



REGULAR CITY COUNCIL MEETING

6:30 PM – COUNCIL CHAMBERS – CITY HALL

MAY 3, 2016

AGENDA

ALL CITIZENS DESIRING TO ADDRESS THE PORT ORANGE CITY COUNCIL DURING CITIZEN PARTICIPATION SHOULD COMPLETE A SPECIAL APPLICATION FORM WHICH IS LOCATED ON THE STANDS OUTSIDE THE COUNCIL CHAMBERS. AFTER COMPLETING THE FORM, PRESENT IT TO THE CITY CLERK.

A. OPENING

1. Pledge of Allegiance
2. Invocation - Rev. Tom Nelson - First United Methodist Church of Port Orange
3. Roll Call
4. Rules of Procedure

B. AGENDA APPROVAL

C. SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

5. Carl F. "Buddy" Campbell Proclamation
6. 47th Annual Municipal Clerk's Week Proclamation
7. Women's Lung Health Week Proclamation
8. Presentation on Volusia County Mosquito Control and the Zika Virus
9. Recognition of Public Utilities Garnsey Water Treatment Plant and supporting staff for earning the Florida Section/American Water Works Association 2015 Outstanding Water Treatment Plant Class A Award
10. Reports from Kemper Sports Management regarding Cypress Head Golf Course

D. PUBLIC HEARING

11. Second Reading - Ordinance No. 2016-5 - Amendment to Fire and Rescue Pension Fund Ordinance - Chapter 54, Article IV of the Code of Ordinances
12. Second Reading - Ordinance No. 2016-6 – Adoption of the 16-1 Comprehensive Plan Amendments/Martin Road; CASE NO. 15-20000002

13. Second Reading - Ordinance No. 2016-7 – 1st Amendment to the Woodhaven Master Development Agreement and Conceptual Development Plan; CASE NO. 16-40000002

14. Second Reading - Ordinance No. 2016-8 - General Obligation Refunding Bonds

E. BOARD APPOINTMENTS, INTERVIEWS, REPORTS

15. Environmental Advisory Board Appointments

16. Environmental Advisory Board Report

17. Parks & Recreation Advisory Board Appointment

18. Parks & Recreation Advisory Board Report

19. Golf Advisory Board Appointments

F. CITIZEN PARTICIPATION (Agenda)

20. Code Enforcement Lien Forgiveness For 48 Springwood Square - Brian Hopkins

21. Code Enforcement Lien Reduction Request - 820 Sugar House Blvd.

G. CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

H. COUNCIL COMMENTS

22. Comments/Concerns from Council Members

I. CONSENT AGENDA

23. Approval of Minutes

a. April 19, 2016 - Regular City Council Meeting

24. Resolution No. 16-21 - LAP Agreement for design of the Victoria Gardens Boulevard Sidewalk

25. Resolution No. 16-22 - Calling a Primary, Regular and Special Election for the purpose of electing a Mayor and two (2) City Council members and providing for qualifying period

26. Resolution No. 16-23 - Approval of the Interlocal Agreement between the City of Daytona Beach, Florida and the City of Port Orange, Florida for potable water interconnects.

27. Write-off of Uncollectible Miscellaneous Accounts Receivable

28. Bid Awards and Contract Items

a. Florida Health Care Insurance Renewal

b. Florida Combined Life Dental Renewal

J. REGULAR AGENDA



29. 2nd Quarter Strategic Plan Update

30. Resolution No. 16-24 - Port Orange City Council Rules of Procedure

31. Resolution No. 16-30 - Bond Refunding

K. COMMENTS

32. City Attorney Comments

33. City Manager Comments

L. COUNCIL COMMITTEE REPORTS

34. City Council Committee Reports

a. YMCA

b. General Employees' Pension Plan

c. River to Sea TPO

M. ADJOURNMENT

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COUNCIL WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE PROCEEDINGS UPON WHICH THE APPEAL IS TO BE BASED.

NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.



# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 05/03/2016

Consent item: No

---

**SUBJECT:** Presentation on Volusia County Mosquito Control and the Zika Virus

**DEPARTMENT:** City Manager

**GOAL:** 5 - Public Safety

**OBJECTIVE:** N/A

---

**RECOMMENDED MOTION:**

---

**SUMMARY:** The Director of Volusia County Mosquito Control, Jim McNelly will provide a presentation that will include information on mosquito control and the Zika Virus.

| Project | Funding Account |
|---------|-----------------|
| No.:    | No.:            |

---

**ATTACHMENTS:**

|    |                               |                                            |
|----|-------------------------------|--------------------------------------------|
| 1. | Mosquito Control Presentation | Mosquito_McNelly_Zika for Port Orange.pptx |
|----|-------------------------------|--------------------------------------------|

---

Alan Rosen  
M. Jake Johansson

Created/Initiated - 04/27/2016  
Final Approval - 04/28/2016

---

# Zika Virus

## *Aedes albopictus* and *Aedes aegypti* in Volusia County, FL

Jim McNelly [jmcnelly@volusia.org](mailto:jmcnelly@volusia.org)

Volusia County Mosquito Control

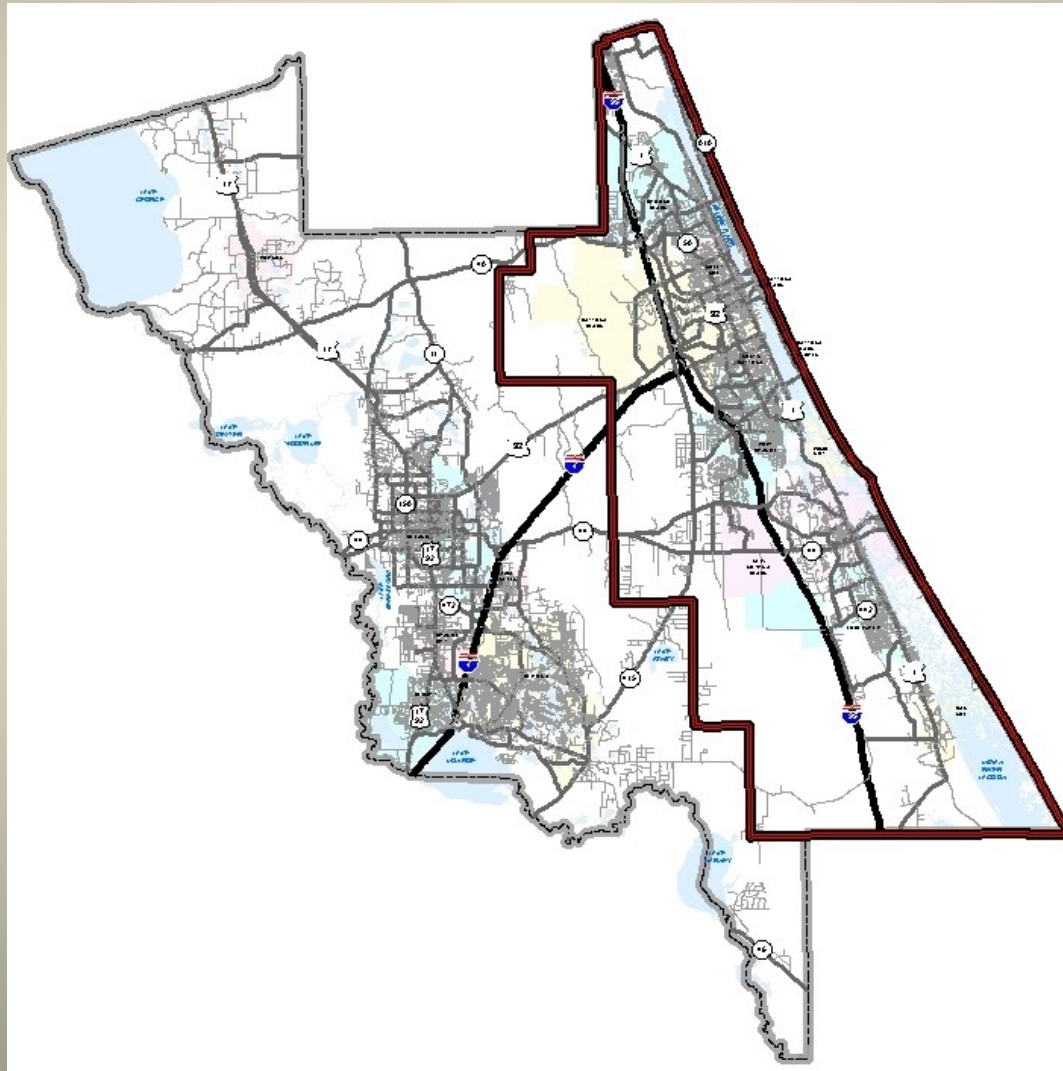
386-424-2920

801 South Street

New Smyrna Beach



# VCMC Established in 1937

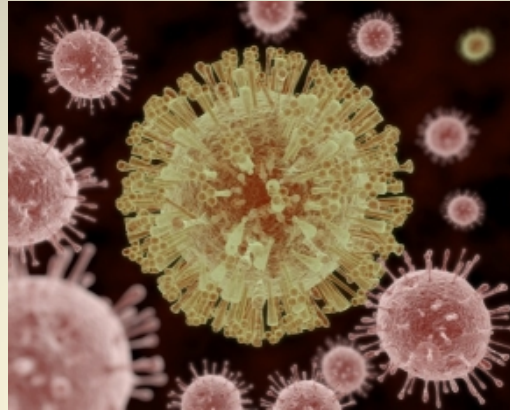


# VCMC

- Salt marsh is still our “bread and butter”, however:
  - The establishment of *Aedes albopictus* (1990).
  - Coupled with “resurgence” of *Aedes aegypti*.
  - And the importation of exotic diseases - dengue, chikungunya and Zika viruses.
- In combination, are game changers.

# Zika Virus

## Two Potential Vectors



“Yellow Fever Mosquito”



*Aedes aegypti*

“Asian Tiger Mosquito”



*Aedes albopictus*



# Produced in Containers

- In our yards (and our neighbor's) ... anywhere there is a container holding water.
- Bird baths, buckets, trash cans, discarded cans and bottles, tires, plant saucers, kiddie pools ...
- Bromeliads



# *Ae. aegypti* and *Ae. albopictus*

- Live in close association with humans re. our backyards.
- Feed/bite primarily during the day.
- Will enter homes if accessible.
- Generally stick close to the production site re. the yard/the yard next door.
- *Ae. aegypti* is unique in it's feeding (can survive on blood alone) and egg laying behavior re. skip oviposition.

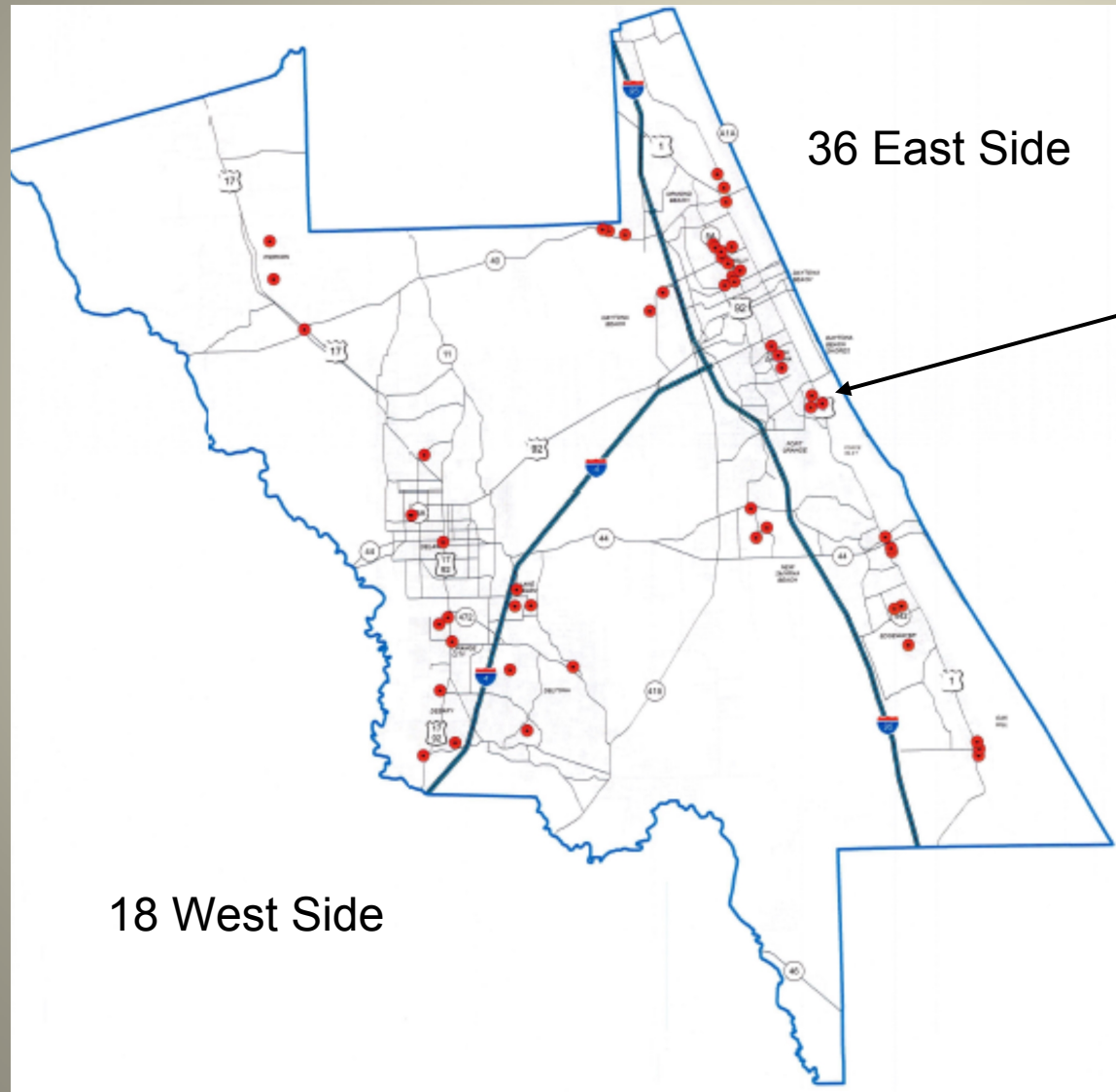


# **VCMC Service Request**

## **“Mosquitoes biting inside office bldg”**



# VCMC BGS Trap Sites 2016



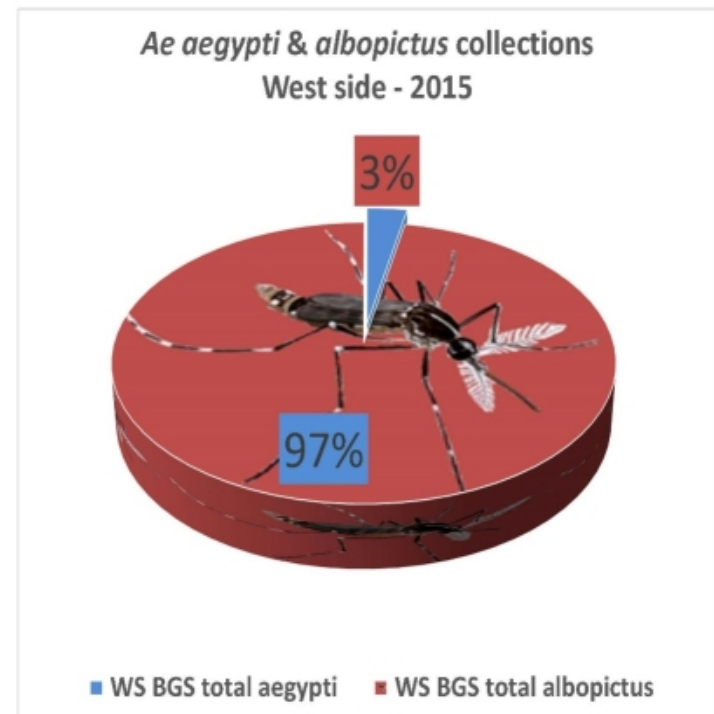
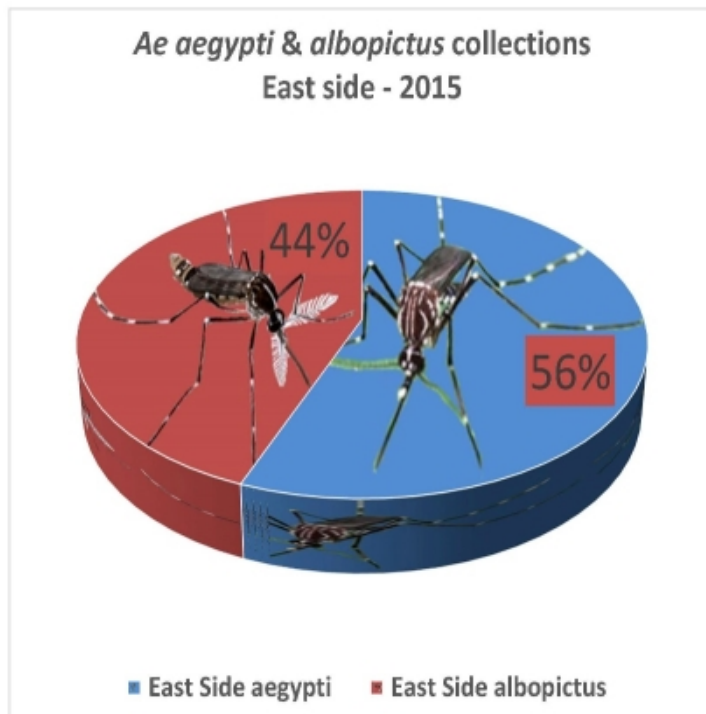
Port Orange (3)

BGS Trap with rain cover



# VCMC BGS Trap Results 2015

- We see more *Ae. aegypti* on the east side of the county.



# Imported Disease

## West Side

## East Side

|      | CHIKV | DENV | Malaria |  | CHIKV | DENV | Malaria |  |
|------|-------|------|---------|--|-------|------|---------|--|
| 2012 |       | 2    |         |  |       |      | 2       |  |
| 2013 |       | 3    | 1       |  |       | 1    |         |  |
| 2014 | 4     |      |         |  |       | 1    | 1       |  |
| 2015 | 2     |      |         |  |       |      | 1       |  |

All Westside imported cases of disease occurred in Deltona and Orange City







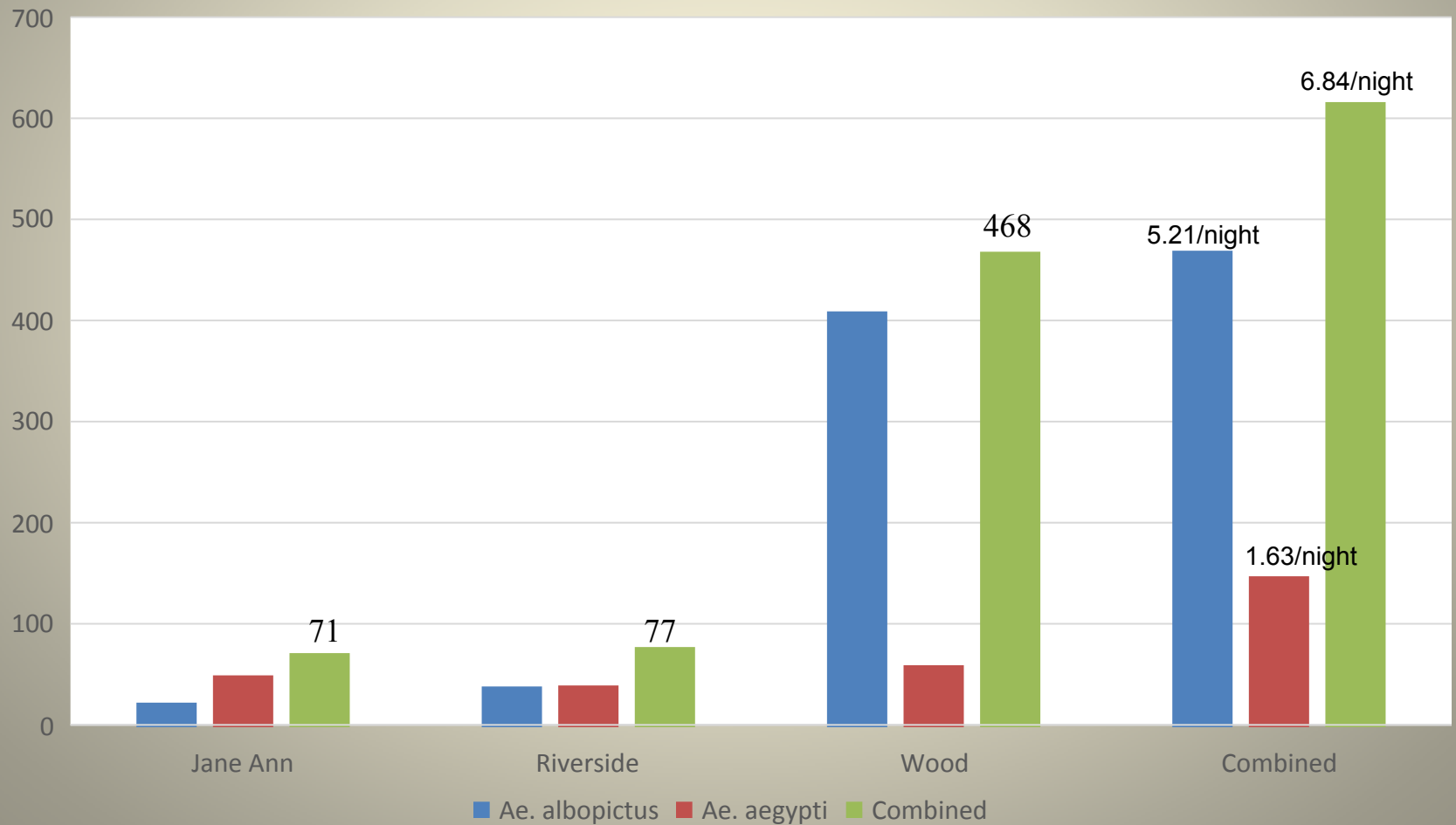
# Port Orange - Larval Sites





# Port Orange BGS Traps

2015





# Wrap Up

- Container *spp* fight is outside the norm of 75 yrs of focus versus salt marsh *spp* – requires paradigm shift in surveillance and control.
- 2012 – Initiate a Domestic Inspection Program:
- Includes pre-season treatment of “super producers”: graveyards, junkyards, & similar.
- BGS Trap surveillance. Traps throughout the entire county; 1,518 trap nights in 2015.

# Wrap Up

- Door to Door Inspections. Goal of 100 residences per zip code.
- The *Ae. albopictus* and *Ae. aegypti* season is May through October.
- These mosquitoes are only produced in containers. Dump or flush water once per week between mid-May and mid-October.
- They bite primarily during the day.

# Wrap-up

- These mosquitoes will enter your home. Air conditioning and screens help immensely.
- When outside avoid biting mosquitoes by wearing long pants/long sleeves.
- Wear a repellent that works!

<https://www.epa.gov/insect-repellents/find-insect-repellent-right-you>

<http://www.volusia.org/services/public-works/mosquito-control/>



# Additional Resources – Zika Virus

<http://www.cdc.gov/zika/index.html>

<http://www.floridahealth.gov/diseases-and-conditions/zika-virus/index.html>

<http://wdcintel.maps.arcgis.com/apps/MapJournal/index.html?appid=7c71437449dd468e8949bdfcd404a002>

<http://fmel.ifas.ufl.edu/Zika/index.htm>

# Public Enemy #1 and #2

## WANTED

**YOUR HELP IN THE  
FIGHT AGAINST THE  
YELLOW FEVER MOSQUITO!**

*(Aedes Aegypti)*



## REWARD

**A MOSQUITO-FREE YARD**

**KEEP YOUR YARD FREE OF DEBRIS  
THAT CAN COLLECT WATER AND CREATE  
A MOSQUITO-PRODUCING AREA.**



Volusia County Mosquito Control  
386-424-2920  
[volusia.org/mosquito](http://volusia.org/mosquito)  
@VCMosquito



## WANTED

**YOUR HELP IN THE  
FIGHT AGAINST THE  
ASIAN TIGER MOSQUITO!**

*(Aedes Albopictus)*



## REWARD

**A MOSQUITO-FREE YARD**

**KEEP YOUR YARD FREE OF DEBRIS  
THAT CAN COLLECT WATER AND CREATE  
A MOSQUITO-PRODUCING AREA.**



Volusia County Mosquito Control  
386-424-2920  
[volusia.org/mosquito](http://volusia.org/mosquito)  
@VCMosquito





# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 05/03/2016

Consent item: No

---

**SUBJECT:** Recognition of Public Utilities Garnsey Water Treatment Plant and supporting staff for earning the Florida Section/American Water Works Association 2015 Outstanding Water Treatment Plant Class A Award

**DEPARTMENT:** Public Utilities

**GOAL:**

**OBJECTIVE:**

---

**RECOMMENDED MOTION:** Recognize the Public Utilities Garnsey Water Treatment Plant and supporting staff for earning the (F.S./A.W.W.A.) "2015 Outstanding Water Treatment Plant Class A" Award.

---

**SUMMARY:** The Public Utilities Garnsey Water Treatment earned the Florida Section/American Water Works Association (F.S./A.W.W.A.) "2015 Outstanding Water Treatment Plant Class A" Award in recognition of outstanding treatment plant management, operations, maintenance, and compliance. This is water industry recognition presented at the annual F.S./A.W.W.A. Conference on April 25th.

This is the second award this year recognizing staff for outstanding achievement. Earlier this year staff was recognized for outstanding achievement earning the FDEP "Plant Operational Excellence Award" in the large system category. The Garnsey Water Treatment Plant was also a past winner of the F.S./A.W.W.A. "Most Improved Class (A) Plant Award" back in 2013 which was a prelude to winning this top State award.

|         |                 |
|---------|-----------------|
| Project | Funding Account |
| No.:    | No.:            |

---

**ATTACHMENTS:**

---

Andrew Neff  
Rick Wilson  
Andrew Neff  
M. Jake Johansson

Created/Initiated - 04/19/2016  
Approved - 04/19/2016  
Approved - 04/19/2016  
Final Approval - 04/27/2016

---

**The Golf Club at Cypress Head  
Course Cash Flow Report  
March 31, 2016**

|                                        | <u>March</u>             | <u>YTD</u>               |
|----------------------------------------|--------------------------|--------------------------|
| <b>EBITDA</b>                          | <b>\$56,210.46</b>       | <b>\$38,958.50</b>       |
| <b>Management Fee Expense</b>          | <b>(5,712.85)</b>        | <b>(35,933.85)</b>       |
| <b>Depreciation &amp; Amortization</b> | <b>(381.00)</b>          | <b>(2,286.00)</b>        |
| <b>Net Income</b>                      | <b>50,116.61</b>         | <b>738.65</b>            |
| <b>Working Capital Changes</b>         |                          |                          |
| <b>Inventory</b>                       | <b>3,169.43</b>          | <b>1,700.37</b>          |
| <b>Receivables</b>                     | <b>(2,798.00)</b>        | <b>158,526.81</b>        |
| <b>Payables</b>                        | <b>(46,196.53)</b>       | <b>(10,443.95)</b>       |
| <b>Due to from the City</b>            | <b>10,124.20</b>         | <b>20,252.34</b>         |
| <b>Prepays</b>                         | <b>4,658.00</b>          | <b>12,654.46</b>         |
| <b>Accrued Liabilities</b>             | <b>10,344.60</b>         | <b>(6,955.29)</b>        |
| <b>Other Liabilities</b>               | <b>(20,937.87)</b>       | <b>(38,657.04)</b>       |
| <b>Depreciation &amp; Amortization</b> | <b>381.00</b>            | <b>2,286.00</b>          |
| <b>Operating Cash Flow</b>             | <b>8,861.44</b>          | <b>140,102.35</b>        |
| <b>Investing Cash Flows</b>            |                          |                          |
| <b>Financing Cash Flow</b>             |                          |                          |
| <b>Net Cash Flows</b>                  | <b><u>8,861.44</u></b>   | <b><u>140,102.35</u></b> |
| <b>Beginning Cash</b>                  | <b>181,354.96</b>        | <b>50,114.05</b>         |
| <b>Net Cash Flows</b>                  | <b><u>8,861.44</u></b>   | <b><u>140,102.35</u></b> |
| <b>Ending Cash</b>                     | <b><u>190,216.40</u></b> | <b><u>190,216.40</u></b> |



The Golf Club at Cypress Head  
Comparative Income Statement  
For the Six Months Ending March 31, 2016

|                                     | MTD<br>Prior Year | YTD<br>Prior Year | Audited<br>Prior Year | Percent<br>of Total | MTD<br>Actual  | YTD<br>Actual   | Annual<br>Budget | Percent<br>of Total |
|-------------------------------------|-------------------|-------------------|-----------------------|---------------------|----------------|-----------------|------------------|---------------------|
| <b>REVENUES</b>                     |                   |                   |                       |                     |                |                 |                  |                     |
| Green Fees & Cart Fees              | 141,742           | 601,222           | 714,869               | 84%                 | 138,739        | 577,360         | 1,023,426        | 56%                 |
| Merchandise                         | 7,579             | 32,326            | 53,694                | 60%                 | 6,326          | 27,809          | 61,281           | 45%                 |
| Other Pro Shop                      | 3,837             | 6,325             | 10,198                | 62%                 | 5,145          | 8,990           | 10,769           | 83%                 |
| Range                               | 3,626             | 14,949            | 16,885                | 89%                 | 4,512          | 17,394          | 35,044           | 50%                 |
| Food and Beverage                   | 30,551            | 160,246           | 182,967               | 88%                 | 0              | 0               | 0                |                     |
| Membership Initiation Fees          | 0                 | 0                 | 750                   |                     | 0              | 0               | 0                |                     |
| Other Operating Revenues            | 4,968             | 21,024            | 24,901                | 84%                 | 4,620          | 19,277          | 35,106           | 55%                 |
| Other G&A Income                    | 0                 | 0                 | (866)                 |                     | 0              | 0               | 0                |                     |
| <b>TOTAL REVENUE</b>                | <b>192,303</b>    | <b>836,092</b>    | <b>1,003,396</b>      | <b>83%</b>          | <b>159,342</b> | <b>650,829</b>  | <b>1,165,626</b> | <b>56%</b>          |
| <b>COST OF SALES</b>                |                   |                   |                       |                     |                |                 |                  |                     |
| Merchandise                         | 4,600             | 21,072            | 44,543                | 47%                 | 3,916          | 20,827          | 33,672           | 62%                 |
| Food & Beverage                     | 10,280            | 63,869            | 72,592                | 88%                 | 0              | 0               | 0                |                     |
| <b>TOTAL COGS</b>                   | <b>14,880</b>     | <b>84,941</b>     | <b>117,135</b>        | <b>73%</b>          | <b>3,916</b>   | <b>20,827</b>   | <b>33,672</b>    | <b>62%</b>          |
| COGS - Merchandise %                | 60.7%             | 65.2%             | 83.0%                 | 78.6%               | 61.9%          | 74.9%           | 54.9%            | 136.3%              |
| COGS - Food %                       | 33.6%             | 40.0%             | 39.8%                 | 100.5%              |                |                 |                  |                     |
| <b>PAYROLL</b>                      |                   |                   |                       |                     |                |                 |                  |                     |
| Course and Grounds                  | 24,513            | 143,298           | 291,280               | 49%                 | 26,868         | 171,803         | 302,225          | 57%                 |
| Carts, Range, Starters, Etc.        | 9,020             | 36,036            | 39,741                | 91%                 | 8,764          | 40,206          | 73,469           | 55%                 |
| Pro Shop                            | 5,083             | 28,045            | 33,566                | 84%                 | 3,952          | 27,769          | 53,508           | 52%                 |
| Food and Beverage                   | 14,489            | 84,037            | 94,245                | 89%                 | 0              | 0               | 0                |                     |
| General and Administrative          | 9,723             | 65,778            | 126,613               | 52%                 | 10,797         | 63,629          | 127,761          | 50%                 |
| Marketing                           | 4,201             | 25,705            | 45,103                | 57%                 | 4,799          | 24,466          | 45,604           | 54%                 |
| <b>TOTAL PAYROLL</b>                | <b>67,030</b>     | <b>382,898</b>    | <b>630,548</b>        | <b>61%</b>          | <b>55,180</b>  | <b>327,873</b>  | <b>602,567</b>   | <b>54%</b>          |
| <b>OPERATING EXPENSES</b>           |                   |                   |                       |                     |                |                 |                  |                     |
| Course and Grounds                  | 13,068            | 94,325            | 220,151               | 43%                 | 15,228         | 90,404          | 194,632          | 46%                 |
| Carts, Range, Starters, Etc.        | 8,233             | 63,542            | 113,365               | 56%                 | 6,415          | 42,324          | 85,831           | 49%                 |
| Pro Shop                            | 4,135             | 6,864             | 10,087                | 68%                 | 4,380          | 7,180           | 11,155           | 64%                 |
| Food and Beverage                   | 3,002             | 20,447            | 30,128                | 68%                 | 137            | 322             | 0                |                     |
| General and Administrative          | 17,517            | 111,279           | 182,159               | 61%                 | 16,251         | 101,160         | 197,717          | 51%                 |
| Marketing                           | 5,020             | 12,172            | 29,588                | 41%                 | 1,624          | 21,780          | 39,686           | 55%                 |
| <b>TOTAL OPERATING EXPENSES</b>     | <b>50,974</b>     | <b>308,628</b>    | <b>585,477</b>        | <b>53%</b>          | <b>44,035</b>  | <b>263,171</b>  | <b>529,021</b>   | <b>50%</b>          |
| <b>TOTAL EXPENSES</b>               | <b>132,884</b>    | <b>776,468</b>    | <b>1,333,159</b>      | <b>58%</b>          | <b>103,131</b> | <b>611,871</b>  | <b>1,165,260</b> | <b>53%</b>          |
| <b>OTHER INCOME (EXPENSE)</b>       |                   |                   |                       |                     |                |                 |                  |                     |
| MANAGEMENT FEES                     | (7,370)           | (44,117)          | (66,226)              | 67%                 | (5,713)        | (35,934)        | (65,296)         | 55%                 |
| Depreciation & Amortization         | (535)             | (3,210)           | (9,405)               | 34%                 | (381)          | (2,286)         | (6,420)          | 36%                 |
| <b>TOTAL OTHER INCOME (EXPENSE)</b> | <b>(7,904)</b>    | <b>(47,327)</b>   | <b>(75,631)</b>       | <b>63%</b>          | <b>(6,094)</b> | <b>(38,220)</b> | <b>(71,716)</b>  | <b>53%</b>          |
| <b>NET INCOME</b>                   | <b>51,514</b>     | <b>12,298</b>     | <b>(405,394)</b>      | <b>-3%</b>          | <b>50,117</b>  | <b>739</b>      | <b>(71,350)</b>  | <b>-1%</b>          |
| <b>Paid Rounds</b>                  | <b>5,071</b>      | <b>21,973</b>     | <b>25,909</b>         | <b>85%</b>          | <b>4,376</b>   | <b>17,845</b>   | <b>38,507</b>    | <b>46%</b>          |
| Annual Pass Rounds                  | 491               | 2,544             | 2,970                 | 86%                 | 980            | 4,504           | 4,295            | 105%                |
| Other Rounds                        | 267               | 1,528             | 1,772                 | 86%                 | 241            | 1,108           | 2,819            | 39%                 |
| <b>Total Rounds</b>                 | <b>5,829</b>      | <b>26,045</b>     | <b>30,651</b>         | <b>85%</b>          | <b>5,597</b>   | <b>23,457</b>   | <b>45,621</b>    | <b>51%</b>          |
| Revenue/Paid Rounds                 | 38                | 38                | 39                    | 98%                 | 36             | 36              | 30               | 120%                |
| Revenue/Total Rounds                | 33                | 32                | 33                    | 98%                 | 28             | 28              | 26               | 109%                |

**The Golf Club at Cypress Head**  
**For the Six Months Ending March 31, 2016**

|                                            | <u>03/31/16</u>       | <u>09/30/15</u>       | <u>03/31/15</u>       |
|--------------------------------------------|-----------------------|-----------------------|-----------------------|
| <b>ASSETS</b>                              |                       |                       |                       |
| <b>CURRENT ASSETS:</b>                     |                       |                       |                       |
| Cash                                       |                       |                       |                       |
| Cash - Operating                           | 56,983                | 49,118                | 183,556               |
| Cash - Depository                          | 132,856               | 0                     | 0                     |
| Cash - Manual Checks                       | 850                   | 750                   | 750                   |
| Cash - Housebank & Other                   | (472)                 | 246                   | (4,961)               |
| Total Cash                                 | <u>190,216</u>        | <u>50,114</u>         | <u>179,344</u>        |
| Accounts Receivable                        |                       |                       |                       |
| A/R Member                                 | <u>3,080</u>          | <u>161,607</u>        | <u>9,877</u>          |
| Total Accounts Recievable                  | <u>3,080</u>          | <u>161,607</u>        | <u>9,877</u>          |
| Other Current Assets                       |                       |                       |                       |
| Inventory - Merchandise                    | 13,470                | 11,682                | 35,883                |
| Inventory - Food & Beverage                | 0                     | 3,488                 | 13,525                |
| Prepaid Insurance                          | 11,006                | 18,108                | 11,639                |
| Prepaid Exp - Other                        | 10,875                | 11,428                | 716                   |
| Total Other Current Assets                 | <u>35,351</u>         | <u>44,706</u>         | <u>61,763</u>         |
| <b>TOTAL CURRENT ASSETS</b>                | <u>228,647</u>        | <u>256,426</u>        | <u>250,984</u>        |
| <b>PROPERTY, PLANT AND EQUIPMENT:</b>      |                       |                       |                       |
| Land                                       | 54,143                | 54,143                | 64,835                |
| Furniture and Fixtures                     | 9,045                 | 9,045                 | 26,625                |
| Machinery & Equipment                      | 16,000                | 16,000                | 17,712                |
| Property Plant and Equipment               | 79,187                | 79,187                | 109,171               |
| Accumulated Depreciation                   | (58,415)              | (56,129)              | (79,918)              |
| <b>TOTAL PROPERTY, PLANT AND EQUIPMENT</b> | <u>20,772</u>         | <u>23,058</u>         | <u>29,254</u>         |
| <b>OTHER ASSETS:</b>                       |                       |                       |                       |
| Deposits (in ST section of chart)          | <u>0</u>              | <u>5,000</u>          | <u>5,000</u>          |
| <b>TOTAL OTHER ASSETS</b>                  | <u>0</u>              | <u>5,000</u>          | <u>5,000</u>          |
| <b>TOTAL ASSETS</b>                        | <u><u>249,419</u></u> | <u><u>284,485</u></u> | <u><u>285,238</u></u> |

**The Golf Club at Cypress Head**  
**For the Six Months Ending March 31, 2016**

|                                                       | <u>03/31/16</u>           | <u>09/30/15</u>           | <u>03/31/15</u>           |
|-------------------------------------------------------|---------------------------|---------------------------|---------------------------|
| <b>LIABILITIES AND STOCKHOLDERS' EQUITY</b>           |                           |                           |                           |
| <b>CURRENT LIABILITIES:</b>                           |                           |                           |                           |
| Accts Pay - Trade                                     | 7,364                     | 17,808                    | 29,163                    |
| Accts Pay - Other                                     | 28,472                    | 8,220                     | 142,028                   |
| Accrued Expenses                                      | 0                         | 14,437                    | 125                       |
| Accrued Payroll                                       | 26,349                    | 20,979                    | 25,140                    |
| Accrued Taxes                                         | 13,355                    | 47                        | 11,183                    |
| Accrued Interest                                      | 0                         | 11,197                    | 0                         |
| Deferred Revenue                                      | 173,140                   | 211,797                   | 65,301                    |
| <b>TOTAL CURRENT LIABILITIES</b>                      | <u>248,681</u>            | <u>284,485</u>            | <u>272,940</u>            |
| <br><b>TOTAL LIABILITIES</b>                          | <br><u>248,681</u>        | <br><u>284,485</u>        | <br><u>272,940</u>        |
| <br><b>STOCKHOLDER'S EQUITY</b>                       |                           |                           |                           |
| Retained Earnings                                     | <u>739</u>                | <u>0</u>                  | <u>12,298</u>             |
| Net Retained Earnings                                 | <u>739</u>                | <u>0</u>                  | <u>12,298</u>             |
| Stockholders Equity                                   | <u>739</u>                | <u>0</u>                  | <u>12,298</u>             |
| <b>TOTAL STOCKHOLDER'S EQUITY</b>                     | <u>739</u>                | <u>0</u>                  | <u>12,298</u>             |
| <br><b>TOTAL LIABILITIES AND STOCKHOLDER'S EQUITY</b> | <br><u><u>249,419</u></u> | <br><u><u>284,485</u></u> | <br><u><u>285,238</u></u> |

[illegible]



The Golf Club at Cypress Head  
Summary of All Units  
For the Six Months Ending March 31, 2016

| MTD<br>Actual      | MTD<br>Budget | % of<br>Budget | MTD<br>Prior Year | % of<br>PY |                                  | YTD<br>Actual | YTD<br>Budget | % of<br>Budget | YTD<br>Prior Year | % of<br>PY | Annual<br>Budget |          |
|--------------------|---------------|----------------|-------------------|------------|----------------------------------|---------------|---------------|----------------|-------------------|------------|------------------|----------|
| REVENUES           |               |                |                   |            |                                  |               |               |                |                   |            |                  |          |
| 82,005             | 86,093        | 95%            | 84,406            | 97%        | Green Fees                       | 339,650       | 326,277       | 104%           | 357,345           | 95%        | 604,248          | 408,458  |
| 56,735             | 58,483        | 97%            | 57,336            | 99%        | Cart Fee                         | 237,710       | 219,999       | 108%           | 243,877           | 97%        | 419,178          | 282,549  |
| 0                  | 0             | 0%             | 0                 | 0%         | Initiation Fees                  | 0             | 0             | 0%             | 0                 | 0%         | 0                | 750      |
| 3,839              | 3,559         | 108%           | 3,524             | 109%       | Handicap Fee                     | 4,719         | 4,448         | 106%           | 4,424             | 107%       | 4,516            | 4,687    |
| 1,066              | 250           | 426%           | 0                 | 0%         | Lessons                          | 2,891         | 1,423         | 203%           | 302               | 958%       | 3,029            | 2,996    |
| 0                  | 0             | 0%             | 0                 | 0%         | Other Pro Shop Revenue           | 74            | 0             | 0%             | 0                 | 0%         | 0                | 3,617    |
| 240                | 416           | 58%            | 313               | 77%        | Rental Clubs                     | 1,307         | 1,865         | 70%            | 1,599             | 82%        | 3,224            | 1,563    |
| 6,326              | 7,754         | 82%            | 7,579             | 83%        | Retail                           | 27,809        | 28,603        | 97%            | 32,326            | 86%        | 61,281           | 49,177   |
| 4,512              | 4,199         | 107%           | 3,626             | 124%       | Range                            | 17,394        | 15,846        | 110%           | 14,949            | 116%       | 35,044           | 19,329   |
| 0                  | 0             | 0%             | 16,734            | 0%         | Food & Beverage                  | 0             | 0             | 0%             | 91,799            | 0%         | 0                | 12,252   |
| 0                  | 0             | 0%             | 8,938             | 0%         | Beer                             | 0             | 0             | 0%             | 37,363            | 0%         | 0                | 7,200    |
| 0                  | 0             | 0%             | 3,851             | 0%         | Liquor                           | 0             | 0             | 0%             | 24,028            | 0%         | 0                | 2,900    |
| 0                  | 0             | 0%             | 1,029             | 0%         | Wine                             | 0             | 0             | 0%             | 6,456             | 0%         | 0                | 370      |
| 0                  | 0             | 0%             | 0                 | 0%         | F&B Other                        | 0             | 0             | 0%             | 600               | 0%         | 0                | 0        |
| 4,620              | 5,068         | 91%            | 4,968             | 93%        | City Surcharge R & R             | 19,277        | 17,660        | 109%           | 21,024            | 92%        | 35,106           | 23,153   |
| 0                  | 0             | 0%             | 0                 | 0%         | Miscellaneous G&A                | 0             | 0             | 0%             | 0                 | 0%         | 0                | (866)    |
| 159,342            | 165,822       | 96%            | 192,303           | 83%        | Total Revenues                   | 650,829       | 616,121       | 106%           | 836,092           | 78%        | 1,165,626        | 818,133  |
| COST OF GOODS SOLD |               |                |                   |            |                                  |               |               |                |                   |            |                  |          |
| 3,916              | 4,262         | 92%            | 4,600             | 85%        | COGS - Merchandise               | 20,827        | 15,717        | 133%           | 21,072            | 99%        | 33,672           | 44,298   |
| 0                  | 0             | 0%             | 5,409             | 0%         | COGS - Food & Beverage           | 0             | 0             | 0%             | 41,549            | 0%         | 0                | 5,520    |
| 0                  | 0             | 0%             | 3,346             | 0%         | COGS - Beer                      | 0             | 0             | 0%             | 14,358            | 0%         | 0                | 2,521    |
| 0                  | 0             | 0%             | 1,094             | 0%         | COGS - Liquor                    | 0             | 0             | 0%             | 4,975             | 0%         | 0                | 684      |
| 0                  | 0             | 0%             | 431               | 0%         | COGS - Wine                      | 0             | 0             | 0%             | 2,988             | 0%         | 0                | (2)      |
| 3,916              | 4,262         | 92%            | 14,880            | 26%        | Total COGS                       | 20,827        | 15,717        | 133%           | 84,941            | 25%        | 33,672           | 53,020   |
| 155,426            | 161,560       | 96%            | 177,422           | 88%        | GROSS MARGIN                     | 630,002       | 600,404       | 105%           | 751,151           | 84%        | 1,131,954        | 765,113  |
| 61.90%             | 54.97%        | 112.62%        | 60.70%            | 101.98%    | COGS - Merchandise %             | 74.89%        | 54.95%        | 136.29%        | 65.19%            | 114.89%    | 54.95%           | 1329.99% |
| 0.00%              | 0.00%         | 0.00%          | 32.32%            | 0.00%      | COGS - Food & Beverage %         | 0.00%         | 0.00%         | 0.00%          | 45.26%            | 0.00%      | 0.00%            | 43.72%   |
| 0.00%              | 0.00%         | 0.00%          | 37.44%            | 0.00%      | COGS - Beer %                    | 0.00%         | 0.00%         | 0.00%          | 38.43%            | 0.00%      | 0.00%            | 36.30%   |
| 0.00%              | 0.00%         | 0.00%          | 28.41%            | 0.00%      | COGS - Liquor %                  | 0.00%         | 0.00%         | 0.00%          | 20.70%            | 0.00%      | 0.00%            | 23.58%   |
| 0.00%              | 0.00%         | 0.00%          | 41.87%            | 0.00%      | COGS - Wine %                    | 0.00%         | 0.00%         | 0.00%          | 46.29%            | 0.00%      | 0.00%            | -2.76%   |
| 0.00%              | 0.00%         | 0.00%          | 33.65%            | 0.00%      | COGS - All Food & Bev            | 0.00%         | 0.00%         | 0.00%          | 40.01%            | 0.00%      | 0.00%            | 8115.58% |
| PAYROLL            |               |                |                   |            |                                  |               |               |                |                   |            |                  |          |
| 18,953             | 18,072        | 105%           | 16,246            | 117%       | Gross Payroll - Salaried         | 108,632       | 108,432       | 100%           | 113,540           | 96%        | 216,864          | 214,657  |
| 0                  | 0             | 0%             | 4,095             | 0%         | Gross Kitchen Payroll - Salaried | 0             | 0             | 0%             | 20,908            | 0%         | 0                | 3,591    |
| 25,753             | 22,972        | 112%           | 25,708            | 100%       | Gross Payroll - Hourly           | 157,450       | 128,520       | 123%           | 122,940           | 128%       | 264,129          | 236,779  |
| 0                  | 0             | 0%             | 8,152             | 0%         | Gross Kitchen Payroll - Hourly   | 0             | 0             | 0%             | 46,554            | 0%         | 0                | 4,835    |
| 44,706             | 41,044        | 109%           | 54,201            | 82%        | S/T Wages                        | 266,082       | 236,952       | 112%           | 303,942           | 88%        | 480,993          | 459,861  |
| 3,366              | 3,139         | 108%           | 4,083             | 83%        | Payroll Tax - FICA               | 20,059        | 18,123        | 111%           | 23,323            | 86%        | 36,789           | 35,025   |
| 545                | 937           | 58%            | 1,230             | 44%        | Payroll Tax - UC                 | 3,681         | 4,063         | 90%            | 8,684             | 42%        | 6,837            | 5,416    |
| 882                | 882           | 100%           | 1,706             | 52%        | Payroll Tax - WC                 | 5,933         | 4,819         | 123%           | 7,461             | 80%        | 10,066           | 10,615   |
| 5,660              | 5,408         | 105%           | 5,811             | 97%        | Benefits                         | 32,119        | 32,446        | 99%            | 39,488            | 81%        | 67,882           | 64,606   |
| 10,474             | 10,366        | 101%           | 12,829            | 82%        | S/T Adders                       | 61,792        | 59,471        | 104%           | 78,956            | 78%        | 121,574          | 115,662  |
| 55,180             | 51,410        | 107%           | 67,030            | 82%        | TOTAL PAYROLL                    | 327,873       | 296,423       | 111%           | 382,898           | 86%        | 602,567          | 575,523  |
| OPERATING EXPENSES |               |                |                   |            |                                  |               |               |                |                   |            |                  |          |
| 0                  | 0             | 0%             | 460               | 0%         | Bar Supplies                     | 0             | 0             | 0%             | 1,778             | 0%         | 0                | 387      |
| 48                 | 0             | 0%             | 0                 | 0%         | Cart Supplies                    | 1,086         | 527           | 206%           | 521               | 208%       | 590              | 1,086    |
| 18                 | 56            | 32%            | 56                | 32%        | Course Accessories               | 783           | 4,081         | 19%            | 4,041             | 19%        | 4,676            | 1,002    |
| 0                  | 0             | 0%             | 0                 | 0%         | Dining Room Supplies             | 0             | 0             | 0%             | 92                | 0%         | 0                | 0        |
| 642                | 0             | 0%             | 0                 | 0%         | Fertilizer                       | 7,884         | 3,976         | 198%           | 3,690             | 214%       | 10,531           | 33,619   |
| 0                  | 0             | 0%             | 0                 | 0%         | Flowers/Decor                    | 74            | 200           | 37%            | 0                 | 0%         | 400              | 74       |
| 736                | 1,183         | 62%            | 1,072             | 69%        | Fuel                             | 4,078         | 5,700         | 72%            | 5,246             | 78%        | 13,010           | 9,508    |
| 0                  | 0             | 0%             | 0                 | 0%         | Fungicides                       | 1,635         | 1,095         | 149%           | 688               | 237%       | 2,461            | 3,479    |
| 1,443              | 1,090         | 132%           | 980               | 147%       | Herbicides                       | 4,816         | 2,599         | 185%           | 2,474             | 195%       | 12,141           | 19,477   |
| 3,511              | 1,378         | 255%           | 1,365             | 257%       | Insecticides                     | 6,372         | 4,203         | 152%           | 4,162             | 153%       | 14,046           | 17,028   |
| 253                | 674           | 37%            | 974               | 26%        | Janitorial Supplies              | 1,128         | 3,188         | 35%            | 3,789             | 30%        | 4,739            | 1,676    |
| 0                  | 0             | 0%             | 294               | 0%         | Kitchen Supplies                 | 0             | 0             | 0%             | 3,744             | 0%         | 0                | 71       |
| 0                  | 0             | 0%             | 436               | 0%         | Laundry/Linens                   | 0             | 0             | 0%             | 3,419             | 0%         | 0                | 353      |
| 0                  | 0             | 0%             | 0                 | 0%         | Laundry/Uniforms                 | 55            | 2,338         | 2%             | 2,038             | 3%         | 2,651            | 55       |
| 70                 | 271           | 26%            | 251               | 28%        | Office Supplies                  | 2,681         | 2,310         | 116%           | 1,976             | 136%       | 4,186            | 3,250    |
| 0                  | 0             | 0%             | 0                 | 0%         | Printing                         | 0             | 100           | 0%             | 0                 | 0%         | 100              | 72       |
| 0                  | 0             | 0%             | 0                 | 0%         | Range Balls                      | 1,530         | 3,712         | 41%            | 3,675             | 42%        | 3,712            | 1,530    |
| 37                 | 0             | 0%             | 0                 | 0%         | Range Equipment                  | 1,063         | 450           | 241%           | 0                 | 0%         | 724              | 1,255    |
| 0                  | 200           | 0%             | 0                 | 0%         | Range Expenses                   | 10            | 918           | 1%             | 463               | 2%         | 938              | 10       |
| 0                  | 0             | 0%             | 0                 | 0%         | Sand/Topdress                    | 4,291         | 753           | 570%           | 746               | 575%       | 2,640            | 10,451   |
| 0                  | 0             | 0%             | 0                 | 0%         | Seeds/Trees                      | 3,469         | 16,286        | 21%            | 16,125            | 22%        | 16,286           | 5,909    |
| 0                  | 0             | 0%             | 0                 | 0%         | Small Tools                      | 55            | 128           | 43%            | 127               | 44%        | 211              | 115      |
| 0                  | 0             | 0%             | 0                 | 0%         | Staff/Volunteer Uniforms         | 0             | 986           | 0%             | 283               | 0%         | 1,419            | 0        |
| 0                  | 0             | 0%             | 0                 | 0%         | Supplies                         | 1,489         | 3,696         | 40%            | 2,076             | 72%        | 4,085            | 1,558    |

The Golf Club at Cypress Head  
Summary of All Units  
For the Six Months Ending March 31, 2016

| MTD    | MTD    | % of   | MTD        | % of  |                            | YTD     | YTD      | % of   | YTD        | % of   | Annual   |           |
|--------|--------|--------|------------|-------|----------------------------|---------|----------|--------|------------|--------|----------|-----------|
| Actual | Budget | Budget | Prior Year | PY    |                            | Actual  | Budget   | Budget | Prior Year | PY     | Budget   |           |
| 15     | 0      | 0%     | 0          | 0%    | Tournament Expense         | 589     | 301      | 196%   | 50         | 1175%  | 701      | 3,086     |
| 91     | 91     | 99%    | 91         | 100%  | Alarm System               | 633     | 1,374    | 46%    | 871        | 73%    | 2,159    | 1,280     |
| 0      | 0      | 0%     | 0          | 0%    | Carpet Cleaning            | 0       | 300      | 0%     | 300        | 0%     | 1,190    | 0         |
| 0      | 200    | 0%     | 1,066      | 0%    | Cart Repairs               | 1,455   | 1,200    | 121%   | 15,220     | 10%    | 2,400    | 11,070    |
| 371    | 259    | 143%   | 259        | 144%  | Computer Service           | 1,476   | 1,977    | 75%    | 1,975      | 75%    | 3,526    | 2,454     |
| 0      | 0      | 0%     | 0          | 0%    | Contract Cleaning          | 130     | 500      | 26%    | 3,294      | 4%     | 500      | 1,095     |
| 0      | 0      | 0%     | 0          | 0%    | Guest Relations            | 49      | 0        | 0%     | 0          | 0%     | 0        | 49        |
| 4,225  | 4,097  | 103%   | 4,056      | 104%  | Handicap Expense           | 4,417   | 4,309    | 103%   | 4,266      | 104%   | 4,495    | 4,813     |
| 0      | 0      | 0%     | 0          | 0%    | Indoor Plant Maint         | 0       | 100      | 0%     | 0          | 0%     | 200      | 0         |
| 510    | 1,295  | 39%    | 1,283      | 40%   | Irrigation                 | 1,787   | 3,345    | 53%    | 3,312      | 54%    | 6,794    | 5,802     |
| 114    | 80     | 143%   | 79         | 145%  | Lesson Expense             | 660     | 423      | 156%   | 319        | 207%   | 524      | 660       |
| 0      | 230    | 0%     | 230        | 0%    | Pest Control               | 0       | 805      | 0%     | 805        | 0%     | 1,495    | 115       |
| 2,142  | 2,024  | 106%   | 2,004      | 107%  | Repair & Maint - Equipment | 14,481  | 11,446   | 127%   | 14,438     | 100%   | 22,374   | 28,555    |
| 91     | 202    | 45%    | 200        | 46%   | Repair & Maint - Building  | 535     | 3,761    | 14%    | 3,254      | 16%    | 5,372    | 357       |
| 0      | 0      | 0%     | 0          | 0%    | Repair & Maint - Other     | 0       | 0        | 0%     | 0          | 0%     | 0        | 907       |
| 0      | 0      | 0%     | 0          | 0%    | Security                   | 0       | 600      | 0%     | 0          | 0%     | 600      | 0         |
| 5,355  | 5,356  | 100%   | 6,032      | 89%   | Cart Lease                 | 32,134  | 32,136   | 100%   | 36,193     | 89%    | 64,266   | 68,327    |
| 4,511  | 4,512  | 100%   | 4,495      | 100%  | Equipment Lease            | 27,070  | 27,071   | 100%   | 27,695     | 98%    | 54,144   | 54,164    |
| 195    | (157)  | -124%  | (157)      | -124% | Off-Site Storage           | 1,035   | 785      | 132%   | 785        | 132%   | 1,727    | 2,322     |
| 1,135  | 1,292  | 88%    | 1,278      | 89%   | Utilities - Electric       | 6,255   | 8,286    | 75%    | 8,203      | 76%    | 15,256   | 11,431    |
| 0      | 0      | 0%     | 863        | 0%    | Utilities - Gas            | 0       | 0        | 0%     | 5,284      | 0%     | 0        | 742       |
| 3,228  | 2,910  | 111%   | 2,898      | 111%  | Utilities - Other          | 20,498  | 20,301   | 101%   | 20,216     | 101%   | 41,992   | 39,539    |
| 232    | 289    | 86%    | 268        | 87%   | Utilities - Telephone/Fax  | 1,294   | 1,525    | 85%    | 1,519      | 85%    | 2,914    | 2,551     |
| 236    | 183    | 129%   | 181        | 130%  | Utilities - Water          | 1,691   | 1,151    | 147%   | 1,140      | 148%   | 2,409    | 3,245     |
| 1,624  | 1,104  | 147%   | 4,913      | 33%   | Advertising & Promotion    | 9,032   | 17,131   | 53%    | 12,024     | 75%    | 23,866   | 24,263    |
| 317    | 38     | 834%   | 38         | 835%  | Bank Charges               | 1,257   | 342      | 368%   | 343        | 366%   | 746      | 1,632     |
| 32     | 0      | 0%     | 568        | 6%    | Cash Short/(Over)          | (469)   | 0        | 0%     | (741)      | 63%    | 0        | 266       |
| 150    | 175    | 86%    | 0          | 0%    | Cell Phone                 | 1,075   | 1,050    | 102%   | 900        | 119%   | 2,100    | 1,825     |
| 4,620  | 5,068  | 91%    | 4,968      | 93%   | City Surcharge R & R       | 19,277  | 17,660   | 109%   | 21,024     | 92%    | 35,106   | 23,153    |
| 74     | 0      | 0%     | 0          | 0%    | Copier/Photocopies         | 409     | 955      | 43%    | 955        | 43%    | 1,291    | 409       |
| 2,252  | 2,103  | 107%   | 2,103      | 107%  | Credit Card Discounts      | 13,750  | 12,358   | 111%   | 11,572     | 119%   | 25,500   | 23,391    |
| 164    | 0      | 0%     | 0          | 0%    | Donations                  | 164     | 0        | 0%     | 0          | 0%     | 0        | 2,153     |
| 0      | 0      | 0%     | 0          | 0%    | Dues & Subscriptions       | 150     | 250      | 60%    | 250        | 60%    | 1,125    | 1,093     |
| 0      | 0      | 0%     | 0          | 0%    | Education & Training       | 0       | 210      | 0%     | 210        | 0%     | 410      | 325       |
| 242    | 91     | 266%   | 91         | 266%  | Employee Relations         | 909     | 1,194    | 76%    | 1,194      | 76%    | 2,050    | 1,532     |
| 0      | 0      | 0%     | 0          | 0%    | Employee Testing           | 131     | 0        | 0%     | 0          | 0%     | 113      | 276       |
| 3,796  | 3,987  | 95%    | 3,987      | 95%   | Insurance Expense          | 22,776  | 23,278   | 98%    | 23,277     | 98%    | 45,074   | 45,571    |
| 0      | 141    | 0%     | 141        | 0%    | Member Relations           | 131     | 282      | 47%    | 283        | 46%    | 659      | 131       |
| 22     | 17     | 132%   | 17         | 130%  | Messenger Service - Fedex  | 198     | 236      | 84%    | 235        | 84%    | 447      | 312       |
| 0      | 0      | 0%     | 0          | 0%    | Miscellaneous              | 13,291  | 10,000   | 133%   | 41         | 32777% | 10,000   | 13,291    |
| 0      | 0      | 0%     | 0          | 0%    | O/S - Accounting           | 12,000  | 13,200   | 91%    | 12,000     | 100%   | 13,200   | 12,000    |
| 0      | 0      | 0%     | 0          | 0%    | O/S - Legal                | 0       | 80       | 0%     | 80         | 0%     | 160      | 2,568     |
| 0      | 0      | 0%     | 0          | 0%    | O/S - Other                | 1,207   | 3,991    | 30%    | 3,952      | 31%    | 7,627    | 1,207     |
| 244    | 809    | 30%    | 809        | 30%   | Payroll Processing Fee     | 1,418   | 2,393    | 59%    | 2,392      | 59%    | 4,009    | 2,804     |
| 0      | 29     | 0%     | 29         | 0%    | Postage/Shipping           | 39      | 170      | 23%    | 171        | 23%    | 560      | 328       |
| 0      | 0      | 0%     | 0          | 0%    | Professional Dues          | 0       | 0        | 0%     | 0          | 0%     | 0        | 565       |
| (30)   | (30)   | 100%   | 273        | -11%  | Tax/Licenses/Fees          | (150)   | (180)    | 83%    | 93         | -161%  | (130)    | 1,773     |
| 0      | 0      | 0%     | 676        | 0%    | Theft Loss                 | 106     | 0        | 0%     | 1,975      | 5%     | 0        | 4,240     |
| 693    | 0      | 0%     | 54         | 1293% | Travel - Meals             | 1,375   | 0        | 0%     | 54         | 2567%  | 0        | 1,375     |
| 626    | 727    | 86%    | 376        | 166%  | Travel - Other             | 5,486   | 6,375    | 86%    | 4,867      | 113%   | 13,128   | 15,750    |
| 0      | 0      | 0%     | 0          | 0%    | Website Expenses           | 900     | 1,000    | 90%    | 0          | 0%     | 5,000    | 3,000     |
| 0      | 370    | 0%     | 370        | 0%    | Employee Meals             | 0       | 1,187    | 0%     | 1,186      | 0%     | 2,396    | 258       |
| 44,035 | 42,324 | 104%   | 50,974     | 86%   | TOTAL OPERATING EXPENSES   | 263,171 | 292,104  | 90%    | 308,628    | 85%    | 529,021  | 540,020   |
| 56,210 | 67,826 | 83%    | 59,419     | 95%   | EBITDA                     | 38,959  | 11,877   | 328%   | 59,625     | 65%    | 366      | (350,429) |
| 5,713  | 5,601  | 102%   | 7,370      | 78%   | Management Fee             | 35,934  | 31,690   | 113%   | 44,117     | 81%    | 65,296   | 58,042    |
| 5,713  | 5,601  | 102%   | 7,370      | 78%   | Management Fees            | 35,934  | 31,690   | 113%   | 44,117     | 81%    | 65,296   | 58,042    |
| 0      | 154    | 0%     | 154        | 0%    | Deprec - Office F.F&E      | 0       | 924      | 0%     | 924        | 0%     | 1,848    | (924)     |
| 98     | 98     | 100%   | 98         | 100%  | Deprec - Mach & Equip      | 585     | 585      | 100%   | 585        | 100%   | 1,171    | 746       |
| 283    | 283    | 100%   | 283        | 100%  | Deprec - Buildings         | 1,701   | 1,701    | 100%   | 1,701      | 100%   | 3,401    | 8,659     |
| 381    | 535    | 71%    | 535        | 71%   | S/T DEPR. & AMORT          | 2,286   | 3,210    | 71%    | 3,210      | 71%    | 6,420    | 8,481     |
| 50,117 | 61,690 | 81%    | 51,514     | 97%   | NET INCOME                 | 739     | (23,023) | -3%    | 12,298     | 6%     | (71,350) | (416,953) |

The Golf Club at Cypress Head  
Course & Grounds  
For the Six Months Ending March 31, 2016

| MTD<br>Actual      | MTD<br>Budget | % of<br>Budget | MTD<br>Prior Year | % of<br>PY |                            | YTD<br>Actual | YTD<br>Budget | % of<br>Budget | YTD<br>Prior Year | % of<br>PY | Annual<br>Budget |           |
|--------------------|---------------|----------------|-------------------|------------|----------------------------|---------------|---------------|----------------|-------------------|------------|------------------|-----------|
| REVENUES           |               |                |                   |            |                            |               |               |                |                   |            |                  |           |
| 82,005             | 86,093        | 95%            | 84,406            | 97%        | Green Fees                 | 339,650       | 326,277       | 104%           | 357,345           | 95%        | 604,248          | 408,458   |
| 4,620              | 5,068         | 91%            | 4,968             | 93%        | City Surcharge R & R       | 19,277        | 17,660        | 109%           | 21,024            | 92%        | 35,106           | 23,153    |
| 86,624             | 91,161        | 95%            | 89,374            | 97%        | Total Revenues             | 358,926       | 343,937       | 104%           | 378,369           | 95%        | 639,354          | 431,611   |
| 86,624             | 91,161        | 95%            | 89,374            | 97%        | GROSS MARGIN               | 358,926       | 343,937       | 104%           | 378,369           | 95%        | 639,354          | 431,611   |
| PAYROLL            |               |                |                   |            |                            |               |               |                |                   |            |                  |           |
| 6,954              | 6,679         | 104%           | 7,176             | 97%        | Gross Payroll - Salaried   | 41,193        | 40,074        | 103%           | 37,183            | 111%       | 80,148           | 81,867    |
| 14,392             | 13,240        | 109%           | 12,934            | 111%       | Gross Payroll - Hourly     | 96,865        | 77,731        | 125%           | 75,516            | 128%       | 155,890          | 170,574   |
| 21,346             | 19,919        | 107%           | 20,110            | 106%       | S/T Wages                  | 138,059       | 117,805       | 117%           | 112,699           | 123%       | 236,038          | 252,441   |
| 1,511              | 1,524         | 99%            | 1,403             | 108%       | Payroll Tax - FICA         | 9,850         | 9,013         | 109%           | 8,115             | 121%       | 18,058           | 17,810    |
| 299                | 513           | 58%            | 429               | 70%        | Payroll Tax - UC           | 1,787         | 1,886         | 95%            | 2,769             | 65%        | 2,899            | 2,824     |
| 411                | 428           | 96%            | 890               | 46%        | Payroll Tax - WC           | 2,997         | 2,395         | 125%           | 2,834             | 106%       | 4,936            | 5,340     |
| 3,301              | 3,204         | 103%           | 1,680             | 196%       | Benefits                   | 19,110        | 19,222        | 99%            | 16,881            | 113%       | 40,294           | 41,371    |
| 5,522              | 5,669         | 97%            | 4,403             | 125%       | S/T Adders                 | 33,745        | 32,516        | 104%           | 30,599            | 110%       | 66,187           | 67,345    |
| 26,868             | 25,588        | 105%           | 24,513            | 110%       | TOTAL PAYROLL              | 171,803       | 150,321       | 114%           | 143,298           | 120%       | 302,225          | 319,786   |
| OPERATING EXPENSES |               |                |                   |            |                            |               |               |                |                   |            |                  |           |
| 18                 | 56            | 32%            | 56                | 32%        | Course Accessories         | 783           | 4,081         | 19%            | 4,041             | 19%        | 4,676            | 1,002     |
| 642                | 0             | 0%             | 0                 | 0%         | Fertilizer                 | 7,884         | 3,976         | 198%           | 3,690             | 214%       | 10,531           | 33,619    |
| 0                  | 0             | 0%             | 0                 | 0%         | Flowers/Decor              | 74            | 200           | 37%            | 0                 | 0%         | 400              | 74        |
| 736                | 1,183         | 62%            | 1,072             | 69%        | Fuel                       | 4,078         | 5,700         | 72%            | 5,246             | 78%        | 13,010           | 9,508     |
| 0                  | 0             | 0%             | 0                 | 0%         | Fungicides                 | 1,635         | 1,095         | 149%           | 688               | 237%       | 2,461            | 3,479     |
| 1,443              | 1,090         | 132%           | 980               | 147%       | Herbicides                 | 4,816         | 2,599         | 185%           | 2,474             | 195%       | 12,141           | 19,477    |
| 3,511              | 1,378         | 255%           | 1,365             | 257%       | Insecticides               | 6,372         | 4,203         | 152%           | 4,162             | 153%       | 14,046           | 17,028    |
| 0                  | 0             | 0%             | 0                 | 0%         | Sand/Topdress              | 4,291         | 753           | 570%           | 746               | 575%       | 2,640            | 10,451    |
| 0                  | 0             | 0%             | 0                 | 0%         | Seeds/Trees                | 3,469         | 16,286        | 21%            | 16,125            | 22%        | 16,286           | 5,909     |
| 0                  | 0             | 0%             | 0                 | 0%         | Small Tools                | 55            | 128           | 43%            | 127               | 44%        | 211              | 115       |
| 0                  | 0             | 0%             | 0                 | 0%         | Staff/Volunteer Uniforms   | 0             | 986           | 0%             | 283               | 0%         | 1,419            | 0         |
| 510                | 1,295         | 39%            | 1,283             | 40%        | Irrigation                 | 1,787         | 3,345         | 53%            | 3,312             | 54%        | 6,794            | 5,802     |
| 2,142              | 2,024         | 106%           | 2,004             | 107%       | Repair & Maint - Equipment | 13,923        | 9,665         | 144%           | 9,569             | 145%       | 19,876           | 25,749    |
| 0                  | 202           | 0%             | 200               | 0%         | Repair & Maint - Building  | 0             | 521           | 0%             | 516               | 0%         | 1,026            | 146       |
| 4,511              | 4,512         | 100%           | 4,495             | 100%       | Equipment Lease            | 27,070        | 27,071        | 100%           | 26,969            | 100%       | 54,144           | 54,039    |
| 160                | 146           | 110%           | 144               | 111%       | Utilities - Electric       | 1,228         | 1,855         | 66%            | 1,837             | 67%        | 3,343            | 2,562     |
| 1,220              | 1,209         | 101%           | 1,197             | 102%       | Utilities - Other          | 8,395         | 8,442         | 99%            | 8,357             | 100%       | 16,807           | 16,977    |
| 99                 | 93            | 106%           | 92                | 107%       | Utilities - Telephone/Fax  | 615           | 573           | 107%           | 567               | 109%       | 1,036            | 1,127     |
| 236                | 183           | 129%           | 181               | 130%       | Utilities - Water          | 1,691         | 1,151         | 147%           | 1,140             | 148%       | 2,409            | 3,245     |
| 0                  | 0             | 0%             | 0                 | 0%         | Education & Training       | 0             | 0             | 0%             | 0                 | 0%         | 0                | 230       |
| 0                  | 0             | 0%             | 0                 | 0%         | Employee Relations         | 0             | 0             | 0%             | 0                 | 0%         | 92               | 145       |
| 0                  | 0             | 0%             | 0                 | 0%         | Employee Testing           | 131           | 0             | 0%             | 0                 | 0%         | 113              | 276       |
| 0                  | 0             | 0%             | 0                 | 0%         | O/S - Other                | 1,207         | 3,914         | 31%            | 3,875             | 31%        | 7,550            | 1,207     |
| 0                  | 0             | 0%             | 0                 | 0%         | Professional Dues          | 0             | 0             | 0%             | 0                 | 0%         | 0                | 565       |
| 0                  | 300           | 0%             | 0                 | 0%         | Travel - Other             | 900           | 1,806         | 50%            | 600               | 150%       | 3,621            | 1,500     |
| 15,228             | 13,671        | 111%           | 13,068            | 117%       | TOTAL OPERATING EXPENSES   | 90,404        | 98,350        | 92%            | 94,325            | 96%        | 194,632          | 216,230   |
| 44,528             | 51,902        | 86%            | 51,793            | 86%        | EBITDA                     | 96,719        | 95,266        | 102%           | 140,747           | 69%        | 142,497          | (104,405) |
| 44,528             | 51,902        | 86%            | 51,793            | 86%        | NET INCOME                 | 96,719        | 95,266        | 102%           | 140,747           | 69%        | 142,497          | (104,405) |

The Golf Club at Cypress Head  
Carts  
For the Six Months Ending March 31, 2016

| MTD<br>Actual | MTD<br>Budget | % of<br>Budget | MTD<br>Prior Year | % of<br>PY |                          | YTD<br>Actual | YTD<br>Budget | % of<br>Budget | YTD<br>Prior Year | % of<br>PY | Annual<br>Budget |         |
|---------------|---------------|----------------|-------------------|------------|--------------------------|---------------|---------------|----------------|-------------------|------------|------------------|---------|
| 56,735        | 58,483        | 97%            | 57,336            | 99%        | REVENUES                 | 237,710       | 219,999       | 108%           | 243,877           | 97%        | 419,178          | 282,549 |
| 56,735        | 58,483        | 97%            | 57,336            | 99%        | Cart Fee                 | 237,710       | 219,999       | 108%           | 243,877           | 97%        | 419,178          | 282,549 |
| 56,735        | 58,483        | 97%            | 57,336            | 99%        | Total Revenues           | 237,710       | 219,999       | 108%           | 243,877           | 97%        | 419,178          | 282,549 |
|               |               |                |                   |            | GROSS MARGIN             | 237,710       | 219,999       | 108%           | 243,877           | 97%        | 419,178          | 282,549 |
| 7,822         | 5,861         | 133%           | 6,802             | 115%       | PAYROLL                  | 35,690        | 30,450        | 117%           | 30,376            | 117%       | 65,049           | 40,105  |
| 7,822         | 5,861         | 133%           | 6,802             | 115%       | Gross Payroll - Hourly   | 35,690        | 30,450        | 117%           | 30,376            | 117%       | 65,049           | 40,105  |
| 621           | 448           | 139%           | 500               | 124%       | S/T Wages                | 2,803         | 2,329         | 120%           | 2,306             | 122%       | 4,975            | 3,133   |
| 146           | 198           | 74%            | 190               | 77%        | Payroll Tax - FICA       | 930           | 914           | 102%           | 1,320             | 70%        | 2,081            | 1,143   |
| 146           | 126           | 116%           | 113               | 129%       | Payroll Tax - UC         | 724           | 620           | 117%           | 592               | 122%       | 1,364            | 851     |
| 29            | 0             | 0%             | 1,416             | 2%         | Payroll Tax - WC         | 58            | 0             | 0%             | 1,442             | 4%         | 0                | (1,321) |
| 942           | 772           | 122%           | 2,218             | 42%        | Benefits                 | 4,515         | 3,863         | 117%           | 5,660             | 80%        | 8,420            | 3,806   |
|               |               |                |                   |            | S/T Adders               |               |               |                |                   |            |                  |         |
| 8,764         | 6,633         | 132%           | 9,020             | 97%        | TOTAL PAYROLL            | 40,206        | 34,313        | 117%           | 36,036            | 112%       | 73,469           | 43,911  |
| 48            | 0             | 0%             | 0                 | 0%         | OPERATING EXPENSES       | 1,086         | 527           | 206%           | 521               | 208%       | 590              | 1,086   |
| 0             | 200           | 0%             | 1,066             | 0%         | Cart Supplies            | 1,455         | 1,200         | 121%           | 15,220            | 10%        | 2,400            | 11,070  |
| 5,355         | 5,356         | 100%           | 6,032             | 89%        | Cart Repairs             | 32,134        | 32,136        | 100%           | 36,193            | 89%        | 64,266           | 68,327  |
| 975           | 1,146         | 85%            | 1,134             | 86%        | Cart Lease               | 5,027         | 6,431         | 78%            | 6,367             | 79%        | 11,913           | 8,869   |
| 6,378         | 6,702         | 95%            | 8,233             | 77%        | Utilities - Electric     | 39,702        | 40,294        | 99%            | 58,301            | 68%        | 79,169           | 89,352  |
|               |               |                |                   |            | TOTAL OPERATING EXPENSES |               |               |                |                   |            |                  |         |
| 41,593        | 45,148        | 92%            | 40,083            | 104%       | EBITDA                   | 157,802       | 145,392       | 109%           | 149,539           | 106%       | 266,540          | 149,286 |
| 41,593        | 45,148        | 92%            | 40,083            | 104%       | NET INCOME               | 157,802       | 145,392       | 109%           | 149,539           | 106%       | 266,540          | 149,286 |



The Golf Club at Cypress Head  
Range  
For the Six Months Ending March 31, 2016

| MTD<br>Actual | MTD<br>Budget | % of<br>Budget | MTD<br>Prior Year | % of<br>PY |                            | YTD<br>Actual | YTD<br>Budget | % of<br>Budget | YTD<br>Prior Year | % of<br>PY | Annual<br>Budget |        |
|---------------|---------------|----------------|-------------------|------------|----------------------------|---------------|---------------|----------------|-------------------|------------|------------------|--------|
| 4,512         | 4,199         | 107%           | 3,626             | 124%       | REVENUES                   | 17,394        | 15,846        | 110%           | 14,949            | 116%       | 35,044           | 19,329 |
| 4,512         | 4,199         | 107%           | 3,626             | 124%       | Range                      | 17,394        | 15,846        | 110%           | 14,949            | 116%       | 35,044           | 19,329 |
| 4,512         | 4,199         | 107%           | 3,626             | 124%       | Total Revenues             | 17,394        | 15,846        | 110%           | 14,949            | 116%       | 35,044           | 19,329 |
|               |               |                |                   |            | GROSS MARGIN               | 17,394        | 15,846        | 110%           | 14,949            | 116%       | 35,044           | 19,329 |
|               |               |                |                   |            | OPERATING EXPENSES         |               |               |                |                   |            |                  |        |
| 0             | 0             | 0%             | 0                 | 0%         | Range Balls                | 1,530         | 3,712         | 41%            | 3,675             | 42%        | 3,712            | 1,530  |
| 37            | 0             | 0%             | 0                 | 0%         | Range Equipment            | 1,083         | 450           | 241%           | 0                 | 0%         | 724              | 1,255  |
| 0             | 200           | 0%             | 0                 | 0%         | Range Expenses             | 10            | 918           | 1%             | 463               | 2%         | 938              | 10     |
| 0             | 0             | 0%             | 0                 | 0%         | Repair & Maint - Equipment | 0             | 1,114         | 0%             | 1,103             | 0%         | 1,288            | 0      |
| 37            | 200           | 19%            | 0                 | 0%         | TOTAL OPERATING EXPENSES   | 2,623         | 6,194         | 42%            | 5,241             | 50%        | 6,662            | 2,795  |
| 4,475         | 3,999         | 112%           | 3,626             | 123%       | EBITDA                     | 14,771        | 9,652         | 153%           | 9,708             | 152%       | 28,382           | 16,534 |
| 4,475         | 3,999         | 112%           | 3,626             | 123%       | NET INCOME                 | 14,771        | 9,652         | 153%           | 9,708             | 152%       | 28,382           | 16,534 |

The Golf Club at Cypress Head  
F & B Cafe  
For the Six Months Ending March 31, 2016

| MTD<br>Actual      | MTD<br>Budget | % of<br>Budget | MTD<br>Prior Year | % of<br>PY |                                  | YTD<br>Actual | YTD<br>Budget | % of<br>Budget | YTD<br>Prior Year | % of<br>PY | Annual<br>Budget |          |
|--------------------|---------------|----------------|-------------------|------------|----------------------------------|---------------|---------------|----------------|-------------------|------------|------------------|----------|
| REVENUES           |               |                |                   |            |                                  |               |               |                |                   |            |                  |          |
| 0                  | 0             | 0%             | 16,734            | 0%         | Food & Beverage                  | 0             | 0             | 0%             | 91,799            | 0%         | 0                | 12,252   |
| 0                  | 0             | 0%             | 8,938             | 0%         | Beer                             | 0             | 0             | 0%             | 37,363            | 0%         | 0                | 7,200    |
| 0                  | 0             | 0%             | 3,851             | 0%         | Liquor                           | 0             | 0             | 0%             | 24,028            | 0%         | 0                | 2,900    |
| 0                  | 0             | 0%             | 1,029             | 0%         | Wine                             | 0             | 0             | 0%             | 6,456             | 0%         | 0                | 370      |
| 0                  | 0             | 0%             | 0                 | 0%         | F&B Other                        | 0             | 0             | 0%             | 600               | 0%         | 0                | 0        |
| 0                  | 0             | 0%             | 30,551            | 0%         | Total Revenues                   | 0             | 0             | 0%             | 160,246           | 0%         | 0                | 22,721   |
| COST OF GOODS SOLD |               |                |                   |            |                                  |               |               |                |                   |            |                  |          |
| 0                  | 0             | 0%             | 5,409             | 0%         | COGS - Food & Beverage           | 0             | 0             | 0%             | 41,549            | 0%         | 0                | 5,520    |
| 0                  | 0             | 0%             | 3,346             | 0%         | COGS - Beer                      | 0             | 0             | 0%             | 14,358            | 0%         | 0                | 2,521    |
| 0                  | 0             | 0%             | 1,094             | 0%         | COGS - Liquor                    | 0             | 0             | 0%             | 4,975             | 0%         | 0                | 684      |
| 0                  | 0             | 0%             | 431               | 0%         | COGS - Wine                      | 0             | 0             | 0%             | 2,988             | 0%         | 0                | (2)      |
| 0                  | 0             | 0%             | 10,280            | 0%         | Total COGS                       | 0             | 0             | 0%             | 63,869            | 0%         | 0                | 8,722    |
| 0                  | 0             | 0%             | 20,271            | 0%         | GROSS MARGIN                     | 0             | 0             | 0%             | 96,377            | 0%         | 0                | 13,998   |
| 0.00%              | 0.00%         | 0.00%          | 32.32%            | 0.00%      | COGS - Food & Beverage %         | 0.00%         | 0.00%         | 0.00%          | 45.26%            | 0.00%      | 0.00%            | 43.72%   |
| 0.00%              | 0.00%         | 0.00%          | 37.44%            | 0.00%      | COGS - Beer %                    | 0.00%         | 0.00%         | 0.00%          | 38.43%            | 0.00%      | 0.00%            | 36.30%   |
| 0.00%              | 0.00%         | 0.00%          | 28.41%            | 0.00%      | COGS - Liquor %                  | 0.00%         | 0.00%         | 0.00%          | 20.70%            | 0.00%      | 0.00%            | 23.58%   |
| 0.00%              | 0.00%         | 0.00%          | 41.87%            | 0.00%      | COGS - Wine %                    | 0.00%         | 0.00%         | 0.00%          | 46.29%            | 0.00%      | 0.00%            | -2.76%   |
| 0.00%              | 0.00%         | 0.00%          | 33.65%            | 0.00%      | COGS - All Food & Bev            | 0.00%         | 0.00%         | 0.00%          | 40.01%            | 0.00%      | 0.00%            | 8115.58% |
| PAYROLL            |               |                |                   |            |                                  |               |               |                |                   |            |                  |          |
| 0                  | 0             | 0%             | 4,095             | 0%         | Gross Kitchen Payroll - Salaried | 0             | 0             | 0%             | 20,908            | 0%         | 0                | 3,591    |
| 0                  | 0             | 0%             | 8,152             | 0%         | Gross Kitchen Payroll - Hourly   | 0             | 0             | 0%             | 46,554            | 0%         | 0                | 4,835    |
| 0                  | 0             | 0%             | 12,246            | 0%         | S/T Wages                        | 0             | 0             | 0%             | 67,462            | 0%         | 0                | 8,425    |
| 0                  | 0             | 0%             | 1,011             | 0%         | Payroll Tax - FICA               | 0             | 0             | 0%             | 5,658             | 0%         | 0                | 801      |
| 0                  | 0             | 0%             | 383               | 0%         | Payroll Tax - UC                 | 0             | 0             | 0%             | 2,864             | 0%         | 0                | 277      |
| 0                  | 0             | 0%             | 287               | 0%         | Payroll Tax - WC                 | 0             | 0             | 0%             | 1,772             | 0%         | 0                | 266      |
| 0                  | 0             | 0%             | 562               | 0%         | Benefits                         | 0             | 0             | 0%             | 6,280             | 0%         | 0                | 439      |
| 0                  | 0             | 0%             | 2,242             | 0%         | S/T Adders                       | 0             | 0             | 0%             | 16,575            | 0%         | 0                | 1,783    |
| 0                  | 0             | 0%             | 14,489            | 0%         | TOTAL PAYROLL                    | 0             | 0             | 0%             | 84,037            | 0%         | 0                | 10,208   |
| OPERATING EXPENSES |               |                |                   |            |                                  |               |               |                |                   |            |                  |          |
| 0                  | 0             | 0%             | 460               | 0%         | Bar Supplies                     | 0             | 0             | 0%             | 1,778             | 0%         | 0                | 387      |
| 0                  | 0             | 0%             | 0                 | 0%         | Dining Room Supplies             | 0             | 0             | 0%             | 92                | 0%         | 0                | 0        |
| 0                  | 0             | 0%             | 294               | 0%         | Kitchen Supplies                 | 0             | 0             | 0%             | 3,744             | 0%         | 0                | 71       |
| 0                  | 0             | 0%             | 436               | 0%         | Laundry/Linens                   | 0             | 0             | 0%             | 3,419             | 0%         | 0                | 353      |
| 0                  | 0             | 0%             | 0                 | 0%         | Office Supplies                  | 0             | 0             | 0%             | 57                | 0%         | 0                | 0        |
| 0                  | 0             | 0%             | 0                 | 0%         | Repair & Maint - Equipment       | 79            | 0             | 0%             | 3,100             | 3%         | 0                | 1,877    |
| 0                  | 0             | 0%             | 0                 | 0%         | Equipment Lease                  | 0             | 0             | 0%             | 726               | 0%         | 0                | 125      |
| 0                  | 0             | 0%             | 863               | 0%         | Utilities - Gas                  | 0             | 0             | 0%             | 5,284             | 0%         | 0                | 742      |
| 137                | 0             | 0%             | 0                 | 0%         | Cash Short/(Over)                | 137           | 0             | 0%             | 0                 | 0%         | 0                | 137      |
| 0                  | 0             | 0%             | 273               | 0%         | Tax/Licenses/Fees                | 0             | 0             | 0%             | 273               | 0%         | 0                | 2,070    |
| 0                  | 0             | 0%             | 676               | 0%         | Theft Loss                       | 106           | 0             | 0%             | 1,975             | 5%         | 0                | 4,240    |
| 137                | 0             | 0%             | 3,002             | 5%         | TOTAL OPERATING EXPENSES         | 322           | 0             | 0%             | 20,447            | 2%         | 0                | 10,003   |
| (137)              | 0             | 0%             | 2,780             | -5%        | EBITDA                           | (322)         | 0             | 0%             | (8,106)           | 4%         | 0                | (6,213)  |
| (137)              | 0             | 0%             | 2,780             | -5%        | NET INCOME                       | (322)         | 0             | 0%             | (8,106)           | 4%         | 0                | (6,213)  |

The Golf Club at Cypress Head  
Golf Shop  
For the Six Months Ending March 31, 2016

| MTD<br>Actual      | MTD<br>Budget | % of<br>Budget | MTD<br>Prior Year | % of<br>PY |                           | YTD<br>Actual | YTD<br>Budget | % of<br>Budget | YTD<br>Prior Year | % of<br>PY | Annual<br>Budget |          |
|--------------------|---------------|----------------|-------------------|------------|---------------------------|---------------|---------------|----------------|-------------------|------------|------------------|----------|
| REVENUES           |               |                |                   |            |                           |               |               |                |                   |            |                  |          |
| 3,839              | 3,559         | 108%           | 3,524             | 109%       | Handicap Fee              | 4,719         | 4,448         | 106%           | 4,424             | 107%       | 4,516            | 4,687    |
| 1,066              | 250           | 426%           | 0                 | 0%         | Lessons                   | 2,891         | 1,423         | 203%           | 302               | 958%       | 3,029            | 2,996    |
| 0                  | 0             | 0%             | 0                 | 0%         | Other Pro Shop Revenue    | 74            | 0             | 0%             | 0                 | 0%         | 0                | 3,617    |
| 240                | 416           | 58%            | 313               | 77%        | Rental Clubs              | 1,307         | 1,865         | 70%            | 1,599             | 82%        | 3,224            | 1,563    |
| 6,326              | 7,754         | 82%            | 7,579             | 83%        | Retail                    | 27,809        | 28,603        | 97%            | 32,326            | 86%        | 61,281           | 49,177   |
| 11,471             | 11,979        | 96%            | 11,415            | 100%       | Total Revenues            | 36,799        | 36,339        | 101%           | 38,651            | 95%        | 72,050           | 62,040   |
| COST OF GOODS SOLD |               |                |                   |            |                           |               |               |                |                   |            |                  |          |
| 3,916              | 4,262         | 92%            | 4,600             | 85%        | COGS - Merchandise        | 20,827        | 15,717        | 133%           | 21,072            | 99%        | 33,672           | 44,298   |
| 3,916              | 4,262         | 92%            | 4,600             | 85%        | Total COGS                | 20,827        | 15,717        | 133%           | 21,072            | 99%        | 33,672           | 44,298   |
| 7,555              | 7,717         | 98%            | 6,815             | 111%       | GROSS MARGIN              | 15,973        | 20,622        | 77%            | 17,579            | 91%        | 38,378           | 17,742   |
| 61.90%             | 54.97%        | 112.62%        | 60.70%            | 101.98%    | COGS - Merchandise %      | 74.89%        | 54.95%        | 136.29%        | 65.19%            | 114.89%    | 54.95%           | 1329.99% |
| PAYROLL            |               |                |                   |            |                           |               |               |                |                   |            |                  |          |
| 0                  | 0             | 0%             | 1,882             | 0%         | Gross Payroll - Salaried  | 0             | 0             | 0%             | 11,030            | 0%         | 0                | 2,286    |
| 3,539              | 3,871         | 91%            | 2,205             | 160%       | Gross Payroll - Hourly    | 24,894        | 20,339        | 122%           | 11,598            | 215%       | 43,190           | 27,088   |
| 3,539              | 3,871         | 91%            | 4,067             | 87%        | S/T Wages                 | 24,894        | 20,339        | 122%           | 22,628            | 110%       | 43,190           | 29,375   |
| 277                | 296           | 94%            | 290               | 96%        | Payroll Tax - FICA        | 1,922         | 1,555         | 124%           | 1,654             | 116%       | 3,304            | 2,248    |
| 68                 | 130           | 52%            | 113               | 60%        | Payroll Tax - UC          | 457           | 493           | 93%            | 530               | 86%        | 1,067            | 606      |
| 68                 | 83            | 82%            | 71                | 96%        | Payroll Tax - WC          | 497           | 414           | 120%           | 522               | 95%        | 906              | 610      |
| 0                  | 408           | 0%             | 522               | 0%         | Benefits                  | 0             | 2,448         | 0%             | 2,710             | 0%         | 5,041            | 452      |
| 413                | 917           | 45%            | 996               | 41%        | S/T Adders                | 2,875         | 4,910         | 59%            | 5,416             | 53%        | 10,318           | 3,916    |
| 3,952              | 4,788         | 83%            | 5,083             | 78%        | TOTAL PAYROLL             | 27,769        | 25,249        | 110%           | 28,045            | 99%        | 53,508           | 33,290   |
| OPERATING EXPENSES |               |                |                   |            |                           |               |               |                |                   |            |                  |          |
| 26                 | 20            | 128%           | 0                 | 0%         | Office Supplies           | 26            | 464           | 6%             | 74                | 35%        | 584              | 130      |
| 0                  | 0             | 0%             | 0                 | 0%         | Printing                  | 0             | 100           | 0%             | 0                 | 0%         | 100              | 72       |
| 0                  | 0             | 0%             | 0                 | 0%         | Supplies                  | 1,489         | 3,696         | 40%            | 2,076             | 72%        | 4,085            | 1,558    |
| 15                 | 0             | 0%             | 0                 | 0%         | Tournament Expense        | 589           | 301           | 196%           | 50                | 1175%      | 701              | 3,086    |
| 4,225              | 4,097         | 103%           | 4,056             | 104%       | Handicap Expense          | 4,417         | 4,309         | 103%           | 4,266             | 104%       | 4,495            | 4,813    |
| 114                | 80            | 143%           | 79                | 145%       | Lesson Expense            | 660           | 423           | 156%           | 319               | 207%       | 524              | 660      |
| 0                  | 0             | 0%             | 0                 | 0%         | Repair & Maint - Building | 0             | 581           | 0%             | 80                | 0%         | 666              | 84       |
| 4,380              | 4,197         | 104%           | 4,135             | 106%       | TOTAL OPERATING EXPENSES  | 7,180         | 9,874         | 73%            | 6,864             | 105%       | 11,155           | 10,403   |
| (777)              | (1,268)       | 61%            | (2,403)           | 32%        | EBITDA                    | (18,977)      | (14,501)      | 131%           | (17,330)          | 110%       | (26,285)         | (25,951) |
| (777)              | (1,268)       | 61%            | (2,403)           | 32%        | NET INCOME                | (18,977)      | (14,501)      | 131%           | (17,330)          | 110%       | (26,285)         | (25,951) |

The Golf Club at Cypress Head  
G & A  
For the Six Months Ending March 31, 2016

| MTD<br>Actual      | MTD<br>Budget | % of<br>Budget | MTD<br>Prior Year | % of<br>PY |                            | YTD<br>Actual | YTD<br>Budget | % of<br>Budget | YTD<br>Prior Year | % of<br>PY | Annual<br>Budget |           |
|--------------------|---------------|----------------|-------------------|------------|----------------------------|---------------|---------------|----------------|-------------------|------------|------------------|-----------|
| REVENUES           |               |                |                   |            |                            |               |               |                |                   |            |                  |           |
| 0                  | 0             | 0%             | 0                 | 0%         | Initiation Fees            | 0             | 0             | 0%             | 0                 | 0%         | 0                | 750       |
| 0                  | 0             | 0%             | 0                 | 0%         | Miscellaneous G&A          | 0             | 0             | 0%             | 0                 | 0%         | 0                | (866)     |
| 0                  | 0             | 0%             | 0                 | 0%         | Total Revenues             | 0             | 0             | 0%             | 0                 | 0%         | 0                | (116)     |
| 0                  | 0             | 0%             | 0                 | 0%         | GROSS MARGIN               | 0             | 0             | 0%             | 0                 | 0%         | 0                | (116)     |
| PAYROLL            |               |                |                   |            |                            |               |               |                |                   |            |                  |           |
| 8,034              | 8,333         | 96%            | 3,743             | 215%       | Gross Payroll - Salaried   | 47,454        | 49,998        | 95%            | 44,360            | 107%       | 99,996           | 95,138    |
| 0                  | 0             | 0%             | 3,767             | 0%         | Gross Payroll - Hourly     | 0             | 0             | 0%             | 5,450             | 0%         | 0                | (989)     |
| 8,034              | 8,333         | 96%            | 7,510             | 107%       | S/T Wages                  | 47,454        | 49,998        | 95%            | 49,810            | 95%        | 99,996           | 94,149    |
| 685                | 637           | 108%           | 629               | 109%       | Payroll Tax - FICA         | 4,039         | 3,822         | 106%           | 4,065             | 99%        | 7,644            | 8,226     |
| 0                  | 39            | 0%             | 115               | 0%         | Payroll Tax - UC           | 344           | 527           | 65%            | 862               | 40%        | 527              | 404       |
| 189                | 179           | 106%           | 167               | 113%       | Payroll Tax - WC           | 1,313         | 1,014         | 129%           | 1,207             | 109%       | 2,088            | 2,747     |
| 1,888              | 1,388         | 136%           | 1,303             | 145%       | Benefits                   | 10,480        | 8,328         | 126%           | 9,833             | 107%       | 17,506           | 18,937    |
| 2,762              | 2,243         | 123%           | 2,214             | 125%       | S/T Adders                 | 16,175        | 13,691        | 118%           | 15,967            | 101%       | 27,765           | 30,314    |
| 10,797             | 10,576        | 102%           | 9,723             | 111%       | TOTAL PAYROLL              | 63,629        | 63,689        | 100%           | 65,778            | 97%        | 127,761          | 124,464   |
| OPERATING EXPENSES |               |                |                   |            |                            |               |               |                |                   |            |                  |           |
| 253                | 674           | 37%            | 974               | 26%        | Janitorial Supplies        | 1,128         | 3,188         | 35%            | 3,789             | 30%        | 4,739            | 1,676     |
| 0                  | 0             | 0%             | 0                 | 0%         | Laundry/Uniforms           | 55            | 2,338         | 2%             | 2,038             | 3%         | 2,651            | 55        |
| 44                 | 251           | 18%            | 251               | 18%        | Office Supplies            | 2,655         | 1,846         | 144%           | 1,845             | 144%       | 3,602            | 3,121     |
| 91                 | 91            | 99%            | 91                | 100%       | Alarm System               | 633           | 1,374         | 46%            | 871               | 73%        | 2,159            | 1,280     |
| 0                  | 0             | 0%             | 0                 | 0%         | Carpet Cleaning            | 0             | 300           | 0%             | 300               | 0%         | 1,190            | 0         |
| 371                | 259           | 143%           | 259               | 144%       | Computer Service           | 1,476         | 1,977         | 75%            | 1,975             | 75%        | 3,526            | 2,454     |
| 0                  | 0             | 0%             | 549               | 0%         | Contract Cleaning          | 130           | 500           | 26%            | 3,294             | 4%         | 500              | 1,095     |
| 0                  | 0             | 0%             | 0                 | 0%         | Guest Relations            | 49            | 0             | 0%             | 0                 | 0%         | 0                | 49        |
| 0                  | 0             | 0%             | 0                 | 0%         | Indoor Plant Maint         | 0             | 100           | 0%             | 0                 | 0%         | 200              | 0         |
| 0                  | 230           | 0%             | 230               | 0%         | Pest Control               | 0             | 805           | 0%             | 805               | 0%         | 1,495            | 115       |
| 0                  | 0             | 0%             | 0                 | 0%         | Repair & Maint - Equipment | 479           | 667           | 72%            | 667               | 72%        | 1,210            | 929       |
| 91                 | 0             | 0%             | 0                 | 0%         | Repair & Maint - Building  | 535           | 2,659         | 20%            | 2,658             | 20%        | 3,680            | 127       |
| 0                  | 0             | 0%             | 0                 | 0%         | Repair & Maint - Other     | 0             | 0             | 0%             | 0                 | 0%         | 0                | 907       |
| 0                  | 0             | 0%             | 0                 | 0%         | Security                   | 0             | 600           | 0%             | 0                 | 0%         | 600              | 0         |
| 195                | (157)         | -124%          | (157)             | -124%      | Off-Site Storage           | 1,035         | 785           | 132%           | 785               | 132%       | 1,727            | 2,322     |
| 2,008              | 1,701         | 118%           | 1,701             | 118%       | Utilities - Other          | 12,103        | 11,859        | 102%           | 11,859            | 102%       | 25,185           | 20,562    |
| 133                | 176           | 76%            | 176               | 76%        | Utilities - Telephone/Fax  | 678           | 952           | 71%            | 952               | 71%        | 1,878            | 1,423     |
| 317                | 38            | 834%           | 38                | 835%       | Bank Charges               | 1,257         | 342           | 368%           | 343               | 366%       | 746              | 1,632     |
| (105)              | 0             | 0%             | 568               | -18%       | Cash Short/(Over)          | (606)         | 0             | 0%             | (741)             | 82%        | 0                | 129       |
| 150                | 175           | 86%            | 0                 | 0%         | Cell Phone                 | 1,075         | 1,050         | 102%           | 900               | 119%       | 2,100            | 1,825     |
| 4,620              | 5,068         | 91%            | 4,968             | 93%        | City Surcharge R & R       | 19,277        | 17,660        | 109%           | 21,024            | 92%        | 35,106           | 23,153    |
| 74                 | 0             | 0%             | 0                 | 0%         | Copier/Photocopies         | 409           | 955           | 43%            | 955               | 43%        | 1,291            | 409       |
| 2,252              | 2,103         | 107%           | 2,103             | 107%       | Credit Card Discounts      | 13,750        | 12,358        | 111%           | 11,572            | 119%       | 25,500           | 23,391    |
| 164                | 0             | 0%             | 0                 | 0%         | Donations                  | 164           | 0             | 0%             | 0                 | 0%         | 0                | 2,153     |
| 0                  | 0             | 0%             | 0                 | 0%         | Dues & Subscriptions       | 150           | 250           | 60%            | 250               | 60%        | 1,125            | 1,093     |
| 0                  | 0             | 0%             | 0                 | 0%         | Education & Training       | 0             | 210           | 0%             | 210               | 0%         | 410              | 95        |
| 242                | 91            | 266%           | 91                | 266%       | Employee Relations         | 909           | 1,194         | 76%            | 1,194             | 76%        | 1,958            | 1,387     |
| 3,796              | 3,987         | 95%            | 3,987             | 95%        | Insurance Expense          | 22,776        | 23,278        | 98%            | 23,277            | 98%        | 45,074           | 45,571    |
| 0                  | 141           | 0%             | 141               | 0%         | Member Relations           | 131           | 282           | 47%            | 283               | 46%        | 659              | 131       |
| 22                 | 17            | 132%           | 17                | 130%       | Messenger Service - Fedex  | 198           | 236           | 84%            | 235               | 84%        | 447              | 312       |
| 0                  | 0             | 0%             | 0                 | 0%         | Miscellaneous              | 1,675         | 0             | 0%             | 0                 | 0%         | 0                | 1,675     |
| 0                  | 0             | 0%             | 0                 | 0%         | O/S - Accounting           | 12,000        | 13,200        | 91%            | 12,000            | 100%       | 13,200           | 12,000    |
| 0                  | 0             | 0%             | 0                 | 0%         | O/S - Legal                | 0             | 80            | 0%             | 80                | 0%         | 160              | 2,568     |
| 0                  | 0             | 0%             | 0                 | 0%         | O/S - Other                | 0             | 77            | 0%             | 77                | 0%         | 77               | 0         |
| 244                | 809           | 30%            | 809               | 30%        | Payroll Processing Fee     | 1,418         | 2,393         | 59%            | 2,392             | 59%        | 4,009            | 2,804     |
| 0                  | 29            | 0%             | 29                | 0%         | Postage/Shipping           | 39            | 170           | 23%            | 171               | 23%        | 560              | 328       |
| (30)               | (30)          | 100%           | 0                 | 0%         | Tax/Licenses/Fees          | (150)         | (180)         | 83%            | (180)             | 83%        | (130)            | (297)     |
| 693                | 0             | 0%             | 54                | 1293%      | Travel - Meals             | 1,375         | 0             | 0%             | 54                | 2567%      | 0                | 1,375     |
| 626                | 269           | 233%           | 269               | 233%       | Travel - Other             | 4,354         | 4,161         | 105%           | 4,160             | 105%       | 8,687            | 13,933    |
| 0                  | 370           | 0%             | 370               | 0%         | Employee Meals             | 0             | 1,187         | 0%             | 1,186             | 0%         | 2,396            | 258       |
| 16,251             | 16,292        | 100%           | 17,517            | 93%        | TOTAL OPERATING EXPENSES   | 101,160       | 108,853       | 93%            | 111,279           | 91%        | 197,717          | 172,040   |
| (27,048)           | (26,868)      | 101%           | (27,240)          | 99%        | EBITDA                     | (164,789)     | (172,542)     | 96%            | (177,057)         | 93%        | (325,478)        | (296,620) |
| 5,713              | 5,601         | 102%           | 7,370             | 78%        | Management Fee             | 35,934        | 31,690        | 113%           | 44,117            | 81%        | 65,296           | 58,042    |
| 5,713              | 5,601         | 102%           | 7,370             | 78%        | Management Fees            | 35,934        | 31,690        | 113%           | 44,117            | 81%        | 65,296           | 58,042    |
| 0                  | 154           | 0%             | 154               | 0%         | Deprec - Office F,F&E      | 0             | 924           | 0%             | 924               | 0%         | 1,848            | (924)     |
| 98                 | 98            | 100%           | 98                | 100%       | Deprec - Mach & Equip      | 585           | 585           | 100%           | 585               | 100%       | 1,171            | 746       |
| 283                | 283           | 100%           | 283               | 100%       | Deprec - Buildings         | 1,701         | 1,701         | 100%           | 1,701             | 100%       | 3,401            | 8,659     |
| 381                | 535           | 71%            | 535               | 71%        | S/T DEPR. & AMORT          | 2,286         | 3,210         | 71%            | 3,210             | 71%        | 6,420            | 8,481     |

The Golf Club at Cypress Head  
G & A  
For the Six Months Ending March 31, 2016

| MTD      | MTD      | % of   | MTD        | % of |            | YTD       | YTD       | % of   | YTD        | % of | Annual    |
|----------|----------|--------|------------|------|------------|-----------|-----------|--------|------------|------|-----------|
| Actual   | Budget   | Budget | Prior Year | PY   |            | Actual    | Budget    | Budget | Prior Year | PY   | Budget    |
| (33,142) | (33,004) | 100%   | (35,144)   | 94%  | NET INCOME | (203,009) | (207,442) | 98%    | (224,384)  | 90%  | (397,194) |
|          |          |        |            |      |            |           |           |        |            |      | (363,143) |



