



The Village of Biscayne Park

600 NE 114th St., Biscayne Park, FL 33161

Telephone: 305 899 8000 Facsimile: 305 891 7241

AGENDA REGULAR VIRTUAL COMMISSION MEETING VIRTUAL PUBLIC MEETING

Tuesday, July 07, 2020 7:00 pm

Meeting ID: 928 9883 0335

Please read the virtual meeting instructions attached



Indicates back up documents are provided.

1 Call to Order

2 Roll Call

Mayor O'Halpin
Vice-Mayor Kennedy
Commissioner Ross
Commissioner Samaria
Commissioner Tudor

3 Pledge of Allegiance

4 Presentation

Final Report Audit FY 2019 - Enrique Llerena, CPA - Caballero Fierman Llerena & Garcia, LLP

5 Additions, Deletions or Withdrawals to the Agenda

At this time, any member of the Village Commission or the Village Manager may request to add, change, or delete items from the agenda.

6 Public Comments Related to Agenda Items / Good & Welfare

Comments from the public relating to topics that are on the agenda, or other general topics.

7 Information / Updates

8 Consent Agenda

Items listed under Consent Agenda are viewed to be routine, and the recommendation will be enacted by ONE MOTION in the form listed below. If discussion is desired, then the item(s) will be removed from the Consent Agenda and will be considered separately.

8.a Acceptance of Commission Minutes

- Regular Virtual Commission Meeting June 02, 2020



- Special Virtual Commission Meeting June 16, 2020

8.b Resolution 2020-31 - Opposing Flight Patterns over Biscayne Park

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, URGING THE FEDERAL AVIATION ADMINISTRATION (FAA) TO MODIFY FLIGHT PATHS AND ALTITUDES IMPOSED BY NEXTGEN AIR TRANSPORTATION TO PRE-NEXTGEN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

8.c Resolution 2020-32 - Condemning Systemic Race Bias and Violence and Supporting Racial and Social Justice

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, CONDEMNING SYSTEMIC RACE BIAS AND VIOLENCE, AND SUPPORTING RACIAL AND SOCIAL JUSTICE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

9 Ordinances

9.a

Ordinance 2020-03 - Whistleblower Protection for VOBP - First Hearing

10 Resolutions

10.a Resolution 2020-20 - Commission Rules of Procedures



A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, ADOPTING RULES OF PROCEDURES FOR COMMISSION MEETINGS AND WORKSHOPS PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

11 Old Business

11.a Attorney Recruitment

12 New Business

12.a Manager's Report - Proposal New Format



12.b Calendar Budget FY 2020-2021



12.c Quarterly Residents Awards - by Vice-Mayor Kennedy



12.d Monthly Village's Proclamations - by Vice-Mayor Kennedy



13 Request for placement of items on next meeting agenda

Through general consensus a member of the Commission may request an item be placed on the next agenda for discussion (New Business) or as a Resolution/Ordinance.

14 Reports

- 14.a Village Attorney
- 14.b Village Manager
- 14.c Board / Committee Reports

- 14.d Commission
 - Mayor O'Halpin
 - Vice Mayor Kennedy
 - Commissioner Ross
 - Commissioner Samaria
 - Commissioner Tudor

15 Announcements

- **FDOT - Workshop of Improvements on 6th Avenue - Wednesday, July 22, 2020 (time TBD)**
- **Special Commission Meeting - Tuesday, July 23, 2020 6:30 pm**
- **First Budget Workshop - Tuesday, July 23, 2020 7:00 pm**
- **Regular Commission Meeting - Tuesday, August 04, 2020 7:00 pm**

16 Adjournment

In accordance with the provisions of F.S. Section 286.0105, should any person seek to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceedings is made; which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in the proceedings should call Village Hall at (305) 899 8000 no later than four (4) days prior to the proceeding for assistance.

DECORUM - All comments must be addressed to the Commission as a body and not to individuals. Any person making impertinent or slanderous remarks, or who becomes boisterous while addressing the Commission, shall be barred from further audience before the Commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the Commission members present. No clapping, applauding, heckling or verbal outbursts in support or in opposition to a speaker or his/her remarks shall be permitted. No signs or placards shall be allowed in the Commission Chambers. Please mute or turn off your cell phone or pager at the start of the meeting. Failure to do so may result in being barred from the meeting. Persons exiting the Chamber shall do so quietly.

Village of Biscayne Park meeting on July 07, 2020 at 7:00 pm with Social Distancing Modifications

The Village of Biscayne Park is using Zoom to hold the Virtual Public Meeting via communications media technology as authorized by Governor DeSantis' Executive Order 2-69. Members of the public may also use Zoom to view and participate in the meeting online. Zoom is a cloud platform for video and audio conferencing, collaboration, chat and webinars across mobile devices, laptops, desktops, telephones and room systems.

Public Comment

Anyone who wishes to provide public comment will be able to do so by participating in the Village Commission meeting via the Zoom platform and/or telephone by speaking during public comment portions of the meeting when recognized per the instructions below or by submitting written comments, evidence and/or written testimony in advance of 24 hours no later than two (2) hours before the meeting via email to the Village Clerk at villageclerk@biscayneparkfl.gov.

Instructions on How to Watch, Listen and/or Participate in the Virtual Meeting

To access the Zoom Virtual Public Meeting of June 02, 2020 at 7:00 pm, you have the following options:

Zoom meeting instructions for the public participants:

Download the “Zoom Client for Meetings” to your computer or laptop here: <https://zoom.us> and click on Join a Meeting. . When prompted to join a meeting, enter the meeting ID. Use the link below to join the meeting.

If you are using a tablet or smartphone, download zoom from the device’s app store.

For the July 07, 2020 meeting please use the meeting link

<https://zoom.us/j/92898830335>

to attend electronically and watch the meeting by computer, tablet or smartphone.

For additional information or assistance please contact the following prior to the meeting:

1. For public comment questions: Roseann Prado, Village Clerk, villageclerk@biscayneparkfl.gov or 305-899-8000
2. For questions on connecting to the meeting: Phone Doctor: 305-301-0732.

Public Comment

1. Access audio of the Zoom meeting via phone:

You may access the audio from your phone by dialing: **305-893-4427**. When the **Meeting ID** is requested, enter **928 9883 0335** followed by # key. When asked for a participant ID, press # key. If you would like to speak during public comment, please press *9 on your phone to activate the “raise your hand” feature of Zoom. Comments will be limited to three (3) minutes.

2. Watch the meeting online and provide public comment during the meeting:

Use the “raise your hand” feature and be recognized at the direction of the Chair. Comments will be limited to three (3) minutes.



June 30, 2020

To the Honorable Mayor, Village Commission, and Village Manager
Village of Biscayne Park, Florida

We have audited the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Village of Biscayne Park, Florida (the "Village") for the fiscal year ended September 30, 2019. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards and *Government Auditing Standards*, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated July 22, 2019. Professional standards also require that we communicate to you the following information related to our audit.

Significant Audit Findings

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the Village are described in Note 1 to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during 2019. We noted no transactions entered into by The Village during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimate affecting the Village's financial statements was:

Management's estimate of the collectability of accounts receivable is based on historical data. We evaluated the key factors and assumptions used to develop the estimate collectability of accounts receivable in determining that it is reasonable in relation to the financial statements taken as a whole.

Certain financial statement disclosures are particularly sensitive because of their significance to financial statement users. The most sensitive disclosures affecting the financial statements were:

- The disclosure of deposits and investments in Note 3 to the financial statements.
- The disclosure of Florida Retirement System in Note 9 to the financial statements.
- The disclosure of contingencies in Note 12 to the financial statements.
- The disclosure of a prior period adjustment in Note 15 to the financial statements.
- The disclosure of subsequent events in Note 16 to the financial statements.

The financial statement disclosures are neutral, consistent, and clear.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. A material misstatement was detected as a result of audit procedures and corrected by management. The misstatement can be found attached in Exhibit A to this letter.

Disagreements with Management

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditors' report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated June 30, 2020.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the Village's financial statements or a determination of the type of auditors' opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the Village's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

During the year we reported one (1) significant deficiency and one (1) noncompliance. These matters are further discussed in the schedule of findings and responses.

Other Matters

We applied certain limited procedures to the Management's Discussion and Analysis, Budgetary Comparison Schedules, Schedule of the Village's Proportionate Share of the Net Pension Liability and Contributions - Florida Retirement System and Health Insurance Subsidy Pension Plan, and Schedule of Changes in Total OPEB Liability and Related Ratios, which are required supplementary information (RSI) that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

We were engaged to report on combining non-major fund financial statements and budgetary comparison schedules, which accompany the financial statements but are not RSI. With respect to this supplementary information, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

Restriction on Use

This information is intended solely for the information and use of the Honorable Mayor, Members of the Village Commission, and management of the Village of Biscayne Park and is not intended to be and should not be, used by anyone other than these specified parties.

Very truly yours,

Caballero Fierman Llerena & Garcia, LLP

Exhibit A: Corrected Misstatement

Adjusting Journal Entry

Prior period adjustment to record CITT funds required to be returned to the Miami Dade CITT.

103-300-10000-27100	FUND BALANCE	191,997.00	
104-300-10000-27100	FUND BALANCE	47,999.00	
103-300-10000-20300	Due to Other Governments		191,997.00
104-300-10000-20300	Due to Other Governments		47,999.00

VILLAGE OF BISCAYNE PARK, FLORIDA
BASIC FINANCIAL STATEMENTS
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2019

PREPARED BY
FINANCE DEPARTMENT

VILLAGE OF BISCAYNE PARK, FLORIDA
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FINANCIAL SECTION

INDEPENDENT AUDITORS' REPORT



CABALLERO FIERMAN
LLERENA + GARCIA LLP
accountants | advisors

INDEPENDENT AUDITORS' REPORT

To the Honorable Mayor, Village Commission, and Village Manager
Village of Biscayne Park, Florida

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Village of Biscayne Park, Florida (the "Village") as of and for the fiscal year ended September 30, 2019, and the related notes to the financial statements, which collectively comprise the Village's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditors' judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Village's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Village's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Village, as of September 30, 2019, and the respective changes in financial position and, where applicable, cash flows thereof for the fiscal year then ended in accordance with accounting principles generally accepted in the United States of America.

Emphasis of a Matter

As discussed in Note 15 to the basic financial statements, the Village reported a prior period adjustment to the opening balances of net position for Government-wide activities and the fund balance of the CITT Fund. Our opinion is not modified with respect to this matter.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the Management's Discussion and Analysis on pages 3 through 11 and the, Budgetary Comparison Schedules, Schedule of the Village's Proportionate Share of the Net Pension Liability - Florida Retirement System Pension Plan, Schedule of the Village's Contributions - Florida Retirement System Pension Plan, Schedule of the Village's Proportionate Share of the Net Pension Liability - Health Insurance Subsidy Pension Plan, Schedule of the Village's Contributions - Health Insurance Subsidy Pension Plan and the Schedule of Changes in Total OPEB Liability and Related Ratios – Other Post-Employment Benefits on pages 44 through 51 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Supplementary Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Village's basic financial statements. The combining and individual nonmajor fund financial statements are presented for purposes of additional analysis and are not a required part of the basic financial statements.

The combining and individual nonmajor fund financial statements and budgetary comparison schedules are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the combining and individual nonmajor fund financial statements are fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated June 30, 2020, on our consideration of the Village's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Village's internal control over financial reporting and compliance.

Caballero Fierman Llerena & Garcia, LLP

Caballero Fierman Llerena & Garcia, LLP
Miami, Florida
June 30, 2020

MANAGEMENT'S DISCUSSION AND ANALYSIS
(Required Supplementary Information)

VILLAGE OF BISCAYNE PARK, FLORIDA
MANAGEMENT'S DISCUSSION AND ANALYSIS
SEPTEMBER 30, 2019

As management of the Village of Biscayne Park (the "Village"), we offer readers of the Village's financial statements this narrative overview and analysis of the financial activities of the Village for the fiscal year ended September 30, 2019. Readers are encouraged to consider the information presented here in conjunction with the auditors' reports, the basic financial statements, the notes to the financial statements, and the supplementary information.

Financial Highlights

- At September 30, 2019, the Governmental Activities of the Village presented total assets and deferred outflows of resources of the Village which exceeded its liabilities and deferred inflows of resources by \$2,607,615 (*net position*). Of this amount, \$3,212,632 was invested in capital assets, net of related debt. Additionally, \$618,063 was restricted by law, agreements, or for capital projects. The Village had a negative unrestricted net position of \$1,223,080 in its unrestricted net position.
- During the fiscal year 2019, net position decreased by a net of \$101,961. The decrease is attributable to current year results of operations. There was also a prior period adjustment (see Note 15) of \$239,996.
- At September 30, 2019, the Village's general fund reported an ending fund balance of \$1,152,571, an increase of \$491,274 as compared with the prior year. Of the total fund balance, \$1,068,768 or 93% of this total amount is available for spending at the government's discretion (*unassigned fund balance*). The unassigned fund balance represents 30% of total general fund operating expenditures.

Overview of the Financial Statements

This discussion and analysis is intended to serve as an introduction to the Village's basic financial statements. The Village's basic financial statements are comprised of three components: 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the financial statements. This report also contains other supplementary information in addition to the basic financial statements themselves.

Government-wide financial statements

The *government-wide financial statements* are designed to provide readers with a broad overview of the Village's financial activity, in a manner similar to a private-sector business.

- The *Statement of Net Position* presents information on all of the assets plus deferred outflows of resources and liabilities plus deferred inflows of resources of the Village, with the difference between the two reported as *net position*. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the Village is improving or deteriorating.
- The *Statement of Activities* presents information showing how the Village's net position changed during the most recent fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, *regardless of the timing of related cash flows*. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods (e.g., uncollected taxes and earned but unused vacation leave).

Both of the government-wide financial statements distinguish functions of the Village that are principally supported by taxes and intergovernmental revenues (*governmental activities*) from other functions that are intended to recover all or a significant portion of their costs through user fees and charges (*business-type activities*). The governmental activities of the Village include general government, public safety, public works, parks and recreation, code enforcement, and building, planning, and zoning. The business-type activities of the Village include sanitation.

The government-wide financial statements can be found on pages 12-13 of this report.

Fund financial statements

A *fund* is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The Village, like other local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. The funds of the Village can be divided into two categories: governmental funds and proprietary funds.

VILLAGE OF BISCAYNE PARK, FLORIDA
MANAGEMENT'S DISCUSSION AND ANALYSIS
SEPTEMBER 30, 2019

Overview of the Financial Statements (Continued)

Governmental funds

Governmental funds are used to account for essentially the same functions reported as *governmental activities* in the government-wide financial statements. However, unlike the government-wide financial statements, governmental fund financial statements focus on *near-term inflows and outflows of spendable resources*, as well as on *balances of spendable resources* available at the end of the fiscal year. Such information may be useful in evaluating a government's near-term cash flow and financing requirements.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for *governmental funds* with similar information presented for *governmental activities* in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the government's near-term financing decisions and the impact on short term cash flow requirements to meet basic on-going operations. Both the governmental fund balance sheet and the governmental fund statement of revenues, expenditures and changes in fund balance provide a reconciliation to facilitate this comparison between *governmental funds* and *governmental activities*.

The Village maintains seven (7) individual governmental funds. Information is presented separately in the governmental fund balance sheet and in the governmental fund statement of revenues, expenditures and changes in fund balance for the general fund, the Citizens Independent Transportation Trust (CITT) fund and the Police Forfeiture Fund which are considered major funds. Data from the other four (4) governmental funds are combined into a single, aggregated presentation. Individual fund data for each of these non-major governmental funds is provided in the form of *combining statements* elsewhere in this report.

The basic governmental fund financial statements can be found on pages 14 to 17 of this report. Individual fund data for each of the non-major governmental funds is provided in the form of combining statements on pages 52 to 53 of this report.

Proprietary funds

The Village maintains one proprietary or enterprise fund. *Enterprise Funds* are used to report the same functions presented as *business-type activities* in the government-wide financial statements. The Village uses an enterprise fund to account for its sanitation operations. *Proprietary funds* provide the same type of information as the government-wide financial statements, only in more detail. The basic proprietary fund financial statements can be found on pages 18 to 20 of this report.

Notes to the basic financial statements

The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements. The notes to the financial statements may be found on pages 21 to 43 of this report.

Government-wide Financial Analysis

Summary of net position

As noted earlier, net position may serve over time as a useful indicator of a government's financial position. There are six basic transactions that will affect the comparability of the Statement of Net Position summary presentation as reflected below:

- Net results of activities will impact (increase/decrease) current assets and unrestricted net position.
- Borrowing for capital will increase current assets and long-term debt.
- Spending borrowed proceeds on new capital will reduce current assets and increase capital assets. There is a second impact, an increase in invested in capital assets and an increase in related net debt, which will not change the net investment in capital assets.
- Spending of non-borrowed current assets on new capital will reduce current assets and increase capital assets and will reduce unrestricted net position and increase net investments in capital assets.

VILLAGE OF BISCAYNE PARK, FLORIDA
MANAGEMENT'S DISCUSSION AND ANALYSIS
SEPTEMBER 30, 2019

Government-wide Financial Analysis (Continued)

- Principal payment on debt will reduce current assets, reduce long-term debt, and reduce unrestricted net position and increase net investments in capital assets.
- Reduction of capital assets through depreciation will reduce capital assets and reduce net investments in capital assets.

At September 30, 2019, the Village governmental activities' assets and deferred outflows of resources exceeded liabilities and deferred inflows of resources by \$2,607,615. The Village's net position of \$2,602,387 reflects its investment in capital assets (e.g., land and equipment). The Village uses these capital assets to provide services to citizens; consequently, these assets are *not* available for future spending. An additional portion of the Village's net position, \$618,063 represents resources that are subject to restrictions on how they may be used. There is a negative unrestricted net position of \$1,277,112 stemming from statutory pension financial representation and storm recovery expenses pending reimbursement.

	Governmental Activities		Business-type Activities		Total Primary Government	
	2019	2018	2019	2018	2019	2018
Current and other assets	\$ 2,273,486	\$ 1,727,596	\$ (5,228)	\$ 53,914	\$ 2,268,258	\$ 1,781,510
Capital assets, net	3,256,244	3,463,734	-	-	3,256,244	3,463,734
Total assets	<u>5,529,730</u>	<u>5,191,330</u>	<u>(5,228)</u>	<u>53,914</u>	<u>5,524,502</u>	<u>5,245,244</u>
Deferred outflows of resources	<u>865,819</u>	<u>884,712</u>	-	-	<u>865,819</u>	<u>884,712</u>
Current and other liabilities	567,989	2,380,876	-	68,212	567,989	2,449,088
Long-term debt	2,932,080	589,145	-	-	2,932,080	589,145
Total liabilities	<u>3,500,069</u>	<u>2,970,021</u>	<u>-</u>	<u>68,212</u>	<u>3,500,069</u>	<u>3,038,233</u>
Deferred inflow of resources	<u>287,865</u>	<u>360,371</u>	-	-	<u>287,865</u>	<u>360,371</u>
Net investment in capital assets	3,266,664	3,148,899	-	-	3,266,664	3,148,899
Restricted	618,063	753,202	-	-	618,063	753,202
Unrestricted	(1,277,112)	(1,156,451)	(5,228)	(14,298)	(1,282,340)	(1,170,749)
Total net position	<u>\$ 2,607,615</u>	<u>\$ 2,745,650</u>	<u>\$ (5,228)</u>	<u>\$ (14,298)</u>	<u>\$ 2,602,387</u>	<u>\$ 2,731,352</u>

Net investment in capital assets increased by \$63,733 as compared with prior fiscal year. This increase relates to depreciation expense and increases in capital asset additions.

Restricted net position decreased to \$618,063 in fiscal year 2019 from \$753,202 in fiscal year 2018 due to a prior period adjustment to the CITT Fund opening fund balance offset by funds received for transportation and transit projects.

VILLAGE OF BISCAYNE PARK, FLORIDA
MANAGEMENT'S DISCUSSION AND ANALYSIS
SEPTEMBER 30, 2019

Government-wide Financial Analysis (Continued)

Governmental activities

Financial activities for the fiscal year are reported below. Key indicators, including revenues and expenditures by category are presented below:

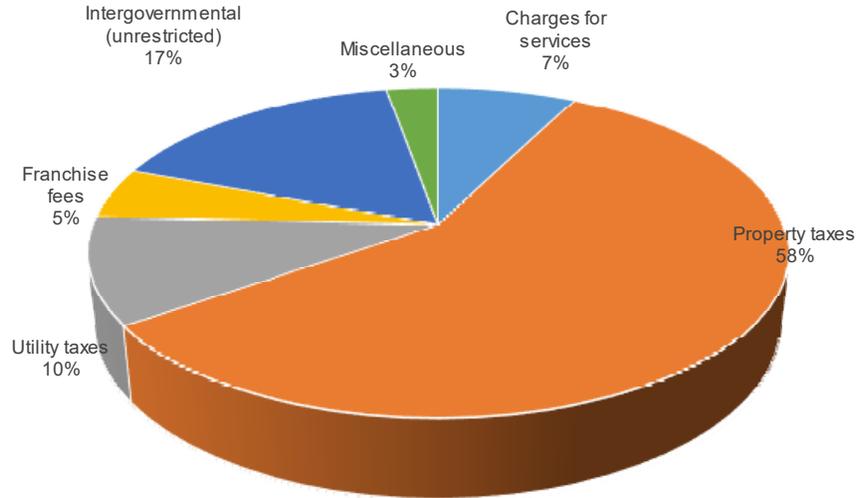
	Governmental Activities		Business-type Activities		Total Primary Government	
	2019	2018	2019	2018	2019	2018
Revenues:						
Program revenues:						
Charges for services	\$ 266,193	\$ 368,230	\$ 510,419	\$ 482,725	\$ 776,612	\$ 850,955
Capital grants and contributions	20,000	-	-	-	-	-
General revenues:						
Property taxes	2,058,082	1,843,149	-	-	2,058,082	1,843,149
Utility taxes	367,938	377,892	-	-	367,938	377,892
Franchise fees	175,263	184,213	-	-	175,263	184,213
Intergovernmental (unrestricted)	586,535	586,401	-	-	586,535	586,401
Miscellaneous	98,813	107,111	-	-	98,813	107,111
Total revenues	<u>3,572,824</u>	<u>3,466,996</u>	<u>510,419</u>	<u>482,725</u>	<u>4,063,243</u>	<u>3,949,721</u>
Expenses:						
General government	939,032	843,162	-	-	939,032	843,162
Public safety	1,790,845	1,639,305	-	-	1,790,845	1,639,305
Physical environment	654,005	1,361,543	-	-	654,005	1,361,543
Culture and recreation	152,980	151,870	-	-	152,980	151,870
Sanitation	-	-	415,879	409,353	415,879	409,353
Interest on long-term debt	19,471	32,049	-	-	19,471	32,049
Total expenses	<u>3,556,333</u>	<u>4,027,929</u>	<u>415,879</u>	<u>409,353</u>	<u>3,972,212</u>	<u>4,437,282</u>
Excess (deficiency) in net position						
before transfers	16,491	(560,933)	94,540	73,372	111,031	(487,561)
Transfers	85,470	83,522	(85,470)	(83,522)	-	-
Change in net position	<u>101,961</u>	<u>(477,411)</u>	<u>9,070</u>	<u>(10,150)</u>	<u>111,031</u>	<u>(487,561)</u>
Net position, beginning	2,745,650	3,033,103	(14,298)	(4,148)	2,731,352	3,028,955
Prior period adjustment (See Note 15)	(239,996)	189,958	-	-	(239,996)	189,958
Net position, as restated	<u>2,505,654</u>	<u>3,223,061</u>	<u>(14,298)</u>	<u>(4,148)</u>	<u>2,491,356</u>	<u>3,218,913</u>
Net position, ending	<u>\$ 2,607,615</u>	<u>\$ 2,745,650</u>	<u>\$ (5,228)</u>	<u>\$ (14,298)</u>	<u>\$ 2,602,387</u>	<u>\$ 2,731,352</u>

For fiscal year 2019, total revenues increased by \$105,828 or 3% as compared to prior year. The increase in revenues was mainly due to growth in nearly all General Revenues categories, primarily growth in the property tax revenues.

VILLAGE OF BISCAYNE PARK, FLORIDA
MANAGEMENT'S DISCUSSION AND ANALYSIS
SEPTEMBER 30, 2019

Government-wide Financial Analysis (Continued)

Total expenses decreased \$471,596 or 12%. The significant decrease in total expenses was attributable to physical environment and interest on long-term debt.



Business-type activities

The Village has one business-type activity, Sanitation. This enterprise fund was established to account for the service fees and expenses related to weekly trash pickup, weekly bulk waste pickup and special bulk pick-ups.

Financial Analysis of the Government's Funds

As noted earlier, the Village of Biscayne Park uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

Governmental funds

The focus of the Village's *Governmental Funds* is to provide information on near-term inflows, outflows, and balances of *spendable* resources. Such information is useful in assessing the Village's financing requirements. In particular, the Unassigned Fund Balance may serve as a useful measure of the government's net resources available for spending at the end of a fiscal year.

As of the end of the current fiscal year, the Governmental Funds for the Village reported combined ending fund balances of \$1,821,416. Of this amount, \$1,048,616 reflects Unassigned Fund Balance, which is available for spending at the government's discretion. The remainder of the fund balance, \$772,800 is Non-spendable, Restricted or Assigned Fund Balances indicating that it is not available for new spending as those dollars have already been committed or are not in spendable form. The Non-spendable Fund Balance of \$85,240 is comprised of prepayments of expenses. The Restricted Fund Balance of \$629,130 pertains to remaining balance of funds received from the collection of Gas Taxes, Transportation Surtax usage, and charitable contributions to the Biscayne Foundation which are restricted for foundation related activities and \$58,430 assigned for capital improvements. The total Fund Balances show a net increase of \$357,759 as compared to the prior fiscal year.

VILLAGE OF BISCAYNE PARK, FLORIDA
MANAGEMENT'S DISCUSSION AND ANALYSIS
SEPTEMBER 30, 2019

Financial Analysis of the Government's Funds (Continued)

As a measure of the General Fund's liquidity, it may be useful to compare Unassigned Fund Balance and Total Fund Balance to Total Fund Expenditures. The Unassigned Fund Balance represents 37.1% of total General Fund expenditures, while total fund balance represents 40% of that same amount.

A summary of the General Fund's condensed balance sheet and statement of revenues, expenditures, and changes in fund balance for September 30, 2019 and 2018 is shown below:

Summary of General Fund Balance Sheet
As of September 30, 2019 and 2018

	<u>2019</u>	<u>2018</u>	<u>Change</u>	<u>Percent Change</u>
Total assets	\$ 1,549,272	\$ 2,568,370	\$ (1,019,098)	-39.68%
Total liabilities and deferred inflows of resources	396,701	1,907,073	(1,510,372)	-79.20%
Nonspendable and restricted	83,803	69,379	14,424	20.79%
Unassigned fund balance	<u>1,068,768</u>	<u>591,918</u>	<u>476,850</u>	80.56%
Total fund balance	<u>1,152,571</u>	<u>661,297</u>	<u>491,274</u>	74.29%
Total liabilities and fund balance	<u>\$ 1,549,272</u>	<u>\$ 2,568,370</u>	<u>\$ (1,019,098)</u>	-39.68%

Summary of General Fund Statement of Revenues,
Expenditures, and Changes in Fund Balance
As of September 30, 2019 and 2018

	<u>2019</u>	<u>2018</u>	<u>Change</u>	<u>Percent Change</u>
Total revenues	\$ 3,295,199	\$ 3,194,672	\$ 100,527	3.15%
Total expenditures	<u>2,878,531</u>	<u>3,628,176</u>	<u>(749,645)</u>	-20.66%
Excess of revenues over expenditures	416,668	(433,504)	850,172	-196.12%
Other financing sources (uses)	<u>74,606</u>	<u>39,886</u>	<u>34,720</u>	87.05%
Change in fund balance	491,274	(393,618)	884,892	-224.81%
Fund balance, beginning	<u>661,297</u>	<u>1,054,915</u>	<u>(393,618)</u>	-37.31%
Fund balance, ending	<u>\$ 1,152,571</u>	<u>\$ 661,297</u>	<u>\$ 491,274</u>	74.29%

Other major governmental funds

The Village has two other major funds, the CITT Fund and Police Forfeiture Fund. The fund balance at September 30, 2019 for the CITT Fund decreased by approximately \$120,788 from 2018 to 2019. The fund balance at September 30, 2019 for the Police Forfeiture Fund increased by approximately \$366 from 2018 to 2019.

Proprietary funds

The Village's proprietary fund provides the same type of information found in the government-wide financial statements, but in more detail.

Total net position of the Sanitation Fund at the end of 2018 totaled a deficit of \$14,298 compared to \$5,228 in 2019, an increase of \$9,070 compared to the prior year. Revenues increased by \$27,694 from \$482,725 in 2018 to \$510,419 in 2019, representing an increase of 5.7%. Expenses increased from \$409,353 in 2018 to \$415,879 in 2019, an increase of \$6,526 or 1.6%. Sanitation funds revenues are derived from annual non a valorem assessment and expenses are incurred from a contract for services. The timing for determining these amounts does not align with the fiscal year and deficits are balanced in the following fiscal year as adopted by the Village Commission.

VILLAGE OF BISCAYNE PARK, FLORIDA
MANAGEMENT'S DISCUSSION AND ANALYSIS
SEPTEMBER 30, 2019

General Fund Budgetary Highlights

The final budget expenditures and the actual amounts were over in the building and code enforcement, non-departmental and debt service. The excess expenditure in the departments was largely due to increase in buildings permits issued which increase inspection expenditures, the budgetary comparison schedules and notes to the schedule are presented for the General Fund can be found on page 44.

Capital assets

The Village of Biscayne Park's investment in capital assets for its governmental and business-type activities as of September 30, 2019 amounts to \$3,256,244 (net of accumulated depreciation). This investment in capital assets includes Village-owned buildings, land, equipment, and other infrastructure (sidewalks and drainage systems). The following table summarizes the components of the Village's investments in capital assets.

Decreases in capital assets during fiscal year 2019 were due primarily to depreciation. Additional information on the Village's capital assets may be found in Note 6 on page 30 of this report.

Capital Assets as of September 30, 2019 and 2018
(net of depreciation)
Governmental Activities

<u>Classification</u>	<u>2019</u>	<u>2018</u>	<u>Percent Change</u>
Land	\$ 157,490	\$ 157,490	0.00%
Building	2,202,130	2,287,805	-3.74%
Infrastructure	685,803	817,641	-16.12%
Furniture and equipment	210,821	200,798	4.99%
Total capital assets	<u>\$ 3,256,244</u>	<u>\$ 3,463,734</u>	-5.99%

Long-term debt

At September 30, 2019, the Village had \$289,463 in long-term debt pertaining to the balance of the loan payable and capital leases. Additional information on the Village's long-term debt may be found in Note 7 on page 31 of this report.

Economic Factors and Next Year's Budgets and Rates

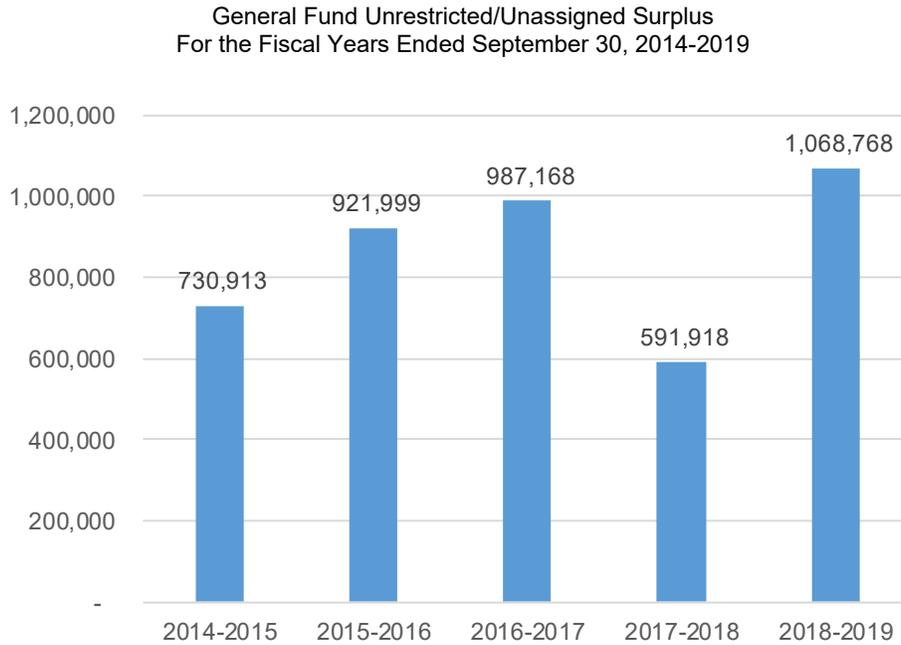
The State of Florida, by constitution, does not have a state personal income tax and therefore, the State operates primarily using sales, gasoline, and corporate income taxes. Local governments (cities, counties and school boards) primarily rely on property and a limited array of permitted other taxes (sales, telecommunication, gasoline, utility services, etc.) and fees (franchise, building permits, etc.) for their governmental activities. There are a limited number of state-shared revenues and recurring and non-recurring (one-time) grants from the county, state, and federal governments.

The Village is a residential, single-family community with no commercial component. Property taxes comprise approximately 58% of total general fund revenues. As such, the Village relies heavily on the property values of single-family homes. Property tax revenues increased by \$214,933.

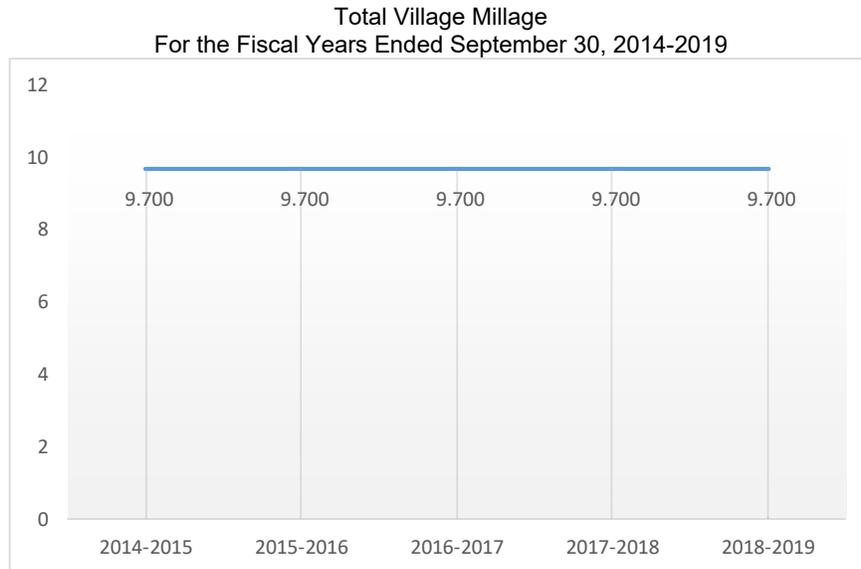
VILLAGE OF BISCAYNE PARK, FLORIDA
MANAGEMENT'S DISCUSSION AND ANALYSIS
SEPTEMBER 30, 2019

Economic Factors and Next Year's Budgets and Rates (Continued)

At September 30, 2019, unassigned fund balance in the General Fund was \$1,068,768 as compared to unassigned fund balance of \$591,918 in 2018, an increase of \$476,850.



Millage rates are limited to 10 mills by state law. The graph below shows the Village of Biscayne Park millage rates from 2014 to 2019. For fiscal year 2018-19, the Village Commission held the millage rate at 9.7 mills, the same rate that was set for the previous fiscal year.



VILLAGE OF BISCAYNE PARK, FLORIDA
MANAGEMENT'S DISCUSSION AND ANALYSIS
SEPTEMBER 30, 2019

Economic Factors and Next Year's Budgets and Rates (Continued)

The Village faces the challenge of keeping taxes and service charges as low as possible while providing residents with the level of service they have come to expect, while at the same time maintaining both its unrestricted surplus and current millage rate. Due to the growth in the property tax roll, the Village was able to maintain the millage rate at the same level as the previous fiscal year at 9.7 mills. The increase in collection of ad valorem revenues was \$214,933 or 12% over fiscal year 2018. Expenditures decreased from \$3,628,116 in 2018 to \$2,878,531 in 2019, a decrease of \$749,645 or 20.7%. Unrestricted surplus is inclusive of the unbudgeted emergency recovery expenses incurred by the 2017 natural the disaster Hurricane Irma. These expenditures from fiscal years 2018 and 2019 of approximately \$843,908 and \$17,822 respectively, or a total of \$861,730, remain only partly reimbursed. A claim for 90% reimbursement from FEMA is pending an appeal process. Funds received in fiscal year 2019 were approximately \$44,260.

Requests for Information

This financial report is designed to provide a general overview of the Village's finances for all those with an interest in the Village's finances. Questions concerning this report or requests for additional financial information should be directed to the Finance Department at:

VILLAGE OF BISCAYNE PARK
Finance Department
640 Northeast 114th Street
Biscayne Park, Florida 33161

BASIC FINANCIAL STATEMENTS

VILLAGE OF BISCAYNE PARK, FLORIDA
STATEMENT OF NET POSITION
SEPTEMBER 30, 2019

	<u>Governmental</u> <u>Activities</u>	<u>Business-type</u> <u>Activities</u>	<u>Total</u>
<u>ASSETS</u>			
Cash and cash equivalents	\$ 1,195,575	\$ -	\$ 1,195,575
Investments	11,915	-	11,915
Accounts receivable, net	244,997	4,083	249,080
Internal balances	9,311	(9,311)	-
Prepays	85,240	-	85,240
Restricted assets:			
Cash and cash equivalents	726,448	-	726,448
Capital assets:			
Non-depreciable capital assets:			
Land	157,490	-	157,490
Depreciable capital assets:			
Building	2,771,622	-	2,771,622
Furniture and equipment	1,901,053	-	1,901,053
Infrastructure	1,286,184	-	1,286,184
Less: accumulated depreciation	<u>(2,860,105)</u>	<u>-</u>	<u>(2,860,105)</u>
Net depreciable capital assets	<u>3,098,754</u>	<u>-</u>	<u>3,098,754</u>
Total capital assets	<u>3,256,244</u>	<u>-</u>	<u>3,256,244</u>
Total assets	<u>5,529,730</u>	<u>(5,228)</u>	<u>5,524,502</u>
<u>DEFERRED OUTFLOWS OF RESOURCES</u>			
Pension	<u>865,819</u>	<u>-</u>	<u>865,819</u>
Total deferred outflows of resources	<u>865,819</u>	<u>-</u>	<u>865,819</u>
<u>LIABILITIES</u>			
Accounts payable and other current liabilities	387,885	-	387,885
Accrued payroll and benefits	51,335	-	51,335
Due within one year			
Capital leases	72,911	-	72,911
Note payable	20,260	-	20,260
Compensated absences	35,598	-	35,598
Due in more than one year			
Net pension liability	2,368,195	-	2,368,195
Capital leases	103,164	-	103,164
Note payable	269,203	-	269,203
OPEB Liability	84,726	-	84,726
Compensated absences	<u>106,792</u>	<u>-</u>	<u>106,792</u>
Total liabilities	<u>3,500,069</u>	<u>-</u>	<u>3,500,069</u>
<u>DEFERRED INFLOWS OF RESOURCES</u>			
Pension	<u>287,865</u>	<u>-</u>	<u>287,865</u>
Total deferred inflows of resources	<u>287,865</u>	<u>-</u>	<u>287,865</u>
<u>NET POSITION</u>			
Net investment in capital assets	3,266,664	-	3,266,664
Restricted for:			
Transportation	618,063	-	618,063
Unrestricted	<u>(1,277,112)</u>	<u>(5,228)</u>	<u>(1,282,340)</u>
Total net position	<u>\$ 2,607,615</u>	<u>\$ (5,228)</u>	<u>\$ 2,602,387</u>

See notes to basic financial statements

VILLAGE OF BISCAYNE PARK, FLORIDA
STATEMENT OF ACTIVITIES
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2019

<u>Functions/Programs</u>	<u>Expenses</u>	<u>Program Revenues</u>		<u>Net (Expense) Revenue and</u>		<u>Total</u>
		<u>Charges for</u> <u>Services</u>	<u>Capital</u> <u>Grants and</u> <u>Contributions</u>	<u>Governmental</u> <u>Activities</u>	<u>Business-type</u> <u>Activities</u>	
Primary government:						
Governmental activities:						
General government	\$ 939,032	\$ -	\$ -	\$ (939,032)	\$ -	\$ (939,032)
Public safety	1,790,845	197,966	20,000	(1,572,879)	-	(1,572,879)
Physical environment	654,005	-	-	(654,005)	-	(654,005)
Culture and recreation	152,980	68,227	-	(84,753)	-	(84,753)
Interest expense	19,471	-	-	(19,471)	-	(19,471)
Total governmental activities	<u>3,556,333</u>	<u>266,193</u>	<u>20,000</u>	<u>(3,270,140)</u>	<u>-</u>	<u>(3,270,140)</u>
Business-type activity:						
Sanitation	415,879	510,419	-	-	94,540	94,540
Total primary government	<u>\$ 3,972,212</u>	<u>\$ 776,612</u>	<u>\$ 20,000</u>	<u>\$ (3,270,140)</u>	<u>\$ 94,540</u>	<u>\$ (3,175,600)</u>
General revenue:						
Property taxes				2,058,082	-	2,058,082
Utility taxes				367,938	-	367,938
Franchise fees				175,263	-	175,263
Intergovernmental (unrestricted)				586,535	-	586,535
Investment and miscellaneous income				98,813	-	98,813
Transfers				85,470	(85,470)	-
Total general revenues and transfers				<u>3,372,101</u>	<u>(85,470)</u>	<u>3,286,631</u>
Change in net position				101,961	9,070	111,031
Net position, beginning				<u>2,745,650</u>	<u>(14,298)</u>	<u>2,731,352</u>
Prior period adjustment (See Note 15)				(239,996)	-	(239,996)
Net position, beginning, as restated				<u>2,505,654</u>	<u>(14,298)</u>	<u>2,491,356</u>
Net position, ending				<u>\$ 2,607,615</u>	<u>\$ (5,228)</u>	<u>\$ 2,602,387</u>

See notes to basic financial statements

VILLAGE OF BISCAYNE PARK, FLORIDA
BALANCE SHEET - GOVERNMENTAL FUNDS
SEPTEMBER 30, 2019

	Major Funds				
	<u>General Fund</u>	<u>CITT Fund</u>	<u>Police Forfeiture Fund</u>	<u>Nonmajor Governmental Funds</u>	<u>Total Governmental Funds</u>
<u>ASSETS</u>					
Cash and cash equivalents	\$ 1,195,575	\$ 681,944	\$ 33,437	\$ 11,067	\$ 1,922,023
Investments	11,915	-	-	-	11,915
Accounts receivable, net	196,432	35,261	-	13,304	244,997
Due from other funds	61,547	34,876	-	233,789	330,212
Prepays	<u>83,803</u>	<u>-</u>	<u>-</u>	<u>1,437</u>	<u>85,240</u>
Total assets	<u>1,549,272</u>	<u>752,081</u>	<u>33,437</u>	<u>259,597</u>	<u>2,594,387</u>
<u>LIABILITIES</u>					
Accounts payable and other current liabilities	131,515	239,996	-	628	372,139
Accrued payroll and benefits	48,516	-	-	2,819	51,335
Other liabilities	15,746	-	-	-	15,746
Due to other funds	<u>200,924</u>	<u>66,388</u>	<u>53,589</u>	<u>-</u>	<u>320,901</u>
Total liabilities	<u>396,701</u>	<u>306,384</u>	<u>53,589</u>	<u>3,447</u>	<u>760,121</u>
<u>DEFERRED INFLOWS OF RESOURCES</u>					
Unavailable revenues	<u>-</u>	<u>12,850</u>	<u>-</u>	<u>-</u>	<u>12,850</u>
Total deferred inflows of resources	<u>-</u>	<u>12,850</u>	<u>-</u>	<u>-</u>	<u>12,850</u>
<u>FUND BALANCES</u>					
Nonspendable:					
Prepays	83,803	-	-	1,437	85,240
Restricted for:					
Transportation	-	432,847	-	185,216	618,063
Foundation	-	-	-	2,841	2,841
Assigned for:					
Foundation	-	-	-	8,226	8,226
Capital improvements	-	-	-	58,430	58,430
Unassigned	<u>1,068,768</u>	<u>-</u>	<u>(20,152)</u>	<u>-</u>	<u>1,048,616</u>
Total fund balances	<u>1,152,571</u>	<u>432,847</u>	<u>(20,152)</u>	<u>256,150</u>	<u>1,821,416</u>
Total liabilities and fund balances	<u>\$ 1,549,272</u>	<u>\$ 752,081</u>	<u>\$ 33,437</u>	<u>\$ 259,597</u>	<u>\$ 2,594,387</u>

See notes to basic financial statements

VILLAGE OF BISCAYNE PARK, FLORIDA
RECONCILIATION OF THE BALANCE SHEET TO THE STATEMENT OF NET POSITION
GOVERNMENTAL FUNDS
SEPTEMBER 30, 2019

Fund balances - total governmental funds (page 14)		\$ 1,821,416
Amounts reported for governmental activities in the statement of net position are different because:		
Capital assets used in governmental activities are not financial resources and therefore are not reported in the governmental funds.		
Governmental capital assets	6,116,349	
Less: accumulated depreciation	<u>(2,860,105)</u>	3,256,244
Long-term liabilities, including bonds payable, are not due and payable in the current period and therefore are not reported in the funds.		
Capital Leases	(176,075)	
Loan payable	(289,463)	
Compensated Absences	(142,390)	
OPEB liability	<u>(84,726)</u>	(692,654)
Revenue collected outside of the period of availability is not available to pay for current period expenditures and therefore, is a deferred inflow in the funds.		
		12,850
Net pension liabilities are not due and payable in the current period and, therefore, are not reported in the governmental funds		
	(2,368,195)	
Deferred outflows of resources related to pensions are not recognized in the governmental funds; however, they are reported in the statement of net position under full accrual accounting		
	865,819	
Deferred inflows of resources related to pensions are not recognized in the governmental funds; however, they are reported in the statement of net position under full accrual accounting		
	<u>(287,865)</u>	<u>(1,790,241)</u>
Net position of governmental activities (Page 12)		<u>\$ 2,607,615</u>

