stability under fire conditions to allow collapse of construction on either side without collapse of the wall. Fire wall requirements are addressed in FBC-Section 706).

FLOOR AREA, GROSS (FBC-Section 1002): The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.

FLOOR AREA, NET (FBC-Section 1002): The actual occupied area not including unoccupied accessory areas such as corridors, stairways, toilet rooms, mechanical rooms and closets.

HORIZONTAL ASSEMBLY (FBC-Section 702): A fire-resistant-rated floor or roof assembly of materials designed to restrict the spread of fire in which continuity is maintained. Horizontal assembly requirements are addressed in FBC-Section 712.

4.0 CODE CONSIDERATIONS

For purposes of this document, it is assumed that the existing building complied with all Florida State Building Codes in effect at the time the structure was permitted by the Authority Having Jurisdiction (AHJ). However, the Certified Building Official (CBO) needs to confirm that any elements of the existing building, which may be affected by from the use or the addition of a covered outdoor space, will continue to comply with code. These elements include consistent construction type, exiting, and/or other code items that may also have been altered after the original Certificate of Occupancy was issued for the existing building. For these reasons, it is a requirement per the City of Valparaiso Code of Ordinances a minor development order be submitted for compliance review which includes information on the construction of the proposed covered outdoor space and information on the existing building to which the covered outdoor space is be attached.

Note to the Fire Inspector - It is not uncommon for a covered outdoor space or an addition to have been constructed without a required permit or altered after the original Certificate of Occupancy was issued. It is incumbent upon the Fire Inspector to not assume that the type of construction and means of egress condition(s), etc., as currently exist, are code compliant.

5.0 INFORMATION REQUIRED FOR PROJECT REVIEW

The CBO's review of the submittal requires basic project information for both the existing building as well as the proposed covered outdoor space. The following data should be addressed and included as a part of the submittal package:

Occupancy Classification of the Existing Building and the Covered Addition - Determining the occupancy classification, or classifications, of an existing building and any proposed addition is

essential to the correct application of subsequent requirements found throughout the Florida Building Codes. Use and Occupancy Classifications are addressed in Chapter 3 of the FBC and how to calculate the design occupant load for a covered outdoor seating area and the existing building are found later in this section.

1. A single use building has one occupancy group classification. For the purpose of this document, a restaurant, bar, tavern and/or nightclub are classified by use as either Assembly-Group A-2 or Mercantile-Group M, based on the calculated design occupant load. An existing establishment, including a covered outdoor addition, is classified by occupancy use as Assembly-Group A-2 with a calculated design occupant load of more than 50 persons. Conversely, an existing establishment, including a covered outdoor addition, is classified by occupancy use as Mercantile-Group M with a calculated design occupant load of less than 50 persons per FBC Section 303.1.1.
2. A multiple tenant building may have one occupancy classification (for example, all office tenants-Group B) or may have more than one occupancy group use and is identified by the FBC as “mixed occupancy”, per FBC-Section 508. For example of several occupancy groups that could be found in a multi-tenant (mixed occupancy) building there could be a dentist, law firm, or barber shop, etc. (classified as Business-Group B), a grocery store, or drug store (classified as Mercantile-Group M) and a restaurant/bar (which could be classified as either Assembly-Group A-2 or Mercantile-Group M, depending on the calculated design occupant load).
3. Design options for addressing mixed use and occupancy in a building are as follows*:
 - a. Option # 1- Non-separated uses, where the height, area and sprinkler requirements for the most restrictive type of occupancy group are applied to the entire building (refer to FBC-Section 508.3);
 - b. or Option # 2 - Separated uses, where individual occupancies are separated by rated fire barriers. The rated fire barriers are compliant with area limitations determined by a unit formula and where no occupancy may occur on a floor higher than the limitation for the individual occupancy and where sprinkler requirements are limited to the fire area in which the occupancy occurs (refer to FBC-Section 508.4);
 - c. or Option # 3 - Combination of non-separated and separated uses;
 - d. or Option # 4 - Create separate buildings by separation of one or all of the occupancies with a fire wall (refer to FBC-Section 706, which addresses fire walls).

*NOTE: Each design option, when the FBC is applied correctly, should provide a building with an acceptable level of safety. The owner or his designer, not the CBO, is responsible for determining which option to use and this option is required to be noted on the drawings. It is the responsibility of the CBO to confirm that the selected option is designed in a code compliant manner.

Occupant Load of the Existing Building and the Covered Space - The preexisting or addition of a covered outdoor space to an existing restaurant, bar, tavern and/or nightclub increases the design occupant load of the entire establishment.

1. Considerations: The purpose for calculating the design occupant load is to establish the maximum number of persons who occupy a building or a space at any one time. The maximum square feet per person is based on the use (FBC-Chapter 3) of each space or room in accordance with FBC-Table 1004.1.1, and not the occupancy classification of the building.

For example: A restaurant/bar with an aggregate occupant load of less than 50 persons is classified by occupancy as Group M for purposes other than code exiting requirements. However, the occupant load is not to be calculated at 60 sq. ft. gross per person as would be allowed for a Mercantile occupancy use in FBC-Table 1004.1.1. To determine the occupant load in a restaurant or bar, each space is calculated in accordance to its function. The dance floor, waiting area and bar will be calculated at 7 sq. ft. net/person (Assembly concentrated without fixed seats). The seating/dining area will be calculated at 15 sq. ft. net/person (Assembly un-concentrated). Other spaces will be calculated per person by use in the same manner, i.e., the kitchen at 200 sq. ft. gross/person, the storage room(s) and/or mechanical room at 300 sq. ft. gross/person, the office(s) at 100 sq. ft. gross/person, etc. Once each space is calculated individually, the load for all spaces is added together to become the aggregate design occupant load for the entire restaurant or bar. If the load equals or exceeds 50 persons, the restaurant or bar will be classified as Assembly Occupancy A-2 for all code purposes.

2. Importance of correct occupant load calculations: The calculated design occupant load determines whether an establishment (restaurant, bar, etc.), primarily in the business of serving food and /or alcoholic drinks for consumption on the premises, is classified by occupancy as Group M or Group A in Chapter 3 of the FBC. An increase in the design occupant load could also trigger additional means of egress elements and/or fire protection systems. Under current code, the load threshold for occupancy classification as Mercantile verses Assembly for a restaurant may have changed from a previous code:

3. Uncovered outdoor area: The construction of an uncovered outdoor area (patio, deck, porch, balcony, etc.) directly adjacent to an existing building or tenant space may not increase the occupant load of the existing building for the purpose of calculating means

of egress, even when the intended use of the outdoor area is to serve the same function as the existing establishment. The occupant load is calculated the same way for group classification purposes, but only egress requirements may be impacted. The exception would be when the means of egress from the uncovered outdoor area does not discharge directly to the public way by Code compliant means and the occupants are thus required to return into, and egress through, the adjacent existing building to reach a code compliant exit. In this scenario, the design occupancy load of the uncovered outdoor area is now added to the design occupancy load of the existing establishment for compliance with means of egress requirements as addressed in the FBC-Section 1004.8. Calculating the occupant load, based on the type of use for the outdoor area and for all spaces in the existing building, is required to be in accordance with current code requirements.

Construction Type of the Existing Building and the Covered Space - Correct classification of a building by construction type is essential for determining code compliance with respect to its occupancy classification. Type of construction also relates to the contribution of the structure itself to fuel load, the potential for spread of fire to adjacent structures and the effort required by the fire department to fight the fire. In accordance with Chapter 6 of the FBC, it is necessary to know the construction type of the proposed covered outdoor space and the construction type of the existing building, particularly if they are not classified as the same type of construction. The following are considerations when reviewing for the correct construction classification:

1. Types of Construction: Each structure must be assigned a construction classifications, i.e., Type I-A, I-B, II-A, II-B, III-A, III-B, IV, V-A or V-B (FBC-Section 602) and as follows:
 - a. FBC-Table 601: Based on the construction classification, structural members may be required to have a fire-resistance rating in accordance with FBC-Table 601 (Fire-Resistive Rating Requirements for Building Elements).
 - b. FBC-Table 602: Exterior wall construction of the structure must comply with the requirements in Table 602 (Fire-Resistive Rating Requirements for Exterior Walls Based on Fire Separation Distance).
2. Existing and Covered Addition Same Construction Type: If the covered outdoor space and the existing building are the same construction and fire-resistance (or non-fire-resistance) rating type, then the project will be reviewed as that type of construction for compliance under FBC-Tables 503, 601,602 and other code requirements as applicable.
3. Different Construction Types: Where two (or more) types of construction, even if separated by a fire barrier but not separated by a fire wall, occur in the same building, the most restrictive construction type shall determine the construction classification type of the entire building and shall not exceed any of the component limitations in FBC-Table 503 and Table 602.

