City of Opa-locka

Commission Chambers
215 Perviz Avenue
Opa-locka, FL 33054

VIRTUAL WORKSHOP
Agenda

Thursday, March 4, 2021
5:30 PM

City Commission

Mayor Matthew A. Pigatt
Vice Mayor Veronica J. Williams
Commissioner Alvin Burke
Commissioner Chris Davis
Commissioner John H. Taylor Jr.

Appointed Officials

City Manager John E. Pate
City Attorney Burnadette Norris-Weeks
City Clerk Joanna Flores, CMC

SPEAKING BEFORE THE CITY COMMISSION

NOTE: All persons speaking shall come forward and give your full name and address, and the name and address of the organization you are representing.

There is a three (3) minute time limit for speaker/citizens forum and participation at all city commission meetings and public hearings. Your cooperation is appreciated in observing the three (3) minute time limit policy. If your matter requires more than three (3) minutes, please arrange a meeting or an appointment with the City Clerk prior to the commission meeting. *City of Opa-locka Code of Ordinances Section 2-57*

DECORUM POLICY

Any person making impertinent or slanderous remarks or who become boisterous while addressing the commission, shall be declared to be out of order by the presiding officer, and shall be barred from further audience before the Commission by the presiding officer, unless permission to continue or again address the commission be granted by the majority vote of the commission members. *City of Opa-locka Code of Ordinances Section 2-58*

NOTICE TO ALL LOBBYISTS

Any person appearing in a paid or remunerated representative capacity before the city staff, boards, committees and the City Commission is required to register with the City Clerk before engaging in lobbying activities. *City of Opa-locka Code of Ordinances Section 2-18*

FLORIDA STATUTES, CHAPTER 285.0105:

"If a person decides to appeal any decision made by the Board, Agency or Commission with respect to the proceedings, and that, for such purpose, that person may 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."

PROCEDURES FOR PUBLIC PARTICIPATION

The following rules will ensure that the City Commission meetings and any other necessary city public meetings, governed by Florida's public meeting laws will provide for necessary public notice, allow for public participation and are conducted in the Sunshine. The following rules shall govern all City of Opa-locka public virtual meetings:

HOW TO WATCH THE MEETING

Members of the public are encouraged to watch the public meeting and public hearings at https://www.youtube.com/user/CityofOpaLocka

HOW TO PARTICIPATE

To participate virtually, please register by emailing publiccomments@opalockafl.gov at least 2 hours prior to the scheduled meeting time to request the meeting link.

CITY OF OPA-LOCKA
“The Great City”

VIRTUAL WORKSHOP
Thursday, March 4, 2021
5:30 p.m.

AGENDA

1. **WELCOME/OPENING REMARKS:**

2. **ROLL CALL:**

3. **INVOCATION:**

4. **PLEDGE OF ALLEGIANCE:**

5. **PUBLIC COMMENTS:**
   Agenda items only

6. **DISCUSSION ITEMS:**

   a) **City of Opa-locka Special Events Policy**
   b) **City Commission Priorities**

7. **ADJOURNMENT:**

SPECIAL EVENT POLICY

Sponsored by: City Manager

RESOLUTION NO. ________

AN RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPALOCKA, FLORIDA, ESTABLISHING A SPECIAL EVENTS POLICY AND PROCEDURES AND ADOPTING A SPECIAL EVENTS HANDBOOK; PROVIDING FOR REPEAL OF ALL PRIOR RESOLUTIONS IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, each year, the City of Opa-Locka ("City") holds certain special events designed to enhance the quality of life for residents and visitors and foster cooperative leadership within the business community and the City; and

WHEREAS, the City Commission of the City of Opa-Locka desires to establish a special events policy and procedures and update its special events handbook; and

WHEREAS, the City desires to regularly conduct Special Events to promote the sense of community, enhance the City's quality of life for residents and ensure that such events are executed in a fiscally responsible manner; and

WHEREAS, the purpose of a policy is to clearly define procedures and responsibilities of the City and persons desirous of holding special events; and

WHEREAS, for purposes of this the policy, a "Special Event" is defined as any event, meeting, activity, or gathering of persons invited by public advertisement for the purpose of witnessing or participating in any common purpose, entertainment or exhibition, or purchasing or selling any merchandise, food or beverage or consuming any food or beverage upon any City-owned public facility, street, sidewalk, alley, park, parking lot or other public place; and

WHEREAS, the City further desires to update its handbook pertaining to Special Events; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF OPA LOCKA, FLORIDA, AS FOLLOWS:

Section 1. Adoption of Representations. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and the same are hereby made a specific part of this Resolution.

Section 2. Establishment of a Special Events Policy and Procedures and Special Events Handbook. The City Commission of the City of Opa-Locka hereby establishes and approves a Special Events Policy and Procedures, as set forth in Exhibit "A" attached hereto and a Special Events Handbook, as set forth in Exhibit "B" attached hereto.

Section 3. Conflict and Repealer**.** Any provision of any City of Opa-Locka resolution or regulation which is in conflict with the provisions of this Resolution is hereby repealed.

Section 4. Effective Date. This Resolution shall take effect upon the adoption by the City of Opa-Locka and is subject to the approval of the Governor or Governor's Designee.

PASSED AND ADOPTED this 10th day of February, 2021.

____
Matthew A. Pigatt, Mayor

ATTEST:

____
Joanna Flores, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

____
Burnadette Norris-Weeks, P.A.
City Attorney

Moved by: ______________________________

Seconded by: ______________________________

Sponsored by: City Manager

VOTE:

Commissioner Burke	(Yes)	(No)
Commissioner Davis	(Yes)	(No)
Commissioner Taylor	(Yes)	(No)
Vice-Mayor Williams	(Yes)	(No)
Mayor Pigatt	(Yes)	(No)

Parks & Recreation Department Policy
#1 – Special Events

Policy – The Parks & Recreation Department will regularly conduct Special Events to promote the sense of community and enhance the City's quality of life. All Special Events will be planned for and executed in a fiscally responsible manner.

Purpose – The purpose of this policy is to clearly define procedures and responsibilities to ensure adherence to this policy.

A **Special Event** is defined as any event, meeting, activity, or gathering of persons invited by public advertisement for the purpose of witnessing or participating in any common purpose, entertainment or exhibition, or purchasing or selling any merchandise, food or beverage or consuming any food or beverage upon any City-owned public facility, street, sidewalk, alley, park, parking lot or other public place.

Any of the following characteristics may cause a special event to be defined as a **Major Event** and/or create additional permit requirements:

- Road closures
- Amplified music
- Length of event is four (4) hours or more
- Alcohol sold, distributed or consumed
- More than 100 people and have all of the above characteristics

The **Special Event Committee** is a committee appointed by the City Manager and is presently comprised of the Parks and Recreation Director as Chairperson or their designee, Police Chief or their designee, Public Relations designee, and the Director of Public Works or their designee. The Special Event Committee is designated by the City Manager with the responsibility of reviewing and approving an application to conduct a Major Event within the City.

A **Special Event Permit** is a permit issued after all requirements are met by the requesting organizer/producer and all applicable advance fees are paid. The permit will cover the event organizer/producer and their selected vendors. A Special Event Permit must be issued for each event. Additional permits and licenses may be required for tents, alcohol, outside vendors, signs, banners, electricity, and miscellaneous construction. No person shall engage in, participate in, aid, form or start any special event unless a Special Event Permit has been issued.

A **Major Event** is defined as an event held in the City of Opa-Locka which includes alcohol sales, distribution, and/or consumption and is four (4) or more hours in length, require road closures, have amplified music and has 100 people or more. Such events require the approval of the City Commission.

A **City-produced Event** is any event produced and managed by the City and approved in the City's adopted annual budget or by a majority vote of the Commission. If the event is not in the annual budget, the event will require a budget amendment identifying the source of funding. For City-produced events which appear annually in the annual budget, there shall be periodic evaluation of the economic viability of the events to assess whether the benefits provided by the events justify the cost of the events. Additionally for City-produced events in particular and for all events involving the expenditure of City funds, every effort will be made to identify event sponsors to help defray the event costs.

A **City-contracted Event** is an event that does not meet the ordinary definition of a major event, it is being produced and managed by an individual or group, and is held through the sponsorship of the City. Such events are intended to be family-friendly and require the approval of the City Commission. City-contracted events shall not allow alcohol to be sold, distributed, and/or consumed.