See notes to basic financial statements

VILLAGE OF BISCAYNE PARK, FLORIDA
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES (DEFICIT)
GOVERNMENTAL FUNDS
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2019

	Major Funds			Nonmajor Governmental Funds	Total Governmental Funds
	General	CITT Fund	Police Forfeiture Fund		
REVENUES:					
Property taxes	\$ 2,058,082	\$ -	\$ -	\$ -	\$ 2,058,082
Franchise fees	175,263	-	-	-	175,263
Utility taxes	287,645	-	-	80,293	367,938
Charges for services	68,227	-	-	-	68,227
Intergovernmental	420,484	145,492	-	30,086	596,062
Licenses and permits	170,500	-	-	-	170,500
Fines and forfeitures	27,466	-	-	-	27,466
Interest	16,053	-	-	-	16,053
Other	71,479	5,437	366	5,478	82,760
Total revenues	<u>3,295,199</u>	<u>150,929</u>	<u>366</u>	<u>115,857</u>	<u>3,562,351</u>
EXPENDITURES:					
General government	726,094	-	-	4,306	730,400
Public safety	1,441,880	-	-	-	1,441,880
Physical environment	417,936	30,141	-	148,747	596,824
Culture and recreation	132,730	-	-	-	132,730
Capital outlay	77,895	-	-	-	77,895
Debt service:					
Principal	70,904	-	-	9,355	80,259
Interest	11,092	-	-	8,379	19,471
Total expenditures	<u>2,878,531</u>	<u>30,141</u>	<u>-</u>	<u>170,787</u>	<u>3,079,459</u>
Excess (deficiency) of revenues over (under) expenditures	<u>416,668</u>	<u>120,788</u>	<u>366</u>	<u>(54,930)</u>	<u>482,892</u>
OTHER FINANCING SOURCES (USES):					
Capital lease	29,393	-	-	-	29,393
Transfers in	61,103	-	-	40,257	101,360
Transfers out	(15,890)	-	-	-	(15,890)
Total other financing sources (uses)	<u>74,606</u>	<u>-</u>	<u>-</u>	<u>40,257</u>	<u>114,863</u>
Net change in fund balances	<u>491,274</u>	<u>120,788</u>	<u>366</u>	<u>(14,673)</u>	<u>597,755</u>
Fund balance, beginning of year as previously reported	661,297	552,055	(20,518)	270,823	1,463,657
Prior period adjustment (Note 15)	-	(239,996)	-	-	(239,996)
Fund balance, beginning of year as restated	661,297	312,059	(20,518)	270,823	1,223,661
Fund balance, end of year	<u>\$ 1,152,571</u>	<u>\$ 432,847</u>	<u>\$ (20,152)</u>	<u>\$ 256,150</u>	<u>\$ 1,821,416</u>

See notes to basic financial statements

VILLAGE OF BISCAYNE PARK, FLORIDA
RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES (DEFICIT) OF GOVERNMENTAL FUNDS TO THE
STATEMENT OF ACTIVITIES
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2019

Amounts reported for governmental activities in the statement of activities (on page 13) are different because:

Net change in fund balances - total governmental funds (page 16)		\$ 597,755
Government funds report capital outlays as expenditures. However, in the statement of activities the cost of those assets is depreciated over their estimated useful lives.		
Capital outlay	77,895	
Capital outlay not capitalized	(5,602)	
Less current year depreciation	(299,783)	
Capital asset donations	<u>20,000</u>	
		(207,490)
The issuance of long-term debt (e.g. bonds, leases, notes) provides current financial resources to government funds, while the repayment of the principal of long-term debt consumes the current resources of governmental funds. Neither transaction, however, has any effect on net position.		
Principal payments	80,259	
Issuance of debt	<u>(29,393)</u>	
		50,866
Revenue collected outside of the period of availability is not available to pay for current period expenditures however it is available to pay long term obligations of the Village.		
	<u>(9,527)</u>	(9,527)
Some expenses reported in the statement of activities do not require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds.		
Change in compensated absences	(16,700)	
Change in OPEB liability	(7,985)	
Changes in net pension liability and other deferral amounts	<u>(304,958)</u>	
		(329,643)
Change in net position of governmental activities (page 13)		<u>\$ 101,961</u>

VILLAGE OF BISCAYNE PARK, FLORIDA
STATEMENT OF NET POSITION
PROPRIETARY FUND
SEPTEMBER 30, 2019

		Business-type Activity Enterprise Fund <u>Sanitation</u>
<u>ASSETS</u>		
Current assets:		
Accounts receivable, net	\$	4,083
Due from other funds		<u>111,088</u>
Total current assets		<u>115,171</u>
Total assets		<u>115,171</u>
<u>LIABILITIES</u>		
Current liabilities:		
Due to other funds		<u>120,399</u>
Total current liabilities		<u>120,399</u>
Total liabilities		<u>120,399</u>
<u>NET POSITION</u>		
Unrestricted		<u>(5,228)</u>
Total net position	\$	<u>(5,228)</u>

See notes to basic financial statements

VILLAGE OF BISCAYNE PARK, FLORIDA
STATEMENT OF REVENUES, EXPENSES
AND CHANGES IN FUND NET POSITION
PROPRIETARY FUND
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2019

	Business-type Activity Enterprise Fund <u>Sanitation</u>
Operating revenues:	
Charges for services	\$ 510,419
Total operating revenues	<u>510,419</u>
Operating expenses:	
Operations and maintenance	<u>415,879</u>
Total operating expenses	<u>415,879</u>
Operating Income	<u>94,540</u>
Contributions and transfers:	
Transfers out	<u>(85,470)</u>
Net contributions and transfers	<u>(85,470)</u>
Change in net position	9,070
Net position, beginning of year	<u>(14,298)</u>
Net position, end of year	<u>\$ (5,228)</u>

See notes to basic financial statements

VILLAGE OF BISCAYNE PARK, FLORIDA
STATEMENT OF CASH FLOWS
PROPRIETARY FUND
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2019

	Business-type Activity Enterprise Fund <u>Sanitation</u>
Cash flows from operating activities:	
Cash received from customers, governments and other funds	\$ 1,569,882
Cash paid for interfund services used	(1,000,321)
Cash paid to suppliers	<u>(484,091)</u>
Net cash provided by operating activities	<u>85,470</u>
Cash flows from non-capital financing activities:	
Transfers out	<u>(85,470)</u>
Net cash used in noncapital financing activities	<u>(85,470)</u>
Net increase (decrease) in cash and cash equivalents	-
Cash and cash equivalents, October 1	<u>-</u>
Cash and cash equivalents, September 30	<u><u>\$ -</u></u>
Reconciliation of operating income to net cash provided by operating activities:	
Operating income	<u>\$ 94,540</u>
Adjustment to reconcile operating income to net cash provided by operating activities:	
Change in assets and liabilities:	
(Increase) decrease in:	
Accounts receivable	50
Due from other funds	1,059,413
Increase (decrease) in:	
Accounts payable	(68,212)
Due to other funds	<u>(1,000,321)</u>
Total adjustments	<u>(9,070)</u>
Net cash provided operating activities	<u><u>\$ 85,470</u></u>

See notes to basic financial statements

NOTES TO BASIC FINANCIAL STATEMENTS

VILLAGE OF BISCAYNE PARK, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
FISCAL YEAR ENDED SEPTEMBER 30, 2019

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The summary of the Village of Biscayne Park, Florida's (the "Village") significant accounting policies is presented to assist the reader in interpreting the financial statements and other data in this report. The policies are considered essential and should be read in conjunction with the accompanying financial statements.

The accounting policies of the Village conform to accounting principles generally accepted in the United States of America (GAAP) as applied to governmental units. This report, the accounting systems and classification of accounts conform to standards of the Governmental Accounting Standards Board (GASB), which is the accepted standard-setting body for establishing governmental accounting and financial reporting principles. The following is a summary of the more significant policies:

A. Financial Reporting Entity

The Village is a municipal corporation governed by an elected mayor and four-member commission under a Commission-Manager form of government. The Village is located in Miami-Dade County, Florida and was incorporated in 1933. The Village provides the following services to its residents - general government, public safety, building code enforcement, physical environment and culture and recreation.

The financial statements were prepared in accordance with GASB Statement No. 14, *The Financial Reporting Entity*, as amended by GASB Statement No. 39 and 61, which establishes standards for defining and reporting on the financial reporting entity. The definition of the financial reporting entity is based upon the concept that elected officials are accountable to their constituents for their actions. One of the objectives of financial reporting is to provide users of financial statements with a basis for assessing the accountability of the elected officials. The financial reporting entity consists of the primary government, organizations for which the primary government is financially accountable and other organizations for which the nature and significance of their relationship with the primary government are such that exclusion would cause the reporting entity to be misleading or incomplete. The Village is financially accountable for a component unit if it appoints a voting majority of the organization's governing board and it is able to impose its will on that organization or there is a potential for the organization to provide financial benefits to or impose specific financial burdens on the Village. Based on the application of these criteria, there was one entity evaluated for inclusion in the Village's reporting entity.

Blended Component Unit - Biscayne Park Foundation, Inc. (the "Foundation") is a non-profit foundation created by the Village through passing of Ordinance 2007-08 on April 10, 2007, as its fundraising arm. The Foundation is intended to enhance the Village's opportunities to raise monies through special events, sponsorship, donation and grants exclusively for charitable, educational, and scientific purposes which include raising the educational and social levels of its residents to foster and promote community-wide interest and concern for the history and preservation of the Village. The Foundation is a separate legal entity and is governed by a separate board consisting of three to five members, nominated and appointed by the Village Commission for a term of five (5) years. Currently, the Village Commission serves as the Foundation's governing board. The activity of the Foundation is included as a special revenue fund in the Village's financial statements.

B. Government-Wide and Fund Financial Statements

The government-wide financial statements (i.e., the statement of net position and the statement of activities) report information on all of the activities of the primary government. All interfund activities except interfund services provided and used, have been removed from these statements. Governmental activities, which normally are supported by taxes and intergovernmental revenues, are reported separately from business-type activities, which rely to a significant extent on fees and charges for support.

The statement of activities demonstrates the degree to which the direct expenses of a given function or segments are offset by program revenues. *Direct expenses* are those that are clearly identifiable with a specific function or segment. *Program revenues* include 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function or segment and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported instead as *general revenues*.

Separate financial statements are provided for governmental funds and proprietary funds. Major individual governmental funds and major individual enterprise funds are reported as separate columns in the fund financial statements. All remaining governmental funds are aggregated and reported as nonmajor funds.

VILLAGE OF BISCAYNE PARK, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
FISCAL YEAR ENDED SEPTEMBER 30, 2019

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

C. Measurement Focus, Basis of Accounting, and Financial Statement Presentation

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting as are the proprietary fund financial statements. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the Village considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences, claims and judgments, are recorded only when payment is due.

Property taxes, utility taxes, franchise taxes, licenses, and interest associated with the current fiscal period are all considered to be susceptible to accrual and have been recognized as revenues of the current fiscal period. All other revenue items, such as fines and forfeitures and licenses and permits, are considered to be measurable and available only when cash is received by the Village.

The Village reports the following major governmental funds:

General Fund

The Village's primary operating fund. It accounts for all financial resources of the general government, except those required to be accounted for in another fund.

CITT Fund

This fund accounts for the proceeds of revenues from Citizen Independent Transportation Trust (CITT) of Miami Dade that is legally restricted for transportation and transit related activities.

Police Forfeiture Fund

Police Forfeiture funds are generated when the Village obtains a final judgement regarding property that was used during the commission of a crime. The police department obtains the value of the property through sale or retention. The use of police forfeiture funds is directed by Florida State Revenues and under the authority of the Police Chief and review by the Village Attorney.

The Village reports the following major proprietary fund:

Sanitation Fund

This fund accounts for solid waste fees charged to customers for solid waste services.

Additionally, the Village reports the following nonmajor funds:

Roads Fund

The Road Fund supplements the work of the Village's Public Works department. The funds are provided by Local Gas Tax revenues. These monies are used in the maintenance and improvement of streets and roads that serve the residents.

Biscayne Foundation Fund

This fund accounts for the operations of the Biscayne Foundation.

Debt Service Fund

This fund is used to account for the accumulation of resources for, and the payment of long-term debt principal and interest.

Capital Improvements Fund

This fund accounts for the capital projects of the Village for designated development areas.

VILLAGE OF BISCAYNE PARK, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
FISCAL YEAR ENDED SEPTEMBER 30, 2019

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

C. Measurement Focus, Basis of Accounting, and Financial Statement Presentation (Continued)

As a general rule, the effect of interfund activity has been eliminated from the government-wide financial statements with the exception of administrative expense between the General Fund and Sanitation Fund. Elimination of these charges would distort the direct costs and program revenues for various functions concerned.

Amounts reported as program revenues include 1) charges to customers or applicants for goods, services, or privileges provided, 2) operating grants and contributions, and 3) capital grants and contributions. Internally dedicated resources are reported as general revenues rather than as program revenues. Likewise, general revenues include all taxes.

Proprietary funds distinguish operating revenues and expenses from non-operating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. The principal operating revenues of the solid waste fund are charges to customers for services. Operating expenses of the enterprise funds include costs of services, administrative expenses, repairs and maintenance and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as non-operating revenues and expenses.

D. Pronouncements Implemented in the Current Year

The Village implemented GASB 88 – *Certain Disclosures Related to Debt, Including Direct Borrowings and Direct Placements* during the fiscal year then ended September 30, 2019. The primary objective of this Statement is to improve the information that is disclosed in notes to government financial statements related to debt, including direct borrowings and direct placements. This Statement requires that additional essential information related to debt be disclosed in notes to financial statements, including unused lines of credit; assets pledged as collateral for the debt; and terms specified in debt agreements related to significant events of default with finance-related consequences, significant termination events with finance-related consequences, and significant subjective acceleration clauses.

E. Assets, Deferred Outflows of Resources, Liabilities, Deferred Inflows of Resources, and Net Position

1. Deposits and Investments - The Village's cash and cash equivalents are considered to be cash on hand, demand deposits and short-term investments with original maturities of three months or less from the date of acquisition.

State statutes require all deposits of the Village, including demand deposit accounts, time deposit accounts and money market accounts be held in institutions designated by the Treasurer of the State of Florida as "qualified depositories" and accordingly, are covered by a collateral pool as required by that statute.

Investments for the Village are reported at fair value. The Village's investment in the State Board of Administration Investment Pool is in the Florida Prime. The Florida Prime is considered a SEC 2A-7-like fund, thus reported at its fair value of its position in the pool, which is the same as its value of the pool shares.

2. Receivables and Payables - Activities between funds that are representative of lending/borrowing arrangements outstanding at the end of the fiscal year are referred to as either "due to/from other funds" (i.e., the current portion of interfund loans) or as "advances to/from other funds" (i.e., the noncurrent portion of interfund loans). All other outstanding balances between funds are reported as a "due to/from other funds".

Any residual balances outstanding between the governmental activities and business-type activities are reported in the government-wide statements as "internal balances".

All other receivables include amounts due for services provided by the Village. Receivables are recorded and revenues are recognized as earned or as specific program expenditures/expenses are incurred based on the accounting basis required for that fund.

All trade receivables are shown net of an allowance for uncollectible accounts. Allowances for uncollectible receivables are based upon historical trend and the aging of the receivables.

VILLAGE OF BISCAYNE PARK, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
FISCAL YEAR ENDED SEPTEMBER 30, 2019

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

E. Assets, Deferred Outflows of Resources, Liabilities, Deferred Inflows of Resources, and Net Position (Continued)

3. Inventory and Prepaid Items - Inventories of governmental funds, which consist of expendable supplies held for consumption, are recorded as expenditures when consumed rather than when purchased (consumption method). The inventories of supplies, diesel fuel and gasoline are recorded at cost using the moving average method.

Certain payments to vendors reflect costs applicable to future accounting periods and are recorded as prepaid items in both government-wide and fund financial statements.

4. Restricted Assets - Proceeds from police forfeiture funds, transportation tax, local option gas taxes and debt service are classified as restricted in the government wide financial statements and in the Special Revenue Funds, Capital Improvement and Debt Service Fund since these resources are specifically earmarked for law enforcement, transportation, capital projects and debt service purposes only.

5. Property Taxes - Property values are assessed as of January 1 of each year, at which time taxes become an enforceable lien on property. Tax bills are mailed for the Village by Miami-Dade County (the County) on or about October 1 of each year and are payable with discounts of up to 4% offered for early payment. Taxes become delinquent on April 1 of the year following the year of assessment and State law provides for enforcement of collection of property taxes by seizure of the personal property or by the sale of interest-bearing tax certificates to satisfy unpaid property taxes.

Assessed values are established by the Miami-Dade County Property Appraiser. In November 1992, a Florida constitutional amendment was approved by the voters which provides for limiting the increases in homestead property valuations for ad valorem tax purposes to a maximum of 3% annually and also provides for reassessment of market values upon changes in ownership. The County bills and collects all property taxes and remits them to the Village.

State statutes permit municipalities to levy property taxes at a rate of up to 10 mills (\$10 per \$1,000 of assessed taxable valuation). The tax levy of the Village is established by the Village commission and the Miami-Dade County Property Appraiser incorporates the Village's millage into the total tax levy, which includes the County and the County School Board tax requirements. The millage rate assessed by the Village for the fiscal year ended September 30, 2019, was 9.7 mills (\$9.70 per \$1,000 of taxable assessed valuation).

6. Capital Assets - Capital assets, which include land, property, equipment, construction in progress and infrastructure assets (e.g., roads, sidewalks, culverts, light poles, and similar items), are reported in the applicable columns in the government-wide financial statements. Capital assets are defined by the Village as assets with an initial, individual cost of more than \$750 for equipment and an estimated useful life in excess of one year. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at estimated fair market value on the date of donation. The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend asset lives are not capitalized. Major outlays for capital assets and improvements are capitalized as they are completed.

Capital assets are depreciated using the straight-line method over the following estimated useful lives:

	<u>Years</u>
Buildings	20-40
Improvements other than buildings	5-10
Infrastructure	5-10
Furniture and equipment	5

When capital assets are sold or disposed of, the related cost and accumulated depreciation are removed from the accounts and a resulting gain or loss is recorded in the government-wide financial statements and proprietary fund financial statements.

VILLAGE OF BISCAYNE PARK, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
FISCAL YEAR ENDED SEPTEMBER 30, 2019

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

E. Assets, Deferred Outflows of Resources, Liabilities, Deferred Inflows of Resources, and Net Position (Continued)

7. Deferred Outflows/Inflows of Resources - In addition to assets, the statement of net position will sometimes report a separate section for deferred outflows of resources. This separate financial statement element represents a consumption of net position that applies to future period(s) and so will not be recognized as an outflow of resources (expenditure/expense) until then. The Village has pension amounts that qualify for reporting in this category on the government-wide statement of net position in the amount of \$865,819.

In addition to liabilities, the statement of net position will sometimes report a separate section for deferred inflows of resources. This separate financial statement element represents an acquisition of net position that applies to a future period(s) and so will not be recognized as inflows of resources (revenue) until that time. The Village has pension amounts that qualify for reporting in this category in the amount of \$287,865.

8. Compensated Absences - It is the Village's policy to permit employees to accumulate earned but unused vacation and sick pay benefits. The liability for these compensated absences is recorded as a long-term debt in the government-wide financial statements. The current portion of this debt is estimated based on historical trends. In the fund financial statements, governmental funds report only the compensated absences that have matured (i.e. unused reimbursable leave still outstanding following an employee's resignation or retirement), while the proprietary funds report the liability as it is incurred. For governmental activities, compensated absences are generally liquidated by the General Fund.

9. Long-Term Obligations - In the government-wide financial statements, long-term debt and long-term obligations are reported as liabilities in the statement of net position.

10. Equity Classifications - Equity is classified as net position and displayed in three components:

- Net investment in capital assets
This classification consists of capital assets including restricted capital assets, net of accumulated depreciation and reduced by the outstanding balances of other borrowings that are attributable to the acquisition, construction or improvement of those assets.
- Restricted net position
This classification consists of net position with constraints placed on their use either by 1) external groups such as creditors, grantors, contributors, or laws or regulations of other governments, or 2) law through constitutional provisions or enabling legislation.
- Unrestricted net position

This classification consists of all other net position that does not meet the definition of "restricted" or "invested in capital assets, net of related debt."

When both restricted and unrestricted resources are available for use, it is the Village's policy to use restricted resources first, then unrestricted resources as they are needed.

The Village follows GASB Statement No. 54, "*Fund Balance Reporting and Governmental Fund Type Definitions*". This Statement more clearly defined fund balance categories to make the nature and extent of the constraints placed on a government's fund balances more transparent. The following classifications describe the relative strength of the spending constraints.

- Nonspendable fund balance
Amounts that cannot be spent either because they are not in spendable form (such as inventory) or because they are legally or contractually required to be maintained intact.
- Restricted fund balance
Amounts constrained to specific purposes by their providers (such as granters, Village Code, and higher levels of government), through constitutional provisions, or by enabling legislation.

VILLAGE OF BISCAYNE PARK, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
FISCAL YEAR ENDED SEPTEMBER 30, 2019

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

E. Assets, Deferred Outflows of Resources, Liabilities, Deferred Inflows of Resources, and Net Position (Continued)

- Committed fund balance
Amounts constrained to specific purposes by the Village itself, using its highest level of decision-making authority (i.e., Village Commission) through passing of an ordinance. To be reported as committed, amounts cannot be used for any other purpose unless the Village takes the same highest-level action to remove or change the constraint.
- Assigned fund balance
Amounts the Village intends to use for a specific purpose. Intent can be expressed by the management of the Village.
- Unassigned fund balance
Amounts that are available for any purpose in the general fund, which are not included in any other spendable classifications.

When an expenditure is incurred for the purpose for which both restricted and unrestricted funds are available, the Village considers restricted funds to have been spent first. When expenditures are incurred for which committed, assigned, or unassigned fund balances are available, the Village considers amounts to have been spent first out of committed funds, then assigned funds, and finally unassigned funds, as needed, unless the Village Commission or Village Manager has provided otherwise in its commitment or assigned actions.

The Village will maintain a minimum unassigned fund balance in the General Fund, at each fiscal year end, ranging from 15% to 20% of the following year's projected budgeted expenditures and outgoing transfers. In any fiscal year where the Village is unable to maintain a 15% minimum level of fund balance as required in this section, the Village manager shall prepare and submit in conjunction with the proposed budget a plan for expenditure reductions and/or revenue increases necessary to restore the minimum requirements. As part of the annual budget process, the Commission will review and if necessary, amend the plan submitted by the Village Manager for restoring the amounts of unassigned fund balance to the required minimum levels. Any deficit in the required minimum amount must be restored no later than the end of the second fiscal year following the occurrence.

11. Use of Estimates - The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the amounts of assets, liabilities, disclosure of contingent liabilities, revenues, and expenditures/expenses reported in the financial statements and accompanying notes. These estimates include assessing the collectability of receivables and the useful lives of capital assets. Although those estimates are based on management's knowledge of current events and actions it may undertake in the future, the estimates may ultimately differ from actual results.
12. Pensions - For purposes of measuring Net Pension Liability, deferred outflows of resources, and deferred inflows of resources relating to pensions, and pension expense, information about the fiduciary net position of the Florida Retirement System (FRS) and additions to/deductions from FRS' fiduciary net position have been determined on the same basis as they are reported by FRS. For this purpose, benefit payments (including refunds of employee contributions) are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

NOTE 2 - STEWARDSHIP, COMPLIANCE AND ACCOUNTABILITY

By its nature as a local government unit, the Village is subject to various federal, state, and local laws and contractual regulations. Except as reported in the schedule of findings and recommendations, the Village has no material violations of finance-related legal and contractual obligations.

Fund Accounting Requirements - A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The Village, like any other state and local government, uses fund accounting to ensure and demonstrate compliance with finance related requirements, and segregation for management purposes.

VILLAGE OF BISCAYNE PARK, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
FISCAL YEAR ENDED SEPTEMBER 30, 2019

NOTE 2 - STEWARDSHIP, COMPLIANCE AND ACCOUNTABILITY (CONTINUED)

Revenue Restrictions - The Village has various restrictions placed over certain revenue sources from federal, state, or local requirements. The primary revenue sources include:

<u>Revenue Source</u>	<u>Legal Restrictions of Use</u>
Gas tax	Roads, sidewalks, and streets
Transportation tax	Transportation and roads
Federal forfeitures	Law enforcement

NOTE 3 - DEPOSITS AND INVESTMENTS

Governmental and Proprietary Funds

As of September 30, 2019, the Village's carrying amount of deposits was approximately \$1,922,023. Bank balances before reconciling items were \$2,036,283 at that date, the total of which is collateralized or insured with securities held by the Village or by its agent in the Village's name as discussed below.

Custodial Credit Risk - Custodial credit risk for deposits is the risk that, in the event of the failure of a depository financial institution, a government will not be able to recover its deposits or will not be able to recover collateral securities that are in the possession of an outside party. All of the Village's deposits are entirely insured by federal depository insurance or collateralized by the multiple financial institution collateral pool pursuant to Florida Statutes, Chapter 280, *Florida Security for Public Deposit Act*. Under this Act, all qualified public depositories are required to pledge eligible collateral having a fair value equal to or greater than the average daily or monthly balance of all public deposits, multiplied by the depository's collateral pledging level.

The Village's investment policy allows the following investments: U.S. Government obligations, U.S. agency obligation, U.S. instrumentality obligations, Certificate of Deposits, Savings and Loan Association Deposits, Investment-grade obligation of State, provincial and local governments and public authorities, money market mutual funds regulated by Securities and Exchange Commission and whose portfolios consist only of domestic securities, and Local Government Surplus Funds Trust Fund, or any intergovernmental, investment pool authorized through the Florida Interlocal Cooperation Act.

As of September 30, 2019, the Village had the following investments:

<u>Investment Type</u>	<u>Amount</u>	<u>Rating</u>
State Board of Administration - Florida PRIME	11,915	AAAm
	<u>\$ 11,915</u>	

The State Board of Administration (SBA) administers the Florida PRIME, which is a governmental investment pool governed by Chapter 19-7 of the Florida Administrative Code and Chapter 215 and 218 of the Florida Statutes. These rules provide guidance and establish the policies and general operating procedures for the administration of the Florida PRIME. The Florida PRIME is not a registrant with the Securities and Exchange Commission (SEC); however, the Board has adopted operating procedures consistent with the requirements for a 2a-7 fund, which permits money market funds to use amortized cost to maintain a constant net asset value (NAV) of \$1 per share. The fair value of the position in the Florida PRIME is equal to the value of the pool shares. The investments in the Florida PRIME are not insured by FDIC or any other governmental agency.

Interest Rate Risk - Interest rate risk is the risk that changes in interest rates will adversely affect the fair value of an investment. The Village does not have a written policy on interest rate risk since it does not have any investments with long term maturity. The dollar weighted average days to maturity (WAM) of SBA-Florida PRIME at fiscal year-end was 37 days. Next interest rate reset dates for floating rate securities are used in the calculation of WAM. The weighted average life (WAL) a Florida PRIME at September 30, 2019 is 85 days.

VILLAGE OF BISCAYNE PARK, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
FISCAL YEAR ENDED SEPTEMBER 30, 2019

NOTE 3 - DEPOSITS AND INVESTMENTS (CONTINUED)

Governmental and Proprietary Funds (Continued)

Credit Risk - Credit risk is the risk that an issuer or other counterparty to an investment will not fulfill its obligations. The Village's investments in the Florida PRIME (which has the characteristics of a Money Market Fund) are not required to be categorized as these investments are not evidenced by securities that exist in physical or book entry form. The Florida PRIME is administered by the SBA, who provides regulatory oversight. The Village's investment in the Florida PRIME was rated AAAM by Standard and Poor's as of September 30, 2019.

Concentration of Credit Risk - There are no limits on the amount that may be invested in money market funds or with the SBA.

Custodial Credit Risk - For an investment custodial credit risk is the risk that, in the event of the failure of the counterparty, the Village will not be able to recover the value of its investment. The Village's investments in money market funds and the State Board of Administration (SBA) Florida PRIME (which has the characteristics of a Money Market Fund) are not required to be categorized as these investments are not evidenced by securities that exist in physical or book entry form.

In accordance with GASB Statement No. 79, *Certain External Investment Pools and Pool Participants*, the Village's investment in the Florida PRIME meets the definition of a qualifying investment pool that measures our financial reporting purposes all of its investments at amortized cost and should disclose the presence of any limitations or restrictions on withdrawals. As of September 30, 2019, there were no redemption fees or maximum transaction amounts, or any other requirements to serve to limit a participant's daily access to 100 percent of their account value.

NOTE 4 - RECEIVABLES/PAYABLES

Receivables

Receivables at September 30, 2019, consisted of franchise fees and other receivables. The Village's receivables at September 30, 2019, were as follows:

	<u>Franchise Fees and Other Taxes</u>	<u>Other</u>	<u>Total</u>
Governmental Funds:			
General Fund	\$ 196,432	\$ -	\$ 196,432
CITT Fund	35,261	-	35,261
Road Fund	-	13,304	13,304
Proprietary Funds:			
Sanitation Fund	4,083	-	4,083
Total Governmental Funds	<u>\$ 235,776</u>	<u>\$ 13,304</u>	<u>\$ 249,080</u>

Payables

Accounts payable and other liabilities at September 30, 2019 were as follows:

	<u>Vendor</u>	<u>Others</u>	<u>Total</u>
Governmental Funds:			
General Fund	\$ 111,485	\$ 20,030	\$ 131,515
CITT Fund	-	239,996	239,996
Roads Fund	628	-	628
Total Governmental Funds	<u>\$ 112,113</u>	<u>\$ 260,026</u>	<u>\$ 372,139</u>

VILLAGE OF BISCAYNE PARK, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
FISCAL YEAR ENDED SEPTEMBER 30, 2019

NOTE 5 - INTERFUND RECEIVABLES/PAYABLES/TRANSFERS

Interfund balances as of September 30, 2019, were as follows:

	Payable Fund				Total
	General Fund	Forfeiture Fund	CITT Fund	Sanitation Fund	
<u>Receivable Fund</u>					
General Fund	\$ -	\$ 53,589	\$ 7,958	\$ -	\$ 61,547
CITT Fund	34,876	-	-	-	34,876
Sanitation Fund	111,088	-	-	-	111,088
Nonmajor Funds	54,960	-	58,430	120,399	233,789
	<u>\$ 200,924</u>	<u>\$ 53,589</u>	<u>\$ 66,388</u>	<u>\$ 120,399</u>	<u>\$ 441,300</u>

The outstanding balances between funds result mainly from the time lags between the dates that (1) interfund goods and services are provided or reimbursable expenditures occur, (2) transactions are recorded in the accounting system, and (3) payments between funds are made.

Interfund transfers for fiscal year ended September 30, 2019 were as follows:

	<u>Transfer In</u>	<u>Transfer Out</u>
Governmental Funds:		
General Fund	\$ 61,103	\$ 15,890
Roads Fund	24,367	-
Debt Service Fund	15,890	-
Total Governmental Funds	<u>101,360</u>	<u>15,890</u>
Proprietary Funds:		
Sanitation Fund	-	85,470
Total Proprietary Funds	<u>-</u>	<u>85,470</u>
Total Governmental and Proprietary Funds	<u>\$ 101,360</u>	<u>\$ 101,360</u>

Interfund transfers allow for appropriate allocation of resources when one fund is providing resources for another or a project calls for multiple sources of funds. Interfund transfers are used to move unrestricted revenues collected to finance various programs accounted for in the other funds in accordance with budgetary authorizations.

VILLAGE OF BISCAYNE PARK, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
FISCAL YEAR ENDED SEPTEMBER 30, 2019

NOTE 6 - CAPITAL ASSETS

Capital asset activity for the fiscal year ended September 30, 2019 was as follows:

	<u>Beginning Balance</u>	<u>Additions</u>	<u>Deletions</u>	<u>Ending Balance</u>
Governmental activities:				
Capital assets not being depreciated:				
Land	\$ 157,490	\$ -	\$ -	\$ 157,490
Total capital assets not being depreciated	<u>157,490</u>	<u>-</u>	<u>-</u>	<u>157,490</u>
Capital assets being depreciated:				
Building	2,771,622	-	-	2,771,622
Infrastructure	1,286,184	-	-	1,286,184
Furniture and equipment	1,808,760	94,293	(2,000)	1,901,053
Total capital assets being depreciated	<u>5,866,566</u>	<u>94,293</u>	<u>(2,000)</u>	<u>5,958,859</u>
Less accumulated depreciation for:				
Building	(483,817)	(85,675)	-	(569,492)
Infrastructure	(468,543)	(131,838)	-	(600,381)
Furniture and equipment	(1,607,962)	(82,270)	-	(1,690,232)
Total accumulated depreciation	<u>(2,560,322)</u>	<u>(299,783)</u>	<u>-</u>	<u>(2,860,105)</u>
Total capital assets being depreciated, net	<u>3,306,244</u>	<u>(205,490)</u>	<u>(2,000)</u>	<u>3,098,754</u>
Governmental activities capital assets, net	<u>\$ 3,463,734</u>	<u>\$ (205,490)</u>	<u>\$ (2,000)</u>	<u>\$ 3,256,244</u>

Depreciation expense for the governmental funds was charged to functions/programs of the Village as follows:

General Government	160,087
Public Safety	105,131
Physical Environment	24,048
Culture and Recreation	10,517
Total Depreciation Expense - Governmental Activities	<u>\$ 299,783</u>

NOTE 7 - CAPITAL LEASES/LONG-TERM DEBT

The Village implemented GASB 88 – *Certain Disclosures Related to Debt, Including Direct Borrowings and Direct Placements* during the fiscal year then ended September 30, 2019.

Capital leases are those which are determined to have passed substantially all of the risks and benefits of ownership to the lessee. The Village entered into various lease agreements to finance the acquisition of vehicles.

The future minimum lease obligations and the net present value of these minimum lease payments as of September 30, 2019, were as follows:

<u>Fiscal Year End</u>	<u>Governmental Activities</u>
2019	\$ 80,925
2020	62,141
2021	36,932
2022	6,864
2023	3,443
Total minimum lease payments	190,305
Less: amount representing interest	(14,230)
Present value of minimum lease payments	<u>\$ 176,075</u>

VILLAGE OF BISCAYNE PARK, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
FISCAL YEAR ENDED SEPTEMBER 30, 2019

NOTE 7 - CAPITAL LEASES/LONG-TERM DEBT (CONTINUED)

The following schedule shows the leased assets capitalized as of September 30, 2019, by major asset class:

	<u>Capital Assets</u>
Equipment	\$ 461,049
Less: accumulated depreciation for entity-wide	307,338
	\$ 153,711

On May 11, 2015, the Village entered into a bank loan in the amount of \$350,000 for the construction of the Public Safety and Administration Annex and the restoration of the historic Village Hall log cabin. This loan was refinanced on September 21, 2019 with Florida Community Bank. The loan bears interest at a rate of 4.05% and principal and interest payments of \$15,747 are due semi-annually for 12 years. The loan matures on November 1, 2030. The loan is secured by a portion of the Village's Half Cent Sales Tax Revenue from the State of Florida. The loan contains a provision that in an event of default, outstanding amounts including accrued interest are due immediately. In addition, if any event of default shall have occurred and be continuing, the holder may proceed to protect and enforce its rights by a suit, action or special proceeding in equity or at law.

The bank loan requires the Village to maintain a Debt Service Fund account to have sufficient funds to pay the semi-annual payments of principal and interest due in connection with the loan.

<u>Fiscal Year End</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2020	\$ 20,260	\$ 11,520	\$ 31,780
2021	21,089	10,691	31,780
2022	21,951	9,829	31,780
2023	22,849	8,931	31,780
2024	23,784	7,996	31,780
2025-2029	134,337	24,563	158,900
2030-2031	45,193	1,830	47,023
	\$ 289,463	\$ 75,360	\$ 364,823

Changes in general long-term debt during the year were as follows:

	<u>Beginning</u>	<u>Additions</u>	<u>Reductions</u>	<u>Ending</u>	<u>Due Within</u>
	<u>Balance</u>			<u>Balance</u>	<u>One Year</u>
Governmental activities:					
Capital leases	\$ 219,404	\$ 29,393	\$ (72,722)	\$ 176,075	\$ 72,911
Loan payable	297,000	-	(7,537)	289,463	20,260
Compensated absences	125,690	115,380	(98,680)	142,390	35,598
OPEB liability	76,741	9,872	(1,887)	84,726	-
Total governmental activities	\$ 718,835	\$ 154,645	\$ (180,826)	\$ 692,654	\$ 128,769

NOTE 8 - RESTRICTED ASSETS

The balances of the restricted cash account in the governmental activities at September 30, 2019 pertain to the following:

<u>Fund</u>	<u>Restricted for</u>	<u>Amount</u>
CITT Fund	Transportation and transit	\$ 681,944
Police Forfeitures Fund	Public safety	33,437
		\$ 715,381

VILLAGE OF BISCAYNE PARK, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
FISCAL YEAR ENDED SEPTEMBER 30, 2019

NOTE 9 - FLORIDA RETIREMENT SYSTEM

All new hire full-time or part-time employees working in a regularly established position for the Village are automatically enrolled in the statewide Florida Retirement System (FRS), a multiple-employer, cost-sharing defined benefit plan. The FRS is totally administered by the State of Florida. The Village previously made an irrevocable election to participate in the FRS, a state-administered retirement system. All rates, benefits and amendments are established by the State of Florida through its legislative body.

Plan Description

Membership in the FRS is required for all full-time and part-time employees working in regularly established positions for state agencies, county governments, district school boards, state universities, and state community colleges; or cities, independent special districts, metropolitan planning districts, and public charter schools that make an irrevocable election to participate. Most Pension Plan members (including renewed members), and State Community College Optional Retirement Program participants may elect to participate in the FRS Investment Plan. Florida Retirement System Pension Plan members who retired and chose to participate in the Deferred Retirement Option Program (DROP) are not eligible to become members of the FRS Investment Plan.

Type of Benefit

The Florida Retirement System Pension Plan (FRS) is a cost-sharing, multiple-employer qualified defined benefit plan with a Deferred Retirement Option Program (DROP) available for eligible employees. The FRS was established and is administered in accordance with Chapter 121, Florida Statutes. Retirees receive a lifetime pension benefit with joint and survivor payment options. FRS membership is compulsory for employees filling regularly established positions in a state agency, county agency, state university, state community college, or district school board, unless restricted from FRS membership under sections 121.053 and 121.122, Florida Statutes, or allowed to participate in a nonintegrated defined contribution plan in lieu of FRS membership. Participation by municipalities, special districts, charter schools, and metropolitan planning organizations is optional.

The Retiree Health Insurance Subsidy (HIS) Program is a non-qualified, cost-sharing multiple-employer defined benefit pension plan established under Section 112.363, Florida Statutes. The Florida Legislature establishes and amends the contribution requirements and benefit terms of the HIS Program. The benefit is a monthly payment to assist eligible retirees and surviving beneficiaries of state-administered retirement systems in paying their health insurance costs. The Department of Management Services, Division of Retirement administers the HIS program. For the fiscal year ended June 30, 2019, retirees and beneficiaries received a monthly HIS payment equal to the number of years of creditable service completed at the time of retirement multiplied by \$5. The payments are at least \$30 but not more than \$150 per month, pursuant to Section 112.363, Florida Statutes. To be eligible to receive a HIS benefit, a retiree under a state-administered retirement system must provide proof of health insurance coverage, which can include Medicare.

Average Final Compensation (AFC)

For members initially enrolled in the FRS before July 1, 2011, average final compensation (AFC) is the average of the five highest fiscal years of salary earned during covered employment. For members initially enrolled in the FRS on or after July 1, 2011, AFC is the average of the eight highest fiscal years of salary earned during covered employment. The total percentage value of the benefit received is determined by calculating the total value of all service, which is based on the retirement plan and/or class to which the member belonged when the service credit was earned.

VILLAGE OF BISCAYNE PARK, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
FISCAL YEAR ENDED SEPTEMBER 30, 2019

NOTE 9 - FLORIDA RETIREMENT SYSTEM (CONTINUED)

Average Final Compensation (AFC) (Continued)

The following chart shows the percentage value for each year of service credit earned in relation to the general classes of membership that the Village participates in.

<u>Class, Initial Enrollment, and Retirement Age / Years of Service</u>	<u>% Value</u>
Regular Class members initially enrolled before July 1, 2011	
Retirement up to age 62 or up to 30 years of service	1.60
Retirement up to age 63 or with 31 years of service	1.63
Retirement up to age 64 or with 32 years of service	1.65
Retirement up to age 65 or with 33 or more years of service	1.68
Regular Class members initially enrolled on or after July 1, 2011	
Retirement up to age 65 or up to 33 years of service	1.60
Retirement up to age 66 or with 34 years of service	1.63
Retirement up to age 67 or with 35 years of service	1.65
Retirement up to age 68 or with 36 or more years of service	1.68
Special Risk Regular	
Service from December 1, 1970 through September 30, 1974	2.00
Service on or after October 1, 1974	3.00
Elected County Officers	
Service as Supreme Court Justice, district court of appeal judge, circuit court judge, or county court judge	3.33
Service as Governor, Lt. Governor, Cabinet Officer, Legislator, state attorney, public defender, elected county official, or elected official of a city or special district that chose EOC membership for its elected officials	3.00
Senior Management Service Class	2.00

Vesting

The system provides for vesting of benefits, regardless of membership class, after six years of creditable service for members who are enrolled on or after July 1, 2001 through June 30, 2011 and eight years of creditable service for members who are enrolled on or after July 1, 2011. Vesting for the FRS Investment Plan occurs when an employee completes one year of service in the FRS Investment Plan.

Service Retirement

Normal retirement age in the regular, senior management service and elected officers' classes is 62 with six or more years of creditable service, the age after completing six years of creditable service if after age 62, or thirty-three years of creditable service regardless of age for members enrolled before July 1, 2011. For members initially enrolled in the FRS on or after July 1, 2011, the normal retirement age is 65 with eight or more years of creditable service, the age after completing eight years of creditable service if after age 65, or thirty-three years of creditable service regardless of age before age 65. In the special risk service class, normal retirement age is 55 for members enrolled before July 1, 2011 and 60 for members enrolled on or after July 1, 2011. If a member is vested but has not reached normal retirement age, early retirement can be taken. The amount of the retirement benefit will be reduced 5% for each year prior to normal retirement.

VILLAGE OF BISCAYNE PARK, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
FISCAL YEAR ENDED SEPTEMBER 30, 2019

NOTE 9 - FLORIDA RETIREMENT SYSTEM (CONTINUED)

Benefits are computed on the basis of age and/or years of service, average final compensation and service credit. The system also provides for death and disability benefits.

State law provides for all eligible FRS members to elect to participate in the Deferred Retirement Option Program (DROP). The DROP allows an employee to retire and defer their monthly retirement benefit to an interest-bearing account, for up to a maximum of sixty months, and to continue employment with the Village. When the DROP period ends, the employee must terminate employment. At that time, the employee will receive payment of the accumulated DROP benefits, and direct receipt, thereafter, of the FRS monthly retirement benefit.

Funding Policy

Contributions to the FRS are made by the Village as a percentage of covered payrolls. Effective July 1, 2011, state law instituted a requirement that employees in all classes make a contribution to the FRS of 3.00% of their covered payroll, in addition to the employer's contribution. The required contribution rates in effect at year end for the Village were 9.54% for regular class employees, 25.34% for senior management service class employees, 25.78% for special risk class employees, and 49.98% for elected officers' class. Additionally, the Village was required to contribute 12.37% for all DROP participants. These rates include the normal cost and unfunded actuarial liability contributions and the 1.66 percent contribution for the Retiree Health Insurance Subsidy and the fee of 0.06% for administration of the FRS Investment Plan and provision of educational tools for both plans.

The contribution requirements of covered payroll and actual contributions made for fiscal year 2019 and the two preceding years were as follows:

	<u>FY 2019</u>	<u>FY 2018</u>	<u>FY 2017</u>
Contribution requirements:			
Employer	\$ 214,907	\$ 214,907	\$ 146,020
Employee	35,171	36,702	29,046
Total contribution requirements	<u>\$ 250,078</u>	<u>\$ 251,609</u>	<u>\$ 175,066</u>
 Contributions made (100%)	 \$ 250,078	 \$ 251,609	 \$ 175,066
 Total covered payroll	 \$ 1,293,633	 \$ 1,390,050	 \$ 1,164,195
 Percent of contributions to total covered payroll	 19.3%	 18.1%	 15.0%

The FRS issues a comprehensive annual financial report including a statement of financial condition, historical and statistical information and an actuarial report. A copy can be obtained from the State of Florida, Division of Retirement at:

Department of Management Services
Division of Retirement
Bureau of Research and Member Communications
P.O. Box 9000
Tallahassee, FL 32315-9000
850-488-5706 or toll free at 877 -377 -1737
<http://www.dms.myflorida.com>

VILLAGE OF BISCAYNE PARK, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
FISCAL YEAR ENDED SEPTEMBER 30, 2019

NOTE 9 - FLORIDA RETIREMENT SYSTEM (CONTINUED)

Net Pension Liability

The components of the collective net pension liability of all of the participating employers for each defined benefit plan for the measurement date of June 30, 2019, are shown below (in thousands):

	<u>FRS</u>	<u>HIS</u>
Total pension liability (A)	\$ 198,012,334	\$ 11,491,044
Plan fiduciary net position (B)	<u>(163,573,726)</u>	<u>(302,045)</u>
Net pension liability (A-B)	<u>\$ 34,438,608</u>	<u>\$ 11,188,999</u>
Plan fiduciary net position as percentage of total pension liability	82.61%	2.63%

The total pension liability for each plan was determined by the Plan's actuary and reported in the Plan's valuations dated July 1, 2019. The fiduciary net position used by the actuary to determine the net pension liability (as shown above) was determined on the same basis used by the Plan. Each Plan's fiduciary net position is reported in the financial statements and the net pension liability is disclosed in the notes to the financial statements. Update procedures were not used.

