

**LAKE PLACID TOWN COUNCIL**  
**Special Meeting**  
**8/23/2016 5:30 PM**  
**Town of Lake Placid**  
**Town Hall**

**Call to Order – Mayor Holbrook**

**Roll Call**

Mayor John Holbrook  
Council Member Ray Royce  
Council Member Debra Worley  
Council Member Arlene Tuck  
Council Member Donald Boyd

**1. Public Hearing**

- A. First Hearing - ORD-7016-729 Amending Section 80-1 and 80-41 Sanitation Fee Change
- B. First Hearing - ORD-7016-730 Amending Section 9-21 Background Checks
- C. First Hearing - ORD-7016-731 Amending Chapter 4 Competitive Bidding

**2 . AJOURNMENT**

**Additional Information:**

<b>Monday</b>	<b>September 12, 2016</b>	<b>5:30 PM</b>	<b>Town Council Regular Meeting</b>
<b>Monday</b>	<b>September 19, 2016</b>	<b>5:30 PM</b>	<b>Town Council Special Meeting</b>

TOWN OF LAKE PLACID  
AGENDA ITEM INTRODUCTION

MEETING DATE: August 23, 2016      MEETING TYPE: Special Meeting

AGENDA ITEM # AND TITLE:

2.A, First Hearing - ORD-7016-729 Amending Section 80-1 and 80-41 Sanitation Fee Change

PLACED ON AGENDA BY:

STATEMENT OF ISSUE:

ORDINANCE NUMBER 2016-729

AN ORDINANCE OF THE TOWN OF LAKE PLACID AMENDING SECTIONS 80-1 AND 80-41 OF THE TOWN CODE REGARDING GARBAGE COLLECTION FEES; INCREASING THE RESIDENTIAL GARBAGE COLLECTION FEE FROM \$180 TO \$200 PER RESIDENTIAL UNIT PER YEAR; PROVIDING FOR COLLECTION OF THE RESIDENTIAL GARBAGE COLLECTION FEE BY NON-AD VALOREM ASSESSMENT; PROVIDING FOR ADDITIONAL FEES FOR THE COLLECTION OF DEBRIS OVER AND ABOVE THE RESIDENTIAL GARBAGE; CHANGING THE DEFINITION OF RESIDENTIAL GARBAGE; DELETING THE PERMIT FOR CERTAIN GARBAGE COLLECTION; CREATING A PENALTY FOR OBSTRUCTING ACCESS TO A DUMPSTER; PROVIDING REMEDIES FOR IMPROPERLY PLACED OR PACKAGED GARBAGE OR DEBRIS; AUTHORIZING THE MAYOR'S DESIGNEE TO ACT IN PLACE OF THE TOWN'S PUBLIC WORKS DIRECTOR; AND PROVIDING FOR AN EFFECTIVE DATE.

RECOMMENDED ACTION:

Motion to approve on first hearing Ordinance Number 2016-729

FISCAL IMPACT:

599 Accounts x \$20 = \$11,980

ATTACHED ITEMS:

Ordinance

TOWN GARBAGE COLLECTION ORDINANCE  
FOR THE SECOND FIRST READING-REVISED  
SECTION 80-1 (c)

**ORDINANCE NUMBER 2016-729**

**AN ORDINANCE OF THE TOWN OF LAKE PLACID AMENDING SECTIONS 80-1 AND 80-41 OF THE TOWN CODE REGARDING GARBAGE COLLECTION FEES; INCREASING THE RESIDENTIAL GARBAGE COLLECTION FEE FROM \$180 TO \$200 PER RESIDENTIAL UNIT PER YEAR; PROVIDING FOR COLLECTION OF THE RESIDENTIAL GARBAGE COLLECTION FEE BY NON-AD VALOREM ASSESSMENT; PROVIDING FOR ADDITIONAL FEES FOR THE COLLECTION OF DEBRIS OVER AND ABOVE THE RESIDENTIAL GARBAGE; CHANGING THE DEFINITION OF RESIDENTIAL GARBAGE; DELETING THE PERMIT FOR CERTAIN GARBAGE COLLECTION; CREATING A PENALTY FOR OBSTRUCTING ACCESS TO A DUMPSTER; PROVIDING REMEDIES FOR IMPROPERLY PLACED OR PACKAGED GARBAGE OR DEBRIS; AUTHORIZING THE MAYOR'S DESIGNEE TO ACT IN PLACE OF THE TOWN'S PUBLIC WORKS DIRECTOR; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the Town of Lake Placid, Florida desires to amend the Chapter 80 of the Town Code regarding the garbage collection fees; and

**WHEREAS**, at least ten (10) days prior to adoption, notice of the proposed enactment of this Ordinance was published once each week for two (2) consecutive weeks in a newspaper of general circulation in the Town of Lake Placid; and

**WHEREAS**, this Ordinance was read either in full or by title at two separate regular meetings on:

The 23rd day of August 2016; and  
The 12<sup>th</sup> day of September 2016; and

**WHEREAS**, no valid objection has been made to the proposed Ordinance and it appears to be in the best interest of the Town of Lake Placid that the Ordinance be adopted;

**WHEREAS**, this nonemergency ordinance was adopted at a regular meeting of the Lake Placid Town Council;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE PLACID, FLORIDA:**

TOWN GARBAGE COLLECTION ORDINANCE  
FOR THE SECOND FIRST READING-REVISED  
SECTION 80-1 (c)

**SECTION 1. SECTIONS 80-1 AND 80-41 OF THE CODE OF THE TOWN OF  
LAKE PLACID, FLORIDA ARE AMENDED TO READ AS FOLLOWS:**

**§ 80-1. - Residential garbage, rubbish and refuse collection fees.**

(a) *Imposition of residential garbage collection fee.* A garbage collection fee of ~~one hundred eighty dollars (\$180.00)~~ two hundred dollars (\$200.00) per year ~~divided into twelve (12) monthly payments of fifteen dollars (\$15.00) per month~~ is imposed on each ~~occupied~~ residential unit within the town. ~~Said collection fee shall be paid on a monthly basis upon the same terms and provisions as provided for the collection of water revenue. The resident and the owner of each respective residential unit are both liable for the garbage collection fee.~~

(b) *Residential garbage collection.* Residential garbage as hereinafter defined shall be collected from each ~~occupied~~ residential unit twice each week as scheduled by the mayor or the mayor's designee from time to time.