Commission Initiatives Events (Internal) are events set aside for City Commission initiatives and allocated equally among the City's elected officials and is funded in the annual budget. These initiatives must be programs, events and functions that serve the City of Opa-locka community. These events must be fully planned and produced by Commission staff and the Parks and Recreation Department. Such events require the approval of the City Commission.

Commission Initiatives Events (External) are events and/or programs initiated by an elected official, in partnership with external community organizations. These events must be fully planned and produced by Commission staff and the Parks and Recreation Department, and funded by the Commission, the external community organization and/or sponsorship funds secured by the Commission. Such events require the approval of the City Commission.

The **Organizer/Producer** is the person or persons who are financially responsible for all fees, deposits, damages or other charges for holding an event in Opa-locka. This person(s) has authority to make decisions regarding the event, including cancellation of the event due to weather conditions or for other reasons.

Sitting members of the City Commission, City boards and agencies, and any of their immediate members or any person who has departed from City service in the past 24 months shall have no financial interest, direct or indirect in entities that organize or produce Major Events. Immediate family members are defined as: father, mother, son, daughter, brother, sister, stepmother, stepfather, stepson, stepdaughter, stepbrother, stepsister, wife, husband, father-in-law, mother-in-law, brother-in-law, sister-in-law, first cousin, nephew, niece, grandparents, grandchildren.

It is the policy of the City of Opa-locka that all Commission Special Events shall follow these procedures for funding and administration in accordance with the guidelines and examples outlined herein. Special Events are approved by way of the City's Annual Budget or by a vote of the City Commission. The City Commission shall approve any new or significantly revised Special Event(s) involving the use of City assets and services, which is different from or greater than that involving normal usage by the general public.

Procedure

1. Annually the Parks & Recreation Department will make an assessment as part of the budget process as to what funds are available for Special Events and, once determined, will establish a recommended schedule of Special Events for the coming year, indicating the schedule and the resources, including potential outside funding, required for each event. In determining the Special Events to be incorporated into the proposed budget, preliminary input will be requested from the Commission.

2. In the development of the proposed schedule for the coming year, the Parks and Recreation Department will conduct an evaluation of the cost of each event versus the number of residents and others anticipated to participate in the event, and other considerations as identified, to determine whether this is an appropriate expenditure of City resources.

3. The submission and subsequent adoption of the annual budget provides initial Commission approval of the proposed Special Event schedule and expenditure of City resources.

4. At least two months prior to a scheduled event, the proposed Special Event will be presented to the Commission for guidance and approval.

5. The Parks & Recreation department will establish a program to encourage public donations to at least in part offset the expense of Special Events. Guidelines for soliciting public donations are: Special Event Forms will be provided for sponsorship donations and “in-kind” services. Monetary gift amounts and “in-kind” service hours is required information.

6. Special Events will be advertised through flyers, Commission meets, the City website and other channels as recommended by the City’s public information consultant.

7. All monetary donations will be forwarded immediately to Finance and receipted for using a City receipt form provided by Finance.

8. The Parks & Recreation Department will ensure that Finance establishes separate revenue, including identification of donor contributions, and expenditure accounts to permit assessment of results versus planned revenue and expenditures.

9. After the completion of each Special Event, the Parks & Recreation Director will conduct a review of the event to evaluate its effectiveness in terms of the number of attendees, the attendees' satisfaction with the event and the adequacy of the budget provided for the event. The Parks and Recreation Director will also evaluate the effectiveness of all departments in carrying out their responsibilities as the basis for improvement.

<u>Responsibilities</u>

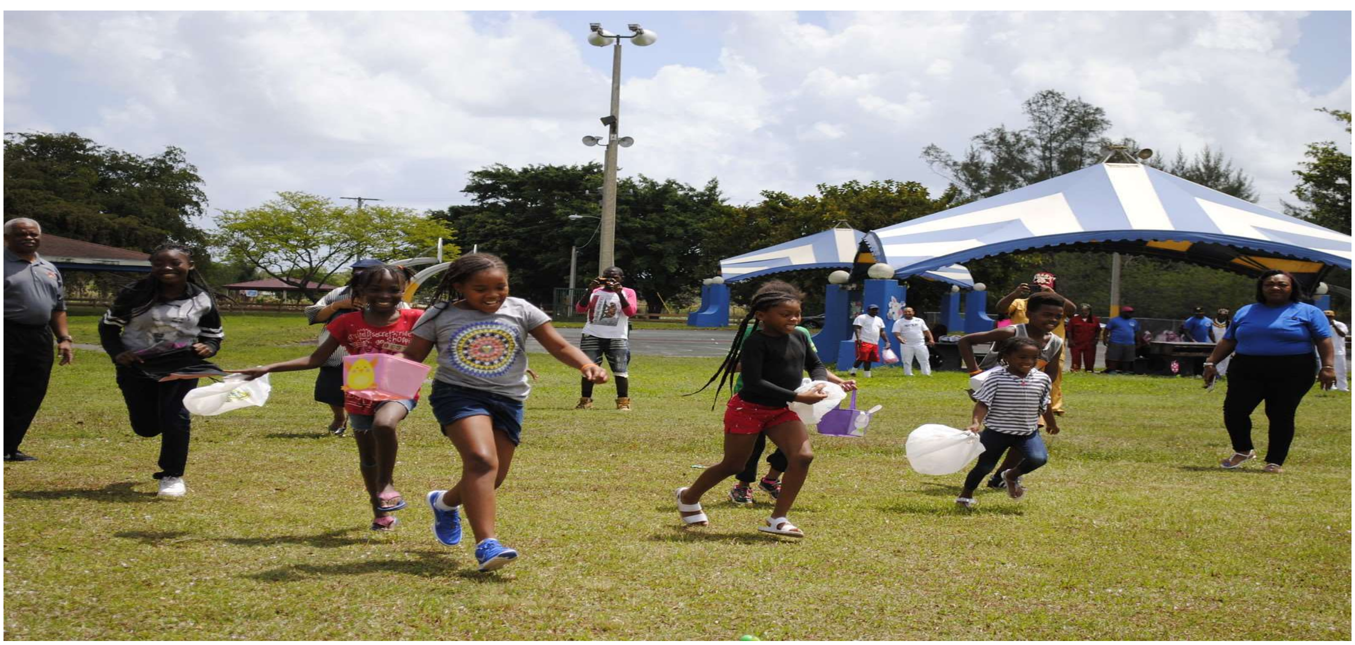
1. Parks & Recreation Director
    a. Ensuring Commission is kept apprised at all times in regard to event status.
    b. Ensuring the successful completion of every event
    c. Establishing event schedules from initial concept to final clean-up
    d. Ensuring all aspects are considered for a successful event, including health and safety considerations and contingency plans for unanticipated circumstances.
    e. Seeking external funding whenever feasible.
    f. Ensuring all participating City functions are aware of their responsibilities and the schedule for their involvement.
    g. Ensuring that when permits are required, this information is provided timely and that required permits are obtained
    h. Set-up, tear-down and site-restoration by P&R staff as appropriate
    i. Activating the Special Event committee when appropriate.
2. Public Works Director
    a. Set-up, tear-down and site-restoration by PW staff as appropriate
    b. Providing or obtaining equipment required by the event
3. Finance Director
    a. Ensuring appropriate controls when City is responsible for event cash transactions.
    b. Establishing appropriate accounts when external funding will be obtained.
    c. Providing appropriate receipt documentation when external funding will be obtained
4. Chief of Police
    a. Overall safety
    b. Crowd management
    c. Traffic management
5. Information Technology Director
    a. Providing or obtaining equipment required by the event
    b. Set-up, tear-down and site-restoration by I.T staff as appropriate

Prepared By____________________

Approved By___________________

Effective Date__________________

Special Event Handbook



Parks and Recreation Department
(305) 953-2871
parksmedia@opalockafl.gov

City of Opa-locka Parks and Recreation Department

Welcome to Our Community!

The City of Opa-locka Parks and Recreation Department is committed to providing local and visiting events with the highest quality of service and customer care. The Parks and Recreation Department along with supporting Opa-locka Departments play an important role by ensuring that all proper permits are completed to operate a safe and successful event. The policies and procedures established by the City of Opa-locka allow for advanced planning and provide a system of basic guidance to help the City and event applicant achieve mutual goals.

Whether it is a festival, film permit, farmer's market, city produced event, commissioner initiative grand opening or some other event, the City's Park and Recreation Department is always available to answer questions and assist in the creation of your ideal event. It is the attention to detail and steadfast support that helps make Opa-locka an ideal place to host your future event.