The Village reported a liability of \$1,926,737 and \$441,458 for HIS for its proportionate share of the net pension liability. The details of the proportionate shares are as follows:

FRS Pension Plan:

Employer	Proportion at	Employer	Proportion at	Employer	Employer
Contribution for Pension Plan Funding for <u>Prior Period</u>	Prior Measurement <u>Date</u>	Contribution for Pension Plan Funding for <u>Current Period</u>	Current Measurement <u>Date</u>	Proportionate Share of Net Pension Liability/(Asset) <u>at Prior Measurement Date</u>	Proportionate Share of Net Pension Liability/(Asset) <u>at Measurement Date</u>
\$ 153,415	0.005383150%	\$ 173,476	0.005594699%	\$ 1,621,433	\$ 1,926,737

FRS Retiree Health Insurance Subsidy (HIS) Program:

Employer	Proportion at	Employer	Proportion at	Employer	Employer
Contribution for Pension Plan Funding for <u>Prior Period</u>	Prior Measurement <u>Date</u>	Contribution for Pension Plan Funding for <u>Current Period</u>	Current Measurement <u>Date</u>	Proportionate Share of Net Pension Liability/(Asset) <u>at Prior Measurement Date</u>	Proportionate Share of Net Pension Liability/(Asset) <u>at Measurement Date</u>
\$ 19,890	0.003667674%	\$ 21,909	0.003945467%	\$ 388,191	\$ 441,458

Basis of Allocation

The employer's proportionate share reported in the pension allocation schedules was calculated using accrued retirement contributions for employers that were members of the FRS and HIS during fiscal years 2017/2018 and 2018/2019. Although GASB 68 encourages the use of the employers' projected long-term contribution effort to the retirement plan, allocating on the basis of historical employer contributions is acceptable. The aggregate employer contribution amounts for each fiscal year agree to the employer contribution amounts reported in the system's CAFR for that fiscal year.

VILLAGE OF BISCAYNE PARK, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
FISCAL YEAR ENDED SEPTEMBER 30, 2019

NOTE 9 - FLORIDA RETIREMENT SYSTEM (CONTINUED)

Basis of Allocation (Continued)

The proportion calculated based on contributions for each of the fiscal years presented in the pension allocation schedules was applied to the net pension liability and other pension amounts applicable to that fiscal year to determine each employer's proportionate share of the liability, deferred outflows of resources, deferred inflows of resources and associated pension expense. For the purposes of the pension allocation schedules, pension amounts are allocated to reporting employers. The pension amounts of participating employers whose payrolls are reported, and contributions are remitted by another entity are included in the reporting employer's amounts and will be allocated to the participating employer by the reporting employer.

Actuarial Methods and Assumptions

Actuarial assumptions for both defined benefit plans are reviewed annually by the Florida Retirement System Actuarial Assumptions Conference. The FRS Pension Plan has a valuation performed annually. The HIS Program has a valuation performed biennially that is updated for GASB reporting in the year a valuation is not performed. The most recent experience study for the FRS Pension Plan was completed in 2019 for the period July 1, 2013 through June 30, 2018. Because the HIS Program is funded on a pay-as-you-go basis, no experience study has been completed for this program. The actuarial assumptions that determined the total pension liability for the HIS Program were based on certain results of the most recent experience study for the FRS Pension Plan.

The total pension liability for each of the defined benefit plans was determined by an actuarial valuation as of June 30, 2019, using the individual entry age normal actuarial cost method. Inflation increases for both plans is assumed at 2.60%. Payroll growth for both plans is assumed at 3.25%. Both the discount rate and the long-term expected rate of return used for FRS Pension Plan investments is 6.90%. The plan's fiduciary net position was projected to be available to make all projected future benefit payments of current active and inactive employees. Therefore, the discount rate for calculating the total pension liability is equal to the long-term expected rate of return. Because the HIS Program uses a pay-as-you-go funding structure, a municipal bond rate of 3.50% was used to determine the total pension liability for the program. Mortality assumptions for both plans were based on the Generational RP-2000 with Projection Scale BB tables.

The following changes in actuarial assumptions occurred in 2019:

For the Pension Plan, the investment return for Pension Plan GASB calculations was decreased from 7.00% as of June 30, 2018 to 6.90% as of June 30, 2019. For HIS, the total pension liability is calculated on a single equivalent discount rate as required by GASB Statement No. 67. The discount rate used was updated from 3.87% as of June 30, 2018 and 3.50% as of June 30, 2019 reflecting the change during the fiscal year in the Bond Buyer General Obligation 20-year Bond municipal bond index. That index was originally approved for use in HIS GASB 67 calculation by the FRS Actuarial Assumption Conference.

In general, the discount rate for calculating the total pension liability under GASB 67 is equivalent to the single rate equivalent to discounting at the long-term expected rate of return for benefit payments prior to the projected depletion date. Because the HIS benefit is essentially funded on a pay-as-you-go-basis, the depletion date is considered to be immediate, and the single equivalent discount rate is equal to the municipal bond rate selected by the plan sponsor. The discount rates used at the two dates differ due to changes in the applicable municipal bond rate.

The benefits received by retirees and beneficiaries are increased by a cost-of-living adjustment (COLA) each July based on their June benefit amount (excluding the Retiree Health Insurance Subsidy benefit). For retirees who have been retired for less than 12 months on July 1, the first COLA increase is prorated. The COLA applies to all continuing monthly retirement benefits paid under the FRS Pension Plan (i.e., normal and early service retirement benefits and benefits accruing in participant accounts under the DROP, disability retirement benefits, and survivor benefits). The COLA for retirements or DROP participation effective before Aug. 1, 2011, is 3 percent per year. The COLA formula for retirees with an effective retirement date or DROP begin date on or after Aug. 1, 2011, will be the sum of the pre-July 2011 service credit divided by the total service credit at retirement multiplied by 3 percent. Each Pension Plan member with an effective retirement date of Aug. 1, 2011, or after will have an individual COLA factor for retirement. FRS Pension Plan members initially enrolled on or after July 1, 2011, will not have a COLA after retirement.

VILLAGE OF BISCAYNE PARK, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
FISCAL YEAR ENDED SEPTEMBER 30, 2019

NOTE 9 - FLORIDA RETIREMENT SYSTEM (CONTINUED)

Long-Term Expected Rate of Return

To develop an analytical basis for the selection of the long-term expected rate of return assumption, in October 2019, the FRS Actuarial Assumption Conference reviewed long-term assumptions developed by both Milliman's capital market assumptions team and by a capital market assumptions team from Aon Hewitt Investment Consulting, which provides consulting for the Florida State Board of Administration. The table below shows Milliman's assumptions for each of the asset classes in which the plan was invested at that time based on the long-term target asset allocation. The allocation policy's description of each asset class was used to map the target allocation to the asset classes shown below. Each asset class assumption is based on a consistent set of underlying assumptions and includes an adjustment for the inflation assumption. These assumptions are not based on historical returns, but instead are based on a forward-looking capital market economic model.

<u>Asset Class</u>	<u>Target Allocation</u> ¹	<u>Annual Arithmetic Return</u>	<u>Compound Annual (Geometric) Return</u>	<u>Standard Deviation</u>
Cash	1%	3.3%	3.3%	1.2%
Fixed income	18%	4.1%	4.1%	3.5%
Global equity	54%	8.0%	6.8%	16.5%
Real estate	10%	6.7%	6.1%	11.7%
Private equity	11%	11.2%	8.4%	25.8%
Strategic investments	6%	5.9%	5.7%	6.7%
	<u>100%</u>			
Assumed inflation-Mean			2.6%	1.7%

Note: (1) As outlined in the Plan's investment policy

Sensitivity Analysis

The following tables demonstrate the sensitivity of the net pension liability to changes in the discount rate. The sensitivity analysis shows the impact to the collective net pension liability of the participating employers if the discount rate was 1.00% higher or 1.00% lower than the current discount rate at June 30, 2019.

FRS Pension Plan:

	FRS		
	1%	Current	1%
	Decrease	Discount Rate	Increase
	<u>5.90%</u>	<u>6.90%</u>	<u>7.90%</u>
Total pension liability	\$ 12,482,144	\$ 11,078,195	\$ 9,905,659
Less: fiduciary net position	9,151,458	9,151,458	9,151,458
Net pension liability	<u>\$ 3,330,686</u>	<u>\$ 1,926,737</u>	<u>\$ 754,201</u>

FRS Retiree Health Insurance Subsidy (HIS) Program:

	HIS		
	1%	Current	1%
	Decrease	Discount Rate	Increase
	<u>2.50%</u>	<u>3.50%</u>	<u>4.50%</u>
Total pension liability	\$ 515,864	\$ 453,375	\$ 401,329
Less: fiduciary net position	11,917	11,917	11,917
Net pension liability	<u>\$ 503,947</u>	<u>\$ 441,458</u>	<u>\$ 389,412</u>

VILLAGE OF BISCAYNE PARK, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
FISCAL YEAR ENDED SEPTEMBER 30, 2019

NOTE 9 - FLORIDA RETIREMENT SYSTEM (CONTINUED)

Pension Expense and Deferred Outflows/(Inflows) of Resources

In accordance with GASB 68, paragraphs 54 and 71, changes in the net pension liability are recognized as pension expense in the current measurement period, except as indicated below. For each of the following, a portion is recognized in pension expense in the current measurement period, and the balance is amortized as deferred outflows or deferred inflows of resources using a systematic and rational method over a closed period, as defined below:

- Differences between expected and actual experience with regard to economic and demographic factors - amortized over the average expected remaining service life of all employees that are provided with pensions through the pension plan (active and inactive employees).
- Changes of assumptions or other inputs - amortized over the average expected remaining service life of all employees that are provided with pensions through the pension plan (active and inactive employees).
- Changes in proportion and differences between contributions and proportionate share of contributions - amortized over the average expected remaining service life of all employees that are provided with pensions through the pension plan (active and inactive employees).
- Differences between expected and actual earnings on pension plan investments - amortized over five years. Contributions to the pension plans from employers are not included in collective pension expense.

The average expected remaining service life of all employees provided with pensions through the pension plans at June 30, 2019, was 6.4 years for FRS and 7.2 years for HIS. The pension expense recognized during the year by the Village amounted to \$500,339 and \$26,828 for FRS and HIS respectively.

The components of deferred outflows and inflows of resources schedules for the fiscal year ended September 30, 2019, are presented below for each plan.

FRS Pension Plan		
	Deferred Outflows of Resources	Deferred Inflows of Resources
Changes in:		
Contributions, subsequent to measurement date	\$ 45,045	\$ -
Assumptions/inputs	494,869	-
Projected/actual earnings	-	(106,597)
Experience expected/actual	114,280	(1,196)
Changes in proportion, NPL	92,299	(93,316)
	\$ 746,493	\$ (201,109)
HIS Program		
	Deferred Outflows of Resources	Deferred Inflows of Resources
Changes in:		
Contributions, subsequent to measurement date	\$ 5,742	\$ -
Assumptions/inputs	51,117	(36,081)
Projected/actual earnings	285	-
Experience expected/actual	5,362	(541)
Changes in proportion, NPL	56,820	(50,134)
	\$ 119,326	\$ (86,756)
Total Deferred outflows and inflows of resources FRS & HIS:	\$ 865,819	\$ (287,865)

VILLAGE OF BISCAYNE PARK, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
FISCAL YEAR ENDED SEPTEMBER 30, 2019

NOTE 9 - FLORIDA RETIREMENT SYSTEM (CONTINUED)

Pension Expense and Deferred Outflows/(Inflows) of Resources

Deferred outflows of resources related to employer contributions paid subsequent to the measurement date and prior to the employer's fiscal year end will be recognized as a reduction of the net pension liability in the reporting period ending September 30, 2019. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pension expense will be recognized as follows:

<u>Fiscal Year End</u>	<u>FRS Expense</u>	<u>HIS Expense</u>
2020	\$ 175,241	\$ 6,422
2021	51,025	3,977
2022	124,632	1,578
2023	104,564	(2,830)
2024	35,804	8,526
Thereafter	9,074	9,155
Total	<u>\$ 500,339</u>	<u>\$ 26,828</u>

NOTE 10 - OTHER POST EMPLOYMENT BENEFITS (OPEB)

Plan Description

The Village of Biscayne Park provides health insurance benefits to its retired employees through a single-employer plan administered by the Village. Pursuant to the provisions of Section 112.0801, Florida Statutes, former employees who retire from the Village or its major component unit and eligible dependents, may continue to participate in the Village's fully-insured benefit plan for medical and prescription drug insurance coverage. The Village subsidizes the premium rates paid by retirees by allowing them to participate in the plan at reduced or blended group (implicitly subsidized) premium rates for both active and retired employees. These rates provide implicit subsidy for retirees because, on an actuarial basis, their current and future claims are expected to result in higher costs to the plan on average than those of active employees. The benefits provided under this defined benefit plan are provided for a retiree's lifetime (or until such time at which retiree discontinues coverage under the Village sponsored plans, if earlier).

Funding Policy

Currently, the Village's Other Post-Employment Benefits are unfunded. That is, the Village Council has not determined if a separate Trust Fund or equivalent arrangement will be established into which the Village would make contributions to advance-fund the obligation. For the fiscal year ending September 30, 2019, there were no retirees or dependents receiving other postemployment benefits. Consequently, the Village made no actual contributions towards the annual OPEB cost. Current and future retirees are required to pay 100% of the blended premium to continue coverage under the Village's group health insurance program.

Total OPEB Liability

The Village's total OPEB liability of \$84,726 was measured as of September 30, 2018 and was determined by an actuarial valuation as of that date.

	<u>Total OPEB Liability</u>
Balance at 9/30/2017	\$ 76,741
Changes for the year:	
Service cost	6,943
Interest on the total OPEB liability	2,929
Changes in assumptions or other inputs	(1,887)
Net change in total OPEB liability	<u>7,985</u>
Balance at 9/30/2018	<u>\$ 84,726</u>

VILLAGE OF BISCAYNE PARK, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
FISCAL YEAR ENDED SEPTEMBER 30, 2019

NOTE 10 - OTHER POST EMPLOYMENT BENEFITS (OPEB) (CONTINUED)

Sensitivity of Total OPEB Liability

The following presents the plan's total OPEB liability, calculated using a discount rate of 3.83%, as well as what the plan's total OPEB liability would be if it were calculated using a discount rate that is one percent lower or one percent higher:

1% Decrease (2.83%)	Current Discount Rate Assumption (3.83%)	1% Increase (4.83%)
\$ 90,393	\$ 84,726	\$ 79,156

The following presents the plan's total OPEB liability, calculated using the assumed trend rates as well as what the plan's total OPEB liability would be if it were calculated using a trend rate that is one percent lower or one percent higher:

1% Decrease (6.00%)	Current Healthcare Cost Trend Rate Assumption (7.00%)	1% Increase (8.00%)
\$ 76,308	\$ 84,726	\$ 94,663

OPEB Expense and Deferred Outflows of Resources and Deferred Inflows of Resources Related to OPEB

GASB Statement No. 75 requires state and local government employers to recognize the net OPEB liability and the OPEB expense on their financial statements, along with the related deferred outflows and inflows of resources. The net OPEB liability is the difference between the total OPEB liability and the plan's fiduciary net position. In traditional actuarial terms, this is analogous to the accrued liability less the market value of assets. Since the plan is currently unfunded, the net OPEB liability is equal to the total OPEB liability.

The OPEB expense recognized each fiscal year is equal to the change in the total OPEB liability from the beginning of the year to the end of the year, not including the impact of employer contributions, adjusted for deferred recognition of the liability.

Methods and Assumptions

Projections of benefits for financial reporting purposes are based on the substantive plan provisions (the plan as understood by the employer and plan members) and include the types of benefits provided at the time of each valuation and the historical pattern of sharing of benefit costs between the employer and plan members to that point. The methods and assumptions used include techniques that are designed to reduce the effects of short-term volatility in actuarial accrued liabilities and the actuarial value of assets, consistent with the long-term perspective of the calculations.

As authorized by GASB Statement No. 75, the Alternative Measurement Method allows the employer to use simplifications of certain assumptions in measuring the costs and liabilities.

VILLAGE OF BISCAYNE PARK, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
FISCAL YEAR ENDED SEPTEMBER 30, 2019

NOTE 10 - OTHER POST EMPLOYMENT BENEFITS (OPEB) (CONTINUED)

Methods and Assumptions

The total OPEB liability in the September 30, 2018 actuarial valuation was determined using the following actuarial assumptions and other inputs, applied to all periods included in the measurement, unless otherwise specified:

Valuation Date	September 30, 2017
Measurement Date	September 30, 2018
Roll Forward Procedures	The Total OPEB Liability was rolled forward twelve months from the Valuation Date to the Measurement Date using standard actuarial techniques
Actuarial Cost Method	
Inflation	2.50%
Discount Rate	3.83%
Salary Increases	5.00%
Retirement Age	Earliest age eligible for normal retirement under the Florida Retirement System for Regular Class Members. If the employees had already attained their normal retirement age as of the time this calculation was performed, they were assumed to retire one year after the valuation date.
Mortality	RP-2000 Generational Combined Healthy Participant mortality tables, projected from the year 2000 using Projection Scale AA.
Healthcare Cost Trend Rates	7.00% for FY beginning 2018, 6.50% for FY beginning 2019 and then gradually decreasing to an ultimate trend rate of 4.25%.
Other Information:	
Notes	Changes in assumptions and other inputs include the change in the discount rate from 3.50% as of the beginning of the measurement period to 3.83% as of September 30, 2018. This change is reflected in the Schedule of Changes in Total OPEB Liability.

There were no benefit changes during the year.

NOTE 11 - RISK MANAGEMENT

The Village is exposed to various risks of loss related to torts; theft of, damage to and destruction of assets; errors and omissions; injuries to employees; and natural disasters.

The Village has joined with other municipalities in the State participating in the Florida League of Cities Municipal Self Insurance Program, (the Program) a public entity risk pool currently operating as a common risk management and insurance program. The inter-local agreement with the Florida League of Cities Municipal Self Insurance Program provides that the Program will be self-sustaining through member premiums and will reinsure through commercial companies. During the past three years, the Village has not incurred any significant claims nor have there been any significant reductions in coverage.

VILLAGE OF BISCAYNE PARK, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
FISCAL YEAR ENDED SEPTEMBER 30, 2019

NOTE 12 - CONTINGENCIES

Grants

Amounts received or receivable from grant agencies are subject to audit and adjustment by grantor agencies. Any disallowed claims, including amounts already collected, may constitute a liability of the Village. The amount, if any, of expenditures which may be disallowed by the grantor cannot be determined at this time although the Village expects such amounts, if any, to be immaterial.

Lawsuits

As of September 30, 2019, the Village was not involved in any claims/lawsuits.

NOTE 13 - COMMITMENTS

On June 2, 2014, the Village entered into an agreement with Waste Pro of Florida, Inc. for solid waste and recycling collection services to be provided to the Village. The initial term of the agreement is five years, and the term may be extended for up to two additional five-year terms. The terms of the agreement grant Waste Pro exclusive franchise and the sole obligation to operate and maintain comprehensive garbage, trash and other refuse collection including roll-off and removal system and service as well as recycling collection systems for residential customers in and for the Village. In exchange, Waste Pro agrees to pay the Village an 11 % franchise fee, which was adjusted on October 1, 2016 and each subsequent year based on Consumer Price Index changes and the Fuel Index as specified in the agreement. The total rate increase in a given year shall be capped at 5%. Waste pro will also share 20% of recycling rebates derived from the sale of recyclables with the Village.

NOTE 14 - DEFICITS IN FUND BALANCE

At September 30, 2019 the Police Forfeiture Fund had a deficit fund balance of \$20,152. The Village expects to fund this deficit with transfers from the General Fund in subsequent years.

NOTE 15 – PRIOR PERIOD ADJUSTMENT

During the fiscal year ended September 30, 2019, the Village recorded a prior period adjustment to recognize a liability of CITT revenues that are due back to Miami Dade County.

	Government-Wide Financial Statements
	Governmental Activities
Net position, beginning, as previously reported	\$ 2,745,650
Restatement due to liability recorded to CITT	(239,996)
Net position, beginning, as restated	\$ 2,505,654
	Fund Financial Statements
	CITT Fund
Fund balance, beginning, as previously reported	\$ 552,055
Restatement due to liability recorded to CITT	(239,996)
Fund balance, beginning, as restated	\$ 312,059

VILLAGE OF BISCAYNE PARK, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
FISCAL YEAR ENDED SEPTEMBER 30, 2019

NOTE 16 – SUBSEQUENT EVENT

In December 2019, COVID-19 emerged and has spread around the world, resulting business and social disruption. The coronavirus was declared a Public Health Emergency of International Concern by the World Health Organization on January 30, 2020 and subsequently a Pandemic on March 9, 2020. In addition, on March 13, 2020 the President of the United States proclaimed the COVID-19 outbreak to be a National Emergency.

The operations and business results of the Village could be significantly adversely affected. The extent to which the coronavirus may impact the business activity of the Village will depend on future developments, which are highly uncertain and cannot be predicted, including new information which may emerge concerning the severity of the coronavirus and the results of the actions required to contain the coronavirus or treat its impact, among others. The specific financial impact to the Village is not readily determinable as of the date of these financial statements. The financial statements do not include any adjustments that might result from the outcome of this uncertainty.

REQUIRED SUPPLEMENTARY INFORMATION

VILLAGE OF BISCAYNE PARK, FLORIDA
REQUIRED SUPPLEMENTARY INFORMATION
BUDGETARY COMPARISON SCHEDULE - GENERAL FUND
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2019

	Budgeted Amounts		Actual	Variance with
	Original	Final Budget		Final Budget
				Positive/(Negative)
Revenues:				
Property taxes	\$ 1,991,165	\$ 1,991,165	\$ 2,058,082	\$ 66,917
Franchise fees	177,652	177,652	175,263	(2,389)
Utility taxes	265,500	265,500	287,645	22,145
Intergovernmental	352,368	352,368	420,484	68,116
Licenses and permits	110,300	110,300	170,500	60,200
Fines and forfeitures	11,500	11,500	27,466	15,966
Charges for services	17,100	17,100	68,227	51,127
Other	40,550	40,550	87,532	46,982
Total revenues	<u>2,966,135</u>	<u>2,966,135</u>	<u>3,295,199</u>	<u>329,064</u>
Expenditures:				
Current				
General government				
Village commission	22,668	22,668	17,789	4,879
Administration	751,190	766,190	708,305	57,885
Total general government	<u>773,858</u>	<u>788,858</u>	<u>726,094</u>	<u>62,764</u>
Public safety				
Police	1,200,733	1,200,733	1,213,752	(13,019)
Building and code enforcement	238,905	238,905	228,128	10,777
Physical environment	476,053	476,053	417,936	58,117
Culture and recreation	172,063	172,063	132,730	39,333
Debt service				
Principal	89,126	89,126	70,904	18,222
Interest	-	-	11,092	(11,092)
Capital outlay	76,500	76,500	77,895	(1,395)
Total expenditures	<u>3,027,238</u>	<u>3,042,238</u>	<u>2,878,531</u>	<u>163,707</u>
Excess (deficiency) of revenues over (under) expenditures	(61,103)	(76,103)	416,668	492,771
Other financing sources (uses):				
Transfers in	61,103	61,103	61,103	-
Transfers out	-	-	(15,890)	(15,890)
Excess of revenues over expenditures and other financing sources (uses)	<u>-</u>	<u>(15,000)</u>	<u>491,274</u>	<u>506,274</u>
Fund balance appropriated	<u>-</u>	<u>15,000</u>	<u>-</u>	<u>(15,000)</u>
Net change in fund balance	<u>-</u>	<u>-</u>	<u>491,274</u>	<u>491,274</u>
Fund Balance, beginning of year			<u>661,297</u>	
Fund Balance, end of year			<u>\$ 1,152,571</u>	

See note to budgetary comparison schedules

VILLAGE OF BISCAYNE PARK, FLORIDA
REQUIRED SUPPLEMENTARY INFORMATION
BUDGETARY COMPARISON SCHEDULE - CITT FUND
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2019

	Budgeted Amounts		Actual	Variance with
	Original	Final Budget		Final Budget
				Positive/(Negative)
Revenues:				
Intergovernmental	128,006	128,006	145,492	17,486
Other income	1,000	1,000	5,437	4,437
Total revenues	<u>129,006</u>	<u>129,006</u>	<u>150,929</u>	<u>21,923</u>
Expenditures:				
Current:				
Physical environment	352,724	352,724	30,141	322,583
Total expenditures	<u>352,724</u>	<u>352,724</u>	<u>30,141</u>	<u>322,583</u>
Excess (deficiency) of revenues over (under) expenditures	<u>(223,718)</u>	<u>(223,718)</u>	<u>120,788</u>	<u>344,506</u>
Excess (deficiency) of revenues over (under) expenditures and other financing (uses)	<u>(223,718)</u>	<u>(223,718)</u>	<u>120,788</u>	<u>344,506</u>
Fund balance appropriated	<u>223,718</u>	<u>223,718</u>	<u>-</u>	<u>(223,718)</u>
Net change in fund balance	<u>-</u>	<u>-</u>	<u>120,788</u>	<u>120,788</u>
Fund balance, beginning of year as previously reported			<u>552,055</u>	
Prior period adjustment (Note 15)			<u>(239,996)</u>	
Fund balance, beginning of year as restated			<u>312,059</u>	
Fund balance, end of year			<u>\$ 432,847</u>	

See note to budgetary comparison schedules

VILLAGE OF BISCAYNE PARK, FLORIDA
NOTE TO BUDGETARY COMPARISON SCHEDULES
FISCAL YEAR ENDED SEPTEMBER 30, 2019

NOTE 1 - BUDGETS AND BUDGETARY ACCOUNTING

Annual budgets are adopted for all of the Village's governmental funds and the enterprise fund on a basis consistent with generally accepted accounting principles. Annual appropriations lapse at fiscal year-end.

The Village follows the State of Florida Statutes and its charter in establishing the budgetary data reflected in the financial statements. The budget process is as follows:

- a. The Village Manager prepares a budget showing the cost of each department for each budget year. Prior to the Commission's first public hearing on the proposed budget required by state law, the Village Manager issues a budget summary setting forth the proposed cost of each individual department and reflecting the personnel for each department, the purposes therefore, and the amount of any contingency and carryover funds. The Commission shall by ordinance adopt the annual budget on or before the last day of September.
- b. *Supplemental appropriations.* If, during any fiscal year, revenues in excess of those estimated in the annual budget are available for appropriation, the Commission may by ordinance make supplemental appropriations for the fiscal year up to the amount of such excess.
- c. *Reduction of appropriations.* If, at any time during the fiscal year, it appears probable to the Village Manager that the revenues available will be insufficient to meet the amounts appropriated, she/he shall report to the Commission in writing without delay, indicating the estimated amount of the deficit, and his/her recommendations as to the remedial action to be taken. The Village Commission shall then take such action, as it deems appropriate, to prevent any deficit spending not covered by adequate unappropriated financial resources including reserves.
- d. The Village's department heads recommend transfers of appropriations within a department with approval of the Village Manager and Finance Director.
- e. Transfers of appropriations between departments require the additional approval of the Commission. The legal level of budgetary control (i.e. the level at which expenditures may not exceed appropriations) is the department level for the general fund and the fund level for all other funds.

VILLAGE OF BISCAYNE PARK, FLORIDA
REQUIRED SUPPLEMENTARY INFORMATION
SCHEDULE OF THE VILLAGE'S PROPORTIONATE SHARE OF THE NET PENSION LIABILITY
FLORIDA RETIREMENT SYSTEM PENSION PLAN
SEPTEMBER 30, 2019

	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>	<u>2015</u>	<u>2014</u>
The Village's proportion of the net pension liability	0.005383150%	0.005383150%	0.005081407%	0.006162631%	0.005796350%	0.00590023%
The Village's proportionate share of the net pension liability	\$ 1,926,737	\$ 1,621,433	\$ 1,503,046	\$ 1,556,069	\$ 748,676	\$ 360,001
The Village's covered payroll	1,293,633	1,390,050	1,034,429	1,226,479	1,232,576	1,287,457
The Village's proportionate share of the net pension liability as a percentage of its covered payroll	148.94%	116.65%	145.30%	126.87%	60.74%	27.96%
Plan fiduciary net position as a percentage of the total pension liability	82.61%	84.26%	83.89%	84.88%	92.00%	96.09%

Note: The schedule is intended to show information for the last ten (10) fiscal years. Additional years will be displayed as they become available.

VILLAGE OF BISCAYNE PARK, FLORIDA
REQUIRED SUPPLEMENTARY INFORMATION
SCHEDULE OF THE VILLAGE'S CONTRIBUTIONS
FLORIDA RETIREMENT SYSTEM PENSION PLAN
SEPTEMBER 30, 2019

	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>	<u>2015</u>	<u>2014</u>
Contractually required contribution	\$ 173,476	\$ 153,415	\$ 132,282	\$ 173,554	\$ 170,111	\$ 154,243
Contributions in relation to the contractually required contribution	<u>(173,476)</u>	<u>(153,415)</u>	<u>(132,282)</u>	<u>(173,554)</u>	<u>(170,111)</u>	<u>(154,243)</u>
Contribution deficiency (excess)	<u>\$ -</u>					
The Village's covered payroll	1,293,633	1,390,050	\$ 1,034,429	\$ 1,226,479	\$ 1,232,576	\$ 1,287,457
Contributions as a percentage of covered payroll	13.41%	11.04%	12.79%	14.15%	13.80%	11.98%

Note: The schedule is intended to show information for the last ten (10) fiscal years. Additional years will be displayed as they become available.

VILLAGE OF BISCAYNE PARK, FLORIDA
REQUIRED SUPPLEMENTARY INFORMATION
SCHEDULE OF THE VILLAGE'S PROPORTIONATE SHARE OF THE NET PENSION LIABILITY
HEALTH INSURANCE SUBSIDY PENSION PLAN
SEPTEMBER 30, 2019

	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>	<u>2015</u>	<u>2014</u>
The Village's proportion of the net pension liability	0.003667674%	0.003667674%	0.003245270%	0.003945825%	0.004124158%	0.004213250%
The Village's proportionate share of the net pension liability	\$ 441,458	\$ 388,191	\$ 346,999	\$ 459,870	\$ 748,676	\$ 360,001
The Village's covered payroll	1,293,633	1,390,050	1,034,429	1,226,479	1,232,576	1,287,457
The Village's proportionate share of the net pension liability as a percentage of its covered payroll	34.13%	27.93%	33.54%	37.50%	60.74%	27.96%
Plan fiduciary net position as a percentage of the total pension liability	2.63%	2.15%	1.64%	0.97%	0.50%	0.99%

Note: The schedule is intended to show information for the last ten (10) fiscal years. Additional years will be displayed as they become available.

VILLAGE OF BISCAYNE PARK, FLORIDA
REQUIRED SUPPLEMENTARY INFORMATION
SCHEDULE OF THE VILLAGE'S CONTRIBUTIONS
HEALTH INSURANCE SUBSIDY PENSION PLAN
SEPTEMBER 30, 2019

	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>	<u>2015</u>	<u>2014</u>
Contractually required contribution	\$ 21,909	\$ 19,890	\$ 17,175	\$ 33,638	\$ 35,805	\$ 35,991
Contributions in relation to the contractually required contribution	<u>(21,909)</u>	<u>(19,890)</u>	<u>(17,175)</u>	<u>(33,638)</u>	<u>(35,805)</u>	<u>(35,991)</u>
Contribution deficiency (excess)	<u>\$ -</u>					
The Village's covered payroll	\$ 1,293,633	\$ 1,390,050	\$ 1,034,429	\$ 1,226,479	\$ 1,232,576	\$ 1,287,457
Contributions as a percentage of covered payroll	1.69%	1.43%	1.66%	2.74%	2.90%	2.80%

Note: The schedule is intended to show information for the last ten (10) fiscal years. Additional years will be displayed as they become available.

VILLAGE OF BISCAYNE PARK, FLORIDA
REQUIRED SUPPLEMENTARY INFORMATION
SCHEDULE OF CHANGES IN TOTAL OPEB LIABILITY AND RELATED RATIOS
OTHER POST-EMPLOYMENT BENEFITS (OPEB)
SEPTEMBER 30, 2019

	<u>2018</u>	<u>2017</u>
Total OPEB liability		
Service cost	\$ 6,943	\$ 7,209
Interest	2,929	2,470
Changes of assumptions or other inputs	(1,887)	(2,121)
Benefit payments	<u>-</u>	<u>(6,577)</u>
Net change in total OPEB liability	\$ 7,985	\$ 981
Total OPEB liability-beginning	<u>76,741</u>	<u>75,760</u>
Total OPEB liability-ending	<u>\$ 84,726</u>	<u>\$ 76,741</u>
Covered payroll	\$ 1,242,553	\$ 1,172,631
Total OPEB liability as a percentage of covered payroll	6.82%	6.54%

Notes to Schedule:

This schedule is presented to illustrate the requirement to show information for 10 years. However, until a full 10-year trend is compiled, governments should present information for those years for which information is available.

SUPPLEMENTARY INFORMATION

VILLAGE OF BISCAYNE PARK, FLORIDA
COMBINING BALANCE SHEET
NONMAJOR GOVERNMENTAL FUNDS
SEPTEMBER 30, 2019

	Special Revenue Funds				Total Nonmajor Governmental Funds
	Roads Fund	Biscayne Foundation Fund	Debt Service Fund	Capital Improvements Fund	
<u>ASSETS</u>					
Cash and cash equivalents	\$ -	\$ 11,067	\$ -	\$ -	\$ 11,067
Accounts receivables, net	13,304	-	-	-	13,304
Due from other funds	175,359	-	-	58,430	233,789
Prepays	1,437	-	-	-	1,437
Total assets	190,100	11,067	-	58,430	259,597
<u>LIABILITIES</u>					
Accounts payable	628	-	-	-	628
Accrued payroll	2,819	-	-	-	2,819
Total liabilities	3,447	-	-	-	3,447
<u>FUND BALANCES</u>					
Nonspendable:					
Prepays	1,437	-	-	-	1,437
Restricted for:					
Foundation	-	2,841	-	-	2,841
Transportation	185,216	-	-	-	185,216
Assigned for:					
Foundation	-	8,226	-	-	8,226
Capital Improvements	-	-	-	58,430	58,430
Total fund balances	186,653	11,067	-	58,430	256,150
Total liabilities and fund balances	\$ 190,100	\$ 11,067	\$ -	\$ 58,430	\$ 259,597

VILLAGE OF BISCAYNE PARK, FLORIDA
COMBINING STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN
FUND BALANCES - NONMAJOR GOVERNMENTAL FUNDS
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2019

	<u>Special Revenue Funds</u>			Capital Improvements Fund	Total Nonmajor Governmental Funds
	<u>Roads Fund</u>	<u>Biscayne Foundation Fund</u>	<u>Debt Service Fund</u>		
Revenues:					
Utility taxes	\$ 80,293	\$ -	\$ -	\$ -	\$ 80,293
Intergovernmental	30,086	-	-	-	30,086
Other	-	5,478	-	-	5,478
Total revenues	<u>110,379</u>	<u>5,478</u>	<u>-</u>	<u>-</u>	<u>115,857</u>
Expenditures:					
Current:					
General government:	-	4,306	-	-	4,306
Physical environment	148,747	-	-	-	148,747
Principal	1,818	-	7,537	-	9,355
Interest	26	-	8,353	-	8,379
Total expenditures	<u>150,591</u>	<u>4,306</u>	<u>15,890</u>	<u>-</u>	<u>170,787</u>
Excess (deficiency) of revenues over (under) expenditures	<u>(40,212)</u>	<u>1,172</u>	<u>(15,890)</u>	<u>-</u>	<u>(54,930)</u>
Other financing sources (uses):					
Transfers in	<u>24,367</u>	<u>-</u>	<u>15,890</u>	<u>-</u>	<u>40,257</u>
Total other financing sources (uses)	<u>24,367</u>	<u>-</u>	<u>15,890</u>	<u>-</u>	<u>40,257</u>
Net change in fund balances	<u>(15,845)</u>	<u>1,172</u>	<u>-</u>	<u>-</u>	<u>(14,673)</u>
Fund balances, beginning	<u>202,498</u>	<u>9,895</u>	<u>-</u>	<u>58,430</u>	<u>270,823</u>
Fund balances, ending	<u>\$ 186,653</u>	<u>\$ 11,067</u>	<u>\$ -</u>	<u>\$ 58,430</u>	<u>\$ 256,150</u>

VILLAGE OF BISCAYNE PARK, FLORIDA
SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL - ROADS FUND
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2019

	Budgeted Amounts		Actual	Variance with
	Original	Final Budget		Final Budget
				Positive/(Negative)
Revenues:				
Gas Taxes	\$ 81,495	\$ 81,495	\$ 80,293	\$ (1,202)
Intergovernmental	<u>24,097</u>	<u>24,097</u>	<u>30,086</u>	<u>5,989</u>
Total revenues	<u>105,592</u>	<u>105,592</u>	<u>110,379</u>	<u>4,787</u>
Expenditures:				
Current:				
Physical environment	129,959	129,959	148,747	18,788
Debt service				
Principal	-	-	1,818	1,818
Interest	<u>-</u>	<u>-</u>	<u>26</u>	<u>26</u>
Total expenditures	<u>129,959</u>	<u>129,959</u>	<u>150,591</u>	<u>20,632</u>
Excess (deficiency) of revenues over (under) expenditures	(24,367)	(24,367)	(40,212)	(15,845)
Other financing sources (uses):				
Transfers in	<u>24,367</u>	<u>24,367</u>	<u>24,367</u>	<u>-</u>
Excess (deficiency) of revenues over (under) expenditures and other financing (uses)	<u>-</u>	<u>-</u>	<u>(15,845)</u>	<u>(15,845)</u>
Net change in fund balance	<u>-</u>	<u>-</u>	<u>(15,845)</u>	<u>(15,845)</u>
Fund Balance, beginning of year			<u>202,498</u>	
Fund Balance, end of year			<u>\$ 186,653</u>	

COMPLIANCE SECTION



INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS

To the Honorable Mayor, Village Commission, and Village Manager
Village of Biscayne Park, Florida

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Village of Biscayne Park, Florida (the "Village"), as of and for the fiscal year ended September 30, 2019, and the related notes to the financial statements, which collectively comprise the Village's basic financial statements and have issued our report thereon dated June 30, 2020.

Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Village's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Village's internal control. Accordingly, we do not express an opinion on the effectiveness of the Village's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the Village's financial statements will not be prevented or detected and corrected on a timely basis. A significant deficiency is a deficiency, or combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that have not been identified. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. We did identify a deficiency in internal control, described in the accompanying schedule of findings and responses as item 2019-01 that we consider to be a significant deficiency.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Village's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed one instance of noncompliance or other matters that is required to be reported under *Government Auditing Standards* and which is described in the accompanying schedule of findings and questioned costs as item 2019-02.

The Village's Responses to Findings

The Village's responses to the findings identified in our audit is described in the accompanying schedule of findings and responses. The Village's responses were not subjected to the auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on them.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Village's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Village's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Caballero Fierman Llerena & Garcia, LLP

Caballero Fierman Llerena & Garcia, LLP
Miami, Florida
June 30, 2020

VILLAGE OF BISCAYNE PARK, FLORIDA
SUMMARY SCHEDULE OF PRIOR AUDIT FINDINGS
FISCAL YEAR ENDED SEPTEMBER 30, 2019

PRIOR YEAR FINDINGS AND STATUS

FINANCIAL STATEMENTS

The following addresses the status of financial statement findings reported in the fiscal year ended September 30, 2018 schedule of findings and responses:

Matters that are not repeated in the accompanying schedule of findings and responses:

- 2017-03 Improper Systems Access
- 2015-01 Financial Accounting and Reporting

VILLAGE OF BISCAYNE PARK, FLORIDA
SCHEDULE OF FINDINGS AND RESPONSES
FISCAL YEAR ENDED SEPTEMBER 30, 2019

I. Current Year Financial Statement Findings and Recommendations

Significant Deficiency

2019-01 Personnel Action Forms

Criteria:

Consistent to Village policy, the Village manager must approve Payroll Change Forms

Condition:

During the performance of our audit planning procedures for payroll, we identified that Payroll Change Forms are not consistently reviewed and signed by the appropriate management personnel including documentation of termination, reclassifications, and changes to benefits.

Cause:

Improper internal controls in place to ensure Payroll Change Forms are reviewed by management.

Effect:

Without proper review of Payroll Change Forms, the Village will be exposed to potential fraud in the hiring process and errors in the processing of payroll.

Recommendation:

We recommend the Village implement internal controls to ensure that Payroll Change Forms are appropriately reviewed consistent to Village policy.

Views of Responsible Officials and Planned Corrective Action:

The manager has implemented that when any employee receives any type of salary increases and or compensation the department directors are required to submit an official memorandum to the Village Manager. The manager then proceeds to work with the finance director to confirm if the monies are available. Upon approval the manager will then submit the documentation to the Village Clerk (HR). The Village Clerk will then review and prepare the necessary paperwork (Payroll Change Form) for the change of salary. Upon the completion of the approved Payroll Change Notice form any and all directors shall affix their final signature of approval. Upon the completion of all the necessary documents to implement the changes which includes hiring new employees, transfers, terminations and or promotions, Village Clerk will send the executed document to Finance.

Noncompliance and other matters

2019-02 CITT

Criteria:

Surtax Proceeds must be used in accordance with the Interlocal Agreement for Distribution, Use and Reporting of Charter County Transit System Surtax Proceeds Levied by Miami-Dade County (Interlocal Agreement) executed July 10, 2007.

Condition:

The Village received an external monitoring report expressing various concerns regarding the Village's use of Charter County Transportation System Surtax (Surtax) Proceeds remitted by Miami-Dade County for the ten-year period ended September 30, 2017.

VILLAGE OF BISCAYNE PARK, FLORIDA
SCHEDULE OF FINDINGS AND RESPONSES
FISCAL YEAR ENDED SEPTEMBER 30, 2019

I. Current Year Financial Statement Findings and Recommendations (Continued)

Noncompliance and other matters (Continued)

2019-02 CITT (Continued)

Cause:

Insufficient review, supervision and approval of the use of Surtax proceeds.

Effect:

The Village may be required to return \$239,996 in cash proceeds that are currently not supported by claimed expenditures and not included as cash available in the CITT fund. Unless resolved, the CITT may consider suspending future distributions until the unspent Proceeds are reconciled.

Recommendation:

We recommend the Village implement proper internal controls over the completion, review and approval of the compliance reports required to support the use of Surtax Proceeds. In addition, the Village should review historical information for the period covered by the external monitoring report in an effort to reconcile the cash proceeds.

Views of Responsible Officials and Planned Corrective Action:

The Village Manager has already implemented a five-year transportation and transit plan (Surtax Proceeds) for any and all future CITT funds and where the proper compliance reports shall be generated. The managers in conjunction with our external auditors will be reviewing any and all documentation for discovery and shall be presented to the CITT director for acceptance and compliance in an effort to reconcile the cash proceeds and shortfalls.

Any and all future projects must be presented to the CITT board prior to ensure the village project shall be approved prior to spending any CITT funds.



**MANAGEMENT LETTER IN ACCORDANCE WITH THE RULES OF THE AUDITOR GENERAL OF THE STATE
OF FLORIDA**

To the Honorable Mayor, Village Commission, and Village Manager
Village of Biscayne Park, Florida

Report on the Financial Statements

We have audited the basic financial statements of the Village of Biscayne Park, Florida (the "Village"), as of and for the fiscal year ended September 30, 2019, and have issued our report thereon dated June 30, 2020.

Auditors' Responsibility

We conducted our audit in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and Chapter 10.550, Rules of the Florida Auditor General.

Other Reporting Requirements

We have issued our Independent Auditors' Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of the Financial Statements Performed in Accordance with *Government Auditing Standards*; Summary Schedule of Prior Audit Findings, Schedule of Findings and Responses; and Independent Accountants' Report on an examination conducted in accordance with *AICPA Professional Standards*, AT-C Section 315, regarding compliance requirements in accordance with Chapter 10.550, Rules of the Auditor General. Disclosures in those reports and schedules, which are dated June 30, 2020, should be considered in conjunction with this management letter.

Prior Audit Findings

Section 10.554(1)(i)1., Rules of the Auditor General, requires that we determine whether or not corrective actions have been taken to address findings and recommendations made in the preceding annual financial audit report. Corrective actions have been taken to address the recommendations made in the preceding financial audit report.

Official Title and Legal Authority

Section 10.554(1)(i)4., Rules of the Auditor General, requires that the name or official title and legal authority for the primary government and each component unit of the reporting entity be disclosed in this management letter, unless disclosed in the notes to the financial statements. This information has been disclosed in the notes to the financial statements.

Financial Condition and Management

Sections 10.554(1)(i)5.a. and 10.556(7), Rules of the Auditor General, requires that we apply appropriate procedures and communicate the results of our determination as to whether or not the Village has met one or more of the conditions described in Section 218.503(1), Florida Statutes, and to identify the specific condition(s) met. In connection with our audit, we determined that the Village did not meet any of the conditions described in Section 218.503(1), Florida Statutes.

Pursuant to Sections 10.554(1)(i)5.b. and 10.556(8), Rules of the Auditor General, we applied financial condition assessment procedures for the Village. It is management's responsibility to monitor the Village's financial condition, and our financial condition assessment was based in part on representations made by management and the review of financial information provided by same. This assessment was performed as of the fiscal year end.

Section 10.554(1)(i)2., Rules of the Auditor General, requires that we communicate any recommendations to improve financial management. In connection with our audit, we did not have any such recommendations.

Additional Matters

Section 10.554(1)(i)3., Rules of the Auditor General, requires us to communicate noncompliance with provisions of contracts or grant agreements, or abuse, that have occurred, or are likely to have occurred, that have an effect on the financial statements that is less than material but which warrants the attention of those charged with governance. In connection with our audit, we did not have any such findings.

Purpose of this Letter

Our management letter is intended solely for the information and use of the Legislative Auditing Committee, members of the Florida Senate and the Florida House of Representatives, the Florida Auditor General, Federal and other granting agencies, the Village Commission and applicable management, and is not intended to be and should not be used by anyone other than these specified parties.