(c) *Additional residential and other garbage.* Additional residential garbage (more than five (5) bags, heavy debris, horticultural debris or construction/demolition debris) shall be collected by special appointment with the town. For each additional single garbage pick-up, the town shall collect (in advance) the estimated landfill charge plus seventy-five dollars (\$75.00) per town truckload (or part thereof). All residential garbage, debris, horticultural debris, and construction/demolition debris shall only be placed for pick up on the front of the residential property generating same (adjacent to the road); or on the edge of the town right of way in front of the residence generating same (but not blocking any travel, or turn lanes); or at an agreed location documented by signed written agreement between the residential property owners and the Mayor's designee; or by signed written agreement between the Mayor's designee and the residential owner using same, at the designated area for the temporary deposit of residential garbage, heavy debris, or horticultural debris in the neighborhood or subdivision.

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FOR THE SECOND FIRST READING-REVISED  
SECTION 80-1 (c)

(d) RESERVED. ~~*Landfill fee.* For additional residential garbage collection, the town public works director shall estimate (on a case by case basis) and collect in advance sums to pay the landfill fee to be collected by Highlands County.~~

(e) Failure to comply. Failure to properly place, contain or package garbage or debris for collection will result in the garbage or debris being left on site.

**§ 80-1.1. - Commercial garbage collection fees.**

(a) *Imposition of commercial garbage collection fee.* A garbage collection fee is imposed upon all commercial units within the corporate limits of the town, at the rates set out in [section 80-41](#) below. Said collection fee shall be paid on a monthly basis upon the same terms and provisions as provided for the collection of water revenue. ~~The tenants and the owner of the unit are both liable for the garbage collection fee.~~

(b) *Additional commercial garbage and debris.* Additional commercial garbage, debris ~~(above the regular pick-up)~~ or heavy debris (above the regular pick-up) shall be collected by special appointment with the town. For each additional single ~~garbage~~ pick-up, the town shall collect (in advance,) the landfill charge plus seventy-five dollars (\$75.00) per town truckload (or part thereof) all as estimated by the Mayor's designee. In the alternative, by agreement the same may be billed through an existing water account.

(c) *Landfill fee.* For additional commercial garbage collection, the Mayor's designee ~~town public works director~~ shall estimate (on a case by case basis) and collect in advance sums to pay the landfill fee to be collected by Highlands County.

**§ 80-2. - Discontinuation of service for failure to pay.**

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FOR THE SECOND FIRST READING-REVISED  
SECTION 80-1 (c)

If any person, persons, corporation, business or otherwise fails to pay said collection fee within thirty (30) days from the date of billing, then and in that event, the mayor may discontinue the garbage collection service and the water service to the said unit.

**§ 80-3. - Definitions.**

The following terms as used in this chapter are defined as follows:

~~Nonresidential or commercial~~ Commercial unit. Any water-using entity that is not a ~~residence or residential unit as defined hereinabove~~ shall be a ~~nonresidential or commercial~~ unit. Specialized housing accommodations such as nursing homes and convalescent homes, hotels and motels, bed and breakfasts, multi-family residential units are not residential units. Residential housing containing between six (6) and ten (10) unrelated persons shall be considered two (2) units; housing between eleven (11) and fifteen (15) unrelated persons shall be considered three (3) units; and housing between sixteen (16) and twenty (20) unrelated persons shall be considered four (4) units; each of which shall be considered for the purposes of this chapter commercial units.

~~Residence or residential~~ Residential unit. For the purpose of this chapter, a ~~residence or residential unit~~ shall mean improved property used as a residence including but not limited to, single-family dwellings such as residences (housing one (1) or more legally related persons or up to five (5) unrelated persons), guest homes, mobile homes (whether registered as vehicles or assessed as real property), motorhomes, park model campers, ~~each unit of duplexes, triplexes, quadraplexes, condominiums, time shares and apartment buildings and each portion of a structure used as a single-family residence. A single-family residence housing between six (6) and ten (10) unrelated persons shall be considered two (2) residential units; between eleven (11) and fifteen (15) unrelated persons shall be considered three (3) residential units; and between sixteen (16) and twenty (20) unrelated persons shall be considered four (4) residential units. For example, a duplex contains two (2) residential units. Mobile home parks and recreational vehicle parks contain residential units.~~

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*Unit.* For the purpose of this chapter, the term "unit", whether residential or nonresidential, shall be determined by the town's sanitation supervisor, based on the following factors, although these factors are not intended to be exclusive: occupational license(s); ownership; leases; family relationship(s); and separate utility and telephone services bills; separate and distinct businesses; or separate and distinct living quarters. A separate "unit" shall be found to exist if these and similar factors considered together make it appear that different and distinct businesses are using separate facilities or separate and distinct families or groups are occupying separate residential living quarters.

**§ 80-5. - Prohibited acts.**

It shall be unlawful for any person to do any of the following:

- (1) To place or cause to be placed any garbage or trash upon the property of another.
- (2) To place or cause to be placed dumpsters (or similar commercial garbage collection containers) on the public rights-of-way, roads, sidewalks, or alleyways.
- (3) To place a dumpster without screening from public view.
- (4) To allow solid waste or recovered materials to spill, blow or drop from any vehicle on any road or to transport any solid waste or recovered material over any public road unless the solid waste or recovered material is securely tied or covered so as to prevent.
- (5) To place or store solid waste on any property for a period in excess of one (1) week.
- (6) To deposit or dispose of any garbage or trash on the paved or traveled portion of any public street, or any alleyway, sidewalk, bike path, stream, ditch, river, pond, bay, creek, park, other right-of-way or public place in the town except at areas as may be designated by the town.
- (7) To burn any garbage or trash within the town.
- (8) To produce or accumulate any construction and demolition debris, tree branches or similar debris while acting in the capacity of a contractor (such as a tree surgeon,

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FOR THE SECOND FIRST READING-REVISED  
SECTION 80-1 (c)

landscaper or building contractor), without removal of the same to a designated disposal area.

(9) To allow any scattered garbage or trash to remain at or near the curbside, or to fail to remove any windblown or animal scattered garbage or trash from a public area and right-of-way which have blown or otherwise scattered from the person's dwelling unit curbside collection point.

(10) To place any solid waste or recyclable materials out for collection by any alley service drive, easement or right-of-way not serviced by collection trucks.

(11) To place any solid waste or recyclable materials out for collection adjacent to the street if collection trucks service the area from other roads.

(12) To place any solid waste or recyclable materials in an underground container for pickup.

(13) To deposit any hazardous waste as defined in F.S. § 403.703, in any dumpster, cart or commercial service container served by the town.

(14) To place or cause to be placed any garbage, trash, recyclable material or other solid waste in the dumpster belonging to another (without permission of the person served by said container).