The Golf Club at Cypress Head  
Marketing  
For the Six Months Ending March 31, 2016

| MTD<br>Actual      | MTD<br>Budget | % of<br>Budget | MTD<br>Prior Year | % of<br>PY |                          | YTD<br>Actual | YTD<br>Budget | % of<br>Budget | YTD<br>Prior Year | % of<br>PY | Annual<br>Budget |          |
|--------------------|---------------|----------------|-------------------|------------|--------------------------|---------------|---------------|----------------|-------------------|------------|------------------|----------|
| PAYROLL            |               |                |                   |            |                          |               |               |                |                   |            |                  |          |
| 3,964              | 3,060         | 130%           | 3,446             | 115%       | Gross Payroll - Salaried | 19,985        | 18,360        | 109%           | 20,967            | 95%        | 36,720           | 35,365   |
| 3,964              | 3,060         | 130%           | 3,446             | 115%       | S/T Wages                | 19,985        | 18,360        | 109%           | 20,967            | 95%        | 36,720           | 35,365   |
| 291                | 234           | 124%           | 250               | 116%       | Payroll Tax - FICA       | 1,444         | 1,404         | 103%           | 1,525             | 95%        | 2,808            | 2,806    |
| 33                 | 57            | 58%            | 0                 | 0%         | Payroll Tax - UC         | 163           | 263           | 62%            | 339               | 48%        | 263              | 163      |
| 68                 | 66            | 103%           | 179               | 38%        | Payroll Tax - WC         | 403           | 376           | 107%           | 533               | 76%        | 772              | 801      |
| 443                | 408           | 109%           | 327               | 135%       | Benefits                 | 2,471         | 2,448         | 101%           | 2,342             | 106%       | 5,041            | 4,728    |
| 835                | 765           | 109%           | 756               | 111%       | S/T Adders               | 4,481         | 4,491         | 100%           | 4,739             | 95%        | 8,884            | 8,498    |
| 4,799              | 3,825         | 125%           | 4,201             | 114%       | TOTAL PAYROLL            | 24,466        | 22,851        | 107%           | 25,705            | 95%        | 45,604           | 43,864   |
| OPERATING EXPENSES |               |                |                   |            |                          |               |               |                |                   |            |                  |          |
| 1,624              | 1,104         | 147%           | 4,913             | 33%        | Advertising & Promotion  | 9,032         | 17,131        | 53%            | 12,024            | 75%        | 23,866           | 24,263   |
| 0                  | 0             | 0%             | 0                 | 0%         | Miscellaneous            | 11,616        | 10,000        | 116%           | 41                | 28646%     | 10,000           | 11,616   |
| 0                  | 158           | 0%             | 107               | 0%         | Travel - Other           | 232           | 408           | 57%            | 107               | 216%       | 820              | 317      |
| 0                  | 0             | 0%             | 0                 | 0%         | Website Expenses         | 900           | 1,000         | 90%            | 0                 | 0%         | 5,000            | 3,000    |
| 1,624              | 1,262         | 129%           | 5,020             | 32%        | TOTAL OPERATING EXPENSES | 21,780        | 28,539        | 76%            | 12,172            | 179%       | 39,686           | 39,196   |
| (6,423)            | (5,087)       | 126%           | (9,221)           | 70%        | EBITDA                   | (46,246)      | (51,390)      | 90%            | (37,877)          | 122%       | (85,290)         | (83,060) |
| (6,423)            | (5,087)       | 126%           | (9,221)           | 70%        | NET INCOME               | (46,246)      | (51,390)      | 90%            | (37,877)          | 122%       | (85,290)         | (83,060) |

The Golf Club at Cypress Head  
For the Six Months Ending March 31, 2016

| MTD<br>Actual      | MTD<br>Budget | % of<br>Budget | MTD<br>Prior Year | % of<br>PY |                              | YTD<br>Actual | YTD<br>Budget | % of<br>Budget | YTD<br>Prior Year | % of<br>PY | Annual<br>Budget |           |
|--------------------|---------------|----------------|-------------------|------------|------------------------------|---------------|---------------|----------------|-------------------|------------|------------------|-----------|
| REVENUES           |               |                |                   |            |                              |               |               |                |                   |            |                  |           |
| 138,739            | 144,576       | 96%            | 141,742           | 98%        | Green Fees & Cart Fees       | 577,360       | 546,276       | 106%           | 601,222           | 96%        | 1,023,426        | 691,006   |
| 6,326              | 7,754         | 82%            | 7,579             | 83%        | Merchandise                  | 27,609        | 28,603        | 97%            | 32,326            | 86%        | 61,281           | 49,177    |
| 5,145              | 4,225         | 122%           | 3,837             | 134%       | Other Pro Shop               | 8,990         | 7,736         | 116%           | 6,325             | 142%       | 10,769           | 12,863    |
| 4,512              | 4,199         | 107%           | 3,626             | 124%       | Range                        | 17,394        | 15,846        | 110%           | 14,949            | 116%       | 19,329           | 19,329    |
| 0                  | 0             | 0%             | 30,551            | 0%         | Food and Beverage            | 0             | 0             | 0%             | 160,246           | 0%         | 35,044           | 0         |
| 0                  | 0             | 0%             | 0                 | 0%         | Membership Initiation Fees   | 0             | 0             | 0%             | 0                 | 0%         | 0                | 750       |
| 4,620              | 5,068         | 91%            | 4,968             | 93%        | Other Operating Revenues     | 19,277        | 17,660        | 109%           | 21,024            | 92%        | 35,106           | 23,153    |
| 0                  | 0             | 0%             | 0                 | 0%         | Other G&A Income             | 0             | 0             | 0%             | 0                 | 0%         | 0                | (866)     |
| 159,342            | 165,822       | 96%            | 192,303           | 83%        | TOTAL REVENUE                | 650,829       | 616,121       | 106%           | 836,092           | 78%        | 1,165,626        | 818,133   |
| COST OF SALES      |               |                |                   |            |                              |               |               |                |                   |            |                  |           |
| 3,916              | 4,262         | 92%            | 4,600             | 85%        | Merchandise                  | 20,827        | 15,717        | 133%           | 21,072            | 99%        | 33,672           | 44,298    |
| 0                  | 0             | 0%             | 10,280            | 0%         | Food & Beverage              | 0             | 0             | 0%             | 63,869            | 0%         | 0                | 8,722     |
| 3,916              | 4,262         | 92%            | 14,880            | 26%        | TOTAL COGS                   | 20,827        | 15,717        | 133%           | 84,941            | 25%        | 33,672           | 53,020    |
| 61.9%              | 55.0%         | 112.6%         | 60.7%             | 102.0%     | COGS - Merchandise %         | 74.9%         | 54.9%         | 136.3%         | 65.2%             | 114.9%     | 54.9%            | 1330.0%   |
| 0.0%               | 0.0%          | 0.0%           | 33.6%             | 0.0%       | COGS - Food %                | 0.0%          | 0.0%          | 0.0%           | 40.0%             | 0.0%       | 0.0%             | 8115.6%   |
| PAYROLL            |               |                |                   |            |                              |               |               |                |                   |            |                  |           |
| 26,868             | 25,588        | 105%           | 24,513            | 110%       | Course and Grounds           | 171,803       | 150,321       | 114%           | 143,298           | 120%       | 302,225          | 319,786   |
| 8,764              | 6,633         | 132%           | 9,020             | 97%        | Carts, Range, Starters, Etc. | 40,206        | 34,313        | 117%           | 36,036            | 112%       | 73,469           | 43,911    |
| 3,952              | 4,788         | 83%            | 5,083             | 78%        | Pro Shop                     | 27,769        | 25,249        | 110%           | 28,045            | 99%        | 53,508           | 33,290    |
| 0                  | 0             | 0%             | 14,489            | 0%         | Food and Beverage            | 0             | 0             | 0%             | 84,037            | 0%         | 0                | 10,208    |
| 10,797             | 10,576        | 102%           | 9,723             | 111%       | General and Administrative   | 63,629        | 63,689        | 100%           | 65,778            | 97%        | 127,761          | 124,464   |
| 4,799              | 3,825         | 125%           | 4,201             | 114%       | Marketing                    | 24,466        | 22,851        | 107%           | 25,705            | 95%        | 45,604           | 43,864    |
| 55,180             | 51,410        | 107%           | 67,030            | 82%        | TOTAL PAYROLL                | 327,873       | 296,423       | 111%           | 382,898           | 86%        | 602,567          | 575,523   |
| OPERATING EXPENSES |               |                |                   |            |                              |               |               |                |                   |            |                  |           |
| 15,228             | 13,671        | 111%           | 13,068            | 117%       | Course and Grounds           | 90,404        | 98,350        | 92%            | 94,325            | 96%        | 194,632          | 216,230   |
| 6,415              | 6,902         | 93%            | 8,233             | 78%        | Carts, Range, Starters, Etc. | 42,324        | 46,488        | 91%            | 63,542            | 67%        | 85,831           | 92,147    |
| 4,380              | 4,197         | 104%           | 4,135             | 106%       | Pro Shop                     | 7,180         | 9,874         | 73%            | 6,864             | 105%       | 11,155           | 10,403    |
| 137                | 0             | 0%             | 3,002             | 5%         | Food and Beverage            | 322           | 0             | 0%             | 20,447            | 2%         | 0                | 10,003    |
| 16,251             | 16,292        | 100%           | 17,517            | 93%        | General and Administrative   | 101,160       | 108,853       | 93%            | 111,279           | 91%        | 197,717          | 172,040   |
| 1,624              | 1,262         | 129%           | 5,020             | 32%        | Marketing                    | 21,780        | 28,539        | 76%            | 12,172            | 179%       | 39,686           | 39,196    |
| 44,035             | 42,324        | 104%           | 50,974            | 86%        | TOTAL OPERATING EXPENSES     | 263,171       | 292,104       | 90%            | 308,628           | 85%        | 529,021          | 540,020   |
| 103,131            | 97,996        | 105%           | 132,884           | 78%        | TOTAL EXPENSES               | 611,871       | 604,244       | 101%           | 776,468           | 79%        | 1,165,260        | 1,168,563 |
| 56,210             | 67,826        | 83%            | 59,419            | 95%        | EBITDA                       | 38,959        | 11,877        | 328%           | 59,625            | 65%        | 366              | (350,429) |

The Golf Club at Cypress Head  
For the Six Months Ending March 31, 2016

| MTD<br>Actual | MTD<br>Budget | % of<br>Budget | MTD<br>Prior Year | % of<br>PY |                              | YTD<br>Actual | YTD<br>Budget | % of<br>Budget | YTD<br>Prior Year | % of<br>PY | Annual<br>Budget |           |
|---------------|---------------|----------------|-------------------|------------|------------------------------|---------------|---------------|----------------|-------------------|------------|------------------|-----------|
| 56,210        | 67,826        | 83%            | 59,419            | 95%        | EBITDA                       | 38,959        | 11,877        | 328%           | 59,625            | 65%        | 366              | (350,429) |
| (5,713)       | (5,601)       | 102%           | (7,370)           | 78%        | MANAGEMENT FEES              | (35,934)      | (31,690)      | 113%           | (44,117)          | 81%        | (65,296)         | (58,042)  |
| (381)         | (535)         | 71%            | (535)             | 71%        | OTHER INCOME (EXPENSE)       | (2,286)       | (3,210)       | 71%            | (3,210)           | 71%        | (6,420)          | (8,481)   |
| (381)         | (535)         | 71%            | (535)             | 71%        | Depreciation & Amortization  | (2,286)       | (3,210)       | 71%            | (3,210)           | 71%        | (6,420)          | (8,481)   |
| 50,117        | 61,690        | 81%            | 51,514            | 97%        | TOTAL OTHER INCOME (EXPENSE) | 739           | (23,023)      | -3%            | 12,298            | 6%         | (71,350)         | (416,953) |
| 4,376         | 5,122         | 85%            | 5,071             | 86%        | NET INCOME                   | 17,845        | 19,503        | 91%            | 21,973            | 81%        | 38,507           | 21,781    |
| 980           | 496           | 198%           | 491               | 200%       | Paid Rounds                  | 4,504         | 2,204         | 204%           | 2,544             | 177%       | 4,295            | 4,930     |
| 241           | 270           | 89%            | 267               | 90%        | Annual Pass Rounds           | 1,108         | 1,305         | 85%            | 1,528             | 73%        | 2,819            | 1,352     |
| 5,597         | 5,888         | 95%            | 5,829             | 96%        | Other Rounds                 | 23,457        | 23,012        | 102%           | 26,045            | 90%        | 45,621           | 28,063    |
| 36            | 32            | 112%           | 38                | 96%        | Total Rounds                 | 36            | 32            | 115%           | 38                | 96%        | 30               | 248       |
| 28            | 28            | 101%           | 33                | 86%        | Revenue/Paid Rounds          | 28            | 27            | 104%           | 32                | 86%        | 26               | 196       |
|               |               |                |                   |            | Revenue/Total Rounds         |               |               |                |                   |            |                  |           |

TRIAL BALANCE SUMMARY FOR 2015

The Golf Club at Cypress Head

General Ledger

Ranges: From: To: 3/31/2016

Date: 3/1/2016

Account: First Last

Sorted By: Account

Include: Posting, Unit

Print Currency In: Functional (Z-US\$)

| Inactive | Account        | Description                          | Beginning Balance | Debit        | Credit       | Net Change     | Ending Balance |
|----------|----------------|--------------------------------------|-------------------|--------------|--------------|----------------|----------------|
|          | 10020-5950-900 | Cash - Course Depository NEW         | \$0.00            | \$315,967.58 | \$183,111.92 | \$132,855.66   | \$132,855.66   |
|          | 10060-5950-900 | Cash - Operating OLD                 | \$181,853.75      | \$53,275.05  | \$178,145.79 | (\$124,870.74) | \$56,983.01    |
|          | 10100-5950-900 | Cash - Course Other                  | \$850.00          | \$0.00       | \$0.00       | \$0.00         | \$850.00       |
|          | 10120-5950-900 | Cash - New Payroll                   | (\$1,848.79)      | \$43,746.29  | \$42,869.77  | \$876.52       | (\$972.27)     |
|          | 10180-5950-900 | Cash - Pro Shop Bank                 | \$500.00          | \$0.00       | \$0.00       | \$0.00         | \$500.00       |
|          | 11160-5950-900 | A/R Member                           | \$282.00          | \$7,914.09   | \$5,116.09   | \$2,798.00     | \$3,080.00     |
|          | 12000-5950-900 | Inventory - Merchandise              | \$16,639.34       | \$7,491.58   | \$10,661.01  | (\$3,169.43)   | \$13,469.91    |
|          | 12200-5950-900 | Inventory - Beverage                 | \$0.00            | \$109.37     | \$109.37     | \$0.00         | \$0.00         |
|          | 13020-5950-900 | Prepaid Insurance                    | \$14,801.92       | \$0.00       | \$3,795.92   | (\$3,795.92)   | \$11,006.00    |
|          | 13040-5950-900 | Prepaid Exp - Other                  | \$11,736.86       | \$7,032.84   | \$7,894.92   | (\$862.08)     | \$10,874.78    |
|          | 20040-5950-900 | Furniture & Fixtures                 | \$9,044.50        | \$0.00       | \$0.00       | \$0.00         | \$9,044.50     |
|          | 20100-5950-900 | Machinery & Equipment                | \$15,999.94       | \$0.00       | \$0.00       | \$0.00         | \$15,999.94    |
|          | 20160-5950-900 | Land                                 | \$54,142.76       | \$0.00       | \$0.00       | \$0.00         | \$54,142.76    |
|          | 22020-5950-900 | Accum. Deprec - Office F,F&E         | (\$9,044.50)      | \$0.00       | \$0.00       | \$0.00         | (\$9,044.50)   |
|          | 22040-5950-900 | Accum. Deprec - Mach & Equip         | (\$12,062.92)     | \$0.00       | \$97.55      | (\$97.55)      | (\$12,160.47)  |
|          | 22080-5950-900 | Accum. Deprec - Buildings            | (\$36,926.53)     | \$0.00       | \$283.45     | (\$283.45)     | (\$37,209.98)  |
|          | 30000-5950-900 | Accts Pay - Trade                    | (\$53,560.15)     | \$87,368.12  | \$41,171.59  | \$46,196.53    | (\$7,363.62)   |
|          | 30040-5950-900 | Accts Pay - Other                    | (\$18,347.70)     | \$2.22       | \$10,126.42  | (\$10,124.20)  | (\$28,471.90)  |
|          | 31020-5950-900 | Accrued Payroll                      | (\$21,514.59)     | \$11,979.38  | \$16,814.27  | (\$4,834.89)   | (\$26,349.48)  |
|          | 31080-5950-900 | Accrued Tips Payable                 | (\$90.00)         | \$331.50     | \$241.50     | \$90.00        | \$0.00         |
|          | 31220-5950-900 | Accrued Sales Tax                    | (\$7,755.56)      | \$7,755.56   | \$8,735.64   | (\$980.08)     | (\$8,735.64)   |
|          | 31400-5950-900 | Accrued City Surcharge               | \$0.00            | \$0.00       | \$4,619.63   | (\$4,619.63)   | (\$4,619.63)   |
|          | 32000-5950-900 | Deferred Rev - Rainchecks            | (\$2,042.67)      | \$390.12     | \$1,125.00   | (\$734.88)     | (\$2,777.55)   |
|          | 32020-5950-900 | Deferred Rev - Outing Deposits       | (\$1,858.45)      | \$705.00     | \$968.67     | (\$263.67)     | (\$2,122.12)   |
|          | 32040-5950-900 | Deferred Rev - Legacy GF Passes      | (\$39,778.06)     | \$5,682.58   | \$0.00       | \$5,682.58     | (\$34,095.48)  |
|          | 32050-5950-900 | Deferred Revenue - Cypress GF Passes | (\$42,910.00)     | \$6,130.00   | \$0.00       | \$6,130.00     | (\$36,780.00)  |
|          | 32060-5950-900 | Deferred Rev - Gift Certificates     | (\$4,639.14)      | \$0.00       | \$0.00       | \$0.00         | (\$4,639.14)   |
|          | 32070-5950-900 | Deferred Rev - Gift Cards            | (\$20,047.31)     | \$1,285.25   | \$1,166.00   | \$119.25       | (\$19,928.06)  |
|          | 32100-5950-900 | Deferred Rev - Credit Books          | (\$16,254.99)     | \$1,108.85   | \$611.06     | \$497.79       | (\$15,757.20)  |
|          | 32120-5950-900 | Deferred Rev - Trail Fee Pass        | (\$65,878.33)     | \$9,411.18   | \$0.00       | \$9,411.18     | (\$56,467.15)  |
|          | 32220-5950-900 | Deferred Rev - Founders Pass         | (\$669.34)        | \$95.62      | \$0.00       | \$95.62        | (\$573.72)     |
|          | 50000-5950-100 | Green Fees - Annual Pass             | (\$47,060.07)     | \$0.00       | \$11,908.20  | (\$11,908.20)  | (\$58,968.27)  |
|          | 50040-5950-100 | Green Fees - Member                  | (\$196,245.96)    | \$400.00     | \$65,876.71  | (\$65,476.71)  | (\$261,722.67) |
|          | 50070-5950-100 | Green Fees - (surcharge)             | (\$14,339.23)     | \$4,619.63   | \$9,239.26   | (\$4,619.63)   | (\$18,958.86)  |
|          | 50500-5950-200 | Cart Fee 18                          | (\$143,562.16)    | \$0.00       | \$47,323.40  | (\$47,323.40)  | (\$190,885.56) |
|          | 50520-5950-200 | Cart Fee - Annual Trail              | (\$37,413.06)     | \$0.00       | \$9,411.18   | (\$9,411.18)   | (\$46,824.24)  |
|          | 52090-5950-600 | Handicap Fee                         | (\$880.00)        | \$0.00       | \$3,839.00   | (\$3,839.00)   | (\$4,719.00)   |
|          | 52150-5950-600 | Lessons                              | (\$1,825.00)      | \$0.00       | \$1,066.00   | (\$1,066.00)   | (\$2,891.00)   |
|          | 52220-5950-600 | Other Pro Shop Revenue               | (\$73.61)         | \$0.00       | \$0.00       | \$0.00         | (\$73.61)      |
|          | 52280-5950-600 | Rental Clubs                         | (\$1,066.63)      | \$0.00       | \$240.00     | (\$240.00)     | (\$1,306.63)   |
|          | 52310-5950-600 | Retail                               | (\$21,483.07)     | \$0.00       | \$6,326.10   | (\$6,326.10)   | (\$27,809.17)  |
|          | 53050-5950-220 | Range Pass Revenue                   | (\$12,881.58)     | \$0.00       | \$4,512.00   | (\$4,512.00)   | (\$17,393.58)  |
|          | 56120-5950-100 | City Surcharge R & R                 | (\$14,656.95)     | \$0.00       | \$4,619.63   | (\$4,619.63)   | (\$19,276.58)  |
|          | 60000-5950-600 | COGS - Merchandise - Accessories     | \$16,910.71       | \$10,242.16  | \$6,326.10   | \$3,916.06     | \$20,826.77    |
|          | 70000-5950-100 | Gross Payroll - Salaried             | \$34,239.01       | \$8,887.08   | \$1,932.88   | \$6,954.20     | \$41,193.21    |
|          | 70000-5950-900 | Gross Payroll - Salaried             | \$39,419.31       | \$12,395.22  | \$4,360.81   | \$8,034.41     | \$47,453.72    |
|          | 70000-5950-950 | Gross Payroll - Salaried             | \$16,020.47       | \$4,367.89   | \$403.52     | \$3,964.37     | \$19,984.84    |
|          | 70010-5950-100 | Gross Payroll - Hourly               | \$82,473.02       | \$17,963.75  | \$3,571.48   | \$14,392.27    | \$96,865.29    |
|          | 70010-5950-200 | Gross Payroll - Hourly               | \$27,868.67       | \$9,636.69   | \$1,814.94   | \$7,821.75     | \$35,690.42    |
|          | 70010-5950-600 | Gross Payroll - Hourly               | \$21,355.02       | \$4,380.84   | \$841.78     | \$3,539.06     | \$24,894.08    |
|          | 71000-5950-100 | Payroll Tax - FICA                   | \$8,339.52        | \$1,951.26   | \$440.32     | \$1,510.94     | \$9,850.46     |
|          | 71000-5950-200 | Payroll Tax - FICA                   | \$2,182.21        | \$766.32     | \$145.18     | \$621.14       | \$2,803.35     |
|          | 71000-5950-600 | Payroll Tax - FICA                   | \$1,644.40        | \$344.83     | \$67.34      | \$277.49       | \$1,921.89     |
|          | 71000-5950-900 | Payroll Tax - FICA                   | \$3,353.37        | \$887.57     | \$202.19     | \$685.38       | \$4,038.75     |
|          | 71000-5950-950 | Payroll Tax - FICA                   | \$1,153.08        | \$323.59     | \$32.28      | \$291.31       | \$1,444.39     |
|          | 71010-5950-100 | Payroll Tax - UC                     | \$1,488.78        | \$298.57     | \$0.00       | \$298.57       | \$1,787.35     |
|          | 71010-5950-200 | Payroll Tax - UC                     | \$784.16          | \$146.07     | \$0.00       | \$146.07       | \$930.23       |

TRIAL BALANCE SUMMARY FOR 2015

The Golf Club at Cypress Head

| Inactive | Account        | Description                      | Beginning Balance | Debit      | Credit     | Net Change | Ending Balance |
|----------|----------------|----------------------------------|-------------------|------------|------------|------------|----------------|
|          | 71010-5950-600 | Payroll Tax - UC                 | \$389.13          | \$67.71    | \$0.00     | \$67.71    | \$456.84       |
|          | 71010-5950-900 | Payroll Tax - UC                 | \$344.12          | \$0.00     | \$0.00     | \$0.00     | \$344.12       |
|          | 71010-5950-950 | Payroll Tax - UC                 | \$129.48          | \$33.14    | \$0.00     | \$33.14    | \$162.62       |
|          | 71020-5950-100 | Payroll Tax - WC                 | \$2,585.56        | \$411.08   | \$0.00     | \$411.08   | \$2,996.64     |
|          | 71020-5950-200 | Payroll Tax - WC                 | \$577.76          | \$146.21   | \$0.00     | \$146.21   | \$723.97       |
|          | 71020-5950-600 | Payroll Tax - WC                 | \$428.79          | \$67.73    | \$0.00     | \$67.73    | \$496.52       |
|          | 71020-5950-900 | Payroll Tax - WC                 | \$1,123.73        | \$188.99   | \$0.00     | \$188.99   | \$1,312.72     |
|          | 71020-5950-950 | Payroll Tax - WC                 | \$335.37          | \$67.78    | \$0.00     | \$67.78    | \$403.15       |
|          | 71030-5950-100 | Benefits                         | \$15,808.96       | \$5,324.06 | \$2,022.92 | \$3,301.14 | \$19,110.10    |
|          | 71030-5950-200 | Benefits                         | \$29.30           | \$74.88    | \$46.28    | \$28.60    | \$57.90        |
|          | 71030-5950-900 | Benefits                         | \$8,591.79        | \$3,383.18 | \$1,495.43 | \$1,887.75 | \$10,479.54    |
|          | 71030-5950-950 | Benefits                         | \$2,028.21        | \$631.45   | \$188.68   | \$442.77   | \$2,470.98     |
|          | 80110-5950-200 | Cart Supplies                    | \$1,038.07        | \$47.93    | \$0.00     | \$47.93    | \$1,086.00     |
|          | 80170-5950-100 | Course Accessories               | \$765.41          | \$17.90    | \$0.00     | \$17.90    | \$783.31       |
|          | 80230-5950-100 | Fertilizer                       | \$7,242.42        | \$641.70   | \$0.00     | \$641.70   | \$7,884.12     |
|          | 80250-5950-100 | Flowers/Decor                    | \$73.96           | \$0.00     | \$0.00     | \$0.00     | \$73.96        |
|          | 80270-5950-100 | Fuel                             | \$3,342.71        | \$735.63   | \$0.00     | \$735.63   | \$4,078.34     |
|          | 80280-5950-100 | Fungicides                       | \$1,634.77        | \$0.00     | \$0.00     | \$0.00     | \$1,634.77     |
|          | 80320-5950-100 | Herbicides                       | \$3,373.30        | \$1,442.80 | \$0.00     | \$1,442.80 | \$4,816.10     |
|          | 80370-5950-100 | Insecticides                     | \$2,861.00        | \$3,511.45 | \$0.00     | \$3,511.45 | \$6,372.45     |
|          | 80380-5950-900 | Janitorial Supplies              | \$875.80          | \$252.64   | \$0.00     | \$252.64   | \$1,128.44     |
|          | 80420-5950-900 | Laundry/Uniforms                 | \$55.03           | \$0.00     | \$0.00     | \$0.00     | \$55.03        |
|          | 80520-5950-600 | Office Supplies                  | \$0.00            | \$25.53    | \$0.00     | \$25.53    | \$25.53        |
|          | 80520-5950-900 | Office Supplies                  | \$2,610.63        | \$44.34    | \$0.00     | \$44.34    | \$2,654.97     |
|          | 80610-5950-220 | Range Balls                      | \$1,530.00        | \$0.00     | \$0.00     | \$0.00     | \$1,530.00     |
|          | 80620-5950-220 | Range Equipment                  | \$1,045.48        | \$37.14    | \$0.00     | \$37.14    | \$1,082.62     |
|          | 80630-5950-220 | Range Expenses                   | \$9.90            | \$0.00     | \$0.00     | \$0.00     | \$9.90         |
|          | 80690-5950-100 | Sand/Topdress                    | \$4,291.42        | \$0.00     | \$0.00     | \$0.00     | \$4,291.42     |
|          | 80710-5950-100 | Seeds/Trees                      | \$3,468.51        | \$0.00     | \$0.00     | \$0.00     | \$3,468.51     |
|          | 80730-5950-100 | Small Tools                      | \$55.30           | \$0.00     | \$0.00     | \$0.00     | \$55.30        |
|          | 80780-5950-600 | Supplies                         | \$1,489.13        | \$0.00     | \$0.00     | \$0.00     | \$1,489.13     |
|          | 80810-5950-600 | Tournament Expense               | \$573.63          | \$650.07   | \$635.00   | \$15.07    | \$588.70       |
|          | 81010-5950-900 | Alarm System                     | \$542.50          | \$942.50   | \$852.00   | \$90.50    | \$633.00       |
|          | 81090-5950-200 | Cart Repairs                     | \$1,455.31        | \$0.00     | \$0.00     | \$0.00     | \$1,455.31     |
|          | 81130-5950-900 | Computer Service                 | \$1,104.52        | \$371.02   | \$0.00     | \$371.02   | \$1,475.54     |
|          | 81140-5950-900 | Contract Cleaning                | \$130.00          | \$0.00     | \$0.00     | \$0.00     | \$130.00       |
|          | 81200-5950-900 | Guest Relations                  | \$49.30           | \$0.00     | \$0.00     | \$0.00     | \$49.30        |
|          | 81220-5950-600 | Handicap Expense                 | \$192.00          | \$4,225.00 | \$0.00     | \$4,225.00 | \$4,417.00     |
|          | 81250-5950-100 | Irrigation                       | \$1,276.58        | \$510.44   | \$0.00     | \$510.44   | \$1,787.02     |
|          | 81270-5950-600 | Lesson Expense                   | \$545.67          | \$184.39   | \$70.00    | \$114.39   | \$660.06       |
|          | 81350-5950-100 | Repair & Maint - Equipment       | \$11,780.48       | \$2,142.30 | \$0.00     | \$2,142.30 | \$13,922.78    |
|          | 81350-5950-540 | Repair & Maint - Equipment       | \$78.90           | \$0.00     | \$0.00     | \$0.00     | \$78.90        |
|          | 81350-5950-900 | Repair & Maint - Equipment       | \$479.45          | \$0.00     | \$0.00     | \$0.00     | \$479.45       |
|          | 81360-5950-900 | Repair & Maint - Building        | \$443.70          | \$91.29    | \$0.00     | \$91.29    | \$534.99       |
|          | 82000-5950-200 | Cart Lease                       | \$26,778.35       | \$5,355.67 | \$0.35     | \$5,355.32 | \$32,133.67    |
|          | 82020-5950-100 | Equipment Lease                  | \$22,558.35       | \$4,511.67 | \$0.35     | \$4,511.32 | \$27,069.67    |
|          | 82060-5950-900 | Off-Site Storage                 | \$840.00          | \$194.80   | \$0.00     | \$194.80   | \$1,034.80     |
|          | 83000-5950-100 | Utilities - Electric             | \$1,068.43        | \$159.92   | \$0.00     | \$159.92   | \$1,228.35     |
|          | 83000-5950-200 | Utilities - Electric             | \$4,051.98        | \$974.74   | \$0.00     | \$974.74   | \$5,026.72     |
|          | 83020-5950-100 | Utilities - Other                | \$7,174.48        | \$1,220.28 | \$0.00     | \$1,220.28 | \$8,394.76     |
|          | 83020-5950-900 | Utilities - Other                | \$10,095.72       | \$2,107.74 | \$100.00   | \$2,007.74 | \$12,103.46    |
|          | 83030-5950-100 | Utilities - Telephone/Fax        | \$516.58          | \$98.61    | \$0.00     | \$98.61    | \$615.19       |
|          | 83030-5950-900 | Utilities - Telephone/Fax        | \$545.35          | \$135.36   | \$2.22     | \$133.14   | \$678.49       |
|          | 83050-5950-100 | Utilities - Water                | \$1,455.26        | \$235.88   | \$0.00     | \$235.88   | \$1,691.14     |
|          | 84030-5950-950 | Adv/Promo - Local/Regional Print | \$1,322.00        | \$0.00     | \$0.00     | \$0.00     | \$1,322.00     |
|          | 84040-5950-950 | Adv/Promo - Mktg/Bus Dev         | \$6,086.49        | \$1,559.54 | \$0.00     | \$1,559.54 | \$7,646.03     |
|          | 84050-5950-950 | Adv/Promo - Newsletter           | \$0.00            | \$64.35    | \$0.00     | \$64.35    | \$64.35        |
|          | 85020-5950-900 | Bank Charges                     | \$939.90          | \$766.11   | \$449.06   | \$317.05   | \$1,256.95     |
|          | 85050-5950-540 | Cash Short/(Over)                | \$0.00            | \$137.02   | \$0.00     | \$137.02   | \$137.02       |
|          | 85050-5950-900 | Cash Short/(Over)                | (\$501.15)        | \$79.41    | \$183.98   | (\$104.57) | (\$605.72)     |
|          | 85060-5950-900 | Cell Phone                       | \$925.00          | \$150.00   | \$0.00     | \$150.00   | \$1,075.00     |
|          | 85070-5950-900 | City Surcharge R & R             | \$14,656.95       | \$4,619.63 | \$0.00     | \$4,619.63 | \$19,276.58    |
|          | 85110-5950-900 | Copier/Photocopies               | \$335.35          | \$73.60    | \$0.00     | \$73.60    | \$408.95       |

| Inactive | Account        | Description                      | Beginning Balance | Debit      | Credit  | Net Change | Ending Balance |
|----------|----------------|----------------------------------|-------------------|------------|---------|------------|----------------|
|          | 85120-5950-900 | Credit Card Discounts            | \$11,498.03       | \$2,252.37 | \$0.00  | \$2,252.37 | \$13,750.40    |
|          | 85140-5950-900 | Donations                        | \$0.00            | \$164.05   | \$0.00  | \$164.05   | \$164.05       |
|          | 85150-5950-900 | Dues & Subscriptions             | \$150.00          | \$0.00     | \$0.00  | \$0.00     | \$150.00       |
|          | 85190-5950-900 | Employee Relations               | \$667.09          | \$242.34   | \$0.00  | \$242.34   | \$909.43       |
|          | 85200-5950-100 | Employee Testing                 | \$130.75          | \$0.00     | \$0.00  | \$0.00     | \$130.75       |
|          | 85280-5950-900 | Insurance Expense                | \$18,979.60       | \$3,795.92 | \$0.00  | \$3,795.92 | \$22,775.52    |
|          | 85320-5950-900 | Member Relations                 | \$131.18          | \$0.00     | \$0.00  | \$0.00     | \$131.18       |
|          | 85330-5950-900 | Messenger Service - Fedex        | \$175.61          | \$22.36    | \$0.00  | \$22.36    | \$197.97       |
|          | 85340-5950-900 | Miscellaneous                    | \$1,674.92        | \$0.00     | \$0.00  | \$0.00     | \$1,674.92     |
|          | 85340-5950-950 | Miscellaneous                    | \$11,616.12       | \$0.00     | \$0.00  | \$0.00     | \$11,616.12    |
|          | 85390-5950-900 | O/S - Accounting                 | \$12,000.00       | \$0.00     | \$0.00  | \$0.00     | \$12,000.00    |
|          | 85430-5950-100 | O/S - Other                      | \$1,206.50        | \$0.00     | \$0.00  | \$0.00     | \$1,206.50     |
|          | 85480-5950-900 | Payroll Processing Fee           | \$1,173.81        | \$244.44   | \$0.00  | \$244.44   | \$1,418.25     |
|          | 85490-5950-900 | Postage/Shipping                 | \$39.20           | \$0.00     | \$0.00  | \$0.00     | \$39.20        |
|          | 85610-5950-900 | Tax/Licenses/Fees                | (\$120.00)        | \$0.00     | \$30.00 | (\$30.00)  | (\$150.00)     |
|          | 85660-5950-540 | Loss/Theft                       | \$105.82          | \$0.00     | \$0.00  | \$0.00     | \$105.82       |
|          | 85710-5950-900 | Travel - Meals                   | \$682.52          | \$692.86   | \$0.00  | \$692.86   | \$1,375.38     |
|          | 85720-5950-100 | Travel - Other                   | \$900.00          | \$0.00     | \$0.00  | \$0.00     | \$900.00       |
|          | 85720-5950-900 | Travel - Other                   | \$3,728.69        | \$625.69   | \$0.00  | \$625.69   | \$4,354.38     |
|          | 85720-5950-950 | Travel - Other                   | \$231.59          | \$0.00     | \$0.00  | \$0.00     | \$231.59       |
|          | 85730-5950-950 | Website Expenses                 | \$900.00          | \$0.00     | \$0.00  | \$0.00     | \$900.00       |
|          | 90000-5950-900 | Management Fee                   | \$30,221.00       | \$5,712.85 | \$0.00  | \$5,712.85 | \$35,933.85    |
|          | 98020-5950-900 | Deprec - Mach & Equip            | \$487.75          | \$97.55    | \$0.00  | \$97.55    | \$585.30       |
|          | 98040-5950-900 | Deprec - Buildings               | \$1,417.25        | \$283.45   | \$0.00  | \$283.45   | \$1,700.70     |
|          | RCMWD-5950-100 | Rounds - Complimentary - Weekday | 9,308.00          | 137.00     | 0.00    | 137.00     | 9,445.00       |
|          | REMWD-5950-100 | Rounds - Employee - Weekday      | 15,828.00         | 104.00     | 0.00    | 104.00     | 15,932.00      |
|          | RMBWD-5950-100 | Rounds - Member - Weekday        | 51,571.00         | 980.00     | 0.00    | 980.00     | 52,551.00      |
|          | RPKWD-5950-100 | Rounds - Peak - Weekday          | 280,732.00        | 4,376.00   | 0.00    | 4,376.00   | 285,108.00     |
|          | RPKWE-5950-100 | Rounds - Peak - Weekend          | 5,071.00          | 0.00       | 0.00    | 0.00       | 5,071.00       |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |
|          |                |                                  |                   |            |         |            |                |





April 20th, 2016

Robin Fenwick  
City of Port Orange  
100 City Center Circle  
Port Orange, FL 32129

Dear Ms. Fenwick,

The following is the financial and operational summary report for March 2016 at Cypress Head Golf Club.

| FINANCIAL SUMMARY FOR MONTH ENDING March 2016 |            |            |                     |     |              |             |                     |
|-----------------------------------------------|------------|------------|---------------------|-----|--------------|-------------|---------------------|
|                                               | Current    |            |                     |     | Year to Date |             |                     |
|                                               | Actual     | Budget     | Variance vs. Budget |     | Actual       | Budget      | Variance vs. Budget |
| Revenue                                       |            |            |                     |     |              |             |                     |
| Green Fees                                    | \$ 82,005  | \$ 86,093  | \$ (4,088)          |     | \$ 339,650   | \$ 326,277  | \$ 13,373           |
| Cart Fees                                     | \$ 56,735  | \$ 58,483  | \$ (1,748)          |     | \$ 237,710   | \$ 219,999  | \$ 17,711           |
| Range                                         | \$ 4,512   | \$ 4,199   | \$ 313              |     | \$ 17,394    | \$ 15,846   | \$ 1,548            |
| Pro- Shop Revenues                            | \$ 11,471  | \$ 11,979  | \$ (508)            |     | \$ 36,800    | \$ 36,339   | \$ 461              |
| City Surcharge R/R                            | \$ 4,620   | \$ 5,068   | \$ (448)            |     | \$ 19,277    | \$ 17,660   | \$ 1,617            |
| Total Revenue                                 | \$ 159,343 | \$ 165,822 | \$ (6,479)          |     | \$ 650,831   | \$ 616,121  | \$ 34,710           |
|                                               |            |            |                     |     |              |             |                     |
| Cost of Sales                                 | \$ 3,916   | \$ 4,262   | \$ (346)            |     | \$ 20,827    | \$ 15,717   | \$ 5,110            |
| Merchandise                                   | \$ 3,916   | \$ 4,262   | \$ (346)            | 61% | \$ 20,827    | \$ 15,717   | \$ 5,110            |
| Gross Margin                                  | \$ 155,427 | \$ 161,560 | \$ (6,133)          |     | \$ 630,004   | \$ 600,404  | \$ 29,600           |
|                                               |            |            |                     |     |              |             |                     |
| Total Payroll                                 | \$ 55,180  | \$ 51,410  | \$ 3,770            |     | \$ 327,873   | \$ 296,423  | \$ 31,450           |
|                                               |            |            |                     |     |              |             |                     |
| Total Operating Expenses                      | \$ 44,035  | \$ 42,324  | \$ 1,711            |     | \$ 263,171   | \$ 292,104  | \$ (28,933)         |
|                                               |            |            |                     |     |              |             |                     |
| Net Operating Income                          | \$ 56,212  | \$ 67,826  | \$ (11,614)         |     | \$ 38,960    | \$ 11,877   | \$ 27,083           |
|                                               |            |            |                     |     |              |             |                     |
| Other Expenses                                | \$ 6,094   | \$ 6,136   | \$ (42)             |     | \$ 38,220    | \$ 34,900   | \$ 4,387            |
| Management Fee                                | \$ 5,713   | \$ 5,601   | \$ 112              |     | \$ 35,934    | \$ 31,690   | \$ 4,244            |
| Interest Expense                              | \$ -       |            | \$ -                |     |              |             | \$ -                |
| Depreciation                                  | \$ 381     | \$ 535     | \$ 545              |     | \$ 2,286     | \$ 3,210    | \$ (924)            |
| Net Cash From Ops                             | \$ 50,118  | \$ 61,690  | \$ (11,572)         |     | \$ 740       | \$ (23,023) | \$ 20,345           |
|                                               |            |            |                     |     |              |             |                     |
| Rounds                                        |            |            |                     |     |              |             |                     |
| Total Rounds                                  | 5,597      | 5,888      | (291)               |     | 23,457       | 23,012      | 445                 |
| Avg. Green Fee/Cart Fee                       | \$24.79    | \$24.55    | \$ 0.23             |     | \$24.61      | \$23.74     | \$ 0.87             |
| Avg. Merchandise/round                        | \$2.05     | \$2.03     | \$ 0.02             |     | \$1.57       | \$1.58      | \$ (0.01)           |

Food & Beverage totals have been removed from 14/15 Actuals in Total Revenues and Payroll expenses to properly reflect comparisons to fiscal year 2015/2016.

### **Key Performance Highlights:**

- Total revenues for the month of March were under budget by 4% however the year to date revenues is 5% over the proposed budget for a total of \$34,708. The operating expenses year to date is 11% under the proposed budget by \$28,933 which allowed us to attain an EBITDA of \$38,959 with over 5,597 rounds for the month.
- The staff at Cypress Head Golf Course continues to be involved in hosting multiple clinics designed for ladies & juniors to help bring new players to Cypress Head golf course to experience all that the club has to offer.
- The team from Cypress Head introduced Golf in the local school system to all the kindergarten and 1st graders at Cypress Creek elementary school in Port Orange. We were able to engage almost 300 kids at Cypress Creek where they experienced the fun and joy of playing golf games. All of the kids were given an opportunity to sign up for future classes which are being held at the school as well as the golf course and these classes have been well attended.
- We also continue to host regular groups such as the Nelson group, the Girouard group, and the Grose and Robish groups. All of these groups continue to play regularly throughout the spring season since they have enjoyed the course conditions and customer service. However, many of these groups will be reducing in numbers as we progress into April but we have initiated several after work golf leagues that have begun playing in March. We have the Raydon league, The Hodak league, The Teed-off golfer league and the Chamber of Commerce league.
- Ms. Reggie Hunter, our Director of Sales & Marketing, continues to work diligently in promoting to all groups and outings that play at Cypress Head, that this is the best place to host their event. We have received a tremendous amount of positive publicity throughout Port Orange and Volusia County which has been generated by all the guests who are either playing golf, taking lessons, practicing at our range or enjoying the new menus from the Tavern restaurant.
- We will be participating in several Kemper Sports promotional programs to help enhance the player's enjoyment while here at Cypress Head. The biggest and most exciting promotion that we are hosting is called UNO. This is a Hole in One promotion available to all players who score a Hole in One. They receive an 8 day/ 7 night luxury vacation for two guests at the Grand Mayan Four Diamond Resort in Nuevo Vallarta Mexico!!! This is a phenomenal prize package offered only to Kemper managed golf courses and the program has created a large amount of "buzz" among our players.



- The other program is called Open Season and this is also sponsored through Kemper Sports in conjunction with NIKE sports. This program will entitle the first 100 golfers who score a birdie to receive a free sleeve of golf balls from Nike and Cypress Head Golf Course. Anyone who wins a prize as well as all who shoot birdies are eligible to win a grand prize package which will be drawn later in the season from all who participate.

### **Recognition and Awards:**

- We hosted the Cypress Head Golf Championship during the month of March and the event was well represented by both local Port Orange & Volusia County players. The winner for the Men's Championship flight was Mr. Brian Curtiss. The Ladies' Championship was won by Ms. Jenny Bird and the Men's Senior Championship was captured by Mr. Billie McCullough. There were also several handicap flight winners as well. The event included two rounds of golf, practice balls, tee gifts, prizes and a lunch buffet. Fun and friendly competition was had by all!

### **R&R Projects pending:**

- There were no R & R projects outlined for the month of March.

### **Tee Sheet Activity:**

- We had over 5597 paid rounds for the month as well as 960 Annual and Cypress Pass member rounds.
- The Golf staff continues to monitor daily tee sheet activity and they are trained to recognize underutilization of the tee sheet and offer promotional prices to increase the number of potential players.

### **March 2016 and YTD rounds mix:**

| Type                | Actual      | Budget      | Month- P.Y. | Y.T.D        | P.Y-Y.T.D    |
|---------------------|-------------|-------------|-------------|--------------|--------------|
| <b>Paid</b>         | <b>4376</b> | <b>5122</b> | <b>5071</b> | <b>17845</b> | <b>21973</b> |
| Annual              | 960         | 496         | 491         | 4504         | 2544         |
| Other rounds        | 241         | 270         | 267         | 1108         | 1528         |
| <b>Total Rounds</b> | <b>5597</b> | <b>5888</b> | <b>5829</b> | <b>23457</b> | <b>26045</b> |

## **Departmental Summaries:**

### Course & Grounds/Range

- I would like to thank Dennis Pickavance and his entire team for their hard-working effort in maintaining the golf course even though we did experience several days of restricted conditions. Dennis and his team continue to work diligently in preparing the course for all the players and are following all guidelines for turf management.
- The range continues to receive a large amount of play due to the much improved drainage as a result of the renovations. The facility is open for practice from 7:00 AM till dusk.

### Food and Beverage

- No Food and Beverage sales for the month of March. The management team of the Tavern continues to work with Ms. Hunter and I by coordinating all the details involved for any events held at Cypress Head. We are very committed to offering the best in class service to all tournament groups, individual golfers and non-golfers alike.

### Golf Shop/Carts

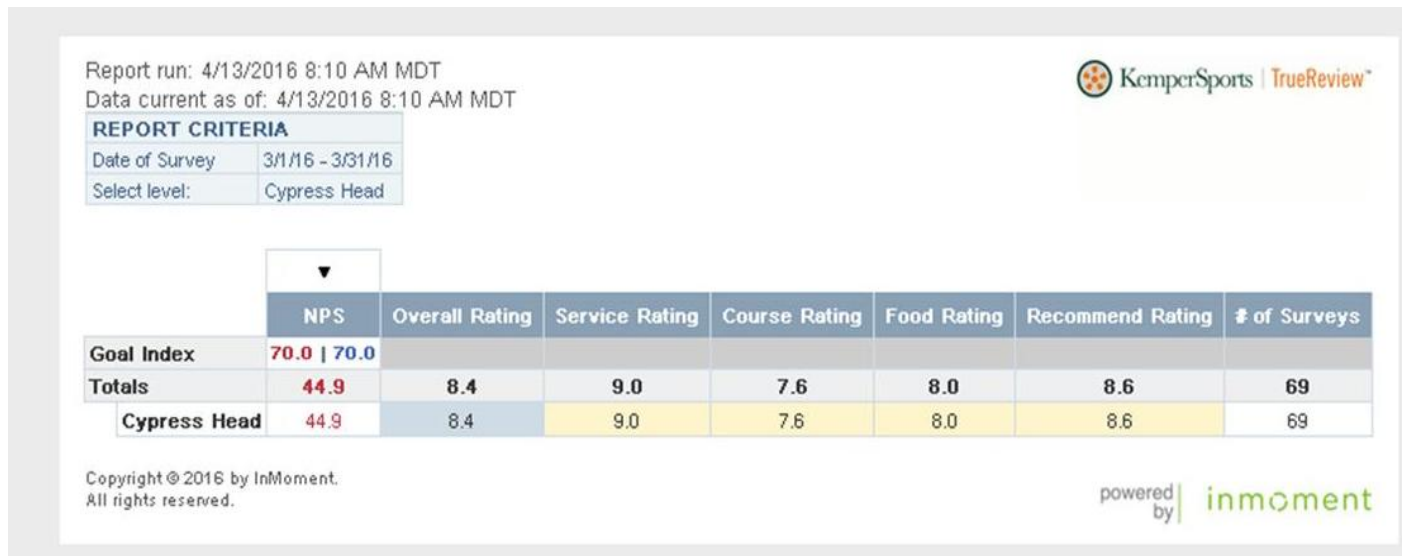
- The golf shop continues to receive and display new merchandise to help enhance the professional nature of the golf shop and increase merchandise sales. Vendors include Footjoy, Titleist, Callaway, Bridgestone, Page & Tuttle, Nancy Lopez, Bermuda Sands, Ahead headwear and St Andrews products. We continue to hold weekly specials promoting different manufacturers to compete with the large box stores locally. We have contacted several of the club manufacturers to hold Demo days at Cypress Head to promote more sales and attract more golfers to our range facility. We had over \$1,578 in gift card sales for the month as well as over \$6,326.00 in merchandise sales.
- We continue to follow all regular maintenance procedures regarding the cart fleet which includes registering monthly totals for battery amperage and mileage as well as proper watering of all batteries to protect all warranties associated with the new fleet. In addition to the monthly process our carts are inspected daily for any damage which may have occurred during normal play. We continue to be committed to providing quality carts for the enjoyment of all our players.

- Our team has also been involved with a new national program called GLF which stands for Giant Leap Forward. This program is designed to help promote the game of golf to young golfers throughout the school system beginning in the elementary level all the way to high school. We are excited about promoting this program to all skill levels of junior golfers and this is a tremendous benefit for the City of Port Orange. As mentioned above, we introduced the program at Cypress Creek Elementary school to over 300 kids in the Kindergarten and the 1<sup>st</sup> grade that had the chance to learn firsthand how much fun golf can be. We will also be showcasing the golf program to the 3<sup>rd</sup> and 4<sup>th</sup> graders in April and May.

### **Marketing and Sales:**

- The Sales & Marketing director has been very busy responding to all guest inquiries and she has booked multiple events for the month of April, May, June, July and August. Ms. Hunter continues her involvement with the POSD Chamber, POSD Ambassadors program, Daytona Beach Chamber, SEV Chamber and the POSD Rotary club promoting the course as well as keeping Cypress Head “Top of Mind” in the local community.
- We are continuing our involvement with Daytona CVB, Golf Pac, and Tee-Times USA along with other National wholesaler and Golf Now to maximize utilization of our tee sheet.
- We have increased our database of emails to over 9535 unique e-mail addresses which were accomplished by the golf team by properly registering player profiles including residency, phone numbers and proper classifications of all players. This process will allow us an opportunity to offer promotions to our database to experience Cypress Head golf club.
- The team is very active on social media including Facebook, Twitter, and Instagram as well as email blasts promoting all the events and programs offered at Cypress Head.
- The city of Port Orange is also involved with promoting the golf course through the POG channel and the Parks & Recreation department has been helpful in posting golf clinics at their facilities.

## Mindshare Reviews and Comments:



- There were over 1,000 questionnaires mailed out to players during the month with an overall rating for the golf course receiving an 8.4 with a recommended rating of 8.6. Many of the comments regarding the course rating have been related to the firmness of the greens and the challenge of putting on the new surfaces. I have personally met with all the MGA, WGA and regular players to address their concerns about the putting surface. I have also shared information with all players outlining the timetable for the greens to become softer and more receptive to their shots.
- Many of the reviews continue to rate our service commitment to all players helping them to enjoy their experience here at Cypress Head. There were some reviews that had constructive ideas to help us improve in some areas which we will evaluate as a team. The comments returned by the players in this avenue are useful tools in helping our maintenance and golf staff team improve. We also review all negative comments and they are discussed by our team and if required we will contact the individual to help us better understand their concerns.





**Corporate Support:**

- Kemper Sports Center for Excellence – Ongoing resource.

**Summary:**

- The entire team here at Cypress Head is excited about the positive feedback that we have received from our golfing friends. It has been a pleasure for the entire staff to showcase the investment made by the city for its residents as we continue to offer the best possible experience for all players and guests.
- Our plan for the month of April involves the continuation of family golf clinics, junior golf programs and individual lessons to bring more Port Orange residents to the club to experience the benefits and services that we have to offer. We have also started promotions for our Junior Summer camps to be held during June, July and August.
- We are adding a super twilight special in April starting after 3:00 PM to increase the number of late evening players and help them to enjoy the benefits of Cypress Head Golf course. We have already seen an increase in leagues and after work players who have joined us weekly at Cypress Head.

Respectfully Submitted,

Bob Duquette, PGA

General Manager  
The Golf Club at Cypress Head.



# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 05/03/2016

Consent item: No

---

**SUBJECT:** Second Reading - Ordinance No. 2016-5 - Amendment to Fire and Rescue Pension Fund Ordinance - Chapter 54, Article IV of the Code of Ordinances

**DEPARTMENT:** Administrative Services

**GOAL:** 4 - Fiscal Sustainability

**OBJECTIVE:** N/A

---

**RECOMMENDED MOTION:** Move to approve Ordinance No. 2016-5.

---

**SUMMARY:** On April 5, 2016, the City Council considered a similar ordinance on first reading. Upon receipt of the actuarial analysis, additional clarification and revision was required. A first reading of the revised ordinance is required due to the addition of Section 54-104 as shown in the attached ordinance.

The City and the Firefighter's Union (IAFF Local 3118) successfully negotiated a contract that is now in effect until September 30, 2017. As part of the agreement, some items in the Fire and Rescue Fund Pension Ordinance must be amended. The attached ordinance was prepared by the City's Pension Attorney. The substantive changes include:

- An increase in In-Line of Duty Disability from 42% of average final compensation to 51% (effective retroactive to January 1, 2016).
- A change that allows all members to participate in the DROP program when the member becomes eligible (effective retroactive to January 1, 2016).
- Elimination of the 12 month window for all members to decide whether to participate in the DROP program when they become eligible (effective retroactive to January 1, 2016).
- Establishes a "Share Plan" per Florida Statute 175.351, but does not fund or activate such plan until October 1, 2018 if negotiated by both parties.

Staff has provided a copy of the proposed ordinance to the Fire and Rescue Pension Board. The Board's actuary has completed the actuarial impact statement (which is also attached).

Project                  Funding Account  
No.:                      No.:

---

## ATTACHMENTS:

|    |                            |                                                 |
|----|----------------------------|-------------------------------------------------|
| 1. | Ordinance 2016-5           | Port Orange Fire Pension Ordinance 4-19-16.pdf  |
| 2. | Actuarial Impact Statement | Actuarial Impact Statement - for Ord 2016-5.pdf |

---

Robin Fenwick

Created/Initiated - 04/19/2016

---

## ORDINANCE 2016-5

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 54, ARTICLE IV, CODE OF ORDINANCES, CITY OF PORT ORANGE, FLORIDA, ENTITLED FIRE AND RESCUE PENSION FUND; AMENDING SECTION 54-84, DISABILITY BENEFITS; AMENDING SECTION 54-100, DEFERRED RETIREMENT OPTION PLAN; AMENDING SECTION 54-104, BENEFITS AND CONTRIBUTION FOR MEMBERS HIRED ON OR AFTER DECEMBER 4, 2012; AMENDING SECTION 54-105, STABILIZATION FUND; CREATING A NEW SECTION 54-106, SHARE PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port Orange, Florida has entered into a collective bargaining agreement with the Professional Firefighters Association, covering City firefighters for the period December 22, 2015 through September 30, 2017; and

WHEREAS, the collective bargaining agreement contains certain changes to the City of Port Orange Fire and Rescue Pension Fund for firefighters employed by the City; and

WHEREAS, in order to implement the changes to the Fire and Rescue Pension Fund contained in the collective bargaining agreement, an amendment to Chapter 54 of the City Code is necessary; and

WHEREAS, the City has obtained an actuarial impact statement concerning the retirement plan changes in accordance with Article X, Section 14 of the Florida Constitution and Section 112.63, Florida Statutes;

WHEREAS, for purposes of this Ordinance text with underlined (underlined) type shall constitute additions to the original text and text with strike-through (~~strike-through~~) type shall constitute deletions to the original text.

NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

SECTION 1: That Chapter 54, Personnel, Article IV, Fire and Rescue Pension Fund, of the Code of Ordinances of the City of Port Orange, is hereby amended by amending Section 54-84, Disability Benefits, subsection (a), in-line of duty disability, to read as follows:

Sec. 54-84. - Disability benefits.

(a) In-line of duty disability.

- (1) Any member who shall become totally and permanently disabled to the extent that he is unable, by reason of a medically determinable physical or mental impairment, to render useful and efficient service as a firefighter, which disability was directly caused by the performance of his duties as a firefighter, shall, upon establishing such disability to the satisfaction of the board, be entitled to a monthly pension equal to three percent of average final compensation for each year of credited service, but in any event the minimum amount paid to ~~the a member who becomes totally and permanently disabled prior to January 1, 2016,~~ shall be 42 percent of the average final compensation of the member. The minimum amount paid to a member who becomes totally and permanently disabled on or after January 1, 2016, shall be 51 percent of the average final compensation of the member. The benefit for a member with credited service as both a full-time firefighter and as a volunteer firefighter shall be calculated in the same manner as the normal retirement benefit as provided in section 54-82(b). Terminated persons, either vested or nonvested, are not eligible for disability benefits, except that those terminated by the city for medical reasons may apply for disability benefits within 30 days after termination.

\* \* \* \* \*

SECTION 2: That Chapter 54, Personnel, Article IV, Fire and Rescue Pension Fund, of the Code of Ordinances of the City of Port Orange, is hereby amended by amending Section 54-100, Deferred retirement option plan, subsections (b) and (f), to read as follows:

Sec. 54-100. - Deferred retirement option plan.

\* \* \* \* \*

(b) Participation.

(1) Eligibility to participate.

- a. Effective January 1, 2016, in lieu of terminating employment as a firefighter, any member who is eligible for normal retirement under the system may elect to defer receipt of his service retirement pension and to participate in the DROP; ~~provided that the election to participate in the DROP is made within 12 months following the date on which the member first become eligible for normal retirement. Any member who fails to make the election within such 12-month period shall forfeit all rights to participate in the DROP.~~
- b. ~~Notwithstanding subsection 54-100(b)(1)a, above, any member with 25 or more years of credited service on September 25, 2012, who previously became eligible to participate in the DROP in accordance with subsection 54-100(b)(1)a, above, but did not elect to participate in a timely manner, may make a DROP election within 30 days following September 25, 2012. All provisions of the plan as amended by this section shall apply to any eligible employee who elects to participate in the DROP pursuant to this subsection b. Any member who is eligible to make a DROP election pursuant to this subsection b who fails to make such election within 30~~

~~days following September 25, 2012, shall forfeit all rights to participate in the DROP.~~

- (2) Election to participate. A member's election to participate in the DROP must be made in writing at a time and manner determined by the board and shall be effective on the first day of the first calendar month which is at least 15 business days after it is received by the board.

\* \* \* \* \*

SECTION 3: That Chapter 54, Personnel, Article IV, Fire and Rescue Pension Fund, of the Code of Ordinances of the City of Port Orange, is hereby amended by amending Section 54-104, Benefits and contribution for members hired on or after December 4, 2012, to read as follows:

Sec. 54-104. – Benefits and contribution for members hired on or after December 4, 2012.

Notwithstanding any other provision of this system, members hired on or after December 4, 2012, shall be subject to the provisions of sections 54-76 through 54-103, except as otherwise provided below:

- (1) The normal retirement date shall be 55 years of age with ten years of credited service. The alternative normal retirement date shall be 52 years of age with 25 years of credited service.
- (2) The early retirement date shall be 50 years of age with ten years of credited service.
- (3) The definition of "average final compensation" shall be the five best years of the last ten years of credited service.
- (4) The definition of salary is base pay and excludes overtime, education pay, specialty and incentive pay, lump sum payments of annual and sick leave, and compensation leave, and all other non-regular compensation.
- (5) Members hired on or after December 4, 2012, shall not receive a cost of living adjustment (COLA); ~~shall not be eligible to participate in the deferred retirement option program (DROP);~~ and shall not receive a supplemental benefit.
- (6) The maximum benefit at retirement shall not exceed 80 percent of average final compensation. The maximum annual benefit shall not exceed \$95,000.00. However, in no event shall a member receive a benefit that is less than two percent of average final compensation for each year of credited service.
- (7) The member contribution shall be eight percent of salary.
- (8) The benefit multiplier shall be two and one-half percent of average final compensation per year of credited service.

\* \* \* \* \*



SECTION 4: That Chapter 54, Personnel, Article IV, Fire and Rescue Pension Fund, of the Code of Ordinances of the City of Port Orange, is hereby amended by amending Section 54-105, Stabilization fund, to read as follows:

Sec. 54-105. - Stabilization fund.

After the retirement system achieves a funded ratio of 100 percent or greater as reflected in the current Disclosure Information prepared in accordance with Per Statement No. 25 of the Governmental Accounting Standards Board requirements—Schedule of Funding Progress, the city will make a contribution of the higher of either the normal cost of the plan or a minimum 13 percent towards a stabilization fund for use during economic downturns to smooth the volatility of required pension payments. This contribution shall be paid to the retirement fund and shall not be used by the city or the members to acquire or fund new or additional benefits.

SECTION 5: That Chapter 54, Personnel, Article IV, Fire and Rescue Pension Fund, of the Code of Ordinances of the City of Port Orange, is hereby amended by adding a new Section 54-106, Share plan, to read as follows:

Sec. 54-106. – Share plan.

Pursuant to F.S. Section 175.351, a defined contribution plan component (“share plan”) is hereby established as a component of this system, but will not be activated unless and until a portion of Chapter 175 premium tax revenues has been assigned to fund the share plan. The provisions of the share plan shall be negotiated by the City and the union representing members of the system at the time Chapter 175 premium tax revenues are assigned to fund share plan. The system will continue to operate under the “Naples Letter” interpretation until October 1, 2018, in accordance with F.S. Section 175.351(7).

SECTION 6: Codification. Specific authority is hereby granted to codify and incorporate this Ordinance in the existing Code of Ordinances of the City of Port Orange.

SECTION 7: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 8: If any provisions of this ordinance or the application thereof to any person or circumstance are held invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 9: This ordinance shall become effective upon adoption, except as otherwise specifically provided herein.

---

ALLEN GREEN, MAYOR

ATTEST:

---

Michael H. Johansson, City Manager

Passed on first reading, this \_\_\_\_ day of \_\_\_\_\_, 2016.

Passed and adopted on second and final reading, this \_\_\_\_ day of \_\_\_\_\_, 2016.

Reviewed and Approved: \_\_\_\_\_  
City Attorney

CITY OF PORT ORANGE  
FIRE AND RESCUE PENSION FUND

ACTUARIAL IMPACT STATEMENT

April 11, 2016  
(Page 1)

Attached hereto is a comparison of the impact on the Total Required Contribution (per Chapter 112, Florida Statutes), and the Required City Contributions, resulting from the implementation of the following changes:

1. Change the minimum Line of Duty Disability Benefit from 42% to 51% of Average Final Compensation for anyone who becomes Disabled on or after January 1, 2016.
2. Eliminate the criteria, effective January 1, 2016 that in order to enter the DROP it must be done within one year of reaching eligibility for Normal Retirement.
3. Allow all Members who are or become eligible for Normal Retirement access to the DROP, regardless of Tier.
4. Provide for a Share Plan that is not yet funded.

The cost impact, determined as of October 1, 2015, as applicable to the fiscal year ending September 30, 2017, is as follows:

|                                                           | <u>Current</u>   | <u>Proposed</u>  |
|-----------------------------------------------------------|------------------|------------------|
| Total Required Contribution<br>% of Total Annual Payroll  | 109.0%           | 109.1%           |
| Less Expected Member Cont's<br>% of Total Annual Payroll  | 7.6%             | 7.6%             |
| Equals Required City & State<br>% of Total Annual Payroll | <b>101.4%</b>    | <b>101.5%</b>    |
| Estimated State Contribution<br>% of Total Annual Payroll | 391,117<br>15.5% | 391,117<br>15.5% |
| Balance From City<br>% of Total Annual Payroll            | 85.9%            | 86.0%            |

CITY OF PORT ORANGE  
FIRE AND RESCUE PENSION FUND

ACTUARIAL IMPACT STATEMENT

April 11, 2016

(Page 2)

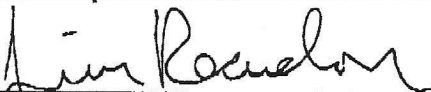
The changes presented herein are in compliance with Part VII, Chapter 112, Florida Statutes and Section 14, Article X of the State Constitution.



Patrick T. Donlan, A.S.A., M.A.A.A.  
Enrolled Actuary #14-6595

STATEMENT OF PLAN ADMINISTRATOR

The prepared information presented herein reflects the estimated cost of the proposed improvement.



Chairman, Board of Trustees - Jim Reardon

## COMPARATIVE SUMMARY OF PRINCIPAL VALUATION RESULTS

|                                | New Benefits<br><u>10/1/2015</u> | Old Benefits<br><u>10/1/2015</u> |
|--------------------------------|----------------------------------|----------------------------------|
| A. Participant Data            |                                  |                                  |
| Number Included                |                                  |                                  |
| Actives                        | 53                               | 53                               |
| Service Retirees               | 46                               | 46                               |
| DROP Retirees                  | 3                                | 3                                |
| Beneficiaries                  | 2                                | 2                                |
| Terminated Vested              | 0                                | 0                                |
| Disability Retirees            | <u>2</u>                         | <u>2</u>                         |
| Total                          | 106                              | 106                              |
| Total Annual Payroll           | \$2,522,043                      | \$2,522,043                      |
| Payroll Under Assumed Ret. Age | 2,522,043                        | 2,522,043                        |
| Annual Rate of Payments to:    |                                  |                                  |
| Service Retirees               | 2,138,229                        | 2,138,229                        |
| DROP Plan Members              | 154,062                          | 154,062                          |
| Beneficiaries                  | 36,530                           | 36,530                           |
| Terminated Vested              | 0                                | 0                                |
| Disability Retirees            | 29,853                           | 29,853                           |
| B. Assets                      |                                  |                                  |
| Actuarial Value <sup>1</sup>   | 24,231,950                       | 24,231,950                       |
| Market Value <sup>1</sup>      | 23,201,184                       | 23,201,184                       |
| C. Liabilities                 |                                  |                                  |
| Present Value of Benefits      |                                  |                                  |
| Active Members                 |                                  |                                  |
| Retirement Benefits            | 8,348,959                        | 8,348,959                        |
| Disability Benefits            | 359,230                          | 341,579                          |
| Death Benefits                 | 63,216                           | 63,216                           |
| Vested Benefits                | 805,026                          | 805,026                          |
| Refund of Contributions        | 111,145                          | 111,145                          |
| Service Retirees               | 29,426,117                       | 29,426,117                       |
| DROP Plan Members <sup>1</sup> | 3,138,376                        | 3,138,376                        |
| Beneficiaries                  | 401,522                          | 401,522                          |
| Terminated Vested              | 0                                | 0                                |
| Disability Retirees            | 329,282                          | 329,282                          |
| Excess State Monies Reserve    | <u>0</u>                         | <u>0</u>                         |
| Total                          | 42,982,873                       | 42,965,222                       |

| C. Liabilities - (Continued)                                                 | New Benefits<br><u>10/1/2015</u> | Old Benefits<br><u>10/1/2015</u> |
|------------------------------------------------------------------------------|----------------------------------|----------------------------------|
| Present Value of Future Salaries                                             | 19,301,011                       | 19,301,011                       |
| Present Value of Future<br>Member Contributions                              | 1,481,893                        | 1,481,893                        |
| EAN Normal Cost (Retirement)                                                 | 307,072                          | 307,072                          |
| EAN Normal Cost (Disability)                                                 | 34,277                           | 31,986                           |
| EAN Normal Cost (Death)                                                      | 3,315                            | 3,315                            |
| EAN Normal Cost (Vesting)                                                    | 67,842                           | 67,842                           |
| EAN Normal Cost (Refunds)                                                    | <u>11,710</u>                    | <u>11,710</u>                    |
| Total Normal Cost (Entry Age Method)                                         | 424,216                          | 421,925                          |
| Present Value of Future<br>Normal Costs (Entry Age)                          | 2,950,347                        | 2,931,120                        |
| Accrued Liability (Retirement)                                               | 6,232,105                        | 6,232,105                        |
| Accrued Liability (Disability)                                               | 121,004                          | 122,580                          |
| Accrued Liability (Death)                                                    | 39,379                           | 39,379                           |
| Accrued Liability (Vesting)                                                  | 344,741                          | 344,741                          |
| Accrued Liability (Refunds)                                                  | 0                                | 0                                |
| Accrued Liability (Inactives) <sup>1</sup>                                   | <u>33,295,297</u>                | <u>33,295,297</u>                |
| Total Actuarial Accrued Liability                                            | 40,032,526                       | 40,034,102                       |
| Unfunded Actuarial Accrued<br>Liability (UAAL)                               | 15,800,576                       | 15,802,152                       |
| D. Actuarial Present Value of Accrued Benefits                               |                                  |                                  |
| Vested Accrued Benefits                                                      |                                  |                                  |
| Inactives <sup>1</sup>                                                       | 33,295,297                       | 33,295,297                       |
| Actives                                                                      | 4,551,429                        | 4,525,638                        |
| Member Contributions                                                         | <u>765,824</u>                   | <u>765,824</u>                   |
| Total                                                                        | 38,612,550                       | 38,586,759                       |
| Non-vested Accrued Benefits                                                  | <u>932,732</u>                   | <u>932,732</u>                   |
| Total Present Value Accrued<br>Benefits                                      | 39,545,282                       | 39,519,491                       |
| Increase (Decrease) in Present Value of<br>Accrued Benefits Attributable to: |                                  |                                  |
| Plan Amendments                                                              | 25,791                           |                                  |
| Assumption Changes                                                           | 0                                |                                  |
| New Accrued Benefits                                                         | 0                                |                                  |
| Benefits Paid                                                                | 0                                |                                  |
| Interest                                                                     | 0                                |                                  |
| Other                                                                        | <u>0</u>                         |                                  |
|                                                                              | 25,791                           |                                  |

| Valuation Date<br>Applicable to Fiscal Year Ending                                                                                                   | New Benefits<br>10/1/2015<br><u>9/30/2017</u> | Old Benefits<br>10/1/2015<br><u>9/30/2017</u> |
|------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|-----------------------------------------------|
| E. Pension Cost                                                                                                                                      |                                               |                                               |
| Normal Cost (with interest) <sup>2</sup><br>% of Total Annual Payroll                                                                                | 17.5                                          | 17.4                                          |
| Administrative Expenses (with interest) <sup>2</sup><br>% of Total Annual Payroll                                                                    | 3.2                                           | 3.2                                           |
| Payment Required to Amortize<br>Unfunded Actuarial Accrued<br>Liability over 30 years <sup>2</sup><br>(as of 10/1/2015)<br>% of Total Annual Payroll | 88.4                                          | 88.4                                          |
| Total Required Contribution<br>% of Total Annual Payroll                                                                                             | 109.1                                         | 109.0                                         |
| Expected Member Contributions <sup>2</sup><br>% of Total Annual Payroll                                                                              | 7.6                                           | 7.6                                           |
| Expected City & State Contribution<br>% of Total Annual Payroll                                                                                      | 101.5                                         | 101.4                                         |

<sup>1</sup>The asset values and liabilities for DROP Members include accumulated DROP Balances as of 9/30/2015.

<sup>2</sup> Contributions developed as of 10/1/2015 are expressed as a percentage of total annual payroll at 10/1/2015 of \$2,522,043.



## ACTUARIAL ASSUMPTIONS AND METHODS

|                                  |                                                                                                                                                                                                             |             |
|----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| <u>Mortality Rate</u>            | RP-2000 Table with no projection (disabled lives set forward 5 years). Based upon other studies of municipal Firefighters, we feel this assumption sufficiently accommodates future mortality improvements. |             |
| <u>Termination Rate</u>          | See Tables below (1304A). Based upon other studies of municipal Firefighters, we feel this assumption is reasonable.                                                                                        |             |
| <u>Disability Rate</u>           | See Tables below (1207). It is assumed that 75% of disablements are service related. Based upon other studies of municipal Firefighters, we feel this assumption is reasonable.                             |             |
| <u>Retirement Rates</u>          |                                                                                                                                                                                                             |             |
| “Frozen Benefit”                 | Old Normal Retirement Date                                                                                                                                                                                  | 30%         |
|                                  | Old Normal Retirement Date + 1                                                                                                                                                                              | 15%         |
|                                  | Old Normal Retirement Date + 2                                                                                                                                                                              | 15%         |
|                                  | Old Normal Retirement Date + 3                                                                                                                                                                              | 15%         |
|                                  | Old Normal Retirement Date + 4                                                                                                                                                                              | 15%         |
|                                  | Old Normal Retirement Date + 5                                                                                                                                                                              | 100%        |
| Benefits accrued after 9/25/2012 | New Normal Retirement Date                                                                                                                                                                                  | 100%        |
|                                  | Based upon other studies of municipal Firefighters, we feel this assumption is reasonable.                                                                                                                  |             |
| <u>Interest Rate</u>             | 7.80% (in 2014 valuation, 7.90%) per year compounded annually, net of investment related expenses.                                                                                                          |             |
| <u>Salary Increases</u>          | <u>Years of Service</u>                                                                                                                                                                                     | <u>Rate</u> |
|                                  | Under 5                                                                                                                                                                                                     | 7.00%       |
|                                  | 5 to 9                                                                                                                                                                                                      | 6.00%       |
|                                  | 10 to 14                                                                                                                                                                                                    | 5.00%       |
|                                  | 15 or more                                                                                                                                                                                                  | 4.00%       |
|                                  | Based upon other studies of municipal Firefighters, we feel this assumption is reasonable.                                                                                                                  |             |
| <u>Payroll Growth</u>            | None.                                                                                                                                                                                                       |             |

Cost-of-Living Increase

“Frozen Benefit”

At least 20 years at retirement: 3.00% per year beginning 5 years after retirement. Otherwise, 1.00% per year beginning 1 year after retirement.

“Future Service Piece”

At least 25 years at retirement (or 20 years if first eligible for Normal Retirement at 55 & 10): 2.50% per year beginning in 2026 and the later of 8 years after retirement and age 59.5.

Hired after 12/4/2012

No cost-of-living adjustment.

Administrative Expenses

Prior year actual expenses (\$77,530 for 2015).

Actuarial Cost Method

Entry Age Normal.

Asset Valuation Method

Each year, the prior Actuarial Value of Assets is brought forward utilizing the historical geometric 4-year average Market Value return. It is possible that over time this technique will produce an insignificant bias above or below Market Value.

| <u>Age</u> | <u>% Becoming Disabled<br/>During the Year</u> | <u>% Terminating<br/>During the Year</u> | <u>Current Salary<br/>as a % of Salary<br/>at Age 50</u> |
|------------|------------------------------------------------|------------------------------------------|----------------------------------------------------------|
| 20         | 0.07%                                          | 9.30%                                    | 25.9%                                                    |
| 30         | 0.11%                                          | 7.88%                                    | 40.7%                                                    |
| 40         | 0.19%                                          | 4.28%                                    | 63.8%                                                    |
| 50         | 0.51%                                          | 1.13%                                    | 100.0%                                                   |

SUMMARY OF PLAN PROVISIONS  
(Through Ordinance No. 2015-7)

CREDITED SERVICE

Years and fractional parts of years of service with the City as a Firefighter. Service as a volunteer firefighter shall be credited at one month of credited service for each complete year of volunteer service.

SALARY

Prior to 9/25/2012

Fixed monthly compensation (base pay) for services rendered to the City as a Firefighter, plus overtime and all tax-deferred, tax sheltered and tax-exempt items of income. Base pay includes education pay and specialty pay, but excludes lump sum payments of annual leave, sick leave, and compensation leave and other non-regular compensation.

On and After 9/25/2012

The same as above except excluding overtime and incentive pay.

AVERAGE FINAL COMPENSATION

Prior to 9/25/2012

Average Salary paid during the three (3) best years of the last ten (10).

On and After 9/25/2012

Average Salary paid during the five (5) best years of the last (10), provided in no event shall this be less than the average final compensation through 9/25/2012.

NORMAL RETIREMENT

Eligibility

Prior to 9/25/2012

Earlier of: 1) Age 50 and 10 years of Credited Service, or 2) the completion of 20 years of Credited Service, regardless of age.

On and After 9/25/2012

Earlier of 1) Age 55 and 10 years of Credited Service, or 2) the completion of 25 years of Credited Service, regardless of age. Benefits accrued prior to 9/25/2012 will utilize the prior Normal Retirement eligibility criteria.

Hired after 12/4/2012

Earlier of 1) Age 55 and 10 years of Credited Service, or 2) Age 52 and 25 years of Credited Service.

## Benefit Amount

Hired before 12/4/2012

3.00% of Average Final Compensation times Credited Service. The maximum benefit (including any supplement) is the lesser of 90% of Average Final Compensation and \$95,000.

Hired after 12/4/2012

2.50% of Average Final Compensation times Credited Service. The maximum benefit is the lesser of 80% of Average Final Compensation and \$95,000.

In no event shall the benefit be less than 2.00% of Average Final Compensation times Credited Service.

## Form of Benefit

Ten Year Certain and Life Annuity (options available).

## EARLY RETIREMENT

### Eligibility

Age 50 and 10 years of Credited Service. Members who attained 40 and 10 as of September 25, 2012 are also eligible.

### Benefit Amount

Benefit determined as for Normal Retirement actuarially reduced to reflect early payment.

### Form of Benefit

Ten Year Certain and Life Annuity (options available).

## SUPPLEMENTAL BENEFIT

Normal and Early service retirees after September 25, 2012, who have completed at least 25 years of Credited Service, receive an additional \$20 monthly benefit for each year of service, to a maximum of \$500.

## COST-OF-LIVING ADJUSTMENT

Effective October 1, 2003, all current and future retirees receiving benefits, including disability retirees and terminated vested persons and their beneficiaries or joint annuitants, will receive an annual increase in benefits (excluding the Supplemental Benefit) as follows:

Benefits accrued prior to 1/1/2013:

- a) For retirees who retired before October 1, 2003 and completed at least 19 years of Credited Service, the annual increase will be 3.00% commencing upon the 61<sup>st</sup> month following retirement.
- b) For retirees who retire on or after October 1, 2003 and complete at least 20 years of Credited Service, the annual increase will be 3.00% commencing upon the 61<sup>st</sup> month following retirement.
- c) For all other current and future retirees not described in (a) or (b) above, the annual increase shall be 1.00% and shall begin on the January 1<sup>st</sup> following one full year of retirement.

Benefits accrued on or after 1/1/2013:

For retirees who completed at least 25 years of Credited Service (or 20 years of Credited Service if first eligible for Normal Retirement at age 55 and 10 years of service), the annual increase shall be the lesser of 3.00% or the amount granted for Social Security benefits. The COLA would only be given in years that the Plan met or exceeded the actuarial assumptions, and also only when the GASB 25 Funded Ratio is above 80.00%. The COLA begins the later of 8 years after retirement and age 59.5.

Members hired after 12/4/2012

None.

## DISABILITY

Eligibility

a) 10 years of contributing service for non-service related; coverage from date of hire for service-incurred.

b) Total and permanent disability as determined by the Board.

Benefit Amount

Non-Service Connected

Benefit computed as for Normal Retirement.

Service Connected

Benefit computed as for Normal Retirement, but not less than 42% of Average Final Compensation.

## VESTING (TERMINATION)

Less than 10 years - Refund of Accumulated Member Contributions.

10 or more years - Accrued benefit payable at the otherwise Normal Retirement Date, or Refund of Member Contributions.

## DEATH

Pre-Retirement

Vested or eligible for retirement: Beneficiary receives accrued pension payable for 10 years at otherwise Early or Normal Retirement Date (or actuarially reduced benefit payable for 10 years at the option of the Beneficiary).

Non-vested: Refund of Accumulated Member Contributions.

Post-Retirement

According to optional form of payment selected at retirement.

## CONTRIBUTIONS

|             |                                                                                                                                                                                     |
|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Employee    | 7.50% of Salary.<br>8.00% of Salary for Members hired after 12/4/2012.                                                                                                              |
| Premium Tax | 1.85% tax on applicable insurance policies.                                                                                                                                         |
| City        | Remaining amount necessary for payment of Normal (current year's) Cost and amortization of the accrued past service as provided by Chapter 112, Part VII, <u>Florida Statutes</u> . |

## BOARD OF TRUSTEES

- a) Two City Council appointees,
- b) Two Members of the Plan elected by a majority of the other covered Firefighters, and
- c) A fifth Member elected by the other 4 and appointed by the City Council.

## DEFERRED RETIREMENT OPTION PLAN

|                      |                                                                                                                                                                                                                                                                   |
|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Eligibility          | Satisfaction of Normal Retirement requirements provided that the election to participate in the DROP is made within 12 months following the date on which the Member first became eligible for Normal Retirement. Members hired after 12/4/2012 are not eligible. |
| Participation        | Not more than 60 months.                                                                                                                                                                                                                                          |
| Rate of Return       | Actual net rate of investment return.                                                                                                                                                                                                                             |
| Form of Distribution | Cash lump sum (options available).                                                                                                                                                                                                                                |



# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 05/03/2016

Consent item: No

---

**SUBJECT:** Second Reading - Ordinance No. 2016-6 – Adoption of the 16-1 Comprehensive Plan Amendments/Martin Road; CASE NO. 15-20000002

**DEPARTMENT:** Community Development

**GOAL:** 1 - Infrastructure Preservation

**OBJECTIVE:** N/A

---

**RECOMMENDED MOTION:** Move to adopt Ordinance No. 2016-6, amending the City's Comprehensive Plan Update for Case No. 15-20000002, and authorizing staff to send the adopted amendment to the required review agencies.

---

**SUMMARY:** The Port Orange City Council approved the transmittal of the subject plan amendments to the Department of Economic Opportunity (DEO) and other review agencies, per Resolution No. 16-5, at a public hearing held on January 15, 2016, as recommended by the Planning Commission. The State and local review agencies have completed their review with no comments, and the proposed amendment has been certified through the Volusia Growth Management Commission (VGMC).

The Applicant is requesting to amend the Comprehensive Plan to remove Martin Road from the Comprehensive Plan. Martin Road is proposed as a 2-lane collector road and is proposed to intersect Williamson Boulevard north of the Pinnacle subdivision and south of the Ashton Point Apartments, traversing through the Woodhaven Planned Unit Development (PUD).

Recently, the developer of the Woodhaven PUD began planning the northern residential area and is requesting to replace Martin Road with a local residential street. The developer is concerned with the potential of through traffic that could use Martin Road to bypass the Airport Road/Williamson Boulevard intersection and have a negative impact on the northern neighborhood area. The removal of Martin Road as a collector road would keep through traffic on Williamson Boulevard and only allow residential traffic within the northern residential area. According to the developer, if the amendment is approved, the northern residential area will have the main access point south of the Ashton Point Apartments but will not have any direct connection to Williamson Boulevard north of the Pinnacle subdivision.

The proposed amendments would remove the requirement for the developer of the Woodhaven PUD to construct Martin Road and remove Martin Road from Tables and Figures (maps) in the Comprehensive Plan. The proposed amendments do not result in an increase in residential density or intensity of non-residential square-footage.

- 
1. Amend Transportation Mobility Element, Policy 3.2.5 to remove the obligation to construct the Martin Road as an improvement associated with the Woodhaven Planned Unit Development (PUD).
  2. Amend Transportation Mobility Element Tables 1 and 3 to remove Martin Road as a future transportation improvement.
  3. Amend Transportation Mobility Element Figures (Maps) 2-2, 2-4, 2-8, and 2-10, to remove Martin Road as a planned collector road.

Project              Funding Account  
No.:                  No.:

---

**ATTACHMENTS:**

|    |                 |                        |
|----|-----------------|------------------------|
| 1. | Ord. No. 2016-6 | Ord. No. 2016-6.pdf    |
| 2. | Staff Report    | Staff Rpt_ 16-1CPA.pdf |

---

Robin Fenwick

Created/Initiated - 04/19/2016

---



ORDINANCE NO. 2016-6

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING THE TRANSPORTATION MOBILITY ELEMENT OF THE COMPREHENSIVE PLAN, POLICY 3.2.5, TABLES 1 AND 3, AND FIGURES 2-2, 2-4, 2-8, AND 2-10, TO REMOVE MARTIN ROAD AS A PLANNED COLLECTOR ROAD; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, after careful review, the Planning Commission, sitting as the Local Planning Agency, has forwarded a recommendation to the City Council regarding the adoption of the Five Year Schedule of Capital Improvements as set forth in the Capital Improvement Element of the Comprehensive Plan for the City of Port Orange including supporting data; and

WHEREAS, Section 163.3177(3), Florida Statutes (2013) requires the City to review the Capital Improvement Element annually, together with other elements or sub-elements that are directly related to the Five Year Schedule of Capital Improvements; and

WHEREAS, the attached documents incorporate data from the Transportation Planning Organization (TPO) Transportation Improvements Program (TIP) and the Volusia County School District Five-Year Work Program; and

WHEREAS, the City Council has provided an opportunity to receive comments and proposals from the general public with regard to the adoption of the Five Year Schedule of Capital Improvements; and

WHEREAS, the City has determined that this ordinance may be published in accordance with Section 166.041(3)(a), Florida Statutes (2013); and

WHEREAS, the City Council has received comments on the proposed amendment to the Comprehensive Plan; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

Section 1. For purposes herein, the term "Comprehensive Plan", shall mean the Comprehensive Plan for the City of Port Orange, consisting of the two (2) volumes entitled "Comprehensive Plan City of Port Orange 2010-2025", including Binder No. 1, consisting of ten (10) elements, including Future Land Use and Future Land Use Map; Transportation; Housing; Public Facilities; Public Schools Facilities; Coastal Zone Management; Conservation; Recreation and Open Space; Intergovernmental Coordination; and Capital Improvements, all as adopted by Ordinance No. 1999-43, as subsequently amended by Ordinances No. 1999-46, 1999-56, 1999-57, 2000-1, 2000-8, 2000-13, 2000-25, 2000-29, 2000-41, 2001-2, 2001-21, 2001-26, 2001-28, 2001-75, 2001-76, 2001-89, 2002-7, 2002-20, 2003-3, 2003-1, 2003-22, 2003-39, 2004-34, 2004-39, 2005-1, 2005-3, 2005-13, 2005-15, 2005-25, 2005-27, 2005-30, 2005-31, 2005-49, 2006-9, 2006-16, 2006-24, 2006-41, 2006-51, 2006-53, 2007-4, 2007-14, 2007-30, 2007-48, 2007-55, 2007-57, 2007-60, 2007-61, 2008-2, 2008-8, 2008-9, 2008-12, 2008-16, 2008-19, 2008-36, 2009-3, 2009-19, 2009-20, 2010-14, 2010-20, 2010-30, 2011-24, 2011-34, 2012-8, 2012-24, 2012-30, 2013-20, 2013-25, 2014-31, 2014-32, 2015-42, 2015-44 and this ordinance; and including Binder No. 2, Supporting Data.

Section 2. The City Council hereby adopts an amendment setting forth the Five Year Schedule of Improvements for the Capital Improvements Element for the Comprehensive Plan City of Port Orange 2010-2025, as attached hereto as **Exhibit "A"**, and incorporated herein by this reference.

Section 3. The Community Development Director or designee is hereby authorized to transmit copies of the proposed amendment to the Capital Improvement Element of the Comprehensive Plan City of Port Orange 2010-2025 to the appropriate agencies and to any other unit of local government.

Section 4. All ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 5. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 6. This ordinance shall become effective immediately upon adoption.

\_\_\_\_\_  
MAYOR ALLEN GREEN

ATTEST:

\_\_\_\_\_  
Robin L. Fenwick, CMC, City Clerk

Passed on first reading on the       day of

Passed and adopted on second and final reading on the       day of

Reviewed and Approved: \_\_\_\_\_  
Margaret T. Roberts, City Attorney

## Exhibit A

Deletions are strikethroughs (~~strikethroughs~~) and additions are underlined.

### Transportation Mobility Element

*Policy 3.2.5:* As a condition of PUD approval, Developers will construct the following transportation improvements as generally illustrated on Figure 2-4 of the Transportation Element:

- (i) Williamson Boulevard extension from its current terminus, 0.60 miles south of the intersection of Airport Road and Williamson Boulevard, to Pioneer Trail west of I-95;  
and
- (ii) Transportation improvements along Pioneer Trail centered at, but not limited to, the intersection with Williamson Boulevard to accommodate turning vehicles accessing the PUD property;and
- ~~(iii) Martin Road.~~

TABLE 1  
NEEDED TRANSPORTATION IMPROVEMENTS (2025)

| ROADWAY                          | SEGMENT                   |                    | PROJECTED<br>VOLUME | VOL./CAP<br>RATIO | IMPROVEMENTS<br>NEEDED           | NEW<br>CAPACITY | NEW VOL./<br>CAP. RATIO |
|----------------------------------|---------------------------|--------------------|---------------------|-------------------|----------------------------------|-----------------|-------------------------|
|                                  | FROM                      | TO                 |                     |                   |                                  |                 |                         |
| ADDITIONAL CAPACITY              |                           |                    |                     |                   |                                  |                 |                         |
| Transit Transfer Station         | Dunlawton Ave. /Nova Area |                    | N/A                 | N/A               | New central bus transfer Station | N/A             | N/A                     |
| City-wide Bus Stops              |                           |                    | N/A                 | N/A               | Bus stop enhancements (5)        | N/A             | N/A                     |
| City-wide sidewalks              |                           |                    | N/A                 | N/A               | Sidewalk enhancements            | N/A             | N/A                     |
| Clyde Morris Blvd.               | Herbert St.               | Willow Run Blvd.   | 3,289               | 102%              | TSM/TDM                          | N/A             | N/A                     |
| Dunlawton Ave.                   | Clyde Morris Blvd.        | Taylor Rd.         | 5,361               | 110%              | TSM/TDM or 8-lane divided        | N/A or 6,880    | N/A or 78%              |
| I-95                             | Beville Road (SR 400)     | Dunlawton Ave.     | 7,457               | 136%              | 6-lane divided                   | 8,320           | 90%                     |
|                                  | Dunlawton Ave.            | Pioneer Trail      | 5,679               | 103%              | 6-lane divided                   | 8,320           | 68%                     |
| Taylor Rd.                       | Clyde Morris Blvd.        | Yorktowne Blvd.    | 1,830               | 121%              | TSM/TDM                          | N/A             | N/A                     |
|                                  | Taylor Branch Rd.         | I-95               | 5,957               | 122%              | TSM/TDM or 8-lane divided        | 6,530           | 91%                     |
|                                  | I-95                      | Williamson Blvd.   | 4,454               | 110%              | 7-lane divided                   | 6,260           | 71%                     |
| Williamson Blvd.                 | N. City Limits            | Town West Blvd.    | 3,191               | 150%              | 4-lane divided                   | 3,204           | 100%                    |
|                                  | Taylor Rd.                | Airport Rd.        | 4,283               | 134%              | TDM                              | N/A             | *134%                   |
| Yorktowne Blvd.                  | Dunlawton Ave.            | Hidden Lakes Dr.   | 1,686               | 122%              | 4-lane divided                   | 3,204           | 53%                     |
| DEVELOPMENT ACCESS & OTHER NEEDS |                           |                    |                     |                   |                                  |                 |                         |
| Coraci Blvd.                     | Madeline Ave.             | Road "D"           | 484                 | N/A               | New 2-lane                       | 1,656           | 29%                     |
|                                  | Town West Blvd            | Taylor Rd.         | 845                 | N/A               | New 2-lane                       | 1,656           | 51%                     |
| McGinnis Blvd.                   | Madeline Ave.             | Williamson Blvd.   | 1,821               | N/A               | New 4-lane divided               | 3,204           | 57%                     |
| Madeline Ave.                    | Ridgewood Ave.            | McDonald Rd.       | 1,197               | N/A               | New 2-lane                       | 1,656           | 72%                     |
|                                  | Williamson Blvd.          | Tomoka Farms Rd.   | 1,069               | N/A               | New 2-lane                       | 1,656           | 64%                     |
| Martin Rd.                       | Williamson Blvd. N        | Williamson Blvd. S | 229                 | N/A               | New 2-lane                       | 1,656           | 14%                     |
| Ridgewood Ave.                   | N. City Limits            | Dunlawton Ave.     | 3,488               | N/A               | TSM/TDM                          | N/A             | N/A                     |
|                                  | Herbert St.               | Dunlawton Ave.     | 3,488               | N/A               | TSM/intersections                | N/A             | N/A                     |
| Spruce Creek Rd.                 | Canal View Blvd.          | Herbert St.        | 316                 | N/A               | New 2-lane                       | 1,440           | 22%                     |
| Williamson Blvd.                 | Airport Rd.               | Pioneer Tr.        | 2,287               | N/A               | New 4-lane divided               | 3,204           | 71%                     |
| Willow Run Blvd.                 | Williamson Blvd.          | Madeline Ave. ext. | 294                 | N/A               | New 2-lane                       | 1,656           | 18%                     |
| Yorktowne Blvd.                  | Taylor Rd.                | Dunlawton Ave.     | 1,062               | N/A               | New 4-lane divided               | 3,204           | 33%                     |
|                                  | Hidden Lakes Dr.          | Willow Run Blvd.   | 1,494               | N/A               | New 4-lane divided               | 3,204           | 47%                     |

\* Although volume may be higher, VMTs are expected to drop substantially, by approximately 38%, once development of new commercial nodes planned in the area occurs.

Note: "Needed" refers to those improvements needed to maintain the City's adopted LOS standard or to provide access.

Note: TSM/TDM improvements are proposed for designated constrained facilities on which capacity improvements are not feasible.

TABLE 3  
PROGRAMMED TRANSPORTATION IMPROVEMENTS  
FISCAL YEARS 2010-2015

| TRANSPORTATION FACILITY                    | SEGMENT                           |                         | CONSTRUCTION IMPROVEMENT    | COST                  | FUNDING SOURCE       |
|--------------------------------------------|-----------------------------------|-------------------------|-----------------------------|-----------------------|----------------------|
|                                            | FROM                              | TO                      |                             |                       |                      |
| BIKE/PED PROJECTS                          |                                   |                         |                             |                       |                      |
| Clyde Morris Blvd.                         | Dunlawton Ave.                    | W. Pines Plaza Driveway | Sidewalk                    | \$70,800              | City/TPO             |
| Cross-Town Trail                           | City Center Dr.                   | Nova Rd.                | Trail                       | \$568,618             | City/TPO             |
| Halifax Dr.                                | Dunlawton Ave.                    | Ocean Ave.              | Bike-ped facility           | \$100,000             | City/CRA             |
| Herbert St.                                | Carriage Gate Dr.                 | Nova Rd.                | Sidewalk & trail            | \$483,617             | City/TPO XU          |
| Herbert St.                                | Nova Rd.                          | Jackson St.             | Sidewalk/bike lanes         | \$30,589              | City/TPO XU          |
| Peninsula Dr.                              | Dunlawton Ave.                    | Demotte Ave.            | Sidewalk                    | \$43,400              | City /TPO XU         |
| Ridgewood Ave.                             | N. City Limits                    | Dunlawton Ave.          | Streetscape improvements    | \$3,982,500           | FDOT/CRA             |
| Spruce Creek Rd.                           | Dunlawton Ave.                    | Herbert St.             | Trail                       | \$250,000             | City/TPO             |
|                                            | Taylor Rd.                        | Central Park Blvd.      | Trail                       | \$226,600             | City/TPO             |
| Taylor Rd.                                 | Williamson Blvd.                  | Taylor Branch Rd.       | Pedestrian improvements     | \$300,000             | City/FDOT/ Developer |
| TRANSPORTATION SYSTEMS MANAGEMENT PROJECTS |                                   |                         |                             |                       |                      |
| Clyde Morris Blvd.                         | At Pines Plaza/Wal-Mart driveway  |                         | Install traffic signal      | \$345,000             | City/Developer       |
| Dunlawton Ave.                             | Ridgewood Ave                     | I-95                    | Fiber optic addition        | \$250,000             | FDOT                 |
|                                            | At Spruce Creek Rd.               |                         | Intersection improvement    | \$750,000             | CRA                  |
|                                            | At Village Trail                  |                         | Turn lane                   | \$175,500             | City/TPO             |
|                                            | Halifax Ave.                      | Ocean Ave.              | Dunlawton Ave.              | New roadway alignment | \$2,351,250          |
| Ocean Ave.                                 | Halifax Ave.                      | Ridgewood Ave.          | New roadway alignment       | \$2,351,250           | CRA                  |
| Pioneer Tr.                                | At Turnbull Bay Rd.               |                         | Intersection Improvement    | \$1,550,000           | VCO                  |
| Ridgewood Ave.                             | At Herbert St. and Dunlawton Ave. |                         | Intersection improvements   | \$2,050,000           | FDOT                 |
| Taylor Rd.                                 | At Devon Street                   |                         | New traffic signal          | \$247,217             | City/FDOT            |
|                                            | At Dunlawton Ave.                 |                         | Traffic signal modification | \$200,000             | Developer            |
|                                            | At I-95 Interchange               |                         | WB left turn lane ext.      | \$200,000             | City/FDOT/Developer  |
| Williamson Blvd.                           | At Town West Blvd.                |                         | New traffic signal          | \$273,000             | Developer            |
|                                            | At Pioneer Trail                  |                         | Intersection improvements   | \$490,000             | Developer            |
| Willow Run Blvd.                           | At Clyde Morris Blvd.             |                         | Turn lane                   | \$130,000             | City/TPO             |
| ROADWAY WIDENING PROJECTS                  |                                   |                         |                             |                       |                      |
| Coraci Blvd.                               | Town West Blvd.                   | ¼ mile south            | New 2-lane divided          | \$850,000             | Developer            |
|                                            | ¼ mile south of Town West         | Carmody Lakes Dr.       | New 2-lane                  | \$1,300,000           | City/Developer       |
| ROADWAY WIDENING PROJECTS CONTINUED        |                                   |                         |                             |                       |                      |
| Martin Rd.                                 | Williamson Blvd. N                | Williamson Blvd. S      | New 2-lane road             | \$4,382,560           | Developer            |

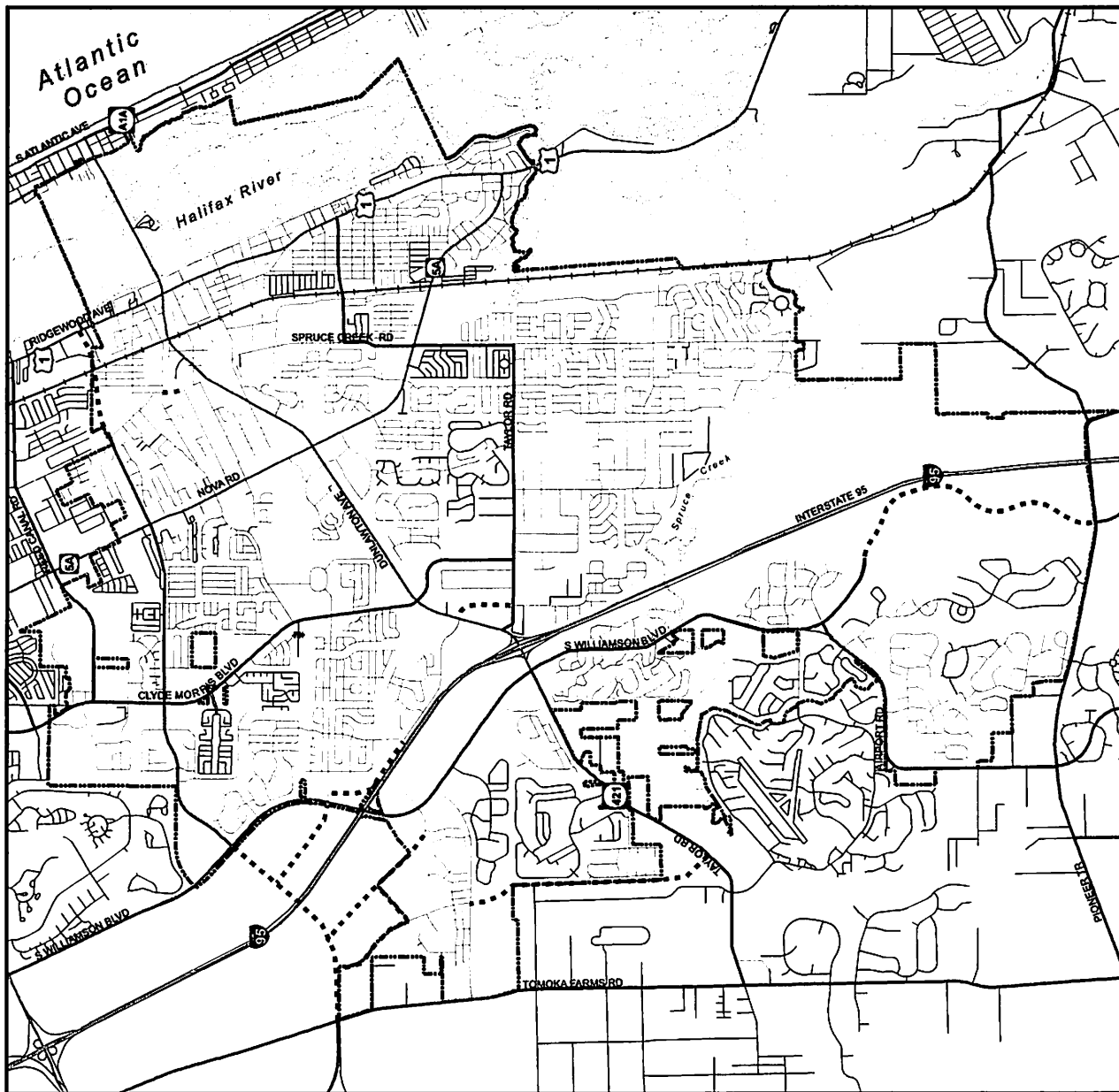


FIGURE 2 - 2

## Roadway Maintenance

*Existing (2009) & Proposed (2025)*

### Legend

- State Maintained
- County Maintained
- ..... Proposed County Maintained
- City Maintained
- ..... Proposed City Maintained
- FEC Railroad
- City Boundary

**City of Port Orange**  
**COMPREHENSIVE PLAN UPDATE 2010**

SOURCE: City of Port Orange Community Development  
 December 2015

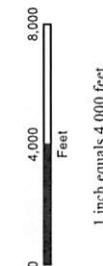
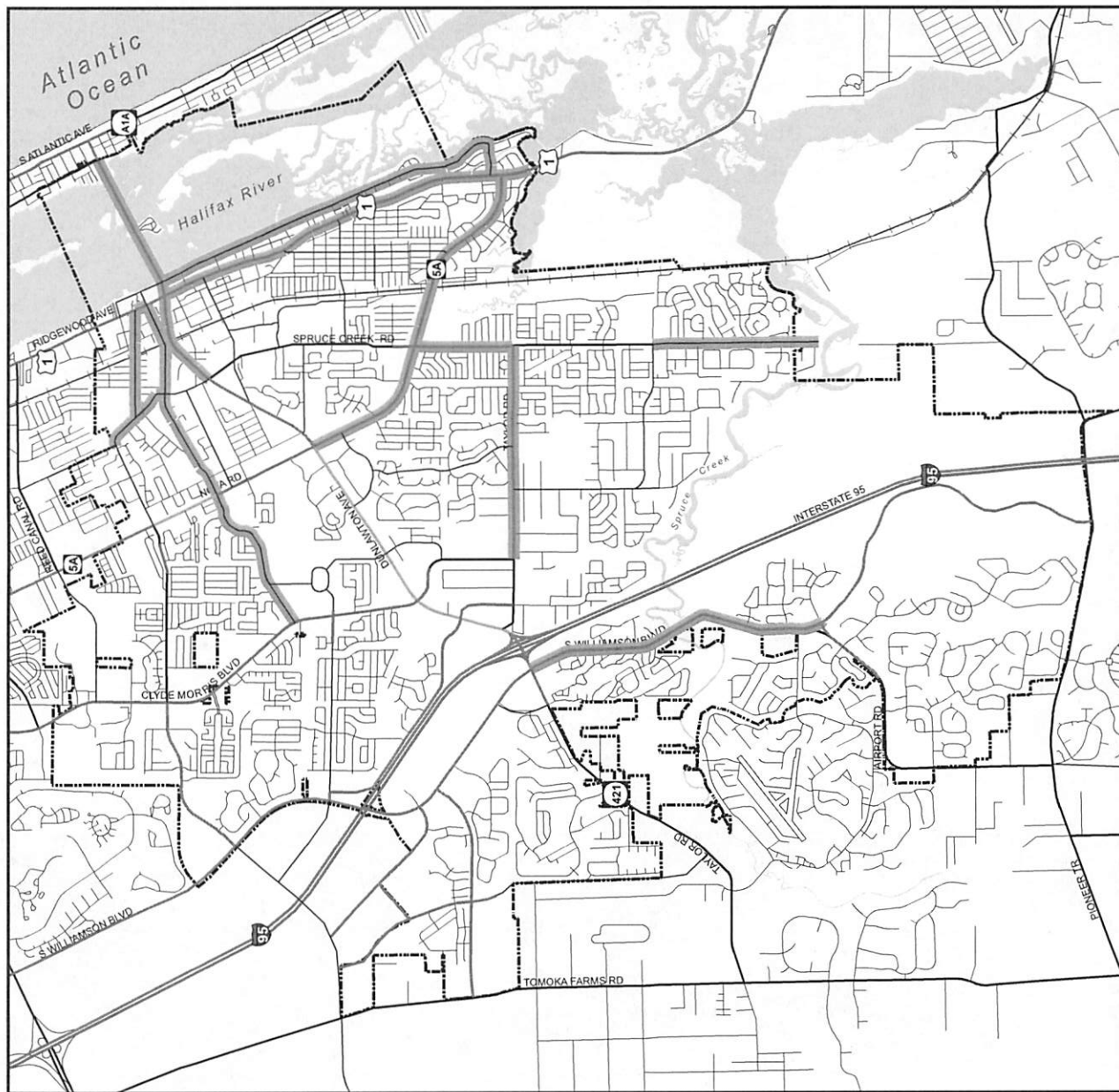


FIGURE 2 - 4

## Roadway Number of Lanes (2025)

### Legend

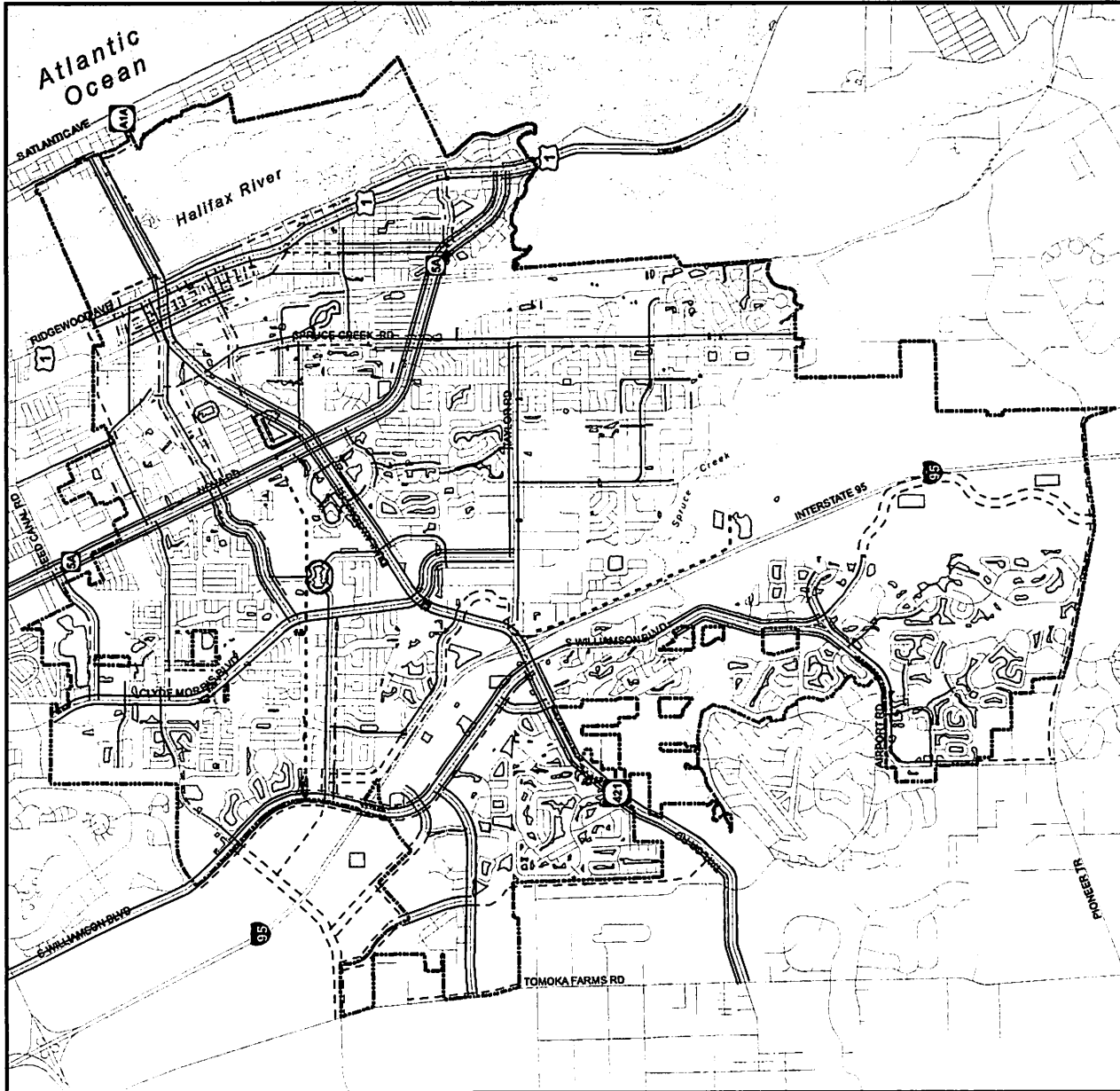
- 6-Lane Divided
- 5-Lane Divided
- 4-Lane Divided
- - - 2-Lane Divided
- ... 2-Lane
- █ Constrained Roadway
- + FEC Rail Road
- - - City Boundary

## City of Port Orange

### COMPREHENSIVE PLAN UPDATE 2010

SOURCE: City of Port Orange Community Development  
December 2015





**FIGURE 2 - 8**

## ***Significant Bikeways & Pedestrian Sidewalks***

***Existing (2009) & Proposed (2025)***

### **Legend**

- Existing 8' Bikeway or Paved Shoulder
- - - Proposed 8' Bikeway or Paved Shoulder
- Existing 8' Bikeway/Sidewalk
- - - Proposed 8' Bikeway/Sidewalk
- Existing 5' Bikeway/Sidewalk
- - - Proposed 5' Bikeway/Sidewalk
- ... Proposed 12' Multi-Use Trail
- City Boundary

***City of Port Orange***  
**COMPREHENSIVE PLAN UPDATE 2010**

***SOURCE: City of Port Orange Community Development  
December 2015***

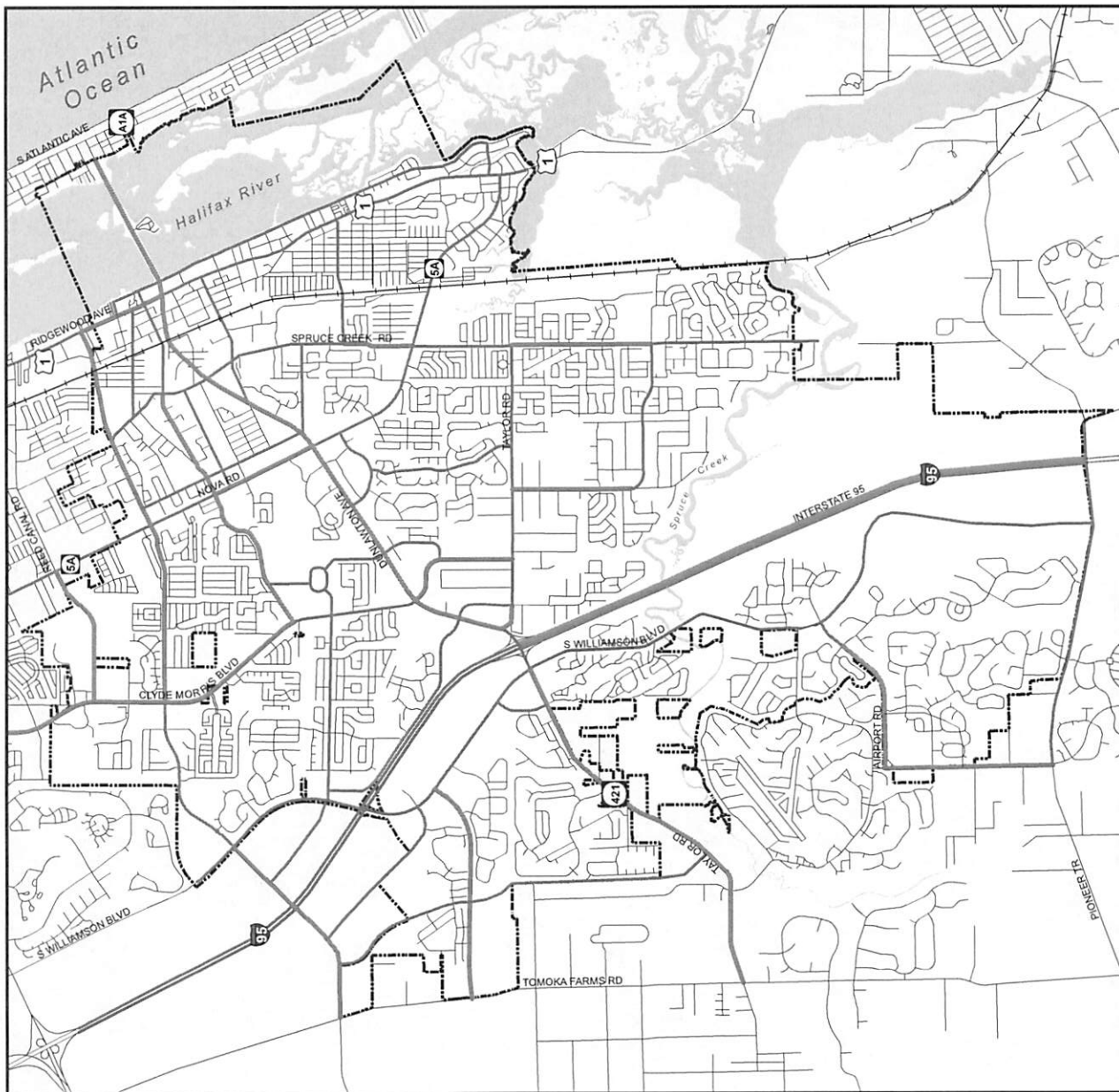


FIGURE 2 - 10

## Roadway Level of Service (2025)

### Legend

#### Level of Service

- LOS A
- LOS B
- LOS C
- LOS D
- LOS E
- LOS F

## City of Port Orange

### COMPREHENSIVE PLAN UPDATE 2010

SOURCE: City of Port Orange Community Development  
December 2015



# STAFF REPORT

16-1 Large-Scale Comprehensive Plan Amendment/  
Martin Road  
CASE NO. 15-20000002

---

|                              |                                                                                                                                                                                      |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>REQUEST:</b>              | Amend the Comprehensive Plan, Transportation Mobility Element, Policy 3.2.5, Tables 1 and 3, and Figures 2-2, 2-4, 2-8, and 2-10, to remove Martin Road as a planned collector road. |
| <b>OWNER:</b>                | CC Woodhaven, LLC                                                                                                                                                                    |
| <b>APPLICANT:</b>            | Lassiter Transportation Group                                                                                                                                                        |
| <b>STAFF CONTACT:</b>        | Penelope Cruz, Principal Planner (386)506-5671                                                                                                                                       |
| <b>STAFF RECOMMENDATION:</b> | Approval                                                                                                                                                                             |
| <b>PLANNING COMMISSION:</b>  | Approved                                                                                                                                                                             |
| <b>CITY COUNCIL DATE:</b>    | January 19, 2016                                                                                                                                                                     |

---

## INTRODUCTION

The Applicant is requesting to amend the Comprehensive Plan to remove Martin Road from the Comprehensive Plan. Martin Road is proposed as a 2-lane collector road and is currently shown intersecting Williamson Boulevard north of the Pinnacle subdivision and south of the Ashton Point Apartments, traversing through the Woodhaven Planned Unit Development (PUD) (see Figure 1).

