



Town Council Meeting

February 24, 2025 at 6:00 PM

Howey-in the-Hills Town Hall

101 N. Palm Ave.,

Howey-in-the-Hills, FL 34737

Join Zoom Meeting: <https://us06web.zoom.us/j/84185172036?pwd=SL5ZT5syPHfcb3uxdhTt26iuwkrZ6S.1>
Meeting ID: 841 8517 2036 | **Passcode:** 802236

AGENDA

Call the Town Council Meeting to order
Pledge of Allegiance to the Flag
Invocation by Councilor Reneé Lannamañ

ROLL CALL

Acknowledgement of Quorum Present and Proper Notice Given

WELCOME AND INTRODUCTION OF GUESTS

AGENDA APPROVAL/REVIEW

PUBLIC QUESTION & COMMENT

Any person wishing to address the Mayor and Town Council and who is not on the agenda is asked to speak their name and address. Three (3) minutes is allocated per speaker. The general Public Question & Comment period will be limited to a maximum of thirty (30) minutes unless extended by the Presiding Officer.

CONSENT AGENDA

Routine items are placed on the Consent Agenda to expedite the meeting. If Town Council/Staff wish to discuss any item, the procedure is as follows: (1) Pull the item(s) from the Consent Agenda; (2) Vote on the remaining item(s); and (3) Discuss each pulled item and vote.

- 1.** The approval of the minutes and ratification and confirmation of all Town Council actions at the February 10, 2025, Town Council Meeting.

PUBLIC HEARING

OLD BUSINESS

NEW BUSINESS

- 2.** Discussion: **Procurement & Purchasing Policy**
- 3.** Consideration and Approval: **Talichet Lift Station**

DEPARTMENT REPORTS

4. Town Manager

COUNCIL MEMBER COMMENT

5. Mayor Pro Tem Everline
6. Councilor Arnold
7. Councilor Miles
8. Councilor Lannamañ
9. Mayor Wells

ADJOURNMENT

To Comply with Title II of the Americans with Disabilities Act (ADA):

Qualified individuals may get assistance through the Florida Relay Service by dialing 7-1-1. Florida Relay is a service provided to residents in the State of Florida who are Deaf, Hard of Hearing, Deaf/Blind, or Speech Disabled that connects them to standard (voice) telephone users. They utilize a wide array of technologies, such as Text Telephone (TTYs) and ASCII, Voice Carry-Over (VCO), Speech to Speech (STS), Relay Conference Captioning (RCC), CapTel, Voice, Hearing Carry-Over (HCO), Video Assisted Speech to Speech (VA-STS) and Enhanced Speech to Speech.

Howey Town Hall is inviting you to a scheduled Zoom meeting.

Topic: **Town Council Meeting**

Time: **Feb 24, 2025 06:00 PM Eastern Time (US and Canada)**

Join Zoom Meeting

<https://us06web.zoom.us/j/84185172036?pwd=SL5ZT5syPHfcb3uxdhTt26iuwkrZ6S.1>

Meeting ID: 841 8517 2036

Passcode: 802236

Dial by your location

+1 646 558 8656 US (New York)

+1 346 248 7799 US (Houston)

Meeting ID: 841 8517 2036

Passcode: 802236

Find your local number: <https://us06web.zoom.us/j/kehRxzWKUN>

Please Note: In accordance with F.S. 286.0105: Any person who desires to appeal any decision or recommendation at this meeting will need a record of the proceedings, and that for such purposes may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is based. The Town of Howey-in-the-Hills does not prepare or provide this verbatim record. Note: In accordance with the F.S. 286.26: Persons with disabilities needing assistance to participate in any of these proceedings should contact Town Hall, 101 N. Palm Avenue, Howey-in-the-Hills, FL 34737, (352) 324-2290 at least 48 business hours in advance of the meeting.



Town Council Meeting
February 10, 2025 at 6:00 PM
Howey-in the-Hills Town Hall
101 N. Palm Ave.,
Howey-in-the-Hills, FL 34737

MINUTES

Mayor Wells called the Town Council Meeting to order at 6:00 p.m.
Mayor Wells led the attendees in the Pledge of Allegiance to the Flag.
Councilor Reneé Lannamañ delivered an invocation.

ROLL CALL

Acknowledgement of Quorum Present and Proper Notice Given

MEMBERS PRESENT:

Mayor Pro Tem Tim Everline (via Zoom) | Councilor Jon Arnold | Councilor Reneé Lannamañ | Mayor Graham Wells

MEMBERS ABSENT:

Councilor David Miles

STAFF PRESENT:

Sean O’Keefe, Town Manager | Tom Wilkes, Town Attorney | April Fisher, Town Planner | Rick Thomas, Police Chief | John Brock, Deputy Town Manager / Town Clerk

Mayor Wells asked for a motion to allow Mayor Pro Tem Everline to participate and vote remotely via Zoom.

Motion made by Councilor Lannamañ to allow Mayor Pro Tem Everline to participate and vote remotely via Zoom; seconded by Councilor Arnold. Motion approved unanimously by voice vote

Voting

Yea: Councilor Arnold, Councilor Lannamañ, Mayor Wells

Nay: None

WELCOME AND INTRODUCTION OF GUESTS

None

AGENDA APPROVAL/REVIEW

Motion made by Councilor Lannamañ to approve the meeting’s agenda; seconded by Councilor Arnold. Motion approved unanimously by voice vote.

Voting**Yea:** Mayor Pro Tem Everline, Councilor Arnold, Councilor Lannamañ, Mayor Wells**Nay:** None**PUBLIC QUESTION & COMMENT**

Any person wishing to address the Mayor and Town Council and who is not on the agenda is asked to speak their name and address. Three (3) minutes is allocated per speaker. The general Public Question & Comment period will be limited to a maximum of thirty (30) minutes unless extended by the Presiding Officer.

Tom Ballou, 1005 N. Tangerine Ave. – Mr. Ballou had questions about the Town Hall’s hours of operation changing to Monday through Thursday, 7 a.m. to 5:30 p.m.

Marie Gallelli, 1104 N. Tangerine Ave. – Mrs. Gallelli wanted to let all those in attendance know about an ecological expo that would occur on February 22nd in Groveland at Lake David Park. Mrs. Gallelli also had questions about how long the permitting process should take.

CONSENT AGENDA

Routine items are placed on the Consent Agenda to expedite the meeting. If Town Council/Staff wish to discuss any item, the procedure is as follows: (1) Pull the item(s) from the Consent Agenda; (2) Vote on the remaining item(s); and (3) Discuss each pulled item and vote.

1. The approval of the minutes and ratification and confirmation of all Town Council actions at the Jan 27, 2025, Town Council Meeting.
2. The approval of the minutes and ratification and confirmation of all Town Council actions at the January 28, 2025, Town Council CIP Workshop.
3. Consider and Approval: **FDEM/FEMA Mitigation Grant Funding Contract (Lift Station #2)**
4. Consideration and Approval: **Resolution 2025-003 - Urging the Florida State Legislature to Provide a Public Records Exemption for Municipal Clerks**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA URGING THE FLORIDA STATE LEGISLATURE TO ENACT LEGISLATION TO PROVIDE A PUBLIC RECORDS EXEMPTION FOR MUNICIPAL CLERKS AND EMPLOYEES WHO PERFORM MUNICIPAL ELECTIONS WORK OR HAVE ANY PART IN CODE ENFORCEMENT FUNCTIONS OF A CITY AND PROVIDING FOR AN EFFECTIVE DATE.

Motion made by Councilor Lannamañ to approve the items on the Consent Agenda; seconded by Councilor Arnold. Motion approved by roll call vote.

Voting**Yea:** Mayor Pro Tem Everline, Councilor Arnold, Councilor Lannamañ, Mayor Wells**Nay:** None**PUBLIC HEARING**

Mayor Wells suspended the Town Council Meeting and convened the Board of Adjustment to hear the two variances.

5. Consideration and Recommendation: **229 Messina Pl. Variance Application - (Town Council sitting as the Board of Adjustment)**

Town Planner, April Fisher of Parks Consulting Services, provided an overview of the variance request. The applicant sought a variance for a swimming pool, pool deck, and screen enclosure, specifically requesting a three-foot reduction in the required 10-foot setback for the deck and screen enclosure and a one-foot reduction for the pool itself. Mrs. Fisher explained that the variance criteria outlined in the Land Development Code (LDC) (Section 4.13.04) require that all five conditions be met to approve a variance. The application did not demonstrate how it met these criteria, and therefore, Town staff recommended denial of the variance.

Mrs. Fisher also noted that the Planning and Zoning Board had reviewed the application, but due to a tied vote (3-3), no recommendation was made. The final decision rested with the Town Council, acting as the Board of Adjustment.

The applicants, Marcus Flamingo and Veronica Lucien of 229 Messina Place, addressed the Council. Mr. Flamingo clarified that they were requesting a seven-foot setback. He argued that the unique shape of their lot, which narrows in the front and widens at the back, warranted the variance. He also stated that six of their neighbors had signed letters supporting their request. Furthermore, he expressed concerns that other residents had received variances for five-foot setbacks and questioned the consistency of variance approvals.

Ms. Lucien reiterated that other homeowners in their community had been granted variances for similar requests and emphasized their desire for fair and equal treatment.

Mayor Wells opened Public Comment for this item only.