(15) To remove any materials from any garbage disposal container which were set out for disposal (town employees and law enforcement agencies are exempt).

(16) To service or otherwise remove any material from a dumpster that is not screened from the view of public streets or neighbors. It is the duty of the landowner to properly screen dumpsters serving the respective property.

(17) To stand or park a vehicle or trailer blocking (fully or partially) access to the dumpster on pickup days. It shall be the owner's responsibility to post the days that the access area may be blocked.

(18) To block or allow to remain blocked the area providing direct access to any dumpster or regular garbage pickup area.

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FOR THE SECOND FIRST READING-REVISED  
SECTION 80-1 (c)

~~(18)~~ (19) Violation of any part of this section shall be penalized as a class III offense according to [chapter 26](#) of the Town Code. Each day's violation is a separate offense. The landowner and the occupant are jointly and severally liable for all penalties.

**§§ 80-6—80-20. - Reserved.**

**§ 80-21. - Mandatory.**

(a) The Town of Lake Placid shall provide residential garbage collection service to all residential dwelling units within the town limits. Subscription to the garbage collection service shall be mandatory for all units. A ~~monthly~~ charge for the garbage collection service shall be imposed or assessed against the owner ~~or occupant~~ of each residential dwelling unit within the town limits. The Town may by resolution collect the garbage collection charges by a non-ad valorem assessment.

(b) For each garbage collection day, no more than five (5) containers (as hereinafter defined) of residential garbage shall be placed at street-side within six (6) feet of the edge of the pavement in heavy plastic bags, securely fastened to prevent spillage. The bags shall not be less than one (1) mil thick, not larger than thirty-two (32) gallons nor smaller than ten (10) gallons, and not heavier than thirty-five (35) pounds when filled. For added security and convenience, the bags may be placed in a galvanized can or similar plastic container.

(c) "Residential garbage" shall mean animal, fruit and vegetable waste, paper, bottles, cans, glass and rags and other refuse and trash normally generated by a residential household.

(d) Tree limbs not exceeding four (4) inches in diameter which have been cut into lengths not exceeding three (3) feet, which have been bundled or stacked at street-side within six (6) feet of the edge of the pavement will ~~also~~ be collected as additional residential and other garbage under Section 80-1(c), above, for an additional charge and not as part of this service the residential garbage service. Tree limbs need not be bagged. If, in the judgment of the collection crew, (1) there is room on the residential garbage collection truck; (2) the

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additional residential and other garbage is small in volume; and (3) the residential unit has not produced unreasonable volume in the past—then the Town may collect and remove the additional garbage without charge.

(e) ~~The owner of commercial residential units may apply to the town to be allowed to use the residential garbage service and pay the residential garbage collection fee. the town or other franchised dumpster service at the lawful rates and to be therefore exempt from the town's residential garbage collection fees and services. Applications for a residential garbage collection service and fee shall be filed with the Town Clerk. Exemptions shall be granted by permit. A permit shall be for no more than one (1) year. Application for a permit shall be submitted during May for the ensuing fiscal year. The application shall disclose the residential unit(s) requesting exemption and shall list all units to share specific dumpster. If the request is reasonable (based upon volumes and content of garbage to be collected as determined by the Mayor's designee) a written agreement shall be entered providing for residential garbage collection fees and service. The agreement may allow monthly billing on the water bill until the next non-ad valorem assessment roll is certified. A permit shall be granted or denied by resolution for only the ensuing fiscal year. A new reusable unit may apply during any month for a permit for the balance of the fiscal year. The town may exempt by permit the applicant for one (1) year from the town's garbage collection ordinance if the applicant shows:~~

- ~~(1) That it will acquire adequate dumpster service (in the town's discretion);~~
- ~~(2) That dumpster service better protects the health, safety and welfare of the town residents.~~

~~Cost savings will not be the controlling factor because everyone within the town is required to fairly contribute to the cost of garbage collection. The permit will be void if the dumpster service fee is not paid within thirty (30) days of its due date (the permit will be void from the date that the service is not paid).~~

The garbage collection charge shall be billed monthly by the town for any commercial unit not on the non-ad valorem assessment roll.

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**§ 80-22. - Placement and removal of containers.**

No plastic bags or containers shall be placed at street-side for collection prior to 5:00 p.m. on the day prior to collection, and all containers shall be removed from street-side within twenty-four (24) hours of collection. The owner, tenant or occupant of each residential dwelling unit shall promptly clean up any spilled garbage, refuse or litter.

**§ 80-23. - Garbage from outside town limits.**

No person shall bring or transport garbage or refuse of any kind into the town limits from outside the town limits for purposes of collection by the town.

**§ 80-24. - Hazardous wastes prohibited.**

No person shall place at street-side for collection any hazardous wastes, biological or infectious wastes, radioactive, toxic, explosive, or highly flammable materials, or other dangerous substances, specifically including but not limited to gasoline and petroleum products, solvents, chemicals, acids, explosives, sewage sludge, and industrial wastes.

**§ 80-25. - Grass clippings and leaves.**

No grass clippings or leaves shall be collected by the town after January 1, 1992, as mandated by the state.

**§ 80-26. - Heavy debris.**

Heavy debris, appliances, furniture, engine blocks, car bodies, construction or demolition debris, tires, or other bulky or heavy items shall not be collected as part of the regular residential garbage collection service. At the discretion of the Mayor's designee ~~town's public works director~~, these items may be collected as part of a special collection program for an additional advance collection charge under Section 80-1(c), above. In the alternative, the additional charge may be billed on the customer's water account by agreement.

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FOR THE SECOND FIRST READING-REVISED  
SECTION 80-1 (c)

**§ 80-27. - Hardship.**

Upon showing by an owner of a hardship, good cause, or other special circumstance, the town council may temporarily suspend operation of, or grant relief, variance or adjustment to any provision of this article.

**§ 80-28. - Penalty for violation.**

Any person convicted of violating any provision of this article shall be subject to a civil penalty of fifty dollars (\$50.00) for each violation of each separate section or subsection of this chapter, with each day that a violation shall continue being counted as a separate and distinct violation.

**§ 80-29. - Garbage, rubbish and refuse set-up fee.**

The town clerk shall charge and collect a fee to establish garbage, rubbish and refuse service is twenty-five dollars (\$25.00)

**§§ 80-30—80-40. - Reserved.**

**§ 80-41. - Mandatory.**

(a) The town shall provide commercial garbage collection service to all commercial units within the town limits. Subscription to the service shall be mandatory for all commercial units. A monthly collection fee for the garbage collection service shall be imposed against the owner of each commercial unit within the town. Said collection fee shall be paid on a monthly basis upon the same terms and provisions as provided for the collection of water revenue.