For example: If an existing building, classified as A-2 occupancy, is Type II-B construction and the covered outdoor space is to be Type V-B construction, then the existing building shall be re-classified as Type V-B unless a fire wall is constructed between the addition and the existing building.

4. CBO requires that a site plan be submitted for review of the following:

- a. Compliance with FBC-Table 602. (Refer to code definition of Fire Separation Distance). If the separation distance between the existing building (with the proposed covered outdoor addition) and any adjacent existing building(s) is less than 60 feet apart from the proposed covered outdoor addition, the construction and occupancy classification of the adjacent building(s) should also to be provided.
- b. Confirmation that the dedicated fire apparatus access, as required in the 2009 Florida Fire Prevention Code-Section 503, will continue to be maintained after construction of the proposed covered outdoor space.

Area and Height of the Existing Building and the Covered Space.

1. Importance of FBC-Tables 503 and 601:

- a. The provisions for governing the height and area of the building based on occupancy group classification and type of construction are established in FBC-Section 503. This Section also establishes FBC-Table 503 as the primary tool for determining the minimum type of construction. FBC-Table 601 is used with FBC-Table 503 to determine acceptable risk and safety levels of a building and the materials used to construct it in relationship to fire hazard.
- b. In accordance with the descriptions in Chapter 3, classification by occupancy can be considered as establishing the level of "risk" associated with the occupancy use of a building. Use of the building is an indication of its fire loading. The various construction types, described in Chapter 6 and Table 601 of the FBC, can be thought of as reflecting various levels of safety provided by fire resistance. FBC-Table 503 becomes a risk/safety matrix that sets a minimum level of safety (construction type) in accordance with the risk (occupancy classification reflecting internal fire loading).

2. Contribution of new Covered Outdoor Area to existing Building Area (Refer to the code definition of Area):

- a. When a permanent or temporary roof structure is constructed over an outdoor area that is adjacent and is physically attached to an existing building, the square foot area under the covered outdoor space is to be added to, and included in, the

square footage of the existing building to calculate the revised aggregate building area.

b. When a permanent or temporary roof structure is constructed over an outdoor area that is adjacent and is physically attached to a tenant space in a multi-tenant building where the other tenant spaces in the remaining building are non-separated (see 5.0-F.1 of this Document), the area under the covered outdoor space is to be added to, and included in, the square footage of all tenant spaces to calculate the aggregate building area. (See 5.0-E.1 of this document where aggregate area, stories, and/or height exceeds FBC-Table 503).

Building Aggregate Area, Stories, and/or Height Exceeds FBC-Table 503: Based on the construction type, if the existing building with the proposed outdoor covered space exceeds any of the limitations in FBC-Table 503, the addition is not allowed by the FBC without triggering further life safety components. Some examples of possible life safety components are as following:

1. An NFPA 13 sprinkler system, as addressed in FBC-Section 506.3, can be provided to increase the allowable area (or height). The system must be installed throughout the entire building, including the existing building and the covered outdoor space. If the existing building is a multi-tenant building with multiple non-separate tenant spaces (see 5.0-F.1 of this Document), a sprinkler system is required in all other non-separated tenant spaces.

2. Construction of a fire wall* between the addition and the existing building divides a single building into (two) separate buildings, as addressed in FBC-706. The result is that all provisions of the code, including area and height & story limitations, fire protection systems, and means of egress components, are applied individually to the building on each side of the fire wall (refer to the code definition of Fire Wall).

* NOTE: Not fire barrier (FBC-707) or fire partition (FBC-709)

3. Modify the level of construction protection, based on fire-resistance rating requirements for building elements in FBC-Table 601, to increase the building area and/or height for compliance with FBC-Table 503.

Determining if a Building Qualifies as “Non-Separated” or “Separated” Occupancies in a Mixed Occupancy Multiple Tenant Building - A building, usually with multiple tenant spaces that are classified with more than one occupancy group type use, can be designed as either non-separated or separated occupancies.

1. Non-Separated Occupancies: Buildings with multiple tenant mixed occupancy uses, not separated by fire barriers, are considered non-separated occupancies and must comply

with FBC-508.3. Suppose a proposed covered outdoor area is to be constructed adjacent to and serve an existing restaurant in a non-separated mixed occupancy multiple tenant retail building. To confirm that the entire building will continue to qualify as non-separated occupancies after the covered outdoor area is constructed, the following steps are to be applied to determine that it does not exceed any of the FBC limitation requirements in Section 503 and Table 503 (including associated footnotes under Table 503):

- a. Determine the occupancy classification for the existing restaurant with the proposed covered outdoor space and for each individual tenant space in the existing building (FBC-Chapter 3).
- b. Determine which construction type or types apply to the covered outdoor space and to each individual tenant space in the existing building (FBC chapter 6). The requirements for the most restrictive type of construction are to be applied to the entire structure. For example, if a portion of the building is Type II-A and the remaining area is Type V-B, the entire building is classified as Type V-B.
- c. Calculate the building area, the general building height, and the number of stories (if more than one story) from the dimensions and building elevations on the drawings. Obtain the base area and height limitations from FBC-Table 503. Also review Chapter 5 for exceptions to these requirements including any increases that can be obtained, for example, in area or height. Apply any applicable height and area increases to the base limitations in Table 503 and compare the modified limitations to the calculated height and area.
- d. Apply all other Code requirements to each occupancy group, individually based on the specific occupancy type of each space. Examples include means of egress elements (FBC-Chapter 10), exterior wall requirements (FBC-Table 602), etc.

2. Separated Occupancies: A multiple tenant building with mixed occupancy types can be classified as separated occupancies if compliant with FBC-Section 508.4. Suppose a proposed covered outdoor area is to be constructed adjacent to and serve an existing restaurant in an existing separated mixed occupancy multiple tenant retail building. . To confirm that the entire building will continue to qualify as separated occupancies after the covered outdoor area is constructed, the following steps are to be applied to determine that it does not exceed any of the FBC limitation requirements in Section 503 and Table 503 (including associated footnotes under Table 503):

- a. In accordance with Chapter 3 of the FBC, determine which occupancy classification applies to the covered outdoor space and to each tenant space in the existing building.

b. Determine where fire barrier(s) separate occupancies or area(s) in the existing building. FBC-Section 707 addresses separation requirements by vertically constructed fire barriers. If more than one story, separation between floors by may be required between floor(s) by horizontal assemblies, as addressed in FBC-Section 712. Determine the fire-resistance rating of the fire barriers and, if applicable, horizontal assemblies. Prescribed ratings shall be as required in FBC-Table 508.4, including associated footnotes in this Table.

c. The type of construction for the entire building is determined by the height and area of the building for each occupancy classification in accordance with FBC-Chapter 5 and FBC-Table 503 (including footnotes in this Table) as follows:

Compare the height, relative to the grade plain, of each fire area with respect to the most restrictive occupancy contained within that fire area to the height allowed by FBC-Table 503 for a building in that occupancy type. Also refer to FBC-Section 504 for exceptions to the height limitations of Table 503 for certain buildings, based on the building's proposed occupancy classification and the fire safety features included in the design of the building.

In the evaluation of allowable area, intervening fire barriers between different fire areas containing the same occupancy type are not a consideration. In determining the floor area per occupancy, all fire areas of the same group are added together.

In determining the allowable areas for each occupancy group, the tabular areas from Table 503 can be modified in accordance with the provisions of FBC-Section 506. Thus, the allowable areas are intended to include the increases obtained as result of sprinklers and frontage. Respective to the allowable frontage increase, use the entire building perimeter and not just the fire area perimeter. If considering the sprinkler increase, note that the entire building must be fully sprinkled per Section 506.3, and not just a particular fire area.

