



# CITY COUNCIL MEETING

## City of Greenacres, Florida

Monday, February 07, 2022 at 6:00 PM

City Hall Council Chambers | 5800 Melaleuca Lane

### AGENDA

#### Mayor and City Council

Joel Flores, Mayor

John Tharp, Deputy Mayor

Peter A. Noble, Councilmember, District II

Judith Dugo, Councilmember District III

Jonathan G. Pearce, Councilmember, District IV

Paula Bousquet, Councilmember, District V

#### Administration

Andrea McCue, City Manager

Glen J. Torcivia, City Attorney

Quintella Moorer, City Clerk

#### CALL TO ORDER AND ROLL CALL

#### PLEDGE OF ALLEGIANCE

#### AGENDA APPROVAL

#### COMMENTS FROM THE PUBLIC FOR AGENDA ITEMS ONLY

#### SPECIAL BUSINESS - None.

#### CONSENT AGENDA

1. **Official Minutes:** City Council Meeting Minutes, January 3, 2022. - Quintella Moorer, City Clerk.
2. **Proclamation:** Florida Bike Month.
3. **Proclamation:** Black History Month.
4. **Proclamation:** Heart Month.
5. **Proclamation:** Random Acts of Kindness.
6. **Resolution 2022-01:** Authorizing the agreement between the City of Greenacres and the Florida Department of Transportation for District IV Maintenance Memorandum of Agreement, along with Exhibits A, B, and C of the Agreement, authorizing the appropriate City Officials to execute the agreement; and providing for an effective date. - Carlos Ceden, Director of Public Works Department.
7. **Resolution 2022-02:** Satisfying certain liens imposed against residential property, pursuant to Section 15-31, City of Greenacres Code. - Teri Beiriger, Director of Finance.
8. **Resolution 2022-03:** Approving the agreement between the City of Greenacres and Heavy Civil, Inc. for the construction of sidewalk, curbing, draining pipe, drainage structures, and paving along portion of Bowman Street as well as all incidental work;

authorizing the appropriate City Official to execute the agreement; providing for an effective date. - Monica Powery, Director of Purchasing.

- 9. Resolution 2022-04:** Adopting the Personnel Policies Handbook; repealing all resolutions and Council Policies in conflict herewith; providing a conflicts clause and a severability clause; providing an effective date and for other purposes. - Suzanne Skidmore, Director of Human Resources.

- 10. Resolution 2022-06:** Approving a professional service agreement between the City of Greenacres and HR Compensation Consultants, LLC. to perform a compensation study; authorizing the appropriate City Officials to execute the agreement; providing for an effective date. - Andrea McCue, City Manager.

- 11. Resolution 2022-09:** Authorizing the submittal of an application to the Palm Beach County Department of Economic Sustainability for Community Development Block Grant funding for FY 2022-2023, for an infrastructure project in the City's Original section; and authorizing the appropriate City Officials to execute all necessary documents. - Kara Irwin-Ferris, Director of Development and Neighborhood Services.

## REGULAR AGENDA

- 12. Ordinance 2022-03: First Reading:** Amending Chapter 15 Utilities to include an additional article for expansion of Palm Beach County's Wastewater System within the City of Greenacres; providing for conflicts, severability, codification, and an effective date. - Carlos Ceden, Director of Public Works Department.

- 13. Ordinance 2021-21: First Reading:** Amending Greenacres Code of Ordinance at Chapter 12 - Subdivision and Land Development Regulations, Article 3 - Improvements and design standards, Sections 12-65 by increasing the width of sidewalks from four feet to five feet; amending Greenacres Code of Ordinance at Chapter 12 - Subdivision and Land Development regulations, Article 3, Improvements and design standards Section 12-67(s) and 12-67D table by increasing the street right of way width from forty (40) feet to forty-two (42) feet; providing for repeal of conflicting Ordinances; providing for severability; providing for inclusion in Code; and providing for effective date. - Caryn Gardner-Young, Zoning Administrator.

- 14. Ordinance 2021-22: First Reading:** Amending Chapter 16, Article 3 District Regulations, Division 15 Mixed Use Development Office Sections 16-558 through 16-653; to align the allowable uses with the purpose and intent of the MXD-O Zoning District; providing for repeal of conflicting ordinances; providing for severability; providing for inclusion in Code; and providing for an effective date. - Kara Irwin-Ferris, Development and Neighborhood Services.

## DISCUSSION ITEM - None.

## COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

## CITY MANAGER'S REPORT

- 15.** Community & Recreation Services Report.
- 16.** Development & Neighborhood Services Report.
- 17.** Finance Report.
- 18.** Fire Rescue Report.

[19.](#) Information Technology Report.

[20.](#) PBSO- District 16 Report.

[21.](#) Public Works Report.

[22.](#) Purchasing Report.

[23.](#) Youth Programs Report.

#### **CITY ATTORNEY'S REPORT**

#### **MAYOR AND CITY COUNCIL REPORT**

#### **ADJOURNMENT**

#### **Upcoming Meeting**

March 7, 2022

March 21, 2022

#### **Meeting Records Request**

Any person requesting the appeal of a decision of the City Council will require a verbatim record of the proceedings and for that purpose will need to ensure that such verbatim record is made. Pursuant to FS. 286.0105, the record must include the testimony and evidence upon which the appeal is to be based. The City of Greenacres does not prepare or provide such verbatim record.

#### **Notice of Council Meetings and Agendas**

The first and third Monday of each month are regular meeting dates for the City Council; special or workshop meetings may be called, whenever necessary. Council Agendas are posted on the City's website on the Friday prior to each Council meeting. A copy of the meeting audio and the complete agenda may be requested at [CityClerk@greenacresfl.gov](mailto:CityClerk@greenacresfl.gov) or 561-642-2006.

#### **Americans with Disabilities Act**

In accordance with the provisions of the Americans with Disabilities Act (ADA), this document can be made available in an alternate format upon request. Special accommodations can be provided upon request with three (3) days advance notice of any meeting, by contacting City Clerk Quintella Moorner at Greenacres City Hall, 5800 Melaleuca Lane, Greenacres, Florida. Phone No. 561-642-2006. Hearing Assistance: If any person wishes to use a Listen Aid Hearing Device, please contact the City Clerk prior to any meeting held in the Council Chambers.



## CITY COUNCIL MEETING

### City of Greenacres, Florida

Monday, January 03, 2022 at 6:00 PM

City Hall Council Chambers | 5800 Melaleuca Lane

## MINUTES

### Mayor and City Council

Joel Flores, Mayor

John Tharp, Deputy Mayor

Peter A. Noble, Councilmember, District II

Judith Dugo, Councilmember District III

Jonathan G. Pearce, Councilmember, District IV

Paula Bousquet, Councilmember, District V

### Administration

Andrea McCue, City Manager

Glen J. Torcivia, City Attorney

Quintella Moorer, City Clerk

### CALL TO ORDER AND ROLL CALL

Mayor Flores called the meeting to Order at 6PM and City Clerk Moorer called the Roll.

### PLEDGE OF ALLEGIANCE

### AGENDA APPROVAL

Councilmember Noble requested adding an additional Item to the Regular agenda, Item 14; to review the health of the City Council relating to the new Covid-19 Virus. After further discussion, Mr. Torcivia explained the HIPPA Law briefly.

Motion made by Councilmember Bousquet, Seconded by Councilmember Dugo to approve the revised agenda to include Item 14; to review the health of the City Council as it relates to the new Covid-19 virus.

Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Pearce, and Councilmember Bousquet.

### COMMENTS FROM THE PUBLIC FOR AGENDA ITEMS ONLY

None.

### SPECIAL BUSINESS

1. **Presentation:** 2021 City Photo Contest Winners. - Michele Thompson, Director of Community and Recreation Services.

Ms. McCue read the names of the Photo Contest Winners. She thanked them for their participation.

First Place, John Tharp, Second Place, Amy Demartino and Third Place, Yago Cecchinin.

- 2. Proclamation:** Florida Arbor Day, January 14, 2022. - Barbara Hadsell, National Garden Club.

Mayor Flores thanked Ms. Barbara Hadsell for her dedication and time.

### CONSENT AGENDA

Motion made by Councilmember Dugo, Seconded by Councilmember Noble to approve the Consent Agenda. Voting Yea: Deputy Mayor Sharp, Councilmember Noble, Councilmember Dugo, Councilmember Pearce, and Councilmember Bousquet.

- 3. Official Minutes:** City Council Meeting Minutes, December 13, 2021. - Quintella L. Moorer, City Clerk.

Motion made by Councilmember Dugo, Seconded by Councilmember Noble to approve the Consent Agenda.

Voting Yea: Deputy Mayor Sharp, Councilmember Noble, Councilmember Dugo, Councilmember Pearce, and Councilmember Bousquet.

### REGULAR AGENDA

- 4. PUBLIC HEARING: Ordinance 2021-05: Second Reading:** Amending the future land use map of the future land use element of the City's Comprehensive Plan, to change the future land use designation of fourteen parcels of land totaling approximately 33.059 acres, located at the Northwest corner of the intersection between South Haverhill Road and Nash Trail is approximately 1,400 feet north of Lantana Road, from a Palm Beach County designation of Medium Residential 5 units per acre (PBC MR-5) and low Residential 1 unit per acre (PBC IR-1) to a City of Greenacres designation of Residential-Medium Density (RS-MD) and Residential High density (RS-HD), as requested by the petitioner, Wantman Group Inc., agent for the owners, Ann & Fred K Menor, Aaron & Frances LLC, American German Club Inc., Ernest & Lynne Cheetham, Claudia Cornel & Costel Dumitrescu, Matthew Greene, Melody & Noe Maldonado, Shipley Enterprise Inc., Phillipe Sze, Virginia Walter and Kfir Baranes; providing for repeal of conflicting ordinances; providing for severability; providing for transmittal to the Department of Economic Opportunity; providing for inclusion in the Comprehensive Plan; and providing for an effective date. - Kara Irwin- Ferris, Director of Development and Neighborhood Services.

City Clerk Moorer read Ordinance 2021-05 by title.

Ms. Irwin-Ferris briefly highlighted the land use designation. The Ordinance met all requirements and Staff recommended approval.

Mr. Robert Palahunik was in opposition of the Ordinance and requested a forty-five-day extension for all parties to examine the details. He felt there was not a full vetting of the project by the City. He would like for the Ordinance to be reexamined; to consider animals and residents. Mr. Palahunik felt the Developer was not required to do much, such as to develop roads and/or provide workforce housing. He stated a letter had been provided to Council for consideration.

Councilmember Pearce asked if the City was able to accommodate roads and/or sewer requirements set by the County. Ms. Irwin- Ferris confirmed.

Motion made by Councilmember Pearce, Seconded by Councilmember Dugo to approve Ordinance 2021-05; on Second Reading.

Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Pearce, and Councilmember Bousquet.

- 5. PUBLIC HEARING: Ordinance 2021-06: Second Reading:** Approving a zoning change for fourteen parcels of land totaling approximately 33.059 acres, located at the Northwest corner of the intersection between South Haverhill Road and Nash Trail is approximately 1,400 feet North of Lantana Road, from a Palm Beach County designation of Agricultural Residential (PBC AR) and Residential Estate (PBC RE) to a City of Greenacres designation of Residential Medium density-2 (RM-2) and Residential High density (RH), as requested by the petitioner, Wantman Group Inc., agent for the owners, Ann & Fred K. Menor, Aaron & Frances LLC, American German Club Inc., Ernest & Lynne Cheetham, Claudia Cornel & Costel Dumitrescu, Matthew Greene, Melody & Noe Maldonado, Shipley Enterprise Inc., Phillipe Sze, Virginia Walter and Kfir Baranes; providing for changes to the official zoning map; providing for repeal of conflicting ordinances, providing for severability; and providing for an effective date. - Kara Irwin-Ferris, Director of Development and Neighborhood Services.

City Clerk Moorero read Ordinance 2021-06 by title.

Ms. Irwin-Ferris briefly explained the zoning change as previously mentioned in the First Reading presentation. She stated the amendment was necessary and time was of the essence. Staff recommended approval.

Mr. Robert Palahniuk stated the letter he previously provided also stood for Ordinance 2021-06.

Motion made by Councilmember Pearce, Seconded by Deputy Mayor Tharp to approve Ordinance 2021-06; on Second Reading.

Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Pearce, and Councilmember Bousquet.

- 6. PUBLIC HEARING: Ordinance 2021-14: Second Reading:** Amending the Comprehensive Plan, more specifically to adopt a Property Rights Element, in its entirety as contained herein providing for repeal of conflicting Ordinances; providing for severability; providing for transmittal to the Department of Economic opportunity; providing for inclusion in the Comprehensive Plan; and providing for an effective date. - Caryn Gardner-Young, Zoning Administrator.

City Clerk Moorero read Ordinance 2021-14 by title.

Ms. Irwin-Ferris stated the Ordinance was transferred to all required reviewers from the State and County, no negative reviews were reported. No changes were made since the First Reading. She said the Property Element was required per State Statute with a time certain deadline. Staff recommended approval.

Motion made by Councilmember Pearce, Seconded by Councilmember Bousquet to approve Ordinance 2021-14; on Second Reading.



Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Pearce, and Councilmember Bousquet.

- 7. PUBLIC HEARING: Ordinance 2021-15: Second Reading:** Amending the Comprehensive Plan, more specifically to update the Five-Year Capital Improvements Plan of the City of Greenacres as outlined in the Capital Improvement Element, as contained herein; providing for repeal of conflicting Ordinances; providing for severability; providing for transmittal to the Department of Economic Opportunity; providing for inclusion in the Comprehensive Plan; and providing for an effective date. - Caryn Gardner-Young, Zoning Administrator.

City Clerk Moorero read Ordinance 2021-15 by title.

Ms. Irwin-Ferris stated the Capital Improvement plan was reviewed annually and remain consistent with the annual budget. There were no changes since the First Reading. Staff recommended approval.

Motion made by Councilmember Pearce, Seconded by Deputy Mayor Tharp to approve Ordinance 2021-15; on Second Reading.

Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Pearce, and Councilmember Bousquet.

- 8. PUBLIC HEARING: Ordinance 2021-17: Second Reading:** Amending the Comprehensive Plan, more specifically to update the City of Greenacres ten year Water Supply Facilities Work Plan as adopted by reference in the Intergovernmental and Public Facilities Elements, as contained herein; providing for repeal of conflicting ordinances; providing for severability; providing for transmittal to the Department of Economic Opportunity; providing for inclusion in the Comprehensive Plan; and providing for an effective date. - Caryn Gardner-Young, Zoning Administrator.

City Clerk Moorero read Ordinance 2021-17 by title.

Ms. Irwin-Ferris stated the Ordinance was required per State Statute and ensured a ten-year water supply plan for the City. No changes were made since the First Reading and no comments or changes were proposed by the State or County reviewers.

Motion made by Councilmember Pearce, Seconded by Councilmember Dugo to approve Ordinance 2021-17; on Second Reading.

Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Pearce, and Councilmember Bousquet.

- 9. PUBLIC HEARING: Ordinance 2021-19: Second Reading:** Amending Greenacres City Code, Chapter 16, Zoning Regulations, Article II, Administration, Division 2, Land Development Staff by renaming Land Development Staff to Development Review Committee, replacing outdated names of City Departments or Committees/Boards, and updating procedures and renaming Land Development Staff to Development Review Committee in other Sections of the Code; providing for repeal of conflicting ordinances; providing for severability; providing for inclusion in code; and providing for an effective date. - Caryn Gardner-Young, Zoning Administrator.

City Clerk Moorer read Ordinance 2021-19 by title.

Ms. Irwin-Ferris stated the amendment was City initiated to update the process and clarify language. Staff recommended approval and no changes had occurred since the First Reading.

Motion made by Councilmember Dugo, Seconded by Councilmember Bousquet to approve Ordinance 2021-19; on Second Reading.

Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Pearce, and Councilmember Bousquet.

**10. PUBLIC HEARING: Ordinance 2021-20: Second Reading:** Amending Greenacres Code of Ordinances Chapter 16, Zoning Regulations, Article II, Administration, Division 10, Amendments to approved special exceptions and site plans, Section 2-212 through Section 2-216, by replacing Class I, II and III site plan and special exception amendments with minor and major site plan and special exception amendments, making similar terminology changes in other sections for consistency; providing for repeal of conflicting ordinances; providing for severability; providing for inclusion in code; and providing for an effective date. - Caryn Gardner-Young, Zoning Administrator.

City Clerk Moorer read Ordinance 2021-20 by title.

Ms. Irwin-Ferris stated no changes had been made since the First Reading. She mentioned the amendment was a housekeeping change to make concurrent with updated processes. Staff recommended approval.

Motion made by Councilmember Pearce, Seconded by Councilmember Bousquet to approve Ordinance 2021-20; on Second Reading.

Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Pearce, and Councilmember Bousquet.

**11. QUASI-JUDICIAL PUBLIC HEARING: Resolution 2021-30:** Approving an application for a special exception to allow a planned unit development in a Residential Medium-2 and a Residential High (RH) zoning district, located at the northwest corner of the intersection between South Haverhill Road and Nash Trail is approximately 1,400 feet north of Lantana Road, from a Palm Beach County designation of Agricultural Residential (PBC AR) and Residential Estate (PBC RE) to a City of Greenacres designation of Residential Medium-2 (RM-2) and Residential High Density (RH), as requested by the petitioner, Wantman Group Inc., agent for the owners, Ann & Fred K. Menor, Aaron & Frances LLC, American German Club Inc., Ernest & Lynn Cheetham, Claudia, Cornel & Costel Dumitrescu, Matthew Greene, Melody & Noe Maldonado, Shipley Enterprise Inc., Phillipe Sze, Virginia Walter and Kfir Baranes; providing for repeal of conflicting resolutions; and providing for an effective date.- Kara Irwin-Ferris, Director of Development and Neighborhood Services.

Ms. Irwin-Ferris read the Quasi-Judicial process into the record.

City Clerk Moorer swore in five people.

City Clerk Moorer read Resolution 2021-30 by title.



There were no reported ex-parte communications from the Council and Mayor.

Mr. Yoan Machado, WGI, Inc. stated he would provide Council with an updated presentation tomorrow due to technical difficulties. Mr. Machado stated the land use request was needed to meet requirements for the City of Greenacres. He stated the plan was for zero lot line properties and a total of 212 units, single family, and townhomes. He reviewed the site plan further. Mr. Machado stated the site plan had met all requirements and compliance with the City's Code. Mr. Machado requested approval.

Ms. Irwin-Ferris briefly explained the special exception and PUD and the change from a County designation to the City's designation. She mentioned allowable townhome and single-family requirements. Ms. Irwin-Ferris stated the changes were consistent with the City's Code. She said the applicant had met all criteria of the Code. Staff recommended approval.

Mr. Robert Palahniuk was in opposition of Resolution 2021-30. He requested a 45 day postponement and felt the City would not grant his request therefore he decided to file an in junction with the 15th Judicial regarding Public Hearing of Ordinance 2021-05,06 and Quasi- Judicial Hearing Resolutions 2021-30 and 31.

Motion made by Councilmember Pearce, Seconded by Deputy Mayor Tharp to approve Resolution 2021-30. Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Pearce, and Councilmember Bousquet.

**12. Resolution 2021-31:** Approving the application for site plan approval to construct 230 dwelling units (76 zero-lot line homes and 154 townhomes) in a Residential Medium-2 (RM-2) and a Residential High (RH) zoning district, located at the northwest corner of the intersection between South Haverhill road and Nash Trail is approximately 1,400 feet north of Lantana Road, from a Palm Beach County designation of Agricultural Residential (PBC AR) and Residential Estate (PBC RE) to a City of Greenacres designation of Residential Medium-2 (RM-2) and Residential High density (RH), as requested by the petitioner, Wantman Group Inc., agent for the owners, Ann & Fred K. Menor, Aaron & Frances LLC, American German Club Inc., Ernest & Lynne Cheetham, Claudia, Cornel & Costal Dumitrescu, Matthew Greene, Melody & Noe Maldonado, Shipley Enterprise Inc., Phillipe Sze, Virginia Walter and Kfir Baranes; providing for repeal of conflicting resolutions; and providing for an effective date. - Kara Irwin-Ferris, Director of Development and Neighborhood Services.

City Clerk Moorer read Resolution 2021-31 by title.

Ms. Irwin-Ferris highlighted the site plan proposal, she said the plan met the land use and zoning limits. She showed the site plan via PowerPoint, mentioning landscaping and road access. The project was reviewed and met all requirements. Staff recommended approval.

Motion made by Councilmember Pearce, Seconded by Deputy Mayor Tharp to approve Resolution 2021-31. Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Pearce, and Councilmember Bousquet.

**13. Board Appointment to the Planning and Zoning Board of Appeals/Local Planning Agency:** Appointing members to serve a three year term as Regular members. - Andrea McCue, City Manager.

Ms. McCue suggested the following members be appointed to the Planning and Zoning Board of Appeals:

Dannette Fitzgerald, Emily Jacobs-Robarts, Joan Hayes, Betty Ann Litowsky, Ann Edmundson, Sydelle Neustein and Robert Clements.

Motion made by Councilmember Pearce, Seconded by Deputy Mayor Tharp to appoint all seven applicants to the Planning and Zoning Board of Appeals. Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Pearce, and Councilmember Bousquet.

**14. Renewed health of the City Council regarding Covid-19.** - Councilmember Peter Noble.

Councilmember Noble was concerned about the new Covid variant causing more harm. He questioned the direction of the City as it related to Staff and Council attending meetings. He requested the Council's input. Mr. Torcivia stated currently meetings were to be held in person per the Governor's order. No vaccine mandate was in place for the City, however masks were required.

Ms. McCue stated the City Staff was required to wear masks however, the Public was not required but recommended to wear a mask while in the building. She said virtual meetings were encouraged.

Councilmember Dugo questioned if Council travel and participation of in-person meetings was required. She was concerned about the new variant. Mayor Flores clarified that Council was only required to attend Council meetings and other participation was individually determined. Ms. McCue replied correct, conferences were not required but optional.

Ms. McCue stated some events had been postponed and/or made virtual. Palm Beach County days were still scheduled.

**DISCUSSION ITEM**

**14. LED Light Update.** - Andrea McCue, City Manager.

Ms. McCue stated Staff completed an updated review of streetlights, she stated the lights in the City had been upgraded with LED lighting and the lights in Samuel J. Ferrari Park would be replaced with brighter LED lights.

**15. Lighting on Haverhill Road.** - Deputy Mayor John Tharp.

Deputy Mayor Tharp said the road was completely dark, he said the sum of \$1000 for FPL to update was low however the maintenance was about \$28,000 annually. He felt the upgrade would enhance the city.

Ms. McCue stated she posed a question to Palm Beach County regarding the maintenance of the lights since the City does not own the road. She felt the road was dark and needed lighting. Ms. McCue stated the City receives a franchise fee of \$1.7 million dollars meanwhile Palm Beach County receives a fee of \$34 million dollars for maintenance of roadway lights. She mentioned she was waiting on clarification from FPL.

and the County to see if the fee formula would be adjusted to reflect the City was maintaining maintenance.

Ms. McCue would return with any updates.

Councilmember Pearce stated his District was willing to work with Deputy Mayor Tharp's District any way possible to resolve the issue. He thanked Deputy Mayor Tharp for bringing the issue up.

Mayor Flores agreed lighting was needed and he thanked Deputy Mayor Tharp for bringing the issue to the Council.

16. Rename Scholarship in remembrance of Mr. John Paglialungo, former Advisory Board Member. - Councilmember Jonathan Pearce.

Councilmember Pearce requested to rename one of the City's scholarships to Mr. John Paglialungo for one year in honor of his years of dedication and service to the City.

Mayor Flores asked what had previously been done to honor Board Members in the past. He also asked Mr. Paglialungo's tie to the scholarship if any.

Ms. McCue said the City had two scholarships one named after a former Council Member and the other after a past employee.

Ms. McCue mentioned one long standing Board Member had volunteered, donated and planted a tree in the City, and in her remembrance the City added a plaque to the tree, honoring her. She mentioned she was not aware of any other recognition.

Councilmember Pearce mentioned his request was only one year of recognition and not permanent.

Councilmember Dugo agreed with the request.

Deputy Mayor Tharp suggested creating a criterion for such request. Councilmember Noble agreed to creating a criterion.

Mr. Torcivia stated creating a criterion would be fair.

Mayor Flores suggested a wall of honor of some sort so volunteers could be remembered longer than a year.

Ms. McCue stated in the past such honors were established with a criterion, she would further research.

The Council agreed to create a future criterion for honoring long term volunteers moving forward.

Councilmember Pearce, Dugo and Noble agreed to a one-year scholarship naming Mr. John Palialungoo. Councilmember Bousquet and Deputy Mayor Tharp disagreed as there was no clear criteria or process set prior to the selection.

Councilmember Noble requested Staff make various types of criteria for honoring volunteers.

Councilmember Dugo suggested pavers be selected as a possible option for honoring volunteers.

17. Designate artist for wall at Melaleuca and Haverhill Road. - Councilmember Jonathan Pearce.

Councilmember Pearce stated the project had been on hold for a while. He stated Mr. Anthony Hernandez did a great job with the last mural. He suggested Deputy Mayor Tharp meet with Ms. McCue to choose a mural, and then have Council confirm his pick at a meeting. He felt it would move the project along.

Mayor Flores suggested waiting to complete the selection process as discussed at the 2022 budget. He also mentioned that going forward with the process would create variety, transparency, and creativity.

Deputy Mayor Tharp agreed with Mayor Flores. He mentioned variety was intriguing. Councilmember Bousquet received clarification of the procurement process.

Council agreed to move forward with the original process as approved by the budget.

### COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

Mr. Benjamin Wade, resident, mentioned the Code of Ordinances were not being monitored such as cars parking on sidewalks. He said the lighting issue should have been taken care of years ago. Lastly, Mr. Wade requested a group meeting with all Incumbents and Challengers for the upcoming election to discuss issues.

### CITY MANAGER'S REPORT

Ms. McCue stated the Property Improvement Program was open and accepting applications. The Scholarship Program was also accepting applications until April 8. The food pantry would be open January 14 and 27 at the Community Center. Covid Testing was still ongoing and by appointment only. The next Council meeting was February 7, 2022.

### CITY ATTORNEY'S REPORT

None.

Mayor Flores confirmed that governments did not get involved in election forums.

Mr. Torcivia stated the City should not get involved at all.

Councilmember Bousquet suggested the City contact an outside organization to set up a forum, she recalled it being done in the past.

Councilmember Dugo was concerned with large groups and Covid.

### MAYOR AND CITY COUNCIL REPORT

**Councilmember Pearce:** Confirmed the rights of the Nash Trail residents were not taken away by the City. He reminded the Mayor/Council to adhere to the three-minute Council Policy for Public Comment to keep the meeting on track.

**Councilmember Noble:** Noticed the enhanced lighting on Jog Road and stated his role in the upgraded lighting.

**Councilmember Bousquet:** Wished everyone a happy and healthy New Year.

**Mayor Flores:** He stated he would be attending Palm Beach Days, in Tallahassee Florida. He mentioned he would be working with the City's Lobbyist to look into funding for the City on various projects. He stated he had attended yearly without much success; he was hoping for a better result this year. Mayor Flores stated he wanted to read a statement as he knew it was campaign

season and rumors would begin to circulate. He wanted to clear some rumors circulated by individuals.

Councilmember Pearce stated Mayor Flores was out of line to discuss rumors.

Councilmember Noble stated Mayor Flores was not allowed to discuss the rumors.

Mayor Flores stated the Council had not heard his comment to dismiss it, and he requested the right to voice his comment.

Councilmember Noble mentioned Mayor Flores was out of order.

Councilmember Pearce asked what the point of order on the dais was.

Councilmember Dugo stated Mayor Flores could not discuss rumors on the dais.

Mayor Flores stated he wanted to clarify for the record.

Councilmember Pearce made a motion to Adjourn the meeting and Councilmember Noble, Seconded the motion.

Councilmember Dugo questioned if the City's Lobbyist attends the Palm Beach County Days.

Mayor Flores reiterated the meeting was currently under the Mayor's Report section and he would like the same right as the Council to present his report.

Councilmember Pearce reiterated a motion was currently on the table, Councilmember Dugo and Noble, Seconded the motion to Adjourn the meeting.

Mayor Flores asked Mr. Torcivia to confirm if the Council could Adjourn the meeting without the Mayor having his turn to speak.

Mr. Torcivia stated theoretically one could make a motion to Adjourn however historically each member would be allowed to speak. He said he was not sure of what the Mayor was going to say. Councilmember Dugo stated according to Robert's Rules of Order someone could make a motion to Adjourn. She also mentioned she was not opposed to the Mayor's Report if it regarded business. Councilmember Dugo stated that if anyone on the dais talked about a rumor, she would object it.

Councilmember Pearce reiterated there was a motion on the table, and it had been Seconded.

Mayor Flores asked if they were going to allow him to speak. Councilmember Pearce stated no.

Deputy Mayor Tharp stated they were setting a dangerous precedence and he felt Mayor Flores should be allowed to speak.

Councilmember Dugo stated she could not discuss rumors only City business and stated there was a motion to Adjourn.

Mayor Flores adjourned the meeting.

## **ADJOURNMENT**

8:16pm.

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**Joel Flores**  
Mayor

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**Quintella Moorer, CMC**  
City Clerk

**Date Approved:** \_\_\_\_\_





## ITEM SUMMARY

**MEETING DATE:** February 7, 2022

**FROM:** Carlos Cedeño, Director, Public Works Department

**SUBJECT:** **Resolution 2022-01**  
Florida Department of Transportation Landscape Maintenance Memorandum of Agreement for Forest Hill Boulevard Median Enhancements

### BACKGROUND

In Fiscal Year 2020 the City of Greenacres initiated the planning process of median landscape enhancements on State Road 882 (Forest Hill Boulevard). The first phase of the project entailed retaining a Landscape Architect consultant to research and design an appropriate landscape treatment for the City's unirrigated roadway medians to rejuvenate the existing plantings.

During Fiscal Year 2021, the City's Landscape Architect consultant reviewed permit requirements, developed concept plans and applied to the State of Florida Department of Transportation (FDOT) District IV for a permit. On October 27, 2021, FDOT issued Permit No. 2021-L-496-00003 to make the requested landscape enhancements.

### ANALYSIS

The City of Greenacres agrees to maintain the landscape improvements (as described within "Exhibit C"). This includes the care, maintenance and replacement of plant materials, irrigation system and/or hardscape by periodic mowing, fertilizing, weeding, litter pick-up, pruning, necessary re-planting, irrigation repair and/or repair of the median concrete replacement associated with the specialty surfacing as needed

### FINANCIAL INFORMATION

Funds have been budgeted through FY 2019 Capital Improvement Project # 305-210 for the planning, designing and construction of the enhancement of the landscaped medians.

### LEGAL

The Resolution has been prepared in accord with applicable City Code requirements

### STAFF RECOMMENDATION

*Approval* of Resolution No. 2022-01 approving the Landscape Maintenance Memorandum of Agreement between the City of Greenacres and the State of Florida Department of Transportation.

**RESOLUTION NO. 2022-01**

**A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AUTHORIZING THE AGREEMENT BETWEEN THE CITY OF GREENACRES AND THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR DISTRICT IV MAINTENANCE MEMORANDUM OF AGREEMENT, ALONG WITH EXHIBITS "A", "B" AND "C" OF THE AGREEMENT; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Florida Department of Transportation has jurisdiction over State Road 882 (Forest Hill Boulevard) as part of the State Highway System as described in Exhibit "A"; and

**WHEREAS**, the City of Greenacres seeks to install or have installed by permit and maintain certain landscape improvements within the right of way of State Road 882 (Forest Hill Boulevard) as described within Exhibit "B"; and

**WHEREAS**, the City of Greenacres is agreeable to maintaining those landscape improvements (as described within "Exhibit "C") within City limits including plant material, irrigation systems and/or hardscape which contain specialty surfacing and agree such improvements shall be maintained by periodic mowing, fertilizing, weeding, litter pick-up, pruning, necessary re-planting, irrigation repair and/or repair of the median concrete replacement associated with the specialty surfacing as needed; and

**WHEREAS**, the City of Greenacres and the Florida Department of Transportation recognize the need to enter into an Agreement designating and setting forth the responsibilities of each party regarding this project; and

**WHEREAS**, it in consideration of the terms and conditions of the Agreement, it has been determined to be in the best interest of the City of Greenacres and the Florida

Department of Transportation to enter into the District Four Maintenance Memorandum of Agreement as outlined in Florida Department of Transportation Permit No. 2021-L-496-0003.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:**

**Section 1.** The City Council grants authorization to enter into the State of Florida Department of Transportation District Four Landscape Maintenance Memorandum of Agreement.

**Section 2.** The City Council hereby directs the City Clerk to transmit two (2) certified copies of his resolution to the State of Florida Department of Transportation for its authorization and execution of this Agreement.

**Section 3.** This resolution shall be effective upon its adoption.

RESOLVED AND ADOPTED this 7th of day of February 2022.

\_\_\_\_\_  
**Joel Flores**, Mayor

**Attest:**

\_\_\_\_\_  
**Quintella Moorer**, City Clerk

\_\_\_\_\_  
**John Tharp**, Deputy Mayor

*Voted:*

\_\_\_\_\_  
**Peter Noble**, Council Member, *District II*

*Voted:*

\_\_\_\_\_  
**Judith Dugo**, Council Member, *District III*

*Voted:*

\_\_\_\_\_  
**Jonathan Pearce**, Council Member, *District IV*

*Voted:*

\_\_\_\_\_  
**Paula Bousquet**, Council Member, *District V*

*Voted:*

**Approved as to Form and Legal Sufficiency:**

\_\_\_\_\_  
**Glen J. Torcivia**, City Attorney



## ITEM SUMMARY

**MEETING DATE:** February 7, 2022

**FROM:** Teri Beiriger, Finance Director, Department of Finance

**SUBJECT:** Resolution No. 2022-02 Release of Liens for Solid Waste Collection

---

### BACKGROUND

Section 15-30, City of Greenacres Code, provides for the imposition of liens upon residential properties for the non-payment of City solid waste bills. Section 15-32, City of Greenacres Code, provides for release of the liens when accounts are paid in full.

---

### ANALYSIS

Nineteen (19) liens on three (3) solid waste accounts totaling \$5,602.48 have been paid in full. The attached Resolution #2022-02 releases those nineteen (19) liens on three (3) accounts.

---

### FINANCIAL INFORMATION

Liens amounting to \$5,602.48 have been paid in full and are proposed for release.

---

### LEGAL

The resolution has been prepared in accordance with all applicable City regulations.

---

### STAFF RECOMMENDATION

Approval of Resolution 2022-02.

**RESOLUTION NO. 2022-02****A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, SATISFYING CERTAIN LIENS IMPOSED AGAINST RESIDENTIAL PROPERTY, PURSUANT TO SECTION 15-31, CITY OF GREENACRES CODE.**

**WHEREAS**, the City Council of Greenacres, Florida, adopted Resolutions contained in the list, attached hereto as Exhibit “A”, imposing liens upon certain residential properties for the owners’ failure to pay for the collection and disposal of garbage, recyclable materials and vegetative waste as required by Section 15-26, City of Greenacres Code; and

**WHEREAS**, the owners of the residential properties contained in Exhibit “A”, have brought their accounts current for the payment of the debts and charges for the collection and disposal of garbage, recyclable materials and vegetative waste, plus applicable interest and administrative fees.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:**

**SECTION 1.** Under the terms of Section 15-32, City of Greenacres Code, residential properties contained in the list supplied by the Finance Department of Greenacres, Florida, attached to this Resolution as Exhibit “A”, have satisfied their imposed liens as recorded with the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Official Records Book.

**SECTION 2.** This Resolution shall be recorded in the Public Records of Palm Beach County, Florida, and shall have the effect of releasing said liens against those residential properties contained in the list attached hereto as Exhibit “A” only.



**Resolution No. 2022-02 | Release of Solid Waste Liens**

Page No. 2

**RESOLVED AND ADOPTED this 7th of day of February, 2022.**

\_\_\_\_\_  
**Joel Flores**, Mayor

**Attest:**

\_\_\_\_\_  
**Quintella Moorer**, City Clerk

\_\_\_\_\_  
*Voted:*  
**John Tharp**, Deputy Mayor

\_\_\_\_\_  
*Voted:*  
**Peter Noble**, Council Member, *District II*

\_\_\_\_\_  
*Voted:*  
**Judith Dugo**, Council Member, *District III*

\_\_\_\_\_  
*Voted:*  
**Jonathan Pearce**, Council Member, *District IV*

\_\_\_\_\_  
*Voted:*  
**Paula Bousquet**, Council Member, *District V*

**Approved as to Form and Legal Sufficiency:**

\_\_\_\_\_  
**Glen J. Torcivia**, City Attorney



## ITEM SUMMARY

**MEETING DATE:** February 7, 2022

**FROM:** Monica Powery, Director, Purchasing

**SUBJECT:** Award of Bid No. 22-005 Bowman Street Sidewalk Improvements

---

### BACKGROUND

The City of Greenacres desires to hire experienced and qualified companies for the construction of sidewalk, curbing, drainage pipe, drainage structures, and paving along a portion of Bowman Street as well as all incidental work. The bid was advertised by the City's Purchasing Department on November 14, 2021.

---

### ANALYSIS

The proposals were opened on December 14, 2021 with eight (8) bidders responding. The attached tabulation sheet summarized the results received. City staff has evaluated the proposal and recommends award to Heavy Civil, Inc. as the lowest responsive, responsible bidder.

---

### FINANCIAL INFORMATION

Sufficient funds are budgeted in Capital Improvement Program 301-30-31-63-83 (CIP 301-192).

---

### LEGAL

The recommendation for award is in accordance with the requirements of City policies and procedures.

---

### STAFF RECOMMENDATION

Approval of Resolution No. 2022-03 authorizing execution of contract and award of Bid No. 22-005 Bowman Street Sidewalk Improvements to Heavy Civil, Inc.

**RESOLUTION NO. 2022-03**

**A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING THE AGREEMENT BETWEEN THE CITY OF GREENACRES AND HEAVY CIVIL, INC., FOR THE CONSTRUCTION OF SIDEWALK, CURBING, DRAINAGE PIPE, DRAINAGE STRUCTURES, AND PAVING ALONG A PORTION OF BOWMAN STREET AS WELL AS ALL INCIDENTAL WORK; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, The City is in need of a vendor for the construction of sidewalk, curbing, drainage pipe, drainage structures, and paving along a portion of Bowman Street as well as all incidental work; and

**WHEREAS**, The Purchasing Department issued Invitation to Bid No. 22-005 (the "BID"); and

**WHEREAS**, the Director of Purchasing recommends approval of the Agreement; and

**WHEREAS**, the BID was advertised on the legal notices section of the Palm Beach Post on November 14, 2021, and a notice was also sent to one thousand six hundred fifty-four (1,654) prospective bidders via DemandStar; and

**WHEREAS**, on December 14, 2021 at 3:00 p.m. EST, the BID closed and the Purchasing Department (the "Department") received eight (8) responses which were reviewed by the Department to ensure the responses met the BID requirements and the bidders were both responsive and responsible; and

**WHEREAS**, the Department recommends that the City Council approved award of the BID to Heavy Civil, Inc. and authorize the execution of the contract.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:**

**SECTION 1.** The City Council hereby authorizes the Agreement between the City of Greenacres and Heavy Civil, Inc.

**Resolution No. 2022-03 | Bowman Street Sidewalk Improvements**

Page No. 2

**SECTION 2.** The City Council authorizes the appropriate City Officials to execute the Agreement.

**SECTION 3.** This Resolution shall be effective upon its adoption.

**RESOLVED AND ADOPTED this 07 of day of February 2022**

\_\_\_\_\_  
**Joel Flores**, Mayor

\_\_\_\_\_  
**John Tharp**, Deputy Mayor

*Voted:*

**Attest:**

\_\_\_\_\_  
**Quintella Moorer**, City Clerk

\_\_\_\_\_  
**Peter Noble**, Council Member, *District II*

*Voted:*

\_\_\_\_\_  
**Judith Dugo**, Council Member, *District III*

*Voted:*

\_\_\_\_\_  
**Jonathan Pearce**, Council Member, *District IV*

*Voted:*

\_\_\_\_\_  
**Paula Bousquet**, Council Member, *District V*

*Voted:*

**Approved as to Form and Legal Sufficiency:**

\_\_\_\_\_  
**Glen J. Torcivia**, City Attorney

**RESOLUTION NO. 2022-04**

**A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, ADOPTING THE PERSONNEL POLICIES HANDBOOK; REPEALING ALL RESOLUTIONS AND COUNCIL POLICIES IN CONFLICT HEREWITH; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Greenacres has decided to update its policies applicable to employees in a comprehensive handbook; and

**WHEREAS**, the City of Greenacres previously adopted a manual of personnel policies in 1983, and revised in 1985, 1994 and 2012, which were also supplemented by Council policies and administrative directives; and

**WHEREAS**, the City Council desires to repeal prior resolutions, parts of resolutions, policies or Council Policies in conflict herewith; and,

**WHEREAS**, the City Council finds adopting the updated Personnel Policies Handbook is in the best interests of the City and serves a valid public purpose.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:**

**SECTION 1.** The foregoing recitals in this Resolution are hereby fully incorporated herein by reference as legislative findings of the City of Greenacres.