It is our goal to assist in making your event one to be remembered. Thank you for choosing the City of Opa-locka for your special event. Please feel free to reach me at (305) 953-2875 or via email at dpatterson@opalockafl.gov if you have any further questions.

Sincerely,

Delven Patterson

City of Opa-locka
Parks and Recreation Director

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SECTION 1 GETTING STARTED

WHAT IS A SPECIAL EVENT?

In the City of Opa-locka, any event or activity that temporarily occurs upon public or private property that impacts the ordinary use of any private property, businesses, residential homes, parks, public streets, right-of-ways or sidewalks is considered a Special Event.

WHERE CAN A SPECIAL EVENT BE HELD?

A special event may take place in several approved areas within the City of Opa-locka such as but not limited to, private properties (businesses, residential homes, etc.), and/or City property (streets, public right-of-ways, sidewalks, alleys and parks).

WHO CAN APPLY FOR A SPECIAL EVENT?

Any person or organization that wishes to hold an event or activity for public or private attendance within the City of Opa-locka must apply for a Special Events Permit.

Businesses in good standing, physically based within the City limits, wishing to extend their business premise onto public or private property for any duration of time will need to apply for a special event permit.

SECTION 2 APPLICATION PROCESS

The application process can begin twelve (12) months in advance unless approved by City Commission and with a minimum of sixty (60) days prior to the event date. Please be aware that all applications submitted with less than thirty (30) days prior to a requested event date may not receive the necessary approvals from the required City Departments and/or City Commission and may be rejected.

Events such as art festivals, fairs, farmers market, filming, celebrations, grand openings, certain outdoor business promotional events, races, parades and marches require considerable advance planning by more than one City department, sometimes in conjunction with other governmental agencies. Adequate time and planning for these events are necessary in order to protect public safety and to reduce adverse impacts on the public place and upon neighbors and other users of our public places.

Please Note: *Certain special events, including all Major events that require a street and/a right-of-way closures, will require City Commission approval and may take at least two (2) months to be approved.*

STEPS TO PROCESS YOUR SPECIAL EVENT APPLICATION

1) Review the entire Special Events Handbook before you begin filling out the Special events application as event guidelines and policies may change year to year.

2) Check for desired facility/location availability by calling the Parks and Recreation Department at (305)953-2875, or via email at***dpatterson@opalockafl.gov***

Please Note:

- *An inquiry of availability does not guarantee that the date is reserved for your event.*
- *Pasteventsdonotdetermineautomaticreoccurrenceorreservationofdatesforfutureevents.*
- *All special event requests are on a first come, first served basis.*

3) Complete the special event application once you have confirmed your desired facility/location is available.

Please Note: *The application form is designed to cover a wide variety of special events. Please review all sections, but keep in mind that some sections or individual questions may not apply to your particularevent.Youmayskipanysections/questionsthatdonotapplytoyoureventwhenfillingout the form.*

4) Submit the completed Special Event Application with all required documentation including payment of the application and administrative fee, notification/petition form, site plan/sketch, indemnification agreement and any other forms applicable to the City of Opa-locka Parks and Recreation Department. Applications may be mailed, emailed or hand-delivered between 8:00 AM - 4:00 PM, Monday through Friday, excluding official City of Opa-locka holidays.

Mailing / Drop-Off Location

Attn: Delven Patterson, Parks Director
Sherbondy Village Community Center
380 Bahman Ave
Opa-locka, Fl33054

***Or Email us at* dpatterson@opalockafl.gov**

PLEASE NOTE: *ACCEPTANCE OF YOUR APPLICATION FOR REVIEW SHALL NOT BE CONSTRUED AS FINAL APPROVAL OF YOUR REQUEST. INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.*

SECTION 3 FINAL PERMIT APPROVAL

Once the Parks and Recreation Director receives the application, the date requested will tentatively be held for your event until final approval. The applicant will receive either a phone call or email on the status of the application when it is being reviewed or if a meeting is required for further information.

Once your application has been approved, insurance and all event fees must be turned in ten (10) days prior to the event date. Everything must be turned in to fully be processed before receiving the final special event permit. Permits must be displayed at the event site and readily accessible for review if asked to be seen by a City of Opa-locka official employee. If the event occurs without any city damages and/or charges, the refundable security deposit will be refunded back to the applicant one (1) week after the event date.

Please note: *All refundable security deposits that have not been picked up 10 days after the event will be shredded.*

SECTION 4 DEPARTMENT DIRECTORY

Opa-locka Police Department ………………………………………….. (305) 681-1033

Public Works Department ………………………………………………. (305) 953-2828

Parks and Recreation Department ……………………………………… (305) 953-2875

Code Enforcement Department …………………………………………. (305) 953-2868

Planning and Zoning Department ………………………………………. (305) 953-2868

Building Department ……………………………………………………….. (305) 953-2868

The following schedule of fees were developed as a guide to help applicants estimate costs associated with an event. Each event fee will be calculated according to its location, size, attendance and City personnel requirements. All cost is an approximation and are subject to change. ***All payments must be made out to "City of Opa-locka" and submitted ten (10) business days prior to the approved event.***

Parks Division:

Security Deposit	$100.00 (50% Refundable)
Administrative Fee	$50.00 (Non-Refundable)
Expedited Fee	$50.00
Still Photo Fee	$100 per day
Filming Fee	$200 per day (1-10 person crew)
	$300 per day (11-20 person crew)
	$500 per day (21+ person crew)
Farmers Market	$25 –Private Property
	$75- Public Property

Police Department:

Officer	TBD
Officer with Vehicle	TBD
Supervisor	TBD
Lieutenant/Captain	TBD

Public Works and Engineering Department:

Supervisor	TBD
Employee	TBD
Street Closure	TBD
Maintenance of Traffic(MOT)	TBD
Barricades	TBD

Planning and Zoning:

Street Banners	TBD
Pole Banners	TBD

Parks and Recreation:

Stage	$150.00
Employee	$14.00 per hour

Park rental fees by Location:

Location	Resident	Non-Resident	Non-profit
Sherbondy Village Community Center			
Auditorium	$155.00	$205.00	$100.00
Multipurpose Room	$95.00	$140.00	N/A
Gymnasium (half court)	$37.50	$52.50	N/A
Gymnasium (full court)	$75.00	$105.00	N/A
Ingram Park			
Outdoor Basketball (w/o lights)	$50.00	$60.00	N/A
Outdoor Basketball (w/lights)	$65.00	$75.00	
Field	$50.00	$60.00	
Multipurpose Room	$40.00	$50.00	
Pavilions (1 & 2)	$25.00	$30.00	$22.50
Segal Community Center			
Pavilions (1 & 2)	$25.00	$30.00	
Multipurpose Room	$40.00	$50.00	

ADDITIOANAL PERMITS

The Special Event Permit is designed to incorporate the most common types of permissions required for conducting special events, but certain elements of a particular event may require additional permits for other City of Opa-locka departments or outside agencies. See below for other permits that may be required, arranged alphabetically by main topic.

ALOHLIC BEVERAGES

When Required: Applicants are intending to sell or distribute alcohol, wine or beer at an event

Permit: Liquor License

Department or Agency: City of Opa-locka Planning and Community Development Department

Notes: The City of Opa-locka does not allow alcoholic beverages to be consumed or sold at any City Park or Facility.

BANNERS AND SIGNS

When Required: Over the Street Banners, Pole Banners and Temporary Signs

Permit: Banner Permit

Department or Agency: City of Planning and Community Development Department

Notes: Applicants that apply for a banner or temporary sign permit must submit proof of the design prior to be approved. Any banners that are scheduled to be installed by the City must be dropped off to the Public Works Department 12950 NW 42nd Ave, 14-21 days prior to the advertised date and picked up seven (7) business days after the event. The City may discard of any banners or signs after the specified period.

Pole Banners - Applicants may apply for a total of ten (10) pole banners.

Hanging Banner over Public Right-of-Way - Specifications - 30ft X 3-4ft wide. 60ft of 1/2" nylon rope with hooks must be provide with banners. Banners should be double sided and must be vented.

Temporary Signage - All temporary signs shall comply with the City Code of Ordinance.

CITY PARK

When Required: Event is partially or wholly within a Park

Permit: Park Rental Form

Department or Agency: City of Opa-locka Parks and Recreation Department

FILMING PERMIT
When Required: Filming /still photography in Opa-locka

Permit: Film/Still Photography Permit

Department or Agency: Miami-Dade County Office of Film & Entertainment

Note: For further filming and still photography guidelines see page 10

FIRE
When Required: Open flames including cooking, spinning, fire fingers, staff, etc.