Fire Suppression System Considerations for a Proposed Outdoor Covered Addition to an Existing Building

1. Based on the Code in effect at the time the existing building was permitted, fire suppression systems may not have been required. However, the construction of a roof structure over an outdoor space adjacent to and serving the same use as a restaurant or nightclub may trigger the requirement for a sprinkler system throughout all new and existing spaces of the building that are not separated by fire barriers or separated by a fire wall.

2. A review of FBC-Chapter 9 is recommended as fire suppression systems may now be necessary for Code compliance. Threshold requirements for those systems can be triggered by occupancy classification, occupancy load, square foot area, and/or level of exit discharge. Current Code (FBC-903.2.1.2 and FFPC-903.2.1.2) requires an NFPA 13

automatic sprinkler system for A-2 occupancies where one of the following conditions exists:

The fire area exceeds 5000 square feet;

or the fire area has an occupant load of 100 or more

or the fire area is located on a floor other than the level of exit discharge.

3. Example- A new outdoor covered dining area is to be constructed adjacent to and serve an existing one story restaurant. The finish floor for each is on the level of exit discharge and the construction type for both structures is V-B:

The existing restaurant has a calculated occupancy of 280 persons, is 4000 square feet and is an A-2 occupancy. The proposed outdoor addition has 60 occupants, is 900 square feet and also is an A-2. Although the aggregate square footage ($4000 + 900 = 4900$) is less than 5000, the total number of occupants (340) now exceeds the maximum allowable fire area for an A-2 occupancy. Consequently, this will trigger the requirement in FBC-Section FBC-903.2.1.2 for installing an automatic sprinkler system in the outdoor covered addition and in the existing restaurant.

In this example, one option to negate the requirement for sprinklers is to separate the proposed outdoor covered addition from the existing restaurant with a fire barrier. Thus, sprinklers are not necessary for code compliance because each fire area is below the threshold level for triggering the A-2 occupancy requirement under FBC- 903.2.1.2. Note the following:

FBC-707.3.9 addresses the required fire-resistance rating for dividing a single occupancy (or multiple occupancies) into separate fire areas. FBC- Table 508.4 provides the minimum required fire-resistance ratings for a fire barrier wall or horizontal assembly to separate the same occupancy group or multiple occupancy groups into separate fire areas.

Each fire area is evaluated independently for purposes of determining the applicable provisions of the Florida Building Codes.*

*NOTE: Means of egress from each fire area needs to be shown on the floor plan. Code compliance of each fire barrier is to be evaluated for occupancy size, required means of egress and for other life & safety requirements.

Plumbing Fixtures for the Existing Building and the Addition of an Uncovered Outdoor Area or a Covered Area - The addition of an uncovered or a covered outdoor space to serve an existing restaurant, etc. will increase the design occupancy load of an existing building. The plumbing fixture count shall be re-evaluated as follows for compliance with the current FPC (Chapter 4) and FBC (Chapter 29):

1. Option # 1 – Addition only (uncovered or covered): Provide additional plumbing fixtures for the calculated occupant load, under the current FPC, for the addition to accommodate the increase in the occupancy load for males and females created by the construction of the uncovered outdoor area or covered outdoor space;
2. Option # 2 – Existing plus Addition (uncovered or covered): Calculate the design occupancy load for the uncovered outdoor area or the outdoor covered space plus the calculated load for the existing restaurant or bar, under the current FPC, to determine the total fixture count required for males and females. If the number of existing plumbing fixtures is deficient by calculation to accommodate the addition plus the existing space, provide additional fixtures to comply with the revised fixture count.

Energy Requirements for the Covered Addition I.

1. Unless a covered outdoor building space complies with the minimum commercial building thermal envelope requirements of the FEC, a permanent heating and/or cooling appliance is not allowed to be installed to serve this space. In addition, duct work is not allowed to be extended from the existing building to serve the covered outdoor addition.
2. The 2012 FEC does contain a provision in the 2012 FEC indicates “Systems installed to provide heating outside a building shall be radiant systems. Such heating systems shall be controlled by an occupancy sensing device or a timer switch, so that the system is automatically de-energized when no occupants are present.”

Addition - For weather protection, a pliable light transmitting or fabric curtain system are often proposed in openings between columns around the exterior perimeter of covered outdoor spaces Code requirements for these systems are not addressed here.

Guards at the Outdoor Area - If any edge of the finished floor of the outdoor space is more than 30” above finish grade, guards are required along the perimeter where this condition occurs. FBC-Section 1013 addresses the requirements for guards.

Structural Requirements for the Covered Addition - Roof and wall structures, including roof covering, for covered outdoor spaces shall be designed and constructed to withstand wind or other lateral loads, snow loads and live loads as required by FBC-Chapter 16, with due allowance for shape, open construction and similar features that relieve the pressures or loads. Wind uplift is particularly important in the design of open sided covered structures. Weight required to hold the structure down may control the foundation design. See #29 (Roofs) in FBC-Table 1607.1 for minimum roof live loads required by code.

Accessibility Requirements for the Covered Addition - This document does not address code components for handicap accessibility. However, the outdoor area is required to comply with accessibility in the FBC. For example, a new required exit serving the outdoor space is required to be accessible, as addressed in FBC-Section 1007.1.

Additional City of Valparaiso code requirements are not listed here. For CBO consideration are parking requirements detailing 1 parking space per 3 seats for a restaurant facility. Handicap parking requirements as a percentage of total parking spaces and off street parking for delivery and maintenance vehicles for the facility as determined by occupant load.

RESOLUTION NO. 11-11-10-14

A RESOLUTION AUTHORIZING CITY OF VALPARAISO (HEREIN REFERRED TO AS THIS "GOVERNMENTAL UNIT") TO JOIN WITH OTHER LOCAL GOVERNMENTAL UNITS AS A PARTICIPANT IN THE FLORIDA MUNICIPAL INVESTMENT TRUST FOR THE PURPOSE OF PURCHASING SHARES OF BENEFICIAL INTEREST IN THE TRUST.

WHEREAS, Sec. 163.01, Fla. Stat., authorizes the state, or any county, municipality or political subdivision of the state, to jointly exercise any power, privilege, or authority which such governmental entities share in common and which each might exercise separately, and further provides such authority is in addition to and not in limitation of those granted by any other general, local, or special law; and

WHEREAS, by Resolutions dated the 27th day of January, 1993, the 25th day of January, 1993, and the 14th day of January, 1993, the governing bodies of the City of Bradenton, Florida, the City of Lauderhill, Florida, and the City of Palatka, Florida, respectively, found the creation of the Florida Municipal Investment Trust serves a municipal purpose and will offer diversified and professionally managed portfolios for the investment of the assets of participating municipalities and other agencies or political subdivisions in or of the state; and

WHEREAS, the authorized representatives for the City of Bradenton, Florida, the City of Lauderhill, Florida, and the City of Palatka, Florida, have executed the Agreement and Declaration of Trust on the 28th day of April, 1993, creating the Florida Municipal Investment Trust which governs the purpose, administration and operation of the Trust and its activities; and

WHEREAS, the constitutional, statutory and judicial authorities in the State of Florida authorize municipalities and other agencies or political subdivisions in or of the state to join with other municipalities and other agencies or political subdivisions in or of the state for the purpose of investing and reinvesting surplus public funds; and

WHEREAS, under the terms and provisions of the Agreement and Declaration of Trust creating the Florida Municipal Investment Trust any municipality and any other agency or political subdivision in or of the state desiring to participate in the Trust as a member must become a party to the Agreement and Declaration of Trust; and

WHEREAS, the Florida Municipal Investment Trust is an authorized investment under Section 218.415, Fla. Stat., for units of local government in Florida.

WHEREAS, it is the intent of this Governmental Unit to participate in the Florida Municipal Investment Trust as a member and become a party to the Agreement and Declaration of Trust;

NOW, THEREFORE, BE IT RESOLVED BY THIS GOVERNMENTAL UNIT:

SECTION 1. This Governmental Unit finds that participation in the Florida Municipal Investment Trust, a pooled-investment program, would be in the best interest of the Governmental Unit, its officials, officers, and citizens in that such a program offers diversified and professionally managed portfolios to meet investment needs, results in

economies of scale that will create greater purchasing powers and will thereby lower the cost traditionally associated with the investment of assets of the Governmental Unit.