Ann Griffin, 215 E. Laurel Ave. – Resident Ann Griffin addressed the Council, expressing concerns about the importance of maintaining adherence to established codes and regulations. She emphasized that, if the Town deviated from its regulations too frequently, it would undermine the integrity of the Land Development Code.

Mayor Wells closed Public Comment for this item.

Council members discussed the request in detail. Town Manager, Sean O’Keefe, clarified that the variance request was for a three-foot reduction from the required 10-foot setback, resulting in a seven-foot setback.

Councilor Arnold noted that, when he built his pool two years ago, he adhered to the 10-foot setback requirement, indicating that this standard had been in place for some time. Councilor Lannamañ acknowledged the applicant’s desire to place the pool in a preferred location but pointed out that previous variance approvals may have been based on conditions that met the LDC’s hardship requirements, which this application did not. She advised the applicants to work with their pool designer to modify the design to comply with the code.

Mayor Pro Tem Everline emphasized that the role of the Council was to uphold the Town’s regulations and that the Town Planner had determined the application did not meet the necessary criteria.

Motion made by Councilor Lannamañ to deny the requested variance; seconded by Mayor Pro Tem Everline.

Voting

Yea: Mayor Pro Tem Everline, Councilor Arnold, Councilor Lannamañ, Mayor Wells

Nay: None

Mayor Pro Tem Everline stated that his reason for voting for denial of the variance request was twofold. One is based on the Town Planner’s recommendation and secondly, based on the residents’ ability to, as

Councilor Lannamañ has suggested, go back to the pool designer and have the pool redesigned as close to their preferences as possible and fit into the desired area.

6. **Consideration and Recommendation: 204 W. Myrtle St. Variance Application - (Town Council sitting as the Board of Adjustment)**

Town Planner, April Fisher, presented the details of the variance request. The applicant had previously obtained approval and a building permit for the construction of a swimming pool and pool deck, which had since been completed. The variance request pertained solely to the installation of a screen enclosure over the existing pool deck.

Mrs. Fisher explained that the approved pool and deck were located 9.5 feet from the rear property line, which was less than the required 10-foot setback. The applicant was requesting a six-inch variance to allow for the screen enclosure to align with the existing deck. She noted that the applicant was not proposing any expansion beyond the previously approved deck footprint.

Staff had determined that the variance request met the criteria established in the Land Development Code (LDC) Section 4.13.04, particularly in that:

- The variance was the minimum necessary to allow for the installation of a functional screen enclosure.
- The applicant had a reasonable expectation that a screen enclosure could be added to the existing deck, given that the pool and deck had already been approved.
- The variance would be in harmony with the code and not injurious to the surrounding properties.

Mrs. Fisher further clarified that the original approval of the pool and deck had been an administrative error, and staff had since taken corrective measures to ensure similar issues do not recur. The Planning and Zoning Board had reviewed the application and voted unanimously (6-0) in favor of approval.

Mayor Wells confirmed that he had visited the property to assess the situation firsthand. He noted that the lot had an unusual configuration, with frontage on Myrtle Street but a driveway on Florida Avenue. Upon speaking with the homeowner, he was able to observe the placement of the pool and deck.

Mayor Wells reiterated that the permitting error had resulted in the pool being constructed within the setback, but at this stage, relocation was not feasible. He emphasized that the applicant was not seeking to extend the deck, only to install a screen enclosure to ensure safety and usability. The proposed enclosure would maintain an appropriate clearance for walking space and would not create a safety hazard. Given these circumstances, he agreed with the staff's recommendation for approval.

Mayor Wells asked if the applicant or anyone representing the applicant was in attendance to speak for the applicant.

Nicholas Bowers, representing Atlas Pools of Central Florida and the homeowner, confirmed that the Mayor's and Town Planner's descriptions were accurate. Mr. Bowers expressed appreciation for the Council's time and had no further comments.

Richard Vyce, also representing Atlas Pools, noted that he had submitted the variance documentation and was available for any questions.

Mayor Wells opened Public Comment for this item only.

Marie Gallelli, 1104 N. Tangerine Ave. – Resident Marie Gallelli inquired about the necessity of a screen enclosure for pools and whether there was a timeline for installing one after a pool was

constructed. Town Planner Fisher clarified that screen enclosures were not required by law and that pools could be secured by fences or other means. The timing of enclosure installation varied, as it often involved a separate contractor.

Mayor Wells closed Public Comment for this item.

Councilor Arnold commented on the minor nature of the variance request. Mayor Pro Tem Everline confirmed that the property had a six-foot yard fence, which met safety requirements. The Council recognized that the situation resulted from an administrative error and that had the correct setback been enforced initially, the pool could have been adjusted accordingly.

Motion made by Councilor Lannamañ moved to approve the requested six-inch variance for the screen enclosure, as the request met the variance approval standards outlined in LDC Section 4.13.04; seconded by Councilor Arnold. Motion approved unanimously by roll call vote.

Voting

Yea: Mayor Pro Tem Everline, Councilor Arnold, Councilor Lannamañ, Mayor Wells

Nay: None

The variance request for 204 West Myrtle Street was approved. Mayor Wells thanked the applicant's representatives and reiterated the importance of following the established permitting and variance processes to avoid similar issues in the future.

Mayor Wells closed the Board of Adjustment meeting and re-convened the Town Council Meeting.

OLD BUSINESS

None

NEW BUSINESS

7. Consideration and Approval: **Selection of Planning and Zoning Board Member**

Town Manager Sean O’Keefe provided background information on the appointment process. The Planning and Zoning Board consists of seven seats, with one seat having remained vacant for the past three to four months. The board plays a crucial role in land use and development decisions.

Mr. O’Keefe introduced Mr. Paul Johns, Chief Operating Officer of Orlando Health Southlake Hospital, as an applicant for the vacant position. Mr. Johns has experience working with municipal planning and zoning boards through his role in hospital growth governance and the Health Science Academy. While staff does not make recommendations for board appointments, Mr. O’Keefe presented Mr. Johns' qualifications for the Council’s consideration.

Mr. Paul Johns introduced himself, stating that he has served as COO of Orlando Health Southlake Hospital for 12 years. During his tenure, he has been involved in multiple large-scale development projects totaling over \$250 million, requiring frequent collaboration with municipal planning and zoning boards. Notably, he was responsible for the Blue Cedar Freestanding ER project. Having lived in Howey-in-the-Hills for eight years, he expressed a desire to take a more active role in the community.

Councilor Everline reviewed Mr. Johns’ application and affirmed his qualifications, thanking him for his willingness to serve. Mayor Wells noted that the Planning and Zoning Board is one of the most critical advisory boards, responsible for ensuring projects comply with the Town’s Land Development Code rather than making decisions based on personal preference. He reassured Mr. Johns that, despite

the complexity of the role, he would receive guidance from both the board's chair and the Town's planning consultants.

Mayor Wells opened Public Comment for this item only.

Alan Hayes, 111 Island Dr. - Resident Alan Hayes raised a procedural concern, referencing Chapter 9, Section 9.00.01(B) of the Land Development Code, which states that the Planning and Zoning Board must have the opportunity to review applicants' résumés and make a recommendation before an appointment is made. He inquired whether this was a temporary appointment or a permanent replacement and emphasized the importance of following the Town's rules.

After reviewing the code, Town staff confirmed that Mr. Hayes was correct and that the Planning and Zoning Board should have reviewed Mr. Johns' application before the Council's appointment.

Mr. Hayes also asked whether applications for board positions were public records. Town Clerk, John Brock, explained that all applications are included in the Council meeting packets posted on the Town's website.

Mayor Wells closed Public Comment for this item.

A discussion followed regarding board terms and whether new appointees should complete the remainder of a vacant term or start a new three-year term. Town Attorney, Tom Wilkes, recommended aligning board appointments with fixed, staggered terms to avoid inconsistencies and potential legal challenges. He suggested that new appointees should complete the remainder of the vacated term rather than starting a new term upon appointment.

Town Planner April Fisher echoed these sentiments, noting that the Planning and Zoning Board should not operate with long-term vacancies, as tied votes can create decision-making challenges.

Motion made by Mayor Pro Tem Everline to appoint Mr. Paul Johns to the Planning and Zoning Board to fill the remainder of Ellen Yarckin's term, with the understanding that upon expiration, he may reapply and be subject to review by the Planning and Zoning Board before Town Council consideration; seconded by Councilor Lannamañ.

Voting

Yea: Mayor Pro Tem Everline, Councilor Arnold, Councilor Lannamañ, Mayor Wells

Nay: None

8. Consideration and Approval: **Town Donations**

Mayor Graham Wells introduced the agenda item regarding the allocation of the Town's annual donation budget, which is set at \$2,000.

Town Manager Sean O'Keefe provided an overview of past donation practices, noting that, historically, the mayor had directed allocations, with consistent support given to local scouting organizations. Recent donations had been made to the local Troops of St. George, which had taken over community service efforts following the dissolution of the local Boy Scouts of America troop. The Town had also occasionally donated to other organizations, such as the VFW and Lake County Firefighters.

A new request had been received from the Howey Garden and Civic Club, seeking a \$1,000 sponsorship for a full-page advertisement in their 100th-anniversary cookbook. This request was presented for Council's consideration.