Caballero Fierman Llerena & Garcia, LLP

Caballero Fierman Llerena & Garcia, LLP
Miami, Florida
June 30, 2020



CABALLERO FIERMAN
LLERENA + GARCIA LLP
accountants | advisors

**INDEPENDENT ACCOUNTANTS' REPORT ON COMPLIANCE
PURSUANT TO SECTION 218.415 FLORIDA STATUTES**

To the Honorable Mayor, Village Commission, and Village Manager
Village of Biscayne Park, Florida

We have examined the Village of Biscayne Park's (the "Village") compliance with the requirements of Section 218.415 Florida Statutes during the period of October 1, 2018 to September 30, 2019. Management of the Village is responsible for the Village's compliance with the specified requirements. Our responsibility is to express an opinion on the Village's compliance with the specified requirements based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. Those standards require that we plan and perform the examination to obtain reasonable assurance about whether the Village complied, in all material respects, with the specified requirements referenced above. An examination involves performing procedures to obtain evidence about whether Village complied with the specified requirements. The nature, timing, and extent of the procedures selected depend on our judgment, including an assessment of the risks of material noncompliance, whether due to fraud or error. We believe that the evidence we obtained is sufficient and appropriate to provide a reasonable basis for our opinion.

Our examination does not provide a legal determination on the Village's compliance with specified requirements. In our opinion, the Village complied, in all material respects, with the requirements of Section 218.415 Florida Statutes during the period of October 1, 2018 to September 30, 2019.

This report is intended solely for the information and use of management, the Mayor, the Village Commission, others within the Village and the Auditor General of the State of Florida and is not intended to be and should not be used by anyone other than these specified parties.

Caballero Fierman Llerena & Garcia, LLP

Caballero Fierman Llerena & Garcia, LLP
Miami, Florida
June 30, 2020



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report
REGULAR MEETING

Item # 8.a

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: Roseann Prado, Village Clerk

DATE: July 07, 2020

TITLE: Acceptance of Commission Minutes

Background

The minutes as listed below are being provided for the Commissioner's review and acceptance.

Recommendation

Acceptance at Consent Agenda.

Attachment

- Regular Virtual Commission Meeting 06 02 2020
- Special Virtual Commission Meeting 06 16 2020

Prepared by: Roseann Prado, Village Clerk



The Village of Biscayne Park

600 NE 114th St., Biscayne Park, FL 33161

Telephone: 305 899 8000 Facsimile: 305 891 7241

MINUTES

Regular Virtual Commission Meeting

Log Cabin - 640 NE 114th Street

Biscayne Park, FL 33161

Tuesday, June 02, 2020 at 7:00 pm

1 Call to Order

Mayor O'Halpin called the meeting to order at 7:03 pm.

2 Roll Call

Mayor O'Halpin - present

Vice Mayor Tudor - present

Commissioner Kennedy - present

Commissioner Ross - present

Commissioner Samaria - present

Staff present:

Interim Village Manager David Hernandez

Interim Village Attorney John Herin

Village Clerk Roseann Prado

Chief of Police Luis Cabrera

Recording: Cesar Hernandez

3 Pledge of Allegiance

4 Vice-Mayor Nomination

Vice-Mayor William Tudor's term has been completed and Commissioner MacDonald Kennedy is next in line for the position according to the Village Charter, as historically selection of the Vice-Mayor has been by alphabetical order. Commissioner MacDonald Kennedy was nominated for the office of Vice Mayor from June 1st to November 30th, 2020.

5 Additions, Deletions or Withdrawals to the Agenda

Commissioner Ross moved to bring item 6 - Additions, Deletions or Withdrawals to the Agenda to item 5.

Commissioner Ross added the following items to Village Manager Report on item 15.b:

- CITT - audit findings report / frozen funds

- FEMA appeal

Commission Ross also requested to include at Consent Agenda the following items:

11.a - Resolution 2020-26

11.c - Resolution 2020-28

11.d - Resolution 2020-29

Vice-Mayor Kennedy requested to add the following items to Village Manager Report on item 15.b:

- Drain cleaning

Vice-Mayor Kennedy requested Commissioner Samaria to report on item 15.d regarding the charity donations.

Commissioner Ross motioned to approve agenda changes. Mayor O'Halpin seconded.

Motion passed 5 - 0.

6 Presentations

6.a Waste Pro - Kenneth Rivera, Division Manager of Waste Pro of Florida, Inc.

Commission directed Manager to bring

The following persons spoke on the records:

Judi Hamelburg

David Raymond

Janey Anderson

Maha Malike

William Pierce

Art Gonzalez

William Pierce (2nd)

Amy Raymond

Lorie Mertes

Commissioner Kennedy motioned to direct the Manager to bring to Commission Meeting of August 4, 2020 the following options regarding solid waste:

- Pre-feasibility of in-house collection
- Piggyback with another municipality
- RFP for solid waste collection

Commissioner Ross seconded. **Motion passed 5 - 0.**

6.b FDOT project on 6th Avenue - Proposed Resolution 2020-25 - FDOT proposed improvements to 6th Avenue.

Interim Village Manager requested the item to be table due to FDOT is preparing to hold a workshop regarding the improvements on 6th Avenue. Date to be determined.

7 Public Comments Related to Agenda Items / Good & Welfare

The following persons spoke on the records:

Rikki Goodman

Chuck Ross
Maria Sanchez
David Raymond
Nancy Davis
Amy Raymond
Lorie Mertes
Howard G.
William Pierce
Janey Anderson
Bob Anderson
Art Gonzalez
Michael Lyndaker
Nicole Susi
Gage Hartung
Maha Malike
Chuck Ross
Rikki Goodman
Maria Sanchez
Daniel Carbonera

8 Consent Agenda

8.a Acceptance of Commission Minutes

- Regular Commission Meeting May 05, 2020
- Special Virtual Commission Meeting May 19, 2020

8.b Resolution 2020-26 - Miami-Dade County Property Appraiser - Access to Certain



Exempt Information

Item moved from Item 11.a

8.c Resolution 2020-28 - GMS Financial Services - extension of agreement



Item moved from Item 11.c

8.d Resolution 2020-29 - Calvin Giordano extension of agreement



Item moved from Item 11.d

Vice-Mayor Kennedy motioned to approve the Consent Agenda. Commissioner Samaria seconded. **Motion passed 5 - 0.**

9 Ordinances

None

10 Resolutions

10.a Resolution 2020-27 - Tree Matching Grant Program



A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE STREET TREE PLANTING GRANT AGREEMENT BETWEEN THE VILLAGE AND MIAMI-DADE COUNTY, AND EXPEND GRANT AND MATCHING FUNDS IN THE AMOUNT OF \$24,000.00 FOR THE PLANTING OF TREES WITHIN THE VILLAGE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Ross motioned to approve Resolution 2020-27 with the amendments as following:

- Extension to expenditure thru September 30
- Number of species
- Locations

Commissioner Samaria seconded. **Motion passed 5 - 0.**

Commissioner Kennedy motioned to extend the meeting to 12:00am. Commissioner Samaria seconded. Consensus of Commission to approve the extension of meeting.

11 Old Business

11.a Whistleblower Protection - by Commissioner Samaria

Commissioner Samaria motioned to direct the Village Attorney to draft an ordinance regarding whistleblower. Mayor O'Halpin seconded. **Motion passed 3 - 2** (Vice-Mayor Kennedy and Commissioner Tudor opposed)

11.b Gray Robinson Invoices - by Commissioner Samaria

- Charter review board / Amendments to Charter
- Jan 17 and Feb 13 invoices
- Trim compliance

Commission directed the Attorney to work with the Manager to pay Gray Robinson's invoices according with instruction.

Commissioner Ross motioned not to pay invoices as discussed. Vice-Mayor Kennedy seconded. Motion passed 4 - 0. Commissioner Samaria left the room and submitted Form 8B.

Commissioner Ross motioned to call a **Special Commission Meeting** for the balance of the agenda for Tuesday, June 16, 2020 as follows:

12.c - Manager's Report - by Commissioner Kennedy

12.d - Change of Compensation for Commission - by Mayor O'Halpin

12.e - Discussion on Chief of Police contract - by Commissioner Samaria

13.b - Calendar of Village Responsibilities - by Commissioner Kennedy

13.c - Discussion on Construction Site Requirements - by Commissioner Ross

15.b - Report Manager:

- CITT - audit findings report / frozen funds
- FEMA appeal
- Drain cleaning

Commissioner Samaria seconded. **Motion passed 5 - 0.**

12 General Election November 3, 2020 - Candidates Qualifying Date Revised

12.a

Vice-Mayor Kennedy motioned to approve the qualifying period for General Election of November 03, 2020. Mayor O'Halpin seconded. **Motion passed 5 - 0.**

13 Reports

13.a Village Attorney

13.b Village Manager

13.c Board / Committee Reports

13.d Commission Comments:

Mayor O'Halpin

Vice-Mayor Kennedy

Commissioner Ross

Commissioner Samaria

Commissioner Tudor

14 Announcements

- Next Special Virtual Commission Meeting - Tuesday June 16, 2020 6:30 pm.
- Next Regular Commission Meeting - Tuesday July 07, 2020 7:00 pm.

15 Adjournment

Mayor O'Halpin motioned to adjourn the meeting. Vice-Mayor Kennedy seconded. Meeting adjourned at 11:54 pm.

Commission approved on Regular Commission Meeting of July 07, 2020.

Attest:

Virginia O'Halpin, Mayor

Roseann Prado, Village Clerk



The Village of Biscayne Park

600 NE 114th St., Biscayne Park, FL 33161

Telephone: 305 899 8000 Facsimile: 305 891 7241

MINUTES

Special Virtual Commission Meeting via Zoom

Biscayne Park, FL

Tuesday, June 16, 2020 at 6:30 pm

1 Call to Order

Mayor O'Halpin called the meeting to order at 6:30 pm.

2 Roll Call

Mayor O'Halpin - present

Vice Mayor Kennedy- present

Commissioner Ross - present

Commissioner Samaria - present

Commissioner Tudor - present

Staff present:

Interim Village Manager David Hernandez

Interim Village Attorney John Herin

Chief of Police Luis Cabrera

Village Clerk Roseann Prado

Finance Director, Paul Winkeljohn

Recording/Technical Support: Cesar Hernandez

3 Pledge of Allegiance

4 Public Comments Related to Agenda Items / Good & Welfare

The following persons spoke on the record:

Bob Anderson

Janey Anderson

Chuck Ross

David Raymond

Dan Schneiger

Nicholas Gunther

Lorie Mertes

State Senator Jason Pizzo spoke to the community and offered a telephone number to reach his office - 305-505-8478.

Commissioner Ross motioned to add Item 7.c regarding Zoom meetings to the agenda. Vice-Mayor Kennedy seconded. **Motion failed 3 - 2** (Vice-Mayor Kennedy and Commissioner Ross approved)

5 Resolutions

5.a Resolution # 2020-30 - Imposing Annual Solid Waste Assessment for 20-21

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE WITHIN THE VILLAGE FOR FISCAL YEAR 2020-2021; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR SOLID WASTE SERVICE AGAINST ASSESSED PROPERTY LOCATED WITHIN THE VILLAGE OF BISCAYNE PARK FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 THROUGH SEPTEMBER 30, 2021; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; PROVIDING FOR PUBLIC HEARING AND NOTICE THEREOF; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Samaria motioned to approve Resolution 2020-30 as amended. Vice-Mayor seconded. Commission voted as follows:

Mayor O'Halpin - Yes

Vice-Mayor Kennedy - Yes

Commissioner Ross - Yes

Commissioner Samaria - Yes

Commissioner Tudor - Yes

Motion passed 5 - 0.

8 Old Business

8.a Manager's Report - by Vice-Mayor Kennedy

Consensus from Commission was to direct the Manager to present a Manager's Report format at the Commission meeting of July 07, 2020.

8.b Discussion on Chief of Police contract - by Commissioner Samaria

Commissioner Samaria motioned to direct Village Attorney, Village Manager and Police Chief to draft appropriate document in a form of employment or policies procedures. Commissioner Tudor seconded.

Mayor O'Halpin - Yes

Vice-Mayor Kennedy - Yes

Commissioner Ross - Yes

Commissioner Samaria - Yes

Commissioner Tudor - Yes

Motion passed 5 - 0.

8.c Calendar of Village Responsibilities - by Commissioner Kennedy

Vice-Mayor Kennedy motioned to direct the Manager to create an online calendar released on July 31, 2020 to be presented at August 4, 2020 Commission meeting. Commissioner Ross seconded.

Mayor O'Halpin - Yes

Vice-Mayor Kennedy - Yes

Commissioner Ross - Yes

Commissioner Samaria - Yes

Commissioner Tudor - Yes

Motion passed 5 - 0.

8.d Discussion on Construction Site Requirements - by Commissioner Ross

Commissioner Ross motioned to direct Village Attorney to draft a resolution incorporating all comments from Commission and Village Manager. Vice-Mayor seconded.

Mayor O'Halpin - Yes

Vice-Mayor Kennedy - Yes

Commissioner Ross - Yes

Commissioner Samaria - Yes

Commissioner Tudor - Yes

Motion passed 5 - 0.

10 Reports

10.a Village Attorney

10.b Village Manager

- CITT - Enrique Llerena, CPA from Caballero Fierman Llerena & Garcia, LLP
- FEMA Appeal
- FDOT - Tentative workshop July 16, 2020
- Drains cleaning

10.c Mayor O'Halpin

10.d Vice-Mayor Tudor

10.e Commissioner Kennedy

10.f Commissioner Ross

10.g Commissioner Samaria

11 Adjournment

Commission Samaria motioned to adjourn the meeting. Vice-Mayor Tudor seconded. Meeting adjourned at 10:53 pm.

Commission approved on Regular Commission Meeting of July 07, 2020.

Attest:

Virginia O'Halpin, Mayor

Roseann Prado, Village Clerk



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report

Item # 8.b

REGULAR MEETING

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: MacDonald Kennedy, Vice Mayor

DATE: July 7, 2020

TITLE: FAA resolution

Background

The Federal Aviation Administration (FAA) has imposed new flight patterns over the Village of Biscayne Park as a part of its NextGen Air Transportation System. The resulting changes in flight paths and altitudes have a negative impact on the quality of life for a large number of Miami-Dade County residents, including those in the Village, as demonstrated by numerous complaints and negative social media comments from concerned residents. The result of those changes is an increase in noise, light, and air pollution plus dirt from the engine exhaust of low-flying aircraft. U.S. Representative Frederica Wilson's office is requesting support in getting the flight paths changed on behalf of her constituents in South Florida. Other local municipalities, including the City of North Miami, have passed resolutions requesting a change in the flight patterns. Activists in surrounding communities have been leading the way to effect change, but Biscayne Park has been silent on the issue.

Recommendation

As part of the July 7 consent agenda, I am requesting the commission to unanimously pass Resolution 2020-31, which calls on the FAA to revert to the former flight paths and altitudes as soon as possible. Per the resolution (patterned after a similar resolution passed by our friends to the north, the City of North Miami), a copy will be sent to our representatives in Washington D.C. (House and Senate) as well as to the FAA's national and regional administrators. As part of the follow-up, I also request that the commission instruct the manager to have our lobbyist, Dave Caserta, also use this resolution to help get the flight paths changed through his channels.

Resource Impact

Minimal. The village attorney already edited and formatted the resolution. David Caserta's fees are included in his agreement.

Attachment(s)

- Resolution 2020-31

Prepared by: MacDonald Kennedy, Vice Mayor

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RESOLUTION NO. 2020-31

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, URGING THE FEDERAL AVIATION ADMINISTRATION (FAA) TO MODIFY FLIGHT PATHS AND ALTITUDES IMPOSED BY NEXTGEN AIR TRANSPORTATION TO PRE-NEXTGEN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the Federal Aviation Administration (FAA) has imposed new flight patterns over the Village of Biscayne Park (“Village”) as a part of its NextGen Air Transportation System (“NextGen”); and

WHEREAS, the resulting changes in flight paths and altitudes has a negative impact on the quality of life for a large number of Miami-Dade County residents, including those in the Village; and

WHEREAS, the Village has received numerous complaints and has monitored social media comments from concerned residents directly affected by the change in flights patterns, with neighborhoods increasingly affected by noise, light and air pollution from low-flying aircraft for almost 24 hours a day; and

WHEREAS, any savings realized through NextGen should be balanced against the growing negative impact on the Village and its residents; and

WHEREAS, the Village urges the FAA to revisit the NextGen flight pattern plan and revert to the former flight paths as soon as possible; and

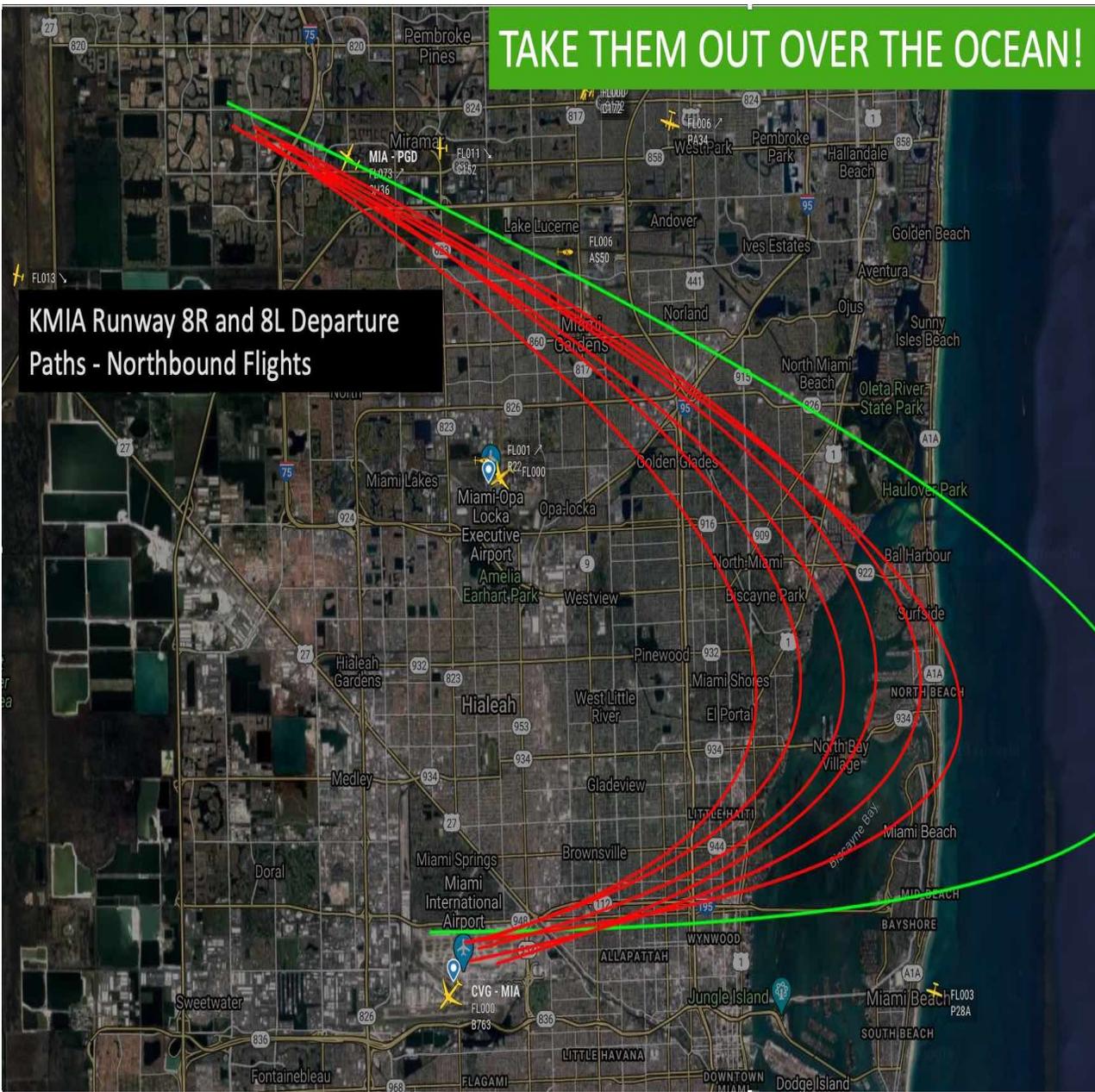
WHEREAS, the Village Commission directs the Village Clerk to forward a copy of this Resolution to all United States Representatives from Miami-Dade County, Florida’s United States Senators, FAA Administrator Stephen Dickinson, and FAA Regional Administrator Michael O’Harra.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, THAT:

Section 1. Recitals. The above recitals are true and correct, and incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the Village Commission.

Section 2. Flight Patterns over the Village. The Mayor and Commission of the Village of Biscayne Park, Florida, hereby urge the FAA to modify flight paths and altitudes imposed by NextGen to pre-NextGen flight paths and altitudes.

TAKE THEM OUT OVER THE OCEAN!



KMIA Runway 8R and 8L Departure Paths - Northbound Flights

FAA CURRENT AND PROPOSED FLIGHT PLANS

- Predominantly routed over dense populations
- Unnecessarily high consequence area
- Low altitude ascending aircraft
 - 1,000-5,000ft altitudes
 - High level of noise pollution
 - Exhaust particles
 - Substantial lifestyle disruption

RESIDENT-DESIRED FLIGHT PLAN

- Least number of impacted residences
- Smallest consequence area
- Preponderance of ascension over water
- Aircraft at much higher altitude when crossing back over land - 10,000-15,000ft
 - Much less disruptive to residents
 - Higher particle disbursement
 - Nominal extension of routes <3mi.
- Initial entry point back over land is a public park vs dense population
- Cease ATC vector routing out of KMIA



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report

Item # 8.c

REGULAR MEETING

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: Rox Ross, Commissioner

DATE: July 7, 2020

TITLE: A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE
OF BISCAYNE PARK, FLORIDA, CONDEMNING SYSTEMIC RACE
BIAS AND VIOLENCE, AND SUPPORTING RACIAL AND SOCIAL
JUSTICE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR
AN EFFECTIVE DATE.

Recommendation

Commission approval of the attached resolution.

Background

See attached. Self-explanatory.

Fiscal / Budget Impact

Negligible clerical costs associated with this action.

Attachments

Proposed Resolution 2020-32

Prepared by: Rox Ross, Commissioner

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RESOLUTION NO. 2020-32

**A RESOLUTION OF THE VILLAGE COMMISSION OF THE
VILLAGE OF BISCAYNE PARK, FLORIDA, CONDEMNING
SYSTEMIC RACE BIAS AND VIOLENCE, AND SUPPORTING
RACIAL AND SOCIAL JUSTICE; PROVIDING FOR
SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, George Floyd was detained by Minneapolis police officers after being accused of using counterfeit currency; and

WHEREAS, police officer actions during the arrest included kneeling on Mr. Floyd's neck until he became unresponsive, leading to his death; and

WHEREAS, the basic missions of police are maintaining public safety, enforcing the law, and preventing, detecting, and investigating criminal activities; and,

WHEREAS, the senseless use of excessive force by a small percentage of officers interferes with these missions by undermining the public's confidence in police; and

WHEREAS, the resulting community distrust continues to tension and outrage, often culminating in violence that tears at the nation's social fabric; and

WHEREAS, the Village Commission is anguished and outraged by the tragic homicide of George Floyd, and other acts of systemic race bias and violence across the country; and

WHEREAS, the Village Commission, acknowledges Desmond Tutu's admonition, "if you are neutral in situations of injustice, you have chosen the side of the oppressor"; and

WHEREAS, the Village Commission desires to not only voice concern but act for continued positive change toward recognizing the humanity and dignity of every person in our communities; and

WHEREAS, the Village Commission supports nationwide and local reforms to use of force policies that encourage officers to de-escalate situations where possible; prohibit the use of maneuvers that cut off a person's oxygen or blood flow; require officers to intervene, stop excessive force and report such incidents to a supervisor; and require officers to exhaust all other reasonable means before resorting to deadly force.

THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, THAT:

Section 1. Recitals. The above recitals are true and correct, and incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the Village Commission.

Section 2. Statement of Solidarity. The Village Commission condemns the reckless actions of the Minneapolis police officers involved, and grieves with the family of George Floyd for their loss and joins with the family in its call for justice and peace following this incident. The Village Police Department's use of force policy should include, if the policy doesn't already do so, methods to de-escalate situations where possible; prohibiting the use of maneuvers that cut off a person's oxygen or blood flow;

1 requiring officers to intervene, stop excessive force and report such incidents to a supervisor; and require
2 officers to exhaust all other reasonable means before resorting to deadly force, pursuant to Chapter 776,
3 *Florida Statutes*.

4
5 **Section 3. Severability.** If any section, sentence, clause or phrase herein is held to be invalid
6 by any court of competent jurisdiction, then said holding shall in no way affect the validity of the
7 remaining portions of this Resolution.

8
9 **Section 4. Effective Date.** This Resolution shall become effective immediately upon its
10 adoption.

11
12 PASSED AND ADOPTED this 7th day of July, 2020.

13
14 The foregoing Resolution was offered by _____, who moved its
15 adoption. The motion was seconded by _____, and upon being put to a vote
16 the vote was as follows:

17
18 Virginia O’Halpin, Mayor _____
19 Macdonald Kennedy, Vice Mayor _____
20 Daniel Samaria, Commissioner _____
21 William Tudor, Commissioner _____
22 Roxanna Ross, Commissioner _____
23

24 VILLAGE OF BISCAYNE PARK

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27 _____
28 Virginia O’Halpin, Mayor

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31 ATTEST:

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35 _____
36 Roseann Prado, Village Clerk

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38 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
39 USE AND RELIANCE OF THE VILLAGE OF BISCAYNE PARK ONLY:

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43 _____
44 John R. Herin, Jr., Interim Village Attorney



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report
REGULAR MEETING

Item # 9.a.

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: John R. Herin, Jr., Interim Village Attorney

DATE: July 7, 2020

TITLE: ORDINANCE NO. 2020-03. AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, ESTABLISHING PROTECTIONS FOR VILLAGE EMPLOYEES WHO DISCLOSE SPECIFIED INFORMATION; REQUIRING THE SUBMISSION OF ANNUAL REPORTS; PROVIDING FOR INSPECTOR GENERAL OVERSIGHT; PROVIDING FOR INCLUSION IN THE CODE AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE

Recommendation

Approve or reject proposed Ordinance 2020-03 on first reading.

Background

Pursuant to Commission direction is proposed Ordinance 2020-03 establishing Village employee whistleblower protections.

Resource Impact

Cost of implementation.

Attachment(s)

- Proposed Ordinance 2020-03
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Prepared/Sponsored by: Village Commission

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ORDINANCE NO. 2020-03

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, ESTABLISHING PROTECTIONS FOR VILLAGE EMPLOYEES WHO DISCLOSE SPECIFIED INFORMATION; REQUIRING THE SUBMISSION OF ANNUAL REPORTS; PROVIDING FOR INSPECTOR GENERAL OVERSIGHT; PROVIDING FOR INCLUSION IN THE CODE AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE

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WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

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WHEREAS, Section 4.03 of the Village Charter of the Village of Biscayne Park empowers the Village Commission to adopt, amend, or repeal such ordinances as may be required for the proper governing of the Village; and

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WHEREAS, the Village Commission desires to adopt regulations protecting Village employees who disclose specified information from retaliatory adverse employment action by Village administration.

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NOW, THEREFORE, BE ORDAINED BY THE VILLAGE OF BISCAYNE PARK, FLORIDA AS FOLLOWS:¹

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Section 1. Recitals. The above recitals are true and correct, and incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the Village Commission.

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Section 2. Adoption of New Code Provisions. The Code of Ordinances, Village of Biscayne Park, Florida, is hereby amended by adding new sections, which read as follows:

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36
CHAPTER , ARTICLE , DIVISION
VILLAGE EMPLOYEES AND CONTRACTORS
WHISTLEBLOWER PROTECTION

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Sec. ____ - Declaration of legislative intent.

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The intent of this division is to provide minimum standards prohibiting Village administration or independent contractors from taking retaliatory action against any Village employee or person who reports a violation of law on the part of the Village, a Village officer, or independent contractor relating to a substantial and specific danger to the public's health, safety, or welfare; or who reports unlawful activity, misfeasance, malfeasance, gross

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¹/ Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strikethrough~~.

1 waste of funds, or any other abuse or gross neglect of duty on the part of the
2 Village, Village officer, or independent contractor.

3 Recognizing that the State of Florida has adopted its own Whistle-
4 blower's Act, § 112.3187 et seq., Florida Statutes, and that the state act
5 provides for the adoption of local procedures for administrative
6 enforcement, the Village Commission intends this division to be interpreted
7 consistently with the state act, as it may be amended from time to time.
8

9
10 Sec. _____ . - Jurisdiction and area of application.

11
12 (1) The provisions of this division shall apply to any complaint naming
13 the Village or a Village contractor as a respondent.

14
15 (2) The provisions of this division shall be cumulative and in addition
16 to and not in derogation of any and all other existing provisions or laws.
17

18
19 Sec. _____ . - Definitions. As used in this article:

20
21 (1) Employee means a person who performs services for, and under the
22 control and direction of, or contracts with, the Village or independent
23 contractor for wages or other remuneration.

24
25 (2) Adverse personnel action means the discharge, suspension, transfer,
26 or demotion of any employee or the withholding of bonuses, the reduction
27 in salary or benefits, or any other adverse personnel action taken against an
28 employee within the terms and conditions of employment by the Village or
29 independent contractor.

30
31 (3) Independent contractor means a person, other than a federal, state,
32 or local government entity, engaged in any business and who enters into a
33 contract, including a provider agreement, with the Village.

34
35 (4) Person means any natural person, corporation, firm, joint venture or
36 entity other than a federal, state or local government entity or any employee
37 thereof.

38
39 (5) Technical support means assistance intended to facilitate the
40 development of processes and procedures and not assistance in conducting
41 investigations.

42
43 (6) Ethics Commission means the Miami-Dade Commission on Ethics
44 and Public Trust.

45
46 (7) Inspector General means the Miami-Dade County Office of the
47 Inspector General.

48
49 (8) Village means the Village of Biscayne Park, Florida.

(9) All other words or terms used in this division shall have the same
meaning as such words and terms have under the State Whistleblower's Act.

Sec. _____ . - Village employee protection.

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(1) County Technical Support for Municipal Employee Protection.

- (a) The Inspector General may provide a requesting municipality with technical support in developing the processes and procedures for receiving, documenting, and investigating disclosures of actual or suspected violations of law or prohibited acts committed by an employee or agent of the Village or independent contractor.
- (b) The Ethics Commission may provide the Village with technical support in developing the processes and procedures for receiving, documenting and investigating complaints of adverse personnel action taken in retaliation for disclosing information under this division.
- (c) The technical support referenced in subsections (1)(a) and (b) above is not intended to replace the Village's own commitment of resources to develop a system for the intake, processing, and documentation of disclosures of violations and adverse personnel actions, and the investigation of such complaints.

(2) Actions prohibited.

- (a) The Village shall not dismiss, discipline, take any other adverse personnel action or other adverse action that affects the rights or interests of an employee or person because the employee or person has disclosed or threatened to disclose information pursuant to this division; unless the employee or person discloses information known by the employee or person to be false.
- (b) The information disclosed under this division must include:
 - (i) Any violation or suspected violation of any federal, state or local law, rule or regulation committed by an employee or agent of the Village or independent contractor which creates and presents a substantial and specific danger to the public's health, safety or welfare; or
 - (ii) Any act or suspected act of gross mismanagement, malfeasance, gross waste of public funds or gross neglect of duty committed by an employee or agent of the Village or an independent contractor.
 - (iii) The information must be disclosed to the Village Manager or designee, or other appropriate local

1 official for the Village as described in § 112.3187(6),
2 Fla. Stat.

3
4 (iv) The protections of this division extend to Village
5 employees and persons who disclose information on
6 their own initiative in a written and signed complaint;
7 who are requested to participate in an investigation,
8 hearing, or other inquiry conducted by the Village,
9 any local, state or federal government entity having
10 the authority to investigate, police, manage, or
11 otherwise remedy the violation or act; who refuse to
12 participate in any adverse personnel action
13 prohibited by this division; who refuse to participate
14 in any adverse action prohibited by this division; or
15 who are otherwise protected by the State
16 Whistleblower's Act.

17
18 (3) Actions not covered.

19
20 (a) The provisions of this division may not be used by
21 employees or persons while they are under care, custody, or
22 control of the state or county correctional system or, after
23 release from the care, custody, or control of the state or
24 county correctional system, with respect to circumstances
25 that occurred during any period of incarceration.

26
27 (b) No remedy or other protection under this division apply to
28 any employee or person who has committed or intentionally
29 participated in committing a violation or suspected violation
30 for which protection under this division is being sought.

31
32 (c) An employee or person who provides false information
33 pursuant to this division may be investigated and prosecuted
34 pursuant to Florida Statutes.

35
36 (d) It shall be an affirmative defense to any complaint brought
37 pursuant to this division that the adverse action was
38 predicated upon grounds other than, and would have been
39 taken absent, the employee's or person's exercise of rights
40 protected by this division.

41
42 (4) Village manager.

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44 (a) The Village manager shall designate an appropriate
45 executive-level Village official or authority to receive
46 written and signed complaints of prohibited actions as
47 described in this division.
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1 (b) Any complaint filed with the Village pursuant to this
2 division shall be heard by a panel of impartial persons
3 appointed by the Village manager. Such panelists may be
4 paid a fee for their services, but shall not be deemed Village
5 officials or employees. The panel shall conduct a hearing
6 after notice to the complainant, the respondent, and the
7 Village department, or independent contractor involved.
8 Any interested party may procure the attendance of
9 witnesses and the production of records at such hearings.
10 Upon hearing the complaint, the panel must make findings
11 of fact and conclusions of law, and recommendations for a
12 final decision by the Village manager. Within 180 days after
13 entry of a final decision by the Village manager, the Village
14 employee or person who filed the complaint may bring a
15 civil action in any court of competent jurisdiction.

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17 Sec. _____ - Relief.

18
19 (1) In any case brought under this division in which the Village manager
20 finds that the employee or person has been subjected to an adverse
21 action in violation of this division, the Village manager may:

22
23 (a) Reinstate the employee to the same position held before the
24 adverse personnel action was commenced or to an equivalent
25 position, or award reasonable front pay as alternative relief;

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27 (b) Reinstate the employee's fringe benefits and seniority rights,
28 as appropriate; and

29
30 (c) Compensate the employee, if appropriate, for lost wages,
31 benefits or other lost remuneration caused by the adverse
32 personnel action, or compensate the person, if appropriate,
33 for the lost income, benefits or other lost remuneration
34 caused by the adverse action.

35
36 (d) Specify that the Village may sanction an independent
37 contractor for violations of this division in one or more of
38 the following ways:

39
40 (i). Require the independent contractor to compensate
41 the person or reimburse the Village for any amounts
42 paid by the Village to compensate the person, for the
43 lost income, benefits or other lost remuneration
44 caused by the adverse action of the independent
45 contractor;

46
47 (ii). Debar the independent contractor pursuant to any
48 existing Village debarment procedures; or
49

1 (iii). Suspend payment or terminate payment under the
2 contract or terminate the contract with the
3 independent contractor.

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5 (e) If the independent contractor fails to pay any sanctions
6 assessed by the Village under this division, the Village may
7 impose sanctions against the non-complying independent
8 contractor similar to the sanctions delineated under Section
9 2-967.8(4)—(8) of the Code of Miami-Dade County.

10
11 (2) The rights, privileges or remedies of any employee under any other
12 law or rule or under any collective bargaining agreement or
13 employment contract are not diminished; and that the election of
14 remedies provided by § 447.401, Fla. Stat. shall also apply to
15 complaints under this division.

16
17 (3) This division guarantees the protections of state law be afforded to
18 any individual who discloses information in compliance with this
19 division to the Village manager or designee. The identity of such
20 individuals shall be confidential and exempt from the provisions of
21 the public records laws to the fullest extent permitted by, and in
22 accordance with the law including, but not limited to, the
23 confidentiality requirements and exemptions set forth in §§
24 119.0713 and 112.3188, Fla. Stat.

25
26 (4) Any Village employee found by the Village manager or designee to
27 have retaliated against another Village employee in violation of this
28 division shall be subject to disciplinary action up to and including
29 dismissal from Village employment.

30
31 (5) The Village manager or designee shall provide training regarding
32 this division to all current Village employees, and to new Village
33 employees hired after the effective date of this division as part of the
34 initial employee orientation.

35
36 (6) The Village manager or designee shall periodically provide
37 information and publish instructions on this division including, but
38 not limited to, the disclosure of information, the methods of
39 disclosing information, and the protections afforded by this division,
40 to all employees and public officials of the Village.

41
42 (7) The chief executive officer, or his/her designee to maintain an
43 accurate and complete log of all complaints made by municipal
44 employees pursuant to this division, and to provide that report to the
45 Inspector General on an annual basis;

46
47 Sec. _____ - Optional Investigation by the Ethics Commission. In addition
48 to the remedies set forth in this division, every Village employee may:
49

1 (1) After exhausting all available administrative remedies provided for
2 in this division, or an applicable collective bargaining agreement,
3 file a written complaint with the Ethics Commission alleging a
4 prohibited personnel action, no later than 60 days after a final
5 written decision regarding an alleged prohibited personnel action
6 has been rendered under the administrative or contractual
7 procedures referenced above. The purpose of such complaint is to
8 determine whether, in addition to any findings or determination
9 made in any of the above-referenced administrative or contractual
10 proceedings, there has been a violation of this division.

11 (2) Within ten working days after receiving a complaint under this
12 division, the Ethics Commission shall acknowledge receipt of the
13 complaint and provide copies of the complaint to the employee
14 accused of retaliation and the Village manager.

15 (3) Upon the filing of a complaint with the Ethics Commission under
16 this division, the Ethics Commission shall:

17 (a) Conduct a preliminary investigation, to the extent necessary,
18 to determine whether there is probable cause to believe that
19 a prohibited personnel action under this division has
20 occurred.

21 (b) Within 90 days after receiving the complaint, provide the
22 accused employee, the Village manager and the complainant
23 with a copy of a probable cause memorandum and conduct
24 a probable cause hearing before the Ethics Commission.
25 Notwithstanding the procedures provided in Chapter 2,
26 Article LXXVIII of the Code of Miami-Dade County, the
27 Ethics Commission may use hearing examiners when a
28 complaint is filed under this division, which shall make a
29 determination as to whether there is probable cause to
30 believe retaliation prohibited by this division has occurred.
31 The probable cause memorandum and the final written
32 decision and findings of the administrative or contractual
33 proceedings shall be presumed admissible in any Ethics
34 Commission hearing conducted under this division.

35 (c) The time limits regarding the actions to be taken by the
36 Ethics Commission set forth above may be extended by the
37 Ethics Commission for good cause.

38 (d) Based on its fact-finding report, the Ethics Commission may
39 recommend to the Village manager, an appropriate course of
40 action. The Village manager may thereafter take appropriate
41 relief in accordance with Section 2-967.10.5.(a)(vi) of the
42 Code of Miami-Dade County.

1 Sec. _____ . – Village shall file annual report. The Village shall annually file
2 a report detailing the number of complaints received under this division and
3 the dispositions of those complaints with the Inspector General of Miami-
4 Dade County. The annual report shall not contain the identity of any
5 complainant.

6 Sec. _____ - Oversight by the Inspector General. In accordance with the
7 Inspector General's functions, powers and authority, the Inspector General:

- 8
9 (1) Shall have the power to audit, investigate, monitor, oversee, inspect
10 and review the processes and procedures for the receipt, intake, and
11 investigation of complaints that have been established in accordance
12 with this division.
- 13 (2) Shall have the power to obtain from the Village any reports or
14 information required by the Inspector General during the course of
15 an audit, investigation, monitoring, oversight, inspection or review,
16 conducted in accordance with this division.
- 17 (3) Whenever the Inspector General concludes a report or
18 recommendation regarding the Village's compliance with this
19 division, the Inspector General shall provide a copy of the report or
20 recommendation to the Village manager or designee, responsible for
21 the enforcement of this division. The Inspector General shall
22 provide the Village manager or designee, with 10 working days to
23 submit a written explanation or rebuttal of the findings before the
24 report or recommendation is finalized, and such timely submitted
25 written explanation or rebuttal shall be attached to the finalized
26 report or recommendation. The Inspector General's final report will
27 be submitted to the Village Commission and to the Board of County
28 Commissioners.

29
30 **Section 3. Inclusion in the Code & Scrivener’s Errors.** The Village Commission intends
31 that the provisions of this Ordinance be made a part of the Biscayne Park Code, and that sections herein
32 may be renumbered or re-lettered and the words or phrases herein may be changed to accomplish
33 codification; regardless, typographical errors that do not affect intent may be corrected with notice to and
34 authorization of the Village Manager without further process.

35
36 **Section 4. Conflicts.** Whenever the requirements or provisions of this Ordinance are in
37 conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most
38 restrictive shall apply.

39 **Section 5. Severability.** If any section, subsection, sentence, clause or phrase of this
40 Ordinance is for any reason, declared by a court of competent jurisdiction to be unconstitutional or invalid,
41 such decision will not affect the validity of the Ordinance as a whole, or any part thereof, other than the
42 part so declared.

43
44 **Section 6. Copy of Ordinance.** Within 30 days of the adoption of this Ordinance, the Village
45 Clerk shall provide written notice and a copy of the Ordinance to: the Clerk of the Board of the Board of
46 County Commissioners, the Inspector General, and the Ethics Commission.

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48 **Section 7. Effective Date.** This Ordinance shall become effective upon adoption by the Town
49 Council.

1 PASSED AND ADOPTED upon first reading this 7th day of July, 2020.

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4 PASSED AND ADOPTED upon second reading this ____ day of _____, 202_.

5
6 The foregoing Ordinance was offered by _____, who moved its
7 adoption. The motion was seconded by _____, and upon being put to a vote
8 the vote was as follows:

9
10 Virginia O’Halpin, Mayor _____
11 MacDonal Kennedy, Vice Mayor _____
12 Roxanna Ross, Commissioner _____
13 Dan Samaria, Commissioner _____
14 William Tudor, Commissioner _____
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17 VILLAGE OF BISCAYNE PARK

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20 _____
21 Virginia O’Halpin, Mayor

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23
24 ATTEST:

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27 _____
28 Roseann Prado, Village Clerk

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31 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
32 USE AND RELIANCE OF THE VILLAGE OF BISCAYNE PARK ONLY:

33
34
35 _____
36 John R. Herin, Jr., Interim Village Attorney



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report
REGULAR MEETING

Item # 10.a.

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: John R. Herin, Jr., Interim Village Attorney

DATE: July 7, 2020

TITLE: Resolution 2020-20. A Resolution of the Village Commission of the Village of Biscayne Park, Florida, Adopting Rules of Procedures for Commission Meetings and Workshops; Providing for Severability; and Providing for an Effective Date

Recommendation

Approve Resolution 2020-20

Background

At its meeting in May, the Village Commission directed staff to revise proposed Resolution 2020-20 establishing rules of procedure for Commission meetings and workshops in lieu of adopting Ordinance 2019-06. In addition to changes made to proposed Resolution 2020-20 during the May meeting, additional changes have been made consistent with Commission direction and are reflected in strikeout and underline format. Areas of remaining concern are highlighted in yellow for additional Commission input, including new language requested by several Commissioners regarding time limitations on Commission discussion of agenda items. As staff has indicated on several occasions, the modification and ultimate adoption of Resolution 2020-20 is uniquely the province of the Commission.

Resource Impact

None.

Attachment(s)

- Resolution 2020-21 and Exhibit "1"
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Prepared by: Interim Village Attorney

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RESOLUTION NO. 2020-20

**A RESOLUTION OF THE VILLAGE COMMISSION OF THE
VILLAGE OF BISCAYNE PARK, FLORIDA, ADOPTING RULES
OF PROCEDURES FOR COMMISSION MEETINGS AND
WORKSHOPS PROVIDING FOR SEVERABILITY; AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Section 4.01(B) of the Charter of the Village of Biscayne Park (“Village”) states the Commission shall determine its own rules of procedure and order of business; and

WHEREAS, the Village Commission desires to establish rules of procedures for meetings and workshops to promote order, decorum, and civility during Commission meetings

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, THAT:

Section 1. Recitals. The above recitals are true and correct, and incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the Village Commission.

Section 2. Commission Rules of Procedure. The Rules of Procedure for Meetings of the Biscayne Park Village Commission, attached hereto as Exhibit “1,” are adopted.

Section 3. Severability. If any section, sentence, clause or phrase herein is held to be invalid by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.

Section 4. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 7th day of July 2020.

The foregoing Resolution was offered by _____, who moved its adoption. The motion was seconded by _____, and upon being put to a vote the vote was as follows:

Virginia O’Halpin, Mayor	_____
MacDonald Kennedy, Vice Mayor	_____
Roxanna Ross, Commissioner	_____
Dan Samaria, Commissioner	_____
William Tudor, Commissioner	_____

1 VILLAGE OF BISCAYNE PARK
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3

4 _____
5 Virginia O’Halpin, Mayor
6
7

8
9 ATTEST:

10
11
12 _____
13 Roseann Prado, Village Clerk
14

15
16 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
17 USE AND RELIANCE OF THE VILLAGE OF BISCAYNE PARK ONLY:
18

19
20 _____
21 John R. Herin, Jr., Interim Village Attorney
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EXHIBIT "1"

RULES OF PROCEDURE FOR VILLAGE COMMISSION MEETINGS AND WORKSHOPS

RULE 1 – MEETINGS

(a) *Regular meetings.* Unless modified by Resolution adopted by a simple majority vote of the Commission, regular Commission meetings shall take place on the first Tuesday of each month starting at 7:00 p.m., at the Log Cabin or Village Hall. Unless extended by a simple majority of the Commission regular Commission meetings shall adjourn no later than 11:00 p.m. The Village Commission may publicly vote to reschedule any regular meeting date to a date and time certain.