SECTION 2. This Governmental Unit hereby expressly authorizes participation in the Florida Municipal Investment Trust as a member and will become a party to the Agreement and Declaration of Trust, as amended, which is adopted by reference with the same effect as if it had been set out verbatim in this section.

SECTION 3. This Governmental Unit is hereby expressly authorized to purchase shares of beneficial interest in the Trust from time to time with available funds, and to redeem some or all of its shares of beneficial interest from time to time as funds are needed for other purposes, subject to the terms and restrictions of the Agreement and Declaration of Trust referred to in Section 2 and the most recent Informational Statement. These actions are to be taken by the officers designated for this purpose pursuant to general or specific instructions by the governing body of this Governmental Unit.

SECTION 4. The Trustees of the Trust are designated as having official custody of this Governmental Unit's funds which are invested by the purchase of shares of beneficial interest in the Trust.

SECTION 5. This Governmental Unit specifically finds and determines the following matters:

(a) the conditions of the agreement and the rights and responsibilities of members of the Trust are set forth in the Agreement and Declaration of Trust, as amended and in the most recent Informational Statement;

(b) participation in the Trust shall be terminable at any time by this Governmental Unit, subject to the terms and restrictions of the Agreement and Declaration of Trust, as amended and the most recent Informational Statement;

(c) the Agreement and Declaration of Trust, as amended, and the purchase of its shares of beneficial interest are for the purpose of investing this Governmental Unit's funds as part of a pooled-investment program with other agencies or political subdivisions in or of the state, thereby achieving economic and other advantages of pooled investments, and the powers and scope of authority delegated are set forth in the Agreement and Declaration of Trust, as amended;

(d) it is not necessary to finance the agreement authorized herein from funds of this Governmental Unit, except through the purchase of shares of beneficial interest in the Trust;

(e) the Trust shall be managed by a Board of Trustees as set forth in the Agreement and Declaration of Trust, as amended; and

(f) the Board of Trustees of the Florida Municipal Investment Trust has provided for general disclosure policies of the Trust's operations and Informational Statements for the benefit of members and prospective members of the Trust so that members and prospective members are fully aware of significant investment and administrative policies, practices and restrictions of the investment portfolios of the Trust.

SECTION 6. The Governmental Unit designates and authorizes the Director of Finance (or other authorized representatives) to execute such applications and other documents as are required to invest and reinvest surplus funds of the Governmental Unit in shares of beneficial interest of the Trust's investment portfolios.

SECTION 7. The clerk of this Governmental Unit is hereby directed to furnish a certified copy of this Resolution to the Florida League of Cities.

SECTION 8. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____ 2014.

John B. Arnold, Jr.
Mayor

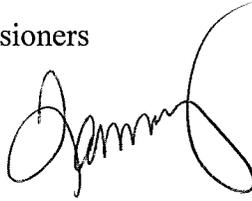
ATTEST:

Tammy Johnson, CMC
City Clerk

CITY OF VALPARAISO, FLORIDA
Office of the City Clerk

MEMORANDUM

DATE: November 5, 2014
TO: Honorable Mayor and Commissioners
FROM: Tammy Johnson, City Clerk
SUBJECT: Financial Investing



Principal Financial a company we do business with went public they gave the city 2,375 Shares of their company. Today's closing cost is \$52.83 per share.

It is my belief that it is in the best interest of the City to cash in these shares and then place the funds in a more diversified investment.

The cost of selling the shares is minimal a \$30.00 fee and .15 per share.

Sec. 163.01, Fla. Stat., authorizes the state, or any county, municipality or political subdivision of the state, to jointly exercise any power, privilege, or authority which such governmental entities share in common and which each might exercise separately, and further provides such authority is in addition to and not in limitation of those granted by any other general, local, or special law.

The Florida League of Cities has an Investment Trust (FMIvT).

Florida Municipal Investment Trust (FMIvT) 10/1/14

Established in 1993, the Florida Municipal Investment Trust (the "Trust") is an interlocal governmental entity created under the laws of the State of Florida to provide eligible units of local government with an investment vehicle to pool their surplus funds and to invest such funds into one or more investment portfolios under the direction and daily supervision of **investment managers** (Atlanta Capital Management Company, Hotchkis & Wiley, Oaktree Capital Management, INVESTEC Asset Management, JanusINTECH (index)). A core plus fixed income fund was added 4-1-14 which is co-managed by Franklin Templeton and Pioneer. These portfolios (other than the index) are actively traded and have been structured to meet a variety of investment horizons using those investments permitted under the Trust's investment policy. Fitch Ratings assigns **bond fund ratings** to the Trust's four fixed income funds. **Investment performance and compliance** are monitored by Asset Consulting Group, the **custodian bank** is Wells Fargo and the statement provider is QED Financial Systems. The **independent auditing firm** of Shorstein & Shorstein, P.A. conducts the Trust's annual audit in accordance with generally accepted auditing standards. Copies of the annual audit, Informational Statements, membership forms, etc. are available on the League's website: www.floridaleagueofcities.com.

Oversight is provided by a **Board of Trustees** consisting of the President (or appointee) and Second Vice President of the Florida League of Cities, two appointed representatives from the Florida Municipal Insurance Trust, and three additional appointed members who are elected officials of municipalities (city, town or

village) who actively participate in the Trust. In addition, an **Investment Advisory Committee** comprised of ten Finance Directors from throughout the state, assists the Administrator with developing and maintaining the investment guidelines and policies of the Trust. The FMIVT is not subject to SEC or other regulatory oversight.

Your government owns shares in the portfolio(s). Your government's investment is in the FMIVT portfolio, not the individual securities held within each portfolio. The fair value of the positions in the FMIVT portfolios is the same as the value of the portfolio shares. The Trust holds legal title to all funds, investments, and assets of the Trust on behalf of the Members of the Trust. The Florida League of Cities, Inc. serves as administrator of the Trust.

The Florida Municipal Investment Trust is an authorized investment under Section 218.415, Florida Statutes. (a) ...or any intergovernmental investment pool authorized pursuant to the Florida Interlocal Cooperation Act as provided in s. 163.01.

NOTE: The Florida Municipal Investment Trust does not meet the definition of a "qualified public depository" (Chapter 280, Florida Statutes).

The methodology of the FMIVT

1. Security
2. Availability (May withdraw funds 2X a month)
3. Return on Investment

Attached: Equity Portiofios
 List of Current Membership

FMIvT High Quality Growth Equity Portfolio

For the Period Ending June 30, 2014

Portfolio Description

- ◆ Strategy: Large Cap Growth Equity Portfolio
- ◆ Manager: Atlanta Capital Management Company
- ◆ Vehicle: Separate Account
- ◆ Manager Fee: 45 bps; fees are based on the net asset value of the Portfolio
- ◆ Admin Fee: 14.5 bps; fees are based on the net asset value of the Portfolio
- ◆ Total Expenses: Approximately 67 bps
- ◆ Inception Date: January 1, 1998
- ◆ Benchmark: Russell 1000 Growth Index

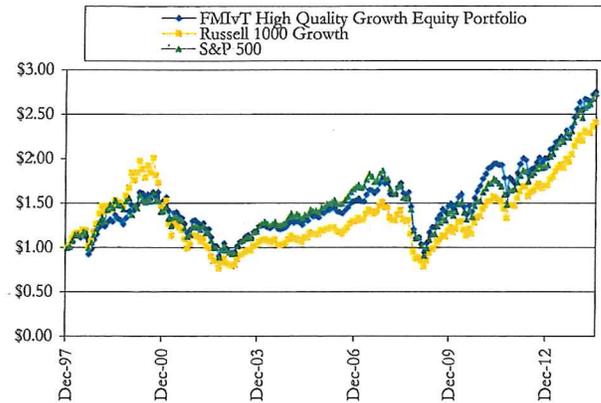
Portfolio Information

- Minimum initial investment: \$50,000
- Minimum subsequent investments: \$5,000
- Minimum redemption: \$5,000
- The Portfolio is open once a month, on the first business day following the Portfolio Valuation date, to accept Member contributions or redemptions.
- The Portfolio is valued on the last business day of the month.
- The Administrator must have advance written notification of Member contributions or redemptions.