Mayor Wells explained that he had attended a Garden and Civic Club meeting where the donation request was introduced. He expressed concern that the Town appeared to have been expected to contribute \$1,000 for a full-page ad, whereas members of the club were offered a full-page for \$150. As a result, he opted to bring the request to the Council for a formal decision.

Mayor Wells opened Public Comment for this item only.

Carol Roque, 505 Mission Ln. – Resident Carol Roque voiced her objection to Town funds being allocated to the Troops of St. George, citing its exclusionary nature as a Catholic-based organization. She emphasized the importance of ensuring taxpayer funds are not directed toward religious-affiliated groups.

Marie Gallelli, 1104 N. Tangerine Ave. - Resident Marie Gallelli supported the idea that Town funds should not be used for donations to private organizations. She questioned the value of placing an advertisement in a cookbook and noted that advertising is typically a function of private businesses rather than municipalities.

Gail Boettger (President of the Howey Garden and Civic Club), 11451 Valley View Dr., Howey-in-the-Hills (unincorporated Lake County) - Mrs. Boettger addressed concerns about the cookbook advertisement request. She clarified that she had never personally advocated for a \$1,000 donation and that pricing for the ads had been determined by a committee. While she appreciated any support from the Town, she emphasized that the club’s funds were used for charitable contributions.

Martha MacFarlane (Former Mayor), 63 Camino Real – Resident Martha MacFarlane expressed support for a smaller Town-sponsored advertisement in the cookbook, suggesting that it commemorate Howey-in-the-Hills' 100-year anniversary rather than function as a standard advertisement.

Andi Everline, 1012 N. Lakeshore Blvd. – Resident Andi Everline stated that she thought it was unethical to donate to an exclusionary group, such as the Troops of St. George.

Pat Miller, (the Garden Club’s cookbook project leader) – Resident Pat Miller confirmed that a full-page ad cost \$150, not \$1,000 as previously mentioned. She also expressed her personal opinion that municipal funds should not be used for donations to private organizations.

Mayor Wells closed Public Comment for this item.

Council members discussed the appropriateness of Town donations and the need for transparency in allocation decisions. Councilor Arnold acknowledged that supporting local civic organizations was valuable but emphasized that the Town should not be expected to pay a premium for advertisements.

Councilor Lannamañ proposed that the Town place a one-page ad in the cookbook commemorating its centennial at the standard rate of \$150.

Motion made by Councilor Lannamañ to approve a \$150 expenditure for a one-page advertisement in the Howey Garden and Civic Club’s cookbook to commemorate the Town’s 100-year anniversary, Seconded by Mayor Pro Tem Everline. Motion approved unanimously by roll call vote

Voting

Yea: Mayor Pro Tem Everline, Councilor Arnold, Councilor Lannamañ, Mayor Wells

Nay: None

DEPARTMENT REPORTS

9. Town Hall

Report was included in the meeting's packet.

10. Police Department

Report was included in the meeting's packet.

11. Code Enforcement

Report was included in the meeting's packet.

12. Public Services

Report was included in the meeting's packet.

13. Library / Community Events

None

14. Town Attorney

None

15. Finance Supervisor

Report was included in the meeting's packet.

16. Town Manager

Town Manager, Sean O'Keefe, provided updates on waste collection, upcoming closures, and an event. GFL, the Town's waste collection service, experienced multiple truck breakdowns, causing delays in trash pickup. Residents whose trash was not collected should leave it out, as collection will resume first thing the next morning. Updates have been shared via social media.

Additionally, Town Hall and the Library will be closed on Monday, February 17th, in observance of Presidents' Day.

The grand reopening and rededication of the Sara Maude Mason Nature Preserve Boardwalk is scheduled for Friday, March 7th, at noon. The Troops of St. George will be serving lunch at the event.

COUNCIL MEMBER COMMENT

17. Mayor Pro Tem Everline

None

18. Councilor Arnold

None

19. Councilor Miles

None

20. Councilor Lannamañ

None

21. Mayor Wells

None

ADJOURNMENT

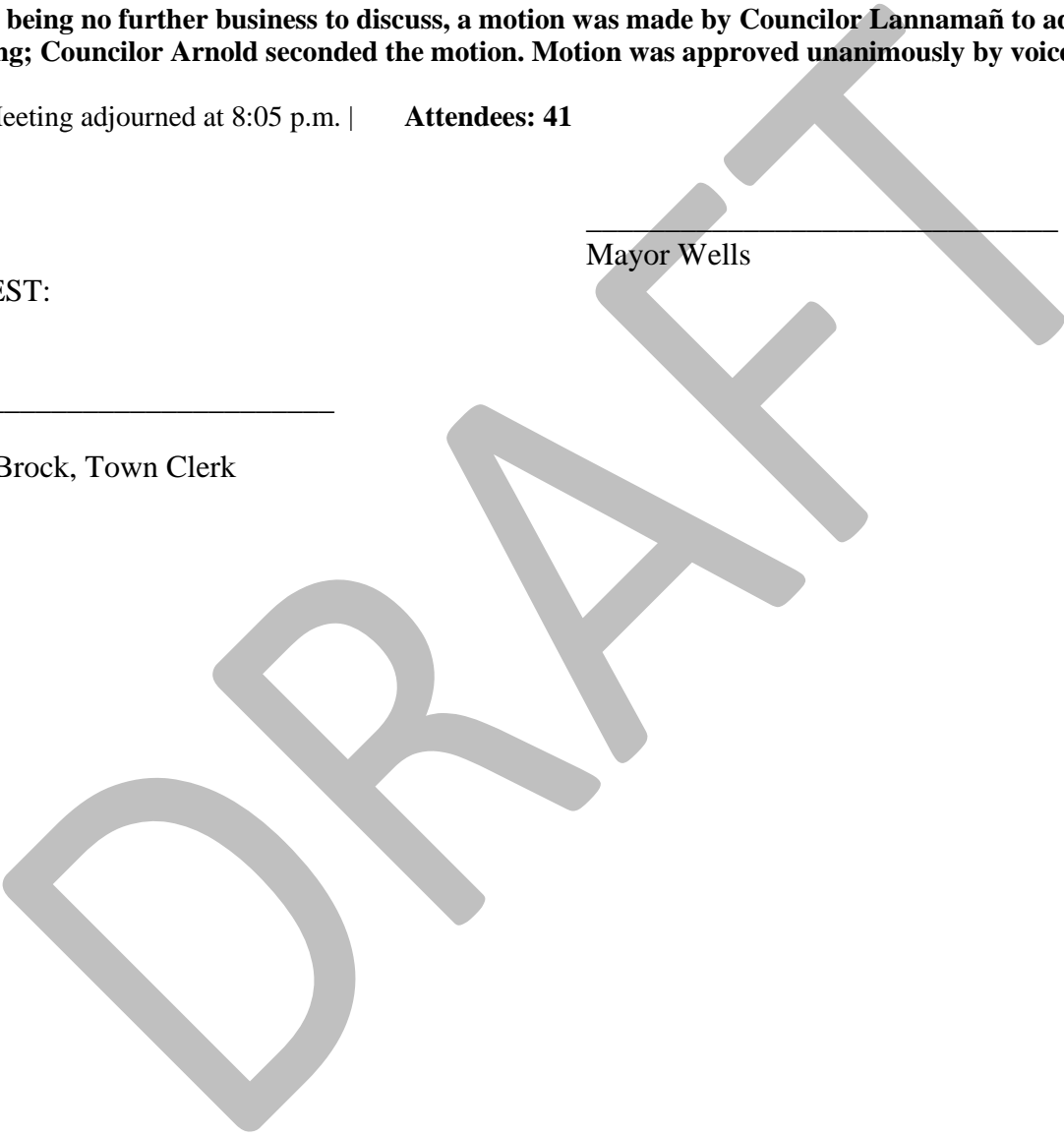
There being no further business to discuss, a motion was made by Councilor Lannamañ to adjourn the meeting; Councilor Arnold seconded the motion. Motion was approved unanimously by voice vote.

The Meeting adjourned at 8:05 p.m. | **Attendees: 41**

Mayor Wells

ATTEST:

John Brock, Town Clerk





Date: February 24, 2025

To: Mayor and Town Council

From: Sean O’Keefe, Town Manager

Re: Discussion: **Procurement & Purchasing Policy**

Objective:

To clarify the Town Manager’s authority in executing budgeted and properly procured projects, educate the Council on the established procurement process, and discuss potential modifications to enhance efficiency while maintaining transparency and accountability.

Summary:

The Town’s Purchasing Policy was updated on 11/08/2021 by Ordinance 2021-009 to allow, among other changes, the updating of the Purchasing Policy by resolution rather than ordinance. The Purchasing Policy was then most recently updated on 3/27/2023 by Resolution 2023-001 to allow for cooperative purchasing (also known as “piggyback” contracts).

Recent discussions have raised concerns regarding the Town Manager being allowed to implement projects, even when they are budgeted, properly procured, and using approved vendors. The purpose of this discussion is to reaffirm the Town Manager’s authority under the current Purchasing Policy and procurement best practices, and to consider potential enhancements to streamline procurement while maintaining transparency and oversight.