Permit: Open Burn Permit

Department or Agency: Miami Dade Fire Rescue Department

FIREWORKS OR PYROTECHNICS
When Required: Display of fireworks or other pyrotechnics

Permit: Display of Fireworks, Pyrotechnics, and/or Flame Effects Permit

Department or Agency: Miami Dade Fire Rescue Department

MOBILE FOOD VENDORS
When Required: Mobile food vendor

Permit: State of Florida Business License

Department or Agency: Florida Department of Business Professional Regulation

TENTS/CANOPIES
When Required: Temporary Structures that cover an area greater than 120 square feet including connecting areas or spaces with a common means of egress or entrance which are used or intended to be use for the gather together of 10 or more persons

Permit: Building Permit

Department or Agency: City of Opa-locka Building Department

SECTION 7 EVENT GUIDELINES & TERMS

AMPLIFIED SOUND LEVELS

Amplified sound levels may not begin before 8:00a.m.and may not exceed midnight on Friday, Saturday and holidays and not to exceed 9:30 p.m. on Sunday through Thursday.

Please note: *The City of Opa-locka's Police Department holds the right to request sound levels to be turned down or shut off at anytime*.

CANCELLATION/REFUND POLICY

City of Opa-locka Cancellation:The City of Opa-locka holds the right to cancel an event at anytime. If the City of Opa-locka for any reason needs to cancel an event, the applicant maybe offered a refund at the discretion of the City Manager.

Applicant Cancellation: Unless specifically stated on the permit, deadlines to submit for partial refunds is seventy-two (72) hours prior to the event. Only certain fees are applicable for refunds, determined by each individual department.

Inclement Weather Cancellation: Should a special event be cancelled due to inclement weather an alternate date maybe discussed and agreed upon with the City of Opa-locka's approval. A full or partial refund may be granted at the discretion of each department.

ELECTRICAL

The City of Opa-locka may be able to provide limited electrical services to special events at specific location or public venues. Applicant should consult directly with the Parks and Recreation Director to discuss all electrical needs for their event. All cords must be secured to avoid a tripping hazard.

EVENT NARRATIVE

A detailed written description/summary of your event is required. Please describe all activities, a schedule of activities, inventory of any sold items, giveaway items, list of vendors and any other important information.

FILMING/STILL PHOTOGRAPHY

1. To begin the Film/Still Photography Permit, please begin with contacting the Miami-Dade County Office of Film & Entertainment at305-375-3288.

2. Production vehicles arriving on location, in or near a residential neighborhood shall not enter the area before the time stipulated in the permit.

3. Moving or towing of public's vehicles is prohibited without the express permission of the off-duty police on site with production or the Film Office.

4. Do not park production vehicles in, or block driveways without the express permission of the driveway owner or Film Office.

5. Cast and crew meals shall be confined to the area designated in the location agreement or permit. Individuals shall eat within their designated meal area, during scheduled crew meals.

6. Removing, trimming and/or cutting of vegetation or trees is prohibited unless approved by the Film Office or property owner.

7. Remember to use the proper receptacles for disposal of all napkins, plates and coffee cups that you may use in the course of the working day.

8. Every member of the cast and crew shall keep noise levels as low as possible.

9. Do not wear clothing that lacks common sense and good taste. Shoes and shirt must always be worn, unless otherwise directed.

10. Crew members shall not display signs, posters or pictures on vehicles that do not reflect common sense or good taste (e.g. pin-up posters…).

11. Do not trespass onto another neighbor’s or merchant’s property. Remain within the boundaries of the property that has been permitted for filming.

12. The cast and crew shall not bring guests or pets to the location, unless listed and pre-approved on the application.

13. All catering, crafts service, construction, strike and personal trash must be removed from location.

14. Cast and crew will refrain from the use of lewd or improper language within earshot of the general public.

15. The company will always comply with the provisions of the filming permit.

INSURANCE

The City of Opa-locka has established insurance requirements for those applicants, vendors and contractors entering into agreements with the City for the purpose of special events and activities. Before commencing use or services under an agreement with the City of Opa-locka, a certificate of insurance that complies with the requirements must be furnished.

All special event applicants shall name the City of Opa- Locka (780 Fisherman St Opa-locka, FL 33054) as an “Additional Insured” and shall have the following minimum limits:

Commercial Comprehensive General Liability insurance with broad form endorsement, as well as automobile liability, completed operations and products liability, contractual liability, severability of Interest with cross liability provision, and personal injury and property damage liability with limits of $1,000,000 combined single limit per occurrence and $2,000,000 aggregate, including:

- Personal Injury:$1,000,000;
- Medical Insurance: $5,000 per person;
- Property Damage: $500,000 each occurrence;

Umbrella Commercial Comprehensive General Liability insurance shall be written on a Florida approved form with the same coverage as the primary insurance policy but in the amount of $1,000,000 per claim and $2,000,000 Annual Aggregate. Coverage must be afforded on a form no more restrictive than the latest edition of the Comprehensive General Liability policy, without restrictive endorsements, as filed by the Insurance Services Office, and must include:

(a) Premises and Operation

(b) Independent Contractors

(c) Products and/or Completed Operations Hazard

(d) Explosion, Collapse and Underground Hazard Coverage

(e) Broad Form Property Damage

(f) Broad Form Contractual Coverage applicable to this specific Contract, including any hold harmless and/or indemnification agreement.

(g) Personal Injury Coverage with Employee and Contractual Exclusions removed, with minimum limits of coverage equal to those required for Bodily Injury Liability and Property Damage Liability.

Please Note: *Approval of insurance by the City of Opa-locka does not in any way relieve or decrease the insurance liability of event producers or vendor. The City of Opa-locka does not represent that the specified limits of liability, coverage or policy forms are enough or adequate to protect the interest or liabilities of the applicant or vendor.*

LOADING AND UNLOADING

There is no driving on or within City parks or in active event areas without City staff supervision. Loading and unloading needs to be done prior to an event or from parking lots and/or streets when possible. If approved to drive through an event area, please quickly unload your vehicle and proceed to park your vehicle in a legal parking area.

MAINTENANCE/CLEAN-UP

Applicants must describe their clean-up plan in the special events application. The clean-up plan must include the following information:

- Show the types and locations of dumpsters and individual trash and recycling receptacles.
- The names and contact information of individuals and/or groups responsible for cleaning up during and after an event.
- The location where all waste, including cooking oils and gray water, will be disposed of in an approved manner.

If an event producer fails to clean up a venue adequately or causes damage to City property, the City of Opa-locka will keep the security deposit and bill the applicant for any additional costs not covered by the deposit to clean and repair the damaged property. If this occurs, the City of Opa-locka may also deny an application for future special event permits.

Submitted clean-up plans will be reviewed and approved by the Public Works Department. If a clean-up plan is deemed inadequate, subject to the Public Work Departments availability the City of Opa-locka may be able to provide staffing for clean-up at a cost. The Applicant will be required to compensate the City for the required number of staff to ensure the proper clean-up of an event, ten (10) days prior to the event.

MAJOR EVENT PERIODS (MEP)

The City has identified and listed the following event periods which historically have a significant demand on City services. It is realistic to expect these activity periods to continue to be popular in Opa-locka bringing large crowds that will require the maximum use of all City services. These MEP include but are not limited to Independence Day, Halloween, Holidays and New Year's.

NOTIFICATION/PETITION FORM

A signed Notification/Petition Form is required to be signed by the majority of businesses and/or residential properties, home owners or lessees that face the street affected by the approved special event street closure. The name, signature, address and phone number of each person who is either a property owner or lessee within the requested event area must appear on the form included in the Special Event Application.

OFF-DUTY POLICE OFFICERS

A police officer for employment that is indigenous to their law enforcement authority is commonly referredtoas"Off-DutyPoliceOfficer".Inordertoscheduleanoff-dutypoliceofficerforemploymenton a temporary or infrequent basis:

- The Opa-locka Police Department shall be the final authority in determining the minimum number of officers required to police a particular event.
- If more than three (3) officers are hired, a supervisor must also be hired.
- The Applicant will be required to compensate the City for the required number of officers needed to conduct a safe event, ten (10) days prior to the event.
- If during a scheduled event, the applicant or the officer determines that he/she needs to extend the time worked by 20 minutes or more beyond the scheduled time of the event, the applicant will need to compensate the officer(s) for full hours worked.
- Applicant must notify cancellation request of an off-duty police Officer forty-eight (48) hours prior to the scheduled date of service. Failure to do so will require the Applicant to compensate the assigned officer for a minimum of three (3) hours.