Recently, the developer of the Woodhaven PUD began planning the northern residential area and based on the neighborhood layout, the developer is requesting to replace Martin Road with a local residential street. The developer is concerned with the potential of through traffic that could use Martin Road to bypass the Airport Road/Williamson Boulevard intersection and have a negative impact on the northern neighborhood area. The removal of Martin Road as a collector road would keep through traffic on Williamson Boulevard and only allow residential traffic within the northern residential area. According to the developer, if the amendment is approved, the northern residential area will have the main access point south of the Ashton Point Apartments but will not have any connection to Williamson Boulevard north of the Pinnacle subdivision.

Figure 1



The Applicant is proposing the following amendments to the Comprehensive Plan:

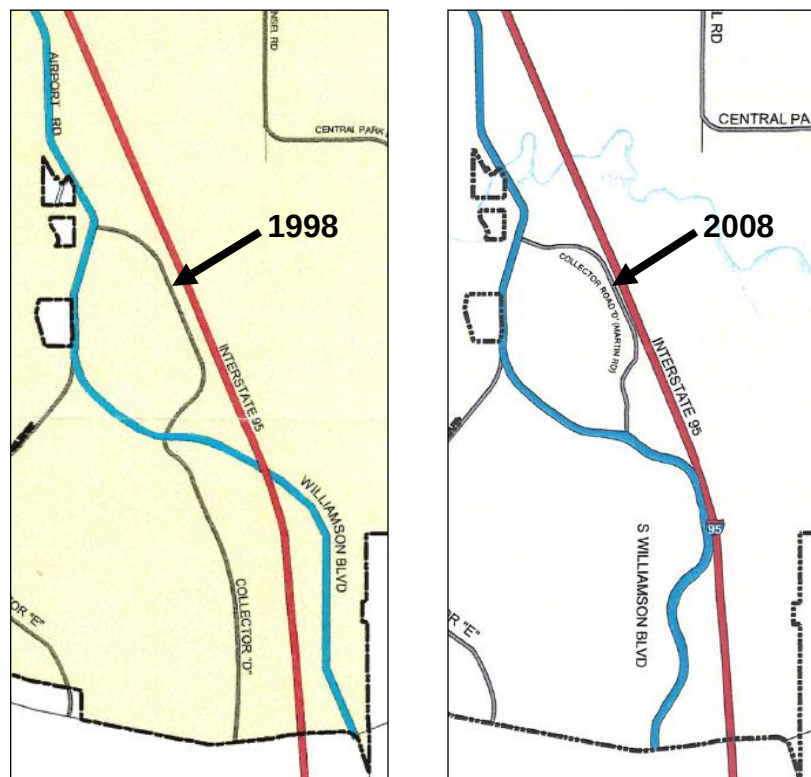
- 1) Amend Transportation Mobility Element, Policy 3.2.5 to remove the obligation to construct the Martin Road as an improvement associated with the Woodhaven Planned Unit Development (PUD).
- 2) Amend Transportation Mobility Element Tables 1 and 3 to remove Martin Road as a future transportation improvement.
- 3) Amend Transportation Mobility Element Figures (Maps) 2-2, 2-4, 2-8, and 2-10, to remove Martin Road as a planned collector road.

#### **CASE BACKGROUND**

In the City's 1998 Comprehensive Plan, Martin Road or Collector "D" was initially planned as a collector road that ran parallel along the west of I-95 to the intersection with Pioneer Trail, and Williamson Boulevard was planned as an arterial road that would cross I-95 just southeast of the current terminus, with an interchange planned at that point, then continue east through what is now the Doris Leeper Spruce Creek Preserve, and finally bend south towards the intersection with Pioneer Trail.

In 2003, the Volusia County Council re-aligned Williamson Boulevard to its current location, lying west of I-95, to protect the lower Spruce Creek area east of I-95. In 2008, the City's Comprehensive Plan was amended to reflect the new alignment of Williamson Boulevard and the modified alignment of Martin Road. With Williamson Boulevard lying west of I-95, it was determined not necessary for Martin Road to also extend to Pioneer Trail.

**Figure 2. Excerpt of Comprehensive Plan, Transportation Element, Future Functional Classification Map (1998, 2008)**



In 2010, the City amended the Comprehensive Plan to prohibit new single-family, duplex or triplex lots from having direct driveway access to an arterial or collector roadway. The Woodhaven PUD was amended in 2013 to bring the PUD into compliance with the Comprehensive Plan and the various changes that occurred with the planned roadway network since the original adoption of the PUD in 1997. The 2013 Woodhaven PUD amendment recognized Martin Road as a collector road. The PUD amendment was approved with a provision that allows half of the extension frontage of Martin Road to contain direct driveway access to single-family residential lots and traffic calming measures.

#### **PROPOSED AMENDMENTS**

The proposed amendments would remove the requirement for the developer of the Woodhaven project to construct Martin Road and removes Martin Road from Tables and Figures (maps) in the Comprehensive Plan. The proposed amendments do not result in an increase in residential density or intensity of non-residential square-footage.

#### **DISCUSSION**

The following discussion will examine the proposed amendments and the impacts of the proposed amendments, and the existing environmental conditions.

Initial plans had residential streets with single-family lots feeding into Martin Road, similar to Village Trail and Swallow Trail. However, in 2013, the Woodhaven PUD was amended to allow residential driveways to have direct driveway access along half of the frontage of Martin Road along with appropriate traffic calming measures. According to the applicant, the combination of these design elements for Martin Road result in it functioning more like a local residential street and not a collector road as originally planned in the late 1990's.

The applicant, Lassiter Transportation Group (LTG), prepared a study to assess the impact on the surrounding roadway network if Martin Road was not constructed as currently planned. According to the applicant, all vehicles that would travel on Martin Road have been accounted for and already included in the traffic volume projections for the northern and southern segments of Williamson Boulevard. In addition, the removal of Martin Road does not reduce the roadway capacity for Williamson Boulevard.

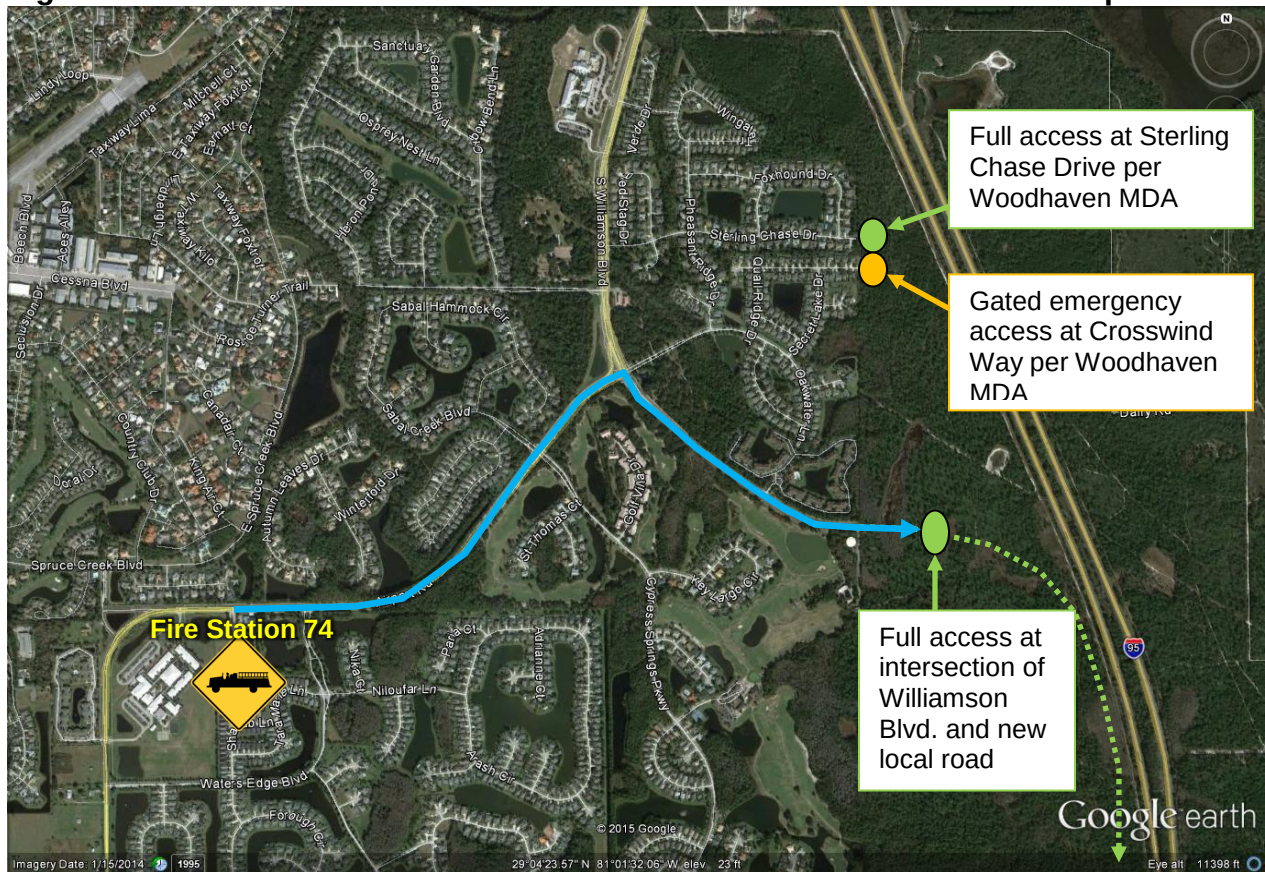
Transportation Planning staff has reviewed the proposal and does not anticipate that removing Martin Road and allowing the northern residential area of the Woodhaven development to be developed with a local road, would create a significant operational impact to the road network.

Both the Fire and Police departments reviewed the proposed amendment and do not anticipate any negative impacts on providing services to the northern residential area with the removal of Martin Road. If the proposed amendment were approved, emergency services would be able to access the northern residential area at the access point off Williamson Boulevard, south of Ashton Point Apartments and through future emergency crash gates located within the Ashton Lake and Sanctuary Subdivisions. The study prepared by Lassiter Transportation Group also evaluated the removal of



Martin Road on emergency services and concluded no negative impacts are anticipated.

**Figure 3. Access to Northern Residential Area of the Woodhaven Development**



## REVIEW CRITERIA AND STAFF FINDINGS

### 1. *Consistency with the City's Comprehensive Plan.*

**Staff finding:** The proposed amendment is generally consistent with the Goals, Objectives, and Policies of the City's Comprehensive Plan. All public facilities have adequate capacity to accommodate the proposed amendment. The proposed amendment is compatible with adjacent land uses and protects natural resources by not requiring the extension of a collector road through an environmental sensitive area.

### 2. *Compatibility with land use designations for adjacent parcels and neighborhoods.*

**Staff finding:** The proposed amendment is compatible with the adjacent properties and the land use pattern of the area. The proposed amendment is to remove the requirement to construct a collector road (Martin Road) and does not change the density or intensity of any property.

3. *Impacts on public facilities/infrastructure/services.*

**Staff finding:** All public facilities have adequate capacity to accommodate the proposed amendment and therefore, there are no negative impacts anticipated on infrastructure. The proposed amendment does not result in an increase in volume of vehicles on Williamson Boulevard; therefore, there are no new impacts to infrastructure that have not already been planned for.

4. *Whether the amendment increases the clearance time for evacuation of the population in the Hurricane Vulnerability Zone above twelve hours.*

**Staff finding:** The proposed amendment is not anticipated to negatively impact the clearance time for population living in the Hurricane Vulnerability Zone (HVZ). Williamson Boulevard is the route that the population in the general area of Martin Road would use during an evacuation. Removing Martin Road is not anticipated to negatively impact Williamson Boulevard during an evacuation. Martin Road is not identified as a Hurricane Evacuation Route.

5. *Whether the amendment discourages the proliferation of urban sprawl.*

**Staff finding:** The proposed amendment will not encourage sprawl. The proposed amendment is to remove a collector roadway (Martin Road) running through a planned residential development. The developer intends to construct a roadway network within the planned residential development consisting of local roads. The residential area where Martin Road is proposed is accounted for in the City's Utility and Master Plan and the City's Water Supply Work Plan.

**RECOMMENDATION**

Staff recommends approval of the requested amendment to the City's Comprehensive Plan, Transportation Mobility Element, Policy 3.2.5, Tables 1 and 3, and Figures 2-2, 2-4, 2-8, and 2-10, to remove Martin Road as a planned collector road.

**ATTACHMENTS**

- Exhibit A - Text Amendments to Comprehensive Plan, Transportation Mobility Element, Policy 3.2.5, and Tables 1 and 3
- Exhibit B - Current Comprehensive Plan, Transportation Mobility Element, Figures 2-2, 2-4, 2-8, and 2-10
- Exhibit C - Proposed Comprehensive Plan, Transportation Mobility Element, Figures 2-2, 2-4, 2-8, and 2-10

## Exhibit A

Deletions are strikethroughs (~~strikethroughs~~) and additions are underlined.

### Transportation Mobility Element

*Policy 3.2.5:* As a condition of PUD approval, Developers will construct the following transportation improvements as generally illustrated on Figure 2-4 of the Transportation Element:

- (i) Williamson Boulevard extension from its current terminus, 0.60 miles south of the intersection of Airport Road and Williamson Boulevard, to Pioneer Trail west of I-95;  
and
- (ii) Transportation improvements along Pioneer Trail centered at, but not limited to, the intersection with Williamson Boulevard to accommodate turning vehicles accessing the PUD property. ~~and~~
- ~~(iii) Martin Road.~~



TABLE 1  
NEEDED TRANSPORTATION IMPROVEMENTS (2025)

| ROADWAY                          | SEGMENT                   |                    | PROJECTED VOLUME | VOL./CAP RATIO | IMPROVEMENTS NEEDED              | NEW CAPACITY | NEW VOL./CAP. RATIO |
|----------------------------------|---------------------------|--------------------|------------------|----------------|----------------------------------|--------------|---------------------|
|                                  | FROM                      | TO                 |                  |                |                                  |              |                     |
| ADDITIONAL CAPACITY              |                           |                    |                  |                |                                  |              |                     |
| Transit Transfer Station         | Dunlawton Ave. /Nova Area |                    | N/A              | N/A            | New central bus transfer Station | N/A          | N/A                 |
| City-wide Bus Stops              |                           |                    | N/A              | N/A            | Bus stop enhancements (5)        | N/A          | N/A                 |
| City-wide sidewalks              |                           |                    | N/A              | N/A            | Sidewalk enhancements            | N/A          | N/A                 |
| Clyde Morris Blvd.               | Herbert St.               | Willow Run Blvd.   | 3,289            | 102%           | TSM/TDM                          | N/A          | N/A                 |
| Dunlawton Ave.                   | Clyde Morris Blvd.        | Taylor Rd.         | 5,361            | 110%           | TSM/TDM or 8-lane divided        | N/A or 6,880 | N/A or 78%          |
| I-95                             | Beville Road (SR 400)     | Dunlawton Ave.     | 7,457            | 136%           | 6-lane divided                   | 8,320        | 90%                 |
| Taylor Rd.                       | Dunlawton Ave.            | Pioneer Trail      | 5,679            | 103%           | 6-lane divided                   | 8,320        | 68%                 |
|                                  | Clyde Morris Blvd.        | Yorktowne Blvd.    | 1,830            | 121%           | TSM/TDM                          | N/A          | N/A                 |
|                                  | Taylor Branch Rd.         | I-95               | 5,957            | 122%           | TSM/TDM or 8-lane divided        | 6,530        | 91%                 |
|                                  | I-95                      | Williamson Blvd.   | 4,454            | 110%           | 7-lane divided                   | 6,260        | 71%                 |
| Williamson Blvd.                 | N. City Limits            | Town West Blvd.    | 3,191            | 150%           | 4-lane divided                   | 3,204        | 100%                |
| Yorktowne Blvd.                  | Taylor Rd.                | Airport Rd.        | 4,283            | 134%           | TDM                              | N/A          | * 134%              |
|                                  | Dunlawton Ave.            | Hidden Lakes Dr.   | 1,686            | 122%           | 4-lane divided                   | 3,204        | 53%                 |
| DEVELOPMENT ACCESS & OTHER NEEDS |                           |                    |                  |                |                                  |              |                     |
| Coraci Blvd.                     | Madeline Ave.             | Road "D"           | 484              | N/A            | New 2-lane                       | 1,656        | 29%                 |
| McGinnis Blvd.                   | Town West Blvd            | Taylor Rd.         | 845              | N/A            | New 2-lane                       | 1,656        | 51%                 |
|                                  | Madeline Ave.             | Williamson Blvd.   | 1,821            | N/A            | New 4-lane divided               | 3,204        | 57%                 |
| Madeline Ave.                    | Ridgewood Ave.            | McDonald Rd.       | 1,197            | N/A            | New 2-lane                       | 1,656        | 72%                 |
| Martin Rd.                       | Williamson Blvd.          | Tomoka Farms Rd.   | 1,069            | N/A            | New 2-lane                       | 1,656        | 64%                 |
|                                  | Williamson Blvd. N        | Williamson Blvd. S | 229              | N/A            | New 2-lane                       | 1,656        | 14%                 |
| Ridgewood Ave.                   | N. City Limits            | Dunlawton Ave.     | 3,488            | N/A            | TSM/TDM                          | N/A          | N/A                 |
| Spruce Creek Rd.                 | Herbert St.               | Dunlawton Ave.     | 3,488            | N/A            | TSM/intersections                | N/A          | N/A                 |
|                                  | Canal View Blvd.          | Herbert St.        | 316              | N/A            | New 2-lane                       | 1,440        | 22%                 |
| Williamson Blvd.                 | Airport Rd.               | Pioneer Tr.        | 2,287            | N/A            | New 4-lane divided               | 3,204        | 71%                 |
| Willow Run Blvd.                 | Williamson Blvd.          | Madeline Ave. ext. | 294              | N/A            | New 2-lane                       | 1,656        | 18%                 |
| Yorktowne Blvd.                  | Taylor Rd.                | Dunlawton Ave.     | 1,062            | N/A            | New 4-lane divided               | 3,204        | 33%                 |
|                                  | Hidden Lakes Dr.          | Willow Run Blvd.   | 1,494            | N/A            | New 4-lane divided               | 3,204        | 47%                 |

\* Although volume may be higher, VMTs are expected to drop substantially, by approximately 38%, once development of new commercial nodes planned in the area occurs.  
Note: "Needed" refers to those improvements needed to maintain the City's adopted LOS standard or to provide access.  
Note: TSM/TDM improvements are proposed for designated constrained facilities on which capacity improvements are not feasible.

TABLE 3  
PROGRAMMED TRANSPORTATION IMPROVEMENTS  
FISCAL YEARS 2010-2015

| TRANSPORTATION FACILITY                    | SEGMENT                           |                               | CONSTRUCTION IMPROVEMENT    | COST                   | FUNDING SOURCE       |
|--------------------------------------------|-----------------------------------|-------------------------------|-----------------------------|------------------------|----------------------|
|                                            | FROM                              | TO                            |                             |                        |                      |
| BIKE/PED PROJECTS                          |                                   |                               |                             |                        |                      |
| Clyde Morris Blvd.                         | Dunlawton Ave.                    | W. Pines Plaza Driveway       | Sidewalk                    | \$70,800               | City/TPO             |
| Cross-Town Trail                           | City Center Dr.                   | Nova Rd.                      | Trail                       | \$568,618              | City/TPO             |
| Halifax Dr.                                | Dunlawton Ave.                    | Ocean Ave.                    | Bike-ped facility           | \$100,000              | City/CRA             |
| Herbert St.                                | Carriage Gate Dr.                 | Nova Rd.                      | Sidewalk & trail            | \$483,617              | City/TPO XU          |
| Herbert St.                                | Nova Rd.                          | Jackson St.                   | Sidewalk/bike lanes         | \$30,589               | City/TPO XU          |
| Peninsula Dr.                              | Dunlawton Ave.                    | Demotte Ave.                  | Sidewalk                    | \$43,400               | City /TPO XU         |
| Ridgewood Ave.                             | N. City Limits                    | Dunlawton Ave.                | Streetscape improvements    | \$3,982,500            | FDOT/CRA             |
| Spruce Creek Rd.                           | Dunlawton Ave.                    | Herbert St.                   | Trail                       | \$250,000              | City/TPO             |
| Taylor Rd.                                 | Taylor Rd.                        | Central Park Blvd.            | Trail                       | \$226,600              | City/TPO             |
|                                            | Williamson Blvd.                  | Taylor Branch Rd.             | Pedestrian improvements     | \$300,000              | City/FDOT/ Developer |
| TRANSPORTATION SYSTEMS MANAGEMENT PROJECTS |                                   |                               |                             |                        |                      |
| Clyde Morris Blvd.                         | At Pines Plaza/Wal-Mart driveway  |                               | Install traffic signal      | \$345,000              | City/Developer       |
| Dunlawton Ave.                             | Ridgewood Ave                     | I-95                          | Fiber optic addition        | \$250,000              | FDOT                 |
|                                            | At Spruce Creek Rd.               |                               | Intersection improvement    | \$750,000              | CRA                  |
|                                            | At Village Trail                  |                               | Turn lane                   | \$175,500              | City/TPO             |
| Halifax Ave.                               | Ocean Ave.                        | Dunlawton Ave.                | New roadway alignment       | \$2,351,250            | CRA                  |
| Ocean Ave.                                 | Halifax Ave.                      | Ridgewood Ave.                | New roadway alignment       | \$2,351,250            | CRA                  |
| Pioneer Tr.                                | At Turnbull Bay Rd.               |                               | Intersection Improvement    | \$1,550,000            | VCO                  |
| Ridgewood Ave.                             | At Herbert St. and Dunlawton Ave. |                               | Intersection improvements   | \$2,050,000            | FDOT                 |
| Taylor Rd.                                 | At Devon Street                   |                               | New traffic signal          | \$247,217              | City/FDOT            |
|                                            | At Dunlawton Ave.                 |                               | Traffic signal modification | \$200,000              | Developer            |
| Williamson Blvd.                           | At I-95 Interchange               |                               | WB left turn lane ext.      | \$200,000              | City/FDOT/Developer  |
|                                            | At Town West Blvd.                |                               | New traffic signal          | \$273,000              | Developer            |
|                                            | At Pioneer Trail                  |                               | Intersection improvements   | \$490,000              | Developer            |
| Willow Run Blvd.                           | At Clyde Morris Blvd.             |                               | Turn lane                   | \$130,000              | City/TPO             |
| ROADWAY WIDENING PROJECTS                  |                                   |                               |                             |                        |                      |
| Coraci Blvd.                               | Town West Blvd.                   | ¼ mile south                  | New 2-lane divided          | \$850,000              | Developer            |
|                                            | ¼ mile south of Town West         | Carmody Lakes Dr.             | New 2-lane                  | \$1,300,000            | City/Developer       |
| ROADWAY WIDENING PROJECTS CONTINUED        |                                   |                               |                             |                        |                      |
| <del>Martin Rd.</del>                      | <del>Williamson Blvd. N</del>     | <del>Williamson Blvd. S</del> | <del>New 2-lane road</del>  | <del>\$4,382,560</del> | <del>Developer</del> |

## **Exhibit B**

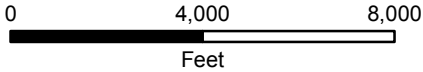
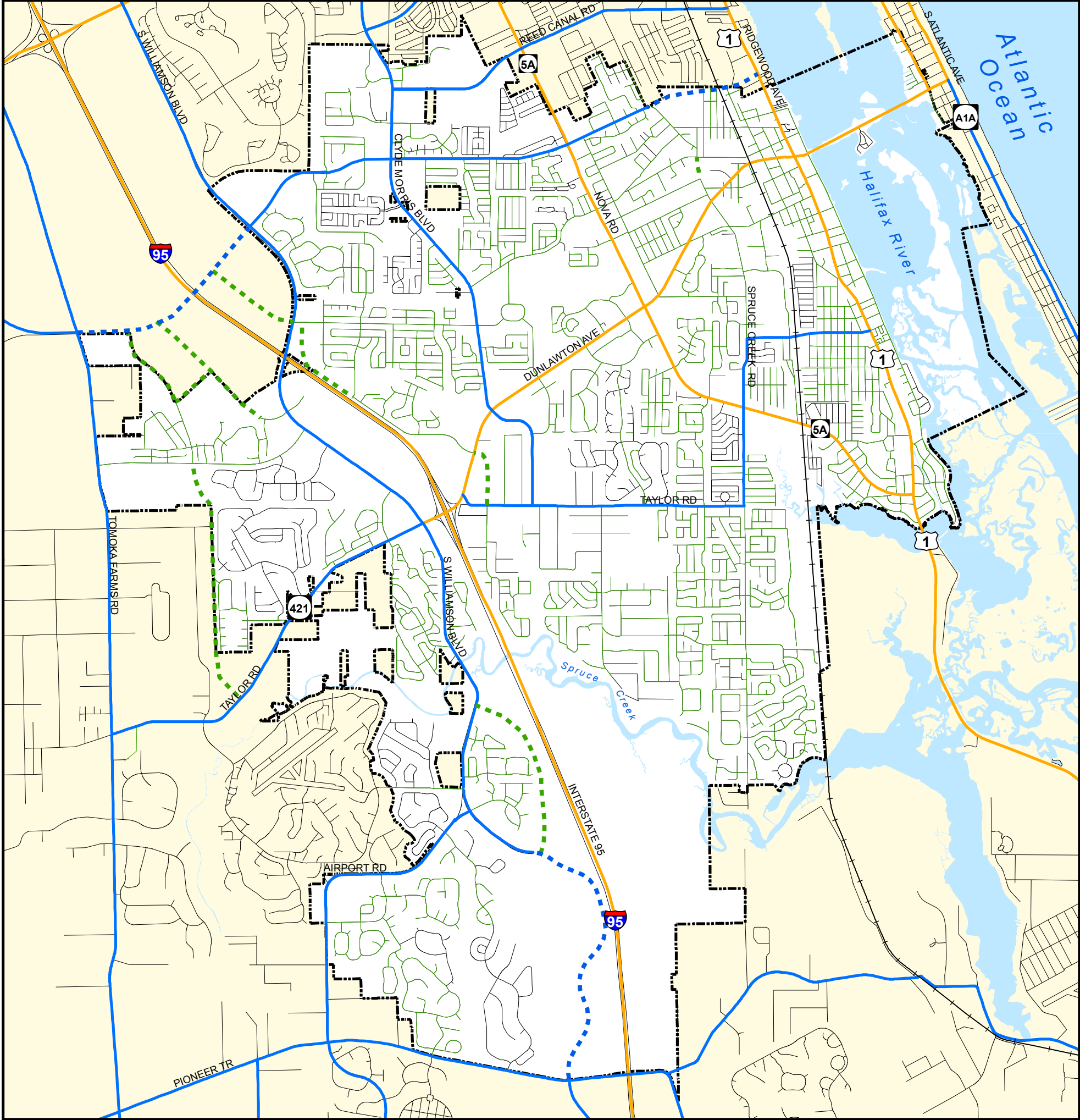
**Current Comprehensive Plan  
Transportation Mobility Element  
Figures 2-2, 2-4, 2-8, and 2-10**



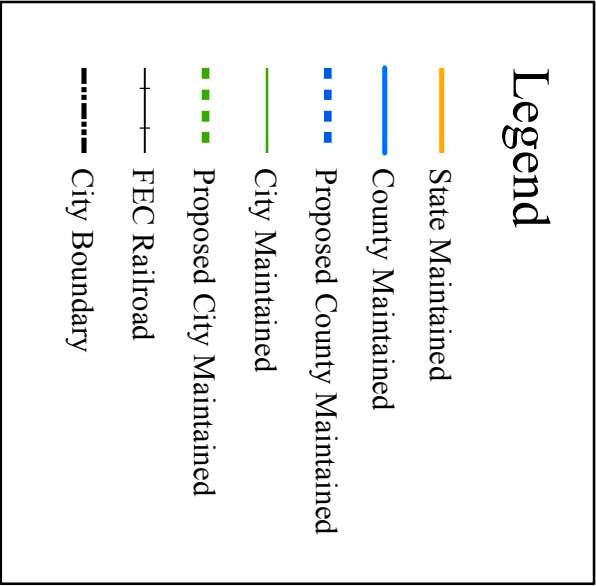
FIGURE 2 - 2

Roadway Maintenance

Existing (2009) & Proposed (2025)



1 inch equals 4,000 feet



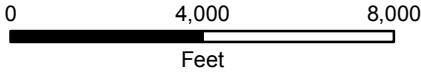
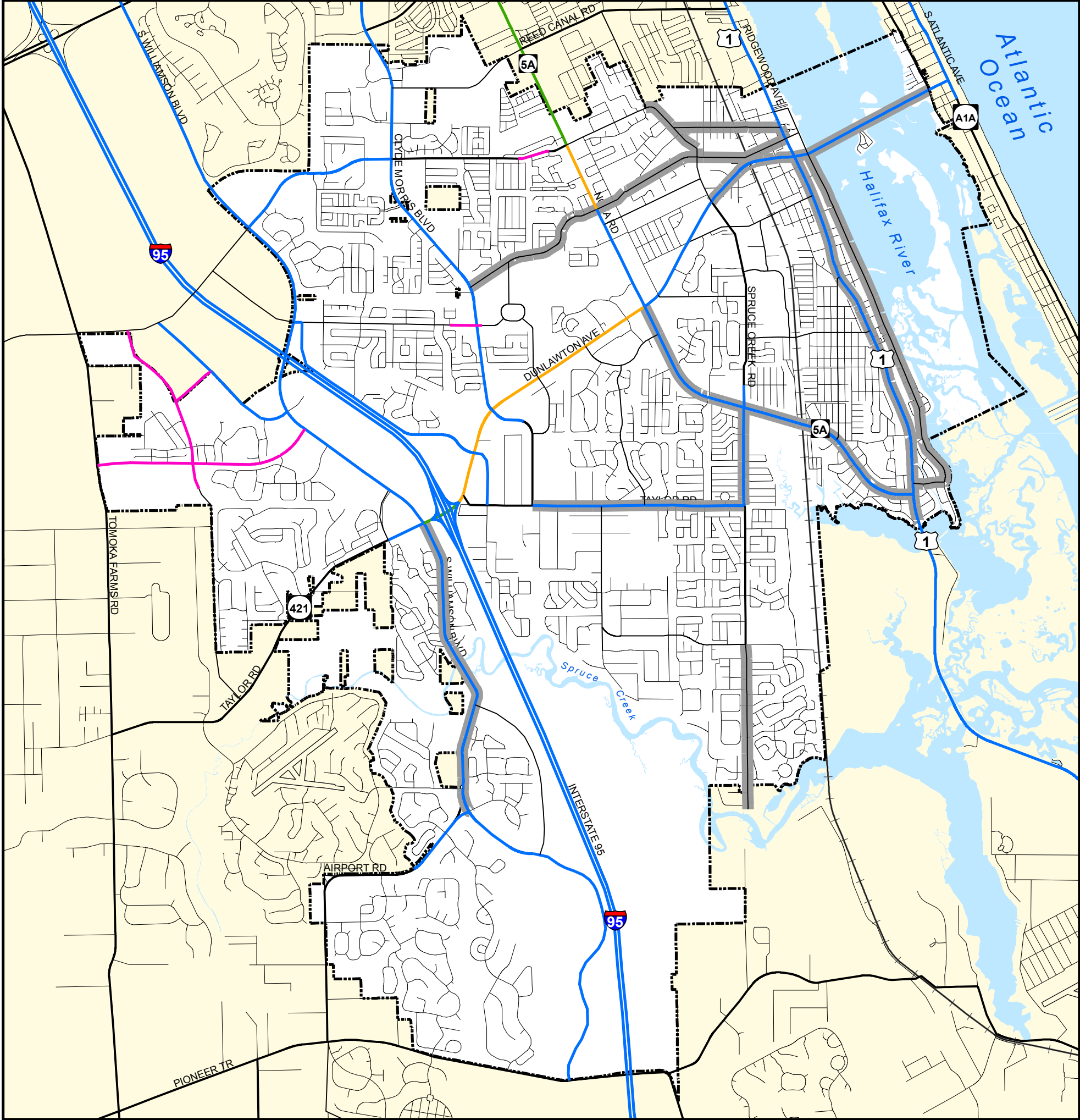
City of Port Orange

COMPREHENSIVE PLAN UPDATE 2010

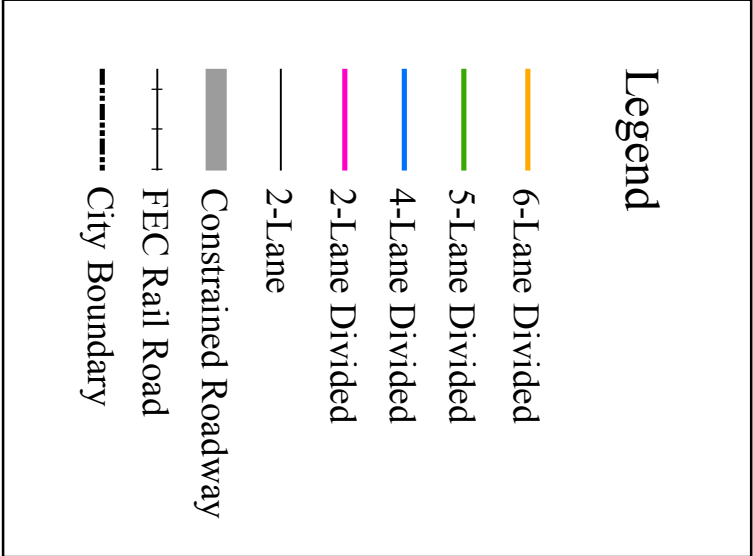
SOURCE: City of Port Orange Community Development  
July 2010

FIGURE 2 - 4

Roadway Number of Lanes  
(2025)



1 inch equals 4,000 feet



City of Port Orange

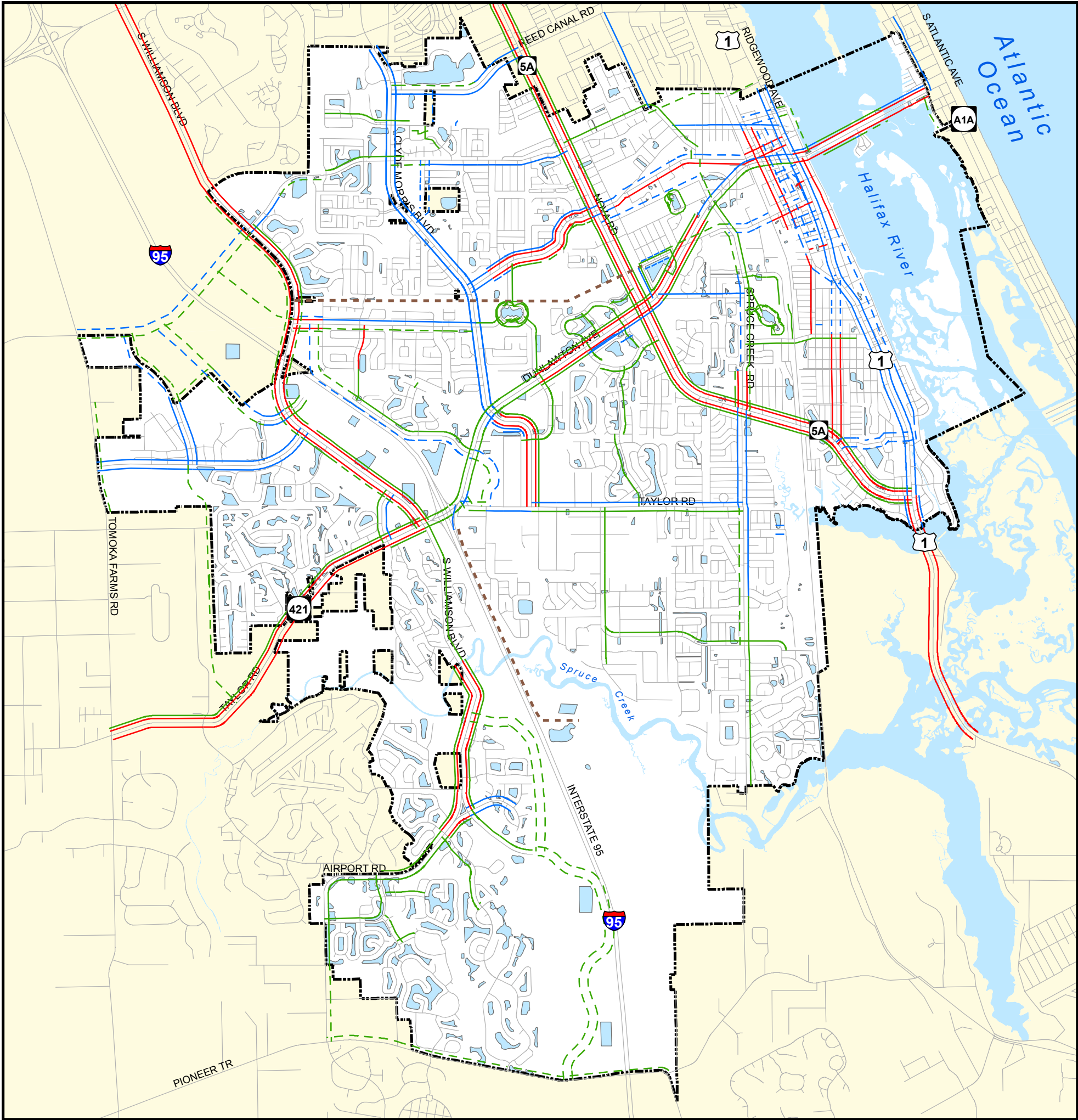
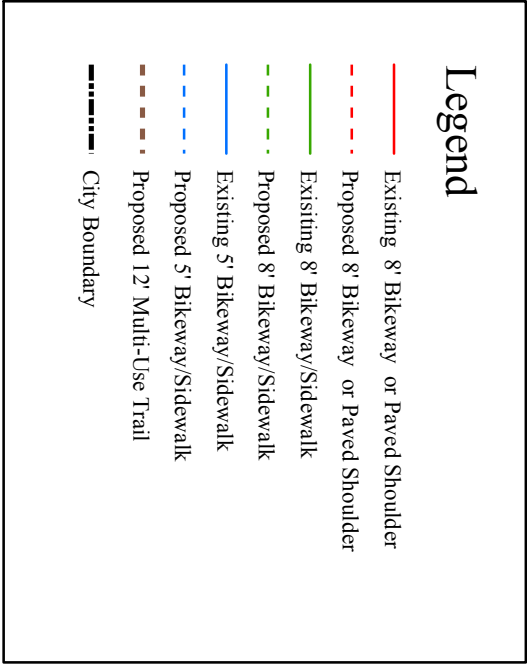
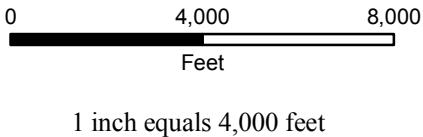
COMPREHENSIVE PLAN UPDATE 2010

SOURCE: City of Port Orange Community Development  
July 2010



FIGURE 2 - 8

**Significant Bikeways  
&  
Pedestrian Sidewalks**  
*Existing (2009) & Proposed (2025)*

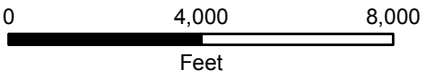
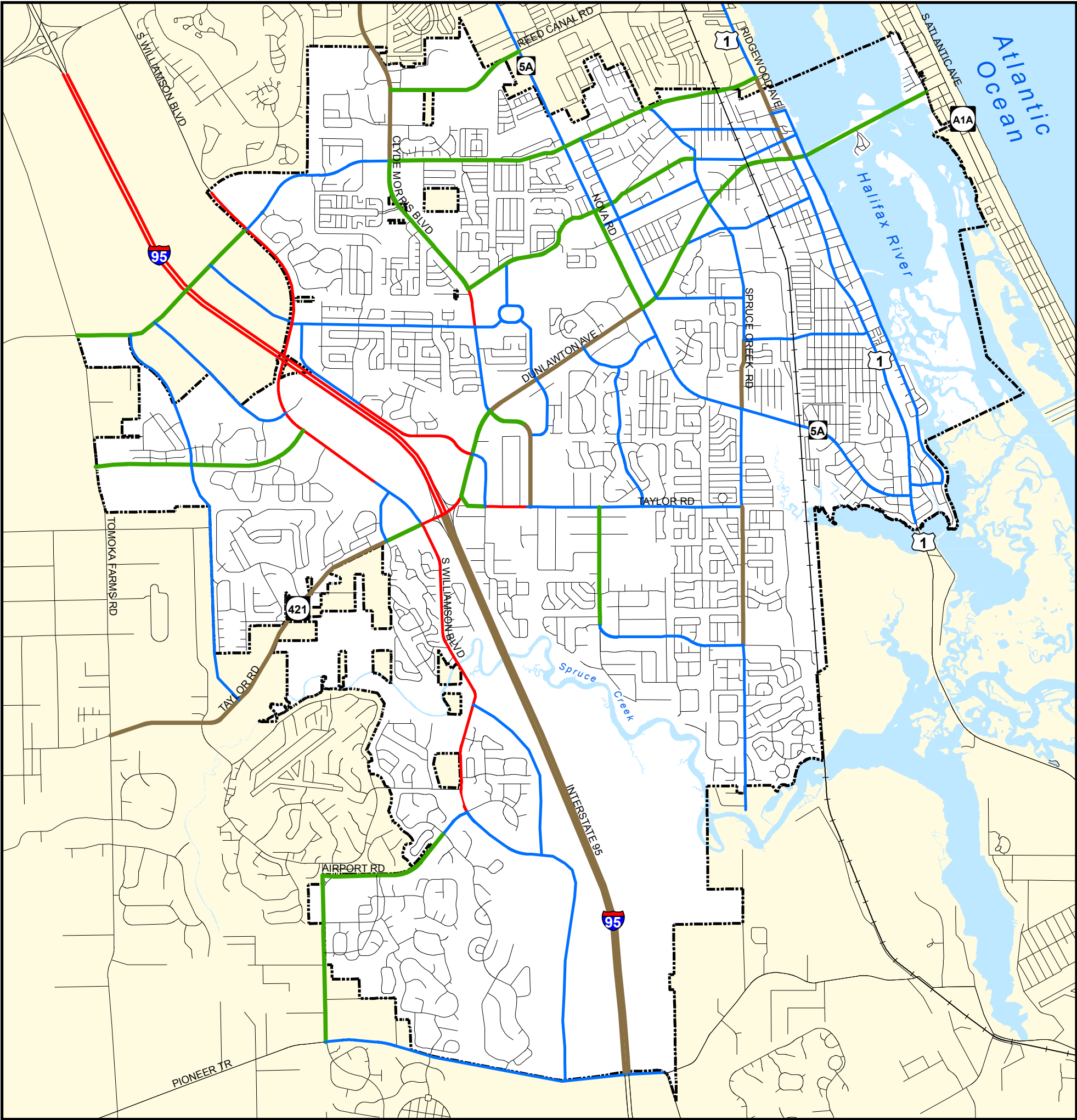
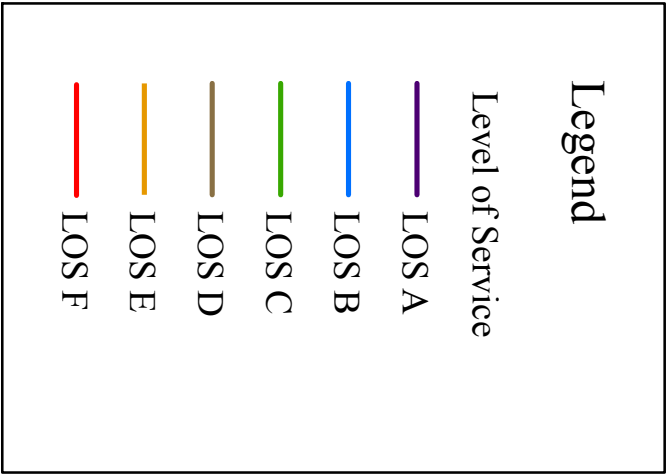


**City of Port Orange**  
**COMPREHENSIVE PLAN UPDATE 2010**

*SOURCE: City of Port Orange Community Development  
July 2010*

FIGURE 2 - 10

*Roadway  
Level of Service  
(2025)*



1 inch equals 4,000 feet

## **Exhibit C**

### **Proposed Comprehensive Plan**

### **Transportation Mobility Element**

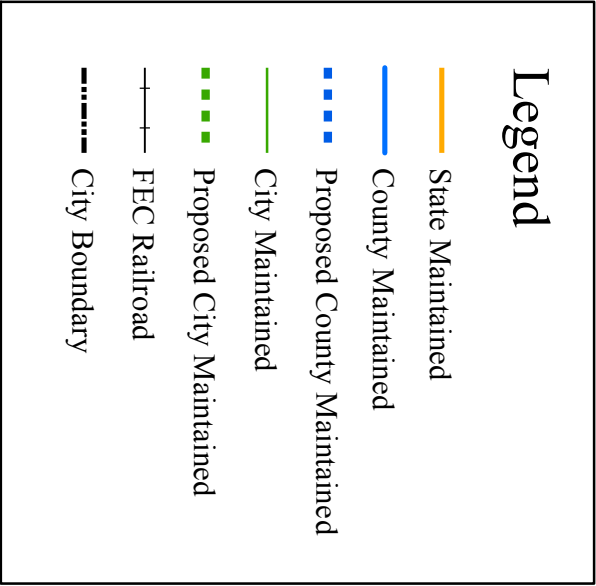
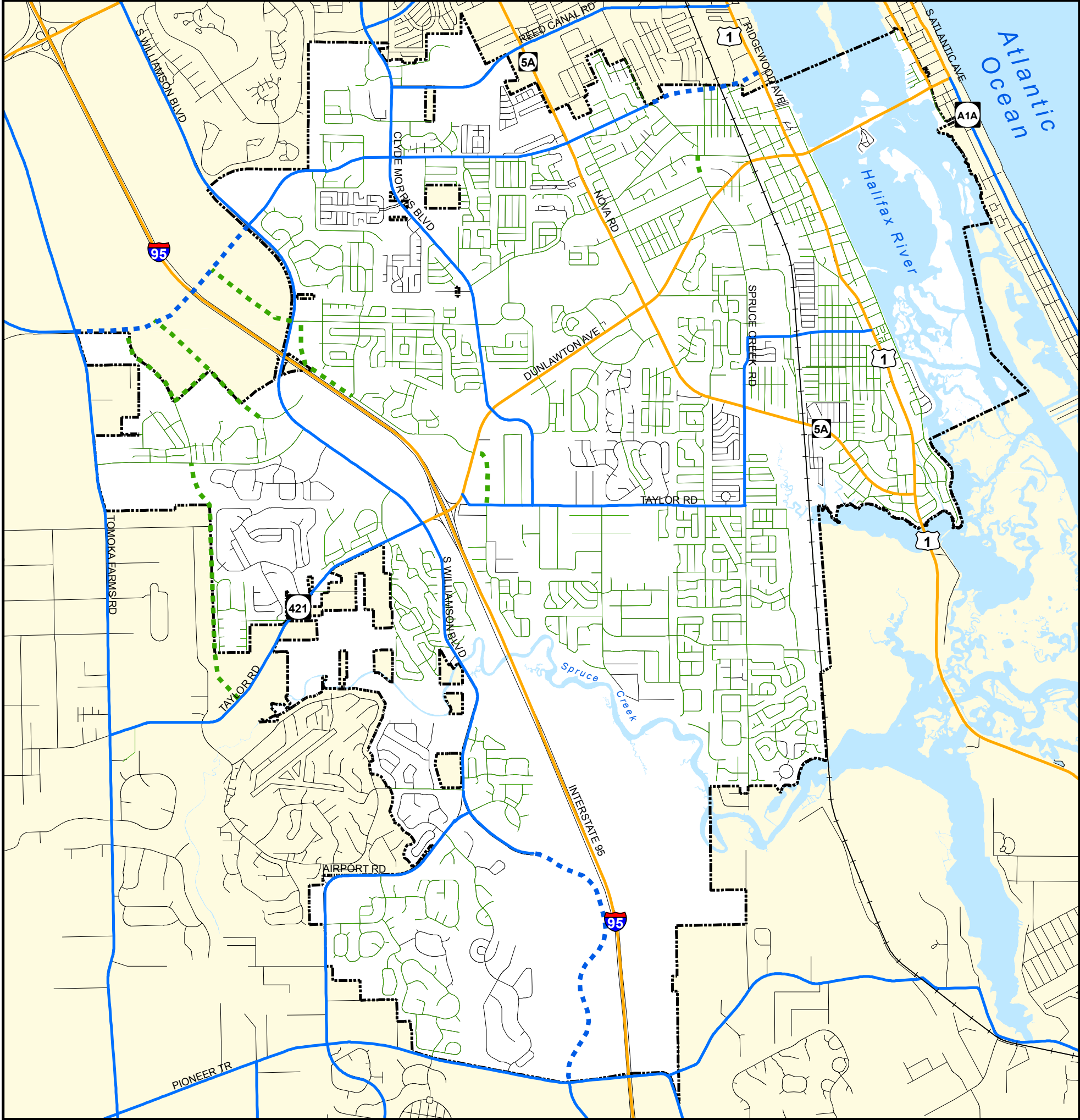
### **Figures 2-2, 2-4, 2-8, and 2-10**



FIGURE 2 - 2

Roadway Maintenance

Existing (2009) & Proposed (2025)



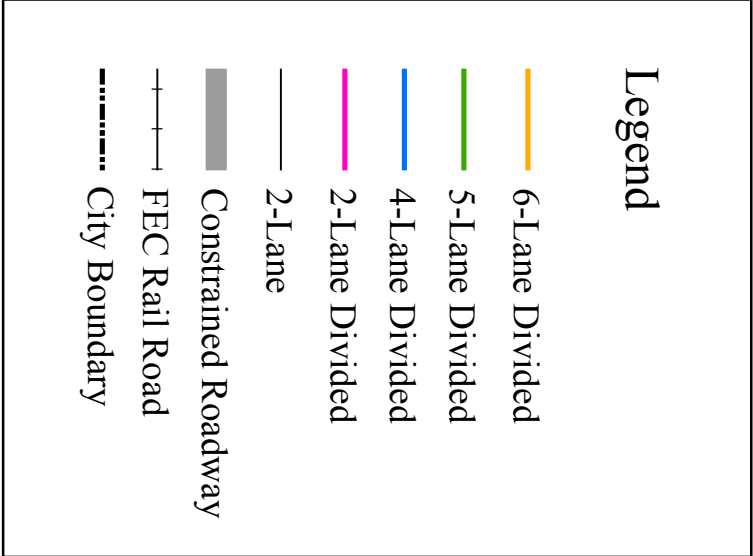
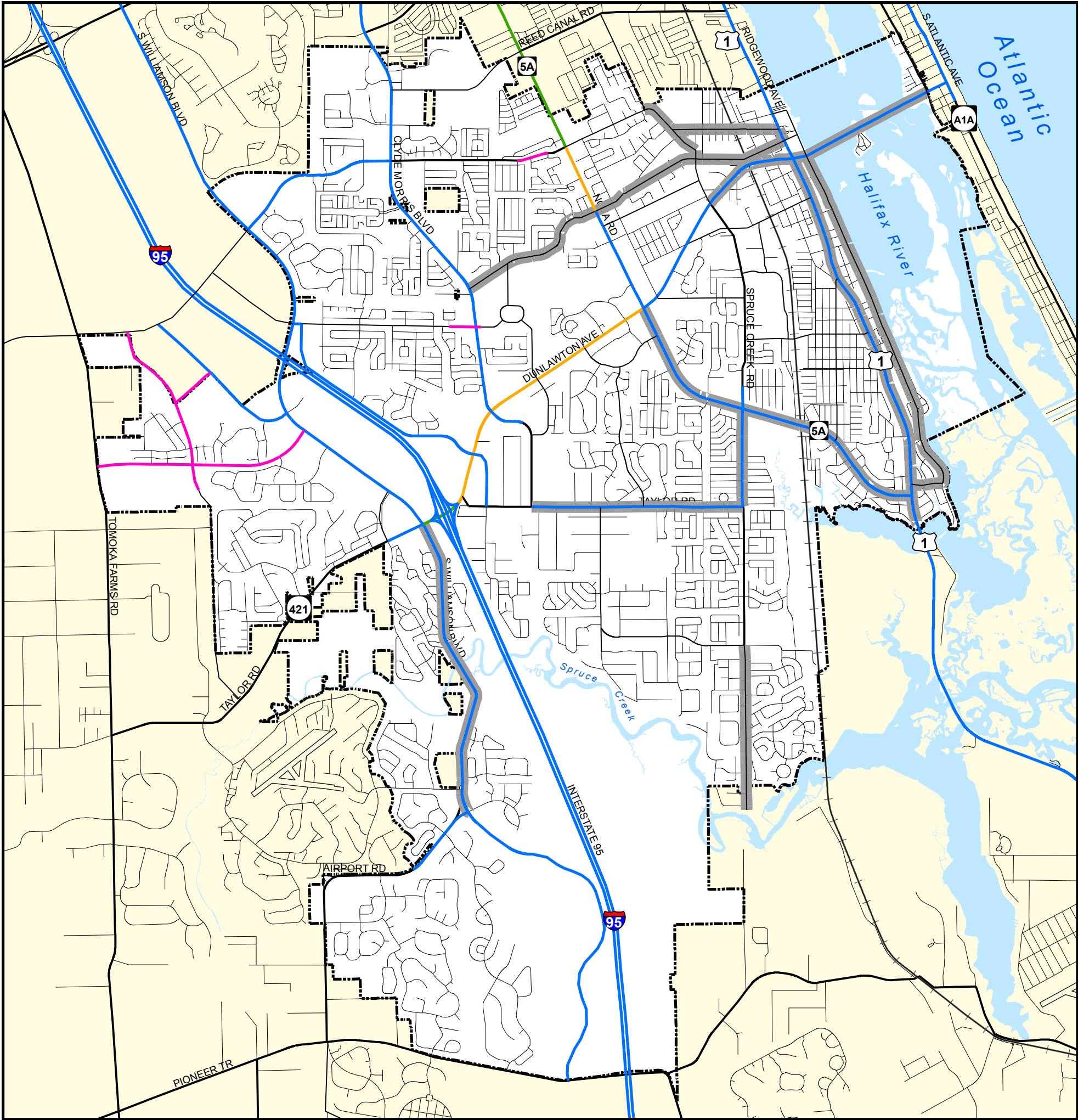
City of Port Orange

COMPREHENSIVE PLAN UPDATE 2010

SOURCE: City of Port Orange Community Development  
December 2015

FIGURE 2 - 4

Roadway Number of Lanes  
(2025)



City of Port Orange

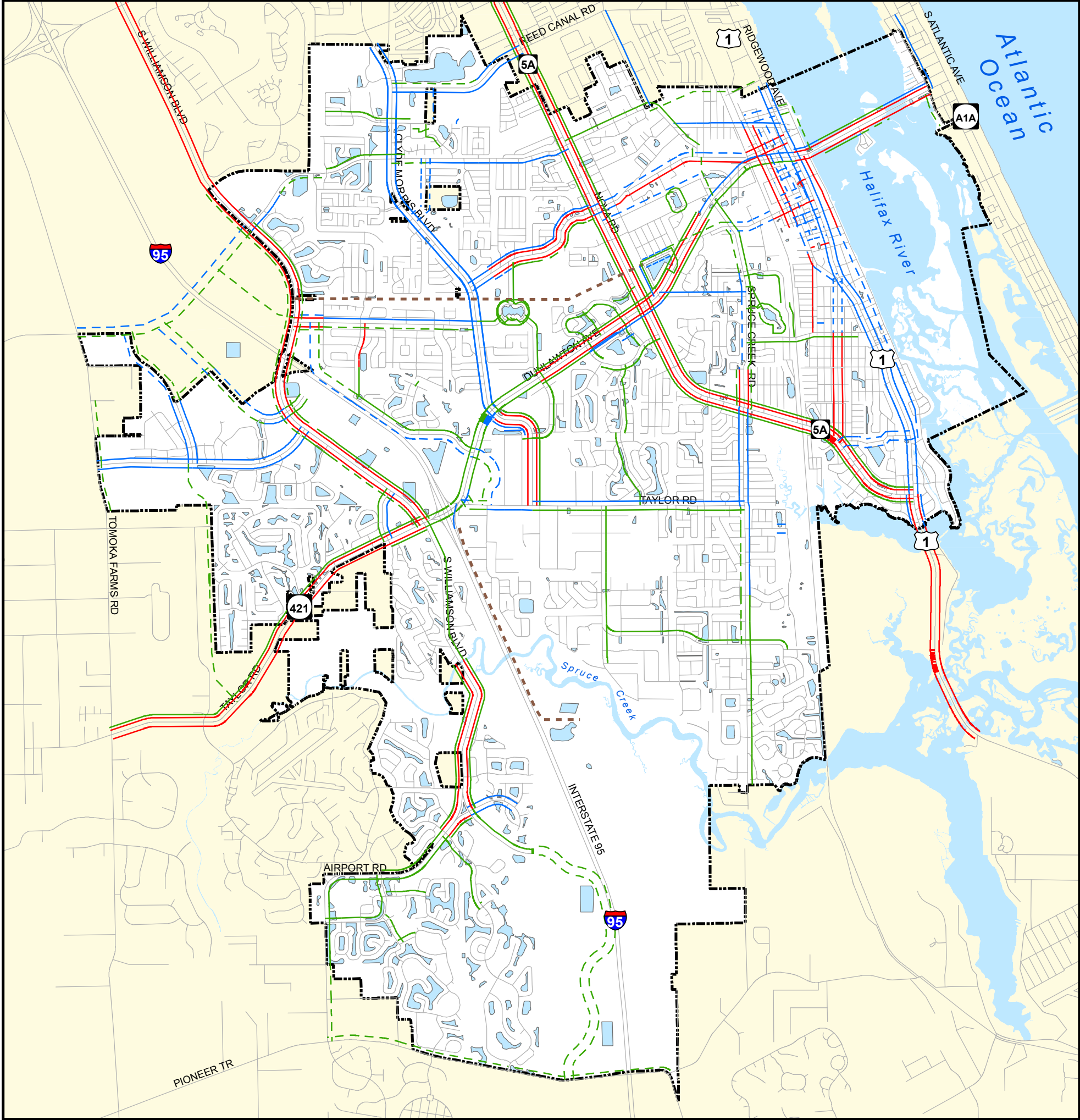
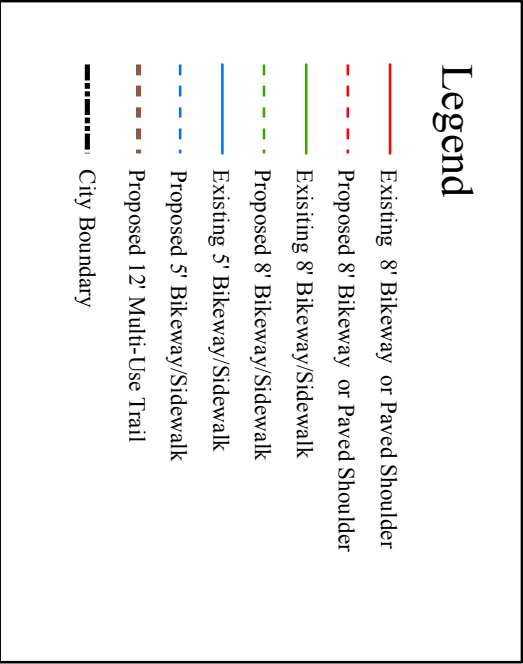
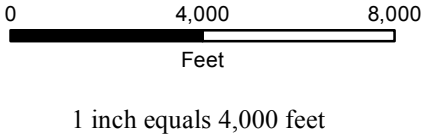
COMPREHENSIVE PLAN UPDATE 2010

SOURCE: City of Port Orange Community Development  
December 2015



FIGURE 2 - 8

Significant Bikeways  
&  
Pedestrian Sidewalks  
Existing (2009) & Proposed (2025)

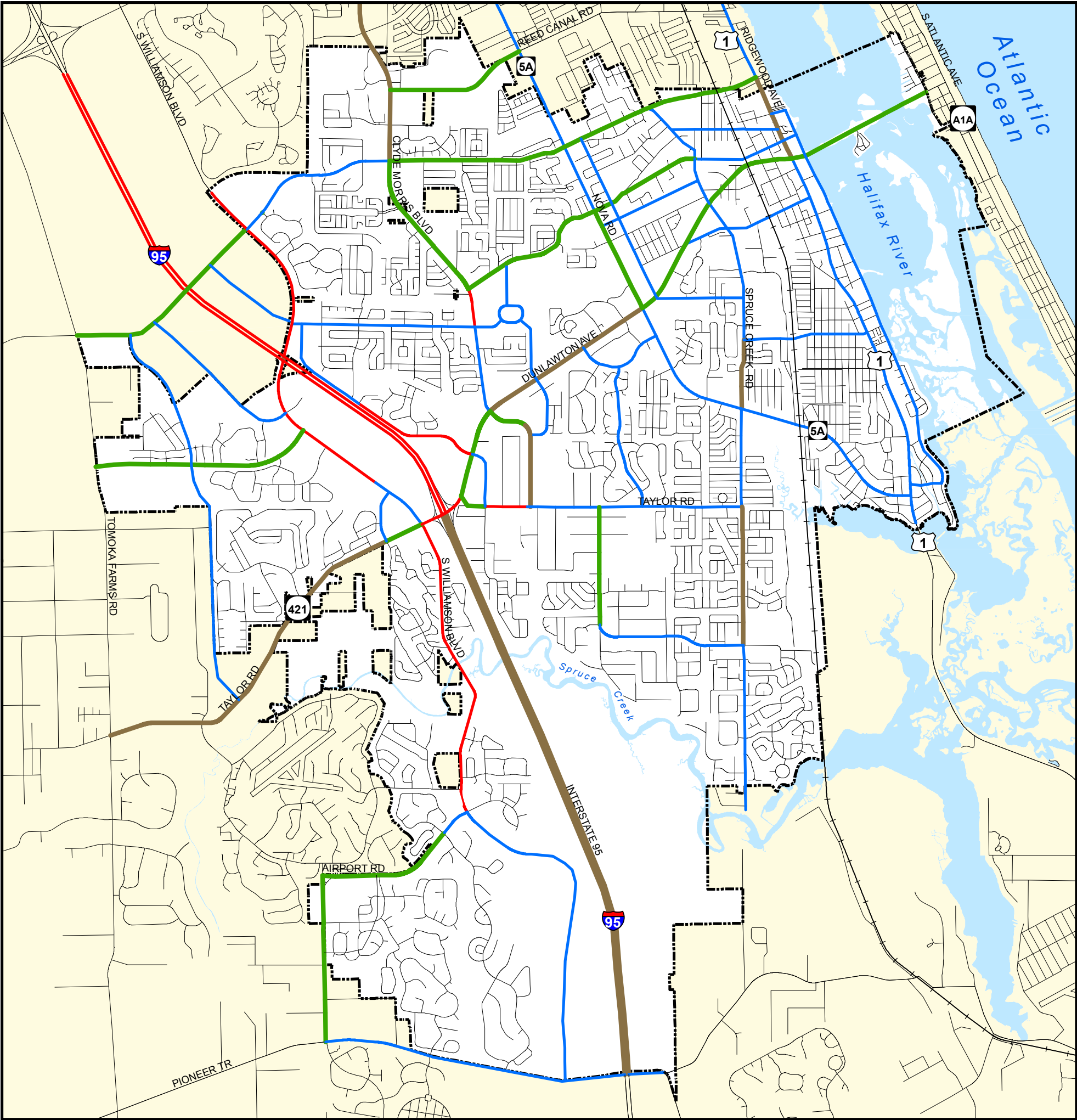
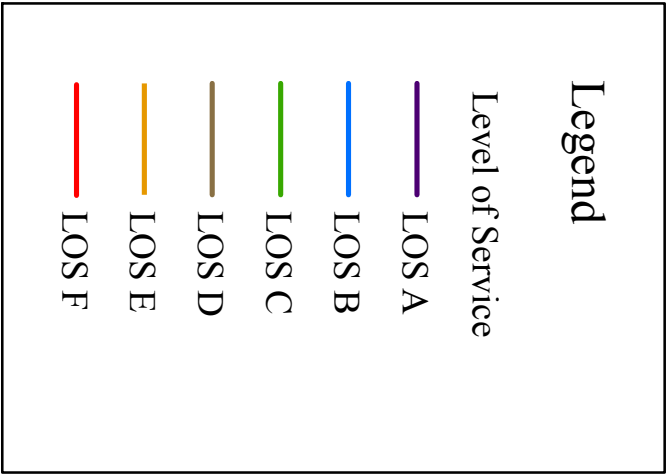


City of Port Orange  
COMPREHENSIVE PLAN UPDATE 2010

SOURCE: City of Port Orange Community Development  
December 2015

FIGURE 2 - 10

*Roadway  
Level of Service  
(2025)*



*City of Port Orange*

COMPREHENSIVE PLAN UPDATE 2010

SOURCE: City of Port Orange Community Development  
December 2015



# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 05/03/2016

Consent item: No

---

**SUBJECT:** Second Reading - Ordinance No. 2016-7 – 1st Amendment to the Woodhaven Master Development Agreement and Conceptual Development Plan; CASE NO. 16-40000002

**DEPARTMENT:** Community Development

**GOAL:** 1 - Infrastructure Preservation

**OBJECTIVE:** N/A

---

**RECOMMENDED MOTION:** Move to approve Ordinance No. 2016-7, approving the 1st Amendment to the Woodhaven Master Development Agreement and Conceptual Development Plan, as recommended by the Planning Commission.

---

**SUMMARY: PLANNING COMMISSION ACTION:** March 24, 2016, recommended approval

The Applicant is requesting to amend the Woodhaven Master Development Agreement and Conceptual Development Plan, consistent with the proposed 16-1 Comprehensive Plan amendment, to remove the requirement to construct Martin Road as a collector road. Currently, Martin Road is proposed as a 2-lane collector road and is proposed to intersect Williamson Boulevard north of the Pinnacle subdivision and south of the Ashton Point Apartments, traversing through the Woodhaven Planned Unit Development (PUD). The proposed amendment would allow for Martin Road to be replaced with a local residential street.

Recently, the developer of the Woodhaven PUD began planning the northern residential area and is requesting to replace Martin Road with a local residential street. The developer is concerned with the potential of through traffic that could use Martin Road to bypass the Airport Road/Williamson Boulevard intersection and have a negative impact on the northern neighborhood area. The removal of Martin Road as a collector road would keep through traffic on Williamson Boulevard and only allow residential traffic within the northern residential area. According to the developer, if the amendment is approved, the northern residential area will have the main access point south of the Ashton Point Apartments but will not have any direct connection to Williamson Boulevard north of the Pinnacle subdivision.

|         |                 |
|---------|-----------------|
| Project | Funding Account |
| No.:    | No.:            |

---

**ATTACHMENTS:**

|    |                 |                     |
|----|-----------------|---------------------|
| 1. | Ord. No. 2016-7 | Ord. No. 2016-7.pdf |
|----|-----------------|---------------------|

---

|    |              |                                           |
|----|--------------|-------------------------------------------|
| 2. | Staff Report | CC Staff Rpt_1st Amendment WH MDA_CDP.pdf |
|----|--------------|-------------------------------------------|

---

Robin Fenwick

Created/Initiated - 04/19/2016

---



ORDINANCE NO. 2016-7

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE WOODHAVEN PLANNED UNIT DEVELOPMENT MASTER DEVELOPMENT AGREEMENT (MDA) AND CONCEPTUAL DEVELOPMENT PLAN; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City and Developer desire to further amend the Woodhaven Planned Unit Development Master Development Agreement (“MDA”) originally referenced as Stanaki Planned Unit Development Master Development Agreement (the “Original MDA”), recorded in Official Records Book 4213 Page 1610, and the First Amendment to Stanaki Planned Unit Development Master Development Agreement ( the “Amended MDA”), recorded in Official Records Book 4794, Page 4301, and Second Amendment and Restatement to the Stanaki Planned Unit Development Master Development Agreement and Conceptual Plan (the “Second Amendment”), recorded in Official Records Book 6939, Page 1453, all in the Public Records of Volusia County, Florida; and

WHEREAS, the City and Developer desire to enter into the First Amendment to the Woodhaven Planned Unit Development Master Development Agreement (hereinafter referred to as the (“First Amendment”)); and

WHEREAS, the Developer submitted a request to the Planning Commission to approve the First Amendment; and

WHEREAS, a public hearing was held following public notice as prescribed by ordinance; and

WHEREAS, the Planning Commission has by unanimous vote recommended approval of the proposed First Amendment; and



WHEREAS, the City Council has approved by a majority vote of the members present the approval of the First Amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

Section 1. The City Council of the City of Port Orange does hereby approve the First Amendment to the Woodhaven Planned Unit Development Master Development Agreement (attached hereto as **Exhibit "1"**).

Section 2. The Mayor and City Clerk are hereby authorized to execute said First Amendment.

Section 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 5. This ordinance shall become effective immediately upon adoption.

\_\_\_\_\_  
MAYOR ALLEN GREEN

ATTEST:

\_\_\_\_\_  
Robin L. Fenwick, CMC, City Clerk

Passed on second reading on the     day of \_\_\_\_\_, 2016

Passed and adopted on second and final reading on the     day of \_\_\_\_\_, 2016

Reviewed and Approved: \_\_\_\_\_  
Margaret T. Roberts, City Attorney

## **EXHIBIT "1"**

### **FIRST AMENDMENT TO THE WOODHAVEN PLANNED UNIT DEVELOPMENT MASTER DEVELOPMENT AGREEMENT**

This Agreement, is entered into by and between the CITY OF PORT ORANGE, a Florida municipal corporation whose address is 1000 City Center Circle, Port Orange, FL 32129 (hereinafter the "City") and CC WOODHAVEN, LLC, PIONEER INVESTMENTS OF PORT ORANGE, INC, and PIONEER COMMUNITY DEVELOPMENT DISTRICT (the "Owners") and INTERVEST CONSTRUCTION, INC. (the "Developer") whose address is 2379 Beville Road, Daytona Beach, FL 32119, shall constitute the first amendment to the Woodhaven Planned Unit Development (PUD) Master Development Agreement (MDA) hereinafter referred to the First Amendment.

**WHEREAS**, the City and Stanaki Partnership, a Florida general partnership (the "Prior Owner") entered into an agreement and covenant to bind their successors and assigns to the terms and provisions of a development agreement entitled "Stanaki Planned Unit Development Master Development Agreement", recorded in Official Records Book 4213, Page 1610, Public Records of Volusia County, Florida (the "Original MDA"); and

**WHEREAS**, the City and Prior Owner entered into the "First Amendment to the Stanaki Planned Unit Development Master Development Agreement" (the "Amended MDA"), recorded in Official Records Books 4794, Page 4301, Public Records of Volusia County, Florida; and

**WHEREAS**, the City, the Owners and Intervest Construction, Inc., entered into the "Second Amendment and Restatement to the Stanaki Planned Unit Development Master Development Agreement and Conceptual Plan" (the "Second Amended MDA"), recorded in Official Records Books 6939, Page 1453, Public Records of Volusia County, Florida; and

**WHEREAS**, the property subject to this First Amendment remains unchanged from that of Woodhaven MDA recorded in Official Records Book 6939, Page 1453, Public Records of Volusia County, Florida, and consists of approximately 983 +/- acres of real property located within the municipal limits of the City of Port Orange, Florida, a description of which is attached hereto and incorporated herein as Exhibit "A"; and

**WHEREAS**, in 2016 the City's Comprehensive Plan, Transportation Mobility Element, Policy 3.2.5, Tables 1 and 3, and Figures 2-2, 2-42 2-8, and 2-10, was amended to remove Martin Road as a planned collector road; and

**WHEREAS**, the City, the Owners and the Developer agree to amend the Woodhaven MDA Agreement by this First Amendment to reflect the Comprehensive Plan amendment and remove references to Martin Road as a through road or collector road within the Woodhaven Master Development Agreement and the Conceptual Development Plan.

**NOW THEREFORE**, the parties hereby agree as follows:

1. This First Amendment complies with the City's Comprehensive Plan.
2. Woodhaven MDA, Section 5: This section shall be amended by deleting paragraph C regarding the construction of Martin Road.
3. Woodhaven MDA, Exhibit B, Section H, Roadways: The first paragraph of this section shall be amended as follows to remove the reference to Martin Road:

### **Roadways**

The Owners shall provide safe and effective traffic circulation access from Woodhaven to existing adjacent roadways as generally depicted on Exhibit "C". The road locations are conceptual and subject to change on Site Development Plans in accordance with the Land Development Code and the Comprehensive Plan. The extension of South Williamson Boulevard and ~~Martin Road~~ shall be a public roadways. All other roadways in Woodhaven may be public or private. All streets shall be designed and constructed in accordance with the standards in the Land Development Code, except as specifically provided in this Agreement. Roadway and pedestrian connections to the adjacent Sterling Chase and Ashton Lakes subdivisions shall be made at the existing stub-outs on Sterling Chase Drive and Crosswind Way. The roadway connection to Crosswind Way will contain an emergency unobstructed access gate to only allow emergency vehicle access. The emergency unobstructed access gate may be removed from this connection if both communities desire to do so by securing approval of a modification to this Agreement.

4. MDA Agreement, Exhibit B, Section H, Roadways, Table 4 Public Roadway Infrastructure Improvements by Owners: The subject table shall be amended to delete the last row regarding Martin Road as follows:

| <b>Table 4 Public Roadway Infrastructure Improvements by Owner</b> |                                                                                                                                                                                                                                                |
|--------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Roadway Facility<br/>(Permitting Authority)</b>                 | <b>Description</b>                                                                                                                                                                                                                             |
| South Williamson Boulevard<br>(Volusia County)                     | 4-lane, divided extension from its current terminus, 0.60 miles south of the intersection of Airport Road and Williamson Boulevard, through the Woodhaven PUD to Pioneer Trail west of I-95                                                    |
| Pioneer Trail<br>(Volusia County)                                  | Transportation improvements centered at, but not limited to, the intersection with Williamson Boulevard to accommodate turning vehicles accessing the Woodhaven PUD                                                                            |
| <del>Martin Road<br/>(City of Port Orange)</del>                   | <del>New 2-lane extension (60' right-of-way) from the connection point to the Pinnacle PUD, through Residential Pod B, terminating at the extension of South Williamson Boulevard that separates Residential Pod B and Residential Pod C</del> |

5. Woodhaven MDA, Exhibit C, Sheet 2: The Woodhaven Conceptual Development Plan is attached hereto and incorporated herein as Exhibit "B, amended to remove the depiction of Martin Road as a through road, but rather terminating within Residential Pod B.
6. Conformance With Laws: The Owners agrees that in developing the Woodhaven PUD Property the Owners or the Owners' successors in interest shall be required:
  - a. To develop the Woodhaven PUD Property according to all regulations of the City to the extent those regulations are not inconsistent with this Agreement.
  - b. To be bound by all City codes and ordinances that are not in conflict with the provision of this Agreement.
7. Enforceability: If any provision of this Amendment is held by a court of competent jurisdiction to be invalid or otherwise unenforceable, such holding shall not affect the validity or enforceability of any other provision of this Amendment unless the holding so states.
8. Prior Agreements: The Second Amendment and Restatement to the Stanaki Planned Unit Development Master Development Agreement and Conceptual Plan (restated as the "Woodhaven planned Unit Development Master Development Agreement") recorded in Official Records Book 6939, Page 1453, shall continue in full force and effect except with respect to those matters specifically amended by this First Amendment. With respect to those matters specifically amended, this First Amendment shall govern.
9. Police Power: Nothing contained in this Amendment shall be construed as a waiver of or contract with respect to the regulatory and permitting authority of the City as it now or hereafter exists under applicable laws, rules and regulations. Further, nothing contained in this Amendment shall be construed as a waiver of the attempted waiver by the City of its sovereign immunity under the constitution and laws of the State of Florida.
10. Effective Date and Expiration.
  - a. This Agreement shall be effective upon recording by the City at the Owners' expense in the public records of Volusia County, Florida. The Second Reading of the Ordinance for this Agreement shall not take place until the Owners has provided an executed copy of the MDA to the City Clerk addressing all issues discussed prior to the scheduled Second Recording. If there are no additional requirements, corrections or conditions attached by the City Council at the Second Reading, the Agreement shall be signed by the Mayor and City Clerk and recorded.
  - b. Development of the Woodhaven PUD Property shall commence within five (5) years from the effective date of this Agreement and it shall be completed within thirty (30) years from the date of execution. Failure to comply with the schedule set out above shall cause this Agreement to lapse unless the schedule is modified

by mutual agreement of the Owners, Developer, and the City. The term "Development" shall have the meaning as set forth in the LDC.

IN WITNESS WHEREOF, the parties have executed this Amendment to the MDA Agreement by and through their duly authorized representatives, on the respective dates below.

WITNESSES:

**CITY OF PORT ORANGE, a Florida  
Municipal Corporation**

\_\_\_\_\_  
\_\_\_\_\_  
Printed Name

By: \_\_\_\_\_  
Allen Green, Mayor

\_\_\_\_\_  
\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
\_\_\_\_\_  
Printed Name

Attest \_\_\_\_\_  
Robin L. Fenwick, CMC, City Clerk

\_\_\_\_\_  
\_\_\_\_\_  
Printed Name

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2016, by Allen Green, Mayor of the CITY OF PORT ORANGE, FLORIDA, a Florida Municipal Corporation, on behalf of the City. He is personally known to me and did not take an oath.

\_\_\_\_\_  
Notary Public, State of Florida at Large  
*Printed Name, Commission Seal and Term Expiration Date*

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2016, by Robin L. Fenwick, CMC, City Clerk, of the CITY OF PORT ORANGE, FLORIDA, a Florida Municipal Corporation, on behalf of the City. She is personally known to me and did not take and an oath.

\_\_\_\_\_  
Notary Public, State of Florida at Large  
*Printed Name, Commission Seal and Term Expiration Date*

Signed, sealed and delivered  
in the presence of:

**OWNER:**  
**CC WOODHAVEN, LLC**, a Florida  
limited liability company  
**By: CC North Central, LLC**, a Florida  
limited liability company, its sole member

\_\_\_\_\_  
Witness 1

\_\_\_\_\_  
Print Name of Witness 1

\_\_\_\_\_  
Witness 2

\_\_\_\_\_  
Print Name of Witness 2

By: \_\_\_\_\_  
Morteza Hosseini-Kargar, President

Date: \_\_\_\_\_

**STATE OF FLORIDA**  
**COUNTY OF MIAMI-DADE**

The foregoing instrument was acknowledged before me the \_\_\_\_ day of \_\_\_\_\_, 2016, by Morteza Hosseini-Kargar, as President, of CC North Central, LLC, a Florida limited liability company, sole member of CC Woodhaven, LLC, a Florida limited liability company. He is personally known to me and did not take an oath.

\_\_\_\_\_  
Notary Public, State of Florida at Large  
*Printed Name, Commission Seal and Term Expiration Date*



Signed, sealed and delivered  
in the presence of:

**OWNER:**  
**PIONEER INVESTMENTS OF PORT  
ORANGE, INC,** a Florida Corporation

\_\_\_\_\_  
Witness 1

\_\_\_\_\_  
Print Name of Witness 1

\_\_\_\_\_  
Witness 2

\_\_\_\_\_  
Print Name of Witness 2

By: \_\_\_\_\_  
Morteza Hosseini-Kargar, President

Date: \_\_\_\_\_

**STATE OF FLORIDA**  
**COUNTY OF MIAMI-DADE**

The foregoing instrument was acknowledged before me the \_\_\_\_ day of \_\_\_\_\_,  
2016, by Morteza Hosseini-Kargar, as President, of Pioneer Investments of Port Orange, Inc., a  
Florida Corporation. He is personally known to me and did not take an oath.

\_\_\_\_\_  
Notary Public, State of Florida at Large  
*Printed Name, Commission Seal and Term Expiration Date*

Signed, sealed and delivered  
in the presence of:

**OWNER:**  
**PIONEER COMMUNITY**  
**DEVELOPMENT DISTRICT**

\_\_\_\_\_  
Witness 1

\_\_\_\_\_  
Print Name of Witness 1

\_\_\_\_\_  
Witness 2

\_\_\_\_\_  
Print Name of Witness 2

By: \_\_\_\_\_

Date: \_\_\_\_\_

**STATE OF FLORIDA**  
**COUNTY OF MIAMI-DADE**

The foregoing instrument was acknowledged before me the \_\_\_\_ day of \_\_\_\_\_,  
2016, by \_\_\_\_\_, as \_\_\_\_\_, of Pioneer Community  
Development District. He/She is personally known to me and did not take an oath.

\_\_\_\_\_  
Notary Public, State of Florida at Large  
*Printed Name, Commission Seal and Term Expiration Date*

Signed, sealed and delivered  
in the presence of:

**DEVELOPER:**  
**INTERVEST CONSTRUCTION, INC.,**  
a Florida corporation

\_\_\_\_\_  
Witness 1

By: \_\_\_\_\_  
Morteza Hosseini-Kargar, President

\_\_\_\_\_  
Print Name of Witness 1

\_\_\_\_\_  
Witness 2

Date: \_\_\_\_\_

\_\_\_\_\_  
Print Name of Witness 2

**STATE OF FLORIDA**  
**COUNTY OF VOLUSIA**

The foregoing instrument was acknowledged before me the \_\_\_\_ day of \_\_\_\_\_,  
2016, by Morteza Hosseini-Kargar, as President of Intervest Construction, Inc., a Florida  
corporation. He is personally known to me and did not take an oath.

\_\_\_\_\_  
Notary Public, State of Florida at Large  
*Printed Name, Commission Seal and Term Expiration Date*

## EXHIBIT "A"

### LEGAL DESCRIPTION WOODHAVEN PLANNED UNIT DEVELOPMENT (Page 1 of 4)

A PART OF SECTIONS 28, 32 AND 33, TOWNSHIP 18 SOUTH, RANGE 33 EAST, AND A PART OF SECTIONS 4, 5, 8 AND 9, TOWNSHIP 17 SOUTH, RANGE 33 EAST, CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING COMMENCE AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF PIONEER TRAIL AND THE WEST LINE OF THE EAST ONE-HALF OF SECTION 8, TOWNSHIP 17 SOUTH, RANGE 33 EAST; THENCE N 01°21'03" W, ALONG THE WEST LINE OF THE EAST ONE-HALF OF SAID SECTION 8, 384.60 FEET TO THE SOUTHWEST CORNER OF THE EAST ONE-HALF OF SECTION 5, TOWNSHIP 17 SOUTH, RANGE 33 EAST; THENCE N 00°38'02" W, ALONG THE WEST LINE OF THE EAST ONE-HALF OF SAID SECTION 8, A DISTANCE OF 6316.53 FEET TO THE SOUTHWEST CORNER OF THE EAST ONE-HALF OF SECTION 32, TOWNSHIP 18 SOUTH, RANGE 33 EAST; THENCE N 00°43'04" W, ALONG THE WEST LINE OF THE EAST ONE-HALF OF SAID SECTION 32, A DISTANCE OF 6281.83 FEET TO THE SOUTHWEST CORNER OF THE EAST ONE-HALF OF SECTION 29, TOWNSHIP 18 SOUTH, RANGE 33 EAST; THENCE N 00°25'15" W, ALONG THE WEST LINE OF THE EAST ONE-HALF OF SAID SECTION 29, A DISTANCE OF 1322.31 FEET TO THE NORTH-EAST CORNER OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 29; THENCE N 01°24'22" E, ALONG THE EAST LINE OF THE SOUTHWEST ONE-QUARTER, A DISTANCE OF 579.893 FEET TO A POINT LYING 100 WESTERLY OF, WHEN MEASURED PERPENDICULAR TO, A FLORIDA POWER AND LIGHT COMPANY EASEMENT, AS RECORDED IN OFFICIAL RECORD BOOK 2880, PAGE 0441, THENCE N 23°21'45" W AND PARALLEL TO SAID EASEMENT A DISTANCE OF 32.01 FEET TO A POINT ON A CURVE, SAID CURVE HAVING A RADIUS OF 950.00 FEET, A CHORD BEARING OF N 56°41'11" W AND A CHORD LENGTH OF 1043.81 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 88°38'52", AN ARC DISTANCE OF 1105.08 FEET TO A POINT THAT IS 100 FEET SOUTHERLY OF, AS MEASURED PERPENDICULAR TO, ABOVE DESCRIBED FLORIDA POWER AND LIGHT COMPANY EASEMENT; THENCE S 89°59'23" W, PARALLEL TO SAID EASEMENT A DISTANCE OF 249.78 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 600.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 15°14'08", AN ARC DISTANCE OF 159.54 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 700.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 36°19'20", AN ARC DISTANCE OF 443.76 FEET TO THE POINT OF TANGENCY THEREOF; THENCE N 68°55'23" W A DISTANCE OF 488.02 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 600.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 05°58'50", AN ARC DISTANCE OF 82.83 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF AIRPORT ROAD; THENCE N 15°17'59" E, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF AIRPORT ROAD A DISTANCE OF 436.02 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE NORTHWEST, SAID CURVE HAVING A RADIUS OF 1100.00 FEET; THENCE, ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 42°32'50", AN ARC DISTANCE OF 816.85 FEET; THENCE N 27°14'31" W A DISTANCE OF 364.55 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE NORTHWEST, SAID CURVE HAVING A RADIUS OF 31,438.58 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 01°05'48", AN ARC DISTANCE OF 601.69 FEET, MORE OR LESS, TO THE SOUTH LINE OF SPRUCE CREEK; THENCE ALONG THE SOUTH LINE OF SPRUCE CREEK, IN A GENERALLY NORTHERLY DIRECTION, TO INTERSECT WITH THE NORTH LINE OF SECTION 29, TOWNSHIP 18 SOUTH, RANGE 33 EAST; THENCE S 89°59'01" E ALONG THE NORTH LINE OF SAID SECTION 29 A DISTANCE OF 228.11 FEET, MORE OR LESS, TO THE WESTERLY LINE OF SPRUCE CREEK; THENCE ALONG SPRUCE CREEK, SOUTHERLY AND NORTHERLY, TO THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 95 (S.R. 9), AS SHOWN OF THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION 79002-2407; THENCE S 23°21'45" E, ALONG SAID RIGHT-OF-WAY LINE, 870 FEET, MORE OR LESS, TO THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 29; THENCE S 89°

## EXHIBIT "A"

### LEGAL DESCRIPTION WOODHAVEN PLANNED UNIT DEVELOPMENT

(Page 2 of 4)

58°07' W, ALONG THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 29, 828.71 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 29; THENCE S 00°24' 16" E, ALONG THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 29, 1320.13 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 29; THENCE N 89°59' 23" E, ALONG THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 29, A DISTANCE OF 1187.83 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 95; THENCE S 23°21'45" E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 5925.95 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE SOUTHWEST, SAID CURVE HAVING A RADIUS OF 11,359.30 FEET; THENCE, ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 04°21'58", AN ARC DISTANCE OF 885.83 FEET TO THE NORTHERLY LINE OF A 50.00 FOOT F.D.O.T HAUL ROAD ACCESSING BORROW PIT NO. 8, AS DESCRIBED IN OFFICIAL RECORD BOOK 1897, PAGES 97 THROUGH 99; THENCE S 86°38'15" W, ALONG SAID HAUL ROAD 301.47 FEET TO THE NORTH LINE OF BORROW PIT NO. 8; THENCE S 89°28'15" W, ALONG THE NORTH LINE OF BORROW PIT NO. 8, 435.33 FEET TO THE WEST LINE OF BORROW PIT NO. 8; THENCE S 00°31'45" E, ALONG THE WEST LINE OF BORROW PIT NO. 8, 500.00 FEET TO THE SOUTH LINE OF BORROW PIT NO. 8; THENCE N 89°28'15" E, ALONG THE SOUTH LINE OF BORROW PIT NO. 8, 500.00 FEET TO THE EAST LINE OF BORROW PIT NO. 8; THENCE N 00°31'45" W, ALONG THE EAST LINE OF BORROW PIT NO. 8, 346.41 FEET; THENCE N 23°21'45" W, 116.55 FEET TO THE SOUTHERLY LINE OF AFORESAID 50.00 FOOT HAUL ROAD; THENCE N 66°38'15" E, ALONG SAID HAUL ROAD, A DISTANCE OF 287.53 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 95, SAID POINT LYING IN A CURVE TO THE SOUTHWEST, SAID CURVE HAVING A RADIUS OF 11,359.30 FEET; A CHORD BEARING OF S 11°37'02" E, AN A CHORD LENGTH OF 2817.95 FEET; THENCE, ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 14°15'01", AN ARC DISTANCE OF 2825.23 FEET; THENCE S 04°29'32" E, 2954.25 FEET TO THE NORTHERLY LINE OF AN F.D.O.T HAUL ROAD ACCESSING BORROW PIT NO. 5, AS DESCRIBED IN OFFICIAL RECORD BOOK 1897, PAGES 97-99; THENCE S 85°30'28" W, ALONG SAID HAUL ROAD, 322.12 FEET TO THE EAST LINE OF BORROW PIT NO. 5; THENCE N 01°11'32" W, ALONG THE EAST LINE OF BORROW PIT NO. 5, 449.92 FEET TO THE NORTH LINE OF SAID BORROW PIT; THENCE S 88°48'28" W, ALONG THE NORTH LINE OF SAID BORROW PIT, 400.00 FEET TO THE WEST LINE OF SAID BORROW PIT; THENCE S 01°11'32" E, ALONG THE NORTH LINE OF SAID BORROW PIT, 900.00 FEET TO THE SOUTH LINE OF SAID BORROW PIT; THENCE N 88°48'28" E, ALONG THE SOUTH LINE OF SAID BORROW PIT, 400.00 FEET TO THE EAST LINE OF SAID BORROW PIT; THENCE N 01°11'32" W, ALONG THE EAST LINE OF SAID BORROW PIT, 400.00 FEET TO THE SOUTHERLY LINE OF AFOREMENTIONED 50.00 FOOT HAUL ROAD; THENCE N 85°30'28" E, ALONG THE SOUTHERLY LINE OF SAID HAUL ROAD, 325.00 FEET TO THE WESTERLY LINE OF INTERSTATE 95; THENCE S 04°29'32" E, ALONG SAID RIGHT-OF-WAY LINE, 1455.88 FEET TO THE NORTHERLY LINE OF THE I-95 LIMITED ACCESS RIGHT-OF-WAY; THENCE, ALONG SAID RIGHT-OF-WAY, S 84°44'18" W, A DISTANCE OF 125.61 FEET; THENCE S 78°01'40" W, A DISTANCE OF 502.49 FEET; THENCE S 84°44'18" W, A DISTANCE OF 210.19 FEET; THENCE S 08°04'28" E, A DISTANCE OF 20.32 FEET TO THE NORTHERLY RIGHT-OF-WAY OF PIONEER TRAIL; THENCE, ALONG THE NORTHERLY RIGHT-OF-WAY OF PIONEER TRAIL, S 83°53'59" W, A DISTANCE OF 1170.08 FEET; THENCE S 84°37'22" W, A DISTANCE OF 174.58 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE NORTHWEST, SAID CURVE HAVING A RADIUS OF 795.59 FEET; THENCE, ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 13°34'54", AN ARC DISTANCE OF 188.59 FEET; THENCE N 81°47'44" W, A DISTANCE OF 119.32 FEET; THENCE N 80°38'20" W, A DISTANCE OF 898.51 FEET; THENCE N 78°05'49" W, A DISTANCE OF 898.51 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

TOGETHER WITH:

## EXHIBIT "A"

### LEGAL DESCRIPTION WOODHAVEN PLANNED UNIT DEVELOPMENT (Page 3 of 4)

OF SECTIONS 4, 5, 8 AND 9, TOWNSHIP 17 SOUTH, RANGE 33 EAST, CITY OF PORT UNACHE,  
VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BOOK: 4  
Page: 4

FOR A POINT OF BEGINNING COMMENCE AT THE INTERSECTION OF THE WEST LINE OF THE NORTHWEST ONE-QUARTER OF SECTION 9, TOWNSHIP 17 SOUTH, RANGE 33 EAST AND THE NORTHERLY RIGHT-OF-WAY LINE OF PIONEER TRAIL; THENCE N 17°11' 58" W ALONG THE NORTHERLY LINE OF PIONEER TRAIL A DISTANCE OF 572.68 FEET; THENCE N 17°22'20" W A DISTANCE OF 435.83 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 383.92 FEET, A CHORD BEARING OF N 44°32'43" W AND A CHORD LENGTH OF 332.39 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 54°20'47", AN ARC DISTANCE OF 345.19 FEET TO INTERSECT WITH THE EASTERLY RIGHT-OF-WAY LINE OF THE I-95 LIMITED ACCESS RIGHT-OF-WAY; THENCE N 19°03'29" W, ALONG SAID RIGHT-OF-WAY LINE, 24.87 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF SAID LIMITED ACCESS RIGHT-OF-WAY, SAID POINT LYING ON A CURVE TO THE SOUTHWEST, SAID CURVE HAVING A RADIUS OF 431.87 FEET, A CHORD BEARING OF N 82°28'32" W AND A CHORD LENGTH OF 172.44 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 23°01'57", AN ARC DISTANCE OF 173.65 FEET; THENCE N 03°58'28" W, A DISTANCE OF 10.00 FEET; THENCE S 85°04'48" W, A DISTANCE OF 296.84 FEET; THENCE S 88°53'39" W, A DISTANCE OF 601.33 FEET; THENCE S 85°04'48" W, 124.35 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 95 (S.R. 9); THENCE N 04°08'45" W, ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 5070.93 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE NORTHWEST, SAID CURVE HAVING A RADIUS OF 5804.65 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 18°52'13", AN ARC DISTANCE OF 1944.69 FEET; THENCE N 23°00' 58" W A DISTANCE OF 5325.67 FEET; THENCE N 17°58'25" W, A DISTANCE OF 853.30 FEET; THENCE N 13°59'11" E A DISTANCE OF 502.04 FEET TO THE NORTH LINE OF THE WEST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF SECTION 29, TOWNSHIP 16 SOUTH, RANGE 33 EAST; THENCE S 89°39'50" E, ALONG THE NORTH LINE OF THE WEST ONE-HALF OF THE SOUTHEAST ONE-QUARTER, 694.29 FEET TO THE NORTHEAST CORNER OF THE OF THE WEST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 29; THENCE S 00°04'58" E, ALONG THE EAST LINE OF THE WEST ONE HALF THE THE SOUTHEAST ONE-QUARTER, 1834.12 FEET; THENCE S 89°37'45" E A DISTANCE OF 1332.18 FEET TO THE EAST LINE OF SAID SECTION 29; THENCE S 00°05' 29" E ALONG THE EAST LINE OF SECTION 29 A DISTANCE OF 812.94 FEET TO THE NORTHEAST CORNER OF SECTION 32, TOWNSHIP 16 SOUTH, RANGE 33 EAST; THENCE S 00° 14'52" E ALONG THE EAST LINE OF SECTION 32 A DISTANCE OF 1304.58 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 33; THENCE S 89°57'51" E ALONG THE NORTH LINE OF THE SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 33 A DISTANCE OF 1324.08 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 33; THENCE S 00°09'18" E ALONG THE EAST LINE OF THE SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 33, A DISTANCE OF 1298.76 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 33; THENCE S 00°16'26" E ALONG THE EAST LINE OF THE NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 33 A DISTANCE OF 1306.92 FEET TO THE NORTH LINE OF THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION 33; THENCE N 89°47'25" E ALONG THE NORTH LINE OF THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER A DISTANCE OF 1320.92 FEET TO THE NORTHEAST CORNER OF THE SOUTH ONE-HALF OF THE NORTHWEST ONE-QUARTER OF SECTION 33; THENCE S 00° 03'41" E ALONG THE EAST LINE OF THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION 33 A DISTANCE OF 1307.06 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER OF SECTION 4, TOWNSHIP 17 SOUTH, RANGE 33 EAST; THENCE S 00°58'55" E ALONG THE EAST LINE OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 4 A DISTANCE OF 2039.28 FEET; THENCE S 89°23'12" W A DISTANCE OF 176.00 FEET; THENCE S 00°58'55" E A DISTANCE OF 578.00 FEET TO THE NORTH LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 4; THENCE S 89° 23'12" W ALONG THE NORTH LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 4 A DISTANCE OF 178.00 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST ONE-QUARTER OF SECTION 4; THENCE S 00°58'55" E ALONG THE EAST LINE OF THE SOUTHWEST ONE QUARTER OF SECTION 4 A DISTANCE OF 2624.38 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER OF SECTION 9, TOWNSHIP 17 SOUTH, RANGE 33 EAST; THENCE S 00°42'24" E ALONG THE EAST LINE OF THE NORTHWEST ONE-QUARTER OF SECTION 9 A DISTANCE OF 1582.42 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF PIONEER TRAIL AND THE POINT OF BEGINNING OF THIS DESCRIPTION.