**SECTION 2.** The City Council of the City of Greenacres hereby adopts the Personnel Policies Handbook attached as Exhibit A to this Resolution.

**SECTION 3.** All Resolutions, parts of resolutions, policies or Council Policies in conflict herewith are hereby repealed.

**SECTION 4.** If any section, part of a section, paragraph, sentence, clause, phrase or word of this Resolution is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Resolution and it



**Resolution No. 2022-04 | Personnel Policies Handbook**

Page No. 2

shall be construed to have been the legislative intent to pass the Resolution without such unconstitutional, invalid or inoperative part therein, and the remainder of this Resolution after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Resolution or any of the provisions thereof shall be held inapplicable to any person, group or persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

**SECTION 5.** The City Council of the City of Greenacres hereby authorizes the Personnel Policies Handbook to become effective on February 24, 2022.

**SECTION 6.** This Resolution shall become effective on February 24, 2022.

**RESOLVED AND ADOPTED this DD of day of Month 2022**

\_\_\_\_\_  
**Joel Flores**, Mayor

**Attest:**

\_\_\_\_\_  
**Quintella Moorer**, City Clerk

\_\_\_\_\_  
**John Tharp**, Deputy Mayor

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**Peter Noble**, Council Member, *District II*

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**Judith Dugo**, Council Member, *District III*

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**Jonathan Pearce**, Council Member, *District IV*

Voted:

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**Paula Bousquet**, Council Member, *District V*

**Approved as to Form and Legal Sufficiency:**

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**Glen J. Torcivia**, City Attorney

**CITY OF GREENACRES, FLORIDA**



**PERSONNEL POLICIES  
HANDBOOK**

**Revised and Approved by City Council/Civil Service Board: February 7, 2022**

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## Welcome to the City of Greenacres

The City of Greenacres would like to welcome you to our family of employees. You are our most important asset and we depend on all of our employees, no matter what your position, to provide services that exceed the expectations of our residents and visitors as we strive to be good stewards of their taxpayer dollars. Our success as a City is dependent on the success of our employees. Every decision we make contributes toward our success. In hiring you, we are certain we made the right decision.

Greenacres was founded on the idea that our founder Lawrence Carter Swain, wanted to create a community for the working class. The City continues to honor Mr. Swain's vision through our continued commitment to our Mission, Values and Goals to make the City a place where people want to live, learn, work and play.

This Employee Handbook serves as a resource for new and current employee's to refer to for guidance on the City's policies and procedures and your responsibilities as an employee. It has been designed to give clear direction to employees and to create a culture where employee related issues are handled fairly and consistently. It is each employee's responsibility to take the time to learn and discuss the Employee Handbook with co-workers, supervisors and Human Resources to ensure a complete understanding of its contents. The City reserves the right to make reasonable changes and updates to any of the policies contained in the Handbook and employees will be notified of such changes as they occur.

Once again, welcome to the City of Greenacres! Best wishes to you and we hope that you will reach your goals with us and help us continue to reach ours.

Sincerely,



Andrea McCue, City Manager

## Chapter 1: Introduction

### A. Personnel Policies – Overview

The Charter of the City of Greenacres requires that a Civil Service Board be established. The purpose of this Board is to review and amend personnel rules and regulations for the City's classified service with respect to all Citywide matters except longevity, work hours, holidays, vacation time, and leaves of absence with pay. Established rules and regulations, which are amended by the Civil Service Board, must be submitted to the City Council for approval. The City Council, through City Ordinances has appointed the Mayor and the City Council to serve as the Civil Service Board.

**Amendment and Revision of Rules:** Amendments and revisions of these rules shall be initiated by the City Manager, carefully reviewed by the Civil Service Board/City Council for adoption.

This Handbook is a comprehensive, up-to-date version of the personnel policies of the City of Greenacres. It is applicable to all employees, unless specifically exempted as stated herein. Where an employee is also covered by an existing Collective Bargaining Agreement ("CBA"), these policies will apply unless a conflict exists, in which case the CBA shall control with respect to the conflicting provisions. Similarly, in the case of a conflict between an employment agreement and these policies, the employment agreement will control.

The personnel policies of the City are based upon the following principles:

- Equal opportunity employment without unlawful discrimination based on race, age, color, religion, sex, pregnancy, national origin, physical or mental disability, genetic information, marital status, veteran or military status, sexual orientation, gender identity or expression, or any other category protected by applicable federal, state, or local law.
- To provide fair and equitable compensation and benefits as determined at the discretion and judgment of the City Council and within the limitations of the City's budget as adopted or amended from time to time.
- To improve and utilize employee skills, in order to provide high quality work performance, personal growth, and job satisfaction.
- To reward employees for meeting or exceeding performance standards, to improve deficient performance to the extent feasible and appropriate, and to separate those whose deficient performance is not improved or who otherwise perform or conduct themselves in a manner that is incompatible with continued employment, as determined by the City.
- To provide mechanisms which encourage understanding and communication among employees at all levels of the organization, relating to workplace occurrences.
- To recruit, select, and retain employees based upon their knowledge, skills, and ability to perform the duties of their position.
- To provide a professionally administered personnel system based upon policies and procedures which are uniform, reasonable, and fair.
- To provide safe working conditions conducive to efficient, effective, and high quality public service to the residents of the City.
- To provide necessary services to the City and its residents in an efficient, cordial, ethical, and professional manner.

## NOTICE

This Handbook contains certain policies of the City relating to your employment. This Handbook is intended to help City employees: (1) understand the personnel programs of the City; (2) clarify personnel action to further the efficient operation of the City and decrease the possibility of inappropriate or unlawful workplace behavior; and (3) work together in achieving our common goals.

The contents of this Handbook are presented for your information. Nothing in this Handbook is intended to, or shall, create any contractual obligations of any kind and all provisions in the Handbook are subject to change by the City at any time with or without prior notice. No policy, benefit, or procedure set forth in the Handbook implies or may be construed to imply that this Handbook contains obligations of the City, or otherwise constitutes any contract of employment. All City employment in non-bargaining probationary, seasonal, part-time and temporary positions is at-will, and nothing in this Employee Personnel Policies Handbook is intended to alter this employment-at-will relationship, nor does it create an express or implied contract between employees and the City for any specified period of employment. Importantly, no verbal or written communication made to you by any City employee may alter the at-will nature of City employment. Only a written contract of employment, designated as such, approved and signed by the City Council, approved by the City Attorney, and attested by the City Clerk may alter the at-will nature of City employment. Further, all policies, benefits, compensation structures, and programs provided to employees are subject to funding through the budget process and may be amended or terminated at any time, in the discretion of the City Manager or the authorized designee, with approval of the City Council.

Where an employee is covered by an existing Collective Bargaining Agreement (“CBA”), these policies will apply unless a conflict exists, in which case the CBA shall control with respect to the conflicting provision(s). Similarly, in the case of a conflict between an employment agreement authorized by the City Council and these policies, the employment agreement will control.

To the extent a particular statute, rule, or regulation is amended, any such applicable amendment will control in the event it conflicts with a corresponding policy contained in this Handbook.

Nothing contained in these policies is intended to waive any legal, equitable, or other defense available to any claim, complaint, or cause of action (collectively, “Claims”) asserted by an employee or former employee against the City. To the extent that a particular law, statute, rule, or regulation does not apply to the City as a result of its size, number of employees, or otherwise, nothing in these policies and procedures should be construed as a waiver of any corresponding defense to any Claims asserted under any such law, statute, rule, or regulation.

### **B. Open Door Policy**

The City is committed to open communication. The City wants to ensure that its employees’ ideas, suggestions, and concerns are heard by management. It is also the policy of management to attempt to resolve concerns and disputes that may arise between or among fellow employees or between employees and their supervisors. The City requires employees who have personal concerns about the workplace to bring such concerns to the attention of their immediate supervisor or Department

Director; if the concern is not addressed satisfactorily, the employee may then raise the concern with Human Resources, then the City Manager. This expectation applies to all employees, whether full-time or part-time, or temporary; however, bargaining unit employees may consult with their designated representative. Employees should feel free to voice ideas, suggestions, questions, concerns, or complaints without fear of reprisal, retribution, or retaliation. Although the City has an Open Door Policy, employees are also encouraged to resolve day-to-day issues relating to employment by initially conferring with their immediate supervisor. To the extent the issue, question, or concern is not resolved at that level, employees should then elevate the matter to the next level of management. In this regard, questions, comments, and concerns can be resolved in the most efficient manner at the lowest level of management.

However, in order to protect the integrity of the workforce and to provide for the efficient operation of the City, neither the Mayor nor any member of the City Council shall direct any City employee, who is supervised directly or indirectly by the City Manager, but rather, shall seek such direction only through the City Manager or his or her expressed designee. This shall include, but not be limited to, publicly or privately giving orders, directing employees in their duties, seeking information about City operations, or directing the enforcement of law; but shall not include making personal observations which can be used to assist the Mayor and Council in the formulation of City policy. Nothing in this section shall prohibit the Mayor or any member of the City Council from (1) engaging in informal pleasantries with City employees; (2) making an inquiry or seeking City services solely as a City resident, (3) engaging employees who address the Council during Council meetings, (4) engaging in campaigning for re-election by communicating with City employees who are also City electors, or (5) interacting with the designated officials of an employee bargaining unit certified to represent City employees by the Public Employees Relations Commission.

## **Chapter 2: Hiring and Equal Employment Opportunity**

### **A. Equal Employment Opportunity**

It is the policy and practice of the City of Greenacres to treat all employees with dignity and respect and to provide equal opportunity to all persons without regard to race, age, color, religion, sex, pregnancy, national origin, physical or mental disability, genetic information, marital status, veteran or military status, sexual orientation, gender identity or expression, or any other category protected by applicable federal, state, or local law. The City's responsibility as a public agency is to ensure an on-going commitment to Equal Opportunity and making the workforce profiles more closely reflect the available labor force of the community. Equal opportunity encompasses all aspects of employment practices, including but not limited to recruiting, hiring, training, compensation, benefits, promotions, transfer, layoffs, recall from layoffs, discipline, and department-sponsored education, social, and recreational programs. It is the policy of the City of Greenacres government that all personnel actions and employment practices are based solely on the requirements of the position and the qualifications of the applicant without regard to race, age, color, religion, sex, pregnancy, national origin, physical or mental disability, genetic information, marital status, veteran or military status, sexual orientation, gender identity or expression, or any other category protected by applicable federal, state, or local law.

In addition, the City of Greenacres prohibits retaliation against any individual who reports discrimination or harassment or who participates in any investigation of such reports, or who engages in any other activity protected by applicable law. This policy covers all personnel actions affecting hiring, job assignments, training, promotions, transfers, compensation, discipline, termination of employees, or any other tangible employment benefit or term or condition of employment.

The City of Greenacres will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship or where doing so would cause a direct threat to the health or safety of the individual or others. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training. If, during the course of employment, an employee sustains any type of physical or mental impairment which limits the employee's ability to perform the essential functions of his or her job, the City may require that the employee provide medical documentation regarding any such impairment and, if appropriate, identify specific accommodations which may assist the employee. The City will engage in an appropriate interactive process with the employee in determining potential accommodations when requested by the employee. All information provided regarding any impairment will be handled confidentially to the extent required by law.

### **B. Equal Employment Opportunity Complaints**

Employees with questions or concerns about any potential discriminatory or harassing conduct or behavior in the workplace are required to immediately (within 24 hours) bring such concerns to the attention of their supervisor(s), the Department Director, Human Resources, and/or the City Manager. Complaints should initially be made to the employee's immediate supervisor, unless the supervisor is the subject of the complaint, or if the employee is not comfortable making the complaint to that supervisor. Supervisors and Department Directors receiving a complaint shall

immediately (within 24 hours) forward it to Human Resources first and then the City Manager. Inappropriate comments or acts of harassment, whether physical or verbal, regarding race, age, color, religion, sex, pregnancy, national origin, physical or mental disability, genetic information, marital status, veteran or military status, sexual orientation, gender identity or expression, or any other category protected by applicable federal, state, or local law, that interfere with the working environment or the terms and conditions of employment are specifically prohibited. Any individual who is found to have engaged in conduct of a harassing or discriminatory nature in the workplace will be disciplined, up to and including termination. This includes, but is not limited to, harassing conduct in the form of unsolicited or unwelcome sexual overtures or physical contact. Such conduct must be reported immediately to an employee's supervisor, the Department Director, Human Resources, or the City Manager.

### **C. Job Posting**

The City provides employees an opportunity to indicate their interest in open positions and advance within the organization according to their skills and experience. The City will post all bargaining unit job openings in accordance with the applicable collective bargaining agreement. Non-bargaining positions may be posted in the City's sole discretion and judgment and in accordance with applicable laws.

### **D. Applications**

Employment applications and interviews are the starting point in gathering information about prospective employees. To be considered for employment external applicants must submit a completed employment application to the Human Resources Division and internal applicants are required to submit a Letter of Interest and resume, including fingerprints for certain positions. Any falsification or misstatement of information on the application, Letter of Interest, Resume, or during an interview will subject the employee to discipline up to, and including, termination upon discovery of the falsification or misstatement. Fraudulent conduct, false statements or omission of information by an applicant or by others under his or her direction in any application materials shall be deemed cause for the exclusion of such applicant from employment and cessation of the hiring process or discharge from the City's employment.

Complete applications shall be filed with Human Resources. The applications of all individuals shall be preserved by Human Resources and retained in the individuals' personnel files upon hiring, and retained in compliance with the applicable retention schedule promulgated by the Division of Library and Information Services, Department of State. Applications of the individuals who were not hired by the City shall be retained for four (4) anniversary years after the decision. Unsolicited applications that do not respond to a particular job announcement will be retained until obsolete, superseded or administrative value is lost.

### **E. Examination and Testing**

In its discretion and judgment, Human Resources in consultation with the Department Director or appropriate Department supervisor, may conduct appropriate testing of applicants for particular positions including, but not limited to, tests for Administrative Assistant/clerical positions and the proficiency in various systems or skills. The result of any such validated testing shall be provided to the Department Director or supervisor for consideration during the interview process if a particular applicant is selected for an interview. Persons with a disability requiring reasonable accommodations should contact Human Resources prior to scheduling tests. Any test utilizing

numerically based selection process shall provide veterans' preference points in accordance with applicable law.

#### **F. Background Checks**

Applicants offered employment will be subject to a background investigation which may include criminal, academic, motor vehicle records, employment, and reference checks. Background checks and screenings will be conducted in a manner consistent with federal and state law. Additionally, background checks may vary depending on the essential functions and nature of the position, including pre-employment physicals. In addition to initial background checks, certain employees who regularly or periodically operate City vehicles, will be required, as a condition of employment, to provide authorization for the City to perform periodic checks regarding driving history. Such checks regarding driving history will be conducted in accordance with federal and state law. Employees operating City vehicles will be required to provide notification of any suspension, revocation, or restriction of their license to Human Resources within one (1) week of such suspension, revocation, or restrictions. In no event may an employee with a suspended, revoked, or restricted license operate a City vehicle or a personal vehicle while on City business. Employees may be required to have certain vehicle licenses (e.g., CDL license) for certain positions.

#### **G. Work Eligibility Verification**

The City is committed to employing only individuals who are authorized to work in the United States and complies with the Immigration Reform and Control Act of 1986. As a condition of employment, each new employee must properly complete, sign, and date the first section of the Immigration and Naturalization Form I-9 at the time the offer of employment is accepted, but no later than the first day of employment. The employee must also provide the supporting documents within three (3) business days of the first day of employment, or as otherwise provided by law. Before commencing work, newly rehired employees must also complete the Form I-9 if the employee did not previously do so, if the prior Form I-9 is more than three years old or if the previous Form I-9 is no longer valid. Rehired employees must also complete the Form I-9 upon acceptance of the position and also have three (3) business days to provide supporting documentation. Any employee whose immigration employment eligibility status changes at any time during employment must notify Human Resources immediately.

The City utilizes E-Verify, which is an Internet-based system that allows an employer, using information reported on an employee's Form I-9, to determine the eligibility of that employee to work in the United States. The City utilizes E-Verify for all new hires as well as re-hires. New hires must be E-Verified within 3 business days of beginning employment. If the employee is required to be E-Verified and presents a List B document, then that List B document must contain a photograph. The List B photograph is to be compared to the individual during the Form I-9 process. If the employee who is required to be E-Verified chooses to present an Employment Authorization Document (Form I 766), Permanent Resident Card (Form I-551) or U.S. passport/U.S. passport card during the Form I-9 process, the City must copy such document and keep it with the employee's completed Form I-9 (i.e., upload to the electronic I-9 system). The photo on such document will be compared to a photo displayed by the E-Verify system during the E-Verify process to see if the two photos are reasonably identical.



## **H. Employment of Relatives/Nepotism**

The City complies with Florida law relating to the restriction of employment of relatives. As such, a public official may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the City in which the official is serving or over which the official exercises jurisdiction or control, any individual who is a relative of the public official. An individual may not be appointed, employed, promoted, or advanced in or to a position in the City if such appointment, employment, promotion, or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over the City, who is a relative of the individual or if such appointment, employment, promotion, or advancement is made by a collegial body of which a relative of the individual is a member.

For purposes of this policy, “public official” means an employee of the City in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in the City, including the authority as a member of a collegial body to vote on the appointment, employment, promotion, or advancement of individuals.

It is the policy of the City that no employee shall be hired to work in the same department as a relative as defined below except in accordance with the terms of this section:

1. If two employees change their family relationship by marriage, adoption, or other means so as to come in conflict with these prohibitions, one of them shall be transferred to a different department if possible, granted a waiver by the City Manager or separated from the City service.

If related employees are eligible for promotion, advancement, or a raise in pay or status, other than cost of living increases, the appropriate Department Director shall make a special evaluation of the proposed change and report to the City Manager or designee for a determination before any change takes place.

For purposes of this policy, a “relative” with respect to a public official or employee, means an individual who is related to the public official or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

This policy shall be interpreted and applied in a manner consistent with Section 112.3135, Florida Statutes.

Other circumstances may arise that create an actual conflict of interest, or the appearance of a conflict of interest. In such circumstances, the City Manager or designee will have ultimate discretion and authority to determine whether a relative’s appointment to a position is appropriate.

## I. Veterans Preference

In accordance with Florida law, the City provides a Veteran's preference in appointment and retention to qualified Veterans, spouses, and certain family members.

The following persons shall be eligible to receive preference in appointment and retention in employment:

- A Veteran who served on active duty in any branch of the U.S. Armed Forces, received an honorable discharge, and has established the present existence of a service-connected disability that is compensable under public laws administered by the Department of Veterans Affairs ("DVA");
- A disabled Veteran who is receiving compensation, disability, retirement benefits, or pension, by reason of public laws administered by the DVA and the U.S. Department of Defense;
- The spouse of a person who has a total disability, permanent in nature, resulting from a service-connected disability and who, because of such disability, cannot qualify for employment;
- The spouse of a person missing in action, captured in the line of duty by a hostile force, or forcibly detained or interned in the line of duty by a foreign government or power;
- Wartime Veterans as defined under Fla. Stat. § 1.01(14) who served at least one (1) day during a wartime period (Please note: active duty training does not qualify under this provision);
- An unremarried widow or widower of a Veteran who died of a service-connected disability;
- The mother, father, legal guardian, or unremarried widow or widower of a member of the U.S. Armed Forces who died in the line of duty under combat-related conditions, as verified by the U.S. Department of Defense;
- Current members of any Reserve component of the U.S. Armed Forces or the Florida National Guard.

When Veteran's preference positions are posted, the City will provide notice in all announcements and advertisements of vacancies in covered positions that preference in initial appointment will be given to eligible individuals and will inform them of the right to an investigation by the Department of Veteran's Affairs if a non-preference eligible applicant is appointed to a position, the time limits for requesting such investigation, and the address to which the request for an investigation should be sent.

The City's application for positions covered by the Veteran's preference laws will inquire as to whether the applicant is claiming Veterans' preference.

The City will maintain records which document the manner of the selection and the propriety of the selection process and decision in accordance with federal and state laws.

Certain positions are not covered by Veteran's preference. Veteran's preference is not provided with respect to City positions which are filled by officers elected by popular vote or persons appointed to fill vacancies in such offices, members of boards and commissions, persons employed on a temporary basis without benefits, Department Directors, and positions that require that the employee be a member of The Florida Bar, and positions posted internally.

Preference in appointment and employment requires that a preferred applicant be given special consideration at each step of the employment selection process, but does not require the employment of a preferred applicant over a non-preferred applicant who is the most qualified applicant for the position. However, the City reserves the right to waive a postsecondary educational requirement for a position of employment for a current member of any reserve component of the United States Armed Forces or the Florida National Guard or a veteran who has been honorably discharged if the person is otherwise qualified for the position.

Granting of an interview is one example of the type of special consideration which may be given to a preferred applicant. If, at any stage of the hiring process, a preference-eligible Veteran meets minimum qualifications for an open position, then he or she will advance to the next step in the City's selection process. If, at any step in the selection process, a determination is made that the Veteran is not qualified to advance to a subsequent step in the selection process, such determination will receive a review at a higher level of management having authority to overturn the initial determination, to ensure whether the determination was correct.

The City has developed and implemented, or will develop and implement, a written veterans' recruitment plan that establishes annual goals for ensuring the full use of veterans in the City's workforce. Each veterans' recruitment plan must be designed to meet the established goals.

In the event State or local Veterans preference laws and regulations are amended, such applicable amendments will control.

#### **J. Appointment**

The City Manager has the authority to appoint, suspend, or remove all City employees. The City Manager may authorize a subordinate to exercise such powers with respect to that subordinate's department or division.

### **Chapter 3: Anti-Discrimination and Anti-Harassment Policy**

#### **A. City Statement and Philosophy**

The City is committed to maintaining a professional work environment in which all individuals are treated with respect and dignity. The environment of the City should be characterized by mutual respect and the absence of intimidation, oppression and exploitation. Employees should be able to work and learn in a safe, yet stimulating atmosphere. The accomplishment of this goal is essential to the mission of the City. For that reason, the City will not tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy and by education of employees, the City seeks to prevent behavior that violates this policy and will take appropriate corrective action when violations occur.

The City endeavors to provide a collegial and professional work environment which promotes equal opportunities and prohibits harassing or discriminatory behaviors based upon color, race, religion, sex, national origin, citizenship, age, disability, marital status, pregnancy, sexual orientation, military status, genetic information, gender identity or expression, or any other category protected by applicable law. In addition, the City prohibits retaliation against any individual who reports discrimination or harassment or who participates in any investigation of such reports, or who engages in any other activity protected by law. At the City, harassment or discrimination based on any category protected by applicable law, whether occurring in the office, at work assignments outside the office, at office sponsored social functions, or elsewhere, is unacceptable and will not be tolerated.

All employees, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy. Based on the seriousness of the offense, disciplinary action may include, but is not limited to, verbal counseling, written reprimand, suspension or termination of employment.

In addition to its prohibition on discrimination or harassment based on a protected category, the City prohibits any “bullying” behavior regardless of whether it is based on a protected characteristic. Such behavior has a negative impact the City’s work environment and is unacceptable.

#### **B. Definitions and Examples of Prohibited Behaviors**

The City of Greenacres prohibits harassment of any kind, including sexual harassment, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate, denigrate, or show hostility or aversion toward, or coerce an employee, co-worker or any person working for or on behalf of the City of Greenacres. Verbal taunting (including racial and ethnic slurs) that impairs his or her ability to perform his or her job is included in the definition of harassment.

#### ***General Harassment***

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal harassment includes comments that are offensive or unwelcome regarding a person's race, color, national origin, ethnicity, age, religion, disability, gender, sexual orientation, gender identity or expression, genetic information, familial status, pregnancy, marital status, veteran's status or other characteristics as prohibited by applicable law.
- Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, ethnicity, age, religion, disability, gender, sexual orientation, gender identity or expression, genetic information, familial status, pregnancy, marital status, or other characteristics as prohibited by applicable law.

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

### ***Sexual Harassment***

Sexual harassment is prohibited. For the purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (iii) such conduct is sufficiently severe and pervasive that it has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

The following examples of prohibited sexual harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or "kidding" that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.
- Nonverbal sexual harassment includes the distribution, display or discussion of any written or graphic material, including calendars, posters, videos or other electronic media, and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters and notes, facsimiles, e-mail, photos, text messages, tweets and Internet postings; or other form of communication that is sexual in nature and offensive.
- Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing and fondling, violence, or forced sexual intercourse or assault.

The City prohibits discrimination in employment when based on a person's race, color, national origin, ethnicity, age, religion, disability, gender, sexual orientation, gender identity or expression, genetic information, familial status, pregnancy, marital status, veteran's status or other characteristics as prohibited by applicable law. Discrimination in violation of this policy will subject an employee to disciplinary measures up to and including termination.

This behavior is unacceptable both in the workplace and by any employee in any setting outside the workplace, including but not limited to other work-related settings such as business trips and business-related social events.

### ***Consensual Romantic or Sexual Relationships***

The City strongly discourages romantic or sexual relationships between a manager or other supervisory employee and subordinate in his/her chain of command because such relationships tend to create compromising conflicts of interest or the appearance of such conflicts. If there is such a relationship, one or both parties may be moved to a different department, or other actions may be taken including but not limited to disciplinary action of the appropriate level up to and including termination. If any Manager/Supervisor enters into a consensual relationship that is romantic or sexual in nature with a subordinate within their chain of command (an employee who reports directly or indirectly to him or her), or if one of the parties is in a supervisory capacity in the same department in which the other party works, the parties must notify the Director of Human Resources or designee. Co-workers who become aware of such a relationship must also report that relationship to Human Resources. This requirement does not apply to employees who do not work in the same department or to parties who do not supervise or otherwise manage responsibilities over the other.

Once the relationship is disclosed, Human Resources will review the situation, (reporting relationship between the parties, effect on co-workers, job titles of the parties, etc.) and will determine whether one or both parties need to be moved to another position or department provided they meet the minimum requirements for another position. If it is determined that one party must be moved, and there are positions in other departments available for both, the parties may decide who will be the one to apply for a new position. If the parties cannot amicably come to a decision, or the party is not chosen for the position to which he or she applied, Human Resources will decide which party should be moved to minimize disruption to the City as a whole. If it is determined that one or both parties must be moved, but no other positions are available for either party, the parties will be given the option of terminating their relationship or resigning.

### **C. Individuals Covered Under This Policy**

This policy covers all employees, appointed officials, and elected officials. The City will not tolerate harassment, discrimination, or retaliation whether engaged in by employees or supervisors. In addition, the City will not tolerate harassment or discrimination engaged in by anyone not a supervisor or an employee (e.g., resident, supplier, etc.) to the extent that it affects any employee of the City.

### **D. Reporting a Complaint** ***Notification/Reporting Procedure***

An individual who believes he or she has been subjected to harassment or discrimination, or other violation of this policy, must immediately (within 24 hours) report the incident to the supervisor, Human Resources, any Department Director, or the City Manager. In the event an employee complains of an elected official's conduct, the employee must report the conduct to the City Manager. Reports do not have to be filed within the chain of command of any department, including the Fire Department. Reports may be filed directly with any Supervisor, Department Director, Human Resources or the City Manager.

When initially reported to the supervisor, Human Resources or a Department Director, the supervisor, Human Resources /Department Director must immediately forward a written report of the complaint to the City Manager for action and assignment of the investigation. Where the complaint involves the City Manager, the supervisor, Human Resources /Department Director shall forward the written complaint to the City Attorney's office to obtain direction and assistance. In the event of a complaint about an elected official's conduct, the City Attorney will be consulted for assistance.

A report may be filed verbally or in writing. A written report may be filed by completing the "City of Greenacres Harassment/Discrimination Report Form", available on the intranet or from the Human Resources Division. A report may also be filed by letter specifying allegations of harassment or discrimination. When a report is submitted verbally either by telephone or in person, Human Resources will use the information to complete the City of Greenacres Harassment/Discrimination Report Form. All oral reports of harassment or discrimination must be reduced to writing by either the complainant or the individual(s) designated to receive complaints.

The written report shall contain the following:

- a) date(s) of the event(s), action(s), or practice(s) giving rise to the report;
- b) a description of the event(s), action(s), or practice(s) giving rise to the report;
- c) name(s) of the alleged violator(s) and potential witness(es);
- d) copies of any written, electronic, pictorial, or other forms of documentation; and
- e) signature of the reporting party.

Incidents may be reported in person, by phone, by FAX, by email, by interoffice mail, or U.S. mail at:

Director of Human Resources  
Human Resources Division  
5800 Melaleuca Lane,  
Greenacres, Florida 33463  
Phone: 561-642-2001  
Fax: 561-642-2027

City Manager

Department of Administration  
 5800 Melaleuca Lane,  
 Greenacres, Florida 33463  
 561-642-2017

Department Directors  
 5800 Melaleuca Lane,  
 Greenacres, Florida 33463

Fire Chief	561-642-2101
City Clerk	561-642-2006
Finance Director	561-642-2019
Development and Neighborhood Services Director	561-642-2040
Public Works Director	561-642-2074
Community & Recreation Services Director	561-642-2180
Director of Purchasing	561-642-2039
Information Technology Director	561-642-2035
Youth Programs Director	561-642-2191

Human Resources or designee is responsible for the investigation of all reports. Human Resources will work under the supervision of the City Manager and/or legal counsel if deemed appropriate and in conjunction with other departments depending on the nature of the investigation. If a complaint involves Human Resources, the City Manager will designate an appropriate investigator. Based on the information provided, a report is either investigated by the Director of HR, a designee or referred for outside investigation as may be appropriate. When the information is referred, Human Resources will inform the reporting party of the steps that have been taken. Employees shall not falsify reports, provide false information, or disclose confidential information during any part of any investigation.

Active investigations are exempt from disclosure as public records until a final finding is made, the investigation of the report becomes inactive, or the report or other record is made part of the official record of any hearing or court proceeding. The City will not disclose information about active investigations when covered by this exemption and requests that participants in the investigation maintain confidentiality.

### ***Management Responsibility***

All members of management are expected to be proactive in maintaining a discrimination and harassment-free work environment. All members of management with knowledge of actual or suspected violations of this policy are responsible for promptly reporting such to Human Resources or the City Manager and ensuring conformance to this policy by all of their subordinates. Failure to do so will result in discipline up to and including termination of employment. All members of management are expected to seek advice from Human Resources or designee concerning any questions regarding City practice or interpretation of this policy.

### ***Protection Against Retaliation***

The City will not retaliate against an individual who makes a report of harassment or discrimination under this policy and strictly prohibits any supervisor or employee from retaliating



against a complainant. Retaliation is a very serious violation of this policy and must be reported immediately. No employment related loss, benefit or penalty may be imposed on an employee in response to:

- Filing or responding to a good faith complaint under this policy.
- Participating as a witness in the investigation of a complaint.
- Serving as an investigator of a complaint.

Retaliation or attempted retaliation in response to lodging a complaint under this policy or invoking the complaint process is a violation of this policy. Any person who is found to have violated this aspect of the policy will be subject to disciplinary action up to and including termination of employment.

#### **E. Confidentiality**

Any reported complaint of harassment or discrimination will be promptly investigated. Confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances, and the extent consistent with the needs of the investigation. Employees should be aware that the City is obligated to investigate the complaints it receives under this policy. Additionally, the City cannot entertain requests by the reporting employee, or anyone else, that the information received be ignored, be maintained “off the record”, or otherwise fail to act upon the information.

#### **F. Resolution of Complaint**

Upon completing the investigation of a complaint, the investigator will report to the City Manager. The City Manager will review the investigation and decide upon appropriate action to be taken. The City Manager or designee will communicate the findings and the resolution to the complainant and alleged harasser.

If the City Manager concurs that the findings support a conclusion that a violation of this policy occurred, the violator(s) will be subject to appropriate disciplinary procedures, including immediate termination. The complainant will be informed of the disciplinary action.

If the City Manager concurs that the findings do not support a determination that a violation of this policy occurred, this finding will be communicated to the complainant in an appropriately sensitive manner.

If the City Manager concurs that the investigative findings are inconclusive with respect to a violation of this policy, the City may take appropriate action to ensure that all involved individuals fully understand the policy and the behaviors prohibited by the policy. Such appropriate action may include, but is not limited to, education, training, and/or disciplinary action up to, and including, immediate termination.

The elected body shall handle the resolution of complaints regarding any of the elected official's conduct in consultation with the City Attorney.

The actions taken by the City Manager as a result of the investigation are final.

**G. Discipline**

Individuals found to have engaged in behavior violating this policy or failing to adhere to this policy, whether or not such behavior constitutes harassment or discrimination as defined by law, will be disciplined, up to and including immediate termination. Discipline will be determined by the City Manager. In the rare occasion where the City Manager is found to be the violator, the City Attorney will consult with the City Council in accordance with applicable laws to discuss and determine appropriate action. In addressing incidents of harassment or discrimination, the City may impose: oral or written reprimands; referral to counseling, training or education; withholding of a promotion; demotion; reassignment; temporary suspension without pay; reduction in compensation; limitation on contact between the harasser and the complainant; termination; any other corrective action necessary to stop the behavior complained of; or, any combination of the above.

**H. False Accusations**

If an investigation results in a finding that the complainant falsely and maliciously accused another of harassment or discrimination, the complainant will be subject to appropriate sanctions, as described above, including termination.

## **Chapter 4: Employment and Performance Evaluations**

### **A. Positions Created**

The City Manager shall fix and establish the number of employees in the various departments, offices and activities, and determine duties and compensation in accordance with applicable policies, practices and procedures, subject to approval of the City Council and budget limitations.

### **B. Types of Employees**

#### **1. Seasonal/Temporary Employee**

Seasonal/Temporary employees are employed in positions other than regular full-time or regular part-time and are designed to be for a brief period, often as a result of seasonal needs, such as camps offered by Youth Programs.

#### **2. Regular, Part-time Employee**

Regular, part-time employees are employed in positions regularly scheduled for less than 30 hours per week. Part-time employees are generally not entitled to benefits, such as paid leave.

#### **3. Regular Full-time Employee**

Regular, full-time employees are employed in positions regularly scheduled for 30 hours or more per week and are generally entitled to benefits.

#### **4. Paid Intern**

Paid Interns who work for less than six (6) months are considered Temporary employees. Paid Interns who work for more than six (6) months are considered Regular, Part-time employees.

#### **5. Unpaid Volunteer Interns**

Unpaid Volunteer Interns are considered volunteers and are not entitled to any pay or benefits offered by the City to its employees other than coverage under the City's workers' compensation policy.

### **C. Position Classification and Plan; Compensation Plan**

Human Resources shall maintain and update a Position Classification Plan and Compensation Plan such that positions having similar job factors and levels of difficulty shall be classified and compensated on a uniform basis. The Compensation Plan shall consist of a systematic arrangement of pay policies as necessary for City operations and budgets. The compensation considerations for the position classes shall be coordinated with the position classification plan and shall be based on factors as determined by the City.

### **D. Probationary Period**

Newly hired regular non-union, full-time and part-time employees are subject to a probationary period of six (6) months from the date of hire. Newly hired employees covered by a collective bargaining agreement are subject to a probationary period of one (1) year from the date of hire. Non-union employees who are promoted or transferred to another position are also subject to a probationary period of six (6) months from the date of such promotion or transfer. Bargaining unit employees who are promoted or transferred to another position are also subject to a probationary period of six (6) months from the date of such promotion or transfer. Department Directors reserve

the right to extend the probationary period up to an additional six (6) month period, with approval from the City Manager and in consultation with the Director of Human Resources. The City will not extend a probationary period beyond one year. Notwithstanding the probationary period and consistent with the at-will nature of City employees' employment, an employee may be terminated at any time (including during or after the probationary period), as determined in the sole discretion and judgment of the City. All recommended terminations will be reviewed by the City Manager, in concert with Human Resources, prior to the actual termination of an employee.

#### **E. Performance Evaluations**

The City will utilize a program for evaluating the work performance of its employees that may be amended from time to time. The City, in cooperation with each Department Director, will administer a system of rating employee performance. The standards of performance recommended as a basis of such rating will have reference to the quality and quantity of work performed, the manner in which the work is performed, the conduct of employees, and other characteristics and competencies which measure employees' performance and engagement.

Effective October 1, 2016: The performance evaluation date for employees hired before October 1, 2016, who are promoted, transferred or demoted to another position in the City will not change as a result of the promotion, transfer or demotion. The performance evaluation date for employees hired on or after October 1, 2016 will be their date of hire.

The purpose of these evaluations is to, when possible, enable employees and supervisory personnel to work together to improve job performances and correspondingly, improve the service provided to the residents of the City. A copy of the employee performance evaluation will be provided to and discussed with an employee. The employee, as well as all individuals involved in the rating process, will be required to sign and date the form. The original evaluation shall be placed in the employee's personnel file.

Employee performance evaluations should be conducted prior to the end of the probationary period, or any extension thereof. Additionally, thereafter, Department Directors or their designee are encouraged to conduct performance evaluations on an annual basis. This does not preclude more frequent evaluations, which may be prepared by the Department Director with support from Human Resources.

Performance evaluations will be used in determining: the successful completion of an employee's probationary period; any salary increases or decreases; the issuance of disciplinary actions, reprimands, or dismissal; order of layoff; training, promotions, demotions and transfer; and for such other appropriate purpose(s).

Each Department Director or his or her designee shall prepare and record on forms, whether in hard copy or electronic format, prescribed by the City, evaluations of the performance of all regular, full-time employees, probationary employees, and part-time employees. Employees will be provided with comments for each rating below or above the Meets Expectations to document the mastery level behavior and identify areas for improvement and given S.M.A.R.T. goals for future attainment. The position description shall be reviewed for any changes in position responsibilities, or required knowledge, skills and abilities, and recommendations made for updates. All performance evaluations must have Department Director approval before it is given

to an employee. All Performance Improvement Plans (PIPs) and performance evaluations with the following overall rating must be reviewed by Human Resources prior to being given to the employee: Does Not Meet Expectations, Exceeds Expectations, and Greatly Exceed Expectations. The employee will be afforded up to two (2) working days to provide written comments, sign and return the form to the supervisor. If the employee declines to sign the form, he/she shall be encouraged to discuss any concerns with their immediate supervisor. If the employee still declines, the supervisor shall note “employee declined to sign” on the signature line, initial and date the form.

While Seasonal/Temporary employees are not covered by the City’s performance evaluation program, they are subject to all City disciplinary policies and procedures.

#### **F. Performance Based Pay Increases (MERIT)**

Based on the overall performance identified through the performance evaluation process, performance-based pay increases may be granted in the City’s discretion and judgment, subject to funding and budget. Any such performance-based pay increase will be effective annually, usually coinciding with the employee’s date of hire. Merit increases may take the form of a percentage of salary, or a set amount that is either added to the base pay or provided as a one-time lump sum payment. Merit increases added to the base pay shall not cause an employee’s salary to exceed the maximum rate of pay for the position. Employees with salaries at the maximum rate of pay who are eligible for a percentage-based merit increase will receive the increase in the form of a lump sum payment.

Employees whose overall performance is rated as Meets Some Expectations or Does Not Meet Expectations will not be eligible for a merit increase until an overall performance rating of Meets Expectations is achieved for two (2) consecutive rating periods using the Interim Performance Evaluation Form. *Performance based increases shall only be prospective in nature and shall not be retroactive.*

#### **G. Unsatisfactory Performance**

Employees who fail to perform at a satisfactory level shall be subject to disciplinary action up to, and including, termination. The City may also place an employee on a Performance Improvement Plan (described below), which may include an additional period of probation.

#### **H. Performance Improvement Plans**

Employees who fail to meet a satisfactory performance standard in any one or more area(s) may be placed on a Performance Improvement Plan, which may also include an additional period of probation. Generally, Performance Improvement Plans are implemented for a 30-90 day period, depending on the nature of the performance issue(s). Employees placed on Performance Improvement Plans are expected to demonstrate immediate and sustained improvement of performance. All employees placed on a Performance Improvement Plan are subject to termination, transfer, extended probation, or demotion for failing to meet the requirements of the plan, failing to improve performance to a satisfactory level, or for experiencing other conduct, disciplinary, or performance issues during the course of the Plan. Importantly, Department Directors, with the approval of the City Manager and in consultation with the Director of Human Resources reserve the right to terminate an employee, at any time (including during or after the

completion of a Performance Improvement Plan). An employee is not entitled to be placed on a Performance Improvement Plan prior to his or her employment with the City being terminated.