(b) Roll on rolloff containers for the exclusive purpose of collecting construction and demolition debris may be obtained from any hauler; provided that the hauler's license is on file with the town clerk; that the dumpster does not contain anything giving off an odor; and that the dumpster is emptied promptly when full. Construction and demolition dumpsters

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FOR THE SECOND FIRST READING-REVISED  
SECTION 80-1 (c)

shall only be allowed on a premises with an active constructive or demolition on the subject property.

(c) The required number of pickups per week shall be determined by the town based on the following volume:

(1) Two (2) pickups per week for any commercial unit generating two (2) or less bags per pickup for a charge of ~~twenty two dollars (\$22.00)~~ \_\_\_\_\_ per month.

(2) Two (2) pickups per week for any commercial unit generating three (3) to five (5) bags per pickup for a charge of ~~twenty eight dollars (\$28.00)~~ \_\_\_\_\_ per month.

(3) Commercial garbage in excess of the foregoing volumes (in the opinion of the ~~Mayor's designee~~~~town's public works director~~) shall be collected by dumpster only at the fees set out in this chapter, below.

(d) "Commercial garbage" shall mean paper, cardboard, wood, bottles, cans, glass, rags, and other large or bulky refuse and trash normally generated by a commercial business, and shall include animal, fruit and vegetable waste generated by a restaurant or other processor.

**SECTION 2. SECTIONS UNCHANGED.** The following sections of the Town Code remain unchanged, to wit: 80-42, 80-43, 80-44, 80-45, 80-46, 80-47, 80-48, 80-49, 80-50. Accordingly, they are not recited herein.

**SECTION 3. EFFECTIVE DATE.** This Ordinance shall become effective ten days after adoption.

**ADOPTED AND ORDAINED** during a regular meeting of the Lake Placid Town Council held this 12<sup>th</sup> day of September 2016.

TOWN OF LAKE PLACID, a Florida municipal  
corporation

By: \_\_\_\_\_  
John M. Holbrook, Mayor

(SEAL)

TOWN GARBAGE COLLECTION ORDINANCE  
FOR THE SECOND FIRST READING-REVISED  
SECTION 80-1 (c)

Attest: \_\_\_\_\_  
Eva Cooper Hapeman, Town Clerk

**THIS ORDINANCE WAS READ** in full or by title on at least two (2) separate days in two (2) separate Town Council meetings (on the 23rd day of August 2016 and on the 12th day of September 2016). Notice of the proposed enactment containing the Ordinance title, stating that a copy may be obtained at Town Hall, and stating the date, time and place of the proposed adoption and advising that interested parties may appear at the meeting and be heard with respect to the proposed ordinance was published at least once each week for two consecutive weeks in the \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_ 2016 and on the \_\_ day of \_\_\_\_\_ 2016 being at least ten (10) days prior to adoption.

\_\_\_\_\_  
Eva Cooper Hapeman, Town Clerk

TOWN OF LAKE PLACID  
AGENDA ITEM INTRODUCTION

MEETING DATE: August 23, 2016      MEETING TYPE: Special Meeting

AGENDA ITEM # AND TITLE:

2.B. First Hearing - ORD-7016-730 Amending Section 9-21 Background Checks

PLACED ON AGENDA BY:

STATEMENT OF ISSUE:

ORDINANCE NUMBER 2016-730

AN ORDINANCE OF THE TOWN OF LAKE PLACID AMENDING SECTION 9-21 OF THE TOWN CODE TO PROVIDE FOR CRIMINAL HISTORY RECORD CHECKS ACCORDING TO SECTION 166.0442, FLORIDA STATUTES, FOR CERTAIN MUNICIPAL EMPLOYEES AND APPOINTEES; AND PROVIDING FOR AN EFFECTIVE DATE.

See second page for Ordinance History. Town Administrator does background checks on our employee applicants other than police employees, which is done by the Chief. Sources used include public records sources and a Florida Department of Law Enforcement (FDLE) check available to the general public. When the ordinance above was passed in 2003, no follow-up mechanism to obtain the histories was ever implemented. Occasionally a questionable Florida history, combined with a public records history of frequent moves nationwide, results in a need to acquire nationwide FBI histories. The town must acquire a unique FBI "ORI" number for such. Adding the specific state statute to the ordinance was suggested by the FDLE to support the FBI application for an ORI number which will enable the town to better protect our infrastructure and reduce liability by being accountable in our hiring process.

RECOMMENDED ACTION:

Motion to pass Ordinance 2016-730 on First Reading

FISCAL IMPACT:

\$45.00 per background check when final

ATTACHED ITEMS:

History of ordinance  
State Statute  
Ordinance

## HISTORY

In 2003 there existed an enhanced concern for nationwide infrastructure and according the Town Council at that time passed ordinance 03-395.

Minutes:

May 5, 2003 PUBLIC HEARING:

A. Ordinance 03-395 - Background Checks on Employees/Contractors (1st Hearing) Council Member Worley made a motion Ordinance 03-395 be approved on first hearing by reading of title only; motion seconded by Council Member Waller. On roll call, motion carried unanimously.

May 12, 2003 Ordinance No. 03-395 - Background Checks on Employees/Contractor (2nd Hearing) Council Member Waller made a motion Ordinance No. 03-395 be approved on second hearing by reading of title only and adopted; motion seconded by Council Member Brantley. On roll call, motion carried

## STATE STATUTE

166.0442 Criminal history record checks for certain municipal employees and appointees.—

(1) Notwithstanding chapter 435, a municipality may require, by ordinance, state and national criminal history screening for:

- (a) Any position of municipal employment or appointment, whether paid, unpaid, or contractual, which the governing body of the municipality finds is critical to security or public safety;
- (b) Any private contractor, employee of a private contractor, vendor, repair person, or delivery person who is subject to licensing or regulation by the municipality; or
- (c) Any private contractor, employee of a private contractor, vendor, repair person, for-hire chauffeur, or delivery person who has direct contact with individual members of the public or access to any public facility or publicly operated facility in such a manner or to such an extent that the governing body of the municipality finds that preventing unsuitable persons from having such contact or access is critical to security or public safety.

(2) The ordinance must require each person applying for, or continuing employment or appointment in, any such position, applying for initial or continuing licensing or regulation, or having such contact or access to be fingerprinted. The fingerprints shall be submitted to the Department of Law Enforcement for a state criminal history record check and to the Federal Bureau of Investigation for a national criminal history record check. The information obtained from the criminal history record checks conducted pursuant to the ordinance may be used by the municipality to determine a person's eligibility for such employment or appointment and to determine a person's eligibility for continued employment or appointment. This section is not intended to preempt or prevent any other background screening, including, but not limited to, criminal history background checks, that a municipality may lawfully undertake.