ABOVE DESCRIBED LANDS CONTAINING 1208 ACRES, MORE OR LESS

**EXHIBIT "A"**

**LEGAL DESCRIPTION  
WOODHAVEN PLANNED UNIT DEVELOPMENT  
(Page 4 of 4)**

Less and Except the following property now part of the Doris Leeper Spruce Creek Preserve:

**A PORTION OF THE FOLLOWING DESCRIBED PROPERTY LYING EAST OF INTERSTATE HIGHWAY 95:  
THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 29, TOWNSHIP 16 SOUTH, RANGE 33 EAST, TOGETHER WITH THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, LESS THE NORTH 511 FEET THEREOF, OF SAID SECTION 29, TOGETHER WITH THE NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF SECTION 32, TOWNSHIP 16 SOUTH, RANGE 33 EAST, TOGETHER WITH THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, SECTION 33, TOWNSHIP 16 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA.**

**MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

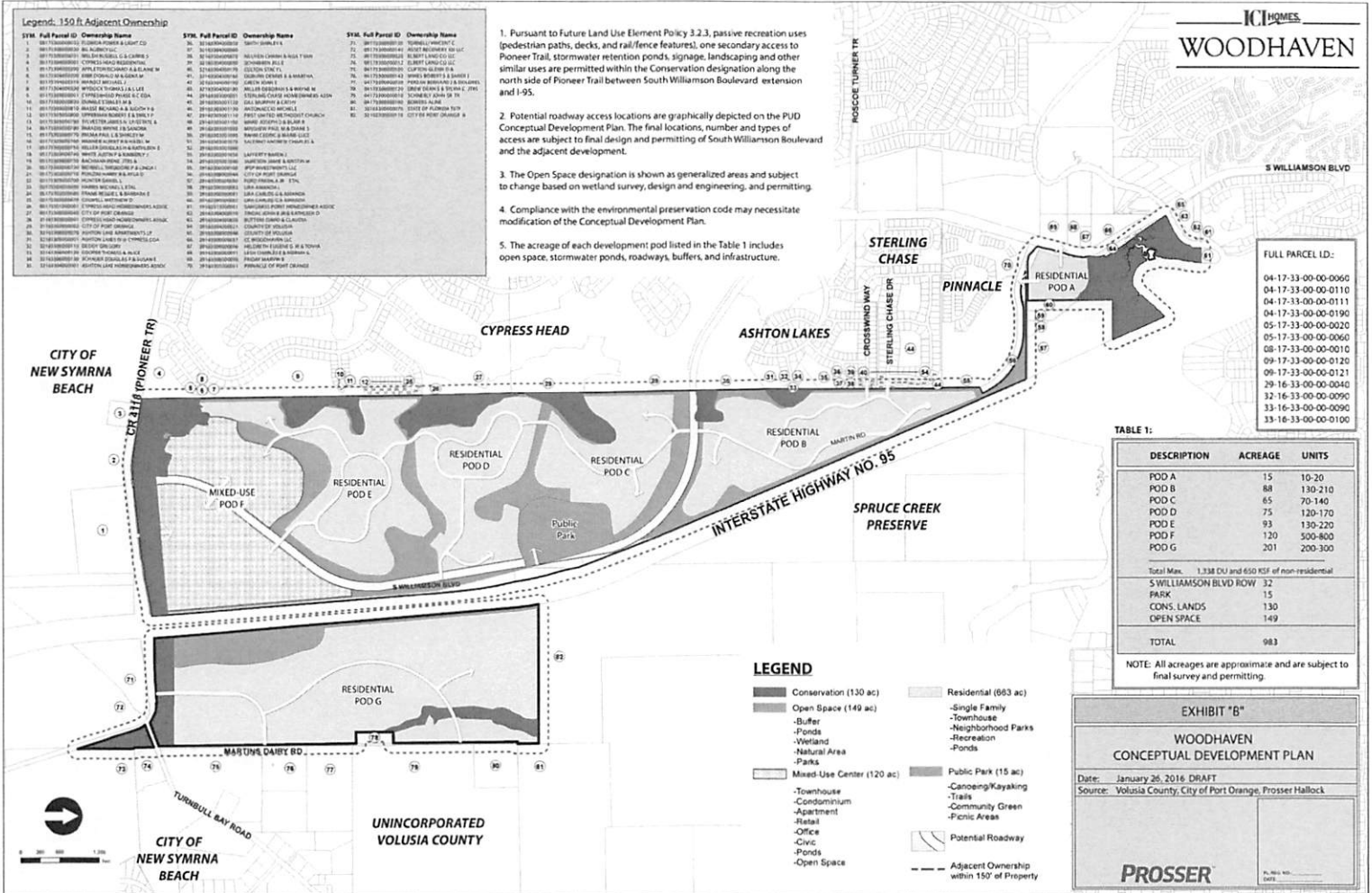
**BEGINNING AT THE NORTHEAST CORNER OF SECTION 32, TOWNSHIP 16 SOUTH, RANGE 33 EAST; THENCE, ALONG THE EAST LINE OF SAID SECTION 32, S00°34'53"E, 1,304.47 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 16 SOUTH, RANGE 33 EAST; THENCE, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, N89°40'17"E, 1,324.49 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, S00°30'04"E, 1,298.69 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE, ALONG THE EAST LINE OF SAID NORTHWEST QUARTER, S00°28'23"E, 1,306.90 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE, ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER, N89°25'46"E, 1,321.44 FEET TO THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, S00°25'12"E, 979.77 FEET; THENCE S89°26'15"W, 2,062.40 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 95 (STATE ROAD 9), SAID POINT ALSO BEING THE BEGINNING OF A NON TANGENT CURVE CONCAVE WEST, HAVING A RADIUS OF 5,904.65 FEET, A CENTRAL ANGLE OF 13°41'21" AND A CHORD BEARING OF N16°32'46"W; THENCE NORTHERLY ALONG SAID RIGHT-OF-WAY LINE, AND ALONG THE ARC OF SAID CURVE, 1,410.74 FEET; THENCE, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, N23°23'27"W, 5,326.34 FEET; THENCE, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, N18°20'54"W, 853.30 FEET; THENCE, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, N13°32'28"E, 501.56 FEET TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 16 SOUTH, RANGE 33 EAST; THENCE, ALONG SAID NORTH LINE, N89°57'32"E, 687.27 FEET TO THE NORTHEAST CORNER OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 29; THENCE, ALONG THE EAST LINE OF THE WEST HALF OF SAID SOUTHEAST QUARTER, S00°26'01"E, 1,833.77 FEET TO THE SOUTH LINE OF THE NORTH 511 FEET OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 29; THENCE ALONG SAID SOUTH LINE, S89°59'41"E, 1,332.93 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 29; THENCE, ALONG SAID EAST LINE, S00°26'50"E, 812.81 FEET TO THE POINT OF BEGINNING.**

**CONTAINING 225.000 ACRES, MORE OR LESS.**



**EXHIBIT "B"**

**WOODHAVEN CONCEPTUAL DEVELOPMENT PLAN**



**Legend: 150 ft Adjacent Ownership**

| Full Parcel ID      | Ownership Name      |
|---------------------|---------------------|
| 04-17-33-00-00-0060 | 04-17-33-00-00-0060 |
| 04-17-33-00-00-0110 | 04-17-33-00-00-0110 |
| 04-17-33-00-00-0190 | 04-17-33-00-00-0190 |
| 05-17-33-00-00-0020 | 05-17-33-00-00-0020 |
| 05-17-33-00-00-0060 | 05-17-33-00-00-0060 |
| 08-17-33-00-00-0010 | 08-17-33-00-00-0010 |
| 09-17-33-00-00-0120 | 09-17-33-00-00-0120 |
| 09-17-33-00-00-0120 | 09-17-33-00-00-0120 |
| 29-16-33-00-00-0040 | 29-16-33-00-00-0040 |
| 32-16-33-00-00-0090 | 32-16-33-00-00-0090 |
| 33-16-33-00-00-0090 | 33-16-33-00-00-0090 |
| 33-16-33-00-00-0100 | 33-16-33-00-00-0100 |

1. Pursuant to Future Land Use Element Policy 3.2.3, passive recreation uses (pedestrian paths, decks, and rail fence features), one secondary access to Pioneer Trail, stormwater retention ponds, signage, landscaping and other similar uses are permitted within the Conservation designation along the north side of Pioneer Trail between South Williamson Boulevard extension and I-95.
2. Potential roadway access locations are graphically depicted on the PUD Conceptual Development Plan. The final locations, number and types of access are subject to final design and permitting of South Williamson Boulevard and the adjacent development.
3. The Open Space designation is shown as generalized areas and subject to change based on wetland survey, design and engineering, and permitting.
4. Compliance with the environmental preservation code may necessitate modification of the Conceptual Development Plan.
5. The acreage of each development pod listed in the Table 1 includes open space, stormwater ponds, roadways, buffers, and infrastructure.

# WOODHAVEN

**FULL PARCEL ID:**

|                     |
|---------------------|
| 04-17-33-00-00-0060 |
| 04-17-33-00-00-0110 |
| 04-17-33-00-00-0190 |
| 05-17-33-00-00-0020 |
| 05-17-33-00-00-0060 |
| 08-17-33-00-00-0010 |
| 09-17-33-00-00-0120 |
| 09-17-33-00-00-0120 |
| 29-16-33-00-00-0040 |
| 32-16-33-00-00-0090 |
| 33-16-33-00-00-0090 |
| 33-16-33-00-00-0100 |

TABLE 1:

| DESCRIPTION                                        | ACREAGE | UNITS   |
|----------------------------------------------------|---------|---------|
| POD A                                              | 15      | 10-20   |
| POD B                                              | 88      | 130-210 |
| POD C                                              | 65      | 70-140  |
| POD D                                              | 75      | 120-170 |
| POD E                                              | 93      | 130-220 |
| POD F                                              | 120     | 500-800 |
| POD G                                              | 201     | 200-300 |
| Total Max. 1,338 DU and 650 KSF of non-residential |         |         |
| S WILLIAMSON BLVD ROW                              | 32      |         |
| PARK                                               | 15      |         |
| CONS. LANDS                                        | 130     |         |
| OPEN SPACE                                         | 149     |         |
| TOTAL                                              | 983     |         |

NOTE: All acreages are approximate and are subject to final survey and permitting.

## LEGEND

- Conservation (130 ac)
- Open Space (149 ac)
- Mixed-Use Center (120 ac)
- Residential (663 ac)
  - Single Family
  - Townhouse
  - Neighborhood Parks
  - Recreation
  - Ponds
- Public Park (15 ac)
  - Canoeing/Kayaking
  - Trails
  - Community Green
  - Picnic Areas
- Potential Roadway
- Adjacent Ownership within 150' of Property

## EXHIBIT "B"

### WOODHAVEN CONCEPTUAL DEVELOPMENT PLAN

Date: January 26, 2016 DRAFT  
Source: Volusia County, City of Port Orange, Prosser Hallock

PROSSER



# STAFF REPORT

**1<sup>st</sup> Amendment to the Woodhaven PUD Master Development Agreement and Conceptual Development Plan**  
**CASE NO. 16-40000002**

---

|                              |                                                                                                                            |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| <b>REQUEST:</b>              | To approve the 1 <sup>st</sup> Amendment to the Woodhaven PUD Master Development Agreement and Conceptual Development Plan |
| <b>OWNER:</b>                | CC Woodhaven, LLC; Pioneer Investments of Port Orange, Inc.; and Pioneer Community Development District                    |
| <b>APPLICANT:</b>            | M David Haas, ICI Homes                                                                                                    |
| <b>STAFF CONTACT:</b>        | Penelope Cruz, Principal Planner (386)506-5671                                                                             |
| <b>STAFF RECOMMENDATION:</b> | Approval                                                                                                                   |
| <b>CITY COUNCIL DATE:</b>    | April 19, 2016                                                                                                             |

---

## INTRODUCTION

The proposed 1<sup>st</sup> Amendment to the Woodhaven Planned Unit Development (PUD) would remove references to Martin Road as a through or collector road within the Master Development Agreement (MDA) and Conceptual Development Plan (CDP). The current MDA and CDP show Martin Road as a 2-lane collector road intersecting Williamson Boulevard north of the Pinnacle subdivision and south of the Ashton Point Apartments, traversing through the Woodhaven PUD (see Figure 1).

The subject MDA and CDP amendment is consistent with the proposed 16-1 Comprehensive Plan Amendment regarding Martin Road. The City Council approved the transmittal of the subject Comprehensive Plan amendments to the Department of Economic Opportunity (DEO) and other review agencies, per Resolution No. 16-5, at a public hearing held on January 15, 2016, as recommended by the Planning Commission. The State and local review agencies have completed their review with no objections, and the proposed amendment has been certified consistent through the Volusia Growth Management Commission (VGMC).

Figure 1 – Current and Proposed CDP

----- Martin Road



Recently, the developer of the Woodhaven PUD began planning the northern residential area and is requesting to replace Martin Road with a local residential street. The developer is concerned with the potential of through traffic that could use Martin Road to bypass the Airport Road/Williamson Boulevard intersection and have a negative impact on the northern neighborhood area. The removal of Martin Road as a collector road would keep through traffic on Williamson Boulevard and only allow residential traffic within the northern residential area. According to the developer, if the amendment is approved, the northern residential area will have its main access point south of the Ashton Point Apartments but will not have any direct connection to Williamson Boulevard north of the Pinnacle subdivision.

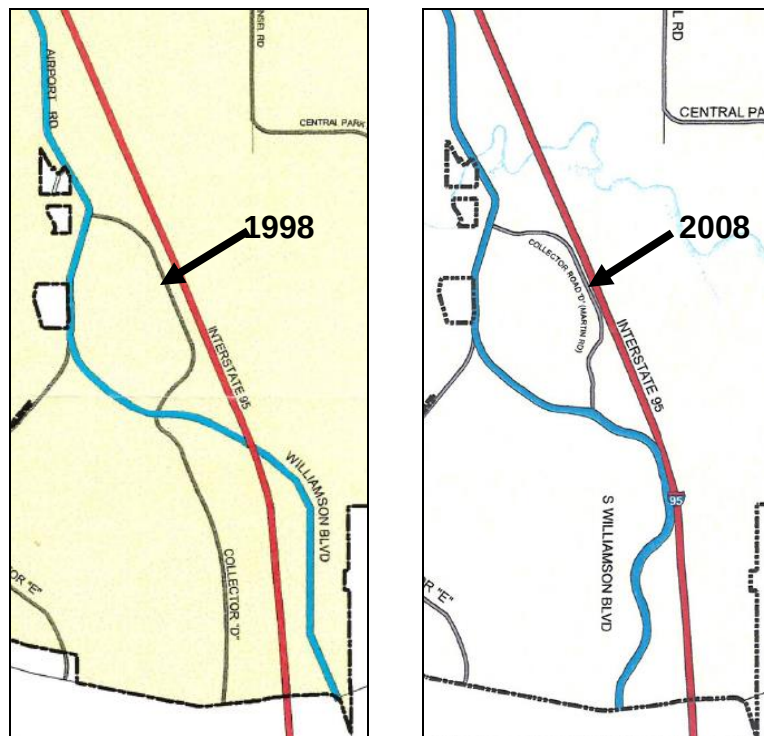
#### CASE BACKGROUND

In the City's 1998 Comprehensive Plan, Martin Road or Collector "D" was initially planned as a collector road that ran parallel along the west of I-95 to the intersection

with Pioneer Trail, and Williamson Boulevard was planned as an arterial road that would cross I-95 just southeast of the current terminus, with an interchange planned at that point, then continue east through what is now the Doris Leeper Spruce Creek Preserve, and finally bend south towards the intersection with Pioneer Trail.

In 2003, the Volusia County Council re-aligned Williamson Boulevard to its current location, lying west of I-95, to protect the lower Spruce Creek area east of I-95. In 2008, the City's Comprehensive Plan was amended to reflect the new alignment of Williamson Boulevard and the modified alignment of Martin Road. With Williamson Boulevard lying west of I-95, it was determined not necessary for Martin Road to also extend to Pioneer Trail.

**Figure 2. Excerpt of Comprehensive Plan, Transportation Element, Future Functional Classification Map (1998, 2008)**



In 2010, the City amended the Comprehensive Plan to prohibit new single-family, duplex or triplex lots from having direct driveway access to an arterial or collector roadway. The Woodhaven PUD was amended in 2013 to bring the PUD into compliance with the Comprehensive Plan and the various changes that occurred with the planned roadway network since the original adoption of the PUD in 1997. The 2013 Woodhaven PUD amendment recognized Martin Road as a collector road. The PUD amendment was approved with a provision that allows half of the Martin Road frontage to contain direct driveway access to single-family residential lots and traffic calming measures.

### **PROPOSED AMENDMENT**

The proposed amendment would remove the requirement for the developer of the Woodhaven project to construct Martin Road and amend the CDP to show the northern residential area with the same main access point south of the Ashton Point Apartments but with a local road that ends in a cul-de-sac and no connection to Williamson Boulevard north of the Pinnacle subdivision.

### **DISCUSSION**

Initial plans had residential streets with single-family lots feeding into Martin Road, similar to Village Trail and Swallow Tail. However, in 2013, the Woodhaven PUD was amended to allow residential driveways to have direct driveway access along half of the frontage of Martin Road along with appropriate traffic calming measures. According to the applicant, the combination of these design elements for Martin Road result in it functioning more like a local residential street and not a collector road as originally planned in the late 1990's.

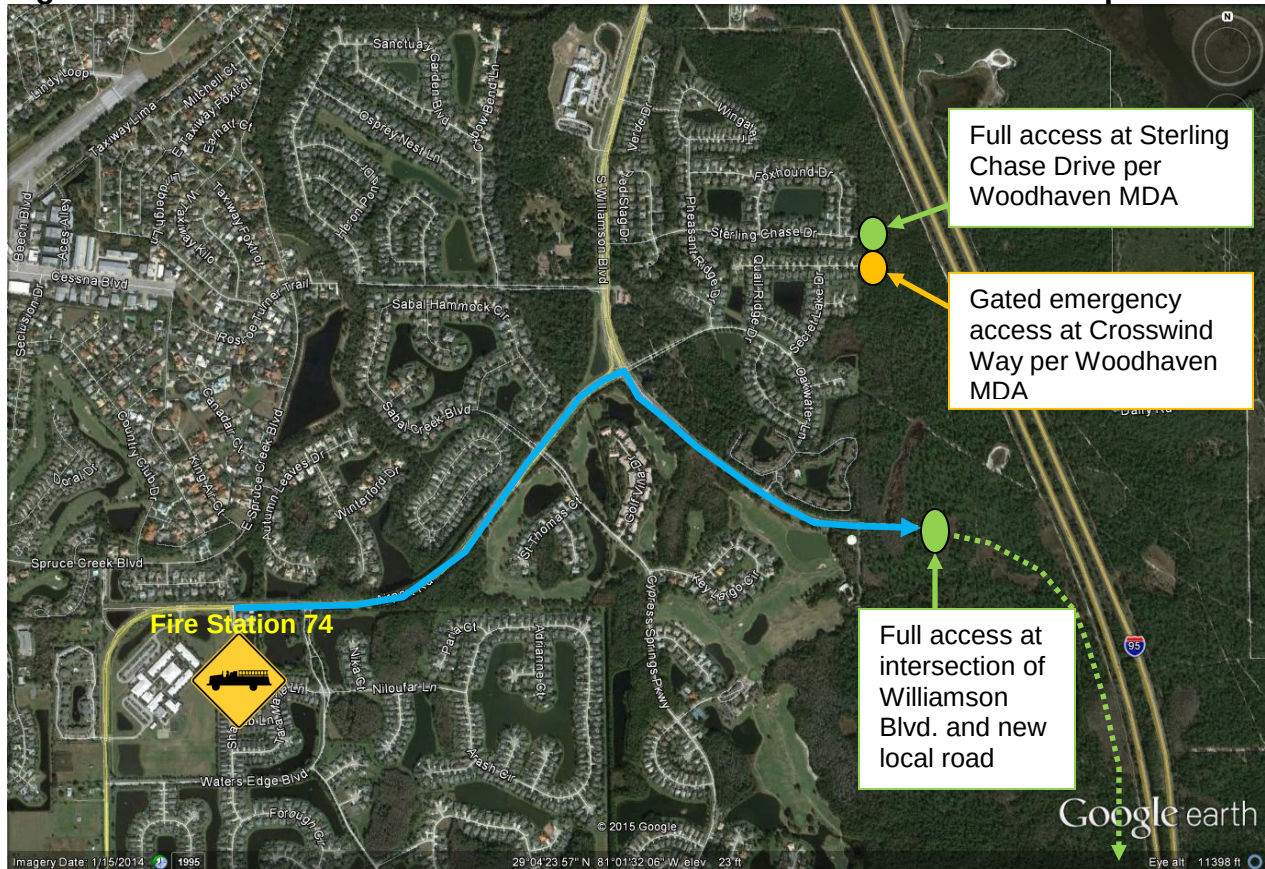
The applicant's transportation consultant, Lassiter Transportation Group (LTG), has assessed the impact on the surrounding roadway network if Martin Road was not constructed as currently planned. According to LTG, all vehicles that would travel on Martin Road have been accounted for and already included in the traffic volume projections for the northern and southern segments of Williamson Boulevard. In addition, the removal of Martin Road does not reduce the roadway capacity for Williamson Boulevard.

Transportation Planning staff has reviewed the proposal and does not anticipate that removing Martin Road and allowing the northern residential area of the Woodhaven development to be developed with a local road, would create a significant operational impact to the road network.

Both the Fire and Police departments reviewed the proposed amendment and do not anticipate any negative impacts on providing services to the northern residential area with the removal of Martin Road. If the proposed amendment is approved, emergency services would be able to access the northern residential area at the access point off Williamson Boulevard, south of Ashton Point Apartments, the connection at Sterling Chase Drive, and through a future emergency access gate located within the Ashton Lake Subdivision at Crosswind Way. LTG also evaluated the removal of Martin Road on emergency services and concluded no negative impacts are anticipated.



**Figure 3. Access to Northern Residential Area of the Woodhaven Development**



## RECOMMENDATION

Staff recommends approval of the First Amendment to the Woodhaven PUD Master Development Agreement and Conceptual Development Plan.

## ATTACHMENTS

Exhibit A – First Amendment to the Woodhaven PUD Master Development Agreement and Conceptual Development Plan (see Ordinance Exhibit)





# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 05/03/2016

Consent item: No

---

**SUBJECT:** Second Reading - Ordinance No. 2016-8 - General Obligation Refunding Bonds

**DEPARTMENT:** Finance

**GOAL:** In light of capital markets, on (date) City Council instructed staff to investigate refunding the 2006 General Obligation Bonds.

**OBJECTIVE:**

---

**RECOMMENDED MOTION:** Move to approve Ordinance 2016-8

---

**SUMMARY:**

This Ordinance will authorize the issuance of General Obligation Refunding Bonds, Series 2016 not exceeding \$14,500,000 to refund the outstanding 2006 bonds. Refunding these bonds will take advantage of favorable capital markets and lower the millage needed to service this voter approved debt.

| Project | Funding Account |
|---------|-----------------|
| No.:    | No.:            |

---

**ATTACHMENTS:**

|    |                 |                         |
|----|-----------------|-------------------------|
| 1. | Ord. No. 2016-8 | Ord. No. 2016-8.pdf     |
| 2. | Memo to Council | GOB Memo to Council.pdf |

---

Robin Fenwick

Created/Initiated - 04/19/2016

---

ORDINANCE NO. 2016-8

AN ORDINANCE OF THE CITY OF PORT ORANGE, FLORIDA, AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$14,500,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016, TO REFUND THE CITY'S OUTSTANDING GENERAL OBLIGATION BONDS, SERIES 2006; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

**SECTION 1. AUTHORITY FOR THIS ORDINANCE.** This ordinance is enacted pursuant to the provisions of Chapter 166, Parts I and II, and Chapter 132, Florida Statutes, Chapter 2, Article VI, Division 4, Section 2-317 of the Code of Ordinances of the City of Port Orange, Florida (the "City"), as amended and other applicable provisions of law.

**SECTION 2. FINDINGS.** It is hereby ascertained, determined and declared that:

A. It is necessary and desirable to provide for the refunding of the City's outstanding General Obligation Bonds, Series 2006 (the "Series 2006 Bonds") in order to reduce debt service thereon.

B. It is necessary and desirable to provide for the issuance of not exceeding \$14,500,000 General Obligation Refunding Bonds, Series 2016 (the "Series 2016 Bonds"), of the City for such purpose.

**SECTION 3. AUTHORIZATION OF THE SERIES 2016 BONDS.** The issuance by the City of the Series 2016 Bonds for the purpose of refunding the Series 2006 Bonds, to be dated, to bear interest at a rate not exceeding the maximum legal rate per annum, to be payable, to mature not later than April 1, 2036, to be subject to redemption and to have such other characteristics as shall be provided by subsequent resolution of the City Council prior to their delivery, and to be secured by a pledge of the full faith, credit and taxing power of the City and the levy and collection of a direct annual tax, without limit as to rate or amount, on all taxable property within its boundaries, sufficient to pay the principal of and interest on the Series 2016 Bonds coming due in such year, is hereby authorized. The Council shall adopt a bond resolution (including any resolutions supplemental thereto), supplemental to this ordinance, setting forth the fiscal details and other covenants and provisions necessary for the security, marketing, sale and issuance of the Series 2016 Bonds.

**SECTION 4. REPEAL OF INCONSISTENT PROVISIONS.** All ordinances, resolutions or parts thereof in conflict with this ordinance are hereby repealed to the extent of such conflict.

**SECTION 5. SEVERABILITY.** In the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its final passage and adoption.

---

MAYOR ALLEN GREEN

ATTEST:

---

Robin L. Fenwick, CMC, City Clerk

Passed on first reading the \_\_\_\_ day of \_\_\_\_\_, 2016

Passed and adopted on second and final reading on the \_\_\_\_ day of \_\_\_\_\_, 2016

Reviewed and Approved: \_\_\_\_\_  
Margaret T. Roberts, City Attorney



SOUTHEASTERN INVESTMENT SECURITIES, LLC  
FINANCIAL ADVISORS AND PRIVATE INVESTMENT BANKING

RICHARD T. WAGNER  
President

## MEMORANDUM

**TO:** Mayor and City Council

**CC:** Michael Johansson, Tracey Riehm, Margaret Roberts, Peter Dame

**FROM:** Richard T. Wagner 

**RE:** City of Port Orange Proposed General Obligation Refunding Revenue Bonds, Series 2016 ("Series 2016 Bonds" or "Bonds")

**DATE:** April 12, 2016

---

As financial advisor to the City, we have been working with staff and monitoring a proposal to refund the Series 2006 General Obligation Bonds ("Refundable Bonds") for interest cost savings purposes which could result in a reduction of debt service millage on Port Orange taxpayers' tax bill.

The Refundable Bonds are outstanding in a principal amount of \$14,055,000 bearing interest at rates ranging from 4.25-5.00% and are redeemable without penalty after April 1, 2016. Under current market conditions such Refundable Bonds could be redeemed with a refunding bond issue at a true interest cost (after all expenses) under 3.00% which could generate annual savings averaging \$150,000 or a total savings of \$3.0 million.

The City's Bond Counsel, Peter Dame of Akerman LLP has prepared an ordinance for Council's consideration which would be followed by a resolution which could effect the authorization and sale of the Bonds within certain parameters.

We would recommend Council holding necessary public hearings on such an ordinance and allow the City's finance team to proceed towards securing a credit rating and position the City for a sale of refunding Bonds if interest rates remain favorable.

If market conditions remain favorable we expect we could have the City's underwriter, Hilltop Securities (formerly First Southwest who successfully marketed the Series 2014 refunding) market refunding Bonds sometime in mid-May.



# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 05/03/2016

Consent item: No

---

**SUBJECT:** Environmental Advisory Board Appointments

**DEPARTMENT:** City Clerk

**GOAL:**

**OBJECTIVE:**

---

**RECOMMENDED MOTION:** Move to appoint two (2) members to the Environmental Advisory Board.

---

**SUMMARY:** Derek LaMontagne's term is expiring in May 2016. He has expressed a desire to continue serving the City in this capacity.

There is also one vacant position as Paul Minshew has submitted his resignation. The City Clerk has received an application from Jeremy Terhune, who would like to serve on this Board.

| Project | Funding Account |
|---------|-----------------|
| No.:    | No.:            |

---

**ATTACHMENTS:**

|    |                                |                                  |
|----|--------------------------------|----------------------------------|
| 1. | Derek LaMontagne's application | Derek Lamontagne application.pdf |
| 2. | Jeremy Terhune's application   | Jeremy Terhune application.pdf   |

---

Robin Fenwick  
M. Jake Johansson

Created/Initiated - 04/28/2016  
Final Approval - 04/28/2016

---

**Fenwick, Robin**

---

**From:** donotreply@port-orange.org  
**Sent:** Friday, October 18, 2013 11:52 AM  
**To:** Fenwick, Robin  
**Subject:** Volunteer Application - Derek LaMontagne



## **ADVISORY BOARDS AND COMMISSIONS VOLUNTEER APPLICATION**

Submitted by Derek LaMontagne on 10/18/2013

### **Personal Information**

**Name:** Derek LaMontagne  
**Date of Birth:** 10/07/1985  
**Telephone:** Unlisted  
**E-mail:** Derekopoly@aol.com  
**Business Telephone:** 352-392-7261  
**Address:** 993 Geiger Drive Port Orange, FL 32127  
**Are you a registered voter in Port Orange?** Yes  
**City Council District:** 3  
**How long have you been a resident of Port Orange?** Since 1994  
**Are you currently serving on a City Board?** No  
**If yes, when and which board?** N/A

### **References**

**Reference 1:** David and Marianne Curich, 981 Sandlewood Drive, Port Orange, 386-756-1106  
**Reference 2:** Ted Nofall, 700 Oak Heights Court, Port Orange, 386-566-1424  
**Reference 3:** Coach Johnny Goodrich, 801 Taylor Road (work address), Port Orange, 386-322-6272 (SCHS phone, x37779 for athletic director)

### **Education**

**High School:** Spruce Creek

**Date Graduated High School:** 05/22/2003  
**College:** University of Florida  
**Date Graduated College:** 11/05/2009  
**Degree:** Master of Science, Chemistry

## Work Experience

Port Orange Kmart Teaching Assistant, University of Florida

## Interests/Activities

Environmental Activism Photography Music

## Community Involvement

Spruce Creek High School baseball team (1999-2003) National Honor Society volunteer work in high school Sweetwater Coalition co-founder (informing neighborhoods of future city projects)

## Why do you desire to serve on these boards?

When I presented to the EAB regarding environmental effects on the Spruce Creek waterway in August they said there was an opening if I was interested. I feel my background is perfectly suited for the job, and I really want to contribute to my city.

## Resume/Additional Information

I am applying today to be on the Environmental Advisory Board, but I could help out on other Boards in the future if needed. But first I think I would like to focus my effort on the EAB. Also, I would like to be appointed during the meeting when the EAB chair will be presenting (Nov. 5 I think).

## Selected Boards/Commissions

Environmental Advisory Board  
Eastport Community Redevelopment Agency  
Parks and Recreation Board

### Order of Preference

1. EAB (mainly) 2. Eastport 3. Parks & Rec

**Signature:** Derek LaMontagne

**Date:** 10/18/2013



**Fenwick, Robin**

---

**From:** donotreply@port-orange.org  
**Sent:** Sunday, October 05, 2014 10:38 AM  
**To:** Fenwick, Robin  
**Subject:** Volunteer Application - Jeremy Terhune



## **ADVISORY BOARDS AND COMMISSIONS VOLUNTEER APPLICATION**

Submitted by Jeremy Terhune on 10/05/2014

### **Personal Information**

**Name:** Jeremy Terhune  
**Date of Birth:** 08/28/1986  
**Telephone:** 386-385-8374  
**E-mail:** jeremy.terhune@gmail.com  
**Business Telephone:** 386-267-7500  
**Address:** 664 Reillys Rd Port Orange, FL 32127  
**Are you a registered voter in Port Orange?** Yes  
**City Council District:** District 4  
**How long have you been a resident of Port Orange?** 6 Years  
**Are you currently serving on a City Board?** No  
**If yes, when and which board?**

### **References**

**Reference 1:** Greg Cardino, 9 Arkia At Lionspaw, Daytona Beach 32124, 386-405-2220  
**Reference 2:** Christopher Norris, 640 N Amelia Ave, DeLand, FL 32724, (903) 216-3658  
**Reference 3:** John Lamers, 1575 Palm Bay Rd., N.E.. Suite 110. Palm Bay, FL 32905, (321) 446-2598

### **Education**

**High School:** Mainland High School  
**Date Graduated High School:** 05/26/2004

**College:** Daytona State College/University of Central Florida  
**Date Graduated College:** 08/26/2014  
**Degree:** BA: Political Science

## Work Experience

I have worked at Bright House Networks over the past 9 years both in customer facing and non-customer facing positions.

## Interests/Activities

I am an avid cyclist, sailor, hiker, and outdoors man.

## Community Involvement

I have volunteered in the past as a sailing instructor at HSA (Halifax Sailing Association) a non-profit organization which provides an outlet for adults and youths to learn to sail.

## Why do you desire to serve on these boards?

I am interested in giving back to my community and I am looking for a chance to be able to make a difference in Port Orange.

## Resume/Additional Information

Profile Highly skilled account representative with six years of client acquisition and supervision experience. Knowledgeable in a sales environment with an intangible service. Experienced communicator, team player, and self-starter. Education Daytona State College Associate of the Arts, A.A., 2011 University of Central Florida Political Science B.S, Minor in Mass Communication., Expected completion Summer 2014 Skills Communication Skilled in public speaking, building and maintaining rapport with clients, cold calling, seeking and closing new accounts, business-to-business presentations, and strong negotiation skills. Leadership Excel in time and project management, training new employees, self motivated and able to work autonomously or in a team environment Applications Addressable Networks, Access, Excel, Google Docs Suite, HTML, Outlook, Powerpoint, Publisher, SPSS, Word Work Experience 2013-Present Bright House Networks, Central Florida Account Executive II - Business Solutions Develop strategies to attract new business customers in Central Florida market. Speak on behalf of Bright House Business Solutions at community events, chamber meetings, and networking functions. Responsible for preparing contracts to be signed, presenting products, and closing sales. 2008-2013 Bright House Networks, Central Florida Direct Sales Representative Develop new strategies for customer outreach and acquisition Managed a successful direct mailing campaign responsible for 40% of my book of business Created and developed database capable of tracking sales trends, tallying commission sheets, preparing monthly department reports, and assembling bi-weekly payroll automatically 2007-2008 Bright House Networks, Central Florida Escalations and Claims Coordinator Responsible for researching and processing all damage claims, preparing paperwork for all claims paid, negotiating final resolution with customer, and documenting release of liability from clients Direct a team of two claims representatives, delegating tasks and projects, and meeting required deadlines Developed Access database used for generating all department reports, trends, and showing variance in contractor and in-house performance. Helped standardize escalation process and transition the Access database to a multi-user enterprise solution based around the original Access Database Awards 2011 Spring 2011

Team Player Award, Bright House Deanâ€™s List, Daytona State April 2010 Fall 2011 Employee of the Month,  
Bright House Presidentâ€™s List, Daytona State

## **Selected Boards/Commissions**

Environmental Advisory Board  
Parks and Recreation Board  
Planning Commission

### **Order of Preference**

Planning Commission Parks and Recreation Board Environmental Advisory Board

**Signature:** Jeremy L Terhune

**Date:** 10/05/2014



# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 05/03/2016

Consent item: No

---

**SUBJECT:** Parks & Recreation Advisory Board Appointment

**DEPARTMENT:** City Clerk

**GOAL:**

**OBJECTIVE:**

---

**RECOMMENDED MOTION:** Move to appoint one member to the Board to fill the unexpired term of Aime Bischoff.

---

**SUMMARY:** Aime Bischoff has resigned from the Parks & Recreation Advisory Board and several applications have been received by the City Clerk. A list of the applicants is as follows and copies of their applications are attached:

- 1) Brian Syford
- 2) Dennis Young
- 3) Julie Day
- 4) John McClellan
- 5) Jeremy Terhune

The term will expire on February 15, 2018.

| Project | Funding Account |
|---------|-----------------|
| No.:    | No.:            |

---

**ATTACHMENTS:**

|    |                            |                                |
|----|----------------------------|--------------------------------|
| 1. | Brian Syford application   | Syford application.pdf         |
| 2. | Dennis Young application   | Dennis Young application.pdf   |
| 3. | Julie Day's application    | Julie Day application.pdf      |
| 4. | John McClellan application | John McClellan application.pdf |
| 5. | Jeremy Terhune application | Jeremy Terhune application.pdf |

---

Robin Fenwick  
M. Jake Johansson

Created/Initiated - 04/28/2016  
Final Approval - 04/28/2016

---

## Personal Information

**Name:** Brian Syford  
**Date of Birth:** 12/10/1971  
**Telephone:** 386-547-0949  
**E-mail:** briansyford@yahoo.com  
**Business Telephone:**  
**Address:** 1118 Meditation Loop Port Orange, FL 32129  
**Are you a registered voter in Port Orange?** Yes  
**City Council District:** 2  
**How long have you been a resident of Port Orange?** 35 years  
**Are you currently serving on a City Board?** No  
**If yes, when and which board?**

## References

**Reference 1:** Jamie Barkley 386-523-3680  
**Reference 2:** Steve Lebo 386-451-5500  
**Reference 3:** Tony Tucci 386-566-8748

## Education

**High School:** Spruce Creek High School  
**Date Graduated High School:** 06/03/1989  
**College:** Embry Riddle Aeronautical University  
**Date Graduated College:** 05/04/1993  
**Degree:** Aviation Business Administration

## Work Experience

See Resume

## Interests/Activities

Love all sports

## Community Involvement

I've been a coach, played sports and also umpired in Port Orange for over 20 years.

## Why do you desire to serve on these boards?

I have great passion for this community. I grew up in Port Orange and I feel like I have a lot to give back. Port Orange has been good to me and I would like to serve Port Orange and the citizens,

## Resume/Additional Information

Brian Syford 1118 Meditation Loop • Port Orange, FL 32129 (386) 547-0949 [briansyford@yahoo.com](mailto:briansyford@yahoo.com)

EXPERIENCE High Octane Printing • South Daytona, FL  
2014- Current General Manager • Responsible for the overall direction and daily operations of the business and its employees. • Increasing outside sales by more than 600% from the previous year, setting the highest historical sales record to date. • Reducing overall expenses and waste within the company by greater than 30% by accurately managing printing needs and in-house supplies. • Establishing and nurturing professional relationships within the community, resulting in significantly increased brand recognition. • Implementing and managing all marketing efforts for the business. • Creating partnerships with other local businesses in the effort to streamline efficiency and cost by working together. • Acting as the Chair to various Chamber Lead Groups, as the sole representative for the company. DME • Daytona Beach, FL Production Manager 2000-2014 • Managed and executed the daily workload for various departments, including, but not limited to: Shipping & Receiving, Warehouse, Letter shop, 4-Color Digital Laser, and Contract Labor. • Worked directly with sales department and clients to establish timelines for production needs, which resulted in successfully fulfilling the clients'™ expectations. • Significantly improved efficiency within the company by effectively managing labor based on the production needs. • Strategized with the Executive Leadership Team, as well as various departments, to ensure ongoing development within the organization. • Created and developed a Personal Development Program for employees in order to set individual goals and recognize their achievements within the organization, as well as reward their outstanding efforts. First Union Bank • Daytona Beach, FL Financial Advisor 1994-2000 • Established and developed relationships with clients for the purpose of increasing deposits, loan portfolios, and investments within the bank. • Provided clients with advice on financial matters, and made recommendations on ways to best utilize their money. • Achieved highest sales within region for two years in a row, 1997-1998. • Developed a business plan to achieve and exceed the required performance goals. EDUCATION Embry Riddle Aeronautical University, Daytona Beach, Florida 1992-1993 B.A. - Aviation Business Administration

## Selected Boards/Commissions

Environmental Advisory Board  
City Manager Selection Committee  
Parks and Recreation Board  
Planning Commission

Order of Preference

**Signature:**

**Brian Syford**

**Date:**

**11/18/2015**



# CITY OF PORT ORANGE ADVISORY BOARDS AND COMMISSIONS

## VOLUNTEER APPLICATIONS

Thank you for your interest in serving the City of Port Orange. Your completion of this application is necessary so that the members of the City Council can thoroughly review each application as part of their consideration for your appointment.

Please choose the Board(s)/Commission(s) for which you wish to apply. If applying for more than one Board/Commission, please number in the order of preference.

|          |                                |          |                                  |
|----------|--------------------------------|----------|----------------------------------|
| <u>3</u> | Environmental Advisory Board   | _____    | Library Advisory Board           |
| <u>2</u> | Construction Regulation Board* | <u>1</u> | Parks and Recreation Board       |
| _____    | Code Enforcement Board*        | _____    | Planning Commission*             |
| _____    | Charter Review Board           | _____    | City Manager Selection Committee |
| _____    | Civil Service Board            |          |                                  |
| _____    | Districting Commission         |          |                                  |

### CRA Boards

\_\_\_\_\_ Eastport Community Redevelopment Agency\*  
\_\_\_\_\_ Town Center Community Redevelopment Agency\*

### Pension Boards

\_\_\_\_\_ General Employees\*  
\_\_\_\_\_ Police\*  
\_\_\_\_\_ Fire\*

### ALL OF THE ABOVE ARE SUBJECT TO THE "SUNSHINE LAW"

MEMBERS OF THE BOARDS/COMMISSIONS WITH AN ASTERIK ARE REQUIRED TO FILE FINANCIAL DISCLOSURES WITHIN 30 DAYS OF DATE OF APPOINTMENT.

#### 1. PERSONAL

Name Dennis Young Date of Birth 05/01/1949

Address 6662 Merryvale Lane Port Orange, FL 32128

Home Telephone (386) 304-5615

E-Mail Address dp.young72@att.net

Business Telephone \_\_\_\_\_

Are you a registered voter in Port Orange? ☒ Yes ☐ No

City Council District District #4

How long have you been a resident of Port Orange? 8 years

Are you currently serving on a City Board? NO

Have you ever served on a City Board? NO

If yes, when and which Board? \_\_\_\_\_

2. **REFERENCES** – Please list three references (business and/or personal)

Allen Green (Mayor) P.O. Drawer 290126 P.O. (386) 322-0247 (Business/Personal)  
Name, address, and telephone number

Steve Messinger 3741 S. Nova Rd. P.O. (386) 761-9377 (Personal)  
Name, address, and telephone number

Alexis LENSEN 444 Seabreeze Blvd A.B. (386) 506-4802 (Business)  
Name, address

3. **EDUCATION**

High School Richmond Senior H.S. Date Graduated 1968

College Ball State University Date Graduated 1972 Degree B.S.

4. **WORK EXPERIENCE** Hospitality ; Property Management ;  
Human Resources ; Educator ; Developer

5. **INTERESTS/ACTIVITIES** Youth Sports ; Cycling, Jogging ;  
Physical Fitness ; Scale Modeling ; Woodworking

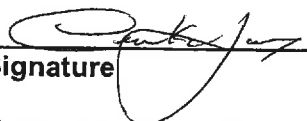
6. **COMMUNITY INVOLVEMENT** HOA Board Member ; Coaching  
Youth Sports, New Development zoning

7. **WHY DO YOU DESIRE TO SERVE ON THIS/THESE BOARDS?**

With my extensive years of experience in management, human resources,  
planning & development, construction and safety awareness ; I  
would offer my services in assisting in the continuous growth and  
improvement to the "Great" City of Port Orange.

8. **A resume or separate sheet with additional information may be included.**

**I understand the responsibilities associated with being a board member, and I have adequate time to serve if appointed.**

  
Signature

10/26/2012  
Date

**Note: If you have questions concerning the duties and responsibilities of any of the above Boards/Commissions, please contact the City Clerk's Office at 506-5563.**

**Return this form to:** Robin Fenwick, Deputy City Clerk,  
1000 City Center Circle, Port Orange, Florida 32129

**Gosnell, Fran**

---

**From:** Fenwick, Robin  
**Sent:** Thursday, January 21, 2016 10:30 AM  
**To:** Gosnell, Fran  
**Subject:** Fwd: Volunteer Application - Julie Day

Sent from my iPad

Begin forwarded message:

**From:** <[donotreply@port-orange.org](mailto:donotreply@port-orange.org)>  
**Date:** January 21, 2016 at 10:19:36 AM EST  
**To:** <[rfeinwick@port-orange.org](mailto:rfeinwick@port-orange.org)>  
**Subject:** Volunteer Application - Julie Day



**ADVISORY BOARDS AND COMMISSIONS VOLUNTEER APPLICATION**

Submitted by Julie Day on 01/21/2016

**Personal Information**

**Name:** Julie Day  
**Date of Birth:** 10/25/1954  
**Telephone:** 386-212-6850  
**E-mail:** [juliedayrealtor@aol.com](mailto:juliedayrealtor@aol.com)  
**Business Telephone:**  
**Address:** 5484 Saint Regis Way Port Orange, FL 32128  
**Are you a registered voter in Port Orange?** Yes  
**City Council District:** District Three  
**How long have you been a resident of Port Orange?** 6 Years  
**Are you currently serving on a City Board?** No  
**If yes, when and which board?**

**References**

**Reference 1:** Mr. Jake Johansson City Manager  
**Reference 2:** Don Burnette Vice Mayor  
**Reference 3:** Robert Kellar Coldwell Banker Broker

## Education

**High School:** Bradford Senior High School  
**Date Graduated High School:** 06/02/1972  
**College:** University of Pittsburgh  
**Date Graduated College:** 06/11/1975  
**Degree:** BA Business

## Work Experience

Licensed Realtor since 1995 Previously owned businesses. Advertising agency, gift shoppes,and limo service

## Interests/Activities

Fund raising for local charities. Presently helping to find sponsors for Deb Cheslow's Building Remarkable Communities races. Helping Local Domestic Abuse, Healthy Start,Police Victims Advocates, Stewart-Marchman and Hush Puppy Haven. Also, Hospice,and Volusia County Learning Coalition

## Community Involvement

Fund raising for local charities. Presently helping to find sponsors for Deb Cheslow's Building Remarkable Communities races. Helping Local Domestic Abuse, Healthy Start,Police Victims Advocates, Stewart-Marchman and Hush Puppy Haven. Also, Hospice,and Volusia County Learning Coalition

## Why do you desire to serve on these boards?

I feel that if I can help our community in their growth I would be proud to do so. I recently gradated from our Port Orange Leadership Class through the Chamber of Commerce,and it has inspired me to do more.

## Resume/Additional Information

I am also the only Realtor in Florida that is proud to donate up to 25% of my commission toward the charity of your choice, to my buyers and sellers.

## Selected Boards/Commissions

Parks and Recreation Board

## Order of Preference

---

**Signature:** Julie Day  
**Date:** 01/21/2016

# CITY OF PORT ORANGE ADVISORY BOARDS AND COMMISSIONS

## VOLUNTEER APPLICATIONS

Thank you for your interest in serving the City of Port Orange. Your completion of this application is necessary so that the members of the City Council can thoroughly review each application as part of their consideration for your appointment.

Please choose the Board(s)/Commission(s) for which you wish to apply. If applying for more than one Board/Commission, please number in the order of preference.

- |                                                         |                                                            |
|---------------------------------------------------------|------------------------------------------------------------|
| <input type="checkbox"/> Environmental Advisory Board   | <input checked="" type="checkbox"/> Library Advisory Board |
| <input type="checkbox"/> Construction Regulation Board* | <input type="checkbox"/> Parks and Recreation Board        |
| <input type="checkbox"/> Code Enforcement Board*        | <input type="checkbox"/> Planning Commission*              |
| <input type="checkbox"/> Charter Review Board           | <input type="checkbox"/> City Manager Selection Committee  |
| <input type="checkbox"/> Civil Service Board            | <input type="checkbox"/> Audit & Budget Advisory Board     |
| <input type="checkbox"/> Districting Commission         | <input type="checkbox"/> Youth Advisory Board              |

### CRA Boards

- ☐ Eastport Community Redevelopment Agency\*
- ☐ Town Center Community Redevelopment Agency\*

### Pension Boards

- ☐ General Employees\*
- ☐ Police\*
- ☐ Fire\*

### ALL OF THE ABOVE ARE SUBJECT TO THE "SUNSHINE LAW"

MEMBERS OF THE BOARDS/COMMISSIONS WITH AN ASTERIK ARE REQUIRED TO FILE FINANCIAL DISCLOSURES WITHIN 30 DAYS OF DATE OF APPOINTMENT.

#### 1. PERSONAL

Name John McClellan Date of Birth 29 Feb 1964

Address 995 Mori Ct., Port Orange, FL 32127

Home Telephone (386) 256-2160

E-Mail Address johnmc82@cfl.rr.com

Business Telephone C (781) 686-0660

Are you a registered voter in Port Orange? ☒ Yes ☐ No

City Council District 3

How long have you been a resident of Port Orange? Since Sep 2014

Are you currently serving on a City Board? NO

Have you ever served on a City Board? NO

If yes, when and which Board? N/A

2. **REFERENCES** – Please list three references (business and/or personal)

(B) Joe Moore, City Manager - Fond Du Lac, WI, 920-322-3430 (Army colleague.)  
Name, address, and telephone number

(P) Bill Texeira, 220 East Hornbeam Rd. Longwood, FL  
Name, address, and telephone number 407-718-7921

(P) Alan & Elaine Brayton, 3033 Oak Hammock Dr. Port Orange, FL  
Name, address, and telephone number 386-760-1410

3. **EDUCATION**

High School Sewanhaka, NY Date Graduated 1982

College R.P.I. Date Graduated 1986 Degree B.S. - Building Science  
SUNY Binghamton 1998 M.P.A.

4. **WORK EXPERIENCE**

See attached resume', and -  
currently working part-time @ Daytona Convention Ctr (AUE Staffing)

5. **INTERESTS/ACTIVITIES**

Walking/Hiking; Veterans' Issues;  
Swimming; Movies

6. **COMMUNITY INVOLVEMENT**

I am the Post Adjutant at VFW  
#3282 and volunteer there. I am also President of the  
Happy Wanderers Walking Club here in Port Orange.

7. **WHY DO YOU DESIRE TO SERVE ON THIS/THESE BOARDS?**

To participate/support my Community.

8. **A resume or separate sheet with additional information should be included.**

I understand the responsibilities associated with being a board member, and I have adequate time to serve if appointed.

Signature

Date

Note: If you have questions concerning the duties and responsibilities of any of the above Boards/Commissions, please contact the City Clerk's Office at 506-5563.

Return this form to:

Robin Fenwick, CMC, City Clerk,  
1000 City Center Circle  
Port Orange, Florida 32129

**John C. McClellan Jr.**  
995 Mori Ct.  
Port Orange, FL 32127

Email: [johnmc82@cfl.rr.com](mailto:johnmc82@cfl.rr.com)

Cell phone: (781) 686-0660

---

**Executive Summary.** An engineering leader with a Masters degree in Public Administration and 28 years of executive experience including as a Director of Engineering, Director of Public Works, Director of Training, and multiple tours as Commander (CEO) or Executive Officer (Staff Director) in the United States military. A highly focused, adaptive, and strategic thinker with proven record for achieving results. Possesses written, oral and diplomatic communications skills honed under high-pressure operational conditions in complex settings. Currently hold a government security clearance and US passport. Computer and social media savvy.

**Relevant Accomplishments and Experiences.**

- 15+ years of senior leadership experience as a Director or Staff Principal, Commander or Deputy; a disciplined follower as well as leader.
- Has led and managed large civilian workforces at least twice previously
- Extensive experience in Master Planning and Community Development, particularly as Director of Engineering (2011-14) and Director of Public Works (1999-00)
- Interagency experience in Economic Development with Departments of State, Agriculture, Justice and the US Agency for International Development in Iraq (2010-11)
- Trained in emergency management and FEMA disaster response processes
- Trained in environmental regulations, assessments and studies under the National Environmental Protection Act (NEPA)

**Education:**

- *Master of Public Administration* (Information Systems), SUNY College at Brockport
- *B.S. Building Sciences* (School of Architecture), Rensselaer Polytechnic Institute
- Command & General Staff College, United States Army (Strategy, Planning & Leadership)

**Work History:**

**1986-2014:** United States Army -- Corps of Engineers, from Second Lieutenant to Colonel

*Promoted 5 times, with more than 20 awards or decorations for achievement/service*

- Director of Engineering, US Army Pacific, Fort Shafter, Hawaii (Aug, 2011- July, 2014)  
*Led Army engineer staff operations in support of US Pacific Command, including construction requirements programming in excess of \$3 billion dollars across Alaska, Hawaii, Japan, Korea, Guam and Kwajalein. Supervised environmental programs and good stewardship under NEPA. Regular interaction with the US Army Corps of Engineers. Extensive planning support to Humanitarian Assistance / Disaster Relief at home and internationally.*
- Stability Transition Team, Provincial Reconstruction Team, Salah Ad Din, Iraq (2010-11)  
*Senior military advisor to the PRT, linking military and civilian efforts in a whole-of-government approach. Worked directly with the US State Department, USAID and other inter-agency partners in an austere, hostile environment. Provided analysis and recommendations to address Drivers of Instability (DOI) – including economic development; restoration of*



*essential services and piloted vocational training programs for former Sons of Iraq. Provided focused emergency management after a major insurgent attack on the Bayji Oil Refinery.*

- Director of Training, US Army Maneuver Spt Ctr & Ft. Leonard Wood, MO. (2008-2010)  
*Managed \$9.2 million dollar budget annually. Supervised 8 divisions and led a mostly civilian workforce of 150+ supporting 3 Army schools (Engineer, Chemical, Military Police), the Non-commissioned Officer's Academy and the International Student Detachment.*
- Professor of Military Science, Northeastern University, Boston, MA. (2006-08)  
*Academic Chairman and military Commander for 14 instructors/staff and 100+ Cadets. Led a Top 5 - rated program for the Northeast area. Managed a multi-million dollar scholarship program and negotiated University incentives with Vice-Provost. Routinely updated University President, staff and alumni on program performance. Personally cited for excellence in leadership by the Governor and State Senate of Massachusetts.*
- CEO (Battalion Commander), 1-361<sup>st</sup> Engineers (2004-06) and Staff Director (Executive Officer), 2d Brigade, 91<sup>st</sup> Division (Training Support); (2003-04)  
*Led 150-250 Soldiers and officers. Supervised hiring and performance of hundreds of civilian as indigenous role-players in training scenarios. Developed training programs and facilities construction supporting mobilization of thousands of Army Reserve and National Guard Soldiers. Assembled and mentored new teams of advisors for Iraqi and Afghan militaries.*
- COO (Battalion Operations Officer), 9<sup>th</sup> Engineers (2000-01); Contingency Operations Officer, and Chief of Operations, 18<sup>th</sup> Engineer Brigade (2001-2003)  
*Planned operations and training for large organizations up to 500; assessed current activities and implemented changes to optimize processes. Authored/edited 2d edition of contingency construction handbook for the Balkans and oversaw major basecamp planning and contingency construction in Bosnia, Kosovo, Macedonia and Turkey.*
- Director of Public Works, 280<sup>th</sup> Base Support Battalion, Schweinfurt, Germany (1999-00)  
*Managed \$95 million budget, including \$51M in construction. Led 180+ civilian employees. Supervised all engineering and housing in a Military Community of 10,000 people, with 8 installations, 1,050 buildings and 2,647 housing units; a railhead, airfield, and training areas covering 50,000 acres. Supervised the Fire Department and oversaw fire & safety inspections.*

#### **Professional Skills:**

- Planning, organizing, directing, and coordinating activities of a staff
- Critical thinking and analysis; problem solving and policy development
- Project management, especially in construction
- Balancing competing priorities; budgeting and managing resources
- Personnel administration, including: performance counseling, evaluations and handling confidential information and situations with discretion
- Work effectively under pressure and manage stress in a complex, dynamic atmosphere

**References provided upon request.**

[johnmc82@cfl.rr.com](mailto:johnmc82@cfl.rr.com)

**Fenwick, Robin**

---

**From:** donotreply@port-orange.org  
**Sent:** Sunday, October 05, 2014 10:38 AM  
**To:** Fenwick, Robin  
**Subject:** Volunteer Application - Jeremy Terhune



## **ADVISORY BOARDS AND COMMISSIONS VOLUNTEER APPLICATION**

Submitted by Jeremy Terhune on 10/05/2014

### **Personal Information**

**Name:** Jeremy Terhune  
**Date of Birth:** 08/28/1986  
**Telephone:** 386-385-8374  
**E-mail:** jeremy.terhune@gmail.com  
**Business Telephone:** 386-267-7500  
**Address:** 664 Reillys Rd Port Orange, FL 32127  
**Are you a registered voter in Port Orange?** Yes  
**City Council District:** District 4  
**How long have you been a resident of Port Orange?** 6 Years  
**Are you currently serving on a City Board?** No  
**If yes, when and which board?**

### **References**

**Reference 1:** Greg Cardino, 9 Arkia At Lionspaw, Daytona Beach 32124, 386-405-2220  
**Reference 2:** Christopher Norris, 640 N Amelia Ave, DeLand, FL 32724, (903) 216-3658  
**Reference 3:** John Lamers, 1575 Palm Bay Rd., N.E.. Suite 110. Palm Bay, FL 32905, (321) 446-2598

### **Education**

**High School:** Mainland High School  
**Date Graduated High School:** 05/26/2004

**College:** Daytona State College/University of Central Florida  
**Date Graduated College:** 08/26/2014  
**Degree:** BA: Political Science

## Work Experience

I have worked at Bright House Networks over the past 9 years both in customer facing and non-customer facing positions.

## Interests/Activities

I am an avid cyclist, sailor, hiker, and outdoors man.

## Community Involvement

I have volunteered in the past as a sailing instructor at HSA (Halifax Sailing Association) a non-profit organization which provides an outlet for adults and youths to learn to sail.

## Why do you desire to serve on these boards?

I am interested in giving back to my community and I am looking for a chance to be able to make a difference in Port Orange.

## Resume/Additional Information

Profile Highly skilled account representative with six years of client acquisition and supervision experience. Knowledgeable in a sales environment with an intangible service. Experienced communicator, team player, and self-starter. Education Daytona State College Associate of the Arts, A.A., 2011 University of Central Florida Political Science B.S, Minor in Mass Communication., Expected completion Summer 2014 Skills Communication Skilled in public speaking, building and maintaining rapport with clients, cold calling, seeking and closing new accounts, business-to-business presentations, and strong negotiation skills. Leadership Excel in time and project management, training new employees, self motivated and able to work autonomously or in a team environment Applications Addressable Networks, Access, Excel, Google Docs Suite, HTML, Outlook, Powerpoint, Publisher, SPSS, Word Work Experience 2013-Present Bright House Networks, Central Florida Account Executive II - Business Solutions Develop strategies to attract new business customers in Central Florida market. Speak on behalf of Bright House Business Solutions at community events, chamber meetings, and networking functions. Responsible for preparing contracts to be signed, presenting products, and closing sales. 2008-2013 Bright House Networks, Central Florida Direct Sales Representative Develop new strategies for customer outreach and acquisition Managed a successful direct mailing campaign responsible for 40% of my book of business Created and developed database capable of tracking sales trends, tallying commission sheets, preparing monthly department reports, and assembling bi-weekly payroll automatically 2007-2008 Bright House Networks, Central Florida Escalations and Claims Coordinator Responsible for researching and processing all damage claims, preparing paperwork for all claims paid, negotiating final resolution with customer, and documenting release of liability from clients Direct a team of two claims representatives, delegating tasks and projects, and meeting required deadlines Developed Access database used for generating all department reports, trends, and showing variance in contractor and in-house performance. Helped standardize escalation process and transition the Access database to a multi-user enterprise solution based around the original Access Database Awards 2011 Spring 2011

Team Player Award, Bright House Deanâ€™s List, Daytona State April 2010 Fall 2011 Employee of the Month,  
Bright House Presidentâ€™s List, Daytona State

## **Selected Boards/Commissions**

Environmental Advisory Board  
Parks and Recreation Board  
Planning Commission

### **Order of Preference**

Planning Commission Parks and Recreation Board Environmental Advisory Board

**Signature:** Jeremy L Terhune

**Date:** 10/05/2014



# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 05/03/2016

Consent item: No

---

**SUBJECT:** Golf Advisory Board Appointments

**DEPARTMENT:** City Clerk

**GOAL:**

**OBJECTIVE:**

---

**RECOMMENDED MOTION:** Move to nominate six (6) members of the public and one (1) Council Member to the newly established Golf Advisory Board.

---

**SUMMARY:** Council recently established the Golf Advisory Board and the attached applications have been received from volunteers:

Alan Angelone – Member of Cypress Head Men's Golf Association  
John Cameron, Jr. – Past Director of Golf at Daytona Golf Club  
Anthony “Tony” Delmonte – President of Cypress Head Men’s Golf Assn  
Dennis Flesch – Part-Time employee of Kemper Sports  
Joseph Longo – Cypress Head Master Resident  
Jane Taylor – Member of Women’s Golf Association  
William Roy – Resident of Cypress Head  
William Schieder – Treasurer of Cypress Head Men’s Golf Association

Council will be selecting 6 members of the public to serve on this board (and one member of Council). Of those 6 members from the public, one needs to be from each of the following organizations: Cypress Head Master HOA, Cypress Head Men’s Golf Assoc., and Cypress Head Women’s Golf Assoc. (unless no one from the organization applies).

Staff recommends the three mandatory members be appointed for three years and the remaining three be appointed by Council for a term decided randomly by the City Clerk via acceptable means.

|         |                 |
|---------|-----------------|
| Project | Funding Account |
| No.:    | No.:            |

---

**ATTACHMENTS:**

|    |                              |                                |
|----|------------------------------|--------------------------------|
| 1. | Ordinance No. 2016-4         | Ord 2016-4.pdf                 |
| 2. | Alan Angelone application    | Golf Bd - Alan K. Angelone.pdf |
| 3. | Anthony Delmonte application | Golf Bd - Anthony Delmonte.pdf |
| 4. | Dennis Flesch application    | Golf Bd - Dennis Flesch.pdf    |

---

|    |                                   |                                        |
|----|-----------------------------------|----------------------------------------|
| 5. | Jane Taylor application           | Golf Bd - Jane Taylor.pdf              |
| 6. | John Cameron. Jr. application     | Golf Bd - John R. Cameron, Jr..pdf     |
| 7. | Joseph Longo application          | Golf Bd - Joseph Longo.pdf             |
| 8. | William Schieder, Jr. application | Golf Bd - William E. Schieder, Jr..pdf |
| 9. | William Roy application           | Golf Bd - William Roy.pdf              |

---

Robin Fenwick  
Robin Fenwick  
M. Jake Johansson

Created/Initiated - 04/11/2016  
Approved - 04/18/2016  
Final Approval - 04/28/2016

---

ORDINANCE NO. 2016-4

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, ESTABLISHING GOLF COURSE ADVISORY BOARD; AMENDING CHAPTER 50, CODE OF ORDINANCES, CITY OF PORT ORANGE FLORIDA, ENTITLED "PARKS AND RECREATION"; CREATING DIVISION 2 OF ARTICLE IV OF CHAPTER 50 TO BE ENTITLED "GOLF COURSE ADVISORY BOARD"; CREATING SECTION 50-106 TO PROVIDE FOR ESTABLISHMENT OF GOLF COURSE ADVISORY BOARD; CREATING SECTION 50-107 TO PROVIDE FOR PURPOSE, DUTIES AND FUNCTIONS OF THE BOARD; CREATING SECTION 50-108 TO PROVIDE FOR COMPOSITION AND QUALIFICATIONS OF MEMBERS; CREATING SECTION 50-109 TO PROVIDE FOR APPOINTMENTS AND TERMS; CREATING SECTION 50-110 TO PROVIDE FOR VACANCIES AND REMOVAL OF MEMBERS; CREATING SECTION 50-111 TO PROVIDE FOR ORGANIZATION AND PROCEDURES OF THE BOARD; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE,  
VOLUSIA COUNTY, FLORIDA:

Section 1. Chapter 50 of the Code of Ordinances, City of Port Orange, Florida, is hereby amended to create a new Division 2 of Article IV, comprised of Sections 50-106 through 50-111, inclusive, and entitled as follows:

DIVISION 2. – GOLF COURSE ADVISORY BOARD

Section 2. Section 50-106 of the Code of Ordinances, City of Port Orange, Florida, is hereby created to read as follows:

Sec. 50-106. - Establishment of golf course advisory board.



There is hereby created and established a golf course advisory board of the City of Port Orange, Florida.

Section 3. Section 50-107 of the Code of Ordinances, City of Port Orange, Florida, is hereby created to read as follows:

Sec. 50-107. - Purpose, duties and functions.

- (a) The purpose of the golf course advisory board shall be to advise and assist the city council on matters relating to the municipal golf course.
- (b) The golf course advisory board shall make recommendations to the city council concerning operation of the municipal golf course. In this regard the golf course advisory board shall exercise specific responsibilities as enumerated herein. In addition, the city council may refer other golf course related matters to the golf course advisory board for review and recommendation. To accomplish these goals, the specific responsibilities of the golf course advisory board shall include, but not be limited to, the following:
  - (1) Review and make recommendations to the city council regarding maintenance, equipment and capital facilities of the municipal golf course.
  - (2) Serve as liaison between the city council and individuals and organizations using the municipal golf course.
  - (3) Serve as liaison between the city staff or contractors responsible for operation of the municipal golf course and individuals or organizations using the municipal golf course.

- (4) Review and make recommendations to the city council regarding the performance of contractors responsible for operation, management, maintenance, marketing, and other aspects of the municipal golf course.
- (5) Make reports to the city council, as necessary, regarding physical condition, capital facilities and other matters relating to the municipal golf course.

However, nothing in this article shall prohibit the city council from acting upon any matter not previously referred to or reviewed by the golf advisory board.

Section 4. Section 50-108 of the Code of Ordinances, City of Port Orange, Florida, is hereby created to read as follows:

Sec. 50-108. - Composition and qualifications of members.

- (a) The golf course advisory board shall consist of seven (7) members appointed by the city council consisting of a single council member and at least one member from each of the following organizations: Cypress Head Master Homeowners' Association, Cypress Head Men's Golf Association and Cypress Head Women's Golf Association. However, In the event that no member(s) from the organizations mentioned above apply for a position to serve on the board, the seat may be filled by appointment of an otherwise qualified candidate by city council.
- (b) Members of the board shall have knowledge of golf course operations. They should be guided by a sincere interest in developing and promoting the operation

of the municipal golf course for the city and in accomplishing the purposes and goals set forth herein.

- (c) Appointments shall be made on the basis of experience or interest in the areas of finance, insurance, golf course management, engineering, architecture, golf course maintenance, and construction.

Section 5. Section 50-109 of the Code of Ordinances, City of Port Orange, Florida, is hereby created to read as follows:

Sec. 50-109. - Appointments and terms.

The initial appointments to the board shall be as follows:

- (a) Two (2) members shall be appointed for a term expiring April 1, 2017.
- (b) Two (2) members shall be appointed for a term expiring April 1, 2018.
- (c) Three (3) members shall be appointed for a term expiring April 1, 2019.

Thereafter all appointments shall be made for a term of three (3) years. All terms shall expire on April 1 in the year of their given expiration. A board member may be reappointed for any number of consecutive terms.

Section 6. Section 50-110 of the Code of Ordinances, City of Port orange, Florida, is hereby created to read as follows:

Sec.50-110. - Vacancies and removal of members.

Any member who fails to attend two (2) of three (3) successive meetings without good cause shall forfeit his or her appointment, and the city council may determine a vacancy to exist which shall be promptly filled by the city council. A member of the

board may be removed from the board by the city council for cause upon written charges and after a public hearing before the city council. Appointments to fill any vacancy shall be for the remainder of the unexpired term of the former member.

Section 7. Section 50-111 of the Code of ordinances, City of Port Orange, Florida is hereby created to read as follows:

Sec. 50-111. - Organization and procedures.

- (a) Election of officers. The member of the board shall elect a chairman and a vice-chairman to preside in the absence of the chairman. Such election shall take place at the first meeting of the board of each calendar year.
- (b) Responsibilities of chairman. The chairman shall be responsible for the orderly running of all meetings, shall direct the preparation of all reports and shall make all necessary reports to the city council.
- (c) Meetings. The board shall meet quarterly. A special meeting may be called by the chairman or by majority vote of the members.
- (d) Minutes. The city recording secretary shall be responsible for keeping and recording minutes. A copy of the minutes of each meeting shall be kept on file in the city clerk's office.
- (e) Quorum; rules of order. The presence of four (4) or more members shall constitute a quorum of the board necessary to take action or conduct business. The board shall adopt Robert's Rules of Order (latest edition) or such other written rules and procedures as may be desirable and necessary to promote and

effectuate the purposes, objectives and business of the board in an orderly, timely and productive manner.

- (f) Compensation. Members of the board shall serve without compensation but may be reimbursed for such travel, mileage, per diem or other expenses as may be authorized by city council.

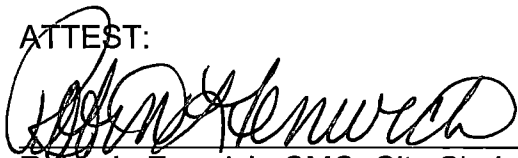
Section 8. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 9. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provision of this ordinance are declared severable.

Section 10. This Ordinance shall become effective upon adoption.

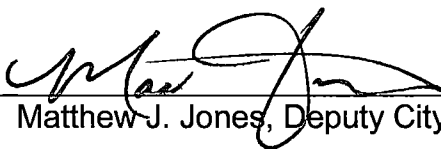
  
MAYOR ALLEN GREEN

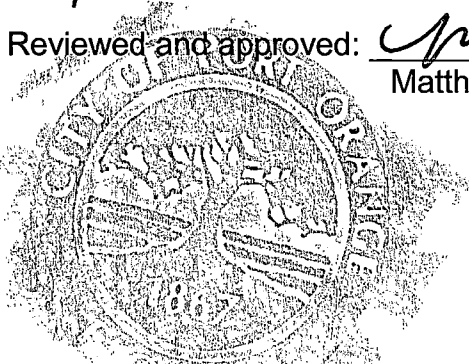
ATTEST:

  
Robin L. Fenwick, CMC, City Clerk

Passed on first reading this 5 day of April, 2016.

Passed and adopted on second reading and final reading on the 19 day of April, 2016

Reviewed and approved:   
Matthew J. Jones, Deputy City Attorney



# CITY OF PORT ORANGE ADVISORY BOARDS AND COMMISSIONS

## VOLUNTEER APPLICATIONS

Thank you for your interest in serving the City of Port Orange. Your completion of this application is necessary so that the members of the City Council can thoroughly review each application as part of their consideration for your appointment.

Please choose the Board(s)/Commission(s) for which you wish to apply. If applying for more than one Board/Commission, please number in the order of preference.

- |                                                                       |                                        |
|-----------------------------------------------------------------------|----------------------------------------|
| <input checked="" type="checkbox"/> <u>GOLF COURSE ADVISORY BOARD</u> | _____                                  |
| _____ Environmental Advisory Board                                    | _____ Library Advisory Board           |
| _____ Construction Regulation Board*                                  | _____ Parks and Recreation Board       |
| _____ Code Enforcement Board*                                         | _____ Planning Commission*             |
| _____ Charter Review Board                                            | _____ City Manager Selection Committee |
| _____ Civil Service Board                                             | _____ Audit & Budget Advisory Board    |
| _____ Districting Commission                                          | _____ Youth Advisory Board             |

### CRA Boards

- \_\_\_\_\_ Eastport Community Redevelopment Agency\*  
\_\_\_\_\_ Town Center Community Redevelopment Agency\*

### Pension Boards

- \_\_\_\_\_ General Employees\*  
\_\_\_\_\_ Police\*  
\_\_\_\_\_ Fire\*

### ALL OF THE ABOVE ARE SUBJECT TO THE "SUNSHINE LAW"

MEMBERS OF THE BOARDS/COMMISSIONS WITH AN ASTERIK ARE REQUIRED TO FILE FINANCIAL DISCLOSURES WITHIN 30 DAYS OF DATE OF APPOINTMENT.

#### 1. PERSONAL

Name ALAN K. ANGELONE Date of Birth 07/27/1944

Address 6415 LONGLAKE DRIVE

Home Telephone (386) 682-2417

E-Mail Address ALRONE R @ CFL. RR. COM

Business Telephone \_\_\_\_\_

Are you a registered voter in Port Orange? ☒ Yes ☐ No

City Council District 4

How long have you been a resident of Port Orange? 11 yes

Are you currently serving on a City Board? No

Have you ever served on a City Board? No

If yes, when and which Board? \_\_\_\_\_

2. **REFERENCES** – Please list three references (business and/or personal)

DR. ANTHONY DELMONTE, 1134 Key Largo Circle, Port Orange, 764-1719  
Name, address, and telephone number

DR. ROBERT FORD, 4876 HALIFAX DR., PORT ORANGE, 756-8245  
Name, address, and telephone number

DR. ANTHONY PASCARE 28 Riverwood DR., MARLBORO, NY. (845) 236-4381  
Name, address, and telephone number

3. **EDUCATION**

High School NEWBURGH FREE ACADEMY Date Graduated 1962

College ORANGE COUNTY COMM COLLEGE Date Graduated \_\_\_\_\_ Degree \_\_\_\_\_

4. **WORK EXPERIENCE**

ATTACHED

5. **INTERESTS/ACTIVITIES**

GOLF, FITNESS, FISHING  
TARGET SHOOTING, READING

6. **COMMUNITY INVOLVEMENT**

ATTACHED

7. **WHY DO YOU DESIRE TO SERVE ON THIS/THESE BOARDS?**

THE GOLF COURSE IS AN OUTSTANDING FEATURE OF OUR CITY. I WOULD LIKE  
TO DO MY PART TO ENSURE WE ALL WORK TOGETHER TO HELP IT ACHIEVE IT'S  
MAXIMUM POTENTIAL.

8. **A resume or separate sheet with additional information should be included.**

**I understand the responsibilities associated with being a board member, and I have adequate time to serve if appointed.**

Chaw K. Angelone  
Signature

March 7, 2016  
Date

**Note: If you have questions concerning the duties and responsibilities of any of the above Boards/Commissions, please contact the City Clerk's Office at 506-5563.**

**Return this form to:**

**Robin Fenwick, CMC, City Clerk,  
1000 City Center Circle  
Port Orange, Florida 32129**



### WORK EXPERIENCE:

IBM Retired – I was hired by IBM from college and completed their Systems Programming Education curriculum. My 30 year career included technical, business and management assignments.

### TECHNICAL ASSIGNMENTS:

I was part of a team that designed, wrote and shipped the software for IBM's operating systems (MVS/VM).

I also had the opportunity to work with IBM's Supercomputing effort. My responsibilities included identifying and resolving all corporate wide technical issues.

### BUSINESS PLANNER:

As a Business Planner I had to develop the justification for new products. My responsibilities included; identifying the market revenue opportunities, the development cost, issue resolution and obtaining executive approval.

### MANAGEMENT:

I was the manager of the Data Center that supplied the staff and computer resources for a software development population of approximately two hundred programmers.

## COMMUNITY INVOLVEMENT:

### Town of Marlboro, NY Recreation Committee:

Worked with Town Council to develop, oversee and implement all town recreation activities; eg., Youth Baseball, Softball, Senior Citizens trips/activities.

10 years coaching Youth Baseball and Basketball.

President of Marlboro, NY Youth Baseball.

### Project U.S.E. (Red Bank, NJ):

I was an experiential education instructor for those interested in building life skills, confidence, self motivation and teamwork through outdoor wilderness adventure programs, eg.; high ropes course, rock climbing, back-packing, etc.

### Georgia State Parks:

Volunteer at Brazel Creek Golf Course, Reidsville, Ga. Responsibilities included golf course maintenance, course marshal, etc.

### Park Ranger:

Mohonk Preserve, Gardner, NY  
First aid and rescue for rock climbers

### Cypress Pass:

One of the three Cypress Head residents (along with Bill Scheider, Tony Delmonte) that worked with Council to get the Cypress Pass approved.

# CITY OF PORT ORANGE ADVISORY BOARDS AND COMMISSIONS

## VOLUNTEER APPLICATIONS

Thank you for your interest in serving the City of Port Orange. Your completion of this application is necessary so that the members of the City Council can thoroughly review each application as part of their consideration for your appointment.

Please choose the Board(s)/Commission(s) for which you wish to apply. If applying for more than one Board/Commission, please number in the order of preference.

☒ Golf Advisory Board

☐ Environmental Advisory Board

☐ Construction Regulation Board\*

☐ Code Enforcement Board\*

☐ Charter Review Board

☐ Civil Service Board

☐ Districting Commission

☐ Library Advisory Board

☐ Parks and Recreation Board

☐ Planning Commission\*

☐ City Manager Selection Committee

☐ Audit & Budget Advisory Board

☐ Youth Advisory Board

### CRA Boards

☐ Eastport Community Redevelopment Agency\*

☐ Town Center Community Redevelopment Agency\*

### Pension Boards

☐ General Employees\*

☐ Police\*

☐ Fire\*

### ALL OF THE ABOVE ARE SUBJECT TO THE "SUNSHINE LAW"

MEMBERS OF THE BOARDS/COMMISSIONS WITH AN ASTERIK ARE REQUIRED TO FILE FINANCIAL DISCLOSURES WITHIN 30 DAYS OF DATE OF APPOINTMENT.

#### 1. PERSONAL

Name Anthony (Tony)

Date of Birth 9/30/1946

Address Del Monte

Home Telephone 386-760-1719

E-Mail Address PROFTONY@CFL.RR.COM

Business Telephone \_\_\_\_\_

Are you a registered voter in Port Orange? ☒ Yes ☐ No

City Council District 4

How long have you been a resident of Port Orange? 10 years

Are you currently serving on a City Board? NO

Have you ever served on a City Board? NO

If yes, when and which Board? \_\_\_\_\_

2. **REFERENCES** – Please list three references (business and/or personal).

Alan Angelone, 6415 Longlake, PO, 682-2417  
Name, address, and telephone number

Robert Duguet, CH Golf Course, 756-5449  
Name, address, and telephone number

William Schieder, 1131 Key Largo Ct, PO, 760-6219  
Name, address, and telephone number

3. **EDUCATION**

High School Burgard VHS - Buffalo, NY Date Graduated 1960

College North Southeastern Date Graduated 2002 Degree D.B.A.

4. **WORK EXPERIENCE**

18 years in senior management  
at Kennedy Space Center - Adjunct Professor  
for ERAU - See resume for more

5. **INTERESTS/ACTIVITIES**

Golf - Travel - Exercise

6. **COMMUNITY INVOLVEMENT**

President of Cypress Head MGA -  
President of HOA - Volunteer driver for  
American Cancer Society Road to Recovery

7. **WHY DO YOU DESIRE TO SERVE ON THIS/THESE BOARDS?**

I am very interested in the future success of  
the Cypress Head Golf Course

8. **A resume or separate sheet with additional information should be included.**

I understand the responsibilities associated with being a board member, and I have adequate time to serve if appointed.

Signature [Signature]

Date 3-2-2016

Note: If you have questions concerning the duties and responsibilities of any of the above Boards/Commissions, please contact the City Clerk's Office at 506-5563.

Return this form to:

Robin Fenwick, CMC, City Clerk,  
1000 City Center Circle  
Port Orange, Florida 32129

## **RESUME**

**ANTHONY J. DELMONTE, D.B.A.**  
**1134 Key Largo Circle**  
**Port Orange, Florida 32128**  
**(386) 760-1719**  
[proftonv@cfl.rr.com](mailto:proftonv@cfl.rr.com)

### **ACADEMIC EXPERIENCE**

Embry-Riddle Aeronautical University Worldwide – Adjunct Associate Professor  
September 2002 to October 2014  
Member of Faculty Senate – October 2012 – June 2014

University of Central Florida – Adjunct Instructor  
January 2005 to May 2006

### **PROFESSIONAL BACKGROUND**

#### **United Space Alliance**

Kennedy Space Center  
Titusville, Florida  
August 1989 to January 2008

Currently retired. Most recent position was Lean Six Sigma Deployment Champion. Responsible for identification and coordination of process improvement projects and opportunities for all Florida Operations of United Space Alliance. Accomplishments include a record of highly successful projects resulting in dollar cost savings, as well as quality and safety improvements.

Previously served as Director, Launch Operations responsible for the engineering, technical, safety and quality support for Space Shuttle Vehicle Processing in the Vehicle Assembly Building, Mobile Launch Platforms, Launch Pads and Rotation Processing and Surge Facilities.

Prior to that was Director, Integrated Data Systems, responsible for long range and day to day management of all Launch Processing computer systems, supporting real-time vehicle test, checkout and launch. Also had responsibility for voice, video and network communication systems.

Prior to that was Director, Information Processing Systems with responsibility for all Shuttle Processing related information systems including change and configuration management, problem reporting, integrated work control, and engineering documentation systems in a mainframe and client-server environment.

#### **Cincinnati Bell Information Systems**

Maitland, Florida  
August, 1986 to August, 1989

Assistant Vice President for Maitland Data Center Operations. Had responsibility for all aspects of the organization's processing operation which generated over \$18 million in annual revenue with an annual budget of \$7 million. Managed growth in revenue and capacity of over 30% per year, and staff growth of 15% per year. Accomplishments included the implementation of a cost chargeback system for effective management of resource utilization.

### **ADP Network Services**

Ann Arbor, Michigan  
January, 1979 to August, 1986

Last position with company was Director of Operations, Financial Services. Had responsibility for all operational aspects of company's Treasury Management Service which generated over \$16 million in revenue, with a budget of \$2.5 million.

Prior to that, was Manager, Planning and Liaison for the organization's Computing Services Group. Responsibilities included capacity planning, hardware and software reviews, and coordination with clients and other ADP divisions who made use of the Network Services computing facilities.

Prior to that, spent six years in the field sales organization as an Account Representative, Marketing Representative, Sales Manager and District Manager. Maintained a consistent record of quota performance and business growth.

### **Information Systems Group, Incorporated**

Rochester Michigan  
January, 1978 to January, 1979

Senior Consultant working under contract to a major automaker. Primary emphasis was on development of cost accounting system for assembly plant.

### **The Carborundum Company**

Niagara Falls, New York  
July, 1974 to January, 1978

Started as Senior Analyst Programmer working on corporate financial systems. Later promoted to Project Manager for the development of manufacturing control systems, which were implemented in three of the company's manufacturing plants.

### **EDUCATION**

Nova Southeastern University  
Doctorate in Business Administration  
Completed in September 2002  
Dissertation topic: The Relationship of Interdepartmental Connectedness and Conflict to Knowledge Management Systems Success

Embry-Riddle Aeronautical University  
Masters in Aeronautical Science; March 1997

Indiana University at Indianapolis  
B. S. Business Management; May 1977

Erie Community College; Buffalo, New York  
A. A. S. Business Administration; December 1973

## **PUBLICATIONS**

*Information Systems as a Firm Resource and Its Impact on Sustained Competitive Advantage*  
Proceedings of the 3<sup>rd</sup> Annual Conference of the Southern Association of Information Systems  
Atlanta, GA  
March 31 – April 12, 2000  
Voted Best Paper by a Doctoral Student

*Enterprise Application Integration in an e-Commerce Environment*  
Logistics Spectrum – Publication of The International Society of Logistics  
October – December 2001

*Information Technology and the Competitive Strategy of Firms*  
Journal of Applied Management and Entrepreneurship  
January, 2003

*The Relationship Between Social Interaction in an Organization and Knowledge Management System Success*  
Proceedings of the America's Conference on Information Systems  
August, 2003

*Offshore Software Development: Is the Benefit Worth the Risk?*  
Proceedings of the America's Conference on Information Systems  
August, 2003

*The Relationship Between Social Interaction and Knowledge Management System Success*  
The Journal of Knowledge Management Practice  
August 2004

*Quality Management Education in Graduate Degrees*  
The Journal for Quality and Participation  
April 2011

## **OTHER ACCOMPLISHMENTS**

ASQ Certified Manager of Quality/Organizational Excellence

Successful Completion of Lean Six Sigma Black Belt Training (George Group Consultants)

Selected as Embry-Riddle Worldwide Space Coast Center "Faculty Member of the Year" for 2007 and 2012

## **PROFESSIONAL MEMBERSHIPS**

Association for Information Systems  
Academy of Management  
American Society for Quality  
Project Management Institute

## CITY OF PORT ORANGE ADVISORY BOARDS AND COMMISSIONS

### VOLUNTEER APPLICATIONS

Thank you for your interest in serving the City of Port Orange. Your completion of this application is necessary so that the members of the City Council can thoroughly review each application as part of their consideration for your appointment.

Please choose the Board(s)/Commission(s) for which you wish to apply. If applying for more than one Board/Commission, please number in the order of preference.

☐ Environmental Advisory Board  
☐ Construction Regulation Board\*  
☐ Code Enforcement Board\*  
☐ Charter Review Board  
☐ Civil Service Board  
☐ Districting Commission

☐ Library Advisory Board  
☐ Parks and Recreation Board  
☐ Planning Commission\*  
☐ City Manager Selection Committee  
☐ Audit & Budget Advisory Board  
☐ Youth Advisory Board

☒ GOLF Advisory Board

#### CRA Boards

☐ Eastport Community Redevelopment Agency\*  
☐ Town Center Community Redevelopment Agency\*

#### Pension Boards

☐ General Employees\*  
☐ Police\*  
☐ Fire\*

### ALL OF THE ABOVE ARE SUBJECT TO THE "SUNSHINE LAW"

MEMBERS OF THE BOARDS/COMMISSIONS WITH AN ASTERIK ARE REQUIRED TO FILE FINANCIAL DISCLOSURES WITHIN 30 DAYS OF DATE OF APPOINTMENT.

#### 1. PERSONAL

Name DENNIS J. Flesch Date of Birth 02/02/1949  
Address 1179 SIESTA Key Circle, PORT ORANGE, 32128  
Home Telephone 386 788 1316  
E-Mail Address dflesch49@BELLSouth.NET  
Business Telephone 386 756 5449  
Are you a registered voter in Port Orange? ☒ Yes ☐ No  
City Council District 4  
How long have you been a resident of Port Orange? 36 years  
Are you currently serving on a City Board? NO  
Have you ever served on a City Board? NO  
If yes, when and which Board? \_\_\_\_\_



2. **REFERENCES** – Please list three references (business and/or personal)

ART MOEWERY, 125 FLAMINGO DR. EDGEWATER, FL 386 295 3776  
Name, address, and telephone number

LANCE GREEN, 6469 LONG LAKE DR., PORT ORANGE, FL 386 527 2656  
Name, address, and telephone number

SUZETTE CAMERON, 1873 CHOCOLATE DR., PORT ORANGE, FL 386 795 2897  
Name, address, and telephone number

3. **EDUCATION**

High School HOLY CROSS Date Graduated 1967

College SOME COURSES Date Graduated \_\_\_\_\_ Degree \_\_\_\_\_

4. **WORK EXPERIENCE**

RETIRED FROM BELL SOUTH AFTER 35 YEARS  
I AM EMPLOYED BY KEMPER SPORT. I WOULD STEP  
ASIDE IF THAT IS AN ISSUE. I AM ONLY PART TIME

5. **INTERESTS/ACTIVITIES**

CURRENT EVENTS, READING,  
GOLF, WALKING, HELPING NEIGHBORS

6. **COMMUNITY INVOLVEMENT**

VOLUNTEER AT MY CHURCH (OUR LADY OF HOPE)

7. **WHY DO YOU DESIRE TO SERVE ON THIS/THESE BOARDS?**

I WOULD LIKE TO BE ABLE TO KEEP COURSE  
A PLACE WHERE CUSTOMERS WANT TO RETURN

8. **A resume or separate sheet with additional information should be included.**

I understand the responsibilities associated with being a board member, and I have adequate time to serve if appointed.

Dennis J. Flesch  
Signature

MARCH 30, 2016  
Date

**Note:** If you have questions concerning the duties and responsibilities of any of the above Boards/Commissions, please contact the City Clerk's Office at 506-5563.

Return this form to: **Robin Fenwick, CMC, City Clerk,**  
**1000 City Center Circle**  
**Port Orange, Florida 32129**

## CITY OF PORT ORANGE ADVISORY BOARDS AND COMMISSIONS

### VOLUNTEER APPLICATIONS

Thank you for your interest in serving the City of Port Orange. Your completion of this application is necessary so that the members of the City Council can thoroughly review each application as part of their consideration for your appointment.

Please choose the Board(s)/Commission(s) for which you wish to apply. If applying for more than one Board/Commission, please number in the order of preference.

- |                                                              |                                                           |
|--------------------------------------------------------------|-----------------------------------------------------------|
| <input checked="" type="checkbox"/> <u>GOLF COURSE BOARD</u> |                                                           |
| <input type="checkbox"/> Environmental Advisory Board        | <input type="checkbox"/> Library Advisory Board           |
| <input type="checkbox"/> Construction Regulation Board*      | <input type="checkbox"/> Parks and Recreation Board       |
| <input type="checkbox"/> Code Enforcement Board*             | <input type="checkbox"/> Planning Commission*             |
| <input type="checkbox"/> Charter Review Board                | <input type="checkbox"/> City Manager Selection Committee |
| <input type="checkbox"/> Civil Service Board                 | <input type="checkbox"/> Audit & Budget Advisory Board    |
| <input type="checkbox"/> Districting Commission              | <input type="checkbox"/> Youth Advisory Board             |

#### CRA Boards

- ☐ Eastport Community Redevelopment Agency\*  
☐ Town Center Community Redevelopment Agency\*

#### Pension Boards

- ☐ General Employees\*  
☐ Police\*  
☐ Fire\*

#### ALL OF THE ABOVE ARE SUBJECT TO THE "SUNSHINE LAW"

MEMBERS OF THE BOARDS/COMMISSIONS WITH AN ASTERIK ARE REQUIRED TO FILE FINANCIAL DISCLOSURES WITHIN 30 DAYS OF DATE OF APPOINTMENT.

#### 1. PERSONAL

Name JANE TAYLOR Date of Birth 07-23-45

Address 6459 CYPRESS SPRINGS PKWY

Home Telephone 386-322-9762

E-Mail Address jtaylor@723@he11south.net

Business Telephone N/A

Are you a registered voter in Port Orange? ☒ Yes ☐ No

City Council District 3

How long have you been a resident of Port Orange? 15 YRS

Are you currently serving on a City Board? NO

Have you ever served on a City Board? NO

If yes, when and which Board? \_\_\_\_\_

2. **REFERENCES** – Please list three references (business and/or personal)

SUE ALDSKY, 1212 SIESTA KEY CIRCLE, PORT ORANGE 760-1940  
Name, address, and telephone number

TOM GONKOWSKI, 6363 CHAPRESS SPRINGS PKWY, PORT ORANGE 322-4160  
Name, address, and telephone number

LANCE GREEN, 6469 LONGLAKE ST, PORT ORANGE 527-2656  
Name, address, and telephone number

3. **EDUCATION**

High School \_\_\_\_\_ Date Graduated 1964

College AVERETT UNIVERSITY Date Graduated 1994 Degree B.A.  
NEW HAMPSHIRE UNIVERSITY, MBA PROGRAM

4. **WORK EXPERIENCE** RETIRED IN 2002. 30 YRS EXPERIENCE IN FINANCE,

HUMAN RESOURCES AND PROJECT MANAGEMENT WITH LARGE CORPORATIONS  
INCLUDING BOEING AND SPRINT.

5. **INTERESTS/ACTIVITIES** OUTDOOR ACTIVITIES INCLUDING GARDENING  
SWIMMING AND GOLF

6. **COMMUNITY INVOLVEMENT** I HAVE HELD EVERY OFFICE ON CHAPRESS  
HEAD COMMUNITY ASSN. BOARD. I HAVE BEEN PRESIDENT OF CHAPRESS HEAD  
WOMEN'S GOLF ASSOCIATION.

7. **WHY DO YOU DESIRE TO SERVE ON THIS/THESE BOARDS?**

I WOULD LIKE TO BECOME MORE INVOLVED WITH CITY  
GOVERNMENT

8. **A resume or separate sheet with additional information should be included.**

**I understand the responsibilities associated with being a board member, and I have adequate time to serve if appointed.**

Jane S. Taylor  
Signature

4/11/16  
Date

**Note: If you have questions concerning the duties and responsibilities of any of the above Boards/Commissions, please contact the City Clerk's Office at 506-5563.**

**Return this form to:** Robin Fenwick, CMC, City Clerk,  
1000 City Center Circle  
Port Orange, Florida 32129

## CITY OF PORT ORANGE ADVISORY BOARDS AND COMMISSIONS

### VOLUNTEER APPLICATIONS

Thank you for your interest in serving the City of Port Orange. Your completion of this application is necessary so that the members of the City Council can thoroughly review each application as part of their consideration for your appointment.

Please choose the Board(s)/Commission(s) for which you wish to apply. If applying for more than one Board/Commission, please number in the order of preference.

|                                                         |                                                           |
|---------------------------------------------------------|-----------------------------------------------------------|
| <input type="checkbox"/> Environmental Advisory Board   | <input type="checkbox"/> Library Advisory Board           |
| <input type="checkbox"/> Construction Regulation Board* | <input type="checkbox"/> Parks and Recreation Board       |
| <input type="checkbox"/> Code Enforcement Board*        | <input type="checkbox"/> Planning Commission*             |
| <input type="checkbox"/> Charter Review Board           | <input type="checkbox"/> City Manager Selection Committee |
| <input type="checkbox"/> Civil Service Board            | <input type="checkbox"/> Audit & Budget Advisory Board    |
| <input type="checkbox"/> Districting Commission         | <input type="checkbox"/> Youth Advisory Board             |
| <input checked="" type="checkbox"/> Golf Advisory Board |                                                           |

#### CRA Boards

☐ Eastport Community Redevelopment Agency\*  
☐ Town Center Community Redevelopment Agency\*

#### Pension Boards

☐ General Employees\*  
☐ Police\*  
☐ Fire\*

### ALL OF THE ABOVE ARE SUBJECT TO THE "SUNSHINE LAW"

MEMBERS OF THE BOARDS/COMMISSIONS WITH AN ASTERIK ARE REQUIRED TO FILE FINANCIAL DISCLOSURES WITHIN 30 DAYS OF DATE OF APPOINTMENT.

#### 1. PERSONAL

Name John R. Cameron, Jr. Date of Birth 2/25/59

Address 1873 Chorpash Lane Port Orange FL 32128

Home Telephone 386-322-5322

E-Mail Address sjj821@bellsouth.net

Business Telephone 386-671-8268

Are you a registered voter in Port Orange? ☒ Yes ☐ No

City Council District 3

How long have you been a resident of Port Orange? 12 Years

Are you currently serving on a City Board? Port Orange Park & Rec Board – 10 years

Have you ever served on a City Board? \_\_\_\_\_

If yes, when and which Board?

---

2. **REFERENCES** – Please list three references (business and/or personal)

Barbara Cameron 3522 b Forrest Branch Dr. Port Orange FL 32129 – 761-9926

Name, address, and telephone number

Theresa Dearduff 983 Waterford Point Port Orange FL 32127 – 760-4500

Name, address, and telephone number

Suzette Cameron 1873 Chorpash Lane Port Orange FL 32128 – 322-5322

Name, address, and telephone number

3. **EDUCATION**

High School \_\_\_\_\_ Date Graduated \_\_\_\_\_

College West Ct. State University Date Graduated 1986 Degree BA Psychology

4. **WORK EXPERIENCE** 25 + years working in the golf industry in various capacities

Director of Golf at the Daytona Beach Golf Club for 16 years. 20 years as a member of  
The Professional Golfers Association of America.

5. **INTERESTS/ACTIVITIES** Family, Work, Golf, Reading & Recreation

Youth Golf , Playing tournament golf, traveling to play new and interesting golf courses

6. **COMMUNITY INVOLVEMENT** Chairman of my churches golf tournament

Secretary of the Daytona Beach Junior Golf Association.

7. **WHY DO YOU DESIRE TO SERVE ON THIS/THESE BOARDS?**

To assist the Residents and the City of Port Orange in providing the best possible

Golf experience at the Golf Club at Cypress Head.

8. **A resume or separate sheet with additional information should be included.**

**I understand the responsibilities associated with being a board member, and I have adequate time to serve if appointed.**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

**Note: If you have questions concerning the duties and responsibilities of any of the above Boards/Commissions, please contact the City Clerk's Office at 506-5563.**

**Return this form to:** **Robin Fenwick, CMC, City Clerk,**  
**1000 City Center Circle**  
**Port Orange, Florida 32129**

**Fenwick, Robin**

---

**From:** donotreply@port-orange.org  
**Sent:** Monday, April 18, 2016 4:27 PM  
**To:** Fenwick, Robin  
**Subject:** Volunteer Application - Joseph Longo



## **ADVISORY BOARDS AND COMMISSIONS VOLUNTEER APPLICATION**

Submitted by Joseph Longo on 04/18/2016

### **Personal Information**

**Name:** Joseph Longo  
**Date of Birth:** 10/02/1961  
**Telephone:** 7178807790  
**E-mail:** jtlongo6283@gmail.com  
**Business Telephone:** 7178807790  
**Address:** 6283 Paradise Island Court Cypress Head  
**Are you a registered voter in Port Orange?** Yes  
**City Council District:** Port Orange  
**How long have you been a resident of Port Orange?** 5 years  
**Are you currently serving on a City Board?** No  
**If yes, when and which board?**

### **References**

**Reference 1:** Father John Bosco Church of the Epiphany Port Orange, FI 386 767 6111  
**Reference 2:** Fran Markette - Waters Edge Port Orange, FI 386 679 5559  
**Reference 3:** Joe Leonardo Harbour Village Ponce Inlet FI 407 474 3889

### **Education**

**High School:** Canon McMillan High School Canonsburg, Pa  
**Date Graduated High School:** 06/10/1965

**College:** University of Maryland  
**Date Graduated College:** 06/06/1970  
**Degree:** Public Administration

## Work Experience

Sales and Marketing - Steel Industry Last position held: Division President Metals USA - \$750 Million in Sales with 16 locations east of the Mississippi River

## Interests/Activities

Church Involvement - Golf- Biking- Reading- Walking

## Community Involvement

Church: Ministry to the Sick - Halifax Hospital Visits - Home bound weekly visits. Church- Pastoral Council Board Member and Facilitator

## Why do you desire to serve on these boards?

Golf has been a part of my life for the past 50 + years. I have a profound respect for the game and its future. I have served on various committees (Greens and Grounds and Golf and Marketing) at 2 private country clubs in Pennsylvania. I have been a "Founders Member" at Cypress Head for 5 years. Living in Cypress Head I have a vested interest in our Golf Course and its future. As a retiree with Management experience along with a love for the game I would like to serve on the Advisory Board and provide to the best of my abilities any insight and direction from past and current experiences.

## Resume/Additional Information

## Selected Boards/Commissions

Parks and Recreation Board

**Order of Preference**

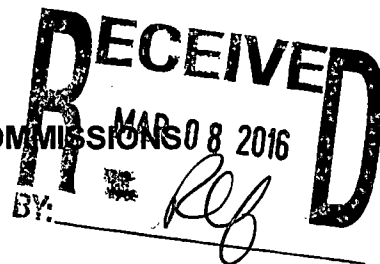
Golf Advisory Board

**Signature:** Joe Longo  
**Date:** 04/18/2016



# CITY OF PORT ORANGE ADVISORY BOARDS AND COMMISSIONS

## VOLUNTEER APPLICATIONS



Thank you for your interest in serving the City of Port Orange. Your completion of this application is necessary so that the members of the City Council can thoroughly review each application as part of their consideration for your appointment.

Please choose the Board(s)/Commission(s) for which you wish to apply. If applying for more than one Board/Commission, please number in the order of preference.

- ☐ Environmental Advisory Board
- ☐ Construction Regulation Board\*
- ☐ Code Enforcement Board\*
- ☐ Charter Review Board
- ☐ Civil Service Board
- ☐ Districting Commission
- ☒ Golf Course Advisory Board

- ☐ Library Advisory Board
- ☐ Parks and Recreation Board
- ☐ Planning Commission\*
- ☐ City Manager Selection Committee
- ☐ Audit & Budget Advisory Board
- ☐ Youth Advisory Board

### CRA Boards

- ☐ Eastport Community Redevelopment Agency\*
- ☐ Town Center Community Redevelopment Agency\*

### Pension Boards

- ☐ General Employees\*
- ☐ Police\*
- ☐ Fire\*

**ALL OF THE ABOVE ARE SUBJECT TO THE "SUNSHINE LAW"**

**MEMBERS OF THE BOARDS/COMMISSIONS WITH AN ASTERIK ARE REQUIRED TO FILE FINANCIAL DISCLOSURES WITHIN 30 DAYS OF DATE OF APPOINTMENT.**

### 1. PERSONAL

Name William Schieder Date of Birth 11/3/43

Address 1131 Key Largo Circle, Port Orange, FL 32128

Home Telephone 386-760-6219

E-Mail Address eugesh@cfl.rr.com

Business Telephone N/A

Are you a registered voter in Port Orange? ☒ Yes ☐ No

City Council District 4

How long have you been a resident of Port Orange? 15 yrs

Are you currently serving on a City Board? No

Have you ever served on a City Board? No

If yes, when and which Board? \_\_\_\_\_

2. **REFERENCES** – Please list three references (business and/or personal)

Bill Schell 6262 St. Thomas Ct. Port Orange, FL 32128 386-756-6047

Name, address, and telephone number

Bob Duquette 6231 Palm Vista St. Port Orange, FL 32128 386-756-5449

Name, address, and telephone number

Tony Delmonte 1134 Key Largo Circle Port Orange, FL 32128 386-760-1719

Name, address, and telephone number

3. **EDUCATION**

High School Stranahan H.S.-- Ft. Laud. FL Date Graduated 1961

College Barry University-Miami, FL Date Graduated 1976 Degree BS

4. **WORK EXPERIENCE** FAA--ATC field for 37 years.

USAF--4 years ATC field

5. **INTERESTS/ACTIVITIES** Golf, travel and gardening

6. **COMMUNITY INVOLVEMENT** Member of Our Lady of Hope Church Choir,

Member of the Outreach Program to help the homeless. Member of the

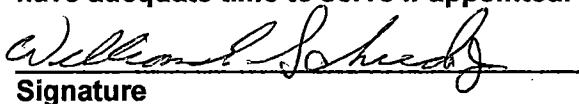
executive board of Cypress Head MGA.

7. **WHY DO YOU DESIRE TO SERVE ON THIS/THESE BOARDS?**

As a resident of Cypress Head community and an active golfer, I feel I would  
be an asset to the needs of the golf course management.

8. **A resume or separate sheet with additional information should be included.**

**I understand the responsibilities associated with being a board member, and I have adequate time to serve if appointed.**

  
Signature

3/8/16  
Date

**Note: If you have questions concerning the duties and responsibilities of any of the above Boards/Commissions, please contact the City Clerk's Office at 506-5563.**

**Return this form to:** Robin Fenwick, CMC, City Clerk,  
1000 City Center Circle  
Port Orange, Florida 32129

**WILLIAM E. SCHIEDER. JR.**

**1131 Key Largo Circle**

**Port Orange, Fla.**

**(386) 760-6219**

**email: eugesh@cfl.rr.com**

**FORMAL EDUCATION:**

1976    **Bachelor of Science in Professional Liberal Studies, Barry University, Miami, FL**

**FEDERAL AVIATION ADMINISTRATION TRAINING:**

1996    **Traffic Management Coordinator Training, FAA Academy, Oklahoma City, OK**  
1993    **Managing Projects and Deadlines, Rockhurst College, Miami, FL**  
1989    **Cadre Training for Traffic Management Specialist, FAA Academy, Oklahoma City, OK**  
1985    **Labor Management Relations Course, Management Training School, Palm Bay, FL**  
1977    **Supervisor Initial Course, Management Training School, Lawton, OK**  
1976    **Facility Instructor Course, FAA Academy, Oklahoma City, OK**  
1970    **Basic Air Traffic Control School, FAA Academy, Oklahoma City, OK**

**SUMMARY OF QUALIFICATIONS:**

Thirty-seven years of experience in Enroute Air Traffic Control working every phase of the Enroute Air Traffic Control System. Developed expertise as a support specialist and in multiple levels of management. Experienced in negotiating the new facility telephone system and the new RADAR systems at Patrick Air Force Base and Grand Turk in the Bahamas with civilian engineers, foreign air traffic officials and Air Ways Facilities personnel. Skilled in the use of air traffic programs and analysis.

**PROFESSIONAL EXPERIENCE:**

**Miami Air Route Traffic Control Center**  
**Miami, Florida**

**Traffic Management Supervisor**

**1988 to 1989 and 1996 to January 2001. Retired January 3, 2001.**

Pre-duty familiarization existing and forecasted weather, expected restrictions, equipment outages, altitude reservations and special use airspace that may impact operations.

Insuring proper unit staffing.

Briefing Operations Manager and Area Supervisors on all items that may impact their operations.

Participate in Regional and Air Traffic Control System Command Center telephone conferences to review any existing national restrictions.

Maintain ongoing liaison with surrounding Traffic Management Units to receive an update on their conditions and assist in communicating any and all problems.

Maintain ongoing liaison with Operational Supervisors and Traffic Management Coordinators concerned with current operating conditions.

Supervise and provide all training to Traffic Management Specialist.

**(Continued)**

## **Resume of William E. Schieder, Jr. Continued**

### **Area Manager**

**1989 to 1991 and 1993 to 1996**

Area Manager in 3 of the 4 areas of specialization in the Miami Air Route Traffic Control Center. Provided direct supervision to seven Area Supervisors and 70-75 Air Traffic Control Specialists. Responsible for coordinating all training and certification of the Area Supervisors. Developed and implemented new procedures and equipment for the Areas. Coordinated with the Airways Facilities on the implementation on these changes. Worked closely with local union Representatives on all personnel and operational issues impacting the daily operations of the areas. Worked four shifts per week as an Operations Manager in Charge of the control room. Responsible for approving and coordinating all equipment outages and responsible for preliminary investigation and reporting of any operational errors/deviations, pilot errors/deviations, hijackings, bomb threats and the movement of all special aircraft. Provided supervision for all Supervisors, Military Liaison Specialist, Traffic Management Supervisors and Traffic Management Specialists.

### **Assistant Manager For Plans and Programs**

**1991 to 1993**

Responsible for coordination with Air Ways Facilities all repairs and installation of equipment in the Miami Air Route Traffic Control Center. Liaison with Air Ways Facilities, all Regional, and Foreign air traffic official on the implementation of new RADAR sites, radio frequency sites (RAGS) and Navigational Aids (NAVIDS). Responsible for payroll of all air traffic employees and budgeting for new equipment and supplies. Miami Center experienced significant damage as a result of hurricane Andrew, including losing two major NAVIDS and a RADAR system. Responsible for locating all temporary replacement equipment and coordinating its' implementation in a timely manner. These task were successfully accomplished in a short period of time. Coordinated relief for area hurricane victims of hurricane Andrew by locating trucks and supplies from other Government agencies.