### **I. Transfers, Temporary Appointments, and Emergency Appointments**

Employees may be transferred to meet the operational needs of the City. A transfer may require an employee to move from a particular division, the assignment of different work, or the transfer to a different position. Temporary transfers or appointments shall not exceed twelve (12) months. An employee subject to transfer or temporary appointment may receive a different salary from their original position, as described herein. Employees assigned for more than thirty (30) consecutive calendar days to a higher classification shall be paid according to the following:

If an employee is transferred, voluntarily or involuntarily, the rate of pay for the new position shall be determined as follows:

1. If the pay rate of the former position falls within the same range of pay as the new position, the salary rate shall remain the same.
2. If the employee's pay rate of the former position is higher than the pay range of the new position, the salary shall be decreased to the prior pay rate, including any escalators that would have occurred.

An Annual Performance Evaluation will be completed by the new Supervisor on the Employees anniversary date. Employees who change positions due to transfer will have an Interim Evaluation completed by the most recent Supervisor, which will include future goals given by the new Supervisor.

### **PAY GRADE**

Any employee's position that is reclassified to a higher pay grade shall receive a 5% increase or move to the minimum of that new pay grade, whichever is higher.

### **TEMPORARY ASSIGNMENTS**

Employees temporarily assigned to an interim or acting supervisory position in a higher grade shall receive the minimum salary of that grade or a 10% increase, whichever is greater, if the assignment exceeds 30 calendar days.

Any employee temporarily assigned to a project or initiative that falls outside their normal scope of work, shall receive a 10% increase in pay until the assignment has been completed. Such projects and initiatives must be approved by the City Manager.

### **J. Demotions, Reassignment, and Change in Status**

An employee may be demoted or reassigned by the Department Director, with the approval of the City Manager and in consultation with the Director of Human Resources, when such employee's documented work or conduct is unsatisfactory or unacceptable as determined in the City's sole discretion and judgment. An employee who is demoted or reassigned to a position in a lower pay grade will receive new compensation and shall serve a six (6) month probationary period.

The rate of pay, for employees who are demoted, will be adjusted as follows:

1. If demoted within six (6) months of a promotion, the salary shall reflect the salary prior to such promotion including any escalators that would have occurred.
2. Other than #1 above, If the employee's pay rate of the former position is higher than the pay range of the new position, the salary shall be decreased to the prior pay rate, including any escalators that would have occurred.

In no event will the employee's base rate of pay exceed the maximum for the position to which the demotion is made.

An Annual Performance Evaluation will be completed by the new Supervisor on the Employees anniversary date. Employees who change positions due to demotion, reassignment or change in status will have an Interim Evaluation completed by the most recent Supervisor, which will include future goals given by the new Supervisor.

#### **K. Promotions**

A promotion is defined as the change of an employee from one position to another position for which a higher maximum rate of pay is established.

Employees are eligible for the following salary increases upon promotion:

1. Promotions from exempt to exempt or non-exempt to non-exempt – to minimum of new grade or 5% increase, whichever is higher.
2. Promotions from non-exempt to exempt position - to minimum of new grade or 5% increase whichever is higher. All accrued Compensatory Time must be paid at the employee's current non-exempt salary prior to the effective date of promotion.
3. Promotions from non-supervisory to supervisory positions - to a minimum of the new grade or 10% increase whichever is higher.
4. For Department Director positions ONLY, the City Manager shall have the discretion to promote anywhere within the salary range of the position that is on the salary schedule.

In no event will the employee's base rate of pay exceed the maximum for the position to which the promotion is made.

Promoted employees must successfully complete a six-month probationary period in their new position.

An Annual Performance Evaluation will be completed by the new Supervisor on the Employees anniversary date. Employees who change positions due to promotion will have an Interim Evaluation completed by the most recent Supervisor, which will include future goals given by the new Supervisor.

#### **L. Personnel Records**

The City maintains personnel records and files for each employee and tracks employee-related information for internal business purposes, to comply with applicable laws, to administer the City's

employment and benefits programs, and to comply with Florida's Public Records Act. In this regard, unless information is exempt or confidential under Florida law, employment records are subject to disclosure requirements of the Florida Public Records Act. Employees wishing to review their personnel file may do so by request made to Human Resources. A representative of Human Resources will be present during such review. Employees may also obtain copies of personnel file materials in accordance with the City's public records policy.

All employee information must be kept current. Employees must provide notification through the online portal immediately following certain changes in status but no later than seven (7) calendar days after such change. Changes in status that must be submitted through the online portal, include, but are not limited to, the following:

- Name, address, telephone number, or email address; and,
- Emergency contact information.

Changes in status that must be reported in writing to Human Resources include, but are not limited to, the following:

- Marital status (for insurance and COBRA purposes);
- Dependent status (for income tax withholding and insurance purposes);
- Beneficiary information (for life insurance purposes); and,
- Bank account information (for direct deposit purposes).

Employees should be aware that because most information contained in a personnel file is not exempt or confidential under Florida's public records law, personnel file materials will be made available for review by the public upon receipt of a public records request. Confidential information will be, and exempt information generally will be, redacted prior to the release of records. Such requests, whether they are made in verbal or written form, must be submitted in accordance with the City's normal procedures.



## **Chapter 5: Separation from Employment**

### **A. Resignation**

An employee wishing to voluntarily terminate employment with the City, while remaining in good standing, is asked to submit a letter of resignation to the Department Director or designee. Employees are asked, but are not required, to communicate such resignation not less than fourteen (14) calendar days prior to their effective termination date. Department Directors should endeavor to provide a minimum of thirty (30) calendar days of notice. Upon receipt of a letter of resignation, a Department Director or designee shall immediately route it to Human Resources where it shall become part of the employee's personnel file. Note: the failure of an employee to communicate their resignation not less than fourteen (14) calendar days prior to their effective termination date will make them ineligible for the payout of sick leave, and may make them ineligible for re-hire.

### **B. Involuntary Discharge/Termination**

Non-bargaining, probationary, seasonal, part-time and temporary City employees are employed on an at-will basis. Accordingly, either the City or an employee may terminate his or her own employment, with or without cause or prior notice. Termination decisions by a Department Director or designee are conditional and subject to the review by and in consultation with the Director of Human Resources. All terminations will be based on legitimate, non-discriminatory factors.

### **C. Layoff**

Department Directors, with the approval of the City Manager and in consultation with the Director of Human Resources, retain full authority to lay off employees within their Department. Layoffs may be implemented for reasons including, but not limited to, shortage of work or funds, the elimination of the position, material changes in the duties or organization, or for other reasons which may be determined by the City in its sole discretion and judgment. The temporary or permanent separation of an employee from employment resulting from disciplinary action shall not be considered a layoff. All layoffs will be based on legitimate, non-discriminatory factors.

#### **1. Notification**

Employees to be laid off shall be notified in writing by a completed Notice of Layoff form prior to the effective date of the layoff, or as soon as practicable, as determined by the City. Employees subject to layoff will also be provided with additional information regarding benefits continuation and related issues from Human Resources.

#### **2. Transfer**

If an employee is scheduled to be laid off, he/she may request a transfer to another position if a vacancy exists and he/she is qualified to fill the vacant position. Subject to approval by the City Manager, the Director of Human Resources, and the Department Director(s), an employee may request a voluntary transfer to another position for which the employee is qualified, if any are available. While voluntary transfers to another position may be requested, the City does not guarantee that such requests will be granted.

### **3. Approval of City Manager**

Prior to the implementation of a layoff, the names and position titles of any and all employees scheduled for layoff shall be submitted to the City Manager for review and approval.

### **4. Layoff Guidelines**

In the event that employee layoffs are to occur within a particular Department, the Department Director, under the direction of the City Manager and with the assistance of Human Resources, will generally use the following layoff guidelines:

- Temporary, part-time, and probationary employees in the affected position(s) within the Department will generally be laid off prior to the layoff of regular, full-time employees who have completed their probationary period. However, the City reserves the right to retain temporary, part-time, and probationary employees in positions for which no regular, full-time employees are qualified or otherwise decline to express an interest in the position.
- The basis for determining layoffs of regular, full-time employees who have completed their probationary period shall include an assessment of various legitimate, non-discriminatory factors, including but not limited to: seniority, performance evaluations, and disciplinary actions on file, conduct, qualifications, and any other legitimate, non-discriminatory factors.

The City reserves the right to modify the layoff procedures set forth above based on its operating requirements, as determined in its sole discretion and judgment.

### **5. Eligibility for Rehire after Layoff**

Employees subject to layoff are eligible for rehire and may submit applications for any vacant positions for which they are qualified.

### **D. Return of City Property**

An employee leaving employment with the City, whether through resignation, lay-off, involuntary termination, or otherwise, shall return any City property in the employee's possession, custody, or control. Identification cards and access cards, if issued by the City, are City property. Upon separation, such property must be returned to an employee's Department Director or to Human Resources. Departing employees must also return any and all electronic data, information and passwords in addition to executing any documents necessary for transfer of authority with external entities (e.g. banking signatures, etc.) Failure to return City property or information may result in the value of outstanding City property being deducted from the employee's final paycheck in accordance with applicable law or having property or damages recovered by the City through appropriate legal action.

### **E. Exit Interview**

Any time an employee separates employment with the City, the employee's Department Director may schedule an Exit Interview with the employee and a representative of Human Resources. Exit Interviews shall not affect in any manner, any compensation or benefits due to the employee by virtue of the separation. During the course of the Exit Interview, if conducted, the employee will

be asked to complete an Exit Interview Questionnaire and encouraged to provide input into matters directly associated with their employment with the City such as:

- job satisfaction;
- personnel matters;
- training, both internal and external;
- compensation and benefits;
- general suggestions as to how to improve the delivery of services to both employees and the City's residents; and
- employee's reason for leaving.

#### **F. Final Paycheck**

Any employee leaving City employment shall be entitled to receive: regular and any applicable overtime compensation earned through the last day of employment. Non-probationary employees shall also be entitled to receive the monetary equivalent of accrued and unused vacation time and may be eligible for payout of sick leave under certain circumstances as described in this Handbook. All appropriate payroll taxes and withholdings shall be deducted from the foregoing amounts.

#### **G. Disposition of Final Paycheck**

The final paycheck shall be prepared and transmitted to the employee via direct deposit, U.S. Mail, or otherwise on the next regularly scheduled pay date. Vacation and any applicable accrued leave balance will be paid within thirty (30) days of the last day of employment.

#### **H. Disposition of Wages upon Death of Employee**

In the unfortunate event of an employee's death, the City will pay any wages and/or travel expenses due to the deceased employee to the employee's spouse. In the case there is no spouse, then any such amounts will be paid to the employee's child(ren), provided the child(ren) are over the age of 18. In the event there is no child(ren), then such amounts will be paid to the employee's parent(s).

#### **I. Re-employment**

An employee who resigns or is laid off from City employment in good standing, and who subsequently applies for re-employment may be considered in filling available positions for which the individual is qualified. An employee who has resigned from City employment in good standing and is re-employed, shall not be credited with prior City service in the computation of vacation or sick time. With respect to credit for pension service, an employee must return to full-time employment within the time period and circumstances required under the City's retirement plan ordinance. An employee who is involuntarily terminated, resigns without fourteen (14) calendar days prior written notice (or thirty (30) calendar days prior written notice, in the case of Department Directors unless the City Manager waives such notice requirement), resigns while disciplinary action is pending against the individual, or is dismissed from employment, shall not be eligible for re-employment.

## **Chapter 6: Hours of Work, Attendance, and Appearance**

### **A. Working Hours**

The City of Greenacres administrative offices are open for business from 8:00 a.m. to 5:00 p.m., Monday through Friday, except for official holidays. Working time does not include meal periods. Exceptions to the above schedule may be requested by a Department Director and established by the City Manager in accordance with the special requirements of the respective Departments. Furthermore, the City Manager may prescribe hours of work other than those specified, if necessary.

Some, but not all, departments may be eligible to work a four-day workweek. Eligibility for departments utilizing four-day work schedules will be determined based on operational need of the department and the City. Various City operations require coverage 5 days a week, or are required to operate 24 hours per day and a four-day work schedule would not be feasible. The City may administratively modify or discontinue four-day work schedules at any time, for any reason, with or without prior notice. Operating hours for each department will be determined in accordance with the operational needs of the City and the department.

For business reasons beneficial to City operations, the City Manager, in consultation with Human Resources, may authorize certain Departments or Divisions to maintain a Forty (40) Hour, four (4) Day Workweek (10-hour days) for Non-Exempt Personnel. In such event, Four (4) ten (10) hour workdays each workweek shall be based on a fixed schedule. The four (4) day workweek includes working consecutive days, four (4) days on and three (3) days off, unless otherwise directed by the City Manager or designee. Each Department will be responsible for establishing their work hours. It will be the responsibility of the Director to ensure that staff is available to cover key functions during normal work hours. Non-Exempt employees shall not work more than forty (40) hours in any given workweek unless given prior approval from the Department Director.

Subject to work load and the operational needs of the City and its Departments, employees will generally be provided a meal period of at least thirty (30) minutes. Such meal break will be scheduled at the discretion of the Department Director. Non-exempt employees are prohibited from performing any work during bona fide meal periods. Non-exempt employees directed to perform work during their meal break should report such issue to Human Resources immediately.

### **B. Reporting For Work**

Employees shall report promptly at their designated working place and shall devote their entire efforts during working hours to assigned duties. In the event that an employee is unable to report for work as scheduled, the employee must notify the supervisor at one (1) hour prior to the designated starting time daily, unless the employee is experiencing a bona fide health or family emergency (in which case the employee should notify the Department Director or supervisor as soon as possible under the circumstances). Such notification should be conducted in accordance with the directions provided by the Department Director or appropriate supervisor.

Failure to notify the Department Director or supervisor as provided herein may result in denial of the use of accrued sick or vacation leave for that day's absence or other disciplinary action, in

accordance with applicable law. Nothing in this section is intended to infringe upon or eliminate any rights an employee may have under the Family and Medical Leave Act.

### **C. Absence without Leave**

Unauthorized and unreported absences may be considered absences without leave and may constitute grounds for disciplinary action, up to and including termination of employment. Failure to report to work without notice for three (3) consecutive days will generally be considered job abandonment and the employee will be terminated.

### **D. Personal Appearance**

The City considers proper dress, personal appearance, personal cleanliness, and safety, a part of each employee's job and shall be consistent with assigned duties and responsibilities. Clothing shall be businesslike and shall be maintained in good repair, clean, and pressed. An effective dress and grooming policy will contribute to creating a positive public image, establishing a consistent identity for customers and residents, and setting a positive and professional tone for the workplace. The City's policy is set forth below:

1. The dress code may vary for different departments based on assigned duties and responsibilities or essential job functions. This policy may supersede department policy based upon the determination of the City Manager.
2. Office personnel shall dress in appropriate, professional attire and present themselves in a professional manner when on the job.
3. City Identification Badges must be worn and easily visible during work hours by clipping the ID Badge to clothing or a lanyard. Keeping the ID Badge in a pocket, briefcase, purse, backpack or other personal item does not meet this requirement.
4. In departments where uniforms are provided, the uniforms shall be worn during working hours in accordance with the dress code policy of the department. All uniformed personnel shall wear uniforms in the manner they are intended, in good repair, and maintain a neat appearance.
5. Maternity wear shall meet the same general standards as other attire.
6. Although Friday is a "Dress Down" or "Casual Day" for employees not required to wear a uniform, good taste and modesty are still required. Jeans may be acceptable, provided they do not have holes, are not excessively baggy or loose, are not excessively tight, and are otherwise professional.
7. Employees are expected to exercise common sense and dress in an appropriate and tasteful manner. Employees should not wear anything too tight, too loose, sloppy, or too short.
8. Upon request, the department(s) will review uniforms provided to the employees, based on the function(s) performed in the department.

9. City uniforms and uniform items (shirts, pants, jackets, *etc.*) should be worn only during business hours or when City business is conducted after hours with appropriate approval.
10. Regardless of hair length, hair should be clean and combed and/or neatly trimmed or arranged. Additionally, facial hair, including moustaches, sideburns, and beards, should be neatly kept.
11. Facial piercings, aside from earrings, detract from the neat, clean and professional image that the City aims to cultivate. Employees are generally prohibited from wearing facial piercings, other than two per ear lobe, while on duty. However, depending on the nature of the duties and level of interaction with residents, the Director of Human Resources may approve one tasteful and discrete facial piercing per employee.
12. Employees are expected to use good judgment with respect to personal hygiene and grooming standards. In this regard, employees are expected to bathe regularly and exercise oral hygiene to avoid offensive body and mouth odor. Employees should keep their fingernails trimmed and of a reasonable and appropriate length that does not impair work performance or create a safety hazard.
13. Employees should refrain from using excessive amounts of perfume, cologne, aftershave, or lotion. Employees, citizens, and guests who are sensitive to perfumes and chemicals may suffer adverse effects. When wearing perfume, cologne, after-shave, hair-spray, lotion or similar products, please take in to consideration those working around you and anyone from the public you may come in contact with who may have sensitivities to those scents. Employees should also refrain from using scented air fresheners, room deodorizers, plug-in wall air fresheners, or similar products.

The Department Director and City Manager may make exceptions to the dress code policy for special days, such as holidays or special occasions. Employees may request an exception to this policy based on a bona fide religious belief, ethnicity, or disability, by contacting Human Resources to request a reasonable accommodation. Exceptions shall be considered regarding specific job duties and responsibilities, but shall always follow the rule of business necessity. Employees may be allowed to “dress down” with Director’s approval when working on temporary projects or assignments, *i.e.* moving of an office.

Department Directors and all supervisors and managers shall be responsible for the dress code compliance of their respective departments. Open communication is the key to consistent enforcement of the dress code policy.

Should an employee come to work wearing inappropriate attire or otherwise in violation of this policy, the employee is subject to progressive discipline and may be sent home to change. An employee will be considered “off the clock” when sent home in violation this policy. The Department Director and the Director of Human Resources shall make the final determination in questionable situations.

Please note that in applying this policy, the City will undertake to make reasonable accommodations for individuals with sincerely held religious beliefs, as well as for individuals with disabilities, as appropriate, unless doing so would create an undue hardship.

## **Chapter 7: Electronic and Other Communications Policy**

### **A. Electronic Access to Files**

All employees are expected to exercise prudence and take reasonable actions to prevent access by unauthorized persons or groups to the City's networks. This includes being alert to spam and phishing email messages, viruses, Trojans and hacking attempts.

Employees are provided different levels of access within each department and may be provided access to other department's electronic files based on the nature of the specific job responsibilities. While having the ability to access information to effectively perform our responsibilities is important, such access does not ever give one the authority to access information that one has the ability to access but there is no reason to access it. Because the majority of City information is public, employees who are curious about information in an area outside of their job responsibilities are always welcome to make a request for information. Employees are prohibited from accessing information for their own knowledge or use outside of their respective responsibilities.

The City reserves the right to track access of information through random, unannounced audits.

### **B. Internet/Intranet/E-Mail/Devices**

The City's Internet, Intranet, Electronic Mail systems, and devices are intended to facilitate City business objectives and communication among employees, customers, and other governmental and business associates for messages, memoranda, research, or other work-related tasks. The City will maintain a separate Computer Network Security administrative directive policy that may be updated and amended from time to time, as necessary. Violations of this policy or the Computer Network Security policy may result in termination of network access privileges and disciplinary action up to and including termination of employment, and/or criminal or civil penalties or other legal action as applicable. For a copy of the Computer Network Security policy, please contact Human Resources or the IT Department.

The internet, Intranet, E-mail systems, and devices are City property and are intended for City business. The systems and devices are not to be used for employee personal reasons or personal gain or to access, support, or advocate non-City related business or purposes. All data and/or electronic messages created, received, or transmitted within the system or device are the property of the City. E-mail messages may need to be retained as public records depending on their content if so, the Department of State Records retention schedules shall apply.

In addition, the City, through its managers and supervisors will review the contents of any employee's Internet/Intranet/E-mail communications when necessary for City business purposes. However, employees may not intentionally intercept, eavesdrop, record, read, alter, or receive other persons' Internet/Intranet/E-mail messages without proper authorization. Employees who misuse Internet/Intranet/E-mail/Device privileges shall be subject to discipline up to and including termination.

All Department Directors are responsible for the implementation and adherence of this policy within their Department. Department Directors (or their designees) are encouraged to work with their entire staff toward that end. In the event that any Department policy contradicts this policy, this policy shall govern.



### **C. Confidentiality**

Although confidential passwords are issued, users will be aware that this does not suggest that systems are for personal confidential communication, nor does it suggest that access to and use of City of Greenacres Internet/Intranet/E-mail/Device is the property right of the employee. Passwords should be changed every 90 days to ensure security of the E-Mail system. Users should not share their password with anyone else. The Internet/Intranet/Email systems and devices are restricted to City business related usage only.

### **D. Prohibited Uses**

The City's Internet/Intranet/E-Mail systems and devices shall not be used to create, access, or transmit any offensive, inappropriate, or disruptive messages or data. Examples of messages or data which are considered offensive, inappropriate, or disruptive include any message, video, or data which contain sexual implications, pornography, racial slurs, gender specific content, or any other comment that offensively or inappropriately addresses someone's race, gender, age, sexual orientation, religious or political beliefs, national origin, gender identity or expression, genetic information, or disability or any other category protected by applicable federal, state, or local law. Employees are also prohibited from using the City's Internet/Intranet/E-Mail systems and/or devices to engage in inappropriate workplace behavior, such as online dating, gambling, or pornography.

Incidental and occasional personal use of City systems and devices is permitted, but information and messages stored in the City's systems and devices will be treated as business-related and may be viewed by the City at any time with or without prior notice.

### **E. Social Networking, Social Media, and Blogging**

The City takes no position with respect to an employee's decision to engage in social networking, social media, or to start or maintain a blog. However, it is the right and duty of the City to protect itself from unauthorized disclosure of information.

Unless specifically authorized by the City to do so as part of an employee's position (and with supervisor approval), employees are not permitted to blog or use other forms of social networking, media, or technology on the Internet during working hours or at any time on City computers or other City-supplied devices. Blogging or other forms of social media or technology include, but are not limited to, video or wiki postings, chat rooms, personal blogs, or other similar forms of online journals, diaries or personal newsletters (e.g., Facebook, Myspace, Twitter, LinkedIn, YouTube, LiveJournal, SnapChat, Instagram, Tik Tok, etc.) not affiliated with the City.

Unless specifically instructed, employees are restricted from speaking on behalf of the City. Employees may not publicly discuss employees, residents, or any work-related matters, whether confidential or not, outside City-authorized communications, in accordance with applicable law. Employees must protect the privacy of the City, its employees, and residents. Employees are prohibited from disclosing such information to which employees have access through their City position. However, nothing herein shall limit an employee's right to express his or her opinions on matters of public concern related to political, social, or other non-personal concerns in the community. Additionally, nothing herein shall be construed as an attempt to infringe upon an individual's rights under applicable federal, state, or local law.

Bloggers and users of social media and networking sites are personally responsible for their commentary and may be held personally liable for commentary, media, or photography that is considered defamatory, obscene, proprietary, or libelous by any offended party.

Employees may not use City-owned equipment, including computers, City-licensed software or other electronic equipment, City facilities or City time, to conduct personal blogging, social networking, or to use other social media for non-City business.

Employees may not use blogs or social media to harass, threaten, discriminate, or disparage against employees or anyone associated with or doing business with the City.

If an employee chooses to identify himself or herself as an employee of the City, some readers may view the employee as a spokesperson for the City. Because of this possibility, employees must state that the views expressed in their blogs, postings, and other social media outlets are their own and not those of the City, or of any person or organization affiliated or doing business with the City.

Employees are prohibited from posting the name or trademark of the City or any business with a connection to the City on any blog or social media outlet. Employees are prohibited from posting recommendations of current or former employees, current or former vendors, or other persons related to City business without written permission from the Director of Human Resources.

Employees are prohibited from linking from a personal blog or social media site to the City's internal or external web site.

If contacted by the media or press about a post that relates to the City, employees are required to refer the inquiry to the Department Director. If the City engages in social networking activities as an organization for a public purpose, all such communications by employees must maintain and reflect the City's standards of professionalism. Communications must strictly adhere to the City's policies regarding confidentiality and refrain from disclosure of information exempt and/or confidential under the public records laws.

City use of social media sites will comply with all provisions of Florida law, ordinances, resolutions, and policies of the City and any applicable federal or state law rule or regulation, including, but not limited to, the Florida Public Records Act (Chapter 119, Fla. Stat.) and the Standards of Conduct applicable to Public Officials and Employees (Section 112.313, Fla. Stat.).

## **F. Mobile Telephone Policy**

The City discourages the use of mobile telephone devices in certain situations, while prohibiting such use in others, to promote safety, efficiency, and productivity in the workplace. Employees who violate this policy may be subject to disciplinary action, up to and including, immediate termination.

### **1. Restrictions While Driving (Non-Commercial)**

Employees driving motor vehicles for City purposes must avoid distracted driving and minimize the use of hand-held mobile telephone devices. Employees are expected to assess all driving conditions before using a hand-held mobile telephone device while driving. State law also

prohibits using a handheld device in a school zone, school crossing or active work zone. Employees in the drivers' seat are prohibited by state law from texting, emailing, or instant messaging while the vehicle is in motion. If it is necessary to use the device while in transit and hands-free is not available, the driver should find an appropriate and safe place to park the vehicle before using the device. The vehicle should be in "park" for automatic transmission vehicles or "neutral" with the parking brake applied for manual transmission vehicles. However, using a hand-held mobile telephone device is permissible when necessary to communicate with law enforcement officials or other emergency services.

## **2. Restrictions While Driving (Drivers Operating Commercial Vehicles Regulated by DOT)**

Drivers of City vehicles qualifying as commercial motor vehicles are prohibited from texting and emailing while driving. Texting while driving is only permissible under DOT regulations when necessary to communicate with law enforcement officials or other emergency services.

Drivers of the City's commercial motor vehicles are prohibited from using a hand-held mobile telephone device while driving a commercial motor vehicle. However, using a hand-held mobile telephone device is permissible when necessary to communicate with law enforcement officials or other emergency services.

## **3. Restrictions During Business Hours**

All mobile telephone devices, whether personally owned or issued by the City, should be placed in either vibrate or silent modes during meetings. During the meeting, employees should only utilize the mobile telephone device to obtain urgent information relating to the meeting or operations of the City, or for emergency use. Emergency use is generally related to a threat to the health or safety of a colleague, family member or citizen.

Use of personal mobile telephone devices during business hours is generally prohibited, except when the employee is on an authorized break and away from his or her work station, customers or residents. Employees are prohibited from using a personal mobile telephone device when actively engaged with the citizens or the public. Employees are prohibited from using a personal mobile telephone device at any time during a customer interaction.

## **4. City-Issued Devices**

Employees who have been provided with a City-issued mobile telephone device shall operate the device within the terms of the contract to avoid overage charges. Broken or unusable devices shall be returned to the IT Department for reorder or repair. Employees are prohibited from directly contacting the service provider. Employees should be aware that information sent, received, or stored on City-issued devices relating to City business is subject to Florida's Public Records law.

## **5. Using Personal Devices for City Business**

Employees should be aware that information sent, received, or stored on personal cell phone or other device which relates to City business is subject to Florida's Public Records law, regardless of the fact that it is sent, received, or stored on such personal device.

## **6. Cellular Phone**

Employees holding the position of Department Director or higher may receive one (1) City-issued cellular phone. Other City employees may receive one (1) City-issued cellular phone if the City, in its sole discretion, determines that the position requires a City-issued cellular phone. Should the employee's employment with the City end for any reason, the employee shall return the City-issued cellular phone to the IT Department of the City immediately.

### **G. Telephones and Voicemail**

Employees are not permitted to incur charges on any City equipment including telephones, cellular phones, pagers or computers that are not directly related to City business. Any employee who uses such equipment in violation of this policy shall be personally responsible for the full amount of any charges incurred including any interest charged by the company providing the service on the City's equipment. Any charges incurred by employees in violation of this policy shall be deducted from the employee's next paycheck immediately following discovery of said charges, to the extent permitted by federal and state law.

Moreover, should the charges to the employee exceed the amount that may be deducted from the next paycheck, the City shall continue to deduct the charges from each successive paycheck until the City is completely and fully reimbursed for such charges, to the extent permitted by federal and state law.

Employees have no expectation of privacy with respect to information in voicemail because such information is the sole property of the City and may be inspected by management or others at any time, with or without prior notice. The contents of electronic mail obtained through legitimate business purposes may be disclosed within the City without permission of the employee.

Any violation of this policy shall subject the employee to discipline up to, and including, termination.

The use of City systems may not be used for solicitation of commercial ventures, religious or political causes, outside organizations, or other non-job related solicitations. Furthermore, these systems may not be used to create any offensive or disruptive messages, including any violation of the City's anti-discrimination and anti-harassment policy.

## **Chapter 8: Compensation, Benefits, Overtime, Salary, and Records**

### **A. Compensation**

Employees shall be compensated on the regular pay date. The City will not provide pay advances on wages or leave to any employee.

### **B. Overtime - General Policy**

Department Directors will make every effort to maintain service level standards while keeping overtime use to a minimum. However, when overtime is worked, the City will compensate employees for the overtime hours in accordance with applicable law.

### **C. Overtime Eligibility**

All nonexempt employees shall be compensated for periods worked in excess of forty (40) hours worked per workweek, at a rate of one and one-half (1 and ½ ) times their regular straight-time rate of pay. The City's workweek runs from Thursday at 12:00 a.m. through Wednesday at midnight for the purpose of calculating hours worked for overtime purposes. Only actual hours will be considered for purposes of determining eligibility for overtime compensation. Approved paid leave will be considered actual hours worked. However, sick leave and sick leave converted to personal leave shall not be considered actual hours worked if used within one working day (before or after) any additional hours worked by an employee.

Non-exempt, non-bargaining employees assigned to work on a holiday shall be paid at 1.5 times the regular rate of pay for actual hours worked on the designated holiday.

All overtime work must be approved by the Department Director or his or her designee. While employees will be paid for all overtime work, employees who work unauthorized overtime may be subject to disciplinary action, up to and including termination.

The City's workweek for regular employees runs from Thursday to Wednesday. The workweek is used to measure hours worked for overtime purposes.

Non-exempt employees will not be compensated for bona fide meal breaks. Non-exempt employees are prohibited from performing work during uncompensated meal breaks. In the event an employee is asked to work during an uncompensated meal break, the employee must contact Human Resources immediately, verbally and in writing.

*Note: Employees may accrue compensatory time off in lieu of payment for overtime up to a maximum of 40 hours.*

### **D. Employees Not Eligible For Overtime**

Generally, employees considered "exempt" from the minimum wage and overtime provisions of applicable law include those employees holding executive, administrative, learned professional, and outside sales positions, among others. These employees are paid a salary that is intended to compensate the employee for all hours worked, including any hours worked over 40 in any given workweek. Employees of the City who are unsure of their status as an exempt or nonexempt employee should contact Human Resources. Exempt employees are not eligible for overtime.

Employees exempt from the overtime provisions of applicable law are expected, as part of their responsibilities, to work in excess of forty (40) hours per week from time to time as required by the requirements and needs associated with their position. Exempt employees do not receive overtime or other compensation relating to hours worked in excess of forty (40) hours per week.

It is our policy and practice to accurately compensate employees in compliance with all applicable state and federal laws. If an employee is classified as an exempt employee, the salary for the position is intended to compensate the employee for all hours worked. While the salary may be subject to review and modification from time to time, the salary is a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work.

Certain deductions from the salaries of exempt employees are permissible. However, exempt employees who believe that their salary may have been improperly reduced, must report their concerns to Human Resources, in writing within fourteen (14) calendar days of receipt of the payroll check reflecting the asserted deduction. To the extent that it is determined that an improper deduction was made, such amounts will be reimbursed to the employees affected and the City will undertake a good faith commitment to comply in the future.

#### **E. Maintenance of Time Records**

Hourly or exempt employees are required to record all hours worked on the daily time records to ensure the City's compliance with the Fair Labor Standards Act. At the end of each pay period, employees must submit the daily time records to their Department Director who, together with the employee, will examine those records. The Department Director or Supervisor will approve the time record after review. This process will be done electronically for non-bargaining employees. Once time recorded has been approved, the Payroll Specialist will review each time record for accuracy and run payroll. Department Directors shall maintain daily time records and shall furnish Human Resources with payroll records for all employees under their supervision in accordance with City policies and procedures. Department Directors shall review and sign their payrolls, and shall report any irregularities to the Supervisor and then to Human Resources.

*Non-Exempt Employees:* Non-Exempt or hourly employees are required by Federal Law and by the City of Greenacres to accurately record the time they begin and end their work, including the beginning and ending time of bona fide unpaid meal periods. Non-bargaining hourly employees will utilize an electronic timekeeping program (Executime) once fully implemented or, if not available, a time card/sheet for documentation of all hours worked.

Employees are responsible for reviewing their electronically recorded time record, reporting any missed clock punches to their Supervisor or Department Director, and ensuring the accuracy of their time record for each pay period. Employees must submit requests for leave through the electronic system.

The electronic timekeeping system rounds and adjusts pay as set forth below as allowed by applicable law:

- The City will track employee hours worked in 15-minute increments, as the Fair Labor Standards Act allows an employer to round employee time to the nearest quarter hour.

- Therefore, employee time from 1 to 7 minutes must be rounded down, and thus not counted as hours worked, but employee time from 8 to 14 minutes must be rounded up and counted as a quarter hour of work time. This arrangement averages out so that the employees are fully compensated for all the time they actually work.
- Example: If an employee has “clocked” in at 10:07 am, the time clock will automatically round the “clock in” time down to 10:00 am, and conversely if the employee “clocks in” at 10:08 am or later, the time clock will automatically round the clock up to 10:15 am. This same example would apply for similar “clock out” times as well.

Where the electronic timekeeping system is not available or if the employee does not have access, the requirements for manual/paper timekeeping records and other best practices are:

1. Time card/sheet must record the beginning and end of the work day and any unpaid meal or rest period.
2. The employee’s immediate Supervisor or Department Director must preapprove any time worked before or after the assigned schedule, unless an emergency situation occurs. Regardless of when work is performed, all work must be reflected on the time card/sheet.
3. Working hours that are not reported (“off-the-clock” work) is strictly prohibited and violates Florida and federal law. Hourly employees shall not perform any work before they clock in or after they clock out. Regardless of whether hours worked are tracked electronically or manually, working off-the-clock violates both Federal Law and Florida law.
4. Regardless of whether hours worked are tracked electronically or manually, employees must work their assigned work schedules and may not begin work and clock in prior to scheduled time in an effort to end work and clock out earlier at the end of the shift. Any work outside of scheduled hours must be approved by the Supervisor in advance.
5. Employees who regularly miss punching in or out may be subject to discipline.
6. Unpaid meal breaks for non-bargaining employees are either 30 minutes or one (1) hour as determined by the Supervisor or Department Director and no work will be performed during this time. If an employee performs any work during his/her unpaid meal break, the employee must immediately report that issue to his or her supervisor.
7. Each employee must record his or her own work time and shall not enter or modify another employee’s time records. However, the Supervisor may document an unexpected departure during the work day with the reason for the modification (e.g., an emergency).

*Exempt Employees:* These salaried employees will NOT use the electronic timekeeping system to record their hours worked. Exempt employees are paid a salary without regard to specific hours worked. Exempt employees are expected to work the hours necessary to

complete all their job duties and are not covered by the overtime provisions of the Fair Labor Standards Act. Exempt employee must use the Executime to request time off and to manage paid time off.

An employee who believe he or she may not have been paid correctly must report such concern within two (2) weeks of discovering the potential issue, both verbally and in writing, to payroll. Employees must report both instances in which they believe that they may not have received enough compensation, as well as instances in which they believe they may have received too much compensation.

Altering, falsifying, or tampering with time records, the timekeeping system, or the timekeeping equipment is prohibited and will subject employees to discipline up to and including termination.

#### **F. Benefits**

Full-time employees will be eligible for certain benefits that the City may offer from time to time, including, for example, health, vision, and dental insurance, retirement benefits, short-term disability benefits, and vacation and sick leave. Participation in such benefits plans is subject to applicable plan rules and requirements. Additionally, the City reserves the right to amend or eliminate benefits in its discretion and judgment based on operating and financial needs, subject to any restrictions imposed by law or contract.

Prior to retirement, employees may consult with the Human Resources Division to obtain information on continuation of group health benefits under the City's then existing plan for the retiree and his or her dependents at the retiree's sole expense.

Please see Human Resources for additional information regarding benefits currently available to full-time employees.

To allow the City to calculate the appropriate insurance premiums and to provide COBRA notices, all employees shall promptly notify Human Resources Division of any changes to marital status or dependents.



## Chapter 9: Leave

### A. Temporary Leave Of Absence (Without Pay)

Employees may, upon written request to the Department Director and subsequent approval by the City Manager and in consultation with the Director of Human Resources be granted a leave of absence without pay no more often than once in a 24-month period, rolling backward. A Temporary Leave of Absence Without Pay shall not be granted on an intermittent basis.

A Temporary Leave of Absence Without Pay may be considered in circumstances where: (1) the employee has exhausted FMLA and needs a brief period of additional leave to return to work as certified by the health care provider; (2) the employee is not yet eligible for FMLA due to being employed for less than 12 months and experiences a serious health condition that makes the employee temporarily unable to perform the essential functions of the job; (3) non-job related court appearances; and, (4) new hires with a pre-planned absence during the probationary period that is pre-approved by Human Resources and the Department Director.

A Temporary Leave of Absence shall not be granted solely because an employee has exhausted their paid leave banks, because an employee prefers to “save” their accrued and unused leave for a later date, or because an employee fails to work their regular full schedule.

Requests for a leave of absence without pay shall be made by completing an electronic leave of absence request and shall be for a period determined on a case-by-case basis. However, a leave of absence without pay shall not exceed fifteen (15) days unless approved in writing by the City Manager. The requesting employee shall state the reasons why, in the employee’s opinion, the request should be granted, the date the leave is to begin, and the date of the proposed return to work. The City Manager, upon the recommendation of the Director of Human Resources, may approve or disapprove such request at the City’s sole discretion and may consider, without limitation, the operational requirements of the Department, budgetary considerations, availability of temporary substitute employees, the performance and attendance record of the employee, and the underlying reason for the request.

Except for leave qualified under the FMLA or ADA, no assurances of reinstatement will be given to an employee who has been granted a leave of absence without pay. If the employee's position is in existence and is vacant, an employee returning from leave shall be eligible for re-employment, provided that the employee is capable of performing the essential functions of the position in accordance with applicable law. In the event that the position previously held by the employee is no longer vacant at the time the employee seeks re-employment, an attempt shall be made to offer employment in a closely-related vacant position for which the employee is qualified.

Employees must exhaust paid leave prior to taking an unpaid leave of absence. During any leave of absence without pay, at the end of the month in which the leave of absence without pay begins, all benefits shall be suspended/terminated until the employee returns to work, unless the employee elects to pay the full premiums for the employee and any dependents and amounts associated with such benefits. Vacation and sick leave benefits will not continue to accrue during unpaid leaves of absences.

Nothing in the foregoing policy is intended to restrict or modify any rights and responsibilities of the City and eligible employees under the Family and Medical Leave Act and/or the Americans with Disabilities Act.

## **B. Jury Duty**

An employee, regardless of temporary, full-time, or part-time status, may be granted paid leave when called to jury duty. Employees called to jury duty on their regularly scheduled days, will receive their regular salary/pay and benefits for the day(s) in which they serve on jury duty, for up to five (5) days. All other jury duty will be unpaid, unless the employee elects to use vacation leave.

If an employee is released from jury duty more than two (2) hours before the end of their scheduled work shift, the employee must report to work that day.

## **C. Court Appearances**

### **1. Job Related**

Employees required to appear in court for job-related purposes shall be considered on-duty with the City and shall receive compensation in salary/pay and benefits equal to that associated with the employee's regular duty, as long as they remit the entire amounts paid to them by the Court in connection with such Court appearance to the City. Transportation expenses will be reimbursable in accordance with the City's policies. Any monies received for Court appearances or subpoena fees must be forwarded to the City's Finance Department for payment into the general fund of the City. Under no circumstances may an employee keep subpoena or Court appearance fees, while receiving compensation from the City.

### **2. Non-Job Related**

Employees subpoenaed to Court for any reason unrelated to their employment with the City, for example, divorce proceedings, custody suits, inheritance suits, bankruptcy, traffic violations, *etc.*, or for criminal actions, may use vacation leave, compensatory time or personal leave. If the employee does not have any vacation leave, compensatory time or personal leave, such leaves of absence shall be without pay, if approved by the City Manager, for an employee who is a defendant in a civil or criminal action or plaintiff or complainant in a civil or criminal action not associated with the City's business or affairs.

## **D. Domestic Violence/Sexual Violence Leave**

Eligible employees will be granted up to three (3) days of unpaid Domestic Violence/Sexual Violence Leave in any twelve (12) month period, measured forward from the first date domestic/sexual violence leave is used, according to Florida Statute § 741.313, as amended from time to time. The City shall not discriminate against an employee for exercising his or her rights under this policy.