PARKING

The applicant shall have an adequate plan for individual parking of vehicles. Neighborhood streets are prohibited from being used for event parking.

RECREATIONAL APPARATUS

The City of Opa-locka desires to ensure safety at all events and activities including recreational apparatus, such as inflatable rides or bounce houses and other similar apparatuses. Location of all recreational apparatuses must be included on the site map and insurance must be provided by the company. *Please see the insurance policy on page 11 for more information.*

SITE PLAN/SKETCH

Site Plan must be included within the Special Event Application showing a full layout of the event. The Site Plan must provide as much detail as possible including crowd flow, controls, seating and parking. Specifically, configuration and size of stage(s), bleachers, stands, concession booths, trailers and rides. For tents, be sure to show configuration, size, location and intended use. A building permit is required for some of the items listed above.

Additionally, all the below features and information shall be listed on the site map, if applicable.

- All affected streets, alleys and right-of-ways, including those that will be closed.
- Maintenance of Traffic (MOT) - Alternate routes for traffic and pedestrians for closures.
- Location of all vendors - fixed and mobile, informational, merchandise and food.
- Source of electrical supply and service, including permanent electrical power sources and portable generators.

STREET AND RIGHT-OF-WAY CLOSURES

Applicants requesting a street or right-of-way (including sidewalks, alleys etc.) closures will require City Commission approval. A detailed map including all closures with alternate routes for traffic and pedestrians, also known as a Maintenance of Traffic (MOT) for vehicular and pedestrians must be provided with the special event application. MOT's may be provided by the City of Opa-locka Public Works Department at a cost to the applicant.

In addition, a signed Notification/Petition Form is required to be signed by the majority of businesses and/or residential properties, homeowners or lessees that face the street affected by the approved special event street closure.

WAIVER OF FEES

Fee waivers are an expense to the City's General Fund. Fees are established to pay for the cost of public property and services provided by the City. Request for fee waivers must be specified in the event application and a letter requesting the fees must accompany the application.

A request for a fee waiver must be submitted for City Commission approval and is at the discretion of the City Commission, to approve or disapprove all fee waiver requests.

Donations

INTRODUCTION

The City of Opa-locka recognizes the enormous values of direct community support. The City has been fortunate to receive support from community members who give time, money, and property to ensure the City continues to thrive and provide vital benefits and quality of life for City community members. This is being created with the intent of acknowledging how donations are received. Contributions will be recognized in ways that support the City's resources and values and shall be implemented through the authority of the City of Opa-locka.

GENERAL POLICIES

1. The City shall welcome Donations
2. Donations must comply with City guidelines and standards.
3. Donations to City Special Events must be consistent with the goals and objectives for the activities brought forth by the City as a whole.
4. All donations shall be considered **"Gifts for Special Events"** to the City for the enjoyment of the City's residents and stakeholders. They shall not be considered as private or proprietary assets.
5. Corporate donations are encouraged, but shall not constitute an endorsement of and/or by the City. Donations implying or suggesting commercial advertising or solicitation will not be accepted.
6. All items purchased or accepted by donation will receive standard levels of maintenance during their normal life expectancy.
7. Donation sponsors will be determined by specifically identifying businesses and business owners within the City limits who have conducted business in the City of Opa-locka for numerous years. This is done irrespective of industry or goods and services bought, sold, or obtained by said companies. A letter from the City will be presented to sponsors with specific details and monies needed for the Special Event.
8. Exceptions to the guidelines will be made through a pre-determined process of the businesses ability to contribute through teleconferences, Zoom meetings, and other forms of digital communication.
9. Donations are by no means limited to the purchase of certain items so long as the items procured are consistent with what is needed to execute a special event/activity.
10. Donation purchases must be consistent with standards or specifications and plans.
11. Donation purchases should not cause an unbudgeted expenditure or ongoing maintenance responsibility for the City.
12. Donation purchases must be free of inherent hazards or anything else that could potentially cause harm or injury.
13 . The City has the right to deny any donation.
14. Donors provide written acknowledgement of all gifts made to the City and comply with the current IRS requirement in acknowledgement of the gifts.
15. The City will enter into a written Donation and Gift Agreement with the Donor, where appropriate and advisable, that specifies the terms of any restricted gift, which may include provisions regarding maintenance, life span, and Donor recognition.
16. Donors may be asked to appear before the City Commission, to present their donation proposal. Public comment and feedback may be considered during the review process.
17. All donations will be acknowledged by a letter of appreciation from the City of Opa-locka.

PARKS AND RECREATION DEPARTMENT

I acknowledge that I have received, read and understand the Special Event Handbook.

Event Name	Event Date
Applicant Name	Phone Number
Applicant Signature	Date Signed

STAFF USE ONLY:

Received by	Date

FINDINGS 19 AND 70

AUDITOR GENERAL
STATE OF FLORIDA

Sherrill F. Norman, CPA
Auditor General

Claude Denson Pepper Building, Suite G74
111 West Madison Street
Tallahassee, Florida 32399-1450

Phone: (850) 412-2722
Fax: (850) 488-6975

May 23, 2019

Honorable Matthew Pigatt, Mayor
City of Opa-locka
780 Fisherman Street
Opa-locka, Florida 33054

Dear Mayor Pigatt:

Enclosed is a list of 99 preliminary and tentative audit findings and recommendations that may be included in a report to be prepared on our operational audit of the City of Opa-locka and Opa-locka Community Redevelopment Agency.

Pursuant to Section 11.45(4)(d), Florida Statutes, you are required to submit within thirty (30) days after receipt of this list a written statement of explanation concerning your actual or proposed corrective actions. Your response should include actual or proposed corrective actions concerning Findings 1 through 85, 89, 90, 94, and 99. If within the 30-day period you have questions or desire further discussion on any of the preliminary and tentative audit findings and recommendations, please contact this Office.

Your written explanation should be submitted electronically in source format (e.g., Word or WordPerfect) and should be accompanied by a cover letter with your digitized signature. For quality reproduction purposes, if you are not submitting your response in source format, please convert your response to PDF and not scan to PDF. If technical issues make an electronic response not possible, a hard copy (paper) response will be acceptable.

Please e-mail this Office at flaudgen_audrpt_lg@aud.state.fl.us to indicate receipt of the list of preliminary and tentative audit findings and recommendations. Absent such receipt, delivery of the enclosed list is presumed, by law, to be made when it is delivered to your office.

Sincerely,

Sherrill F. Norman

Sherrill F. Norman

SFN/bk

Enclosure

c: City Commission
Newall Daughtrey, City Manager

PRELIMINARY AND TENTATIVE AUDIT FINDINGS
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Finding 18: City procedures need enhancement to ensure that interfund borrowings and transfers are properly accounted for and comply with City ordinances.

Finding 19: The City had not established controls to provide adequate accountability for special events, including the donations and expenditures for such events.

Finding 20: City procedures were not effective to ensure that payments were made from the appropriate bank accounts or that financial transactions were properly accounted for in the City accounting records.

Finding 21: Journal entries to adjust account balances and transactions in the City accounting records were not always adequately supported or reviewed and approved.

Cash Controls

Finding 22: City controls over bank account reconciliations need improvement to ensure documented timely performance and review by individuals not assigned cash handling and journal entry duties; reconciling items are accurately identified, promptly and thoroughly investigated, explained, and documented; required adjustments to the general ledger cash account balances, as a result of the reconciliations, are timely made; and online access to electronic bank account statements is granted to appropriate employees.

Finding 23: Contrary to State law, the City had not established policies and procedures to ensure adequate integrity, security, confidentiality, and auditability of business transactions conducted using electronic funds transfers (EFTs). In addition, City controls need enhancement to ensure and document that EFTs are only made by authorized personnel and for authorized purposes.

Finding 24: The City did not timely notify apparent owners of unclaimed property or annually report and remit unclaimed property to the Department of Financial Services, contrary to State law.

Finding 25: The City did not timely submit to the State's Chief Financial Officer the statutorily required annual reports of the City's public deposit accounts.

Finding 26: City controls over petty cash funds need enhancement to ensure that petty cash disbursements are supported by dated receipts and documentation evidencing the authorized public purpose and that petty cash funds are timely counted and reconciled to receipts.