### **Area Supervisor**

**1977 to 1988**

Provided direct supervision for a team consisting of 7 to 9 Air Traffic Control Specialist that were responsible for providing separation and service to the flying public. Responsible for their training and proficiency and made timely judgmental on the spot corrections. All of these task were performed within the guidelines as stated within the union contract.

### **Training Instructor and Proficiency Specialist**

**1975 to 1977**

Instructed all new and potential control specialist in all phases of air traffic control. Provided proficiency and remedial training as needed to controllers and taught on the job training techniques to on the job training instructors. As a Proficiency Specialist was responsible for performing facility and area evaluations to assure that these areas were operating within the prescribed FAA guidelines.

### **Air Traffic Control Specialist**

**1970 to 1975**

Provided prescribed separation, assistance and information to the flying public.

### **Flight Service Specialist**

**1968 to 1970**

Responsible for issuing weather briefings, NOTAM information and inputting domestic and international flight plans for general aviation and air taxis operation. Took hourly weather observations and disseminated NOTAM and weather information via Teletype.

**Fenwick, Robin**

---

**From:** donotreply@port-orange.org  
**Sent:** Monday, January 25, 2016 12:45 PM  
**To:** Fenwick, Robin  
**Subject:** Volunteer Application - William Roy



## **ADVISORY BOARDS AND COMMISSIONS VOLUNTEER APPLICATION**

Submitted by William Roy on 01/25/2016

### **Personal Information**

**Name:** William Roy  
**Date of Birth:** 10/29/1946  
**Telephone:** 386 675 4778  
**E-mail:** mrbroy@gmail.com  
**Business Telephone:** 386 589 4110  
**Address:** 6471 Cypress Springs Pkwy, Port Orange, 32128  
**Are you a registered voter in Port Orange?** Yes  
**City Council District:** District 4  
**How long have you been a resident of Port Orange?** 12 years  
**Are you currently serving on a City Board?** No  
**If yes, when and which board?**

### **References**

**Reference 1:** Sherri and Steve Wronski - Driftwood Florist 5889 S. Williamson Blvd, Port Orange 386 492 - 7810  
**Reference 2:** Joseph Veracka - Renaissance Dr, Port Orange 386 788 - 1059  
**Reference 3:** Leon Viola - 6473 Cypress Springs Pkwy, Port Orange 386 322 - 3521

### **Education**

**High School:** Lynbrook High School  
**Date Graduated High School:** 06/20/1965

**College:** Nassau College  
**Date Graduated College:** 12/14/1975  
**Degree:** Business Management

## Work Experience

Worked for a Major Airline for 39 years. Managed large groups of employees, with multi-Million dollar budgets. Retired in a senior executive position having managed the worldwide operation center. Formed a management consulting firm in 2007 and provided management consultation both domestic and international clients in the airline and travel industry. Currently a volunteer with SCORE (Senior Core of retired Executives) mentoring new business startups as well as existing businesses in Volusia County. Held V.P. Client Services position with SCORE.

## Interests/Activities

golf, volunteer services as mentioned above. Drone activities. Traveling around the world.

## Community Involvement

Involved as mentioned above with SCORE helping small business clients in both Port Orange and Volusia County. Have mentored numerous clients in Port Orange over the past seven years. Managed our workshop program for 5 years. This program provides FREE business seminars across Volusia and Flagler Counties.

## Why do you desire to serve on these boards?

I believe I can bring a business acumen and objective leadership to the advisory board. Advise the city in making decisions necessary for the best interest of the city, community and golf course participants.

## Resume/Additional Information

## Selected Boards/Commissions

Parks and Recreation Board

### Order of Preference

Golf Course Advisory Board. It was necessary to check Parks and Recreation in order to be able to submit this application. It wouldn't let me submit without checking one of the boards above.

**Signature:** William A. Roy  
**Date:** 01/25/2016



# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 05/03/2016

Consent item: No

---

**SUBJECT:** Code Enforcement Lien Forgiveness For 48 Springwood Square - Brian Hopkins

**DEPARTMENT:** Community Development

**GOAL:**

**OBJECTIVE:**

---

## **RECOMMENDED MOTION:**

---

**SUMMARY:** Brian Hopkins, the current owner of 48 Springwood Square, requests that Council dismiss the remaining code enforcement lien on the property.

The prior property owner, Laura Wright, was cited for high weeds and grass in 2014. Ms. Wright did not comply with staff efforts at voluntary compliance. The case was ultimately prosecuted before the Special Magistrate and he issued an Order Setting the Fine and Lien on the property on October 8, 2014. The fine was set at \$250.00/day beginning September 4, 2014, and continued until December 1, 2015, when the property changed hands through a tax sale. Ms. Wright resided on the property for the duration of the fine. The total code enforcement fine was \$113,500.00. When the case was heard by the Special Magistrate he did not rule it a health, safety, and welfare violation so the City did not have the authority to abate the violation by having a contracted vendor mow the lot. When the new owner took possession of the property, he mowed the lot.

The City of Port Orange received a check for \$20,670.86 from the Surplus Funds of the Tax Sale, which was applied to the Code Enforcement fine. The balance of the fine and cost after receiving the tax sale proceeds was \$92,829.14. Staff costs to prosecute this case are estimated to be less than \$5,000 and no city resources were spent to abate the violation. The proceeds of the Tax Sale were sufficient to cover estimated staff costs.

Mr. Hopkins applied for lien amnesty for the remainder of the code enforcement lien. Mr. Hopkins qualified for the code enforcement lien amnesty because he was the new property owner, was not responsible for the violation and brought the property into compliance. The code enforcement fine was reduced to \$23,207.29 through the administrative amnesty process. On April 11, 2016, Mr. Hopkins emailed the City Attorney's office and requested the opportunity to address Council to have the remaining \$23,207.29 balance forgiven. His email describing the justification for his request is attached.

---

#### City Attorney's Office Summary and Recommendation for 48 Springwood Square

Mr. Brian Hopkins purchased this property via a tax deed sale on December 1, 2015. Mr. Hopkins applied for lien amnesty under the City's Code Enforcement Lien Amnesty Program in late December. In January, Code Enforcement confirmed the property was brought into compliance and forwarded the application to the City Attorney's office.

Upon initial review (mid-January), our office found the City was still going through the process of applying for surplus funds from the tax deed sale. Mr. Hopkins was advised that the process of applying for the surplus funds had to be completed before we could process his application for lien amnesty. In early February, Mr. Hopkins followed up with our office as he was concerned about the timing in our application for funds. The City Attorney's office responded to his email advising him of our timeline for application and when we anticipated receipt of those funds. We received the check for the surplus funds in early March. Subsequently those funds were processed and applied to whatever outstanding liens were recorded.

The City Attorney's office prepared the letter for the Finance Director stating the funds had been applied and provided the amount of the remaining outstanding balance on the lien. This letter was mailed out at the end of March. Review of Mr. Hopkins' lien amnesty application was completed. The approval letter was presented to the City Manager for approval. The approval letter was sent out with the reduced amount that is currently due and owing.

Mr. Hopkins subsequently contacted the City Attorney's office expressing concern that the reduced amount was still too much to pay in light of what he paid for the property and the repairs made in an effort to make the property habitable. In the email he requested to go in front of Council to ask for complete relief from the remaining balance of the lien.

#### Conclusion/Recommendation:

The City Council implemented the Code Enforcement Lien Amnesty Program last year in an effort to encourage owners to bring properties into compliance and pay a portion of the outstanding code lien. Mr. Hopkins' request is outside the bounds of the amnesty program implemented by the City Council; and therefore, the City Attorney's office cannot recommend further reduction. If the Council determines that the policy needs to be amended to address the concerns raised by Mr. Hopkins, the City Attorney's office would recommend postponing consideration of Mr. Hopkins' request until Council has had an opportunity to consider revisions to the current program that would include terms and conditions that would address the concerns raised by this request.

| Project | Funding Account |
|---------|-----------------|
| No.:    | No.:            |

---

#### **ATTACHMENTS:**

|    |                              |                                                           |
|----|------------------------------|-----------------------------------------------------------|
| 1. | Lien Amnesty Approval Letter | Lien Amnesty Approval Letter Signed by CM 3 31 16.pdf     |
| 2. | Code Lien Balance Due Letter | TAX DEED - Ltr to New Owner Re Bal Due Signed 3 30 16.pdf |
| 3. | Hopkins' Email               | Hopkins Email.docx                                        |
| 4. | Lien Amnesty Policy          | Reso No. 15-74 Amnesty Program.pdf                        |

---

Melanie Schmotzer  
Wayne Clark  
Tracey Riehm  
Margaret Roberts  
M. Jake Johansson

Created/Initiated - 04/21/2016  
Approved - 04/21/2016  
Approved - 04/25/2016  
Approved - 04/28/2016  
Final Approval - 04/28/2016

---



---

---



**CITY OF PORT ORANGE, FLORIDA**  
1000 City Center Circle, Port Orange, Florida 32129  
Telephone (386) 506-5500 Fax (386) 756-5290

**CODE ENFORCEMENT LIEN AMNESTY PROGRAM**

March 31, 2016

Mr. Brian Hopkins  
2904 Cypress Ridge Trail  
Port Orange, Florida 32128

RE: 48 Springwood Square  
Port Orange, Florida 32129

Dear Mr. Hopkins:

The Code Enforcement Division for the City of Port Orange has reviewed your application for a reduction of the lien(s) in **Code Enforcement Case(s) No. 14-0400** that currently totals Ninety Two Thousand Eight Hundred Twenty Nine Dollars and 14/100 (\$92,829.14) plus administrative cost and costs associated with remediation, if any.

We have examined the property and confirmed that the subject property is in compliance as of the review of your application. We have determined that your application meets all of the requirements for a lien reduction under the Code Enforcement Lien Amnesty Program. Under the Program, a property owner shall have ninety (90) days from the date of this letter to pay the reduced lien amount plus administrative costs and costs associated with remediation, if any, as set forth:

|                                           |                    |
|-------------------------------------------|--------------------|
| <b>Original Accrued Lien Amount .....</b> | <b>\$92,829.14</b> |
| <b>25% of Accrued Lien Amount .....</b>   | <b>\$23,207.29</b> |
| <b>Administrative Costs .....</b>         | <b>\$113.01</b>    |
| <b>Costs of Remediation .....</b>         | <b>- 0 -</b>       |

**REDUCED AMOUNT DUE AND OWING NINETY (90) DAYS FROM DATE OF THIS LETTER \$23,320.30**

Please note the reduced lien amount is only valid for the above referenced time period. If the reduced amount plus costs have not been received by the 29<sup>th</sup> day of June, 2016, the approved lien reduction shall be null and void and you will be liable for the entire face value of the lien as if no reduction had ever been approved.

Please remit payment to City of Port Orange, ATTN: Code Enforcement  
1000 City Center Circle, Port Orange, FL 32129

Once we have received the reduced lien amount and costs within the time set forth above, we will draft a Satisfaction and Release of the lien and record it in the public records of Volusia County, Florida. If you should have any questions with regard to the contents of this letter or anything else related to your application to this program, please contact the Code Enforcement Division at 386.506.5605.

Sincerely,

  
M. H. Johansson  
City Manager

CC: Nadia Todor, Accountant II  
Chris Hutchison, Code Enforcement Supervisor  
Shannon Balmer, Esquire



## CITY OF PORT ORANGE

1000 CITY CENTER CIRCLE  
PORT ORANGE, FL 32129-4144  
**FINANCE DEPARTMENT**  
TELEPHONE 386-506-5700  
FAX 386-506-5711

March 30, 2016

Mr. Brian Hopkins  
2904 Cypress Ridge Trail  
Port Orange, Florida 32128

Property Address: 48 Springwood Square  
Port Orange, Florida 32129

Parcel No. 6337-15-00-0480  
Account No. 109041-13003

Dear Mr. Hopkins:

The City of Port Orange Finance Department has received a check dated March 7, 2016, in the amount of \$20,670.86 from the Surplus Funds from the Tax Deed Sale that was held on December 1, 2015 for Certificate No. 14369-13. This check of (\$20,670.86) has been applied toward payment of the Order Imposing Fine/Lien recorded November 26, 2014, in Official Records Book 7058, Page 376, and as it relates to the Affidavit of Compliance recorded January 19, 2016, in Official Records Book 7207, Page 2419, and the Finding of Fact, Conclusion of Law and Order, recorded August 28, 2014, in Official Records Book 7026, Page 826, all in the Public Records of Volusia County, Florida.

Please note that the current balance owed on the code lien is \$92,942.15. This includes administrative costs of \$113.01, which will continue to accrue interest until paid in full.

Sincerely,

Tracey Riehm  
Finance Director

TR/sb

Enclosure (as stated)

Cc: Margaret T. Roberts, City Attorney  
Robin L. Fenwick, CMC, City Clerk  
Chris Hutchison, Code Enforcement Supervisor

**From:** Brihop [<mailto:brihop@aol.com>]

**Sent:** Monday, April 11, 2016 9:10 AM

**To:** Balmer, Shannon <[sbalmer@port-orange.org](mailto:sbalmer@port-orange.org)>

**Cc:** Hutchison, Chris <[chutchison@port-orange.org](mailto:chutchison@port-orange.org)>; Roberts, Margaret <[mroberts@port-orange.org](mailto:mroberts@port-orange.org)>; Ceribelli, Betty <[bceribelli@port-orange.org](mailto:bceribelli@port-orange.org)>; Fenwick, Robin <[rfenwick@port-orange.org](mailto:rfenwick@port-orange.org)>; Burton, Marie <[mburton@port-orange.org](mailto:mburton@port-orange.org)>

**Subject:** Re: Lien Amnesty

Hi Shannon,

Just touching base about the progress of removing the outstanding lien on 48 Springwood Sq. I have received the letter stating that the lien amnesty program has reduced the lien by the maximum that program is permitted to do. Unfortunately, after the initial purchase price, adding in the required repairs to make the property habitable, takes us well beyond the appraised value. To add another \$26,000.00 in liens makes the property investment impossible. This property was initially lienied to almost 4 times the properties value.

In order for this property to be bought by someone and fixed up, which is clearly what the community and city's goal is, it must be feasible.

I am respectfully requesting that this agenda item please be added to the next city council meeting so that the city council may authorize the removal of the lien balance in full.

Please advise what the date and time is for the next regular meeting or special meeting so that I may appear.

I would also like to meet with the council members, if possible, to review this issue.

Thank you for your assistance.

Sincerely,

Brian Hopkins  
386-235-6667  
[Brihop@aol.com](mailto:Brihop@aol.com)

RESOLUTION NO. 15-74

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
PORT ORANGE, VOLUSIA COUNTY, FLORIDA,  
ESTABLISHING THE CODE ENFORCEMENT LIEN  
AMNESTY PROGRAM; PROVIDING FOR APPLICANT  
REQUIREMENTS; AND PROVIDING AN EFFECTIVE  
DATE.

WHEREAS, the code enforcement liens are imposed pursuant to Chapter 42 of the Code of Ordinances of the City of Port Orange and Chapter 162 of the Florida Statutes; and

WHEREAS, the Special Magistrate and Code Enforcement Board impose liens to obtain compliance with the codes adopted by the City of Port Orange City Council; and

WHEREAS, the City Council has the authority to execute a satisfaction or release of the code enforcement liens; and

WHEREAS, the City Council desires to provide compliant property owners with a time-certain Code Enforcement Lien Amnesty Program (the "Program") to encourage property owners to bring their properties into compliance and pay part of the outstanding code enforcement liens; and

WHEREAS, the City Council of Port Orange has determined that it is in the best interest of the citizens of the City of Port Orange to establish the Program; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, FLORIDA;

Section 1. The City of Port Orange City Council hereby establishes a Code Enforcement Lien Amnesty Program ("Program") as described in this Resolution. The Program shall commence on adoption of this Resolution and shall continue until April 5, 2017.

Section 2. During the term of the Program, the City Manager is authorized to release code enforcement liens that are not in excess of Twenty-Five Thousand Dollars (\$25,000.00). The City Manager shall provide a report to the City Council for all liens released every fiscal quarter. Any code enforcement lien having a balance of more than Twenty-Five Thousand and 00/100 Dollars (\$25,000.00) shall be released only upon City Council review and approval.

Section 3. In order to qualify and participate in the Code Enforcement Lien Amnesty Program, the applicant shall be required to meet the following conditions:

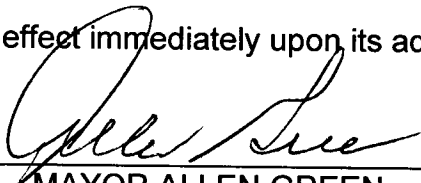
- (a) The property that is the subject of the lien shall comply at the time of application with all City of Port Orange Code of Ordinances, including but not limited to the Florida Building Code and Fire Codes; and
- (b) The Applicant shall be the current property owner(s) of the subject property; and
- (c) The Applicant shall not have been the owner(s) at the time of any previous code violation that resulted in the outstanding lien of record; and
- (d) The Applicant who owns multiple properties within the City of Port Orange with code enforcement liens shall make separate applications for each property, with each application being subject to the application fee; and
- (e) Residential and commercial properties shall be eligible to participate in the program; and
- (f) A property owner shall complete an application form approved by the department director as designated by the city manager. Applications shall be available at the designated department and online at [www.port-orange.org](http://www.port-orange.org). Completed applications and the application fee, may be returned in person to the designated department.
- (g) A property owner who applies for the Code Enforcement Lien Amnesty Program, in addition to completing an application, shall remit a non-refundable application fee in the amount of One Hundred and NO/100 Dollars (\$100.00), for each application.
- (h) A property owner shall pay within 90 days from the date of approval of the application, the sum equal to 25% of all of the outstanding code enforcement lien(s) plus actual costs incurred by the city as a result of the code enforcement case(s), imposition of the lien(s) and remediation of the violation.

Section 4. Upon compliance with the requirements set forth in this Resolution, the City shall execute an administrative Release of Lien, and shall record the Release of Lien in the office of the Clerk of Court in Volusia County, Florida.

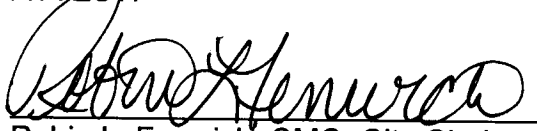
Section 5. The City Attorney's Office shall review and approve as to form all documents prior to their execution.

Section 6. This resolution shall only apply to code enforcement liens.

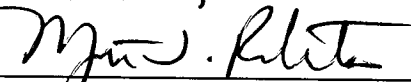
Section 7. This resolution shall take effect immediately upon its adoption.

  
\_\_\_\_\_  
MAYOR ALLEN GREEN

ATTEST:

  
\_\_\_\_\_  
Robin L. Fenwick, CMC, City Clerk

Adopted this 6<sup>th</sup> day of October, 2015.

Reviewed and approved:   
\_\_\_\_\_  
City Attorney





# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 05/03/2016

Consent item: No

---

**SUBJECT:** Code Enforcement Lien Reduction Request - 820 Sugar House Blvd.

**DEPARTMENT:** Community Development

**GOAL:**

**OBJECTIVE:**

---

**RECOMMENDED MOTION:**

---

**SUMMARY:** City Attorney's Office Summary for 820 Sugarhouse Blvd.

Ms. Olga Sheynkman purchased property at the foreclosure sale in March. This property has been in foreclosure since 2013. The court records reflect that final judgment was entered June 25, 2014. Per the docket, this property has been set for sale 5 times, a sale was completed twice with one sale being vacated. It has been sold via a Certificate of Title on March 30, 2016. A code lien was placed on the property in June of 2015, which is accruing \$250.00/day. There is a lien balance in excess of \$91,000.00 and the property continues to accrue daily fines as no corrective action has been taken.

Based on the email from the attorney representing Ms. Sheynkman, it appears she is either asking for relief entirely from the existing lien or asking to be able to pursue relief from the existing lien. Either way, the City has implemented the Code Enforcement Lien Amnesty Program which allows property owners to apply for a reduction in code enforcement liens, not including hard costs. Under the lien amnesty program, the City will reduce the lien balance to 25% of the outstanding lien balance. There are certain requirements to be met in order for lien amnesty to be granted. If requirements are met, an approval letter is sent out to the owner stating the reduced lien amount plus hard costs. The owner has 90 days to pay the new balance.

Conclusion/Recommendation:

In this instance, the property is not in compliance, therefore, has not met the requirements of the lien amnesty program. Once the property has been brought into compliance, the new owner should make application under the Code Enforcement Lien Amnesty Program. Thus, the City Attorney's office recommends following its established policy regarding lien amnesty, unless or until the Council determines that it's necessary to amend said policy.

Project              Funding Account  
No.:                  No.:



---

**ATTACHMENTS:**

|    |                          |                                    |
|----|--------------------------|------------------------------------|
| 1. | Email Request            | Email request.pdf                  |
| 2. | Order Imposing Fine/Lien | Order Imposing Lien.pdf            |
| 3. | Final Judgment           | Judgment.pdf                       |
| 4. | Certificate of Sale      | Certificate of Sale.pdf            |
| 5. | Lien Amnesty Policy      | Reso No. 15-74 Amnesty Program.pdf |

---

|                   |                                |
|-------------------|--------------------------------|
| Robin Fenwick     | Created/Initiated - 04/18/2016 |
| Chris Hutchison   | Approved - 04/28/2016          |
| Wayne Clark       | Approved - 04/28/2016          |
| Margaret Roberts  | Approved - 04/28/2016          |
| M. Jake Johansson | Final Approval - 04/28/2016    |

---

## Fenwick, Robin

---

**From:** Michael Slick <michael@daytonalawonline.com>  
**Sent:** Monday, April 18, 2016 12:14 PM  
**To:** Fenwick, Robin  
**Subject:** 820 Sugar House Blvd., Port Orange Request to be placed on May 3, 2016 City Commission meeting  
**Attachments:** Certificate of Sale.pdf; Order Imposing Lien.pdf; Judgment.pdf

Good morning Ms. Fenwick,

I represent Olga Sheynkman who purchased the property located at 820 Sugar House Blvd., Port Orange, FL at a foreclosure auction on April 30, 2016. I have attached the Certificate of Title that was issued. A non-owner (Mr. Skinner's ex-wife I believe) has filed an objection to the sale. I don't believe that the objection has any legal merit, but it should be enough to allow my client to back out of the sale that has already occurred.

At this point my client is trying to decide whether to cancel the sale or pursue her plan to purchase and refurbish the property. The biggest factor in that decision will be what relief, if any, she can get from the lien that has been imposed by the City of Port Orange on the subject property.

Effective as of April 20, 2015 the City began assessing a \$250.00 per day fine on the property for a code violation. That violation has never been corrected and as of this moment it stands at \$91,000.00. Even if my client applied for the lien amnesty program, it is not economically feasible to purchase and refurbish the property due to the existing judgment and the extensive repairs needed to bring the property back to a sellable condition. My client is requesting that she be allowed to petition the City Commission for relief from this lien on the property so that she can continue the purchase process and bring the property back up to code.

She has already refurbished another house on the same street. In December of 2014 she purchased the house located at 832 Sugar House. Said property had been abandoned for 4 years prior to the foreclosure sale. My client spent six months clearing out the extensive debris and repairing the property. The property was sold in June of 2015. My client would like to have the same opportunity to improve the house located at 820 Sugar House.

Please let me know if we can be placed on the City's May 3<sup>rd</sup> agenda. This is a time sensitive issue as the hearing regarding whether or not the foreclosure sale can be cancelled will have to be held within the next thirty days.

If you need any additional information, please let me know.

Sincerely,

Michael

Michael S. Slick, P.A.  
200 Magnolia Avenue  
Daytona Beach, FL 32114

(386) 257-0606 Office

**CITY OF PORT ORANGE, FLORIDA  
SPECIAL MAGISTRATE**

**CASE NO. 15-0174**

**CITY OF PORT ORANGE,  
a Florida municipal corporation**

**Petitioner,**

**v.**

**Mikel Chase Skinner  
820 Sugar House Blvd.  
Port Orange, FL 32129  
Parcel ID: 6337-08-01-0040**

**Respondent.**

*Space Reserved for Recording Data*

**ORDER IMPOSING FINE/LIEN**

This cause came on for public hearing before the Code Enforcement Special Magistrate of the City of Port Orange, after due notice to the Respondent, on the 8<sup>th</sup> day of April, 2015, at which time Staff and the Respondent, Mikel Chase Skinner, had the opportunity to be heard and the Magistrate made findings of fact, conclusions of law, and thereupon issued His order finding that a violation exists which was reduced to writing, a copy having been furnished by U. S. Mail to the Respondent.

Said Order found Respondents in violation of the Port Orange Land Development Code Chapter 70, Article II, Section 70-49, (c), 1 (a) & (b) and (2), as the same pertains to restrictions on disabled or abandoned vehicles, and required Respondent(s) to take certain corrective action no later than April 19, 2015.

An Affidavit of Non-Compliance has been filed with the Special Magistrate by Code Compliance Inspector Dena Joseph, certifying under oath that the required action has not been taken as ordered by the Special Magistrate. A true and correct copy of that affidavit is attached hereto as Exhibit "A," and incorporated herein by reference.

Based upon the foregoing premises, and by the authority of Section 162.09, Florida Statutes (2012), and Article V, Part II, of the Code of Ordinances for the City of Port Orange, Florida; it is hereby,

**ORDERED:**

1. A fine in the amount of \$250 per day beginning on the 20<sup>th</sup> day of April, 2015, is hereby imposed upon the Respondent, Mikel Chase Skinner, which fine shall continue to accrue thereafter for each and every day the violation exists, shall run in favor of the local governing body of the City of Port Orange, Florida, and shall be payable to the order of:

CITY OF PORT ORANGE  
1000 City Center Circle  
Port Orange, FL 32129

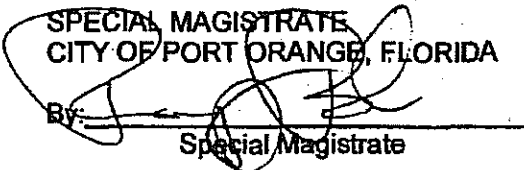
2. Included as part of this lien, the Respondent shall pay all costs incurred by the City of Port Orange in the prosecution of this case before the Magistrate, said costs being in the total amount of \$ 85.34.
3. The Respondent shall notify Code Compliance Inspector Dena Joseph, to request a re-inspection, if the Respondent complies with the Magistrate's Order of finding that a violation exists.

A certified copy of this Order shall be recorded in the Official Records of the office of the Clerk of the Circuit Court in Volusia County, Florida, and such recordation shall constitute a lien against the Respondent's real and personal property, said property to include, but not necessarily be limited to that real property described as follows:

Tax Parcel ID: 6337-08-01-0040  
Street address: 820 Sugar House Blvd., Port Orange, Florida 32129  
Legal Description: LOT 4 SUGAR FOREST PHASE I PER OR 1885 PGS 910 TO 942 INC MB 34 PG 123 PER OR 3890 PG 3007 PER OR 7018 PG 2137, of the Public Records of Volusia County, Florida; and per deed recorded in Book 7018, page 2137, Public Records of Volusia County, Florida.

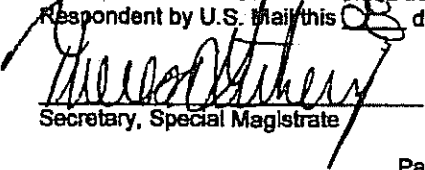
**DONE AND ORDERED** the 27 day of MAY, 2015, in the City of Port Orange, Volusia County, Florida.

SPECIAL MAGISTRATE  
CITY OF PORT ORANGE, FLORIDA

By: 

Special Magistrate

I HEREBY CERTIFY that a true and correct copy of the foregoing order has been furnished to the Respondent by U.S. Mail this 28 day of MAY, 2015.

  
Secretary, Special Magistrate

Pursuant to Florida Statutes Section 162.11 Appeals.—An aggrieved party, including the local governing body, may appeal a final administrative order of an enforcement board to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the enforcement board. An appeal shall be filed within 30 days of the execution of the order to be appealed.

History.—s. 1, ch. 80-300; s. 10, ch. 82-37; s. 3, ch. 85-150; s. 10, ch. 88-201.

Note.—Former s. 168.061.

Form Approved by the Board Attorney 08.08.0

**Exhibit A**  
**Affidavit of Non-Compliance**

**CITY OF PORT ORANGE, FLORIDA**  
**SPECIAL MAGISTRATE**

**CITY OF PORT ORANGE,**

**Petitioner,**

**Vs.**

**CASE NO: 15-0174**

**Mikel Chase Skinner**  
**820 Sugar House Blvd.**  
**Port Orange, FL 32129**  
**Parcel ID#: 6337-08-01-0040**

**Respondent,**

**AFFIDAVIT OF NON-COMPLIANCE**

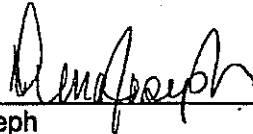
**STATE OF FLORIDA**  
**COUNTY OF VOLUSIA**

BEFORE ME, The undersigned authority, personally appeared; Dena Joseph, Code Compliance Inspector for the City of Port Orange, Florida. Who, after being duly sworn, deposes and says:

1. That on April 8, 2015, the Special Magistrate held a public hearing and issued his Order in the above-styled matter.
2. That pursuant to said Order, Respondent was to have taken certain corrective action on or before April 19, 2015.
3. That a re-inspection was performed on April 21, 2015.
4. That the re-inspection revealed that the corrective action ordered by the Special Magistrate has not been taken in that the inoperable/unlicensed vehicles are still on site and have not been properly stored, removed, registered or covered with approved car covers per Chapter 70, Article II, Section 70-49, (c), 1 (a) & (b) and (2) of the City of Port Orange Code of Ordinances.

FURTHER AFFIANT SAYETH NOT.

Dated this 20th day of May 2015.



Dena Joseph  
Code Compliance Inspector  
City of Port Orange, Florida

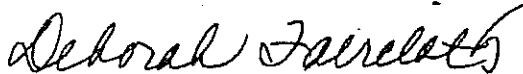
STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me

This 20th day of May 2015 by

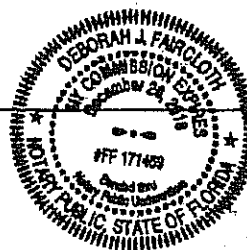
Dena Joseph who

is personally known to me.



Notary Public  
State of Florida at Large

Commission No. \_\_\_\_\_



IN THE COUNTY COURT OF THE SEVENTH JUDICIAL  
CIRCUIT IN AND FOR VOLUSIA COUNTY, FLORIDA

Case No: 2007 30473 COCI  
Judge: Stasia Warren; Divn 84

IGC Roofing, Inc.  
Plaintiff(s)  
419 Magnolia Street  
Altamonte Springs, FL 32701  
(407) 265-2700

V.

Mikel C. Skinner  
Defendant(s)  
820 Sugar House Blvd.  
Port Orange, FL 32129  
(386) 756-3554

07/26/2007 10:29 AM  
Instrument# 2007-170028 # 1  
Book: 6100  
Page: 4031  
Diane M. Matousek  
Volusia County, Clerk of Court

**FINAL JUDGMENT AGAINST DEFENDANT, MIKEL C. SKINNER**

Pursuant to the Default entered in this matter, it is adjudged that the Plaintiff, IGC ROOFING, INC., recover from the Defendant, MIKEL C. SKINNER, the sum of \$4,190.00 on principal, \$1,194.00 as pre-judgment interest, \$800.00 in attorney's fees, with costs of \$312.50, for a total of \$6,496.50, all of which shall bear interest at the rate of 11% a year for the current year, and thereafter at the prevailing rate per year as provided by Florida Statute, for all of which let execution issue.

Done at Titusville, Brevard County, Florida on 25 of July, 2007.

Stasia Warren  
Hon. Stasia Warren  
County Court Judge

I HEREBY CERTIFY that a copy hereof has been furnished by mail delivery this \_\_\_\_\_ day of \_\_\_\_\_, 2007 to Ronald S. Webster, Esq., 719 Peachtree Road, Suite 200, Orlando, FL 32804 and Mikel C. Skinner, 820 Sugar House Blvd., Port Orange, FL 32129.

ROBIN HERRING  
JUDICIAL ASSISTANT

Judicial Assistant JUL 25 2007

SIGNED & DATED

2007 JUL 26 AM 9:32  
CLERK OF THE CIRCUIT  
& CITY COURT VOLUSIA COUNTY FL  
2016

FILED

7



3

**In The Circuit Court, Seventh Judicial Circuit  
In And For Volusia County, Florida**

BANK OF AMERICA N A  
Plaintiff(s)

Case #: 2013 32048 CICI

VS.

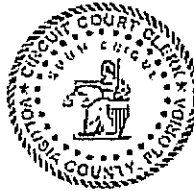
Div: \_\_\_\_\_

LINDA MAXINE SKINNER ; MIKEL CHAS SKINNER ; SUGAR FOREST PHASE I  
HOMEOWNERS ASSOCIATION INC  
Defendant(s)

**CERTIFICATE OF SALE**

The undersigned Clerk of the Circuit Court, Volusia County, Florida certifies that notice of public sale of the property described in the Final Judgment was published in a newspaper circulated in Volusia County, Florida, in the manner shown by the Proof of Publication and on the 30th day of March, 2016 the property was offered for public sale to the highest and best bidder for cash. The highest and best bid received for the property in the amount of \$30,400.00 was submitted by OLGA SHEYNKMAN to whom the property was sold. The proceeds of the sale are retained for distribution in accordance with the Order, Final Judgment or law.

Witness my hand and the seal of the Court on this 30th day of March, 2016 in Volusia County, Florida.



Diane M. Matousek, Clerk of the Circuit Court  
Volusia County, Florida

By:

A handwritten signature in dark ink, appearing to read "D. Matousek", written over a horizontal line.

Deputy Clerk

CLERK OF THE CIRCUIT  
& CITY COURT VOLUSIA CTY., FL.  
CC 64

MAR 30 2016

FILED

**IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT  
IN AND FOR VOLUSIA COUNTY, FLORIDA**

BANK OF AMERICA, NA

CASE NO: 2013 32048 CICI

Plaintiff,

v.

LINDA MAXINE SKINNER, ET AL

Defendant(s).

---

**DEFENDANT'S OBJECTION TO JUDICIAL AUCTION OF MARCH 30, 2016 AND  
INCORPORATED MOTION TO VACATE SALE**

COMES NOW, the Defendant, **LINDA MAXINE SKINNER**, by and through the undersigned counsel, and files this Defendant's Objection to Judicial Auction of March 30, 2016 and Incorporated Motion to Vacate Sale, and in support states the following:

1. Defendant is actively trying to complete a short sale with the lender and has submitted a complete package for review.
2. The sustaining of this objection, and vacating of this sale, is necessary so that the borrowers can continue to move forward with the short sale process.
3. A denial would result in severe and irreparable harm to the Defendants, and would be highly inequitable.

**WHEREFORE**, Defendant respectfully request this Honorable Court enter an Order sustaining the objection and vacating the Judicial Auction of March 30, 2016.

INTENTIONALLY LEFT BLANK

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by ECF System and email service to Marinosci Law Group, PC, 100 West Cypress Creek Road, Suite 1045, Fort Lauderdale, FL 33309, email: ServiceFL@mlg-defaultlaw.com, serviceFL2@mlg-defaultlaw.com, on this 8<sup>th</sup> day of April, 2016.

**GREGORY & CLARK, PLLC**

Attorney for Defendants

500 Winderley Place, Suite 100

Maitland, FL 32751

Telephone: 321-282-1055

Facsimile: 321-282-1051

**e-service: notice@youhavepower.com**

By: /s/ Justin R. Clark

[X] Justin R. Clark, Esquire  
Florida Bar No.: 829471  
jclark@youhavepower.com

RESOLUTION NO. 15-74

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
PORT ORANGE, VOLUSIA COUNTY, FLORIDA,  
ESTABLISHING THE CODE ENFORCEMENT LIEN  
AMNESTY PROGRAM; PROVIDING FOR APPLICANT  
REQUIREMENTS; AND PROVIDING AN EFFECTIVE  
DATE.

WHEREAS, the code enforcement liens are imposed pursuant to Chapter 42 of the Code of Ordinances of the City of Port Orange and Chapter 162 of the Florida Statutes; and

WHEREAS, the Special Magistrate and Code Enforcement Board impose liens to obtain compliance with the codes adopted by the City of Port Orange City Council; and

WHEREAS, the City Council has the authority to execute a satisfaction or release of the code enforcement liens; and

WHEREAS, the City Council desires to provide compliant property owners with a time-certain Code Enforcement Lien Amnesty Program (the "Program") to encourage property owners to bring their properties into compliance and pay part of the outstanding code enforcement liens; and

WHEREAS, the City Council of Port Orange has determined that it is in the best interest of the citizens of the City of Port Orange to establish the Program; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, FLORIDA;

Section 1. The City of Port Orange City Council hereby establishes a Code Enforcement Lien Amnesty Program ("Program") as described in this Resolution. The Program shall commence on adoption of this Resolution and shall continue until April 5, 2017.

Section 2. During the term of the Program, the City Manager is authorized to release code enforcement liens that are not in excess of Twenty-Five Thousand Dollars (\$25,000.00). The City Manager shall provide a report to the City Council for all liens released every fiscal quarter. Any code enforcement lien having a balance of more than Twenty-Five Thousand and 00/100 Dollars (\$25,000.00) shall be released only upon City Council review and approval.

Section 3. In order to qualify and participate in the Code Enforcement Lien Amnesty Program, the applicant shall be required to meet the following conditions:

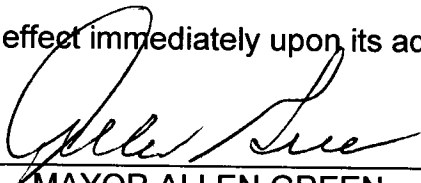
- (a) The property that is the subject of the lien shall comply at the time of application with all City of Port Orange Code of Ordinances, including but not limited to the Florida Building Code and Fire Codes; and
- (b) The Applicant shall be the current property owner(s) of the subject property; and
- (c) The Applicant shall not have been the owner(s) at the time of any previous code violation that resulted in the outstanding lien of record; and
- (d) The Applicant who owns multiple properties within the City of Port Orange with code enforcement liens shall make separate applications for each property, with each application being subject to the application fee; and
- (e) Residential and commercial properties shall be eligible to participate in the program; and
- (f) A property owner shall complete an application form approved by the department director as designated by the city manager. Applications shall be available at the designated department and online at [www.port-orange.org](http://www.port-orange.org). Completed applications and the application fee, may be returned in person to the designated department.
- (g) A property owner who applies for the Code Enforcement Lien Amnesty Program, in addition to completing an application, shall remit a non-refundable application fee in the amount of One Hundred and NO/100 Dollars (\$100.00), for each application.
- (h) A property owner shall pay within 90 days from the date of approval of the application, the sum equal to 25% of all of the outstanding code enforcement lien(s) plus actual costs incurred by the city as a result of the code enforcement case(s), imposition of the lien(s) and remediation of the violation.

Section 4. Upon compliance with the requirements set forth in this Resolution, the City shall execute an administrative Release of Lien, and shall record the Release of Lien in the office of the Clerk of Court in Volusia County, Florida.

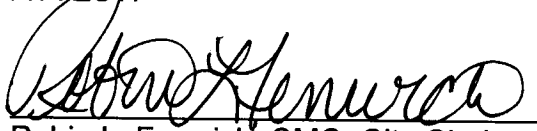
Section 5. The City Attorney's Office shall review and approve as to form all documents prior to their execution.

Section 6. This resolution shall only apply to code enforcement liens.

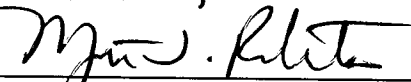
Section 7. This resolution shall take effect immediately upon its adoption.

  
\_\_\_\_\_  
MAYOR ALLEN GREEN

ATTEST:

  
\_\_\_\_\_  
Robin L. Fenwick, CMC, City Clerk

Adopted this 6<sup>th</sup> day of October, 2015.

Reviewed and approved:   
\_\_\_\_\_  
City Attorney

REGULAR CITY COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS – CITY HALL  
1000 CITY CENTER CIRCLE  
APRIL 19, 2016

THE REGULAR CITY COUNCIL MEETING of the City of Port Orange was called to order by Mayor Allen Green at 6:30 p.m.

Pledge of Allegiance

Invocation by Chaplain Christopher Bailey of Florida Hospital/NSB

|            |               |                                                                                                                                |
|------------|---------------|--------------------------------------------------------------------------------------------------------------------------------|
| Roll Call: | Present:      | Councilman Bob Ford<br>Councilman Donald Burnette<br>Councilman Scott Stiltner<br>Vice Mayor Drew Bastian<br>Mayor Allen Green |
|            | Also Present: | Jake Johansson, City Manager<br>Margaret T. Roberts, City Attorney<br>Robin Fenwick, City Clerk                                |

Rules of Procedure as approved by City Council on December 2, 2014, specifically page 3, portions of letter (e) and #9 (a-e) were read by Robin Fenwick, City Clerk.

AGENDA APPROVAL

Item(s) pulled: #17(c) and 22.

Motion to approve the agenda as amended was made by Vice Mayor Bastian, and Seconded by Councilman Stiltner. Motion carried unanimously by voice vote.

SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

5. Recognition of Service - Skip Irby, Fire Chief

Council thanked Chief Irby for his service to the City. Chief Irby thanked Council for the opportunity.

6. International Women's Motorcycle Club, Leather & Lace MC - Motorcycle Safety Awareness

Mayor Green read and presented a proclamation to the International Women's Motorcycle Club, Leather & Lace MC for Motorcycle Safety Awareness.

## 7. FY 15 CAFR Presentation

The audit report was presented by Zach Chalifour, CPA of James Moore & Company.

Councilman Stiltner thanked Mr. Chalifour for their work. He asked that the audit comments and recommendations be discussed over a workshop to plan goals.

Councilman Burnette is concerned that the bank reconciliation comment was repeated. He'd like to have further discussions regarding grant revenue recognition as well as the structure of the finance department.

Councilman Ford agreed with the need of a workshop to discuss the department and upcoming goals. He would like to see some extra training for Finance Staff to work on the specific deficiencies and comments from the audit. He appreciates the Finance Staff's hard work.

Mayor Green thanked James Moore & Company and City Staff for all of their work on the audit.

Motion to approve was made by  
Councilman Ford, and Seconded by  
Vice Mayor Bastian. Motion carried  
unanimously by roll call.

## PUBLIC HEARING

### 8. Second Reading - Ordinance No 2016-4 - Chapter 50 Establishing Golf Advisory Board

Mayor Green read Ordinance No. 2016-4.

### **ORDINANCE NO. 2016-4**

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, ESTABLISHING GOLF COURSE ADVISORY BOARD; AMENDING CHAPTER 50, CODE OF ORDINANCES, CITY OF PORT ORANGE FLORIDA, ENTITLED "PARKS AND RECREATION"; CREATING DIVISION 2 OF ARTICLE IV OF CHAPTER 50 TO BE ENTITLED "GOLF COURSE ADVISORY BOARD"; CREATING SECTION 50-106 TO PROVIDE FOR ESTABLISHMENT OF GOLF COURSE ADVISORY BOARD; CREATING SECTION 50-107 TO PROVIDE FOR PURPOSE, DUTIES AND FUNCTIONS OF THE BOARD; CREATING SECTION 50-108 TO PROVIDE FOR



COMPOSITION AND QUALIFICATIONS OF MEMBERS; CREATING SECTION 50-109 TO PROVIDE FOR APPOINTMENTS AND TERMS; CREATING SECTION 50-110 TO PROVIDE FOR VACANCIES AND REMOVAL OF MEMBERS; CREATING SECTION 50-111 TO PROVIDE FOR ORGANIZATION AND PROCEDURES OF THE BOARD; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2016-4  
made by Vice Mayor Bastian, and  
Seconded by Councilman Ford. Motion  
carried unanimously by roll call vote.

9. First Reading - Ordinance No. 2016-5 - Amendment to Fire and Rescue Pension Fund Ordinance - Chapter 54, Article IV of the Code of Ordinances

Mayor Green read Ordinance No. 2016-5.

**ORDINANCE NO. 2016-5**

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 54, ARTICLE IV, CODE OF ORDINANCES, CITY OF PORT ORANGE, FLORIDA, ENTITLED FIRE AND RESCUE PENSION FUND; AMENDING SECTION 54-84, DISABILITY BENEFITS; AMENDING SECTION 54-100, DEFERRED RETIREMENT OPTION PLAN; AMENDING SECTION 54-104, BENEFITS AND CONTRIBUTION FOR MEMBERS HIRED ON OR AFTER DECEMBER 4, 2012; AMENDING SECTION 54-105, STABILIZATION FUND; CREATING A NEW SECTION 54-106, SHARE PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

Margaret Roberts, City Attorney, advised that this first reading is a re-do because of an error.

Motion to adopt Ordinance No. 2016-5  
made by Vice Mayor Bastian, and  
Seconded by Councilman Burnette.  
Motion carried unanimously by roll call  
vote.

10. First Reading - Ordinance No. 2016-1 - Rezoning, Master Development Agreement (MDA) and Conceptual Development Plan (CDP) for Serenity Hills PUD; east side of Hensel Road, north of Hills Boulevard

Mayor Green read Ordinance No. 2016-1.

**ORDINANCE NO. 2016-1**

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REZONING PROPERTY CONSISTING OF APPROXIMATELY 82.2 ACRES LOCATED ON THE EAST SIDE OF HENSEL ROAD, NORTH OF HILLS BOULEVARD (ROLLING HILLS ESTATE SUBDIVISION) FROM RR (RURAL RESIDENTIAL) AND R-20-SF (SINGLE FAMILY RESIDENTIAL) TO PUD (PLANNED UNIT DEVELOPMENT) AND APPROVING A MASTER DEVELOPMENT PLAN FOR THE SERENITY HILLS PUD; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2016-1 on first reading was made by Vice Mayor Bastian, and Seconded by Councilman Stiltner.

Ms. Roberts advised of the proposed order of the hearing as agreed upon by the parties. She asked Council for their agreement as well. Council agreed unanimously by voice vote.

Tim Burman, Planning Manager, discussed the project and the use of PUDs within the City. On February 25, 2016, the Planning Commission recommended approval of the plan before Council.

Glen Storch, Attorney for the Developer, discussed the project being proposed, including the density, traffic, etc.

Frank Costa, Developer, thanked Staff for their work and discussed his plans and discussions with neighbors.

Dennis Bayer, Attorney for the STOP Serenity Hills group, discussed the negotiations between the parties. Zoning Petitions were presented as evidence and provided to the City Clerk.

Eric Gill, citizen, addressed Council regarding his concerns with Mr. Storch's comments specifically relating to the gate and connectivity, as well as the qualifications of Fara Rita Canterbury, Realtor, and Eric Olsen, Olsen Custom Home Builder.

Lisa Nunez, citizen, discussed her concerns with the size of the lots and homes.

Thad Crowe, Planner, addressed his opinions on the project as it relates to rezoning criteria, lot sizes, and compatibility.

Mr. Storch cross-examined Mr. Crowe.

Council recessed at 8:52 p.m. and reconvened at 8:59 p.m.

Citizens spoke regarding their concerns with the project including safety, traffic, property values, and compatibility.

Eric Olsen, Custom Home Builder, expressed his concerns regarding the issues raised against him.

Council discussed their concerns with the project.

Motion failed unanimously by roll call vote.

11. First Reading - Ordinance No. 2016-6 – Adoption of the 16-1 Comprehensive Plan Amendments/Martin Road; CASE NO. 15-20000002

Mayor Green read Ordinance No. 2016-6.

**ORDINANCE NO. 2016-6**

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, RELATING TO COMPREHENSIVE PLAN; AMENDING THE TRANSPORTATION MOBILITY ELEMENT OF THE COMPREHENSIVE PLAN, POLICY 3.2.5, TABLES 1 AND 3, AND FIGURES 2-2, 2-4, 2-8, AND 2-10, TO REMOVE MARTIN ROAD AS A PLANNED COLLECTOR ROAD; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2016-6 on first reading was made by Vice Mayor Bastian, and Seconded by Councilman Stiltner. Motion carried unanimously by roll call vote.

12. First Reading - Ordinance No. 2016-7 – 1st Amendment to the Woodhaven Master Development Agreement and Conceptual Development Plan; CASE NO. 16-40000002

Mayor Green read Ordinance No. 2016-7.

**ORDINANCE NO. 2016-7**

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE WOODHAVEN PLANNED UNIT DEVELOPMENT MASTER DEVELOPMENT AGREEMENT (MDA) AND CONCEPTUAL DEVELOPMENT PLAN; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2016-7 on first reading was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

**BOARD APPOINTMENTS, INTERVIEWS, REPORTS**

13. Citizen Advisory Committee for TPO

Bobby Ball provided details of the most recent CAC meeting.

**CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)**

Mr. Nofall spoke regarding his concerns with the CAFR comments.

**COUNCIL COMMENTS**

14. Comments/Concerns from Council Members

Vice Mayor Bastian asked when the wall on Yorktowne Blvd. will be fixed. Staff will find out the details. Vice Mayor Bastian is concerned with the traffic pattern come out of Wawa onto Yorktowne Blvd.

Councilman Stiltner thanked Staff for their work on the Lakeside Jazz Fest and complimented the police officers who participated in the Tour de Force.

CONSENT AGENDA

15. Approval of Minutes
  - a. March 29, 2016 - Special Meeting/Workshop
  - b. April 5, 2016 - Regular City Council Meeting
16. City Attorney's Report FY-16 Second Quarter
17. Bid Awards and Contract Items
  - a. Approval of Task Authorization No. 7 to the Master Contract for Engineering Services with Quentin L. Hampton Associates, Inc. for contract and grant administration and Engineer of Record services for White Acres Subdivision Utility Improvements Project Bid B16-07
  - b. Award Bid #16-07 White Acres Subdivision Utility Improvements Project to Hazen Construction, LLC.
  - c. Deductive Change Order No. 1 - Halifax Paving Inc., FY 2015 Paving Program
  - d. Change order #1 YMCA
18. Proposed License Agreement – Lot 10, Countryside PUD, Unit XII - B Subdivision; 3918 Oak Crest Circle
19. Proposed License Agreement – Lot 12, Countryside PUD, Unit XII - B Subdivision; 3922 Oak Crest Circle
20. Proposed License Agreement – Lot 22, Countryside PUD, Unit XII - B Subdivision; 3942 Oak Crest Circle
21. Proposed License Agreement – Lot 33, Countryside PUD, Unit XII - B Subdivision; 3937 Oak Crest Circle
22. Police Benevolent Association (PBA) Contract Approval of FY 2015-16 and FY 2016-17 Wage Reopener for Article 26, Wages on the PBA 2014 - 2017 Collective Bargaining Agreement

Motion to approve the Consent Agenda as amended was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

Item #17 (c) - Deductive Change Order No. 1 - Halifax Paving Inc., FY 2015 Paving Program

Mike Gardner, citizen, asked why there is a deductive change order. Mr. Johansson will provide information.

Motion to approve was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by voice vote.

Item #22 - Police Benevolent Association (PBA) Contract Approval of FY 2015-16 and FY 2016-17 Wage Reopener for Article 26, Wages on the PBA 2014 - 2017 Collective Bargaining Agreement

Mr. Nofall asked if there was a budget impact statement done. He would like a copy.

Motion to approve was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by voice vote.

### REGULAR AGENDA

23. First Reading - Ordinance No. 2016-8 - General Obligation Refunding Bonds

Mayor Green read Ordinance No. 2016-8.

#### **ORDINANCE NO. 2016-8**

AN ORDINANCE OF THE CITY OF PORT ORANGE, FLORIDA, AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$14,500,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016, TO REFUND THE CITY'S OUTSTANDING GENERAL OBLIGATION BONDS, SERIES 2006; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2016-8 on first reading was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

24. Resolution No. 16-19 - Intent to Adopt Moratorium - Adult Entertainment Establishments

Mayor Green read Resolution No. 16-19.

#### **RESOLUTION NO. 16-19**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA ISSUING A NOTICE OF INTENT TO ADOPT A MORATORIUM ON

THE ISSUANCE OF DEVELOPMENT ORDERS, BUILDING PERMITS, ZONING VERIFICATION LETTERS, AND ZONING APPROVALS FOR BUSINESS TAX RECEIPTS FOR THE OPERATION OF ADULT ENTERTAINMENT ESTABLISHMENTS IN THE CITY OF PORT ORANGE, AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to adopt Resolution No. 16-19 was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

25. Award of Bid #15-30 421/Dunlawton Median Landscape Beautification – Phase 1 (Spruce Creek Road to Nova Road)

Bobby Ball, Zev Cohen & Associates, explained that a better price might be obtained by combining Phases 1-3 at a later time. Mr. Johansson said there may be some state funds available on July 1<sup>st</sup>, which would delay the project.

Councilman Stiltner explained his concerns with the bidding process and with delays on this project but all Council Members agreed to the delay for a better deal.

Motion to reject the bid and return for re-bidding was made by Councilman Stiltner, and Seconded by Vice Mayor Bastian. Motion carried unanimously by roll call vote.

26. Amendment Number 23 to the Contract with Zev Cohen & Associates, Inc. (ZCA) for Professional Services for landscape design and permitting for the 421/Dunlawton Median Landscape Beautification – Phase 2 & 3 (Nova Road to Taylor Branch Road).

Motion to approve was made by Vice Mayor Bastian, and Seconded by Councilman Burnette.

Mr. Ball advised that the updated amount is \$40,700 rather than what was presented in the agenda packet.

Motion carried unanimously by roll call vote.

J. COMMENTS

27. City Attorney Comments

There was nothing further from the City Attorney.

28. City Manager Comments

Mr. Johansson asked Council to review the draft CIP and asked for comments by May 27, 2016. Any questions should be provided to Alan Rosen, Assistant City Manager.

K. COUNCIL COMMITTEE REPORTS

29. City Council Committee Reports

a. Arthaus – Councilman Burnette reported on the upcoming events.

b. Port Orange/South Daytona Chamber of Commerce – Councilman Burnette reported on the upcoming events.

c. Roundtable of Elected Officials – Mayor Green reported on the most recent meeting which consisted of more discussions regarding the homelessness issues and water quality concerns from septic tanks.

ADJOURNMENT: 10:48 p.m.

---

Mayor Allen Green

Attest:

---

Robin Fenwick, CMC  
City Clerk





# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 05/03/2016

Consent item: Yes

---

**SUBJECT:** Resolution No. 16-21 - LAP Agreement for design of the Victoria Gardens Boulevard Sidewalk

**DEPARTMENT:** Community Development

**GOAL:** 1 - Infrastructure Preservation

**OBJECTIVE:** 1 - Develop shovel ready projects in preparation for funding opportunities

---

**RECOMMENDED MOTION:** Move to approve Resolution No. 16-21, approving the Local Area Project (LAP) Agreement for design of the Victoria Gardens Boulevard Sidewalk and authorize the Mayor and City Clerk to execute the Agreement and Resolution.

---

**SUMMARY:** The FDOT has requested the City execute the attached Local Area Project (LAP) Agreement and Resolution for the design of a minimum 5' wide sidewalk along the east/south side of Victoria Gardens Boulevard from Appleview Way to Clyde Morris Boulevard. The project length is approximately 0.30 miles (1600 ft.) The FDOT has agreed to fund \$80,156 of the estimated \$89,066 design cost for this sidewalk and is planning to provide 90% funding with a City match of 10% for the project construction upon completion of the design.

Project No.: OMI018      Funding Account No.: 312-4300-541.63-97

---

## ATTACHMENTS:

|    |                 |                                                                           |
|----|-----------------|---------------------------------------------------------------------------|
| 1. | Reso. No. 16-21 | 5.3 Reso. No. 16-21 LAP Victoria Gardens Blvd. Sidewalk - Agenda Item.pdf |
|----|-----------------|---------------------------------------------------------------------------|

---

Margaret Momberger  
Wayne Clark  
Tracey Riehm  
Margaret Roberts  
M. Jake Johansson

Created/Initiated - 04/20/2016  
Approved - 04/20/2016  
Approved - 04/27/2016  
Approved - 04/28/2016  
Final Approval - 04/28/2016

---

RESOLUTION NO. 16-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING A LOCAL AGENCY PROGRAM AGREEMENT FPN 435536-1-38-01; FOR THE DESIGN OF THE VICTORIA GARDENS BOULEVARD SIDEWALK PROJECT; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST THE AGREEMENT, RESPECTIVELY, WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Florida Department of Transportation and the City of Port Orange desire to facilitate the Local Agency Program Agreement for the design of the Victoria Gardens Boulevard sidewalk project; and

WHEREAS, the State of Florida Department of Transportation has requested the City of Port Orange to execute and deliver to the State of Florida Department of Transportation the Local Agency Program Agreement for the aforementioned project, FPN 435536-1-38-01.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

Section 1. The City Council of the City of Port Orange, Florida, hereby approves and authorizes the Mayor and City Manager to make, execute, and deliver to the State of Florida Department of Transportation the Local Agency Program Agreement for the project FPN 435536-1-38-01, a copy of which is attached hereto as **Exhibit "1"**.

Section 2. This resolution shall become effective immediately upon adoption.

\_\_\_\_\_  
MAYOR ALLEN GREEN

ATTEST:

\_\_\_\_\_  
Robin L. Fenwick, CMC, City Clerk

Adopted on the       day of

Reviewed and Approved: \_\_\_\_\_  
Margaret T. Roberts, City Attorney

# EXHIBIT "1"

## STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION LOCAL AGENCY PROGRAM AGREEMENT

525-010-40  
PROGRAM MANAGEMENT  
OGC- 08/15  
Page 1 of 15

|                                                                                                |                              |                                          |
|------------------------------------------------------------------------------------------------|------------------------------|------------------------------------------|
| FPN: <u>435536-1-38-01</u>                                                                     | Fund: <u>SU / LF</u>         | FLAIR Approp: <u>088849</u>              |
| Federal No: <u>8886-824-A</u>                                                                  | Org Code: <u>55053010541</u> | FLAIR Obj: <u>780000</u>                 |
| FPN: _____                                                                                     | Fund: _____                  | FLAIR Approp: _____                      |
| Federal No: _____                                                                              | Org Code: _____              | FLAIR Obj: _____                         |
| FPN: _____                                                                                     | Fund: _____                  | FLAIR Approp: _____                      |
| Federal No: _____                                                                              | Org Code: _____              | FLAIR Obj: _____                         |
| County No: <u>79</u>                                                                           | Contract No: _____           | Vendor No: <u>F596-000-412-003</u>       |
| FDOT Data Universal Number System (DUNS) No: <u>80-939-7102</u>                                |                              | Local Agency DUNS No: <u>08-082-7082</u> |
| Catalog of Federal Domestic Assistance (CFDA): <u>20.205 Highway Planning and Construction</u> |                              |                                          |

THIS LOCAL AGENCY PROGRAM AGREEMENT ("Agreement"), is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2016 between the State of Florida, Department of Transportation, an agency of the State of Florida ("Department"), and the City of Port Orange, 1000 City Center Circle, Port Orange, Florida 32129, ("Agency").

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations in this Agreement, the parties agree as follows:

1. **Authority:** The Agency, by Resolution No. \_\_\_\_\_ dated the \_\_\_\_\_ day of \_\_\_\_\_, 2016, a copy of which is attached as Exhibit "F" and made a part of this Agreement, has authorized its officers to execute this Agreement on its behalf. The Department has the authority pursuant to Section 339.12, Florida Statutes, to enter into this Agreement.

2. **Purpose of Agreement:** The purpose of this Agreement is to provide for the Department's participation in the design services for the sidewalk project along the east/south side of Victoria Gardens Boulevard from Appview Way to Clyde Morris Boulevard, as further described in Exhibit "A", Project Description and Responsibilities attached to and incorporated in this Agreement ("Project"), to provide Department financial assistance to the Agency, state the terms and conditions upon which Department funds will be provided, and to set forth the manner in which the Project will be undertaken and completed.

3. **Term of Agreement:** The Agency agrees to complete the Project on or before August 31, 2017. If the Agency does not complete the Project within this time period, this Agreement will expire on the last day of the scheduled completion as provided in this paragraph unless an extension of the time period is requested by the Agency and granted in writing by the Department prior to the expiration of this Agreement. Expiration of this Agreement will be considered termination of the Project. The cost of any work performed after the expiration date of this Agreement will not be reimbursed by the Department.

4. **Project Cost:**

A. The total cost of the Project is \$ 89,066.00. This amount is based upon the schedule of funding in Exhibit "B", Schedule of Funding attached to and incorporated in this Agreement. The Agency agrees to bear all expenses in excess of the total cost of the Project and any deficits involved. The schedule of funding may be modified by mutual agreement as provided for in paragraph 5.I.

B. The Department agrees to participate in the Project cost up to the maximum amount of \$80,156.00 and as more fully described in Exhibit "B". This amount includes Federal-aid funds which are limited to the actual amount of Federal-aid participation.

C. Project costs eligible for Department participation will be allowed only from the date of this Agreement. It is understood that Department participation in eligible Project costs is subject to:

- i. Legislative approval of the Department's appropriation request in the work program year that the Project is scheduled to be committed;

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**LOCAL AGENCY PROGRAM AGREEMENT**

525-010-40  
PROGRAM MANAGEMENT  
OGC- 08/15  
Page 2 of 15

- ii. Availability of funds as stated in subparagraphs 5.L. and 5.M. of this Agreement;
- iii. Approval of all plans, specifications, contracts or other obligating documents and all other terms of this Agreement; and
- iv. Department approval of the Project scope and budget at the time appropriation authority becomes available.

**5. Requisitions and Payments:**

- A. The Agency shall provide quantifiable, measurable, and verifiable units of deliverables. Each deliverable must specify the required minimum level of service to be performed and the criteria for evaluating successful completion. The Project and the quantifiable, measurable, and verifiable units of deliverables are described more fully in Exhibit "A".
- B. Invoices shall be submitted by the Agency in detail sufficient for a proper pre-audit and post-audit based on the quantifiable, measurable and verifiable units of deliverables as established in Exhibit "A". Deliverables must be received and accepted in writing by the Department's Project Manager prior to payments.
- C. The Agency shall charge to the Project account all eligible costs of the Project except costs agreed to be borne by the Agency or its contractors and subcontractors. Costs in excess of the programmed funding or attributable to actions which have not received the required approval of the Department shall not be considered eligible costs. All costs charged to the Project, including any approved services contributed by the Agency or others, shall be supported by properly executed payrolls, time records, invoices, contracts or vouchers evidencing in proper detail the nature and propriety of the charges.
- D. Supporting documentation must establish that the deliverables were received and accepted in writing by the Agency and must also establish that the required minimum level of service to be performed based on the criteria for evaluating successful completion as specified in Exhibit "A" was met.
- E. Bills for travel expenses specifically authorized in this Agreement shall be submitted on the Department's Contractor Travel Form No. 300-000-06 and will be paid in accordance with Section 112.061, Florida Statutes and the most current version of the Disbursement Handbook for Employees and Managers.
- F. Payment shall be made only after receipt and approval of goods and services unless advance payments are authorized by the Chief Financial Officer of the State of Florida under Chapters 215 and 216, Florida Statutes. If the Department determines that the performance of the Agency is unsatisfactory, the Department shall notify the Agency of the deficiency to be corrected, which correction shall be made within a time-frame to be specified by the Department. The Agency shall, within five days after notice from the Department, provide the Department with a corrective action plan describing how the Agency will address all issues of contract non-performance, unacceptable performance, failure to meet the minimum performance levels, deliverable deficiencies, or contract non-compliance. If the corrective action plan is unacceptable to the Department, the Agency shall be assessed a non-performance retainage equivalent to 10% of the total invoice amount. The retainage shall be applied to the invoice for the then-current billing period. The retainage shall be withheld until the Agency resolves the deficiency. If the deficiency is subsequently resolved, the Agency may bill the Department for the retained amount during the next billing period. If the Agency is unable to resolve the deficiency, the funds retained may be forfeited at the end of the Agreement's term.
- G. Agencies providing goods and services to the Department should be aware of the following time frames. Inspection and approval of goods or services shall take no longer than 20 days from the Department's receipt of the invoice. The Department has 20 days to deliver a request for payment (voucher) to the Department of Financial Services. The 20 days are measured from the latter of the date the invoice is received or the goods or services are received, inspected, and approved.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**LOCAL AGENCY PROGRAM AGREEMENT**

525-010-40  
PROGRAM MANAGEMENT  
OGC- 08/15  
Page 3 of 15

If a payment is not available within 40 days, a separate interest penalty at a rate as established pursuant to **Section 55.03(1), F.S.**, will be due and payable, in addition to the invoice amount, to the Agency. Interest penalties of less than one (1) dollar will not be enforced unless the Agency requests payment. Invoices that have to be returned to an Agency because of Agency preparation errors will result in a delay in the payment. The invoice payment requirements do not start until a properly completed invoice is provided to the Department.

A Vendor Ombudsman has been established within the Department of Financial Services. The duties of this individual include acting as an advocate for Agencies who may be experiencing problems in obtaining timely payment(s) from a state agency. The Vendor Ombudsman may be contacted at (850) 413-5516.

- H. Records of costs incurred under the terms of this Agreement shall be maintained and made available upon request to the Department at all times during the period of this Agreement and for five years after final payment is made. Copies of these documents and records shall be furnished to the Department upon request. Records of costs incurred include the Agency's general accounting records and the project records, together with supporting documents and records, of the contractor and all subcontractors performing work on the project, and all other records of the Contractor and subcontractors considered necessary by the Department for a proper audit of costs.
- I. Prior to the execution of this Agreement, a Project schedule of funding shall be prepared by the Agency and approved by the Department. The Agency shall maintain said schedule of funding, carry out the Project, and shall incur obligations against and make disbursements of Project funds only in conformity with the latest approved schedule of funding for the Project. The schedule of funding may be revised by execution of a Local Agency Program ("LAP") Supplemental Agreement between the Department and the Agency. The Agency acknowledges and agrees that funding for this project may be reduced upon determination of the agency's contract award amount. If revised, a copy of the Supplemental Agreement shall be forwarded to the Department's Comptroller. No increase or decrease shall be effective unless it complies with fund participation requirements of this Agreement and is approved by the Department's Comptroller.
- J. If, after Project completion, any claim is made by the Department resulting from an audit or for work or services performed pursuant to this Agreement, the Department may offset such amount from payments due for work or services done under any agreement which it has with the Agency owing such amount if, upon demand, payment of the amount is not made within 60 days to the Department. Offsetting any amount pursuant to this paragraph shall not be considered a breach of contract by the Department.
- K. The Agency must submit the final invoice on the Project to the Department within 120 days after the completion of the Project. Invoices submitted after the 120-day time period may not be paid.
- L. The Department's performance and obligation to pay under this Agreement is contingent upon an annual appropriation by the Legislature. If the Department's funding for this Project is in multiple fiscal years, funds approval from the Department's Comptroller must be received each fiscal year prior to costs being incurred. See Exhibit "B" for funding levels by fiscal year. Project costs utilizing these fiscal year funds are not eligible for reimbursement if incurred prior to funds approval being received. The Department will notify the Agency, in writing, when funds are available.
- M. In the event this Agreement is in excess of \$25,000 and has a term for a period of more than one year, the provisions of Section 339.135(6)(a), Florida Statutes, are hereby incorporated:

"The Department, during any fiscal year, shall not expend money, incur any liability, or enter into any contract which, by its terms, involves the expenditure of money in excess of the amounts budgeted as available for expenditure during such fiscal year. Any contract, verbal or written, made in violation of this subsection is null and void, and no money may be paid on such contract. The Department shall require a statement from the comptroller of the Department that funds are available prior to entering into any such contract or other binding commitment of funds. Nothing herein contained shall prevent the making of contracts for periods exceeding 1 year, but any contract so made shall be

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**LOCAL AGENCY PROGRAM AGREEMENT**

525-010-40  
PROGRAM MANAGEMENT  
OGC- 08/15  
Page 4 of 15

executory only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years, and this paragraph shall be incorporated verbatim in all contracts of the Department which are for an amount in excess of \$25,000 and which have a term for a period of more than 1 year."

**6. Department Payment Obligations:** Subject to other provisions of this Agreement, the Department will honor requests for reimbursement to the Agency pursuant to this Agreement. However, notwithstanding any other provision of this Agreement, the Department may elect by notice in writing not to make a payment if:

- A. The Agency shall have made misrepresentation of a material nature in its application, or any supplement or amendment to its application, or with respect to any document or data furnished with its application or pursuant to this Agreement;
- B. There is any pending litigation with respect to the performance by the Agency of any of its duties or obligations which may jeopardize or adversely affect the Project, the Agreement or payments to the Project;
- C. The Agency shall have taken any action pertaining to the Project which, under this Agreement, requires the approval of the Department or has made a related expenditure or incurred related obligations without having been advised by the Department that same are approved;
- D. There has been any violation of the conflict of interest provisions contained in paragraph 16.J.; or
- E. The Agency has been determined by the Department to be in default under any of the provisions of the Agreement.

The Department may suspend or terminate payment for that portion of the Project which the Federal Highway Administration ("FHWA"), or the Department acting in lieu of FHWA, may designate as ineligible for Federal-aid.

In determining the amount of the payment, the Department will exclude all Project costs incurred by the Agency prior to the Department's issuance of a Notice to Proceed ("NTP"), costs incurred after the expiration of the Agreement, costs which are not provided for in the latest approved schedule of funding in Exhibit "B" for the Project, costs agreed to be borne by the Agency or its contractors and subcontractors for not meeting the Project commencement and final invoice time lines, and costs attributable to goods or services received under a contract or other arrangements which have not been approved in writing by the Department.

**7. General Requirements:** The Agency shall complete the Project with all practical dispatch, in a sound, economical, and efficient manner, and in accordance with the provisions in this Agreement, and all applicable laws. The Project will be performed in accordance with all applicable Department procedures, guidelines, manuals, standards, and directives as described in the Department's Local Agency Program Manual, which by this reference is made a part of this Agreement. Time is of the essence as to each and every obligation under this Agreement.

- A. A full time employee of the Agency, qualified to ensure that the work being pursued is complete, accurate, and consistent with the terms, conditions, and specifications of this Agreement shall be in responsible charge of the Project, which employee should be able to perform the following duties and functions:
  - i. Administers inherently governmental project activities, including those dealing with cost, time, adherence to contract requirements, construction quality and scope of Federal-aid projects;
  - ii. Maintains familiarity of day to day Project operations, including Project safety issues;
  - iii. Makes or participates in decisions about changed conditions or scope changes that require change orders or supplemental agreements;
  - iv. Visits and reviews the Project on a frequency that is commensurate with the magnitude and complexity of the Project;

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**LOCAL AGENCY PROGRAM AGREEMENT**

525-010-40  
PROGRAM MANAGEMENT  
OGC- 08/15  
Page 5 of 15

- v. Reviews financial processes, transactions and documentation to ensure that safeguards are in place to minimize fraud, waste, and abuse;
  - vi. Directs Project staff, agency or consultant, to carry out Project administration and contract oversight, including proper documentation;
  - vii. Is aware of the qualifications, assignments and on-the-job performance of the Agency and consultant staff at all stages of the Project.
- B. Once the Department issues the NTP for the Project, the Agency shall be obligated to submit an invoice or other request for reimbursement to the Department on a quarterly basis, beginning from the day the NTP is issued. If the Agency fails to submit quarterly invoices to the Department, and in the event the failure to timely submit invoices to the Department results in the "FHWA" removing any unbilled funding or the loss of State appropriation authority (which may include the loss of state and federal funds, if there are state funds programmed to the Project), then the Agency will be solely responsible to provide all funds necessary to complete the Project and the Department will not be obligated to provide any additional funding for the Project. The Agency waives the right to contest such removal of funds by the Department, if the removal is related to FHWA's withdrawal of funds or if the removal is related to the loss of State appropriation authority. In addition to the loss of funding for the Project, the Department will also consider the de-certification of the Agency for future LAP Projects. No cost may be incurred under this Agreement until after the Agency has received a written NTP from the Department. The Agency agrees to advertise or put the Project out to bid thirty (30) days from the date the Department issues the NTP to advertise the Project. If the Agency is not able to meet the scheduled advertisement, the District LAP Administrator should be notified as soon as possible.
- C. If all funds are removed from the Project, including amounts previously billed to the Department and reimbursed to the Agency, and the Project is off the state highway system, then the Department will have to request repayment for the previously billed amounts from the Agency. No state funds can be used on off-system projects, unless authorized pursuant to Exhibit "G", State Funds Addendum, which will be attached to and incorporated in this Agreement in the event state funds are used on the Project.
- D. In the event that any election, referendum, approval, permit, notice or other proceeding or authorization is required under applicable law to enable the Agency to enter into this Agreement or to undertake the Project or to observe, assume or carry out any of the provisions of the Agreement, the Agency will initiate and consummate, as provided by law, all actions necessary with respect to any such matters.
- E. The Agency shall initiate and prosecute to completion all proceedings necessary, including Federal-aid requirements, to enable the Agency to provide the necessary funds for completion of the Project.
- F. The Agency shall submit to the Department such data, reports, records, contracts, and other documents relating to the Project as the Department and FHWA may require. The Agency shall use the Department's Local Agency Program Information Tool and applicable information systems as required.
- G. Federal-aid funds shall not participate in any cost which is not incurred in conformity with applicable federal and State laws, the regulations in 23 Code of Federal Regulations (C.F.R.) and 49 C.F.R., and policies and procedures prescribed by the Division Administrator of FHWA. Federal funds shall not be paid on account of any cost incurred prior to authorization by FHWA to the Department to proceed with the Project or part thereof involving such cost (23 C.F.R. 1.9 (a)). If FHWA or the Department determines that any amount claimed is not eligible, federal participation may be approved in the amount determined to be adequately supported and the Department shall notify the Agency in writing citing the reasons why items and amounts are not eligible for federal participation. Where correctable non-compliance with provisions of law or FHWA requirements exists. Federal funds may be withheld until compliance is obtained. Where non-compliance is not correctable, FHWA or the Department may deny participation in parcel or Project costs in part or in total. For any amounts determined to be ineligible for federal reimbursement for which the Department has advanced payment, the Agency shall promptly reimburse the Department for all such amounts within 90 days of written notice.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**LOCAL AGENCY PROGRAM AGREEMENT**

525-010-40  
PROGRAM MANAGEMENT  
OGC-08/15  
Page 6 of 15

- H. For any project requiring additional right-of-way, the Agency must submit to the Department an annual report of its real property acquisition and relocation assistance activities on the project. Activities shall be reported on a federal fiscal year basis, from October 1 through September 30. The report must be prepared using the format prescribed in 49 C.F.R. Part 24, Appendix B, and be submitted to the Department no later than October 15 of each year.

**8. Audit Reports:** The administration of resources awarded through the Department to the Agency by this Agreement may be subject to audits and/or monitoring by the Department. The following requirements do not limit the authority of the Department to conduct or arrange for the conduct of additional audits or evaluations of federal awards or limit the authority of any State agency inspector general, the State of Florida Auditor General or any other State official. The Agency shall comply with all audit and audit reporting requirements as specified below.

- A. In addition to reviews of audits conducted in accordance with OMB Circular A-133, for fiscal years beginning before December 26, 2014, and in accordance with 2 CFR Part 200, Subpart F – Audit Requirements, for fiscal years beginning on or after December 26, 2014, monitoring procedures may include but not be limited to on-site visits by Department staff and/or other procedures including, reviewing any required performance and financial reports, following up, ensuring corrective action, and issuing management decisions on weaknesses found through audits when those findings pertain to federal awards provided through the Department by this Agreement. By entering into this Agreement, the Agency agrees to comply and cooperate fully with any monitoring procedures/processes deemed appropriate by the Department. The Agency further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the Department, State of Florida Chief Financial Officer (CFO) or State of Florida Auditor General.
- B. The Agency, a non-federal entity as defined by OMB Circular A-133, for fiscal years beginning before December 26, 2014, and as defined by 2 CFR Part 200, Subpart F – Audit Requirements, for fiscal years beginning on or after December 26, 2014, as a subrecipient of a federal award awarded by the Department through this Agreement is subject to the following requirements:
- i. In the event the Agency expends a total amount of federal awards equal to or in excess of the threshold established by OMB Circular A-133, for fiscal years beginning before December 26, 2014, and established by 2 CFR Part 200, Subpart F – Audit Requirements, for fiscal years beginning on or after December 26, 2014, the Agency must have a federal single or program-specific audit for such fiscal year conducted in accordance with the provisions of OMB Circular A-133, for fiscal years beginning before December 26, 2014, and in accordance with the provisions of 2 CFR Part 200, Subpart F – Audit Requirements, for fiscal years beginning on or after December 26, 2014. **Exhibit “1”, Federal Financial Assistance (Single Audit Act)** to this Agreement provides the required federal award identification information needed by the Agency to further comply with the requirements of OMB Circular A-133, for fiscal years beginning before December 26, 2014, and the requirements of 2 CFR Part 200, Subpart F – Audit Requirements, for fiscal years beginning on or after December 26, 2014. In determining federal awards expended in a fiscal year, the Agency must consider all sources of federal awards based on when the activity related to the federal award occurs, including the federal award provided through the Department by this Agreement. The determination of amounts of federal awards expended should be in accordance with the guidelines established by OMB Circular A-133, for fiscal years beginning before December 26, 2014, and established by 2 CFR Part 200, Subpart F – Audit Requirements, for fiscal years beginning on or after December 26, 2014. An audit conducted by the State of Florida Auditor General in accordance with the provisions of OMB Circular A-133, for fiscal years beginning before December 26, 2014, and in accordance with 2 CFR Part 200, Subpart F – Audit Requirements, for fiscal years beginning on or after December 26, 2014, will meet the requirements of this part.
- ii. In connection with the audit requirements, the Agency shall fulfill the requirements relative to the auditee responsibilities as provided in OMB Circular A-133, for fiscal years beginning before December 26, 2014, and as provided in 2 CFR Part 200, Subpart F – Audit Requirements, for fiscal years beginning on or after December 26, 2014.



STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**LOCAL AGENCY PROGRAM AGREEMENT**

525-010-40  
PROGRAM MANAGEMENT  
OGC- 08/15  
Page 7 of 15

- iii. In the event the Agency expends less than the threshold established by OMB Circular A-133, for fiscal years beginning before December 26, 2014, and established by 2 CFR Part 200, Subpart F – Audit Requirements, for fiscal years beginning on or after December 26, 2014, in federal awards, the Agency is exempt from federal audit requirements for that fiscal year. However, the Agency must provide a single audit exemption statement to the Department at [FDOTSingleAudit@dot.state.fl.us](mailto:FDOTSingleAudit@dot.state.fl.us) no later than nine months after the end of the Agency's audit period for each applicable audit year. In the event the Agency expends less than the threshold established by OMB Circular A-133, for fiscal years beginning before December 26, 2014, and established by 2 CFR Part 200, Subpart F – Audit Requirements, for fiscal years beginning on or after December 26, 2014, in federal awards in a fiscal year and elects to have an audit conducted in accordance with the provisions of OMB Circular A-133, for fiscal years beginning before December 26, 2014, and in accordance with 2 CFR Part 200, Subpart F – Audit Requirements, for fiscal years beginning on or after December 26, 2014, the cost of the audit must be paid from non-federal resources (*i.e.*, the cost of such an audit must be paid from the Agency's resources obtained from other than federal entities).
- iv. The Agency must electronically submit to the Federal Audit Clearinghouse (FAC) at <https://harvester.census.gov/facweb/> the audit reporting package as required by OMB Circular A-133, for fiscal years beginning before December 26, 2014, and as required by 2 CFR Part 200, Subpart F – Audit Requirements, for fiscal years beginning on or after December 26, 2014, within the earlier of 30 calendar days after receipt of the auditor's report(s) or nine months after the end of the audit period. The FAC is the repository of record for audits required by OMB Circular A-133, for fiscal years beginning before December 26, 2014, and for audits required by 2 CFR Part 200, Subpart F – Audit Requirements, for fiscal years beginning on or after December 26, 2014, and this Agreement. However, the Department requires a copy of the audit reporting package also be submitted to [FDOTSingleAudit@dot.state.fl.us](mailto:FDOTSingleAudit@dot.state.fl.us) within the earlier of 30 calendar days after receipt of the auditor's report(s) or nine months after the end of the audit period as required by OMB Circular A-133, for fiscal years beginning before December 26, 2014, and as required by 2 CFR Part 200, Subpart F – Audit Requirements, for fiscal years beginning on or after December 26, 2014.
- v. Within six months of acceptance of the audit report by the FAC, the Department will review the Agency's audit reporting package, including corrective action plans and management letters, to the extent necessary to determine whether timely and appropriate action on all deficiencies has been taken pertaining to the federal award provided through the Department by this Agreement. If the Agency fails to have an audit conducted in accordance with OMB Circular A-133, for fiscal years beginning before December 26, 2014, and in accordance with 2 CFR Part 200, Subpart F – Audit Requirements, for fiscal years beginning on or after December 26, 2014, the Department may impose additional conditions to remedy noncompliance. If the Department determines that noncompliance cannot be remedied by imposing additional conditions, the Department may take appropriate actions to enforce compliance, which actions may include but not be limited to the following:
  - 1. Temporarily withhold cash payments pending correction of the deficiency by the Agency or more severe enforcement action by the Department;
  - 2. Disallow (deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance;
  - 3. Wholly or partly suspend or terminate the federal award;
  - 4. Initiate suspension or debarment proceedings as authorized under 2 C.F.R. Part 180 and federal awarding agency regulations (or in the case of the Department, recommend such a proceeding be initiated by the federal awarding agency);
  - 5. Withhold further federal awards for the Project or program;
  - 6. Take other remedies that may be legally available.
- vi. As a condition of receiving this federal award, the Agency shall permit the Department, or its designee, the CFO or State of Florida Auditor General access to Agency's records including

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**LOCAL AGENCY PROGRAM AGREEMENT**

525-010-40  
PROGRAM MANAGEMENT  
OGC-08/15  
Page 8 of 15

financial statements, the independent auditor's working papers and project records as necessary. Records related to unresolved audit findings, appeals or litigation shall be retained until the action is complete or the dispute is resolved.

vii. The Department's contact information for requirements under this part is as follows:

Office of Comptroller, MS 24  
605 Suwannee Street  
Tallahassee, Florida 32399-0450  
[FDOTSingleAudit@dot.state.fl.us](mailto:FDOTSingleAudit@dot.state.fl.us)

- C. The Agency shall retain sufficient records demonstrating its compliance with the terms of this Agreement for a period of five years from the date the audit report is issued and shall allow the Department, or its designee, the CFO or State of Florida Auditor General access to such records upon request. The Agency shall ensure that the audit working papers are made available to the Department, or its designee, the CFO, or State of Florida Auditor General upon request for a period of five years from the date the audit report is issued unless extended in writing by the Department.

**9. Termination or Suspension of Project:** The Department may, by written notice to the Agency, suspend any or all of the Agency's obligations under this Agreement until such time as the event or condition resulting in such suspension has ceased or been corrected or the Department may terminate this Agreement in whole or in part at any time the interest of the Department requires such termination.

- A. If the Department determines that the performance of the Agency is not satisfactory, the Department shall notify the Agency of the deficiency in writing with a requirement that the deficiency be corrected within thirty (30) days of such notice. Such notice shall provide reasonable specificity to the Agency of the deficiency that requires correction. If the deficiency is not corrected within such time period, the Department may either (1) immediately terminate the Agreement as set forth in paragraph 9.B. below, or (2) take whatever action is deemed appropriate by the Department to correct the deficiency. In the event the Department chooses to take action and not terminate the Agreement, the Agency shall, upon demand, promptly reimburse the Department for any and all costs and expenses incurred by the Department in correcting the deficiency.
- B. If the Department terminates the Agreement, the Department shall notify the Agency of such termination in writing, with instructions to the effective date of termination or specify the stage of work at which the Agreement is to be terminated.
- C. If the Agreement is terminated before the Project is completed, the Agency shall be paid only for the percentage of the Project satisfactorily performed for which costs can be substantiated. Such payment, however, shall not exceed the equivalent percentage of the contract price. All work in progress on Department right-of-way will become the property of the Department and will be turned over promptly by the Agency.
- D. The Department reserves the right to unilaterally cancel this Agreement for refusal by the Agency or any contractor, sub-contractor or materials vendor to allow public access to all documents, papers, letters or other material subject to the provisions of Chapter 119, Florida Statutes, and made or received in conjunction with this Agreement unless the records are exempt.
- E. Upon receipt of any final termination or suspension notice under this paragraph 9., the Agency shall proceed promptly to carry out the actions required in such notice, which may include any or all of the following: (a) necessary action to terminate or suspend, as the case may be, Project activities and contracts and such other action as may be required or desirable to keep to a minimum the costs upon the basis of which the financing is to be computed; or (b) furnish a statement of the Project activities and contracts and other undertakings the cost of which are otherwise includable as Project costs. The termination or suspension shall be carried out in conformity with the latest schedule, plan, and cost as approved by the Department or upon the basis of terms and conditions imposed by the Department upon

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**LOCAL AGENCY PROGRAM AGREEMENT**

525-010-40  
PROGRAM MANAGEMENT  
OGC- 08/15  
Page 9 of 15

the failure of the Agency to furnish the schedule, plan, and estimate within a reasonable time. The closing out of federal financial participation in the Project shall not constitute a waiver of any claim which the Department may otherwise have arising out of this Agreement.

**10. Contracts of the Agency:**

- A. Except as otherwise authorized in writing by the Department, the Agency shall not execute any contract or obligate itself in any manner requiring the disbursement of Department funds, including consultant or construction contracts or amendments thereto, with any third party with respect to the Project without the written approval of the Department. Failure to obtain such approval shall be sufficient cause for nonpayment by the Department. The Department specifically reserves the right to review the qualifications of any consultant or contractor and to approve or disapprove the employment of such consultant or contractor.
- B. It is understood and agreed by the parties to this Agreement that participation by the Department in a project with the Agency, where said project involves a consultant contract for engineering, architecture or surveying services, is contingent on the Agency's complying in full with provisions of Section 287.055, Florida Statutes, Consultants' Competitive Negotiation Act, the federal Brooks Act, 23 C.F.R. 172, and 23 U.S.C. 112. At the discretion of the Department, the Agency will involve the Department in the consultant selection process for all projects funded under this Agreement. In all cases, the Agency shall certify to the Department that selection has been accomplished in compliance with the Consultants' Competitive Negotiation Act and the federal Brooks Act.
- C. The Agency shall comply with, and require its consultants and contractors to comply with applicable federal law pertaining to the use of Federal-aid funds. The Agency shall comply with the provisions in the FHWA-1273 form as set forth in Exhibit "C", FHWA 1273 attached to and incorporated in this Agreement. The Agency shall include FHWA-1273 in all contracts with consultants and contractors performing work on the Project.

**11. Disadvantaged Business Enterprise (DBE) Policy and Obligation:** It is the policy of the Department that DBE's, as defined in 49 C.F.R. Part 26, as amended, shall have the opportunity to participate in the performance of contracts financed in whole or in part with Department funds under this Agreement. The DBE requirements of applicable federal and state laws and regulations apply to this Agreement.

The Agency and its contractors agree to ensure that DBE's have the opportunity to participate in the performance of this Agreement. In this regard, all recipients and contractors shall take all necessary and reasonable steps in accordance with applicable federal and state laws and regulations to ensure that the DBE's have the opportunity to compete for and perform contracts. The Agency and its contractors and subcontractors shall not discriminate on the basis of race, color, national origin or sex in the award and performance of contracts, entered pursuant to this Agreement.

**12. Compliance with Conditions and Laws:** The Agency shall comply and require its contractors and subcontractors to comply with all terms and conditions of this Agreement and all federal, state, and local laws and regulations applicable to this Project. Execution of this Agreement constitutes a certification that the Agency is in compliance with, and will require its contractors and subcontractors to comply with, all requirements imposed by applicable federal, state, and local laws and regulations, including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions," in 49 C.F.R. Part 29, and 2 C.F.R. Part 200 when applicable.

**13. Performance Evaluations:** Agencies are evaluated on a project-by-project basis. The evaluations provide information about oversight needs and provide input for the recertification process. Evaluations are submitted to the Agency's person in responsible charge or designee as part of the Project closeout process. The Department provides the evaluation to the Agency no more than 30 days after final acceptance.

- A. Each evaluation will result in one of three ratings. A rating of Unsatisfactory Performance means the Agency failed to develop the Project in accordance with applicable federal and state regulations, standards and procedures, required excessive District involvement/oversight, or the Project was brought in-house by the Department. A rating of Satisfactory Performance means the Agency developed the

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**LOCAL AGENCY PROGRAM AGREEMENT**

525-010-40  
PROGRAM MANAGEMENT  
OGC-08/15  
Page 10 of 15

Project in accordance with applicable federal and state regulations, standards and procedures, with minimal District involvement/oversight. A rating of Above Satisfactory Performance means the Agency developed the Project in accordance with applicable federal and state regulations, standards and procedures, without District involvement/oversight.

- B. The District will determine which functions can be further delegated to Agencies that continuously earn Satisfactory and Above Satisfactory evaluations.

**14. Restrictions, Prohibitions, Controls, and Labor Provisions:** During the performance of this Agreement, the Agency agrees as follows, and agrees to require its contractors and subcontractors to include in each subcontract the following provisions:

- A. The Agency will comply with all the requirements imposed by Title VI of the Civil Rights Act of 1964, the regulations of the U.S. Department of Transportation issued thereunder, and the assurance by the Agency pursuant thereto. The Agency shall include the attached Exhibit "E", Title VI Assurances in all contracts with consultants and contractors performing work on the Project that ensure compliance with Title VI of the Civil Rights Act of 1964, 49 C.F.R. Part 21, and related statutes and regulations.
- B. The Agency will comply with all the requirements as imposed by the ADA, the regulations of the Federal government issued thereunder, and assurance by the Agency pursuant thereto.
- C. A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity; may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, Florida Statutes, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.
- D. In accordance with Section 287.134, Florida Statutes, an entity or affiliate who has been placed on the Discriminatory Vendor List, kept by the Florida Department of Management Services, may not submit a bid on a contract to provide goods or services to a public entity; may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor or consultant under a contract with any public entity; and may not transact business with any public entity.
- E. An entity or affiliate who has had its Certificate of Qualification suspended, revoked, denied or have further been determined by the Department to be a non-responsible contractor may not submit a bid or perform work for the construction or repair of a public building or public work on a contract with the Agency.
- F. Neither the Agency nor any of its contractors or their subcontractors shall enter into any contract, subcontract or arrangement in connection with the Project or any property included or planned to be included in the Project in which any member, officer or employee of the Agency or the locality during tenure or for 2 years thereafter has any interest, direct or indirect. If any such present or former member, officer or employee involuntarily acquires or had acquired prior to the beginning of tenure any such interest, and if such interest is immediately disclosed to the Agency, the Agency, with prior approval of the Department, may waive the prohibition contained in this paragraph provided that any such present member, officer or employee shall not participate in any action by the Agency or the locality relating to such contract, subcontract or arrangement. The Agency shall insert in all contracts entered into in connection with the Project or any property included or planned to be included in any Project, and shall require its contractors to insert in each of their subcontracts, the following provision:

"No member, officer or employee of the Agency or of the locality during his tenure or for 2 years thereafter shall have any interest, direct or indirect, in this contract or the proceeds thereof."

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**LOCAL AGENCY PROGRAM AGREEMENT**

525-010-40  
PROGRAM MANAGEMENT  
OGC- 08/15  
Page 11 of 15

The provisions of this paragraph shall not be applicable to any agreement between the Agency and its fiscal depositories or to any agreement for utility services the rates for which are fixed or controlled by a governmental agency.

- G. No member or delegate to the Congress of the United States shall be admitted to any share or part of this Agreement or any benefit arising therefrom.

**15. Indemnification and Insurance:**

- A. It is specifically agreed between the parties executing this Agreement that it is not intended by any of the provisions of any part of this Agreement to create in the public or any member thereof, a third party beneficiary under this Agreement, or to authorize anyone not a party to this Agreement to maintain a suit for personal injuries or property damage pursuant to the terms or provisions of this Agreement. The Agency guaranties the payment of all just claims for materials, supplies, tools, or labor and other just claims against the Agency or any subcontractor, in connection with this Agreement. Additionally, the Agency agrees to include the following indemnification in all contracts with contractors/subcontractors, or consultants/subconsultants who perform work in connection with this Agreement:

“To the fullest extent permitted by law, the Agency's contractor shall indemnify and hold harmless the Agency, the State of Florida, Department of Transportation, and its officers and employees, from liabilities, damages, losses and costs, including, but not limited to, reasonable attorney's fees, to the extent caused by the negligence, recklessness or intentional wrongful misconduct of the contractor and persons employed or utilized by the contractor in the performance of this Contract.

This indemnification shall survive the termination of this Contract. Nothing contained in this paragraph is intended to nor shall it constitute a waiver of the State of Florida and the Agency's sovereign immunity.

To the fullest extent permitted by law, the Agency's consultant shall indemnify and hold harmless the Agency, the State of Florida, Department of Transportation, and its officers and employees, from liabilities, damages, losses and costs, including, but not limited to, reasonable attorney's fees, to the extent caused by the negligence, recklessness or intentional wrongful misconduct of the consultant and persons employed or utilized by the consultant in the performance of this Contract.

This indemnification shall survive the termination of this Contract. Nothing contained in this paragraph is intended to nor shall it constitute a waiver of the State of Florida and the Agency's sovereign immunity.”

- B. The Agency shall, or cause its contractor or consultant to carry and keep in force, during the term of this Agreement, a general liability insurance policy or policies with a company or companies authorized to do business in Florida, affording public liability insurance with combined bodily injury limits of at least \$200,000 per person and \$300,000 each occurrence, and property damage insurance of at least \$200,000 each occurrence, for the services to be rendered in accordance with this Agreement. The Agency shall also, or cause its contractor or consultant to carry and keep in force Workers' Compensation Insurance as required by the State of Florida under the Workers' Compensation Law. With respect to any general liability insurance policy required pursuant to this Agreement, all such policies shall be issued by companies licensed to do business in the State of Florida. The Agency shall provide to the Department certificates showing the required coverage to be in effect with endorsements showing the Department to be an additional insured prior to commencing any work under this Agreement. Policies that include Self Insured Retention will not be accepted. The certificates and policies shall provide that in the event of any material change in or cancellation of the policies reflecting the required coverage, thirty days advance notice shall be given to the Department or as provided in accordance with Florida law.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**LOCAL AGENCY PROGRAM AGREEMENT**

525-010-40  
PROGRAM MANAGEMENT  
OGC-08/15  
Page 12 of 15

**16. Miscellaneous Provisions:**

- A. The Agency will be solely responsible for compliance with all applicable environmental regulations, for any liability arising from non-compliance with these regulations, and will reimburse the Department for any loss incurred in connection therewith. The Agency will be responsible for securing any applicable permits. The Agency shall include in all contracts and subcontracts for amounts in excess of \$150,000, a provision requiring compliance with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387).
- B. The Department shall not be obligated or liable hereunder to any individual or entity not a party to this Agreement.
- C. In no event shall the making by the Department of any payment to the Agency constitute or be construed as a waiver by the Department of any breach of covenant or any default which may then exist on the part of the Agency and the making of such payment by the Department, while any such breach or default shall exist, shall in no way impair or prejudice any right or remedy available to the Department with respect to such breach or default.
- D. If any provision of this Agreement is held invalid, the remainder of this Agreement shall not be affected. In such an instance, the remainder would then continue to conform to the terms and requirements of applicable law.
- E. By execution of the Agreement, the Agency represents that it has not paid and, also agrees not to pay, any bonus or commission for the purpose of obtaining an approval of its application for the financing hereunder.
- F. Nothing in the Agreement shall require the Agency to observe or enforce compliance with any provision or perform any act or do any other thing in contravention of any applicable state law. If any of the provisions of the Agreement violate any applicable state law, the Agency will at once notify the Department in writing in order that appropriate changes and modifications may be made by the Department and the Agency to the end that the Agency may proceed as soon as possible with the Project.
- G. In the event that this Agreement involves constructing and equipping of facilities, the Agency shall submit to the Department for approval all appropriate plans and specifications covering the Project. The Department will review all plans and specifications and will issue to the Agency a written approval with any approved portions of the Project and comments or recommendations covering any remainder of the Project deemed appropriate. After resolution of these comments and recommendations to the Department's satisfaction, the Department will issue to the Agency a written approval with said remainder of the Project. Failure to obtain this written approval shall be sufficient cause of nonpayment by the Department.
- H. Upon completion of right-of-way activities on the Project, the Agency must certify compliance with all applicable federal and state requirements. Certification is required prior to authorization for advertisement for or solicitation of bids for construction of the Project, including if no right-of-way is required.
- I. The Agency will certify in writing, prior to Project closeout that the Project was completed in accordance with applicable plans and specifications, is in place on the Agency's facility, adequate title is in the Agency's name, and the Project is accepted by the Agency as suitable for the intended purpose.
- J. The Agency agrees that no federally-appropriated funds have been paid, or will be paid by or on behalf of the Agency, to any person for influencing or attempting to influence any officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension,

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**LOCAL AGENCY PROGRAM AGREEMENT**

525-010-40  
PROGRAM MANAGEMENT  
OGC-08/15  
Page 13 of 15

- continuation, renewal, amendment or modification of any federal contract, grant, loan or cooperative agreement. If any funds other than federally-appropriated funds have been paid by the Agency to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress in connection with this Agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. The Agency shall require that the language of this paragraph be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. No funds received pursuant to this contract may be expended for lobbying the Legislature, the judicial branch or a state agency.
- K.** The Agency may not permit the Engineer of Record to perform Construction, Engineering and Inspection services on the Project.
- L.** The Agency agrees to maintain any project not on the State Highway System constructed under this Agreement. If the Agency constructs any improvement on Department right-of-way, the Agency ☒ will ☐ will not maintain the improvements made for their useful life.
- M.** The Agency shall comply with all applicable federal guidelines, procedures, and regulations. If at any time a review conducted by Department and or FHWA reveals that the applicable federal guidelines, procedures, and regulations were not followed by the Agency and FHWA requires reimbursement of the funds, the Agency will be responsible for repayment to the Department of all funds awarded under the terms of this Agreement.
- N.** The Agency:
- i. shall utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by Agency during the term of the contract; and
  - ii. shall expressly require any contractor and subcontractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the contract term.
- O.** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute the same Agreement. A facsimile or electronic transmission of this Agreement with a signature on behalf of a party will be legal and binding on such party.
- P.** The Parties agree to comply with s.20.055(5), Florida Statutes, and to incorporate in all subcontracts the obligation to comply with s.20.055(5), Florida Statutes.
- Q.** If the Project is procured pursuant to Chapter 255 for construction services and at the time of the competitive solicitation for the Project 50 percent or more of the cost of the Project is to be paid from state-appropriated funds, then the Agency must comply with the requirements of Section 255.0991, Florida Statutes.
- R. Exhibits**
- i. Exhibit "A", Project Description and Responsibilities, is attached and incorporated into this Agreement.
  - ii. Exhibit "B", Schedule of Funding, is attached and incorporated into this Agreement.
  - iii. ☐ If this Project includes Phase 58 (construction) activities, then Exhibit "C", FHWA FORM 1273, is attached and incorporated into this Agreement.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**LOCAL AGENCY PROGRAM AGREEMENT**

525-010-40  
PROGRAM MANAGEMENT  
OGC- 08/15  
Page 14 of 15

- iv. ☐ An Alternative Pay Method is used on this Project. If an alternative Pay Method is used on this Project, then Exhibit "D", Alternative Pay Method, is attached and incorporated into this Agreement.
- v. Exhibit "E", Title VI Assurances is attached and incorporated into this Agreement.
- vi. Exhibit "F", the Agency Resolution authorizing entry into this Agreement, is attached and incorporated into this Agreement.
- vii. ☐ State Funds are used on this Project. If State Funds are used on this Project, then Exhibit "G", State Funds Addendum, is attached and incorporated into this Agreement.
- viii. ☐ This Project is located off the State Highway System and includes funding for landscaping. If this Project is located off the State Highway System and includes funding for landscaping, then Exhibit "L" is attached and incorporated into this Agreement.
- ix. ☐ This Project utilizes Advance Project Reimbursement. If this Project utilizes Advance Project Reimbursement, then Exhibit "R" is attached and incorporated into this Agreement.
- x. ☐ This Project includes funding for a roadway lighting system. If the Project includes funding for roadway lighting system, Exhibit "RL" is attached and incorporated into this Agreement.
- xi. ☐ This Project includes funding for traffic signals and/or traffic signal systems. If this Project includes funding for traffic signals and/or traffic signals systems, Exhibit "T" is attached and incorporated into this Agreement.
- xii. Exhibit "1", Federal Financial Assistance (Single Audit Act) is attached and incorporated into this Agreement.
- xiii. ☐ State Funds are used on this Project. If State Funds are used on this Project, then Exhibit "2", State Financial Assistance (Florida Single Audit Act), is attached and incorporated into this Agreement.

*The remainder of this page intentionally left blank.*



STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**LOCAL AGENCY PROGRAM AGREEMENT**

525-010-40  
PROGRAM MANAGEMENT  
OGC- 08/15  
Page 15 of 15

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year written above.

AGENCY CITY OF PORT ORANGE

STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION

By: \_\_\_\_\_  
Name:  
Title:

By: \_\_\_\_\_  
Name: Frank J. O'Dea, P.E.  
Title: Director of Transportation Development

Attest: \_\_\_\_\_  
Title:

Legal Review:

\_\_\_\_\_

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**LOCAL AGENCY PROGRAM AGREEMENT**

525-010-40  
PROGRAM MANAGEMENT  
OGC - 08/15  
Page 1 of 2

**EXHIBIT "A"**

**PROJECT DESCRIPTION AND RESPONSIBILITIES**

FPN: 435536-1-38-01

This exhibit forms an integral part of the Local Agency Program Agreement between the State of Florida, Department of Transportation and

the City of Port Orange, 1000 City Center Circle, Port Orange, Florida 32129

**PROJECT LOCATION:**

☐ The project is on the National Highway System.

☐ The project is on the State Highway System.

**PROJECT LENGTH AND MILE POST LIMITS:** approximately 0.30 miles

**PROJECT DESCRIPTION:**

This project consists of the design of a minimum 5-foot wide sidewalk along the east/south side of Victoria Gardens Boulevard from Applevue Way to Clyde Morris Boulevard. The project length is approximately 0.30 miles (1600 ft). The project will include crosswalks, pavement and concrete removal, gravity wall, pedestrian handrail, pavement and crosswalk markings, current ADA compliant ramps, detectable warning surfaces and signing. Drainage efforts will include the re-grading of existing swales due to sidewalk construction. Drainage will not be significantly changed; therefore, no drainage permit should be required. R/W is not anticipated for this project. A 100% gopher tortoise survey will be required to determine if tortoise relocation and permit are needed within the project limits.

**SPECIAL CONSIDERATIONS BY AGENCY:**

The audit report(s) required in the Agreement shall include a Schedule of Project Assistance that will reflect the Department's contract number, the Financial Project Number (FPN), the Federal Authorization Number (FAN), where applicable, the amount of state funding action (receipt and disbursement of funds), any federal or local funding action, and the funding action from any other source with respect to the project.

The Agency is required to provide a copy of the design plans for the Department's review and approval to coordinate permitting with the Department, and notify the Department prior to commencement of any right-of-way activities.

When real property rights are to be acquired for a transportation facility, a scaled drawing must be prepared to clearly show the right-of-way to be acquired. It must show sufficient technical data, including land ties, to permit the preparation of legal descriptions for use in acquisition documents, and serve as an aid in appraisal and acquisition. It is supported by a Control Survey Map (certified survey) and does not purport to be a survey. This map provides the certified survey support for the preparation of right-of-way related maps and is a depiction of the right-of-way survey field work performed for a specific transportation project.

Invoices shall be submitted on a quarterly basis and progress reports shall be submitted as requested to:

David J. Cooke  
Project Supervisor Manager  
719 South Woodland Boulevard, MS 2-542  
DeLand, Florida 32720

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**LOCAL AGENCY PROGRAM AGREEMENT**

525-010-40  
PROGRAM MANAGEMENT  
OGC - 08/15  
Page 2 of 2

**EXHIBIT "A"**

**PROJECT DESCRIPTION AND RESPONSIBILITIES**

The Agency shall commence the project's activities subsequent to the execution of this Agreement and shall perform in accordance with the following schedule:

- a) Study to be completed by N/A.
- b) Design to be completed by April 30, 2017.
- c) Right-of-Way requirements identified and provided to the Department by N/A.
- d) Right-of-Way to be certified by N/A.
- e) Construction contract to be let by N/A.
- f) Construction to be completed by N/A.

If this schedule cannot be met, the Agency will notify the Department in writing with a revised schedule or the project is subject to the withdrawal of federal funding.

**SPECIAL CONSIDERATIONS BY DEPARTMENT:**

Invoice payments will be made on a pro-rata basis as a percentage of the federal funding amount compared to the actual award amount. Because of the River to Sea TPO's 10% match requirement, the Local Agency will be reimbursed at 90% of the total amount requested for each invoice.

The Local Agency is responsible for the non-participating post design cost of \$7,730.00, and as such, will be a portion of the Local Agency's 10% required match (\$8,910.00) of total project cost. The current amount of federal funding for the design phase is \$80,156.00.