Domestic Violence means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by

another family or household member. Domestic violence shall also include any crime the underlying factual basis of which has been found by a court to include an act of domestic violence.

Family or Household Member means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as a family, and persons who are parents of a child in common regardless of whether they have been married. Except for persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same dwelling unit.

Eligible employees may be permitted to use the leave for:

1. Seeking an injunction for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence, or sexual violence;
2. Obtaining medical care or mental health counseling for the employee and/or family/household member to address physical or psychological injuries resulting from the domestic or sexual violence;
3. Obtaining services from a victim-services organization as a result of the act of domestic or sexual violence;
4. Making the employee's home secure from the perpetrator of domestic or sexual violence, or to seek new housing to escape the perpetrator;
5. Seeking legal assistance or to attend and prepare for court-related proceedings arising from the act of domestic or sexual violence.

Except in cases of imminent danger to the health or safety of the employee, or to the health or safety of a family household member, an employee shall provide notice to Human Resources as soon as possible after the employee learns of the need for the leave. If the leave is foreseeable, such as Court dates, the employee must provide thirty (30) days' notice. The request for leave must be accompanied with sufficient documentation.

To be eligible for Domestic Violence/Sexual Violence Leave, an employee must have been employed by the City for three (3) or more months. Domestic Violence/Sexual Violence Leave shall be granted if the employee or a family or household member of the employee is the victim of domestic/sexual violence and provides sufficient notice and documentation regarding same.

An employee seeking leave under this section must, before receiving the leave, exhaust all paid leave available.

#### **E. Military Leave**

The City will comply with the requirements of and grant leave in accordance with the Uniform Services Employment and Reemployment Rights Act (USERRA), Chapter 115 of the Florida Statutes, as amended from time to time, and Florida Statute § 250.48, as amended from time to time.

### **1. Training**

All commissioned reserve officers or reserve enlisted personnel in the United States military or naval service or members of the National Guard shall receive a leave of absence without loss of vacation leave, pay, time or efficiency rating, on all days during which they are engaged in training ordered under the provisions of the United States military or naval training regulations when assigned to active or inactive duty. In any one annual period, leaves of absence shall not exceed 240 working hours provided that leaves of absence for additional or longer periods of time for assignment to duty functions of a military character shall be granted without pay and without loss of time or efficiency rating.

### **2. Active Duty Assignments**

All officers or enlisted personnel in the National Guard or a reserve component of the Armed Forces of the United States who are granted leave to perform active military service will receive their full pay for the first 30 days of any such leave.

All members of the Florida National Guard who are granted leave to engage in active State duty for a named event, declared disaster, or operation pursuant to Florida Statute §§ 250.28 or 252.36, shall receive their full pay for the first 30 days. The leave of absence with full pay shall not exceed 30 days for each emergency or disaster. Additionally, under Florida law, National Guard Members called to active State duty may not be terminated from employment for a period of one (1) year after the date the employee returns to work, except for cause.

Employees and their dependents will continue to be eligible to participate in the City's health and dental insurance in accordance with the requirements of USERRA.

### **3. Notice of Leave**

Employees seeking to invoke military leave shall provide advance notice to the City unless such notice is precluded by military necessity or otherwise impossible or unreasonable as interpreted under applicable law.

### **4. Documentation of Leave**

Employees on military leave for periods of more than 30 days shall provide the City with such documentation that can be used to establish the employee's basic eligibility for protection under USERRA. If the employee is unable to provide satisfactory documentation of military service in excess of 30 days, the City reserves the right to contact the military unit with assistance from the employee to obtain such documentation.

### **5. Reinstatement after Leave**

Employees on military leave will be reinstated with the City in accordance with applicable State law and USERRA. Employees who take a military leave of absence are entitled to any seniority-based rights and benefits that they would have attained had the employee remained continuously employed. The period of military leave is not considered a break in employment unless the employee indicates that he or she will not return from military leave.

Upon the return of any employee from military leave, as described above, the temporary services of any employee filling his or her position shall be terminated or any such temporary employee

moved elsewhere in the City's service, at the City's sole discretion. If an employee called to active duty is a probationary employee, the remaining number of days left on the probationary status will be added following the employee's return to work.

#### **6. Failure to Return after Military Leave**

Should the employee not return to employment with the City following said military leave, any vacation or sick leave accrued while on military leave will be subtracted before any allowable payment of any benefits is made in accordance with other provisions of these policies regarding payment of leave balances upon separation from employment.

#### **F. Bereavement Leave**

Regular, full-time employees of the City are eligible for bereavement leave in connection with the passing of an immediate family member. Employees will receive twenty-four (24) hours of leave with pay to attend to family matters, arrange and attend funeral services, and other matters relating to the death of an immediate family member. In circumstances in which the funeral is scheduled to take place more than 250 miles from the City, the employee may request up to sixteen (16) additional hours of leave, which can be granted in the City Manager's or Director of Human Resources' sole discretion, with pay which shall not be charged against any other type of leave. The Department Director may approve or deny such request in his or her sole discretion and may request appropriate documentation for the need for funeral leave. Employees who need additional time off, regardless of where the funeral takes place, may apply for such leave under other applicable City policies, such as the use of vacation leave.

For purposes of taking bereavement leave, an "immediate family member" means an employee's spouse, domestic partner, parent, grandparent, grandchild, sibling, child, domestic partner's parents, domestic partner's children, foster child, parent-in-law, aunt, uncle, sibling-in-law, grandparents of spouse or domestic partner, or legal guardian.

The Human Resources Division shall coordinate the expressions of congratulations, get well wishes, and sympathy to individuals in an amount not to exceed \$100.00 and in accordance with the following:

<u>Individual</u>	<u>Event</u>	<u>Expression</u>
Employee or Board/Committee Member	Birth of a Child, Serious Illness, or Death	Flowers or Plant
Immediate Family Member	Death	Flowers or Plant
	Serious Illness	Card
Other Family Member	Death	Card
Retirees/Volunteers	Death	Card

For purposes of authorized expressions of congratulations, get well wishes and sympathy, an Immediate Family Member is defined as: Spouse, Child, Parent, Brother or Sister; and, Other

Family Member is defined as a Grandparent, Grandchild, Mother-in-law, Father-in-law, Brother-in-law or Sister-in-law.

The City may also send appropriate expressions to other individuals such as former board/committee members, and county or other city officials, upon request and authorization of the City Manager, or designee. All associated costs shall be budgeted within Human Resources Division.

Employees, including supervisors and Department Directors, are prohibited from utilizing the City's funds or resources to initiate any other activities designed to communicate the City's condolences to an employee.

Employees are prohibited from individually soliciting donations or accepting donations from individual employees.

#### **G. Conference and Training Leave**

The City may grant conference and training leave with pay, together with the necessary travel expenses to allow employees to attend conferences, schools, and similar events designed to improve their efficiency, if considered to be in the best interest of the City. Employees seeking such leave and expenses must submit a request in advance to the Department Director for prior review and approval by the Finance Director, or in the case of Department Directors, the City Manager.

The following travel shall require approval by the Department Director: Any in-state travel by City employees below the level of Department Director.

The following travel shall require approval by the City Manager: a) Any in-state travel by a Department Director; b) Out-of-state travel by a Department Director, limited to one (1) conference per budget year; c) Out-of-state training for City employees that is deemed necessary to obtain training and/or maintain required certification for position held, provided such training is not available within the State of Florida; d) Data processing training programs offered by City software/ hardware providers for data processing personnel.

The following travel shall require approval by the City Council: Travel requests that have not been included in a Council adopted budget.

#### **H. Administrative Leave**

Employees may be placed on administrative leave with or without pay pending an investigation that, in the City Manager's sole discretion, requires the employee to be off premises and isolated from the work environment. Where the City Manager is unavailable to make a determination as to the necessity of such leave, a Department Director in consultation with the Director of Human Resources, may temporarily assign an employee to administrative leave with pay until such time the City Manager can make a determination as to the propriety of the leave status.

## Chapter 10: Workers' Compensation

*Note: Notwithstanding any provision of this policy, the City and the employee/claimant shall retain all statutory rights under Florida's Workers' Compensation Statute.*

### A. Safe Work Habits

Each City employee is required, as a condition of employment, to develop and exercise safe work habits in the course of their employment, to prevent injuries to themselves, their fellow employees, and to conserve City property and equipment. All employees shall observe the following rules and practices:

- Take every precaution for the prevention of accidents to themselves, their fellow employees and the public.
- Bring any hazardous condition to the attention of their Department Director.
- Be chargeable with responsibility for the proper safe operation of all equipment used in the performance of the employee's duties.
- Observe safety rules, regulations and procedures.
- Wear required safety equipment.
- See to it that the safety equipment they are required to use or wear in the performance of their duties is in proper condition and is used as instructed.

### B. Reporting

Employees who are injured while performing their duties for the City shall make an immediate report of the injury to their immediate supervisor. Every injury, including those not requiring medical attention, shall be reported in writing to the Department Director by the injured employee's supervisor within twenty-four (24) hours of the injury. Department Directors shall be responsible for notifying Human Resources of all injuries reported by employees under their supervision and shall ensure that proper written reports are prepared and forwarded to appropriate officials.

### C. Immediate Medical Attention/Care

If an employee is injured to such an extent that the employee requires immediate medical care, employees, supervisors, co-workers, or other witnesses to the accident should call 911 immediately for emergency assistance. If the need is not immediate, the employee should consult Human Resources for additional information regarding the procedure for obtaining medical treatment.

### D. Workers' Compensation Procedure

An employee who sustains a compensable workplace injury may be eligible to receive certain benefits depending on the nature of the injury. Such benefits may include full wages for the first forty (40) hours following injury, replacement of a percentage of weekly wages, permanent impairment benefits, medical treatment and medication, and reemployment services. In certain circumstances, employees may also be released and eligible for "light duty" work that may be assigned by Human Resources in any department at the City. Additional information and guidance regarding the procedure associated with workers' compensation should be obtained from Human Resources.

### **E. Retaliation Prohibited**

The City will not terminate, discipline, or take any other adverse personnel action against any employee for filing a claim for workers' compensation benefits in good faith.

### **F. Temporary Light Duty**

#### **1. Work Related Injuries and Illnesses**

If an employee suffers a work-related injury or illness and becomes physically able to perform some useful alternate or transitional duty work, the City will consider temporary alternate or transitional duty work for the employee, if there is such work available and if such work is consistent with the employee's medical limitations. The City is not required to create or provide alternate or transitional duty work. The availability and duration of alternate or transitional duty work is up to the sole and exclusive discretion of the City. If work that is consistent with the employee's medical limitations is available and offered for up to 60 days, the employee must accept and perform such work. Such work can be in any department at the City.

The City provides up to a maximum of twelve (12) months total leave, for the employee to return to the essential duties of their position. If the employee cannot return to full duty upon the expiration of the 12 months, the employee's employment with the City may, in the sole discretion of the City Manager, be terminated.

#### **2. Non-Job Related Injuries or Illnesses**

If an employee suffers a non-job related injury or illness and becomes physically able to perform some useful alternate or transitional duty work, the City will consider temporary alternate or transitional duty work for the employee, if there is such work available in the employee's department and if such work is consistent with the employee's medical limitations. The City is not required to create or provide alternate or transitional duty work. The availability and duration of alternate or transitional duty work is up to the sole and exclusive discretion of the City. If work that is consistent with the employee's medical limitations is available and offered, the employee must accept and perform such work. Such work can be in any department at the City.

### **G. Accrued Paid Time Off**

Any employee that is out on workers' compensation leave as described herein, shall not accrue any paid time off (vacation, sick, holiday, or otherwise) except when utilizing the accrued paid leave. Employees shall first use any and all accrued time earned in each payroll period to supplement workers' compensation. Once that accrued time is exhausted in that particular payroll period, the employee shall utilize any and all accrued leave time to supplement their workers' compensation benefit up to the regular wage and not to exceed the regular wage had the employee been working full-time.



## **Chapter 11: Travel and Vehicles**

### **A. Travel Expenses and Reimbursement**

The City authorizes reimbursement for travel expenses for City employees who are required to use their personal vehicle for City business are eligible for mileage reimbursement which shall be paid monthly at the rate authorized by Florida Statutes or the United States Internal Revenue Code, whichever is greater. Employees requesting mileage reimbursement shall be required to file a copy of a Mileage Reimbursement Statement (see Finance or Human Resources for the form) for each calendar month. The Mileage Reimbursement Statement shall be submitted to the Department of Finance by the 10th of each month. Mileage reimbursements shall not be paid for the use of a personal vehicle involved in travel to and from work.

If applicable, the City Manager shall be reimbursed for mileage driven on official business outside Palm Beach County in his/her private vehicle at the rate as established by his/her employment contract. If not rate is established in his/her employment contract, the rate will be as described above. Department Directors shall be authorized mileage reimbursement for mileage driven on official business outside Palm Beach County in their private vehicles at the rate describe above.

The City will maintain a separate Travel and Reimbursement administrative directive policy that will be updated from time to time, as necessary. For more information on the Travel and Reimbursement administrative policy, contact the Finance Department or Human Resources.

### **B. Car Allowance and Vehicle Use**

Employees holding the position of Department Director, Public Information Officer, or higher shall be provided a car allowance for use of privately owned automobiles on official business in the amount of \$360, unless a City vehicle is provided to the employee. The City Manager may receive a car allowance greater than \$360 if the City Manager's contract provides for it. Employees receiving an auto allowance for use of their private automobile will be reimbursed at the rate of 15¢ per mile only for travel outside of Palm Beach County. Therefore, those employees shall deduct 25 miles each way (for a total of 50 miles) from their mileage total.

Pursuant to applicable Florida Statutes, such allowance shall be in lieu of the mileage rate reimbursement for business travel within Palm Beach County. Employees accepting the car allowance must ensure business use of the personal vehicle is properly insured at the employee's sole expense and submit proof of such insurance. A car allowance may be considered wages and subject to applicable taxes and withholdings.

Employees who accept a car allowance shall provide the City with a copy of an insurance card evidencing that said vehicle is insured in accordance with Florida Law. Employees who accept the car allowance will be required, as a condition of employment, to provide authorization for the City to perform periodic checks regarding driving history. Such checks regarding driving history will be conducted in accordance with federal and state law. Employees accepting car allowances are required to provide notification of any suspension, revocation, or restriction of their license to the City within one (1) week of such suspension, revocation, or restrictions. In no event may an employee with a suspended, revoked, or restricted license operate a City vehicle or a personal vehicle while on City business.

City vehicles are generally equipped with GPS systems. Employees driving City vehicles must obey all state and local traffic laws including speed limits. Only those employees authorized may operate or drive City vehicles and are expected to drive in a safe and responsible manner. Employees must not operate or drive a City vehicle when his or her ability to do so safely has been impaired by illness, fatigue, injury, or prescription medication.

Fire Department employees that are assigned personal use City vehicles are as follows: Chief, Assistant Chief, Division Chief, Fire Marshal, and Assistant Fire Marshal. These Fire Department employees are permitted to use City vehicles as authorized by the Fire Department's General Orders.

All City employees authorized by their respective Department Director may use City vehicles for official use.

Any employee using a City owned or leased vehicle shall adhere to the City Vehicle and/or Equipment Damages and Repairs Administrative policy. A copy of which can be obtained from Human Resources.

## Chapter 12: Employee Training & Development

### A. Tuition Reimbursement Program

Subject to employee application and approval by the City, the City will reimburse regular, full-time employees' tuition costs for approved coursework relating to their job duties or leading to a degree relating to their job based on academic performance, according to the following schedule and procedures described below:

- Grade "A" 100%
- Grade "B" 85%
- Grade "C" 75%

Employees receiving a grade of "D" or below will not be eligible to receive tuition reimbursement. The City will not reimburse employees for courses which the employee receives a grade of "PASS" or "FAIL," unless no other grade option is available for the course. In those instances, employees enrolled in classes offering only "Pass/Fail" will be reimbursed 100% for achieving a passing grade.

The total annual amount a non-bargaining, regular, full-time employee may receive per fiscal year from the City for tuition reimbursement may not exceed \$2,000.00 subject to the availability of budgeted funds. Employees covered by a Collective Bargaining Agreement should refer to the limits contained in the CBA. Employees who are eligible for tuition benefits under any other tuition refund or incentive program, policy, or agreement, are not eligible for tuition benefits from the City.

To be eligible to participate in the program, employees must: be full-time non-probationary employees; be in good standing without having received any suspensions during the last twelve (12) months, and have a current performance evaluation that reflects an overall rating of "Meets Expectations" or above if applicable; be in a paid status; pursue job related undergraduate and graduate level courses taken for academic credit leading to Associate's, Bachelor's, Master's, or Doctoral Degrees through accredited colleges and universities accredited by organizations recognized by the U.S. Department of Education and verified at <http://ope.ed.gov/accreditation/Search.asp>.

Employees interested in participating in the City's Tuition Reimbursement Program should submit a Tuition Reimbursement Program application to their Director for review and consideration prior to registering for coursework, with a minimum of 5 days prior to the start of any class. The Department Director will review and complete the form and forward the application to Human Resources, who will coordinate further review and processing of the application. Upon final approval, the Human Resources Division will notify the employee of such approval and forward the original executed and approved application to the employee.

All approved applicants must resubmit the original application form, along with original receipts for tuition books, and original grade report to Human Resources for reimbursement, no later than

30 days from receipt of the grade(s). Reimbursements will be processed and paid through payroll and included in each employee's direct deposit.

Subject to the fiscal year maximum established herein, reimbursement shall be the actual tuition cost, excluding books and other supplies, based on the established Florida resident credit hour rate for undergraduate or graduate courses in the State of Florida university system attended by the employee. If the Employee did not attend a college within the State of Florida university system, but did attend an accredited college as required by this policy, the City shall reimburse at the rate established for Palm Beach State College or the accredited college the employee attended, whichever is less.

Employees who are candidates for certificates or degrees must also submit a statement from their Academic Department representative, indicating the title of the degree or certificate sought and the field of specialization.

Employees receiving tuition reimbursement from the City will be obligated to remain employed by the City for a minimum of three (3) years from the date of tuition reimbursement. Employees who leave the City's service, whether voluntarily or involuntarily (*e.g.*, performance or disciplinary-based terminations), within three (3) years following tuition reimbursement will be obligated to refund the tuition benefits provided by the City through deductions from their final payroll check on the following schedule:

Within 1 <sup>st</sup> year	100%
Within 2 <sup>nd</sup> year	75%
Within 3 <sup>rd</sup> year	50%

## Chapter 13: Vacation Leave

Vacation leave is provided by the City for regular, full-time employees so that they may have paid time off from the performance of their duties for rest and relaxation. All vacation leave requests must be approved in advance of the leave, by the employee's Department Director based on the operating requirements of the City. Vacation hours will begin to accrue on the first day of employment. As with all vacation requests, vacation requests made by employees within their probationary period are subject to review and approval by their Department Director.

### A. Accrual of Leave

An employee is eligible for vacation leave with pay the 1<sup>st</sup> payroll after 6 months of continuous service. Vacation days are accrued on a bi-weekly basis for purposes of leave due. In computing vacation leave earned, only those months shall be counted during which an employee has worked three-quarters or more of his regular workdays.

Completed Years of Service	Number of Hours Accruable Per Year
1 <sup>st</sup> payroll after 6 months of employment-5	80 hours
6-10	120 hours
11-15	160 hours
16 or more	200 hours

Vacation leave may be accumulated up to a maximum of 240 hours of leave time. Each October 1, accruals that exceed 240 hours are adjusted downward to the maximum of 240 hours and any accrued and unused leave in excess of 240 hours at that time is irrevocably forfeited. When the requirements of an employee's job prevent the taking of vacation leave so that such leave accumulates in excess of 240 hours, the period of time during which such excess leave must be used may be extended upon the approval of the City Manager.

### B. Payment of Leave Upon Separation

Upon separation from City service for any reason, an employee shall be paid the remaining balance of accrued and unused vacation leave as of the final date of employment. Payment shall be made on the next regular pay date following the final date of employment. In no event shall such leave payment exceed 240 hours.

While probationary employees accrue vacation leave during the probationary period, such employees are not eligible for payout of unused, accrued vacation, regardless of the reason underlying their separation and such leave is automatically forfeited.

### C. Use of Leave

Employees must take a mandatory forty (40) hours of vacation leave each fiscal year. However, such mandatory leave does not have to be on consecutive business days.

Vacation leave must be requested, scheduled by, and approved by the Department Director or designee as far in advance as possible, but not less than twenty-four (24) hours in advance of the time requested, except in cases of emergency. In addition to using vacation leave for rest and

relaxation, employees may also use vacation leave for the following reasons, among others, subject to approval by an employee's Department Director or designee:

- Absences occasioned by illness or injury of a member of the employee's family;
- Absences where personal obligations must be addressed during the employee's assigned hours of work;
- Sick leave, where regular accumulated sick leave days have been exhausted by the employee; however, sick leave may not be used for vacation leave.

Employees who have submitted their resignation shall not be permitted to use Vacation Leave during the notice period provided for in the resignation. However, the Director of Human Resources has the discretion to waive such prohibition in the unique circumstance where such dates were pre-approved before the resignation was contemplated or submitted.

#### **D. Financial Hardship Vacation Buy-Back**

Non-probationary, full-time employees experiencing financial hardship may submit a request to sell up to 160 hours of accrued and unused vacation leave to Human Resources for consideration by the City Manager, provided the employee has met, or will meet, the requirement to take a minimum of forty (40) hours of vacation leave each year. This policy shall not be construed to allow for any type of advance on wages or a loan against future wages.

"Financial Hardship" is an immediate and heavy financial need of the employee, which includes the need of the employee's spouse or dependent. Certain expenses are deemed to be immediate and heavy, including: (1) certain medical expenses; (2) costs relating to the purchase of a principal residence; (3) tuition and related educational fees and expenses; (4) payments necessary to prevent eviction from, or foreclosure on, a principal residence; (5) burial or funeral expenses; and (6) certain expenses for the repair of damage to the employee's principal residence. A financial need may be immediate and heavy even if it was reasonably foreseeable or voluntarily incurred by the employee.

Such request must be on the prescribed application form and contain a detailed explanation of the hardship condition including backup documentation as to the amount needed. All requests shall be subject to budgetary constraints of the department. The employee shall submit the form to the Department Director, who shall assess the request and make a recommendation to the Finance Director. The Finance Director and Director of Human Resources shall review the information provided in total, including the recommendation of the Department Director, and shall make a recommendation to the City Manager.

In granting or denying the request, the City Manager may consider whether the employee is on a performance improvement plan and whether the employee has received disciplinary action within the previous six (6) months, and other relevant factors.

All buyback payments are subject to applicable withholding and taxes.

Application for Vacation Hardship Buy-Back is strictly limited to one time per fiscal year.

## Chapter 14: Sick Leave

### A. Sick Leave General

Sick leave is provided by the City for regular, full-time employees so that they will have paid time off when they are unable to report for duty by reason of illness, injury, and/or periods of stress, occasioned by reasons other than causes arising out of employment with the City.

Sick leave may be used in the case of:

- Actual disability arising from illness and/or non-work related injury;
- Medical, dental, or eye treatment or examination for which arrangements could not be made outside the employee's assigned hours of duty;
- The care of an employee's spouse, domestic partner, parent, grandparent, legal guardian, sibling, child, domestic partner's child, parent-in-law, or domestic partner's parent experiencing a serious illness and/or injury, up to and including three (3) consecutive working days. The relations set forth above shall include those arising from marriage or adoption, or guardianship established by Court action.

Sick leave with pay shall be granted to regular employed full-time employees at the rate of 8 hours for each completed month of service. On the date when the employee becomes eligible to take paid sick leave, he or she shall be credited with the appropriate amount of sick leave. Thereafter, earned sick leave will be credited on a bi-weekly basis. In order to accrue sick leave for a month's service, an employee must have worked at least three-quarters of the days or time scheduled to be worked during that month. For purposes of this subsection, days worked shall include vacation leave or approved leave with pay.

Employees may accumulate up to 960 hours of sick leave. For sick leave accrued above 480 hours, employees may opt to receive compensation at their normal hourly rate, once per fiscal year, for one-half of the total hours accrued above 480 hours. For each half-day of pay (4 hours), one full day of sick leave (8 hours) will be deducted from the employee's accumulated sick leave time.

Upon resignation or retirement in good standing, employees who provide the City with a two (2) weeks written notice shall be paid at their then regular hourly rate for the portion of their accrued sick leave as stated below, not to exceed the maximum 960 hours. When it is determined to be in the best interest of the City, the City Manager may waive the requirement for two weeks' notice. Sick leave accrued shall be forfeited if the employee is discharged or is not in good standing at the time of termination.

<u>PERSONNEL</u>	<u>YEARS OF SERVICE</u>	<u>% OF PAYOUT</u>
<b>GENERAL EMPLOYEES</b> Hired before 10/16/06 and <b>BARGAINING UNIT EMPLOYEES</b> Hired before 6/28/00	10 years + in good standing	100%
<b>BARGAINING UNIT EMPLOYEES</b> Hired after 6/28/00 and <b>GENERAL EMPLOYEES</b> Hired after 10/16/06	Retirement* 10 years 5-10 years 0-5 years	100% 50% 25% 0%

\*When an employee is vested and applies for a retirement benefit under the City's retirement plan.

Should an employee in good standing and eligible for sick leave passes away prior to retirement, payment for accrued sick leave will be made to the employee's designated retirement plan beneficiary, or in the absence of a designated beneficiary, to the employee's next-of-kin.

In order to receive approval for requested sick leave, employees may be required to provide a physician's certification as to the nature of and probable duration of the need for any use of sick leave. Sick leave may be approved for up to three (3) consecutive working days by a Department Director or his or her designee without requiring a physician's certification. A sick leave request of more than three (3) consecutive working days may require a physician's certification. Additionally, the certification of a licensed physician as to the nature of the condition, and as to whether or not the employee is in a condition to return to his or her regular duties without danger to the employee or others may be required in the discretion of the Department Director and the Director of Human Resources.

To be placed on daily sick leave, an employee is responsible for notifying his or her Department Director or designee. Unless an emergency condition exists, as determined by the City, an employee shall provide notice as soon as possible, but not later than one (1) hour before the start of the employee's assigned hours of duty. The employee must provide the reason for the absence, the probable duration, and other related information. Where appropriate notification and information is not provided by the employee, the Department Director or his or her designee shall not authorize payment of sick leave. Such absence shall be recorded as an unauthorized absence without pay.

General employees may use up to 24 hours annually of accrued Sick Leave as Personal Leave. Personal Leave shall be taken in two (2) hour increments. Personal Leave must be approved by the Department Director or designee and shall not cause overtime. The 24 hours of converted time shall be treated as Sick Leave for overtime purposes and shall not be considered actual hours worked for purposes of calculating overtime if used within one working day (before or after) any additional hours worked by an employee.



## **B. Voluntary Sick Leave Donation Program**

The City's Sick Leave Donation Program is voluntary and is designed to extend paid benefits to employees who experience a medical emergency that will require the prolonged absence of the employee from duty and will result in a substantial loss in income to the employee because the employee will have exhausted all paid leave.

The following sets forth the eligibility requirements associated with receipt of Sick Leave Donations:

- The employee must be eligible for Family and Medical Leave Act leave.
- The employee must have exhausted his or her vacation and sick leave benefits.
- The employee must complete a Certification of Healthcare Provider, as required under the FMLA.
- The donating and receiving employee must both be either non-bargaining or within any bargaining unit.
- The employee must obtain and fully complete a Sick Leave Donation Application from the Human Resources Division, articulating the reasons why the Sick Leave Donations are appropriate. Employees are prohibited from personally lobbying other employees to request donations as all communications will be issued from the Human Resources Department.
- The employee will only be eligible to receive such donations during the period of any unpaid FMLA leave. As such, the maximum amount of leave an employee may receive is the number of hours necessary to cover the FMLA leave, less any accrued and unused sick and vacation leave balances. As such, the maximum is 480 hours less any available accrued and unused sick and vacation leave balances.
- In order to be eligible to receive Sick Leave Donations, an employee may not be receiving income benefits from other sources, such as Short-Term Disability and Long-Term Disability, or workers' compensation.
- Sick Leave Donation time must generally be taken in full-workday increments.

The following sets forth certain requirements relating to employees contributing Sick Leave Donations:

- The donating employee must complete a Sick Leave Donation Request/Authorization and submit it to Human Resources.
- The donating employee may not designate a specific individual for whom the Sick Leave Donation will be provided. Rather, any such Sick Leave Donations will be placed into the bank for equal distribution.
- The donating employee may only donate a maximum of forty (40) hours of accrued, unused sick leave per fiscal year. Such amount may not exceed more leave than they normally accrue during the fiscal year.
- The donating employee must have at least eighty (80) hours of sick leave remaining in the employee's leave bank after the donation is made to ensure the donating employee's own absences will be covered in the event of unexpected illness.
- Once Sick Leave hours have been donated, they may not be returned, but will remain in the bank for future use.
- Sick Leave Donations must be made in minimum of four (4) hour increments.

Applications for Sick Leave Donation will be reviewed by Human Resources and submitted to the City Manager for consideration and action. The City Manager, in consultation with the Director of Human Resources, shall make the final decision as to whether the application will be approved or denied.

Sick Leave Donation requests and receipt of Sick Leave Donations will be treated in an appropriate manner, respecting the privacy of the recipient employee, as well as the donating employee.

Donated Sick Leave will be provided to a recipient employee on an hour for hour basis.

Donated Sick Leave will be processed through payroll as income to the recipient employee. Further, requests and/or approvals for Sick Leave Donations in any amount are not guaranteed and are subject to employee donations. Again, participation is not required or expected by the City and is completely voluntary.

Employees interested in participating the Sick Leave Donation Program, either as a recipient or as a donor, should contact Human Resources.

## Chapter 15: Holidays

### A. Observed Holidays

The following shall be official City holidays during each calendar year:

• New Year's Day	January 1
• Dr. Martin Luther King, Jr. Day	3rd Monday in January
• President's Day	3 <sup>rd</sup> Monday in February
• Memorial Day	Last Monday in May
• Juneteenth	June 19
• Independence Day	July 4
• Labor Day	1st Monday in September
• Veteran's Day	November 11
• Thanksgiving Day	4th Thursday in November
• Friday following Thanksgiving	
• Christmas Eve	December 24
• Christmas Day	December 25
• Floating Holiday	Date approved by supervisor

If a recognized holiday falls on a Saturday, the designated holiday shall be on the previous Friday. If a recognized holiday falls on a Sunday, the designated holiday shall be on the Monday following the holiday. In cases where Christmas Eve and Christmas day fall on Friday/Saturday, Saturday/Sunday, or on Sunday/Monday, the holidays shall be observed by the City as follows:

<u>Christmas Eve (actual)</u>	<u>Christmas Day (actual)</u>	<u>Observed as:</u>
Friday	Saturday	Thursday and Friday
Saturday	Sunday	Friday and Monday
Sunday	Monday	Monday and Tuesday

The City Manager, in conjunction with the Department Director, retains ultimate discretion as to whether employees will be required to work on a particular holiday based on the operational needs of the City.

The Floating Holiday shall not carry over from year to year and shall not be paid out at separation of employment for any reason. If the Floating Holiday is not used during the calendar year or is not used prior to separation during any given calendar year, it is forfeited.

### B. Holiday Pay

Regular, full-time employees are eligible for the receipt of paid holidays as set forth below.

Generally, regular, full-time employees will not be required to work on a recognized holiday and will receive their regular rate of pay for the recognized holiday. In some cases, due to departmental requirements, employees may be scheduled and required to work on a holiday. Non-exempt employees assigned to work on a holiday shall receive eight (8) or ten (10) hours of holiday pay based on their regularly scheduled work hours in lieu of a day off. Additionally, non-exempt non-bargaining employees assigned to work on a holiday shall be paid at 1.5 times the regular rate of pay for actual hours worked on the designated holiday.

Employees calling in sick the day before or the day after a holiday will not be compensated for the holiday. At the Department Director's discretion, with the Director of Human Resources approval employees may be compensated for the holiday if it is deemed that the employee was legitimately ill. Human Resources may require documentation from the employee's health care provider.

Eligible employees on paid leave shall be granted holiday pay in lieu of a paid leave day. Eligible employees on unpaid leave, suspended without pay, temporary employees, and part-time employees are not eligible for holiday pay.

Regular, full-time employees who do not work on a designated holiday by virtue of a modified work schedule necessitated by the requirements of their position will be credited eight (8) hours of vacation pay for the designated holiday.

## **Chapter 16: Family and Medical Leave Act Leave**

### **A. General Policy Statement**

Eligible employees will be granted up to 12 weeks of unpaid family, medical, or exigency leave during a 12-month period in accordance with the Family and Medical Leave Act (FMLA). Eligible employees will be granted up to 26 workweeks of unpaid leave to care for a covered member or veteran of the Armed Forces, including a member or veteran of the National Guard or Reserves, who is a family member or next of kin, during a single 12-month period in accordance with the FMLA as amended from time to time. The 12-month period is measured backward from the first date an employee uses FMLA leave. However, in the case of caring for a service member, where up to 26 weeks of leave may be taken, the 12-month period is measured forward from the first date of leave.

During this leave, an eligible Employee is entitled to continued group health plan coverage as if the Employee had continued to work, however the employee will not accrue vacation/sick leave during unpaid FMLA leave. At the conclusion of the leave, subject to some exceptions, an Employee generally has a right to return to the same or an equivalent position.

### **B. Notice**

Employees must provide the Human Resources Department with no less than thirty (30) days' notice of their intent to take FMLA leave when the leave is foreseeable. If such leave is unforeseeable, the employee shall provide notice as soon as possible after the employee learns of the need for the leave. Employees on approved family leave, medical leave, exigency leave, or service member leave under this policy, with or without pay, must make at least monthly contact with Human Resources during their absence and must provide Human Resources with proper documentation, as determined by Human Resources after each visit to a medical professional for a status update. Family Medical Leave under this policy runs concurrently with all other paid or unpaid leaves of absence.

### **C. Eligibility**

To be eligible for FMLA leave, exigency leave, or service member leave, an employee must have been employed by the City for at least twelve (12) months and must have worked for at least 1,250 hours during the previous twelve (12)-month period. Employees must also work at a site with 50 or more City employees or where 50 or more City employees are located within 75 miles of the worksite.

In addition to the foregoing eligibility requirements, the employee must also show that the reason for the leave falls into one of the following categories:

1. For the birth of a son or daughter, and to care for the newborn child;
2. For the placement of a child with the employee for adoption or foster care, and to care for the newly placed child;
3. To care for an immediate family member (spouse, child, or parent) with a serious health condition;

4. When the employee is unable to work because of a serious health condition;
5. To care for an injured or ill covered service member or covered veteran. The employee must be the family member or the next of kin (nearest blood relative) of the covered service member or covered veteran; and
6. To address any qualifying exigency arising out of the fact that a spouse, child, or parent who is also a military member in the National Guard or Reserves or a regular component of the Armed Forces when the military member is on covered active duty or called to covered active duty status and deployed to a foreign country.

#### **D. Medical Certifications**

The employee shall provide Human Resources with complete and sufficient certification of the need for leave from the health care provider of the employee, family member, or covered service or military member within fifteen (15) days of notification of the need for leave.

The employee will be required to submit a recertification in certain circumstances. Employees bear the entire cost of obtaining all certifications required by the City.

The City may require, at its own expense that the employee obtain the opinion of a second health care provider designated or approved by the City.

Employees must provide complete and sufficient certifications and documentation to Human Resources as required. Employees failing to provide complete and sufficient certifications as required, and after any opportunity to correct, may be denied the taking of FMLA leave. Failure to provide any certification may result in denial of leave under the FMLA policy. Employees who fail to provide requested documentation of the reason for an absence from work may be subject to disciplinary action up to, and including, termination.

#### **E. Intermittent or Reduced Work Week Leave**

Leave can be taken intermittently or on a reduced work schedule when medically necessary for a serious health condition or as a result of a qualifying exigency. However, the employee must provide a certification from the health care provider stating that the employee's reduced work schedule is medically necessary and the expected duration and schedule of the intermittent leave or reduced work schedule when intermittent leave is medically necessary.

If an employee requests intermittent leave or leave on a reduced work schedule that is foreseeable based on a planned medical treatment, the employee:

1. May be required to transfer temporarily to an available alternative position (for which he or she is qualified) which has an equivalent pay and benefits and which better accommodates recurring periods of leave than the regular position of the employee.
2. Must make reasonable efforts to schedule the treatment so as not to unduly disrupt operations.

## **F. Health Insurance during FMLA Leave**

During approved FMLA leave, the City is required to maintain group health insurance benefits. Maintenance of such group health insurance requires that the employee continue to contribute any co-payment and his or her normal portion of the insurance premiums to the City at the same time payroll deductions would normally be made in order to maintain insurance coverage. If the employee's payment is more than 30 days late, the City may discontinue health insurance coverage upon notice to the employee. To the extent an employee's FMLA leave is paid through available accrued leave balances, the employee's portion of premiums will be collected through payroll deductions. For details on continuation of health insurance benefits for dependents, please contact the Human Resources Department.

## **G. Return from FMLA**

Employees returning from an FMLA leave are required to submit a fitness for duty certification from their healthcare provider prior to returning to work demonstrating the employee can perform the essential functions of the job. Failure to provide that certification may delay the employee's reinstatement.

After the beginning of the leave, an employee may discover that circumstances have changed and the amount of leave time originally anticipated is either reduced or needs to be extended. In foreseeable circumstances where it is necessary to change leave time, the employee is required to give the City notice within two (2) business days.

The City will provide a reasonable break time for an employee to express breast milk for her nursing child for one (1) year after the child's birth each time the employee has need to express the milk. The City will provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.

An employee who accepts other employment during FMLA leave, or who fails to return to work on the next regularly scheduled work day following the expiration of the leave, or who does not accept a position offered by the City when returning from leave, will be separated from their employment. Employees are prohibited from performing any work during FMLA leave, for the City or any other entity or individual, and may be terminated immediately upon discovery of same.

Employees who give notice to the City that they do not intend to return to work upon conclusion of FMLA leave will be considered to have voluntarily resigned.

## **H. Concurrent Paid and Other Leave**

The City requires that employees use their accrued paid leave, such as sick or vacation leave or compensatory time, concurrently with their FMLA leave. Similarly, other leave occasioned by, for example, workers' compensation injury or disability will run concurrently with an employee FMLA entitlement.

Questions on Family and Medical Leave can be directed to the Director of Human Resources.

In the event the requirements under the Family and Medical Leave Act are amended, such requirements shall control.

## Chapter 17: Drug-Free Workplace Policy

The City of Greenacres has a longstanding commitment to provide a safe and productive work environment consistent with the standards of the community in which we serve. The use of illegal/illicit drugs by City employees, on or off the job, and the state of being under the influence of drugs or alcohol while at work are inconsistent with the law-abiding behavior expected by all citizens and the special trust placed in City employees as public servants. Alcohol and drug use and abuse poses a threat to the health and safety of the City of Greenacres employees and to the security of the City's property and facilities. The City of Greenacres is committed to the elimination of drug and alcohol use and abuse in the workplace.

### A. Policy

This policy outlines the practice and procedure designed to establish the City as a Drug Free Workplace.

1. It is a violation of this policy for any employee to use, possess, sell, trade, offer for sale, or offer to buy illegal drugs or otherwise engage in the illegal use of drugs on the job;
2. It is a violation of this policy for anyone to report to work under the influence of illegal drugs or alcohol;
3. It is a violation of this policy for anyone to use prescription drugs illegally. (However, nothing in this policy precludes the appropriate use of legally prescribed medications);
4. It is a violation of this policy to unlawfully manufacture, distribute, dispense, possess, or use controlled substances in the workplace;
5. It is a condition of employment to abide by the Drug-Free Workplace Policy;
6. Violations of this policy subject all employees to disciplinary action up to and including immediate termination.

The goal of this policy is to balance our respect for individual privacy with the need to maintain a safe, productive and drug-free environment. The intent of this policy is to offer a helping hand to those who need it, while sending a clear message that the illegal use of drugs and the abuse of alcohol are incompatible with employment at the City. In the event the provisions of this policy conflict with a collective bargaining agreement, the collective bargaining agreement will prevail.

### B. Authority for Drug & Alcohol Testing

The City has implemented this policy in accordance with the program requirements outlined in Florida Statute § 440.102.

### C. Full Drug-Free Work Place Policy

The entire Drug-Free Work Place Policy of the City of Greenacres is attached to this Handbook and incorporated herein as Appendix "A."



**D. Effective Date of Drug-Free Workplace Policy**

This Drug-Free Workplace is effective immediately upon adoption and supersedes any prior policies.

## **Chapter 18: Health and Safety**

### **A. Safety Generally**

The City Manager, in cooperation with Department Directors, shall be responsible for the development and administration of programs providing for the general health and safety of City employees.