Capital Assets

Finding 27: City records did not evidence that the City exercised due diligence in determining the fiscal viability of purchasing a $7.9 million building to house its administrative offices and other tenants. Specifically, the City did not ensure the accuracy of reported renter lease information and building operating costs prior to purchasing the building and did not maintain records to support significant assumptions regarding the rental income anticipated to be generated from other tenants.

***PRELIMINARY AND TENTATIVE AUDIT FINDINGS
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Procurement – General

Finding 67: Requirements established in City ordinances regarding the procurement of commodities and contractual services need improvement to clarify the City Commission intent for and promote compliance with the requirements.

Finding 68: City disbursement processing procedures were not up-to-date or sufficient to ensure the validity and completeness of vendor file information, preapproval of all purchases by appropriate City personnel, adequate supporting documentation for all expenditures, or proper distribution of checks to vendors. In addition, City procedures did not prevent the use of duplicate check numbers.

Finding 69: The City had not established procedures to promote compliance with the Local Government Prompt Payment Act and did not always timely pay vendors, resulting in late fees of $5,007. In addition, as of March 15, 2017, the City owed Miami-Dade County approximately $7 million for delinquent fees and charges.

Finding 70: City records did not clearly evidence the authorized public purpose served for expenditures totaling $51,405. These expenditures included, for example, the purchase of items for giveaway events, food and beverage items, bowling, movies, and gift cards.

Finding 71: Controls over City-assigned credit cards need improving to ensure that credit card assignments are properly approved, user agreements are signed and maintained, credit limits do not exceed those established in City policies, all credit card charges are verified and approved, the City's sales tax exemption is properly utilized, credit card receipts are retained as required by the State records retention policy, and evidence of canceled credit cards is maintained.

Finding 72: When purchasing commodities, the City did not always competitively select vendors in accordance with City ordinances.

Procurement – Contractual Services

Finding 73: Contrary to City ordinances, the City did not always use a competitive selection process to procure vendor services and City controls over the competitive procurement of services need enhancement. In addition, City records did not always demonstrate that the City Commission selected the vendor whose proposal was most advantageous to the City or that the City Commission approved purchased services costing over $25,000.

Finding 74: City contractual services procurements were not always supported by a written contract that included the provisions and conditions required by City ordinances.

Finding 75: City controls for monitoring purchased services and franchise fee collections need enhancement.

payment of expenses related to the operation, maintenance and repair, and management of the City sewer system, and that the use of any surplus funds are to be determined by the City Commission. Insofar as there was no documentation that the Water and Sewer Fund's outstanding needs were met, and the City Commission did not authorize the transfers, the legal authority for the transfers is not apparent.

Recommendation: City procedures should be enhanced to ensure that future interfund borrowings and transfers are properly accounted for and comply with City ordinances. Specifically, the procedures should require:

- **The Finance Director to document a determination that any borrowed funds will not be needed during the lending period and that the funds for repayment will be available within a 2-year period.**
- **Only surplus moneys be transferred from the Water and Sewer Fund.**
- **The City Commission to take official action to approve all interfund borrowings and transfers.**

Finding 19: Special Events

As discussed in Finding 70, our examination of City records identified expenditures associated with certain special events the City typically sponsors on an annual basis, including turkey, bicycle, and toy giveaway events. Other special events include, for example, the State of the City Address, Fourth of July celebration, and Hispanic Heritage celebration.

Our examination of City records and discussions with City personnel disclosed that the City had not established controls to provide adequate accountability for special events. Specifically:

- As of February 2019, the City had not established policies and procedures regarding special events. Effective policies and procedures should, for example, prescribe methods for determining the feasibility of such events; require City Commission approval of each event; provide guidelines for soliciting donations to defray the costs of the events and providing receipts to donors; and require separate accounting for donations received and expenditures made for each event.
- The City had established five specific revenue accounts in the City accounting records to record donations received for special events and, according to City records, the City received 39 special event donations totaling $52,553 during the 2015-16 fiscal year. However, City records did not provide separate accountability of donations for each special event. Although the descriptions for three revenue accounts totaling $26,785 were readily identifiable to specific events (e.g., for the 2015-16 fiscal year, accounts were established for the State of the City Address and Fourth of July events), the other two revenue accounts, totaling $25,768, were titled "Donations & Contributions" and "Other Cont & Donations" and were not readily identifiable to specific events.
- For 14 recorded special event donations totaling $40,035 (representing 76 percent of total recorded donations), we requested records (e.g., receipts provided to donors, correspondence from donors) evidencing the moneys were actually received from donors specifically for special events; however, City personnel only provided documentation supporting $35,035. Accordingly,

City records did not demonstrate that the remaining $5,000 had been designated by donors for special events.

- The City established certain accounts in the City accounting records for expenditures associated with specific events (e.g., for the 2015-16 fiscal year, separate expenditure accounts were established for the State of the City Address and Fourth of July events). However, expenditures for some events were recorded in accounts titled "Promotional Activities." Those expenditures were not readily identifiable to a specific event and, as such, City records did not identify all expenditures associated with each specific special event.

Additionally, our comparison of total donation revenue to total expenditures attributable to special events for the 2015-16 fiscal year disclosed that the expenditures totaling $78,277 exceeded donation revenues totaling $52,553 by $25,724,[83] with the difference being paid from other City resources. Although we requested, we were not provided records evidencing whether the City determined the financial economic viability of the special events or whether related donations were intended to cover the entirety, a portion, or none of the special events' costs.

Further, although we inquired, City personnel did not provide an explanation for the lack of established policies and procedures and adequate accountability for special event donation revenues and expenditures. Establishing effective policies and procedures regarding special events, and proper accountability for donations and expenditures for such events, would provide transparency as to the extent to which other City resources are being used to subsidize such events and provide the City Commission information needed to determine the economic viability of continuing to hold special events, especially given the City's current state of financial emergency.

Recommendation: The City should establish policies and procedures to require, for each special event, City Commission approval; periodic evaluations of the economic viability of the event, including determinations of the amount of public funds needed to subsidize the event; specific guidelines for soliciting donations and providing receipts to donors; and separate accountability for donations and expenditures.

Finding 20: Fund Accounting and Expenditure Coding

As previously discussed, the City must follow uniform accounting practices and procedures established by the *DFS Manual*, which requires the use of funds, fund types, and revenue and expenditures account codes. We found that, while City personnel established various funds and account codes to account for financial transactions in the City accounting records, the financial transactions were not always properly recorded.

[83] Expenditures would have exceeded recorded donation revenues by a greater amount had City records readily identified the expenditures recorded to the "promotional activities" expenditure accounts associated with specific special events.

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resulting in the use of temporary accounts payable clerks; and vendors being instructed to send invoices to the ordering department instead of to the Finance Department, contributing to the processing delay. In addition, City personnel indicated that Finance Department employees have had to "prioritize" the payment of invoices due to the City's financial difficulties.

Without prompt payment of invoices and payment requests, the City is in noncompliance with the Act and is subject to making interest payments. In addition, failure to pay vendors timely could result in work stoppages and potential litigation costs to settle unpaid obligations (actual work stoppages and unpaid construction obligations are discussed in Finding 28). Also, failure to timely make credit card and lease payments increases the cost of financing to the City through the assessment of late fees.

Recommendation: The City should establish procedures that require and ensure invoice receipt dates are documented and invoices are promptly paid in accordance with State law.

Finding 70: Expenditures Without a Documented Public Purpose

Authority for City officials to expend moneys is set forth in various provisions of general or special law and in ordinances enacted by the City Commission. Expenditures of public funds must, to qualify as authorized expenditures, be shown to be authorized by applicable law or ordinance; reasonable in the circumstances and necessary to the accomplishment of authorized purposes of the governmental entity; and in pursuit of a public, rather than a private, purpose. Additionally, the Florida Attorney General has opined on numerous occasions[254] that documentation of an expenditure in sufficient detail to establish the authorized public purpose served, and how that particular expenditure serves to further the identified public purpose, should be present when the voucher is presented for payment of funds. The Attorney General has also opined that, unless such documentation is present, the request for payment should be denied.

As part of our audit, we examined City records supporting selected general expenditures, credit card charge expenditures, and travel expenditures to determine whether the records established the authorized public purpose for the expenditures. The City records we examined included voucher packages for check disbursements and original receipts and other documentation supporting credit card charges. Specifically, for the period October 2015 through March 2017, we examined available City records supporting:

- 70 expenditures totaling $409,443 selected from the population of 2,084 general expenditures[255] totaling $18.9 million.