Key Provisions of the Current Policy:

- The Town Manager, as the Purchasing Officer, has authority over procurement within the established budget and purchasing thresholds.
- Department Directors can approve purchases within budget up to \$10,000 with competitive quotes.
- The Town Manager can award bids up to \$50,000; amounts exceeding this require Town Council approval.
- Piggyback contracts allow the Town to use existing contracts from other governmental agencies to streamline procurement without requiring new bidding.

Fiscal Impact:

No immediate fiscal impact.

Staff Recommendation:

Staff recommends the Town Council reaffirm the current policy and the Town Manager’s authority to execute budgeted projects, while considering policy enhancements that improve efficiency, such as raising the approval thresholds for the Town Manager.

TOWN OF HOWEY-IN-THE-HILLS PURCHASING POLICY

Section 1: PURPOSE

This policy is adopted to assure that commodities and services are obtained efficiently and effectively in free and open competition and through the use of sound procurement practices. All Town of Howey-in-the-Hills (“Town”) staff and other persons with designated responsibility for purchasing are responsible for ensuring compliance with this policy and with all applicable federal and state laws and regulations.

Section 2: APPLICATION OF POLICY

This policy shall apply to all contracts or agreements, whether oral or written, for the procurement of any materials, supplies, services, construction and equipment entered into by or on behalf of the Town after the effective date of this policy, (“Purchases”).

Section 3: PURCHASING OFFICER; DEPARTMENT DIRECTORS; BUDGET AND CASH FLOW LIMITATIONS

The Mayor or his/her designee shall serve as the Purchasing Officer of the Town for all Purchases, and may establish procedures for the approval of and documentation of Purchases as follows:

- “Department Directors” (Chief of Police, Public Services Director, Town Clerk and Library Director), may make Purchases according to the threshold Purchase limits as set forth in Section 4, below.
- No Purchase may be made unless such Purchase is within the budgeted amount authorized by the Town Council for the relevant department.
- The Mayor may impose further restrictions upon Purchases if reasonably required by cash flow limitations.
- Emergency Purchases. The Mayor shall have the authority to waive any of the provisions or this policy, and may make emergency purchases in any amount to alleviate a situation in which there is a threat to health, welfare, or safety under certain conditions defined as an emergency by the Federal Government, the State of Florida, or the Town, that does not allow time for normal, competitive purchasing procedures.
- Cooperative Purchases. The Town Council may enter into a cooperative purchasing arrangement (also known as piggybacking) with other governmental agencies and agencies qualified by the state for government purchasing for all services, supplies, materials, and equipment to be used by the Town, providing the vendor extends the same terms and conditions of the contract to the town.

Section 4: PURCHASING AND CONTRACT AWARD PROCEDURES

Section 4.01: PURCHASING CATEGORIES; THRESHOLD AMOUNTS

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

- A. Small Purchases (Section 4.02) any amount under \$3,000.00.
- B. Purchasing Quotes (Section 4.03) \$3,000.01 to \$10,000.00.
- C. Competitive Sealed Bids and Requests for Proposals (Section 4.04 & 4.05) \$10,00.01 and above.

Section 4.02: SMALL PURCHASES

Purchases of commodities, equipment and services which cost \$3,000.00 or less (“Small Purchases”), do not require solicitation of quotes or bids. Small purchases may be authorized by the Department Director.

Section 4.03: PURCHASING QUOTES

The purchase of goods and services which cost within the range authorized for purchasing quotes in Section 4.01 require competitive quotations from three or more vendors, if available. Purchasing quotes may be obtained and awarded by the Department Director.

Section 4.04: COMPETITIVE SEALED BIDS

- A. **Conditions For Use.** All contracts for purchases of a single item, services or aggregate in excess of the established base amount for Competitive Sealed Bids in Section 4.01, where price, not qualifications, is the basis for contract award, shall be awarded by competitive sealed bidding. The Purchasing Officer may award bids for Purchases up to the amount of **\$50,000.00**. The Town Council shall award bids for Purchases over this amount pursuant to the procedures set forth in subsection H, below.
- B. **Invitation to Bid.** An invitation to bid shall be issued and shall include specifications, all contractual terms and conditions, and the place, date, and time for opening or submittal. No later than five (5) working days prior to the date for receipt of bids, a vendor shall make a written request to the Town for interpretations or corrections of any ambiguity, inconsistency or error which the vendor may discover. All interpretations or corrections will be issued as addenda.
- C. **Public Notice.** Public notice shall be provided in at least one of the following: newspaper of general circulation, the Town’s website, or Demandstar, at least ten (10) calendar days prior to bid opening. Notice shall give the date, time, and place set forth for the submittal of proposals and opening of bids.

- D. Bid Opening.** Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the solicitation. The amount of each bid, and other such relevant information as may be deemed appropriate, together with the name of each bidder, and all witnesses shall be recorded. The record and each bid shall be open to public inspection.
- E. Bid Acceptance and Evaluation.** Upon opening, bids shall be unconditionally accepted without alteration or correction, except as authorized in this policy. Following acceptance, the Purchasing Officer or his/her designee shall evaluate the bids based on the requirements set forth in the solicitation.
- F. Bid Agenda Item.** For bids that are to be awarded by the Town Council, the Purchasing Officer or his/her designee, after evaluation, will prepare a recommendation and shall place the item on the agenda of the Town Council.
- G. Correction or Withdrawal of Bids; Cancellation of Awards.** Correction or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards or contracts based on such bid mistakes, shall be permitted where appropriate. Mistakes discovered before bid opening may be modified or withdrawn by written or telegraphic notice received in the office designated in the Invitation for Bids prior to the time set for bid opening. After bid opening, corrections in bids shall be permitted only to the extent that the bidder can show by clear and convincing evidence that a mistake of a non-judgmental character was made, the nature of the mistake, and the bid price actually intended. After bid opening, no changes in the bid price or other provisions of bids prejudicial to the interest of the Town or fair competition shall be permitted. In lieu of bid correction, a low bidder alleging a material mistake of fact may be permitted to withdraw his bid if:
- (1) the mistake is clearly evident on the face of the bid document but the intended correct bid is not similarly evident; or
 - (2) the bidder submits evidence which clearly and convincingly demonstrates that a mistake was made. All decisions to permit the correction or withdrawal of bids or to cancel awards or contracts based on bid mistakes shall be supported by a written determination made by the Purchasing Officer.
- H. Award.** The Town Council or the Purchasing Officer, as applicable, shall award the contract with reasonable promptness to the responsible and responsive bidder whose bid meets the requirements and criteria set forth in the solicitation. The Town reserves the right to waive any informality in bids and to make an award in whole or in part, or cancel the solicitation when in the best interest of the Town. Any requirement which is waived must be documented and kept in the file.
- (1) **Notice of Intended Award.** The contract shall be awarded by written notice. Every procurement of contractual services shall be evidenced by a written agreement. Notice of the intended award shall follow the process specified in the solicitation.

- (2) **Notice of Right to Protest.** All notices of decision or intended decisions shall contain the statement: “Failure to file a protest within the time prescribed in Section 4.08 of the Purchasing Policy of the Town of Howey in the Hills shall constitute a waiver of proceedings under that section of this Policy”.
- (3) **Bond.** If required in the solicitation, the most responsible bidder shall give a bond with an approved surety in such sum as the nature and character of the work demand. The bond shall be subject to the approval of the Town Council and the Mayor.
- I. **Cancellation of Invitations for Bids.** An invitation for bids or other solicitation may be cancelled, or any or all bids may be rejected in whole or in part when it is in the best interest of the Town, as determined by a Department Director, the Purchasing Officer, or the Town Council, as applicable. Notice of cancellation shall be posted on the Town’s website and sent to all businesses solicited. The notice shall identify the solicitation, explain the reason for cancellation and, where appropriate, explain that an opportunity will be given to compete on *any re-solicitation* or any future procurement of similar items.
- J. **Disqualification of Vendors.** For any specific bid, vendors may be disqualified by the Purchasing Director or Purchasing Officer, for the following reasons:
- (1) Failure to respond to bid invitation three consecutive times within the last twelve (12) months period.
 - (2) Failure to update the information on file including address, project or service, or business description.
 - (3) Failure to perform according to contract provisions.
 - (4) Conviction in a court of law of any criminal offense in connection with the conduct of business.
 - (5) Clear and convincing evidence of a violation of any Federal or State anti-trust law based on the submission of bids or proposals, or the awarding of contracts.
 - (6) Clear and convincing evidence that the vendor has attempted to give a Town employee a gratuity of any kind for the purpose of influencing a recommendation or decision in connection with any part of the Town’s purchasing activity.
 - (7) Failure to execute a sworn statement on Public Entity Crimes Statement in compliance with subsection 287.133(3)(a) of the Florida Statutes.
 - (8) Other reasons deemed appropriate by the Town.

Section 4.05: COMPETITIVE SEALED PROPOSALS

All contracts for purchases of a single item or services or aggregate in excess of the established base amount for Request for Proposals in Section 4.01, where qualifications, not price, is the basis for contract award, shall be awarded by competitive sealed proposals. All contracts for the procurement of professional architectural, engineering, landscape

architectural, and land surveying services will be awarded according to the provisions of Section 4.051.

All other contracts required to be awarded by competitive sealed proposals will be awarded according to the provisions of Section 4.052.