The City shall make appropriate efforts to promote among employees and in the departments appropriate standards of safety and good health. All employees shall be responsible for performing work assignments in a safe manner. Prime consideration shall always be given to safety in all work situations.

Supervisors and Department Directors shall:

1. Be responsible for the establishment and implementation of appropriate safety standards within their respective activity areas, for periodically reviewing accident frequencies to determine and correct causes, and for identifying and correcting safety hazards.
2. Ensure that all new employees, including seasonal, temporary, and/or part-time employees are thoroughly advised, instructed, and supervised in necessary safety policies, practices, and procedures.
3. Implement and actively support the City's safety program.
4. Arrange and conduct safety meetings, inspections, and training sessions.
5. Provide and/or require equipment necessary to adequately protect the health and safety of employees.
6. Immediately investigate accidents, and prepare all necessary forms for documentation and future prevention of on-the-job injuries and hazardous conditions.

All employees shall:

1. Be thoroughly familiar with and comply with safety requirements and practices applicable to their respective work assignments.
2. Wear appropriate safety and/or protective gear as applicable to the work assignment.
3. Actively report unsafe or potentially dangerous conditions and accidents or injuries to their supervisor immediately.

Employees may be subject to disciplinary action for failure to comply with health and safety workplace requirements.

### **B. Clean Indoor Air Policy**

All individuals are prohibited from smoking, vaping, or using tobacco products in any enclosed indoor workplace at the City in accordance with Florida law. Enclosed indoor workplaces include any place that is predominantly or totally bounded on all sides and above by physical barriers, which includes City vehicles. "Predominately" generally refers to coverage of more than 50%. Employees unsure of an acceptable location for smoking should consult their supervisor.

Employees who witness individuals smoking, vaping, or using tobacco products in an enclosed indoor workplace must request the individual immediately extinguish the smoking device. If the employee is not comfortable confronting another employee or a citizen about the violation, he or she should immediately seek assistance from his or her supervisor or any member of management if the supervisor is unavailable.

To ensure a professional appearance, employees are also prohibited from smoking, vaping, using tobacco products, or using simulated smoking devices on City property during working hours or while on paid time, as well as while using City vehicles.

Employees who violate this policy may be subject to disciplinary action up to, and including, immediate termination.

The City will not retaliate against any employee who makes good faith reports of suspected violations of this policy.

For purposes of this policy, “tobacco products” include, but are not limited to cigarettes, cigars, chewing tobacco, and pipe smoking. A “simulated smoking device” includes, but is not limited to, electronic cigarettes, electronic pipes, or other devices intended to resemble or having the appearance of a cigarette, cigar, pipe, or other tobacco product. “Vape” or “vaping” means to inhale or exhale vapor produced by a vapor-generating electronic device or to possess a vapor-generating electronic device while that device is actively employing an electronic, a chemical, or a mechanical means designed to produce vapor or aerosol from a nicotine product or any other substance.

### **C. Hurricane & Emergency Preparedness**

In the case of an approaching hurricane or similar emergency, certain employees may be required to continue to perform work for the City (“Essential Personnel”), while other employees may be excused from work (“Non-essential Personnel”).

The following sets forth an overview of compensation in the event the City Council declares a State of Emergency due to a hurricane or similar emergency.

During the declaration of emergency, any approved leave time may be cancelled at the City Manager’s (or designee’s) sole discretion. If the employee is already on vacation or using leave time when the emergency is declared, the employee must make every effort to check in with his or her supervisor for further instructions and may be required to report back to work. The City Manager or designee must approve all regular and overtime hours once the state of emergency has been declared. The City Manager, in consultation with the Fire Chief, will determine actual lockdown hours for purposes of this policy.

### ***FEMA Requirements***

For purposes of reporting and/or reimbursement by the Federal Emergency Management Agency (FEMA), all hours compensated during a declared emergency will be tracked both electronically and on designated timesheets as directed by the City Manager or designee. Other requirements apply, as determined by the City Manager.

### ***Requirements***

Based on the type of activation, the City may need staff before, during, and after the emergency event. Typically, those who are required to report during the event will be notified prior to its start, however, this may not always be possible. All employees must return to work as instructed by their supervisor and/or via an announcement posted on the City's website or social media. Failure to return to work on the expected return to work day, shall be grounds for discipline, up to and including termination of employment.

### ***Emergency Pay for Non-Exempt Staff***

Non-exempt employees who are required to work during a declared emergency and are scheduled to be in "lockdown" at the direction of the City Manager shall be compensated with regular pay for their regularly scheduled hours during the lockdown period. In addition, for the time actually worked during the lockdown period within the declared emergency time frame, non-exempt employees shall receive time and one-half their regular rate of pay. To the extent applicable there will be no duplication or pyramiding of overtime or premium pay for the same hours worked, including, but not limited to call back and standby pay.

Non-exempt full time employees who are not required to work during the declared emergency, may be released from duty and will be paid regular pay for the declared emergency time frame that City offices are closed due to the emergency event.

Employees with work schedules who have normal scheduled days off during the declared emergency time frame, will not be paid for those hours. Employees with previously scheduled and approved leave time who are not required to work will be paid according to the applicable leave time policy. Emergency hours paid for time not worked will not count toward overtime calculations.

Non-exempt part time employees who are scheduled to work but are not required to work during the declared emergency may be released from duty and will be paid regular pay for the declared emergency time frame, based on their normal workday schedule.

Seasonal and temporary part time employees and interns will only be paid for hours worked during a declared emergency.

### ***Emergency Pay for Exempt Staff***

Exempt employees who are required to work during the declared emergency and scheduled to be in "lockdown" shall, in addition to receiving the same compensation as other exempt employees who are not required to work during the declared emergency, be compensated one (1) hour of straight time for each hour of time worked within the same pay week. "Straight time" for exempt employees is defined as the annual salary divided by 2080, even though such salary is designed to cover all hours worked, including hours worked over 40.

Exempt employees will also receive compensation of one and one-half hours of pay for each hour of time worked within the same pay week when they perform duties that are directly related to emergency preparation and recovery efforts outside the emergency declaration period and outside their normally-scheduled work shift (which includes all hours over 40 worked within the same pay

week). The City Manager or designee will determine the emergency preparation and post-emergency recovery periods for purposes of this policy.

Exempt employees who are not required to work during the declared emergency may be released from duty and shall be paid regular pay for the declared emergency time frame that City offices are closed due to the emergency event.

### ***Conclusion of Emergency***

Once the hurricane or emergency has passed, a press release through the news media, City webpage, or through the Department Director will be made advising Non-essential Personnel to report for work. Non-essential Personnel are required to report to work upon notification from the Department Director or designee where such notice occurs prior to the publication of the press release. At that time, employees should call their respective supervisor to make every reasonable effort to report to work to relieve Essential Personnel who have worked through the hurricane or emergency, and assist in the cleanup/recovery process, as directed/authorized.

### ***Exemptions and Paid Leave***

Essential Personnel who are scheduled to work during the hurricane or emergency, but who call in sick, will be required to provide medical documentation for the absence in order to receive paid sick leave. Essential Personnel who call in for a personal reason may be excused at the discretion of the Department Director. Such employee will be required to use sick or vacation leave for this time off, if the employee has such leave available. Otherwise, it will be unpaid.

In the case of an approaching storm, it may be necessary for the City to revoke previously approved vacation leave in order for employees to assist with City storm-related preparations.

All accruals for vacation and sick will run according to Personnel Policies and Procedures.

### ***Payroll Adjustments***

During a state of emergency the City may process payroll based on estimated scheduled hours. Any adjustments in pay, if required, may be made in a subsequent pay period. Full time employees may be paid for their regularly scheduled hours based on their standard workweek. Regular part time employees may be paid based on their standard schedule. Seasonal and temporary part time employees and interns will only be paid for hours worked.

### ***Holidays***

If the declared emergency occurs during a City-observed holiday and the employee is required to work, the employee will receive emergency pay as outlined above; and in lieu of the holiday, the employee shall receive one (1) Administrative Day per City-observed holiday worked.

## Chapter 19: Workplace Violence

### A. Prohibited Conduct

Threats, threatening language, or any other acts of aggression or violence made toward or by any City employee or visitor **WILL NOT BE TOLERATED**. Examples of threatening language or behavior include any verbal or physical harassment or abuse, any attempt at intimidating or instilling fear in others, menacing gestures, unlawful possession and display of weapons, stalking, or any other hostile, aggressive, injurious, or destructive action undertaken for the purpose of intimidation.

To the fullest extent permitted by law, employees and visitors are prohibited from possessing or carrying weapons on City premises. Weapons shall include, but are not limited to, firearms, ammunition, knives, clubs, brass knuckles, explosives or destructive devices, chemical weapons, stun guns, or other objects that may be considered weapons as defined in Section 790.001, Florida Statutes.

### B. Procedures for Reporting a Threat

All potentially dangerous situations, including threats by co-workers, should be reported immediately to Human Resources and, if appropriate, to law enforcement. Reports of threats may be maintained confidential to the extent maintaining confidentiality does not impede our ability to investigate and respond to the complaints. All threats will be promptly investigated. All employees must cooperate with all investigations. No employee will be subjected to retaliation, intimidation, or disciplinary action as a result of reporting a threat in good faith under this policy.

If the City determines, after an appropriate, good faith investigation, that someone has violated this policy, it will take prompt and appropriate corrective action, up to and including termination of the transgressor and notification of the appropriate authorities.

An employee who is the recipient of a threat made by an outside party, should follow the steps detailed in this policy. It is important for the City to be aware of any potential danger in the work area. The City is committed to taking effective measures to protect everyone from the threat of a violent act by an employee or by anyone else.

Employees are expected and encouraged to exercise reasonable judgment in identifying potentially dangerous situations.

In an emergency situation (e.g. assault, direct threat of immediate violence, suicide attempt, or any crime in progress) employees shall call 911.

Employees who have concerns about their personal safety in the work environment but have not received a threat, should report the concerns to the Department Director. Under no circumstances are employees permitted to carry weapons in violation of this policy.

## **Chapter 20: Outside Employment**

The City of Greenacres strongly discourages, but does not prohibit, outside employment with the following prohibitions:

### **A. General Prohibitions**

Outside employment is prohibited when the work of the outside employment:

1. Is conducted on City time.
2. Is conducted while on paid leave including workers' compensation leave, disability leave, or sick leave.
3. Interferes with working hours or overtime requirements of the employee's position, including mandatory work during emergencies.
4. Involves the use of City uniforms, facilities, equipment or supplies of any kind.
5. May reasonably be construed by the public to be an official act of the City, or that a conflict of interest exists.
6. Reflects adversely upon the employee or the City.
7. Is in conflict with the employee's position with the City. This shall include work which an employee would be expected to do as part of his/her normal duties; work requiring approval or review of the City, or work which would tend to influence the exercise of improper judgment on any matter coming before the employee in the course of his/her City employment.
8. Inhibits the employee's ability to perform their job with the City.

### **B. Conflicts Prohibited By State or Local Laws**

Employees may hold outside employment as long as they meet the performance standards of their position and they receive advance, written approval by the immediate supervisor, the Department Director, the Director of Human Resources, and the City Manager. Employees who have outside employment are required to complete an "Outside Employment Authorization" form in addition to the "Commission on Ethics Employee Conflict of Interest Waiver." Certain restrictions apply including:

1. Neither the employee nor any relative may work in a City department which enforces, oversees or administers any contract or transaction with his or her outside employer;
2. The outside employment will not interfere or otherwise impair his/her independent judgment or the performance of public duties for the City;
3. Neither the employee nor any relative is allowed to participate in determining the requirements or awarding of any contract to the employee's outside employer.
4. The employee's public job responsibilities and job description will not require him/her to be involved in any contract in any way including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination or forbearance with the outside employer.

5. The employee has complied with all other City policy requirements.

Outside employment that constitutes a conflict or could potentially be perceived to conflict with the Code of Ethics Policy, state or local ethics laws and ordinances, or that could impact or potentially impact negatively on the City or its reputation, is prohibited.

Employees may hold outside jobs as long as no conflict exists, the outside employment has been approved in writing before beginning outside employment, the performance standards of their official duties with the City are met, and outside employment is not conducted during paid or unpaid leave time provided by the City.

### **C. Outside Employment Disclosure and Approval Process**

All employees must advise the City in writing whether they are engaged in outside employment, or as requested by the City from time to time.

Employees seeking to engage in outside employment must submit an Outside Employment Request and Disclosure Form along with the Palm Beach County Conflict of Interest Waiver Form *prior* to engaging in outside employment. A separate form must be submitted for each outside employment situation. Incomplete forms will be denied.

Changes in outside employment including, but not limited to, changes in work schedules at the outside employer, termination from the outside employer, or changes to the ownership interests in the outside employer must be disclosed to the City on a new Outside Employment Request and Disclosure Form within 30 calendar days of the change.

Failure to abide by the City's Outside Employment policy, including the timely disclosure of Outside Employment, may result in disciplinary action up to, and including, termination.

### **D. Injuries and Outside Employment**

If an employee suffers an injury or illness during or resulting from an outside employment activity, the City will not be responsible for any worker's compensation benefits.

If an employee holds outside employment and is injured on their job with the City, the City shall assume no responsibility for wages lost at the outside employment as a result of the injury.



## Chapter 21: Conflicts of Interest and Code of Ethics Policy

It is the policy of the City to require employees to avoid prohibited conflicts of interest. When employees are in doubt as to whether any particular action or inaction presents a prohibited conflict of interest, employees must immediately seek guidance from the immediate supervisor or Department Director.

### A. Definitions for Conflict Of Interest and Code of Ethics Policy

A “conflict of interest” means a situation where regard for an employee’s private interest tends to lead to disregard of a public duty or interest. A “conflict of interest” occurs when employees solicit or accept gifts, do business with the City and/or engage in prohibited employment or business relationships, accept unauthorized compensation, misuse their position, disclose or use certain information, solicit or accept honoraria, or engage in lobbying the City within two years of separation of employment, accept prohibited travel expenses, receive contingency fees, or submit false statements in connection with employment or services provided to the City in violation of this policy, all of which are more fully described below.

A “covered person” for purposes of this Handbook is a City employee. However, the statutes and local ordinances regulating ethics and conflicts of interests also govern the City Council members.

A “domestic partner” is an adult, unrelated by blood, with whom an unmarried or separated official or employee has an exclusive committed relationship and maintains a mutual residence.

A “gift” is something which is paid or given by a person or entity to a City employee, or to another for or on behalf of the employee, directly, indirectly, or in trust for the employee’s benefit or by any other means, where the employee does not, in exchange, give something of equal or greater value to that person or entity within 90 days, including:

- real property or the use of real property
- tangible or intangible personal property or the use of tangible or intangible personal property
- a preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin
- forgiveness of an indebtedness
- transportation, other than that provided to a public employee by an agency in relation to officially approved governmental business, lodging, or parking
- food or beverage
- membership dues
- entrance fees, admission fees, or tickets to events, performances, or facilities
- plants, flowers, or floral arrangements
- services provided by persons pursuant to a professional license or certificate
- other personal services for which a fee is normally charged by the person providing the service

- any other similar service or thing having an attributable value not already provided for above

A “gift” does not include the following items:

- Salary, benefits, services, fees, commissions, gifts, or expenses associated with the employee’s employment, business, or service as an officer or director of a corporation or organization.
- Campaign contributions or expenditures reported pursuant to statute, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party.
- An honorarium or an expense related to an honorarium event paid to a person or the person’s spouse.
- An award, plaque, certificate, or similar personalized item given in recognition of the employee’s public, civic, charitable, or professional service.
- An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization.
- The use of a public facility or public property made available by a governmental agency, for a public purpose.
- Transportation provided to an employee by an agency in relation to officially approved governmental business.
- Gifts provided directly or indirectly by a state, regional, or national organization which promotes the exchange of ideas between, or the professional development of, government officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization or officials or staff of a governmental agency that is a member of that organization.

A “household member” includes anyone whose primary residence is in the official’s or employee’s home, including nonrelatives who are not rent payers or employees of the head of household.

“Immediate family” means any parent, spouse, child, or sibling.

A “relative” means an individual who is related to a Covered Person as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the Covered Person or who otherwise holds himself or herself out as or is generally known as the person whom the Covered Person intends to marry or with whom the Covered Person intends to form a household, or any other natural person having the same legal residence as the Covered Person.

## **B. Prohibited Conflicts Of Interest**

All employees are prohibited from engaging in conduct that creates a conflict of interest. Additionally, employees should avoid engaging in conduct that merely has the appearance of a conflict of interest.

### **C. Solicitation or Acceptance of Gifts**

City employees are prohibited from soliciting or accepting anything of value, including gifts, loans, rewards, promises of future employment, favors or services that are based on any understanding that their vote, official action or judgment would be influenced by such a gift.

Employees are prohibited from soliciting any gift from a political committee, a certified committee of continuous existence, or from a person who, for compensation, seeks or sought to influence the governmental decision making of the employee, or who encouraged the passage, defeat, or modification of any proposal or recommendation by the employee or the City Council, within the past 12 months, where the gift is for the personal benefit of the employee, or any member of their immediate family or household.

Employees, or any person on his or her behalf, are prohibited from knowingly accepting, directly or indirectly, a gift from a political committee, certified committee of continuous existence, or from a person who, for compensation, seeks or sought to influence the governmental decision making of the employee, or who encouraged the passage, defeat, or modification of any proposal or recommendation by the employee, or the City Council, within the past 12 months, if he/she knows or reasonably believes that the gift has a value in excess of \$100.00. However, such a gift may be accepted by the employee on behalf of City or a charitable organization so long as the employee does not maintain custody of the gift for any period of time beyond that reasonably necessary to arrange for the transfer of custody and ownership of the gift. The value of the gift is generally determined using the actual cost to the donor, less taxes and gratuities, or the reasonable and customary charge for personal services provided by the donor directly. Compensation provided by the employee to the donor within 90 days after receipt of the gift is deducted from the value.

No Covered Person shall accept or agree to accept a gift from a person or entity, because of:

- An official public action taken or to be taken, or which could be taken;
- A legal duty performed or to be performed or which could be performed; or
- A legal duty violated or to be violated, or which could be violated by any official or employee.

No Covered Person, or any other person or entity on his or her behalf, shall knowingly solicit a gift of any value from any person or business entity that the recipient knows is a vendor, lobbyist or any principal or employer of a lobbyist where the gift is for the personal benefit of the official or employee, another official or employee, or any relative or household member of the official or employee.

Even though the acceptance of gifts may be lawful under the Code of Ethics applicable to City employees, acceptance of gifts may have the unintended consequence of creating the perception of impropriety or self-dealing. For that reason, employees are strongly urged to decline any and all gifts offered by vendors, lobbyists, members of the public, or the principal or employer of a lobbyist doing business with the City. Employees who are unsure how to politely and professionally decline a well-intentioned gift should seek guidance from their supervisor.

#### **D. Gift Reports**

Any employee who receives a gift in excess of one hundred dollars (\$100.00) shall report that gift in accordance with this section.

*Gift reports for employees identified by state law as reporting individuals.*

Those persons required to report gifts pursuant to state law shall report those gifts in the manner provided by Florida Statutes, §112.3148, as may be amended. A copy of each report shall be filed with the Palm Beach County Commission on Ethics.

*All other employees who are not reporting individuals under state law.*

*Personal gifts.* All employees who are not reporting individuals under state law are not required to report gifts in excess of one hundred dollars (\$100.00) so long as those gifts are given to the employee by a personal friend or co-worker and the circumstances demonstrate that the motivation for the gift was the personal or social relationship rather than an attempt to obtain the goodwill or otherwise influence the official or employee in the performance of his or her official duties. Factors to be considered in determining whether a gift was motivated by a personal or social relationship may include but shall not be limited to: whether the relationship began before or after the official or employee obtained his or her office or position; the prior history of gift giving between the individuals; whether the gift was given in connection with a holiday or other special occasion; whether the donor personally paid for the gift or sought a tax deduction or business reimbursement; and whether the donor gave similar gifts to other officials or employees at or near the same time. If the personal friend or co-worker is a vendor, lobbyist or principal or employer of a lobbyist that lobbies the City, then the employee shall not accept a gift in excess of one hundred dollars (\$100.00) in accordance with this policy.

*All other gifts.* All employees who are not reporting individuals under state law and who receive any gift in excess of one hundred dollars (\$100.00), which is not otherwise excluded or prohibited pursuant to this subsection, shall complete and submit an annual gift disclosure report with the County Commission on Ethics no later than November 1 of each year beginning November 1, 2011, for the period ending September 30 of each year. All officials or employees who are not reporting individuals under state law and who do not receive a gift in excess of one hundred dollars (\$100.00) during a given reporting period shall not file an annual gift disclosure report. The annual gift disclosure report shall be created by the County Commission on Ethics and shall be in a form substantially similar in content as that required by state law.

#### **E. Doing Business with the City and Prohibited Employment and Business Relationships**

Covered Persons are prohibited from having an employment or contractual relationship with any business entity or agency which is subject to the regulation of the City or that is doing business with the City.

Covered Persons are prohibited from having an employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.

Covered Persons acting in their official capacity as a purchasing agent, with authority to commit the expenditure of public funds through a contract for, or the purchase of, any goods, services, or interest in real property for the City (as opposed to the authority to request or requisition a contract or purchase by another person) are prohibited from either directly or indirectly purchasing, renting, or leasing any realty, goods, or services for the City from any business entity of which the employee, or the employee's spouse or child is an officer, partner, director, or proprietor or in which such employee or his or her spouse or child, or any combination of them, has a material interest. A material interest means direct or indirect ownership of more than 5 percent of the total assets or capital stock of any business entity; however, indirect ownership does not include ownership by a spouse or minor child.

Covered Persons are prohibited from acting in a private capacity to rent, lease, or sell any realty, goods, or services to the City unless the contract for the transaction was entered into prior to the employee's first date of employment at the City.

#### **F. Unauthorized Compensation**

Employees, their spouses and minor children are prohibited from accepting any compensation, payment, or item of value when the employee knows, or should know with the exercise of reasonable care, that is given to influence an action in which the employee was expected to participate in his or her official capacity.

#### **G. Misuse of Position**

Covered Persons are prohibited from, whether corruptly or not, using or attempting to use his or her position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit or exemption for himself, herself, or others. "Corruptly" means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of an official or employee which is inconsistent with the proper performance of his or her public duties.

Specifically, an employee shall not use his or her official position, or take or fail to take any action, or influence others to take or fail to take any action, in a manner which he or she knows or should know with the exercise of reasonable care will result in a special financial benefit, not shared with similarly situated members of the general public, for any of the following persons or entities:

- Himself or herself;
- His or her spouse or domestic partner, household member or persons claimed as dependents on the official or employee's latest individual federal income tax return, or the employer or business of any of these people;
- A sibling or step-sibling, child or step-child, parent or step-parent, niece or nephew, uncle or aunt, or grandparent or grandchild of either himself or herself, or of his or her spouse or domestic partner, or the employer or business of any of these people;
- An outside employer or business of his or hers, or of his or her spouse or domestic partner, or someone who is known to such official or employee to work for such outside employer or business;
- A customer or client of the official or employee's outside employer or business;
- A substantial debtor or creditor of his or hers, or of his or her spouse or domestic partner—"substantial" for these purposes shall mean at least ten thousand dollars (\$10,000.00) and shall

not include forms of indebtedness, such as a mortgage and note, or a loan between the employee and a financial institution;

- A civic group, union, social, charitable, or religious organization, or other not for profit organization of which he or she (or his or her spouse or domestic partner) is an officer or director.

#### **H. Disclosure of Certain Information**

Current and former employees of the City are prohibited from disclosing or using information not available to members of the general public and gained by reason of his or her position, except for information relating exclusively to governmental practices, for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity.

#### **I. Solicitation or Acceptance of Honoraria**

The City Manager, City Clerk, City Building Official, employees with the power to grant or deny a land development permit, and any purchasing agent with authority to make any single purchase in excess of \$20,000 on behalf of the City are prohibited from soliciting an honorarium which is related to their public office or duties. An honorarium means any payment of money or anything of value, directly or indirectly, to the employee, or to any other person on his or her behalf, as payment for a speech, address, oration or other oral presentation by the employee, regardless of whether presented in person, recorded or broadcast over the media, or for a writing by the employee that is intended to be published (other than a book). Because an honorarium does not include the payment or provision of actual and reasonable transportation, lodging, and food and beverage expenses related to the honorarium event, including any event or meeting registration fee for the employee and spouse, the employee may accept payment of such expenses related to an honorarium event, provided the employee receives a statement listing the name and address of the person providing the expenses, a description of the expenses provided each day, and the total value of the expenses provided for the event within 60 days of the event and receives a waiver from the City Council authorizing acceptance of such expenses, as more specifically outlined under the Travel Expenses section of this policy. If the City Council authorizes acceptance of the expenses, the employee must disclose such expenses and approval annually in the financial disclosure when such expenses are paid by a political committee or committee of continuous existence or from a person who, for compensation, seeks or sought to influence the governmental decision making of the City Manager or purchasing agent, or who encouraged the passage, defeat, or modification of any proposal or recommendation by the City Manager, purchasing agent, or the City Council, within the past 12 months.

#### **J. Travel Expenses**

No employee shall accept, directly or indirectly, any travel expenses including, but not limited to, transportation, lodging, meals, registration fees and incidentals from any municipal contractor, vendor, service provider, bidder or proposer as applicable. The City Council may waive the requirements of this subsection by a majority vote of the City Council. The provisions of this subsection shall not apply to travel expenses paid by other governmental entities or by organizations of which the municipality is a member if the travel is related to that membership.

### **K. Contingency Fees**

No person shall, in whole or in part, pay, give or agree to pay or give a contingency fee to another person. No person shall, in whole or in part, receive or agree to receive a contingency fee. "Contingency fee" means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent on or in any way contingent on the passage, defeat, or modification of: an ordinance, resolution, action or decision of the City Council, any employee authorized to act on behalf of the City Council, the City Manager, or any action or decision of an advisory board or committee. This prohibition does not apply to real estate brokers when acting in the course of their profession as regulated by Florida Statutes, §§ 475.001—475.5018, as may be amended. Nothing in this section may be construed to prohibit any salesperson from engaging in legitimate government business on behalf of a company from receiving compensation or commission as part of a bona fide contractual arrangement with that company provided such compensation or commission is ordinary and customary in the industry. Nothing in this section may be construed to prohibit an attorney from representing a client in a judicial proceeding or formal administrative hearing pursuant to a contingent fee arrangement.

### **L. Honesty in Applications for Positions**

No person seeking to become an officer or employee, or seeking to enter into a contract to provide goods or services to the City, may make any false statement, submit any false document, or knowingly withhold information about wrongdoing in connection with employment by or services to the City.

### **M. Ethics Training**

At the beginning of employment and throughout the course of employment, employees are advised of their obligations to comply with the Palm Beach County and State of Florida Code of Ethics. Training provided by the City is mandatory for all Covered Persons, whether initial training or follow-up training. The City provides initial training within 60 days of employment and follow-up training on the ethics obligations of Covered Persons approximately every 24 months. The Director of Human Resources shall act as liaison between City and the Commission on Ethics with respect to ethics training. Employees must complete the acknowledgement form upon completion of training to be placed in their personnel file.

### **N. Consequences for Violations**

Any employee who engages in a prohibited conflict of interest, as specified above, shall be subject to discipline, up to and including immediate termination of employment.

Additionally, any employee may be subject to investigation by the Florida Commission on Ethics, the Palm Beach County State Attorney's Office, Palm Beach County Commission on Ethics, or other enforcement agencies, which may result in civil and/or criminal penalties, if the violation of this policy also constitutes a violation of Florida or applicable local law.

### **O. Reporting Violations**

Employees must contact their immediate supervisor or Department Director if they have any questions concerning the Conflict of Interest and Code of Ethics Policy. Suspected violations of the Conflict of Interest and Code of Ethics Policy must be reported immediately to their Department Director or the City Manager. Employees may report their concerns verbally or in

writing. Department Directors receiving reports of alleged violations must immediately forward the report to the City Manager for action.

Employees may also report suspected violations of this policy to the Palm Beach County Inspector General or the Palm Beach County Commission on Ethics.

The City will not retaliate against any employee who reports suspected violations of this Conflict of Interest and Code of Ethics Policy unless it is determined the report was made in bad faith or maliciously.

In the event state or local law governing conflicts of interest and ethics is amended, any such applicable amendments will control.

Moreover, the Office of Inspector General (OIG) has the responsibility for investigating possible instances of fraud, waste, mismanagement, misconduct and other abuses by a City official, employee, contractor or any other parties doing business or that have a financial relationship with the City. This directive establishes a policy and procedure for reporting such matters to the OIG.

City Employees shall report any fraud, theft, bribery, contract mismanagement (misuse or loss exceeding \$5,000), or other violations of law, which appear to fall under the jurisdiction of the OIG on matters related to City business in accordance with the procedure established herein.

An employee, who becomes aware of a matter that may be within the responsibility of the OIG, shall promptly report their concerns/information in any of the following ways:

1. to the Office of Inspector General  
[www.pbcgov.com/OIG/rwfa.htm](http://www.pbcgov.com/OIG/rwfa.htm), 561-233-2350; or
2. to the employee's department director; or
3. to the City Manager; or
4. any combination of the preceding.

The employee may choose whichever method they think is appropriate for the matter. Any qualifying matter reported to management shall be promptly reported to the OIG. Staff Cooperation; All employees are expected to fully cooperate with the OIG in the exercise of the OIG's functions, authority and powers. Such cooperation shall include, but not be limited to, providing statements, documents, records, and other information.



## **Chapter 22: Discipline Guidelines**

### **A. Purpose**

It shall be the duty of all City employees to maintain high standards of competence, conduct, cooperation, efficiency, and economy in their work. Department Directors and supervisors shall organize and direct the work under their direction in a manner calculated to achieve these objectives.

When employee performance, conduct, or behavior issues occur, it is the responsibility of all supervisors, managers, and Department Directors to administer disciplinary action in a fair and consistent manner. Disciplinary actions involving suspension, demotion, or termination require the approval of the City Manager, in concert with the Director of Human Resources.

### **B. Standards of Conduct**

Making the City of Greenacres a great place to live and work requires that employees maintain proper standards of conduct at all times. As an employee of the City, your performance and conduct is in the public eye of City of Greenacres residents. Employee actions and behavior directly affect the City's reputation, and you must be constantly aware of the image you project to the public.

The City of Greenacres has established policies and procedures to guide employee performance. These do not cover all the work an employee is required to do, and do not replace the need to use sound judgment and common sense. Employees who fail to maintain proper standards of conduct or exhibit substandard performance may be subject to appropriate corrective action, up to and including termination.

A partial list of unacceptable behavior has been developed as a guideline of employee standards of conduct while employed by the City. Any and all violations may be subject to disciplinary action, up to and including termination. The City recognizes that each instance differs in many respects from seemingly similar situations. The City retains the right to treat each occurrence on an individual basis and without creating a precedent for other cases which may arise in the future. The Types of Offenses are not to be construed as a limitation upon the retained rights of the City. These guidelines provide recommended standard penalties to apply for specific offenses. This means that a more severe penalty may be issued than that which appears as the recommended level of discipline. In addition to the Types of Offenses listed below, infractions of written departmental rules and regulations will subject the employee to disciplinary action.

Non-bargaining, probationary, seasonal, part-time and temporary employees' employment with the City of Greenacres is at-will. The City reserves the right to terminate employment of such employees at any time, for any reason, with or without cause, with or without prior notice or with or without prior disciplinary action.

### **C. Types of Offenses**

The group listings below are not all-inclusive. It is impossible to list all actions and behaviors that would be considered unacceptable and subject an employee to disciplinary action. All employees are required to follow City policies, practices and procedures, use sound judgment and common sense, and to ask their supervisor if they need assistance to guide their actions.

The three (3) groups of offenses and a guide for recommended penalties are as follows:

## 1. Group I Offenses

FIRST OFFENSE	Up to Written Reprimand
SECOND OFFENSE	One (1) Day Suspension
THIRD OFFENSE	Up to Five (5) Day Suspension
FOURTH OFFENSE	Up to Termination

- a. Operating, using or possessing tools, equipment or machines to which the employee has not been assigned or performing other than assigned work.
- b. Quitting work, wasting time, loitering or leaving assigned work area during work hours without permission.
- c. Washing up or changing clothes during working hours without specific permission or supervision.
- d. Taking more than specified time for meals or rest periods.
- e. Productivity or workmanship not up to required standards or performance.
- f. Failure to perform and/or neglect of assigned duties.
- g. Reporting to work or working while unfit for duty.
- h. Posting or removal of any material on bulletin boards or City Property unless authorized.
- i. Distribution of literature for any purpose on the job without the prior approval of the City Manager or his designee.
- j. Discourtesy to persons with whom the employee comes in contact while in the performance of duties.
- k. Wasting valuable work time such as talking about the private affairs of others in a malicious manner, spreading gossip, and other unproductive behavior;
- l. Tardiness or unauthorized failure of an employee to be present punctually for all and any part of the employee's assigned hours of work.
- m. Chronic absenteeism.
- n. Creating or contributing to unsafe and unsanitary conditions or poor housekeeping.
- o. Failure to report the loss of a City's identification card to the department Director (if applicable).
- p. Failure to keep the department and Human Resources of proper address or telephone numbers (if any).
- q. Political activity conduct during employee's regularly scheduled work time.

## 2. Group II Offenses

FIRST OFFENSE	Up to Two (2) Day Suspension
SECOND OFFENSE	Up to Five (5) Day Suspension
THIRD OFFENSE	Up to Termination

- a. Threatening, intimidating, coercing or interfering with fellow employees or supervision, at any time, including abusive language.

- b. Sleeping during duty hours, unless otherwise authorized.
- c. Failure to work overtime, special hours or special shifts after being scheduled.
- d. Negligence or omission in complying with the requirements as set forth in departmental rules and standards of conduct.
- e. Willfully making or publishing false, vicious or malicious statements concerning any employee, supervisor, the City or its operation.
- f. Absent without permission or leave (A.W.O.L).
- g. Use of, or being under the influence of, alcoholic beverage(s), illegal narcotic(s) and/or controlled substances, while on duty.
- h. Negligence which affects the safety of City personnel, equipment, tools or property.
- i. Failure to report a request for information or receipt of a subpoena from a law firm or an attorney for a matter relating to City business.
- j. Solicitation of funds, for any purpose, on the job without the prior approval of the City Manager or designee.
- k. Violation of any or all of the steps outlined in the grievance procedure.
- l. Knowingly harboring a serious communicable disease which may endanger other employees.
- m. Violating a safety rule or safety practice.
- n. Violation of the Mobile Telephone Policy.
- o. Violation of the Clean Indoor Air Policy.
- p. Failure to immediately report an accident or personal injury in which the employee was involved while on the job.
- q. Engaging in horseplay, scuffling, wrestling, throwing things, malicious mischief, distracting the attention of others, catcalls, demonstrations on the job or similar types of disorderly conduct.

### 3. Group III Offenses

FIRST OFFENSE	Up to Termination
---------------	-------------------

- a. Wanton duties or willful neglect in the performance of assigned duties.
- b. Theft, willful neglect, and/or misuse of City or employee property, funds, equipment, material(s) and/or supplies.
- c. Solicitation or receipt from any person, or participation in, any fee, gift, or other valuable thing in the course of work, when such fee, gift or other valuable thing is given in the hope or expectation of receiving a favor or better treatment than that accorded other persons.
- d. Falsification of personnel or City records, including employment applications, accident reports, work records, purchase orders, time sheets or any other report, record or application.
- e. Making false claims or misrepresentation in an attempt to obtain sickness or accident benefits or workers' compensation.
- f. Insubordination by the refusal to perform work assigned or to comply with written or verbal instructions of a supervisor.

- g. Unauthorized use or display of firearms, explosives or weapons on City property.
- h. Theft or removal from City locations, without proper authorization, any City property or property of an employee.
- i. Immoral, unlawful or improper conduct or indecency, either on or off the job, which would tend to affect the employee's relationship to his/her job, fellow workers, reputation or goodwill in the community.
- j. Being absent from duty for a period of three (3) consecutive working days without proper authorization.
- k. Failure to return from an authorized leave of absence.
- l. Permitting another person to use an employee's City identification, using another person's or altering a City identification card.
- m. Incompetence or inefficiency in the performance of assigned duties in an employee's position.
- n. Use or possession of alcoholic beverages or drugs in violation of the Drug Free Workplace policy.
- o. Use or attempted use of political influence or bribery to secure an advantage of any manner.
- p. Conviction or guilt of a felony, or a misdemeanor of the first degree which would tend to affect the employee's relationship to his/her job, either on or off the job.
- q. Concerted curtailment, restriction of production or interference with work in or about the City's work stations including, but not limited to, instigating, leading or participating in any walkout, strike, sit-down, stand-in, slow-down or refusal to return to work at the scheduled time for the scheduled shift.
- r. Participation in a strike against the City as established in Florida Statute Sections 447.201 and 447.505.
- s. Refusal to be examined by a physician, designated and paid by the City, when directed to do so, as required in these regulations.
- t. Provoking or instigating a fight or fighting.
- u. Leaving his/her post at the end of the scheduled shift without being properly relieved by the supervisor or the relieving employee on the incoming shift, for those units operating on a 24-hour basis.
- v. Loss of licensing or certification, when required for the performance of assigned duties.
- w. Inability to secure a surety bond, where required as a condition of employment.
- x. Inability to satisfactorily perform the essential functions of the assigned position class with or without reasonable accommodation.
- y. Violation of any City policy, rule or regulation.

#### **D. Types of Discipline and Disciplinary Process**

The following sets forth major categories of discipline that may be used by the City in personnel issues. Supervisors and Department Directors are encouraged to consult with Human Resources at each step in the disciplinary process. While supervisors may issue Verbal Warnings with the Department Director's approval, only Department Directors may issue Written Reprimands.

Please note that Suspensions, Demotions, and Terminations must be reviewed by Human Resources and approved in writing by the City Manager prior to any action being taken.

### **1. Verbal Warning**

Whenever employee performance, attitude, work habits or personal conduct at any time fall below a desirable level, supervisors and/or the Department Directors shall inform employees promptly and specifically by documented Verbal Warning. A Department Director or supervisor may determine that the first course of disciplinary action is a Verbal Warning. A Verbal Warning shall reference the actions for which the warning is issued. A record of such shall be documented by the individual who issued it, provided to the employee, and a copy shall be provided to Human Resources for the personnel file.

### **2. Written Reprimand**

In situations where a documented Verbal Warning has not resulted in the expected improvement or is insufficient to recognize the seriousness of the unsatisfactory conduct and/or action(s) of the employee, a Written Reprimand may be issued defining the nature of the infraction under the rules. The Written Reprimand shall be provided to the employee and a copy shall be provided to Human Resources to be placed in the employee's personnel file. The employee's Department Director initiates and approves a written reprimand.

### **3. Suspension**

Suspension is the temporary separation of a City employee from assigned duty for a definite period of time without pay. A City employee may be suspended for disciplinary purposes when, in the judgment of the Department Director after consultation with Human Resources and approval by the City Manager, a written warning has not had the desired corrective effect or is insufficient to recognize the seriousness of the unsatisfactory conduct and/or action(s) of the employee. The reason(s) for any suspension and the time period of any such suspension shall be given Human Resources in writing on the form provided, one copy of the form to be given, or mailed, to the employee before the suspension shall become effective; one copy to be retained by the Department Director. No employee shall be suspended for disciplinary purposes for more than thirty (30) days in any calendar year except that extensions may be made by the City Manager or designee.

### **4. Performance Improvement Plans**

An employee who fails or refuses to satisfactorily perform any of the duties of the position may be placed on a Performance Improvement Plan in addition to any disciplinary action. However, the City reserves the right to terminate employees for performance issues without having previously issued a Performance Improvement Plan. Please see **Chapter 4: Employment and Performance** Evaluations above for additional information regarding Performance Improvement Plans.

### **5. Demotion**

An employee may be demoted or assigned to less responsible work for any reason, which may include a corresponding reduction in pay. A demotion occurs where the employee is moved to another position for which a lower maximum rate of pay is established. The City Manager must

approve all demotions may consult with Human Resources prior to a determination being made. Documentation of the demotion shall be placed in the personnel file.

#### **6. Involuntary Discharge/Termination**

Discharge/termination is permanent separation of employment. Non-bargaining, probationary, seasonal, part-time and temporary employees may be discharged/terminated at any time without cause or prior notice. A City employee subject to a collective bargaining agreement may be discharged/terminated for disciplinary purposes or for good and sufficient cause when, in the judgment of the City Manager or designee, prior written warning and/or suspension has not had the desired corrective effect, or is insufficient to recognize the seriousness of the unsatisfactory conduct and/or action(s) of the employee. The reason(s) for any proposed discharge/termination shall be given to Human Resources in writing on the form provided and shall require the prior approval of the City Manager or designee to be valid; one copy of the form to be given, or mailed, to the employee before the dismissal shall become effective; one copy to be retained by Human Resources in the personnel file. Non-bargaining, probationary, seasonal, part-time and temporary employees and those whose appointment is on other than a permanent basis, may be discharged/terminated at any time without cause or prior notice by the City Manager or designee without the right of appeal or hearing in any manner.