(b) *Special meetings.* The Mayor, or four (4) members of the Commission, may call a special meeting of the Commission. Upon the call of a Commissioner for a special meeting, the Village Clerk shall immediately serve the Mayor and other Commissioners written notice of the proposed special meeting, the purpose of the meeting, and requesting written confirmation of the Mayor or three (3) other members of the Commission agreeing to have a special meeting. Upon receipt of such written confirmation, or upon the call of the Mayor for a special meeting, the Village Clerk shall immediately serve written notice upon each member of the Commission stating the date, hour, and place of the special meeting and the purpose of such meeting, and the Commission may not consider any other business at that meeting. At least twenty-four (24) hours must elapse between the Village Clerk receiving ~~notice of a special meeting~~ a request from the Mayor or four (4) members of the Commission for a special meeting, the placement of a notice of a special meeting at Village Hall and the Village webpage, and the date ~~time~~ the meeting takes place. A special meeting may be cancelled by simple majority vote of those present at a regular meeting, or by three (3) members of the Commission, each individually serving a written notice of request for cancellation upon the Village Clerk, who shall provide public notice at Village Hall and the Village webpage of the cancellation of the special meeting.

(c). *Emergency meetings.* The Mayor may call an emergency meeting of the Commission whenever an emergency exists requiring immediate action by the Commission. Upon the call of the Mayor for an emergency meeting, the Village Clerk shall immediately serve written notice upon each member of the Commission stating the date, hour, and place of the emergency meeting and the purpose of such meeting, and the Commission may not consider any other business at that meeting. If possible, at least twenty-four (24) hours must elapse between the Village Clerk receiving a request from the Mayor for an emergency ~~notice of an emergency meeting from the Mayor~~, the placement of a notice of an emergency meeting at Village Hall and the Village webpage, and the date ~~time~~ the meeting takes place. A simple majority vote of those present at a regular meeting, or by three (3) members of the Commission each individually serving a written notice of request for cancellation upon the Village Clerk, who shall provide public notice at Village Hall and the Village webpage of the cancellation of the emergency meeting. After an emergency meeting, the Commission shall publicly ratify both the calling of the emergency meeting and any emergency actions taken therein, during its next regular Commission meeting by adoption of a Resolution. A simple majority vote of Commission members present is required for the ratification.

(d) *Notice to Commissioners.* If after reasonable diligence, it is impossible to give notice to each Commissioner of a special or emergency meeting called by the Mayor, such failure shall not affect the legality of the meeting if a quorum is present. The minutes of each special or emergency

1 meeting shall show the manner and method by which each Commissioner received notice of such
2 special or emergency meeting.

3
4 (e) *Workshops.* At a regular Commission meeting, by a simple majority vote the Commission
5 may schedule a workshop to receive resident comments or publicly discuss any issue. The
6 Commissioner requesting the workshop must state the purpose of the workshop, and the
7 Commission may not consider any other matter(s) at that workshop. The Commissioner shall
8 provide all supporting documentation and materials for the workshop to the Village Clerk at least
9 one (1) week in advance of the workshop date, unless the workshop is requested by staff or related
10 to the annual budget. The Village Clerk shall post the agenda and all supporting materials in
11 advance of the workshop in the same manner as a regular Commission meeting. The Commission
12 may not take action at a workshop.

13
14 (f) *Notice to public of cancellation.* The Village Clerk shall post all meeting and workshop
15 cancellation notices At Village Hall, all social media platforms the village subscribes to, and on
16 the Village webpage. The Village Clerk shall also post cancellation notices at the entrances of the
17 location of the meeting on the date of the cancelled meeting.

18
19 (g) *Open to the Public.* Except for meetings exempt under the Sunshine Law, all regular,
20 special, emergency meetings, and workshops are open to the public. The Village Clerk shall keep
21 minutes of all meetings.

22
23 RULE 2 - AGENDA

24
25 (a) *Agenda.* The Village Clerk, at the direction of the Village Manager, will prepare a
26 proposed agenda for each Commission meeting and workshop. The Village Clerk must receive
27 all requests from Village staff/department heads to place an item of business on the proposed
28 agenda prior to the agenda deadline announced by the Village Clerk for the upcoming meeting.
29 Prior to the proposed agenda deadline, any Commissioner may request to place items of business
30 on the proposed agenda. Additionally, the Village Attorney may request to place items of business
31 on the proposed agenda. The deadline for the submission of an item of business for placement on
32 the proposed agenda is eight (8) days prior to the meeting date in question (Eight Day Rule). At
33 the time of requesting to place items of business on the proposed agenda, the individual making
34 the request must provide the Village Clerk with all available supporting documentation for each
35 proposed agenda item. Upon completion of the proposed agenda, each Commissioner will receive
36 a copy of the proposed agenda and supporting documentation five (5) days prior to the meeting
37 date in question (Five Day Rule), and contemporaneously the Village Clerk will make available a
38 copy of the proposed agenda available for public inspection and distribution at Village Hall and
39 on the Village's webpage. The Eight and Five Day Rules are not applicable to special or
40 emergency meetings called in compliance with the Village Code and Charter.

41
42 (b) *Cover Memorandum for Proposed Agenda Items.* Proposed agenda items must include a
43 cover memorandum providing, at minimum, the general background of the item presented to the
44 Commission; a clear recommended course of action by the Commission; and an estimated financial
45 impact to include whether the adopted budget allocates funds for the proposed item. In the event
46 a proposed item is contingent upon receiving grant funds, the memorandum shall so state.

47
48 (c) *Village Staff Review.* The Village Manager, Village Attorney, and Village Clerk shall
49 ensure all agenda materials conform to the requirements provided herein. The Village Clerk shall

1 promptly notify a submitter of a deficient proposed item and provide an opportunity to correct the
2 materials to be included in the proposed agenda. The Village Attorney shall review and approve
3 all ordinances, resolutions, and contract documents, as to form and legality.
4

5 (d) *Emergency or Time Sensitive Items.* Emergency or other time sensitive items may be
6 placed on ~~the~~ a regular or special meeting agenda upon a simple majority vote of the Commission
7 present. The motion to approve the placement of the emergency or other time sensitive item on
8 the agenda must state the nature of emergency or time sensitive circumstances warranting a waiver
9 of the Commission's Rules of Procedure.

10
11 (e) *Adoption of the Agenda.* As its first order of business after the Call to Order, Roll Call,
12 and Pledge of Allegiance, the Commission will discuss, revise (if necessary), and adopt a final
13 agenda for the meeting. Except for emergency or time sensitive items, no additional items may be
14 added to the agenda, unless approved by a supermajority vote of the Commission present. The
15 Commission will not consider any add-on items not brought forward during the agenda discussion.
16 An item removed from the agenda shall be deemed withdrawn and consideration of the matter
17 covered under the item shall require the introduction of a new item.
18

19 RULE 3 - ORDER OF BUSINESS

20
21 The agenda order of business for each regular meeting is:

- 22
- 23 • Call to Order
- 24 • Roll Call
- 25 • Pledge of Allegiance
- 26 • Additions, Deletions or Withdrawals to the Agenda
- 27 • Presentations & Proclamations
- 28 • Public Comments on Non-Public Comment Agenda Items/Good & Welfare of the Village
- 29 • Approval of Consent Agenda
- 30 • Old Business
 - 31 ➤ Discussion Items
 - 32 ➤ Resolutions
 - 33 ➤ Public Hearings
 - 34 ▪ Resolutions Requiring Public Hearing (public comment)
 - 35 ▪ Ordinances on First Reading (public comment)
 - 36 ▪ Ordinances on Second Reading (public comment)
 - 37 ▪ Quasi-Judicial Hearings (public comment)
- 38 • New Business
 - 39 ➤ Discussion Items
 - 40 ➤ Resolutions
 - 41 ➤ Public Hearings
 - 42 ▪ Resolutions Requiring Public Hearing (public comment)
 - 43 ▪ Ordinances on First Reading (public comment)
 - 44 ▪ Ordinances on Second Reading (public comment)
 - 45 ▪ Quasi-Judicial Hearings (public comment)
- 46 • Reports
 - 47 ➤ Boards & Committees Reports
 - 48 ➤ Village Attorney
- 49

➤ Village Manager

- Final Public Comment
- Commission and/or staff response to public comments
- Commissioner’s Comments
- Requests for Placement of Items on the Next Commission Meeting Agenda
- Announcements
- Adjournment

RULE 4 - PRESIDING OFFICER

(a) *Mayor or Vice-Mayor.* The orderly conduct of Commission meetings is paramount to ensure the public has a full opportunity to voice their comments or concerns regarding items on the agenda or issues of general concern not on the agenda prior to any Commission action, and that the deliberative process of the Commission is conducted as efficiently as possible. The Presiding Officer shall be responsible for maintaining the order and decorum of meetings. The Village Mayor shall serve as the Presiding Officer for Commission meetings. In the Mayor’s absence, the Vice-Mayor shall serve as the Presiding Officer for Commission meetings. If the Mayor and Vice Mayor are both absent, the remaining Commissioners shall elect by a vote a Presiding Officer for that meeting.

(b) *Village Staff.* The Village Attorney, Village Manager, and Village Clerk shall be available at the Commission’s request at all meetings and public workshops. When requested by the Presiding Officer, the Village Attorney shall act as parliamentarian, and shall advise and assist the Presiding Officer in matters of parliamentary procedure. The Village Clerk shall prepare the minutes and shall certify all ordinances and resolutions adopted by the Commission.

RULE 5 – CALL TO ORDER, ROLL CALL & QUORUM

(a) *Call to Order.* Promptly at the hour set for each meeting, the members of the Commission, the Village Attorney, the Village Manager and the Village Clerk shall take their seats on the dais. The Presiding Officer shall call the Commission to order immediately. In the absence of the Presiding Officer, the Village Clerk shall then determine whether a quorum is present and in that event shall call for the election of a temporary Presiding Officer. Upon the arrival of the Mayor or Vice-Mayor, the temporary Presiding Officer shall relinquish the chair upon the conclusion of the business immediately before the Commission.

(b) *Roll Call.* The Village Clerk shall call the roll of the members, and the names of those present shall be entered in the minutes. The Village Clerk shall note in the minutes when a Commissioner arrives after the commencement of a Commission meeting, or if a Commissioner departs a Commission meeting before it has adjourned. A Commissioner shall be subject to forfeiture of his/her office, in the discretion of the remaining Commissioners, if s/he is absent without good cause from any three (3) regular meetings of the Commission during any twelve (12) month period.

(c) *Quorum.* Any three (3) members of the Commission shall constitute a quorum but a smaller number may recess or adjourn a meeting from time to time and may compel the attendance of absent members in a manner and subject to the penalties prescribed by the rules of the Commission prior to voting on matters of great importance. The Commission may not take action on any ordinance, resolution, or motion without a quorum and the vote of a simple majority of the

1 Commission present, unless otherwise specified by law or the Charter. In accordance with the
2 Village Charter, by supermajority vote of the remaining Commissioner may appoint additional
3 members until a quorum is present if at any time the full membership of the Commission is reduced
4 to less than a quorum.

5
6 (d) *Failure to Maintain a Quorum.* Should no quorum attend a scheduled meeting within
7 fifteen (15) minutes after the hour appointed for the meeting of the Commission, the Presiding
8 Officer, the Village Manager, or the Village Clerk may adjourn the meeting until another hour or
9 day unless, by unanimous agreement, those members present select another time and continue the
10 meeting to a date certain. The Village Clerk shall record in the minutes of the meeting the names
11 and actions of the members present.

12
13 **RULE 6 – PRESENTATIONS, PUBLIC PARTICIPATION & PUBLIC DECORUM**

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15 All speakers shall state their name and address for the record. Persons representing a group or organization
16 must present written evidence of their authority to speak for the group or organization.

17
18 (a) *Presentations.* A Commissioner or the Village Manager must sponsor any agency,
19 business, group, or individual wanting to make a presentation to the Commission to have their
20 request placed on a proposed agenda. Submission of presentation materials shall comply with the
21 agenda preparation deadlines. Unless approved by a simple majority of the Commission present,
22 such presentations are limited to five (5) minutes.

23
24 (b) *Public Participation.* The Commission shall set aside a portion of every meeting for
25 members of the public to address the Commission about items on the agenda that do not require
26 public comment or any subject for the good & welfare of the Village. Unless otherwise granted
27 by a simple majority of the Commission present all speakers will limit their comments on any issue
28 or agenda item to three (3) minutes.

29
30 (d) *Public Decorum.* Federal and state courts, in construing the first amendment rights of
31 speakers at public meetings, have ruled that such rights are not absolute and the Presiding Officer
32 may stop or remove any speaker if their speech disrupts, disturbs or otherwise impedes the orderly
33 conduct of the public meeting. Accordingly, anger, rudeness, ridicule, obscene or profane
34 language, impatience and lack of respect for others are not acceptable behavior by any member of
35 the audience or Commission. ~~No person, except Village employees or their representatives may
36 go beyond the podiums in front of the Commission without the express permission of the Presiding
37 Officer. No person shall disturb any Commissioner, the Village Manager, Village Attorney or
38 Village Clerk during any meeting without the express permission of the Presiding Officer.~~

39
40 **RULE 7 – COMMISSION DECORUM**

41
42 (a) *Commission Decorum.* The Commission recognizes that promoting and preserving
43 decorum and civility amongst its members enables the Commission to conduct the business of the
44 Village in an expeditious, fair and transparent manner. While the Commission is in a meeting, the
45 Presiding Officer shall preserve order and decorum. No Commissioner shall delay, disturb, or
46 interrupt the proceedings or the peace of the Commission, nor delay, disturb or interrupt any
47 Commissioner that is speaking or refuse to obey the orders of the Presiding Officer.

48
49 **RULE 8 – RECORDING OF MEETINGS.**

1
2 (a) *Generally.* Members of the public may record any open and public Commission meeting.
3 However, the recording procedure must not disrupt, disturb, or otherwise impede the conduct of
4 the meeting. A disruption or disturbance of the conduct of the meeting can include, but is not
5 limited to, the following:

- 6
- 7 • Obstructing the view of audience/staff members.
- 8 • Creating noise that keeps audience/staff members from hearing the meeting.
- 9 • Interfering with the Village’s audio and recording of the meeting (e.g., equipment that
10 creates beeping, radio noise, or static interference “white noise”).
- 11

12 (b) *Placement of Equipment.* The location of video and recording cameras, tripods, and/or
13 crew shall be in a manner so the public can safely walk around the room’s aisles and perimeter
14 without impediment by such video cameras, cords, tripods, and/or crew.
15

16 **RULE 9 - RULES OF DEBATE**

17

18 (a) *Introduction of Item Requiring Commission Action.* If appropriate, the Village Attorney or Village
19 Clerk shall read the title of the Ordinance or Resolution into the record. Thereafter the Presiding Officer
20 shall request a brief explanation from Village staff or sponsoring Commissioner of the discussion item,
21 Ordinance or Resolution under consideration. In accordance with these rules of debate, the Commission
22 may ask questions of Village staff concerning the item before it.
23

24 (b) *Public Comment.* If noted on the agenda as “public comment”, the Presiding Officer shall open the
25 item, Ordinance or Resolution for public comment by members of the public in attendance. Upon
26 completion of public comments from members of the public in attendance, the Presiding Officer shall close
27 the public comment/hearing, and no further public comments shall be received unless approved by a
28 supermajority vote of the Commission present.
29

30 (c) *Action by the Commission.* Except as otherwise provided for in these rules of procedure, the
31 Commission will proceed by motion. Any Commissioner may make a motion. Before the
32 Commission can discuss the motion, a second from another Commissioner is required. The
33 Commission may only consider one motion at a time. The Commission must vote on that motion
34 or that motion as amended, or the Commissioner that made the motion must withdraw it before
35 the Commission can consider any other substantive motion on the item under consideration. If an
36 item, requiring Commission action fails to receive a motion or second, it shall be removed from
37 the agenda and may only be reintroduced thereafter in accordance with the renewal provisions of
38 these rules.
39

40 (d) *Discussion.* The Presiding Officer will state the motion, the name of the Commissioner
41 that made the motion, the name of the Commissioner that seconded the motion and then open the
42 floor to debate. The Presiding Officer will preside over the debate according to the following
43 general principles:
44

- 45 • The maker of the motion is entitled to speak first.
- 46 • The Commissioner that seconded the motion is entitled to speak second.
- 47 • The Presiding Officer will recognize a Commissioner who has not spoken on the issue
48 before someone who has already spoken. **A Commissioner speaking for the first time shall
49 be limited to five (5) minutes speaking time.** Thereafter, whenever possible, the Presiding

1 Officer shall proceed to recognize alphabetically any Commissioner that desires to speak
2 a second time. A Commissioner speaking a second time shall be limited to two (2) minutes
3 speaking time.

4 • Last person is mover.

5
6 Unless required by law or the Charter, final action on a pending motion through adoption, rejection or
7 deferral is by a simple majority vote of the Commission present.

8
9 **RULE 10 - PROCEDURAL MOTIONS**

10
11 (a) *Certain Motions Allowed.* In addition to substantive motions, the following procedural
12 motions, and no others, are in order. Unless otherwise noted, each motion is debatable, may be
13 amended, and requires a simple majority of vote of the Commission present for adoption.
14 Procedural motions are in order while a substantive motion is pending, and at other times, except
15 as otherwise noted.

16
17 (b) *Order of Priority of Motions.* In order of priority the procedural motions are:

- 18
19 1. Motion to Appeal a Procedural Ruling of the Presiding Officer. A ruling of the
20 Presiding Officer that a procedural motion is in or out of order; determining whether
21 a speaker has gone beyond reasonable standards of courtesy in his remarks thereby
22 disrupting the meeting; cutting off the debate or entertaining and answering a
23 question of parliamentary procedure may be appealed to the Commission. This
24 appeal is in order immediately after the Presiding Officer issues a ruling, and at no
25 other time. The Presiding Officer need not recognize the Commissioner making the
26 motion, and the motion (if timely made) may not be ruled out of order.
- 27
28 2. Motion to Adjourn. This motion is only proper at the conclusion of action on a
29 pending substantive matter and may not interrupt deliberation of a pending matter.
- 30
31 3. To Take a Brief Recess. This motion is only proper at the conclusion of action on
32 a pending substantive matter and may not interrupt deliberation of a pending matter.
33 The Presiding Officer can unilaterally declare a recess in the interests of security,
34 safety, or order during a meeting.
- 35
36 4. To Suspend The Rules. The Commission by supermajority vote of Commission
37 present may vote to suspend one (1) or more of these rules unless prohibited by law
38 or the Charter.
- 39
40 5. To Divide a Complex Motion. This motion is in order when a Commissioner
41 wishes to consider a separate vote on subparts of a complex motion.
- 42
43 6. To Defer Consideration. The Commission may defer a substantive motion for later
44 consideration to an unspecified time, or to a date and time certain. No substantive
45 motion will be deferred in this manner for more than thirty (60) days, unless waived
46 by a supermajority vote of the Commission present. An agenda item shall be
47 deemed withdrawn upon its third deferral, and may not be brought back before the
48 Commission for consideration and a vote for six (6) months, unless waived by a
49

1 supermajority vote of the Commission present. The certification of any election is
2 non-deferrable.

3
4 7. To Withdraw. The maker of a motion may withdraw the motion at any time
5 before the Presiding Officer puts the motion to a vote, whichever occurs first.

6
7 8. To Amend. An amendment to a motion must be pertinent to the subject matter of
8 the pending motion. An amendment is improper if adoption of the motion with that
9 amendment added would have the same effect as rejection of the original motion.
10 A proposal to substitute completely different wording for a motion or an
11 amendment is a motion to amend. A motion is amendable only once, and that
12 amendment is amendable only once. Until the Commission votes on the last-
13 offered amendment, the motion is not amendable.

14
15 9. Previous Question (“To Call the Question”). This motion immediately closes
16 debate and stops any amendment to the immediately pending motion. This
17 motion is not amendable and not debatable.

18
19 10. Reconsideration. The Commission may vote to reconsider its action on a matter,
20 but only at the same meeting or next regular Commission meeting. A
21 Commissioner that voted with the prevailing side (i.e., the majority) must make the
22 motion. A motion to reconsider is out of order unless at least the same number of
23 Commissioners is present as participated in the original vote, or upon a
24 supermajority vote of Commission. Reconsideration of a motion that ended in a tie
25 vote is out of order. Adoption of a motion to reconsider shall rescind the action
26 reconsidered.

27
28 11. To Rescind or Repeal. The Commission may vote to rescind actions it has
29 previously taken or to repeal items that it has previously adopted.

30
31 **RULE 11- VOTING CONFLICTS**

32
33 (a) *Conflict of Interest.* A Commissioner with a conflict of interest on a particular matter
34 requiring Commission action shall:

- 35
36
 - Publicly announce the nature of the conflict before the matter is heard
 - Absent himself or herself from the meeting location during that portion of the meeting
37 when the matter is considered
 - File a written disclosure of the nature of the conflict with the Village Clerk consistent with
38 state and local ethics rules. The filing of the State of Florida form prescribed for written
39 disclosure of a voting conflict shall constitute compliance with this subsection.

40
41
42

43 **RULE 12 – VOTING**

44
45 (a) *Duty to Vote.* Every Commissioner present, when an item requiring action is before the
46 Commission, shall vote unless the Commissioner has a conflict of interest.

47
48 (b) *Method of voting.* Voting shall be by roll call, voice vote, or paper ballot. Every Ordinance
49 and Resolution vote shall be by roll call. If a Commissioner requests, or if required, the Village

1 Clerk will conduct a roll call vote by calling the names of the Commissioners present
2 alphabetically by title and surname. The Commission shall use paper ballots for board
3 appointments. The paper ballot must clearly identify the Commissioner voting, but must be
4 announced and confirmed thereafter by roll call.

5
6 (c) *Explanation of vote.* Upon putting any item to a vote, the Commission members present
7 shall vote yes or no with no further discussion. A Commissioner has the privilege of filing with
8 the Village Clerk a written explanation of his or her vote.

9
10 (d) *Tie votes.* If a vote of the Commission results in a tie, and no other available motion on
11 the item is made and approved before the next item is called for consideration or before a recess
12 or adjournment is called, whichever occurs first, the item shall be carried over to the next regular
13 meeting of the Commission for consideration and vote.

14
15 (e) *Vote change.* Any Commissioner may change his or her vote before the next item is called
16 for consideration, or before a recess or adjournment is called whichever occurs first, but not
17 thereafter.

18
19 **RULE 13 - RENEWAL OF AN ITEM**

20
21 Once Commission action on an item is final, neither the same item, nor its repeal, or rescission is
22 actionable by the Commission during the following six (6) month period, unless application for renewal
23 is presented at a regular meeting and approved for further action by a supermajority vote of the
24 Commission present. Thereafter, the Village Clerk will place the item on the proposed agenda for the
25 next regular Commission meeting.

26
27 **RULE 14 – CENSURE**

28
29 (a) *Censure defined.* Censure is a formal act by the Commission publicly reprimanding
30 another Commissioner whose action runs counter to the Village’s acceptable standards for
31 behavior, civility, order, or decorum.

32
33 (b) *Authority to Censure.* At a properly noticed public hearing and by unanimous vote of the
34 Commission present, the Commission may adopt a Resolution censuring another Commissioner.
35 The Resolution must detail the conduct at issue and basis for the Commission decision to censure.

36
37 (c) *Public Hearing Required.* The Village Clerk must receive a written proposal to censure
38 another Commission at least thirty (30) days prior to a regular meeting of the Commission. Upon
39 receipt, the Village Clerk shall immediately provide written notice to the potential respondent, and
40 notify the respondent of their ability to provide a written response to the Commission in advance
41 of the public hearing. Written responses are due to the Village Clerk at least eight (8) days prior
42 to the public hearing on the censure proposal.

43
44 (d) *Co-sponsorship Required.* Two or more Commissioners must state their support of a
45 proposal to censure a Commissioner during the agenda approval phase of the meeting, or the
46 censure proposal is a failed item and removed from the agenda. Any further discussion on the
47 censure proposal is out of order.

1 (e) *No Authority to Unilaterally Censure.* No Commissioner may unilaterally censure or
2 otherwise publicly reprimand another Commissioner during a Commission meeting, or at any time
3 whatsoever, on behalf of the Village of Biscayne Park.
4

5 RULE 15. – INTERPRETATION OF RULES
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7 On matters involving parliamentary procedure not provided for in these Rules of Procedure, the Presiding
8 Officer may refer to the latest revised edition of Robert’s Rules of Order as persuasive rather than binding
9 rules of procedure, and the Presiding Officer’s determination shall be final. Upon request by a
10 Commissioner, the Village Attorney shall interpret these Rules of Procedure and Robert’s Rules of Order
11 for the Commission.
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VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report
REGULAR MEETING

Item # 11.a

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: Roseann Prado, Village Clerk

DATE: July 07, 2020

TITLE: Acceptance of Commission Minutes

Background

Village Clerk was directed by Commission at Regular Commission meeting of May 19, 2020 to advertise for the position of Village Attorney.

Advertisement was posted at:

- The Florida Bar – run from June 1 to June 17 (refers to VOBP website) at a cost of \$ 50.00
- Florida League of Cities – run from June 1 to June 17 (refers to VOBP website) at no cost
- Village of Biscayne Park website – Employment Opportunities at no cost

Four (4) applications were received by deadline of June 17, 2020 before 5:00 pm as follows:

- Ralf Brookes
- Norman C. Powell
- Edward Dion, Nabors Giblin & Nickerson P.A.
- John R. Herin Jr., Fox Rothschild LLP

After June 17th, copies of all applications were distributed to Commission along with the attorney applications spreadsheet/2020 for each Commissioner to use as guidelines.

Commission reviewed applications from June 23 to July 1.

Commission with their findings and at July 7th, 2020 Regular Commission meeting as follows:

Commission may choose to conduct interviews at a Special meeting on a date to be determined.

Charter: Section 3.02 – Village Attorney

The Commission shall appoint an attorney who is licensed to practice law in the State of Florida to serve as Village Attorney (the “Attorney”) and who shall serve at the pleasure of the Commission.

The Attorney shall act as the legal advisor to, and attorney and counselor for, the Village and all of its officers in matters relating to their official duties under such terms, conditions and compensation as are

consistent with this Charter and as may be establishe. The Commission at any time may remove the Attorney as provided in Section 3.03.

Attachment

- Ralf Brookes
- Norman C. Powell
- Edward Dion, Nabors Giblin & Nickerson P.A.
- John R. Herin Jr., Fox Rothschild LLP
- Guidelines spreadsheet

Prepared by: Roseann Prado, Village Clerk

RALF BROOKES, ATTORNEY

June 5, 2020

Village of Biscayne Park
600 NE 114th St., Biscayne Park, FL 33161

Dear Village Commissioners:

I would like to introduce myself as "Ralf Brookes Attorney" and apply for the outside contract position as the Village Attorney for the Village of Biscayne Park that was noticed on your village website.

I am Board Certified in City, County and Local Government Law by the Florida Bar and I have experience representing the following cities and counties as detailed in my resume, attached:

CITY ATTORNEY EXPERIENCE:

- **City of St Pete Beach, Florida** (Pinellas County, population 10,086) City Attorney 2007-2008
- **City of Bradenton Beach Florida**, (Manatee County, population 1,536) 2004 – 2009
- **City of Madeira Beach, Florida** (Pinellas County, population 4,406) City Attorney 2017-2020
- **Town of Yankeetown, Florida**, (Levy County, population 760) City Attorney 2006 – present

COUNTY ATTORNEY EXPERIENCE:

- **Monroe County (the "Florida Keys") - Land Use Litigation Counsel** (1992-1998)
- **Sarasota County -Assistant County Attorney** (1990 – 1992)

Please find my resume attached with more details on my background.

I look forward to meeting with the Village to present my qualifications for the position of Village Attorney.

Sincerely,



Ralf Brookes Attorney
Board Certified in City, County and Local Government Law by The Florida Bar
Direct Cellphone: (239) 910-5464



Ralf Brookes Attorney
1217 E Cape Coral Parkway #107 Cape Coral, FL 33904
Phone (239) 910-5464; fax (866) 341-6086
Ralf@RalfBrookesAttorney.com RalfBrookes@gmail.com

RALF BROOKES

Board Certified in City County and Local Government Law by The Florida Bar



Ralf G. Brookes, Attorney. 1998-present. Local government law practice - Representing local governments, public and private sector clients, public interest groups and not-for-profit organizations. Prepare and present to local government councils, commissions and boards, review and file applications, litigate approvals and denials, prepare and defend ordinances, land development regulations, comprehensive plan amendments, settlements, development agreements, administrative proceedings on local, state and federal agency permits, approvals, challenges and appeals in state and federal courts, state agencies, counties and municipalities.

CITY ATTORNEY EXPERIENCE:

- **City of Madeira Beach, Florida** (Pinellas County, population 4,406) City Attorney 2017-2020
- **Town of Yankeetown, Florida**, (Levy County, population 760) City Attorney 2006 – present
- **City of St Pete Beach, Florida** (Pinellas County, population 10,086) City Attorney 2007-2008
- **City of Bradenton Beach Florida**, (Manatee County, population 1,536) 2004 – 2009

As City/Town Attorney: Meet with and advise City Manager and Departments; Municipal Law; Contracts, RFQs/RFPs; Disputes, Litigation, Comprehensive Plan Amendments, Land Development Code Amendments and review of development application, variances, planned developments, development agreements; legislation, ordinances, audits, sunshine law, public records law; grants, government and public works projects.

COUNTY ATTORNEY EXPERIENCE:

- **Monroe County (the “Florida Keys”) - Land Use Litigation Counsel** (1992-1998) Representing Monroe County Florida in land use litigation in state and federal courts, serve as counsel for Growth Management Division, counsel for Planning Department, Planning Commission and Code Enforcement; prepared and defended vacation rental ordinance, noise ordinances, resolutions and land development regulations, development agreements, comprehensive plan amendments, defended Monroe County in state and federal court.
- **Sarasota County Assistant County Attorney** (1990 – 1992) Advise County Attorney, Board of County Commissioners of Sarasota County; Planning Commission, Planning, Natural Resources, Code Enforcement, Solid Waste Departments, interagency and interlocal agreements; Pollution Control

LAW FIRM EXPERIENCE:

- **Fine Jacobson Schwartz Nash Block & England** (1988-1990) Miami, Tallahassee; Land Use

MEDIATOR/ARBITRATOR/ALTERNATIVE DISPUTE RESOLUTION

- **Mediator and Special Magistrate/Master, Fla. Stat. 70.51 Land Use & Dispute Resolution Act:** Alternative dispute resolution process for land use applications.
- **Florida Court Appointed Arbitrator** – Florida Supreme Court Approved Training

EDUCATION:

University of Florida –Law School Gainesville, Florida, Juris Doctorate (J.D. 1988)

- Jessup’s Cup Moot Court Team;
- UF Law Center for Governmental Responsibility Fellowship

University of Miami - Bachelor Science Degree, Marine Sciences & Geology, Coral Gables, (B.S. 1985)

TEACHING:

University of Florida Law School – Conservation Clinic and Env and Land Use Law Program,
Practitioner in Residence 2013 under direction of Professors Ankersen, Fournoy and Hamann

Florida Gulf Coast University (FGCU) - Adjunct Professor Env Law (2005 – 2014)
Masters of Public Administration Program: Environmental & Land Use Law PAD 5620.

PROFESSIONAL:

Admitted to Florida Bar – 1988 (Over 22+ years as member in good standing)

Board Certified: City, County and Local Government Law by The Florida Bar – **2004 to date**

Florida Federal Courts: Admitted Middle District Fla., Southern District Fla., Northern District Florida

Florida State Courts: Admitted all state circuits, all appellate district courts, Florida Supreme Court

The Florida Bar, Sections and Committees:

- **City, County and Local Government Law Section**, to present
- **Environmental and Land Use Law Section (ELULS)**, Executive Council, 1993-2001
- **Administrative Law Section** Executive Council, 1991- 1999

Florida League of Cities:

- **Florida Municipal Attorney's Association** Member
- **Florida Municipal Attorney's Association Speaker** Noise Ordinances

The Florida Chamber of Commerce,

- Growth Management Short Course
- Environmental Permitting Short Course

The Florida Bar, Continuing Legal Education (CLE) Programs

- City, County and Local Government Section of the Florida Bar
- Environmental and Land Use Law Section of the Florida Bar
- Administrative Law Section of the Florida Bar
- University of Florida Law program, speaker and guest lecturer

Continuing Legal Education, CLE-International Programs,

- Dealing With Government
- Litigating Land Use and Takings Claims
- Defending Local Government Land Use Denials
- Regulatory Takings under the U.S. and Florida Constitution
- Wetlands Regulations

Southwest Florida Chamber of Commerce “Issues 08” Southwest Florida Legislative Delegation

A Sustainable Southwest Florida: Creating a Vision. Participant City Attorney



Board Certified in City County and Local Government Law by The Florida Bar

Village Attorney Position : Village Biscayne Park

Ralf Brookes <ralfbrookes@gmail.com>

Fri, Jun 5, 2020 at 12:02 PM

Reply-To: ralfbrookes@gmail.com

To: villageclerk@biscayneparkfl.gov

Cc: Ralf Brookes Attorney <Ralf@ralfbrookesattorney.com>, Ralf Brookes Attorney <ralfbrookes@gmail.com>

Roseann Prado, Village Clerk/Human Resources Coordinator
villageclerk@biscayneparkfl.gov;
305 899 8000

Dear Biscayne Park,

I would like to introduce myself as "Ralf Brookes Attorney" and apply for the outside contract position as the Village Attorney for the Village of Biscayne Park that was noticed on your village website.

I am Board Certified in City, County and Local Government Law by the Florida Bar and I have experience representing the following cities and counties as detailed in my resume, attached:

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- **City of Madeira Beach, Florida** (Pinellas County, population 4,406) City Attorney 2017-2020
- **Town of Yankeetown, Florida**, (Levy County, population 760) City Attorney 2006 – present

COUNTY ATTORNEY EXPERIENCE:

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Please find my resume attached with more details on my background.

I look forward to meeting with the Village to present my qualifications for the position of Village Attorney.

Sincerely,
Ralf Brookes Attorney
Board Certified in City, County and Local Government Law
by The Florida Bar
(239) 910-5464

Ralf Brookes Attorney
P.O. Box 100238 Cape Coral Florida 33910
1217 East Cape Coral Parkway #107, Cape Coral Florida 33904
Phone/Text (239) 910-5464
Fax (866) 341-6086
RalfBrookes@gmail.com
Ralf@RalfBrookesAttorney.com

Please visit my website at:
www.RalfBrookesAttorney.com

 **RALF BROOKES CITY COUNTY LOCAL GOVT LAW 2020.pdf**
93K

LAW OFFICES OF
NORMAN C. POWELL
1666 J. F. Kennedy Causeway, Suite 420
NORTH BAY VILLAGE, FLORIDA 33141
www.lawofficeofnormanpowell.com

TELEPHONE (786) 275-6923
FACSIMILE (786) 348-0167
n@normanpowell.com

June 16, 2020

VIA ELECTRONIC MAIL AND FEDERAL EXPRESS

villageclerk@biscayneparkfl.gov

Roseann Prado, Village Clerk
Village of Biscayne Park, Florida
600 N.E. 114th Street
Biscayne Park, Florida 33161

Re: Village Attorney – Village of Biscayne Park, Florida

Dear Mr. Manners:

It is my pleasure to submit this letter of interest and our qualifications for your and the Biscayne Park Village Commission's consideration for appointment as the Village Attorney. I have practiced law for more 30 years; and I have concentrated my practice in the areas of civil litigation, general municipal law and governmental relations, real estate transactions, land use and zoning, public-private transactions and procurement.

I have routinely represented municipalities, elected officials, including Congressional and state legislative representatives, individually, and legislative bodies. In addition, I have extensive litigation experience involving various governmental issues, complex personal injury, constitutional, and commercial cases in State, Federal District and Appellate Courts, including the United States Supreme Court and the Florida Supreme Court.

I believe that I am uniquely qualified to represent Biscayne Park. Our office currently represents various municipalities as outside counsel on land use, legislative redistricting, procurement and various other municipal matters. My representation includes the preparation of ordinances, resolutions and other related documents, real estate transactions and litigation matters.

I have enclosed my biography and resume (Attachment "1") which provides a detailed description of my relevant legal experiences and credentials. I have also included our proposed representation agreement that outlines the scope of our services and proposed hourly rates for the Commission's consideration (Attachment "2") and references (Attachment "3").

Thank you for your consideration of my qualifications. Should you have any questions or require further information, please do not hesitate to contact me directly at my office: 786-275-6923 or on my cellular phone: 786-355-4500.

Sincerely,

A handwritten signature in blue ink, appearing to read "Norman C. Powell", with a long, sweeping flourish extending to the right.

Norman C. Powell

Enc.

Norman C. Powell

Mr. Powell is an AV Peer Review Rated attorney, which is a testament to the fact that his legal peers have ranked him at the highest level of professional excellence and ethical standards. He also a Supreme Court of Florida Certified Circuit Court Civil Mediator. Mr. Powell graduated from Florida International University in 1987 and received his Juris Doctorate Degree from the University of Florida, College of Law in 1990. He was admitted to The Florida Bar in the same year. During his attendance at the University of Florida, Mr. Powell distinguished himself academically. He was a member of the Justice Campbell Thornall Moot Court Team and was selected by the Florida Supreme Court as the Best Oralist in the College of Law Annual Zimmerman Shuffield & Kiser Moot Court Competition.

Since graduating from the University of Florida, Mr. Powell has concentrated his practice in civil litigation, real estate transactions, and state and local government law. Mr. Powell is a member of the City, County and Local Government Law Section of The Florida Bar. He is also admitted to practice before the United States Supreme Court, the United States District Court for the Southern District of Florida, and the United States Eleventh Circuit Court of Appeals. Mr. Powell is a member of Attorneys' Title Insurance Fund, Inc and has served as one of its outside claims litigation counsel.

Through his extensive training and representative experience, Mr. Powell has obtained a thorough understanding of the diverse legal issues that arise in litigation and in state and local government matters. From 1991 through 1994, he successfully represented the Florida Senate in the State of Florida's redistricting of its Senate and House Districts and the reapportionment of Florida's Congressional Districts. His representation of The Florida Senate included advising the Senate President and the Members of the Senate Reapportionment Committee on the Voting Rights Act and Federal and State Constitutional issues.

Mr. Powell's representation of the Senate also included defending the Senate's Redistricting and Reapportionment plans before the United States Justice Department and in Federal District Court before a Three-Judge Panel. He also briefed the issues on appeal before the Florida Supreme Court and the Supreme Court of the United States. *See, Johnson v. De Grandy*, 114 S.Ct. 2647 (1994); *In Re: Constitutionality of Senate Joint Resolution 2G*, 601 So. 2d 543 (Fla. 1992); *In Re Constitutionality of Senate Joint Resolution 2G*, 597 So. 2d 276 (Fla. 1992); *De Grandy v. Wetherell*, 794 F. Supp. 1076 (N.D. Fla. 1992)(three-judge court); *De Grandy v. Wetherell*, 815 F. Supp. 1550 (N.D. Fla. 1992)(three-judge court). Mr. Powell also successfully represented the cities of Miami Beach and North Miami in Voting Rights Act cases. *Negron v. City of Miami Beach, Fl.*, 13 F. 3d 1563 (11th Cir. 1997) and *Celestin, et al. v. Miami-Dade County, et al.* (Case No. 86-1820-CIV-HIGHSMITH, U.S. Dist., 2002), respectively.

Mr. Powell's representation of the City of North Miami resulted in the Miami-Dade County Commission's adoption of a resolution that sets forth specific criteria and

factors to be used in the County's redistricting process, the creation of a redistricting advisory board, and a public hearing review process for the legislative adoption of County Commission voting districts. The resolution also requires Spanish and Creole materials and interpreters to assist members of the public throughout the redistricting process.

Mr. Powell represented Democratic Florida Senate and House members before the Florida Supreme Court and before a Federal Three-Judge Panel concerning the constitutionality of Florida's Congressional, House and Senate Legislative Districts. *In Re: Constitutionality of House Joint Resolution 1987*, 817 So. 2d (May 2, 2002); *In Re: Constitutionality of House Joint Resolution 25e*, 2003 Fla. Lexis 2085 (Fla., Dec 4, 2003); and *Raul L. Martinez v. John Ellis "Jeb" Bush*, 234 F. Supp. 2d 1275 (U.S. Dist., 2002).

Mr. Powell's legal experience includes representing developers and contractors in complying with federal, state, and local government procurement procedures; and responding to procurement solicitations; defending or prosecuting administrative hearings; and advocacy in state and federal court, quasi-judicial proceedings, and before legislative bodies. *See R.N. Expertise, Inc. v. Miami-Dade County School Board*, D.O.A.H. Case No. 01-2663 Bid, March 13, 2002.

Mr. Powell also served as a Hearing Examiner for the Clerk of the Miami-Dade Board of County Commissioners and was responsible for providing the Board with recommended findings of law and fact for the Board's consideration in the resolution of procurement and bid protests.

Mr. Powell represents private, commercial, industrial, residential and mixed-use developers throughout the land development process including development, permitting, zoning, concurrency, platting, and permitting in Miami-Dade County and its municipalities. Over the last twenty years, Mr. Powell's other relevant legal experience has included representation of the following clients in the area of government law:

BellSouth Telecommunications, Inc. before the Florida Public Service Commission and in the Miami-Dade County procurement process for the \$50 million pay telephone services contract at Miami International Airport; American Medical Response in Miami-Dade County concerning the County's certificate of need ordinance for ambulances and County Wide Emergency and Non-emergency Medical Transportation Vehicle Service Contract; Yellow Cab concerning the Miami-Dade County For Hire Vehicle Ordinance, which included negotiations with the hotel industry and the Miami Visitors and Convention Bureau; Miami Sports & Exhibition Authority including compliance with the Americans with Disabilities Act at the Miami Arena; Storm Shutter Association concerning the proposed building code revisions following Hurricane Andrew; Dollar Rent-A-Car Systems, Inc. in negotiations with Miami International Airport for concessions space and in litigation matters; GFC Crane Consultants, Inc. and in the Miami-Dade County Seaport's procurement process

for the contract to manage and operate its gantry cranes; WH Smith US Travel Retail in the procurement for a retail concession master developer at Miami International Airport; Sapphire Properties of Florida, Inc. in the request for proposals for the joint development of the Coconut Grove Metrorail Station; Turner Construction Company in the selection process for the Miami Arena Development; Pro Player Stadium concerning annexation issues related to Pro Player Stadium; Comsis Intelitran/Comsis Mobility Services in the procurement for the Miami-Dade County Paratransit Contract; Subaqueous Services, Inc. in issues relating to the U.S. Federal Emergency Management Agency ("FEMA") and the Florida Department of Community Affairs related to FEMA's Hazard Mitigation Program; and also in negotiations with Miami-Dade County and the procurement process for the County's \$200 million Secondary Canal Dredging Project. Mr. Powell also served as Eminent Domain Counsel to the Miami-Dade Expressway Authority.

Beyond the practice of law, Mr. Powell has participated actively in Miami-Dade County's civic community. Mr. Powell takes a special interest in children's issues. In November of 2004, Mr. Powell served on the Conference Committee for the Children's Bill of Rights 2004 Conference and served as a facilitator with the Honorable Justice Rosemary Barkett on Rights of Children in the Justice System. He was a Board member of Voices For Children Foundation, Inc., the fundraising arm of Miami Dade's highly praised *Guardian Ad Litem* program and served as its Chairperson from 2002 until 2004. He has also served on the Board of Directors for Big Brothers/Big Sisters of Miami-Dade County and this was honored as one of its Miracle Maker Awardees for 2005.

Mr. Powell was also an Officer of 100 Black Men of South Florida and a Trustee of the Miami Art Museum from 1992 until 2010. Mr. Powell served as Chair of the Miami Shores Planning and Zoning Board from 1998 until 2000 and was reappointed in 2007. Mr. Powell served on the Fundraising Committee for the Miami Project to Cure Paralysis Legendary Sports Celebrity Roast from 1996 until 1998. Mr. Powell also served as the Vice-Chair of the City of Miami's Model City Trust from 2000 until 2005. The Model City Trust is part of the City of Miami's campaign to revitalize and transform the Model City area with specific projects that include redevelopment and infill to increase homeownership and streetscape. Mr. Powell was also a member of Miami-Dade County's Boundaries Commission from 2003 until 2005, which was the County board that initially reviewed annexation and incorporation applications. Mr. Powell also served on the City of North Miami Beach's Redevelopment Advisory Board and the Miami Shores Planning and Zoning Board from 2006 until 2009.

Mr. Powell has served as a Special Master for the cities of the City of North Miami Beach and North Bay Village. Since October, 2010, Mr. Powell has served as a Traffic Court Magistrate for Miami-Dade County. On November 14, 2017 he was also appointed Village Attorney for North Bay Village, Florida, a municipal corporation. Mr. Powell is a Board Member for the Miami-Dade County Parks Foundation. Mr. Powell is also an adjunct professor at Broward College and lectures on civil litigation.

NORMAN C. POWELL
1666 J.F. Kennedy Causeway
Suite 420
North Bay Village, Florida 33141
info@normancpowell.com

EDUCATION:

University of Florida College of Law, J.D.
(awarded the Justice Campbell Thornal Moot Court Award
For Outstanding Participation in Moot Court Competition
and the Presidential Recognition For Outstanding Contribution
To the University of Florida), 1990
Florida International University, B.S., Criminal Justice, 1987

LEGAL EXPERIENCE:

Law Offices of Norman C. Powell
Miami, Florida, 2003 to present
Certified Circuit Mediator, January, 2011 to present
Miami-Dade County Traffic Court Magistrate, 2010 to present

Areas of Practice: Real Estate Transactions, Land Use, Local Government,
Environmental Law, Personal Injury, and Voting Rights.

Partner, Austin Pamies Norris Weeks Powell, PLLC
Fort Lauderdale, Florida, 2019 to present

Areas of Practice: Real Estate Transactions, Land Use, Local Government,
Environmental Law, Personal Injury, and Voting Rights.

Of Counsel, Bilzin Sumberg Baena Price & Axelrod LLP
Miami, Florida
2000 to 2003

Areas of Practice: Real Estate, Land Use, Local Government, Environmental
Law, Personal Injury, and Voting Rights

Partner, Korge & Powell, P.A., Miami, Florida, 1998-2000

Areas of Practice: Real Estate, Land Use, Local Government, Environmental
Law, Personal Injury, and Voting Rights, Law Office Management.