[254] Florida Attorney General Opinion Nos. 68-12, 75-07, 79-14, and 94-89.

[255] General expenditures include all non-payroll check disbursements excluding travel expenditures and payments to the credit card vendor for City credit card charges.

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- 259 credit card charge expenditures totaling $51,552 selected from the population of 393 credit card charge expenditures (excluding travel-related credit card charges) totaling $80,834.
- 102 travel expenditures totaling $20,462 selected from the population of 127 travel expenditures totaling $42,684.

Our examination of City records for the 431 expenditures totaling $481,457 disclosed that the records did not clearly evidence the authorized public purpose served for 227 expenditures totaling $51,405, resulting in questioned costs of that amount. Examples of these questioned costs include:

- $24,625 related to various giveaway events. Although we requested, we were not provided City records evidencing why items were given away, to whom the items were given, or how City personnel determined who would receive an item. The amounts paid related to the events included:
  - $12,738 for frozen turkeys for an annual turkey giveaway event and signs purchased to advertise the event.
  - $9,386 for an annual bicycle giveaway event, including credit card charges of $7,693 for bicycles, gift cards, and other miscellaneous items; a $978 employee reimbursement for purchased bicycles; and $715 for signs and artwork to advertise the event.
  - $2,501 for a toy giveaway.
- $4,458 for the purchase of food and beverage items. Although we requested, we were not provided City records identifying the individuals provided the food and beverage items or why the individuals were provided the items. The amounts paid for these items included:
  - $2,735 for numerous purchases of food and beverage items, including credit card charges of $1,682 and $1,053 recorded as travel expenditures.
  - Credit card charges of $1,025 for "staff lunch/meeting/workshop" food purchases.
  - $698 reimbursed to a City employee for the purchase of refreshments for various training events and meetings.
- $3,695 for bingo, bowling, and movie-related activities and events. Supporting documentation did not evidence the purposes for the expenditures or identify the individuals who participated in these activities and events.
- Credit card charges of $1,750 for expenditures related to holiday parties and events. Supporting documentation did not identify those in attendance at the parties and events or provide any other detail.
- Credit card charges of $1,332 for gift cards and prepaid credit cards. Supporting documentation did not indicate the purpose for which the gift cards or prepaid credit cards were purchased or identify the individuals to whom the cards were provided.
- $945 to publish an advertisement in a local newspaper in February 2016 regarding the Mayor's "State of the City" address at a public meeting on January 29, 2016. The advertisement provided information to the public regarding the Mayor's stated City accomplishments; however, the need to pay for such an advertisement, which appeared to primarily represent promotion and public

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relations efforts by the City, was questionable, as the information in the advertisement had already been provided at a public meeting and such meetings are covered by the local media.

- Credit card charges of $400, $50 each for the Mayor's and seven City Commissioners' personal prepaid toll accounts. Because the prepaid tolls were purchased for their personal toll accounts, the City has no assurance that tolls charged to the Mayor's and Commissioners' personal prepaid toll accounts will be for travel performed exclusively for City business.

The lack of adequate Finance Department policies and procedures (as discussed in Finding 68) and employee turnover in the Finance Department, resulting in the use of temporary accounts payable clerks, likely contributed to the numerous inadequately documented expenditures we identified.

When expenditures, including those incurred using credit cards, are approved without adequate supporting documentation, there is an increased risk that City funds may not be expended only for authorized public purposes.

Recommendation: The City should document in its public records the authorized public purpose for the questioned costs totaling $51,405. The City should also establish appropriate monitoring and preaudit procedures to require and ensure that the public purpose for anticipated expenditures is appropriately documented before the expenditures are made.

Finding 71: Credit Cards

The City uses credit cards to expedite the purchase of certain goods and services. Credit cards provide a cost effective, convenient, and decentralized method for certain designated City officials and employees to make business purchases on the City's behalf. As credit cards are vulnerable to fraud and misuse, it is essential that City policies and procedures provide effective controls over the accountability and use of credit cards.

City policies[256] authorize the assignment and use of credit cards and provide that the cards may be used for travel-related expenditures and purchases of supplies not exceeding $1,000. In addition, the policies prohibit credit cards from being used for cash advances, personal purchases, and purchases of alcoholic beverages.

Our examination of City records disclosed that, during the period October 2015 through April 2017, 13 City officials and employees were each assigned a bank credit card and made charges totaling $86,184, including $19,711 for travel-related charges. Also, purchases totaling $14,361 were made using two store credit cards in the City's name, which were held in the Finance Department and checked out to City employees as needed.

[256] *City of Opa-locka Credit Card Policy*.

CITY MANAGER'S CONTRACT

REFER TO

SECTION 5(C)

CITY MANAGER EMPLOYMENT AGREEMENT
BETWEEN

JOHN E. PATE

AND

THE CITY OF OPA-LOCKA, FL

THIS EMPLOYMENT AGREEMENT hereinafter called this "Agreement", is made and entered into as of the 25th day of September, 2019, by and between the City Commission, hereinafter referred to as the "City" or "Commission", of the City of Opa-locka, a political subdivision of the State of Florida, hereinafter called the "Employer", and John E. Pate, hereinafter referred to as "Employee".

W-I-T-N-E-S-S

WHEREAS, the Commission desires to employ the services of John E. Pate, as City Manager of the city, hereinafter referred to as the "Manager", pursuant to the terms of the Opa-locka City Charter, hereinafter referred to as the "Charter", the Opa-locka City Code of Ordinances, hereinafter referred to as the " City Code", the Opa-locka City Administrative Code, hereinafter referred to as the "Administrative Code", and all statutes, laws and constitutional provisions applicable to the position of Manager; and,

WHEREAS, it is the desire of the Commission to provide certain benefits and establish certain conditions of employment for Employee as the Manager in accordance with this Agreement; and,

WHEREAS, it is the desire of the Commission to secure and retain the services of Employee as the Manager and to provide inducement for him to remain in such employment; and

WHEREAS, Employee desires to accept employment as the Manager in accordance with the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

Section 1. Employment

A. The Commission hereby hires and appoints John E. Pate as the Manager, under the terms established herein, to perform the duties and functions specified in the Charter, the City Code, the Administrative Code, and all statutes, laws, constitutional provisions and other city ordinances, regulations, resolutions and policies applicable to the position of Manager, and to perform such other legally permissible and proper duties and functions as the Commission shall assign from time to time.

B. The Commission's employment of Employee as the Manager shall be effective October 15, 2019 through October 14, 2023. This Agreement shall remain in effect until terminated by the Commission or by the employee as provided herein.

C. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the Commission to terminate the services of the Manager at any time, subject only to the provisions set forth in Section 3 of this Agreement.

D. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the Manager to resign at any time from his position as the Manager, subject only to the provisions set forth in Section 4 of this Agreement.

E. It shall be the duty of the City Manager to employ, direct, assign, reassign, evaluate, and accept the resignations of all the employees of the City under his supervision consistent with the City rules, policies, ordinances, charter, county, state and federal law.

F. It shall be the duty of the City Manager to organize, reorganize and arrange the staff of the City and to develop and establish internal regulations, rules, and procedures which the City Manager deems necessary for the efficient and effective operation of the City consistent with the lawful City directives, policies, ordinances, city charter, county, state and federal law.

G. The City Manager shall perform the duties of City Manager of the City with reasonable care, diligence, skill and experience.

Section 2. Duties and Obligations

A. The Manager shall have the duties, responsibilities and powers of said office under the City of Opa-locka Charter, Code of Ordinances, Administrative Code, and all statutes, laws, constitutional provisions and other city ordinances, regulations, resolutions and policies applicable to the position of Manager. The Manager shall carry these out in a professional and competent manner.

B. The Manager shall remain in the exclusive employ of the Commission and shall devote all such time, attention, knowledge and skills necessary to faithfully perform his duties and responsibilities, and to exercise his powers under this Agreement, having no outside employment whatsoever. He may, however, engage in educational and professional activities and other employment activities upon receipt of approval by the Commission, provided that such activities shall not interfere with his primary obligation to the Commission and City as the Manager. The Manager shall dedicate no less than an average of forty (40) hours per week in the performance of his duties as Manager hereunder.

C. In the event the Manager shall serve on any appointed or elected board of any professional organization, or serve on any committees related to his professional activities, in the event any monies are paid, or gifts received, by him related to such service, such money or property shall be paid over to or delivered to the City, unless otherwise provided by the Commission.