The project funding may be reduced to an amount equal to the award amount and/or actual contract costs.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**LOCAL AGENCY PROGRAM AGREEMENT**

525-010-40B  
PROGRAM MANGEMENT  
OGC - 08/15  
Page 1 of 1

**EXHIBIT "B"**

**SCHEDULE OF FUNDING**

|                                                                                                                          |                                   |
|--------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| <b>AGENCY NAME &amp; BILLING ADDRESS</b><br>City of Port Orange<br>1000 City Center Circle<br>Port Orange, Florida 32129 | <b>FPN:</b><br><br>435536-1-38-01 |
|--------------------------------------------------------------------------------------------------------------------------|-----------------------------------|

| TYPE OF WORK By Fiscal Year                                                       | FUNDING                              |                                      |                                  |                                      |
|-----------------------------------------------------------------------------------|--------------------------------------|--------------------------------------|----------------------------------|--------------------------------------|
|                                                                                   | (1)<br>TOTAL<br>PROJECT FUNDS        | (2)<br>LOCAL FUNDS                   | (3)<br>STATE FUNDS               | (4)<br>FEDERAL FUNDS                 |
| <b>Planning-18</b> FY:<br>FY:<br>FY:                                              | _____<br>_____<br>_____              | _____<br>_____<br>_____              | _____<br>_____<br>_____          | _____<br>_____<br>_____              |
| Total Planning Cost                                                               |                                      |                                      |                                  |                                      |
| <b>Project Development &amp; Environment (PD&amp;E) - 28</b><br>FY:<br>FY:<br>FY: | _____<br>_____<br>_____              | _____<br>_____<br>_____              | _____<br>_____<br>_____          | _____<br>_____<br>_____              |
| Total PD&E Cost                                                                   |                                      |                                      |                                  |                                      |
| <b>Design - 38</b> FY: 2015-2016<br>FY:<br>FY:                                    | <u>\$89,066.00</u><br>_____<br>_____ | <u>\$ 8,910.00</u><br>_____<br>_____ | _____<br>_____<br>_____          | <u>\$80,156.00</u><br>_____<br>_____ |
| Total Design Cost                                                                 | \$89,066.00                          | \$ 8,910.00                          |                                  | \$80,156.00                          |
| <b>Right-of-Way - 48</b> FY:<br>FY:<br>FY:                                        | _____<br>_____<br>_____              | _____<br>_____<br>_____              | _____<br>_____<br>_____          | _____<br>_____<br>_____              |
| Total Right-of-Way Cost                                                           |                                      |                                      |                                  |                                      |
| <b>Construction-58</b> FY:<br>FY:<br>FY:<br>FY:                                   | _____<br>_____<br>_____<br>_____     | _____<br>_____<br>_____<br>_____     | _____<br>_____<br>_____<br>_____ | _____<br>_____<br>_____<br>_____     |
| Total Construction Cost                                                           |                                      |                                      |                                  |                                      |
| <b>Construction Engineering and Inspection (CEI) - 68</b><br>FY:<br>FY:<br>FY:    | _____<br>_____<br>_____              | _____<br>_____<br>_____              | _____<br>_____<br>_____          | _____<br>_____<br>_____              |
| Total CEI Cost                                                                    |                                      |                                      |                                  |                                      |
| <b>Operations – 88</b><br>FY:<br>FY:<br>FY:                                       | _____<br>_____<br>_____              | _____<br>_____<br>_____              | _____<br>_____<br>_____          | _____<br>_____<br>_____              |
| Total Operations Costs                                                            |                                      |                                      |                                  |                                      |
| <b>TOTAL COST OF THE PROJECT</b>                                                  | \$89,066.00                          | \$ 8,910.00                          |                                  | \$80,156.00                          |

The Department's fiscal year begins on July 1. For this project, funds are not projected to be available until after the 1st of July of each fiscal year. The Department will notify the Agency, in writing, when funds are available.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**LOCAL AGENCY PROGRAM AGREEMENT**

525-010-40E  
PROGRAM MANAGEMENT  
OGC-08/15  
Page 1 of 2

**Exhibit "E"**  
**TITLE VI ASSURANCES**

During the performance of this contract, the consultant or contractor, for itself, its assignees and successors in interest (hereinafter collectively referred to as the "contractor") agrees as follows:

- (1.) **Compliance with REGULATIONS:** The contractor shall comply with the Regulations relative to nondiscrimination in federally-assisted programs of the U.S. Department of Transportation (hereinafter, "USDOT") **Title 49, Code of Federal Regulations, Part 21**, as they may be amended from time to time, (hereinafter referred to as the **REGULATIONS**), which are herein incorporated by reference and made a part of this contract.
- (2.) **Nondiscrimination:** The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the basis of race, color, national origin, or sex in the selection and retention of sub-contractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by **Section 21.5** of the **REGULATIONS**, including employment practices when the contract covers a program set forth in **Appendix B** of the **REGULATIONS**.
- (3.) **Solicitations for Sub-contractors, including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under sub-contract, including procurements of materials or leases of equipment, each potential sub-contractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the **REGULATIONS** relative to nondiscrimination on the basis of race, color, national origin, or sex.
- (4.) **Information and Reports:** The contractor shall provide all information and reports required by the **REGULATIONS** or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the *Florida Department of Transportation* or the *Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and Federal Motor Carrier Safety Administration* to be pertinent to ascertain compliance with such **REGULATIONS**, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the *Florida Department of Transportation*, or the *Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, or Federal Motor Carrier Safety Administration* as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5.) **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Florida Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, or

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**LOCAL AGENCY PROGRAM AGREEMENT**

525-010-40E  
PROGRAM MANAGEMENT  
OGC-08/15  
Page 2 of 2

Federal Motor Carrier Safety Administration may determine to be appropriate, including, but not limited to:

- a. withholding of payments to the contractor under the contract until the contractor complies, and/or
- b. cancellation, termination or suspension of the contract, in whole or in part.

**(6.) Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (7) in every sub-contract, including procurements of materials and leases of equipment, unless exempt by the **REGULATIONS**, or directives issued pursuant thereto. The contractor shall take such action with respect to any sub-contract or procurement as the *Florida Department of Transportation* or the *Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, or Federal Motor Carrier Safety Administration* may direct as a means of enforcing such provisions including sanctions for noncompliance, provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a sub-contractor or supplier as a result of such direction, the contractor may request the *Florida Department of Transportation* to enter into such litigation to protect the interests of the *Florida Department of Transportation*, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

**(7.) Compliance with Nondiscrimination Statutes and Authorities:** Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21; The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects); Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex); Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27; The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age); Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex); The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not); Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38; The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex); Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations; Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100); Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq.).

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**LOCAL AGENCY PROGRAM AGREEMENT**

525-010-40F  
PROGRAM MANAGEMENT  
OGC - 08/15  
Page 1 of 1

**EXHIBIT "F"**

**AGENCY RESOLUTION**

The agency Resolution authorizing entry into this Agreement is attached and incorporated into this Agreement.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**LOCAL AGENCY PROGRAM AGREEMENT**

525-010-40  
PROGRAM MANAGEMENT  
1/15  
Page 1 of 1

**EXHIBIT 1**

**FEDERAL FINANCIAL ASSISTANCE (SINGLE AUDIT ACT)**

**FEDERAL RESOURCES AWARDED PURSUANT TO THIS AGREEMENT ARE AS FOLLOWS:**

CFDA No.: 20.205  
CFDA Title: Highway Planning and Construction  
Federal-Aid Highway Program, Federal Lands Highway Program  
CFDA Program Site: <https://www.cfda.gov/>  
Award Amount: \$80,156.00  
Awarding Agency: Florida Department of Transportation  
Award is for R&D: No  
Indirect Cost Rate: N/A

**FEDERAL RESOURCES AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:**

2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles & Audit Requirements for Federal Awards  
<http://www.ecfr.gov/>

OMB Circular A-133, *Audits of States, Local Governments and Non-Profit Organizations*  
[http://www.whitehouse.gov/sites/default/files/omb/assets/a133/a133\\_revised\\_2007.pdf](http://www.whitehouse.gov/sites/default/files/omb/assets/a133/a133_revised_2007.pdf)

OMB Circular A-133 Compliance Supplement 2014  
[http://www.whitehouse.gov/omb/circulars/a133\\_compliance\\_supplement\\_2014](http://www.whitehouse.gov/omb/circulars/a133_compliance_supplement_2014)

**FEDERAL RESOURCES AWARDED PURSUANT TO THIS AGREEMENT MAY ALSO BE SUBJECT TO THE FOLLOWING:**

OMB Circular A-87 (Revised), *Cost Principles for State, Local and Indian Tribal Governments*  
[http://www.whitehouse.gov/omb/circulars\\_a087\\_2004/](http://www.whitehouse.gov/omb/circulars_a087_2004/)

OMB Circular A-102, *Grants and Cooperative Agreements with State and Local Governments*  
[http://www.whitehouse.gov/omb/circulars\\_a102/](http://www.whitehouse.gov/omb/circulars_a102/)

Title 23 – Highways, United States Code  
<http://uscode.house.gov/browse/prelim@title23&edition=prelim>

Title 49 – Transportation, United States Code  
<http://uscode.house.gov/browse/prelim@title49&edition=prelim>

Map-21 – Moving Ahead for Progress in the 21<sup>st</sup> Century, Public Law 112-141  
<http://www.gpo.gov/fdsys/pkg/PLAW-112publ141/pdf/PLAW-112publ141.pdf>

Federal Highway Administration – Florida Division  
<http://www.fhwa.dot.gov/fldiv/>

Federal Funding Accountability and Transparency Act (FFATA) Sub-award Reporting System (FSRS)  
<https://www.fsrs.gov/>





# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 05/03/2016

Consent item: Yes

---

**SUBJECT:** Resolution No. 16-22 - Calling a Primary, Regular and Special Election for the purpose of electing a Mayor and two (2) City Council members and providing for qualifying period

**DEPARTMENT:** City Clerk

**GOAL:**

**OBJECTIVE:**

---

**RECOMMENDED MOTION:** Move to approve Resolution No. 16-22.

---

**SUMMARY:** The purpose of this resolution is to establish the qualifying period and election dates for a primary, regular and special election to elect a Mayor and two (2) Council Members – Districts 2 & 3.

| Project | Funding Account |
|---------|-----------------|
| No.:    | No.:            |

---

**ATTACHMENTS:**

|    |                      |                     |
|----|----------------------|---------------------|
| 1. | Resolution No. 16-22 | Reso. No. 16-22.pdf |
|----|----------------------|---------------------|

---

Robin Fenwick  
Margaret Roberts  
M. Jake Johansson

Created/Initiated - 04/26/2016  
Approved - 04/28/2016  
Final Approval - 04/28/2016

---

RESOLUTION NO. 16-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, CALLING A PRIMARY, REGULAR AND SPECIAL ELECTION FOR THE PURPOSE OF ELECTING A MAYOR AND TWO (2) CITY COUNCIL MEMBERS - DISTRICTS 2 & 3; PROVIDING FOR QUALIFYING PERIOD AND ELECTION DATES; AUTHORIZING THE CITY CLERK TO MAKE ALL ARRANGEMENTS NECESSARY FOR SAID ELECTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 2008-35 approved by the City Council amended the Charter and established elections dates, qualifying period and terms of office; and

WHEREAS, the Charter of the City of Port Orange, Florida, provides that a primary election and general election, if needed, shall be held in even-numbered years for the purpose of electing city council members (including the Mayor); and

WHEREAS, Councilman Burnette, the Councilmember elected to represent District 2, has submitted his resignation in order to run for Mayor leaving a vacancy needing to be filled by special election; and

WHEREAS, in order to reduce the costs associated with a stand-alone municipal election, the primary and special election for the District 2 seat vacated by Councilman Burnette will be held simultaneously with the primary and general election for Mayor and District 3 seat.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

Section 1. A primary election for Mayor and Council Members in Districts 2 & 3 shall be held ten (10) weeks prior to the first Tuesday after the first Monday in November, 2016, to wit: August 30, 2016.

Section 2. A regular election for Mayor and Council Member District 3, if needed, shall be held on the first Tuesday after the first Monday in November, 2016, to wit: November 8, 2016.

Section 3. A special election for Council Member District 2, if needed, shall be held on the first Tuesday after the first Monday in November, 2016, to wit: November 8, 2016.

Section 4. The qualifying period of the above described primary, regular and special elections for the City of Port Orange are hereby ratified and shall begin on Monday, June 20, 2016, at 12:00 noon. The final time of qualifying shall be Friday, June 24, 2016, at 12:00 noon. No petitions to qualify will be accepted by the City Clerk after that date and time.

Section 5. In the event not more than one person qualifies as a candidate for a designated seat on the City Council to be filled at an election, that seat shall not be listed on the primary, regular or special city election ballot. Each unopposed candidate shall be deemed to have voted for himself/herself.

Section 6. The City Clerk is authorized to make all necessary arrangements for the above-described elections in accordance with the Charter of the City of Port Orange and applicable state law.

[Remainder of Page Left Blank]

Section 7. This resolution shall become effective immediately upon adoption.

\_\_\_\_\_  
MAYOR ALLEN GREEN

ATTEST:

\_\_\_\_\_  
Robin L. Fenwick, CMC, City Clerk

Adopted on the \_\_\_\_\_ day of May, 2016.

Reviewed and Approved: \_\_\_\_\_  
Matthew J. Jones, Deputy City Attorney



# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 05/03/2016

Consent item: Yes

---

**SUBJECT:** Resolution No. 16-23 - Approval of the Interlocal Agreement between the City of Daytona Beach, Florida and the City of Port Orange, Florida for potable water interconnects.

**DEPARTMENT:** Public Utilities

**GOAL:** 1 - Infrastructure Preservation

**OBJECTIVE:** 1 - Develop shovel ready projects in preparation for funding opportunities

---

**RECOMMENDED MOTION:**

Move to approve Resolution 16-23.

---

**SUMMARY:**

The Cities of Port Orange and Daytona Beach previously had in place an Interlocal Agreement for potable water service dated August 5<sup>th</sup>, 2003. The term of this Agreement was initially 4 years with 2-4 year renewals and has now expired. The purpose of this Agreement is to provide for the transfer of metered potable water when needed by either party under an established protocol. One 16-inch interconnect is located at Clyde-Morris Blvd. and Forest Branch Drive and a 10-inch interconnect is located at South Peninsula and Thames Avenue.White.

Key elements of this Agreement include:

- Operational protocols for the exchange of water under certain circumstances
- Costs: Potable water will be billed by either party at \$4.24 per thousand gallons
- Term: Initial term of 4 years from effective date with three (3) additional 4 year terms renewed automatically unless one party objects.

Staff recommends approval of this agreement.

| Project | Funding Account |
|---------|-----------------|
| No.:    | No.:            |

---

**ATTACHMENTS:**

|    |                      |                      |
|----|----------------------|----------------------|
| 1. | Resolution No. 16-23 | Resolution 16-23.pdf |
|----|----------------------|----------------------|

---

|    |                                 |                                                           |
|----|---------------------------------|-----------------------------------------------------------|
| 2. | Daytona Beach - Reso. No. 16-77 | Reso. No. 16-77 - Approved by City of Daytona 3.16.16.pdf |
|----|---------------------------------|-----------------------------------------------------------|

---

|                   |                                |
|-------------------|--------------------------------|
| Liz Anderson      | Created/Initiated - 04/18/2016 |
| Julia Wiggins     | Approved - 04/18/2016          |
| Rick Wilson       | Approved - 04/18/2016          |
| Andrew Neff       | Approved - 04/19/2016          |
| Tracey Riehm      | Approved - 04/27/2016          |
| Matthew Jones     | Approved - 04/27/2016          |
| Margaret Roberts  | Approved - 04/28/2016          |
| M. Jake Johansson | Final Approval - 04/28/2016    |

---

RESOLUTION NO. 16-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AUTHORIZING AN INTERLOCAL AGREEMENT FOR POTABLE WATER INTERCONNECTION WITH THE CITY OF DAYTONA BEACH FOR A FOUR-YEAR TERM WITH THREE FOUR-YEAR AUTOMATICALLY RENEWABLE TERMS; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, by Resolution No. 03-57 the City Council approved an Interlocal Agreement for Potable Water Interconnection with the City of Daytona Beach; and

WHEREAS, the Agreement has expired and the Cities are desirous of approving a new Interlocal Agreement for a four-year term with three four-year automatically renewable terms; and

WHEREAS, the Public Utilities Director recommends approval of the new Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

Section 1. The Interlocal Agreement for Potable Water Interconnection between the City of Port Orange, Florida and the City of Daytona Beach, Florida, a copy of which is attached hereto as Exhibit "A", is hereby approved.

Section. 2 The Mayor and City Clerk are hereby authorized to execute said Interlocal Agreement on behalf of the City of Port Orange.

Section 3. This resolution shall become effective immediately upon adoption.

\_\_\_\_\_  
MAYOR ALLEN GREEN

ATTEST:

\_\_\_\_\_  
Robin L. Fenwick, CMC, City Clerk

Adopted on the       day of

Reviewed and Approved: \_\_\_\_\_  
Matthew J. Jones, Deputy City Attorney

# EXHIBIT "A"

## INTERLOCAL AGREEMENT FOR POTABLE WATER INTERCONNECTION BETWEEN THE CITY OF DAYTONA BEACH, FLORIDA AND THE CITY OF PORT ORANGE, FLORIDA

THIS INTERLOCAL AGREEMENT is made this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by and between the CITY OF DAYTONA BEACH, FLORIDA, a Florida municipal corporation (hereinafter referred to as "DAYTONA BEACH") and the CITY OF PORT ORANGE, FLORIDA, a Florida municipal corporation (hereinafter referred to as "PORT ORANGE"), collectively referred to as the "Parties".

### RECITALS:

WHEREAS, DAYTONA BEACH and PORT ORANGE operate water distribution systems that produce potable water which, and are able to interconnect with each other's potable water system; and

WHEREAS, DAYTONA BEACH and PORT ORANGE desire to establish an agreement under which potable water can be exchanged between DAYTONA BEACH and PORT ORANGE.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, it is agreed as follows:

1. Incorporation of Recitals. The foregoing recitals are true and accurate and are incorporated herein by reference.
2. Conditions Precedent. All rights, obligations and liabilities of DAYTONA BEACH and PORT ORANGE under this Agreement shall be subject to the satisfaction of the following conditions precedent:
  - (1) The complete execution of this Agreement by DAYTONA BEACH and PORT ORANGE.
  - (2) No action, suit, proceeding or official investigation shall have been threatened, announced, or commenced by any person or federal, state or local government authority or agency that seeks to enjoin, assess civil or criminal penalties against, assess civil damages against, or obtain any judgment, order, or consent decree with respect to either party hereto, in connection with their respective representations and obligations under this Agreement.
  - (3) The Parties shall exercise good faith and due diligence in satisfying the conditions precedent set forth immediately above.



3. Representations of DAYTONA BEACH. DAYTONA BEACH makes the following representations to PORT ORANGE:
- (1) DAYTONA BEACH is duly organized and in good standing under the laws of the State of Florida, and is duly qualified and authorized to carry out the governmental functions and operations set forth in this Agreement.
  - (2) DAYTONA BEACH has the power, authority, and legal right to enter into and perform the obligations set forth in this Agreement, and the execution, delivery and performance hereof by DAYTONA BEACH (i) has been duly authorized by the City Council of Daytona Beach; and (ii) does not constitute a default under, or result in the creation of any lien, charge, encumbrance or security interest upon the assets of DAYTONA BEACH, except as otherwise agreed to in writing by the Parties.
4. Representations of PORT ORANGE. PORT ORANGE makes the following representations to DAYTONA BEACH:
- (1) PORT ORANGE is duly organized and in good standing under the laws of the State of Florida, and is duly qualified and authorized to carry on the governmental functions and operations set forth in this Agreement.
  - (2) PORT ORANGE has the power, authority, and legal right to enter into and perform the obligations set forth in this Agreement, and the execution, delivery and performance hereof by PORT ORANGE (i) has been duly authorized by the City Council of Port Orange; and (ii) does not constitute a default under, or result in the creation of any lien, charge, encumbrance or security interest upon the assets of PORT ORANGE, except as otherwise agreed to in writing by the Parties.
5. Statutory Authority. This Agreement shall be considered an Interlocal Agreement pursuant to Section 163.01, Florida Statutes. A true and correct copy of this Agreement shall be filed with the Clerk of the Circuit Court in Volusia County.

6. Effective Date; Commencement of Service; Term of Agreement; Termination.

- (1) The effective date of this Agreement shall be the date of the signature of the last party to sign this Agreement (the "Effective Date").
- (2) The commencement of potable water transfer, subject to the terms of this agreement, may occur in accordance with the established protocol, Attachment "A", for water transfers (the "Commencement Date"). The terms and conditions set forth in Attachment "A" are incorporated herein by reference and agreed to by the Parties the same as if fully set forth herein.
- (3) The Initial Term of this Agreement shall be four years, commencing on the Effective Date. This Agreement shall automatically renew for up to three additional Terms of four years each, unless either Party provides the other a written notice of cancellation at least 90 days prior to the end of the current Term.
- (4) In addition to cancelling the Agreement as referenced above, this Agreement may be terminated a) by either Party, upon providing six months' written notification to the other Party, measured from the date the written notification of the canceling party is received by the other party, b) by the City of Daytona Beach, within 90 days after receiving notice from the City of Port Orange of any increase in Port Orange's wholesale water rates, or c) upon written agreement to terminate signed by both e Parties.

7. Distribution and Payment Amount.

- (1) On and after the Commencement Date, DAYTONA BEACH and PORT ORANGE agree to transfer and accept potable water excess from each other in amounts to be determined at each occurrence. For the purposes of this Agreement, potable water excess means the unused portion of potable water that may be pumped from wells and processed, which is not stored in tanks, reservoirs, or similar facilities, that does not jeopardize the integrity of wells or exceed plant production or exceed C.U.P.'s or any other permits. This agreement intends that water transfers occur for the sole purpose of emergency or short term capacity needs.

- (2) DAYTONA BEACH and PORT ORANGE agree to transfer potable water to the Point of Connection at an equal, mutually agreed upon wholesale rate.

8. Operations.

- (1) PORT ORANGE and DAYTONA BEACH shall control actual potable water transfer activities as well as monitoring conditions at their facilities. The Parties shall establish and maintain a mutually agreed upon operating protocol for compatibility and consistency of operations. The potable water interconnections are substantially located and configured as shown on Attachment "B".
- (2) All potable water exchanged between the Parties shall meet the Department of Environmental Protection (DEP) quality standards established for public consumption.

9. *[Intentionally omitted]*

10. Notices. All notices required pursuant to this Agreement shall be in writing, and shall be delivered to the Parties by United States mail, postage prepaid, as follows:

DAYTONA BEACH Representative:  
City of Daytona Beach  
Utilities Director  
125 Basin St.  
Suite 204  
Daytona Beach, FL 32114

PORT ORANGE Representative:  
City of Port Orange  
Public Utilities Director  
1000 City Center Circle  
Port Orange, Florida 32129

11. Severability. If any section, subsection, sentence, clause, phrase or portion of this Agreement is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of such holding, and such holding shall not affect the validity of the remaining portions hereof.
12. Entirety. This Agreement represents the entire understanding of the Parties hereto. Any amendments shall be in writing and signed by both Parties.

13. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns.
14. Applicable Law. The laws of the State of Florida shall govern the validity, interpretation, construction and performance of this Agreement. Venue for any suit involving this Agreement shall be in Volusia County, Florida.
15. Waiver. Unless otherwise specifically provided by the terms of this Agreement, no delay or failure to exercise a right resulting from any breach of this Agreement shall impair such right or shall be construed to be a waiver thereof, but such right may be exercised from time to time and as often as may be deemed expedient. Any waiver shall be in writing and signed by the party granting such waiver. If any representation, warranty or covenant contained in this Agreement is breached by any party and thereafter waived by the other party, such waiver shall be limited to the particular breach so waived and shall not be deemed to waive, either expressly or impliedly, any other breach of this Agreement.

[Remainder Left Blank]

IN WITNESS WHEREOF, the Parties hereto have caused these presents to be signed in their respective name, by their proper officers and their seals on the dates belowstated.

Signed, Sealed and Delivered in the presence of:

THE CITY OF DAYTONA BEACH, FLORIDA

By: \_\_\_\_\_

Name: Derrick L. Henry  
Title: MAYOR

CORPORATE SEAL

Attest: \_\_\_\_\_

Name: Letitia LaMagna  
Title: CITY CLERK

Approved as to legal form and  
correctness:

By: \_\_\_\_\_

Name: Robert Jagger  
Title: ACTING CITY ATTORNEY

CITY OF PORT ORANGE, FLORIDA

By: \_\_\_\_\_

Name: Allen Green  
Title: MAYOR

CORPORATE SEAL

Attest: \_\_\_\_\_

Name: Robin L. Fenwick, CMC  
Title: CITY CLERK

Approved as to legal form and  
correctness:

By: \_\_\_\_\_

Name: Matthew J. Jones  
Title: DEPUTY CITY ATTORNEY

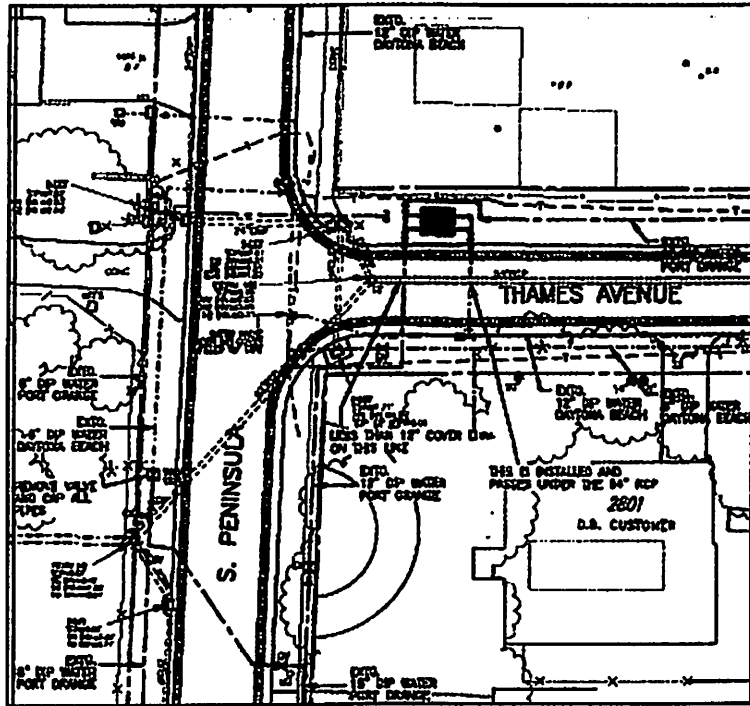
## **ATTACHMENT "A"**

### **Potable Water Sharing Protocol**

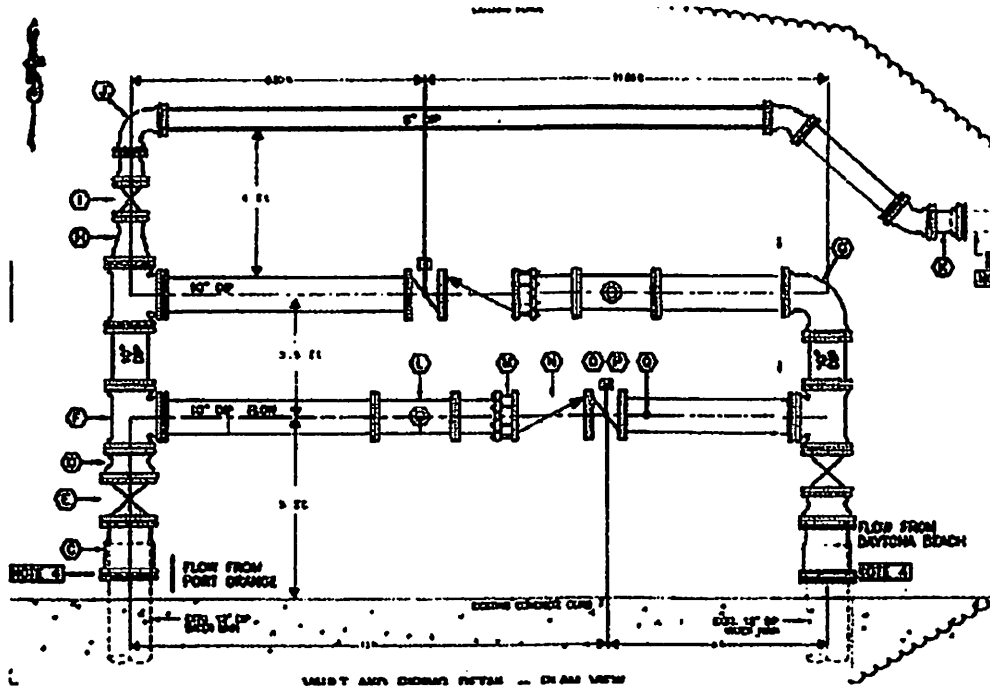
1. Two interconnections currently exist between the City of Daytona Beach and the City of Port Orange for the purpose of transferring potable water between the two Parties. See Attachment "B" for the locations and configurations.
2. Each side of each interconnection shall include:
  - A. A check valve to maintain the direction of flow, and
  - B. Two isolation valves, one on each party's side of the interconnection.
3. The interconnection shall only be opened:
  - A. At the request of the receiving party, and
  - B. At the mutual agreement and consent of both Parties, and
  - C. The interconnection shall only be opened with a designated representative of each party's Utility Department present to actuate the valve on their side of the interconnection.
4. The interconnection may be closed at any time by request of either party, with proper notification of both Parties. At no time will the interconnection be left open if the supplying party can not meet the daily demand within its own potable water system.
5. Strap-on meters at the interconnection shall be utilized as needed to determine the volume of potable water coming into the City of Port Orange system from the City of Daytona Beach as well as the volume withdrawn from the City of Port Orange system by the City of Daytona Beach.
6. On an annual basis, a summary statement of actual potable water usage will be prepared for the previous 12-month period, if any usage has occurred within that time period. This statement will detail the actual consumption, if any, by month for each of the Parties. The difference between the two total annual consumption summaries will represent the amount to be billed to the highest user of the two Parties. An invoice will be generated by the lowest user indicating the total amount of billable consumption and will be calculated at the current wholesale rate for potable water as charged by the City of Port Orange to its current wholesale water customers as such rate is amended from time to time by the City of Port Orange. (Port Orange's current rate is \$4.24 per thousand gallons. Port Orange will promptly notify Daytona Beach of any increases in its wholesale rate imposed during this Agreement.) The invoice will be sent directly to the receiving party for payment to the delivering party.

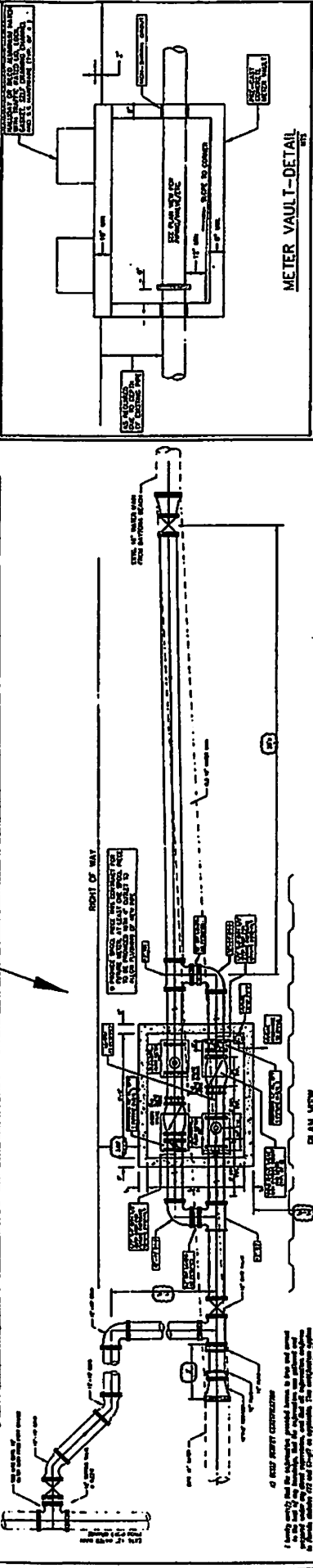
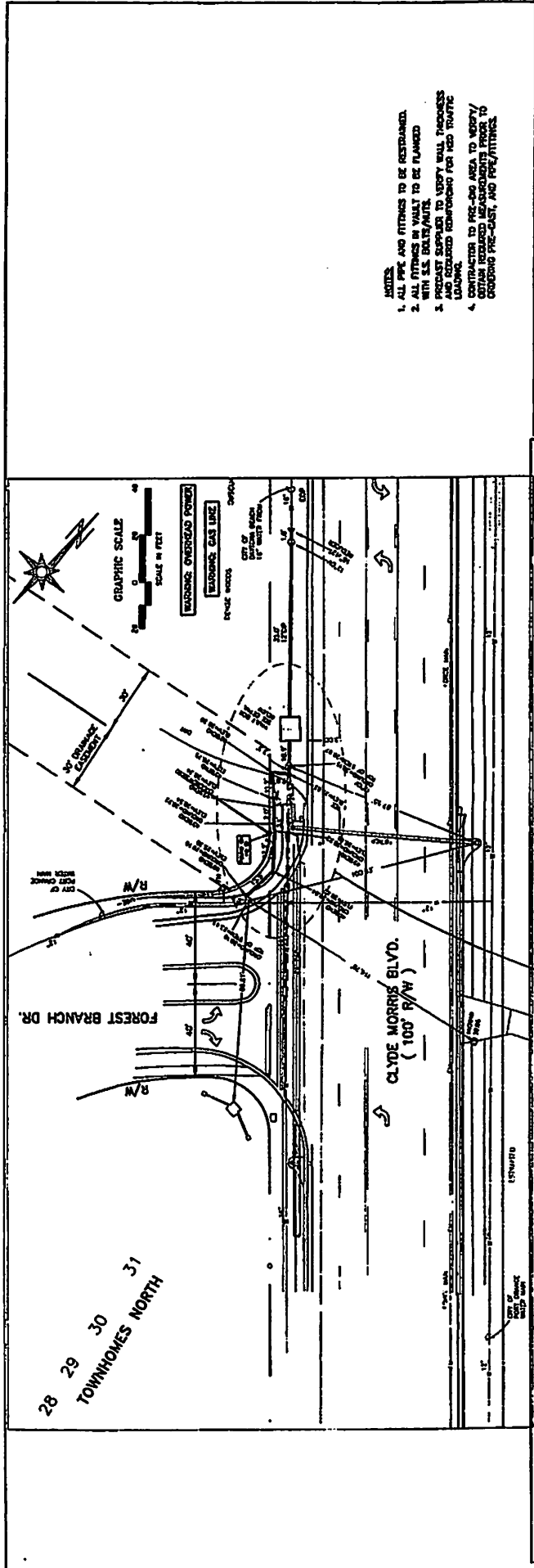
Example: The total annual consumption by the City of Port Orange equals 144 million gallons. The total annual consumption by the City of Daytona Beach equals 100 million gallons. The City of Port Orange would be billed for 44 million gallons at \$4.24 per thousand gallons netting an invoice of \$186,560.00 payable by the City of Port Orange. This payment would then be sent to the City of Daytona Beach.

# ATTACHMENT "B-1"



ELECTRICAL SITE PLAN  
10" FINISHED WATER INTERCONNECT D/PO-5  
SCALE 1" = 50 FT.





| <p>NOTES</p> <ol style="list-style-type: none"> <li>1. ALL PIPE AND FITTINGS TO BE RESTAINED.</li> <li>2. ALL FITTINGS IN VAULT TO BE FLANGED WITH S.S. BOLTS/NUTS.</li> <li>3. PRECAST SUPPLIER TO VERIFY WALL THICKNESS AND REINFORCED CONCRETE FOR RED TRAFFIC LOADING.</li> <li>4. CONTRACTOR TO PRE-DO AREA TO VERIFY/OBTAIN REQUIRED MEASUREMENTS PRIOR TO ORDERING PRE-CAST, AND PIPE/FITTINGS.</li> </ol> |     | <p>Record Drawing<br/>12/04<br/>JES</p>                        |                   |      |             |   |     |       |                   |                                                                                                                                                                                                  |  |     |    |      |             |   |     |       |                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----------------------------------------------------------------|-------------------|------|-------------|---|-----|-------|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----|----|------|-------------|---|-----|-------|-------------------|
| <p>QUANTIN L. HAMPTON ASSOCIATES, INC.<br/>CONSULTING ENGINEERS<br/>FLORIDA CERTIFICATE OF PROFESSIONAL ENGINEER NO. 12111-0001<br/>P.O. BOX 200000<br/>FORT LAUDERDALE, FLORIDA 33302-0000</p>                                                                                                                                                                                                                   |     | <p>PLAN SHEET<br/>(D/PO-2)</p>                                 |                   |      |             |   |     |       |                   |                                                                                                                                                                                                  |  |     |    |      |             |   |     |       |                   |
| <p>CITY OF<br/>PORT ORANGE<br/>VOLUSIA COUNTY, FLORIDA</p>                                                                                                                                                                                                                                                                                                                                                        |     | <p>EAST VOLUSIA<br/>FINISHED WATER<br/>INTERCONNECT SYSTEM</p> |                   |      |             |   |     |       |                   |                                                                                                                                                                                                  |  |     |    |      |             |   |     |       |                   |
| <p>REVISIONS</p> <table border="1"> <tr> <th>NO.</th> <th>BY</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td>1</td> <td>JES</td> <td>12/04</td> <td>ISSUED FOR PERMIT</td> </tr> </table>                                                                                                                                                                                                                  |     | NO.                                                            | BY                | DATE | DESCRIPTION | 1 | JES | 12/04 | ISSUED FOR PERMIT | <p>REVISIONS</p> <table border="1"> <tr> <th>NO.</th> <th>BY</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td>1</td> <td>JES</td> <td>12/04</td> <td>ISSUED FOR PERMIT</td> </tr> </table> |  | NO. | BY | DATE | DESCRIPTION | 1 | JES | 12/04 | ISSUED FOR PERMIT |
| NO.                                                                                                                                                                                                                                                                                                                                                                                                               | BY  | DATE                                                           | DESCRIPTION       |      |             |   |     |       |                   |                                                                                                                                                                                                  |  |     |    |      |             |   |     |       |                   |
| 1                                                                                                                                                                                                                                                                                                                                                                                                                 | JES | 12/04                                                          | ISSUED FOR PERMIT |      |             |   |     |       |                   |                                                                                                                                                                                                  |  |     |    |      |             |   |     |       |                   |
| NO.                                                                                                                                                                                                                                                                                                                                                                                                               | BY  | DATE                                                           | DESCRIPTION       |      |             |   |     |       |                   |                                                                                                                                                                                                  |  |     |    |      |             |   |     |       |                   |
| 1                                                                                                                                                                                                                                                                                                                                                                                                                 | JES | 12/04                                                          | ISSUED FOR PERMIT |      |             |   |     |       |                   |                                                                                                                                                                                                  |  |     |    |      |             |   |     |       |                   |



RESOLUTION NO. 16-77

A RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT FOR POTABLE WATER INTERCONNECTION WITH THE CITY OF PORT ORANGE FOR A FOUR-YEAR TERM WITH THREE FOUR-YEAR AUTOMATICALLY RENEWABLE TERMS; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, by Resolution No. 03-442, the City Commission approved an Interlocal Agreement for Potable Water Interconnection with the City of Port Orange; and

WHEREAS, the Agreement has expired and the Cities are desirous of approving a new Interlocal Agreement for a four-year term with three four-year automatically renewable terms.

WHEREAS, the Utilities Director recommends approval of the new Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DAYTONA BEACH, FLORIDA:

SECTION 1. The Interlocal Agreement for Potable Water Interconnection between The City of Daytona Beach, Florida, and the City of Port Orange for a four-year term with three four-year automatically renewable terms is hereby approved.

SECTION 2. The Mayor and City Clerk are hereby authorized to execute the Agreement with the City of Port Orange, a copy being attached hereto as Exhibit A.

SECTION 3. This Resolution shall take effect immediately upon its adoption.

  
DERRICK L. HENRY  
Mayor

ATTEST:

  
LETITIA LAMAGNA  
City Clerk

Adopted: March 16, 2016



# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 05/03/2016

Consent item: Yes

---

**SUBJECT:** Write-off of Uncollectible Miscellaneous Accounts Receivable

**DEPARTMENT:** Finance

**GOAL:**

**OBJECTIVE:**

---

**RECOMMENDED MOTION:** Move to approve writing off of uncollectible accounts as presented in the attachment.

---

**SUMMARY:** Finance has identified the attached accounts as uncollectible and requests authority to abandon the debt and update the City's records accordingly. At this time, Legal has released all the attached liens except for PennyMac Corporation.

| Project | Funding Account |
|---------|-----------------|
| No.:    | No.:            |

---

**ATTACHMENTS:**

|    |                                                              |                                           |
|----|--------------------------------------------------------------|-------------------------------------------|
| 1. | Write-off of Uncollectible Miscellaneous Accounts Receivable | City Council Proposed Write Off-April.pdf |
|----|--------------------------------------------------------------|-------------------------------------------|

---

Nadia Todor  
Tracey Riehm  
Margaret Roberts  
M. Jake Johansson

Created/Initiated - 03/29/2016  
Approved - 04/25/2016  
Approved - 04/28/2016  
Final Approval - 04/28/2016

---

|    | Type                  | Address               | Account Number | Name                        | Lien Date  | Lien Amount  | Penalties as of 04/30/2016 | Less Payments to Date | Total Balance Proposed for Write Off | Reason for Write Off                                                                                                                                                                                          |
|----|-----------------------|-----------------------|----------------|-----------------------------|------------|--------------|----------------------------|-----------------------|--------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1  | Lot Mowing Lien       | 4786 Spruce Creek Rd. | 2293           | Tyson Land Trust            | 10/26/2010 | \$ 943.40    | \$ 2,813.32                |                       | \$ 3,756.72                          | Over 5 yrs. old-Exceeds FL Statute of Limitations on filing a lien— Release of Lien Recorded 1-27-16 Instrument #2016015647 Book: 7211 Page:461                                                               |
| 2  | Lot Mowing Lien       | 4786 Spruce Creek Rd. | 2293           | Tyson Land Trust            | 9/13/2010  | \$ 459.94    | \$ 1,379.08                |                       | \$ 1,839.02                          | Over 5 yrs. old-Exceeds FL Statute of Limitations on filing a lien Release of Lien Recorded 1-27-16— Instrument #2016015649 Book: 7211 Page:465                                                               |
| 3  | Lot Mowing Lien       | 4786 Spruce Creek Rd. | 2293           | Tyson Land Trust            | 11/29/2010 | \$ 446.00    | \$ 1,323.92                |                       | \$ 1,769.92                          | Over 5 yrs. old-Exceeds FL Statute of Limitations on filing a lien— Release of Lien Recorded 1-27-16 Instrument #2016015646 Book: 7211 Page:459                                                               |
| 4  | Lot Mowing Lien       | 4786 Spruce Creek Rd. | 2293           | Tyson Land Trust            | 11/2/2012  | \$ 715.52    | \$ 425.43                  | \$ (1,000.00)         | \$ 140.95                            | Settlement with Legal Department— Release of Lien Recorded on 1-27-16 Instrument #2016015648 Book: 7211 Page: 463                                                                                             |
| 5  | Code Enforcement Lien | 91 Cedar Street       | 2838           | Muller Real Estate Holdings | 2/28/2014  | \$ 71.65     |                            |                       | \$ 71.65                             | Code Enforcement Lien Amnesty Approved- Paid 25% plus administrative cost of \$7,430.03 on 3/9/16 for 13-2097 and 14-1397. Release of Lien Recorded on 4/11/2016 Instrument #2016063988 Book: 7239 Page: 1515 |
| 6  | Code Enforcement Lien | 91 Cedar Street       | 2838           | Muller Real Estate Holdings | 9/26/2014  | \$ 29,258.38 | \$ 21.32                   | \$ (7,430.03)         | \$ 21,849.67                         | Code Enforcement Lien Amnesty Approved- Paid 25% plus administrative cost of \$7,430.03 on 3/9/16 for 13-2097 and 14-1397. Release of Lien Recorded on 4/11/2016 Instrument #2016063988 Book: 7239 Page: 1515 |
| 7  | Lot Mowing            | 403 Herbert Street    | 2662           | PennyMac Corporation        | 9/1/2015   | \$ 500.00    | \$ 25.51                   |                       | \$ 525.51                            | This A/R balance for abatement cost is uncollectible due to foreclosure action.                                                                                                                               |
| 8  | Lot Mowing Lien       | 403 Herbert Street    | 2662           | PennyMac Corporation        | 11/7/2013  | \$ 2,376.00  | \$ 531.49                  |                       | \$ 2,907.49                          | The Legal Department has determined these liens are uncollectible due to foreclosure action.                                                                                                                  |
| 9  | Code Enforcement Lien | 403 Herbert Street    | 2662           | PennyMac Corporation        | 11/17/2014 | \$ 1,908.52  | \$ 88.62                   |                       | \$ 1,997.14                          | The Legal Department has determined these liens are uncollectible due to foreclosure action.                                                                                                                  |
| 10 | Code Enforcement Lien | 403 Herbert Street    | 2662           | PennyMac Corporation        | 9/3/2015   | \$ 7,514.92  | \$ 310.79                  |                       | \$ 7,825.71                          | The Legal Department has determined these liens are uncollectible due to foreclosure action.                                                                                                                  |
|    |                       |                       |                | <b>TOTAL</b>                |            |              |                            |                       | <b>\$ 42,683.78</b>                  |                                                                                                                                                                                                               |



# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 05/03/2016

Consent item: Yes

---

**SUBJECT:** Florida Health Care Insurance Renewal

**DEPARTMENT:** Administrative Services

**GOAL:**

**OBJECTIVE:**

---

**RECOMMENDED MOTION:** Move to waive formal bidding requirements and approve the contract extension with Florida Health Care.

---

**SUMMARY:** Employee and dependent medical claims utilization has been trending up. The most recent utilization report has the medical loss ratio (MLR) for all plans at 84%. This results in an 8.7% increase to the Balance HMO Plan which is the base plan for employees that is funded 100% for employee only coverage. This increase equates to an additional \$517.80 per year per employee for a total increase of approximately \$207,120 for 400 full time employees.

Attached to the Extension Agreement are all 4 plans with current rates as well as renewal rates with no changes to plan benefits. Also provided are alternative plans options and pricing information.

For informational purposes, an HMO cost comparison of many Volusia county cities has been included.

| Project | Funding Account |
|---------|-----------------|
| No.:    | No.:            |

---

**ATTACHMENTS:**

|    |                                    |                                  |
|----|------------------------------------|----------------------------------|
| 1. | Amendment and Extension No. 2      | Amendment and Extension No 2.pdf |
| 2. | Volusia County HMO Cost Comparison | Vol Cty HMO Cost Comparison.xlsx |

---

Theresa Gutierrez  
Cindy DePina  
Tracey Riehm  
Margaret Roberts  
M. Jake Johansson

Created/Initiated - 04/19/2016  
Approved - 04/21/2016  
Approved - 04/27/2016  
Approved - 04/28/2016  
Final Approval - 04/28/2016

---

## AMENDMENT AND EXTENSION NUMBER 2 OF STANDARD CONTRACT FOR SERVICES

THIS AMENDMENT AND EXTENSION NUMBER 2 OF STANDARD CONTRACT FOR SERVICES ("Extension") is made and entered into the day and year set forth hereinafter by and between the CITY OF PORT ORANGE, FLORIDA, a Florida municipal corporation located at 1000 City Center Circle, Port Orange, Volusia County, Florida 32129-4144 (the "City"), and FLORIDA HEALTH CARE PLAN, INC., a Florida corporation whose principal address is 1340 Ridgewood Avenue, Holly Hill, Florida 32117 (the "Contractor"). (The City and the Contractor are hereinafter collectively referred to as the "Parties.")

WHEREAS, the Parties entered into a Standard Contract for Services pursuant to City of Port Orange Bid No. 14-18 on July 1, 2014 (collectively the "Contract") for a one-year term commencing on July 1, 2014 and continuing until June 30, 2015; and

WHEREAS, the Parties amended the scope of services and extended the Contract for a one year period commencing on July 1 2015 and continuing until June 30, 2016; and

WHEREAS, the Parties desire to amend the renewal rates and extend the Contract for a one year period commencing on July 1, 2016 and continuing until June 30, 2017; and

WHEREAS, the Port Orange City Council has determined that the execution of this amendment and extension is beneficial to the citizens of the City of Port Orange.

NOW, THEREFORE, the Parties, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, agree as follows:

1. Term: The term of the Contract is hereby extended for one (1) year, commencing July 1, 2016, and continuing until June 30, 2017.

2. Contractor Obligations: Contractor hereby agrees to provide health care services to the City of Port Orange as set forth in Bid No. 14-18 Employee Group Health Insurance Benefits and as revised in Florida Health Care Plan, Inc. 2016 – 2017 City of Port Orange Renewal attached hereto as Exhibit "1."

3. All other terms and conditions of the Contract shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have signed, sealed, and delivered this Extension on the day and year stated hereinafter.

***[remainder of page intentionally left blank]***

Witnesses:

FLORIDA HEALTH CARE PLAN, INC.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_

By: \_\_\_\_\_  
Wendy A. Myers, M.D.  
President/Chief Executive Officer

\_\_\_\_\_  
Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2016, by Wendy A. Myers, M.D., as President/Chief Executive Officer of Florida Health Care Plan, Inc., a Florida corporation, and who:

*[Notary: Please select one]*

- ☐ is personally known to me; or  
☐ has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public, State of Florida  
*Printed, typed or stamped name, commission and expiration:*

Witnesses:

CITY OF PORT ORANGE

Printed Name: \_\_\_\_\_

By: \_\_\_\_\_

Allen Green, Mayor

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2016, by Allen Green, as Mayor of the City of Port Orange, a Florida municipal corporation, on behalf of the city, and who is personally known to me.

\_\_\_\_\_  
Notary Public, State of Florida  
*Printed, typed or stamped name, commission and expiration:*

Witnesses:

ATTEST:

Printed Name: \_\_\_\_\_

By: \_\_\_\_\_

Robin L. Fenwick, CMC, City Clerk

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2016, by Robin L. Fenwick, as City Clerk of the City of Port Orange, a Florida municipal corporation, on behalf of the city, and who is personally known to me.

\_\_\_\_\_  
Notary Public, State of Florida  
*Printed, typed or stamped name, commission and expiration:*

[CA 4120]



## Wellness Rider Included

### City of Port Orange

| Renewal Date: 7/1/2016 thru 6/30/2017                                                              | Current:                                          | Renewal:           | Current:                                          | Renewal:           |
|----------------------------------------------------------------------------------------------------|---------------------------------------------------|--------------------|---------------------------------------------------|--------------------|
| PLAN NAME                                                                                          | Classic                                           | Classic            | Balance                                           | Balance            |
| Plan Type                                                                                          | HMO                                               | HMO                | HMO                                               | HMO                |
| Plan Code                                                                                          | T10                                               | T10                | T38                                               | T38                |
| Annual Deductible Individual Family                                                                | \$0                                               | \$0                | \$500<br>\$1,000                                  | \$500<br>\$1,000   |
| Co-Insurance (Mbr Pays)                                                                            | 15%                                               | 15%                | 20%                                               | 20%                |
| Annual Out-of-Pocket Expense Limit Individual Family                                               | \$3,000<br>\$8,000                                | \$3,000<br>\$8,000 | \$4,000<br>\$8,000                                | \$4,000<br>\$8,000 |
| Well Baby Care & Child Health Supervision Visits                                                   | Covered In Full                                   | Covered In Full    | Covered In Full                                   | Covered In Full    |
| Annual Adult Physical Health Screening                                                             | Covered In Full                                   | Covered In Full    | Covered In Full                                   | Covered In Full    |
| Annual Well Women's Assessment                                                                     | Covered In Full                                   | Covered In Full    | Covered In Full                                   | Covered In Full    |
| Other Preventive Services (Includes screening mammogram, screening colonoscopy, and immunizations) | Covered In Full                                   | Covered In Full    | Covered In Full                                   | Covered In Full    |
| Therapeutic Injections/Infusions of Medication                                                     | 15% Coins                                         | 15% Coins          | Ded & Coins                                       | Ded & Coins        |
| PCP OV                                                                                             | \$20                                              | \$20               | \$25                                              | \$25               |
| Specialist OV                                                                                      | \$35                                              | \$35               | \$50                                              | \$50               |
| In-Patient                                                                                         | \$200                                             | \$200              | Ded & Coins                                       | Ded & Coins        |
| Out Patient Surgery                                                                                | \$100                                             | \$100              | Ded & Coins                                       | Ded & Coins        |
| Emergency Visit Participating Non-Participating                                                    | \$100                                             | \$100              | \$350                                             | \$350              |
| Urgent Care Visit                                                                                  | \$60                                              | \$60               | \$100                                             | \$100              |
| Lab & X-Ray                                                                                        | Covered In Full                                   | Covered In Full    | Covered In Full                                   | Covered In Full    |
| Advanced Imaging                                                                                   | Covered In Full                                   | Covered In Full    | Ded & Coins                                       | Ded & Coins        |
| Durable Medical Equipment                                                                          | 15% Coins                                         | 15% Coins          | Ded & Coins                                       | Ded & Coins        |
| PHARMACY                                                                                           | Pharmacy Copays Included in Medical OOP Maximum   |                    | Pharmacy Copays Included in Medical OOP Maximum   |                    |
| Formulary Preferred Generic                                                                        | FHCP Pharmacy - \$3<br>Walgreens Pharmacy - N/A   |                    | FHCP Pharmacy - \$3<br>Walgreens Pharmacy - N/A   |                    |
| Formulary Non-Preferred Generic                                                                    | FHCP Pharmacy - \$10<br>Walgreens Pharmacy - \$15 |                    | FHCP Pharmacy - \$10<br>Walgreens Pharmacy - \$15 |                    |
| Formulary Preferred Brand                                                                          | FHCP Pharmacy - \$30<br>Walgreens Pharmacy - \$35 |                    | FHCP Pharmacy - \$30<br>Walgreens Pharmacy - \$35 |                    |
| Formulary Non-Preferred Brand                                                                      | FHCP Pharmacy - \$55<br>Walgreens Pharmacy - \$60 |                    | FHCP Pharmacy - \$55<br>Walgreens Pharmacy - \$60 |                    |
| Pre-Approved, Pre-Certified Specialty Drug Formulary                                               | FHCP Pharmacy - \$125<br>Walgreens Pharmacy - N/A |                    | FHCP Pharmacy - \$125<br>Walgreens Pharmacy - N/A |                    |
| RATES                                                                                              | Group # 000075                                    |                    | Group # 000075                                    |                    |
| Single                                                                                             | \$608.01                                          | \$858.21           | \$497.45                                          | \$540.60           |
| EE & Child(ren)                                                                                    | \$1,073.75                                        | \$1,162.40         | \$878.49                                          | \$954.71           |
| EE & Spouse                                                                                        | \$1,073.75                                        | \$1,162.40         | \$878.49                                          | \$954.71           |
| Family < 7 Members                                                                                 | \$1,318.95                                        | \$1,425.68         | \$1,077.47                                        | \$1,170.95         |
| Family 7 + Members                                                                                 | \$1,318.95                                        | \$1,425.68         | \$1,077.47                                        | \$1,170.95         |

| Renewal Census     | Subs:      | Monthly Premium:    | Monthly Premium:    | Subs:      | Monthly Premium:   | Monthly Premium:   |
|--------------------|------------|---------------------|---------------------|------------|--------------------|--------------------|
| Single             | 148        | \$88,789.53         | \$96,098.57         | 94         | \$46,760.18        | \$50,818.84        |
| EE & Child(ren)    | 12         | \$12,884.96         | \$13,948.77         | 10         | \$8,784.94         | \$9,547.08         |
| EE & Spouse        | 27         | \$28,991.16         | \$31,384.74         | 7          | \$8,149.46         | \$6,882.96         |
| Family < 7 Members | 30         | \$39,508.52         | \$42,770.44         | 21         | \$22,626.95        | \$24,569.94        |
| Family 7 + Members | 0          | \$0.00              | \$0.00              | 0          | \$0.00             | \$0.00             |
| <b>Totals:</b>     | <b>215</b> | <b>\$170,154.16</b> | <b>\$184,202.52</b> | <b>132</b> | <b>\$84,321.53</b> | <b>\$91,636.82</b> |

|                              |                |                |                |                |
|------------------------------|----------------|----------------|----------------|----------------|
| <b>Total Annual Premium:</b> | \$2,041,849.93 | \$2,210,430.26 | \$1,011,858.35 | \$1,099,641.81 |
| <b>Percent Change:</b>       |                | 8.3%           |                | 8.7%           |

|                                               |                |
|-----------------------------------------------|----------------|
| <b>Total Current Group Annual Premium:</b>    | \$3,479,624.66 |
| <b>Total Renewal Group Annual Premium:</b>    | \$3,771,633.43 |
| <b>Total Renewal Rate Increase for Group:</b> | 8.4%           |

This document should be used only for plan pricing. The benefits are for illustrative purposes only. FHCP is not responsible for errors or omissions included in these benefit illustrations. Please refer to SSC's to verify actual benefits.

**EXHIBIT "1"**

## Wellness Rider Included

### City of Port Orange

| Renewal Date: 7/1/2016 thru 6/30/2017                                                                     | Current:                                               | Renewal:                  | Current:                                               | Renewal:                      |
|-----------------------------------------------------------------------------------------------------------|--------------------------------------------------------|---------------------------|--------------------------------------------------------|-------------------------------|
| <b>PLAN NAME</b>                                                                                          | <b>Classic \$2000</b>                                  | <b>Classic \$2000</b>     | <b>HDHP-HSA</b>                                        | <b>HDHP-HSA</b>               |
| <b>Plan Type</b>                                                                                          | <b>T34</b>                                             | <b>T34</b>                | <b>T96</b>                                             | <b>T96</b>                    |
| <b>Plan Code</b>                                                                                          | <b>In Net</b>                                          | <b>Out of Net</b>         | <b>In Net</b>                                          | <b>Out of Net</b>             |
| <b>Annual Deductible</b>                                                                                  |                                                        |                           |                                                        |                               |
| Individual                                                                                                | \$0                                                    | \$2,000                   | \$1,300                                                | \$2,600                       |
| Family                                                                                                    | \$0                                                    | \$4,000                   | \$2,600                                                | \$5,200                       |
| <b>Co-Insurance (Mbr Pays)</b>                                                                            | 10%                                                    | 50%                       | 20%                                                    | 40%                           |
| <b>Annual Out-of-Pocket Expense Limit</b>                                                                 |                                                        |                           |                                                        |                               |
| Individual                                                                                                | \$3,000                                                | \$6,000                   | \$5,000                                                | \$10,000                      |
| Family                                                                                                    | \$6,000                                                | \$12,000                  | \$5,000                                                | \$10,000                      |
| <b>Well Baby Care &amp; Child Health Supervision Visits</b>                                               | Covered In Full                                        | Ded & Coins               | Covered In Full                                        | Ded & Coins                   |
| <b>Annual Adult Physical Health Screening</b>                                                             | Covered In Full                                        | Ded & Coins               | Covered In Full                                        | Ded & Coins                   |
| <b>Annual Well Women's Assessment</b>                                                                     | Covered In Full                                        | Ded & Coins               | Covered In Full                                        | Ded & Coins                   |
| <b>Other Preventive Services (Includes screening mammogram, screening colonoscopy, and immunizations)</b> | Covered In Full                                        | Ded & Coins               | Covered In Full                                        | Ded & Coins                   |
| <b>Therapeutic Injections/Infusions of Medication</b>                                                     | 10% Coins                                              | Ded & Coins               | Ded & Coins                                            | Ded & Coins                   |
| <b>PCP OV</b>                                                                                             | \$20                                                   | Ded & Coins               | \$20                                                   | Ded & Coins                   |
| <b>Specialist OV</b>                                                                                      | \$35                                                   | Ded & Coins               | \$35                                                   | Ded & Coins                   |
| <b>In-Patient</b>                                                                                         | \$250 day<br>Days 1-5                                  | Ded & Coins               | \$250 day<br>Days 1-5                                  | Ded & Coins                   |
| <b>Out Patient Surgery</b>                                                                                | \$100                                                  | Ded & Coins               | \$100                                                  | Ded & Coins                   |
| <b>Emergency Visit</b>                                                                                    |                                                        |                           |                                                        |                               |
| Participating                                                                                             | \$100                                                  | Same as In-Network        | Ded & Coins                                            | Same as In-Network            |
| Non-Participating                                                                                         | \$60                                                   | Same as In-Network        | Ded & Coins                                            | Same as In-Network            |
| <b>Urgent Care Visit</b>                                                                                  |                                                        |                           |                                                        |                               |
| <b>Lab &amp; X-Ray</b>                                                                                    | Covered In Full                                        | Ded & Coins               | Covered In Full                                        | Ded & Coins                   |
| <b>Advanced Imaging</b>                                                                                   | Covered In Full                                        | Ded & Coins               | Covered In Full                                        | Ded & Coins                   |
| <b>Durable Medical Equipment</b>                                                                          | 10% Coins                                              | Ded & Coins               | 10% Coins                                              | Ded & Coins                   |
| <b>PHARMACY</b>                                                                                           | <b>Pharmacy Copays Included in Medical OOP Maximum</b> |                           | <b>Pharmacy Copays Included in Medical OOP Maximum</b> |                               |
| <b>Formulary Preferred Generic</b>                                                                        | FHCP Pharmacy - \$3                                    | Walgreens Pharmacy - N/A  | FHCP Pharmacy - Ded+\$3                                | Walgreens Pharmacy - N/A      |
| <b>Formulary Non-Preferred Generic</b>                                                                    | FHCP Pharmacy - \$10                                   | Walgreens Pharmacy - \$15 | FHCP Pharmacy - Ded+\$10                               | Walgreens Pharmacy - Ded+\$15 |
| <b>Formulary Preferred Brand</b>                                                                          | FHCP Pharmacy - \$30                                   | Walgreens Pharmacy - \$35 | FHCP Pharmacy - Ded+\$30                               | Walgreens Pharmacy - Ded+\$35 |
| <b>Formulary Non-Preferred Brand</b>                                                                      | FHCP Pharmacy - \$55                                   | Walgreens Pharmacy - \$60 | FHCP Pharmacy - Ded+\$55                               | Walgreens Pharmacy - Ded+\$60 |
| <b>Pre-Approved, Pre-Certified Specialty Drug Formulary</b>                                               | FHCP Pharmacy - \$125                                  | Walgreens Pharmacy - N/A  | FHCP Pharmacy - Ded+\$125                              | Walgreens Pharmacy - N/A      |
| <b>RATES</b>                                                                                              | <b>Group # 00C075</b>                                  |                           | <b>Group # 00L075</b>                                  |                               |
| Single                                                                                                    | \$611.33                                               | \$682.81                  | \$410.46                                               | \$444.68                      |
| EE & Child(ren)                                                                                           | \$1,079.61                                             | \$1,170.53                | \$724.88                                               | \$785.31                      |
| EE & Spouse                                                                                               | \$1,079.61                                             | \$1,170.53                | \$724.88                                               | \$785.31                      |
| Family < 7 Members                                                                                        | \$1,324.14                                             | \$1,435.66                | \$889.06                                               | \$963.19                      |
| Family 7 + Members                                                                                        | \$1,324.14                                             | \$1,435.66                | \$889.06                                               | \$963.19                      |

| Renewal Census     | Subs:     | Monthly Premium    | Monthly Premium    | Subs:     | Monthly Premium    | Monthly Premium    |
|--------------------|-----------|--------------------|--------------------|-----------|--------------------|--------------------|
| Single             | 12        | \$7,335.93         | \$7,953.77         | 22        | \$9,030.18         | \$9,783.05         |
| EE & Child(ren)    | 2         | \$2,159.21         | \$2,341.06         | 2         | \$1,449.75         | \$1,570.82         |
| EE & Spouse        | 1         | \$1,079.61         | \$1,170.53         | 4         | \$2,899.50         | \$3,141.25         |
| Family < 7 Members | 2         | \$2,648.27         | \$2,871.31         | 10        | \$8,890.60         | \$9,631.86         |
| Family 7 + Members | 0         | \$0.00             | \$0.00             | 0         | \$0.00             | \$0.00             |
| <b>Totals:</b>     | <b>17</b> | <b>\$13,223.02</b> | <b>\$14,336.67</b> | <b>38</b> | <b>\$22,270.01</b> | <b>\$24,126.78</b> |

|                              |              |              |              |              |
|------------------------------|--------------|--------------|--------------|--------------|
| <b>Total Annual Premium:</b> | \$158,676.26 | \$172,040.05 | \$267,240.12 | \$289,521.31 |
| <b>Percent Change:</b>       |              | 8.4%         |              | 8.3%         |

|                                               |                |
|-----------------------------------------------|----------------|
| <b>Total Current Group Annual Premium:</b>    | \$3,479,624.66 |
| <b>Total Renewal Group Annual Premium:</b>    | \$3,771,633.43 |
| <b>Total Renewal Rate Increase for Group:</b> | 8.4%           |

This document should be used only for plan pricing. The benefits are for illustrative purposes only. FHCP is not responsible for errors or omissions included in these benefit illustrations. Please refer to SBC's to verify actual benefits.

**EXHIBIT "1"**



## Wellness Rider Included

### City of Port Orange

Renewal Date: 7/1/2016 thru 6/30/2017

| PLAN NAME                                                                                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Plan Type                                                                                                                                                             |
| Plan Code                                                                                                                                                             |
| Annual Deductible<br>Individual<br>Family                                                                                                                             |
| Co-Insurance (Mbr Pays)                                                                                                                                               |
| Annual Out-of-Pocket Expense Limit<br>Individual<br>Family                                                                                                            |
| Well Baby Care & Child Health<br>Supervision Visits                                                                                                                   |
| Annual Adult Physical Health Screening                                                                                                                                |
| Annual Well Women's Assessment                                                                                                                                        |
| Other Preventive Services (Includes<br>screening mammogram, screening colonoscopy,<br>and immunizations)                                                              |
| Therapeutic Injections/Infusions of Medication                                                                                                                        |
| PCP OV                                                                                                                                                                |
| Specialist OV                                                                                                                                                         |
| In-Patient                                                                                                                                                            |
| Out Patient Surgery                                                                                                                                                   |
| Emergency Visit<br>Participating<br>Non-Participating                                                                                                                 |
| Urgent Care Visit                                                                                                                                                     |
| Lab & X-Ray                                                                                                                                                           |
| Advanced Imaging                                                                                                                                                      |
| Durable Medical Equipment                                                                                                                                             |
| <b>PHARMACY</b><br>Only select Walgreens are available at HMO level. Please<br>refer to your provider directory for locations and<br>limitations of Walgreens access. |
| Formulary Preferred Generic                                                                                                                                           |
| Formulary Non-Preferred Generic                                                                                                                                       |
| Formulary Preferred Brand                                                                                                                                             |
| Formulary Non-Preferred Brand                                                                                                                                         |
| Pre-Approved, Pre-Certified Specialty Drug<br>Formulary                                                                                                               |
| <b>RATES</b>                                                                                                                                                          |
| Single                                                                                                                                                                |
| EE & Child(ren)                                                                                                                                                       |
| EE & Spouse                                                                                                                                                           |
| Family < 7 Members                                                                                                                                                    |
| Family 7 + Members                                                                                                                                                    |

| Group # 000075     |                    |                      |                           |                    |                          |                           |                           |                           |
|--------------------|--------------------|----------------------|---------------------------|--------------------|--------------------------|---------------------------|---------------------------|---------------------------|
| Current:           | Renewal:           | Alternate HMO Plans: |                           |                    |                          |                           |                           |                           |
| Classic<br>HMO     | Classic<br>HMO     | Balance<br>HMO       | Balance<br>HMO            | Balance<br>HMO     | Balance<br>HMO           | Balance<br>HMO            | Balance<br>HMO            | Balance<br>HMO            |
| T10                | T10                | T49                  | T18                       | T39                | T80                      | T85                       | T75                       |                           |
| \$0                | \$0                | \$0                  | \$250<br>\$750            | \$250<br>\$500     | \$500<br>\$1,500         | \$500<br>\$1,500          | \$500<br>\$1,500          | \$500<br>\$1,500          |
| 15%                | 15%                | 10%                  | 10%                       | 10%                | 10%                      | 30%                       | 30%                       |                           |
| \$3,000<br>\$8,000 | \$3,000<br>\$8,000 | \$4,000<br>\$8,000   | \$4,000<br>\$8,000        | \$3,500<br>\$7,000 | \$3,000<br>\$8,000       | \$6,600<br>\$13,200       | \$6,000<br>\$12,000       |                           |
| Covered In Full    | Covered In Full    | Covered In Full      | Covered In Full           | Covered In Full    | Covered In Full          | Covered In Full           | Covered In Full           | Covered In Full           |
| Covered In Full    | Covered In Full    | Covered In Full      | Covered In Full           | Covered In Full    | Covered In Full          | Covered In Full           | Covered In Full           | Covered In Full           |
| Covered In Full    | Covered In Full    | Covered In Full      | Covered In Full           | Covered In Full    | Covered In Full          | Covered In Full           | Covered In Full           | Covered In Full           |
| Covered In Full    | Covered In Full    | Covered In Full      | Covered In Full           | Covered In Full    | Covered In Full          | Covered In Full           | Covered In Full           | Covered In Full           |
| 15% Coins          | 15% Coins          | 10% Coins            | Ded & Coins               | Ded & Coins        | Ded & Coins              | Ded & Coins               | Ded & Coins               | Ded & Coins               |
| \$20               | \$20               | \$20                 | \$20                      | \$20               | \$20                     | \$20                      | \$20                      | \$20                      |
| \$35               | \$35               | \$35                 | \$35                      | \$40               | \$35                     | \$35                      | \$35                      | \$35                      |
| \$200              | \$200              | 10% Coins            | Ded & Coins               | Ded & Coins        | Ded & Coins              | Ded & Coins               | Ded & Coins               | Ded & Coins               |
| \$100              | \$100              | 10% Coins            | Ded & Coins               | Ded & Coins        | Ded & Coins              | Ded & Coins               | Ded & Coins               | Ded & Coins               |
| \$100              | \$100              | 10% Coins            | \$100                     | \$350              | \$100                    | \$100                     | \$150                     |                           |
| \$60               | \$60               | 10% Coins            | \$50                      | \$100              | \$50                     | \$50                      | \$75                      |                           |
| Covered In Full    | Covered In Full    | 10% Coins (X-Ray)    | \$0 (Lab)<br>\$35 (X-Ray) | Covered In Full    | \$0 (Lab)<br>D+C (X-Ray) | \$0 (Lab)<br>\$35 (X-Ray) | \$0 (Lab)<br>\$35 (X-Ray) | \$0 (Lab)<br>\$35 (X-Ray) |
| Covered In Full    | Covered In Full    | 10% Coins            | \$75                      | Ded & Coins        | \$150                    | \$150                     | Ded & Coins               | Ded & Coins               |
| 15% Coins          | 15% Coins          | 10% Coins            | Ded & Coins               | Ded & Coins        | Ded & Coins              | Ded & Coins               | Ded & Coins               | Ded & Coins               |

### Pharmacy Copays Included in Medical OOP Maximum

|                       |                           |
|-----------------------|---------------------------|
| FHCP Pharmacy - \$3   | Walgreens Pharmacy - N/A  |
| FHCP Pharmacy - \$10  | Walgreens Pharmacy - \$15 |
| FHCP Pharmacy - \$30  | Walgreens Pharmacy - \$35 |
| FHCP Pharmacy - \$55  | Walgreens Pharmacy - \$60 |
| FHCP Pharmacy - \$125 | Walgreens Pharmacy - NA   |

|            |            |            |            |            |            |            |            |
|------------|------------|------------|------------|------------|------------|------------|------------|
| \$608.01   | \$658.21   | \$639.37   | \$595.28   | \$579.08   | \$567.09   | \$545.28   | \$540.62   |
| \$1,073.75 | \$1,162.40 | \$1,129.13 | \$1,051.27 | \$1,022.66 | \$1,001.49 | \$962.97   | \$954.73   |
| \$1,073.75 | \$1,162.40 | \$1,129.13 | \$1,051.27 | \$1,022.66 | \$1,001.49 | \$962.97   | \$954.73   |
| \$1,316.95 | \$1,425.68 | \$1,384.87 | \$1,289.39 | \$1,254.30 | \$1,228.33 | \$1,181.08 | \$1,170.98 |
| \$1,316.95 | \$1,425.68 | \$1,384.87 | \$1,289.39 | \$1,254.30 | \$1,228.33 | \$1,181.08 | \$1,170.98 |

| Renewal Census     | Subs:      | Monthly<br>Premium  | Monthly<br>Premium  | Monthly<br>Premium  | Monthly<br>Premium  | Monthly<br>Premium  | Monthly<br>Premium  | Monthly<br>Premium  | Monthly<br>Premium  |
|--------------------|------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| Single             | 274        | \$166,594.87        | \$180,349.36        | \$175,187.05        | \$163,108.00        | \$158,668.98        | \$155,383.87        | \$149,407.43        | \$148,129.05        |
| EE & Child(ren)    | 26         | \$27,917.41         | \$30,222.34         | \$29,357.26         | \$27,333.09         | \$26,589.22         | \$26,038.71         | \$25,037.20         | \$24,822.97         |
| EE & Spouse        | 39         | \$41,876.11         | \$45,333.51         | \$44,035.89         | \$40,999.64         | \$39,883.82         | \$39,058.06         | \$37,555.79         | \$37,234.45         |
| Family < 7 Members | 63         | \$82,967.89         | \$89,817.93         | \$87,246.99         | \$81,231.36         | \$79,020.63         | \$77,384.57         | \$74,408.17         | \$73,771.51         |
| Family 7 + Members | 0          | \$0.00              | \$0.00              | \$0.00              | \$0.00              | \$0.00              | \$0.00              | \$0.00              | \$0.00              |
| <b>Totals:</b>     | <b>402</b> | <b>\$319,356.28</b> | <b>\$345,723.15</b> | <b>\$335,827.18</b> | <b>\$312,672.09</b> | <b>\$304,162.65</b> | <b>\$297,865.21</b> | <b>\$286,408.59</b> | <b>\$283,957.97</b> |

|                       |                |                |                |                |                |                |                |                |
|-----------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| Total Annual Premium: | \$3,832,275.37 | \$4,148,677.79 | \$4,029,926.14 | \$3,752,085.07 | \$3,649,951.81 | \$3,574,382.58 | \$3,438,903.07 | \$3,407,495.68 |
| Percent Difference:   | 8.3%           |                | 5.2%           | -2.1%          | -4.8%          | -6.7%          | -10.3%         | -11.1%         |
|                       |                | Renewal        |                |                |                |                |                |                |

This document should be used only for plan pricing. The benefits are for illustrative purposes only. FHCP is not responsible for errors or omissions included in these benefit illustrations. Please refer to SBC's to verify actual benefits.

**EXHIBIT "1"**



## City of Port Orange

Renewal Date: 7/1/2016 thru 6/30/2017

| PLAN NAME                                                                                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Plan Type                                                                                                                                                             |
| Plan Code                                                                                                                                                             |
| Annual Deductible<br>Individual<br>Family                                                                                                                             |
| Co-Insurance (Mbr Pays)                                                                                                                                               |
| Annual Out-of-Pocket Expense Limit<br>Individual<br>Family                                                                                                            |
| Well Baby Care & Child Health<br>Supervision Visits                                                                                                                   |
| Annual Adult Physical Health Screening                                                                                                                                |
| Annual Well Women's Assessment                                                                                                                                        |
| Other Preventive Services (includes<br>screening mammogram, screening colonoscopy,<br>and immunizations)                                                              |
| Therapeutic Injections/Infusions of Medication                                                                                                                        |
| PCP OV                                                                                                                                                                |
| Specialist OV                                                                                                                                                         |
| In-Patient                                                                                                                                                            |
| Out Patient Surgery                                                                                                                                                   |
| Emergency Visit<br>Participating<br>Non-Participating                                                                                                                 |
| Urgent Care Visit                                                                                                                                                     |
| Lab & X-Ray                                                                                                                                                           |
| Advanced Imaging                                                                                                                                                      |
| Durable Medical Equipment                                                                                                                                             |
| <b>PHARMACY</b><br>Only select Walgreens are available at HMO level. Please<br>refer to your provider directory for locations and<br>limitations of Walgreens access. |
| Formulary Preferred Generic                                                                                                                                           |
| Formulary Non-Preferred Generic                                                                                                                                       |
| Formulary Preferred Brand                                                                                                                                             |
| Formulary Non-Preferred Brand                                                                                                                                         |
| Pre-Approved, Pre-Certified Specialty Drug<br>Formulary                                                                                                               |
| <b>RATES</b>                                                                                                                                                          |
| Single                                                                                                                                                                |
| EE & Child(ren)                                                                                                                                                       |
| EE & Spouse                                                                                                                                                           |
| Family < 7 Members                                                                                                                                                    |
| Family 7 + Members                                                                                                                                                    |

## Wellness Rider Included

Group # 00H075

| Current:                                               | Renewal:           | Alternate HMO Plans:            |                                 |                        |                           |                    |                     |                        |                |
|--------------------------------------------------------|--------------------|---------------------------------|---------------------------------|------------------------|---------------------------|--------------------|---------------------|------------------------|----------------|
| Balance<br>HMO                                         | Balance<br>HMO     | Balance<br>HMO                  | Balance<br>HMO                  | Balance<br>HMO         | Balance<br>HMO            | Balance<br>HMO     | Balance<br>HMO      | Balance<br>HMO         | Balance<br>HMO |
| T38                                                    | T38                | T59                             | T51                             | T70                    | T70-Mod 2                 | T84                | T84-Mod             | T78-Mod                |                |
| \$500<br>\$1,000                                       | \$500<br>\$1,000   | \$1,000<br>\$3,000              | \$1,000<br>\$2,000              | \$1,500<br>\$4,500     | \$1,500<br>\$4,500        | \$2,000<br>\$4,000 | \$2,000<br>\$4,000  | \$2,000<br>\$6,000     |                |
| 20%                                                    | 20%                | 10%                             | 20%                             | 20%                    | 30%                       | 30%                | 20%                 | 30%                    |                |
| \$4,000<br>\$8,000                                     | \$4,000<br>\$8,000 | \$4,000<br>\$8,000              | \$5,000<br>\$10,000             | \$4,500<br>\$9,000     | \$5,500<br>\$11,000       | \$4,000<br>\$8,000 | \$5,000<br>\$10,000 | \$8,500<br>\$13,000    |                |
| Covered In Full                                        | Covered In Full    | Covered In Full                 | Covered In Full                 | Covered In Full        | Covered In Full           | Covered In Full    | Covered In Full     | Covered In Full        |                |
| Covered In Full                                        | Covered In Full    | Covered In Full                 | Covered In Full                 | Covered In Full        | Covered In Full           | Covered In Full    | Covered In Full     | Covered In Full        |                |
| Covered In Full                                        | Covered In Full    | Covered In Full                 | Covered In Full                 | Covered In Full        | Covered In Full           | Covered In Full    | Covered In Full     | Covered In Full        |                |
| Covered In Full                                        | Covered In Full    | Covered In Full                 | Covered In Full                 | Covered In Full        | Covered In Full           | Covered In Full    | Covered In Full     | Covered In Full        |                |
| Ded & Coins                                            | Ded & Coins        | Ded & Coins                     | Ded & Coins                     | Ded & Coins            | Ded & Coins               | Ded & 5% Coins     | Ded & Coins         | Ded & Coins            |                |
| \$25                                                   | \$25               | \$20                            | \$30                            | \$30                   | \$30                      | \$20               | \$40                | \$35                   |                |
| \$50                                                   | \$50               | \$35                            | \$50                            | \$55                   | \$55                      | \$35               | \$60                | \$65                   |                |
| Ded & Coins                                            | Ded & Coins        | Ded & Coins                     | Ded & Coins                     | Ded & Coins            | Ded & Coins               | Ded & Coins        | Ded & Coins         | Ded & Coins            |                |
| Ded & Coins                                            | Ded & Coins        | Ded & Coins                     | Ded & Coins                     | \$200                  | \$200                     | Ded & Coins        | Ded & Coins         | \$250                  |                |
| \$350                                                  | \$350              | Ded & Coins                     | Ded & Coins                     | \$250                  | \$250                     | \$100              | \$200               | \$300                  |                |
| \$100                                                  | \$100              | Ded & Coins                     | Ded & Coins                     | \$60                   | \$75                      | \$50               | \$75                | \$75                   |                |
| Covered In Full                                        | Covered In Full    | \$0 (Lab); Ded+Coins<br>(X-Ray) | \$0 (Lab); Ded+Coins<br>(X-Ray) | \$0 Lab;<br>\$50 X-Ray | \$0 Lab;<br>\$50 X-Ray    | Covered In Full    | Covered In Full     | \$0 Lab;<br>\$50 X-Ray |                |
| Ded & Coins                                            | Ded & Coins        | Ded & Coins                     | Ded & Coins                     | \$200                  | \$200                     | Ded & Coins        | Ded & Coins         | \$200                  |                |
| Ded & Coins                                            | Ded & Coins        | Ded & Coins                     | Ded & Coins                     | Ded & Coins            | Ded & Coins               | Ded & Coins        | Ded & Coins         | Ded & Coins            |                |
| <b>Pharmacy Copays Included in Medical OOP Maximum</b> |                    |                                 |                                 |                        |                           |                    |                     |                        |                |
| FHCP Pharmacy - \$3                                    |                    |                                 |                                 |                        | Walgreens Pharmacy - N/A  |                    |                     |                        |                |
| FHCP Pharmacy - \$10                                   |                    |                                 |                                 |                        | Walgreens Pharmacy - \$15 |                    |                     |                        |                |
| FHCP Pharmacy - \$30                                   |                    |                                 |                                 |                        | Walgreens Pharmacy - \$35 |                    |                     |                        |                |
| FHCP Pharmacy - \$55                                   |                    |                                 |                                 |                        | Walgreens Pharmacy - \$60 |                    |                     |                        |                |
| FHCP Pharmacy - \$125                                  |                    |                                 |                                 |                        | Walgreens Pharmacy - NA   |                    |                     |                        |                |
| \$497.45                                               | \$540.60           | \$537.74                        | \$517.87                        | \$512.16               | \$506.83                  | \$504.20           | \$491.76            | \$480.07               |                |
| \$878.49                                               | \$954.71           | \$949.84                        | \$914.56                        | \$904.47               | \$895.07                  | \$890.42           | \$868.44            | \$847.80               |                |
| \$878.49                                               | \$954.71           | \$949.84                        | \$914.56                        | \$904.47               | \$895.07                  | \$890.42           | \$868.44            | \$847.80               |                |
| \$1,077.47                                             | \$1,170.95         | \$1,164.74                      | \$1,121.71                      | \$1,109.33             | \$1,097.80                | \$1,092.10         | \$1,065.15          | \$1,039.83             |                |
| \$1,077.47                                             | \$1,170.95         | \$1,164.74                      | \$1,121.71                      | \$1,109.33             | \$1,097.80                | \$1,092.10         | \$1,065.15          | \$1,039.83             |                |

| Renewal Census     | Subs:      | Monthly<br>Premium: | Monthly<br>Premium: | Monthly<br>Premium  | Monthly<br>Premium  | Monthly<br>Premium  | Monthly<br>Premium  | Monthly<br>Premium  | Monthly<br>Premium  | Monthly<br>Premium  |
|--------------------|------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| Single             | 274        | \$136,300.94        | \$148,125.68        | \$147,340.15        | \$141,896.92        | \$140,330.90        | \$138,872.54        | \$138,150.92        | \$134,741.34        | \$131,538.65        |
| EE & Child(ren)    | 26         | \$22,840.85         | \$24,822.40         | \$24,690.77         | \$23,778.61         | \$23,516.18         | \$23,271.79         | \$23,150.87         | \$22,579.50         | \$22,042.81         |
| EE & Spouse        | 39         | \$34,261.28         | \$37,233.61         | \$37,036.15         | \$35,667.92         | \$35,274.27         | \$34,907.89         | \$34,726.30         | \$33,889.25         | \$33,064.21         |
| Family < 7 Members | 63         | \$67,880.85         | \$73,769.83         | \$73,378.82         | \$70,667.78         | \$69,887.86         | \$69,161.56         | \$68,802.18         | \$67,104.14         | \$65,509.13         |
| Family 7 + Members | 0          | \$0.00              | \$0.00              | \$0.00              | \$0.00              | \$0.00              | \$0.00              | \$0.00              | \$0.00              | \$0.00              |
| <b>Totals:</b>     | <b>402</b> | <b>\$261,283.92</b> | <b>\$283,951.52</b> | <b>\$282,445.69</b> | <b>\$272,011.22</b> | <b>\$269,009.22</b> | <b>\$266,213.69</b> | <b>\$264,830.28</b> | <b>\$258,294.23</b> | <b>\$252,154.79</b> |

|                       |                |                |                |                |                |                |                |                |                |
|-----------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| Total Annual Premium: | \$3,135,407.04 | \$3,407,418.30 | \$3,389,348.23 | \$3,264,134.70 | \$3,228,110.65 | \$3,194,563.02 | \$3,177,963.33 | \$3,099,530.75 | \$3,025,857.52 |
| Percent Difference:   |                | 8.7%           | 8.1%           | 4.1%           | 3.0%           | 1.9%           | 1.4%           | -1.1%          | -3.5%          |
|                       |                | Renewal        |                |                |                |                |                |                |                |

This document should be used only for plan pricing. The benefits are for illustrative purposes only. FHCP is not responsible for errors or omissions included in these benefit illustrations. Please refer to SSC's to verify actual benefits.

## Wellness Rider Included

### City of Port Orange

Renewal Date: 7/1/2016 thru 6/30/2017

| PLAN NAME                                                                                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Plan Type                                                                                                                                                             |
| Plan Code                                                                                                                                                             |
| Annual Deductible<br>Individual<br>Family                                                                                                                             |
| Co-Insurance (Mbr Pays)                                                                                                                                               |
| Annual Out-of-Pocket Expense Limit<br>Individual<br>Family                                                                                                            |
| Well Baby Care & Child Health<br>Supervision Visits                                                                                                                   |
| Annual Adult Physical Health Screening                                                                                                                                |
| Annual Well Women's Assessment<br>Other Preventive Services (includes<br>screening mammogram, screening colonoscopy,<br>and immunizations)                            |
| Therapeutic Injections/Infusions of Medication                                                                                                                        |
| PCP OV                                                                                                                                                                |
| Specialist OV                                                                                                                                                         |
| In-Patient                                                                                                                                                            |
| Out Patient Surgery                                                                                                                                                   |
| Emergency Visit<br>Participating<br>Non-Participating                                                                                                                 |
| Urgent Care Visit                                                                                                                                                     |
| Lab & X-Ray                                                                                                                                                           |
| Advanced Imaging                                                                                                                                                      |
| Durable Medical Equipment                                                                                                                                             |
| <b>PHARMACY</b><br>Only select Walgreens are available at HMO level. Please<br>refer to your provider directory for locations and<br>limitations of Walgreens access. |
| Formulary Preferred Generic                                                                                                                                           |
| Formulary Non-Preferred Generic                                                                                                                                       |
| Formulary Preferred Brand                                                                                                                                             |
| Formulary Non-Preferred Brand                                                                                                                                         |
| Pre-Approved, Pre-Certified Specialty Drug<br>Formulary                                                                                                               |
| <b>RATES</b>                                                                                                                                                          |
| Single                                                                                                                                                                |
| EE & Child(ren)                                                                                                                                                       |
| EE & Spouse                                                                                                                                                           |
| Family < 7 Members                                                                                                                                                    |
| Family 7 + Members                                                                                                                                                    |

Group # 00H075

Current:

Renewal:

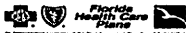
Alternate HMO Plans:

| Balance<br>HMO                                         | Balance<br>HMO     | Balance<br>HMO      | Balance<br>HMO            | Balance<br>HMO         | Balance<br>HMO        | Balance<br>HMO      | Balance<br>HMO         | Balance<br>HMO         |
|--------------------------------------------------------|--------------------|---------------------|---------------------------|------------------------|-----------------------|---------------------|------------------------|------------------------|
| T38                                                    | T38                | T78                 | T56                       | T72                    | T71                   | T61                 | T68                    | T67                    |
| \$500<br>\$1,000                                       | \$500<br>\$1,000   | \$2,000<br>\$6,000  | \$2,500<br>\$5,000        | \$2,500<br>\$7,500     | \$2,500<br>\$7,500    | \$2,500<br>\$5,000  | \$3,000<br>\$9,000     | \$3,500<br>\$5,000     |
| 20%                                                    | 20%                | 20%                 | 20%                       | 20%                    | 30%                   | 30%                 | 20%                    | 30%                    |
| \$4,000<br>\$8,000                                     | \$4,000<br>\$8,000 | \$6,500<br>\$13,000 | \$5,000<br>\$10,000       | \$6,500<br>\$13,000    | \$6,500<br>\$13,000   | \$5,000<br>\$10,000 | \$6,350<br>\$12,700    | \$6,350<br>\$12,700    |
| Covered In Full                                        | Covered In Full    | Covered In Full     | Covered In Full           | Covered In Full        | Covered In Full       | Covered In Full     | Covered In Full        | Covered In Full        |
| Covered In Full                                        | Covered In Full    | Covered In Full     | Covered In Full           | Covered In Full        | Covered In Full       | Covered In Full     | Covered In Full        | Covered In Full        |
| Covered In Full                                        | Covered In Full    | Covered In Full     | Covered In Full           | Covered In Full        | Covered In Full       | Covered In Full     | Covered In Full        | Covered In Full        |
| Covered In Full                                        | Covered In Full    | Covered In Full     | Covered In Full           | Covered In Full        | Covered In Full       | Covered In Full     | Covered In Full        | Covered In Full        |
| Ded & Coins                                            | Ded & Coins        | Ded & Coins         | Ded & Coins               | Ded & Coins            | Ded & Coins           | Ded & Coins         | Ded & Coins            | Ded & Coins            |
| \$25                                                   | \$25               | \$35                | \$35                      | \$35                   | \$25                  | \$25                | \$40                   | \$40                   |
| \$50                                                   | \$50               | \$65                | \$50                      | \$65                   | \$45                  | \$50                | \$65                   | \$65                   |
| Ded & Coins                                            | Ded & Coins        | Ded & Coins         | Ded & Coins               | Ded & Coins            | Ded & Coins           | Ded & Coins         | Ded & Coins            | Ded & Coins            |
| Ded & Coins                                            | Ded & Coins        | Ded & Coins         | Ded & Coins               | \$300                  | Ded & Coins           | Ded & Coins         | \$350                  | Ded & Coins            |
| \$350                                                  | \$350              | \$300               | \$200                     | \$350                  | \$300                 | Ded & Coins         | \$400                  | \$300                  |
| \$100                                                  | \$100              | \$70                | \$50                      | \$85                   | \$85                  | Ded & Coins         | \$100                  | \$85                   |
| Covered In Full                                        | Covered In Full    | Covered In Full     | \$0 Lab;<br>D&C X-Ray     | \$0 Lab;<br>\$50 X-Ray | \$0 Lab;<br>D&C X-Ray | Covered In Full     | \$0 Lab;<br>\$50 X-Ray | \$0 Lab;<br>\$65 X-Ray |
| Ded & Coins                                            | Ded & Coins        | \$300               | Ded & Coins               | \$200                  | Ded & Coins           | Ded & Coins         | \$200                  | \$200                  |
| Ded & Coins                                            | Ded & Coins        | Ded & Coins         | Ded & Coins               | Ded & Coins            | Ded & Coins           | Ded & Coins         | Ded & Coins            | Ded & Coins            |
| <b>Pharmacy Copays Included in Medical OOP Maximum</b> |                    |                     |                           |                        |                       |                     |                        |                        |
| FHCP Pharmacy - \$3                                    |                    |                     | Walgreens Pharmacy - N/A  |                        |                       |                     |                        |                        |
| FHCP Pharmacy - \$10                                   |                    |                     | Walgreens Pharmacy - \$15 |                        |                       |                     |                        |                        |
| FHCP Pharmacy - \$30                                   |                    |                     | Walgreens Pharmacy - \$35 |                        |                       |                     |                        |                        |
| FHCP Pharmacy - \$55                                   |                    |                     | Walgreens Pharmacy - \$60 |                        |                       |                     |                        |                        |
| FHCP Pharmacy - \$125                                  |                    |                     | Walgreens Pharmacy - N/A  |                        |                       |                     |                        |                        |
| \$497.45                                               | \$540.60           | \$477.06            | \$442.24                  | \$437.32               | \$435.09              | \$431.90            | \$417.54               | \$411.45               |
| \$878.49                                               | \$954.71           | \$842.49            | \$781.00                  | \$772.30               | \$768.38              | \$762.74            | \$737.38               | \$726.61               |
| \$878.49                                               | \$954.71           | \$842.49            | \$781.00                  | \$772.30               | \$768.38              | \$762.74            | \$737.38               | \$726.61               |
| \$1,077.47                                             | \$1,170.95         | \$1,033.31          | \$957.89                  | \$947.23               | \$942.41              | \$935.50            | \$904.40               | \$891.19               |
| \$1,077.47                                             | \$1,170.95         | \$1,033.31          | \$957.89                  | \$947.23               | \$942.41              | \$935.50            | \$904.40               | \$891.19               |

| Renewal Census     | Subs:      | Monthly<br>Premium: | Monthly<br>Premium: | Monthly<br>Premium  | Monthly<br>Premium  | Monthly<br>Premium  | Monthly<br>Premium  | Monthly<br>Premium  | Monthly<br>Premium  | Monthly<br>Premium  |
|--------------------|------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| Single             | 274        | \$136,300.94        | \$148,125.68        | \$130,714.43        | \$121,173.65        | \$118,824.62        | \$118,216.70        | \$118,341.02        | \$114,406.63        | \$112,736.32        |
| EE & Child(ren)    | 26         | \$22,840.85         | \$24,822.40         | \$21,904.69         | \$20,305.87         | \$20,079.81         | \$19,977.77         | \$19,831.19         | \$19,171.68         | \$18,691.97         |
| EE & Spouse        | 39         | \$34,261.28         | \$37,233.61         | \$32,857.03         | \$30,458.81         | \$30,119.71         | \$29,966.65         | \$29,746.79         | \$28,757.82         | \$28,337.96         |
| Family < 7 Members | 63         | \$67,880.85         | \$73,769.83         | \$65,098.65         | \$60,347.13         | \$59,875.28         | \$59,372.03         | \$58,936.42         | \$56,977.00         | \$56,145.15         |
| Family 7 + Members | 0          | \$0.00              | \$0.00              | \$0.00              | \$0.00              | \$0.00              | \$0.00              | \$0.00              | \$0.00              | \$0.00              |
| <b>Totals:</b>     | <b>402</b> | <b>\$261,283.92</b> | <b>\$283,951.52</b> | <b>\$250,574.79</b> | <b>\$232,285.46</b> | <b>\$229,699.42</b> | <b>\$228,532.15</b> | <b>\$226,855.42</b> | <b>\$219,313.33</b> | <b>\$216,111.40</b> |

|                              |                |                |                |                |                |                |                |                |                |
|------------------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| <b>Total Annual Premium:</b> | \$3,135,407.04 | \$3,407,418.30 | \$3,006,897.49 | \$2,787,425.56 | \$2,756,393.03 | \$2,742,385.83 | \$2,722,264.99 | \$2,631,759.90 | \$2,593,336.84 |
| <b>Percent Difference:</b>   |                | 8.7%           | -4.1%          | -11.1%         | -12.1%         | -12.5%         | -13.2%         | -16.1%         | -17.3%         |
|                              |                | Renewal        |                |                |                |                |                |                |                |

This document should be used only for plan pricing. The benefits are for illustrative purposes only. FHCP is not responsible for errors or omissions included in these benefit illustrations. Please refer to SDC's to verify actual benefits.



# City of Port Orange

Renewal Date: 7/1/2018 thru 6/30/2017

| PLAN NAME                                                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Plan Type                                                                                                                                                            |
| Plan Code                                                                                                                                                            |
| Annual Deductible<br>Individual<br>Family                                                                                                                            |
| Co-Insurance (Mbr Pays)                                                                                                                                              |
| Annual Out-of-Pocket Expense Limit<br>Individual<br>Family                                                                                                           |
| Well Baby Care & Child Health<br>Supervision Visits                                                                                                                  |
| Annual Adult Physical Health Screening                                                                                                                               |
| Annual Well Women's Assessment                                                                                                                                       |
| Other Preventive Services (includes<br>screening mammogram, screening colonoscopy,<br>and immunizations)                                                             |
| Therapeutic Injections/Infusions of Medication                                                                                                                       |
| PCP OV                                                                                                                                                               |
| Specialist OV                                                                                                                                                        |
| In-Patient                                                                                                                                                           |
| Out Patient Surgery                                                                                                                                                  |
| Emergency Visit<br>Participating<br>Non-Participating                                                                                                                |
| Urgent Care Visit                                                                                                                                                    |
| Lab & X-Ray                                                                                                                                                          |
| Advanced Imaging                                                                                                                                                     |
| Durable Medical Equipment                                                                                                                                            |
| <b>PHARMACY</b><br>Only select Walgreens are available at HMO level. Please<br>refer to your provider directory for locations and<br>limitations of Walgreens access |
| Formulary Preferred Generic                                                                                                                                          |
| Formulary Non-Preferred Generic                                                                                                                                      |
| Formulary Preferred Brand                                                                                                                                            |
| Formulary Non-Preferred Brand                                                                                                                                        |
| Pre-Approved, Pre-Certified Specialty Drug<br>Formulary                                                                                                              |
| <b>RATES</b>                                                                                                                                                         |
| Single                                                                                                                                                               |
| EE & Child(ren)                                                                                                                                                      |
| EE & Spouse                                                                                                                                                          |
| Family < 7 Members                                                                                                                                                   |
| Family 7 + Members                                                                                                                                                   |

## Wellness Rider Included

| Group # 00H075                                  |                    |                       |                       |                     |                           |                     |                       |                       |                       |  |
|-------------------------------------------------|--------------------|-----------------------|-----------------------|---------------------|---------------------------|---------------------|-----------------------|-----------------------|-----------------------|--|
| Current:                                        | Renewal:           | Alternate HMO Plans:  |                       |                     |                           |                     |                       |                       |                       |  |
| Balance HMO                                     | Balance HMO        | HDHP HMO              | Balance HMO           | Balance HMO         | Balance HMO               | Balance HMO         | Balance HMO           | Balance HMO           | HDHP HMO              |  |
| T38                                             | T38                | T81                   | T12                   | T69                 | T57                       | T69-Mod 3           | T13                   | T15                   | T82                   |  |
| \$500<br>\$1,000                                | \$500<br>\$1,000   | \$2,500<br>\$5,000    | \$3,000<br>\$6,000    | \$5,000<br>\$10,000 | \$5,000<br>\$10,000       | \$5,000<br>\$10,000 | \$4,000<br>\$8,000    | \$5,000<br>\$10,000   | \$3,500<br>\$7,000    |  |
| 20%                                             | 20%                | 30%                   | 50%                   | 30%                 | 30%                       | 30%                 | 50%                   | 30%                   | 40%                   |  |
| \$4,000<br>\$8,000                              | \$4,000<br>\$8,000 | \$5,000<br>\$10,000   | \$6,600<br>\$13,200   | \$6,600<br>\$13,200 | \$6,600<br>\$13,200       | \$6,600<br>\$13,200 | \$6,600<br>\$13,200   | \$6,600<br>\$13,200   | \$6,000<br>\$12,000   |  |
| Covered In Full                                 | Covered In Full    | Covered In Full       | Covered In Full       | Covered In Full     | Covered In Full           | Covered In Full     | Covered In Full       | Covered In Full       | Covered In Full       |  |
| Covered In Full                                 | Covered In Full    | Covered In Full       | Covered In Full       | Covered In Full     | Covered In Full           | Covered In Full     | Covered In Full       | Covered In Full       | Covered In Full       |  |
| Covered In Full                                 | Covered In Full    | Covered In Full       | Covered In Full       | Covered In Full     | Covered In Full           | Covered In Full     | Covered In Full       | Covered In Full       | Covered In Full       |  |
| Covered In Full                                 | Covered In Full    | Covered In Full       | Covered In Full       | Covered In Full     | Covered In Full           | Covered In Full     | Covered In Full       | Covered In Full       | Covered In Full       |  |
| Ded & Coins                                     | Ded & Coins        | Ded & Coins           | Ded & Coins           | Ded & Coins         | Ded & Coins               | Ded & Coins         | Ded & Coins           | Ded & Coins           | Ded & Coins           |  |
| \$25                                            | \$25               | Ded & Coins           | \$50                  | \$30                | \$40                      | \$40                | \$50                  | \$40                  | Ded & Coins           |  |
| \$50                                            | \$50               | Ded & Coins           | \$75                  | \$55                | \$65                      | \$60                | \$75                  | \$60                  | Ded & Coins           |  |
| Ded & Coins                                     | Ded & Coins        | Ded & Coins           | Ded & Coins           | Ded & Coins         | Ded & Coins               | Ded & Coins         | Ded & Coins           | Ded & Coins           | Ded & Coins           |  |
| Ded & Coins                                     | Ded & Coins        | Ded & Coins           | Ded & Coins           | Ded & Coins         | Ded & Coins               | Ded & Coins         | Ded & Coins           | Ded & Coins           | Ded & Coins           |  |
| \$350                                           | \$350              | Ded & Coins           | Ded & Coins           | \$300               | \$300                     | \$500               | Ded & Coins           | Ded & Coins           | Ded & Coins           |  |
| \$100                                           | \$100              | Ded & Coins           | Ded & Coins           | \$75                | \$85                      | \$150               | Ded & Coins           | Ded & Coins           | Ded & Coins           |  |
| Covered In Full                                 | Covered In Full    | \$0 Lab;<br>D&C X-Ray | \$0 Lab;<br>D&C X-Ray | Covered In Full     | \$0 Lab;<br>\$65 X-Ray    | Covered In Full     | \$0 Lab;<br>D&C X-Ray | \$0 Lab;<br>D&C X-Ray | \$0 Lab;<br>D&C X-Ray |  |
| Ded & Coins                                     | Ded & Coins        | Ded & Coins           | Ded & Coins           | Ded & Coins         | \$200                     | Ded & Coins         | Ded & Coins           | \$200                 | Ded & Coins           |  |
| Ded & Coins                                     | Ded & Coins        | Ded & Coins           | Ded & Coins           | Ded & Coins         | Ded & Coins               | Ded & Coins         | Ded & Coins           | Ded & Coins           | Ded & Coins           |  |
| Pharmacy Copays Included in Medical OOP Maximum |                    |                       |                       |                     |                           |                     |                       |                       |                       |  |
| FHCP Pharmacy - \$3                             |                    |                       |                       |                     | Walgreens Pharmacy - N/A  |                     |                       |                       |                       |  |
| FHCP Pharmacy - \$10                            |                    |                       |                       |                     | Walgreens Pharmacy - \$15 |                     |                       |                       |                       |  |
| FHCP Pharmacy - \$30                            |                    |                       |                       |                     | Walgreens Pharmacy - \$35 |                     |                       |                       |                       |  |
| FHCP Pharmacy - \$55                            |                    |                       |                       |                     | Walgreens Pharmacy - \$60 |                     |                       |                       |                       |  |
| FHCP Pharmacy - \$125                           |                    |                       |                       |                     | Walgreens Pharmacy - NA   |                     |                       |                       |                       |  |
| \$497.45                                        | \$540.60           | \$392.47              | \$388.51              | \$379.07            | \$377.60                  | \$373.81            | \$371.57              | \$359.14              | \$342.62              |  |
| \$878.49                                        | \$954.71           | \$693.10              | \$696.11              | \$669.44            | \$666.85                  | \$660.16            | \$656.20              | \$634.23              | \$605.06              |  |
| \$878.49                                        | \$954.71           | \$693.10              | \$696.11              | \$669.44            | \$666.85                  | \$660.16            | \$656.20              | \$634.23              | \$605.06              |  |
| \$1,077.47                                      | \$1,170.85         | \$850.09              | \$841.52              | \$821.06            | \$817.89                  | \$809.68            | \$804.83              | \$777.89              | \$742.11              |  |
| \$1,077.47                                      | \$1,170.85         | \$850.09              | \$841.52              | \$821.06            | \$817.89                  | \$809.68            | \$804.83              | \$777.89              | \$742.11              |  |

| Renewal Census               | Subs:      | Monthly<br>Premium:   | Monthly<br>Premium:   | Monthly<br>Premium    | Monthly<br>Premium    | Monthly<br>Premium    | Monthly<br>Premium    | Monthly<br>Premium    | Monthly<br>Premium    | Monthly<br>Premium    | Monthly<br>Premium    |
|------------------------------|------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Single                       | 274        | \$136,300.94          | \$146,125.88          | \$107,538.99          | \$108,452.05          | \$103,865.00          | \$103,462.99          | \$102,425.14          | \$101,811.18          | \$98,403.28           | \$93,878.79           |
| EE & Child(ren)              | 26         | \$22,840.85           | \$24,822.40           | \$18,020.69           | \$17,838.88           | \$17,405.35           | \$17,337.98           | \$17,164.06           | \$17,061.18           | \$16,490.09           | \$15,731.56           |
| EE & Spouse                  | 39         | \$34,261.28           | \$37,233.61           | \$27,031.03           | \$26,758.32           | \$26,108.02           | \$26,006.97           | \$25,748.09           | \$25,591.78           | \$24,735.14           | \$23,597.34           |
| Family < 7 Members           | 63         | \$67,880.85           | \$73,769.83           | \$53,555.78           | \$53,015.45           | \$51,727.05           | \$51,528.63           | \$51,009.96           | \$50,704.20           | \$49,006.99           | \$46,752.70           |
| Family 7 + Members           | 0          | \$0.00                | \$0.00                | \$0.00                | \$0.00                | \$0.00                | \$0.00                | \$0.00                | \$0.00                | \$0.00                | \$0.00                |
| <b>Totals:</b>               | <b>492</b> | <b>\$261,263.92</b>   | <b>\$283,951.52</b>   | <b>\$206,144.49</b>   | <b>\$204,064.69</b>   | <b>\$199,105.42</b>   | <b>\$198,334.77</b>   | <b>\$196,345.26</b>   | <b>\$195,168.32</b>   | <b>\$188,635.49</b>   | <b>\$179,858.36</b>   |
| <b>Total Annual Premium:</b> |            | <b>\$3,135,407.04</b> | <b>\$3,407,418.30</b> | <b>\$2,473,733.92</b> | <b>\$2,448,776.34</b> | <b>\$2,389,265.08</b> | <b>\$2,380,017.24</b> | <b>\$2,356,143.08</b> | <b>\$2,342,019.80</b> | <b>\$2,263,625.91</b> | <b>\$2,159,500.56</b> |
| <b>Percent Difference:</b>   |            |                       | <b>0.7%</b>           | <b>-21.1%</b>         | <b>-21.9%</b>         | <b>-23.8%</b>         | <b>-24.1%</b>         | <b>-24.9%</b>         | <b>-25.3%</b>         | <b>-27.6%</b>         | <b>-31.1%</b>         |
|                              |            |                       | <b>Renewal</b>        |                       |                       |                       |                       |                       |                       |                       |                       |

This document should be used only for plan pricing. The benefits are for illustrative purposes only. FHCP is not responsible for errors or omissions included in these benefit illustrations. Please refer to SBC's to verify actual benefits.