Section 4.051: PROFESSIONAL ARCHITECTURAL, ENGINEERING, LANDSCAPE ARCHITECTURAL, AND LAND SURVEYING SERVICES (Sec. 287.055, Fla. Stat. services)

- A. Public Announcement.** It is the policy of the Town to publicly announce all requirements for professional architectural, engineering, landscape architectural, and land surveying services and to negotiate such contracts on the basis of demonstrated competence and qualifications at fair and reasonable prices. In the procurement of such services, the Town may require firms to submit a statement of qualifications, performance data and other related information for the performance of professional services.
- (1) **Scope of Project Requirements.** Prior to submission of the request for proposals for professional services as an agenda item for approval by the Town Council, the Purchasing Officer shall submit to the Town written project requirements indicating the nature and scope of the professional services needed, including but not limited to the following:
- a) The general purpose of the service or study;
 - b) The objectives of the study or service;
 - c) Estimated period of time needed for the service or the study;
 - d) The estimated cost of the service or study;
 - e) Whether the proposed study or service would or would not duplicate any prior or existing study or service;
 - f) List of current contracts or prior services or studies which are related to the proposed study or service;
 - g) The desired qualifications, listed in order of importance, of the person or firm applicable to the scope and nature of the services requested.
- (2) **Public Notice.** Public notice shall be provided in at least one of the following: newspaper of general circulation, the Town's website, or Demandstar.
- (3) **Reuse of Existing Plans.** There shall be no public notice requirements or utilization of the selection process as provided in this section for projects in which the Town is able to reuse existing plans from a prior project.
- B. Evaluation Team Membership and Evaluation.** Depending on the expected complexity and expense of the professional services to be contracted, the Town may determine the number of members to serve on an Evaluation Team to best

serve the needs of the Town.

- (1) **Appointment.** Members of the Evaluation Team shall be appointed by the Mayor or his/her designee.
- (2) **Evaluation Team.** Only written responses of statements of qualifications, performance data, and other data received in the purchasing office by the publicized submission time and date shall be evaluated. Only those respondents who are determined to be best qualified based upon the evaluation of written responses and selected for formal interview may submit additional data. From among those persons timely submission of written responses the Evaluation Team shall:
 - (a) prepare an alphabetical list of those persons determined by the Evaluation Team to be qualified, interested and available; and
 - (b) designate no less than three (3) persons on the alphabetical list considered by the Evaluation Team to be best qualified to perform the work required.
- (3) **Shortlisting.** The best qualified respondents shall be based upon the Evaluation Team's ability to differentiate qualifications applicable to the scope and nature of the services to be performed. The Evaluation Team shall determine qualifications, interest and availability by reviewing the written responses that express an interest in performing the services, and by conducting formal interviews of no less than three (3) selected respondents that are determined to be best qualified based upon the evaluation of written responses. The determinations may be based upon, but not limited to, the following considerations:
 - (a) competence, including technical educational and training, experience in the kind of project to be undertaken, availability of adequate personnel, equipment and facilities, the extent of repeat business of the persons, and where applicable, the relationship of construction cost estimates by the person to actual cost on previous projects;
 - (b) current work load;
 - (c) financial responsibility;
 - (d) ability to observe and advise whether plans and specifications are being complied with, where applicable;
 - (e) record of professional accomplishments;
 - (f) proximity to the project involved, if applicable;
 - (g) record of performance; and
 - (h) ability to design an approach and work plan to meet the project requirements, where applicable.

As per (f) above, although it does not constitute a formal vendor preference criterion, geographic location may be a consideration in evaluation under the following circumstances: When required to meet or support operational

requirements, purchases may be restricted to, or provide preference for, vendors within a stated geographic area. Similarly, to ensure operational responsiveness, relative proximity of a vendor to a job site(s) may be considered as a significant evaluation factor under purchases of professional services.

- (4) **Interview and Council Approval.** After conducting the formal interviews, the Evaluation Team shall list those respondents interviewed in order of preference based upon the considerations listed in subsection (3) above. The respondents so listed shall be considered to be the most qualified and shall be listed in order of preference starting at the top of the list. The list of best qualified respondents shall be forwarded to the Town Council for approval prior to beginning contract negotiations. Negotiation sequence shall be based on the order of preference.

- C. **Negotiations.** Contract negotiations shall be conducted by the Purchasing Officer or his/her designee. The Purchasing Officer shall negotiate a contract with the firm considered to be the most qualified to provide the services at compensation and upon terms which the Purchasing Officer determines to be fair and reasonable to the Town. Should the Purchasing Officer be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, negotiations with that firm shall be formally terminated. The Purchasing Officer shall then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the Purchasing Officer shall formally terminate negotiations, and shall then undertake negotiations with the third most qualified firm. Should the Purchasing Officer be unable to negotiate a satisfactory contract with any of the selected firms, the Evaluation Team shall select additional firms in order of their competence and qualifications, and the Purchasing Officer shall continue negotiations in accordance with this section until an agreement is reached or until a determination has been made not to contract for services.

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

- A. **Conditions for Use.** All contracts required by Section 4.05 to be awarded by competitive sealed proposals that are not for the procurement of professional architectural, engineering, landscape architectural, and land surveying services, will be awarded according to the provisions of this section. The Purchasing Officer may award contracts under this section up to the amount of **\$25,000.00**. The Town Council shall award contracts under this section over this amount.
- B. **Consultant's Competitive Negotiation Act.** Professional services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered land surveying, as defined under the Consultant's Competitive Negotiation Act (Section 287.055, Florida Statutes), shall be secured under the provisions of Section 4.051.

- C. Request for Proposals.** The Purchasing Officer shall prepare a Request for Proposal when the resulting contract is anticipated to exceed the threshold established in Section 4.01 for Request for Proposals. If award by the Town Council is required, the Town Council shall review the Request for Proposal prior to solicitation.
- D. Public Notice.** Adequate public notice of the Request for Proposals shall be given in the same manner as provided in subsection 4.04C of this policy for competitive sealed bidding.
- E. Evaluation Factors.** The Request for Proposals shall state the relative importance of criteria outlined in the scope of services, fee proposal, and other evaluation.
- F. Proposal Cancellation or Postponement.** The Purchasing Officer may, prior to a proposal opening, elect to cancel or postpone the date and/or time for proposal opening or submission.
- G. Proposal Opening. Proposals shall be opened publicly.** The Town Council or the Purchasing Officer, as applicable, shall open the proposals in the presence of one or more witnesses at the time and place designated in the Request for Proposals. All relevant information as may be deemed appropriate, together with the name of each proposer, and all witnesses shall be recorded. The proposal record and each proposal shall be open to public inspection.
- H. Revisions and Discussions with Responsible Offerors.** As provided in the Request for Proposals, discussions may be conducted with responsible offerors who submit proposals determined to be qualified of being selected for award for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and such revisions may be permitted after submissions and prior to award for the purpose of obtaining the best and final offers. The Purchasing Officer shall prepare a written summary of the proposals and make a written recommendation of award.
- I. Bid Agenda Item.** For bids that are to be awarded by the Town Council, the Purchasing Officer, after evaluation, will prepare a recommendation and shall place the item on the agenda of the Town Council.
- J. Award.** The Purchasing Officer or the Town Council, as applicable, shall make the award to the most responsive and responsible offeror whose proposal is determined to be the most advantageous to the Town of Howey in the Hills, taking into consideration the evaluation factors set forth in the Request for Proposals. No other factors or criteria shall be used in the evaluation criteria that is not included in the Request for Proposal.

Section 4.06: SOLE SOURCE PURCHASES

- A. Sole Source Certification.** A contract may be awarded for a supply, service, material, equipment or construction item(s) without competition when the Purchasing Officer certifies in writing, after conducting a good faith review of available sources, that there is only one available source for the required material, supply, service equipment, or construction item(s). Such awards will be made within the authorized procurement limits. When a purchase exceeds **\$10,000.00**, the item will be placed on the agenda for Town Council approval and clarification that the vendor has been determined to be a sole source.
- B. Additional Purchases from Certified Sole Source.** The Purchasing Officer and/or Department Director, as applicable, may, after initial sole source certification, make additional purchases from a sole source vendor for not less than one (1) year or until such time as contrary evidence is presented regarding sole source eligibility, whichever period is less.

Section 4.07: COOPERATIVE PURCHASING

- A. State Contracts.** The Purchasing Officer is authorized to purchase goods or services for any dollar amount from authorized vendors listed on the respective state contracts of the Department of Management Services. The provisions of sections 4.01, 4.02, 4.03 and 4.04 shall not apply to such purchases. All other requirements of this policy shall apply.
- B. Other Governmental Units.** The Purchasing Officer shall have the authority to join with other units of government in cooperative purchasing ventures when the best interest of the Town would be served thereby, and the same is in accordance with this policy and with Town and State law.
- C. “Piggyback” Contracts.** The Purchasing Officer may purchase goods or services, or both, that are then under contract with the federal or state government or with a county, municipal, special-district, or other government body without complying with the bidding and competitive-proposal requirements of this section 4, but only if the contractor or vendor extends to the Town material terms and conditions for the purchase that are substantially the same as, or more favorable than, the terms of the existing contract.