#### **E. Pre-Termination Meeting**

Regular, full-time employees covered by collective bargaining agreements will be given an opportunity to attend a pre-termination meeting. The meeting must be held prior to the effective termination date to provide the employee with an opportunity to discuss the specific allegations promoting the proposed termination with the Department Director involved. The City Manager or designee shall preside at such meeting. Upon full and fair consideration of all facts and information presented at the hearing, the City Manager or designee shall notify the employee in writing with respect to his or her decision regarding the proposed termination.

#### **F. Post-Termination Name-Clearing Process**

In the event of an involuntary termination, an employee will be provided reasons for termination. When the document providing reasons for the termination has the effect of stigmatizing the employee's reputation, and where the employee claims that such reasons are untrue, the employee shall be provided notice of the opportunity to request a "Name Clearing Process."

The purpose of a "Name Clearing Process" is to allow the employee an opportunity to tell his or her side of the story and respond to the charges. *The "Name Clearing Process" is not an appeal of the termination or an opportunity to gain reinstatement.* At or prior to the meeting, the employee has an opportunity to provide his or her position in writing so that it may be included in the personnel file and made part of the record open to the public under Florida's public records laws.

To request a "Name Clearing Process," employees must deliver the request to the City Manager in writing within ten (10) days of the date of the termination. A meeting will generally be provided by the City within ten (10) days of receipt of the employee's request for such a meeting. No such meeting will be held if a written request is not timely delivered by the employee. The employee

may provide witness statements at or prior to the meeting. The meeting will be held before the City Manager or designee, including but not limited to, the Director of Human Resources.

Employees covered by Collective Bargaining Agreements may use this process or any grievance process provided in the CBA, but not both.

## Employee Acknowledgements

### General Acknowledgement

This Handbook and related personnel policies and procedures describe important information about the City of Greenacres and I understand that I should consult with my immediate supervisor or the Director of Human Resources regarding any questions not answered in this Handbook or any City personnel policies and procedures.

Provided I am not covered by a collective bargaining agreement or an individual employment agreement, I have entered into my employment relationship with the City of Greenacres voluntarily and hereby acknowledge that my employment is at will and that there is no specified length of employment. Accordingly, either the City of Greenacres or I may terminate the employment relationship at will at any time, with or without cause, so long as there is no violation of applicable federal or state law.

Because the information, policies, procedures, and benefits described in this Handbook and elsewhere are subject to change as needed, I acknowledge that revisions to the foregoing may occur, except to the employment-at-will policy. Any such changes will be communicated as soon as possible after the change is instituted. I also understand that the revised information may supersede, modify or eliminate existing policies and procedures. I also understand that only the City Council has the ability to adopt revisions to the rules, policies, and procedures in this Handbook.

\_\_\_\_\_Employee Initials

### Loyalty Oath

I also understand that as a condition of appointment and as required by State law, I must take the following Loyalty Oath as prescribed by Section 876.05(1), Florida Statutes:

I, \_\_\_\_\_, a citizen of the State of Florida and of the United States of America or a resident alien, and being employed by or an officer of the City of Greenacres, and a recipient of public funds as such employee or officer, do hereby solemnly swear or affirm that I will support the Constitution of the United States and of the State of Florida.

\_\_\_\_\_Employee Initials

### Drug Free Workplace Policy Acknowledgement

I acknowledge that I received a copy of the Drug-Free Workplace Policy. I understand it is my obligation to read and understand the policy and that failure to comply with the policy shall subject me to disciplinary action up to, and including, termination which may result in forfeiture of my workers' compensation and unemployment compensation benefits.

\_\_\_\_\_Employee Initials



### **Equal Employment Opportunity and Anti-Discrimination and Anti-Harassment Acknowledgment**

I acknowledge that I must abide by these policies at all times during my employment and that any failure to abide by them constitutes misconduct connected with employment, as defined by Florida Statute Chapter 443, and shall subject me to immediate termination.

I specifically acknowledge and agree that I will report any inappropriate or questionable behavior that I witness or experience to my immediate supervisor, Department Director, the Director of Human Resources, the City Manager, or the City Attorney immediately. I understand that failure to report such behavior immediately, may subject me to immediate termination for misconduct connected with employment.

\_\_\_\_\_Employee Initials

### **E-Mail, Internet and Social Media Acknowledgment and Waiver**

I acknowledge that I have received a copy of the E-Mail, Internet, and Social Media Policy contained in this Handbook. I understand that my use of the E-mail and Internet system constitutes my consent to all the terms and conditions of that policy.

In particular, I understand that (1) the E-mail system and all information transmitted by, received from, or stored in that system are the property of the City, (2) the system is to be used only for business purposes and not for personal purposes, and (3) I have no expectation of privacy in connection with the use of the E-mail system, the Internet, or devices, or with the transmission, receipt, or storage of information in such systems or devices.

I agree not to use a code, access a file, or retrieve stored communications unless authorized. I acknowledge and consent to the City monitoring my use of the E-mail system and the Internet at any time at its discretion, including printing and reading all E-mails or other electronic data entering, leaving, or stored in the system.

I further waive any and all rights and privileges with respect to any and all information, communications, files, and records transmitted through and residing on such systems.

\_\_\_\_\_Employee Initials

### **Conflict of Interest and Code of Ethics Policy**

I understand and agree that I must abide by the Conflict of Interest and Code of Ethics Policy. I have been provided training on my obligations and understand that I am subject to both the State of Florida Code of Ethics and the Palm Beach County Code of Ethics, as amended from time to time. Violation of this policy may lead to immediate termination and investigation or other penalties imposed by outside organizations.

\_\_\_\_\_Employee Initials

Furthermore, I acknowledge that this manual of rules, policies and procedures is neither a contract of employment nor a legal document. I have received the manual and understand that it is my responsibility to read and comply with the policies contained herein and any revisions made hereafter.

Dated \_\_\_\_\_, \_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Employee Printed Name

\_\_\_\_\_  
Witness Printed Name

## TUITION REIMBURSEMENT PROGRAM APPLICATION

TUITION REIMBURSEMENT PROGRAM APPLICATION				
<b>SECTION I</b>				
Employee Name:			Payroll ID #:	
Department:		Job Title:		
<b>SECTION II</b>				
School/Institution:		Semester/Term:		
Degree Pursuing: <input type="checkbox"/> Associates <input type="checkbox"/> Bachelors <input type="checkbox"/> Masters		Major:		
<b>Course Information:</b> Separate applications must be utilized when course end dates are different.				
Course #	Course Title	Course Dates/ Day(s) and Times	Number of Credit Hours	Tuition Costs
1.				\$
2.				\$
<b>Books:</b>				Estimated Amount
				\$
<b>SECTION III – Terms of Agreement and Acknowledgment</b>				
<p>It is understood that I am requesting reimbursement of tuition and other costs pursuant to the Personnel Policy Handbook or the IAFF Collective Bargaining Agreement. I understand that activities (i.e. homework, research, etc.) associated with the pursuit of this degree and attendance of the course(s) listed herein shall be during my off-duty hours. I certify that the courses are related to my work field and that I am not receiving payments for these courses from any other source.</p> <p>I agree to remain employed for a minimum of three (3) years from the completion date of the course(s). If I fail to do so for any reason, I shall reimburse the City as stipulated in the Personnel Policy Handbook for payments made to me for reimbursed course(s). I further agree that reimbursement to the City shall be deducted from any benefits due me at the time of my separation from employment. I acknowledge that the City is authorized to enforce the terms and conditions of this Agreement during and after my employment.</p> <p>Employee's Signature _____ Date _____</p>				
<b>ACKNOWLEDGMENT</b>				
STATE OF FLORIDA COUNTY OF PALM BEACH				
Sworn and subscribed to before me this ____ day of _____, 20____, by _____, who is personally known to me or has produced _____ as identification.				
_____ Notary Public				
Seal/Stamp _____ Notary Name: Stamped, Printed or Typed _____				
<b>SECTION IV – Course and Reimbursement Approval</b>				
Department Director _____		Date _____		
Human Resources _____		Date _____		
City Manager _____		Date _____		



## HARASSMENT/DISCRIMINATION REPORT FORM

Name of the Complainant: \_\_\_\_\_

Department: \_\_\_\_\_

Phone Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

Today's Date: \_\_\_\_\_

Name of the Accused: \_\_\_\_\_

Department: \_\_\_\_\_

Relationship of the Accused to the Complainant (Director, Supervisor, Co-worker, Vendor, etc.): \_\_\_\_\_

\_\_\_\_\_

Phone Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

**Date of Incident:** *(If more than one event, please report each event on a separate form.)*

**Where did the specific event occur?**

**Please explain the events that occurred.**

**How did you react to the situation? Did you take any action to stop perceived inappropriate behavior?**

**Describe the harm you have suffered as a result of the event.**

**Were there any witnesses to this specific event? (If yes, please provide their names.)**

**Is there any physical evidence that supports your complaint? If so, please describe or attach copy of evidence.**

**What would be your desired outcome of the investigation?**

The information provided in this complaint is true and correct to the best of my knowledge. I am willing to cooperate fully in the investigation of my complaint and provide whatever evidence the City deems relevant.

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

*If additional space is needed, please attach along with this form and return to Human Resources.*

## APPENDIX A

### The City of Greenacres Drug Free Work Place Policy

- PURPOSE:** The City of Greenacres has a longstanding commitment to provide a safe and productive work environment consistent with the standards of the community in which we serve. The use of drugs by City employees, on or off the job, and the state of being under the influence of drugs or alcohol while at work are inconsistent with the law-abiding behavior expected by all citizens and the special trust placed in City employees as public servants. Alcohol and drug use and abuse poses a threat to the health and safety of the City of Greenacres employees and to the security of the City's property and facilities. The City of Greenacres is committed to the elimination of drug and alcohol use and abuse in the workplace.
- POLICY:** This policy outlines the practice and procedure designed to establish the City as a Drug Free Workplace in accordance with the program requirements outlined in Florida Statute § 440.102.
- In the event the provisions of this policy conflict with a collective bargaining agreement the collective bargaining agreement will prevail.
- DEFINITIONS:** "City premises" includes all buildings, offices, facilities, grounds, parking lots, places and vehicles owned, leased, used, or managed by the City of Greenacres or on any site on which the City is conducting business.
- "Drug" means alcohol, including a distilled spirit, wine, a malt beverage, or an intoxicating liquor; an amphetamine; a cannabinoid; cocaine; phencyclidine (PCP); a hallucinogen; methaqualone; an opiate; a barbiturate; a benzodiazepine; a synthetic narcotic; a designer drug; or a metabolite of any of these substances.
- "Drug Test" means any chemical, biological, or physical instrumental analysis administered by a certified laboratory for the purpose of determining the presence or absence of a drug or its metabolites.
- "Employee" is a person who works for the City on a wage, salary or unpaid basis, who is subject to the control and direction of the City in the performance of their duties. For the purposes of this Policy, this definition includes all volunteers and contract employees.

“Job Applicant” for purposes of this Policy is an individual who has applied for a Special Risk or Mandatory Testing position with the City, has been selected and offered the position contingent upon completion of a background check, post-offer physical and drug test.

“Medical Review Officer” (MRO) is a licensed physician who has knowledge of substance abuse disorders, laboratory testing procedures, and chain of custody collection procedures; who verifies positive, confirmed test results; and who has the necessary medical training to interpret and evaluate an employee’s positive test result in relation to the employee’s medical history or any other relevant biomedical information. The MRO is responsible for receiving and reviewing laboratory drug test results. The MRO assesses and determines whether an alternate medical or other acceptable explanation can account for a confirmed positive test result.

“Mandatory Testing Position” is any position, including a supervisory or management position, a job assignment that requires the employee to carry a firearm, work closely with an employee who carries a firearm, perform life-threatening procedures, work with heavy or dangerous machinery, work as a safety inspector, work with children, work with detainees in the correctional system, work with confidential information or documents pertaining to criminal investigations, work with controlled substances, or a job assignment that requires an employee security background check, pursuant to s. 110.1127, or a job assignment in which a momentary lapse in attention could result in injury or death to another person..

“Special Risk Position” is a position that is required to be filled by a person who is certified as a firefighter by the State.

“Specimen” means a tissue, hair, oral fluid (saliva) or product of the human body capable of revealing the presence of drugs or their metabolites.

“Refuse to cooperate” means to obstruct the collection or testing process; to submit an altered, adulterated or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requested drug testing forms; to fail to promptly provide specimen(s) for testing when directed to do so, without a valid medical basis for the failure or otherwise fail to adhere to this policy. Employees who leave the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will also be considered to have refused to cooperate and will automatically be subject to discharge.

"Under the influence of alcohol" means an alcohol concentration equal to or greater than .04, or actions, appearance, speech or bodily odors that reasonably cause a supervisor to conclude that an employee is impaired because of alcohol use.

"Under the influence of drugs" means a confirmed positive test result for drug use per this policy, which may include the misuse of legal drugs (prescription and possibly OTC) when there is not a valid prescription from a physician for the lawful use of a drug in the course of medical treatment (containers must include the patient's name, the name of the substance, quantity/amount to be taken and the period of authorization).

**PROCEDURE: A. Substance Abuse Awareness**

Illegal drug use and alcohol misuse have many serious adverse health and safety consequences. Information about those consequences and sources of help for drug or alcohol problems is available from the Human Resources Division along with the Employee Assistance Program.

**B. Employee Assistance**

The City of Greenacres may assist and support employees who voluntarily seek help for such problems before becoming subject to discipline or termination under this or any other City of Greenacres policies. Such employees may be allowed to use accrued paid time off, placed on a leave of absence, referred to treatment providers and otherwise reasonably accommodated as required by law. Such employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are Mandatory Testing or Special Risk positions, require driving, or if they have violated this policy previously. Once a drug test has been scheduled, unless otherwise required by the Family and Medical Leave Act or the Americans with Disabilities Act, the employee will have forfeited the opportunity to be granted a leave of absence for treatment, and possible discipline, up to and including termination, will be enforced.

**C. Work Rules**

1. The possession or use of medical marijuana is not allowed on City premises.



- a. If an applicant or employee with a legal referral for marijuana (for the treatment of a medical condition) tests positive based on the substance limits for the drug test, it will be reported by the lab as a “positive drug test” and will be treated in accordance with all other positive drug tests.
2. Whenever employees are working or operating any City vehicle, are present on City premises, or are conducting City-related work offsite, they are prohibited from:
  - a. Using, possessing, buying, selling, manufacturing or dispensing an illegal drug (to include drug paraphernalia).
  - b. Being under the influence of alcohol or drug as defined in this policy.
  - c. Possessing or consuming alcohol.
3. The presence of any detectable amount of any drug or alcohol in an employee's system, while performing City business or while in a City facility, is prohibited.
4. The City of Greenacres will also not allow employees to perform their duties while taking prescribed drugs that may adversely affect their ability to safely and effectively perform their job duties. Employees taking a prescribed medication must carry it in the container labeled by a licensed pharmacist or be prepared to produce it if asked.
5. Any drug or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.
6. Employees and applicants shall be given an opportunity to provide any relevant information prior to the test, including identification of currently or recently used prescription or non-prescription medications as well as any legal referral for marijuana use for the treatment of a medical condition.
  - a. There are no exceptions for applicants or employees with legal referrals for marijuana.
7. Any employee who believes that another City employee is using or has used drugs or alcohol in violation of this

Policy shall immediately report that information to their Department Director and/or Human Resources. Failure of an employee to make such report could result in disciplinary action up to and including termination.

#### **D. Required Testing:**

##### **1. Pre-employment**

All applicants for Special Risk and Mandatory Testing positions and/or those required to drive as part of their position must pass a drug test before beginning work as a condition of employment. Refusal to submit to testing will result in disqualification of further employment consideration.

The City must include notice to job applicants on vacancy announcements for those positions for which drug testing is required (*The City of Greenacres is committed to providing an environment free of the abuse of alcohol and the illegal use of alcohol and other drugs. The City has adopted and implemented programs, including drug testing, that seek to prevent the illicit use of drugs and the abuse of alcohol by City employees, volunteers, or coaches*).

A notice of the employer's drug-testing policy must be posted in plain view on the employer's premises, and copies of the policy must be made available for the employees or job applicants during regular business hours in Human Resources, or other suitable location.

##### **2. Reasonable Suspicion**

Employees are subject to testing based on (but not limited to) observations by the supervisor of apparent workplace use, possession or impairment. Human Resources shall be consulted before sending an employee for testing. All levels of supervision making this decision must use the Reasonable Suspicion Reporting Form (Attachment B) to document specific observations and behaviors that create a reasonable suspicion that the person is under the influence of drugs or alcohol. If the results of the Reasonable Suspicion Reporting Form indicate further action is justified, the Director or supervisor should confront the employee with the documentation or with another designee. (*Under no circumstances will the employee*

*be allowed to drive himself or herself to the testing facility. A Supervisor or Human Resources must escort the employee; and will make arrangements for the employee to be transported home.*

Some examples of reasonable suspicion may include, but are not limited to:

- Direct observation of drug/alcohol use, or the symptoms of being under the influence of drug(s) or alcohol.
- Abnormal behavior while at work or a significant deterioration in work performance.
- A report of drug use, provided by a reliable and credible source.
- Evidence that an individual has tampered with a drug test during his or her employment with the City.
- Information that an employee has caused, contributed to, or been involved in, an accident while at work.
- Evidence that an employee has used, possessed, sold, or solicited drugs while working or while on the employer's premises or while operating the employer's vehicle, machinery or equipment.

If the testing is conducted on a "reasonable suspicion" basis, the employer must promptly record the circumstances which formed the basis of the determination that reasonable suspicion existed to warrant the testing. A copy of this documentation must be provided to the employee on request, and the original documentation must be kept confidential by the City.

### **3. *Post-accident***

All employees contributing to an on-the-job vehicular accident, industrial accident, or who sustain and are evaluated and are treated for an on-the-job injury, or

cause death or serious injury to another will be drug tested as soon as reasonably possible following such incident. Under no circumstance will the employee be allowed to drive themselves to the testing facility.

Employees will be returned to work pending test results, except in the following circumstances where they will be placed on paid leave while pending test results:

- a) There is reasonable suspicion of drug or alcohol use by the employee in addition to the accident;
- b) Employee causes physical injury to self and/or another person requiring immediate medical treatment away from the scene;
- c) Incident results in City or personal vehicle damage;
- d) Incident results in damage to property and/or the circumstances imply that the accident or unsafe practice may have been caused by drug and/or alcohol use;
- e) Incident causes a fatality; or
- f) Employee has been involved in more than one work-related accident within the last 12-month period.

Employees who leave the scene of an accident and/or who do not inform their supervisor or Human Resources of the accident and how to reach them for testing purposes, barring medical-related emergencies, will be considered to have refused testing and may be subject to disciplinary action up to and including termination of employment.

If an employee is injured in the scope of his/her employment and drug tests and/or other medical evidence indicates the presence of drugs or alcohol in the employee's body at that time of the accident, and it can be concluded that the drug(s) or alcohol used contributed to the accident, the employee will be required to forfeit any medical or indemnity benefits available under Florida's Workers' Compensation statute, and will also forfeit eligibility for unemployment benefits. These penalties are in addition to any other penalties that may apply under this Policy or under applicable law.

#### **4. Fitness for Duty**

Employees should report to work fit for duty and free of any adverse effects of drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications that do not impair the ability to safely perform the job. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely, and they must promptly disclose any work restrictions to their supervisor. Employees should not, however, disclose to the City underlying medical conditions unless directed to do so.

Any Employee required to submit to a Fitness for Duty medical examination will be drug tested as part of the examination.

#### **E. Follow-up**

Employees who have tested positive, or otherwise violated this policy, are subject to discipline, up to and including termination. Depending on the circumstances and the employee's work history/record, the City of Greenacres may offer an employee who violates this policy or tests positive the opportunity to return to work on a last-chance agreement pursuant to mutually agreeable terms, which could include follow-up drug testing at times and frequencies determined by the City for a minimum of one year. If the employee either does not complete the rehabilitation program or tests positive after completing the rehabilitation program, the employee will be subject to immediate termination from employment.

#### **F. Collection and Testing Procedures**

Employees subject to alcohol testing should be driven to a City of Greenacres-designated facility and directed to provide specimens. *(Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. A Supervisor or Human Resources must escort the employee; and will make arrangements for the employee to be transported home).* A specimen level of .04 or greater is reported as a positive test result.

Employees subject to drug testing should be driven to a City

of Greenacres-designated facility and directed to provide specimens.

**10 PANEL DRUG SCREEN** with over the counter and prescription drugs which could alter or affect test results\*

Consists of:

1. AMPHETAMINES  
Obetrol, Biphetamine, Desoxyn, Dexedrine, Didrex, Methamphetamine
2. MARIJUANA (CANNABINOIDS) in all forms  
Marinol, (Dronabinol, THC)
3. COCAINE (metabolite)  
Cocaine HCl topical Solution (Roxanne)
4. OPIATES  
Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine. Empirin with Codeine, APAP w/Codeine, Aspirin w/ Codeine, Robitussin AC, Guafacene AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, etc.
5. PHENCYCLIDINE (PCP) Not legal by prescription
6. METHAQUALONE  
Not legal by prescription
7. BARBITURATES  
Amobarbital, Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butalbital, Pentobarbital, Secobarbital, Phrenilin, Triad, etc.
8. BENZODIAZEPINES  
Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Zanax, Serax, Tranxene, Valium, Halcion, Paxipam, Restoril, Centrax
9. METHADONE  
Dolophine, Methadose
10. PROPAXYPHENE  
Darvocet, Darvon N, Dolene, etc.
11. Other Synthetic narcotics not listed herein.
12. Alcohol (.04 or higher)

\*Due to the large number of obscure brand names and constant marketing of new products, this list cannot and is not intended to be all-inclusive. New drugs will automatically be added to the list of controlled

substances based on Florida Statute and federal laws, rules, and regulations.

The laboratory should transmit all positive drug test results to a MRO retained by the City of Greenacres, who should offer persons with positive results a reasonable opportunity to rebut or explain the results within five (5) working days after receiving notification of the test result. If the employee's explanation or challenge is unsatisfactory to the MRO, the MRO may report a positive test result back to the employer.

The City shall incur the cost of all tests which it requires of applicants and employees. An employee shall incur the cost of any additional testing not required by the City.

### **G. Consequences**

Job Applicants who refuse to cooperate with a drug test or who test positive will not be hired and will not be allowed to reapply/retest in the future.

Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture or dispense a drug in violation of this policy will be terminated. *If the employee refuses to be tested, yet the City believes he or she is impaired, under no circumstances will the employee be allowed to drive himself or herself home.*

The first time an employee tests positive for alcohol or drug use under this policy, the result will be discipline up to and including termination. The City may not terminate, discipline, or discriminate against an employee because the employee has voluntarily come forth to seek treatment for a drug-related problem prior to being directed to submit to a test or engaging in conduct that would result in a test if the employee has not previously tested positive for drug use.

Employees will be paid for time spent for alcohol or drug testing and then placed on paid leave pending the results of the drug or alcohol test. After the results of the test are received, a date and time will be scheduled to discuss the results of the test; this meeting will include Department Director, City Manager or Designee, and Human Resources.

An employee who is terminated or denied employment as a result of a positive drug/alcohol test, may not qualify for unemployment compensation benefits.

Violating this policy may negatively impact the employee's ability to gain the benefits of workers compensation insurance, COBRA, and/or unemployment benefits.

#### **H. Confidentiality**

Information and records relating to drug test results, drug and alcohol dependencies, and legitimate medical explanations provided to the MRO should be kept confidential to the extent required by law and maintained in secure files separate from the personnel files. Such records and information may be disclosed among directors and supervisors on a need-to-know basis and may also be disclosed when relevant to a grievance, charge, claim or other legal proceeding initiated by or on behalf of an employee.

#### **I. Inspections**

The City of Greenacres reserves the right to inspect all portions of its premises for drugs, alcohol or other contraband. All employees, contract employees, volunteers and visitors may be asked to cooperate in inspections of their persons, work areas and property that might conceal a drug, alcohol or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline, up to and including termination.

#### **J. Crimes Involving Drugs**

The City of Greenacres prohibits all employees from manufacturing, distributing, dispensing, possessing or using a drug in or on City premises or while conducting City business. The City of Greenacres employees are also prohibited from misusing legally prescribed or over-the-counter (OTC) drugs. Law enforcement personnel should be notified, as appropriate, when criminal activity is suspected.

The City of Greenacres does not desire to intrude into the private lives of its employees, but recognizes that employees' off-the-job involvement with drugs and alcohol may have an impact on the workplace. Therefore, the City reserves the right to take appropriate disciplinary action for drug use, sale or distribution while off the City premises.



Any City employee who is arrested or convicted for a violation of a criminal drug statute must notify Human Resources in writing of such arrest or conviction immediately but in no event later than five (5) calendar days subsequent to such arrest or conviction. Employees must keep the City advised of the status of any pending criminal drug or alcohol case. Written notification of any criminal drug or alcohol conviction or other court adjudication of charges withheld, pending, and/or completion of court probation must be provided to Human Resources Division within five (5) calendar days of the court's decision. Based on job function and a failure of an employee to make such report could result in disciplinary action up to and including termination.

#### **K. Reasonable Suspicion and Post-Accident Testing Protocol**

1. The employee will be advised that the City of Greenacres believes that there is reasonable suspicion that he or she is affected by drugs or alcohol (or due to the nature of the accident the policy mandates this) and that this test is being offered to confirm or deny this suspicion.
2. The employee will be transported to any one of the City's contracted testing facilities. A Supervisor or Human Resources Designee will accompany the employee. *Under no circumstances will the employee be allowed to drive himself or herself to the testing facility.*
3. The employee to be tested must present a photo ID (i.e., a driver's license or state ID card) to the testing facility staff before the specimen can be obtained. Ensure that the employee brings the photo ID with him or her when leaving the City of Greenacres premises.
4. The employee to be tested must sign a consent form provided by the testing facility. Refusal to sign is addressed under the "Consequences" section of this document.
5. A City of Greenacres Director/Supervisor must sign as a witness to the collection procedure, along with the tested employee.

6. After returning to the City or when leaving the testing facility, the supervisor/manager or designee must make arrangements to transport the employee home. Under no circumstances will the tested employee be allowed to drive himself or herself home.

#### **L. Challenges to Test Results**

1. Within five (5) working days after receipt of a confirmed positive test result from the MRO, the City will notify the employee in writing of the test result and the consequences of such results.
2. Within 5 working days after receipt of a positive confirmed test result from the MRO, the City will inform an employee or job applicant in writing of the positive test result, the consequences of such results, and the options available to the employee or job applicant. The City will provide to the employee or job applicant, upon request, a copy of the test results.
3. Within 5 working days after receiving notice of a positive confirmed test result, an employee or job applicant may submit information to the City explaining or contesting the test result, and explaining why the result should not constitute a violation of the City's policy.
4. If the employee's or job applicant's explanation or challenge of the positive test result is unsatisfactory to the employer, a written explanation as to why the explanation is unsatisfactory, along with the report of positive result, shall be provided by the City to the employee or job applicant; and all such documentation shall be kept confidential by the City and retained for at least 1 year.
5. During the 180-day period after written notification of a positive test result, the employee or job applicant who has provided the specimen shall be permitted by the City to have a portion of the specimen retested, at the employee's or job applicant's expense, at another licensed and approved laboratory, chosen by the employee or job applicant. The second laboratory must test at equal or greater sensitivity for the drug in question as the first laboratory. The first laboratory that performed the test is responsible for the transfer of the

portion of the specimen to be retested, and for the integrity of the chain of custody during such transfer.

6. The employee or job applicant is responsible for notifying the laboratory of any administrative or civil action brought relating to this policy or the testing.

## M. Resources

### **Suicide Prevention Lifeline**

**1-800-273-TALK (8255)**

**TTY: 1-800-799-4889**

Website: [www.suicidepreventionlifeline.org](http://www.suicidepreventionlifeline.org)(link is external)

24-hour, toll-free, confidential suicide prevention hotline available to anyone in suicidal crisis or emotional distress. Your call is routed to the nearest crisis center in the national network of more than 150 crisis centers.

### **SAMHSA's National Helpline**

**1-800-662-HELP (4357)**

**TTY: 1-800-487-4889**

Website: [www.samhsa.gov/find-help/national-helpline](http://www.samhsa.gov/find-help/national-helpline)

Also known as, the Treatment Referral Routing Service, this Helpline provides 24-hour free and confidential treatment referral and information about mental and/or substance use disorders, prevention, and recovery in English and Spanish.

### **Disaster Distress Helpline**

**1-800-985-5990**

Website: [www.samhsa.gov/find-help/disaster-distress-helpline](http://www.samhsa.gov/find-help/disaster-distress-helpline)

Stress, anxiety, and other depression-like symptoms are common reactions after any natural or human-caused disaster. Call this toll-free number to be connected to the nearest crisis center for information, support, and counseling.

### **Veteran's Crisis Line**

**1-800-273-TALK (8255)**

**TTY: 1-800-799-4889**

Website: [www.veteranscrisisline.net](http://www.veteranscrisisline.net)(link is external)

Connects veterans in crisis (and their families and friends) with qualified, caring Department of Veterans

Affairs responders through a confidential, toll-free hotline, online chat, or text.

**Drug-Free Workplace**

**1-800-WORKPLACE (967-5752)**

Website: [www.samhsa.gov/workplace/resources/drug-free-helpline](http://www.samhsa.gov/workplace/resources/drug-free-helpline)

Assists employers and union representatives with policy development, drug testing, employee assistance, employee education, supervisor training, and program implementation.



## ITEM SUMMARY

**MEETING DATE:** February 7, 2022

**FROM:** Monica Powery, Director, Purchasing

**SUBJECT:** Award of RFP No. 22-004 Compensation Study

### BACKGROUND

The City of Greenacres desires to hire experienced and qualified companies to provide a compensation study for all employee position in the City. The bid was advertised by the City's Purchasing Department on December 12, 2021.

### ANALYSIS

The proposals were opened on January 11, 2022 with three (3) proposers responding. MAG International, Inc. was deemed non-responsive as they did not include the minimum requirements stated in the RFP with their proposal. The attached tabulation sheet summarized the responses received.

The Selection Committee was comprised of the following City personnel: Director of Human Resources, City Clerk, Buyer and the Purchasing Director as the Chair. Evergreen Solutions, LLC. and HR Compensation Consultants, LLC presented to the Selection Committee. Immediately after, the selection committee held a meeting to discuss, evaluate and rank both firms. The attached tabulation sheets summarizes the committee's final ranking.

### FINANCIAL INFORMATION

Sufficient funds are budgeted in account 001-10-14-34-4, Human Resources, Contractual Services

### LEGAL

The recommendation for award is in accordance with the requirements of City policies and procedures.

### STAFF RECOMMENDATION

Approval of Resolution No. 2022-06 authorizing execution of contract and award of RFP NO. 22-006 Compensation Study to HR Compensation Consultants, LLC.

**RESOLUTION NO. 2022-06**

**A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING A PROFESSIONAL SERVICE AGREEMENT BETWEEN THE CITY OF GREENACRES AND HR COMPENSATION CONSULTANTS, LLC. TO PERFORM A COMPENSATION STUDY; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, The City is in need of a qualified firm to provide a compensation study, which shall include reviewing the effectiveness of the City's current salary plan as it relates to market competitiveness for attracting and retaining employees. The firm shall also conduct a job analysis to compare the City's compensation for competitiveness within the local labor market; and

**WHEREAS**, The Purchasing Department (the "Department") issued Request for Proposal No. 22-004 (the "RFP"); and

**WHEREAS**, the RFP was advertised in the legal notices section of the Palm Beach Post on December 12, 2021, and a notice was also sent to four hundred and sixty (460) prospective proposers via DemandStar; and

**WHEREAS**, on January 11, 2022 at 3:00 p.m. EST, the RFP closed and the Purchasing Department received three (3) responses which were reviewed by staff to ensure the responses met the RFP requirements. MAG International, Inc. was deemed non-responsive as they did not include the minimum requirements stated in the RFP with their proposal. The two other proposals received were determined to be both responsive and responsible; and

**WHEREAS**, the Selection Committee (the "Committee") met on January 19, 2022 to view presentations from Evergreen Solutions, LLC. and HR Compensation Consultants, LLC.; and

**Resolution No. 2022-06 | Compensation Study**

Page No. 2

**WHEREAS**, following the presentations the selection committee discussed each firms' presentation and proposal; and

**WHEREAS**, the Committee evaluated both firms to determine which would be in the best interest of the City; and

**WHEREAS**, the Committee recommends that the City Council approve award of the RFP to HR Compensation Consultants, LLC and authorize the execution of the contracts.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:**

**SECTION 1.** The City Council hereby authorizes the Agreement for Compensation Study between the City of Greenacres and HR Compensation Consultants, LLC.

**SECTION 2.** The City Council authorizes the appropriate City Officials to execute the Agreement.

**SECTION 3.** This Resolution shall be effective upon its adoption.

**RESOLVED AND ADOPTED this 7 of day of February 2022**

*Voted:*

\_\_\_\_\_  
**Joel Flores**, Mayor

\_\_\_\_\_  
**John Tharp**, Deputy Mayor

**Attest:**

*Voted:*

\_\_\_\_\_  
**Quintella Moorer**, City Clerk

\_\_\_\_\_  
**Peter Noble**, Council Member, *District II*

*Voted:*

\_\_\_\_\_  
**Judith Dugo**, Council Member, *District III*

*Voted:*

\_\_\_\_\_  
**Jonathan Pearce**, Council Member, *District IV*

*Voted:*

\_\_\_\_\_  
**Paula Bousquet**, Council Member, *District V*

**Approved as to Form and Legal Sufficiency:**

\_\_\_\_\_  
**Glen J. Torcivia**, City Attorney





## ITEM SUMMARY

**MEETING DATE:** February 7, 2022

**FROM:** Kara L. Irwin-Ferris, Building, Planning and Engineering Director *KLF*

**SUBJECT:** **Resolution No. 2022-09 Original Section Capital Improvements**  
FY 2022-2023 Execution of CDBG Grant Agreement

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## BACKGROUND

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### Background:

The Palm Beach County Department of Economic Sustainability (DES) provides grants through the Community Development Block Grant (CDBG) program to local governments to provide for either housing or capital improvements in designated Target Areas. The City has previously secured grants from DES to assist in the redevelopment of Ira Van Bullock Park; the installation of sidewalks and canal crossing improvements along Fleming, Jennings, Perry, Martin, Broward, Walker and Jackson Avenues south of 10<sup>th</sup> Avenue North; the improvement of Swain Boulevard, Jackson, Martin, Broward, Walker, Perry, Jennings and Fleming Avenues north of 10<sup>th</sup> Avenue North; the construction of Phase II of the Community Center parking lot on the site of the old Public Works building; the enhancement of Ira Van Bullock Park by adding recreational amenities at the old Public Works compound; the renovation of 301 Swain Boulevard; the construction of Phases 2 through 5 of the 10<sup>th</sup> Avenue North gravity sewer extension project; and Phases 1 through 8 of the stormwater drainage improvement project. These areas are located within the Original Section, the City's designated Target Area. DES is currently requesting applications for the 2022-2023 Action Plan.

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## ANALYSIS

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In addition to furthering the goals and objectives of the Comprehensive Plan, this request through the CDBG program will enhance the living conditions in the area by improving capital infrastructure needs in the City's Original Section.

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## FINANCIAL INFORMATION

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The City will be requesting approximately \$200,000 as part of the Fiscal Year 2022-2023 grant application. CDBG grants do not require matching funds and this work will be proposed for the City's Capital Improvement Program for FY 2023; thus, there are no adverse financial impacts associated with this grant application.

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### **LEGAL**

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The Resolution has been prepared in accord with applicable City Code requirements.

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### **STAFF RECOMMENDATION**

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*Approval* of the FY 2022-2023 CDBG Agreement through the adoption of Resolution 2022-09.

**RESOLUTION NO. 2022-09**

**A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE PALM BEACH COUNTY DEPARTMENT OF ECONOMIC SUSTAINABILITY FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR FY 2022-2023, FOR AN INFRASTRUCTURE PROJECT IN THE CITY'S ORIGINAL SECTION; AND AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE ALL NECESSARY DOCUMENTS.**

**WHEREAS**, the City Council entered into an Interlocal Agreement with Palm Beach County on June 5, 2017, for the Community Development Block Grant (CDBG) program to qualify for appropriations in Federal Fiscal Years 2021, 2022, and 2023; and

**WHEREAS**, the City Council has identified the Original Section of the City as a target area eligible for authorized Community Development Block Grant activities; and

**WHEREAS**, it was determined there is a need for infrastructure development within the Original Section of the City that improves the quality of life for the residents within the community; and

**WHEREAS**, the City Council has determined that this project has priority and is consistent with all relevant sections of the City's adopted Comprehensive Plan.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:**

**SECTION 1.** The City Council grants authorization for the submittal of the application to the Palm Beach County Department of Economic Sustainability for FY 2021-2022 Community Development Block Grant (CDBG) funding for the Phase 8 of the Stormwater Drainage Enhancement Project in the Original Section of the City of Greenacres.

**SECTION 2.** The City authorizes the appropriate City officials to execute and submit all documents for the 2022-2023 Community Development Block Grant Application.

**RESOLVED AND ADOPTED** this 7<sup>th</sup> day of February 2022

*Voted:*

\_\_\_\_\_  
**Joel Flores**, Mayor

\_\_\_\_\_  
**John Tharp**, Deputy Mayor

**Attest:**

*Voted:*

\_\_\_\_\_  
**Quintella Moorer**, City Clerk

\_\_\_\_\_  
**Peter Noble**, Council Member, *District II*

*Voted:*

\_\_\_\_\_  
**Judith Dugo**, Council Member, *District III*

*Voted:*

\_\_\_\_\_  
**Jonathan Pearce**, Council Member, *District IV*

*Voted:*

\_\_\_\_\_  
**Paula Bousquet**, Council Member, *District V*

**Approved as to Form and Legal Sufficiency:**

\_\_\_\_\_  
**Glen J. Torcivia**, City Attorney



## ITEM SUMMARY

**MEETING DATE:** February 7, 2022

**FROM:** Carlos Cedeño, Director, Public Works Department

**SUBJECT:** **Ordinance 2022-03**  
Palm beach County Water Utilities Department Expansion of Wastewater Utility System within City of Greenacres Municipal Boundaries

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### BACKGROUND

Palm Beach County has proposed expanding its wastewater utility system to real property within the City's municipal boundaries and surrounding, unincorporated real property generally located south of 10<sup>th</sup> Avenue North, east of Haverhill Road, west of Military Trail, and north of LWDD L-11 Canal. The expansion area includes the property owned by Legacy Church Ministries of Greenacres, Inc., located at 4982 Cambridge Street, within the City of Greenacres ("Your Property"). The property is the only parcel within the expansion area that is within the municipal boundaries of the City of Greenacres.

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### ANALYSIS

In order for the property to be included in the County's wastewater system as part of the proposed expansion, the City is required to adopt an Ordinance granting the County authority to perform the project and to provide the service within the City's boundaries. If the property is included in the County's expansion project, it will be subject to a special assessment levied by the County for a proportionate share of the project costs, and regular utility service fees from the County.

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### FINANCIAL INFORMATION

The wastewater expansion shall be paid for by the benefitted real property owners through a special assessment to be assessed by Palm Beach County. Estimates of the project costs have not been provided to the City.

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### LEGAL

Ordinance 2022-03 has been prepared in accord with applicable City Code requirements.

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### STAFF RECOMMENDATION

*Approval* of Ordinance 2022-03 approving the adoption of an Ordinance granting the County authority to perform the project and to provide the service within the City's boundaries.

**ORDINANCE NO. 2022-03**

**AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 15 UTILITIES TO INCLUDE AN ADDITIONAL ARTICLE FOR EXPANSION OF PALM BEACH COUNTY'S WASTEWATER SYSTEM WITHIN THE CITY OF GREENACRES; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Greenacres (the "City") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, Palm Beach County has proposed expanding its wastewater utility system to real property within the City's municipal boundaries and surrounding, unincorporated real property generally located south of 10<sup>th</sup> Avenue North, east of Haverhill Road, west of Military Trail, and north of LWDD L-11 Canal ("Wastewater Expansion"); and

**WHEREAS**, the Wastewater Expansion shall be paid for by the benefitted real property owners through a special assessment to be assessed by Palm Beach County; and

**WHEREAS**, in accordance with Section 27-155 of the Palm Beach County Code of Ordinances, the City must pass an ordinance to request the Wastewater Expansion within the City's municipal boundaries, authorize Palm Beach County to be the service provider for said Expansion, and authorize Palm Beach County to fund said Expansion by special assessment; and

**WHEREAS**, due to the benefits obtained from utilizing wastewater systems, the City Council desires Palm Beach County to undertake the Wastewater Expansion, be the service provider for said Expansion, and to fund said Expansion by special assessment; and

**WHEREAS**, the City Council hereby finds that this Ordinance serves a public purpose and is in the best interest of the public health, safety and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AS FOLLOWS:**

**Section 1.** Findings. The foregoing recitals are hereby ratified and conformed as being true and correct and are hereby incorporated as findings of the City Council of the legislative intent of this ordinance.