History.—s. 2, ch. 2002-169; s. 2, ch. 2013-116.

ORDINANCE 730 amending Town Code 9-21, Employment Screening, Second First Reading.

**ORDINANCE NUMBER 2016--730**

**AN ORDINANCE OF THE TOWN OF LAKE PLACID AMENDING SECTION 9-21 OF THE TOWN CODE TO PROVIDE FOR CRIMINAL HISTORY RECORD CHECKS ACCORDING TO SECTION 166.0442, FLORIDA STATUTES, FOR CERTAIN MUNICIPAL EMPLOYEES AND APPOINTEES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the Town of Lake Placid, Florida desires to amend Section 9-21 of the Town Code to include the provisions of Section 166.0442, Florida Statutes; and

**WHEREAS**, at least ten (10) days prior to adoption, notice of the proposed enactment of this Ordinance was published once each week for two (2) consecutive weeks in a newspaper of general circulation in the Town of Lake Placid; and

**WHEREAS**, this Ordinance was read either in full or by title at two separate regular meetings on:

The 23rd day of August 2016; and  
The 12<sup>th</sup> day of September 2016; and

**WHEREAS**, no valid objection has been made to the proposed Ordinance and it appears to be in the best interest of the Town of Lake Placid that the Ordinance be adopted;

**WHEREAS**, this nonemergency ordinance was adopted at a regular meeting of the Lake Placid Town Council;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE PLACID, FLORIDA:**

**SECTION 1. SECTION 9-21, ENTITLED “EMPLOYMENT SCREENING FOR POSITIONS CRITICAL TO SECURITY AND PUBLIC SAFETY” OF THE CODE OF THE TOWN OF LAKE PLACID, FLORIDA IS AMENDED TO READ AS FOLLOWS:**

§ 9-21. - Employment screening for positions critical to security ~~and~~or public safety.

- (a) Any person who is or shall be employed or appointed to a position with the town designated as critical to security or public safety or having access to any town owned or operated facility designated as critical to security or public safety shall be fingerprinted and screened

BJH, TOWN ATTORNEY, 22 AUGUST 2016 2PM

ORDINANCE 730 amending Town Code 9-21, Employment Screening, Second First Reading.

in accordance with the provisions of this article and applicable provisions of F.S.ch. 435 and Section 166.0442, Florida Statutes.

- (b) At the sole and absolute discretion of the town, any current town employee or appointee, under this section, may be placed on probationary status with the town pending a determination that such person meets the qualification requirements consistent with this article and applicable provisions of F.S. ch. 435.

§ 9-22. - Nonemployee access to town owned or operated facilities critical to security or public safety.

Any person acting as a private contractor or employee of a private contractor, vendor, repair person, or delivery person, whether performing work on behalf of the town or not, who requires access to any town owned or operated facility that is designated as critical to security or public safety must submit a completed fingerprint card together with an employer issued photographic identification card or valid state issued driver's license to the police chief or his designee for a criminal background check and screening, in accordance with the provisions of this article and applicable provisions of F.S. ch. 435 to be qualified for access to a designated facility.

§ 9-23. - Fingerprinting processing and screening.

- (a) Any town employee or appointee holding a position designated as critical to security or public safety shall be required, as a condition of continued employment, to submit a completed fingerprint card to the police chief or his designee within five (5) business days of being requested.
- (b) Any prospective employee applying for a position designated as critical to security or public safety shall be required, as a condition precedent to employment, to submit a completed fingerprint card to the police chief or his designee for a criminal history record check.
- (c) A nonemployee as provided under section 9-22 above shall submit a completed fingerprint card to the police chief or his designee in advance of any request to access a designated facility under this article in order to be screened and qualified to access such facility. A nonemployee shall provide the police chief or his designee with all information necessary to screen and qualify such person not later than one (1) business day in advance of such person's required access to any designated facility under this article.
- (d) Obtaining a fingerprint card or a request to be fingerprinted shall be directed to and accomplished by any local law enforcement agency. The town's police chief shall establish reasonable times and procedures during normal business hours, Monday through Friday, to allow the police department to conduct fingerprinting consistent with the purposes of this article.

ORDINANCE 730 amending Town Code 9-21, Employment Screening, Second First Reading.

- (e) Upon receipt of a completed fingerprint card, the police chief or his designee shall forward the completed fingerprint card to the Florida Department of Law Enforcement for a state criminal history record check and the Federal Bureau of Investigation for a national criminal history record check.
- (f) Any information concerning the qualifications and screening of a person shall be provided to the police chief or his designee.

§ 9-24. - Consideration of criminal history record information; confidentiality.

- (a) Any information obtained from the criminal history record background checks conducted pursuant to this article may be used, including any criteria set forth under F.S. ch. 435, by the town to determine an applicant's eligibility for employment or appointment and to determine an employee's eligibility for continued employment in positions deemed critical to security or public safety. Any information concerning a private contractor or any employee thereof, a vendor, repair person or delivery person shall be considered in determining whether to allow access to any town owned or operated facility designated under this article.
- (b) No criminal history record information obtained under this article may be used for any purpose other than determining whether any person qualifies for employment, appointment or continued employment in positions deemed critical for public safety and security or otherwise determine a person's qualifications to access any designated facilities set forth in this article.
- (c) Unless otherwise permitted by law, the authority to determine whether or not a person is qualified to be employed or appointed by the town, or to be allowed access to any designated facilities under this article, shall be exclusively vested in the town.

§ 9-25. - Designation of facilities and positions critical to security and public safety.

- (a) Any position of town employment or appointment or town owned or operated facility may only be deemed critical to public safety or security as provided in this section.
- (b) The town council hereby finds that the following town owned and operated public facilities are critical to security or public safety:
  - (1) Potable water facilities.
  - (2) Facilities at which hazardous chemicals, pesticides, or fertilizers are stored.
- (c) The town council hereby finds that the following positions of town employment or appointment are critical to security or public safety:
  - (1) All positions which permit the employee or appointee to have access to the town's potable water wells, storage areas, and treatment facilities.
  - (2) Town clerk.
  - (3) Public utilities director.

ORDINANCE 730 amending Town Code 9-21, Employment Screening, Second First Reading.