Section 4.08: BID PROTEST

- A. Right to Protest.** A prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or award of contract may protest to the Town Council. Protesters shall seek resolution of their complaints initially with the Purchasing Officer and secondly with the Town Council.
- B. Filing a Protest.** Any person who is affected adversely by the decision or intended

decision of the Town shall file with the Purchasing Officer a notice of protest in writing within 72 hours after the posting of the bid tabulation or after receipt of the notice of intended decision and file a formal written protest within ten (10) calendar days after the date he/she filed the notice of protest. Failure to file a notice of protest or failure to file a formal written protest shall constitute a waiver of proceedings under this Section. A written protest is filed with the Town when it is delivered to and received in the office of Purchasing Officer.

- (1) The notice of protest shall contain at a minimum: the name of the bidder; the bidder's address and phone number; the name of the bidder's representative to whom notices may be sent; the name and bid number of the solicitation; and a brief factual summary of the basis of the protest.
- (2) The formal written protest shall: identify the protestant and the solicitation involved; include a plain, clear statement of the grounds on which the protest is based; refer to the statutes, laws, ordinances, or other legal authorities which the protestant deems applicable to such grounds; and specifically request the relief to which the protestant deems himself entitled by application of such authorities to such grounds.
- (3) The protestant shall mail a copy of the notice of protest and the formal written protest to any person with whom he/she is in dispute.

C. Settlement and Resolution. The Purchasing Officer shall, within fourteen (14) days of the formal written protest, attempt to resolve the protest prior to any proceedings arising from the position.

D. Protest Proceedings. If the protest cannot be resolved by mutual agreement, the Purchasing Officer shall conduct or designate another to conduct a protest proceeding pursuant to the following procedures.

- (1) **Protest Proceeding Procedures**
 - (a) The presiding officer shall give reasonable notice to all substantially affected persons of businesses. Otherwise petitions to intervene will be considered on their merits as received.
 - (b) At or prior to the protest proceeding, the protestant may submit my written or physical materials, objects, statements, affidavits, ant arguments which he/she deems relevant to the issues raised.
 - (c) In the proceeding, the protestant, or his representative or counsel, may also make an oral presentation of his evidence and arguments. However, neither direct nor cross examination of witness shall be permitted, although the presiding officer may make whatever inquiries he/she deems pertinent to a determination of the protest.
 - (d) The judicial rules of evidence shall not apply and the presiding officer shall base his/her decision on such information given in the course of the proceeding upon which reasonable prudent persons rely in the conduct of their affairs.
 - (e) Within seven (7) working days of the conclusion of the proceeding, the

presiding officer shall render a decision which sets forth the terms and conditions of any settlement reached. Such decision of the presiding officer shall be conclusive as to the recommendation to the Town Council.

(f) Any party may arrange for a court reporter to record the proceedings. Such party shall bear the expense of the court reporter.

- (2) **Intervenor.** The participation of intervenors shall be governed by the terms of the order issued in response to a petition to intervene.
- (3) **Time Limits.** The time limits in which protests must be filed as provided herein may be altered by specific provisions in the invitation for bids or request for proposals documents.
- (4) **Entitlement to Costs.** In no case will the protesting bidder or offeror be entitled to any costs incurred with the solicitation, including bid preparation costs and attorney's fees.

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

Section 5: CONTRACT ADMINISTRATION

Section 5.1: CONTRACT PROVISIONS

- A. Standard Contract Clauses and Their Modification.** The Town, after consultation with the Town Attorney, may establish standard clauses for use in Town contracts. However, the Purchasing Officer may, upon consultation with the Town Attorney, vary any such standard contract clauses for any particular contract.
- B. Contract Clauses.** All Town contracts for supplies, services, and construction shall include provisions necessary to define the responsibilities and rights of the parties to the contract. The Purchasing Officer, after consultation with the Town Attorney, may propose provisions appropriate for supply, service, or construction contracts, addressing among others the following subjects:
 - (1) The unilateral right of the Town to order, in writing, changes in the work within the scope of the contract;
 - (2) The unilateral right of the Town to order in writing temporary stopping of the work or delaying performance that does not alter the scope of the contract;
 - (3) Variations occurring between estimated quantities or work in contract and actual quantities;

- (4) Defective pricing;
- (5) Time of performance and liquidated damages;
- (6) Specified excuses for delay or nonperformance;
- (7) Termination of the contract for default;
- (8) Termination of the contract in whole or in part for convenience of the Town;
- (9) Suspension of work on a construction project ordered by the town;
- (10) Site conditions differing from those indicated in the contract, or ordinarily encountered, except that a differing site conditions clause need not be included in a contract;
 - (a) when the contract is negotiated;
 - (b) when the contractor provides the site or design; or
 - (c) when the parties have otherwise agreed with respect to the risk of differing site conditions;
- (11) Value engineering proposals;
- (12) Remedies;
- (13) Access to records/retention records;
- (14) Environmental compliance; and
- (15) Prohibition against contempt fees.
- (16) Insurance to be provided by contractor covering employee, property damage, liability and other claims, with requirements of certificates of insurance and cancellation clauses.
- (17) Bonding requirements as set by the Town Council.
- (18) Causes of and authorization for suspension of contract for improper contractor activity.

Section 5.3: CHANGE ORDERS/CONTRACT AMENDMENTS

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

Section 6: RIGHTS OF TOWN COUNCIL

Nothing in this Policy shall be deemed to abrogate, annul, or limit the right of the Town Council, in the best interests of the Town, to reject all bids received in response to a request, to determine in its sole discretion the responsiveness and responsibility of any bidder, to approve and authorize or to enter into any contract it deems necessary and desirable for the public welfare, or to vary the requirements of the policy in any instance when desirable for the public good.

Section 7: TOWN PROCUREMENT RECORDS

A. Contract File. All determinations and other written records pertaining to the

solicitation, award, or performance of a contract shall be maintained for the Town in a contract file.

- B. Retention of Procurement Records.** All procurement records shall be retained and disposed of by the Town in accordance with records retention guidelines and schedules established by the State of Florida.

Section 8: ETHICS IN PUBLIC CONTRACTING

Section 8.1: CRIMINAL PENALTIES

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

Section 8.2: EMPLOYEE CONFLICT OF INTEREST

- A. Participation.** It shall be unethical for any Town employee, officer or agent to participate directly or indirectly in a procurement or administration of a contract. A conflict of interest would arise when:
- (1) The Town employee, officer or agent;
 - (2) Any member of his immediate family;
 - (3) His or her partner; or
 - (4) An organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award. The officers, employees or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub agreements.
- B. Blind Trust.** A Town employee, officer or agent or any member of their family who holds a financial interest in a disclosed blind trust shall not be deemed to have a conflict of interest with regard to matters pertaining to that financial interest.

Section 8.3: CONTEMPORANEOUS EMPLOYMENT PROHIBITED

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

Section 8.4: USE OF CONFIDENTIAL INFORMATION

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

Section 8.5: GRATUITIES AND KICKBACKS

- A. Gratuities.** It shall be unethical for any person to offer, give, or agree to give any Town employee, officer or agent or for any Town employee, officer or agent to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, or preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard rendering of advice, investigation, auditing, or performing in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, subcontract, or to any solicitation or proposal therefor.
- B. Kickbacks.** It shall be unethical for any payment, gratuity, or offer of employment to be made by or behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order.

Section 8.6: SANCTIONS

- A. Employee Sanctions.** Upon violation of the ethical standards by an employee, officer or agent the Town, or other appropriate authority may:
- (1) impose one or more appropriate disciplinary actions as defined in the Town Personnel Rules and regulations, up to and including termination of employment;
 - (2) request investigation and prosecution.
- B. Non-employee Sanctions.** The Council may impose any one or more of the following sanctions on a non-employee for violation of the ethical standards:
- (1) Written warnings;
 - (2) Termination of contracts; or
 - (3) Any other sanction available by law.



Date: February 24, 2025
To: Mayor and Town Council
From: Sean O’Keefe, Town Manager
Re: Consideration and Approval: **Talichet Lift Station**

Objective:

To bring the Talichet Lift Station under Town management and upgrade the lift station to current municipal standards.

Summary:

Based on conversations with Town staff, the Talichet Homeowners Association (HOA) has proposed transferring the ownership of the subdivision's wastewater lift station to the Town. There was a consideration of levying a special assessment on the Talichet homeowners over a five-year period. Based on input from the Town Attorney and discussions with the Talichet subcommittee, it is more cost-effective to have the cost paid by the HOA directly to the Town on a quarterly basis over the five-year period, the funds being collected on the side of the HOA through quarterly HOA dues.

Fiscal Impact:

There is an estimated initial fiscal impact to the Town of \$110,000. This estimate does not include the cost of installing an emergency bypass pump at a future date. The funds proposed to be used would be those of the line of credit; the related interest and bank costs would be included in the payments to be made by the HOA.

Staff Recommendation:

Staff recommends the Town Council to approve moving forward with the acquisition, pending HOA approval, with a contract to be developed between the Town and the HOA for five years of quarterly payments, each in the amount of approximately \$6,500.

Christina Epperson | Christina.Epperson@gray-robinson.com | D 407.204.3118
301 East Pine Street, Suite 1400, Orlando, Florida 32801 | T 407.843.8880 | F 407.244.5690

MEMORANDUM

TO: Sean O’Keefe, Town Manager, Town of Howey-in-the-Hills
FROM: GrayRobinson, P.A.
DATE: February 18, 2025
SUBJECT: Non-Ad Valorem Assessment Procedure – Talichet Lift Station

The Town is seeking to take over and upgrade a lift station in the Talichet community. These upgrades will cost around \$150,000. To pay for these upgrades, the Town is considering imposing a special assessment on the properties benefitting from the upgrades.