Partner, Hanzman, Criden, Korge & Chaykin, P.A.,
Miami, Florida
1997-1998, Of Counsel, 1995-1997

Associate, Zack, Hanzman, Ponce, Tucker, Korge & Gillespie, P.A.,
Miami, Florida, 1991-1995

Associate, Floyd, Pearson, Richman, Greer, Weil, Zack & Brumbaugh, P.A.,
Miami, Florida, 1990-1991, Law Clerk, Summer 1989
Law Clerk, Rakusin & Ivey, P.A., Gainesville, Florida, Summer 1988

EXPERIENCE WORKING WITH PARALEGALS

1990 - Present

Assisted in law office operation and management, including hiring, training and developing over 25 legal assistants and paralegals in the practice areas of real estate transactions and litigation, civil litigation, including personal injury, commercial and Voting Rights litigation, and governmental relations, including zoning, land use, bid procurement preparation, bid disputes and litigation, and business licensing.

ADMITTED TO PRACTICE BEFORE:

United States District Court, Southern District of Florida
Eleventh Circuit Court of Appeal, State of Florida
Supreme Court of the United States

SELECTED REPORTED DECISIONS:

In Re: Constitutionality of House Joint Resolution 25e, 2003 Fla. Lexis 2085 (Fla., Dec 4, 2003).

R.N. Expertise, Inc. v. Miami-Dade County School Board, D.O.A.H., Case No. 01-2663 Bid, March 13, 2002.

Raul L. Martinez v. John Ellis "Jeb" Bush, 234 F. Supp. 2d 1275 (U.S. Dist. 2002).

In Re: Constitutionality of House Joint Resolution 1987, 817 So. 2d 819 (Fla. 2002).

Negron v. City of Miami Beach, 13 F. 3d 1563 (11th Cir. 1997).

In re Constitutionality of Senate Joint Resolution 2-G Special Apportionment Session 1992, 601 So. 2d 543 (Fla. 1992).

De Grandy v. Wetherell, 794 F. Supp. 1076 (N.D. Fla. 1992).

Johnson v. De Grandy, 114 S.Ct 2647 (1994).

PROFESSIONAL ORGANIZATIONS:

The Florida Bar, 1990 to present
Florida Trial Lawyers Association, 1990 to present
Dade County Bar Association, 1990 to present
Dade County Black Lawyers Association, 1990 to present
Miami-Dade County Traffic Court Magistrate 2010 to present
Supreme Court of Florida Certified Circuit Civil Mediator January, 2011 to present

BOARD MEMBERSHIPS AND COMMUNITY ACTIVITIES:

Board Member, Bayview Center for Mental Health, Inc. 2008- 2014
Committee Member, Children's Bill of Rights, 2004 Conference
Board Member, City of Miami Model City Trust, 2003-2005
Trustee, Miami Art Museum, 1996 to 2005
Board Member, Miami-Dade Boundaries Commission, 2003- 2005
Board of Member, Voices for Children Foundation, Inc., 2000 to 2007
Board of Directors, Big Brothers/Big Sisters of Greater Miami, Inc., 1994 to 1999
Miami Shores Planning & Zoning Board, 1998 to 2000 and 2007 to 2009.
Board Member, City of Miami Nuisance and Abatement Board, 1994 to 1996
Board of Directors, One Hundred Black Men, Inc., 1993 to 1998
Board Member, Miami-Dade Parks Foundation 2016-present
Board Member, Miami Shores Country Club Advisory Board 2019 - present

**VILLAGE OF BISCAYNE PARK, FLORIDA
VILLAGE ATTORNEY ENGAGEMENT AGREEMENT**

THIS VILLAGE ATTORNEY ENGAGEMENT AGREEMENT (“Agreement”) is made and entered into as of its Effective Date, by and between the Village of Biscayne Park , Florida, a Florida municipal corporation located in Miami-Dade County, Florida, whose address is 600 N.E. 114th Street, Biscayne Park, Florida 33161 (the “Village”) and Norman C. Powell d/b/a Law Offices of Norman C. Powell, whose address is 1666 J. F. Kennedy Causeway, Suite 420, North Bay Village, Florida 33141 (“Attorney”). This Agreement shall explain the nature and scope of the legal services the Attorney has agreed to perform for the Village, the fees for those services, the manner in which the fees and costs are determined, termination, and payment terms.

WHEREAS, on _____ , 2020, the Biscayne Park Village Commission (“Commission”) appointed the Attorney the Village Attorney at its regularly scheduled Commission Meeting; and

WHEREAS, all references to the Commission shall mean the collegial body of the Village of Biscayne Park Commission, unless otherwise stated herein.

NOW, THEREFORE, in consideration of the mutual covenants, promises and agreements herein contained, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Village and Attorney agree as follows:

1. **Recitals.** The foregoing recitals are true and correct and incorporated herein by this reference.

2. **Appointment and retainer.** The Attorney is hereby retained and appointed as the Interim Village Attorney.

3. **Nature of General Services.** The Municipality of the Village of Biscayne Park engages the Attorney to provide, including, without limitation by enumeration, the following services (herein after “Municipal Legal Services”):

3.1. **Village Commission and Committee Meetings.**

- a. Attend and provide legal counsel at all regular and special meetings and workshops of the Commission;
 - b. Attend and represent the Village at all code enforcement hearings which require attorney representation; and
 - c. Attend and provide legal counsel at meetings of other Boards of the Village that require attorney representation.
-

3.2. **General Legal Representation.** The Attorney shall perform all general legal representation for the Village as required. Such general legal representation includes, but is not limited to:

- a. Legislative work associated with the Commission meetings, including preparation or review of ordinances and resolutions, and written policies and procedures, together with research work as necessary associated with the preparation of those documents. This activity shall include providing assessments of legal risks inherent in any proposed course of action, present legislation, or practices of the Village;
 - b. Preparation of oral or written opinions on legal matters as required by the Commission and/or Village Manager;
 - c. Negotiations and preparation of agreements, leases, contracts, or similar documents;
 - d. Review and advice regarding contract form(s) between the Village and independent contractors;
 - e. Participation in meetings and/or telephone conferences with the Village Manager and/or Village Staff as designated by the Village Manager and the provision of legal counsel, as required;
 - f. Assistance to staff, legal research, and counseling related to the acquisition or sale of real property, preparation of leases, deeds and easements; utility franchise agreements; operations governed by law; liability situations; grant guidelines; pension law, and other matters as necessary requiring legal advice;
 - g. Maintenance of legal files and pleadings and orders in all litigation the Attorney is handling for the Village. On a monthly basis, if requested by the Village Manager or Commission, the Attorney will provide a written report on the status of all litigation that the Attorney is directly handling or is overseeing on behalf of the Village;
 - h. Keeping the Village Commission, Village Manager and Village department heads informed of legislation and/or judicial opinions that have potential to impact the Village;
 - i. As requested by the Village, overseeing, in a cost-effective manner, litigation in which the Village is represented by the Village's insurer;
 - j. Conducting legal research as required in the performance of duties to the Village;
-

- k. Providing legal services for such other matters not covered above, but which necessitate legal advice or use of legal services of the Attorney, as determined by the Village Commission or Village Manager and Village department heads; and
- l. Serve as liaison with independent counsel when required.

4. **Fees for Services.** The Attorney's regular rate is Three Hundred Seventy Five (\$375.00) per hour. However, the Village will be charged and agrees to pay for the Attorney's provision of the Municipal Legal Services on a Flat Fee per month basis starting on _____, 2020, the sum of Six Thousand Two Hundred Fifty Dollars (\$6,250.00). It is understood and agreed that the Municipal Legal Services will be provided without regard for the amount of time required to perform them, and that the set fee agreed to in this Paragraph 4 is unrelated to how much or how little time is expended by the Attorney in providing the Municipal Legal Services.

4.1. **Additional Legal Services.** The Attorney is authorized to provide additional legal services to the Village beyond the scope of the general Municipal Legal Services stated in Paragraph 3 of this Agreement. The Attorney will use his best judgment in determining whether it is in the best interest of the Village for him or for outside counsel to provide legal services in each particular instance. When the Attorney provides additional legal services for the Village, the firm will charge for professional services on an hourly basis and will itemize its professional fees in one-tenth (1/10) hourly increments as follows: \$200 per hour for all additional services, except federal litigation which shall be charged at \$250 per hours.

4.2. **Costs.** Certain expenses may be incurred and advanced on the Village's behalf with the Attorney expressly acting as the Village's agent. The Village agrees to pay these expenses, which may include, by way of example but not limited to, third party copy charges, bond or surety and insurance, court filing fees, deposition transcripts travel and lodging expenses, delivery charges, photocopies and postage. Wherever possible, the Attorney will receive authorization from the Village before incurring costs greater than \$500. The Village will also be responsible for all government imposed taxes on fees and costs.

5. **Payment Of Fees And Costs.** The Village will be billed by the Attorney on a monthly basis for the time spent on a matter and for expenses incurred on the Village's behalf. The Village will pay each statement in accordance with the Local Government Prompt Payment Act, Chapter 218, Florida Statutes.

5.1. Unless the Attorney reaches another agreement with the Village in writing regarding payment of fees and costs, the Village understands that non-payment of any invoice for fees and costs which is rendered in accordance with the terms of this Agreement will constitute a default by the Village and the Attorney may, in its sole and absolute discretion (subject to court approval, if necessary), cease to provide further legal services to the Village.

5.2. The Village will be liable to the Attorney for payment of any fees earned and any costs incurred to that time. ~~The Village further agrees that the Attorney shall have the right to withdraw from representing the Village if the client does not make payments required by this~~

Agreement. In such event, the Village agrees to execute such documents as will permit the Attorney to withdraw.

6. **Effective Date; Termination and Release.** The effective date of this Agreement is, _____ 2020. This Agreement shall continue in force month to month. The Attorney may terminate this Agreement by giving the Village 30 days' written notice. The Village may terminate this Agreement, in its sole discretion, upon the affirmative vote of no less than three of the duly elected or appointed members of the Commission and the notice of termination must be scheduled at a regularly scheduled Commission meeting and advertised in the Commission agenda prior to the Commission meeting. Upon termination of this Agreement, the Attorney will transfer all work in progress, completed work, and other materials to the Village's successor counsel. If this Agreement is terminated by the Village, the Attorney shall be entitled to reimbursement of all reimbursable costs advanced and all fees for services until such termination.

7. **Attorney to Be Independent Contractor.** The Attorney and Attorney's employees and agents are independent contractors, and not employees, agents or servants of the Village. All persons engaged in any work or services performed pursuant to this Agreement, shall at all times, and in all places be subject to the Attorney's sole discretion, supervision, and control.

8. **Village Not Liable For Acts Of Attorney.** The Village shall not be liable for the acts, omissions to act, or negligence of Attorney or the Attorney's agents, servants and employees. Attorney shall maintain during the term of this contract, and all renewals and extensions thereof, professional liability insurance in at least the minimum amounts of One Million Dollars (\$1,000,000.00) for each occurrence with a maximum deductible of Fifty Thousand Dollars (\$50,000.00).

9. **Compliance With Applicable Laws.** Attorney shall comply with all Federal, State and local laws and ordinances applicable to the work, and shall not discriminate on the grounds of race, color, religion, sex, disability or national origin in the performance of services to the Village.

10. **Public Records.** The Village and all of its activities, unless exempt, are subject to the Public Records Law (Chapter 119, Florida Statutes) and Sunshine Law (Section 286.011, Florida Statutes). Therefore, the Attorney will agree to observe and comply with those laws as they relate to the Village's policies and procedure.

11. **Representation of Other Clients.** The Attorney is bound by the rules of ethics not to represent any client if the representation of that client will be directly adverse to the interests of another client unless such client consents to such representation after consultation. Attorney represents that he presently has no interest and shall not acquire any interest, either direct or indirect, which would affect in any manner with the performance of legal services, as provided in the standards set forth in Part III of Chapter 112, Florida Statutes. Attorney will promptly notify the Village, in writing, of all potential conflicts of interest, which may influence or appear to influence our judgment or quality of legal services. The Village will notify the

Attorney within thirty (30) days of receipt of notification, if in the Village's opinion; the conflict would or would not be deemed a conflict of interest with respect to the Attorney's legal services.

12. **Miscellaneous.** This Agreement may not be modified except by written agreement executed with the same formalities as this contract. Once executed, a photocopy of this contract shall have the same force and effect as the original. Paragraph headings are for convenience only, and are not intended to expand or restrict the scope or substance of the provisions of this agreement. Whenever used herein, the singular shall include the plural, the plural shall include the singular, and pronouns shall be read as masculine, feminine or neuter as the context requires. This contract is made in the State of Florida, and shall be governed by Florida law. Miami-Dade County, Florida, shall be the exclusive venue for any litigation, arbitration or mediation relating to this contract. This contract may not be assigned or delegated by either party without the prior written consent of the other party. This contract shall not be construed to create legally enforceable rights in any persons or entities other than the Attorney and the Village,

13. **Commencement of Representation.** Upon the Village Commission's approval, the Attorney will serve as the Village Attorney providing Municipal Legal Services pursuant to the terms and conditions set for the above.

LAW OFFICES OF NORMAN C. POWELL

By: _____
Norman C. Powell

Dated: _____

VILLAGE OF BISCAYNE PARK

By: _____
Virginia O'Halpin, Mayor

Dated: _____

Attest: _____
Roseann Prado, Village Clerk

Dated: _____

**LAW OFFICE OF NORMAN C. POWELL
REFERENCES**

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Florida City, Village Attorney
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 2. Honorable Steve Leifman,
Associate Administrative Judge
Eleventh Judicial Circuit of Florida
Richard E. Gerstein Justice Bldg.
1351 N.W. 12th Street, Miami, Florida 33125
Telephone: 305-548-5394
E-mail: sleifman@jud11.flcourts.org

 3. Edward J. O'Donnell, Esq.
Edward J. O'Donnell, P.A.
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 4. Richard J. Sarafan, Esq.
Genovese Joblove & Battista
100 S.E. 2nd Street, 44th Floor
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Telephone: 305-349-2318
E-mail: rsarafan@gjb-law.com

 5. Honorable Claudia V. Cubillos
Mayor, Village of El Portal Florida
500 N.E. 87th Street
El Portal, Florida 33138
Telephone: 305-244-3913
E-mail: mayorcubillos@villageofelportal.org
-



RESPONSE TO VILLAGE OF BISCAYNE PARK RECRUITMENT FOR VILLAGE ATTORNEY

Submitted by:

Edward A. Dion
Nabors, Giblin & Nickerson, P.A.
8201 Peters Road, Suite 1000
Plantation, Florida 33324
(954) 315-0268
Edion@ngnlaw.com
Date: June 17, 2020

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Nickerson**^{P.A.}
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Plantation, Florida 33324
(954) 315-0268 Tel

June 15, 2020

Via Overnight Delivery

Village of Biscayne Park
Attn: Roseann Prado, Village Clerk
600 Northeast 114th Street
Biscayne Park, Florida 33161

Re: Response to Village Of Biscayne Park Recruitment for Village Attorney

Dear Ladies and Gentlemen:

Nabors, Giblin & Nickerson, P.A. ("NG&N" or the "Firm") is pleased to submit its response to serve as village attorney for the Village of Biscayne Park (the "Village"). Our response is intended to focus on the unique experience of NG&N and its members, which we feel is specially tailored to assist the Village.

In responding to this recruitment for Village Attorney, we have tried to limit our response to those items specifically referenced by the Village and to those items which we believe would have a direct bearing on the Village's decision. NG&N has been representing municipalities, counties, special districts, and governmental authorities since the law firm was organized in 1984. Our experience working with Florida local governments is not only vast, but unsurpassed in the State. This experience, we believe, will provide the Village with significant benefits.

We believe that NG&N is the right firm to provide the Village with municipal legal services for the following reasons:

1. Extensive Experience Working with Florida Local Governments. NGN is currently representing over 100 Florida local governments in one capacity or another, whether as the primary government attorney, special counsel, litigation counsel, bond counsel or otherwise.

2. Problem Solvers. NG&N has always prided itself in being problem solvers. Time and time again, while working with local government staff, NG&N has provided creative solutions to issues while being sensitive to political and economic constraints. The Firm is actively involved in all aspects of representation of governmental entities, including lobbying, drafting and changing legislation, arguing significant public policy issues before the Florida Supreme Court, risk management, taxation, assessments, public-private partnerships, creation and maximization of revenue streams and the myriad of other issues unique to local governments. **Since NG&N has limited its practice primarily to the representation of local governments, NG&N avoids conflicts such as representing the Village in one matter and representing private parties with adversarial interests to the Village in another.** We believe that this additional experience is another advantage to having NG&N on the Village team.

3. Specific Local Government Experience applicable to the Village of Biscayne Park . We believe that our substantial experience, particularly in the areas of police, planning, zoning, development and redevelopment, solid waste, and state and federal grants, provide extensive depth to address the Village's current needs and issues.

Edward A. Dion (EDion@ngnlaw.com) would take the lead for the Firm in servicing the City's account and will assisted by Valerie Vicente. Mr. Dion and Ms. Vicente are located in the Firm's Plantation Office. Mr. Dion and Ms. Vicente will be available 24 hours a day, 7 days a week to the Mayor, Village Commission members, Village Manager and the Village staff.

As set forth in our response, we believe that the Firm offers our clients a unique combination of experience and commitment, and that our services as the Village Attorney would be unparalleled. Please feel free to contact the undersigned should any additional information be needed or if there are any questions regarding our response.

Respectfully submitted,



Edward A. Dion
Shareholder

EXECUTIVE SUMMARY

The law firm of Nabors, Giblin & Nickerson, P.A. (“NG&N” or the “Firm”) is pleased to respond to the Village of Biscayne Park Recruitment for Village Attorney, and believes that we are uniquely suited to serve as the legal counsel for the Village. As Village Attorney, our mission would entail the following:

- **Protect the legal interests of the Village of Biscayne Park in all legal matters;**
- **Serve as the primary legal advisor to the Mayor, Village Commission, Village Manager and the Village’s Departments;**
- **Provide quality and timely legal advice, representation, and opinions;**
- **Ensure that all civil litigation involving the Village is processed in a professional, effective, and efficient manner; and**
- **Assist the Village in the enforcement of Village ordinances and policies and in the orderly performance of Village business.**

Fulfilling this mission requires NG&N to provide a wide range of legal services to the Village in the following practice areas: Contracts and Torts, Procurement and Purchasing, Constitutional Law, Employment and Labor, Public Law, Litigation and Appellate, Administrative, Finance, Land Use, Planning and Environmental, and Real Estate.

As will be demonstrated in this proposal, NG&N has the knowledge, experience and expertise to serve the Village in all of these critical functions. We welcome the opportunity to establish and strengthen a relationship with the Village of Biscayne Park.

Qualifications and Experience of Nabors, Giblin & Nickerson, P.A.

NG&N has been representing municipalities, counties, special districts, and governmental authorities since the law firm was organized in 1984. One of the distinguishing characteristics of NG&N is its extensive representation of Florida local governments and the historical participation by its attorneys in shaping Florida local government statutory and case law. Such experience began with the creation of the constitutional and statutory home rule powers of counties and municipalities in the 1968 constitutional revision, as further implemented by general law in the early 1970s. This experience and historical perspective is unparalleled in any other law firm.

Any firm can identify problems for clients. In contrast, our historical perspective and the practical experience of our members in all aspects of local government law place NG&N in a

unique position to solve problems. NG&N prides itself on solving issues for our clients and finding innovative solutions to the problems they face.

Additionally, there are several aspects that make NG&N unique among all firms who may seek to become Village Attorney to the Village:

- **NG&N currently employs seven current or former in-house local government attorneys: Edward Dion (City of Sunny Isles Beach and Broward County); Valerie Vicente (City of North Miami Beach); Kerry Parsons (Citrus County); Greg Stewart (Okaloosa County); Heather Encinosa (Wakulla County); Herbert W.A. Thiele (Leon County); and Lynn Hoshihara (Walton County).**
- **As a firm, NG&N has represented or currently provides general representation to a number of local governmental entities and agencies, including the following:**
 - **City of Sunny Isles Beach (city attorney)**
 - **Wakulla County (county attorney)**
 - **Okaloosa County (county attorney)**
 - **Florida Governmental Utility Authority (general utility counsel)**
 - **City of Sunrise (general utility counsel and general land use counsel)**
 - **City of Palm Bay (special counsel)**
 - **Leon County Housing Finance Authority (general counsel)**
 - **Walton County (former County Attorney conflict counsel)**
 - **Citrus County (former interim Code Enforcement counsel)**
 - **Osceola County (former interim county attorney)**
 - **Florida Housing Finance Corporation (former interim general counsel)**
- **NG&N has the capacity to absorb the workload associated with representing the Village, and we represent only one other city in Miami-Dade County.** As indicated in our cover letter and below, Ed Dion, a shareholder in the Firm, will be the point person for NG&N in its representation of the Village and will be assisted by Valerie Vicente. While our current workload is busy, Mr. Dion and Ms. Vicente have the time and

interest to step seamlessly into the Village Attorney role, and one of our strengths is our depth of attorneys to help.

- **NG&N warrants and represents that at all times during the term of the Agreement that the Firm will maintain in good standing all required licenses, certifications and permits required under federal, state and local laws necessary to perform the services as Village Attorney.**

Firm Background

NG&N maintains offices in Plantation, Tallahassee, and Tampa. The Firm currently has 23 attorneys and is divided into the following practice areas: Local Government Law; Litigation and Appellate Law, Employment Law, Land Use and Real Estate Law, Public Utilities Law, Public Finance, and Special Project Financing.

The firm has designated one of our shareholders, Edward A. Dion, as our attorney with principal responsibility for serving the Village's needs. As described below, Valerie Vicente will be his primary backup. Additionally, Gregory T. Stewart, Junious D. Brown, Heath R. Stokley, Kerry A. Parsons, Evan J. Rosenthal, and Carly J. Schrader would be available to handle specific matters on an as needed basis. L. Thomas Giblin, Ritesh S. Patel and Steven E. Miller will serve as bond counsel to the Village. These resources ensure the Village receives the necessary depth and breadth of coverage that smaller firms may be lacking.

Attached as Appendix B are resumes, affiliations, and certifications for the above attorneys who will be providing legal services to the Village. Mr. Dion works in the Plantation office of the Firm and will be available 24 hours a day, 7 days a week to the Mayor, Village Commission members, Village Manager, and the Village staff. In the event Mr. Dion is unavailable for any reason, Ms. Vicente will serve in his stead.

Attached as Appendix A is a list of government entities represented by NG&N. The Village is free to contact any of NG&N's clients for a reference. NG&N has experience in all aspects of local government law, including comprehensive planning and land use, home rule, statutory and constitutional interpretation, ordinance, resolution and contract drafting, tort liability, ethics, public records and sunshine law compliance, appellate and litigation, real estate and land use, interlocal cooperation and governance, utilities, budgets, tax and finance.

We pride ourselves on our responsiveness to our clients' needs, and our growing list of governmental clients in the State attests to this commitment. NG&N is equipped with state-of-the-art telephone, word processing, document scanning, reproduction and facsimile transmission equipment and operators. Offices of the firm also have access to LexisNexis research and internet access to transmit documents via e-mail.

PROJECT APPROACH AND UNDERSTANDING

The remainder of our response will detail NG&N's understanding of the role of legal counsel to the Village, our approach to fulfilling its duties, and our experience in providing these services in the following six main practice areas: (1) General Representation in Local Government Law; (2) Contracts, Procurement and Commercial Practice; (3) Transactional and Financial Practice; (4) Land Use, Real Estate and Environmental Practice; (5) Labor and Employment Practice; and (6) Litigation and Appellate Practice.

General Representation in Local Government Law

The primary responsibility of legal counsel to the Village is to represent the Village Commission, the Village Manager and Village staff and advise them all in legal matters affecting the Village. Such general representation includes attendance at all regular Commission meetings, workshops and special meetings, routine legal consultation with the Village Commission, Village Manager and Village staff and the preparation of ordinances, resolutions, contracts and other legal documents. The main job of legal counsel to the Village is to protect the Village's legal interests and provide wise legal guidance. In performing these duties, it is imperative that the Village Attorney be available and responsive to the Village's needs. By marshalling our firm's legal resources, NG&N would accord the Village with top priority and strive to provide a quick and professional response to all the Village's needs.

As indicated above, NG&N is actively involved in all aspects of representation of governmental entities, including drafting ordinances and resolutions, drafting legislation, risk management, taxation, assessments, public-private partnerships and the myriad of other issues unique to local governments, and has substantial experience in providing the general representation referenced above.

Members of NG&N, including Mr. Dion, regularly provide round table individualized workshops for specific governments, in which attorneys from the firm sit down with department heads, management and elected officials to discuss important issues faced by that government and to look for creative solutions to their problems. Members of the firm are frequently called upon to prepare ordinances and resolutions associated with special projects, utility rates, user fees, bond financings, and interlocal agreements. NG&N's wealth of knowledge in drafting ordinances and resolutions would be put to use in servicing the Village of Biscayne Park as the Village's legal counsel.

In addition, members of NG&N are also frequent lecturers at continuing education seminars on issues of local government law sponsored by the Florida Bar and other local government law organizations. NG&N also regularly sponsors and presents seminars around the State regarding local government finance and tax which are regularly attended by city and county managers, city and county attorneys, department heads, elected officials and finance professionals.

NG&N's experience in consulting with and advising local government officials and staff would be employed in providing legal advice to members of the Village Commission, the Village Manager and Village staff.

Sunshine Law, Public Records and Ethics

The Village Attorney must provide regular advice to the members of the Village Commission, Village Manager and Village staff on Florida's Government in the Sunshine, Public Records and Ethics laws.

Our attorneys are called upon often to address issues relating specifically to the powers and prohibitions of governmental bodies and the individuals serving on them. In this role, NG&N has provided advice to numerous clients on issues relating to those state laws. For example, in Collier County, we were retained to represent the County during investigations related to allegations of unethical behavior brought against a member of the Board of County Commissioners. NG&N provided St. Johns County with advice concerning whether the policies and practices utilized in the issuance of bonds complied with the open meeting requirements of the Sunshine Law and whether a proposed procedural mechanism under consideration would comply with Sunshine Law mandates.

In our role as special counsel to the Florida Housing Finance Corporation, Mr. Brown attends monthly Board meetings and renders legal advice on the various laws related to conflicts of interest, gifts, public records, Government in the Sunshine and ethics applicable to that organization.

Mr. Dion recently served as counsel to the Ethics Subcommittee of the Broward County Charter Review Commission and provided legal advice regarding the Broward County Code of Ethics.

Finally, firm members have lectured extensively on the Sunshine Law and Florida's Public Records Act, Chapter 119, Florida Statutes, before government officials, attorneys and staff. NG&N attorneys are prepared to advise the Mayor, the Village Commission, the Village Manager and staff on issues relating to these important topics.

Land Use, Real Estate and Environmental Practice

As the chief legal advisor to the Village, the Village Attorney must be well versed in all aspects of land use, real estate and environmental law. The Village Attorney must work with the Mayor, Village Commission, Village Manager, Village staff and its agencies to maintain the quality of life for Village residents and the Village's natural resources in the face of demands from growth and development.

In this regard, the Village's legal counsel must assist the Village in developing, implementing and enforcing land use and environmental regulations, code enforcement regulations and compliance, reviewing zoning and rezoning requests, negotiating developer agreements and providing development review. The Village's legal counsel must also provide legal assistance to the Village's Planning and Zoning Board and the Village's Code Compliance Board.

NG&N has a broad range of experience in land use issues and real estate matters representing governmental entities in various aspects of real estate development and financing. The firm maintains an active practice in the area of land use law. NG&N represents governmental entities throughout the State of Florida on matters brought contesting the validity of their actions relating to the use of property, including federal constitutional claims, eminent domain proceedings, construction disputes and actions for inverse condemnation. NG&N has also represented clients in defense of claims brought under the Bert J. Harris, Jr. Private Property Rights Protection Act, and claims alleging violations of local government comprehensive plans and in hearings seeking the approval of proposed comprehensive plan amendments.

NG&N also has extensive experience representing governmental entities in real estate matters, including the acquisition, development and financing of real property for public financing projects. Mr. Dion has extensive experience in real estate transactions and has participated in hundreds of real estate closings. NG&N represents borrowers and creditors in commercial lending transactions, negotiating land use restriction agreements, mortgages, environmental indemnity agreements, credit agreements and other traditional lending documents as well as reviewing title and other real estate matters.

Code Enforcement

Having served as general local government counsel to a variety of local government clients, NG&N has substantial experience in code enforcement, including serving as counsel to code enforcement boards, helping to develop and draft codes, serving as counsel during code enforcement hearings, dealing with code enforcement violation and enforcement, etc. Both Mr. Dion and Ms. Vicente have participated and advised clients in connection with many code enforcement board meetings.

Labor and Employment Law Practice

In its representation of the Village, the Village Attorney will necessarily face issues involving employment law, human rights, whistleblower complaints, workers' compensation, and collective bargaining. The Village's legal counsel must be equipped to provide preventative/risk management oriented advice to the Village in the areas of personnel policies, benefit issues, collective bargaining, union contracts, HIPAA, and employee discipline. The

Village Attorney must also be able to defend the Village in all labor and employment related matters.

As a result of NG&N's commitment to a wide variety of legal services to local government, we have had the opportunity to provide representation and counsel to numerous governmental entities throughout the State of Florida on labor and employment issues. In our representation of local governments, we always seek to take a proactive view of issues and problems which face governmental entities. Nowhere is this more important than in the area of employment and labor, including civil rights. The approach which we have utilized in our representation involves three separate and distinct aspects.

The first is to anticipate potential problems which local governments may face relating to employment and labor law issues. NG&N, on behalf of our municipal and county clients, has hands-on experience in reviewing and drafting personnel policies and plans and providing interpretive guidance to staff in numerous employment and labor issues. This is primarily addressed through the review of existing policies, pay plans and other relevant documents to determine whether potential amendments should be adopted which would aid staff in administering employment and labor matters in a consistent and lawful manner.

Second, we recognize that problems in the employment area arise frequently and generally need to be addressed in an expedited manner. In this regard, we provide several experienced attorneys who are available to respond to any inquiries that the Village might have concerning a potential problem relating to an employment or labor matter. We have been called upon to address numerous issues relating to disciplinary actions, claims of sexual harassment, racial and gender discrimination, fair labor standards issues, including wages, overtime and coverage-related problems, and implementation of Americans With Disabilities Act and Family and Medical Leave Act requirements. In fact, Mr. Dion previously served as general counsel to the Florida Department of Labor and Employment Security and NG&N has served as general counsel to the Florida Developmental Disabilities Council on all matters, including labor and employment.

Further, we have been involved, both directly and through the provision of legal advice, in the investigation of numerous claims made against governmental entities. We recognize that in this unique area of the law, the actions that are taken by the governmental entity in the initial phases of the process may direct how a matter is ultimately resolved many months later. Therefore, the importance of providing quick and accurate guidance to the Village to address the particular problem which the Village may face is crucial to our effective representation.

Finally, as is detailed below in the discussion of our Litigation and Appellate law experience, in the event litigation ensues, we have vast experience on a wide variety of employment litigation matters.

Transactional and Financial Practice

The Village Attorney must provide the Village with sound advice and assistance in association with Village budgeting, finances, and issues involving the acquisition of real and personal property. These services cover a wide range of issues touching on ad valorem taxation, budgeting, special revenue sources, state tax sources, bonds, condemnation, and purchasing or real and personal property.

NG&N is often called upon by our local government clients to provide advice and assistance with a myriad of financial issues. NG&N is one of the leading public finance firms in the State of Florida. In fact, we have literally written the book on local government finance, and you will most likely find a copy of our “Primer on Home Rule & Local Government Revenue Sources” in every county and most city offices within the State of Florida. Our attorneys routinely provide advice on state tax law, ad valorem taxation, sales taxes, motor fuel taxes and alternative revenue sources.

NG&N was a pioneer in the development of special assessments as a home rule revenue source for Florida counties and municipalities. Beginning with the Florida Supreme Court decision in City of Boca Raton v. State, 595 So.2d 25 (Fla. 1992) (which held that home rule powers were an alternative to general law provisions as the authority to impose special assessments) and continuing through Lake County v. Water Oak Management Corp., 696 So.2d 667 (Fla. 1997) (which found the distinction between those services capable of being funded through special assessments from those required to be funded from taxes), NG&N has forged the development of the special assessment concept. We have implemented hundreds of special assessments throughout the State of Florida.

NG&N has also shaped the development of impact fees to ensure that growth pays its fair share of the infrastructure it demands. From the Fifth District Court of Appeal decision in Seminole County v. City of Casselberry, 541 So.2d 666 (Fla. 5th DCA 1989) (upholding the home rule power of a county to impose an impact fee countywide to fund the growth portion of the roads within the countywide road system) to the Florida Supreme Court decision in St. Johns County v. N.E. Home Builders Assoc., 583 So.2d 635 (Fla. 1991) (upholding the authority of a county to impose school impact fees), NG&N has been in the forefront of the development of this valuable growth management funding source.

NG&N regularly serves in the traditional roles of bond counsel, underwriter’s counsel, disclosure counsel, special counsel, trustee’s counsel, issuer’s counsel and bank’s counsel in a wide variety of tax-exempt and taxable governmental financings. NG&N is also a leader in the market with respect to more non-traditional public finance areas such as derivatives, tax matters and public-private financings. NG&N has developed a reputation throughout the State of Florida for providing innovative solutions for complex financing problems. Over the last five years, we have served as bond counsel in approximately 550 financings with an approximate aggregate bond amount of \$18.7 billion. During such period of time, we have also served as

Disclosure Counsel in approximately 150 transactions with an aggregate principal amount of approximately \$16.4 billion and as underwriter's counsel in approximately 100 transactions with an aggregate principal amount of approximately \$3.4 billion. For calendar year 2016, NG&N was the number 1 ranked bond counsel firm in the State and number 2 in the Southeast region of the United States according to rankings published in The Bond Buyer, and the number 1 ranked disclosure counsel in the State according to Securities Data Corporation (Thomson Reuters). For 2019, the Firm was ranked number 3 in the State and number 9 in the southeast region by The Bond Buyer.

Contracts, Procurement and Commercial Practice

The Village Attorney must be equipped and able to provide legal representation to the Village as needed in the transaction of Village business in the areas of contracts, procurement, and commercial law. These services cover a wide range of issues related to public works, community services, and operational management of the Village, including commercial and business law services related to contracts and their performance, public procurement, and special forms of agreements available to cities, such as interlocal agreements, and license agreements.

The Village Attorney must review, revise and draft contracts with public and private sector entities, including documents for the construction of public facilities and infrastructure, as well as consulting, engineering, and other agreements for professional services. Additionally, the Village's legal counsel must review all real property leases, licenses, and concessions, a variety of vendor agreements, franchise agreements, and other contractual relationships between the Village and other governmental entities.

NG&N has demonstrated experience in all aspects of contract, procurement, and commercial law. Similarly, NG&N attorneys have vast experience with franchises, licenses, and other contractual arrangements. For example, we recently assisted both Levy County and Nassau County with solid waste franchise and licensing issues. Similarly, NG&N has successfully completed numerous land acquisitions and sales on behalf of our clients, including the drafting and negotiating of the purchase and sale agreements, the drafting of all necessary asset transfer instruments and the provision of title insurance. Finally, NG&N has a demonstrated experience in drafting developer agreements, service agreements and other public contracts.

Litigation and Appellate Law

Although we believe that the Village Attorney should strive in its representation of the Village to avoid litigation, this is not always possible and the Village's legal counsel will inevitably need to represent the Village in administrative proceedings and litigation in federal and state court. These judicial proceedings will involve public ethics and open meetings, public records, land use, commercial litigation, eminent domain, employment litigation, personal injury defense, discrimination claims, and finance and tax matters.

NG&N has an active litigation and appellate practice and represents governmental entities on a wide variety of issues. The primary areas of focus are litigation relating to tax and finance issues, labor and employment law, Sunshine and ethics law, and land use and real estate matters.

These include claims in state and federal courts and before various state administrative forums involving wrongful termination, violation of collective bargaining agreements, claims relating to discrimination and violations of the Americans with Disabilities Act. We have also been involved in litigation dealing with alleged violations of various employment-related constitutional rights. Several attorneys who will be assigned responsibility for representation of the Village have extensive experience in all phases of representation.

Attorneys in the firm have lectured extensively on issues such as employment at will, the Family and Medical Leave Act, age discrimination, the Americans With Disabilities Act, Title VII and other discrimination laws, and minority contracting and set-asides. Additionally, NG&N's Litigation and Appellate Law Section has successfully defended various local governmental entities in Sunshine Law litigation. For example, firm lawyers defended Nassau County's Commissioners in Hoshall v. Nassau County, et al., Case No. 98-974-CA (4th Judicial Circuit), a suit claiming that Sunshine Law violations should negate a contract entered by the county to design and build its new courthouse annex and force Commissioners to repay moneys already expended for that structure. Through NG&N's efforts, the county prevailed, both at trial and on appeal.

As described above, NG&N has been at the forefront in developing and defending alternative government revenue sources. NG&N has represented local governments throughout the State of Florida in disputes over the validity of impact fees, special assessments and the implementation and funding of a variety of services and improvements through municipal services taxing and benefit units. We have also been actively involved in the representation of local governments relating to redevelopment areas and the use of increment financing. As a firm that has been engaged in local government litigation for almost forty years, we have tried cases ranging from impact fee challenges to ad valorem tax disputes to local government suits against the State to alleged Sunshine Law violations to contract claims to construction-related matters to personnel issues—it literally runs the entire gamut of local government issues. While we don't keep a specific tally of wins versus losses (some cases are overturned on appeal, many are settled), we can represent to the Village that our winning percentage is extremely high. The Village will be proud to have us in their corner on any litigation to which the Village might become involved.

Both Mr. Dion and Ms. Vicente are admitted to practice before the United States District Court for the Southern District of Florida.

Our Approach to Legal Services

NG&N proposes to provide legal services to the Village by means of a contractual relationship. Our approach to serving local government entities, including municipalities, is that we represent the Village, not the Mayor or individual Village Commission Members, the Village Manager or staff. Our job is to provide exceptional and professional legal advice, both in terms of the application of the law to a given set of circumstances, but also in identifying "potholes" or areas where, if no corrective action is taken, legal liability or damage to the Village's interest could result. We take this responsibility and are the Village's advocate, but we also recognize that our role is neither to develop policy or implement it, and we take great pains not to overstep our bounds as the Village's legal counsel. In our past and current experience we have worked well with all parties, including elected officials and staff, by providing only professional legal advice and not taking "sides" in policy or implementation disputes. Our objective as the Village's legal counsel is to provide timely and competent legal advice to the Village, to keep (to the best of our ability) the Village from incurring liability, and to vigorously and aggressively defend the Village when its interests are threatened. If we do our job, others are better able to do their jobs, and we can save the Village time and money that otherwise would have to be spent on non-productive matters. For example, we believe NG&N, by helping to legally restructure Okaloosa County's tourism development efforts after a prior director embezzled funds, helped save our client hundreds of thousands of dollars. Likewise, our efforts on behalf of Flagler County in a short term rentals issues we believe helped preserve substantial funds that could be directed to governmental purposes. If selected we will work closely with the Mayor, the Village Commission, the Village Manager and the Village staff to further the Village's interests. While we are not a "go-between", we've found in other circumstances that we can help bridge differences simply by pointing out the legal obstacles or likely outcomes if certain actions are taken. We take pride in our job and do it well.

We need adequate information to appropriately provide legal counsel, but we're generally effective in getting what we need. For instance, we need to be fully informed about all aspects of litigation matters in order to effectively represent the Village in litigation. We haven't found this to be a problem in other jurisdictions, and will try to be clear and reasonable in our requests for what we need and when.

As indicated above, our entire approach to practicing law is to be proactive. If we can eliminate unfavorable provisions in contracts, avoid unnecessary litigation, foresee future legal impediments and create less problematic legal pathways, we have enhanced the ability of the Village to provide cost-effective services to its citizens, which is why it exists. The key to this is spotting potential problems early, whether they be personnel actions that could lead to lawsuits, antiquated local regulations that will lead to claims against the Village, or just the failure to think through what the future legal consequences of an action might be. We have similar fee structures to that proposed for the Village with a number of other governmental clients, including the City of Sunny Isles Beach, Wakulla County and Okaloosa County, and have been able to stay within budget almost every year. Much of the key in remaining within budget

is in keeping an eye on total amounts, communication with the client and early identification of large issues which might stress the approved budget. If we observe threatened litigation or another event that would likely send the Village Attorney's office over budget, it is our job to notify the Commission and come up with a proposed solution, either by means of saving money in another area, delaying certain activities or requesting consideration of a budget amendment.

Other Municipal and Governmental Clients

As indicated above, see Appendix A for a list of current NG&N City and local government clients.

QUALIFICATION INFORMATION AND ASSIGNED PERSONNEL

Resumes and Qualifications of Principal Lawyers

As indicated above, Edward Dion will be NG&N's primary attorney representing the Village, assisted by Valerie Vicente and the other attorneys referenced above. Mr. Dion and Ms. Vicente's resumes, as well as other key players for NG&N, are attached hereto as Appendix B. Mr. Dion previously served as the county attorney for Broward County, during which he attended weekly board meetings, prepared agenda items, reviewed and negotiated contracts with vendors, consultants, landowners, developers and other entities and generally provided any legal advice required, including, but not limited to issues relating to ethics, public records, government in the sunshine, bidding and procurement. He also served as general counsel to the Broward County Sheriff. More recently, he served as special counsel to the City of Sunrise, attending several meetings during the process of hiring the city attorney and reviewing the terms of the contract with the new city attorney on behalf of the City. Mr. Dion currently serves as city attorney to the City of Sunny Isles Beach, providing the full range of general city services.

In the event Mr. Dion is unavailable, Valerie Vicente would serve in his stead. Ms. Vicente previously served as the Senior Assistant City Attorney for the City of North Miami Beach and provided the full range of services required of an in-house assistant city attorney, including, but not limited to, attending commission meetings, drafting ordinances and resolutions, and providing legal advice on a myriad of issues, including but not limited to, Florida Public Records Act, Florida Sunshine Law, Florida Contraband Forfeiture Act, and Miami Dade County's Conflict of Interest and Code of Ethics ordinance. Ms. Vicente also served as the legal counsel for the City's police department, Public Utilities Commission, Code Enforcement Board and Red Light Hearing Magistrate. In addition to the above, Ms. Vicente served as Lead Litigation Counsel over all of the City's personal injury cases from claim initiation through settlement. Ms. Vicente has past and present experience providing the full gamut of legal counsel services and would bring a clear understanding of the issues and needs facing the Village.

Neither Mr. Dion nor Ms. Vicente have any prior scheduled commitments that would conflict with the Village's regularly scheduled meetings. In the event such scheduling conflict arises, we will coordinate with the Mayor and Village staff in advance to accommodate the Village's needs.

Conflicts of Interest

NG&N generally only represents governmental entities, so that we do not anticipate any conflicts of interest or ethical considerations related to our representation of or our affiliation with any boards, organizations, committees or clients. **Although we are a local government law firm, we do not serve as the city attorney for any other municipalities in Miami-Dade County other than Sunny Isles Beach, and we do not anticipate any conflicts of interest with that City because it is not contiguous to the Village and does not provide services to or receive services from the Village.** If it does, the Firm will seek a waiver of the conflict and will otherwise act in accordance with the Florida Bar's Rules of Professional Responsibility.

Proposed Fee Schedule

NG&N will strive to provide top quality representation to the Village of Biscayne Park at an economic price. In order to remove uncertainty as to the types of legal services included and provide ease of budgeting, NG&N proposes a lump sum annual retainer arrangement with the Village. NG&N proposes an annual retainer in the amount of \$75,000, which would be payable in twelve equal monthly installments. This retainer would cover all general representation of the Village up to a maximum of thirty (30) hours per month. The scope of general representation provided would include the representation of the Village Commission at all Village meetings and workshops, the provision of legal advice and guidance to the Mayor, the Village Commission, the Village Manager and Village staff, and preparation of ordinances, resolutions and opinions, including the drafting and review of contracts. The only exceptions from this retainer would be for the following:

A. Litigation in any State or Federal court, representation of the Village before the Division of Administrative Hearings, Equal Employment Opportunity Commission, Florida Commission on Human Relations, Unemployment Compensation Commission, or other State, Federal or local administrative proceeding, would be compensated on an hourly basis at the following rates:

Partners	\$225.00 per hour
Associates	\$175.00 per hour
Clerks/Paralegals	\$ 75.00 per hour

B. Special Projects or activities which would require more than ten (10) hours of attorney time would be charged at the above hourly rates. Prior to commencing such Project, NG&N would notify the Village that the Special Project would exceed ten (10) hours

and receive prior authorization. This would include matters which because of the nature of the Special Project, an extraordinary amount of effort would be required. An example of these types of Special Projects would be the substantial revision of the Purchasing Manual or Land Development Code.

C. Development and implementation of Revenue Programs, such as a special assessment, impact fee or other home rule revenue sources which would be negotiated on a project-by-project basis.

D. Municipal bond or bank financing, which would be negotiated on a transaction-by-transaction basis.

E. Any additional requested legal services in excess of thirty (30) hours per month would be compensated on an hourly basis at the following rates:

Partners	\$225.00 per hour
Associates	\$175.00 per hour
Clerks/Paralegals	\$ 75.00 per hour

NG&N will not charge for travel time or travel-related costs to the Village. NG&N will be reimbursed for actual costs incurred on other travel, in conformity with Chapter 112, Florida Statutes. NG&N will also be reimbursed for actual costs incurred in the provision of legal services including, but not limited to, filing fees, depositions, court reporter fees, witness fees, and other court related expenses, on-line research expenses, overnight delivery charges, copy and fax costs, long distance telephone costs, and other charges incurred in providing services to the Village.