Portfolio Objectives and Constraints

- ◆ Invests in large cap growth style common stocks of companies domiciled in the US or traded on the New York Stock Exchange.
- ◆ Outperform the Russell 1000 Growth Index over a complete market cycle (usually 3 to 5 years).
- ◆ Rank above median in a relevant peer group universe.
- ◆ Stock values fluctuate in response to the activities of individual companies, the general market, and economic conditions. Shares of the Portfolio are neither insured nor guaranteed by any US Government agency, including the FDIC.

Growth of a Dollar



Dollar Growth Summary (in 000s)

	This Quarter	Last 12 Months
Beginning Market Value	44,909	48,739
Net Additions	687	-12,017
Return on Investment	1,649	10,524
Income	148	653
Gain/Loss	1,501	9,870
Ending Market Value	47,245	47,245

Note: Portfolio performance returns presented here are gross of all fees and expenses. Further, performance of each portfolio presented here is not necessarily representative of the actual return of a particular participant within the Trust due to issues related to the timing of contributions and withdrawals by individual participants. Valuation of individual participant accounts may also be impacted by securities lending activity within the FMIvT.

FMIvT Diversified Value Portfolio

For the Period Ending June 30, 2014

Portfolio Description

- ◆ Strategy: Large Cap Value Equity Portfolio
- ◆ Manager: Hotchkis & Wiley Capital Management
- ◆ Vehicle: Separate Account
- ◆ Manager Fee: 80 bps; fees are based on the net asset value of the Portfolio
- ◆ Admin Fee: 14.5 bps; fees are based on the net asset value of the Portfolio
- ◆ Total Expenses: Approximately 102 bps
- ◆ Inception Date: November 1, 2006
- ◆ Benchmark: Russell 1000 Value Index

Portfolio Information

- Minimum initial investment: \$50,000
- Minimum subsequent investments: \$5,000
- Minimum redemption: \$5,000
- The Portfolio is open once a month, on the first business day following the Portfolio Valuation date, to accept Member contributions or redemptions.
- The Portfolio is valued on the last business day of the month.
- The Administrator must have advance written notification of Member contributions or redemptions.

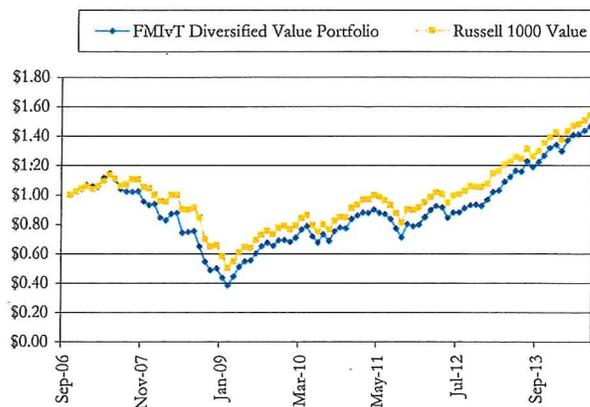
Portfolio Objectives and Constraints

- ◆ Invests in large cap value style common stocks of companies domiciled in the US or traded on the New York Stock Exchange.
- ◆ Outperform the Russell 1000 Value Index over a complete market cycle (usually 3 to 5 years).
- ◆ Rank above median in a relevant peer group universe.
- ◆ Stock values fluctuate in response to the activities of individual companies, the general market, and economic conditions. Shares of the Portfolio are neither insured nor guaranteed by any US Government agency, including the FDIC.

Dollar Growth Summary (in 000s)

	This Quarter	Last 12 Months
Beginning Market Value	48,111	50,215
Net Additions	-2,591	-14,318
Return on Investment	1,832	11,455
Income	279	1,271
Gain/Loss	1,553	10,184
Ending Market Value	47,352	47,352

Growth of a Dollar



Note: Portfolio performance returns presented here are gross of all fees and expenses. Further, performance of each portfolio presented here is not necessarily representative of the actual return of a particular participant within the Trust due to issues related to the timing of contributions and withdrawals by individual participants. Valuation of individual participant accounts may also be impacted by securities lending activity within the FMIvT.

FMIvT Russell 1000 Enhanced Index Portfolio

For the Period Ending June 30, 2014

Portfolio Description

- ◆ Strategy: Large Cap Core Equity Portfolio
- ◆ Manager: Janus/INTECH (as of August 2007)
- ◆ Vehicle: Commingled Fund
- ◆ Manager Fee: 39.5 bps; fees are based on the net asset value of the Portfolio
- ◆ Admin Fee: 10.5 bps; fees are based on the net asset value of the Portfolio
- ◆ Total Expenses: Approximately 53 bps
- ◆ Inception Date: January 1, 2000 (Manager change August 2007)
- ◆ Benchmark: Russell 1000 Index

Portfolio Information

- Minimum initial investment: \$50,000
- Minimum subsequent investments: \$5,000
- Minimum redemption: \$5,000
- The Portfolio is open once a month, on the first business day following the Portfolio Valuation date, to accept Member contributions or redemptions.
- The Portfolio is valued on the last business day of the month.
- The Administrator must have advance written notification of Member contributions or redemptions.

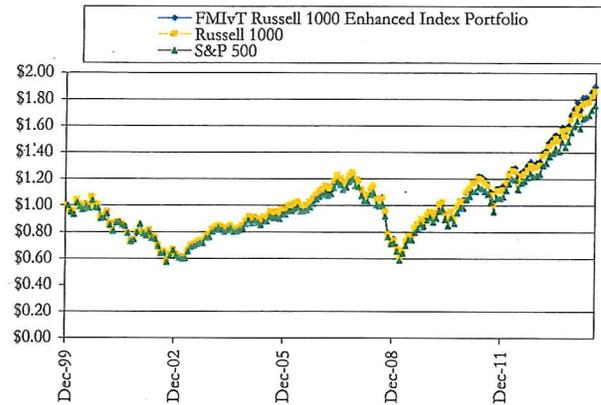
Portfolio Objectives and Constraints

- ◆ Invests in large cap core style common stocks of companies domiciled in the US or traded on the New York Stock Exchange.
- ◆ Meet or exceed the performance of the Russell 1000 Index.
- ◆ Rank above median in a relevant peer group universe.
- ◆ Stock values fluctuate in response to the activities of individual companies, the general market, and economic conditions. Shares of the Portfolio are neither insured nor guaranteed by any US Government agency, including the FDIC.

Dollar Growth Summary (in 000s)

	This Quarter	Last 12 Months
Beginning Market Value	135,283	125,364
Net Additions	-2,674	-18,425
Return on Investment	5,915	31,586
Income	0	0
Gain/Loss	5,915	31,586
Ending Market Value	138,524	138,524

Growth of a Dollar



Note: Portfolio performance returns presented here are gross of all fees and expenses. Further, performance of each portfolio presented here is not necessarily representative of the actual return of a particular participant within the Trust due to issues related to the timing of contributions and withdrawals by individual participants.

FMIvT Diversified Small to Mid (SMID) Cap Equity Portfolio

For the Period Ending June 30, 2014

Portfolio Description

- ◆ Strategy: Small to Mid (SMID) beginning June 1, 2010 prior to that the Small
- ◆ Manager: Atlanta Capital Management Company
- ◆ Vehicle: Separate Account
- ◆ Manager Fee: 45 bps; fees are based on the net asset value of the Portfolio
- ◆ Admin Fee: 14.5 bps; fees are based on the net asset value of the Portfolio
- ◆ Total Expenses: Approximately 64 bps
- ◆ Inception Date: January 1, 2000
- ◆ Benchmark: The index is a blend of the Russell 2500 Index beginning June 1, 2010 and prior to that the Russell 2000 Index.

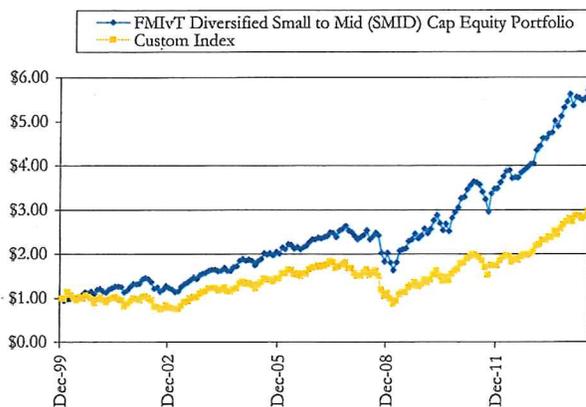
Portfolio Information

- Minimum initial investment: \$50,000
- Minimum subsequent investments: \$5,000
- Minimum redemption: \$5,000
- The Portfolio is open once a month, on the first business day following the Portfolio Valuation date, to accept Member contributions or redemptions.
- The Portfolio is valued on the last business day of the month.
- The Administrator must have advance written notification of Member contributions or redemptions.