The Town may begin levying a non-ad valorem assessment on the properties for the lift station upgrades in 2026 if it completes the procedures outlined below on or before September 15, 2026. If so, the Town will begin receiving payments in the end of 2026.

The statutory process and requirements that must be met for the Town to levy a non-ad valorem assessment are:

1. The Town must enter into an agreement with the Lake County Property Appraiser and the Lake County Tax Collector providing for the reimbursement of their costs incurred in the administration and collection of the non-ad valorem assessments. [Fla. Stat. § 197.3632(2)].
2. The Town must adopt a resolution at a public hearing prior to January 1 (or if the Property Appraiser and Tax Collector agree prior to March 1), setting forth the intent of the assessment, the need to impose the assessment, and containing the legal description of the area subject to the assessment. [Fla. Stat. § 197.3632(3)(a)]. *Given the notice requirements, this will need to be done in the end of 2025 or beginning of 2026.*
3. The Town must publish notice of its intent to impose the assessment weekly in a newspaper of general circulation for 4 weeks prior to the public hearing. [Fla. Stat. § 197.3632(3)(a)].
4. The Town must adopt a non-ad valorem assessment roll at a public hearing held between January 1 and September 15, 2026, because the assessment will be levied for the first time in 2026. [Fla. Stat. § 197.3632(4)(a)1].
 - a. The Town must notice the hearing at least 20 days beforehand by first-class mail and by publication in a newspaper of general circulation in Lake County. [Fla. Stat. § 197.3632(4)(b)].

- b. The published notice must contain the following information:
- i. It must state: Town Council of the Town of Howey-in-the-Hills.
 - ii. A geographic description of the property subject to the assessment.
 - iii. The proposed schedule of assessment.
 - iv. The fact that the assessment will be collected by the Lake County Tax Collector.
 - v. A statement that all affected property owners have the right to appear at the hearing and file written objections with the Town within 20 days of the publication of notice. [Fla. Stat. § 197.3632(4)(b)].
- c. The notice by mail must be sent to each person owning property subject to the assessment and must include the following:
- i. The assessment's purpose.
 - ii. The total amount to be levied against each parcel.
 - iii. The unit of measurement applied to each parcel to determine the assessment.
 - iv. The number of such units within each parcel.
 - v. The total revenue the Town will collect by the assessment.
 - vi. A statement that failure to pay the assessment will cause a tax certificate to be issued against the property, which may result in loss of title.
 - vii. A statement that all affected property owners have the right to appear at the hearing and file written objections with the Town within 20 days of the notice.
 - viii. The date, time, and place of the hearing. [Fla. Stat. § 197.3632(4)(b)].
- d. If the assessment is to be collected for a period of more than 1 year or is to be amortized over a number of years, the notices and the resolution must specify that. [Fla. Stat. § 197.3632(6)].
5. Each year, the Town must certify the non-ad valorem assessment roll between January 1 and September 15 to the Lake County Tax Collector. [Fla. Stat. § 197.3632(4)(a)].

Enter values

Loan amount	\$113,000.00
Annual interest rate	5.30%
Loan period in years	5
Number of payments per year	12
Start date of loan	6/30/2025

Loan summary

Scheduled payment	\$2,148.02
Scheduled number of payments	60
Actual number of payments	60
Total early payments	\$0.00
Total interest	\$15,880.92

Optional extra payments

Payment number	Payment date	Beginning balance	Scheduled payment	Extra payment	Total payment	Principal	Interest	Ending balance	Cumulative interest
1	6/30/2025	#####	\$2,148.02	\$0.00	\$2,148.02	\$1,648.93	\$499.08	#####	\$499.08
2	7/30/2025	#####	\$2,148.02	\$0.00	\$2,148.02	\$1,656.21	\$491.80	#####	\$990.88
3	8/30/2025	#####	\$2,148.02	\$0.00	\$2,148.02	\$1,663.53	\$484.49	#####	\$1,475.37
4	9/30/2025	#####	\$2,148.02	\$0.00	\$2,148.02	\$1,670.88	\$477.14	#####	\$1,952.51
5	10/30/2025	#####	\$2,148.02	\$0.00	\$2,148.02	\$1,678.26	\$469.76	#####	\$2,422.27
6	11/30/2025	#####	\$2,148.02	\$0.00	\$2,148.02	\$1,685.67	\$462.35	#####	\$2,884.61
7	12/30/2025	#####	\$2,148.02	\$0.00	\$2,148.02	\$1,693.11	\$454.90	#####	\$3,339.51
8	1/30/2026	#####	\$2,148.02	\$0.00	\$2,148.02	\$1,700.59	\$447.42	\$99,602.81	\$3,786.94
9	3/2/2026	\$99,602.81	\$2,148.02	\$0.00	\$2,148.02	\$1,708.10	\$439.91	\$97,894.71	\$4,226.85
10	3/30/2026	\$97,894.71	\$2,148.02	\$0.00	\$2,148.02	\$1,715.65	\$432.37	\$96,179.06	\$4,659.22
11	4/30/2026	\$96,179.06	\$2,148.02	\$0.00	\$2,148.02	\$1,723.22	\$424.79	\$94,455.84	\$5,084.01
12	5/30/2026	\$94,455.84	\$2,148.02	\$0.00	\$2,148.02	\$1,730.84	\$417.18	\$92,725.01	\$5,501.19
13	6/30/2026	\$92,725.01	\$2,148.02	\$0.00	\$2,148.02	\$1,738.48	\$409.54	\$90,986.53	\$5,910.72
14	7/30/2026	\$90,986.53	\$2,148.02	\$0.00	\$2,148.02	\$1,746.16	\$401.86	\$89,240.37	\$6,312.58
15	8/30/2026	\$89,240.37	\$2,148.02	\$0.00	\$2,148.02	\$1,753.87	\$394.14	\$87,486.50	\$6,706.73
16	9/30/2026	\$87,486.50	\$2,148.02	\$0.00	\$2,148.02	\$1,761.62	\$386.40	\$85,724.88	\$7,093.13
17	10/30/2026	\$85,724.88	\$2,148.02	\$0.00	\$2,148.02	\$1,769.40	\$378.62	\$83,955.48	\$7,471.74
18	11/30/2026	\$83,955.48	\$2,148.02	\$0.00	\$2,148.02	\$1,777.21	\$370.80	\$82,178.27	\$7,842.55
19	12/30/2026	\$82,178.27	\$2,148.02	\$0.00	\$2,148.02	\$1,785.06	\$362.95	\$80,393.21	\$8,205.50
20	1/30/2027	\$80,393.21	\$2,148.02	\$0.00	\$2,148.02	\$1,792.95	\$355.07	\$78,600.26	\$8,560.57
21	3/2/2027	\$78,600.26	\$2,148.02	\$0.00	\$2,148.02	\$1,800.86	\$347.15	\$76,799.40	\$8,907.72
22	3/30/2027	\$76,799.40	\$2,148.02	\$0.00	\$2,148.02	\$1,808.82	\$339.20	\$74,990.58	\$9,246.92
23	4/30/2027	\$74,990.58	\$2,148.02	\$0.00	\$2,148.02	\$1,816.81	\$331.21	\$73,173.78	\$9,578.13
24	5/30/2027	\$73,173.78	\$2,148.02	\$0.00	\$2,148.02	\$1,824.83	\$323.18	\$71,348.94	\$9,901.31
25	6/30/2027	\$71,348.94	\$2,148.02	\$0.00	\$2,148.02	\$1,832.89	\$315.12	\$69,516.05	\$10,216.44
26	7/30/2027	\$69,516.05	\$2,148.02	\$0.00	\$2,148.02	\$1,840.99	\$307.03	\$67,675.07	\$10,523.47
27	8/30/2027	\$67,675.07	\$2,148.02	\$0.00	\$2,148.02	\$1,849.12	\$298.90	\$65,825.95	\$10,822.36
28	9/30/2027	\$65,825.95	\$2,148.02	\$0.00	\$2,148.02	\$1,857.28	\$290.73	\$63,968.67	\$11,113.10

Monthly	Quarterly	Homes	Quarterly cost per home
\$2,148.02	\$6,444.05	113	\$57.03 \$228.11