- (4) Police chief.
  - (5) Fire chief.
  - (6) Public works director.
  - (7) Code enforcement officer.
  - (8) Town's Financial Officer.
  - (9) Town Administrator and Town Manager.
- (d) The town council by ordinance or resolution may designate other town owned or operated facilities and town positions of employment or appointment as critical to security or public safety.

§ 9-26. - Emergency conditions.

The police chief or his designee may temporarily waive the requirements of this article to allow a person to access a facility designated as critical to security or public safety on an emergency basis, if such delay in screening and qualification would result in foreseeable injury or damage to town property, personnel or the health, wealth or safety of the citizens of Lake Placid. However, nothing contained herein shall waive the requirement to obtain a completed fingerprint card consistent with this article.

§ 9-27. - Enforcement and penalties.

- (a) Any person subject to section 9-21 of this article who fails to fully comply with the provisions of this article may be subject to discipline and/or termination in accordance with the town's personnel policy manual.
- (b) It shall be unlawful for any person subject to section 9-21 to access or enter upon a designated town owned or operated facility without first being qualified as provided in this article or having otherwise been disqualified and denied access by the police chief or his designee, to access or enter upon such designated facility in violation of this article. Any person convicted of violating this subsection shall be punished in accordance.

§ 9-28. - Supplemental regulations.

- (a) This article is not intended to preempt or prevent any other background screening, including, but not limited to, criminal history background checks, that the town may lawfully undertake.

ORDINANCE 730 amending Town Code 9-21, Employment Screening, Second First Reading.

(b) Nothing contained in this article shall prevent the town from exercising its police powers to limit or otherwise restrict a person's access to any town owned or operated facility.

**SECTION 2. EFFECTIVE DATE.** This Ordinance shall become effective ten days after adoption.

**ADOPTED AND ORDAINED** during a regular meeting of the Lake Placid Town Council held this 12<sup>th</sup> day of September 2016.

TOWN OF LAKE PLACID, a Florida municipal corporation

By: \_\_\_\_\_  
John M. Holbrook, Mayor

(SEAL)

Attest: \_\_\_\_\_  
Eva Cooper Hapeman, Town Clerk

**THIS ORDINANCE WAS READ** in full or by title on at least two (2) separate days in two (2) separate Town Council meetings (on the 23rd day of August 2016 and on the 12<sup>th</sup> day of September 2016). Notice of the proposed enactment containing the Ordinance title, stating that a copy may be obtained at Town Hall, and stating the date, time and place of the proposed adoption and advising that interested parties may appear at the meeting and be heard with respect to the proposed ordinance was published at least once each week for two consecutive weeks in the \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_ 2016 and on the \_\_ day of \_\_\_\_\_ 2016 being at least ten (10) days prior to adoption.

\_\_\_\_\_  
Eva Cooper Hapeman, Town Clerk

TOWN OF LAKE PLACID  
AGENDA ITEM INTRODUCTION

MEETING DATE: August 23, 2016      MEETING TYPE: Special Meeting

AGENDA ITEM # AND TITLE:

2.C First Hearing - ORD-7016-731 Amending Chapter 4 Competitive Bidding

PLACED ON AGENDA BY:

STATEMENT OF ISSUE:

AN ORDINANCE OF THE TOWN OF LAKE PLACID AMENDING AND RESTATING CHAPTER 4 OF THE TOWN CODE; AMENDING SECTION 4-1.1 TO REQUIRE COMPETITIVE BIDDING OF PURCHASES OVER \$10,000.00 AND POLICY FOR PURCHASES UNDER \$10,000.00; AMENDING SECTION 4-1.2 TO CORRECT A CITATION OF AUTHORITY; AMENDING SECTION 4-1.3 TO ALLOW CERTAIN PURCHASES OVER \$10,000.00 USING ANOTHER GOVERNMENT CONTRACT; AMENDING SECTION 4-3 TO ALLOW PURCHASES BY THE MAYOR'S DESIGNEE IN AN EMERGENCY DECLARED BY TOWN COUNCIL; AMENDING SECTION 4-5.4 TO RAISE THE LOCAL PREFERENCE BIDDING TO \$10,000.00; AMENDING SECTION 4-6 TO PROVIDE FOR EXCEPTIONS TO THE LOCAL PREFERENCE POLICY FOR LIMITED PROFESSIONAL SERVICES, SINGLE SOURCED ITEMS, AND ROUTINE ITEMS; AND PROVIDING FOR AN EFFECTIVE DATE.

RECOMMENDED ACTION:

Motion to pass Ordinance Number 2016-731 on First Reading

FISCAL IMPACT:

NA

ATTACHED ITEMS:

Ordinance

Ordinance Amending Town Code Chapter 4, Competitive Bidding, Second First Reading.

**ORDINANCE NUMBER 2016--731**

**AN ORDINANCE OF THE TOWN OF LAKE PLACID AMENDING AND RESTATING CHAPTER 4 OF THE TOWN CODE; AMENDING SECTION 4-1.1 TO REQUIRE COMPETITIVE BIDDING OF PURCHASES OVER \$10,000.00 AND POLICY FOR PURCHASES UNDER \$10,000.00; AMENDING SECTION 4-1.2 TO CORRECT A CITATION OF AUTHORITY; AMENDING SECTION 4-1.3 TO ALLOW CERTAIN PURCHASES OVER \$10,000.00 USING ANOTHER GOVERNMENT CONTRACT; AMENDING SECTION 4-3 TO ALLOW PURCHASES BY THE MAYOR'S DESIGNEE IN AN EMERGENCY DECLARED BY TOWN COUNCIL; AMENDING SECTION 4-5.4 TO RAISE THE LOCAL PREFERENCE BIDDING TO \$10,000.00; AMENDING SECTION 4-6 TO PROVIDE FOR EXCEPTIONS TO THE LOCAL PREFERENCE POLICY FOR LIMITED PROFESSIONAL SERVICES, SINGLE SOURCED ITEMS, AND ROUTINE ITEMS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the Town of Lake Placid, Florida desires to amend Chapter 4 of the Town Code regarding purchases and bidding; and

**WHEREAS**, at least ten (10) days prior to adoption, notice of the proposed enactment of this Ordinance was published once each week for two (2) consecutive weeks in a newspaper of general circulation in the Town of Lake Placid; and

**WHEREAS**, this Ordinance was read either in full or by title at two separate regular meetings on:

The 23rd day of August 2016; and  
The 12<sup>th</sup> day of September 2016.

**WHEREAS**, no valid objection has been made to the proposed Ordinance and it appears to be in the best interest of the Town of Lake Placid that the Ordinance be adopted;

**WHEREAS**, this nonemergency ordinance was adopted at a regular meeting of the Lake Placid Town Council;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE PLACID, FLORIDA:**

Ordinance Amending Town Code Chapter 4, Competitive Bidding, Second First Reading.