Portfolio Objectives and Constraints

- ◆ Invests in small to mid cap core style common stocks of companies domiciled in the US or traded on the New York Stock Exchange.
- ◆ Outperform a blended index of the Russell 2500 Index beginning June 1, 2010 and the Russell 2000 Index prior to that, over a complete market cycle (usually 3 to 5 years).
- ◆ Rank above median in a relevant peer group universe.
- ◆ Stock values fluctuate in response to the activities of individual companies, the general market, and economic conditions. Shares of the Portfolio are neither insured nor guaranteed by any US Government agency, including the FDIC.

Growth of a Dollar



Dollar Growth Summary (in 000s)

	This Quarter	Last 12 Months
Beginning Market Value	90,335	85,192
Net Additions	322	-8,659
Return on Investment	2,771	16,895
Income	339	962
Gain/Loss	2,432	15,933
Ending Market Value	93,427	93,427

Note: Portfolio performance returns presented here are gross of all fees and expenses. Further, performance of each portfolio presented here is not necessarily representative of the actual return of a particular participant within the Trust due to issues related to the timing of contributions and withdrawals by individual participants. Valuation of individual participant accounts may also be impacted by securities lending activity within the FMIvT.

* Custom Index: consists of the Russell 2500 beginning June 1, 2010, and prior to that the Russell 2000.

FMIvT International Equity Portfolio

For the Period Ending June 30, 2014

Portfolio Description

- ◆ Strategy: International Equity Portfolio
- ◆ Manager: Thornburg (as of April 2011)
- ◆ Vehicle: Commingled Fund
- ◆ Manager Fee: 85 bps; fees are based on the net asset value of the Portfolio
- ◆ Admin Fee: 14.5 bps; fees are based on the net asset value of the Portfolio
- ◆ Total Expenses: Approximately 105 bps
- ◆ Inception Date: June 1, 2005 (Manager change April 2011)
- ◆ Benchmark: MSCI ACWI Ex-US

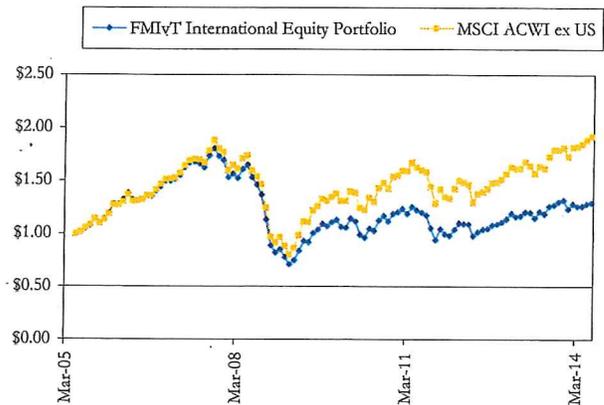
Portfolio Information

- Minimum initial investment: \$50,000
- Minimum subsequent investments: \$5,000
- Minimum redemption: \$5,000
- The Portfolio is open once a month, on the first business day following the Portfolio Valuation date, to accept Member contributions or redemptions.
- The Portfolio is valued on the last business day of the month.
- The Administrator must have advance written notification of Member contributions or redemptions.

Portfolio Objectives and Constraints

- ◆ Invests in developed markets outside the US. Maintains approximately equal weightings to both growth and value securities through a systematic rebalancing process.
- ◆ Outperform the MSCI ACWI Ex-US Index over a complete market cycle (usually 3 to 5 years).
- ◆ Rank above median in a relevant peer group universe.
- ◆ Stock values fluctuate in response to the activities of individual companies, the general market, and economic conditions. Investments in foreign securities generally pose greater risk than domestic securities.

Growth of a Dollar



Dollar Growth Summary (in 000s)

	This Quarter	Last 12 Months
Beginning Market Value	64,154	63,521
Net Additions	554	-5,282
Return on Investment	1,707	8,176
Income	0	0
Gain/Loss	1,707	8,176
Ending Market Value	66,415	66,415

Note: Portfolio performance returns presented here are gross of all fees and expenses. Further, performance of each portfolio presented here is not necessarily representative of the actual return of a particular participant within the Trust due to issues related to the timing of contributions and withdrawals by individual participants.

FMIvT Membership

as of 8/15/14

City of Apopka	Town of Lady Lake
City of Boca Raton	City of Lake Alfred
City of Boynton Beach	City of Lake City
City of Bradenton	Leon County Board of Country Commissioners
City of Brooksville	City of Lighthouse Point
City of Coconut Creek	City of Marco Island
City of Cooper City	City of Mount Dora
Town of Davie	City of New Port Richey
Davie Firefighters Pension Trust	City of North Miami Beach
City of DeFuniak Springs	Town of Palm Beach
Delta Farms Water Control District	City of Palmetto
City of Flagler Beach	City of Panama City
Florida Association of Counties Trust (FACT)	Town of Pembroke Park
Florida Municipal Insurance Trust Fund (FMIT)	City of Pembroke Pines
Florida Municipal Loan Council (FMLC)	City of Pinellas Park
Florida Municipal Pension Trust Fund (FMPTF)	City of Pompano Beach
Florida Municipal Pension Trust Fund OPEB	City of Pompano Beach CRA, East & Northwest
City of Fort Lauderdale	City of Port Orange
Town of Fort Myers Beach	City of Sarasota
City of Fort Pierce	City of Seminole
City of Greenacres	Town of Shalimar
City of Gulf Breeze	City of South Pasadena
City of Hialeah Water and Sewer	City of St. Cloud
Housing Finance Authority of Lee County	St. Lucie County Fire District
City of Indian Harbour Beach	City of St. Pete Beach
Town of Indian River Shores	City of Tallahassee
Town of Indian Shores	Tampa Sports Authority
City of Inverness	City of Tarpon Springs
City of Jacksonville	The Villages
City of Jacksonville Beach	Village of Wellington
Town of Juno Beach	

RESOLUTION NO. 09-10-13-14

**A RESOLUTION OF THE CITY OF VALPARAISO, FLORIDA;
PROVIDING FOR AUTHORITY; DEVELOP, OPERATE, AND
MAINTAIN A CITY OF VALPARAISO FACEBOOK SOCIAL
MEDIA PAGE IN COMPLIANCE WITH THE PUBLIC RECORDS
ACT OF FLORIDA AND THE SUNSHINE LAW OF FLORIDA; AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City of Valparaiso, Florida, is a municipal corporation in the State of Florida and is subject to the Sunshine Law, § 286.011, *Florida Statutes*; the Public Records Act, Chapter 119, *Florida Statutes*; Records Retention Law, § 257.36, *Florida Statutes*;

WHEREAS, the City of Valparaiso, Florida desires to develop, operate, and maintain a City of Valparaiso, Florida Facebook social media page for municipal purposes;

WHEREAS, the City of Valparaiso, Florida desires to provide its citizens and the general public with information regarding the City's government, notices and dates to City events, including, but not limited to City Council meetings and other meetings opened to the general public, via its City Facebook page in addition to the other forms the City provides notices to its citizens;

WHEREAS, the City of Valparaiso, Florida, has powers to enable it to conduct municipal government, render municipal services, and perform municipal functions, and may exercise any power for municipal purposes except as provided by law, pursuant to Article VIII, Section 2(b), Florida Constitution, and Section 166.01, Florida Statutes;

WHEREAS, the City of Valparaiso, Florida, believes that developing, operating, and maintain a City Facebook page will assist the City of Valparaiso, Florida to perform its municipal functions;

WHEREAS, the City of Valparaiso, Florida, understands and acknowledges that a majority of its citizens and the general public utilize social media, specifically Facebook, to obtain information; and

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

Section 1. It is hereby adopted by this Resolution that the City of Valparaiso, Florida will develop, operate, and maintain a City Facebook page for the purposes of performing its municipal functions and conduct municipal government and the City's Facebook page will be open to the general public.

Section 2. The City Commission will appoint a City employee to develop, operate, and maintain the City's Facebook page in accordance with Florida law.