Payment number	Payment date	Beginning balance	Scheduled payment	Extra payment	Total payment	Principal	Interest	Ending balance	Cumulative interest
29	10/30/2027	\$63,968.67	\$2,148.02	\$0.00	\$2,148.02	\$1,865.49	\$282.53	\$62,103.18	\$11,395.62
30	11/30/2027	\$62,103.18	\$2,148.02	\$0.00	\$2,148.02	\$1,873.73	\$274.29	\$60,229.45	\$11,669.91
31	12/30/2027	\$60,229.45	\$2,148.02	\$0.00	\$2,148.02	\$1,882.00	\$266.01	\$58,347.45	\$11,935.93
32	1/30/2028	\$58,347.45	\$2,148.02	\$0.00	\$2,148.02	\$1,890.31	\$257.70	\$56,457.14	\$12,193.63
33	3/1/2028	\$56,457.14	\$2,148.02	\$0.00	\$2,148.02	\$1,898.66	\$249.35	\$54,558.47	\$12,442.98
34	3/30/2028	\$54,558.47	\$2,148.02	\$0.00	\$2,148.02	\$1,907.05	\$240.97	\$52,651.42	\$12,683.95
35	4/30/2028	\$52,651.42	\$2,148.02	\$0.00	\$2,148.02	\$1,915.47	\$232.54	\$50,735.95	\$12,916.49
36	5/30/2028	\$50,735.95	\$2,148.02	\$0.00	\$2,148.02	\$1,923.93	\$224.08	\$48,812.02	\$13,140.57
37	6/30/2028	\$48,812.02	\$2,148.02	\$0.00	\$2,148.02	\$1,932.43	\$215.59	\$46,879.59	\$13,356.16
38	7/30/2028	\$46,879.59	\$2,148.02	\$0.00	\$2,148.02	\$1,940.96	\$207.05	\$44,938.63	\$13,563.21
39	8/30/2028	\$44,938.63	\$2,148.02	\$0.00	\$2,148.02	\$1,949.54	\$198.48	\$42,989.09	\$13,761.69
40	9/30/2028	\$42,989.09	\$2,148.02	\$0.00	\$2,148.02	\$1,958.15	\$189.87	\$41,030.95	\$13,951.56
41	10/30/2028	\$41,030.95	\$2,148.02	\$0.00	\$2,148.02	\$1,966.80	\$181.22	\$39,064.15	\$14,132.78
42	11/30/2028	\$39,064.15	\$2,148.02	\$0.00	\$2,148.02	\$1,975.48	\$172.53	\$37,088.67	\$14,305.31
43	12/30/2028	\$37,088.67	\$2,148.02	\$0.00	\$2,148.02	\$1,984.21	\$163.81	\$35,104.46	\$14,469.12
44	1/30/2029	\$35,104.46	\$2,148.02	\$0.00	\$2,148.02	\$1,992.97	\$155.04	\$33,111.49	\$14,624.17
45	3/2/2029	\$33,111.49	\$2,148.02	\$0.00	\$2,148.02	\$2,001.77	\$146.24	\$31,109.72	\$14,770.41
46	3/30/2029	\$31,109.72	\$2,148.02	\$0.00	\$2,148.02	\$2,010.61	\$137.40	\$29,099.10	\$14,907.81
47	4/30/2029	\$29,099.10	\$2,148.02	\$0.00	\$2,148.02	\$2,019.49	\$128.52	\$27,079.61	\$15,036.33
48	5/30/2029	\$27,079.61	\$2,148.02	\$0.00	\$2,148.02	\$2,028.41	\$119.60	\$25,051.20	\$15,155.93
49	6/30/2029	\$25,051.20	\$2,148.02	\$0.00	\$2,148.02	\$2,037.37	\$110.64	\$23,013.82	\$15,266.57
50	7/30/2029	\$23,013.82	\$2,148.02	\$0.00	\$2,148.02	\$2,046.37	\$101.64	\$20,967.45	\$15,368.22
51	8/30/2029	\$20,967.45	\$2,148.02	\$0.00	\$2,148.02	\$2,055.41	\$92.61	\$18,912.04	\$15,460.83
52	9/30/2029	\$18,912.04	\$2,148.02	\$0.00	\$2,148.02	\$2,064.49	\$83.53	\$16,847.56	\$15,544.35
53	10/30/2029	\$16,847.56	\$2,148.02	\$0.00	\$2,148.02	\$2,073.61	\$74.41	\$14,773.95	\$15,618.76
54	11/30/2029	\$14,773.95	\$2,148.02	\$0.00	\$2,148.02	\$2,082.76	\$65.25	\$12,691.19	\$15,684.02
55	12/30/2029	\$12,691.19	\$2,148.02	\$0.00	\$2,148.02	\$2,091.96	\$56.05	\$10,599.22	\$15,740.07
56	1/30/2030	\$10,599.22	\$2,148.02	\$0.00	\$2,148.02	\$2,101.20	\$46.81	\$8,498.02	\$15,786.88
57	3/2/2030	\$8,498.02	\$2,148.02	\$0.00	\$2,148.02	\$2,110.48	\$37.53	\$6,387.54	\$15,824.41
58	3/30/2030	\$6,387.54	\$2,148.02	\$0.00	\$2,148.02	\$2,119.80	\$28.21	\$4,267.74	\$15,852.63
59	4/30/2030	\$4,267.74	\$2,148.02	\$0.00	\$2,148.02	\$2,129.17	\$18.85	\$2,138.57	\$15,871.47
60	5/30/2030	\$2,138.57	\$2,148.02	\$0.00	\$2,138.57	\$2,129.12	\$9.45	\$0.00	\$15,880.92

Payment number	Payment date	Beginning balance	Scheduled payment	Extra payment	Total payment	Principal	Interest	Ending balance	Cumulative interest
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Monthly Quarterly Homes Quaterly cost per home

Item 3.

Enter values

Loan amount	\$113,000.00
Annual interest rate	5.30%
Loan period in years	5
Number of payments per year	4
Start date of loan	6/30/2025

Loan summary

Scheduled payment	\$6,468.78
Scheduled number of payments	20
Actual number of payments	20
Total early payments	\$0.00
Total interest	\$16,375.67

Optional extra payments

Payment number	Payment date	Beginning balance	Scheduled payment	Extra payment	Total payment	Principal	Interest	Ending balance	Cumulative interest
1	6/30/2025	#####	\$6,468.78	\$0.00	\$6,468.78	\$4,971.53	\$1,497.25	#####	\$1,497.25
2	9/30/2025	#####	\$6,468.78	\$0.00	\$6,468.78	\$5,037.41	\$1,431.38	#####	\$2,928.63
3	12/30/2025	#####	\$6,468.78	\$0.00	\$6,468.78	\$5,104.15	\$1,364.63	\$97,886.91	\$4,293.26
4	3/30/2026	\$97,886.91	\$6,468.78	\$0.00	\$6,468.78	\$5,171.78	\$1,297.00	\$92,715.13	\$5,590.26
5	6/30/2026	\$92,715.13	\$6,468.78	\$0.00	\$6,468.78	\$5,240.31	\$1,228.48	\$87,474.82	\$6,818.74
6	9/30/2026	\$87,474.82	\$6,468.78	\$0.00	\$6,468.78	\$5,309.74	\$1,159.04	\$82,165.08	\$7,977.78
7	12/30/2026	\$82,165.08	\$6,468.78	\$0.00	\$6,468.78	\$5,380.10	\$1,088.69	\$76,784.98	\$9,066.46
8	3/30/2027	\$76,784.98	\$6,468.78	\$0.00	\$6,468.78	\$5,451.38	\$1,017.40	\$71,333.60	\$10,083.87
9	6/30/2027	\$71,333.60	\$6,468.78	\$0.00	\$6,468.78	\$5,523.61	\$945.17	\$65,809.98	\$11,029.04
10	9/30/2027	\$65,809.98	\$6,468.78	\$0.00	\$6,468.78	\$5,596.80	\$871.98	\$60,213.18	\$11,901.02
11	12/30/2027	\$60,213.18	\$6,468.78	\$0.00	\$6,468.78	\$5,670.96	\$797.82	\$54,542.23	\$12,698.84
12	3/30/2028	\$54,542.23	\$6,468.78	\$0.00	\$6,468.78	\$5,746.10	\$722.68	\$48,796.13	\$13,421.53
13	6/30/2028	\$48,796.13	\$6,468.78	\$0.00	\$6,468.78	\$5,822.23	\$646.55	\$42,973.89	\$14,068.08
14	9/30/2028	\$42,973.89	\$6,468.78	\$0.00	\$6,468.78	\$5,899.38	\$569.40	\$37,074.51	\$14,637.48
15	12/30/2028	\$37,074.51	\$6,468.78	\$0.00	\$6,468.78	\$5,977.55	\$491.24	\$31,096.97	\$15,128.72
16	3/30/2029	\$31,096.97	\$6,468.78	\$0.00	\$6,468.78	\$6,056.75	\$412.03	\$25,040.22	\$15,540.75
17	6/30/2029	\$25,040.22	\$6,468.78	\$0.00	\$6,468.78	\$6,137.00	\$331.78	\$18,903.22	\$15,872.53
18	9/30/2029	\$18,903.22	\$6,468.78	\$0.00	\$6,468.78	\$6,218.32	\$250.47	\$12,684.90	\$16,123.00
19	12/30/2029	\$12,684.90	\$6,468.78	\$0.00	\$6,468.78	\$6,300.71	\$168.07	\$6,384.19	\$16,291.08
20	3/30/2030	\$6,384.19	\$6,468.78	\$0.00	\$6,384.19	\$6,299.60	\$84.59	\$0.00	\$16,375.67

Quarterly	Homes	Cost per Home	Annual Cost per Home
\$6,468.78	113	\$57.25	\$228.98

Payment number	Payment date	Beginning balance	Scheduled payment	Extra payment	Total payment	Principal	Interest	Ending balance	Cumulative interest
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Quarterly

Homes

Cost per Home

Annual Cost

Item 3.

Payment number	Payment date	Beginning balance	Scheduled payment	Extra payment	Total payment	Principal	Interest	Ending balance	Cumulative interest
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Quarterly

Homes

Cost per Home

Annual Cost

Item 3.