APPENDIX A
GOVERNMENT ENTITIES REPRESENTED BY THE FIRM

The following are governmental entities for which we currently provide legal services.*
(footnotes follow the list)

Alachua, City of (1)(2)(4)	Indian River County (1)	Palm Beach County School Bd. (1)
Alachua County (1)(2)(5)	Islamorada, Village of (2)	Panama City, City of (1)
Alford, Town of (2)	Jackson County (2)(5)	Parkland, City of (2)
Bay County (1)(2)(3)(5)	Jackson County School Bd. (1)	Pensacola, City of (2)
Bradenton, City of (1)	Jefferson County (1)(2)(4)(5)	Pinecrest, Village of (3)(5)
Broward County (1)	Key Largo, City of (2)	Pinellas County (1)(2)
Broward County School Bd.(1)	Lafayette County (5)	Pinellas County School Bd. (1)
Cape Coral, City of (1)(2)(5)	Lake County (1)(2)(5)	Polk County (2)(5)
Charlotte County (1)(3)(5)	Lake Worth, City of (4)	Pompano Beach, City of (4)
Charlotte County School Bd. (1)	Lauderhill, City of (2)(4)(5)	Port St. Lucie, City of (1)
Citrus County (2)(3)(5)	Lee County (1)(5)	Punta Gorda, City of (2)
Clearwater, City of (1)	Leon County (1)(5)	Putnam County (1)(2)(5)
Collier County (1)(2)(5)	Levy County (1)(2)(4)(5)	St. Johns County (1)(3)(4)(5)
Columbia County (1)(2)(5)	Longwood, City of (2)	St. Lucie County (1)(4)(5)
Coral Gables, City of (1)(2)	Lynn Haven, City of (1)	St. Lucie County School Bd. (1)
Davie, Town of (2)	Manatee County (1)(5)	St. Petersburg, City of (4)(1)
Deerfield Beach, City of (2)	Manatee County School Bd. (1)(5)	Sebring, City of (2)
Escambia County (1)(5)	Margate, City of (2)	Shands Teaching Hospital (1)
Flagler County (1)(4)(5)	Marianna, City of (1)	South Daytona, City of (3)
Flagler County School Bd. (1)	Marion County (1)(2)(5)	State Dept of Transportation (5)
Florida Association of Counties (5)	Martin County (2)	Sumter County School Bd. (1)
Florida Dev. Fin. Corp. (1) (5)	Miami-Dade County (1)(2)	Sunny Isles Beach, City of (2)(5)
Florida Hurricane Cat Fund (1)	Miami-Dade School Bd. (1)	Sunrise, City of (3)(4)(5)
Florida Municipal Loan Council (1)	Miramar, City of (1)(2)	Suwannee County (1)(2)(4)
Florida Governmental Utility	Monroe County (2)	Tallahassee, City of (1)(2)(4)(5)
Auth. (1)(2)(3)(5)	Nassau County (1)(2)(5)	Tampa, City of (1)(2)
Fort Lauderdale, City of (2)(5)	Newberry, City of (1)(2)	Taylor County (5)
Franklin County (1)(2)(4)(5)	North Port, City of (1)(2)(5)	Venice, City of (1)(4)
GSC Energy Rec of Pinellas Co. (5)	Okaloosa County (1)(2)(4)(5)	Vernon, City of (1)
Glades County (4)	Okeechobee County (2)(5)	Vero Beach, City of (1)
Green Cove Springs, City of (2)	Orange City, City of (2)	Volusia County (5)
Gulf County, Florida (1)	Orange County (2)(1)(5)	Wakulla County (1)(2)(5)
Hendry County (1)(2)(3)(4)(5)	Osceola County (1)(2)(5)	Walton County (1)(4)(5)
Hernando County (1)	Palm Bay, City of (1)(2)	Walton County School Bd. (5)
Highlands County (2)	Palm Beach, Town of (2)	Winter Springs, City of (1)(2)(5)
Hillsborough County (2)(5)	Palm Beach County (4)(5)	

*Excludes various industrial development authorities, health facilities authorities, education facilities authorities, housing finance authorities and community development districts.

- (1) Finance representation
- (2) General government representation
- (3) Utility representation
- (4) Miscellaneous
- (5) Litigation

APPENDIX B

RESUMES OF LEGAL PROFESSIONALS FOR NABORS, GIBLIN & NICKERSON, P.A.

Edward A. Dion



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Mr. Dion is a 1978 graduate of the University of Miami's College of Law and a 1975 graduate of the University of Pennsylvania. After serving as the General Counsel of the Broward County Sheriff's office since 2004, Mr. Dion joined the Firm in October 2007. Mr. Dion served as Broward County Attorney from 1999 through 2004; as General Counsel from 1994 to 1999 and as Deputy General Counsel from 1987 through 1994 for the Florida Department of Labor; and was in private practice specializing in real estate and litigation from 1979 through 1987. Mr. Dion has represented and advised state and local government entities since 1987, including before the Florida Legislature, state and federal courts, and administrative agencies. Mr. Dion's area of practice includes employment law, legislative consulting, local government law, and litigation and appellate law.

- Represented and advised state and local government entities since 1987, including before the State Legislature, state and federal courts and administrative agencies.
- Provides innovative problem solving to local governments and special districts.

Prior Professional Experience

- General Counsel, Broward Sheriff's Office, 2004-2007.
- County Attorney, Broward County, 1999-2004.
- General Counsel, Florida Department of Labor, 1994-1999.
- Deputy General Counsel, Florida Department of Labor, 1987-1994.
- Private Practice specializing in real estate and litigation, 1979-1987.

Professional, Civic & Community Involvement

- The Florida Bar, Member.
- Former Executive Council Member - Florida Bar Section of City, County and Local Government Law.
- Secretary, Florida Association of County Attorneys, 2003-2004.
- Admitted to practice in Florida and in the United States District Courts for the Southern District of Florida, the United States Court of Appeals for the Eleventh Circuit, and the United States Supreme Court.
- City, County and Local Government Law -- Legal Ethics and Professionalism Award, 2006.
- South Florida Legal Guide Top Government Attorney, 2004.
- Past President, Florida Jaycees, 1986-1987.

Education

- J.D., University of Miami, 1978.
- B.S., Economics, University of Pennsylvania, 1975.

Areas of Practice

- Employment Law

- Land Use and Real Estate Law
- Local Government Law
- Litigation and Appellate Law
- Public Utilities Law

Valerie Vicente



Valerie Vicente | Associate | vvicente@ngnlaw.com
8201 Peters Road, Suite 1000 | Plantation, Florida 33324
954-315-0269 Tel.

Ms. Vicente is a cum laude graduate of the University of Miami College of Law, and a summa cum laude graduate of Florida International University. Ms. Vicente joined the Firm in 2019 where she concentrates her practice in the areas of litigation and appellate law and local governmental law. Ms. Vicente provides representation to clients on litigation, procurement issues, contract and construction disputes, and land use issues. Prior to joining the Firm, Ms. Vicente served as a Senior Assistant City Attorney for the City of North Miami Beach. Ms. Vicente also has extensive litigation and jury trial experience having practiced at the firm of Clark Robb, PA, as a litigation associate, and having served as an Assistant Public Defender in Miami-Dade

County.

Prior Professional Experience

- Senior Assistant City Attorney for the City of North Miami Beach, Florida, 2017-2019.
- Litigation Associate, Clark Robb, PA, Miami, Florida, 2012-2017.
- Assistant Public Defender, Law Offices of Miami Dade Public Defender, Miami, Florida, 2009-2012.

Professional, Civic & Community Involvement

- The Florida Bar, Member.
- Cuban American Bar Association, Member.
- Admitted to practice in all courts of the State of Florida, and the United States District Court for the Southern District of Florida.

Education

- J.D., University of Miami, College of Law, cum laude, 2009.
- B.A., Florida International University, summa cum laude, 2006.

Areas of Practice

- Local Government Law
- Litigation and Appellate Law

Heather J. Encinosa



**Heather J. Encinosa | Shareholder | hencinosa@ngnlaw.com
1500 Mahan Drive, Suite 200 | Tallahassee, Florida 32308
850-224-4070 Tel. | 850-224-4073 Fax**

Ms. Encinosa has dedicated her entire legal career to representing counties, cities, and other local government entities in the State of Florida. Ms. Encinosa is a 1996 graduate of the American University's Washington College of Law (summa cum laude) and a 1993 graduate of the University of Missouri (summa cum laude). Ms. Encinosa has been a member of the Florida Bar since 1997 when she joined NG&N. Ms. Encinosa is a member of the City, County, and Local Government Law Section of the Florida Bar.

Her practice includes representation of local governments on a variety of issues, including the review and negotiation of transactional documents, municipal and county home rule, constitutional and statutory interpretation, public utilities and governmental finance and tax matters.

Specifically, Ms. Encinosa serves as Wakulla County Attorney representing the county in the following practice areas: contracts and torts, procurement and purchasing, constitutional law, employment and labor, public law, litigation and appellate, administrative, finance, land use, planning and environmental, real estate and legislative. Ms. Encinosa also serves as lead counsel to the Florida Governmental Utility Authority ("FGUA"), where she provides on-going representation and advice to this governmental authority.

Ms. Encinosa serves several local governments in a special counsel capacity, touching upon all aspects of local government law. Ms. Encinosa has drafted numerous ordinances, resolutions, opinion letters, and contracts on behalf of her local government clients.

Ms. Encinosa is a frequent speaker before The Florida Bar's annual County, City, and Local Government Law section certification review course, the Florida Association of County Attorneys, the Florida Association of Counties, the Florida Government Finance Officers Association, and at NG&N's seminar on local government finance.

- Serves as county attorney to Wakulla County, Florida.
- Provides ongoing, day-to-day and special representation to local governments and public utility clients.
- Represents counties and municipalities in the development, structure, and implementation of special assessment programs for services and capital facilities.
- Represents counties, municipalities, and school districts in the development, structure, and implementation of impact fees for various growth-related capital improvements, such as schools, transportation, parks and recreational facilities, fire, EMS, and libraries.
- Assists clients with local government, constitutional, land use, home rule, public records, Sunshine law, and finance and tax issues.

Professional, Civic & Community Involvement

- The Florida Bar, Member.
- The Florida Bar: City, County and Local Government Law Section, Member.
- The Florida Bar Journal/News Editorial Board, Member.
- Speaker for Florida Association of County Attorneys, Florida Association of Counties Small County Coalition and Florida Government Finance Officers Association.
- Tallahassee Families with Asian Children Leadership Council, Past Chairman.
- Friends of Wakulla Springs, Board of Directors, Past Member.

- Girl Scouts of America Volunteer.
 - Democratic Women's Club of Leon County, Past President.
 - Florida Association of County Attorneys Friend Award recipient, 2019.
-

Education

- J.D., *summa cum laude*, The American University, Washington College of Law, 1996.
 - B.J., *summa cum laude*, The University of Missouri, 1993.
-

Areas of Practice

- Local Government Law
- Public Utilities Law
- Special Project Financing
- Land Use and Real Estate Law

Junious D. Brown III



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Mr. Brown served as director of the Florida Housing Finance Corporation's affordable housing mortgage guarantee and asset management programs for three years prior to joining the Firm. In his capacity as director, Mr. Brown oversaw Florida Housing's provision of credit enhancement in connection with various tax-exempt bond and low-income housing tax credit transactions, managed housing inventory and mortgage guarantee exposure in excess of \$1 billion, and established and maintained relationships with nationally-recognized rating agencies and bond insurers. Prior to his tenure with Florida Housing, Mr. Brown was associated with the Tallahassee firm of Katz, Kutter, Haigler, Alderman, Bryant & Yon, P.A. for three years, where he practiced transactional, corporate and insurance regulatory law. Mr. Brown earned a Bachelor of Science degree in Business Economics from Florida A&M University in 1993 and Juris Doctor and Master of Business Administration (Real Estate and Urban Land Economics) degrees in 1998 from the University of Wisconsin-Madison. As a member of the Firm, Mr. Brown's practice focuses on municipal finance.

- Represents state, county and municipal governments in connection with bond financings.
- Represents state and local affordable housing issuers on bond and low-income housing tax credit financings.

Prior Professional Experience

- Florida Housing Finance Corporation, 2001-2004.
- Katz, Kutter, Haigler, Alderman, Bryant & Yon, P.A., 1998-2001.

Professional, Civic & Community Involvement

- The Florida Bar, Member.
- The Florida Bar Business Law Section, Member.
- State Bar of Wisconsin; Business Law Section.
- American Bar Association, Forum on Affordable Housing and Community Development Law.
- Also admitted to practice in Wisconsin.

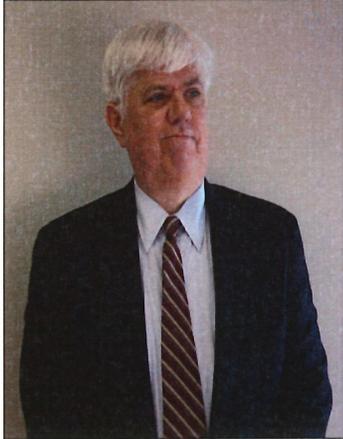
Education

- J.D. and M.B.A., University of Wisconsin-Madison, 1998.
- B.S. Florida A&M University, 1993.

Area of Practice

- Public Finance

L. Thomas Giblin



L. Thomas Giblin | Shareholder | tgiblin@ngnlaw.com
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Mr. Giblin is a founding member of the Firm and has been involved exclusively in public finance for over 42 years. From February 1977 through December 1982, he was associated with the New York City law firm of Mudge Rose Guthrie & Alexander in its municipal bond department. He has functioned as Bond Counsel, Disclosure Counsel and Underwriter's Counsel for bond and note issues in approximately 25 states, including Florida, New York, New Jersey, California, Texas and Pennsylvania. The types of issues on which he has worked include general obligation, health care, industrial development, sewer, water, electric, solid waste, transportation, special assessment, housing airport, port and special tax and revenue. He has also been involved in numerous public-private partnerships. Mr. Giblin received his J.D. from the University of Wisconsin Law

School in 1975.

- Represents clients in all aspects of public finance, including tax-exempt obligations issued to finance and refinance transportation improvements (including toll facilities), water and sewer utilities, electric utilities, port and airport improvements, solid waste disposal facilities, and general governmental facilities.
- Represents clients in the creation of public-private partnerships for various purposes, including transportation and redevelopment.
- Represented Tampa Bay Water, the governmental water utility serving the Tampa Bay area, in changing its governance structure, as well as drafting a new master water supply contract for all the member governments. This engagement also included acquiring the water assets of the member governments and financing various elements of Tampa Bay Water's capital improvement program through the issuance of approximately \$3 billion of debt.
- Served as bond counsel to the Florida Ports Financing Commission in establishment of a first of its kind pool program for ports located in the State of Florida. The program involved use of State transportation trust fund monies, matching monies by the Ports and issuance of approximately \$600 million of debt.
- Established the Florida Governmental Utility Authority in order to acquire various utility facilities on behalf of local governments from private companies. This engagement involved creation of the Authority pursuant to interlocal agreement among various counties and issuance of approximately \$400 million amount of indebtedness to acquire such facilities.
- Established a pooled commercial paper program under the administration of Florida Association of Counties. The program provides low cost borrowing for local governments throughout the State and has issued approximately \$2.0 billion commercial paper notes since its inception.
- Established a public-private partnership in the City of Miramar in order to finance water and wastewater facilities without impacting on existing ratepayers. This involved negotiating agreements with multiple developers and utilizing special assessments to finance the utility improvements. The partnership involved issuance of approximately \$85 million of debt.

Bar Membership

- The Florida Bar, Member

Education

- J.D., University of Wisconsin, 1975
- B.A., Rutgers University, 1971

Prior Professional Experience

- Mudge, Rose, Guthrie & Alexander, New York, New York, 1977-1982

Honors

- *Best Lawyers In America*®, Public Finance Law, First Year Listed 2006
- *Best Lawyers in America*®, Lawyer of the year, Public Finance Law – Tampa, 2012
- *Florida Trend* magazine, Florida Legal Elite, 2011

Areas of Practice

- Public Finance
- Special Project Financing

Steven E. Miller



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Mr. Miller graduated from the University of Florida College of Law in 1989, with honors. Mr. Miller joined the Firm in March 1992 and has focused entirely on the practice of governmental finance for over 26 years. From March 1990 through February 1992, Mr. Miller was associated with the law firm of Trenam, Simmons, Kemker, Scharf, Barkin, Frye & O'Neill, P.A., Tampa, Florida, where he practiced in several corporate transactional areas, including public finance. As a shareholder in the Firm, Mr. Miller has served as Bond Counsel, Underwriters' Counsel, Disclosure Counsel, Bank's Counsel and Trustee's Counsel in a variety of tax-exempt financings involving cities, counties, school districts, community redevelopment agencies, special districts and authorities and private borrowers.

Transactions in which Mr. Miller has been involved include financings of all types of general governmental infrastructure, water, sewer and solid waste facilities, toll facilities, educational facilities, health care facilities, manufacturing facilities, community redevelopment improvements, charter schools and transportation facilities. Some of the clients for which Mr. Miller has primary or secondary responsibility include Brevard County, Charlotte County, Collier County, Hernando County, Hillsborough County, Lee County, Monroe County, Pinellas County, St. Johns County, the City of Cape Coral, the City of Fort Myers, the City of Lakeland, the City of Melbourne, the City of Miramar, the City of North Port, the City of Port St. Lucie, the City of Punta Gorda, the City of St. Pete Beach, the City of Sebastian, the City of Sunrise, the City of Tampa, the City of Venice, and Tampa Bay Water. Mr. Miller received his Bachelor of Science degree in finance, with high honors, from the University of Florida in 1985 and his J.D. from the University of Florida with honors in 1989. Mr. Miller has been selected to the prestigious Florida Super Lawyers and Best Lawyers in America for the last several years.

Professional, Civic & Community Involvement

- The Florida Bar, Member
- Frequent speaker on public finance topics at conferences for the Florida Government Finance Officers Association, Florida Association of Court Clerks, Florida Association of Counties and other local government organizations
- Elder, Palma Ceia Presbyterian Church
- Big Brothers, Big Sisters

Education

- J.D., University of Florida, 1989 (with honors)
- B.S. (Finance), University of Florida, 1985 (with high honors)

Prior Professional Experience

- Trenam, Kemker, Scharf, Barkin, Frye, O'Neill & Mullis, P.A., Tampa, Florida, 1990-1992

Honors

- AV® Preeminent™ 5.0 Peer Review Rated™ by Martindale-Hubbell®
- *Best Lawyers In America*®, Public Finance Law, First Year Listed 2006
- *Best Lawyers In America*®, Lawyer of the Year, 2011
- *Florida Super Lawyers*® magazine, 2008-2015
- Named one of Tampa's Top Rated Lawyers of 2014

Area of Practice

- Public Finance

Kerry A. Parsons



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Ms. Parsons is a 2008 cum laude graduate of Suffolk University with a bachelor's degree in Government and a 2011 graduate of Florida Coastal School of Law. Ms. Parsons joined the Firm in 2015 where she concentrates her practice in the areas of litigation and appellate law. Prior to joining the Firm, Ms. Parsons served as Citrus County Attorney from 2013 through 2014 and as Citrus County Assistant County Attorney from 2011 through 2013.

- Member of the Firm's Litigation and Appellate Law practice area.
- Represents clients before all state courts of the State of Florida, the United States District Court for the Middle, Northern and Southern Districts of Florida, the Eleventh Circuit Court of Appeals and the United States Supreme Court.
- Provides general representation to clients on employment issues, grants and procurement matters, tax and finance matters and land use issues.
- Agent of Old Republic National Title Insurance Company, qualified to issue title insurance commitments and policies and assist clients with real estate closings.

Prior Professional Experience

- County Attorney for Citrus County, Florida, 2013-2014.
- Port Authority Counsel for Citrus County, Florida 2013-2014.
- Assistant County Attorney for Citrus County, Florida, 2011 – 2013.

Professional, Civic & Community Involvement

- The Florida Bar, Member.
- Admitted to practice in all courts of the State of Florida, the United States District Court for the Northern, Middle and Southern Districts of Florida, the United States Court of Appeals for the Eleventh Circuit, and the United States Supreme Court.
- Member of the Environmental and Land Use Law; and City, County and Local Government Law Sections of the Florida Bar.
- Committee member of the Florida Association of County Attorney's Finance & Taxation Committee (2016-present).
- The Florida Bar Eminent Domain Committee, Member 2020-21.
- The Florida Bar Continuing Legal Education Committee, Member 2020-21.

Education

- J.D., Florida Coastal School of Law, pro bono honors, 2011.
- B.S., Suffolk University, cum laude, 2008.

Area of Practice

- Litigation and Appellate Law
- Land Use and Real Estate Law

Ritesh S. Patel



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Ritesh S. Patel graduated cum laude with honors from the Florida State University (B.S. 1998) with a degree in Political Science. In 2002, Mr. Patel received his law degree from the University of Florida College of Law (J.D., with honors). Mr. Patel joined NG&N in October 2002 and practices with the Firm's Public Finance Group. During his tenure with NG&N, Mr. Patel has worked on numerous tax-exempt financings in the capacity of bond counsel, disclosure counsel and underwriter's counsel representing various Florida school districts, municipalities, counties and special districts. In the area of education facilities financing, Mr. Patel has experience in transactions utilizing general obligation bonds, TANS, RANS, certificates of participation, tax-exempt equipment leases, letters of credit, lines of credit, sales tax revenues bonds, qualified school construction bonds and qualified zone academy bonds. Additionally, Mr. Patel has general municipal finance experience representing counties and municipalities in connection with the financing of public utility systems, roads, solid waste facilities, airports and other transportation facilities/systems, the acquisition of environmentally sensitive lands and various other public facilities. Mr. Patel has been a frequent speaker on financing topics at the Florida School Finance Officers Association semi-annual conferences. Mr. Patel has also been a speaker at the Florida Governmental Finance Officers Association Conference, Fifth-Third Bank Southeast Finance Professionals Conference and the Florida School Board Attorneys Summer Conference.

- Represents counties, municipalities, school districts, underwriters and conduit borrowers in all facets of taxable and tax-exempt public finance transactions.
- Represents counties, municipalities and special districts in the development, structure, and implementation of special assessment programs for services (fire, solid waste, stormwater, roadway maintenance) and capital facilities.

Professional, Civic & Community Involvement

- The Florida Bar, Member
- The Florida Bar - City, County, and Local Government Section, Member

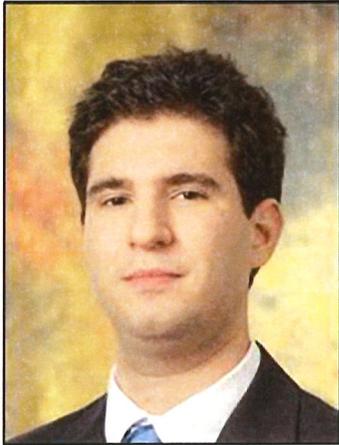
Education

- J.D., with honors, University of Florida, Fredric G. Levin College of Law, 2002
- B.S., cum laude with honors, Florida State University, 1998

Areas of Practice

- Public Finance
- Special Project Financing

Evan J. Rosenthal



**Evan J. Rosenthal | Associate | erosenthal@ngnlaw.com
1500 Mahan Drive, Suite 200 | Tallahassee, Florida 32308
850-224-4070 Tel. | 850-224-4073 Fax**

Mr. Rosenthal is a 2008 graduate of the University of Florida with a degree in History and a 2013 cum laude graduate of the Florida State University College of Law. Mr. Rosenthal received a certificate in environmental and land use law with high honors and was also a member of the Florida State University Journal of Land Use and Environmental Law as well as an editor for the Florida State University Law Review. Mr. Rosenthal clerked for the Florida Department of Business and Professional Regulation and was also a Legislative Intern at the Florida House of Representatives. As a member of the Firm, Mr. Rosenthal's practice focuses on a wide range of matters connected to local governments, including land use and environmental law, real estate law, public utilities law,

appellate law, and finance and tax issues.

Professional, Civic & Community Involvement

- The Florida Bar, Member.
 - Florida House of Representatives Legislative Intern, Class of 2012.
 - Committee member of the Florida Association of County Attorney's Finance & Taxation Committee.
 - Member of the Environmental and Land Use Law; and City, County and Local Government Law Sections of the Florida Bar.
-

Education

- J.D., Florida State University, College of Law, *cum laude*, 2013.
 - Certificate in Environmental and Land Use Law, *magna cum laude*.
 - Florida State University Law Review Vol. 40, Article Editor.
 - Journal of Land Use and Environmental Law, Member.
 - Book Awards in Administrative Law, Environmental Law, and Emerging Issues in Energy Law.
 - B.A. University of Florida, 2008.
-

Publications

- *Letting the Sunshine In: Protecting Residential Access to Solar Energy in Common Interest Developments*, 40 Fl. St. L. Rev. 995 (2013).
 - *The Trend is Your Friend: Embracing and Incentivizing the Private Sector's Shift Toward Climate Consciousness*, 12 Fla. St. U. B. Rev. 175 (2013).
 - *Rethinking Minimum Parking Requirements*, 5 ABA-SEER Smart Growth & Green Building Committee Newsletter 6, June 2012.
-

Areas of Practice

- Local Government Law
 - Land Use and Real Estate Law
 - Litigation and Appellate Law
 - Public Utilities Law
 - Public Finance
-

Carly J. Schrader



Carly J. Schrader | Shareholder | cschrader@ngnlaw.com
1500 Mahan Drive, Suite 200 | Tallahassee, Florida 32308
850-224-4070 Tel. | 850-224-4073 Fax

Ms. Schrader is a 2001 *summa cum laude* graduate of the University of West Florida and a 2005 *summa cum laude* graduate of the Florida State University College of Law. Ms. Schrader was a member of the Florida State University Law Review and is a member of the Order of the Coif. Ms. Schrader joined the Firm in 2007 where she concentrates her practice in the areas of litigation and appellate law. She is currently a member of the First District Appellate American Inns of Court and Tallahassee Women Lawyers. Prior to joining the Firm, Ms. Schrader was a law clerk for Judge Ricky Polston of the Florida First District Court of Appeal.

- Member of the firm's Litigation and Appellate Law Practice Area.
- Represents clients before all state courts of the State of Florida, the United States District Court for the Northern, Middle and Southern Districts, and the Eleventh Circuit Court of Appeals.
- Provides general representation to clients on employment issues, tax and finance matters and land use issues.
- Board Certified City, County and Local Government Law Lawyer.

Prior Professional Experience

- Law Clerk for Judge Ricky Polston, Florida First District Court of Appeal, 2005-2007.

Professional, Civic & Community Involvement

- Member of the Appellate Practice, and City, County and Local Government Law Sections of the Florida Bar.
- Member of the Tallahassee Women Lawyers.
- Admitted to practice in all courts of the State of Florida, the United States District Courts for the Northern, Middle and Southern Districts, and the Eleventh Circuit Court of Appeals.

Education

- J.D., Florida State University, *summa cum laude*, 2005.
 - Florida State University Law Review, Associate Editor.
 - Member of the Order of the Coif.
- B.A. University of West Florida, *summa cum laude*, 2001.

Areas of Practice

- Litigation and Appellate Law
- Land Use and Real Estate Law
- Employment Law
- Public Finance

Gregory T. Stewart



Gregory T. Stewart | Shareholder | gstewart@ngnlaw.com
1500 Mahan Drive, Suite 200 | Tallahassee, Florida 32308
850-224-4070 Tel. | 850-224-4073 Fax

Mr. Stewart, a Martindale-Hubbell AV-rated lawyer, is a 1975 honors graduate of the University of Florida, College of Law. Mr. Stewart served as an Assistant State Attorney for the Eighteenth Judicial Circuit from June 1975 through January 1981. He served as Chief Trial Attorney for the Public Defender's Office of Brevard County from January 1981 through August 1982. As a partner in the firm of Nabors, Potter, McClelland, Griffith & Jones, P.A., Mr. Stewart represented Brevard County, Florida as an Assistant County Attorney specializing in governmental litigation, including representation of Brevard County on personnel and employment issues, from September 1982 through March 1986. He has also served as trial counsel for various counties throughout the State of Florida in the areas of employment, land use, finance and intergovernmental litigation. He has lectured extensively on numerous aspects of local government litigation. Mr. Stewart has been selected as one of "The Best Lawyers in America" in the field of Litigation - Municipal. Mr. Stewart's area of practice includes matters related to governmental tax and finance, employment, land use, construction, civil rights claims and trial and administrative litigation.

- Head of the firm's Litigation and Appellate Law practice areas.
- Serves as County Attorney for Okaloosa County (2004-present).
- Provides general representation to clients on employment issues, tax and finance matters and land use disputes.
- Serves as litigation counsel to clients relating to a variety of state and local revenue sources, including impact fees, special assessments and other taxes.
- Serves as litigation counsel to numerous counties and cities in matters relating to land use claims and actions relating to local government comprehensive plans.
- Represents clients before the Florida Supreme Court, all Florida District Courts of Appeal and Circuit Courts, the United States Supreme Court, the Eleventh Circuit Court of Appeals, and each of Florida's three Federal District Courts.
- Represents clients before numerous administrative bodies, including DOAH, PERC, EEOC, the FCHR and FPSC.
- Lectures to numerous professional organizations on a variety of topics, including state and local revenue sources, the Florida Sunshine Law, Florida public records law, the Americans with Disabilities Act and Family Medical Leave Act and land use issues.

Prior Professional Experience

- Nabors, Potter, McClelland, Griffith & Jones, Partner, 1982-1986.
- Chief Trial Attorney, Public Defender's Office (18th Judicial Circuit), 1981-1982.
- Assistant State Attorney (18th Judicial Circuit), 1975-1981.

Professional, Civic & Community Involvement

- Admitted to practice in all courts of the State of Florida, United States District Court for the Northern, Southern and Middle Districts of Florida, United States Bankruptcy Court for the Northern, Southern and Middle Districts of Florida, United States District Court for the Eastern District of Michigan, Eleventh Circuit Court of Appeals and United States Supreme Court.
- Member of the Leon County Bar Association.
- Former Member of the Board of Directors of the Brevard County Bar Association.

- Member of the American Bar Association and has served on its Individual Rights and Responsibilities Committee and Governmental Operations Committee.
 - Member of the City, County and Local Government Law and Trial Lawyers Section of the Florida Bar.
-

Education

- J.D., University of Florida, 1975.
 - B.S., Business Administration, University of Florida, 1972.
-

Honors

- AV® Preeminent™ 5.0 Peer Review Rated™ by Martindale-Hubbell®
 - *Best Lawyers In America*®, Litigation - Municipal, First Year Listed 2007
-

Areas of Practice

- Litigation and Appellate Law
- Land Use and Real Estate Law
- Employment Law
- Public Finance

Heath R. Stokley



Heath R. Stokley | Shareholder | hstokley@ngnlaw.com
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850-224-4070 Tel. | 850-224-4073 Fax

Mr. Stokley is a 1996 cum laude graduate of Florida State University with a bachelors degree in History and International Affairs and a 1999 graduate of the University of Florida College of Law, with honors, where he was a member of the University of Florida Journal of Law and Public Policy. Mr. Stokley joined the Firm in 2007 where he concentrates his practice in the areas of litigation and appellate law and provides representation in the areas of: tort claims; contract and construction disputes; real estate and land use disputes; inverse condemnation and takings claims; eminent domain, employment; and local government tax and finance matters. Prior to joining the firm, Mr. Stokley practiced with the firms of Mateer & Harbert (Orlando) and Kubicki Draper (Jacksonville) where he engaged in a diverse civil practice in the areas of tort litigation, commercial litigation, construction litigation, trademark and trade secret litigation, healthcare law, environmental and land use, and administrative law.

- Member of the firm's Litigation and Appellate Law Practice Area.
- Provides general representation to clients on employment issues, tax and finance matters, tort claims, contract and construction issues, real estate and land use disputes, eminent domain, inverse condemnation and Bert J. Harris issues.
- Represents clients before all Florida Circuit Courts, and the United States District Court of the Northern, Middle and Southern Districts of Florida, and the Eleventh Circuit Court of Appeals.

Prior Professional Experience

- Associate, Kubicki Draper, P.A., Jacksonville, Florida Office, 2002-2006.
- Associate, Mateer & Herbert, P.A., Orlando, Florida, 1999-2002.

Professional, Civic & Community Involvement

- The Florida Bar, Member.
- Member of the City, County and Local Government Law, Environmental and Land Use Law, and Trial Lawyers Sections of the Florida Bar.
- American Bar Association, Member of Local Government Section.
- Tallahassee Bar Association, Member.

Education

- J.D., University of Florida (with honors), 1999.
 - University of Florida Journal of Law and Public Policy, Member.
 - William French Clark Research Editing Excellence Award, Spring 1998.
- B.A., Florida State University, History and International Affairs, *cum laude*, 1996.
 - Phi Beta Kappa.

Areas of Practice

- Litigation and Appellate Law
- Land Use and Real Estate Law
- Employment Law
- Public Finance

APPENDIX C

REFERENCES

1. Christopher J. Russo, City Manager
City of Sunny Isles Beach
18070 Collins Avenue
Sunny Isles Beach, Florida
(305) 792-1731
crusso@sibfl.net
Mr. Dion currently serves as City Attorney to the City of Sunny Isles Beach providing legal assistance to the City in connection with city legal matters.

2. Kimberly A. Kisslan, Esq., City Attorney
City of Sunrise, Florida
10770 W. Oakland Park Boulevard
Sunrise, Florida 33351
(954) 746-3300
CityAttorney@sunrisefl.gov
Mr. Dion currently serves as Special Counsel for Utility Affairs providing legal assistance to the City in connection with legal matters relating to its water and wastewater utility.

3. David Edwards, County Administrator
Wakulla County, Florida
3093 Crawfordville Highway
Crawfordville, Florida 32327
(850) 926-0919, Ext. 702
dedwards@mywakulla.com
Ms. Encinosa currently serves as Wakulla County Attorney providing legal assistance to the County in connection with general county legal matters.



Fox Rothschild LLP
ATTORNEYS AT LAW

Proposal for Village Attorney

Prepared for:



John R. Herin Jr.

One Biscayne Tower
2 South Biscayne Blvd., Suite 2750
Miami, FL 33131
T: 786.501.7377
jherin@foxrothschild.com



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Background

Our Firm

Fox Rothschild has a broad base of experience representing a variety of governmental entities in Florida and across the country. Our attorneys routinely work with cities, counties, municipalities, municipal authorities, municipal zoning and planning boards, transportation agencies, state universities, community colleges, and school districts, serving as a liaison and advocate for these entities.

In this role, we regularly appear before regulatory agencies, boards, and courts; attend meetings; offer training to board members on compliance issues; analyze proposed rules and regulations; review and prepare contracts and related documents; negotiate agreements; and handle complex matters and legislation, among many other services.

Our attorneys have significant experience advising governmental entities on statutory and charter compliance, risk management and litigation strategies, construction and capital improvements, financing, asset leases and sales, and day-to-day operations. We are routinely involved in legislative, administrative, and regulatory matters at the local, state, and federal levels. Our attorneys appear before federal and state administrative agencies as well as courts throughout Florida.

We also have extensive experience serving as solicitor and special counsel to literally hundreds of municipalities, authorities, and other local government entities, advising them on a broad spectrum of issues.

Proposed Team

Our proposed team includes the following Fox attorneys:

- John R. Herin Jr. – Partner
- Steven W. Zelkowitz – Partner
- Diane J. Geller – Partner
- Joseph A. DeMaria - Partner

John R. Herin Jr. | Partner | Miami

Mr. Herin will be the lead attorney for the Village. John is Florida Bar Board Certified in City, County, and Local Government Law and has nearly 30 years of experience in local government law, construction, land use, zoning, and environmental law. For clients in the public and private sectors, he handles complex development matters throughout Florida, including comprehensive plan, platting, permitting, site plan, and zoning applications and amendments; endangered species, submerged land leases, and stormwater and wastewater permitting; P3 projects; and lender/buyer due diligence issues. He also has extensive experience in representing clients with respect to eminent domain, inverse condemnation and land use litigation, as well as claims under Florida's Bert J. Harris, Jr., Private Property Rights Protection Act.

John has handled a broad range of environmental and land use issues before the Florida governor and cabinet, cabinet aides, district and circuit courts, division of administrative hearings, state agencies, and local government bodies. He has also drafted hundreds of ordinances and resolutions for cities and counties on a wide range of subjects. John serves or has served as city attorney, assistant city attorney, assistant county attorney and special counsel to numerous local governments and quasi-governmental agencies throughout Florida.

In addition to Interim Village Attorney for the Village of Biscayne Park, John currently serves as:

- Town attorney for the Town of Fort Myers Beach
- Special counsel to the City of Delray Beach (general government)
- Special counsel to the City of Hollywood (litigation)
- Special counsel to the City of Sarasota (environmental and related litigation)
- Code Enforcement Special Magistrate to City of Oakland Park and Village of Sea Ranch Lakes

He has also served as:

- City attorney for the City of Marathon
- City attorney for the City of Doral
- Interim village attorney for the Village of Palmetto Bay
- Town attorney for the Town of Miami Lakes
- Village attorney for the Village of Islamorada
- Special counsel to city in the negotiation and drafting of a development agreement wherein property owner voluntarily contributed monetary and off-site improvements benefiting city's residents
- Special counsel to city in an annexation dispute with adjacent local government
- Special counsel to town with respect to draft environmental impact statement for proposed runway expansion
- Special counsel to hospital special district in court challenge to the imposition of a municipal special assessment
- Special counsel to municipality in special assessment dispute with county

Steven W. Zelkowitz | Partner | Miami

Steven serves as Managing Partner of the firm's Miami office as well as Co-Chair of the Infrastructure & Development Industry practice team. He has a dynamic practice that spans real estate, finance, government relations, hospitality and public/private partnership transactions. In particular, he focuses on complex real estate, land use and zoning matters for both public and private clients. He has significant transactional experience with the sale and purchase of commercial and residential properties, leasing, lending and title insurance. He represents a range of developers, including condominium and hotel developments and other major construction projects as well as significant lender representation for a number of institutional and private lenders. Steven also handles public/private partnership transactions such as large-scale transportation and public works projects, and guides businesses relocating to Florida in leveraging tax and other incentives. In his government relations work within South Florida, Steven serves as general and special counsel to a number of community redevelopment agencies, and he has represented numerous municipalities.



Diane J. Geller | Partner | West Palm Beach

Diane provides strategic general counsel services to public and private entities, offering informed and experienced guidance on business and employment law issues that arise as a matter of operations. Diane also provides consultative representation to clients on a variety of transactions and employment-related matters, including drafting and negotiating employment contracts, mergers and acquisitions, and licensing issues. She serves as a trusted adviser to a range of large and small organizations, assisting in contract drafting and negotiations, employment matters, and general corporate matters. She also negotiates and structures documentation for purchase or sale of businesses assets and their entities. Her work for public entities in southern Florida includes serving as labor and employment counsel to a housing authority.

Joseph A. DeMaria | Partner | Miami

Joseph is a former federal prosecutor with decades of experience leading trial teams and crafting effective legal arguments before state and federal courts. He is well-known for his tenacity and no-holds-barred approach to major litigation. For more than two decades, Joseph has been certified by the Florida Bar as a Business Litigation Specialist, a designation reserved for Florida-based attorneys who undergo rigorous vetting, including a written examination and peer review. His practice focuses on commercial litigation, construction litigation, and white-collar criminal defense, and he has handled a number of local, government-related litigation matters within Florida.

Experience

General Overview

Our attorneys have significant experience in municipal law, litigation, and municipal tort claims law. Across the country, we serve as general counsel or solicitor to numerous municipalities, and we have acted as special counsel to literally hundreds of municipalities, authorities, counties, publicly appointed boards, and other local governmental entities. Our team includes seasoned litigators with decades of trial experience, and we frequently handle matters in local, state, and federal courts at the trial and appellate levels involving a wide range of issues that affect governmental entities.

We have broad and significant experience advising municipal and governmental clients on litigation, compliance, and risk management, and we are involved in legislative, administrative, and regulatory matters at local, state, and federal levels. Fox has a longstanding and successful history of working with government bodies as participants on commissions, solicitors, serving on government-appointed committees, and appearing before courts and regulatory agencies. We represent our government clients in disputes relating to bids and contracts, construction and public works projects, tax assessments, bankruptcy, and employment issues, among many other day-to-day issues. In addition to serving as the Interim Village Attorney for Biscayne Park, John Herin currently serves as the Town Attorney for the Town of Fort Myers Beach, and has served in a similar capacity to close to two dozen cities, counties, towns, and villages throughout the state of Florida.

Litigation

Fox attorneys have extensive experience litigating construction disputes in state, federal, and international courts. Whether the disagreement involves a bid protest, post-construction defects, contractor insolvency, or another controversy, our attorneys are unwavering advocates, employing innovative legal approaches and extensive business insight that enables them to protect their clients' interests.

As part of a national firm with more than 70 practice areas, we can call on attorneys in a wide range of related practices such as labor and employment, financial restructuring and bankruptcy, insurance, environmental, and real estate.

Fox attorneys represent clients in a litigation involving:

- Contract disputes
- Differing site conditions
- Insurance coverage
- Bid protests
- Construction delays
- Lender liability
- Defective workmanship and design
- Performance bond liability
- Warranties

- Bankruptcy proceedings
- Lender liability
- Mechanic's liens
- Occupational Safety and Health Administration (OSHA) matters

We also help clients resolve complex construction disputes creatively, efficiently, and expeditiously, both during a project and after completion. While litigation is sometimes unavoidable, many industry players are increasingly utilizing arbitration, mediation, and other alternatives to settle their differences. Fox attorneys guide clients through proceedings in domestic and international alternative dispute resolution forums. Our construction team is well versed in cost-effective approaches to dispute resolution including mediation, summary jury trials and intensive negotiations. Many have served as arbitrators and mediators themselves.

Among the many litigation matters we have handled for government entities, we represent the State of Florida Department of Environmental Protection in on-going federal litigation regarding the implementation of the Comprehensive Everglades Restoration Project.

Contracts, Purchasing, and Bid Specifications

Construction industry clients rely on Fox to review, structure, and negotiate contracts to avoid costly delays and disputes, mitigate risk, lessen the likelihood of litigation, and protect their interests in a wide range of projects across multiple industries. We know the market and have extensive experience with a broad variety of agreements including design-build, cost-plus, engineer-procure-construction, joint-venture and guaranteed maximum price. Our representation of government entities includes negotiating, developing, and advising on contracts while ensuring compliance with public contracting law. We leverage our substantial experience and understanding of public procurement and contracting requirements to guide our public clients through projects of all sizes.

Fox's construction practice covers an unusually wide array of industry segments with attorneys who have accumulated deep knowledge in their particular areas of focus. We advise clients on major federal construction contracts and infrastructure projects, as well as private sector construction in the commercial, industrial, and residential sectors. Our attorneys also regularly develop contracts for local government entities across the country, and we have extensive experience working within the framework of the EJCDC and AIA form documents to provide design professionals and contractors a familiar contractual platform for public construction projects. We routinely structure and negotiate leases, prepare and review RFPs and RFQs, and draft and review construction manuals as well as other operational documents.

Real Estate

Our team of real estate professionals is at the ready to help clients maximize real estate opportunities. We are well-versed in HUD regulatory compliance issues, financing, zoning, land use, construction, tax appeals, condemnation, and all aspects of complex real estate transactions. We assist government entities, owners, developers, investors, lenders, design professionals, landlords, tenants, financial institutions, syndicators, insurance companies, and many other clients with their real estate needs. Additionally, our Real Estate Practice is

experienced in negotiating agreements such as ordinances, easements, and declarations to address protection of open space, protection of water rights, access easements, utility easements, and recreational trails.

Zoning and Land Use

Fox's zoning and land use attorneys are active champions of our government clients' right to regulate land use activities within their jurisdictions and aggressively focus their efforts on helping clients achieve their objectives in zoning and land use activities, in real estate development work, and where necessary, in litigation proceedings. Our attorneys deliver swift and effective service as a project evolves – we have worked with local government staffs to tackle subdivision approvals for new residential housing developments; land development approvals for new office, industrial, and commercial developments and for the renovation and expansion of existing projects; rezonings; conditional use approvals, variances, special exceptions, and certificates; highway-related permits; and environmental permits, approvals, clearances, and releases from environmental liability. We deliver swift and effective service and have extensive experience in zoning and land use related permits and approvals; real estate development; litigation proceedings related to the zoning and land use process; and environmental-related services.

Environmental

Fox has a strong Environmental Practice that encompasses a wide range of key environmental issues, including sewage planning, storm water management, water, energy, health and safety, municipal and residual waste, environmental management systems and other regulatory programs and compliance. Our lawyers are well-versed in emerging areas of environmental law and policy, including climate change and greenhouse gases, and chemical restriction and registration rules. We are experienced in all compliance and related aspects of siting and redeveloping properties, and we regularly address wetlands issues in the context of real estate development, NRD, and remediation. We also handle environmental litigation in state and federal courts, environmental aspects of transactions, regulation of discharge of hazardous materials into the environment, and environmental permitting (air and water).

Attorneys in our environmental practice offer extensive experience across the broad spectrum of environmental law, from compliance advice to litigation, and we know how to work, negotiate, and litigate with government agencies such as federal and state environmental protection agencies.

Public/Private Partnerships

Our attorneys guide public agencies, financial institutions, private developers and other key stakeholders through the unique challenges presented by P3 and other infrastructure-related projects, turning underutilized properties into thriving commercial/residential hubs. We have represented Community Redevelopment Agencies and municipalities as general or special counsel to structure transformative redevelopment projects, particularly in South Florida. The firm is adept at working closely with state, county, and local governments as well as private clients relative to both complex commercial real estate transactions and public-private transactions involving the development, construction, financing, and leasing/sale of large-scale stadiums and arenas as well as large-scale infrastructure and development projects including airports, highways, and tunnels.

Public Records

Our attorneys have handled numerous cases before both state courts and offices of open records related to public records laws. Through our representation of municipalities and school districts, we have extensive experience in various freedom of information laws, including Florida's Sunshine Law. Our attorneys regularly advise clients on public records laws, address matters under these laws, and file public records requests with state, county and local agencies; as well as advise and represent appointed and elected officials, and staff members of local government agencies, on a wide-range of ethics matters at the state and county level (i.e., State of Florida Commission on Ethics and the Miami-Dade County Commission on Ethics & Public Trust).

Code Enforcement

Fox attorneys regularly represent local governments and property owners in code enforcement matters involving a wide variety of issues. Partner John Herin, in particular, serves as the code enforcement prosecutor for the Town of Fort Myers Beach and also serves as the code enforcement special magistrate for several municipalities in Broward County.