**Section 2.** Chapter 15 Utilities of the City of Greenacres Code of Ordinances is hereby amended to add thereto a new Article IV Wastewater to read as follows (added language is underlined):

#### **ARTICLE IV. - WASTEWATER**

##### **DIVISION 1. – GENERALLY**

**Secs. 15-81 - 15- 90- Reserved.**

##### **DIVISION 2. IMPROVEMENTS**

###### **Sec. 15-91. Authorization.**

Palm Beach County is authorized to undertake wastewater improvement projects and to be the service provider for wastewater utilities within the boundaries of the City, as more specifically set forth in this Division.

###### **Sec. 15-92. Assessments.**

Projects undertaken pursuant to this Division may be funded by special assessments as determined by Palm Beach County and payable by the property owners within the improvement area, consistent with the Palm Beach County Code of Ordinances.

###### **Sec. 15-94. Assistance.**

In furtherance of the Projects identified in this Division, the City may provide financial or technical assistance. Any assistance to be provided by the City will be included in the Project details in Section 15-95.

###### **Sec. 15-95. Projects.**

Palm Beach County may undertake projects pursuant to this Division as identified in this Section.

(a) In the area south of 10<sup>th</sup> Avenue North, east of Haverhill Road, west of Military Trail, north of LWDD L-11 Canal, Palm Beach County is authorized to expand its wastewater system to include:

- 1) Installation of gravity sewer mains, manholes, service laterals, and related facilities.
- 2) If requested by Palm Beach County and approved by the City Manager or designee, technical assistance may be provided by the City to Palm Beach County. Other assistance may be authorized if requested by Palm Beach County and approved by Resolution of the City Council.

**Section 3.** Repeal of Conflicting Ordinances. All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

**Section 4.** Severability. If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group or persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

**Section 5.** Inclusion in Code. It is the intention of the City Council that the provisions of this Ordinance shall become and be made part of the Code of Laws and Ordinances of the City of Greenacres; that the section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word "ordinance" may be changed to "section", "article" or another word.

**Section 6.** Effective Date. This Ordinance shall take effect upon adoption.

**Passed on the first reading this \_\_\_\_ day of \_\_\_\_\_, 2022.**



**PASSED AND ADOPTED on the second reading this \_\_\_\_ day of \_\_\_\_\_, 2022.**

**Voted**

\_\_\_\_\_  
**Joel Flores**  
**Mayor**

\_\_\_\_\_  
**Paula Bousquet**  
**Deputy Mayor**

**Attest:**

\_\_\_\_\_  
**Quintella Moorer, CMC**  
**City Clerk**

\_\_\_\_\_  
**John Tharp**  
**Council Member, District I**

\_\_\_\_\_  
**Peter A. Noble**  
**Council Member, District II**

\_\_\_\_\_  
**Judith Dugo**  
**Council Member, District III**

\_\_\_\_\_  
**Jonathan G. Pearce**  
**Council Member, District IV**

**Approved as to Form and Legal Sufficiency:**

\_\_\_\_\_  
**Glen J. Torcivia**  
**City Attorney**



## ITEM SUMMARY

**MEETING DATE:** February 7, 2022

**FROM:** Kara Irwin-Ferris, AICP, Development & Neighborhood Services Director

**SUBJECT:** **Ordinance 2021-21, ZTA-21-06**  
Sidewalk/ROW

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### BACKGROUND

Sidewalk width has significant implications for streetscape design and the quality of the pedestrian environment. Sidewalks that are too narrow prevent pedestrians from moving safely and comfortably. Narrow sidewalks also make it difficult or impossible to provide important additional streetscape elements and pedestrian amenities. A wide sidewalk offers pedestrians enough space to walk at their chosen pace, stand, sit, socialize, or merely enjoy their surroundings. Wider sidewalks also offer more space for landscaping and amenities, making the streetscape more useful and attractive and also acting as a buffer between traffic and pedestrians.

In addition, quality sidewalks and public spaces promote walking, whether it is to connect to transit, to buy groceries at the corner store, or from parking a vehicle or bike. Increasing the amount that Greenacres' citizens walk can improve physical and emotional wellbeing, can reduce air pollution, and can reduce the number of vehicles competing for space on streets. A well-designed public realm can also promote a sense of community and improve social capital among residents, visitors, and businesses in neighborhoods across the county. Creating an environment in which people can sit, linger, and see and be seen sets the stage for the formation of strong social bonds and a dynamic community.

Further, sidewalks require a minimum width of 5.0 feet if set back from the curb or 6.0 feet if at the curb face to meet the minimum requirements for people with disabilities. Walking is a social activity. For any two people to walk together, 5.0 feet of space is the bare minimum. In some areas, such as near schools, sporting complexes, some parks, and many shopping districts, the minimum width for a sidewalk is 8.0 feet. Thus, any existing 4.0-foot-wide sidewalks (permitted as an AASHTO minimum) often force pedestrians into the roadway in order to talk or pass other walkers. Even children walking to school find that a 4.0-foot width is not adequate.

At the same time, we are seeking an increase of the right-of-way from forty feet (40') to forty-two feet (42'). This is necessary to ensure there is sufficient right-of-way when the sidewalk width is increase a foot on each side.

The Land Development Staff has reviewed these text amendments and is recommending approval. The Planning Commission reviewed this staff-initiated text amendment on December 15, 2021, and recommended approval by a vote of 4-0.

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### **ANALYSIS**

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Residential subdivisions shall provide sidewalks on both sides of all streets. Sidewalks shall be provided for at the time the subdivision is approved but shall be constructed in conjunction with the development of each adjacent lot and completed before a certificate of occupancy is issued. Per the proposed zoning text amendment, sidewalks shall be at least five (5) feet wide on all local streets and shall be constructed of concrete four (4) inches thick and six (6) inches thick over access points. Sidewalks on collector and arterial streets shall be constructed pursuant to Florida Department of Transportation requirements. This is in alignment with the trend that sidewalk widths are being expanded to allow more socializing, better mobility and creating a community feeling. Five feet sidewalks are the standard for West Palm Beach, Palm Beach County as well as other municipalities. In order to accommodate the additional sidewalk width, the right-of-way width would need to be increased by two feet (2') to a total of forty-two feet (42')

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### **FINANCIAL INFORMATION**

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N/A

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### **LEGAL**

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Ordinance 2021-22 was prepared in accordance with all applicable state statutes and City Code Requirements.

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### **STAFF RECOMMENDATION**

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*Approval of ZTA-21-06 through the adoption of Ordinance 2021-21.*

**ORDINANCE NO. 2021-21**

**AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING GREENACRES CODE OF ORDINANCE AT CHAPTER 12 - SUBDIVISIONS AND LAND DEVELOPMENT REGULATIONS, ARTICLE III - IMPROVEMENTS AND DESIGN STANDARDS, SECTIONS 12-65 BY INCREASING THE WIDTH OF SIDEWALKS FROM FOUR FEET TO FIVE FEET; AMENDING GREENACRES CODE OF ORDINANCE AT CHAPTER 12 – SUBDIVISIONS AND LAND DEVELOPMENT REGULATIONS, ARTICLE III IMPROVEMENTS AND DESIGN STANDARDS SECTION 12-67 (S) AND 12-67D TABLE BY INCREASING THE STREET RIGHT OF WAY WIDTH FROM FORTY (40) FEET TO FORTY-TWO (42) FEET; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Greenacres, Florida (the “City”) is a duly constituted municipality having such home rule power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, Chapter 12, Article III, Section 16-25 addresses widths of sidewalks which are presently four (4) feet and Chapter 12, Article III, Section 16-27 addresses widths of street rights-of-way; and

**WHEREAS**, the City Engineer and Development and Neighborhood Services Director, after reviewing various documents, studies, and other related matters, concluded that the safety and functionality of the City’s residential sidewalks could be improved if sidewalks are widened to five (5’) feet; and

**WHEREAS**, by widening the City’s sidewalks from four (4) feet to five (5’) feet requires that the street right-of-way to be widened from forty (40) feet to forty-two (42) feet; and

**WHEREAS**, the City Council finds that this Ordinance is in the best interest of the citizens of the City of Greenacres and serves a valid public purpose.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF**

**GREENACRES, FLORIDA, THAT:**

**SECTION 1.** The foregoing recitals are incorporated into this Ordinance as true and correct statements.

**SECTION 2.** Chapter 12 of the City of Greenacres Code of Ordinance is hereby amended as follows (additions are indicated by underscoring and deletions are indicated by strikeout type):

**CHAPTER 12, SUBDIVISIONS AND LAND DEVELOPMENT REGULATIONS****ARTICLE III- IMPROVEMENTS AND DESIGN STANDARDS****Sec. 12-65. - Sidewalks**

Residential subdivisions shall provide sidewalks on both sides of all streets. Sidewalks shall be provided for at the time the subdivision is approved but shall be constructed in conjunction with the development of each adjacent lot and completed before a certificate of occupancy is issued.

Sidewalks shall be at least ~~four (4)~~ five (5) feet wide on all local streets and shall be constructed of concrete ~~four (4) inches thick and six (6) inches thick over access points.~~ Sidewalks on collector and arterial streets shall be constructed pursuant to Florida Department of Transportation requirements. Bicycle/pedestrian paths shall be a minimum of six (6) feet wide and be constructed with a four (4) inch thick compacted base of lime rock or shell and surfaced with one and one-half (1½) inches of type III asphaltic concrete. Where bicycle/pedestrian paths cross access points they shall be constructed to the local street standards described.

**SECTION 3.** Chapter 12 of the City of Greenacres Code of Ordinance is hereby amended as follows (additions are indicated by underscoring and deletions are indicated by strikeout type):

**CHAPTER 12, SUBDIVISIONS AND LAND DEVELOPMENT REGULATIONS****ARTICLE III- IMPROVEMENTS AND DESIGN STANDARDS**

**Ordinance No. 2021-21| Sidewalks/ROW**

Page No. 3

Sec. 12-67. – Streets and parking areas

Table 12-676(d): Street Right-Of-Way

Table 12-676(d): Street Right-Of-Way	
Street Type	Right-of-Way Width
Arterial	120 feet
Collector	80 feet
Local (Public)	50 feet
Local (Private)	40 feet <u>42 feet</u>
Marginal access	40 feet <u>42 feet</u>
Cul-de-sac	116-foot diameter
Alley	20 feet

**SECTION 4.** Chapter 12 of the City of Greenacres Code of Ordinance is hereby amended as follows (additions are indicated by underscoring and deletions are indicated by strikeout type):

**CHAPTER 12, SUBDIVISIONS AND LAND DEVELOPMENT REGULATIONS****ARTICLE III- IMPROVEMENTS AND DESIGN STANDARDS****Sec. 12-67(s). – Streets and parking areas**

(s) *Local street design* sections shall be as follows or shall be an alternative design which provides an equivalent degree of safety and long term performance as approved by the planning and engineering director.

(1) *For public local streets:* Two (2) sidewalks of ~~four (4)~~ five (5) feet wide each, two (2) travel lanes of ten (10) feet wide each, and two (2) grass swales of at least eleven (11) feet wide each.

(2) *For private local streets:* Two (2) sidewalks of ~~four (4)~~ five (5) feet wide each, two (2) travel lanes of ten (10) feet wide each, two (2) valley gutters of two (2) wide each, and two (2) grass swales of at least four (4) wide each. The valley gutter is to be placed between the swale and the edge of pavement.

**Section 5. Repeal of Conflicting Ordinances.** All Ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

**Ordinance No. 2021-21| Sidewalks/ROW**

Page No. 4

**Section 6. Severability.** If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of the Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of the Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

**Section 7. Inclusion in Code.** It is the intention of the City Council, entered as herebefore ordained, that the provisions of this Ordinance shall become and be made a part of the Code Laws and Ordinances of the City of Greenacres, Florida; that the Section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section", "Article" or another word.

**Section 8. Effective Date.**

The provisions of this Ordinance shall become effective five (5) days after it is adopted.

*(Remaining page is intentionally left blank)*

**Passed on the first reading this \_\_\_\_ day of February 2022.**

**PASSED AND ADOPTED on the second reading this \_\_\_\_ day of March, 2022.**

**Ordinance No. 2021-21| Sidewalks/ROW**  
Page No. 5

*Voted:*

\_\_\_\_\_  
**Joel Flores**, Mayor

\_\_\_\_\_  
**John Tharp**, Deputy Mayor

**Attest:**

*Voted:*

\_\_\_\_\_  
**Quintella Moorer**, City Clerk

\_\_\_\_\_  
**Peter Noble**, Council Member, *District II*

*Voted:*

\_\_\_\_\_  
**Judith Dugo**, Council Member, *District III*

*Voted:*

\_\_\_\_\_  
**Jonathan Pearce**, Council Member, *District IV*

*Voted:*

\_\_\_\_\_  
**Paula Bousquet**, Council Member, *District V*

**Approved as to Form and Legal Sufficiency:**

\_\_\_\_\_  
**Glen J. Torcivia**, City Attorney





## ITEM SUMMARY

**MEETING DATE:** February 7, 2022

**FROM:** Kara Irwin-Ferris, AICP, Development & Neighborhood Services Director

**SUBJECT:** **Ordinance 2021-22, ZTA-21-05**  
Mixed Use Development - Office

### BACKGROUND

The proposed zoning text amendment is a city-initiated request to amend the Mixed Use Development – Office (MXD-O) zoning district language. The existing district is located exclusively along South Jog Road from just south of the intersection with 10<sup>th</sup> Avenue North to the west side of South Jog Road and Dodd Road. The current district does not allow stand-alone residential use, only the mixture of residential with professional office and financial type uses. The City has had discussions with non-residential real estate marketing firms representing property owners within the district that have complained about the strict regulations for professional office, medical office, and financial institution uses combined with Residential. The complaint is that there is not a market for medical office along South Jog Road, as supported by the district. Medical Office uses have been developing along State Road 7, which is in close proximity to Wellington Regional Medical Center, which draws medical users to the area.

The community serving retail will allow for more uses to encourage the development of mixed-use by providing support uses for residential and office uses within the corridor. Due to recent changes in the market related to Covid, many employers are allowing employees to work from home and the demand for new office has declined.

All development under the MXD-O district must be exclusively nonresidential or must be a combination of residential and nonresidential components. For the residential component, a minimum of fifty (50) percent of any residential units proposed as apartments shall be integrated into the commercial structures. Exclusively residential projects are not allowed. A sliding scale is used to allow greater density and intensity as the size of the project site increases.

In 2014, the code was amended by application to remove specific non-residential uses from the zoning district, to not permit exclusively residential projects, and to amend the density requirements to address the existing small lot sizes in the existing zoning district.

The most recently approved project in the zoning district, Santa Catalina SP-15-04, was approved to build 14,450 square feet of office and 29 townhome units on 4.97 acres. To date,

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all residential units have been issued Certificates of Occupancy (CO), but the office use has not been built.

The Land Development Staff has reviewed these text amendments and is recommending approval. The Planning Commission reviewed this staff-initiated text amendment on December 15, 2021, and recommended approval by a vote of 4-0.

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#### **ANALYSIS**

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City staff initiated this code change after discussions with marketing and real estate professionals trying to develop projects with the existing zoning district. After reviewing the City's current standards, staff determined that there was a need to revise district regulations to include community serving commercial uses, including retail, personal services, and restaurants. Staff included more allowable uses to maintain the City's commitment to encouraging economic viability of the area.

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#### **FINANCIAL INFORMATION**

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N/A

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#### **LEGAL**

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Ordinance 2021-22 was prepared in accordance with all applicable state statutes and City Code Requirements.

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#### **STAFF RECOMMENDATION**

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*Approval of ZTA-21-05 through the adoption of Ordinance 2021-22.*

**ORDINANCE NO. 2021-22**

**AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 16, ARTICLE III DISTRICT REGULATIONS, DIVISION 15 MIXED USE DEVELOPMENT-OFFICE, SECTIONS 16-558 THROUGH 16-563; TO ALIGN THE ALLOWABLE USES WITH THE PURPOSE AND INTENT OF THE MXD-O ZONING DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the Planning and Engineering Department has submitted a request for a zoning text amendment to revise Chapter 16, Article III, District Regulations; and

**WHEREAS**, it has been determined, in accordance with the Land Development Staff Report and Recommendation, "Exhibit A" dated December 8, 2021 (attached), that certain amendments to the City's zoning regulations are appropriate; and

**WHEREAS**, the Planning Commission on December 15, 2021, held a duly advertised public hearing and recommended approval of ZTA-21-05 and adoption of this Ordinance as presented by staff; and

**WHEREAS**, the City Council of Greenacres has held two (2) duly advertised public hearings to review this request; and

**WHEREAS**, the City Council of Greenacres finds that it is in the best interests of the citizens of the City of Greenacres that the provisions of Chapter 16, Article III of the City's Zoning Code be amended; and

**WHEREAS**, the City Council of Greenacres finds that the amendments contained within this Ordinance will promote the health, safety and welfare of the citizens of Greenacres.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:**

**SECTION 1.** The foregoing recitals are incorporated into this Ordinance as true and correct statements.

**SECTION 2.** The Zoning Code of the City of Greenacres is hereby amended as follows

(additions are indicated by underscoring and deletions are indicated by ~~strikeout~~ type):

**CHAPTER 16, ARTICLE III- DISTRICT REGULATIONS****DIVISION 15. – MIXED USE DEVELOPMENT-OFFICE (MXD-O)**

\* \* \* \* \*

**Sec. 16-558. - Purpose and intent.**

The mixed use development-office (MXD-O) district is intended to provide opportunities for a mixed use activity district that will accommodate a variety of residential housing types and densities, ~~and professional office uses,~~ and community serving retail and restaurants to be located within close proximity to each other. This district will be located only along major roadways, and will provide a transitional buffer between ~~commercial and~~ residential land uses. This district recognizes that all requested uses will be integrated both vertically and horizontally throughout the entire site.

**Sec. 16-559. - Permitted and conditional uses.**

The permitted principal uses and structures in the mixed development district MXD-O are as follows:

- (1) —~~[Reserved.]~~ Service establishments including barber shops, beauty shops, shoe repair, pharmacy without drive-thru, dry cleaning pickup stations and laundromats.
- (2) —~~[Reserved.]~~ Retail outlets, including bookstores, card and gift shops, hardware stores, arts and craft stores, television and radio, including repair incidental to sales, jewelry stores, including watch repair but not pawnshop, clothing stores, shoe stores and camera shops and supplies, including repair incidental to sales.
- (3) Townhouse development, subject to the provisions of section 16-856 et seq.
- (4) Cluster development, subject to the provisions of section 16-836 et seq.
- (5) Multi-family dwellings.
- (6) Apartment projects, subject to the provisions of section 16-871 et seq.
- (7) Publicly owned and operated parks and recreation areas.
- (8) Professional offices and services, which include travel agencies.
- (9) Medical and dental offices, subject to the requirements of section 16-764.
- (10) Business offices and services.
- (11) Financial, insurance and real estate offices.

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- (12) ~~Travel agencies~~ Antique and florist shops.
- (13) Banks and financial institutions without drive-in facilities.
- (14) ~~—[Reserved.]~~ Food services, including restaurants and carry-out restaurant, delicatessen, ice cream parlors and similar food establishments, but not drive-in restaurants.

**Sec. 16-560. - Accessory uses.**

The permitted accessory uses and structures in the MXD-O mixed use development district are as follows:

- (1) Uses, buildings and structures which:
  - a. Shall be customarily accessory and clearly incidental and subordinate to permitted or special exception uses and structures.
  - b. Shall be located on the same lot as the permitted or special exception principal use or structure.
  - c. Shall not involve operations or structures not in keeping with the purpose and intent of the zoning district that such use or structure is located in.
  - d. Shall not be rented or used as a separate dwelling unit.
- (2) Private gardens and nurseries, garages, swimming pools, tool houses and garden sheds, children's play areas and play equipment and the like subject to the provisions of (1) above.
- (3) Home occupations subject to the provisions of (1) above and section 16-740 et seq. regarding home occupations.
- (4) [Reserved.]

**Sec. 16-561. - Special exceptions.**

The special exceptions in the MXD-O mixed use development district which are subject to the provisions of section 16-171 et seq. are as follows:

- (1) Government services, including accessory buildings and structures. The public need for the particular facility in the proposed location must be clearly demonstrated by the applicant to the satisfaction of the city council.
- (2) ~~[Reserved.] Off-street parking lots in association with other permitted uses and special exceptions in this district:~~
  - ~~a. The applicant shall demonstrate that it is not feasible to physically locate all of the required off-street parking on the same parcel of land as the primary use.~~
  - ~~b. Required handicapped parking spaces shall not be located in an off-site parking facility. Off-site parking shall not account for more than thirty (30) percent of the required number of parking spaces when its location is not contiguous to the use it is intended to serve.~~

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- ~~c. Off-site parking shall not be located further than two hundred fifty (250) feet from the use it is intended to serve, as measured by the shortest distance between the two (2) closest property lines, and must be located on the same side of the street as the use it is intended to serve.~~
- ~~d. There shall be no parking of recreational vehicles and/or boats for periods longer than twenty-four (24) hours.~~
- ~~e. There shall be no sales, sales displays or other service activities of any kind.~~

**Sec. 16-562. - Prohibited uses and structures.**

The prohibited uses and structures in the MXD-O mixed use development district are as follows:

- (1) Any use, accessory use or component of use or structure not specifically or by reasonable implication permitted herein or permissible by special exception.
- (2) All outdoor storage and display of commercial goods and materials.
- (3) Mobile homes.
- (4) Adult entertainment establishments.

**Sec. 16-563. - Maximum residential density and commercial intensity.**

The intent of the MXD-O district is to provide an incremental scale of development options based on acreage. This district recognizes that it is in the best interest of the city and sound planning principles to provide incentives to encourage consolidation of smaller parcels. The maximum residential density and commercial intensity in the MXD-O mixed development district shall be based on the following minimum lot sizes:

Development Area	Residential Density	Nonresidential Lot Coverage/FAR
1—2.99 acres	4 dwelling units/acre	22% lot coverage/0.25 FAR
3—3.99 acres	5 dwelling units/acre	26% lot coverage/0.30 FAR
Greater than 4 acres	6 dwelling units/acre	30% lot coverage/0.35 FAR

All development under the MXD-O district must be exclusively nonresidential (i.e. "commercial only") or must be a combination of residential and nonresidential components (i.e. "mixed use"). For the residential component, a minimum of fifty (50) percent of any residential units proposed as apartments shall be integrated into the commercial structures. Exclusively residential projects are not allowed. Community serving commercial uses are permitted within the non-residential portion of the project, provided restaurant uses are limited to NMT 75% of gross floor area.

*[Sections 16-564 and 16-572 to remain unchanged and are omitted for brevity]*

\* \* \* \* \*

**SECTION 3. Repeal of Conflicting Ordinances.** All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

**SECTION 4. Severability.** If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of the Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of the Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

**Section 5. Inclusion in Code.** It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of the City of Greenacres, Florida; that the Section(s) of this Ordinance

**Ordinance No. 20221-2222| MXD-OMXD-O**

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may be renumbered or re-lettered to accomplish such intention, and that the word “Ordinance” may be changed to “Section”, “Article” or another word.

**SECTION 6. Effective Date.** The provisions of this Ordinance shall become effective five (5) days after it is adopted.

*(Remaining page is intentionally left blank)*

**[The remainder of this page intentionally left blank.]**



Passed on the first reading this \_\_\_\_\_ day of FebruaryFebruary, 20222.

PASSED AND ADOPTED on the second reading this \_\_\_\_\_ day of Marcharch, 20222.

Voted:

\_\_\_\_\_  
**Joel Flores**, Mayor

\_\_\_\_\_  
**John Tharp**, Deputy Mayor

Attest:

Voted:

\_\_\_\_\_  
**Quintella Moorer**, City Clerk

\_\_\_\_\_  
**Peter Noble**, Council Member, *District II*

Voted:

\_\_\_\_\_  
**Judith Dugo**, Council Member, *District III*

Voted:

\_\_\_\_\_  
**Jonathan Pearce**, Council Member, *District IV*

Voted:

\_\_\_\_\_  
**Paula Bousquet**, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

\_\_\_\_\_  
**Glen J. Torcivia**, City Attorney



## Department Report

**MEETING DATE:** February 7, 2022  
**FROM:** Michele Thompson, Director, Community & Recreation Services  
**SUBJECT:** Community & Recreation Services Dept. December Report

### ADMINISTRATION

PERFORMANCE MEASUREMENT	THIS PERIOD	FY2022 TO DATE	FY 2022 BUDGET
No. of Contracts Executed	0	0	2
No. of Collaborative Partnerships	3	3	22
No. of Vendor/Independent Contractor Agreements	2	16	18
No. of Educational Scholarship Applications	0	0	14
No. of Community Events Coordinated	1	1	8
No. of Event Participants	N/A	N/A	28,000
No. of Little Free Libraries (LFL)*/Story Walk	1	26/2	30/2
No. of Business Sponsorships	3	16	16

### FACILITY RENTALS

FACILITY RENTALS	THIS PERIOD	FY2022 TO DATE	FY 2022 BUDGET
Fields/Concession Stands	83	323	550
Pavilions	27	99	350
Center Facility	45 <sup>1</sup>	182 <sup>1</sup>	1,100
Monthly Center Attendance	2062	6410	N/A

<sup>1</sup> 71 Additional Free Rentals: 20 Gym -YP/BR Dancing/BB League, 4 Banquet Room -FTO/PW/Conversation Series/YP, 12 Room 3 -Senior Social, 1 SJF Com. Park -PBSO, 1 Freedom Park Small -PBSO, 12 Freedom Park Large -Tai Chi Classes, 23 IVB Pavilion -Covid-19 Testing.

**REVENUE**

<b>FACILITY RENTALS REVENUE</b>	<b>THIS PERIOD</b>	<b>FY2022 TO DATE</b>	<b>FY2022 PROJECTED</b>
Rental Revenue Generated	\$12,328.25	\$39,102.00	\$134,000

**ATHLETICS**

<b>YOUTH ATHLETICS</b>	<b>THIS PERIOD</b>	<b>FY2022 TO DATE</b>	<b>FY2022 PROJECTED</b>
Co-ed Fall Soccer (9/13/21-12/10/21)	-	158	160
Co-ed Spring Soccer	-	-	175
Co-ed Winter Basketball (12/6/21-3/10/22) • Registration Period 9/7/21 – 11/2/21	-	100	160
Co-ed Summer Basketball Skills Camp	-	-	40

**COMMUNITY SERVICES**

<b>CROS MINISTRIES FOOD PANTRY DATES</b>	<b>NO. OF HOUSEHOLDS</b>	<b>NO. OF INDIVIDUALS</b>
October 14 <sup>th</sup> & 28 <sup>th</sup>	37 & 31	94 & 81
November 11 <sup>th</sup> & 24 <sup>th</sup>	33 & 36	73 & 92
December 9 <sup>th</sup> & 22 <sup>nd</sup>	cancelled/25	0/57
<b>TOTAL YTD</b>	<b>162</b>	<b>397</b>

<b>COVID TESTING BY BLUE MED CONSULTANTS</b>	<b>NO. TESTED</b>	<b>TOTAL YTD</b>
October & November	584/378	962
December	1,132	2,094
<b>MOBILE COVID VACCINATION UNIT</b>	<b>NO. VACCINATED</b>	<b>TOTAL YTD</b>
December	32	32

**SENIOR PROGRAMS**

<b>SENIOR SOCIAL</b>	<b>SPONSORS</b>	<b>NO. OF PARTICIPANTS YTD</b>
Games/Bingo/Special Events Mon., Wed., Fri. (3x15)	Humana, Cano Medical, Prominence Health, Dedicated Senior, PBSO, Devoted Health Plans, Absolute Best Insurance	264
Thanksgiving Luncheon	State Farm, Robling Arch, Humana, Frank Miller, DJ Bobby, The Glasser Family	45

**FY22 EVENTS & SPONSORSHIPS**

<b>EVENTS</b>	<b>SPONSORS/PARTNERS</b>	<b>FY2022 EXPENSE</b>	<b>FY2022 ATTENDEES</b>
Holiday in the Park (12/4/21)	Greenacres Nissan, Ed's Foods, Waste Mgmt, Pepisco, Tapatia, Humana, Dedicated Sr., Sunshine Health, and BlueMed	\$14,828	5,500
Fiesta de Pueblo <del>(1/8/22)</del> March 5 <sup>th</sup>	Co-Sponsored w/ FdP, Inc.	\$2,268	
Artzy Eve. at City Hall (1/22/22)	Cancelled	\$3,527	
Daddy Daughter Dance (2/19/22)	Postponed	\$3,560	
Egg'stravaganza (4/16/22)		\$13,655	
Rock-n-Roll Sunday	Cancelled	\$1,598	
Ignite the Night (7/4/22)		\$39,165	
<i>Back2School</i> Supply Distribution (August)		\$6,200	



## Department Report

**MEETING DATE:** February 7, 2022

**FROM:** Kara L. Irwin-Ferris, Director of Development & Neighborhood Services

**SUBJECT:** December 1, 2021 through December 31, 2021

## Development & Neighborhood Services

## Planning & Engineering

### NEW CASES

#### **RiverBridge Centre**

A request by the owner for a class I site plan amendment (SP-85-12SS) for add a USPS drop box to the previously approved site plan. The site is located at 6714 Forest Hill Blvd. (Scheduled for LDS review January 13, 2022 and January 20, 2022)

#### **Tire Kingdom @ Woodlake Plaza**

A request by the owner for a class I site plan amendment (PCD-84-02CC) for exterior elevations. The site is located at 5901 Lake Worth Road. (Scheduled for LDS review February 10, 2022 and February 17, 2022)

### CURRENT PLANNING CASES

#### **333 Jackson Avenue**

A request by the owner for a variance from Article III, Division 4, Section 16-309(c) to reduce the setback requirements for an existing single-family home and accessory structure. The site is located at 333 Jackson Avenue. (Scheduled for LDS reviews on August 12, 2021 and August 19, 2021)(Scheduled for the Zoning Board of Adjustments & Appeals meeting on October 5, 2021. Applicant requested postponement until full board is available)

#### **ALFA-G Arcade**

A request by the owner for a request for a special exception (SE-21-01) to allow an indoor amusement in a commercial zoning district. The site is located at 3757 S. Military Trail. (Scheduled for LDS review January 13, 2022 and January 20, 2022)

#### **ANX-08-01**

Annexation into the City of various road rights-of-way per Interlocal Annexation Agreement (ANX-07-05). (Staff review)

### **ANX-20-03 4180 S. Jog Road (Lake Worth Plaza West Shopping Center)**

A request by the owner for a voluntary annexation (ANX-20-03) for one parcel of land totaling approximately 27.14 acres. The site is located at 4180 S. Jog Road. The City has been negotiating an Interlocal Service Boundary Agreement with Palm Beach County, in accordance with Florida Statutes to facilitate the annexation of the plaza and the outparcels. Staff has received an Agreement from Palm Beach County and has started the adoption process.

### **Bethesda Tabernacle**

A request by the owner for a request for a site and development plan approval (SP-99-04B) to modify the previously approved site plan and a special exception (SE-21-02) to for a house of worship and develop a 16,459 square foot House of Worship use and accessory uses at 4901 Lake Worth Road. (Scheduled for LDS review meetings November 12 and November 18, 2021)

### **Chick Fil A Greenacres**

A request by the owner for a site and development plan (SP-85-12RR) approval to construct a 4,646 fast food restaurant with a drive-thru window and a special exception (SE-21-03) request to allow a fast food/drive thru restaurant in a commercial intensive zoning district. The site is located in the River Bridge Centre on the southwest corner of Forest Hill Blvd and S. Jog Road. (Scheduled for LDS review meetings December 9 and December 16, 2021)

### **CIE Update (CPA-21-02)**

A request by the Planning & Engineering Department to amend the Capital Improvement Element of the Comprehensive Plan to update in accordance with Palm Beach County and Palm Beach County School Board capital projects. (Scheduled for Planning Commission meeting on October 20, 2021 and first reading City Council meeting on November 1, 2021. The State issued a letter of compliance on December 2, 2021 and staff will schedule the application for second reading on January 3, 2022.)

### **CPA-21-03-Ordinance 2021-17**

Amending the Water Supply Plan, as adopted by reference in the Intergovernmental and Public Facilities Elements of the City of Greenacres Comprehensive Plan, to be in compliance with Palm Beach County and South Florida Water Management District's Plans. (Transmitted to the Dept. of Economic Opportunity on November 3, 2021. The State issued a letter of compliance on December 2, 2021 and staff will schedule the application for second reading on January 3, 2022.)

### **CPA-21-04-Ordinance 2021-14**

Adopt a newly created Property Rights Element in accordance with state statute. (Transmitted to the Dept. of Economic Opportunity on November 3, 2021. The State issue a letter of compliance on December 2, 2021 and staff will schedule the application for second reading on January 3, 2022.)

### **ISBA-2020 Northeast Corner of S Jog and Lake Worth Road**

A request initiated by the City of Greenacres to Palm Beach County for a Interlocal Service Boundary Agreement (ISBA) to address the potential issues for services upon annexation for the unincorporated property located at the north west corner of Lake Worth Road and South Jog Road. City Council approved Resolution 2020-45 to initiate the action on November 2, 2020. Palm Beach County Board of County Commissioners adopted a Resolution to support the ISBA. City and County staff met in January to start drafting the Agreement and continue to work out issues. City staff and the property owner met with Palm Beach County Fire Rescue and a representative from IAFF on

June 29, 2021. Staff is checking in with County staff weekly for an update on the proposed language for the Agreement. PBC Staff has recently forwarded the Agreement, staff is reviewing it and starting the process to bring to Council for adoption.

### **Nash Trail PUD**

A request by the owner for a comprehensive plan amendment (**CPA-20-4**) from Medium Residential – 5 units per acre (MR-5) and Low Residential – 1 unit per acre (LR-1) (Palm Beach County's Future Land Use (FLU) designation) to Residential Medium Density (RS-MD) and Residential High Density (RS-HD) (City of Greenacres' FLU designation); a zoning designation (**ZC-20-04**) from Agricultural Residential (AR) and Residential Estate (RE) (Palm Beach County's FLU designation) to Residential High Density (RH) (City of Greenacres' FLU designation); a special exception (**SE/PUD-20-03**) to allow a Planned Unit Development (PUD) for the subject site; a site & development plan (**SP-20-03**) to permit development of 213 dwelling units (76 zero-lot line (ZLL) homes and 137 townhomes); and variance (**BA-20-03**) to allow for the reduction of 5 feet from the required 25 feet building separation between two multi-family buildings; to allow for the reduction of 24 feet for side from the required 50 feet and 13 feet for rear from the required 50 feet PUD setbacks as related to Townhouse (TH); and to allow a reduction of 16 inches from the required 12-feet in net width of parking space clear of obstructions for any single vehicle garage. (The variance was denied at the Zoning Board of Adjustment & Appeals meeting on July 27, 2021) (Scheduled for Planning Commission meeting on December 1, 2021 and first reading for City Council on December 13, 2021. Second reading and adoption by City Council tentatively scheduled for January 3, 2022)

### **Sunset Springs**

A request by the applicant for site and development approval (SP-21-01) for 25 single family homes and a variance (BA-21-01) request to reduce to landscape buffer from 10 ft to 5 ft. The site is located at 6645 Chickasaw Road. (Resubmittal received on October 1, 2021. Applicant requested postponement until 2022.)

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## **SITE PLAN AMENDMENTS**

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### **AT&T Store**

A request by the property owner for a class I site plan amendment (SP-89-06C) to allow for façade improvements to the existing building. The site is located at 5177 Lake Worth Road.

### **Catalina Estates**

A request by the property owner for a class I site plan amendment (SP-18-02C) to modify the previously approved landscape plan. (Awaiting receipt of LDS comments provided on December 23, 2021)

### **The Pines**

A request by the home owners association for a class I site plan amendment (SP-78-01G) to add dumpster enclosures through-out the community. (LDS comments sent on November 23, 2021)

**Wachovia Bank @ Military Crossing**

A request by the property owner for a class I site plan amendment (SP-04-06A) to add cash machine. The site is located at 4901 S. Military Trail. (Awaiting receipt of complete submittal package)

**West Pines Baptist Church**

A request by the property owner for a class III site plan amendment (SP-03-17C) to add a 1,150 sq. ft. modular unit. The site is located at 4906 Melaleuca Lane. (Scheduled for LDS review meetings December 9 and December 16, 2021)

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## ZONING TEXT AMENDMENTS

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**ZTA-21-02 Uses**

A request by the Planning & Engineering Department for a zoning text amendment to reflect uses in all zoning districts.

**ZTA-21-03 LDS to DRC**

A request by the Planning & Engineering Department for a zoning text amendment to update procedures for Land Development Staff and change to Development Review Committee. (Scheduled for Planning Commissioning meeting on November 17, 2021) (Scheduled for first reading at City Council on December 13, 2021 and second reading and adoption on January 3, 2022)

**ZTA-21-04 Major/Minor Amendments**

A request by the Planning & Engineering Department for a zoning text amendment to approved Special Exceptions and Site Plans. (Scheduled for Planning Commission meeting on November 17, 2021) (Scheduled for first reading at City Council on December 13, 2021 and second reading and adoption on January 3, 2022)

**ZTA-21-05 MXD-O**

A request by the Planning & Engineering Department for a zoning text amendment to modify MXD-O. . (Scheduled for Planning Commission meeting on November 17, 2021) (Scheduled for first reading at City Council on February 7, 2022)

**ZTA-21-06 ROW**

A request by the Planning & Engineering Department for a zoning text amendment to for Engineering Sidewalk/ROW. (Scheduled for LDS review meetings November 12 and November 18, 2021) (Scheduled for first reading at City Council on February 7, 2022)

**ZTA-21-07 Art in Public Places**

A City-initiated request to add regulations for the creation of a program providing for the placement of art in public spaces within the City. (Scheduled for first reading at City Council on February 7, 2022)



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## RESIDENTIAL PERMITS

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### **Catalina Estates**

Plat application received on May 16, 2019. Comments letter sent to applicant on July 17, 2019, resubmittal received on August 25, 2019 and approved by City Council on October 7, 2019. MOT Plan issued drainage work to begin October 5, 2020.

### **Ranchette Road Townhomes**

Plat Application received on March 23, 2021. Comments letter sent to applicant on May 17, 2021, resubmittal received on June 1, 2021. Final plat received and utility permit reviewed by City's engineer. Plat approved by City Council on October 4, 2021. Utilities permit approved by City's consulting engineer on 10/1/2021. Pre-construction meeting held on November 19, 2021.

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## COMMERCIAL PERMITS

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### **Braman Honda**

Revised replat under review. Construction of the vehicle storage lot is complete. Permit application for the recently approved service department expansion (SP-97-06G) was issued. Comments sent to applicant on March 22, 2021. Awaiting receipt of final plat.

### **Church of God 7th Day (3535 S Jog Road)**

The building permit and engineering permit are both issued for the development. Stop work order was issued by Building Official on September 28, 2018. Subsequent meetings have been held with Building Official and Consultant Engineer. The Building Official has re-issued the permits to the contractor. The construction is moving forward

### **Kid's College Greenacres Campus**

Plat application received on October 19, 2018 with complete submittal received on November 6, 2018. The Plat was approved January 7, 2019 by City Council. Utility permit issued on January 25, 2019; pre-con meeting for underground work only held on January 30, 2019. Building permit signed off by zoning on February 15, 2019. Pedestrian Access Easement Agreement signed and recorded on May 15, 2019. Building Dept. permit issued on May 15, 2019. Building construction has been completed for the first building. The second building has been completed. Final landscape and building inspections passed on October 18, 2021. Certificate of Occupancy issued December 21, 2021.

### **Palm Beach Christian Academy**

Revision to building permit received on November 1, 2021 comments sent to applicant on November 17, 2021, waiting on outside agency permits and resubmittal to address City's engineer comments.

## CAPITAL IMPROVEMENTS

### Original Section Drainage Improvement – Phase 7

An application for Phase 7 of the Original Section Drainage Improvements project was submitted to DHES on March 12, 2020. The CDBG Grant Agreement for FY 20-21 was approved by City Council on September 24, 2020. Agreement sent to DHES on October 6, 2020. Project was advertised for bid on January 31, 2021. Virtual Pre-bid meeting was held on February 17, 2021. The bid opening was March 3, 2021. On March 15, 2021 City Council awarded the bid to TCLM Enterprise Inc. Notice of Award issued on March 24, 2021. The Preconstruction meeting was held on April 21, 2021. Notice to Proceed issued on April 27, 2021. Resident Notification letters sent on April 20, 2021. Physical construction started on May 24, 2021. Substantial completion reached on August 11, 2021; third payment request received and processed on August 24, 2021. Final inspection passed Tuesday, September 14, 2021. Final invoice processed on October 14, 2021. Final close out documents have been sent to DHES.