## City of Port Orange

Renewal Date: 7/1/2016 thru 6/30/2017

| PLAN NAME                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------|
| Plan Type                                                                                                                                    |
| Plan Code                                                                                                                                    |
| Annual Deductible                                                                                                                            |
| Individual                                                                                                                                   |
| Family                                                                                                                                       |
| Co-Insurance (Mbr Pays)                                                                                                                      |
| Annual Out-of-Pocket Expense Limit                                                                                                           |
| Individual                                                                                                                                   |
| Family                                                                                                                                       |
| Well Baby Care & Child Health Supervision Visits                                                                                             |
| Annual Adult Physical Health Screening                                                                                                       |
| Annual Well Women's Assessment                                                                                                               |
| Other Preventive Services (Includes screening mammogram, screening colonoscopy, and immunizations)                                           |
| Therapeutic Injections/Infusions of Medication                                                                                               |
| PCP OV                                                                                                                                       |
| Specialist OV                                                                                                                                |
| In-Patient                                                                                                                                   |
| Out Patient Surgery                                                                                                                          |
| Emergency Visit                                                                                                                              |
| Participating                                                                                                                                |
| Non-Participating                                                                                                                            |
| Urgent Care Visit                                                                                                                            |
| Lab & X-Ray                                                                                                                                  |
| Advanced Imaging                                                                                                                             |
| Durable Medical Equipment                                                                                                                    |
| PHARMACY                                                                                                                                     |
| Only select Walgreens are available at HMO level. Please refer to your provider directory for locations and limitations of Walgreens access. |
| Formulary Preferred Generic                                                                                                                  |
| Formulary Non-Preferred Generic                                                                                                              |
| Formulary Preferred Brand                                                                                                                    |
| Formulary Non-Preferred Brand                                                                                                                |
| Pre-Approved, Pre-Certified Specialty Drug Formulary                                                                                         |
| RATES                                                                                                                                        |
| Single                                                                                                                                       |
| EE & Child(ren)                                                                                                                              |
| EE & Spouse                                                                                                                                  |
| Family < 7 Members                                                                                                                           |
| Family 7 + Members                                                                                                                           |

## Wellness Rider Included

| Group # 00H075                                  |                               | Alternate HMO Plans: |                 |                 |                 |                 |
|-------------------------------------------------|-------------------------------|----------------------|-----------------|-----------------|-----------------|-----------------|
| Current:                                        | Renewal:                      |                      |                 |                 |                 |                 |
| Balance HMO                                     | Balance HMO                   | HDHP HMO-H.S.A.      | HDHP HMO-H.S.A. | HDHP HMO-H.S.A. | HDHP HMO-H.S.A. | HDHP HMO-H.S.A. |
| T38                                             | T38                           | T83                  | T84             | T85             | T86             | T86             |
| \$500                                           | \$500                         | \$1,500              | \$1,600         | \$2,500         | \$3,500         | \$3,500         |
| \$1,000                                         | \$1,000                       | \$3,000              | \$3,200         | \$5,000         | \$7,000         | \$7,000         |
| 20%                                             | 20%                           | 10%                  | 20%             | 30%             | 40%             | 40%             |
| \$4,000                                         | \$4,000                       | \$3,000              | \$3,200         | \$5,000         | \$8,000         | \$8,000         |
| \$8,000                                         | \$8,000                       | \$6,000              | \$6,400         | \$10,000        | \$12,000        | \$12,000        |
| Covered In Full                                 | Covered In Full               | Covered In Full      | Covered In Full | Covered In Full | Covered In Full | Covered In Full |
| Covered In Full                                 | Covered In Full               | Covered In Full      | Covered In Full | Covered In Full | Covered In Full | Covered In Full |
| Covered In Full                                 | Covered In Full               | Covered In Full      | Covered In Full | Covered In Full | Covered In Full | Covered In Full |
| Covered In Full                                 | Covered In Full               | Covered In Full      | Covered In Full | Covered In Full | Covered In Full | Covered In Full |
| Ded & Coins                                     | Ded & Coins                   | Ded & Coins          | Ded & Coins     | Ded & Coins     | Ded & Coins     | Ded & Coins     |
| \$25                                            | \$25                          | Ded & Coins          | Ded & Coins     | Ded & Coins     | Ded & Coins     | Ded & Coins     |
| \$50                                            | \$50                          | Ded & Coins          | Ded & Coins     | Ded & Coins     | Ded & Coins     | Ded & Coins     |
| Ded & Coins                                     | Ded & Coins                   | Ded & Coins          | Ded & Coins     | Ded & Coins     | Ded & Coins     | Ded & Coins     |
| Ded & Coins                                     | Ded & Coins                   | Ded & Coins          | Ded & Coins     | Ded & Coins     | Ded & Coins     | Ded & Coins     |
| \$350                                           | \$350                         | Ded & Coins          | Ded & Coins     | Ded & Coins     | Ded & Coins     | Ded & Coins     |
| \$100                                           | \$100                         | Ded & Coins          | Ded & Coins     | Ded & Coins     | Ded & Coins     | Ded & Coins     |
| Covered In Full                                 | Covered In Full               | Ded & Coins          | Ded & Coins     | Ded & Coins     | Ded & Coins     | Ded & Coins     |
| Ded & Coins                                     | Ded & Coins                   | Ded & Coins          | Ded & Coins     | Ded & Coins     | Ded & Coins     | Ded & Coins     |
| Ded & Coins                                     | Ded & Coins                   | Ded & Coins          | Ded & Coins     | Ded & Coins     | Ded & Coins     | Ded & Coins     |
| Pharmacy Copays Included in Medical OOP Maximum |                               |                      |                 |                 |                 |                 |
| FHCP Pharmacy - \$3                             | FHCP Pharmacy - Ded+\$3       |                      |                 |                 |                 |                 |
| Walgreens Pharmacy - N/A                        | Walgreens Pharmacy - N/A      |                      |                 |                 |                 |                 |
| FHCP Pharmacy - \$10                            | FHCP Pharmacy - Ded+\$10      |                      |                 |                 |                 |                 |
| Walgreens Pharmacy - \$15                       | Walgreens Pharmacy - Ded+\$15 |                      |                 |                 |                 |                 |
| FHCP Pharmacy - \$30                            | FHCP Pharmacy - Ded+\$30      |                      |                 |                 |                 |                 |
| Walgreens Pharmacy - \$35                       | Walgreens Pharmacy - Ded+\$35 |                      |                 |                 |                 |                 |
| FHCP Pharmacy - \$55                            | FHCP Pharmacy - Ded+\$55      |                      |                 |                 |                 |                 |
| Walgreens Pharmacy - \$60                       | Walgreens Pharmacy - Ded+\$60 |                      |                 |                 |                 |                 |
| FHCP Pharmacy - \$125                           | FHCP Pharmacy - Ded+\$125     |                      |                 |                 |                 |                 |
| Walgreens Pharmacy - NA                         | Walgreens Pharmacy - N/A      |                      |                 |                 |                 |                 |
| \$497.45                                        | \$540.60                      | \$444.34             | \$431.11        | \$325.50        | \$268.62        | \$268.62        |
| \$878.49                                        | \$954.71                      | \$784.70             | \$761.35        | \$574.84        | \$474.39        | \$474.39        |
| \$878.49                                        | \$954.71                      | \$784.70             | \$761.35        | \$574.84        | \$474.39        | \$474.39        |
| \$1,077.47                                      | \$1,170.95                    | \$962.43             | \$933.79        | \$705.04        | \$581.84        | \$581.84        |
| \$1,077.47                                      | \$1,170.95                    | \$962.43             | \$933.79        | \$705.04        | \$581.84        | \$581.84        |

| Renewal Census     | Subs: | Monthly Premium: | Monthly Premium: | Monthly Premium | Monthly Premium | Monthly Premium | Monthly Premium |
|--------------------|-------|------------------|------------------|-----------------|-----------------|-----------------|-----------------|
| Single             | 274   | \$136,300.94     | \$148,125.68     | \$121,748.32    | \$118,125.44    | \$89,188.12     | \$73,602.97     |
| EE & Child(ren)    | 26    | \$22,840.85      | \$24,822.40      | \$20,402.17     | \$19,795.06     | \$14,945.85     | \$12,334.14     |
| EE & Spouse        | 39    | \$34,261.28      | \$37,233.61      | \$30,603.26     | \$29,692.60     | \$22,418.77     | \$18,501.21     |
| Family < 7 Members | 63    | \$67,880.85      | \$73,769.83      | \$60,633.33     | \$58,829.06     | \$44,417.64     | \$36,655.89     |
| Family 7 + Members | 0     | \$0.00           | \$0.00           | \$0.00          | \$0.00          | \$0.00          | \$0.00          |
| Totals:            | 402   | \$261,283.92     | \$283,951.52     | \$233,387.09    | \$226,442.16    | \$170,970.38    | \$141,094.21    |

|                       |                |                |                |                |                |                |
|-----------------------|----------------|----------------|----------------|----------------|----------------|----------------|
| Total Annual Premium: | \$3,135,407.04 | \$3,407,418.30 | \$2,800,645.06 | \$2,717,305.82 | \$2,051,844.52 | \$1,693,130.56 |
| Percent Difference:   |                | 8.7%           | -10.7%         | -13.3%         | -34.6%         | -46.0%         |
|                       |                | Renewal        |                |                |                |                |

This document should be used only for plan pricing. The benefits are for illustrative purposes only. FHCP is not responsible for errors or omissions included in these benefit illustrations. Please refer to SBC's to verify actual benefits.

**City of Port Orange**
**Renewal Date: 7/1/2016 thru 6/30/2017**

| PLAN NAME                                                                                          |
|----------------------------------------------------------------------------------------------------|
| Plan Code                                                                                          |
| Network                                                                                            |
| Annual Deductible<br>Individual<br>Family                                                          |
| Co-Insurance (Mbr Pays)                                                                            |
| Annual Out-of-Pocket Expense Limit<br>Individual<br>Family                                         |
| Well Baby Care & Child Health Supervision Visits                                                   |
| Annual Adult Physical Health Screening                                                             |
| Annual Well Women's Assessment                                                                     |
| Other Preventive Services (includes screening mammogram, screening colonoscopy, and immunizations) |
| Therapeutic injections/infusions of medication                                                     |
| PCP OV                                                                                             |
| Specialist OV                                                                                      |
| In-Patient                                                                                         |
| Out Patient Surgery                                                                                |
| Emergency Visit<br>Participating<br>Non-Participating                                              |
| Urgent Care Visit                                                                                  |
| Lab & X-Ray                                                                                        |
| Advanced Imaging                                                                                   |
| Durable Medical Equipment                                                                          |
| <b>PHARMACY</b><br>All nationwide Walgreens are available at any time                              |
| Formulary Preferred Generic                                                                        |
| Formulary Non-Preferred Generic                                                                    |
| Formulary Preferred Brand                                                                          |
| Formulary Non-Preferred Brand                                                                      |
| Pre-Approved, Pre-Certified Specialty Drug Formulary                                               |
| <b>RATES</b>                                                                                       |
| Single                                                                                             |
| EE & Child(ren)                                                                                    |
| EE & Spouse                                                                                        |
| Family < 7 Members                                                                                 |
| Family 7 + Members                                                                                 |
| <b>Renewal Census</b>                                                                              |
| Single                                                                                             |
| EE & Child(ren)                                                                                    |
| EE & Spouse                                                                                        |
| Family < 7 Members                                                                                 |
| Family 7 + Members                                                                                 |
| <b>Totals:</b>                                                                                     |

**Wellness Rider Included**

| Group # 00C075                                  |                        |                           |                        |                           |                        |                    |                        |                       |                        |
|-------------------------------------------------|------------------------|---------------------------|------------------------|---------------------------|------------------------|--------------------|------------------------|-----------------------|------------------------|
| Current:                                        |                        | Renewal:                  |                        | Alternate POS Plans:      |                        |                    |                        |                       |                        |
| Classic \$2000                                  |                        | Classic \$2000            |                        | Balance \$1,000           |                        | Balance \$2,000    |                        | Balance               |                        |
| T34                                             |                        | T34                       |                        | T35                       |                        | T37                |                        | T36                   |                        |
| In Net                                          | Out of Net             | In Net                    | Out of Net             | In Net                    | Out of Net             | In Net             | Out of Net             | In Net                | Out of Net             |
| \$0                                             | \$2,000<br>\$4,000     | \$0                       | \$2,000<br>\$4,000     | \$500<br>\$1,000          | \$1,000<br>\$2,000     | \$1,000<br>\$2,000 | \$2,000<br>\$4,000     | \$1,500<br>Per Person | \$4,500<br>Per Person  |
| 10%                                             | 50%                    | 10%                       | 50%                    | 20%                       | 40%                    | 10%                | 30%                    | 10%                   | 50%                    |
| \$3,000<br>\$6,000                              | \$6,000<br>\$12,000    | \$3,000<br>\$6,000        | \$6,000<br>\$12,000    | \$4,000<br>\$8,000        | \$6,000<br>\$12,000    | \$4,000<br>\$8,000 | \$4,000<br>\$8,000     | \$8,000<br>\$12,000   | \$10,000<br>\$20,000   |
| Covered In Full                                 | Ded & Coins            | Covered In Full           | Ded & Coins            | Covered In Full           | Ded & Coins            | Covered In Full    | Ded & Coins            | Covered In Full       | Ded & Coins            |
| Covered In Full                                 | Ded & Coins            | Covered In Full           | Ded & Coins            | Covered In Full           | Ded & Coins            | Covered In Full    | Ded & Coins            | Covered In Full       | Ded & Coins            |
| Covered In Full                                 | Ded & Coins            | Covered In Full           | Ded & Coins            | Covered In Full           | Ded & Coins            | Covered In Full    | Ded & Coins            | Covered In Full       | Ded & Coins            |
| Covered In Full                                 | Ded & Coins            | Covered In Full           | Ded & Coins            | Covered In Full           | Ded & Coins            | Covered In Full    | Ded & Coins            | Covered In Full       | Ded & Coins            |
| 10% Coins                                       | Ded & Coins            | 10% Coins                 | Ded & Coins            | Ded & Coins               | Ded & Coins            | Ded & Coins        | Ded & Coins            | Ded & Coins           | Ded & Coins            |
| \$20                                            | Ded & Coins            | \$20                      | Ded & Coins            | \$20                      | Ded & Coins            | \$20               | Ded & Coins            | \$35                  | Ded & Coins            |
| \$35                                            | Ded & Coins            | \$35                      | Ded & Coins            | \$35                      | Ded & Coins            | \$35               | Ded & Coins            | \$50                  | Ded & Coins            |
| \$250 day<br>Days 1-5                           | Ded & Coins            | \$250 day<br>Days 1-5     | Ded & Coins            | Ded & Coins               | Ded & Coins            | Ded & Coins        | Ded & Coins            | Ded & Coins           | Ded & Coins            |
| \$100                                           | Ded & Coins            | \$100                     | Ded & Coins            | Ded & Coins               | Ded & Coins            | Ded & Coins        | Ded & Coins            | Ded & Coins           | Ded & Coins            |
| \$100                                           | Same as In-<br>Network | \$100                     | Same as In-<br>Network | Ded & Coins               | Same as In-<br>Network | Ded & Coins        | Same as In-<br>Network | Ded & Coins           | Same as In-<br>Network |
| \$60                                            | Same as In-<br>Network | \$60                      | Same as In-<br>Network | Ded & Coins               | Same as In-<br>Network | Ded & Coins        | Same as In-<br>Network | 10% Coins             | Same as In-<br>Network |
| Covered In Full                                 | Ded & Coins            | Covered In Full           | Ded & Coins            | \$0 (Lab); D+C<br>(X-Ray) | Ded & Coins            | Covered In Full    | Ded & Coins            | \$0 Lab<br>\$50 X-Ray | Ded & Coins            |
| Covered In Full                                 | Ded & Coins            | Covered In Full           | Ded & Coins            | Ded & Coins               | Ded & Coins            | Ded & Coins        | Ded & Coins            | Ded & Coins           | Ded & Coins            |
| 10% Coins                                       | Ded & Coins            | 10% Coins                 | Ded & Coins            | Ded & Coins               | Ded & Coins            | Ded & Coins        | Ded & Coins            | Ded & Coins           | Ded & Coins            |
| Pharmacy Copays Included in Medical OOP Maximum |                        |                           |                        |                           |                        |                    |                        |                       |                        |
| FHCP Pharmacy - \$3                             |                        | Walgreens Pharmacy - N/A  |                        |                           |                        |                    |                        |                       |                        |
| FHCP Pharmacy - \$10                            |                        | Walgreens Pharmacy - \$15 |                        |                           |                        |                    |                        |                       |                        |
| FHCP Pharmacy - \$30                            |                        | Walgreens Pharmacy - \$35 |                        |                           |                        |                    |                        |                       |                        |
| FHCP Pharmacy - \$55                            |                        | Walgreens Pharmacy - \$60 |                        |                           |                        |                    |                        |                       |                        |
| FHCP Pharmacy - \$125                           |                        | Walgreens Pharmacy - NA   |                        |                           |                        |                    |                        |                       |                        |
|                                                 |                        |                           |                        |                           |                        |                    |                        |                       |                        |
|                                                 |                        |                           |                        |                           |                        |                    |                        |                       |                        |
| \$611.33                                        |                        | \$682.81                  |                        | \$609.10                  |                        | \$557.19           |                        | \$514.07              |                        |
| \$1,079.61                                      |                        | \$1,170.53                |                        | \$1,075.67                |                        | \$983.99           |                        | \$907.85              |                        |
| \$1,079.61                                      |                        | \$1,170.53                |                        | \$1,075.67                |                        | \$983.99           |                        | \$907.85              |                        |
| \$1,324.14                                      |                        | \$1,435.66                |                        | \$1,319.31                |                        | \$1,206.87         |                        | \$1,113.48            |                        |
| \$1,324.14                                      |                        | \$1,435.66                |                        | \$1,319.31                |                        | \$1,206.87         |                        | \$1,113.48            |                        |
|                                                 |                        |                           |                        |                           |                        |                    |                        |                       |                        |
| Monthly<br>Premium                              |                        | Monthly<br>Premium        |                        | Monthly<br>Premium        |                        | Monthly<br>Premium |                        | Monthly<br>Premium    |                        |
| \$167,503.84                                    |                        | \$181,611.09              |                        | \$166,892.86              |                        | \$152,669.15       |                        | \$140,855.88          |                        |
| \$28,069.73                                     |                        | \$30,433.78               |                        | \$27,967.34               |                        | \$25,583.78        |                        | \$23,804.15           |                        |
| \$42,104.60                                     |                        | \$45,650.67               |                        | \$41,951.02               |                        | \$38,375.68        |                        | \$35,406.23           |                        |
| \$83,420.58                                     |                        | \$90,446.30               |                        | \$83,116.30               |                        | \$76,032.58        |                        | \$70,149.31           |                        |
| \$0.00                                          |                        | \$0.00                    |                        | \$0.00                    |                        | \$0.00             |                        | \$0.00                |                        |
| \$321,088.74                                    |                        | \$348,141.83              |                        | \$319,927.51              |                        | \$292,661.19       |                        | \$270,015.58          |                        |
|                                                 |                        |                           |                        |                           |                        |                    |                        |                       |                        |
| \$3,853,184.88                                  |                        | \$4,177,701.98            |                        | \$3,839,130.15            |                        | \$3,511,934.33     |                        | \$3,240,188.90        |                        |
|                                                 |                        | 8.4%                      |                        | -0.4%                     |                        | -8.9%              |                        | -15.9%                |                        |
| Renewal                                         |                        |                           |                        |                           |                        |                    |                        |                       |                        |

This document should be used only for plan pricing. The benefits are for illustrative purposes only. FHCP is not responsible for errors or omissions included in these benefit illustrations. Please refer to SBC's to verify actual benefits.





**City of Port Orange****Group #: 000075****7/1/2016 Renewal Census**

| <b>Contract Type</b> | <b>Age Band of Employee</b> |              |              |              |              |              |            | <b>Total</b> |
|----------------------|-----------------------------|--------------|--------------|--------------|--------------|--------------|------------|--------------|
|                      | <b>0-29</b>                 | <b>30-39</b> | <b>40-49</b> | <b>50-54</b> | <b>55-59</b> | <b>60-64</b> | <b>65+</b> |              |
| single male          | 9                           | 10           | 23           | 13           | 27           | 14           | 4          | 100          |
| single female        | 7                           | 5            | 8            | 6            | 4            | 13           | 3          | 46           |
| dep male             | 0                           | 3            | 4            | 2            | 1            | 0            | 0          | 10           |
| dep female           | 0                           | 2            | 0            | 0            | 0            | 0            | 0          | 2            |
| couple               | 0                           | 4            | 2            | 3            | 10           | 5            | 3          | 27           |
| family               | 2                           | 4            | 12           | 4            | 5            | 3            | 0          | 30           |
| large family         | 0                           | 0            | 0            | 0            | 0            | 0            | 0          | 0            |
| <b>Total</b>         | <b>18</b>                   | <b>28</b>    | <b>49</b>    | <b>28</b>    | <b>47</b>    | <b>35</b>    | <b>10</b>  | <b>215</b>   |
| <b>Group Total</b>   |                             |              |              |              |              |              |            | <b>215</b>   |

**City of Port Orange****Group #: 00C075****7/1/2016 Renewal Census**

| <b>Contract Type</b> | <b>Age Band of Employee</b> |              |              |              |              |              |            | <b>Total</b> |
|----------------------|-----------------------------|--------------|--------------|--------------|--------------|--------------|------------|--------------|
|                      | <b>0-29</b>                 | <b>30-39</b> | <b>40-49</b> | <b>50-54</b> | <b>55-59</b> | <b>60-64</b> | <b>65+</b> |              |
| single male          | 0                           | 1            | 4            | 1            | 2            | 0            | 1          | 9            |
| single female        | 0                           | 0            | 1            | 0            | 1            | 1            | 0          | 3            |
| dep male             | 0                           | 1            | 0            | 0            | 0            | 0            | 0          | 1            |
| dep female           | 1                           | 0            | 0            | 0            | 0            | 0            | 0          | 1            |
| couple               | 0                           | 0            | 1            | 0            | 0            | 0            | 0          | 1            |
| family               | 0                           | 0            | 1            | 1            | 0            | 0            | 0          | 2            |
| large family         | 0                           | 0            | 0            | 0            | 0            | 0            | 0          | 0            |
| <b>Total</b>         | <b>1</b>                    | <b>2</b>     | <b>7</b>     | <b>2</b>     | <b>3</b>     | <b>1</b>     | <b>1</b>   | <b>17</b>    |
| <b>Group Total</b>   |                             |              |              |              |              |              |            | <b>17</b>    |

**City of Port Orange****Group #: 00H075****7/1/2016 Renewal Census**

| <b>Contract Type</b> | <b>Age Band of Employee</b> |              |              |              |              |              |            | <b>Total</b> |
|----------------------|-----------------------------|--------------|--------------|--------------|--------------|--------------|------------|--------------|
|                      | <b>0-29</b>                 | <b>30-39</b> | <b>40-49</b> | <b>50-54</b> | <b>55-59</b> | <b>60-64</b> | <b>65+</b> |              |
| single male          | 26                          | 20           | 16           | 5            | 6            | 3            | 0          | 76           |
| single female        | 7                           | 6            | 3            | 2            | 0            | 0            | 0          | 18           |
| dep male             | 0                           | 2            | 1            | 2            | 0            | 0            | 0          | 5            |
| dep female           | 1                           | 2            | 2            | 0            | 0            | 0            | 0          | 5            |
| couple               | 1                           | 0            | 2            | 0            | 2            | 1            | 1          | 7            |
| family               | 3                           | 8            | 8            | 2            | 0            | 0            | 0          | 21           |
| large family         | 0                           | 0            | 0            | 0            | 0            | 0            | 0          | 0            |
| <b>Total</b>         | <b>38</b>                   | <b>38</b>    | <b>32</b>    | <b>11</b>    | <b>8</b>     | <b>4</b>     | <b>1</b>   | <b>132</b>   |
| <b>Group Total</b>   |                             |              |              |              |              |              |            | <b>132</b>   |

**City of Port Orange****Group #: 00L075****7/1/2016 Renewal Census**

| <b>Contract Type</b> | <b>Age Band of Employee</b> |              |              |              |              |              |            | <b>Total</b> |
|----------------------|-----------------------------|--------------|--------------|--------------|--------------|--------------|------------|--------------|
|                      | <b>0-29</b>                 | <b>30-39</b> | <b>40-49</b> | <b>50-54</b> | <b>55-59</b> | <b>60-64</b> | <b>65+</b> |              |
| single male          | 3                           | 5            | 2            | 3            | 3            | 1            | 0          | 17           |
| single female        | 0                           | 1            | 1            | 2            | 0            | 1            | 0          | 5            |
| dep male             | 0                           | 2            | 0            | 0            | 0            | 0            | 0          | 2            |
| dep female           | 0                           | 0            | 0            | 0            | 0            | 0            | 0          | 0            |
| couple               | 0                           | 2            | 1            | 0            | 1            | 0            | 0          | 4            |
| family               | 0                           | 1            | 6            | 0            | 2            | 1            | 0          | 10           |
| large family         | 0                           | 0            | 0            | 0            | 0            | 0            | 0          | 0            |
| <b>Total</b>         | <b>3</b>                    | <b>11</b>    | <b>10</b>    | <b>5</b>     | <b>6</b>     | <b>3</b>     | <b>0</b>   | <b>38</b>    |
| <b>Group Total</b>   |                             |              |              |              |              |              |            | <b>38</b>    |

**City of Port Orange****Group #: ALL****7/1/2016 Total Renewal Census**

| <b>Contract Type</b> | <b>Age Band of Employee</b> |              |              |              |              |              |            | <b>Total</b> |
|----------------------|-----------------------------|--------------|--------------|--------------|--------------|--------------|------------|--------------|
|                      | <b>0-29</b>                 | <b>30-39</b> | <b>40-49</b> | <b>50-54</b> | <b>55-59</b> | <b>60-64</b> | <b>65+</b> |              |
| single male          | 38                          | 36           | 45           | 22           | 38           | 18           | 5          | 202          |
| single female        | 14                          | 12           | 13           | 10           | 5            | 15           | 3          | 72           |
| dep male             | 0                           | 8            | 5            | 4            | 1            | 0            | 0          | 18           |
| dep female           | 2                           | 4            | 2            | 0            | 0            | 0            | 0          | 8            |
| couple               | 1                           | 6            | 6            | 3            | 13           | 6            | 4          | 39           |
| family               | 5                           | 13           | 27           | 7            | 7            | 4            | 0          | 63           |
| large family         | 0                           | 0            | 0            | 0            | 0            | 0            | 0          | 0            |
| <b>Total</b>         | <b>60</b>                   | <b>79</b>    | <b>98</b>    | <b>46</b>    | <b>64</b>    | <b>43</b>    | <b>12</b>  | <b>402</b>   |
| <b>Group Total</b>   |                             |              |              |              |              |              |            | <b>402</b>   |

**EXHIBIT "1"**

**City of Port Orange****Group #: 000075****7/1/2014 Renewal Census**

| <b>Contract Type</b> | <b>Age Band of Employee</b> |              |              |              |              |              |            | <b>Total</b> |
|----------------------|-----------------------------|--------------|--------------|--------------|--------------|--------------|------------|--------------|
|                      | <b>0-29</b>                 | <b>30-39</b> | <b>40-49</b> | <b>50-54</b> | <b>55-59</b> | <b>60-64</b> | <b>65+</b> |              |
| single male          | 11                          | 18           | 20           | 20           | 21           | 15           | 5          | 110          |
| single female        | 6                           | 4            | 6            | 6            | 7            | 11           | 2          | 42           |
| dep male             | 1                           | 3            | 5            | 3            | 1            | 0            | 0          | 13           |
| dep female           | 0                           | 1            | 1            | 1            | 0            | 0            | 0          | 3            |
| couple               | 0                           | 3            | 3            | 7            | 9            | 5            | 2          | 29           |
| family               | 2                           | 9            | 15           | 6            | 3            | 3            | 1          | 39           |
| large family         | 0                           | 0            | 0            | 0            | 0            | 0            | 0          | 0            |
| <b>Total</b>         | <b>20</b>                   | <b>38</b>    | <b>50</b>    | <b>43</b>    | <b>41</b>    | <b>34</b>    | <b>10</b>  | <b>236</b>   |
| <b>Group Total</b>   |                             |              |              |              |              |              |            | <b>236</b>   |

**City of Port Orange****Group #: 00C075****7/1/2015 Renewal Census**

| <b>Contract Type</b> | <b>Age Band of Employee</b> |              |              |              |              |              |            | <b>Total</b> |
|----------------------|-----------------------------|--------------|--------------|--------------|--------------|--------------|------------|--------------|
|                      | <b>0-29</b>                 | <b>30-39</b> | <b>40-49</b> | <b>50-54</b> | <b>55-59</b> | <b>60-64</b> | <b>65+</b> |              |
| single male          | 0                           | 1            | 4            | 0            | 4            | 0            | 1          | 10           |
| single female        | 1                           | 0            | 1            | 0            | 1            | 0            | 1          | 4            |
| dep male             | 0                           | 0            | 1            | 0            | 0            | 0            | 0          | 1            |
| dep female           | 0                           | 0            | 0            | 0            | 0            | 0            | 0          | 0            |
| couple               | 0                           | 0            | 0            | 2            | 1            | 0            | 0          | 3            |
| family               | 0                           | 0            | 1            | 0            | 0            | 0            | 0          | 1            |
| large family         | 0                           | 0            | 0            | 0            | 0            | 0            | 0          | 0            |
| <b>Total</b>         | <b>1</b>                    | <b>1</b>     | <b>7</b>     | <b>2</b>     | <b>6</b>     | <b>0</b>     | <b>2</b>   | <b>19</b>    |
| <b>Group Total</b>   |                             |              |              |              |              |              |            | <b>19</b>    |

**City of Port Orange****Group #: 00H075****7/1/2015 Renewal Census**

| <b>Contract Type</b> | <b>Age Band of Employee</b> |              |              |              |              |              |            | <b>Total</b> |
|----------------------|-----------------------------|--------------|--------------|--------------|--------------|--------------|------------|--------------|
|                      | <b>0-29</b>                 | <b>30-39</b> | <b>40-49</b> | <b>50-54</b> | <b>55-59</b> | <b>60-64</b> | <b>65+</b> |              |
| single male          | 19                          | 10           | 16           | 6            | 2            | 3            | 0          | 56           |
| single female        | 5                           | 6            | 3            | 1            | 0            | 1            | 0          | 16           |
| dep male             | 0                           | 1            | 1            | 1            | 0            | 0            | 0          | 3            |
| dep female           | 1                           | 1            | 1            | 0            | 0            | 0            | 0          | 3            |
| couple               | 0                           | 2            | 1            | 2            | 1            | 1            | 1          | 8            |
| family               | 2                           | 8            | 3            | 2            | 1            | 0            | 0          | 16           |
| large family         | 0                           | 0            | 0            | 0            | 0            | 0            | 0          | 0            |
| <b>Total</b>         | <b>27</b>                   | <b>28</b>    | <b>25</b>    | <b>12</b>    | <b>4</b>     | <b>5</b>     | <b>1</b>   | <b>102</b>   |
| <b>Group Total</b>   |                             |              |              |              |              |              |            | <b>102</b>   |

**City of Port Orange****Group #: 00L075****7/1/2015 Renewal Census**

| <b>Contract Type</b> | <b>Age Band of Employee</b> |              |              |              |              |              |            | <b>Total</b> |
|----------------------|-----------------------------|--------------|--------------|--------------|--------------|--------------|------------|--------------|
|                      | <b>0-29</b>                 | <b>30-39</b> | <b>40-49</b> | <b>50-54</b> | <b>55-59</b> | <b>60-64</b> | <b>65+</b> |              |
| single male          | 6                           | 2            | 0            | 3            | 6            | 1            | 0          | 18           |
| single female        | 2                           | 0            | 1            | 1            | 1            | 2            | 0          | 7            |
| dep male             | 0                           | 1            | 1            | 0            | 0            | 0            | 0          | 2            |
| dep female           | 0                           | 0            | 0            | 0            | 0            | 0            | 0          | 0            |
| couple               | 1                           | 2            | 1            | 0            | 1            | 0            | 0          | 5            |
| family               | 0                           | 2            | 5            | 1            | 1            | 1            | 0          | 10           |
| large family         | 0                           | 0            | 0            | 0            | 0            | 0            | 0          | 0            |
| <b>Total</b>         | <b>9</b>                    | <b>7</b>     | <b>8</b>     | <b>5</b>     | <b>9</b>     | <b>4</b>     | <b>0</b>   | <b>42</b>    |
| <b>Group Total</b>   |                             |              |              |              |              |              |            | <b>42</b>    |

**City of Port Orange****Group #: ALL****7/1/2015 Total Renewal Census**

| <b>Contract Type</b> | <b>Age Band of Employee</b> |              |              |              |              |              |            | <b>Total</b> |
|----------------------|-----------------------------|--------------|--------------|--------------|--------------|--------------|------------|--------------|
|                      | <b>0-29</b>                 | <b>30-39</b> | <b>40-49</b> | <b>50-54</b> | <b>55-59</b> | <b>60-64</b> | <b>65+</b> |              |
| single male          | 36                          | 31           | 40           | 29           | 33           | 19           | 6          | 194          |
| single female        | 14                          | 10           | 11           | 8            | 9            | 14           | 3          | 69           |
| dep male             | 1                           | 5            | 8            | 4            | 1            | 0            | 0          | 19           |
| dep female           | 1                           | 2            | 2            | 1            | 0            | 0            | 0          | 6            |
| couple               | 1                           | 7            | 5            | 11           | 12           | 6            | 3          | 45           |
| family               | 4                           | 19           | 24           | 9            | 5            | 4            | 1          | 66           |
| large family         | 0                           | 0            | 0            | 0            | 0            | 0            | 0          | 0            |
| <b>Total</b>         | <b>57</b>                   | <b>74</b>    | <b>90</b>    | <b>62</b>    | <b>60</b>    | <b>43</b>    | <b>13</b>  | <b>399</b>   |
| <b>Group Total</b>   |                             |              |              |              |              |              |            | <b>399</b>   |

**EXHIBIT "1"**

**Surrounding Cities' Lowest Cost HMO Health Insurance Plan Rates**

|                  | Total Monthly Premium | City Monthly Cost | Employee Monthly Cost |
|------------------|-----------------------|-------------------|-----------------------|
| Port Orange      | \$540.60              | \$540.60          | \$0.00                |
| DeLand           | \$550.55              | \$404.23          | \$146.32              |
| New Smyrna Beach | \$650.80              | \$650.80          | \$0.00                |
| Volusia County   | \$662.69              | \$576.02          | \$86.67               |
| Edgewater        | \$677.31              | \$677.31          | \$0.00                |
| South Daytona    | \$678.51              | \$678.51          | \$0.00                |
| Daytona Beach    | \$714.49              | \$714.49          | \$0.00                |
| Orange City      | \$719.04              | \$719.04          | \$0.00                |
| Deltona          | \$733.02              | \$733.02          | \$0.00                |
| Ormond Beach     | No HMO Plan Only HDHP |                   |                       |

*\*Rate includes 8.7% renewal for next plan year*



# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 05/03/2016

Consent item: Yes

---

**SUBJECT:** Florida Combined Life Dental Renewal

**DEPARTMENT:** Administrative Services

**GOAL:**

**OBJECTIVE:**

---

**RECOMMENDED MOTION:** To waive formal bidding requirements due to time constraints and approve the renewal for employee dental insurance with Florida Combined Life.

---

**SUMMARY:** The renewal rate for the City's dental insurance with it's current provider, Florida Combined Life, is approximately 5%. This equates to an increase of approximately \$19.68 per year per employee. For 400 full time benefit employees this would equate to an increase of \$7,872 for the year. The plan year starts on July 1, 2016. Three months of the increase will be funded in FY 16 and we anticipate using savings related to staff vacancies to cover this increase. Nine months funding is contingent upon approval of the FY17 budget.

| Project | Funding Account |
|---------|-----------------|
| No.:    | No.:            |

---

**ATTACHMENTS:**

|    |                              |                                  |
|----|------------------------------|----------------------------------|
| 1. | Amendment and Extension No 2 | Amendment and Extension No 2.pdf |
|----|------------------------------|----------------------------------|

---

Theresa Gutierrez  
Cindy DePina  
Tracey Riehm  
Margaret Roberts  
M. Jake Johansson

Created/Initiated - 04/18/2016  
Approved - 04/25/2016  
Approved - 04/27/2016  
Approved - 04/28/2016  
Final Approval - 04/28/2016

---

## AMENDMENT AND EXTENSION NUMBER 2 OF STANDARD CONTRACT FOR SERVICES

THIS AMENDMENT AND EXTENSION NUMBER 2 OF STANDARD CONTRACT FOR SERVICES ("Extension") is made and entered into the day and year set forth hereinafter by and between the CITY OF PORT ORANGE, FLORIDA, a Florida municipal corporation located at 1000 City Center Circle, Port Orange, Volusia County, Florida 32129-4144 (the "City"), and FLORIDA COMBINED LIFE INSURANCE COMPANY, INC., a Florida corporation whose principal address is 4800 Deerwood Campus Parkway, Building 200, Suite 600, Jacksonville, Florida 32246 (the "Contractor"). (The City and the Contractor are hereinafter collectively referred to as the "Parties.")

WHEREAS, the Parties hereby acknowledge entering into a Contract on April 22, 2014 (collectively the "Contract"); and

WHEREAS, the Contract provided for a term of one year commencing on July 1, 2014 and continuing until June 30, 2015; and

WHEREAS, the Parties extended the Contract for a one-year period commencing on July 1, 2015 and continuing until June 30, 2016; and

WHEREAS, the Parties desire to amend the renewal rates and extend the Contract for a one year period commencing on July 1, 2016 and continuing until June 30, 2017; and

WHEREAS, the Port Orange City Council has determined that the execution of this extension is beneficial to the citizens of the City of Port Orange.

NOW, THEREFORE, the Parties, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, agree as follows:

1. Term: The term of the Contract is hereby extended for one (1) year, commencing July 1, 2016, and continuing until midnight on June 30, 2017.

2. Contractor Obligations: Contractor hereby agrees to provide the services as set forth in Standard Contract for Services dated April 22, 2014 and as revised in Florida Combined Life renewal letter dated April 8, 2016 attached hereto as Exhibit "1."

3. All other terms and conditions of the Contract shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have signed, sealed, and delivered this Extension on the day and year stated hereinafter.

*[Remainder of page intentionally left blank]*

Witnesses:

FLORIDA COMBINED LIFE INSURANCE COMPANY, INC.

Printed Name: \_\_\_\_\_

By: \_\_\_\_\_

William P. Creasman  
General Counsel, Executive Vice President and  
Secretary

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF ARKANSAS  
COUNTY OF PULASKI

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2016, by William P. Creasman, as General Counsel, Executive Vice President and Secretary of Florida Combined Life Insurance Company, Inc., a Florida corporation, and who:

*[Notary: Please select one]*

☐ is personally known to me; or

☐ has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public, State of Arkansas

*Printed, typed or stamped name, commission and expiration:*



Witnesses:

CITY OF PORT ORANGE

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_ Allen Green, Mayor

Date: \_\_\_\_\_  
Printed Name: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2016, by Allen Green, as Mayor of the City of Port Orange, a Florida municipal corporation, on behalf of the city, and who is personally known to me.

\_\_\_\_\_  
Notary Public, State of Florida  
*Printed, typed or stamped name, commission and expiration:*

Witnesses:

ATTEST:

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_ Robin L. Fenwick, CMC, City Clerk

Date: \_\_\_\_\_  
Printed Name: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2016, by Robin L. Fenwick, as City Clerk of the City of Port Orange, a Florida municipal corporation, on behalf of the city, and who is personally known to me.

\_\_\_\_\_  
Notary Public, State of Florida  
*Printed, typed or stamped name, commission and expiration:*

[CA 4226]



# Florida Combined Life

An Independent Licensee of the  
Blue Cross and Blue Shield Association

April 08, 2016

Heather Carrizales  
City of Port Orange  
1000 City Center Cir  
Port Orange, FL, 32129

RE: Group Policy Number:  
0817Z0

Renewal Date: July 01, 2016

Dear Heather Carrizales :

Thank you for choosing Florida Combined Life Insurance Company, Inc. for your group Dental Insurance benefits. We value you as a customer and appreciate your business.

Your Group Dental Insurance Plan is about to renew. We have completed our annual review of your coverage with FCL, taking into account a variety of factors that affect rate development. After careful consideration and analysis, we have established your renewal rates for the next plan year. Your current and renewal rates are shown below. The renewal rates will take effect on your renewal date and are guaranteed for the following 12 months, subject to the terms and conditions of your group contract.

BlueDental Choice Plus True Group 0817Z0

|          | Current Rates | New Rates |
|----------|---------------|-----------|
| Employee | \$ 32.77      | \$ 34.41  |
| Family   | \$ 88.94      | \$ 93.39  |

We look forward to continuing our relationship well into the future. Should you have any questions regarding this letter, please contact your local Florida Blue representative or telephone our office at 1-800-772-8244.

Sincerely,

Tracy Seaman

Group Dental Underwriting

cc:

Sales Rep: Gay Ross

Post Office Box 45132 \* Jacksonville, FL 32232

**EXHIBIT "1"**



# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 05/03/2016

Consent item: No

---

**SUBJECT:** 2nd Quarter Strategic Plan Update

**DEPARTMENT:** City Manager

**GOAL:** GOAL - All

**OBJECTIVE:** OBJECTIVE - All

---

## RECOMMENDED MOTION:

---

## SUMMARY:

The City Council held strategic planning sessions on March 18th and 20th, 2015. These sessions produced 6 goals and 34 objectives for the 2015-16 fiscal year. Staff used these goals and objectives to propose the current fiscal year budget in order to successfully achieve the direction provided by Council.

In order to gauge progress toward Council's goals, staff created 63 performance metrics that will be presented quarterly. The attached report includes the outcomes, measures and targets created to track progress towards Council goals.

Out of the 63 measures, 91% are on track or have already reached their target. Almost 29% were completed before the end of the 2<sup>nd</sup> quarter.

Each goal area:

Infrastructure Preservation

Quality of Life

Economic Development

Fiscal Sustainability

Public Safety, and

Organizational Excellence

Includes measures that track its progress. Each measure has a target and the quarterly report provides progress towards those annual targets.

For quick reference, each measure is categorized by its progress in the following manner:

"Behind Schedule" indicates that a measure is not expected to reach its target. No measures are behind schedule.

"Falling Behind" indicates that a measure was on target, but is falling behind. No measures are falling behind.

"Catching Up" indicates that a measure was behind schedule for completion, but is moving closer to being completed on time. This category also includes measures for which there is currently no data or baseline, but staff is working towards obtaining that information so that progress can be tracked this fiscal year. Six measures are catching up.

"On Track" indicates a measure is on track to meet its intended goal on schedule. 51 measures are on track.

"Goal Met" indicates a measure has already met its intended goal on or ahead of schedule. Six measures have met their goals.

Overall the city is on track to meet most established measures and targets that are linked to City Council strategic goals. Staff is continuing to track all measures and will provide an update to Council after the end of the third quarter.

| Project | Funding Account |
|---------|-----------------|
|---------|-----------------|

No.:            No.:

---

**ATTACHMENTS:**

|    |                                        |                        |
|----|----------------------------------------|------------------------|
| 1. | 2nd Quarter Performance Measure Report | 2nd Quarter Report.pdf |
|----|----------------------------------------|------------------------|

---

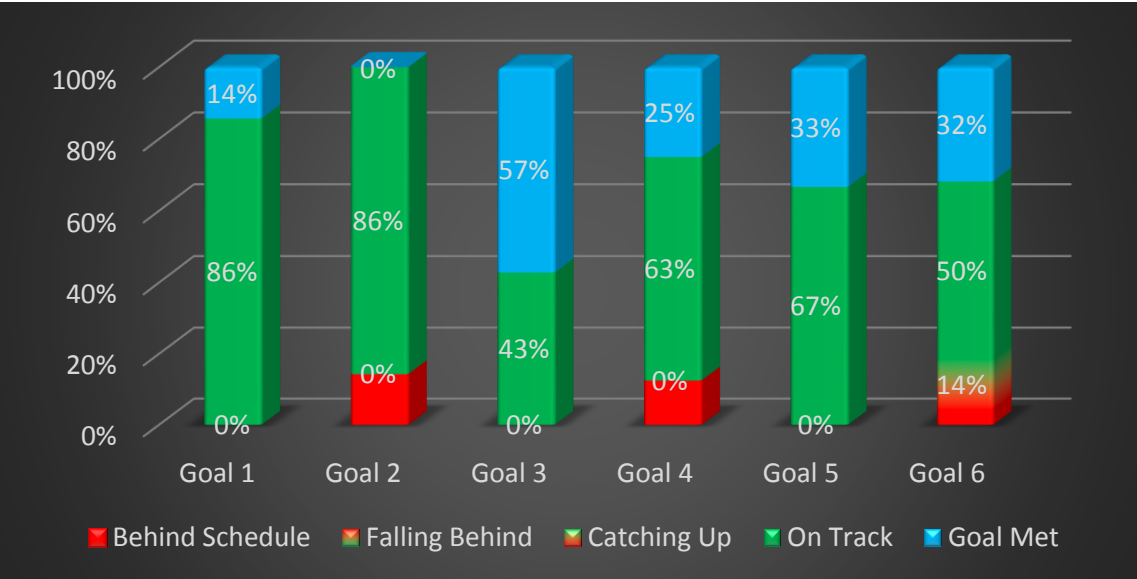
Alan Rosen  
M. Jake Johansson

Created/Initiated - 04/28/2016  
Final Approval - 04/28/2016

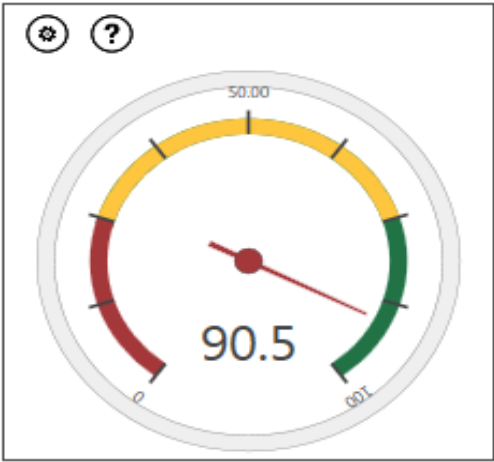
---

# 1st Quarter Strategic Plan Report Dashboard

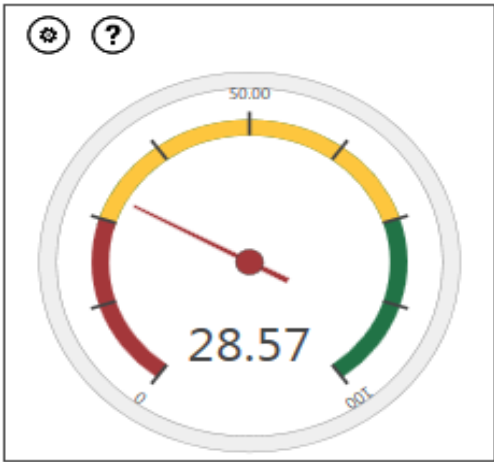
Measures By Goal Area Summary



% of Measures On Track or Completed



% of Measures Completed



Measures By Department Summary

| Status          | Admin. Services | City Manager | Comm. Dev. | Finance | Fire | Parks and Rec | Police | Public Utilities | Public Works | Total |
|-----------------|-----------------|--------------|------------|---------|------|---------------|--------|------------------|--------------|-------|
| Behind Schedule | 2               | 1            | 0          | 0       | 0    | 0             | 0      | 0                | 0            | 3     |
| Falling Behind  | 0               | 0            | 0          | 0       | 0    | 0             | 0      | 0                | 0            | 0     |
| Catching Up     | 2               | 0            | 0          | 0       | 0    | 0             | 1      | 0                | 0            | 3     |
| On Track        | 4               | 7            | 8          | 1       | 5    | 3             | 4      | 5                | 2            | 39    |
| Goal Met        | 2               | 3            | 4          | 1       | 1    | 1             | 3      | 3                | 0            | 18    |
| Total           | 10              | 11           | 12         | 2       | 6    | 4             | 8      | 8                | 2            | 63    |

| Goal 1                      | Goal 2          | Goal 3               | Goal 4                | Goal 5        | Goal 6                    |
|-----------------------------|-----------------|----------------------|-----------------------|---------------|---------------------------|
| Infrastructure Preservation | Quality of Life | Economic Development | Fiscal Sustainability | Public Safety | Organizational Excellence |

|                                                                                                                                               |                                                                                                                                                                                                                                                   |                       |             |             |                      |                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-------------|-------------|----------------------|------------------------------------------------------------------------------------------------------------|
| <b>Strategic Goal 1. Infrastructure Preservation</b>                                                                                          | <b>To preserve and develop city infrastructure through the careful planning and construction of transportation, drainage and utilities in order to ensure the safety and viability of Port Orange for its residents, businesses and visitors.</b> |                       |             |             |                      |                                                                                                            |
| <b>Enabling Objective 1.1</b>                                                                                                                 | <b>Develop shovel ready projects in preparation for funding opportunities</b>                                                                                                                                                                     |                       |             |             |                      |                                                                                                            |
| <b>Outcome statement</b>                                                                                                                      | <b>Measure</b>                                                                                                                                                                                                                                    | <b>Department</b>     | <b>Q1</b>   | <b>Q2</b>   | <b>Annual Target</b> | <b>Notes</b>                                                                                               |
| Submit at least 3 applications to River to Sea TPO for transportation and sidewalk infrastructure improvements by the end of the fiscal year. | Number of applications submitted for transportation and sidewalk infrastructure improvements.                                                                                                                                                     | Community Development | 0           | 0           | 3                    | Six applications were submitted to the TPO in April and will be reported in the next quarterly report      |
| <b>Enabling Objective 1.2</b>                                                                                                                 | <b>Develop infrastructure master plans including drainage, transportation, and utilities to provide clear infrastructure needs</b>                                                                                                                |                       |             |             |                      |                                                                                                            |
| <b>Outcome statement</b>                                                                                                                      | <b>Measure</b>                                                                                                                                                                                                                                    | <b>Department</b>     | <b>Q1</b>   | <b>Q2</b>   | <b>Annual Target</b> | <b>Notes</b>                                                                                               |
| Submit contract for Stormwater Master Plan development to City Council for approval and award before the end of the fiscal year.              | Stormwater Master Plan contract submitted to City Council.                                                                                                                                                                                        | Public Works          | No          | No          | Yes                  | Contract award for a Stormwater Master Plan is anticipated during the 3rd quarter.                         |
| Begin phase one of the utilities master plan by the end of the fiscal year.                                                                   | Phase 1 started.                                                                                                                                                                                                                                  | Public Utilities      | No          | No          | Yes                  | Based on the current timeline the department plans on beginning phase 1 before the end of the 4th quarter. |
| <b>Enabling Objective 1.3</b>                                                                                                                 | <b>Finish reclaimed lakes in order to increase capacity for water filtration and disposal</b>                                                                                                                                                     |                       |             |             |                      |                                                                                                            |
| <b>Outcome statement</b>                                                                                                                      | <b>Measure</b>                                                                                                                                                                                                                                    | <b>Department</b>     | <b>Q1</b>   | <b>Q2</b>   | <b>Annual Target</b> | <b>Notes</b>                                                                                               |
| Increase capacity for water filtration and disposal by 100,000,000 gallons by the end of the fiscal year.                                     | Increased capacity for water filtration and disposal.                                                                                                                                                                                             | Public Utilities      | 100,000,000 | 100,000,000 | 100,000,000          | The reclaimed lakes project was finished on time and provided for the increase in capacity.                |

|                                                                                                                                                                                                              |                                                                                                                                                                                                                                                   |                         |           |           |                      |                                                                                                                                                                                                                                                                                                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|-----------|-----------|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Strategic Goal 1. Infrastructure Preservation</b>                                                                                                                                                         | <b>To preserve and develop city infrastructure through the careful planning and construction of transportation, drainage and utilities in order to ensure the safety and viability of Port Orange for its residents, businesses and visitors.</b> |                         |           |           |                      |                                                                                                                                                                                                                                                                                                         |
| <b>Enabling Objective 1.4</b>                                                                                                                                                                                | <b>Enhance infrastructure maintenance programs in order to extend the life of capital investments</b>                                                                                                                                             |                         |           |           |                      |                                                                                                                                                                                                                                                                                                         |
| <b>Outcome statement</b>                                                                                                                                                                                     | <b>Measure</b>                                                                                                                                                                                                                                    | <b>Department</b>       | <b>Q1</b> | <b>Q2</b> | <b>Annual Target</b> | <b>Notes</b>                                                                                                                                                                                                                                                                                            |
| Maximize uptime percentage for fiber-optic network infrastructure.                                                                                                                                           | Uptime percentage to remote facilities via fiber-optic connection                                                                                                                                                                                 | Administrative Services | 100.000%  | 99.913%   | >99.9%               |                                                                                                                                                                                                                                                                                                         |
| Gather at least 10% inventory and condition assessment data annually for use in infrastructure preventive maintenance for at least 1 infrastructure (streets, sidewalks, stormwater drainage systems, etc.). | Percentage of inventory and condition data gathered for at least 1 infrastructure.                                                                                                                                                                | Public Works            | 0%        | 0%        | 10%                  | Contract award for gathering street inventory and condition data is anticipated by the 3rd quarter. Also, the Department has requested two positions be reclassified to Engineering Inspectors. If approved, positions will provide in-house infrastructure data gathering services among other duties. |
| <b>Enabling Objective 1.5</b>                                                                                                                                                                                | <b>Conduct a septic tank study in order to determine the full needs and impact of moving property to sewer service.</b>                                                                                                                           |                         |           |           |                      |                                                                                                                                                                                                                                                                                                         |
| <b>Outcome statement</b>                                                                                                                                                                                     | <b>Measure</b>                                                                                                                                                                                                                                    | <b>Department</b>       | <b>Q1</b> | <b>Q2</b> | <b>Annual Target</b> | <b>Notes</b>                                                                                                                                                                                                                                                                                            |
| Complete phase 1 of septic tank impact analysis before the end of the fiscal year.                                                                                                                           | Phase 1 complete.                                                                                                                                                                                                                                 | Public Utilities        | No        | No        | Yes                  | The Department expects to initiate a proposal for a study before the end of the 4th quarter, which will lead into funding requests for next fiscal year.                                                                                                                                                |

| Strategic Goal 2. Quality of Life                                                                                                             |                                                                                               | To enhance the quality of life by creating an aesthetically pleasing environment, ample park spaces and a multitude of community events so that residents and visitors can enjoy the natural and planned setting without having to leave Port Orange. |     |     |               |                                                                                                                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Enabling Objective 2.1                                                                                                                        |                                                                                               | Maintain existing beautification efforts and implement phases not yet complete                                                                                                                                                                        |     |     |               |                                                                                                                                                                                         |
| Outcome statement                                                                                                                             | Measure                                                                                       | Department                                                                                                                                                                                                                                            | Q1  | Q2  | Annual Target | Notes                                                                                                                                                                                   |
| Complete phase 1 (Spruce Creek Road to Nova Road) of the landscape improvements to the Dunlawton medians by the end of the fiscal year.       | Percent of Phase 1 landscape improvements completed.                                          | Community Development                                                                                                                                                                                                                                 | 15% | 50% | 100%          | The bid is scheduled to go to Council on 4/19.                                                                                                                                          |
| Obtain permits from FDOT for landscaping/ irrigation and gateway entry signs within the Ridgewood Ave. medians by the end of the fiscal year. | Permits obtained.                                                                             | Community Development                                                                                                                                                                                                                                 | No  | No  | Yes           | The Department anticipates issuance of permits by DOT by the end of the fiscal year.                                                                                                    |
| Enabling Objective 2.2                                                                                                                        |                                                                                               | Plan and develop riverside urban trail                                                                                                                                                                                                                |     |     |               |                                                                                                                                                                                         |
| Outcome statement                                                                                                                             | Measure                                                                                       | Department                                                                                                                                                                                                                                            | Q1  | Q2  | Annual Target | Notes                                                                                                                                                                                   |
| Submit at least 3 applications to River to Sea TPO for transportation and sidewalk infrastructure improvements by the end of the fiscal year. | Number of applications submitted for transportation and sidewalk infrastructure improvements. | Community Development                                                                                                                                                                                                                                 | 0   | 0   | 3             | Six applications were submitted to the TPO in April and will be reported in the next quarterly report                                                                                   |
| Enabling Objective 2.3                                                                                                                        |                                                                                               | Increase the number of events and festivals at Riverwalk and city center complex                                                                                                                                                                      |     |     |               |                                                                                                                                                                                         |
| Outcome statement                                                                                                                             | Measure                                                                                       | Department                                                                                                                                                                                                                                            | Q1  | Q2  | Annual Target | Notes                                                                                                                                                                                   |
| Complete phase 1 of testing the viability of wireless in all city parks before the end of the fiscal year.                                    | Phase 1 complete.                                                                             | Administrative Services                                                                                                                                                                                                                               | No  | No  | Yes           | The City will not be moving in a different direction based on the wide availability of cheaper data plans in the US. This will save the city about \$100,000 over the next three years. |
| Maintain the number of events held at City Center in FY 2015-16.                                                                              | Number of events held at City Center.                                                         | Parks and Recreation                                                                                                                                                                                                                                  | 14  | 10  | 48            | City Center hosted events 48 out of the 52 weekends in FY15. However, Riverwalk park is not expected to be open until FY17.                                                             |



|                                                                                                                                                |                                                      |                                                                                                                                                                                                                                                       |    |    |               |                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|----|---------------|----------------------------------------------------------------------------------------------------------------|
| Strategic Goal 2. Quality of Life                                                                                                              |                                                      | To enhance the quality of life by creating an aesthetically pleasing environment, ample park spaces and a multitude of community events so that residents and visitors can enjoy the natural and planned setting without having to leave Port Orange. |    |    |               |                                                                                                                |
| Enabling Objective 2.4                                                                                                                         |                                                      | Update and adopt a Parks and Recreation master plan including land acquisition needs for a major sports/athletic                                                                                                                                      |    |    |               |                                                                                                                |
| Outcome statement                                                                                                                              | Measure                                              | Department                                                                                                                                                                                                                                            | Q1 | Q2 | Annual Target | Notes                                                                                                          |
| Begin process of adopting a new Parks and Recreation Master Plan before the end of FY 2016-17 by planning for inclusion in next year's budget. | Budget request for master plan submitted to Council. | Parks and Recreation                                                                                                                                                                                                                                  | No | No | Yes           | Department plans on submitting request in the 3rd quarter along with other budget requests.                    |
| Enabling Objective 2.5                                                                                                                         |                                                      | Enhance code enforcement visibility and technology in order to increase effectiveness and efficiency                                                                                                                                                  |    |    |               |                                                                                                                |
| Outcome statement                                                                                                                              | Measure                                              | Department                                                                                                                                                                                                                                            | Q1 | Q2 | Annual Target | Notes                                                                                                          |
| Implement at least one enhancement for Code Enforcement vehicles by the end of the fiscal year.                                                | Number of enhancements implemented.                  | Community Development                                                                                                                                                                                                                                 | 0  | 0  | 1             | Draft vehicle signage has been provided to Fleet Staff. Final design and installation on target for end of FY. |

| Strategic Goal 3. Economic Development                                                                                                                            |                                                                                 | To increase economic opportunities by developing and marketing city assets in order to invest in the local economy |     |     |               |                                                                                                                                                                                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|-----|-----|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Enabling Objective 3.1                                                                                                                                            |                                                                                 | Continue the implementation of Riverwalk                                                                           |     |     |               |                                                                                                                                                                                                                                                           |
| Outcome statement                                                                                                                                                 | Measure                                                                         | Department                                                                                                         | Q1  | Q2  | Annual Target | Notes                                                                                                                                                                                                                                                     |
| Obtain and leverage grant funding to cover at least 20% of the design and construction of the publicly owned Riverwalk area.                                      | Percent of design and construction of Riverwalk area paid for with grant funds. | City Manager                                                                                                       | 21% | 21% | 20%           | The City received \$990,000 in grant monies to cover an approximated cost of design and construction totaling about \$4.8 million.                                                                                                                        |
| Complete Phase 1A of Riverwalk Park and open to the public before the end of the second quarter.                                                                  | Phase 1A of Riverwalk Park open to public.                                      | Community Development                                                                                              | No  | Yes | Yes           | Phase 1A had a ribbon cutting on 4/11. While this phase was completed before the beginning of April, scheduling for the opening was not possible until April 11th.                                                                                        |
| Start construction on Phase 1B of Riverwalk by the end of the fiscal year.                                                                                        | Construction started on Phase 1B of Riverwalk.                                  | Community Development                                                                                              | No  | No  | Yes           | On target for bid advertisement by the end of April.                                                                                                                                                                                                      |
| Enabling Objective 3.2                                                                                                                                            |                                                                                 | Develop the strategy for use of appropriate incentives for desirable development                                   |     |     |               |                                                                                                                                                                                                                                                           |
| Outcome statement                                                                                                                                                 | Measure                                                                         | Department                                                                                                         | Q1  | Q2  | Annual Target | Notes                                                                                                                                                                                                                                                     |
| Present a list of targeted business and locations within the City for possible development/redevelopment incentives to Council before the end of the fiscal year. | Draft list presented to Council.                                                | Community Development                                                                                              | No  | No  | Yes           | Ch. 20 of the Land Development Code and the Ridgewood Corridor Plan include lists of targeted businesses. As part of the upcoming budget, a program is being proposed for facade grants and other redevelopment incentives for these targeted businesses. |
| Enabling Objective 3.3                                                                                                                                            |                                                                                 | Continue land acquisition program along US 1                                                                       |     |     |               |                                                                                                                                                                                                                                                           |
| Outcome statement                                                                                                                                                 | Measure                                                                         | Department                                                                                                         | Q1  | Q2  | Annual Target | Notes                                                                                                                                                                                                                                                     |
| Acquire land along US1 as needed in order to begin the process of redevelopment along the Ridgewood Corridor.                                                     | Number of properties acquired along US 1.                                       | City Manager                                                                                                       | 1   | 1   | 1             | Penna Court Motel was purchased in December 2015.                                                                                                                                                                                                         |

|                                                                                                                             |                                                                        |                                                                                                                           |           |           |                      |                                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|-----------|-----------|----------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| <b>Strategic Goal 3. Economic Development</b>                                                                               |                                                                        | <b>To increase economic opportunities by developing and marketing city assets in order to invest in the local economy</b> |           |           |                      |                                                                                                                                   |
| <b>Enabling Objective 3.4</b>                                                                                               |                                                                        | <b>Establish a pricing and marketing program for City land in Eastport and other areas</b>                                |           |           |                      |                                                                                                                                   |
| <b>Outcome statement</b>                                                                                                    | <b>Measure</b>                                                         | <b>Department</b>                                                                                                         | <b>Q1</b> | <b>Q2</b> | <b>Annual Target</b> | <b>Notes</b>                                                                                                                      |
| Hire commercial real estate agent to market and sell city property by the end of the first quarter.                         | Commercial real estate agent engaged to market and sell city property. | Community Development                                                                                                     | Yes       | Yes       | Yes                  | Eastport properties are being actively marketed.                                                                                  |
| <b>Enabling Objective 3.5</b>                                                                                               |                                                                        | <b>Explore economic development through competitive sports tournaments</b>                                                |           |           |                      |                                                                                                                                   |
| <b>Outcome statement</b>                                                                                                    | <b>Measure</b>                                                         | <b>Department</b>                                                                                                         | <b>Q1</b> | <b>Q2</b> | <b>Annual Target</b> | <b>Notes</b>                                                                                                                      |
| Partner with a local university and Chamber to conduct an economic impact study of the sports tournaments held in the city. | Partnership established with university and chamber of commerce.       | Parks & Recreation                                                                                                        | No        | No        | Yes                  | 32 sports tournaments were held in Port Orange in FY15. The Department plans on establishing partnerships during the 4th quarter. |

|                                                                                                                           |                                                                                                                                 |                         |           |           |                      |                                                                                                                                                                                                                                                               |
|---------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|-------------------------|-----------|-----------|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Strategic Goal 4. Fiscal Sustainability</b>                                                                            | <b>To enhance the fiscal sustainability of the city through both technology and sound financial decision-making in order to</b> |                         |           |           |                      |                                                                                                                                                                                                                                                               |
| <b>Enabling Objective 4.1</b>                                                                                             | <b>Acquire appropriate software for efficient/effective finance reporting and management</b>                                    |                         |           |           |                      |                                                                                                                                                                                                                                                               |
| <b>Outcome statement</b>                                                                                                  | <b>Measure</b>                                                                                                                  | <b>Department</b>       | <b>Q1</b> | <b>Q2</b> | <b>Annual Target</b> | <b>Notes</b>                                                                                                                                                                                                                                                  |
| Complete Phase 1 of ERP implementation by the end of the fiscal year.                                                     | Phase 1 of ERP implementation complete.                                                                                         | Administrative Services | No        | No        | Yes                  | Phase 1 includes the selection of ERP system completed and contract awarded. Staff originally felt this would be a good target, but after a little more training and better planning, this timeline was deemed to be too quick for successful implementation. |
| <b>Enabling Objective 4.2</b>                                                                                             | <b>Explore annexation opportunities</b>                                                                                         |                         |           |           |                      |                                                                                                                                                                                                                                                               |
| <b>Outcome statement</b>                                                                                                  | <b>Measure</b>                                                                                                                  | <b>Department</b>       | <b>Q1</b> | <b>Q2</b> | <b>Annual Target</b> | <b>Notes</b>                                                                                                                                                                                                                                                  |
| Create a proposal for annexation incentives and provide to City Council by the end of the Fiscal Year.                    | Proposal prepared and provided to Council.                                                                                      | Community Development   | No        | No        | Yes                  | The Department plans on providing a proposal to Council by the end of the 3rd quarter.                                                                                                                                                                        |
| <b>Enabling Objective 4.3</b>                                                                                             | <b>Continue to simplify financial structure and reporting</b>                                                                   |                         |           |           |                      |                                                                                                                                                                                                                                                               |
| <b>Outcome statement</b>                                                                                                  | <b>Measure</b>                                                                                                                  | <b>Department</b>       | <b>Q1</b> | <b>Q2</b> | <b>Annual Target</b> | <b>Notes</b>                                                                                                                                                                                                                                                  |
| Produce a combined financial statement for funds 450 and 451 (Golf Course) by the end of the 3rd quarter.                 | Combined financial statement created.                                                                                           | Finance                 | No        | Yes       | Yes                  | The Department was working towards implementation by the end of the 3rd quarter, but completed this task ahead of schedule.                                                                                                                                   |
| <b>Enabling Objective 4.4</b>                                                                                             | <b>Decrease unfunded pension liability</b>                                                                                      |                         |           |           |                      |                                                                                                                                                                                                                                                               |
| <b>Outcome statement</b>                                                                                                  | <b>Measure</b>                                                                                                                  | <b>Department</b>       | <b>Q1</b> | <b>Q2</b> | <b>Annual Target</b> | <b>Notes</b>                                                                                                                                                                                                                                                  |
| Research and suggest at least one option to reduce or eliminate unfunded pension liability by the end of the fiscal year. | Number of suggestions researched and provided.                                                                                  | City Manager            | 0         | 0         | 1                    | Staff has researched and provided options (beginning of 3rd quarter). Direction was given for further research, which will require additional resources and a budget request for this will be included in the FY 2017 budget.                                 |

| Strategic Goal 4. Fiscal Sustainability                                                                                                     |                                                          | To enhance the fiscal sustainability of the city through both technology and sound financial decision-making in order to |     |     |               |                                                                                                                                                                                                                                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|-----|-----|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Enabling Objective 4.5                                                                                                                      |                                                          | Review and revise fees and charges if needed                                                                             |     |     |               |                                                                                                                                                                                                                                                                                                       |
| Outcome statement                                                                                                                           | Measure                                                  | Department                                                                                                               | Q1  | Q2  | Annual Target | Notes                                                                                                                                                                                                                                                                                                 |
| Analyze lien search charges to ensure competitiveness with similar cities and suggest changes (if necessary) by the end of the fiscal year. | Analysis completed and changes suggested (if necessary). | City Manager                                                                                                             | No  | No  | Yes           | Final report currently being edited. Should be completed at the beginning of the 3rd quarter.                                                                                                                                                                                                         |
| Complete a fee study and adopt a new fee resolution for all parks fees by the end of the first quarter.                                     | New fee schedule adopted and revised.                    | Parks & Recreation                                                                                                       | Yes | Yes | Yes           | Fees were adjusted and adopted in December 2015 and take effect January 1, 2016.                                                                                                                                                                                                                      |
| Enabling Objective 4.6                                                                                                                      |                                                          | Explore internal auditing needs and capabilities                                                                         |     |     |               |                                                                                                                                                                                                                                                                                                       |
| Outcome statement                                                                                                                           | Measure                                                  | Department                                                                                                               | Q1  | Q2  | Annual Target | Notes                                                                                                                                                                                                                                                                                                 |
| Create a list of auditing priorities for at least 55% of departments by end of the fiscal year.                                             | % of departments with auditing priorities established.   | City Manager                                                                                                             | 11% | 33% | 55%           | Current list includes auditing possibilities for Finance, Utilities and Community Development                                                                                                                                                                                                         |
| Enabling Objective 4.7                                                                                                                      |                                                          | Plan for equitable distribution of county gas tax                                                                        |     |     |               |                                                                                                                                                                                                                                                                                                       |
| Outcome statement                                                                                                                           | Measure                                                  | Department                                                                                                               | Q1  | Q2  | Annual Target | Notes                                                                                                                                                                                                                                                                                                 |
| Prepared an equitable proposal for county sales tax for consideration by the cities and county.                                             | Proposal prepared.                                       | City Manager                                                                                                             | No  | No  | Yes           | The current interlocal agreement for distribution of proceeds of local options fuel tax does not expire until August 31, 2018. However, by fiscal year end, staff will research alternative distribution methods for consideration of cities and the County upon expiration of the current agreement. |

| Strategic Goal 5. Public Safety                                                                                               | To provide excellent public safety services for the residents, businesses and visitors of Port Orange by maintaining preparedness for emergency and routine events within our public safety infrastructure |                       |     |       |               |                                                                                                                                                                |
|-------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-----|-------|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Enabling Objective 5.1                                                                                                        | Enhance paramedic services and capacity                                                                                                                                                                    |                       |     |       |               |                                                                                                                                                                |
| Outcome statement                                                                                                             | Measure                                                                                                                                                                                                    | Department            | Q1  | Q2    | Annual Target | Notes                                                                                                                                                          |
| Obtain a satisfactory or above rating of at least 88% from individuals receiving medical treatment from Fire and Rescue.      | Percent of individuals receiving medical treatment from Fire and Rescue rating that service "satisfactory" or higher.                                                                                      | Fire and Rescue       | N/A | 96.7% | 88%           | This data is reported once per year and based on the Citizen Survey.                                                                                           |
| Enabling Objective 5.2                                                                                                        | Address traffic management and safety issues                                                                                                                                                               |                       |     |       |               |                                                                                                                                                                |
| Outcome statement                                                                                                             | Measure                                                                                                                                                                                                    | Department            | Q1  | Q2    | Annual Target | Notes                                                                                                                                                          |
| Complete Yorktown speed study by the end of the 3rd quarter.                                                                  | Yorktown speed study completed.                                                                                                                                                                            | Community Development | No  | Yes   | Yes           | Project completed in the 2nd quarter, earlier than expected.                                                                                                   |
| Begin construction of the Crane Lakes traffic signal by the end of the fiscal year.                                           | Construction begun on Crane Lakes traffic signal.                                                                                                                                                          | Community Development | No  | Yes   | Yes           | Construction began on 3/14, well before the proposed start before the end of the fiscal year.                                                                  |
| Provide at least one class to City youth on safe bicycle and pedestrian use of the roadways.                                  | Number of youth classes provided on bicycle and pedestrian use of roadways.                                                                                                                                | Police                | 0   | 0     | 1             | A Bicycle safety class is schedule for April 30, 2016.                                                                                                         |
| Enabling Objective 5.3                                                                                                        | Rebuild command structure of the police and fire department-operations zones                                                                                                                               |                       |     |       |               |                                                                                                                                                                |
| Outcome statement                                                                                                             | Measure                                                                                                                                                                                                    | Department            | Q1  | Q2    | Annual Target | Notes                                                                                                                                                          |
| Solidify Fire and Rescue senior management team including: Fire Chief, Deputy Fire Chief, Fire Marshall and Emergency Manager | Percent of senior management team in place.                                                                                                                                                                | Fire and Rescue       | 0%  | 25%   | 100%          | Emergency Manager hired, fire chief should be completed within the third quarter, after which the new fire chief will fill the deputy and fire Marshall spots. |
| Reorganize and fill all key police command staff positions by the end of the fiscal year.                                     | % of key command staff positions filled.                                                                                                                                                                   | Police                | 20% | 100%  | 100%          | The Department has completed filling all command staff positions.                                                                                              |

| Strategic Goal 5. Public Safety                                                                                                                                                             | To provide excellent public safety services for the residents, businesses and visitors of Port Orange by maintaining preparedness for emergency and routine events within our public safety infrastructure |                 |     |     |               |                                                                                                                                                                                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-----|-----|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Enabling Objective 5.4                                                                                                                                                                      | Review, Update and drill emergency management protocols and training                                                                                                                                       |                 |     |     |               |                                                                                                                                                                                                                                 |
| Outcome statement                                                                                                                                                                           | Measure                                                                                                                                                                                                    | Department      | Q1  | Q2  | Annual Target | Notes                                                                                                                                                                                                                           |
| All City Manager's Department staff will complete (or update) required emergency management training and/or participate in at least two table-top drills before the end of the fiscal year. | Percent of City Manager's Department staff who completed (or updated) required emergency management training and/or participated in at least two table-top drills.                                         | City Manager    | 50% | 50% | 100%          | The city participated in one table-top drill during the first quarter and one at the beginning of the 3rd quarter. This measure will be 100% on the 3rd quarter report.                                                         |
| Reduce the number of "Areas for Improvement" after table top exercises before the start of the 2016 hurricane season.                                                                       | Percent decrease in the number of "Areas for Improvement" between the last two tabletop exercises.                                                                                                         | Fire and Rescue | N/A | N/A | -15%          | Tabletop exercise #1 was held in November. Tabletop #2 was held in April. A 3rd Tabletop will be held in the 3rd quarter at which time progress will be reported.                                                               |
| Conduct at least two mock storm events for EOC essential personnel before June, 1 2016.                                                                                                     | Number of mock storm events conducted.                                                                                                                                                                     | Fire and Rescue | 1   | 1   | 2             | The Fire and Rescue department conducted one mock storm event in the 1st quarter, one at the beginning of the 3rd quarter and is planning a second event before the end of the 3rd quarter.                                     |
| Provide at least one updated FEMA reimbursement form training class before June 1, 2016.                                                                                                    | Number of FEMA reimbursement form training classes provided.                                                                                                                                               | Fire and Rescue | 0   | 0   | 1             | The Department has already reviewed the FEMA reimbursement forms with essential EOC personnel during the table top exercise in the 1st quarter, but is planning another training specifically on this form before June 1, 2016. |
| Relocate and build out the new Emergency Management Operations (EOC) Center at 4545 Clyde Morris Boulevard before June 1, 2016.                                                             | Completed build-out and move to the new EOC.                                                                                                                                                               | Fire and Rescue | No  | No  | Yes           | Staff expects the new EOC to be open and operational before the end of the 3rd quarter for the start of the traditional hurricane season.                                                                                       |
| Review, update and drill emergency management protocols and training at least once per calendar year.                                                                                       | Percent of emergency management protocols reviewed and updated (if necessary).                                                                                                                             | Police          | 0%  | 25% | 100%          | The Department began the review process of emergency management protocols after the command staff was in place. The plan is to ramp up the review and complete it by the end of the fiscal year.                                |

| Strategic Goal 6. Organizational Excellence                                                                                        | To enhance organizational efficiency and effectiveness through a highly motivated and stable workforce that continuously improves services and positive communication in order to better serve internal agencies and the public. |                         |     |     |               |                                                                                                                                                                                                              |
|------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|-----|-----|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Enabling Objective 6.1                                                                                                             | Implement the compensation study                                                                                                                                                                                                 |                         |     |     |               |                                                                                                                                                                                                              |
| Outcome statement                                                                                                                  | Measure                                                                                                                                                                                                                          | Department              | Q1  | Q2  | Annual Target | Notes                                                                                                                                                                                                        |
| Update salary survey results for 80% of City departments by the end of the fiscal year.                                            | Percent of departments analyzed.                                                                                                                                                                                                 | Administrative Services | 10% | 20% | 80%           | Administrative Services began this process in earnest during the second quarter and plans to reach the established target by the end of the year. Current progress has been hindered by long term vacancies. |
| Implement the minimum rates of pay established by the Cody compensation and classification analysis by the end of the fiscal year. | Percent of bargaining and non-bargaining units with implemented minimums.                                                                                                                                                        | Administrative Services | 80% | 80% | 100%          | All units were brought to the minimum during the budget process or through collective bargaining. The City recently reached agreement with PBA and those changes will be implemented in the 3rd quarter.     |



| Strategic Goal 6. Organizational Excellence                                                                                                                           |                                                                               | To enhance organizational efficiency and effectiveness through a highly motivated and stable workforce that continuously improves services and positive communication in order to better serve internal agencies and the public. |      |      |               |                                                                                                                                                                                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|------|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Enabling Objective 6.2                                                                                                                                                |                                                                               | Create a program for recruitment, retention and development of employees                                                                                                                                                         |      |      |               |                                                                                                                                                                                                                                    |
| Outcome statement                                                                                                                                                     | Measure                                                                       | Department                                                                                                                                                                                                                       | Q1   | Q2   | Annual Target | Notes                                                                                                                                                                                                                              |
| Develop a relationship with Stetson University, Daytona State University, and Embry Riddle University to recruit quality new hires before the end of the fiscal year. | Recruiting relationship with local institutions of higher learning developed. | Police                                                                                                                                                                                                                           | No   | No   | Yes           | The Department has begun recruiting relationships with Daytona State and East Florida State. It is still working on building relationships with Embry Riddle and Stetson. Proposed completion during 3rd quarter.                  |
| Increase training opportunities for current officers.                                                                                                                 | % Increase in the number of training opportunities for current officers.      | Police                                                                                                                                                                                                                           | -69% | -46% | 5%            | The Department averaged about 9,500 hours of training over the last couple of years. The goal this year is to increase that by at least 5% to 9,975. 1st quarter and 2nd quarter training hours were 2,924 and 2,207 respectively. |
| Formulate a useful career development program for current officers.                                                                                                   | Career development program created.                                           | Police                                                                                                                                                                                                                           | No   | No   | Yes           | The Department began developing a program after all command staff were in place and expects to complete the program by the end of the year. It is currently 25% complete.                                                          |
| Reduce annual turnover for the department below the 2015 mark of 13.                                                                                                  | Turnover.                                                                     | Public Utilities                                                                                                                                                                                                                 | 1    | 3    | <13           | There were three separations in the second quarter. One retired, one left for better pay and another left for better pay and the opportunity for entry into FRS.                                                                   |
| Increase the number of available training hours for employees.                                                                                                        | Total number of training hours available to staff.                            | Public Utilities                                                                                                                                                                                                                 | 0    | 979  | >0            | Training completed in the 2nd quarter:<br>1. Successor Training: 384 total hours<br>2. In-house training: 507 hours<br>3. Formal Training: 88 hours                                                                                |
| Create incentives for value added licensing by the end of the fiscal year.                                                                                            | Incentives for value added licenses created.                                  | Public Utilities                                                                                                                                                                                                                 | No   | No   | Yes           | Financial incentives must be negotiated in the PEA contract, which is up for negotiation beginning in the 3rd quarter.                                                                                                             |
| Maintain a turnover rate of at least 10% below the national average turnover rate for state and local governments.                                                    | Difference in percent turnover rate from the national average.                | Administrative Services                                                                                                                                                                                                          | -13% | -15% | -10%          | This measure matches the most recent data available from BLS. Previous 3 months of BLS turnover was 4.7%. The City's 4% is 15% lower than this average for the most recent quarter.                                                |
| Develop and begin providing an exit interview survey in order to better understand why turnover occurs throughout the city by the end of the 2nd quarter.             | Survey developed and implemented.                                             | Administrative Services                                                                                                                                                                                                          | No   | Yes  | Yes           | Paper based exit interview is offered to each employee and we hope to continue and use data to help recruit and retain staff.                                                                                                      |

| Strategic Goal 6. Organizational Excellence                                                                                      |                                                                                      | To enhance organizational efficiency and effectiveness through a highly motivated and stable workforce that continuously improves services and positive communication in order to better serve internal agencies and the public. |     |     |               |                                                                                                                                                                                                                                                           |
|----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Enabling Objective 6.3                                                                                                           |                                                                                      | Develop a public relations plan/program to enhance city image                                                                                                                                                                    |     |     |               |                                                                                                                                                                                                                                                           |
| Outcome statement                                                                                                                | Measure                                                                              | Department                                                                                                                                                                                                                       | Q1  | Q2  | Annual Target | Notes                                                                                                                                                                                                                                                     |
| Develop, implement, and advertise a website to promote positivity through the use of social media by the end of the 3rd quarter. | New website created and advertised.                                                  | Administrative Services                                                                                                                                                                                                          | No  | No  | Yes           | Staff expects to complete the new website and begin outreach by the end of the 3rd quarter.                                                                                                                                                               |
| Develop and promote a public relations campaign to enhance the city image.                                                       | Percent increase the general public perception and pride of the City of Port Orange. | City Manager                                                                                                                                                                                                                     | N/A | N/A | TBD           | Staff had intended to establish a baseline in the second quarter, but only began establishing a baseline in the third quarter.                                                                                                                            |
| Hold at least six “meet and greet” events in the public to increase dialogue during the fiscal year.                             | Number of meet and greet events held.                                                | Police                                                                                                                                                                                                                           | 3   | 12  | 6             | The Department has held 15 meet and greets and expects to hold more before the end of the year.                                                                                                                                                           |
| Enabling Objective 6.4                                                                                                           |                                                                                      | Increase 2-way communication with citizens                                                                                                                                                                                       |     |     |               |                                                                                                                                                                                                                                                           |
| Outcome statement                                                                                                                | Measure                                                                              | Department                                                                                                                                                                                                                       | Q1  | Q2  | Annual Target | Notes                                                                                                                                                                                                                                                     |
| Implement at least 5 enhancements or create additional avenues to improve 2-way communications with citizens.                    | Number of enhancements or additional avenues for citizen communication.              | City Manager                                                                                                                                                                                                                     | 0   | 4   | 5             | The City has started three enhancements/initiatives in the first two quarters including, Port Orange Pride, Survey Monkey, Coffee With the Manager and Coffee With a Cop. Staff plans on implementing additional enhancements before the end of the year. |

| Strategic Goal 6. Organizational Excellence                                                                                                              |                                                               | To enhance organizational efficiency and effectiveness through a highly motivated and stable workforce that continuously improves services and positive communication in order to better serve internal agencies and the public. |    |     |               |                                                                                                                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|-----|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Enabling Objective 6.5                                                                                                                                   |                                                               | Implement a continuous process improvement program to enhance policies and procedures                                                                                                                                            |    |     |               |                                                                                                                                                                                                                            |
| Outcome statement                                                                                                                                        | Measure                                                       | Department                                                                                                                                                                                                                       | Q1 | Q2  | Annual Target | Notes                                                                                                                                                                                                                      |
| Improve at least one process by the end of the fiscal year.                                                                                              | Number of processes improved.                                 | City Manager                                                                                                                                                                                                                     | 1  | 1   | 1             | Created internal tracking system using city owned technology without having to purchase additional software saving \$5,000 this year and \$3,000 annually thereafter.                                                      |
| Prepare for and obtain the Commission on Accreditation for Law Enforcement Agencies (CALEA) Accreditation.                                               | CALEA accreditation obtained.                                 | Police                                                                                                                                                                                                                           | No | Yes | Yes           |                                                                                                                                                                                                                            |
| Obtain at least one utility related award for programs and performance and recognition through professional organizations by the end of the fiscal year. | Number of professional award recognitions received.           | Public Utilities                                                                                                                                                                                                                 | 0  | 1   | 1             | The Department was awarded the Florida Department of Environmental Protection (FDEP) 2015 Water Plant Excellence Award. A second award for the Florida Section. American Water Works Association (FS/AWWA), was submitted. |
| Review all standard operating procedures by the end of the fiscal year.                                                                                  | Percent of department standard operating procedures reviewed. | Public Utilities                                                                                                                                                                                                                 | 0% | 17% | 100%          | 31 out of 182 currently being reviewed.                                                                                                                                                                                    |
| Develop and begin providing an new hire survey to enhance the onboarding process by the end of the 2nd quarter.                                          | Survey developed and implemented.                             | Administrative Services                                                                                                                                                                                                          | No | Yes | Yes           | Web based and paper based offered. First web based was launched and results will be shared in the next 14-21 days                                                                                                          |
| Enabling Objective 6.6                                                                                                                                   |                                                               | Enhance Human Resources capabilities including labor relations and collective bargaining agreement administration                                                                                                                |    |     |               |                                                                                                                                                                                                                            |
| Outcome statement                                                                                                                                        | Measure                                                       | Department                                                                                                                                                                                                                       | Q1 | Q2  | Annual Target | Notes                                                                                                                                                                                                                      |
| Build strong partnerships with bargaining and non-bargaining units by coordinating at least 3 meetings with all stakeholder groups per year.             | Number of meetings held with all stakeholder groups.          | Administrative Services                                                                                                                                                                                                          | 0  | 4   | 15            | These meetings were begun in the 2nd quarter and the Department plans on holding at least 15 by the end of the year.                                                                                                       |

|                                                                                                                                                                 |                                                                                                                                                                                                                                         |                   |           |           |                      |                                                                                                                                                                                                                                                                                                                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-----------|-----------|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Strategic Goal 6. Organizational Excellence</b>                                                                                                              | <b>To enhance organizational efficiency and effectiveness through a highly motivated and stable workforce that continuously improves services and positive communication in order to better serve internal agencies and the public.</b> |                   |           |           |                      |                                                                                                                                                                                                                                                                                                                       |
| <b>Enabling Objective 6.7</b>                                                                                                                                   | <b>Improve internal communication through a team approach</b>                                                                                                                                                                           |                   |           |           |                      |                                                                                                                                                                                                                                                                                                                       |
| <b>Outcome statement</b>                                                                                                                                        | <b>Measure</b>                                                                                                                                                                                                                          | <b>Department</b> | <b>Q1</b> | <b>Q2</b> | <b>Annual Target</b> | <b>Notes</b>                                                                                                                                                                                                                                                                                                          |
| Increase the percent of staff who feel they are informed, have clear direction, know how they fit in the organization and know where the organization is going. | Percent increase in the overall score in the internal staff assessment.                                                                                                                                                                 | City Manager      | N/A       | 3.7       | 3.8                  | A survey was created and distributed to all employees. There was a 52 % response rate on the initial survey. The average response was 3.7 out of 5 (1 = strongly disagree; 5 = strongly agree with the outcome statement of this measure). Over the course of this year we hope to improve this score by at least 4%. |
| <b>Enabling Objective 6.8</b>                                                                                                                                   | <b>Enhance contract management capabilities</b>                                                                                                                                                                                         |                   |           |           |                      |                                                                                                                                                                                                                                                                                                                       |
| <b>Outcome statement</b>                                                                                                                                        | <b>Measure</b>                                                                                                                                                                                                                          | <b>Department</b> | <b>Q1</b> | <b>Q2</b> | <b>Annual Target</b> | <b>Notes</b>                                                                                                                                                                                                                                                                                                          |
| Complete phase 1 of a financial tracking system that will inform contract managers on spending levels for contracts by the end of the fiscal year.              | Phase 1 complete.                                                                                                                                                                                                                       | Finance           | No        | No        | Yes                  | Phase 1 of the tracking system includes design and testing.                                                                                                                                                                                                                                                           |

| MEASURES BY DEPARTMENT                                                                                                                       |                                                                           |                         |          |         |               |                                                                                                                                                                                                                                                               |
|----------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|-------------------------|----------|---------|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Outcome statement                                                                                                                            | Measure                                                                   | Department              | Q1       | Q2      | Annual Target | Notes                                                                                                                                                                                                                                                         |
| Update salary survey results for 80% of City departments by the end of the fiscal year.                                                      | Percent of departments analyzed.                                          | Administrative Services | 10%      | 20%     | 80%           | Administrative Services began this process in earnest during the second quarter and plans to reach the established target by the end of the year. Current progress has been hindered by long term vacancies.                                                  |
| Build strong partnerships with bargaining and non-bargaining units by coordinating at least 3 meetings with all stakeholder groups per year. | Number of meetings held with all stakeholder groups.                      | Administrative Services | 0        | 4       | 15            | These meetings were begun in the 2nd quarter and the Department plans on holding at least 15 by the end of the year.                                                                                                                                          |
| Maximize uptime percentage for fiber-optic network infrastructure.                                                                           | Uptime percentage to remote facilities via fiber-optic connection         | Administrative Services | 100.000% | 99.913% | >99.9%        |                                                                                                                                                                                                                                                               |
| Complete phase 1 of testing the viability of wireless in all city parks before the end of the fiscal year.                                   | Phase 1 complete.                                                         | Administrative Services | No       | No      | Yes           | The City will not be moving in a different direction based on the wide availability of cheaper data plans in the US. This will save the city about \$100,000 over the next three years.                                                                       |
| Complete Phase 1 of ERP implementation by the end of the fiscal year.                                                                        | Phase 1 of ERP implementation complete.                                   | Administrative Services | No       | No      | Yes           | Phase 1 includes the selection of ERP system completed and contract awarded. Staff originally felt this would be a good target, but after a little more training and better planning, this timeline was deemed to be too quick for successful implementation. |
| Implement the minimum rates of pay established by the Cody compensation and classification analysis by the end of the fiscal year.           | Percent of bargaining and non-bargaining units with implemented minimums. | Administrative Services | 80%      | 80%     | 100%          | All units were brought to the minimum during the budget process or through collective bargaining. The City recently reached agreement with PBA and those changes will be implemented in the 3rd quarter.                                                      |
| Maintain a turnover rate of at least 10% below the national average turnover rate for state and local governments.                           | Difference in percent turnover rate from the national average.            | Administrative Services | -13%     | -15%    | -10%          | This measure matches the most recent data available from BLS. Previous 3 months of BLS turnover was 4.7%. The City's 4% is 15% lower than this average for the most recent quarter.                                                                           |

| MEASURES BY DEPARTMENT                                                                                                                                    |                                                                                 |                         |     |     |               |                                                                                                                                                                                                                               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|-------------------------|-----|-----|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Develop and begin providing an exit interview survey in order to better understand why turnover occurs throughout the city by the end of the 2nd quarter. | Survey developed and implemented.                                               | Administrative Services | No  | Yes | Yes           | Paper based exit interview is offered to each employee and we hope to continue and use data to help recruit and retain staff.                                                                                                 |
| Develop, implement, and advertise a website to promote positivity through the use of social media by the end of the 3rd quarter.                          | New website created and advertised.                                             | Administrative Services | No  | No  | Yes           | Staff expects to complete the new website and begin outreach by the end of the 3rd quarter.                                                                                                                                   |
| Develop and begin providing an new hire survey to enhance the onboarding process by the end of the 2nd quarter.                                           | Survey developed and implemented.                                               | Administrative Services | No  | Yes | Yes           | Web based and paper based offered. First web based was launched and results will be shared in the next 14-21 days                                                                                                             |
| Outcome statement                                                                                                                                         | Measure                                                                         | Department              | Q1  | Q2  | Annual Target | Notes                                                                                                                                                                                                                         |
| Obtain and leverage grant funding to cover at least 20% of the design and construction of the publicly owned Riverwalk area.                              | Percent of design and construction of Riverwalk area paid for with grant funds. | City Manager            | 21% | 21% | 20%           | The City received \$990,000 in grant monies to cover an approximated cost of design and construction totaling about \$4.8 million.                                                                                            |
| Acquire land along US1 as needed in order to begin the process of redevelopment along the Ridgewood Corridor.                                             | Number of properties acquired along US 1.                                       | City Manager            | 1   | 1   | 1             | Penna Court Motel was purchased in December 2015.                                                                                                                                                                             |
| Improve at least one process by the end of the fiscal year.                                                                                               | Number of processes improved.                                                   | City Manager            | 1   | 1   | 1             | Created internal tracking system using city owned technology without having to purchase additional software saving \$5,000 this year and \$3,000 annually thereafter.                                                         |
| Research and suggest at least one option to reduce or eliminate unfunded pension liability by the end of the fiscal year.                                 | Number of suggestions researched and provided.                                  | City Manager            | 0   | 0   | 1             | Staff has researched and provided options (beginning of 3rd quarter). Direction was given for further research, which will require additional resources and a budget request for this will be included in the FY 2017 budget. |
| Analyze lien search charges to ensure competitiveness with similar cities and suggest changes (if necessary) by the end of the fiscal year.               | Analysis completed and changes suggested (if necessary).                        | City Manager            | No  | No  | Yes           | Final report currently being edited. Should be completed at the beginning of the 3rd quarter.                                                                                                                                 |
| Create a list of auditing priorities for at least 55% of departments by end of the fiscal year.                                                           | % of departments with auditing priorities established.                          | City Manager            | 11% | 33% | 55%           | Current list includes auditing possibilities for Finance, Utilities and Community Development                                                                                                                                 |

| MEASURES BY DEPARTMENT                                                                                                                                                                      |                                                                                                                                                                    |                       |     |     |               |                                                                                                                                                                                                                                                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-----|-----|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Prepared an equitable proposal for county sales tax for consideration by the cities and county.                                                                                             | Proposal prepared.                                                                                                                                                 | City Manager          | No  | No  | Yes           | The current interlocal agreement for distribution of proceeds of local options fuel tax does not expire until August 31, 2018. However, by fiscal year end, staff will research alternative distribution methods for consideration of cities and the County upon expiration of the current agreement.                 |
| All City Manager's Department staff will complete (or update) required emergency management training and/or participate in at least two table-top drills before the end of the fiscal year. | Percent of City Manager's Department staff who completed (or updated) required emergency management training and/or participated in at least two table-top drills. | City Manager          | 50% | 50% | 100%          | The city participated in one table-top drill during the first quarter and one at the beginning of the 3rd quarter. This measure will be 100% on the 3rd quarter report.                                                                                                                                               |
| Implement at least 5 enhancements or create additional avenues to improve 2-way communications with citizens.                                                                               | Number of enhancements or additional avenues for citizen communication.                                                                                            | City Manager          | 0   | 4   | 5             | The City has started three enhancements/initiatives in the first two quarters including, Port Orange Pride, Survey Monkey, Coffee With the Manager and Coffee With a Cop. Staff plans on implementing additional enhancements before the end of the year.                                                             |
| Increase the percent of staff who feel they are informed, have clear direction, know how they fit in the organization and know where the organization is going.                             | Percent increase in the overall score in the internal staff assessment.                                                                                            | City Manager          | N/A | 3.7 | 3.8           | A survey was created and distributed to all employees. There was a 52 % response rate on the initial survey. The average response was 3.7 out of 5 (1 = strongly disagree; 5 = strongly agree with the outcome statement of this measure). Over the course of this year we hope to improve this score by at least 4%. |
| Develop and promote a public relations campaign to enhance the city image.                                                                                                                  | Percent increase the general public perception and pride of the City of Port Orange.                                                                               | City Manager          | N/A | N/A | TBD           | Staff had intended to establish a baseline in the second quarter, but only began establishing a baseline in the third quarter.                                                                                                                                                                                        |
| Outcome statement                                                                                                                                                                           | Measure                                                                                                                                                            | Department            | Q1  | Q2  | Annual Target | Notes                                                                                                                                                                                                                                                                                                                 |
| Hire commercial real estate agent to market and sell city property by the end of the first quarter.                                                                                         | Commercial real estate agent engaged to market and sell city property.                                                                                             | Community Development | Yes | Yes | Yes           | Eastport properties are being actively marketed.                                                                                                                                                                                                                                                                      |

| MEASURES BY DEPARTMENT                                                                                                                                                  |                                                                                               |                       |    |     |     |                                                                                                                                                                                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|-----------------------|----|-----|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Submit at least 3 applications to River to Sea TPO for transportation and sidewalk infrastructure improvements by the end of the fiscal year.                           | Number of applications submitted for transportation and sidewalk infrastructure improvements. | Community Development | 0  | 0   | 3   | Six applications were submitted to the TPO in April and will be reported in the next quarterly report                                                                                                                                                     |
| Obtain permits from FDOT for landscaping/ irrigation and gateway entry signs within the Ridgewood Ave. medians by the end of the fiscal year.                           | Permits obtained.                                                                             | Community Development | No | No  | Yes | The Department anticipates issuance of permits by DOT by the end of the fiscal year.                                                                                                                                                                      |
| Submit 2 applications to "River to Sea" TPO to prepare a feasibility study for a cross-town trail and riverside trail south of Dunlawton by the end of the fiscal year. | Number of applications submitted.                                                             | Community Development | 0  | 1   | 2   | One application was submitted to TPO for the riverside trail. Coordination with FPL is ongoing for the cross-town trail for the 2017 application deadline. Property owner permission is required to apply.                                                |
| Implement at least one enhancement for Code Enforcement vehicles by the end of the fiscal year.                                                                         | Number of enhancements implemented.                                                           | Community Development | 0  | 0   | 1   | Draft vehicle signage has been provided to Fleet Staff. Final design and installation on target for end of FY.                                                                                                                                            |
| Complete Phase 1A of Riverwalk Park and open to the public before the end of the second quarter.                                                                        | Phase 1A of Riverwalk Park open to public.                                                    | Community Development | No | Yes | Yes | Phase 1A had a ribbon cutting on 4/11. While this phase was completed before the beginning of April, scheduling for the opening was not possible until April 11th.                                                                                        |
| Start construction on Phase 1B of Riverwalk by the end of the fiscal year.                                                                                              | Construction started on Phase 1B of Riverwalk.                                                | Community Development | No | No  | Yes | On target for bid advertisement by the end of April.                                                                                                                                                                                                      |
| Present a list of targeted business and locations within the City for possible development/redevelopment incentives to Council before the end of the fiscal year.       | Draft list presented to Council.                                                              | Community Development | No | No  | Yes | Ch. 20 of the Land Development Code and the Ridgewood Corridor Plan include lists of targeted businesses. As part of the upcoming budget, a program is being proposed for facade grants and other redevelopment incentives for these targeted businesses. |
| Create a proposal for annexation incentives and provide to City Council by the end of the Fiscal Year.                                                                  | Proposal prepared and provided to Council.                                                    | Community Development | No | No  | Yes | The Department plans on providing a proposal to Council by the end of the 3rd quarter.                                                                                                                                                                    |
| Complete Yorktown speed study by the end of the 3rd quarter.                                                                                                            | Yorktown speed study completed.                                                               | Community Development | No | Yes | Yes | Project completed in the 2nd quarter, earlier than expected.                                                                                                                                                                                              |
| Begin construction of the Crane Lakes traffic signal by the end of the fiscal year.                                                                                     | Construction begun on Crane Lakes traffic signal.                                             | Community Development | No | Yes | Yes | Construction began on 3/14, well before the proposed start before the end of the fiscal year.                                                                                                                                                             |



| MEASURES BY DEPARTMENT                                                                                                                             |                                                                                                                       |                       |     |       |               |                                                                                                                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|-----------------------|-----|-------|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Complete phase 1 (Spruce Creek Road to Nova Road) of the landscape improvements to the Dunlawton medians by the end of the fiscal year.            | Percent of Phase 1 landscape improvements completed.                                                                  | Community Development | 15% | 50%   | 100%          | The bid is scheduled to go to Council on 4/19.                                                                                                                                              |
| Outcome statement                                                                                                                                  | Measure                                                                                                               | Department            | Q1  | Q2    | Annual Target | Notes                                                                                                                                                                                       |
| Produce a combined financial statement for funds 450 and 451 (Golf Course) by the end of the 3rd quarter.                                          | Combined financial statement created.                                                                                 | Finance               | No  | Yes   | Yes           | The Department was working towards implementation by the end of the 3rd quarter, but completed this task ahead of schedule.                                                                 |
| Complete phase 1 of a financial tracking system that will inform contract managers on spending levels for contracts by the end of the fiscal year. | Phase 1 complete.                                                                                                     | Finance               | No  | No    | Yes           | Phase 1 of the tracking system includes design and testing.                                                                                                                                 |
| Outcome statement                                                                                                                                  | Measure                                                                                                               | Department            | Q1  | Q2    | Annual Target | Notes                                                                                                                                                                                       |
| Obtain a satisfactory or above rating of at least 88% from individuals receiving medical treatment from Fire and Rescue.                           | Percent of individuals receiving medical treatment from Fire and Rescue rating that service "satisfactory" or higher. | Fire and Rescue       | N/A | 96.7% | 88%           | This data is reported once per year and based on the Citizen Survey.                                                                                                                        |
| Solidify Fire and Rescue senior management team including: Fire Chief, Deputy Fire Chief, Fire Marshall and Emergency Manager                      | Percent of senior management team in place.                                                                           | Fire and Rescue       | 0%  | 25%   | 100%          | Emergency Manager hired, fire chief should be completed within the third quarter, after which the new fire chief will fill the deputy and fire Marshall spots.                              |
| Reduce the number of "Areas for Improvement" after table top exercises before the start of the 2016 hurricane season.                              | Percent decrease in the number of "Areas for Improvement" between the last two tabletop exercises.                    | Fire and Rescue       | N/A | N/A   | -15%          | Tabletop exercise #1 was held in November. Tabletop #2 was held in April. A 3rd Tabletop will be held in the 3rd quarter at which time progress will be reported.                           |
| Conduct at least two mock storm events for EOC essential personnel before June, 1 2016.                                                            | Number of mock storm events conducted.                                                                                | Fire and Rescue       | 1   | 1     | 2             | The Fire and Rescue department conducted one mock storm event in the 1st quarter, one at the beginning of the 3rd quarter and is planning a second event before the end of the 3rd quarter. |

| MEASURES BY DEPARTMENT                                                                                                                         |                                                                          |                      |      |      |               |                                                                                                                                                                                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|----------------------|------|------|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Provide at least one updated FEMA reimbursement form training class before June 1, 2016.                                                       | Number of FEMA reimbursement form training classes provided.             | Fire and Rescue      | 0    | 0    | 1             | The Department has already reviewed the FEMA reimbursement forms with essential EOC personnel during the table top exercise in the 1st quarter, but is planning another training specifically on this form before June 1, 2016.    |
| Relocate and build out the new Emergency Management Operations (EOC) Center at 4545 Clyde Morris Boulevard before June 1, 2016.                | Completed build-out and move to the new EOC.                             | Fire and Rescue      | No   | No   | Yes           | Staff expects the new EOC to be open and operational before the end of the 3rd quarter for the start of the traditional hurricane season.                                                                                          |
| Outcome statement                                                                                                                              | Measure                                                                  | Department           | Q1   | Q2   | Annual Target | Notes                                                                                                                                                                                                                              |
| Complete a fee study and adopt a new fee resolution for all parks fees by the end of the first quarter.                                        | New fee schedule adopted and revised.                                    | Parks & Recreation   | Yes  | Yes  | Yes           | Fees were adjusted and adopted in December 2015 and take effect January 1, 2016.                                                                                                                                                   |
| Partner with a local university and Chamber to conduct an economic impact study of the sports tournaments held in the city.                    | Partnership established with university and chamber of commerce.         | Parks & Recreation   | No   | No   | Yes           | 32 sports tournaments were held in Port Orange in FY15. The Department plans on establishing partnerships during the 4th quarter.                                                                                                  |
| Maintain the number of events held at City Center in FY 2015-16.                                                                               | Number of events held at City Center.                                    | Parks and Recreation | 14   | 10   | 48            | City Center hosted events 48 out of the 52 weekends in FY15. However, Riverwalk park is not expected to be open until FY17.                                                                                                        |
| Begin process of adopting a new Parks and Recreation Master Plan before the end of FY 2016-17 by planning for inclusion in next year's budget. | Budget request for master plan submitted to Council.                     | Parks and Recreation | No   | No   | Yes           | Department plans on submitting request in the 3rd quarter along with other budget requests.                                                                                                                                        |
| Outcome statement                                                                                                                              | Measure                                                                  | Department           | Q1   | Q2   | Annual Target | Notes                                                                                                                                                                                                                              |
| Increase training opportunities for current officers.                                                                                          | % Increase in the number of training opportunities for current officers. | Police               | -69% | -46% | 5%            | The Department averaged about 9,500 hours of training over the last couple of years. The goal this year is to increase that by at least 5% to 9,975. 1st quarter and 2nd quarter training hours were 2,924 and 2,207 respectively. |
| Formulate a useful career development program for current officers.                                                                            | Career development program created.                                      | Police               | No   | No   | Yes           | The Department began developing a program after all command staff were in place and expects to complete the program by the end of the year. It is currently 25% complete.                                                          |

| MEASURES BY DEPARTMENT                                                                                                                                                |                                                                                |                  |             |             |               |                                                                                                                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|------------------|-------------|-------------|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Provide at least one class to City youth on safe bicycle and pedestrian use of the roadways.                                                                          | Number of youth classes provided on bicycle and pedestrian use of roadways.    | Police           | 0           | 0           | 1             | A Bicycle safety class is schedule for April 30, 2016.                                                                                                                                                            |
| Reorganize and fill all key police command staff positions by the end of the fiscal year.                                                                             | % of key command staff positions filled.                                       | Police           | 20%         | 100%        | 100%          | The Department has completed filling all command staff positions.                                                                                                                                                 |
| Review, update and drill emergency management protocols and training at least once per calendar year.                                                                 | Percent of emergency management protocols reviewed and updated (if necessary). | Police           | 0%          | 25%         | 100%          | The Department began the review process of emergency management protocols after the command staff was in place. The plan is to ramp up the review and complete it by the end of the fiscal year.                  |
| Develop a relationship with Stetson University, Daytona State University, and Embry Riddle University to recruit quality new hires before the end of the fiscal year. | Recruiting relationship with local institutions of higher learning developed.  | Police           | No          | No          | Yes           | The Department has begun recruiting relationships with Daytona State and East Florida State. It is still working on building relationships with Embry Riddle and Stetson. Proposed completion during 3rd quarter. |
| Hold at least six “meet and greet” events in the public to increase dialogue during the fiscal year.                                                                  | Number of meet and greet events held.                                          | Police           | 3           | 12          | 6             | The Department has held 15 meet and greets and expects to hold more before the end of the year.                                                                                                                   |
| Prepare for and obtain the Commission on Accreditation for Law Enforcement Agencies (CALEA) Accreditation.                                                            | CALEA accreditation obtained.                                                  | Police           | No          | Yes         | Yes           |                                                                                                                                                                                                                   |
| Outcome statement                                                                                                                                                     | Measure                                                                        | Department       | Q1          | Q2          | Annual Target | Notes                                                                                                                                                                                                             |
| Increase capacity for water filtration and disposal by 100,000,000 gallons by the end of the fiscal year.                                                             | Increased capacity for water filtration and disposal.                          | Public Utilities | 100,000,000 | 100,000,000 | 100,000,000   | The reclaimed lakes project was finished on time and provided for the increase in capacity.                                                                                                                       |
| Begin phase one of the utilities master plan by the end of the fiscal year.                                                                                           | Phase 1 started.                                                               | Public Utilities | No          | No          | Yes           | Based on the current timeline the department plans on beginning phase 1 before the end of the 4th quarter.                                                                                                        |
| Complete phase 1 of septic tank impact analysis before the end of the fiscal year.                                                                                    | Phase 1 complete.                                                              | Public Utilities | No          | No          | Yes           | The Department expects to initiate a proposal for a study before the end of the 4th quarter, which will lead into funding requests for next fiscal year.                                                          |

| MEASURES BY DEPARTMENT                                                                                                                                                                                       |                                                                                    |                  |    |     |               |                                                                                                                                                                                                                                                                                                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|------------------|----|-----|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Reduce annual turnover for the department below the 2015 mark of 13.                                                                                                                                         | Turnover.                                                                          | Public Utilities | 1  | 3   | <13           | There were three separations in the second quarter. One retired, one left for better pay and another left for better pay and the opportunity for entry into FRS.                                                                                                                                        |
| Increase the number of available training hours for employees.                                                                                                                                               | Total number of training hours available to staff.                                 | Public Utilities | 0  | 979 | >0            | Training completed in the 2nd quarter:<br>1. Successor Training: 384 total hours<br>2. In-house training: 507 hours<br>3. Formal Training: 88 hours                                                                                                                                                     |
| Create incentives for value added licensing by the end of the fiscal year.                                                                                                                                   | Incentives for value added licenses created.                                       | Public Utilities | No | No  | Yes           | Financial incentives must be negotiated in the PEA contract, which is up for negotiation beginning in the 3rd quarter.                                                                                                                                                                                  |
| Obtain at least one utility related award for programs and performance and recognition through professional organizations by the end of the fiscal year.                                                     | Number of professional award recognitions received.                                | Public Utilities | 0  | 1   | 1             | The Department was awarded the Florida Department of Environmental Protection (FDEP) 2015 Water Plant Excellence Award. A second award for the Florida Section. American Water Works Association (FS/AWWA), was submitted.                                                                              |
| Review all standard operating procedures by the end of the fiscal year.                                                                                                                                      | Percent of department standard operating procedures reviewed.                      | Public Utilities | 0% | 17% | 100%          | 31 out of 182 currently being reviewed.                                                                                                                                                                                                                                                                 |
| Outcome statement                                                                                                                                                                                            | Measure                                                                            | Department       | Q1 | Q2  | Annual Target | Notes                                                                                                                                                                                                                                                                                                   |
| Submit contract for Stormwater Master Plan development to City Council for approval and award before the end of the fiscal year.                                                                             | Stormwater Master Plan contract submitted to City Council.                         | Public Works     | No | No  | Yes           | Contract award for a Stormwater Master Plan is anticipated during the 3rd quarter.                                                                                                                                                                                                                      |
| Gather at least 10% inventory and condition assessment data annually for use in infrastructure preventive maintenance for at least 1 infrastructure (streets, sidewalks, stormwater drainage systems, etc.). | Percentage of inventory and condition data gathered for at least 1 infrastructure. | Public Works     | 0% | 0%  | 10%           | Contract award for gathering street inventory and condition data is anticipated by the 3rd quarter. Also, the Department has requested two positions be reclassified to Engineering Inspectors. If approved, positions will provide in-house infrastructure data gathering services among other duties. |



# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 05/03/2016

Consent item: No

---

**SUBJECT:** Resolution No. 16-24 - Port Orange City Council Rules of Procedure

**DEPARTMENT:** City Clerk

**GOAL:** 6 - Organizational Excellence

**OBJECTIVE:**

---

**RECOMMENDED MOTION:** Move to approve Resolution No. 16-24, adopting the City Council Rules of Procedure as presented.

---

**SUMMARY:** On January 26, 2016, Council provided direction to Staff regarding the Rules of Procedures. Attached please find the draft Rules based on that direction. There is a marked up version as well as a clean version for your review.