**SECTION 1. THE TITLE OF CHAPTER 4 OF THE CODE OF THE TOWN OF LAKE PLACID, FLORIDA IS AMENDED AS FOLLOWS:**

**BIDDING, COMPETITIVE PURCHASING.**

**SECTION 2. SECTION 4-1.1 OF THE TOWN CODE IS AMENDED AND RESTATED AS FOLLOWS:**

**§ 4-1.1. - Competitive bidding.**

Any purchase involving an expenditure of more than ~~five thousand dollars (\$5,000.00)~~ ten thousand dollars (\$10,000.00) or more must be by competitive bidding unless an emergency exists that involves the public health and welfare or unless it falls under one (1) of the exceptions set forth in [section 4-1.3](#). Any purchase involving an expenditure of less than ~~five thousand dollars (\$5,000.00)~~ ten thousand dollars (\$10,000.00) may be made without competitive bidding. The town staff shall use its best efforts to make purchases less than ~~five thousand dollars (\$5,000.00)~~ ten thousand dollars (\$10,000.00) from vendors maintaining a business within the Town of Lake Placid Town limits, if the offered price is determined by the respective staff to be reasonable.

Purchases involving expenditures under ten thousand dollars (\$10,000.00) shall be made according to the Town's purchasing policy adopted from time to time by resolution(s) of the Town Council.

**SECTION 3. SECTION 4-1.2 OF THE TOWN CODE IS AMENDED AND RESTATED AS FOLLOWS:**

**§ 4-1.2. - Professional services.**

Professional services shall be procured as provided in ~~F.S. ch.~~ Chapter 287, Florida Statutes, for the professions therein addressed.

Ordinance Amending Town Code Chapter 4, Competitive Bidding, Second First Reading.

**SECTION 4. SECTION 4-1.3 OF THE TOWN CODE IS AMENDED AND RESTATED AS FOLLOWS:**

**§ 4-1.3. - Exceptions.**

In the event that the purchase price of the item to be purchased is in excess of ~~five thousand dollars (\$5,000.00)~~ ten thousand dollars (\$10,000.00) and the item can be purchased under a state or federal general services administration contract or from the lowest and best bidder under a competitive bidding process of another governmental entity, including a county, school board, or other municipality, which bid process was completed within thirty (30) months prior to the purchase, or in the event that the item is available only from one (1) supplier, the requirement of competitive bidding herein shall not apply.

**SECTION 5. SECTION 4-2 OF THE TOWN CODE IS SPECIFICALLY NOT AMENDED BUT SHALL CONTINUE TO READ AS FOLLOWS:**

**§ 4-2. - Procedure when no bids received.**

If no satisfactory response to the invitation to bid is received after two (2) consecutive invitations to bid have been published, the town mayor or the Mayor's designee ~~department heads~~ shall have the authority to negotiate directly with a supplier for the purchase of the work, goods, supplies, materials or services, working to the best advantage of the town and in the public interest. The negotiated price shall be formally ratified by town council prior to consummating the purchase of the negotiated item.

**SECTION 6. SECTION 4-3 OF THE TOWN CODE IS AMENDED AND RESTATED AS FOLLOWS:**

**§ 4-3. - Procedure to suspend bid requirement in emergency.**

The bid requirement established in section 4-1 may be temporarily suspended by the town council upon an extraordinary vote (majority plus one (1)) that a bona fide emergency exists and that strict adherence to the publication requirements of the bid ordinance would be contrary to the health and general welfare of the town and its citizens. In such case, the town

Ordinance Amending Town Code Chapter 4, Competitive Bidding, Second First Reading.

mayor, or the mayor's designee, shall have the authority to negotiate directly with a supplier for the purchase of the work, goods, supplies, materials or services, without complying with the bid requirement established in section 2-1, working to the best advantage of the town and in the public interest. The negotiated price shall be formally ratified by town council prior to consummating the purchase of the negotiated item.

**SECTION 7. SECTION 4-4 OF THE TOWN CODE IS SPECIFICALLY NOT AMENDED BUT SHALL CONTINUE TO READ AS FOLLOWS:**

**§ 4-4. - Prequalification requirements.**

In the determination of the lowest or best responsible bid for the award of a contract under this bid ordinance, or when the town council requires professional services for a project, the council may consider any or all of the following criteria in addition to the bid amount:

- (1) The ability, capacity, skill and experience of the provider for similar projects.
- (2) The willingness of the provider to meet time and budget requirements.
- (3) The business character, integrity and reputation of the provider.
- (4) The quality of performance by the provider on previous contracts with the town, or with others with whom the town has consulted.
- (5) The previous and existing compliance by the provider with federal, state and local laws, ordinances and regulations relating to similar projects.
- (6) The sufficiency of financial resources and abilities of the provider.
- (7) The quality and availability of the parts and supplies for maintenance purposes.
- (8) The adaptability and interchange of parts and supplies with other equipment owned by the town.
- (9) The location and ability of the provider to furnish maintenance and service.
- (10) The recent, current and projected workloads of the provider.
- (11) The number and scope of conditions attached to the bid.

Ordinance Amending Town Code Chapter 4, Competitive Bidding, Second First Reading.

(12) Such other factors as the council may determine in its sole discretion to be applicable to the particular project.

**SECTION 8. SECTIONS 4-5.1, 4-5.2, AND 4-5.3, OF THE TOWN CODE ARE SPECIFICALLY NOT AMENDED BUT SHALL CONTINUE TO READ AS FOLLOWS:**

**§ 4-5.1. - Intent and purpose.**

When purchasing goods or services, the Town of Lake Placid intends to give preference to local businesses and to businesses maintaining a drug-free workplace.

**§ 4-5.2. - Notice.**

If preference is to be given, the town shall include in its bid specifications, request for proposals, or invitation to bid, a prominent statement that local businesses and/or drug-free workplaces shall be given preference in the evaluation and award of purchases and contracts.

**§ 4-5.3. - Definitions.**

(a) "*Local business*" shall mean a person or business entity which owns or leases either an office or distribution facility within the Lake Placid Town limits for at least six (6) months immediately prior to the issuance of the town's request for bids or request for proposals.

(b) "*Lake Placid area business*" shall mean a person or business entity which owns or leases either an office or distribution facility within the Greater Lake Placid Vision Overlay described in Highlands County Comprehensive Plan, Future Land Use Element, Objective 12: Greater Lake Placid Planned Vision Overlay, as amended from time to time, for at least six (6) months prior to the town's request for bids or request for proposals.