### Original Section Drainage Improvement – Phase 8

An application for Phase 8 of the Original Section Drainage Improvements project was submitted to DES on February 8, 2021. The CDBG Grant Agreement for FY 21-22 was approved by City Council on August 18, 2021. Agreement sent to DHES on August 25, 2021.

#### FY 2022 Data:

Case	Current Period	FY 2021 to Date	FY 2021 Budget
Annexation	0	0	2
Comprehensive Plan Amendment	0	0	5
Zoning Changes	0	0	3
Special Exceptions	0	0	5
Site Plans	0	0	5
Site Plan Amendments	0	3	14
Variances	0	0	4
Zoning Text Amendments	1	1	3

Inspection Type	Current Period	FY 2021 to Date	FY 2021 Budget
Landscaping	3	10	130
Zoning	1	8	121
Engineering	2	33	100

## Building Division

### 1) ADMINISTRATION:

- a) Researched and completed ninety-six (93) lien searches providing permit and code enforcement case information.
- b) Researched and completed forty-five (45) records request for historical permits.

- c) Congratulations to Jessica Garcia for receiving the Building Officials Association of Palm Beach County Chapter Permit Tech of the Year award.

## 2) PERMITS/INSPECTIONS:

PERMITS/INSPECTIONS	DURING THIS PERIOD	FYTD 2021
New Applications Received / Permits Created	253	990
Applications Approved	70	203
Applications Canceled	2	8
Applications Denied	12	39
Applications Reopened	2	10
Permits Issued	305	892
Permits Completed	331	829
Permits Canceled	11	21
Permits Reopened	5	20
Permits Expired	0	4
Inspections Performed	832	2194
Construction Value of Permits Issued	\$2,021,259.64	\$7,256,347.64
Construction Reinspection Fees	\$400.00	\$1,150.00
CO's Issued	2	3
CC's Issued	1	7
Temporary CO's Issued	0	0

## 3) BUSINESS AND CONTRACTOR REGISTRATION:

ACTION	DURING THIS PERIOD	FYTD 2021
BTR Inspections Performed	15	73

## 4) PERMIT APPLICATIONS IN PLAN REVIEW – PRINCIPAL NEW OR REMODEL PROJECTS:

PROJECT	ADDRESS	SIZE	DESCRIPTION	PERMIT#
Tire Kingdom	5901 Lake Worth Rd		Exterior Improvements -New storefront Fascade	2021-3309
Catayu Baking	3797 S Military Trail		Convert former Carolina Furniture store into Factory for Bakery with Business Use	2021-3806
Palm Beach Christian Academy	5208 S Haverhill Rd	4,250	Construct two new classroom buildings & one bathroom building	2021-3230
Luna Cafe	2930 S Jog Rd	1,520 sq.ft.	Interior Remodel – Convert office space into Restaurant	2021-2464
Sanctuary Medicinals LLC	6905 Lake Worth Rd	3,700 sq.ft.	Commerical Renovation – Change of Use	2021-3948

##### 5) PROJECTS IN PROGRESS – PRINCIPAL REMODELING/RENOVATION:

PROJECT	ADDRESS	SIZE	DESCRIPTION	PERMIT #
Eagle Grill	4624 Lake Worth Rd	1,100	Remodel New Kitchen & Accessible Restroom	2021-4016
Majestic Aesthetics	5315 Lake Worth Rd	1,406 sq.ft.	Interior Remodel	2021-3339
Convenience Store/Laundry	5470 10 <sup>th</sup> Ave N	1,604 sq.ft.	Interior Remodel – Add Coin Laundry to Convenience Store	2021-1191
Conviva Care Center (COMPLETED 12/17/21)	6766 Forest Hill Bvd	6,715 sq.ft.	Interior Remodel of Existing Space	
Ministries in Bethel	3950 S 57 <sup>th</sup> Ave	6,939 sq.ft.	House of Workship	2021-0365
Kids College (Phase 2) (CO ISSUED 12/21/21)	1091 S Jog Rd	2,530	Construct One Story, 2 <sup>nd</sup> Building for Daycare	2021-1772
Greenacres Plaza Landlord Improvements	3953 S Jog Rd		Interior Remodel – Subdivide one bay into three.	2021-2600

Greenacres Plaza Landlord Improvements	3951 S Jog Rd		Interior Remodel – Subdivide one bay into three.	2021-2599
Greenacres Plaza Landlord Improvements	3949 S Jog Rd		Interior Remodel – Subdivide one bay into three.	2021-2598
Target	5900 Lake Worth Rd	1,394	Remove Café/Snack Bar & Convert to Online Pick-Up Storage Area	2021-0756
Supertech Communications (Waiting for a Contractor)	5305 Lake Worth Rd	800	Interior Remodel	2021-1498
Isabel Barber Salon	3820 S Jog Rd	1,040	Remodel Add Mani/Pedi Stations New Salon	2020-2742
Mission of Grace	6200 Lake Worth Rd	3690 sq. ft.	Convert former Restaurant to House of Workshop	2020-2095
Mission of Grace	6200 Lake Worth Rd		Interior Demo of Former Steak N Shake	2020-1748
Church of God 7 <sup>th</sup> Day	3535 S Jog Rd	11,500 sq. ft.	New Church	2016-2382

## 6) PROJECTS IN PROGRESS – PRINCIPAL NEW CONSTRUCTION:

PROJECT	ADDRESS/LOCATION	UNITS OR SQ. FT. APPROVED	UNITS C.O.'D
Ranchette Townhomes	1093 Ranchette Rd / Common Area	74 T/H	
Catalina Estates	4500 Catalina Way / Common Area	20 S/F	
Original Section	339 Martin Ave	1,761 sq.ft.	New Single Family
Original Section	345 Martin Ave	1,761 sq.ft.	New Single Family
Original Section	349 Martin Ave	1,761 sq.ft.	New Single Family
Original Section	353 Martin Ave	1,761 sq.ft.	New Single Family
Original Section	357 Martin Ave	1,761 sq.ft.	New Single Family
Original Section	249 Martin Ave	1,797 sq. ft.	New Single Family
Original Section	328 Jackson Ave	2,012 sq. ft.	New Single Family
Original Section	349 Jackson Ave	1,951 sq. ft.	New Single Family
Original Section	409 Broward Ave	1,951 sq. ft.	New Single Family

## Code Enforcement Division

CODE ENFORCEMENT	DURING THIS PERIOD	FYTD 2021
Inspections Related to Active Code Cases	137	2881
New Cases Started	26	841
Cases Complied	33	648
Current Open Cases	252	1062
Notices Sent	122	2761
Illegal Signs Removed from right-of-ways	206	2718
Inspections Not Related to Active Code Cases	88	1293
Complaints Received and Investigated	16	375
Warning Tickets	44	698



# License Activity Report

Item # 16.

Activity Date Range 12/01/21 - 12/31/21

Summary Listing

License Type	Category	Application Received	Application Denied	Application Approved	New License Issued	License Renewed	License Revoked	License Canceled
Cont Office - Contractor Office	Business	0	0	0	0	1	0	0
Contractor Reg - Contractor Registration	Business	53	0	0	52	33	0	0
General Retail - General Retail	Business	1	0	0	0	0	0	0
General Service - General Service	Business	2	0	0	4	1	0	0
General Svc Reg - General Service Registration	Business	1	0	0	1	0	0	0
Home - Home Based Business	Business	1	0	0	3	1	0	0
Professional - Professional	Business	3	0	0	3	1	0	0
Rental Unit - Rental Unit	Business	1	0	0	0	2	0	0
Grand Totals		62	0	0	63	39	0	0

CITY OF GREENACRES  
**Licensing Revenue Summary Report**  
 Licensing Revenue Summary Report - Summary  
 From Date: 12/01/2021 - To Date: 12/31/2021

Item # 16.

Charge Code	No. of Billing Transactions	No. of Adjustment Transactions	Billed Amount	Adjustments	Net Billed
License Type: Amusement-Amusement & Entertainment					
Vending Machine-Amuse/ Vending / Coin Operated	1	0	\$30.94	\$0.00	\$30.94
Com Inspection-Commercial Inspection	1	0	\$69.00	\$0.00	\$69.00
License Type Amusement-Amusement & Entertainment Totals	2	0	\$99.94	\$0.00	\$99.94
License Type: Cont Office-Contractor Office					
Cont Office-Contractor Office	1	0	\$116.22	\$0.00	\$116.22
Com Inspection-Commercial Inspection	1	0	\$69.00	\$0.00	\$69.00
Transfer-Transfer	1	0	\$11.62	\$0.00	\$11.62
License Type Cont Office-Contractor Office Totals	3	0	\$196.84	\$0.00	\$196.84
License Type: Food Service-Food Service / Bar / Lounge					
Food-Food Service	2	0	\$243.10	\$0.00	\$243.10
Food Per Seat-Food Per Seat	2	0	\$367.57	\$0.00	\$367.57
License Type Food Service-Food Service / Bar / Lounge Totals	4	0	\$610.67	\$0.00	\$610.67
License Type: General Service-General Service					
General Service-General Service	10	0	\$1,106.90	\$0.00	\$1,106.90
Com Inspection-Commercial Inspection	4	0	\$276.00	\$0.00	\$276.00
Collection Fee-Collection Fee	1	0	\$25.00	\$0.00	\$25.00
Delinquent > 150-Delinquent Over 150 Days	1	0	\$100.00	\$0.00	\$100.00
Cosmetology-Cosmetology / Barber	1	0	\$38.68	\$0.00	\$38.68
License Type General Service-General Service Totals	17	0	\$1,546.58	\$0.00	\$1,546.58
License Type: General Svc Reg-General Service Registration					
General Svc Reg-General Service Registration	1	0	\$25.00	\$0.00	\$25.00
License Type General Svc Reg-General Service Registration Totals	1	0	\$25.00	\$0.00	\$25.00
License Type: Home-Home Based Business					



CITY OF GREENACRES

# Licensing Revenue Summary Report

Item # 16.

## Licensing Revenue Summary Report - Summary

From Date: 12/01/2021 - To Date: 12/31/2021

Charge Code	No. of Billing Transactions	No. of Adjustment Transactions	Billed Amount	Adjustments	Net Billed
Home-Home Based Business	9	0	\$697.59	\$0.00	\$697.59
License Type Home-Home Based Business Totals	9	0	\$697.59	\$0.00	\$697.59
License Type: Professional-Professional					
Professional-Professional	6	0	\$697.32	\$0.00	\$697.32
Real Estate-Real Estate Broker / Ins Agents	1	0	\$93.00	\$0.00	\$93.00
Collection Fee-Collection Fee	1	0	\$25.00	\$0.00	\$25.00
Delinquent > 150-Delinquent Over 150 Days	1	0	\$100.00	\$0.00	\$100.00
General Service-General Service	1	0	\$110.69	\$0.00	\$110.69
License Type Professional-Professional Totals	10	0	\$1,026.01	\$0.00	\$1,026.01
License Type: Rental Office-Rental Office					
Rental Office-Rental Office	1	0	\$155.13	\$0.00	\$155.13
License Type Rental Office-Rental Office Totals	1	0	\$155.13	\$0.00	\$155.13
License Type: Rental Unit-Rental Unit					
Rental Unit-Rental Unit	16	0	\$618.88	\$0.00	\$618.88
Collection Fee-Collection Fee	1	0	\$25.00	\$0.00	\$25.00
Delinquent >150-Delinquent Over 150 Days	1	0	\$100.00	\$0.00	\$100.00
License Type Rental Unit-Rental Unit Totals	18	0	\$743.88	\$0.00	\$743.88



## Department Report

**MEETING DATE:** February 7, 2022

**FROM:** Teri Lea Beiriger, Director of Finance

**SUBJECT:** Department of Finance Activity Report

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### BACKGROUND

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The following report provides activity within the Department of Finance for the reporting period from December 1 through December 31, 2021.

In brief, the Finance Department:

- Continued to reconcile outstanding balances of Miscellaneous Billing.
- Increased the number of monthly inspection invoices to reflect Fire Rescue's new billing processes.
- Continued to clean up billing on EMS accounts with balances.
- Continued to collect outstanding solid waste accounts; working with IT to retrieve the Utilities module in NWS.
- Continued to review and discuss x:/drive format and Laserfiche cleanup.
- Executed Ambulance Data Collection Agreement.

The Finance Department has, and continues to, work on efficiencies to better serve our internal and external customers.

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## Department Report

**MEETING DATE:** February 7, 2022

**FROM:** Brian Fuller, Fire Chief

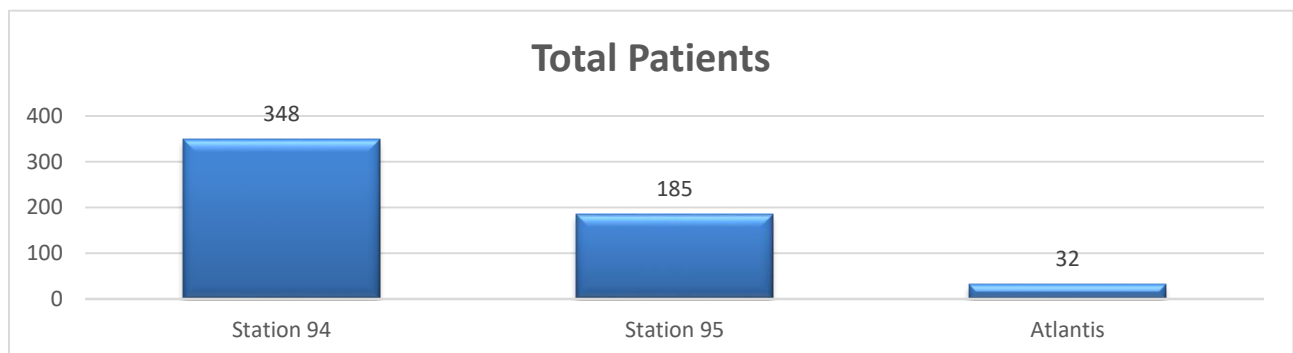
**SUBJECT:** Fire Rescue December Report

### FR CALLS

CALLS	MONTHLY TOTALS
Total Alarms dispatched in December	710
Average alarms per day	20.29
Total calls this fiscal year	2,236

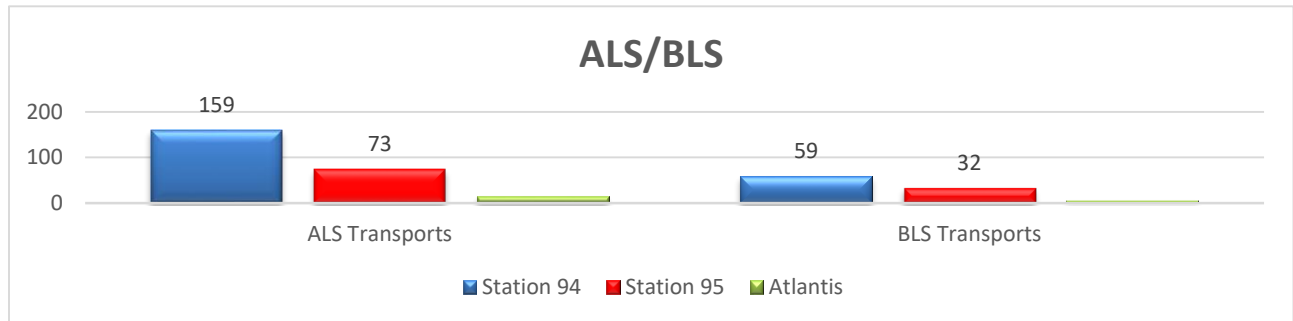
In December 2021, 533 patients were treated for Emergency Medical related services. Of those patients, 32 were in the City of Atlantis. These requests include a single unit responding to assist a person who has fallen to the floor, a cardiac arrest requiring multiple units and a combination of personnel, advanced skills, and equipment.

Service Calls, Cancels, and Public Assists totaled 101. The requests include, but are not limited to, persons locked out of home, water evacuation, animal problem, police assist, defective elevator, and canceled due to wrong address.



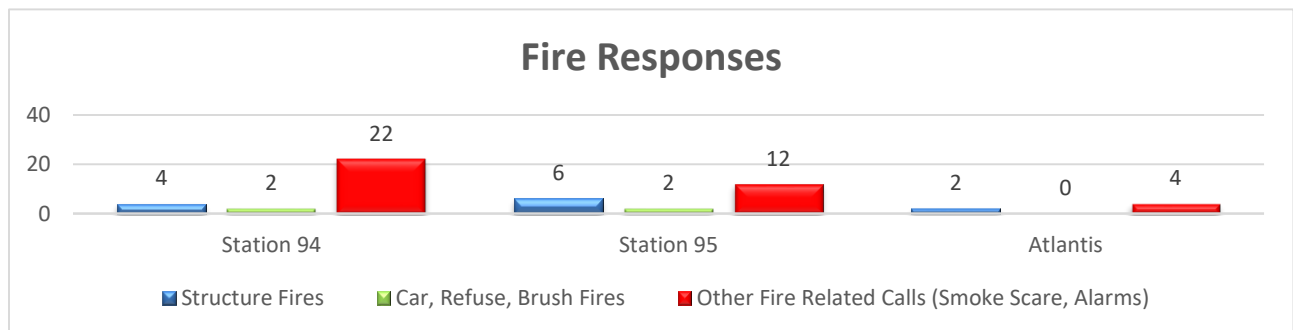
## ALS/BLS

Fire Rescue transported 323 patients to a hospital or 61% of the patients we were called to treat. The majority of those (218) required Advanced Life Support procedures. ALS emergencies necessitate additional personnel, specialized equipment and skills. Often, an EMT or Paramedic will be taken from the ALS Engine to accompany the one person in the rear of the Rescue to assist with life-saving therapies.



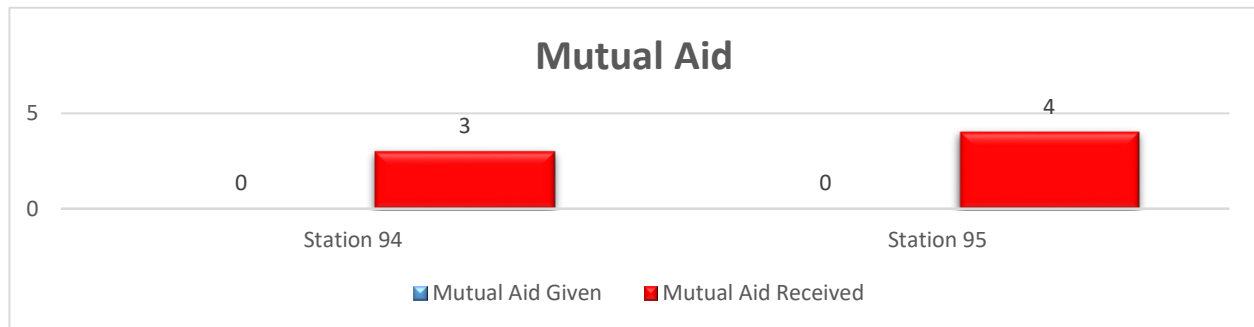
## FIRE RESPONSES

Fire Rescue responded to 34 calls for a fire or smoke related emergency. There were four (4) requiring an escalated response to a car, brush, or refuse fire; ten (10) were in a residential or commercial structure.



## MUTUAL AID

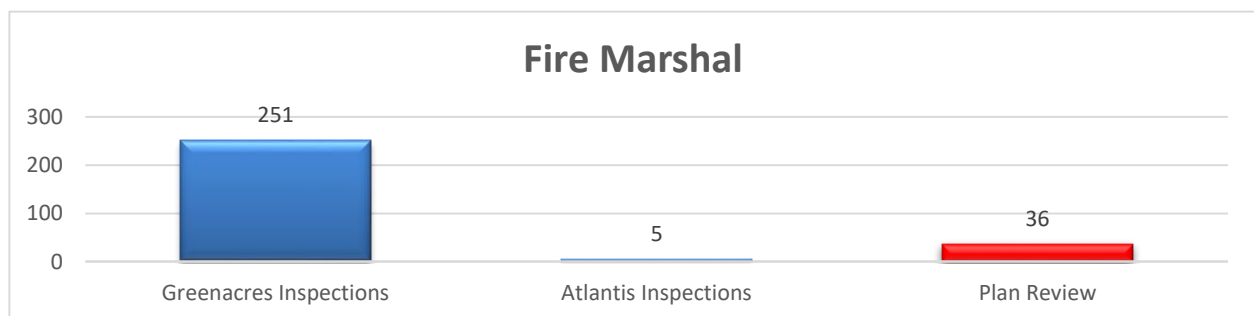
Mutual aid is the sending or receiving of emergency resources (apparatus, personnel) to or from another entity or agency upon request. No community has sufficient resources to handle every emergency of all sizes. Therefore, neighboring agencies work together through a system called Mutual Aid. That system is designed to be limited to large events that tax the resources beyond the normal capabilities of the community.



## FIRE MARSHAL

Fire Prevention and Protection focuses on protecting people and property from fire through fire safety inspections, fire plans review, fire cause and origin investigations, and public education. In addition, the Fire Marshal provides fire safety lectures, attends land development meetings, and testifies at code enforcement hearings.

Inspections	256
Plans Review	36
Dollar Loss due to fire	\$38,000



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**SPECIAL SERVICES**

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Blood Pressure Screenings	6
Presentations, Station Tours/Attendees	2/7
Persons Trained in CPR	0



## Department Report

**MEETING DATE:** February 7, 2022

**FROM:** Georges Bayard, Director, Information Technology

**SUBJECT:** Department of Information Technology - October-November Activity Report

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### DEPARTMENT HIGHLIGHTS

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The following report provides the highlights of activity within the Information Technology Department for the reporting period from December 1 through December 31, 2021.

- a. Windows authentication was successfully implemented in the live New World ERP environment, eliminating another additional password for users to remember.
- b. Updated Scope of Work for bid to upgrade Audio Visual (A/V) equipment in Council Chambers, to include replacing the projector and broken retractable screen with large format, Ultra High Definition (UHD) TV displays. Bid to be advertised in January by Purchasing.
- c. Ubiquiti network switch refresh project is in progress; 18 of the 20 new switches have been installed.
- d. Project under way to implement Center for Internet Security (CIS) Controls on all City computers. This is a set of configuration best practices designed to harden systems against attack.
- e. Monthly KnowBe4 simulated phishing test results:
  - a. **December:** Links clicked: 5, attachments opened: 1, replied: 0.
  - b. Phish-prone users (vulnerable to phishing attacks): 4.1% (up from 1.4% in the previous month's campaign).

Repeat clickers continue to be assigned increasingly comprehensive remedial training.

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**SERVICE DESK REQUESTS**


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DEPARTMENT	CURRENT PERIOD	FY 2022 YTD	FY 2022 BUDGET
Administration	3	98	-
Building	12	76	-
Community & Recreation Svcs.	3	58	-
Finance	7	128	-
Fire/Rescue	4	98	-
Information Technology	8	51	-
Planning & Engineering	1	46	-
Public Works	5	92	-
Purchasing	3	40	-
Youth Programs	8	73	-
<b>Total Service Desk Requests</b>	<b>54</b>	<b>760</b>	<b>350</b>





## Department Report

**MEETING DATE:** February 7, 2022

**FROM:** Captain Tristram Moore, PBSO District 16

**SUBJECT:** PBSO District 16 December 2021 Report

### CAD CALLS

CAD CALLS	MONTHLY TOTALS
Business / Residence Checks (Self-Initiated)	1,842
Traffic Stops (Self-Initiated)	377
Calls for Service	2,063
<b>All CAD Calls - Total</b>	<b>4,282</b>
<b>Total Calls for Service – FY 2021</b> (October 2021 – September 2022)	<b>14,853</b>

Data Source: CADS/Premier 13822/5902

\*Omit Miscellaneous Calls

*Note: P1 is a dynamic system. Meaning that #'s can change from what was previously reported in the event there is a location or call type re-classification/modification.*

### SUMMARY

During the month, there were 4,282 generated calls within the District and 52% of these calls were self-initiated.

### TRAFFIC ACTIVITY

DISTRICT 16 PERSONNEL	
Total Citations	Total Warnings
141	237

Data Source: D16 Office Staff/Monthly Reports

PBSO MOTORS UNIT	
Total Citations	Total Warnings
137	344

Data Source: D16 Office Staff/Motors Weekly Report

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## COMMUNITY POLICING EVENTS

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- The District 16 Community Policing Unit began a Bucket Drumming Program on 09/29/21 which is held every Wednesday.
- 12/02/21 – Conversation with a Deputy at Villa Madonna
- 12/03/21 – Liberty Park Elementary Career Day
- 12/04/21 – Holiday at the Park 2021
- 12/07/21 & 12/09/21 – Car Seat Donation with United Way for single teen mothers
- 12/15/21 – County Shop with a Cop
- 12/21/21 – Christmas in Greenacres (Shop with a Cop)

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## STREET CRIMES UNIT

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- The District 16 Street Crimes Unit was requested to assist PBSO VCD Homicide Detectives with locating a suspect on charges related to a homicide investigation and several outstanding warrants. The suspect was located and taken into custody without incident.
- The District 16 Street Crimes Unit assisted PBSO Gang Unit with locating and apprehending a suspect for outstanding charges related to a recent homicide.
- The District 16 Street Crimes Unit assisted PBSO Gang Unit with locating and apprehending a suspect for outstanding charges related several aggravated assaults with a firearm.
- The District 16 Street Crimes Unit and Detective Bureau located a suspect during an auto theft investigation. The suspect was located driving the stolen vehicle, taken into custody without incident, and charged accordingly.

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## PROPERTY DETECTIVES

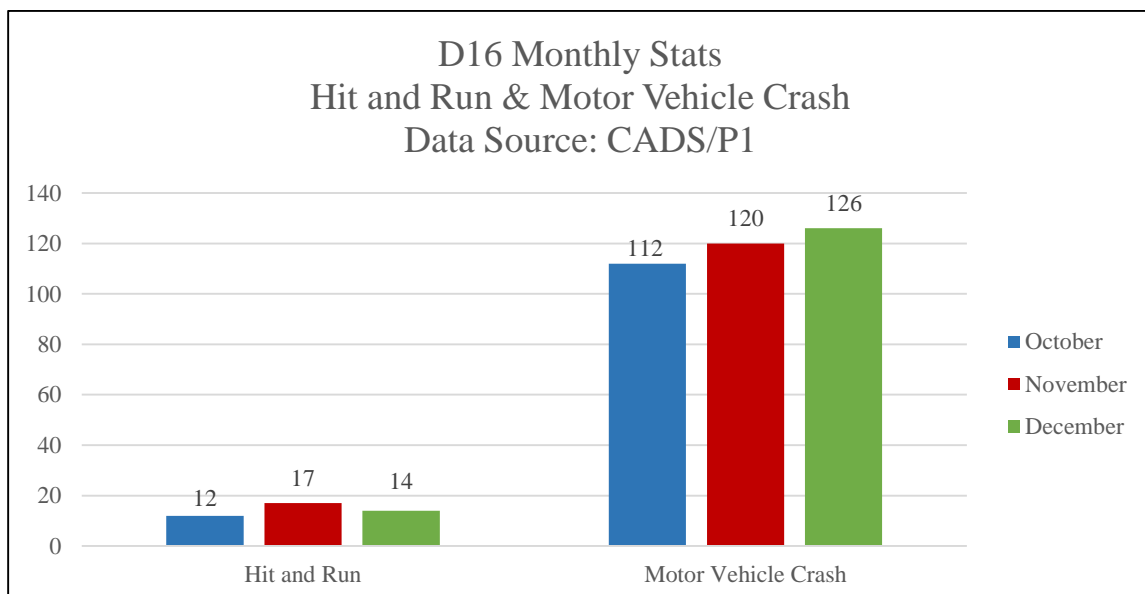
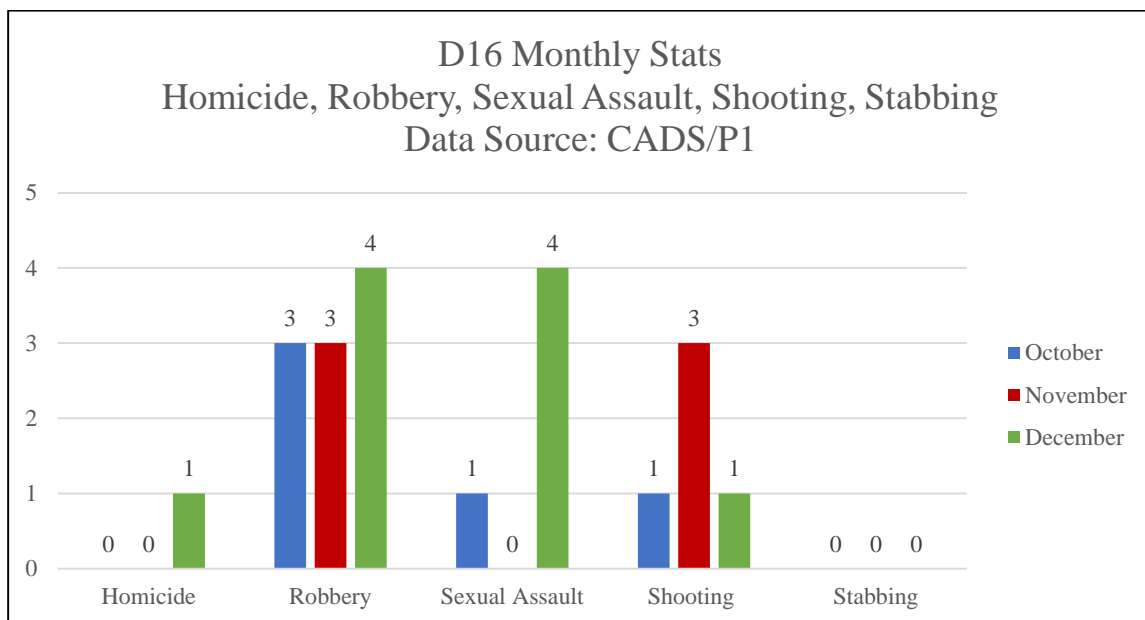
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- District 16 Detective Bureau Total Monthly Stats for December 2021:
  - New Cases: 16
  - Cases Cleared by Arrest: 7
  - Search Warrants: 0
  - Operations: 0
- The District 16 Detectives investigated a series of vehicle burglaries that occurred in the city. During the investigation, one suspect was identified after making a fraudulent purchase and was later arrested by Delray Beach Police Department. This suspect was arrested with another suspect who was found to be in possession of one of the victims' stolen firearm. Detectives responded and both suspects confessed to committing the burglaries and the cases were cleared by arrest.
- The District 16 Detectives investigated an incident of Aggravated Assault Firearm where a suspect pointed a firearm at a Greenacres Parks attendant. Through further investigation, the suspect was positively identified and apprehended by the District 16 Street Crimes Unit. During a recorded interview, the suspect confessed to detectives. The gun was located and later proven to be a BB gun. This case was cleared by arrest.
- The District 16 Detectives responded to a scene and reviewed surveillance footage along with interviewing the victim. A suspect was identified and probable cause was established. The suspect was charged with burglary to a vehicle and transported to the Palm Beach County Jail.

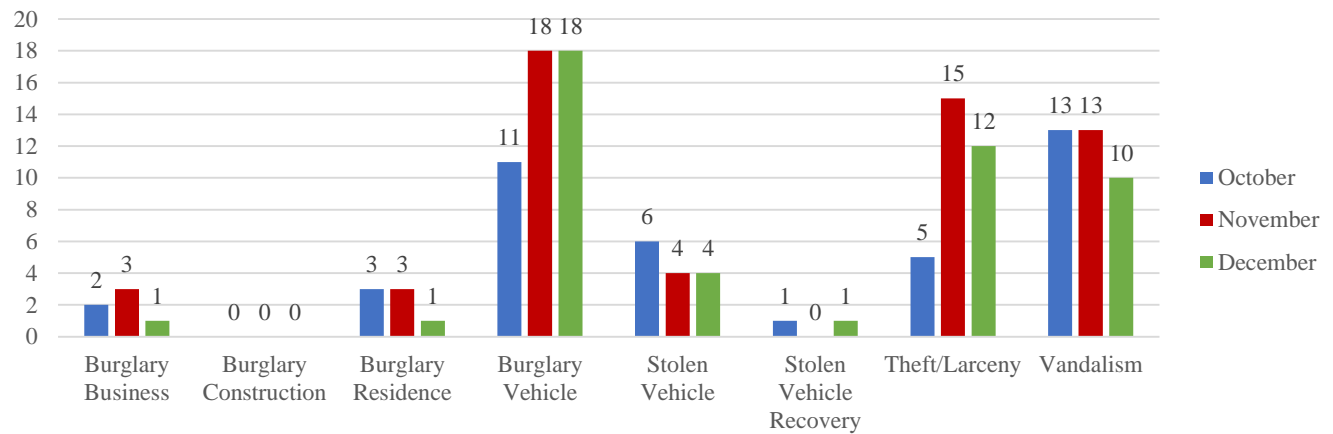
- District 16 Road Patrol responded to a burglary to a vehicle in-progress where one suspect was apprehended with a large amount of stolen property. Detectives responded to the scene and the property recovered was identified by the victim. The vehicle was processed and surveillance footage placed into evidence. The suspect was charged with burglary to a vehicle and petit theft.

## DATA ANALYSIS

The data included in this report is charted and graphed to illustrate and compare changes over a specific time period. These charts and graphs are utilized to assist in determining crime trends and to measure enforcement efforts. This data is utilized in conjunction with other analysis to develop directed patrol and various enforcement activities. The analysis included on these pages is presented as a brief highlight to explain the salient points of this report.



**D16 Monthly Stats**  
**Burglaries, Stolen Vehicle, Stolen Vehicle Recovery, Theft & Vandalism**  
 Data Source: CADS/P1



**TOP ACCIDENT LOCATIONS FOR DECEMBER 2021**

LOCATION	CASE NUMBER COUNT
South Jog Road / Forest Hill Boulevard	14
Lake Worth Road / South Jog Road	11
Melaleuca Lane / South Jog Road	10
Lake Worth Road / Southview Road	6
Lake Worth Road / South Haverhill Road	6



## Department Report

**MEETING DATE:** February 7, 2022

**FROM:** Carlos Cedeño, Public Works Director

**SUBJECT:** Public Works Department Report

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### DEPARTMENT HIGHLIGHTS

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Listed below is a brief summary of the activities undertaken by the Public Works Department during the period of December 1, 2021 through December 31, 2021.

#### 1. ADMINISTRATION:

- Entry gates at Veterans Park were replaced.
- Staff met with contractors for the City Hall upgrades and developed a timeline to for the project.
- All Staff participated in an interactive Team Building Course and The Sunshine 811 Call Training.
- Submitted annual Tree City USA re-certification.

#### 2. ROADS AND DRAINAGE MAINTENANCE

- Over 50% of the street signs in the Original Section of the City have been reinforced with new decorative brackets for better endurance and durability.
- A 10' section of damaged sidewalks was replaced on Gladiator Circle.

#### 3. VEHICLE MAINTENANCE

- New smart tablet mounts were installed in Fire Rescue trucks.
- Completed the installation of the new Holmatro (aka the jaws of life) in Ladder 95.
- Staff participated in automotive training "*Intermittent Electrical & Drivability Diagnostic Strategies*".

#### 4. BUILDING SERVICES

- Staff assisted with set up preparations for the Holiday in the Park event.
- The exterior of the City Hall Building was inspected for obstructions prior to painting, including shrub removal and tree trimming for better access.

#### 5. PARKS MAINTENANCE

- Staff assisted with set up preparations for the Holiday in the Park event.
  - Construction of the volleyball courts at Freedom Park is approximately 90% complete.
  - Land area cleared at Freedom Park was re-sodded.
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## Department Report

**MEETING DATE:** February 7, 2022

**FROM:** Monica Powery, Director, Purchasing

**SUBJECT:** Department of Purchasing Activity Report

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### DEPARTMENT HIGHLIGHTS

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The following report provides the highlights of activity within the Department of Purchasing for the reporting period from November 1 through December 31, 2021.

- a. 22-001 Dillman Trail – This bid was advertised on December 5, 2021 and opens on January 12, 2022.
- b. 22-002 Inspections and Building Services – This RFP was advertised on August 31, 2021 and closed on September 29, 2021 with four (4) proposals received. Selection Committee Meeting was held on October 29, 2021 to discuss evaluations and rank proposers. Council approved awards to C.A.P. Government, Inc. as the primary and GFA International, Inc. d/b/a Universal Engineering Services as the secondary at the meeting held on December 13, 2021.
- c. 22-004 Compensation Study – This RFP was advertised on December 12, 2021 and closes on January 10, 2022.
- d. 22-005 Bowman Street Sidewalk Improvements Project – This bid was advertised on November 14, 2021 and opened on December 14, 2021 with eight (8) proposals received. Award to Heavy Civil, Inc. to go before Council for approval at the meeting on February 7, 2022.
- e. 22-007 Planning Consultant for Evaluation and Appraisal Report (EAR) – This RFP was advertised on December 12, 2021 and closes on January 12, 2022.
- f. Request for Quotes – Developed, administered and assisted with the RFQ for Council Chambers Audio Visual Equipment Installation.
- g. Solicitations In Progress – Emergency Operations Center Construction, Public Works Generator, Forest Hill Median Landscape Improvements, Original Section Drainage Improvements Phase 8, Council Chambers Audio Visual Equipment Installation, and Fire Station 94 Flooring.
- h. Trainings – Held a training for employees who were issued a City Department Travel P-Card to review policies and procedures.

## DEPARTMENT ACTIVITY

ACTIVITY	CURRENT PERIOD	FY 2022 YTD
Purchase Orders Issued	107	286
Purchase Order Amounts	\$ 1,280,107.17	\$ 20,018,467.85
Solicitations Issued	5	7
Solicitations in Progress	6	—
Central Store Requests	4	8
Contracts Managed	60	60
Purchasing Card Purchases	472	701
Purchasing Card Transactions	\$ 57,570.40	\$ 87,342.03
No. of Training Sessions Conducted	1	1
Towing Revenue	\$ 7,035.00	\$ 10,452.00



## Youth Programs Department Monthly Report

**MEETING DATE:** February 7, 2022

**FROM:** Jowie Mohammed, Director of Youth Programs

**SUBJECT:** December 2021 Department Report

### PROGRAMMING

- Fifteen (15) days of after-school provided and transportation from six (6) schools within City limits.
- Four (4) days of Winter Camp.

### PERFORMANCE MEASUREMENTS

PERFORMANCE MEASUREMENT	AVERAGE THIS PERIOD	FY 2022 TO DATE	FY 2022 BUDGET
# of Participants	50	97	150
# of Participants in Sierra Club ICO	8	10	25
# of Licenses Coordinated	1	1	1
# of MOU's Coordinated	1	2	6
# of Part.'s in Teen Advisory Council (TAC)	5	5	5
# of Part.'s in TOP Program	37	37	15
# of Part.'s in Garden Club	17	17	20
# of Presidential Volunteer Service Hours	611	10,649	8,000

### FINANCIAL INFORMATION

GRANTS COORDINATED	AVERAGE THIS PERIOD	FY 2022 TO DATE	FY 2022 BUDGET
Early Learning Coalition	\$8,629.57	\$74,077.22	\$290,400
Parent & Registration Fees	\$4,980.10	\$14,125.40	\$187,481
Youth Services Department SEL Grant	\$4,451.38	8,902.76	\$72,805
Textile Funds	-	-	-
Youth Services Summer Camp Program	-	-	\$49,400
Community Foundation Grant (Summer)	-	-	-



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### C.A.R.E.S REPORT

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- We had seventeen (17) youth who participated in the Lake Worth Playhouse performance on December 1<sup>st</sup> which was a huge success. The youth were able to perform the songs and dances that they spent the last 3 months learning and the theater was filled with family, friends, and other supporters of the youth.
- On December 11<sup>th</sup> the CARES program participated in a Sierra Club field trip to Manatee Lagoon and Okeetchee Nature center. 8 youth attended the trip where they participated in hiking, sight seeing, and exploration of nature centers.
- Bingo Magic donated a bike to the CARES program that we were able to send home with a lucky student.

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### TEEN PROGRAMS REPORT

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- The Teen Program helped at the Santa Tent at the City's Holiday in the park event. Our young elves helped spread some well-deserved Holiday Cheer to our local families in the community.
- In December our Teens were gifted presents from donors of the Children's Home Society. Students were appreciative of gifts and will be working on thank you letters to the donors to show their thanks.
- Our Teens attended the Teen Advisory Council & Future Leaders Meeting on December 21, 2021, and we are hopeful moving forward that we can attend these meetings on a more consistent basis



Jowie Mohammed, Director  
Youth Programs Department