Government Relations

Attorneys in Fox's Government Relations Practice Group have been significantly involved in legislative, administrative, and regulatory matters in Florida and throughout the country. Our legislative efforts include drafting bills, resolutions and amendments, research and analysis of legislative issues, and firsthand communication with legislators and executive branch officials. Our regulatory assistance includes working with clients before state agencies, and we are experienced in challenging statutes and administrative decisions in the courts.

The Government Relations Practice Group works with businesses and state and local governments regarding government contracts, compliance with state ethics, and lobbying registration requirements. We also work with local governments regarding the expenditure of funds.

In our role as solicitor and special counsel to government entities, we are called upon to prepare ordinances and resolutions covering a wide array of subjects, including day-to-day and routine operations, employment issues such as hiring and firing of employees, approving agreements, and zoning and planning issues.

Further, our attorneys work with state and local governments in analyzing and drafting state legislation. Our attorneys have direct knowledge of complex election, ethics, lobbying, and contracting law, which is vital in the preparation and proposing of legislation.

Labor and Employment

We have extensive experience handling the challenges faced by public sector employers—including states, counties, cities, municipalities, state universities, community colleges, state transportation and port authorities, and public transit organizations.

Our labor lawyers have extensive experience negotiating contracts and defending claims related to unions, and we counsel national, regional, and local public employers on how to maintain positive employee relations. Through our extensive work with municipalities, public school districts, authorities, and other government entities, we have negotiated hundreds of labor contracts and related matters. Fox attorneys have served as chief negotiators in significant and high-profile labor relations disputes and have negotiated labor contracts with every major international union at company locations in more than 35 states. We have also served as special labor counsel at the request of state governors in connection with various projects and initiatives. Our practice includes former National Labor Relations Board attorneys as well as lawyers who served as general counsel to *Fortune* 500 companies.

Our nationwide team audits and develops employer procedures, policies, and manuals, and we offer training to HR professionals, managers, and executives. Further, our team includes more than 40 attorneys with experience in conducting on-site sexual and workplace harassment prevention training to clients across the country.

Our attorneys are also experienced in the full range of employment issues, including claims of age, disability, sex and race discrimination and retaliation; sexual harassment; wrongful discharge; employment at will; whistle-blower violations, non-compete, nondisclosure and trade secret disputes; defamation; fraud; invasion of privacy; public policy violations; and a wide variety of other common law and statutory claims arising in the employment context. Fox attorneys also have experience handling matters under the Affordable Care Act, Americans with Disabilities Act, Family and Medical Leave Act, Family Leave Act, Older Workers Benefits Protection Act, and Age Discrimination in Employment Act, as well as employee benefit work, including matters falling under COBRA and ERISA. We regularly counsel clients on statutory compliance and risk management activities, and issues arising from drug testing and employee discipline. We also prepare employee handbooks and municipal policies.

Client References

We invite you to contact the following client references:

- Town of Fort Myers Beach
Roger Hernstadt, Town Manager
roger@fmbgov.com
(239) 765-0202
Serve as Town Attorney

- City of Miami Beach
Jimmy Morales, City Manager
jimmymorales@miamibeachfl.gov
(305) 673-7010
Prior law partner and part of City Attorney team for City of Doral and City of Marathon

- City of Hollywood
Dr. Wazir A. Ishmael, City Manager
wishmael@hollywoodfl.org
(954) 921-3201
Serve as Special Counsel to City of Hollywood in ongoing litigation

Proposed Fee

Fox proposes a discounted blended **hourly rate of \$225.00** for work performed on behalf of the Village of Biscayne Park as Village Attorney. Alternatively, Fox proposes a flat monthly fee based upon the monthly average of the Village's three most recent years of actual expenditures for legal services (e.g., if average legal services expenditures for last three years equals \$82,000.00, the monthly retainer would equal \$6,833.00).

Subject to Commission approval during adoption of the annual budget, every two years the parties will adjust upward (if applicable) the hourly rate or flat fee in accordance with the Consumer Price Index for All Urban Consumers (CPI-U) for Miami-Fort Lauderdale-West Palm Beach.



John R. Herin Jr.

Partner

Miami, FL

Tel: 305.442.6544

Fax: 305.442.6541

jherin@foxrothschild.com

John has close to 30 years of experience in governmental, land use, zoning and environmental law, and is certified by the Florida Bar as a specialist in city, county and local government law (Board certification recognizes attorneys' special knowledge, skills and proficiency in city, county and local government law and professionalism and ethics in practice – <https://www.floridabar.org/about/cert/>).

For clients in the public and private sectors, John handles complex development matters throughout Florida, including comprehensive plan, platting, permitting, site plan and zoning applications and amendments; endangered species, submerged land leases, and stormwater and wastewater permitting; and lender/buyer due diligence issues. He also has extensive experience in representing clients with respect to eminent domain, inverse condemnation and land use litigation, as well as claims under Florida's Bert J. Harris, Jr., Private Property Rights Protection Act.

John has handled a broad range of environmental and land use issues before the Florida governor and cabinet, cabinet aides, district and circuit courts, division of administrative hearings, state agencies and local government bodies. He has also drafted hundreds of ordinances and resolutions for cities and counties on a wide range of subjects.

Representative Matters

Public Sector Experience

John serves or has served as city attorney, assistant city attorney, assistant county attorney and special counsel to numerous local governments and quasi-governmental agencies.

He serves or has previously served as:

- City attorney for the City of Marathon
- City attorney for the City of Doral
- Interim village attorney for the Village of Palmetto Bay
- Town attorney for Fort Myers Beach



- Town attorney for the Town of Miami Lakes
- Village attorney and interim village attorney for Biscayne Park
- Village attorney for the Village of Islamorada
- Special counsel to city in the negotiation and drafting of a development agreement wherein property owner voluntarily contributed monetary and off-site improvements benefiting city's residents
- Special counsel to city in an annexation dispute with adjacent local government
- Special counsel to town with respect to draft environmental impact statement for proposed runway expansion
- Special counsel to hospital special district in court challenge to the imposition of a municipal special assessment
- Special counsel to municipality in special assessment dispute with county
- Code Enforcement Special Magistrate to local municipality in Broward County

Private Sector Experience

- Obtained a vested rights determination on summary judgment for developer of proposed 12-story beachfront residential condominium, notwithstanding a referendum initiative that resulted in an amendment to the city charter limiting the height of all new construction to three stories
- Obtained required permit approvals from local government allowing developer to use transferable development rights to increase density and height of office building project
- Assisted owner of regional mall in securing amendments to local government's comprehensive plan and land development regulations to facilitate redevelopment of property into a mixed-use regional activity center
- Represented group of agricultural property owners in a \$172 million Bert J. Harris, Jr. Private Property Rights Protection Act claim arising from county's change in interpretation of open-space requirements in comprehensive plan and land development regulations
- Negotiated and drafted public-private agreement for the construction of dual radio transmission/emergency management communications tower on special district property
- Represented clients completing environmental remediation projects in connection with ongoing industrial operations and redevelopment projects
- Assisted national banking institution in securing amendments to the Palm Beach County Land Development Code to allow stand-alone banking centers as a matter of right in most commercial zoning districts
- Represented clients in due diligence associated with acquisition of land for industrial, commercial and residential development

Reported Cases

- *Sansbury v. City of Orlando*, 654 So.2d 965 (Fla. 5th DCA 1995) [upholding juvenile curfew]
- *Bott v. City of Marathon*, 949 So.2d 295 (Fla. 3rd DCA 2007) [enforceability of affordable housing restrictive covenant]
- *Beyer v. City of Marathon*, - So.3d - , 2013 WL 5927690 (Fla. 3rd DCA 2013) [inverse condemnation claim – owners were not deprived of all economically beneficial use of their property]
- *City of Coral Springs v. North Broward Hospital District*, - So.3d - , 4D14-2351 (Fla. 4th DCA 2015) [imposition of city fire service special assessment on district property was illegal]



- *Department of Community Affairs v. City of Marathon*, DOAH Case No. 04-3500GM [challenge to adopted comprehensive plan]
- *Florida Keys Citizens Coalition, Inc. & Last Stand, Inc. v. Florida Administration Commission & City of Marathon*, DOAH Case No. 04-2755RP [proposed Administration Commission rule amending city's comprehensive plan not invalid exercise of delegated legislative authority]
- *Rossignol v. Village of Islamorada & Department of Community Affairs*, DOAH Case No. 01-2409GM [comprehensive plan provisions limiting transient rental uses in residential areas supported by appropriate data and analysis]
- *Department of Community Affairs v. Village of Islamorada*, DOAH Case No. 01-1216GM [challenge to adopted comprehensive plan]

Before Fox Rothschild

Prior to joining Fox, John was a member of a regional Florida firm's Land Use, Environment, and Government Affairs Department.

Beyond Fox Rothschild

John is a frequent speaker on governmental and land use topics and serves on the Board of Directors of the Ann Storck Center, a local private non-profit organization dedicated to serving children and adults with developmental disabilities.

Honors & Awards

- Martindale Hubbell, AV Preeminent
- *The American Lawyer & Corporate Counsel*, Top Lawyer in Land Use and Zoning, 2013

Practice Areas

- Environmental
- Construction
- Infrastructure & Development
- Real Estate
- Zoning & Land Use
- Government Relations

Bar Admissions

- Florida

Education

- Stetson University College of Law



Memberships

- The Florida Bar
 - Board Certified in City, County and Local Government Law
 - City, County and Local Government Law Section, Member
 - Environmental and Land Use Law Section, Member
- Florida Municipal Attorneys Association, Member
- Greater Miami Chamber of Commerce, Member
- Cuban American Bar Association, Member



Steven W. Zelkowitz

Office Managing Partner

Miami, FL

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szelkowitz@foxrothschild.com

Steven is Managing Partner of the firm's Miami office and has a dynamic practice that spans real estate, finance, government relations, hospitality and public/private partnership transactions.

In particular, he focuses on complex real estate, land use and zoning matters for both public and private clients. He has significant transactional experience with the sale and purchase of commercial and residential properties, leasing, lending and title insurance. He represents a range of developers, including condominium and hotel developments and other major construction projects as well as significant lender representation for a number of institutional and private lenders. Steven also handles public/private partnership transactions such as large-scale transportation and public works projects, and guides businesses relocating to Florida in leveraging tax and other incentives.

In his government relations work, Steven serves as general and special counsel to a number of community redevelopment agencies in South Florida, including the North Miami CRA, North Miami Beach CRA, Hallandale Beach CRA and Naranja Lakes CRA. He has also represented a number of municipalities in South Florida, including Bal Harbour Village, Village of Key Biscayne, City of Aventura, City of Homestead, Town of Miami Lakes, City of Miramar, City of Weston, City of Dania Beach, City of Boca Raton, Islamorada, Village of Islands and the City of Marathon.

Steven currently serves as Co-Chair of the Infrastructure & Development Industry practice team.

Before Fox Rothschild

Prior to joining Fox, Steven was Co-Chair of the Hospitality Industry practice team and a Managing Shareholder of the Fort Lauderdale and then the Miami office of a major Florida law firm.

Beyond Fox Rothschild

Steven is an advocate for his home communities. He currently serves as a Councilman for Miami Shores Village.



Honors & Awards

- AV Preeminent™, Martindale-Hubbell
- Chambers USA, Real Estate, 2012-2018
- Daily Business Review, Florida Trailblazer, 2019
- Daily Business Review, Dealmaker of the Year Finalist, 2014
- Daily Business Review, Top Dealmakers of the Year Finalist, 2012
- Florida Trend, Legal Elite, 2012
- South Florida Business Journal, Power Leaders in Law, 2014-2017
- South Florida Business Journal, Best of the Bar, 2003
- South Florida Business Journal, The Book of Law, 2010-present
- South Florida Legal Guide, Top Lawyers, 2006-2020

Practice Areas

- Real Estate
- Zoning & Land Use
- Infrastructure & Development
- Government Relations

Bar Admissions

- Florida
- New Jersey
- New York

Court Admissions

- U.S. District Court, District of New Jersey

Education

- Rutgers Law School (J.D. and M.C.R.P., 1989)
- University of Massachusetts (B.S., 1983)

Memberships

- The Florida Bar
- Florida Fiduciary Forum
- Florida Redevelopment Association
- New Jersey State Bar Association
- New York State Bar Association
- Risk Management Association (RMA) Southeast Florida Chapter

Government and Civic Positions

- Greater Miami Chamber of Commerce, Trustee
- Miami Shores Village



- Councilmember, 2017-2019
- Vice Mayor, 2015-2017
- Planning and Zoning, Board Member, 2013-2015
- Historic Preservation Board, Chair, 2002-2006
- North Miami Beach Chamber of Commerce, Trustee
- North Miami Chamber of Commerce, Trustee
- Fort Lauderdale Chamber of Commerce, Trustee



Diane J. Geller

Partner

West Palm Beach, FL

Tel: 561.804.4469

Fax: 561.835.9602

New York, NY

Tel: 212.878.7900

Fax: 212.692.0940

dgeller@foxrothschild.com

Diane provides strategic general counsel services to a wide array of private and public companies, both large and small, offering informed and experienced guidance on business and employment law issues that arise as a matter of operations.

She has a particular focus on representing clients in the staffing industry. A former general counsel for a major public company in the staffing and funding industry, Diane is a seasoned practitioner who helps clients stay compliant with the ever-changing federal and state regulations governing the workplace, as well as the daily challenges facing business owners.

Diane also provides consultative representation to businesses on a variety of transactions and employment related matters, including drafting and negotiating employment contracts, and mergers and acquisitions, licensing and other business models.

Staffing Industry Services

Diane works with clients in the staffing industry regarding various business issues, including preparing various client and employment agreements, including noncompete, confidentiality, independent contractor and separation agreements, affirmative action plans, employee policy handbooks and social media policies. She frequently represents management on matters related to the use of independent contractors and reductions in workforce as well as counsels employers on matters related to harassment and discrimination claims.

She handles inquiries from the U.S. Equal Employment Opportunity Commission, U.S. Department of Labor, Office of Federal Contract Compliance Programs, Justice Department and Department of Homeland Security and has represented clients before the EEOC, the NLRB, the Human Rights Commissions and various local arbitration associations.

General Counsel Services

Diane serves as a trusted business adviser to a range of large and small privately owned and public companies, including staffing companies and franchises, assisting in contract drafting and negotiations, employment matters, and general corporate matters. She also negotiates and structures documentation for purchase or sale of businesses assets and their entities.

Before Fox Rothschild

Diane previously served as general counsel for a multimillion-dollar publicly traded company in the staffing and funding industry. She also was formerly in-house counsel, providing management of the legal needs and risk management for businesses in the propane gas, medical, dental and insurance service industries.

Beyond Fox Rothschild

Diane is a nationally recognized author and speaker on employment law topics – including the complex role of social media in the workplace – at staffing industry and contingent workforce events throughout the United States. She frequently appears as a guest speaker at numerous annual conferences, summits and forums, including the Staffing Industry Analysts Healthcare Staffing Summit, the Staffing Industry Analysts Contingent Workforce Risk Forum. She also appears as a speaker for various events held by the American Staffing Association, TechServe Alliance, Florida Staffing Association and TempNet.

Honors & Awards

- Named among Staffing Industry Analysts' 2018 list of "Global Power 150 – Women in Staffing" (2018)
- Named one of "America's Most Honored Professionals" by American Registry (2016)
- Named among ALM's "Women Leaders in the Law" (2015, 2018)
- Named among the "Top Rated Lawyers in Labor and Employment" by ALM (2015)
- Martindale-Hubbell "AV Preeminent" rated

Practice Areas

- Labor & Employment
- Staffing Law
- Corporate
- Franchising & Distribution
- Employee Privacy & Background Checks
- Employment Counseling, Policy Developments & Audits
- Employment Training
- Sexual Harassment Prevention Training
- Unfair Competition & Trade Secrets
- Wage & Hour Law
- Animal Law



Bar Admissions

- Florida
- New York
- Virginia

Education

- Hofstra University School of Law (J.D.)
- Long Island University, C.W. Post Center (B.A., *summa cum laude*)

Memberships

- American Staffing Association
- TechServe Alliance
- Florida Staffing Association
- American Bar Association

Board of Directors

- Florida Staffing Association



Joseph A. DeMaria

Partner

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jdemaria@foxrothschild.com

Clients count on Joseph DeMaria as an aggressive advocate and ally when facing courtroom battles involving high-stakes business, construction or white-collar criminal disputes.

Joseph is a former federal prosecutor with decades of experience leading trial teams and crafting effective legal arguments before state and federal courts. He is well-known for his tenacity and no-holds-barred approach to major litigation.

Among Joseph's specific assets are:

Proven success, in three distinct areas of the law — business litigation, construction litigation and white-collar criminal defense. Joseph offers a rare skill set: Strength in three diverse legal areas, coupled with trial victories in major litigation cases representing clients from wide-ranging sectors, including banking and services, large-scale corporate construction, international business, government entities and public school systems, among others. He has also defended individuals under investigation and subject to criminal and regulatory charges by the Department of Justice and federal and state regulators. Read more about Joseph's **litigation successes**.

Certification by the Florida Bar as a Business Litigation Specialist, a mark of professional distinction. This designation is reserved for Florida-based attorneys who undergo rigorous vetting, including a written examination and peer review, to augment their deep experience in business litigation. Joseph's certification for the past 21 years signifies his commitment to and capabilities in business litigation.

A particular ability to meet "Gordian knot" cases – especially complex, challenging and high-risk disputes – with confident poise and cool intellect. During his more than three-decade legal career, Joseph has been a key player in many of South Florida's most high-profile — and highly publicized — business litigation and financial criminal cases, beginning with his years as a member of the Miami Organized Crime Strike Force with the U.S. Department of Justice, and continuing through his present representation of businesses and individuals. He thrives under the pressure inherent in these cases – a trait that benefits his clients.



Extensive experience with “bet the company” legal matters. Federal and civil RICO claims. Embezzlement and Bribery. Accounting and Legal Malpractice. Corporate Governance. Breach of Fiduciary Duty. Money Laundering. Fraud, Grand Theft and Tax Evasion. Construction Delays. Surety and Insurance Claims. Joseph has handled these matters and more. When facing a high-stakes situation, clients put their trust in Joseph.

Honors & Awards

- Named to "The Best Lawyers in America" list for Commercial Litigation, Criminal Defense: White-Collar, Legal Malpractice Law - Defendants and Litigation - Construction in Florida by *Best Lawyers* (2009-2020)
- Selected, Florida Trend's Florida Legal Elite (2017-present)
- Named a "Florida Super Lawyer" for Business Litigation by *Super Lawyers* (2006-present)
- Named a "Top Lawyer" by *South Florida Legal Guide* (2015-present)
- Rated AV Preeminent™ in Judicial Edition of Martindale-Hubbell® (2018-present)

Before Fox Rothschild

Prior to joining Fox, Joseph was a longtime partner at the Miami law firm of Tew Cardenas LLP. He was also a trial attorney with the U.S. Department of Justice, Miami Organized Crime Strike Force. While in law school, he served as the managing editor of the *Buffalo Law Review*.

Beyond Fox Rothschild

Joseph has served since 1994 as an adjunct professor at the University of Miami School of Law, teaching "Trial Skills" and "Business Litigation Skills." He is also a frequent author and lecturer on construction litigation, mediation and white-collar criminal topics for the National Business Institute and has appeared as a legal commentator on white-collar criminal issues for CNN, CNBC and national and local radio outlets.

Practice Areas

- Litigation
- Directors' & Officers' Liability & Corporate Governance
- White-Collar Criminal Defense & Regulatory Compliance
- Construction
- Intellectual Property
- Law Firms & Attorneys
- Securities Industry
- Franchising & Distribution

Bar Admissions

- Florida
- New York



Court Admissions

- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Southern District of Florida
- U.S. District Court, Middle District of Florida
- U.S. Court of Appeals, Second Circuit
- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York
- U.S. District Court, Western District of New York

Education

- State University of New York at Buffalo Law School (J.D., *cum laude*, 1982)
- St. Bonaventure University (B.A., *magna cum laude*, 1979)

Memberships

- Litigation Counsel of America, Fellow
- The Florida Bar
 - Business Litigation Certification Committee, 2006-2012; Chair, 2009-2011
 - Federal Practice Committee, 2012-2018
 - Legal Malpractice Certification Subcommittee, 2013-2017

Leadership

- St. Bonaventure University, Board of Trustee, 2009-2018
- National Conference of Commissioners on Uniform State Laws, Florida Commissioner 2005-2007

FIRM'S NAME	RALF BROOKES ATTORNEY		NORMAN C. POWELL		EDWARD A. DION NABORS GIBLIN & NICKERSON P.A.		JOHN R. HERIN JR. FOX ROTHSCHILD	
FIRM SIZE: Solo(S), Boutique (B), Medium Size Firm (MF), Large Firm (LF)								
APPLICATION CONTENTS:								
FIRM/ATTORNEY RESIDES MIAMI-DADE OR BROWARD COUNTY								
COVER LETTER								
HOURLY RATES & OTHER COST CONSIDERATIONS								
NAME OF LEAD ATTORNEY								
OVERALL YEARS OF EXPERIENCE								
YEARS PRACTICING MUNICIPAL LAW								
RESUME/CURRICULUM VITAE								
REFERENCES								
DIRECT EXPERIENCE AS LISTED IN JOB ADVERTISEMENT:								

MUNICIPAL ATTORNEY (REPRESENTED IN COMMISSION/COUNCIL MEETINGS OR EQUIVALENT)								
PUBLIC FINANCE INCLUDING: BUDGET, BID PROCESS								
DRAFTING ORDINANCE & RESOLUTIONS								
EMPLOYMENT LAW (COLLECTIVE BARGINING, GRIEVANCES, & CONTRACTS TERMINATIONS, EOC)								
GOVERNMENT CONTRACTS (WRITING & ACCOUNTABILITY - PERFORMANCE BASED)								
ZONING AND LAND USE								
DRAFTING WRITTEN LEGAL OPINIONS RELATED TO MUNICIPAL AND EMPLOYMENT LAW								
POTENTIAL CONFLICTS								



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report

Item # 12.a

REGULAR MEETING

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: David Hernandez, Interim Village Manager

DATE: July 07, 2020

TITLE: Manager's Report – Proposal for New Format

Recommendation

Staff recommends Commission to adopt a bi-weekly schedule of the Manager's Report, in order to relieve staff's time expended in compiling, preparing and delivering the reports when there were not substantial changes.

The format will remain the same as practiced currently, following the order of Departments with statistical services.

However, should occasion arises, the reports could be delivered more often as needed.

Resource Impact

Attachment(s)

- Sample of current Manager's Report
-

Prepared by: Roseann Prado, Village Clerk



The Village of Biscayne Park

600 NE 114th St., Biscayne Park, FL 33161
Telephone: 305-899-8000 Facsimile: 305 891 7241

DATE: June 19, 2020

TO: Mayor and Commissioners

FROM: David Hernandez, Interim Village Manager

RE: Weekly Manager's Report

IMPORTANT NOTE: The Mayor has extended the Declaration of Local State of Emergency thru **JULY 07, 2020**.

The Manager is urging all Village residents to **"STAY HOME"**, only go out if it is **ABSOLUTELY NECESSARY**, keep practicing social distancing, remember to wash your hands often, observe proper cleaning and disinfecting measures and **WEAR MASKS/ FACE COVERING** when outdoors and in public places.

VILLAGE MANAGER:

- The Manager met with Chief Cabrera and Issa Thornell, Recreation Department Manager to bring a plan of action as to when the Park will be opening.
- The Manager continues to have meetings with other city managers to stay informed as to what other cities are doing (Examples: COVID-19, peaceful demonstrators, hurricane preparedness, as well as commercial openings in general).
- The Manager works closely with the Clerk in numerous daily operations and functions related to city business.
- The Manager works with the Department heads on a daily basis.
- The Manager had a meeting with County EOC in reference to recent ongoing demonstrators and curfew.
- The Manager attended Special Commission Meeting.
- The Manager invited auditor Enrique Llerena to provide explanation in reference to the ongoing CITT audit during June 16th Commission Meeting.
- Worked with Finance Director and the Village Clerk in preparation of TRIM and Sanitation Budget with Village Attorney.



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VILLAGE CLERK:

- Village Clerk worked on Special Virtual Commission meeting of Tuesday, June 16, 2020 and all subsequent developments.
- Village Clerk worked on several issues related to personnel, termination, employment opening, FRS, and in preparation of next payroll.
- Worked with FMIT on issues of claims of damaged property.
- Village Clerk continue working to have mutual aid agreements executed from outside agencies.
- Village Clerk worked to have Resolutions, minutes from previous Commission meeting signed and filed.
- Accounts payable stamped, signed and delivered to Finance. Checks received, signed and mailed.
- Submitted updated signature cards to Bank representative.
- Continue working with the Interim Village Manager, David Hernandez on all communications going out to the residents of the Village of Biscayne Park regarding COVID-19.
- Continuously updating Village's website and sending e-mail blasts for residents of Village of Biscayne Park.
- Village Clerk attended webinars from the Clerks Association and TRIM.
- Village Clerk compiled and distributed with Commission applications for the position of Village Attorney.
- Village Clerk posted job opening for Code Officer position at Village's website, FL League of Cities and FL Association of Code Enforcement – FACE as per Village Manager directive.

FINANCE:

- Working with auditors on preliminary requests for information for the 2019 audit.
- Payroll and regular bills.



The Village of Biscayne Park

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CODE ENFORCEMENT:

We remain following safe distancing recommendations, and will work according to the CDC guidelines to ensure your safety as well as ours.

With any issues concerning mosquitos please reach out Mosquito Control:

MOSQUITO CONTROL
DIAL: 311 OR 305-592-1186

Pools without visibility to the bottom are hazardous within the Village or the County. If you have a concern regarding a hazardous pool please call our office.

Please be advised that all dogs off private property must be on a leash in accordance with the Village of Biscayne Park Code of Ordinance Chapter 3, Article 2, Section 3-24.

*****[Category "3" Commercial Vehicles are Prohibited in the Village](#)*****

Key Updates:

- Code continues to follow up on cases for compliance and opening new cases.
- Lien searches are typically done weekly. We are required to flag pending violations, work without permits, and outstanding fines/liens. This is a detailed and rushed process as we work with facilitating a home sale where deadlines play a role. (Ongoing)
- We request that homeowners resolve any outstanding violations on their properties and call our department to request a re-inspection so we may ascertain compliance. This in turn will allow us to stop a daily fine from continuing to be accrued. Also, this will assure your case is resolved prior to us bringing it a hearing where fines are levied against the property.
- Code Officer is working to establish first Code Compliance Board meeting for this year.
Note: Date and time still to be determined.



Enforcement procedural totals:

Closed cases:	10
New Cases opened:	5

New violation cases:

Admin Citation:	1
Fences/Walls:	2
Overgrown Properties:	6
Roof Cleaning:	1

BUILDING DEPARTMENT:

Permits Issued:

Building Permits:	9
Mechanical Permits:	1
Electrical Permits:	1
Plumbing Permits:	1

Inspections Conducted:

Building Inspection:	10
Electrical Inspection:	3
Plumbing Inspection:	4

- Provide basic permit information. Examine plans, blueprints, and other documents to verify accuracy according to the building code. Answering phone calls and emails to explain requirements and provide information to permit applicants and process permit applications. Assisting building, mechanical, electrical and plumbing inspectors in their day to day activities and perform basic data entry.
- The planning and zoning board had it Virtual meeting via Zoom on Monday June 15th. Due to the state entering hurricane season all roof permits that were submitted to the department were put in as an add on within the agenda. During that meeting the board agreed to have a special meeting to catch up on permits submitted to avoid any delays due to the June 1st meeting not occurring. All preparations have been made for the zoom meeting which will be a total of 11 permits. Which moving forward the next



The Village of Biscayne Park

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planing and zoning meeting is set for its regular date of Monday July 6th either via Zoom or in person.

- The Building Department has 13 permits sitting within the department pending to be picked up. All parties have been notified that the permits are approved, feed and ready for pick up. In accordance with the International Building Code 105.5, permits have 180 days before the permits are void and removed our of department records. June 29 2020 is the deadline as per the IBC and we will remove those approved processes from our records. If the resident would like to still do the project proposed after this date, a new set of plans and permit application will have to be submitted for reviewed.
- Reviewed 16 permits for structures within floodplains and inspect development to determine compliance with the community development standards and NFIP requirements and the CRS. Duties include establishing base flood elevations in AE Zones; assisting in adoption, maintenance and enforcement of the community's Floodplain Ordinance. Maintained records regarding development; building permit applications, receipt of fees paid, site plans, surveys, elevation certificates, permits and approvals from other agencies such a the Department of Environment Resource Management, and other matters related to floodplain management.

POLICE DEPARTMENT:

Police Department's Statistics for the Period

Total Cases: 20

Total Cases by Category

Alarms:	2
Assists other Police Agencies:	0
Sick/Injured/Person/Baker Act:	0
Suspicious Person/Vehicle:	2
Information/Non-Criminal Investigations:	14
Repossession:	0
Residential Burglary:	0
Vehicle Burglary:	0
Domestic Dispute / Battery / Arrest:	0
Hit and Run:	0



The Village of Biscayne Park

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Traffic Crash:	3
Grand Theft:	0
Stolen Vehicle:	0
Petit Theft:	0
Missing Person:	0
Criminal Mischief: Vehicle	0
Narcotics Arrest:	0
Fraud:	0
Identity Theft:	0
Traffic Arrest:	0
Traffic Citation Issued	42
Traffic Warning	10

PARKS & RECREATION:

- In joint efforts with the Village Manager and Police Chief, the Manger continued working on the Plans and Procedures for a phased reopening of the Recreation Center and Park Grounds. These Plans and Procedures will be specific to our needs and the continued safety of staff, residents and visitors. Incorporating CDC Guidelines and State and County recommendations.
- Manager worked with Public Works to spread surfacing material to recommended safety levels in main playground area.
- Manager removed exposed roots from walkways and play areas (trip hazards).
- Manager participated in COVID-19 Weekly Zoom Meeting - South Florida Parks Coalition. The purpose of this weekly meeting is for Parks Directors to report on issues and exchange information related to COVID-19.
- Manager and staff monitored Recreation Center and Park closing.
- Manager met with staff to discuss safety procedures.
- Weekly grounds and building maintenance.

PUBLIC WORKS:



The Village of Biscayne Park

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Telephone: 305-899-8000 Facsimile: 305 891 7241

- All of the drains within the Village have been checked to ensure that they were clean of dirt and other items that could prevent them from properly draining. To date majority of the drains still have standing water within them from the last rain storm, however 13 drains needed to be cleaned, two of which were done twice since they were filled with debris after the first cleaning.
- Started trimming any low hanging limbs from any of the smaller trees throughout the Village.
- Started cleaning out the alleys with the removal of any bulk piles that have been placed there along with trimming any overgrown hedges that might need them.
- Trimmed all of the hedges throughout the Village.
- Worked with Waste Pro to collect any of the bulk piles that was not collected during this past weekend Saturday Sweep. To ensure they were caught up after being so far behind.
- Setup and attended providing technical assistance for the entire time of the June 16th Special Commission Meeting.
- Assisted with the spreading of the mulch at the Rec Center. Also trimmed a limb from a Poinciana as a result of the mulch being delivered.
- The channel drains that are being installed at the rear entrance of the Rec Center was put on a temporary hold due to the weather not permitting the pouring of the cement that is needed. As soon as the weather clears up, we will finish that project up.

Wishing everyone a great weekend!



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report

Item # 12.b

REGULAR MEETING

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: David Hernandez, Interim Village Manager

DATE: July 07, 2020

TITLE: Calendar Budget FY 2020-2021

Background

The State of Florida and Miami-Dade set procedures and timetable for the Village to follow for the setting of the millage rate and the establishment of the Village Budget. These rules are generally referred to as TRIM (Truth in Millage) rules.

Throughout the budget process, staff will work with the Village Commission as well as the Miami-Dade County Property Appraiser and Florida Department of Revenue (DOR) to achieve compliance with the Truth in Millage timetable.

Recommendation

In order to accomplish both the First Hearing of Budget FY 2020-2021 and the Regular Commission meeting at the same day, in compliance with the TRIM calendar, staff recommends the Commission to change the meeting from September 01, 2020 to **September 08, 2020**.

First Hearing Budget FY 2020-2021 – starting at 6:30 pm

Regular Commission Meeting – starting at 7:00 pm

Attachments

- Calendar for Budget FY 2020-2021
 - Letter – Property Appraiser June 1, 2020 – 2020 Assessment Roll Estimate
 - Letter – Property Appraiser June 29, 2020 – Final 2019 Tax Roll Values
-

Prepared by: Village Clerk, Roseann Prado

VILLAGE OF BISCAYNE PARK
FISCAL YEAR 2020-2021

2020	RESPONSIBLE PARTY	TASK
June 1	Property Appraiser	Delivers an estimate of the total assessed value of nonexempt property to the taxing authority.
June 2		Regular Commission Meeting
June 03, 09 or 11	Finance/Clerk	Attend 2020 Non Advalorem Meeting at the MDC Property Appraiser's Office
June 16	Manager/Finance/Clerk	Special Commission Meeting - Resolution setting the non-advalorem assessment for solid waste.
June 29	Property Appraiser	Certifies to the taxing authority the taxable value within the jurisdiction of Form DR-420.
July 7		Regular Commission Meeting
July 9	Manager / Departments / Finance	Meet with each department to discuss: All Village Department review/enter their budgets. Consider projections through September 2020; project 2020-2021 budget amounts. Submit salaries projection to FY 2020-2021 budget.
July 10	Finance	Submit test files to Property Appraiser with non-advalorem assessment. Final data files for non-ad valorem assessment submitted to Property Appraiser for
July 13	Finance	Submit final files to Property Appraiser with non-advalorem assessment.
July 23	Special Commission Meeting	Special Commission Meeting for Resolution passing Tentative Millage Rate for Budget FY 2020-21 - 6:30 pm
July 23	Manager	First Workshop Budget
July 29	Miami-Dade School Board	Miami Dade County Public Schools First Public Budget Hearing FY 2020-2021
Aug 4	Regular Commission Meeting	Regular Commission Meeting - 7:00 pm
Aug 4	Finance	Within 35 days of the Certification of Taxable Value, each taxing authority certifies the completed DR-420 and any additional forms to the Property Appraiser.
Aug 13	Manager	Second Workshop Budget
Sept 3	Miami Dade County	Miami Dade County First Public Budget Hearing FY 2020-2021
Sept 8	First Hearing	Budget FY 2020-2021 FIRST HEARING - 6:30 pm
Sept 8	Regular Commission Meeting	Regular Commission Meeting - 7:00 pm
Sept 9	Miami Dade County	Miami Dade County Second Public Budget Hearing FY 2020-2021
Sept 9 -11	Finance	Provide the Clerk with all the information for the Notice of Tax Increase and Notice of Budget Hearing to be posted on Sept 16 .
Sept 17	Miami-Dade School Board	Miami Dade County Public Schools Second Public Budget Hearing FY 2020-2021
Sept 23	Clerk	Within 15 days after the tentative budget hearing, the taxing authority advertises its intent to adopt a final millage and budget using the appropriate advertisement.
Five Days after Notice of Tax Increase Sept 29	Second Hearing	BUDGET FY 2020-2021 SECOND HEARING
Oct 1		Budget Year begins - October 1st, 2019 to September 30th, 2020
Three Days After Second Hearing - Oct 2	Finance	Within 3 days of the receipt of the Form DR-422 the taxing authority completes and certifies final millage to the Property Appraiser.
Oct 15 (date certain set by statute)	Finance / VOBP	Budget Officer (Manager) shall submit certain data to the Office of Economic and Demographic Research in format specified (Fla.Stat.166.241(4) requirement started 10/15/2019
Oct 29	Clerk	Within 30 days following adoption, the final adopted budget must be posted on municipal website and remain for at least 2 years (Fla. Stat. 166.241(3)). Budget amendments must be posted within 5 days after adoption and remain at least 2 years (Fla. Stat.166-241(6)).
Thirty Days After Final Hearing - Oct 30	Finance / VOBP	Within 30 days following adoption of the millage and budget ordinances, each taxing authority uses Form DR-487 , Certification of Compliance, to certify compliance with the provisions of Chapter 200 F.S. to the Property Tax Oversight Program. DOR.

attached

attached

Due to TRIM calendar - Sep 3 - 18

Due to TRIM calendar - Sep 3 - 18

Notice

* Rosh Hashanah Sept 18-22 - Yom Kippur - Sept 27-28



MIAMI-DADE COUNTY
PROPERTY APPRAISER
ADMINISTRATIVE DIVISION

PEDRO J. GARCIA
PROPERTY APPRAISER

June 1, 2020

The Honorable Virginia O'Halpin, Mayor
Village of Biscayne Park
640 NE 114th Street
Biscayne Park, FL 33161

RE: 2020 ASSESSMENT ROLL ESTIMATE

Dear Mayor O'Halpin:

The June 1st Estimate of \$248,000,000 in taxable value is being provided in accordance with Section 200.065(8), Florida Statutes, so that you may start preparing for next year's budget. It is important to note that July 1st is the official certification date for the 2020 assessment roll. The June 1st taxable value is only an estimate, which is subject to change.

As you start the difficult task of preparing your budget and the adoption of your millage rate(s), please consider the unprecedented hardship caused by the COVID-19 crisis that many of our property owners are facing. As you know, unemployment is at a record high and many families are struggling or unable to pay their mortgage.

For homestead property owners, Florida law requires their taxable value to increase by the Consumer Price Index (CPI) every year. For 2020, the CPI is 2.3%. Therefore, a 2.3% reduction in the millage rate would prevent a tax increase for these homeowners while provide tax relief to other property owners.

I want to thank you for your consideration and if you have questions or need clarification, you may contact me at 305-375-4004.

Sincerely,

A handwritten signature in blue ink, appearing to read "Pedro J. Garcia".

Pedro J. Garcia, MNAA
Property Appraiser

cc: David Hernandez, Interim Village Manager



MIAMI-DADE COUNTY
PROPERTY APPRAISER
ADMINISTRATION DIVISION

PEDRO J. GARCIA
PROPERTY APPRAISER

June 29, 2020

The Honorable Virginia O'Halpin
Village of Biscayne Park
640 NE 114th Street
Biscayne Park FL 33161

RE: FINAL 2019 TAX ROLL VALUES

Dear Mayor O'Halpin:

The Value Adjustment Board has completed hearings on the 2019 tax rolls and the final valuation is submitted below for the Village of Biscayne Park:

Total Taxable Value: \$229,853,314

If you have questions or need clarification, please call my office at 305-375-4004.

Sincerely,

A handwritten signature in blue ink, appearing to read "PJG".

Pedro J. Garcia
Property Appraiser, MNAA

cc: David Hernandez, Interim Village Manager



2020 COMMISSION MEETING SCHEDULE

All meetings will take place at the
LOG CABIN
640 NE 114th Street, Biscayne Park, FL

Date	Time
Tuesday, January 7, 2020 ¹	7:00 p.m.
Tuesday, February 4, 2020	7:00 p.m.
Tuesday, March 3, 2020	7:00 p.m.
Tuesday, April 7, 2020	7:00 p.m.
Tuesday, May 5, 2020	7:00 p.m.
Tuesday, June 2, 2020	7:00 p.m.
Tuesday, July 7, 2020	7:00 p.m.
Tuesday, August 4, 2020	7:00 p.m.
Tuesday, September 8, 2020	7:00 p.m.
Tuesday, October 6, 2020	7:00 p.m.
Thursday, November 10, 2020 ²	7:00 p.m.
Tuesday, December 1, 2020	7:00 p.m.

¹ Scheduled for the second Tuesday due to Special Election on January 07, 2020.

² Scheduled for the second Tuesday due to General Election on November 03, 2020.



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report
REGULAR MEETING

Item # 12.c

TO: Honorable Mayor & Members of the Biscayne Park Village Commission

FROM: MacDonald Kennedy, Vice Mayor

DATE: July 7, 2020

TITLE: Quarterly village resident awards

Background

Biscayne Park is a lovely, residential “oasis in the heart of Miami,” where more than 3,000 residents invest in 1,000+ residences, increasing the value of their homes and bettering the quality of life for the community at large. Every month, dozens of permits are issued for home improvements and new construction, contributing to our architectural charm and elevating the overall appearance and value of the village. The potential of the village is enormous, and that potential is being realized on a regular basis by property owners who demonstrate pride of ownership.

Additionally, Biscayne Park is a recognized bird sanctuary and is known for its significant tree canopy and lush landscaping on public and private property alike, boasting an impressive amount of native plant materials that provide habitat and food sources for birds, insects and other animals with which we share our urban habitat. Gardening enthusiasts in Biscayne Park contribute in significant ways to our quality of life and the curb appeal on our pedestrian-friendly streets.

Recommendation

I am requesting the commission to encourage beautification of homes and gardens, specifically by recognizing accomplishments in the two areas of **exterior home beautification** and **gardening**. With this item, the commission will direct the manager to coordinate two awards each quarter based on the suggestions below.

Biscayne Park Sanctuary Award: given quarterly to recognize an outstanding exterior home renovation project, new construction or simply a lovely, well-maintained home.

- All projects must be properly permitted and closed out fully.
- The property may have no outstanding citations or debts to the village.
- This recipient selected by the Planning & Zoning Board from nominations from anyone in the community or from the board itself.
- P&Z to determine merits and measures for this subjective award.
- No member of the P&Z Board or village commission is eligible for this award.

Biscayne Park Oasis Award: given quarterly to recognize an outstanding front-yard garden with special consideration given to native gardens that contribute to habitat and food sources for animals in our urban habitat.

- The property may have no outstanding citations or debts to the village.
- This recipient selected by the Parks & Parkways Board from nominations from anyone in the community or from the board itself.
- P&P to determine merits and measures for this subjective award.
- No member of the P&P Board or village commission is eligible for this award.

Quarterly awards:

- awarded by proclamation by the mayor and respective board chairs (or designated members) to honored residents in attendance at the commission meeting
- yard sign given at the ceremony (signs reused and rotate among quarterly winners)
- awards also announced by email blast, in the manager's report, on all village social media accounts and on the village website

- **January** commission meeting for Q1 January-March
- **April** commission meeting for Q2 April-June
- **July** commission meeting for Q3 July-September
- **October** commission meeting for Q4 October-December

Place on village calendar at respective quarterly commission meetings with reminders the prior month for boards to select winners and the village to confirm acceptance with residents.

Resource Impact

Purchase of two standard yard signs.

Attachment(s)

- none

Prepared/Sponsored by: MacDonald Kennedy, Vice Mayor



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report

Item # 12.d

REGULAR MEETING

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: MacDonald Kennedy, Vice Mayor

DATE: July 7, 2020

TITLE: Monthly Village's Proclamations

Background

At monthly commission meetings, the commission randomly issues proclamations to recognize a variety of important groups and calendar events: i.e. National Police Week in May 2020 but not in prior years. However, the list of events deserving of proclamations has never been formalized. Events are not recognized the same each year, and groups are not treated with the same respect because the village has never formalized the list or process.

Recommendation

As part of the July 7 consent agenda, I am requesting the commission to instruct the manager to have staff include the following dates and proclamations on our ongoing village calendar, and further to have proclamations drafted for the regular commission meeting each month, per this list. The mayor can select commissioners or residents to read the proclamations at each meeting. This list takes into account all village departments and celebrates the ethnic mix and diverse national origins of our residents. The list aligns with national calendars recognizing these groups, with dates that may fluctuate annually. Additional proclamations may be added throughout the year in addition to those on this approved list.

JANUARY

January 9 National Law Enforcement Appreciation Day
Third Monday Martin Luther King Jr. Day

FEBRUARY

BLACK HISTORY MONTH

National Black History Month, also known as National African American History Month, during February is a time for all Americans to celebrate the achievements of African Americans. The month recognizes their central role in American history.

MARCH

NATIONAL WOMEN'S HISTORY MONTH

National Women's History Month in March annually encourages us to honor the women who came before us and fought for equality among all races and genders.

MAY

OLDER AMERICANS MONTH

Every year in May, Older Americans Month recognizes the contributions of older adults across the nation. In their lifetime, times have changed dramatically, yet they continue to volunteer and serve their neighborhoods in their own ways. Older Americans Month also serves to raise awareness concerning elder abuse and neglect. We celebrate the senior community in Biscayne Park each May.

Second Sunday	Mother's Day
Last Monday	Memorial Day
Week of May 15	National Police Week
Week of May 15	National Public Works Week recognizes the planning, building and management of local communities that keep our cities running smoothly day in and day out. This week, we celebrate the village staff.

JUNE

PRIDE MONTH

Throughout June, Pride Month honors the Stonewall riots in Manhattan in 1969. The month is a time for remembering those who paved the way for the LGBTQIA community and who continue to do so. It's a time for education, breaking down barriers, and celebrating the contributions of gay Americans, including gay residents of Biscayne Park.

NATIONAL CARIBBEAN-AMERICAN HERITAGE MONTH

National Caribbean-American Heritage Month in June recognizes the contributions of Caribbean-Americans to the diversity and broader landscape of American culture and Biscayne Park.

June 16	A state charter was granted changing our name to the Village of Biscayne Park in 1933.
Third Sunday	Father's Day

JULY

July 4	Independence Day
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SEPTEMBER

HISPANIC HERITAGE MONTH

Beginning on September 15 and continuing through to October 15, we recognize National Hispanic Heritage Month. During the four weeks, we honor the heritage and contributions made by members of the Hispanic community. Festivities begin on September 15, marking the anniversary of independence for several Latin American countries, commemorating each country's independence from week to week. Biscayne Park includes residents from most Latin American nations, and we honor them this month.

NOVEMBER

November 11 Veterans Day honors military veterans, including many in Biscayne Park, who served in the United States Armed Forces. The federal holiday coincides with Armistice Day and Remembrance Day which marks the end of World War I.

DECEMBER

December 31 By a vote of its 113 citizens, the Town of Biscayne Park was incorporated on December 31, 1931. We celebrate our own history on the final day of each year.

Resource Impact

Minimal.

Attachment(s)

- none

Prepared by: MacDonald Kennedy, Vice Mayor