Section 3. Termination and Severance Pay

A. Termination without Cause. The Commission may, at any time whatsoever, terminate the employment of the Manager, without cause, by an affirmative vote, upon reasonable prior notice to the Manager, of not less than three members of the Commission. If such event should occur, the Manager will be given written notice of the decision of the Commission not less than 10 days prior to the effective date of the termination. Upon such termination, The Manager will be entitled to: 1) a severance payment equal to twenty (20) calendar weeks of base salary; 2) a lump sum payment at his then-hourly rate of base salary as Manager for all annual leave hours accumulated by his but unused as of the date of termination, not to exceed the maximum accrual provided in the City's Personnel Policies Manual applicable to all other non-union employees of the Commission; and 3) continuation of the Manager's health insurance under Section 9 at City expense for a period of one hundred and eighty (180) calendar days following the date of termination in accordance with, and within the limitations of, COBRA and the rates applicable thereunder. The Commission shall not continue any benefits after termination that are directly connected with being the City Manager. In other words, the Commission shall continue paying insurances and pension but not a car allowance, phone, and the like.

B. Termination for Cause. The Commission may also, for cause, terminate the employment of the Manager at any time whatsoever, by affirmative vote, of not less than three (3) members of the City Commission. The Manager shall be entitled to a hearing if, within five (5) business days of termination for just cause, he so requests in writing to the City Attorney. In the event the Manager's employment is terminated for cause, the City shall be under no obligation to pay severance pay described under subsection A (1) or the continuation of health insurance described under subsection A (3) hereof. The term "for cause" shall be deemed to include: gross negligence in the handling of City affairs; willful violation of the provisions of law; willful disregard of a direct order, demand, or policy of the Commission; conduct unbecoming a public employee; illegal or habitual drug abuse; arrest; conviction of a felony; conviction of any crime involving moral turpitude or relating to official duties; or violation of the Florida Ethics Code. For the purpose of this subsection, if the Manager pleads guilty or nolo contendere or is found guilty of a felony, he shall be deemed to have been convicted, notwithstanding a suspension of sentence or a withholding of adjudication.

Section 4. Resignation

A. In the event the Manager voluntarily resigns his position, he thereby agrees to give the City not less than sixty (60) days' written notice prior to effective date of any voluntary resignation, unless the parties agree otherwise.

B. In the event the Manager voluntarily resigns his position, the City shall not pay severance pay described under subsection 3 A(1) or pay for the continuation of health insurance described herein.

Section 5. Compensation and Annual Review

A. The City shall pay the Manager, for his service, an annual base salary of $169,700, payable in equal installments pursuant to City policy and may increase it from time to time as herein provided. At any time, the Commission may agree to increase the base salary and/or other benefits received by the Manager in such amounts and to such extent as the Commission may determine to be desirable in its sole discretion.

B. Beginning in 2020, as determined by the Commission, the Commission shall review and evaluate the performance of the Manager at least once every fiscal year between March 1st and the immediately following April 30th. Said review and evaluation shall assess the Manager's performance of all duties and responsibilities, and his exercise of all powers for which he is responsible under this Agreement during the immediately preceding period. Failure by the Commission to conduct such a review and evaluation in any given year or years shall not be considered a breach of this Agreement.

C. Annually, the Commission and the Manager shall jointly define such goals and performance objectives that they may determine necessary for the proper operation of the City and for the attainment of the Commission's policy objectives, and shall further establish a relative priority among those various goals and objectives, and said objectives and goals shall be reduced to writing. Objectives and goals hereunder shall generally be attainable within the time limitations specified and shall take in to account the City's annual operating budget and capital budget and appropriations provided thereunder.

Section 6. Retirement

The City shall enroll the Manager in the Senior Management Service employee classification within the FRS (the Florida Retirement System) plan. Furthermore, the City shall contribute the employee share of 3% on behalf of the Manager.

Section 7. Communications Equipment

The City Manager is required to be on call for twenty-four hour service. In recognition thereof:

A. The City shall issue a city owned cell phone, computer and provide other mobile connectivity that provides Internet to the Manager to be used solely for City business purposes.

Section 8. Other Benefits

A. Except as may be otherwise limited under the terms of this Agreement, the Manager shall be entitled to earn, use, accrue and be compensated for 15 days of sick leave and 25 vacation day per year upon execution of this agreement. The Manager shall further be provided a bank of 7.5 days of sick and 14.5 days of vacation leave upon execution of this agreement.

B. The Commission, in consultation with the Manager, may fix any such other terms and conditions of employment as it may determine from time to time relating to the performance of the Manager, provided that such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement or other applicable law.

Section 9. Insurance

A. The Commission shall provide term life insurance as is provided to other non-union employees of the Commission.

B. The Commission shall provide to the Manager medical, dental, and any other offered insurance plan on the same terms and conditions as are available to all other non-union employees of the Commission. The Commission shall further provide for the Manager and his dependent(s) health, dental, and any other available insurance benefit offered at no cost of the Manager.

Section 10. No Reduction of Benefits

The Commission shall not at any time during the term of this Agreement reduce the salary, compensation or other financial benefits of the Manager, except and to the degree and extent such reduction is also imposed across-the-Commission for all non-union employees of the Commission.

Section 11. General Business Expenses

The Commission agrees to budget pay for the professional travel and state authorized expenses of the Manager necessary for his participation in professional development training applicable to his duties as a City Manager, not to exceed a total cost of $1,500.00 per year. The Commission may pay for the Manager to be a member of other professional organizations that the Commission agrees are necessary and desirable as authorized in advance.

Section 12. Residence and Relocation Expenses

A. The Commission agrees to pay for Relocation Expenses in an amount not to exceed Ten Thousand Dollars ($10,000.00), provided that no less than three (3) quotes are obtained and that the best and most responsive and responsible quote is selected, as determined by the Manager.

B. The Manager agrees to make all attempts to find suitable housing within the City of Opa-Locka, Florida. In the event he is unable to identify housing within the City of Opa-Locka within a period of twelve (12) months following execution of this Agreement, the Manager agrees to reside within a radius of ten (10) miles from the city limits of Opa-Locka, FL.

Section 13. Suspension

The Commission shall have the authority to suspend the Manager with full pay and benefits pending investigation and a final employment decision made by the Commission, but only if a majority of the Commission members and the Manager agree; or in the alternative, after a public hearing, if a majority of the Commission members votes to suspend the Manager for just cause. The Manager shall have been given written notice setting forth any charges giving rise to just cause at least five (5) days prior to such hearing.

Section 14. Indemnification

The City shall defend, indemnify and pay all judgments or settlements in regard to any personal liability arising out of and in the scope of the City Manager's responsibilities, to the fullest extent authorized by Florida Statutes, and other laws and in accordance with the City of Opa-Locka Code of Ordinances, in addition to any insurance purchased by the City. The City agrees to pay all reasonable litigation expenses of the Manager during the pendency of proceedings, only if actions were taken in the course and scope of the City Manager's employment.

Section 15. Bonding

Employer shall bear the full cost of any fidelity or other bonds required of the Employee under any law or ordinance.

Section 16. Other Terms and Conditions of Employment

The Employer, only upon agreement with Employee, shall fix any such other terms and conditions of employment, as it may determine from time to time, relating to the performance of the Employee, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, City Charter, local ordinances or any other law.

Section 17. Notices

Notice pursuant to this Agreement shall be given by depositing in the custody of the United States Postal Service by certified mail return receipt, or any other certified delivery service showing confirmation of process delivery and directed to the City Mayor and Attorney as to the City. And, directed to the City Manager as to the City Manager.

Section 18. Entire Agreement

The text of this document shall constitute the entire Agreement between the parties, except as may be amended in writing by the parties hereto. All provisions contained in this Agreement are subject to and conditioned upon compliance with the Charter, the County Code, the Administrative Code. and all statutes, laws, constitutional provisions and other County ordinances, regulations, resolutions and policies. The Charter, the County Code. the Administrative Code, and all such statutes, laws, constitutional provisions and other County ordinances, regulations, resolutions and policies shall take precedence over any part or portion of this Agreement, any other provisions of this Agreement to the contrary notwithstanding.

Any terms and conditions not specifically addressed in this Agreement shall be deemed to be addressed in the City's Personnel Rules, to the extent there is no conflict with this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to have been executed on behalf of each as of the date and year first above-written.

MANAGER:

____
John E. Pate

THE City:

City Commission of Opa-Locka, a political subdivision of the State of Florida:

By: ______________________________
City Mayor

Attest:

Joanna Flores
____
Clerk of the City Commission

____
City Attorney