Section 3. This Resolution shall be effective on the date that this Resolution is recorded with the City Clerk.

PASSED AND ADOPTED THIS _____ DAY OF _____ 2014.

City of Valparaiso's Internal Social Media Policy

Elected Public Officials – City Commission Members including City Mayor

Although the law does not expressly prohibit an elected commission member, including the City's Mayor, to post comments on the City's Facebook page, the City of Valparaiso has decided out of precaution to prohibit all commission members including the City's Mayor from posting a comment or a reply to a comment on the City's Facebook page. Florida Law does expressly prohibit commission members, including city mayors, from engaging in an exchange or discussion of matters that will foreseeably come before the board or commission for official action pursuant to § 286.011, Florida Statutes. City commission members are obligated to avoid any action that could be construed as an attempt to evade the requirements of the law. All communications on the City's Facebook page or other social media outlet regarding City business is subject to Florida's Government in the Sunshine Law, § 286.011, Florida Statutes.

Social Media Manager/Administrator – Public Records Clerk

The City's Social Media Administrator or, if one is not designated, the Public Records Clerk (hereinafter referred to as "Public Records Clerk"), acknowledges that any and all content, communication or information contained on the City's Facebook page is considered a "public record" pursuant to Florida's Public Records Act, Chapter 119, Florida Statutes. Therefore, all content, information or communication on the City's Facebook page is subject to the City's policies and retention schedule regarding City records in accordance with §§ 119.021(2) and 257.36(6). The City's policies and retention rules for public records must be pursuant to the General Records Schedule GS1-SL for State and Local Agencies.

Prior Approval Required to Post Content on the City's Facebook Page

The City's Facebook page is solely intended for informational purposes that will help the City further its government functions. Thus, any and all content posted by the City must achieve this direct purpose. As such, any City department and/or employees are required to submit a written request to the City Administrator for approval before any content is posted on the City's Facebook page. The Public Records Clerk as described above does not have the authority to approve any post to the City's Facebook page. The written request for approval to the City Administrator must include the exact language desired to be posted along with any accompanying images. The City Administrator will then provide his or her approval or denial to the department and/or City employee as well as to the Public Records Clerk. If the desired post is date specific, it is in the best interests of the department or City employee that requests said approval to submit the request at least 30 days prior to that date, if possible, so as to allow the City Administrator time to review these requests.

Employees Comments on the City's Facebook Page Using Their Individual Facebook Account

City of Valparaiso employees are strongly discouraged from engaging in any form of discussion on the City's Facebook page whether the comment is directed negatively or positively against the City or any member of the public. Any comment made by any City employee on the City's Facebook page will be considered public record and therefore retained pursuant to Florida's Sunshine Law. Should any City employee comment or post any content that offends,

disrespects, insults, harasses or discriminates against any member of the Public, any City employee, City department and department head, City official(s), City Commission member(s) including the Mayor, the City Administrator, the City Attorney, or any other City Board Member, or any other agent or representative of the City, is subject to disciplinary consequences including, but not limited to, immediate termination.

Once the appropriate legislation has been passed by the City determining that the City's Facebook page is an avenue to perform some/all of its governmental functions, the City may launch the page and should visibly contain the following suggested disclosure and social media policy

SOCIAL MEDIA DISCLOSURE AND POLICY

The content, communications and information posted by the City of Valparaiso on its Facebook page is intended to help the City of Valparaiso further its governmental functions and it is also intended for informational purposes only. All content, communications and information posted on the City of Valparaiso's Facebook page or any other social media page organized and controlled by the City of Valparaiso's government, are all considered to be a "public record" pursuant to Chapter 119, Florida Statutes, also known as Florida's Public Records Act and as such, the City of Valparaiso is under the obligation to archive and retain all content, communications and information pursuant to The General Records Schedule GS1-SL. Additionally, anyone who visits the City of Valparaiso's Facebook page and likes any comment, posts a comment, or shares a post, their action will become public record and therefore waives their right to privacy. Your participation on the City of Valparaiso's Facebook page may subject your personal Facebook page and profile to a public records request pursuant to Chapter 119, Florida Statutes.

Moreover, members of the public are encouraged to contact their city commissioner(s) directly regarding any and all City matters as the City Commission, including the City's Mayor, are prohibited by state law to engage in an exchange or discussion of matters that foreseeably will come before the City Commission for official action. This is in accordance with Florida's Government in the Sunshine Law, § 286.011, Florida Statutes.

Comments from the Public subject to certain limitations

The City of Valparaiso encourages comments/posts from the members and visitors of their community that are respectful and free of any obscene, discriminatory, harassing, insulting, or vulgar content. Any inappropriate comment as described herein will be subject to being deleted or hidden from public viewing. Nevertheless, the City of Valparaiso is obligated to retain said inappropriate comment in accordance with Chapter 119 and § 257.36, Florida Statutes. Furthermore, to the extent that any followers of the City of Valparaiso's Facebook page post any political message or an advertisement, the City of Valparaiso neither endorses nor advances such message or advertisement.

LIABILITY DISCLAIMER

Notwithstanding the foregoing, the City of Valparaiso is not obligated to take any actions and will not be responsible or liable for content posted on its Facebook page. By posting or liking a comment on the City of Valparaiso's Facebook page, that individual agrees to indemnify the City of Valparaiso, its city officials, administrators, and employees from any and all liability, damages and causes of action arising out of comments, posts, or likes made on the City of Valparaiso's Facebook page.

CITY OF VALPARAISO, FLORIDA – PUBLIC WORKS

MEMORANDUM

DATE: September 15, 2014

TO: Honorable Mayor and Board of Commissioners

FROM: James Valandingham, Public Works Director *J. Val*

SUBJECT: Bonuses for Outstanding Performance

RECOMMENDATION:

That the Mayor and Board of Commissioners approve bonuses for outstanding performance to the seven Sanitation employees who demonstrated outstanding levels of performance and attitude during the summer of 2014, as outlined in each of the individual letters of recommendation, in the total amount of \$5750.

BACKGROUND:

Section 4 of the City of Valparaiso Employee Policies and Rules manual Employee Compensation, subsection 4.7.7 Bonus for Outstanding Performance reads in part, "The Commission may grant a bonus to an employee for performance considered by the Department Head to be outstanding."

Recently, the Sanitation Division went through a period of understaffing due to a variety of circumstances including newly hired employees leaving for other opportunities and extended employee medical absences between April and September of this year. During this time of hiring, training, and instability the core of seven elevated their performances individually and collectively in an effort to provide the premium service Valparaiso customers deserve and expect. While this dedication and effort is admirable and appreciated; continuing to work at this level over an extended period of time would not be in the best interest of the City or the Sanitation staff. It would be unreasonable to expect anyone, especially this dedicated crew, to continue to expend the excessive amount of energy required during this time.

SUMMARY:

The bonus amounts were recommended based upon individual performance. A letter of recommendation for each employee is attached. Annual evaluations are also included for your review. Although staff was pulled from other divisions at times, the crew of seven took ownership of their duties and made every effort not to disrupt activities in other areas by increasing their output. Garbage routes, yard debris routes, recyclable material handling, and extra pick-ups continued without interruption.

It is with respect and great conviction that I recommend approval of each of the bonuses. Funds are available to cover this expense in the FY 2014 budget; as there was a savings from fewer wages paid in Sanitation during this time of approximately \$22,000.

CITY OF VALPARAISO, FLORIDA – PUBLIC WORKS

MEMORANDUM

DATE: September 15, 2014

TO: Honorable Mayor and Board of Commissioners

FROM: James Valandingham, Public Works Director *J. Val*

SUBJECT: Bonus for Outstanding Performance

RECOMMENDATION:

That the Mayor and Board of Commissioners approve a bonus for outstanding performance to David Ooghe, Sanitation Foreman, in the amount of \$1,000.

BACKGROUND:

Section 4 of the City of Valparaiso Employee Policies and Rules manual Employee Compensation, subsection 4.7.7 Bonus for Outstanding Performance reads in part, "The Commission may grant a bonus to an employee for performance considered by the Department Head to be outstanding."

Mr. Ooghe has been Sanitation Foreman since March 2004. During the past five years I have watched him grow as a leader. Dave understands the needs and desires of the community and treats each customer with dignity and respect.