(c) "*Total purchase price*" shall include the base bid and all alternatives or options added to the base bid awarded by the town. The total purchase price shall not include change orders.

Ordinance Amending Town Code Chapter 4, Competitive Bidding, Second First Reading.

**SECTION 9. SECTION 4-5.4 OF THE TOWN CODE IS AMENDED AND RESTATED AS FOLLOWS:**

**§ 4-5.4. - Local preference in bidding.**

In purchasing or contracting for procurement of tangible personal property, materials, services or the construction of improvements the town may give the local preference to local businesses in making such purchases or awarding such contracts, by (for the purpose of awarding a bid only, but not the actual price) deducting the following sums from the bids submitted by local businesses:

- (1) Five (5) percent of the total purchase price for contracts between ~~five thousand dollars (\$5,000.00)~~ ten thousand dollars (\$10,000.00) and two hundred forty-nine thousand nine hundred ninety-nine dollars and ninety-nine cents (\$249,999.99);
- (2) Four (4) percent of the total purchase price for contracts between two hundred fifty thousand dollars (\$250,000.00) and nine hundred ninety-nine thousand nine hundred ninety-nine dollars and ninety-nine cents (\$999,999.99);
- (3) Three (3) percent of the total purchase price for contracts between one million dollars (\$1,000,000.00) and one million nine hundred ninety-nine thousand nine hundred ninety-nine dollars and ninety-nine cents (\$1,999,999.99);
- (4) Two (2) percent of the total purchase price for contracts two million dollars (\$2,000,000.00) and above; and
- (5) Provided however that the local preference (the amount to be deducted from the bid of a qualified local business) shall not exceed eighty thousand dollars (\$80,000.00).

If no local business submits a bid, then fifty (50) percent of the above local preference shall be given to Lake Placid area businesses submitting bids.

If no local business and no Lake Placid area business submits a bids, then twenty-five (25) percent of the above local preference shall be given to bidders with an office or distribution facility owned or leased in Highlands County, Florida for at least six (6) months immediately prior to the issuance of the town's request for bids.

Ordinance Amending Town Code Chapter 4, Competitive Bidding, Second First Reading.

**SECTION 10. SECTION 4-5.5 OF THE TOWN CODE IS SPECIFICALLY NOT AMENDED BUT SHALL CONTINUE TO READ AS FOLLOWS:**

**§ 4-5.5. - Preference in requests for proposals (RFP).**

- (a) In procuring tangible personal property, materials, contractual services, or construction of improvements under a request for proposal, a local preference of five (5) percent of the total purchase price will be given to the bid of each local business.
- (b) If no local business submits a proposal, then fifty (50) percent of the local preference (listed in [section 4-5.4](#), above) shall be given to Lake Placid area businesses submitting proposals.
- (c) If no local business and no Lake Placid area business submits a proposal, then twenty-five (25) percent of the local preference (listed in [section 4-5.4](#), above) shall be given to businesses or persons with an office or distribution facility owned or leased in Highlands County, Florida for at least twelve (12) months immediately prior to the issuance of the town's request for proposals.

**SECTION 11. SECTION 4-5.6 OF THE TOWN CODE IS SPECIFICALLY NOT AMENDED BUT SHALL CONTINUE TO READ AS FOLLOWS:**

**§ 4-5.6. - Certification and determination of local business.**

- (a) Any entity claiming to be a local business, a Lake Placid area business or a Highlands County business shall include in its bid documents a written certification of such to the town. The certification shall set out all facts reasonably necessary to establish the vendors claimed status, and shall be signed under penalties of perjury, and notarized.
- (b) Any person may submit sworn statements contesting or supporting any local business, Lake Placid area business, or Highlands County business certification at any time prior to the award of the contract. The town council in awarding the contract shall determine whether a bidder is a local business Lake Placid area business or Highlands County business.

Ordinance Amending Town Code Chapter 4, Competitive Bidding, Second First Reading.

**SECTION 12. SECTION 4-5.4 OF THE TOWN CODE IS AMENDED AND RESTATED AS FOLLOWS:**

**§ 4-5.7. - Exceptions to the local preference policy.**

(a) *Exceptions.* The procurement preference set forth in this policy shall not apply to any of the following purchases or contracts:

- (1) Goods or services provided under a cooperative purchasing agreement or interlocal agreement;
- (2) Purchases or contracts which are funded, in whole or part, by a government entity and the laws, regulations, or policies governing such funding prohibit or discourage application of that preference;
- (3) Purchases made or contracts let under emergency or noncompetitive situations or for litigation related legal services.
- (4) Professional services which are purchased according to the Florida Consultants Competitive Negotiations Act, Section 287.055, Florida Statutes.
- (5) Purchases of items which have been deemed available via a single source, and standard items utilized by the town.

(b) *Waiver.* Application of local preference may be waived by the Lake Placid Town Council upon recommendation of the mayor, any town council member, or town employee.

**SECTION 13. SECTION 4-5.4 OF THE TOWN CODE IS AMENDED AND RESTATED AS FOLLOWS:**

**§ 4-6. - Preference to businesses with drug-free workplace programs.**

The town may reject any bid or proposal which does not certify that it has implemented a drug-free program according to ~~F.S. § 287.087~~ Section 287.087, Florida Statutes.

**SECTION 14. EFFECTIVE DATE.** This Ordinance shall become effective ten days after adoption.

Ordinance Amending Town Code Chapter 4, Competitive Bidding, Second First Reading.

**ADOPTED AND ORDAINED** during a regular meeting of the Lake Placid Town Council held this 12<sup>th</sup> day of September 2016.

TOWN OF LAKE PLACID, a Florida municipal corporation

By: \_\_\_\_\_  
John M. Holbrook, Mayor

(SEAL)

Attest: \_\_\_\_\_  
Eva Cooper Hapeman, Town Clerk

**THIS ORDINANCE WAS READ** in full or by title on at least two (2) separate days in two (2) separate Town Council meetings (on the 23rd day of August 2016 and on the 12<sup>th</sup> day of September 2016). Notice of the proposed enactment containing the Ordinance title, stating that a copy may be obtained at Town Hall, and stating the date, time and place of the proposed adoption and advising that interested parties may appear at the meeting and be heard with respect to the proposed ordinance was published at least once each week for two consecutive weeks in the \_\_\_\_\_ on the \_\_\_\_ day of August 2016 and on the \_\_\_\_ day of August 2016 being at least ten (10) days prior to adoption.

\_\_\_\_\_  
Eva Cooper Hapeman, Town Clerk