Recently, the Sanitation Division went through a period of understaffing due to a variety of circumstances including newly hired employees leaving for other opportunities and extended employee medical absences. During this time of hiring, training, and instability Dave has continued to inspire his crew to perform at a high level. While operating with a core of seven (nine is fully staffed) for the majority of this extremely hot summer; there has been no drop in the level of service. Dave and his dedicated staff are to be commended for their efforts. Each of them understands the quality Valparaiso residents expect and appreciate; which is why they are willing to push so hard.

There was a savings from fewer wages paid in Sanitation during this time of approximately \$22,000.

SUMMARY:

It is with conviction and sincerity that I recommend Dave for this bonus for his performance during this difficult time. He endured the less than ideal circumstances and demonstrated true leadership.

CITY OF VALPARAISO, FLORIDA – PUBLIC WORKS

MEMORANDUM

DATE: September 15, 2014

TO: Honorable Mayor and Board of Commissioners

FROM: James Valandingham, Public Works Director 

SUBJECT: Bonus for Outstanding Performance

RECOMMENDATION:

That the Mayor and Board of Commissioners approve a bonus for outstanding performance to Nicholas Bragg, Sanitation Driver, in the amount of \$750.

BACKGROUND:

Section 4 of the City of Valparaiso Employee Policies and Rules manual Employee Compensation, subsection 4.7.7 Bonus for Outstanding Performance reads in part, "The Commission may grant a bonus to an employee for performance considered by the Department Head to be outstanding."

Recently, the Sanitation Division went through a period of understaffing due to a variety of circumstances including newly hired employees leaving for other opportunities and extended employee medical absences. As part of the core seven who persevered through the heat and extra demands, Mr. Bragg demonstrated his dedication to the City by performing at a high level to insure the residents of Valparaiso received the same level of service to which they are accustomed.

SUMMARY:

It is with conviction and sincerity that I recommend Nick for this bonus for his performance during this difficult time. He endured the less than ideal circumstances and demonstrated true character by elevating his performance level while displaying a positive attitude.

CITY OF VALPARAISO, FLORIDA – PUBLIC WORKS

MEMORANDUM

DATE: September 15, 2014

TO: Honorable Mayor and Board of Commissioners

FROM: James Valandingham, Public Works Director 

SUBJECT: Bonus for Outstanding Performance

RECOMMENDATION:

That the Mayor and Board of Commissioners approve a bonus for outstanding performance to Justin Colson, Sanitation Driver, in the amount of \$750.

BACKGROUND:

Section 4 of the City of Valparaiso Employee Policies and Rules manual Employee Compensation, subsection 4.7.7 Bonus for Outstanding Performance reads in part, "The Commission may grant a bonus to an employee for performance considered by the Department Head to be outstanding."

Recently, the Sanitation Division went through a period of understaffing due to a variety of circumstances including newly hired employees leaving for other opportunities and extended employee medical absences. As part of the core seven who persevered through the heat and extra demands, Mr. Colson demonstrated his dedication to the City by performing at a high level to insure the residents of Valparaiso received the same level of service to which they are accustomed.

SUMMARY:

It is with conviction and sincerity that I recommend Justin for this bonus for his performance during this difficult time. He endured the less than ideal circumstances and demonstrated true character by elevating his performance level while displaying a positive attitude.

CITY OF VALPARAISO, FLORIDA – PUBLIC WORKS

MEMORANDUM

DATE: September 15, 2014

TO: Honorable Mayor and Board of Commissioners

FROM: James Valandingham, Public Works Director 

SUBJECT: Bonus for Outstanding Performance

RECOMMENDATION:

That the Mayor and Board of Commissioners approve a bonus for outstanding performance to Gary Herring, Sanitation Driver, in the amount of \$750.

BACKGROUND:

Section 4 of the City of Valparaiso Employee Policies and Rules manual Employee Compensation, subsection 4.7.7 Bonus for Outstanding Performance reads in part, "The Commission may grant a bonus to an employee for performance considered by the Department Head to be outstanding."

Recently, the Sanitation Division went through a period of understaffing due to a variety of circumstances including newly hired employees leaving for other opportunities and extended employee medical absences. As part of the core seven who persevered through the heat and extra demands, Mr. Herring demonstrated his dedication to the City by performing at a high level to insure the residents of Valparaiso received the same level of service to which they are accustomed.

SUMMARY:

It is with conviction and sincerity that I recommend Gary for this bonus for his performance during this difficult time. He endured the less than ideal circumstances and demonstrated true character by elevating his performance level while displaying a positive attitude.

CITY OF VALPARAISO, FLORIDA – PUBLIC WORKS

MEMORANDUM

DATE: September 15, 2014

TO: Honorable Mayor and Board of Commissioners

FROM: James Valandingham, Public Works Director (JVcl)

SUBJECT: Bonus for Outstanding Performance

RECOMMENDATION:

That the Mayor and Board of Commissioners approve a bonus for outstanding performance to Jason Lynch, Sanitation Driver, in the amount of \$1000.

BACKGROUND:

Section 4 of the City of Valparaiso Employee Policies and Rules manual Employee Compensation, subsection 4.7.7 Bonus for Outstanding Performance reads in part, "The Commission may grant a bonus to an employee for performance considered by the Department Head to be outstanding."

Recently, the Sanitation Division went through a period of understaffing due to a variety of circumstances including newly hired employees leaving for other opportunities and extended employee medical absences. As part of the core seven who persevered through the heat and extra demands, Mr. Lynch demonstrated his dedication to the City by performing at a high level to insure the residents of Valparaiso received the same level of service to which they are accustomed.

SUMMARY:

It is with conviction and sincerity that I recommend Jason for this bonus for his performance during this difficult time. He endured the less than ideal circumstances and demonstrated true character by elevating his performance level while displaying a positive attitude.

CITY OF VALPARAISO, FLORIDA – PUBLIC WORKS

MEMORANDUM

DATE: September 15, 2014

TO: Honorable Mayor and Board of Commissioners

FROM: James Valandingham, Public Works Director (JVL)

SUBJECT: Bonus for Outstanding Performance

RECOMMENDATION:

That the Mayor and Board of Commissioners approve a bonus for outstanding performance to Chris Swenbeck, Sanitation Driver, in the amount of \$500.

BACKGROUND:

Section 4 of the City of Valparaiso Employee Policies and Rules manual Employee Compensation, subsection 4.7.7 Bonus for Outstanding Performance reads in part, "The Commission may grant a bonus to an employee for performance considered by the Department Head to be outstanding."

Recently, the Sanitation Division went through a period of understaffing due to a variety of circumstances including newly hired employees leaving for other opportunities and extended employee medical absences. As part of the core seven who persevered through the heat and extra demands, Mr. Swenbeck demonstrated his dedication to the City by performing at a high level to insure the residents of Valparaiso received the same level of service to which they are accustomed.

SUMMARY:

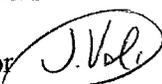
It is with conviction and sincerity that I recommend Chris for this bonus for his performance during this difficult time. He endured the less than ideal circumstances and demonstrated true character by elevating his performance level while displaying a positive attitude.

CITY OF VALPARAISO, FLORIDA – PUBLIC WORKS

MEMORANDUM

DATE: September 15, 2014

TO: Honorable Mayor and Board of Commissioners

FROM: James Valandingham, Public Works Director 

SUBJECT: Bonus for Outstanding Performance

RECOMMENDATION:

That the Mayor and Board of Commissioners approve a bonus for outstanding performance to Kenneth Cafasso, Sanitation Driver, in the amount of \$1000.

BACKGROUND:

Section 4 of the City of Valparaiso Employee Policies and Rules manual Employee Compensation, subsection 4.7.7 Bonus for Outstanding Performance reads in part, "The Commission may grant a bonus to an employee for performance considered by the Department Head to be outstanding."

Recently, the Sanitation Division went through a period of understaffing due to a variety of circumstances including newly hired employees leaving for other opportunities and extended employee medical absences. As part of the core seven who persevered through the heat and extra demands, Mr. Cafasso demonstrated his dedication to the City by performing at a high level to insure the residents of Valparaiso received the same level of service to which they are accustomed.

SUMMARY:

It is with conviction and sincerity that I recommend Kenny for this bonus for his performance during this difficult time. He endured the less than ideal circumstances and demonstrated true character by elevating his performance level while displaying a positive attitude.