Project              Funding Account  
No.:                  No.:

---

**ATTACHMENTS:**

|    |                                  |                           |
|----|----------------------------------|---------------------------|
| 1. | Resolution No. 16-24             | Reso 16-24 w Ex A.pdf     |
| 2. | City Council Local Rules Mark-up | CC Local Rules Markup.pdf |

---

Robin Fenwick  
Matthew Jones  
Margaret Roberts  
M. Jake Johansson

Created/Initiated - 04/11/2016  
Approved - 04/26/2016  
Approved - 04/28/2016  
Final Approval - 04/28/2016

---

RESOLUTION NO. 16-24

A RESOLUTION OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA; ADOPTING THE PORT ORANGE CITY COUNCIL RULES OF PROCEDURE; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Port Orange is an elected legislative body serving the citizens of the City of Port Orange; and

WHEREAS, section 3.06 of the City's charter requires the City Council to determine its own rules and order of business; and

WHEREAS, section 286.0114, Florida Statutes, creates a right for the public to have an opportunity to be heard on propositions before the City Council, subject to the rules or policies adopted by City Council; and

WHEREAS, the City Council has determined that local rules are necessary for the orderly and efficient operation of the public meetings; and

WHEREAS, the City Council wishes to maintain a tradition of solemnizing its proceedings by allowing for an opening invocation before each meeting, for the benefit of City Council; and

WHEREAS, the City Council desires to adopt a formal, written policy for invocation to clarify the practice; and

WHEREAS, such invocation before deliberative public bodies has been consistently upheld as constitutional by the courts, including the United States Supreme Court; and

WHEREAS, the City Council desires to avail itself of the Supreme Court's recognition that it is constitutionally permissible for a public body to invoke divine guidance on its meetings with a prayer by a chaplain paid by taxpayer dollars as this practice is deeply imbedded in the history and tradition of this country; and

WHEREAS, the First Congress made it an early item of business to appoint and pay official chaplains, and both the House and Senate have maintained the office virtually uninterrupted since that time; and

WHEREAS, the City Council intends, and has intended in past practice, to adopt a policy that does not proselytize or advance any faith, or show any purposeful preference of one religious view to the exclusion of others.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, as follows:

Section 1. The City Council of the City of Port Orange, hereby adopts the Port Orange City Council Rules of Procedure, attached hereto as **Exhibit "A"**.

Section 2. This resolution shall supersede any policies or resolutions in conflict herewith, and shall expressly repeal Resolution No. 01-36 commonly known as the public participation policy.

Section 3. This resolution shall become effective immediately upon adoption.

---

MAYOR ALLEN GREEN

ATTEST:

---

Robin L. Fenwick, City Clerk

Adopted on the      day of

Reviewed and Approved: \_\_\_\_\_  
Matthew J. Jones, Deputy City Attorney



## CITY OF PORT ORANGE

CITY CLERK'S OFFICE  
1000 CITY CENTER CIRCLE  
PORT ORANGE, FLORIDA 32129  
TELEPHONE (386) 506-5563  
FAX (386) 756-5290

### **PORT ORANGE CITY COUNCIL** **RULES OF PROCEDURE**

#### **I. GENERAL PARLIAMENTARY RULES.**

The general parliamentary procedure to be followed by the City Council of the City of Port Orange, Florida, except as otherwise modified by the City Council or as modified or amended herein, shall be in accordance with the rules of parliamentary procedures entitled "Robert's Rules of Order", being the reprint of the 1907 edition.

#### **II. PRESIDING OFFICER AND DUTIES.**

- A. The Mayor, if present, shall preside at all meetings of the Council. In the absence of the Mayor, the Vice Mayor shall preside.
- B. The meetings of the Council shall be called to order, recessed and adjourned by the presiding officer.
- C. The presiding officer shall preserve order and enforce the rules of decorum and conduct set forth herein.
- D. The presiding officer shall determine all points of order, subject to the right of any Councilmember to appeal to the Council. If any appeal is taken, the question shall be, "Shall the decision of the presiding officer be sustained?" A majority of the Council sitting and eligible to vote is required to reverse the ruling of the presiding officer.
- E. The presiding officer may call another Councilmember to temporarily chair the meeting in order to make a motion, or to cover a temporary absence, such substitution is not to continue beyond adjournment.

#### **III. LOCAL RULES.**

- A. The following Local Rules of Procedure shall be applicable to the organization and conduct of business, as well as preparation and publication of agendas, of the City Council of the City of Port Orange, Florida. To the extent these Local Rules shall modify or conflict with the standard "Robert's Rules of Order" as adopted above, these Local Rules shall prevail to the extent of their conflict or inconsistency with "Robert's Rules of Order". The approval of these Rules shall take place at the first meeting held in January of each year, or as soon as possible thereafter.
  - 1. Regular meetings of the City Council shall be held on the first and third Tuesdays of each month, with the exception of the months of July, November, and December and any Port Orange municipal election dates, at 6:30 p.m., in City Hall. During the



months of November and December only, the regular City Council meetings shall occur on the first and second Tuesdays at 6:30 p.m. at City Hall. These meeting dates and times are subject to change as determined necessary by the City Council. There shall be no regular City Council meeting on the date of a Port Orange municipal election. A meeting that would otherwise have been scheduled for such date shall be held on the Wednesday immediately following the election at 6:30 p.m. at City Hall. The July meeting schedule may be amended at the direction of the Port Orange City Council in consideration of the Fourth of July Holiday.

2. Workshop meetings of the City Council shall be held on the fourth Tuesday of each month at 6:30 p.m., as needed. Workshops shall be avoided in the months of November and December, if possible. Workshops may also be scheduled at other times as determined necessary by the City Council.
3. All regular City Council meetings shall be held in the City Council Chambers at City Hall, unless otherwise designated by the City Council. All workshop City Council meetings will typically be held in the Second Floor Conference Room, Lakeside Activity Center, the Adult Activity Center, or the Council Chambers at City Hall, as determined by the City Manager. All meetings of the City Council shall end by 11:00 p.m. unless extended beyond 11:00 p.m. by a motion of the City Council pursuant to Section 3.06(b) of the City's Charter. Thereafter, the meeting shall end upon the conclusion of each hour (12:00, 1:00, etc.), unless extended by a motion of the City Council pursuant to Section 3.06(b) of the City's Charter for each hour. Any unfinished business shall be considered at a time and place set by the City Council.
4. There may also be special meetings or workshop meetings at such other times as so designated in advance by the City Council for the purposes of holding joint meetings with City boards, commissions, etc., to include receiving annual reports and presentations from the City's boards, committees, agencies and authorities, or for such other purposes as may be deemed necessary or desirable by the City Council.
5. Special meetings shall be called at the request of the Mayor or any two Councilmembers in accordance with the provisions of the City Charter and the Code of Ordinances.
6. Ex Parte Communication and Quasi-judicial Proceedings shall be governed by City Council Resolution No. 00-65. At a minimum, all parties to a Quasi-judicial Proceeding shall be entitled to the following:
  - a. An opportunity to call and examine witnesses, who shall be sworn;
  - b. An opportunity to introduce evidence;
  - c. An opportunity to cross examine witnesses; and
  - d. An opportunity to rebut evidence.
7. To the extent compatible with the conduct of business, all workshop meetings shall be held on an informal basis. The applicability of the City's general rules shall not be

strictly applied. Presentations made at workshop meetings shall be limited to twenty (20) minutes, unless the Council, by consensus, agrees to extend the time.

8. The City Manager shall be responsible for organization and placement of items on the City Council Agenda; however, the Agenda and Agenda packets shall be prepared by the City Clerk. If the Council or any of its members wish to place an item on an agenda, any such request or inquiry shall be directed to the City Manager's office for disposition as opposed to any Councilmember contacting any City officer or employee who is subject to the direction and supervision of the City Manager.
9. With regard to the agenda for regular City Council meetings, the following shall apply:
  - a. To the extent possible, the City Administration shall group all matters by subject area, and shall place as many as possible on the consent portion of the agenda. Those items of a controversial nature or those that need explanation will not be placed on the Consent Agenda.
  - b. The agenda format shall be generally as follows: A call to order, pledge of allegiance, invocation, roll call, reading of civility rules, agenda approval, public hearings, presentations, if any, public comment, City Council Comments, the consent agenda to include formal approval of minutes, the regular agenda, to include first readings of ordinances, comments from the City Manager and the City Attorney, and Council Committee reports. The agenda format is subject to change at the discretion of the City Manager or upon consensus of Council.
  - c. Any items received during the public comment portion of the regular agenda may, at the discretion of the Council, be discussed by the City Council at the time of such presentation, may be directed by the Council to the City Manager for action or resolution, or may be added to a subsequent meeting or workshop agenda if a member of the City Council so specifically requests.
  - d. Votes taken on ordinances and resolutions shall be by roll call and shall be recorded by the City Clerk. The roll call shall be by District with District 1 voting first, District 2 voting second, etc. with the Vice Mayor always voting fourth and the Mayor voting last.
  - e. Once a motion has been made, seconded, and voted upon, it is final, except that the Council may reconsider that matter at the same meeting at which the motion was voted upon or the immediate subsequent meeting. If reconsideration is requested for an immediate subsequent meeting, the Councilmember requesting reconsideration shall notify the City Clerk in advance of the meeting at which the reconsideration will take place and provide the reasons for requesting reconsideration in order to allow the City Clerk to include the request as part of the meeting agenda and properly notice the item to be reconsidered. In order to reconsider a final vote of the City Council, a motion to reconsider shall be made by a member of the Council that voted on the prevailing side. The City Council shall establish for the public record the reasons that a reconsideration of the final vote was warranted.

10. The City Council of the City of Port Orange is committed to maintaining civility in public and political discourse and expects the public to do the same. All comments by members of the Council, advisory board members, and/or the public shall:
  - a. Respect the right of all citizens in our community to hold different opinions;
  - b. Avoid rhetoric intended to humiliate or question the wisdom of those whose opinions are different from ours;
  - c. Strive to understand differing perspectives;
  - d. Be truthful, not accusatory and avoid distortion; and
  - e. Avoid violence, prejudice and incivility towards citizens, employees, and officials of the City of Port Orange.
11. Cell phone ringers shall be disabled while a meeting or workshop is in progress.

#### **IV. PUBLIC PARTICIPATION.**

- A. The City of Port Orange recognizes the statutorily created right of the public to be heard on propositions in front of City Council as set forth in Section 286.0114, Florida Statutes, and is committed to democratic, participatory local government. The following rules, guidelines and procedures are intended to promote orderly conduct and defined methods for participation. The presiding officer shall have the authority to enforce these rules and may request the removal of any individual who has been warned of and persists with prohibited conduct.

##### **1. General Rule**

- a. Members of the public shall be given a reasonable opportunity to be heard on a proposition before City Council, subject to the rules, guidelines and procedures set forth herein. The opportunity to be heard need not occur at the same meeting at which City Council takes official action on the proposition if the opportunity occurs at a meeting that is during the decisionmaking process and is within reasonable proximity in time before the meeting at which City Council takes the official action.
- b. Public participation is not required under the following circumstances:
  - i. An official act must be taken to deal with an emergency situation affecting the public health, welfare, or safety, and public participation would cause an unreasonable delay in the ability of the City Council to act;
  - ii. An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
  - iii. A meeting that is exempt from s. 286.011, Florida Statutes; or
  - iv. A meeting during which the board or commission is acting in a quasi-judicial capacity, unless otherwise provided by law.

##### **2. Meeting Decorum and Conduct**

- a. Individuals may only make comments from the podium, or such other reasonable accommodation, after being recognized by the presiding officer.

- b. Prior to commenting, individuals are required to clearly state their name and address for the record in order to preserve an accurate public record reflected in the meeting minutes for future reference.
- c. All comments shall be directed to the presiding officer and shall not contain profane, aggressive or threatening language, or personal verbal attacks.
- d. Repetitive, redundant, or immaterial presentations or requests may be limited, and shall not resume unless authorized by a majority vote of the City Council.
- e. Comments shall be limited to the allotted times set forth herein, but additional comments may be submitted in writing in order to supplement and fully address any issue. The presiding officer shall have the discretion to provide additional time for a representative who can produce supporting documentation or evidence that he or she is authorized to speak on behalf of a group or faction comprised of five or more members of the public.
- f. Individuals attending a City Council meeting may choose to either hold a sign or place a sign along the rear wall. Signs shall not be placed or held in any manner which obstructs the view of other audience members or obstructs the access to or from Council Chambers. Signs shall not be waived or lighted in any manner that causes distraction to the Councilmembers or members of the audience during a City Council meeting. Signs shall not be affixed to the walls or other surfaces within Council Chambers.

3. Procedures and Guidelines for Public Participation

- a. Public Participation – Non-Agenda
  - i. The City Council allocates 15 minutes at the beginning of each City Council Meeting for members of the public who wish to appear before the City Council to make a request, voice a complaint or concern, express an opinion, or give recognition.
  - ii. Members of the public who wish to be heard shall complete a public participation form and provide the completed form to the City Clerk prior to the beginning of the meeting. Public participation forms shall be made available outside Council Chambers one hour prior to the meeting and in the City Clerk's Office during regular business hours. The City Clerk shall present all completed forms to the presiding officer prior to the beginning of the meeting.
  - iii. The presiding officer shall divide the time allocated equally between all who have signed-up to speak. Each individual shall be afforded no more than three minutes to speak, unless such time is extended by a majority vote of city council.
- b. Public Participation – Agenda
  - i. The City Council shall reserve a section of the agenda dedicated to hearing Public Participation items requiring more than three minutes to fully address.
  - ii. Members of the public who wish to have their discussion item placed on the agenda shall file the request with the City Clerk at least two weeks in

advance of the Council Meeting at which the item is to be heard. The request shall include the nature of the discussion and any supporting information to be considered.

- iii. The City Clerk shall forward a copy of the request and supporting information to the City Council and the appropriate City Department(s) so that research may be conducted and information may be provided by staff as part of the agenda item in order to assist City Council in making a decision.
- iv. Public Participation Agenda Items shall be considered in the following format:
  - 1. Presentation by requestor
  - 2. Questions of the requestor by City Council
  - 3. Presentation by City staff, if necessary
  - 4. Questions of City staff by City Council
  - 5. Public comments
  - 6. Take action, if necessary
- v. The requestor and City staff shall be given the time necessary to fully address the agenda item. Members of the public who wish to participate after the presentation by voicing support, opposition or neutrality to the request shall be afforded no more than three minutes each to speak.

c. Public Hearings and Regular Agenda Items

- i. Members of the public shall be given an opportunity to be heard on public hearing items and regular agenda items once the applicant has completed his or her presentation, the City Staff has completed its presentation on the issue, and interested parties, if any have completed their presentation; and before a decision has been made by City Council.
- ii. Members of the public who wish to be heard on a particular item may choose to complete a public participation form and turn-in the completed form to the City Clerk in advance of the meeting, or raise a hand and wait to be called-on when the presiding officer opens the floor to comments from the public.
- iii. Members of the public who wish to be heard on a consent agenda item shall complete a public participation form and turn-in the completed form to the City Clerk in advance of the meeting. Upon request by a member of the public, an item on consent shall be removed from the consent agenda in order to provide an opportunity for the requestor and others to be heard prior to a decision by City Council.

d. Submission of Petitions

- i. Petitions may be presented by Council during public participation at a meeting or by mailing or hand-delivering to the City Clerk.
- ii. If the petition is presented at a meeting, the presenter shall present the petition to the presiding officer along with a brief overview of the reason for the petition. The presentation shall be limited to three minutes.
- iii. If the petition is sent by mail or hand-delivered to the City Clerk, the petition shall provide the reason for the petition. Upon receipt of the petition, the City Clerk shall place the item on the agenda with a copy of the petition for the next available meeting for discussion.

## **V. OPENING INVOCATION**

- A. It shall be the policy of the City Council that the procedures stated in this rule concerning opening invocation shall govern all official meetings of the City Council and that the members of the City Council and City staff shall adhere to these rules. These policies and procedures are not intended, shall not be implemented, and shall not be construed in any way to affiliate the City Council or the City with, nor express a preference for or against any faith, belief, opinion, religion, or denomination. Rather, these policies and procedures are intended to acknowledge and express the City Council respect for the diversity of religious denominations and faiths represented and practiced among the citizens of the City.
1. After the Call to Order of all official meetings of the City Council an Opening Invocation as described herein shall occur. The opening invocation will occur and be completed during the opening, ceremonial portion of the City Council meeting and shall in no event occur, or be construed to occur, during the policymaking or legislative portions of the City Council meeting. If the selected speaker is absent or a selection cannot be made for any reason, the invocation will consist of a brief moment of silence.
  2. The opening invocation will be performed by a local volunteer selected in accordance with these rules. The local volunteer selected for leading the opening invocation shall be selected from a wide pool of local clergy as specified below, and he/she shall in no event receive compensation from the City for his/her participation or services. To ensure that such person is selected from among a wide pool of local clergy, on a rotating basis, the invocation speaker shall be selected according to the following procedure:
    - a. The City Clerk or his/her designee shall compile and maintain a database of the religious congregations with an established presence within the jurisdictional limits of the City of Port Orange and Volusia County.
    - b. The Congregation List shall be compiled by referencing the listings for “churches,” “congregations,” or other similar religious assemblies located within the jurisdictional limits of the City and Volusia County in the annual Yellow Pages telephone book(s) published for the City and Volusia County, research from the Internet, and consultation with local chambers of commerce. All religious congregations with an established presence within the jurisdictional limits of the City and Volusia County are eligible to be, and shall be, included in the Congregation List. Any such congregation, entity, organization, or individual within the jurisdictional limits of the City and Volusia County not otherwise identified for participating may request inclusion on the Congregation List by written communication directed to the City Clerk that references the opening invocation. This policy is intended to be and shall be applied in a way that is all-inclusive of every diverse religious congregation within the jurisdictional limits of the City and Volusia County. The Congregation List is compiled and used for purposes of logistics, efficiency, and equal opportunity for all religious leaders within the jurisdictional limits of the City and Volusia County to choose whether to respond to the City Council’s Invitation and participate. The City Clerk or

his/her designee may not inquire into the faith, denomination, or other religious belief of the congregation before adding it to the Congregation List.

- c. The Congregation List shall also include the name and contact information of any religious congregation located outside the City and Volusia County, if such religious congregation is attended by a resident or residents of the City or Volusia County, and such resident requests the inclusion of said religious congregation by specific written communication to the City Clerk.
  - d. The Congregation List shall also include the name and contact information of any chaplain who may serve one or more of the fire departments or law enforcement agencies of the City and Volusia County.
  - e. The Congregations List shall be updated, by reasonable efforts of the City Clerk or his/her designee, on or about the month of July of each calendar year.
3. Within thirty (30) days of the effective date of this policy, and on or about May 1 of each calendar year thereafter, the City Clerk or his/her designee shall mail an invitation addressed to the religious leader, chaplain, minister, rabbi or similar, or other contact person of each congregation listed on the Congregations List. The invitation will comport with substantially the following form:

*Dear Sir or Madam:*

*The City of Port Orange City Council makes it a policy to invite members of the clergy and other religious leaders having an established presence within the jurisdictional limits of the City of Port Orange and Volusia County to voluntarily offer an invocation before the beginning of its meetings for the benefit and blessing of the City Council. As the leader of one of the religious congregations with an established presence within the jurisdictional limits of the City and Volusia County, you are invited to offer this important service at an upcoming meeting of the City Council.*

*If you are willing to assist the City Council in this regard, please send a written reply at your earliest convenience to the City Clerk at the address included on this letterhead. Invocation speakers are scheduled on a first-come, first-serve basis. The dates of the City Council's scheduled meetings for the upcoming year are enclosed. If you have a preference among the date, please state that request in your written reply.*

*This opportunity is voluntary, and you are free to offer the invocation according to the dictates of your own conscience. The invocation should be brief and succinct. To maintain a spirit of respect and ecumenism, the City Council respectfully requests that the invocation opportunity not be exploited as an effort to convert others to the particular faith of the invocation speaker, nor to disparage any faith or belief different than that of the invocation speaker or otherwise threaten damnation or denigrate nonbelievers.*

*On behalf of the City Council of the City of Port Orange, I thank you in advance for considering this invitation.*

*Regards,  
City Clerk or his/her designee*

4. As the invitation letter shall state, the respondents to the invitation shall be scheduled on a first-come, first serve basis to deliver a brief and succinct invocation. All reasonable efforts shall be made to ensure that a variety of invocation speakers are scheduled for City Council meetings. Notwithstanding the preceding, no invocation speaker shall be scheduled to offer an invocation at consecutive meetings of the City Council, or at more than three (3) City Council meetings in any calendar year.
5. No member of the City Council, City employee or staff shall engage in any prior inquiry, review, or involvement in, the content of any invocation to be offered by an invocation speaker.
6. No member of the City Council, City employee or staff, or any other person in attendance at the meeting shall be required to participate in any opening invocation that is offered. An opportunity to exit the City Council Chambers and return upon completion of the opening invocation is afforded to those who do not wish to participate or witness the opening invocation. Persons in attendance at the City Council meeting are invited to stand during the opening invocation and Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. Such invitation constitutes a general invitation that a person in attendance may stand if he/she wishes to do so for such observances.
7. The following statement shall be placed at the bottom of City Council meeting agendas:

*Any invocation that is offered before the official start of the City Council meeting shall be the voluntary offering of a private person, to and for the benefit of the City Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council or the city staff, and the City is not allowed by law to endorse the religious beliefs or views of this, or any other speaker. Persons in attendance at the City Council meeting are invited to stand during the opening invocation and Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered. A person may exit the City Council Chambers and return upon completion of the opening invocation if a person does not wish to participate in or witness the opening invocation.*

## **VI. CITY BOARD, COMMITTEE, COUNCIL AND AGENDA APPOINTMENTS.**

- A. All appointments to city boards, commissions, and committees whose members are not subject to appointment by other entities, and in accordance with any applicable restrictions by State Statute, shall be made in accordance with the following procedures:



1. All vacancies subject to appointment to such city boards, commissions, and committees shall be made on a nomination basis by each of the members of the City Council. This nomination shall be construed to be a Motion to Appoint. The Council shall follow the voting requirements pursuant to Section 3.06(c) of the City's Charter
2. Roster lists and volunteer applications for City boards, commissions, and committees shall be established and maintained by the City Clerk's office.
3. Appointments for vacancies occurring on a board wherein the particular member has, for whatever reason, not fulfilled their entire term of membership on that particular board, commission, or committee, shall be to complete the unexpired term only, unless the unexpired term is for a period of time less than six (6) months. In that event, the appointed member shall then be allowed to serve the following full regular term without reappointment.
4. These rules, when adopted, shall supersede any other general rules or local rules which are inconsistent herewith, to the extent of such inconsistency.

**VII. CITY MANAGER/CITY ATTORNEY ANNUAL REVIEW.**

The City Council shall annually conduct a performance evaluation and salary review of the City Manager and City Attorney in accordance with their respective employment agreements.

Approved and adopted by the City Council of the City of Port Orange, Florida, at the Regular City Council Meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2016.

---

Allen Green, Mayor

ATTEST:

---

Robin L. Fenwick, CMC  
City Clerk



## CITY OF PORT ORANGE

CITY CLERK'S OFFICE  
1000 CITY CENTER CIRCLE  
PORT ORANGE, FLORIDA 32129  
TELEPHONE (386) 506-5563  
FAX (386) 756-5290

### PORT ORANGE CITY COUNCIL RULES OF PROCEDURE

#### I. GENERAL PARLIAMENTARY RULES.

The general parliamentary procedure to be followed by the City Council of the City of Port Orange, Florida, except as otherwise modified by the City Council or as modified or amended herein, shall be in accordance with the rules of parliamentary procedures entitled "Robert's Rules of Order", being the reprint of the 1907 edition.

#### II. PRESIDING OFFICER AND DUTIES.

- A. The Mayor, if present, shall preside at all meetings of the Council. In the absence of the Mayor, the Vice Mayor shall preside.
- B. The meetings of the Council shall be called to order, recessed and adjourned by the presiding officer.
- C. The presiding officer shall preserve order and enforce the rules of decorum and conduct set forth herein.
- D. The presiding officer shall determine all points of order, subject to the right of any Councilmember to appeal to the Council. If any appeal is taken, the question shall be, "Shall the decision of the presiding officer be sustained?" A majority of the Council sitting and eligible to vote is required to reverse the ruling of the presiding officer.
- E. The presiding officer may call another Councilmember to temporarily chair the meeting in order to make a motion, or to cover a temporary absence, such substitution is not to continue beyond adjournment.

Formatted: Indent: Left: 0"

Formatted: Font: Bold, Underline

Formatted: List Paragraph, Numbered + Level: 1 +  
Numbering Style: I, II, III, ... + Start at: 1 + Alignment: Left +  
Aligned at: 0" + Tab after: 0.5" + Indent at: 0.5"

Formatted: List Paragraph, Indent: Left: 0"

Formatted: List Paragraph, Numbered + Level: 1 +  
Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left +  
Aligned at: 0.5" + Indent at: 0.75"

Formatted: Font: Garamond, 12 pt

#### H-III. LOCAL RULES.

- A. The following Local Rules of Procedure shall be applicable to the organization and conduct of business, as well as preparation and publication of agendas, of the City Council of the City of Port Orange, Florida. To the extent these Local Rules shall modify or conflict with the standard "Robert's Rules of Order" as adopted above, these Local Rules shall prevail to the extent of their conflict or inconsistency with "Robert's Rules of Order".  
In addition to these local rules, rules for quasi-judicial proceedings shall apply to proceedings which require quasi-judicial hearings. The approval of these Rules shall take place at the first meeting held in January of each year, or as soon as possible thereafter.

- 1. Regular meetings of the City Council shall be held on the first and third Tuesdays of each month, with the exception of the months of July, November, and December and

any Port Orange municipal election dates, at 6:30 p.m., in City Hall. During the months of November and December only, the regular City Council meetings shall occur on the first and second Tuesdays at 6:30 p.m. at City Hall. These meeting dates and times are subject to change as determined necessary by the City Council. There shall be no regular City Council meeting on the date of a Port Orange municipal election. A meeting that would otherwise have been scheduled for such date shall be held on the Wednesday immediately following the election at 6:30 p.m. at City Hall. The July meeting schedule may be amended at the direction of the Port Orange City Council in consideration of the Fourth of July Holiday.

2. Workshop meetings of the City Council shall be held on the fourth Tuesday of each month at 6:30 p.m., as needed, except that there shall be no regular workshops shall be avoided in the months of November and December, if possible. Workshops may also be scheduled at other times as determined necessary by the City Council.

3. All regular City Council meetings shall be held in the City Council Chambers at City Hall, unless otherwise designated by the City Council. All workshop City Council meetings will typically be held in the Second Floor Conference Room, Lakeside Activity Center, the Adult Activity Center, or the Council Chambers at City Hall, as determined by the City Manager. All meetings of the City Council shall end by 11:00 p.m. unless extended beyond 11:00 p.m. by a motion of the City Council pursuant to Section 3.06(b) of the City's Charter. Thereafter, the meeting shall end upon the conclusion of each hour (12:00, 1:00, etc.), unless extended by a motion of the City Council pursuant to Section 3.06(b) of the City's Charter for each hour. Any unfinished business shall be considered at a time and place set by the City Council.

4. There may also be special meetings or workshop meetings at such other times as so designated in advance by the City Council for the purposes of holding joint meetings with City boards, commissions, etc., to include receiving annual reports and presentations from the City's boards, committees, agencies and authorities, or for such other purposes as may be deemed necessary or desirable by the City Council.

5. Special meetings shall be called at the request of the Mayor or any two Council Members in accordance with the provisions of the City Charter and the Code of Ordinances.

6. Ex Parte Communication and Quasi-judicial Proceedings shall be governed by City Council Resolution No. 00-65. At a minimum, all parties to a Quasi-judicial Proceeding shall be entitled to the following:

a. An opportunity to call and examine witnesses, who shall be sworn;

b. An opportunity to introduce evidence;

c. An opportunity to cross examine witnesses; and

d. An opportunity to rebut evidence.

**Formatted:** List Paragraph, Left, No bullets or numbering

**Formatted:** Font: Garamond, 12 pt

**Formatted:** No bullets or numbering

**Formatted:** List Paragraph, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

**Formatted:** List Paragraph, Indent: Left: 1.25", No bullets or numbering

**Formatted:** List Paragraph, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

**Formatted:** List Paragraph, Indent: Left: 1.25", No bullets or numbering

**Formatted:** List Paragraph, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

**Formatted:** Font: Garamond, 12 pt

**Formatted:** No bullets or numbering

**Formatted:** List Paragraph, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

~~6.7.~~ To the extent compatible with the conduct of business, all workshop meetings shall be held on an informal basis. The applicability of the City's general rules shall not be strictly applied. ~~Public comments after presentations will be limited to three (3) minutes at the Mayor's discretion or by consensus of the City Council.~~ Presentations made at workshop meetings shall be limited to ~~fifteen~~ twenty (4520) minutes, unless the Council, by consensus, agrees to extend the time. ~~In the event there is a special meeting agenda during a workshop meeting, public comment on only the special meeting agenda items, not to exceed three (3) minutes per person in total, shall be allowed prior to the start of the special meeting agenda.~~

~~7.8.~~ The City Manager shall be responsible for organization and placement of items on the City Council Agenda; however, the Agenda and Agenda packets shall be prepared by the City Clerk. If the Council or any of its members wish to place an item on an agenda, any such request or inquiry shall be directed to the City Manager's office for disposition as opposed to any Council-member contacting any City officer or employee who is subject to the direction and supervision of the City Manager.

~~8.9.~~ With regard to the agenda for regular City Council meetings, the following shall apply:

a. To the extent possible, the City Administration shall group all matters by subject area, and shall place as many as possible on the consent portion of the agenda. Those items of a controversial nature or those that need explanation will not be placed on the Consent Agenda.

~~b.~~ The agenda format shall be generally as follows: A call to order, pledge of allegiance, invocation, roll call, reading of civility rules, agenda approval, public hearings, presentations, if any, public ~~comments and inquiries from the floor~~ comment, City Council Comments, the consent agenda to include formal approval of minutes, the regular agenda, to include first readings of ordinances, ~~and resolutions, followed by items not specifically on the published agenda~~ comments from the City Manager and the City Attorney, and Council Committee reports. The agenda format is subject to change at the discretion of the City Manager or upon consensus of Council.

~~b.~~

~~d.~~ Any items received during the public comment portion of the regular agenda may, at the discretion of the Council, be discussed by the City Council at the time of such presentation, may be directed by the Council to the City Manager for action or resolution, or may be added to a subsequent meeting or workshop agenda if a member of the City Council so specifically requests.

~~c.~~

~~a.d.~~ Votes taken on ordinances and resolutions shall be by roll call and shall be recorded by the City Clerk. The roll call shall be by District with District 1 voting first, District 2 voting second, etc. with the Vice Mayor always voting fourth and the Mayor voting last.

**Formatted:** No bullets or numbering

**Formatted:** Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Tab after: 1.25" + Indent at: 1.25"

**Formatted:** Indent: Left: -0.25"

**Formatted:** Indent: Left: 1.25", No bullets or numbering

**Formatted:** Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Tab after: 1.25" + Indent at: 1.25"

**Formatted:** Indent: Left: 2.25", Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Tab after: 1.25" + Indent at: 1.25", Tab stops: 1.5", List tab + Not at 1.25"

**Formatted:** Font: Garamond, 12 pt

**Formatted:** No bullets or numbering

~~e. Once a motion has been made, seconded, and voted upon, it is final, except that the Council may reconsider that matter at the same meeting at which the motion was voted upon or the immediate subsequent meeting. If reconsideration is requested for an immediate subsequent meeting, the Councilmember requesting reconsideration shall notify the City Clerk in advance of the meeting at which the reconsideration will take place and provide the reasons for requesting reconsideration in order to allow the City Clerk to include the request as part of the meeting agenda and properly notice the item to be reconsidered. In order to reconsider a final vote of the City Council, a motion to reconsider shall be made by a member of the Council that voted on the prevailing side. The City Council shall establish for the public record the reasons that a reconsideration of the final vote was warranted.~~

~~f. All public comment on agendaed or non-agendaed items shall be limited to not more than three (3) minutes, in total, per person at regular Council meetings and at workshop meetings subject to an extension of such time upon the formal approval by a majority vote of the City Council members present and voting on such request for extension of time. Public comment on quasi-judicial items and items that have been set for a formal public hearing shall only be allowed when those items are specifically heard by the Council. All public comments must be addressed to the Council as a body and not to individuals. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the Council shall be barred by the presiding officer from speaking further, unless permission to continue or again address the Council is granted by a vote of the Council members.~~

~~g. The Mayor shall have the authority to limit immaterial, unnecessary, or redundant presentations or requests unless permission to continue is granted by majority vote of Council.~~

910. The City Council of the City of Port Orange is committed to maintaining civility in public and political discourse and expects the public to do the same. All comments by members of the Council, advisory board members, and/or the public shall:

- a. Respect the right of all citizens in our community to hold different opinions;
- b. Avoid rhetoric intended to humiliate or question the wisdom of those whose opinions are different from ours;
- c. Strive to understand differing perspectives;
- d. Be truthful, not accusatory and avoid distortion; and
- ~~e. Avoid violence, prejudice and incivility towards citizens, employees, and officials of the City of Port Orange.~~

~~11. Cell phone ringers shall be disabled while a meeting or workshop is in progress.~~

e-

#### IV. PUBLIC PARTICIPATION.

~~A. The City of Port Orange recognizes the statutorily created right of the public to be heard on propositions in front of City Council as set forth in Section 286.0114, Florida Statutes, and is~~

**Formatted:** Font: Garamond

**Formatted:** Don't add space between paragraphs of the same style, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Tab after: 1.25" + Indent at: 1.25"

**Formatted:** Font: Garamond

**Formatted:** Font: Garamond

**Formatted:** Font: Garamond

**Formatted:** Font: Garamond

**Formatted:** Font: Garamond

**Formatted:** Font: Garamond

**Formatted:** Font: Garamond

**Formatted:** Font: 10 pt, Not Expanded by / Condensed by

**Formatted:** Font: Garamond

**Formatted:** List Paragraph, Don't add space between paragraphs of the same style, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Tab after: 1" + Indent at: 1"

**Formatted:** Don't add space between paragraphs of the same style, No bullets or numbering

**Formatted:** Don't add space between paragraphs of the same style

**Formatted:** Indent: Left: 1", Hanging: 0.5"

**Formatted:** List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 11 + Alignment: Left + Aligned at: 0.75" + Tab after: 1" + Indent at: 1"

**Formatted:** Font: Garamond, 12 pt

**Formatted:** No bullets or numbering

**Formatted:** Font: Bold, Underline

**Formatted:** List Paragraph, Numbered + Level: 1 + Numbering Style: I, II, III, ... + Start at: 1 + Alignment: Left + Aligned at: 0" + Tab after: 0.5" + Indent at: 0.5"

**Formatted:** Font: Garamond, 12 pt

**Formatted:** List Paragraph, Indent: Left: 1"

**Formatted:** List Paragraph, Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

committed to democratic, participatory local government. The following rules, guidelines and procedures are intended to promote orderly conduct and defined methods for participation. The presiding officer shall have the authority to enforce these rules and may request the removal of any individual who has been warned of and persists with prohibited conduct.

## 1. General Rule

a. Members of the public shall be given a reasonable opportunity to be heard on a proposition before City Council, subject to the rules, guidelines and procedures set forth herein. The opportunity to be heard need not occur at the same meeting at which City Council takes official action on the proposition if the opportunity occurs at a meeting that is during the decisionmaking process and is within reasonable proximity in time before the meeting at which City Council takes the official action.

b. Public participation is not required under the following circumstances:

- i. An official act must be taken to deal with an emergency situation affecting the public health, welfare, or safety, and public participation would cause an unreasonable delay in the ability of the City Council to act;
- ii. An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
- iii. A meeting that is exempt from s. 286.011, Florida Statutes; or
- iv. A meeting during which the board or commission is acting in a quasi-judicial capacity, unless otherwise provided by law.

## 2. Meeting Decorum and Conduct

a. Individuals may only make comments from the podium, or such other reasonable accommodation, after being recognized by the presiding officer.

b. Prior to commenting, individuals are required to clearly state their name and address for the record in order to preserve an accurate public record reflected in the meeting minutes for future reference.

c. All comments shall be directed to the presiding officer and shall not contain profane, aggressive or threatening language, or personal verbal attacks.

d. Repetitive, redundant, or immaterial presentations or requests may be limited, and shall not resume unless authorized by a majority vote of the City Council.

e. Comments shall be limited to the allotted times set forth herein, but additional comments may be submitted in writing in order to supplement and fully address any issue. The presiding officer shall have the discretion to provide additional time for a representative who can produce supporting documentation or evidence that he or she is authorized to speak on behalf of a group or faction comprised of five or more members of the public.

f. Individuals attending a City Council meeting may choose to either hold a sign or place a sign along the rear wall. Signs shall not be placed or held in any manner which obstructs the view of other audience members or obstructs the access to or

Formatted: List Paragraph

Formatted: Indent: Left: 0.75", No bullets or numbering

Formatted

Formatted: Indent: Left: 1.25", No bullets or numbering

Formatted

Formatted: Font: Garamond, 12 pt

Formatted

Formatted: Default Paragraph Font, Font: Times New Roman, 10 pt

Formatted: Indent: Left: 1.75", No bullets or numbering

Formatted: Indent: Left: 0.75", No bullets or numbering

Formatted

Formatted: Indent: Left: 1.25", No bullets or numbering

Formatted

Formatted: Font: Garamond, 12 pt

Formatted: Normal, No bullets or numbering

Formatted

Formatted: Font: Garamond, 12 pt

Formatted: Normal, No bullets or numbering

Formatted

Formatted: Font: (Default) Garamond, 12 pt

Formatted: Normal, No bullets or numbering

Formatted

from Council Chambers. Signs shall not be waived or lighted in any manner that causes distraction to the Councilmembers or members of the audience during a City Council meeting. Signs shall not be affixed to the walls or other surfaces within Council Chambers.

### 3. Procedures and Guidelines for Public Participation

#### a. Public Participation – Non-Agenda

- i. The City Council allocates 15 minutes at the beginning of each City Council Meeting for members of the public who wish to appear before the City Council to make a request, voice a complaint or concern, express an opinion, or give recognition.
- ii. Members of the public who wish to be heard shall complete a public participation form and provide the completed form to the City Clerk prior to the beginning of the meeting. Public participation forms shall be made available outside Council Chambers one hour prior to the meeting and in the City Clerk's Office during regular business hours. The City Clerk shall present all completed forms to the presiding officer prior to the beginning of the meeting.
- iii. The presiding officer shall divide the time allocated equally between all who have signed-up to speak. Each individual shall be afforded no more than three minutes to speak, unless such time is extended by a majority vote of city council.

**Formatted:** Font: Garamond, 12 pt

**Formatted:** Normal, No bullets or numbering

**Formatted:** Font: Garamond, 12 pt

**Formatted:** List Paragraph, Left, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

**Formatted:** List Paragraph, Left, Numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

**Formatted:** List Paragraph, Left, Numbered + Level: 3 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 1.63" + Indent at: 1.75"

#### b. Public Participation – Agenda

- i. The City Council shall reserve a section of the agenda dedicated to hearing Public Participation items requiring more than three minutes to fully address.
- ii. Members of the public who wish to have their discussion item placed on the agenda shall file the request with the City Clerk at least two weeks in advance of the Council Meeting at which the item is to be heard. The request shall include the nature of the discussion and any supporting information to be considered.
- iii. The City Clerk shall forward a copy of the request and supporting information to the City Council and the appropriate City Department(s) so that research may be conducted and information may be provided by staff as part of the agenda item in order to assist City Council in making a decision.
- iv. Public Participation Agenda Items shall be considered in the following format:
  1. Presentation by requestor
  2. Questions of the requestor by City Council
  3. Presentation by City staff, if necessary
  4. Questions of City staff by City Council
  5. Public comments
  6. Take action, if necessary
- v. The requestor and City staff shall be given the time necessary to fully address the agenda item. Members of the public who wish to participate after the presentation by voicing support, opposition or neutrality to the request shall be afforded no more than three minutes each to speak.

**Formatted:** Font: Garamond, 12 pt

**Formatted:** Left

**Formatted:** List Paragraph, Left, Numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

**Formatted:** List Paragraph, Left, Numbered + Level: 3 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 1.63" + Indent at: 1.75"

**Formatted:** List Paragraph, Left, Numbered + Level: 4 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 2" + Indent at: 2.25"

**Formatted:** List Paragraph, Left, Numbered + Level: 3 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 1.63" + Indent at: 1.75"



c. Public Hearings and Regular Agenda Items

- i. Members of the public shall be given an opportunity to be heard on public hearing items and regular agenda items once the applicant has completed his or her presentation, the City Staff has completed its presentation on the issue, and interested parties, if any have completed their presentation; and before a decision has been made by City Council.
- ii. Members of the public who wish to be heard on a particular item may choose to complete a public participation form and turn-in the completed form to the City Clerk in advance of the meeting, or raise a hand and wait to be called-on when the presiding officer opens the floor to comments from the public.
- iii. Members of the public who wish to be heard on a consent agenda item shall complete a public participation form and turn-in the completed form to the City Clerk in advance of the meeting. Upon request by a member of the public, an item on consent shall be removed from the consent agenda in order to provide an opportunity for the requestor and others to be heard prior to a decision by City Council.

**Formatted:** Font: Garamond, 12 pt

**Formatted:** Left

**Formatted:** List Paragraph, Left, Numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

**Formatted:** List Paragraph, Left, Numbered + Level: 3 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 1.63" + Indent at: 1.75"

d. Submission of Petitions

- i. Petitions may be presented by Council during public participation at a meeting or by mailing or hand-delivering to the City Clerk.
- ii. If the petition is presented at a meeting, the presenter shall present the petition to the presiding officer along with a brief overview of the reason for the petition. The presentation shall be limited to three minutes.
- iii. If the petition is sent by mail or hand-delivered to the City Clerk, the petition shall provide the reason for the petition. Upon receipt of the petition, the City Clerk shall place the item on the agenda with a copy of the petition for the next available meeting for discussion.

**Formatted:** Font: Garamond, 12 pt

**Formatted:** Left

**Formatted:** List Paragraph, Left, Numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

**Formatted:** List Paragraph, Left, Numbered + Level: 3 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 1.63" + Indent at: 1.75"

**V. OPENING INVOCATION**

A. It shall be the policy of the City Council that the procedures stated in this rule concerning opening invocation shall govern all official meetings of the City Council and that the members of the City Council and City staff shall adhere to these rules. These policies and procedures are not intended, shall not be implemented, and shall not be construed in any way to affiliate the City Council or the City with, nor express a preference for or against any faith, belief, opinion, religion, or denomination. Rather, these policies and procedures are intended to acknowledge and express the City Council respect for the diversity of religious denominations and faiths represented and practiced among the citizens of the City.

**Formatted:** Font: Garamond, 12 pt

**Formatted:** Numbered + Level: 1 + Numbering Style: I, II, III, ... + Start at: 1 + Alignment: Left + Aligned at: 0" + Tab after: 0.5" + Indent at: 0.5"

**Formatted:** Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

1. After the Call to Order of all official meetings of the City Council an Opening Invocation as described herein shall occur. The opening invocation will occur and be completed during the opening, ceremonial portion of the City Council meeting and shall in no event occur, or be construed to occur, during the policymaking or legislative portions of the City Council meeting. If the selected speaker is absent or a selection cannot be made for any reason, the invocation will consist of a brief moment of silence.

**Formatted:** Indent: Left: 0.25"

**Formatted:** Font: Garamond, 12 pt

**Formatted:** List Paragraph, Indent: Left: 0.5", Numbered + Level: 4 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 2" + Indent at: 2.25"

**Formatted:** List Paragraph, Indent: Left: 0.75", No bullets or numbering



2. The opening invocation will be performed by a local volunteer selected in accordance with these rules. The local volunteer selected for leading the opening invocation shall be selected from a wide pool of local clergy as specified below, and he/she shall in no event receive compensation from the City for his/her participation or services. To ensure that such person is selected from among a wide pool of local clergy, on a rotating basis, the invocation speaker shall be selected according to the following procedure:

a. The City Clerk or his/her designee shall compile and maintain a database of the religious congregations with an established presence within the jurisdictional limits of the City of Port Orange and Volusia County.

b. The Congregation List shall be compiled by referencing the listings for "churches," "congregations," or other similar religious assemblies located within the jurisdictional limits of the City and Volusia County in the annual Yellow Pages telephone book(s) published for the City and Volusia County, research from the Internet, and consultation with local chambers of commerce. All religious congregations with an established presence within the jurisdictional limits of the City and Volusia County are eligible to be, and shall be, included in the Congregation List. Any such congregation, entity, organization, or individual within the jurisdictional limits of the City and Volusia County not otherwise identified for participating may request inclusion on the Congregation List by written communication directed to the City Clerk that references the opening invocation. This policy is intended to be and shall be applied in a way that is all-inclusive of every diverse religious congregation within the jurisdictional limits of the City and Volusia County. The Congregation List is compiled and used for purposes of logistics, efficiency, and equal opportunity for all religious leaders within the jurisdictional limits of the City and Volusia County to choose whether to respond to the City Council's Invitation and participate. The City Clerk or his/her designee may not inquire into the faith, denomination, or other religious belief of the congregation before adding it to the Congregation List.

c. The Congregation List shall also include the name and contact information of any religious congregation located outside the City and Volusia County, if such religious congregation is attended by a resident or residents of the City or Volusia County, and such resident requests the inclusion of said religious congregation by specific written communication to the City Clerk.

d. The Congregation List shall also include the name and contact information of any chaplain who may serve one or more of the fire departments or law enforcement agencies of the City and Volusia County.

e. The Congregations List shall be updated, by reasonable efforts of the City Clerk or his/her designee, on or about the month of July of each calendar year.

3. Within thirty (30) days of the effective date of this policy, and on or about May 1 of each calendar year thereafter, the City Clerk or his/her designee shall mail an invitation addressed to the religious leader, chaplain, minister, rabbi or similar, or other contact

**Formatted:** Font: Not Bold

**Formatted:** List Paragraph, Indent: Left: 0.5", Numbered + Level: 4 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 2" + Indent at: 2.25"

**Formatted:** No bullets or numbering

**Formatted:** Font: Garamond, 12 pt

**Formatted:** List Paragraph, Numbered + Level: 3 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Right + Aligned at: 1.38" + Indent at: 1.5"

**Formatted:** Font: Garamond, 12 pt

**Formatted:** No bullets or numbering

**Formatted:** Numbered + Level: 3 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Right + Aligned at: 1.38" + Indent at: 1.5"

**Formatted:** No bullets or numbering

**Formatted:** Numbered + Level: 3 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Right + Aligned at: 1.38" + Indent at: 1.5"

**Formatted:** No bullets or numbering

**Formatted:** Numbered + Level: 3 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Right + Aligned at: 1.38" + Indent at: 1.5"

**Formatted:** No bullets or numbering

**Formatted:** Numbered + Level: 3 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Right + Aligned at: 1.38" + Indent at: 1.5"

**Formatted:** Indent: Left: 1.5", No bullets or numbering

**Formatted:** Font: Garamond, 12 pt

**Formatted:** List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 3 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

person of each congregation listed on the Congregations List. The invitation will comport with substantially the following form:

Dear Sir or Madam:

The City of Port Orange City Council makes it a policy to invite members of the clergy and other religious leaders having an established presence within the jurisdictional limits of the City of Port Orange and Volusia County to voluntarily offer an invocation before the beginning of its meetings for the benefit and blessing of the City Council. As the leader of one of the religious congregations with an established presence within the jurisdictional limits of the City and Volusia County, you are invited to offer this important service at an upcoming meeting of the City Council.

If you are willing to assist the City Council in this regard, please send a written reply at your earliest convenience to the City Clerk at the address included on this letterhead. Invocation speakers are scheduled on a first-come, first-serve basis. The dates of the City Council's scheduled meetings for the upcoming year are enclosed. If you have a preference among the date, please state that request in your written reply.

This opportunity is voluntary, and you are free to offer the invocation according to the dictates of your own conscience. The invocation should be brief and succinct. To maintain a spirit of respect and ecumenism, the City Council respectfully requests that the invocation opportunity not be exploited as an effort to convert others to the particular faith of the invocation speaker, nor to disparage any faith or belief different than that of the invocation speaker or otherwise threaten damnation or denigrate nonbelievers.

On behalf of the City Council of the City of Port Orange, I thank you in advance for considering this invitation.

Regards,  
City Clerk or his/her designee

4. As the invitation letter shall state, the respondents to the invitation shall be scheduled on a first-come, first serve basis to deliver a brief and succinct invocation. All reasonable efforts shall be made to ensure that a variety of invocation speakers are scheduled for City Council meetings. Notwithstanding the preceding, no invocation speaker shall be scheduled to offer an invocation at consecutive meetings of the City Council, or at more than three (3) City Council meetings in any calendar year.
5. No member of the City Council, City employee or staff shall engage in any prior inquiry, review, or involvement in, the content of any invocation to be offered by an invocation speaker.
6. No member of the City Council, City employee or staff, or any other person in attendance at the meeting shall be required to participate in any opening invocation that is offered. An opportunity to exit the City Council Chambers and return upon completion of the opening invocation is afforded to those who do not wish to participate or witness the

**Formatted:** Indent: Left: 1", No bullets or numbering

**Formatted:** Font: (Default) Arial, 10.5 pt, Italic

**Formatted:** Font: (Default) Arial, 10.5 pt, Italic

**Formatted:** Font: 10.5 pt

**Formatted:** Font: (Default) Arial, 10.5 pt, Italic

**Formatted:** Font: 10.5 pt

**Formatted:** Font: (Default) Arial, 10.5 pt, Italic

**Formatted:** Font: 10.5 pt

**Formatted:** Font: (Default) Arial, 10.5 pt, Italic

**Formatted:** Font: 10.5 pt

**Formatted:** Font: (Default) Arial, 10.5 pt, Italic

**Formatted:** Font: 10.5 pt

**Formatted:** Font: (Default) Arial, 10.5 pt, Italic

**Formatted:** Font: 10.5 pt

**Formatted:** Font: (Default) Arial, 10.5 pt, Italic

**Formatted:** Indent: Left: 1", No bullets or numbering

**Formatted:** Font: Garamond, 12 pt

**Formatted:** List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

**Formatted:** List Paragraph, Indent: Left: 0.75", No bullets or numbering

**Formatted:** Font: Garamond, 12 pt

**Formatted:** List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

**Formatted:** No bullets or numbering

**Formatted:** Font: Garamond, 12 pt

**Formatted:** List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

opening invocation. Persons in attendance at the City Council meeting are invited to stand during the opening invocation and Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. Such invitation constitutes a general invitation that a person in attendance may stand if he/she wishes to do so for such observances.

**Formatted:** Font: 12 pt

**Formatted:** Font: Garamond, 12 pt

7. The following statement shall be placed at the bottom of City Council meeting agendas:

**Formatted:** No bullets or numbering

**Formatted:** Font: Garamond, 12 pt

Any invocation that is offered before the official start of the City Council meeting shall be the voluntary offering of a private person, to and for the benefit of the City Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council or the city staff, and the City is not allowed by law to endorse the religious beliefs or views of this, or any other speaker. Persons in attendance at the City Council meeting are invited to stand during the opening invocation and Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered. A person may exit the City Council Chambers and return upon completion of the opening invocation if a person does not wish to participate in or witness the opening invocation.

**Formatted:** List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

**Formatted:** Font: Garamond, 12 pt

**Formatted:** No bullets or numbering

**Formatted:** Font: (Default) Arial, 10.5 pt, Italic

**Formatted:** Indent: Left: 1.5", Right: 0.5", No bullets or numbering

**IV.VI. CITY BOARD, COMMITTEE, COUNCIL AND AGENDA APPOINTMENTS.**

**Formatted:** Font: (Default) Arial, 10.5 pt, Not Bold, Italic

**Formatted:** No underline

**Formatted:** No bullets or numbering

A. All appointments to city boards, commissions, and committees whose members are not subject to appointment by other entities, and in accordance with any applicable restrictions by State Statute, shall be made in accordance with the following procedures:

**Formatted:** Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

1. All vacancies subject to appointment to such city boards, commissions, and committees shall be made on a nomination basis by each of the members of the City Council. This nomination shall be construed to be a Motion to Appoint. The Council shall follow the voting requirements pursuant to Section 3.06(c) of the City's Charter
2. Roster lists and volunteer applications for City boards, commissions, and committees shall be established and maintained by the City Clerk's office.
3. Appointments for vacancies occurring on a board wherein the particular member has, for whatever reason, not fulfilled their entire term of membership on that particular board, commission, or committee, shall be to complete the unexpired term only, unless the unexpired term is for a period of time less than six (6) months. In that event, the appointed member shall then be allowed to serve the following full regular term without reappointment.
4. These rules, when adopted, shall supersede any other general rules or local rules which are inconsistent herewith, to the extent of such inconsistency.

**IV.VII. CITY MANAGER/CITY ATTORNEY ANNUAL REVIEW.**

The City Council shall annually, ~~in the month of October,~~ conduct a performance evaluation and salary review of the City Manager and City Attorney in accordance with their respective employment agreements.

Approved and adopted by the City Council of the City of Port Orange, Florida, at the Regular City Council Meeting held on ~~December 2, 2014~~ the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

---

Allen Green, Mayor

ATTEST:

---

Robin L. Fenwick, CMC  
City Clerk



# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 05/03/2016

Consent item: No

---

**SUBJECT:** Resolution No. 16-30 - Bond Refunding

**DEPARTMENT:** Finance

**GOAL:**

**OBJECTIVE:**

---

**RECOMMENDED MOTION:** Move to approve Resolution No. 16-30, and authorize the Mayor and City Manager to execute all necessary documents.

---

**SUMMARY:**

Attached is Resolution 16-30, a memo and a summary related to refunding the 2006 General Obligation bonds. The Resolution authorizes the issuance of General Obligation Refunding Bonds, Series 2016 not to exceed \$14,500,000 to refund the outstanding 2006 bonds.

Refunding these bonds will take advantage of favorable capital markets and lower the millage needed to service this voter approved debt.

| Project | Funding Account |
|---------|-----------------|
| No.:    | No.:            |

---

**ATTACHMENTS:**

|    |                                              |                                                 |
|----|----------------------------------------------|-------------------------------------------------|
| 1. | Memo to Council                              | PO 2016 GOB Memo re Resolution 4.27.16 GO16.pdf |
| 2. | Refunding Summary                            | PO 2016 GOB Refunding Summary 4.25.16.pdf       |
| 3. | Reso. No. 16-30 - Authorizing Resolution     | Port Orange GO16 Authorizing Resolution.pdf     |
| 4. | Exhibit "A" - Bond Form                      | Ex. A - Bond Form.pdf                           |
| 5. | Exhibit "B" - Bond Purchase Agreement        | Ex. B - Bond Puchase Agreement.pdf              |
| 6. | Exhibit "C" - Preliminary Official Statement | Ex. C - Preliminary Official Statement.pdf      |
| 7. | Exhibit "D" - Costs of Issuance              | Ex. D - Costs of Issuance.pdf                   |
| 8. | Exhibit "E" - Escrow Deposit Agreement       | Ex. E - Escrow Deposit Agreement.pdf            |

---

Tracey Riehm  
Margaret Roberts  
Matthew Jones  
M. Jake Johansson

Created/Initiated - 04/28/2016  
Approved - 04/28/2016  
Approved - 04/28/2016  
Final Approval - 04/28/2016

---



SOUTHEASTERN INVESTMENT SECURITIES, LLC  
FINANCIAL ADVISORS AND PRIVATE INVESTMENT BANKING

RICHARD T. WAGNER  
President

## MEMORANDUM

**TO:** Mayor and City Council

**CC:** Michael Johansson  
Tracey Riehm  
Margaret Roberts  
Peter Dame

**FROM:** Richard T. Wagner 

**RE:** City of Port Orange Proposed General Obligation Refunding Bonds, Series 2016  
("Series 2016 Bonds" or "Bonds")

**DATE:** April 27, 2016

---

As financial advisor to the City, and as we indicated at the April 19<sup>th</sup> meeting wherein the ordinance authorizing the issuance of bonds on the above matter was approved on first reading, the finance team would be returning to the Council at the May 3<sup>rd</sup> meeting to present for the Council's consideration the bond resolution authorizing the issuance of the Series 2016 Bonds by the City and the sale of such Bonds to Hilltop Securities, Inc., appointed underwriters for the Bonds (successor firm to First Southwest Co., underwriter on the Series 2014 Bonds).

The City's Bond Counsel, Peter Dame of Akerman LLP has prepared a resolution which effects such authorization and sale of the Bonds within certain parameters including but not limited to:

1. Series 2016 Bonds issue size will not exceed \$14.5 million;
2. The true interest rate will not exceed 3.75%;
3. The annual debt service will not exceed the refunded bonds annual debt service;
4. The final maturity will match the current final maturity of April 1, 2036;
5. The net present value savings will not be less than 3% of the principal amount of bonds to be refunded.

Additionally, we have attached a summary of expected results *under current market conditions (as of April 25, 2016)*.

On April 22, 2016, city staff convened a teleconference with a representative from Moody's Investor Services ("Moody's") preceding the issuance of a rating on the Bonds expected on May 2.

In our opinion, the above parameters are achievable in today's market and we recommend approval of the above outlined resolution at the May 3<sup>rd</sup> meeting. We will be in attendance at the Council meeting to present this matter and answer any questions.



**Current Refunding Analysis of the General Obligation Bonds, Series 2006**
**Savings Summary**

|                            |             |
|----------------------------|-------------|
| Total Savings              | \$3,342,298 |
| Average Annual Savings     | \$167,115   |
| Present Value Savings (\$) | \$2,544,514 |
| Present Value Savings (%)  | 18.63%      |

**Refunding Issue Summary (Series 2016)**

|                       |              |
|-----------------------|--------------|
| Assumed Issuance Date | 5/25/2016    |
| Final Maturity        | 4/1/2036     |
| Par Amount            | \$12,965,000 |
| All-In TIC            | 2.85%        |

**Refunded Issue Summary (Series 2006)**

|                         |              |
|-------------------------|--------------|
| Par Outstanding         | \$13,655,000 |
| Par Refunded            | \$13,655,000 |
| Maturities Refunded     | 2017 - 2036  |
| Average Coupon Refunded | 4.80%        |

Notes

- Preliminary and subject to change based upon market conditions and existing credit ratings as of April 25, 2016.
- Average annual savings calculated based upon full number of years ending April 1st from 2017 to 2036.
- Present value savings calculated using All-In TIC.

DISCLOSURE: Hilltop Securities Inc. ("HilltopSecurities") is providing the information contained in this document for discussion purposes only in anticipation of serving as underwriter to the City of Port Orange, Florida (the "City"). As an underwriter, HilltopSecurities' primary role is to purchase securities for resale to investors in an arm's length transaction between the City and HilltopSecurities. HilltopSecurities' financial and other interests will differ from those of the City, and therefore, HilltopSecurities will not serve as a municipal advisor, financial advisor, or fiduciary to the City or any other person or entity on such transaction, regardless of whether HilltopSecurities or its representatives or affiliates have advised or are advising any such parties on other matters. The information provided herein is not intended to be and should not be construed as "advice" within the meaning of Section 15B of the Securities and Exchange Act of 1934. The City should consult with its own financial, municipal, legal accounting, tax and/or other advisors, as applicable, to the extent it deems appropriate. If the Issuer would like a municipal advisor that has legal fiduciary duties to the Issuer, the Issuer should consider engaging a municipal advisor to serve in that capacity. HilltopSecurities will not have any duties or liability to any person or entity in connection with the information being provided herein. The information provided in this document is indicative only and constitutes our judgment as of this date based on current market conditions and other information available to us.

**Current Refunding Analysis of the General Obligation Bonds, Series 2006**
**Savings Summary**

|                            |             |
|----------------------------|-------------|
| Total Savings              | \$3,342,298 |
| Average Annual Savings     | \$167,115   |
| Present Value Savings (\$) | \$2,544,514 |
| Present Value Savings (%)  | 18.63%      |

**Refunding Issue Summary (Series 2016)**

|                       |              |
|-----------------------|--------------|
| Assumed Issuance Date | 5/25/2016    |
| Final Maturity        | 4/1/2036     |
| Par Amount            | \$12,965,000 |
| All-In TIC            | 2.85%        |

**Refunded Issue Summary (Series 2006)**

|                         |              |
|-------------------------|--------------|
| Par Outstanding         | \$13,655,000 |
| Par Refunded            | \$13,655,000 |
| Maturities Refunded     | 2017 - 2036  |
| Average Coupon Refunded | 4.80%        |

Notes

- Preliminary and subject to change based upon market conditions and existing credit ratings as of April 25, 2016.
- Average annual savings calculated based upon full number of years ending April 1st from 2017 to 2036.
- Present value savings calculated using All-In TIC.

DISCLOSURE: Hilltop Securities Inc. ("HilltopSecurities") is providing the information contained in this document for discussion purposes only in anticipation of serving as underwriter to the City of Port Orange, Florida (the "City"). As an underwriter, HilltopSecurities' primary role is to purchase securities for resale to investors in an arm's length transaction between the City and HilltopSecurities. HilltopSecurities' financial and other interests will differ from those of the City, and therefore, HilltopSecurities will not serve as a municipal advisor, financial advisor, or fiduciary to the City or any other person or entity on such transaction, regardless of whether HilltopSecurities or its representatives or affiliates have advised or are advising any such parties on other matters. The information provided herein is not intended to be and should not be construed as "advice" within the meaning of Section 15B of the Securities and Exchange Act of 1934. The City should consult with its own financial, municipal, legal accounting, tax and/or other advisors, as applicable, to the extent it deems appropriate. If the Issuer would like a municipal advisor that has legal fiduciary duties to the Issuer, the Issuer should consider engaging a municipal advisor to serve in that capacity. HilltopSecurities will not have any duties or liability to any person or entity in connection with the information being provided herein. The information provided in this document is indicative only and constitutes our judgment as of this date based on current market conditions and other information available to us.

## RESOLUTION NO. 16-30

A RESOLUTION OF THE CITY OF PORT ORANGE, FLORIDA, PROVIDING FOR THE ISSUANCE OF \$14,500,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016 OF THE CITY TO REFUND THE CITY'S OUTSTANDING GENERAL OBLIGATION BONDS, SERIES 2006; PROVIDING FOR THE RIGHTS, SECURITY AND REMEDIES OF THE REGISTERED OWNERS OF SUCH BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE CONTRACT FOR THE SALE OF THE BONDS; AUTHORIZING THE CITY MANAGER TO FIX THE DATE, MATURITIES, INTEREST RATES AND REDEMPTION PROVISIONS WITH RESPECT TO SUCH BONDS; AUTHORIZING THE PRELIMINARY AND FINAL OFFICIAL STATEMENTS; DESIGNATING THE PAYING AGENT, BOND REGISTRAR AND DISSEMINATION AGENT; AUTHORIZING THE APPROPRIATE OFFICIALS OF THE CITY TO TAKE NECESSARY ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE BONDS; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, FLORIDA.

### ARTICLE I

#### STATUTORY AUTHORITY, DEFINITIONS, AND FINDINGS

SECTION 1.01. AUTHORITY FOR THIS RESOLUTION. This Resolution is adopted pursuant to the provisions of Chapter 166 and Chapter 132, Florida Statutes, and other applicable provisions of law, and pursuant to the approvals granted by majority of the votes cast in a referendum election held in the City on October 11, 2005 to issue general obligation bonds of the City to finance the cost of the acquisition and construction of fire and police facilities.

SECTION 1.02. DEFINITIONS. Capitalized terms used in this Resolution shall have the following meanings, unless the context clearly requires otherwise. Words importing the singular number shall include the plural number in each case, and vice versa; words of one gender shall be deemed to include the other genders; and words importing persons shall include firms and corporations. In this Ordinance:

“Act” shall mean Chapter 166, Florida Statutes, Chapter 132, Florida Statutes, the referendum elections held in the City on October 11, 2005, on the issuance of the Bonds, and other applicable provisions of law.

“Ad Valorem Taxes” shall mean the proceeds of a direct, annual tax levied upon all taxable property located within the City, without limit as to rate or amount, in an amount sufficient to pay the Debt Service Requirement in each Bond Year.

“Amortization Installment” shall mean, with respect to any Term Bonds, the amount of money designated for such Term Bonds and required to be deposited into the Amortization Account to pay the principal amount of Term Bonds to be redeemed on each annual interest or principal maturity date; provided, that the aggregate of such installments for each maturity of Term Bonds shall equal the aggregate principal amount of each maturity of Term Bonds delivered on original issuance.

“Authorized Investments” shall mean any obligations, deposit certificates, or other evidences of indebtedness legal for investment of municipal funds under Chapter 166.231, Florida Statutes, to the extent not inconsistent with the formal investment policy of the City.

“Bond Counsel” shall mean nationally-recognized counsel experienced in matters relating to the validity of, and the tax exemption of interest on, obligations of states and their political subdivisions, as selected by the City.

“Bond Registrar” shall mean the bank or trust company designated by the City to maintain the registration books required to be maintained hereunder and to serve as paying agent for purposes of making payments of principal of and interest on the Bonds to the Registered Owner.

“Bond Year” shall mean the year commencing on the date following each principal maturity date and ending on the next succeeding principal maturity date.

“City Council” shall mean the City Council, as the governing body of the City.

“Code” shall mean the Internal Revenue Code of 1986, as amended, or any successor code thereto, together with the valid and applicable regulations thereunder, as the same may be in effect from time to time.

“City” shall mean the City of Port Orange, Florida, a political subdivision of the State of Florida.

“Debt Service Requirement” shall mean, for any Bond Year, as applied to the Bonds, the sum of:

(1) the amount required to pay the interest becoming due on the Bonds during such Bond Year; and

(2) the aggregate amount required to pay the principal becoming due on the Bonds for such Bond Year; provided, that for purposes of this definition, the stated maturity date of any Term Bonds shall be disregarded and the Amortization Installments applicable to such Term Bonds in such Bond Year shall be deemed to mature in such Bond Year; and

In calculating the Debt Service Requirement for any period, the City shall deduct from the amounts calculated in clauses (1) and (2) above: (a) any capitalized interest deposited into the Sinking Fund for such period from the proceeds of the sale of such Bonds, or otherwise, and (b) any investment earnings to be received on money on deposit in the Sinking Fund and required by this Resolution to be retained in such Sinking Fund.

“Defeasance Obligations” means Federal Securities.

“DTC” shall mean The Depository Trust Company, New York, New York.

“Escrow Deposit Agreement” shall mean the agreement by and between the City and the Escrow Holder which agreement shall provide for the holding in trust of moneys sufficient to pay the principal of and interest on the Refunded Bonds as the same shall become due and payable and shall be in substantially the form attached hereto as Exhibit “E”.

“Escrow Holder” shall mean The Bank of New York Mellon Trust Company, N.A., which will hold a portion of the proceeds of the sale of the Series 2016 Bonds in trust pursuant to the provisions of the Escrow Deposit Agreement, to be applied to pay the principal of, premium, if specified, and interest on the Refunded Bonds.

“Federal Securities” means direct noncallable obligations of the United States of America or direct noncallable obligations the timely payment when due of the principal of and interest on which are fully and unconditionally guaranteed by the United States of America and any certificates or any other evidences of ownership interest in obligations or in specified portions thereof (which may consist of specified portions of the interest thereon) of the character described in this paragraph.

“Fiscal Year” shall mean the period commencing on October 1 of each year and ending on the succeeding September 30.

“Independent Certified Public Accountants” shall mean such firm of certified public accountants, not in the regular employ of the City, as shall be retained by the City for the purpose of auditing the books and records of the City and performing such other functions as are specified in this Resolution.

“Interest Payment Date” shall mean the semiannual or other periodic dates on which interest is payable on the Bonds.

“Letter of Representations” shall mean the Blanket Issuer Letter of Representations, from the City to DTC, providing for the issuance of certain obligations of the City (including the Series 2016 Bonds) in book-entry form through the facilities of DTC.

“Paying Agent” shall mean the bank or trust company department by the City to act as paying agent for the Bonds.

“Property Appraiser” shall mean the Property Appraiser for Volusia County, Florida.

“Record Date” shall mean the fifteenth day of the month prior to an Interest Payment Date for the Bonds, or such other date as may be specified by subsequent resolution of the City Council.

“Refunded Bonds” shall mean the outstanding General Obligation Bonds, Series 2006 heretofore issued by the City.

“Refunding” shall mean the program for refinancing all or a portion of the outstanding debt of the City through the issuance of the Series 2016 Bonds and the deposit of a portion of the proceeds thereof with the Escrow Holder to be applied pursuant to the provisions of the Escrow Deposit Agreement to pay the principal of, premium, if any, and interest on the Refunded Bonds.

“Refunding Costs” shall mean the cost of payment of the principal of, premium, if specified, and interest on the Refunded Bonds; expenses for estimates of costs and of revenues; the fees of fiscal agents, financial advisors and consultants; administrative expenses; the capitalization of interest on the Series 2016 Bonds authorized hereby for a reasonable period of time after the date of issuance and delivery thereof; discount upon the sale of the Series 2016 Bonds; the expenses and costs of issuance of the Series 2016 Bonds; such other expenses as may be necessary or incidental to the financing authorized by this Resolution, and to the accomplishing thereof, and reimbursement to the City for any sums expended for the foregoing purposes.

“Registered Owner” or “Owner” shall mean any person who shall be the owner of any outstanding Bond or Bonds as shown on the registration books maintained by the Bond Registrar.

“Serial Bonds” shall mean any Bonds which are not subject to retirement by operation of the Amortization Account.

“Series 2016 Bonds” or “Bonds” shall mean the General Obligation Refunding Bonds, Series 2016, issued pursuant to the terms and conditions of the Act and this Resolution.

“State” shall mean the State of Florida.

“Tax Collector” shall mean the Tax Collector for Volusia County, Florida.

“Term Bonds” shall mean the Bonds, all of which shall be stated to mature on one date and which shall be subject to retirement by operation of the Amortization Account.

SECTION 1.03. FINDINGS. It is hereby ascertained, determined, and declared as follows:

(A) The City has previously issued the Refunded Bonds, of which the sum of \$13,655,000 principal amount will be outstanding and unpaid on the date of delivery of the Series 2016 Bonds.

(B) The City deems it necessary and in its best interest to provide for the refunding of the Refunded Bonds. The refunding program herein described will be advantageous to the City by providing a savings in debt service.

(C) The issuance of the Refunded Bonds was approved by a majority of votes cast in a bond referendum held October 11, 2005 by the qualified electors of the City in substantial compliance with the requirements of the Constitution and Statutes of the State of Florida.

(D) The Series 2016 Bonds shall only be issued at a lower average net interest cost rate than the average net interest cost rate of the Refunded Bonds, and the rate of interest borne by the Series 2016 Bonds shall not exceed the maximum interest rate established pursuant to the terms of Section 215.84, Florida Statutes. It is estimated that the present value of the total debt service savings anticipated to accrue to the City from the issuance of the Series 2016 Bonds and the refunding of the Refunded Bonds, calculated in accordance with Section 132.35(2), Florida Statutes, shall result in a net present value debt service savings of at least three percent (3%) of the principal amount of the Refunded Bonds.

(E) The principal amount of the Series 2016 Bonds shall not exceed an amount sufficient to pay the sum of the principal amount of the Refunded Bonds that are outstanding on the date of issuance of the Series 2016 Bonds, the aggregate amount of unmatured interest payable on the Refunded Bonds to and including either the applicable maturity date thereof or the date that they are called for redemption, and the costs of issuance of the Series 2016 Bonds, all in accordance with Section 132.35, Florida Statutes.

(F) The sum of the present value of the total payments of principal and interest to become due on the Series 2016 Bonds and the present value of costs of issuance of the Series 2016 Bonds, if any, not paid with proceeds of the Series 2016 Bonds, will be less than the present value of the principal and interest payments to become due at their stated maturities, or earlier mandatory redemption dates, on the Refunded Bonds.

(G) The Series 2016 Bonds shall in no event mature later than April 1, 2036.

(H) The first installment of principal of the Series 2016 Bonds shall mature not later than the first stated maturity of the Refunded Bonds occurring after the issuance of the Series 2016 Bonds.

(I) The Series 2016 Bonds shall not be issued until such time as the Finance Director of the City shall have filed a certificate with the City Council setting forth the present value of the total debt service savings which will result from the issuance of the Series 2016 Bonds to refund the Refunded Bonds, computed in accordance with the terms of Section 132.35, Florida Statutes, and demonstrating mathematically that the Series 2016 Bonds are issued at a lower average net interest cost rate than the Refunded Bonds.

(J) The underwriter named in the Bond Purchase Agreement attached hereto as Exhibit "B", have offered to purchase up to \$14,500,000 aggregate principal amount of the Bonds, upon the terms described in the Bond Purchase Agreement.

(K) The City has been advised by Southeastern Investment Securities, LLC, Financial Advisor to the City (hereinafter called the "Financial Advisor"), that, in order to obtain the best interest rates and prices in the current municipal bond market due to market conditions, extensive planning of the structure and the timing of the issuance of the Bonds by the Financial Advisor and by the underwriter is necessary.

(L) The City has been further advised by its Financial Advisor that it would have been impracticable for the Financial Advisor and the underwriter to engage in such planning within the time constraints and other uncertainties inherent in the competitive bidding process; and the

Financial Advisor has advised the City that, to the best of its knowledge and belief, similar bond issues in the municipal bond market are usually negotiated.

(M) The City deems it in its best financial interest that the Bonds be sold at a negotiated sale pursuant to the attached Bond Purchase Agreement.

(N) It is necessary and beneficial to authorize the City Manager, upon the advice of the Financial Advisor and within certain parameters, to fix the date, maturities, mandatory amortization installments, interest rates, redemption provisions and certain other details of the Series 2016 Bonds, subject to certain restrictions set forth in this Resolution.

SECTION 1.04. RESOLUTION CONSTITUTES A CONTRACT. In consideration of the acceptance of the Bonds authorized to be issued hereunder by those who shall be the Registered Owners of the same from time to time, this Resolution shall be deemed to be and shall constitute a contract between the City and such Registered Owners; and the covenants and agreements herein to be performed by the City shall be for the equal benefit, protection and security of the Registered Owners of any and all such Bonds, all of which shall be of equal rank and without preference, priority or distinction of any of the Bonds over any other thereof, except as expressly provided therein or herein.

## ARTICLE II

### AUTHORIZATION OF PROJECT; DESCRIPTION, DETAILS AND FORM OF BONDS

SECTION 2.01. AUTHORIZATION OF PROJECT. The Refunding of the Refunded Bonds as provided herein is hereby authorized.

SECTION 2.02. AUTHORIZATION OF BONDS. Subject and pursuant to the provisions of this Resolution, obligations of the City to be known as "General Obligation Refunding Bonds, Series 2016," are hereby authorized to be issued in an aggregate principal amount on original issuance not to exceed Fourteen Million Five Hundred Thousand Dollars (\$14,500,000), for the purpose of financing Refunding Costs.

SECTION 2.03. DESCRIPTION OF BONDS. The Bonds shall be issued in fully registered form; shall be payable with respect to principal at the office of the Bond Registrar, as paying agent, or such other paying agent as shall be subsequently determined by the City Council; shall be payable in lawful money of the United States of America; and shall bear interest from their date, or from the most recent date to which interest has been paid, payable, by check or draft mailed to the Registered Owner at his address as it appears upon the books of the Bond Registrar as of 5:00 P.M. Eastern Time on the Record Date, provided, that for any Registered Owner of one million dollars (\$1,000,000) or more in principal amount of Bonds, such interest payments shall, at the written request of such Registered Owner, be by wire transfer or other medium acceptable to the City and to such Registered Owner.

SECTION 2.04. DETAILS OF BONDS. (a) The Series 2016 Bonds shall be issued in denominations of \$5,000 or any multiple thereof, or such other denominations as determined by the City Manager. The Series 2016 Bonds shall be dated the date of issuance thereof and shall bear



interest as provided in Section 2.03 hereof, unless otherwise determined by the City Manager and set forth in the Bond Purchase Agreement. Interest on the Series 2016 Bonds shall be payable semiannually on April 1 and October 1 of each year, commencing on October 1, 2016. The Series 2016 Bonds shall mature on such date, in such year or years, but not later April 1, 2036, shall bear interest at such fixed rate or rates and may be subject to mandatory redemption and optional redemption, all as determined by the City Manager and as set forth in the Bond Purchase Agreement; provided, however, that the Series 2016 Bonds shall be sold to the Underwriter at not less than one percent (1%) (including Underwriter's discount but excluding original issue discount or premium) of the original principal amount of the Series 2016 Bonds and at a true interest cost rate not to exceed three and three-quarters percent (3.75%) per annum. The Series 2016 Bonds shall be numbered consecutively from R-1 and upwards. Subject to the foregoing, the aggregate principal amount, maturities, interest rates and other terms of the Series 2016 Bonds shall be as approved and determined by the Mayor and City Manager and set forth in the Bond Purchase Agreement, with the execution and delivery of the Bond Purchase Agreement by the Mayor and City Manager and the attestation thereof by the City Clerk being conclusive evidence of the City's approval of the final details and prices of the Series 2016 Bonds. The Series 2016 Bonds may have endorsed thereon such legends or text as may be necessary or appropriate to conform to any applicable rules and regulations of any governmental authority or any usage or requirement of law with respect thereto. The execution and delivery of the Series 2016 Bonds substantially in the form mentioned above is hereby authorized, and the execution of the Series 2016 Bonds for and on behalf of the City, with a facsimile or manual signature, by the Mayor with the official seal of the City impressed or imprinted thereon and attested, with a facsimile or manual signature, by the City Clerk, and hereby authorized and shall be conclusive evidence of any such approval.

(b) The Series 2016 Bonds shall be subject to redemption prior to maturity at the option of the City, in whole or in part at any time, at such times, and at the redemption prices, as approved and determined by the City Manager, as set forth in the Bond Purchase Agreement; provided, however, the redemption premium on the Series 2016 Bonds shall not exceed one percent (1%) and the Series 2016 Bonds shall be subject to optional redemption not later than April 1, 2026. The execution, attestation, seal and delivery of the Bond Purchase Agreement by the Mayor and the City Clerk shall be conclusive evidence of the City's approval of the optional redemption provisions contained therein relating to the Series 2016 Bonds.

(c) The Series 2016 Bonds consisting of Term Bonds, if any, shall be subject to mandatory redemption prior to maturity to the extent of the Amortization Installments therefor at the principal amount of such Series 2016 Bonds to be redeemed, plus accrued interest to the date fixed for redemption, but without premium, for which there is an Amortization Requirement due on such Series 2016 Bonds. The Amortization Installments and redemption date or dates for the Series 2016 Bonds consisting of Term Bonds shall be as approved and determined by the City Manager, all as set forth in the Bond Purchase Agreement. The execution and delivery of the Bond Purchase Agreement by the Mayor and the City Clerk shall be conclusive evidence of the City's approval of the mandatory sinking fund redemption provisions contained therein relating to the Series 2016 Bonds.

SECTION 2.05. EXECUTION AND AUTHENTICATION OF BONDS. The Bonds shall be executed in the name of the City by the Mayor and countersigned and attested by the City Manager, and the corporate seal of the City or facsimile thereof shall be affixed or reproduced on the Bonds. The signatures of the Mayor and the City Manager may be manual or facsimile signatures imprinted or reproduced on the Bonds.

There shall be a Certificate of Authentication of the Bond Registrar on the Bonds, and no Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit under the provisions of this Resolution unless such certificate shall have been duly executed on such Bond. The authorized signature for the Bond Registrar shall be either manual or in facsimile; provided, however, that at least one of the above signatures, including that of the authorized signature for the Bond Registrar, appearing on the Bonds shall be a manual signature.

In case any one or more of the officers who shall have signed or sealed any of the Bonds shall cease to be such officer of the City before the Bonds so signed and sealed shall have been actually sold and delivered, such Bonds may nevertheless be sold and delivered as herein provided and may be issued as if the person who signed or sealed such Bonds had not ceased to hold such office. Any Bond may be signed and sealed on behalf of the City by such person as at the actual time of the execution of such Bond shall hold the proper office in the City, although at the date of such Bonds such person may not have held such office or may not have been so authorized.

SECTION 2.06. NEGOTIABILITY AND REGISTRATION. The Bonds shall be and have all the qualities and incidents of negotiable instruments under the Uniform Commercial Code - Investment Securities laws of the State of Florida, and each successive Registered Owner, in accepting any of the Bonds shall be conclusively deemed to have agreed that the Bonds shall be and have all of the qualities and incidents of such negotiable instruments.

The Bond Registrar shall be responsible for maintaining the books for the registration of the transfer and exchange of the Bonds. The City and the Bond Registrar may treat the Registered Owner of any Bond as the absolute owner thereof for all purposes, whether or not such Bond shall be overdue, and shall not be bound by any notice to the contrary.

All Bonds presented for transfer, exchange, redemption or payment (if so required by the City or the Bond Registrar) shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in form and with guaranty of signature satisfactory to the City or the Bond Registrar, duly executed by the Registered Owner or by his duly authorized attorney.

The Bond Registrar may charge the Registered Owner a sum sufficient to reimburse it for any expenses incurred in making any exchange or transfer after the first such exchange or transfer following the initial delivery of the Bonds. The Bond Registrar or the City may also require payment from the Registered Owner or his transferee, as the case may be, of a sum sufficient to cover any tax, fee or other governmental charge that may be imposed in relation thereto. Such charges and expenses shall be paid before any such new Bonds shall be delivered.

The City and the Bond Registrar shall not be required (a) to transfer or exchange any Bonds during a period beginning at the opening of business on the 15th day next preceding either any Interest Payment Date or any date of selection of Bonds or parts thereof to be redeemed, and ending at the close of business on the Interest Payment Date or day on which the applicable notice of redemption is given; or (b) to transfer or exchange any Bonds selected, called or being called for redemption in whole or in part.

New Bonds delivered upon any transfer or exchange shall be valid obligations of the City, evidencing the same debt as the Bonds surrendered, shall be secured by this Resolution and shall be entitled to all of the security and benefits hereof to the same extent as the Bonds surrendered.

The City may elect to use a book-entry or immobilization system for issuance and registration of the Bonds, and the details of any such system shall be as fixed by subsequent resolution of the City Council adopted prior to the time of issuance of the Bonds for which such system is established.

Whenever any Bond shall be delivered to the Bond Registrar for cancellation, upon payment of the principal amount thereof, or for replacement, transfer or exchange, such Bond shall be cancelled and destroyed by the Bond Registrar, as authorized by law, and counterparts of a certificate of destruction evidencing such destruction shall be furnished to the City.

**SECTION 2.07. BONDS MUTILATED, DESTROYED, STOLEN OR LOST.** In case any Bond shall become mutilated or be destroyed, stolen or lost, the Bond Registrar may in its discretion issue and deliver a new Bond, of like tenor as the Bond, so mutilated, destroyed, stolen or lost, either in exchange and substitution for such mutilated Bond upon surrender and cancellation of such mutilated Bond or in lieu of and substitution for the Bond destroyed, stolen or lost, upon the Registered Owner furnishing the Bond Registrar and the City proof of his ownership thereof and indemnity in favor of both the City and the Bond Registrar, satisfactory to the City, and upon compliance with such other reasonable regulations and conditions as the Bond Registrar and City may prescribe, and paying (in advance if so required by the City or the Bond Registrar) such expenses as the City and the Bond Registrar may incur. All Bonds so surrendered shall be cancelled. If any such Bond shall have been matured or be about to mature, instead of issuing a substitute Bond, the Bond Registrar may pay the same, upon compliance with the foregoing conditions and requirements.

Any such duplicate Bonds issued pursuant to this section shall constitute original, additional contractual obligations on the part of the City, whether or not any lost, stolen or destroyed Bonds are found; and shall be entitled to equal and proportionate benefits and rights with all other Bonds issued hereunder.

**SECTION 2.08. TEMPORARY BONDS.** Until Bonds in definitive form of any series are ready for delivery, the City may execute, and the Bond Registrar shall authenticate and deliver in lieu thereof, one or more printed, lithographed or typewritten Bonds in temporary form, substantially of the tenor of the Bonds previously described and with appropriate omissions, variations and insertions. The Bonds in temporary form will be in such principal denominations as the City shall determine.

Until exchanged for Bonds in definitive form, such Bonds in temporary form shall be entitled to the benefits of this Resolution. The City shall, without unreasonable delay, prepare, execute and deliver to the Bond Registrar and thereupon, upon the presentation and surrender of the Bonds in temporary form to the Bond Registrar, the Bond Registrar shall authenticate and deliver, in exchange therefor, Bonds of the same maturity, in definitive form in the authorized denominations, and for the same aggregate principal amount, as the Bonds in temporary form surrendered. The expense of such exchange shall be paid by the City and there shall be made no charge therefor to any Registered Owner.

**SECTION 2.09. PROVISIONS FOR REDEMPTION.** Notice of such redemption shall, at least thirty (30) days prior to the redemption date, (i) be filed with the Paying Agents, and (ii) be mailed, postage prepaid, to all owners of Bonds to be redeemed at their addresses as they appear of record on the books of the Bond Registrar as of forty-five (45) days prior to the date of redemption. The privilege of transfer or exchange of any of the Bonds so called for redemption is suspended for a period commencing 15 days preceding the mailing of the notice of redemption and ending on the date fixed for redemption.

Such notice shall be dated and shall state (a) the redemption date, (b) the redemption price, (c) the identification and respective principal amount of Bonds to be redeemed, if less than all Bonds are to be redeemed, (d) the place where the Bonds are to be surrendered for payment of the redemption price and (e) that on the redemption date (i) the redemption price will become due and payable under any Bond or portion thereof called for redemption and (ii) interest on each such Bond shall cease to accrue from and after such date. Such notice of any redemption shall either (i) explicitly state that the proposed redemption is conditioned on there being on deposit in the applicable fund or account on the redemption date sufficient money to pay the full redemption price of the Bonds to be redeemed, or (ii) be sent only if sufficient money to pay the full redemption price of the Bonds to be redeemed is on deposit in the applicable fund or accounts.

In addition to the foregoing notice, further notice shall be given as set out below, but no defect in any such notice nor any failure to give all or any portion of any notice shall in any manner defeat the effectiveness of a call for redemption with respect to a Registered Owner as to which notice is given as prescribed above.

Each further notice of redemption shall contain the information required above for an official notice of redemption plus: (i) the date of original execution and delivery of the Bonds being redeemed; (ii) the rate of interest borne by each Bond being redeemed; (iii) the maturity date of each Bond being redeemed; and (iv) any other descriptive information needed to identify accurately the Bonds being redeemed.

Each further notice of redemption shall be sent at least 30 days before the redemption date by registered or certified mail or overnight delivery service (at the expense of the addressee) to all registered securities depositories (such depositories now being The Depository Trust Company of New York, New York, Midwest Securities Trust Company of Chicago, Illinois, and Philadelphia Depository Trust Company of Philadelphia, Pennsylvania) then in the business of holding substantial amounts of obligations of types such as the Series 2014 Bonds and to one or more national information services (such as Financial Information, Inc.'s Financial Daily Called

Bond Service, Interactive Data Corporation's Bond Service, Kenny Information Service's Called Bond Service and Standard & Poor's Called Bond Record) that disseminate notices of redemption of obligations such as the Bonds.

On the date designated for redemption, notice having been mailed and moneys for payment of the redemption price having been deposited with the Paying Agent for the account of the Registered Owner of a Bond or portion thereof to be redeemed, all as provided in this Resolution, interest on such Bond or portion thereof shall cease to accrue, such Bond or portion thereof shall cease to be entitled to any lien, benefit or security under this Resolution, and the Registered Owner of such Bond or portion thereof shall have no rights with respect thereto except to receive the redemption price from the account established therefor.

SECTION 2.10. DTC BOOK-ENTRY REGISTRATION. The Series 2016 Bonds shall be issued in book-entry only form. The City is authorized to enter into the Letter of Representations in the form required by the securities depository, and make such other provisions and perform such further acts as are necessary to provide for the issuance of the Series 2016 Bonds in book-entry only form.

The Series 2016 Bonds shall be registered to Cede & Co., as nominee for The Depository Trust Company ("DTC"). All payments for the principal of and interest on the Series 2016 Bonds shall be paid in lawful money of the United States of America, by check, draft or wire transfer to DTC.

To the extent permitted by the provisions of the Letter of Representations referred to above, the City shall issue Series 2016 Bonds directly to beneficial owners of Series 2016 Bonds other than DTC, or its nominee, in the event that:

(i) DTC determines not to continue to act as the securities depository for the Series 2016 Bonds; or

(ii) The City has advised DTC of its determination that DTC is incapable of discharging its duties; or

(iii) The City Council determines that it is in the best interest of the City not to continue the book-entry system or that the interests of the beneficial owners of the Series 2016 Bonds might be adversely affected if the book-entry system is continued.

Upon occurrence of either of the events described in (i) or (ii) above, the City shall attempt to locate another qualified securities depository and shall make reasonable attempt to notify Holders of the Series 2016 Bonds through DTC. If the City fails to locate another qualified securities depository to replace DTC, the City shall authenticate and deliver replacement Series 2016 Bonds in certificate form.

In the event the City makes the determination noted in either (ii) or (iii) above (the City undertakes no obligation to make any investigation to determine the occurrence of any events that would permit the City to make any such determination) or if the City fails to locate another qualified securities depository to replace DTC upon occurrence of either of the events described in

(i) or (ii) above, the City shall mail a notice to DTC for distribution to the beneficial owners of the Series 2016 Bonds stating that DTC will no longer serve as securities depository, whether a new securities depository will or can be appointed, the procedures for obtaining authenticated replacement Series 2016 Bonds and the provisions which govern the Series 2016 Bonds including, but not limited to, provisions regarding authorized denominations, transfer and exchange, principal and interest payment and other related matters.

SECTION 2.11. FORM OF BONDS. The text of the Bonds shall be in substantially the form of Exhibit A hereto, with such omissions, insertions and variations as may be necessary and desirable, and as may be authorized or permitted by this Resolution or by subsequent resolution adopted prior to the issuance thereof.

### ARTICLE III

#### PLEDGE OF AD VALOREM TAXES; MAINTENANCE OF SINKING FUND

SECTION 3.01. PLEDGE OF FULL FAITH AND CREDIT TO SECURE PAYMENT OF BONDS. The payment of the principal of and interest on the Bonds shall be secured forthwith equally and ratably by a pledge of the full faith, credit and taxing power of the City.

SECTION 3.02. LEVY OF AD VALOREM TAXES. The City covenants to levy and collect, in each Bond Year while any of the principal of and interest on the Bonds is outstanding, Ad Valorem Taxes sufficient to pay the Debt Service Requirement on the Bonds for such Bond Year. Such taxes shall be assessed, levied and collected in the same manner and at the same time as other City taxes are assessed, levied and collected. The Ad Valorem Taxes, in an amount sufficient to pay the principal of and interest on the Bonds and to make the payments into the Sinking Fund and as otherwise specified in this Resolution are hereby irrevocably pledged to the payment of the principal of and interest on the Bonds as the same become due; provided, that such pledge and lien may be released and extinguished by defeasance as provided in Section 7.02 hereof.

SECTION 3.03. APPLICATION OF AD VALOREM TAXES. For as long as any of the principal of and interest on any of the Bonds shall be outstanding and unpaid or until (a) there shall have been set apart in the Sinking Fund, herein established, including the Amortization Account, a sum sufficient to pay when due the entire principal of the Bonds remaining unpaid, together with the redemption premium, if any, with respect thereto, and the interest accrued or to accrue thereon; or (b) provision for payment of the Bonds shall have been made in accordance with the terms of this Resolution and the Bonds shall have been defeased, the City covenants with the Registered Owners of any and all Bonds as follows:

(A) CREATION OF SINKING FUND AND AMORTIZATION ACCOUNT. There are hereby created and established the following fund and account: the Series 2016 General Obligation Sinking Fund, hereinafter called the "Sinking Fund", together with the account therein to be known as the "Amortization Account" (together with any subaccounts therein).

(B) MAINTENANCE OF SINKING FUND AND AMORTIZATION ACCOUNT. The Sinking Fund and Amortization Account shall constitute trust funds for the purposes provided herein and shall be maintained on the books of the City as separate and distinct from all other funds and accounts of the City, and in the manner provided in this Resolution. All money in such Sinking Fund and Amortization Account shall be continuously secured in the same manner as deposits of City funds are required to be secured by the laws of the State.

The designation and establishment of the various funds and accounts in and by this Resolution shall not be construed to require the establishment of any completely independent, self-balancing funds or accounts, as such terms are commonly defined and used in governmental accounting, but rather is intended solely to constitute an earmarking of revenues for certain purposes and to establish certain priorities for application of such revenues as provided herein. Cash and investments required to be accounted for in each of the funds and accounts established

by this Resolution may be deposited in a single bank account; provided, that standard accounting records are maintained to reflect control or restricted allocation of the money therein for the various purposes of such funds and accounts.

Separate accounts may be maintained for different installments of Bonds and identified by the appropriate designation, and deposits into the accounts for each installment of Bonds shall be on a parity with the deposits, if any, into the corresponding accounts for each other installment of Bonds (or, in the case of a deficiency, shall be on a pro rata basis computed with regard to the aggregate principal amount of Bonds of each installment then outstanding and unpaid).

(C) APPLICATION OF AD VALOREM TAXES. All Ad Valorem Taxes shall, immediately upon receipt thereof, be deposited by the City into the Sinking Fund. Any money at any time on deposit in the Sinking Fund shall be expended only to pay the Debt Service Requirement on the Bonds during the current Bond Year.

The foregoing provisions notwithstanding, no further deposits shall be required to be made into the foregoing funds and accounts whenever there shall be on deposit in the Sinking Fund, including the Amortization Account therein, an amount of money and Authorized Investments equal to all principal and interest due on the Bonds to the final maturity thereof.

(D) INVESTMENT OF MONEY IN FUNDS AND ACCOUNTS. All money on deposit in the funds and accounts created by this Article may be invested and reinvested in Authorized Investments; provided, however, that such investments shall mature not later than the respective dates when such money will be required for the purposes of such funds and accounts. To the extent not required to make "rebates" pursuant to Section 148 of the Code, all income from such investments shall upon receipt be deposited into the Sinking Fund.

(E) OPERATION OF AMORTIZATION ACCOUNT. Money held in the Amortization Account shall be applied to the redemption or open market purchase (at not exceeding the price of par and accrued interest) of Term Bonds in accordance with the mandatory redemption provisions and/or the schedule of Amortization Installments for such Term Bonds. Amortization Installments for any Term Bonds shall be reduced in order of due date to the extent that such Term Bonds are purchased in the open market. The City shall pay from the Sinking Fund all expenses in connection with such purchase or redemption.

(F) UNCLAIMED MONEYS. Any money held by the Bond Registrar for the payment of principal of, redemption premium, if any, and interest on the Bonds and remaining unclaimed for a period of 5 years from the date on which such money was due to pay maturing principal of, redemption premium, if any, or interest on such Bonds, may be withdrawn by the City from the appropriate account of the Bond Registrar and used for any lawful purpose; provided, that such withdrawal shall not give rise to any claim for additional interest due on such Bonds on account of payment thereof not having been duly provided for under the terms of this Resolution; and that such withdrawal shall not affect the right, to the extent existing under the provisions of this Resolution or of the laws of the State, of the Registered Owner of such Bonds to payment of the principal and interest thereon to the Interest Payment Date with respect to which such money was originally deposited.



## ARTICLE IV

### APPLICATION OF SERIES 2016 BONDS PROCEEDS

SECTION 4.01. APPLICATION OF SERIES 2016 BONDS PROCEEDS. All money received from the sale of any or all of the Series 2016 Bonds shall be disbursed as follows:

(A) The City shall pay the costs of issuance of the Series 2016 Bonds.

(B) The sum specified in the Escrow Deposit Agreement which, together with the other funds described in the Escrow Deposit Agreement to be deposited in escrow, and together with the investment income thereon, will be sufficient to pay the principal of, interest and redemption premiums, if applicable, on the Refunded Bonds as the same shall become due or may be redeemed or prepaid, shall be deposited into the Escrow Account established by the Escrow Deposit Agreement in the respective amounts sufficient for such purposes. Such funds deposited pursuant to the Escrow Deposit Agreement are hereby irrevocably committed and pledged to such purpose for the benefit of the Holders of the Refunded Bonds.

(C) Any proceeds from the Series 2016 Bonds not required for the purposes set forth above shall be deposited into the Sinking Fund and used to pay interest on the Series 2016 Bonds on October 1, 2016.

SECTION 4.02. ELECTION TO CALL REFUNDED BONDS. The City hereby elects to call and redeem the Refunded Bonds at a redemption price equal to 100% of the principal amount of the Refunded Bonds to be redeemed. The City hereby further authorizes and instructs that at least 30 days prior to the redemption date, the City will provide or cause to be provided, by an agent acting on behalf of the City, notice of such redemption (conditioned on the receipt of the proceeds of the Series 2016 Bonds and the available money's sufficient to pay the redemption price of the Refunded Bonds), all as required by this Resolution authorizing the issuance of the Refunded Bonds.

## ARTICLE V

### AUTHORIZING NEGOTIATED SALE OF SERIES 2016 BONDS; AWARD;

SECTION 5.01. NEGOTIATED SALE OF BONDS. The City Council in compliance with Section 218.385(1)(a), Florida Statutes, as amended, hereby finds, determines and declares that, upon the advice of its Financial Advisor, as set forth in the preambles hereto, a negotiated sale of the Series 2016 Bonds is in its best interest.

SECTION 5.02. DISCLOSURE. The disclosure statement required by Section 218.385(6), Florida Statutes, has been filed with the City prior to the award of the Series 2016 Bonds made herein and is attached hereto as the Bond Purchase Agreement.

SECTION 5.03. AWARD; APPROVAL OF BOND PURCHASE AGREEMENT. The City hereby approves the Bond Purchase Agreement in substantially the form presented to this meeting and attached hereto as Exhibit "B," with such variations, omissions and insertions as may be necessary to evidence the final terms of the Series 2016 Bonds. Upon compliance by the Underwriter with the requirements of Section 218.385(6) and Section 287.133, Florida Statutes, the City Manager is authorized to finalize the terms of and execute the Bond Purchase Agreement, and to deliver said Bond Purchase Agreement to Hilltop Securities Inc., as the Underwriter. The City hereby approves the negotiated sale of the Series 2016 Bonds to the Underwriter upon the terms and conditions set forth herein and as set forth in the Bond Purchase Agreement. The City hereby authorizes and directs the City Manager to determine the final provisions of the Bond Purchase Agreement, within the parameters for the Series 2016 Bonds set forth in Section 2.04 of this Resolution, and further provided that :

- (i) The annual Debt Service on the Series 2016 Bonds shall be not greater than the annual Debt Service on the Refunded Bonds; and
- (ii) The net present value savings from the Refunding shall be not less than three percent (3%) of the principal amount of the Refunded Bonds.

The City hereby authorizes and directs the Mayor to execute and the City Clerk to attest to, seal and deliver the Bond Purchase Agreement in substantially the form approved at this meeting and attached hereto as Exhibit "B," subject to such changes, insertions and omissions and such filling in of blanks therein as hereafter may be approved and made by the City Manager upon the advice of the Financial Advisor, City Attorney and Bond Counsel. The execution, attestation and delivery of the Bond Purchase Agreement by the Mayor and the City Clerk shall be conclusive evidence of the City's approval of any such determinations, changes, insertions, omissions or filling in of blanks.

## ARTICLE VI

### PREPARATION OF OFFICIAL STATEMENT; CONTINUING DISCLOSURE

SECTION 6.01. OFFICIAL STATEMENT. The use and distribution of the Preliminary Official Statement in substantially the form as the Preliminary Official Statement which is attached hereto as Exhibit "C" is hereby ratified and confirmed. The Mayor of the City and the proper officers of the City (herein collectively called the "City's Authorized Representatives") be and they are hereby authorized to execute a final Official Statement, with such changes as they shall by their execution thereof approve and to deliver same to the underwriters within seven (7) business days from the date hereof in sufficient quantities as may be required to satisfy the reasonable needs of the underwriters in marketing the Series 2016 Bonds. The City's Authorized Representatives are each further authorized to use and distribute, or to authorize the use and distribution of, the final Official Statement and any supplements thereto in connection with the original issuance of the Series 2016 Bonds as may, in their judgment, be necessary or appropriate. The Preliminary Official Statement is hereby "deemed final" for the purposes of compliance by the City with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended.

The City's Authorized Representatives and each of them are also authorized to sign and deliver, on behalf of the City, and in their official capacities, such certificates in connection with the accuracy of the final Official Statement and any supplements thereto as may, in their judgment, be necessary or appropriate.

SECTION 6.02. CONTINUING DISCLOSURE. For the benefit of the holders and beneficial owners from time to time of the Series 2016 Bonds, the City agrees, in accordance with and as the only obligated person with respect to the Series 2016 Bonds under the Rule, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of paragraph (b)(5) of the Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement, including provisions for enforcement, amendment and termination, the Finance Director is hereby authorized and directed to sign and deliver, in the name and on behalf of the City, a Continuing Disclosure Certificate (the "Continuing Disclosure Certificate"), substantially in the form attached hereto as Exhibit "C", with such changes, insertions and omissions and such filling in of blanks therein as may be approved by the Finance Director, upon the recommendation of the City's disclosure counsel and bond counsel. The execution of the Continuing Disclosure Certificate, for and on behalf of the City by the Finance Director, shall be deemed conclusive evidence of the City's approval of the Continuing Disclosure Certificate. The agreement formed, collectively, by this paragraph and the Continuing Disclosure Certificate, shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds to meet costs the City would be required to incur to perform it. Notwithstanding any other provisions of this Resolution, any failure by the City to comply with any provisions of the Continuing Disclosure Certificate or this Section 6.02 shall not constitute a default under this Resolution and the remedies therefor shall be solely as provided in the Continuing Disclosure Certificate.

Pursuant to the Continuing Disclosure Commitment the City hereby designates Digital Assurance Corporation as its initial dissemination agent.

The Finance Director is further authorized and directed to establish, or cause to be established, procedures in order to ensure compliance by the City with the Continuing Disclosure Certificate, including the timely provision of information and notices. Prior to making any filing in accordance with such agreement, the Finance Director shall consult with, as appropriate, the city attorney, the City's bond counsel or the City's disclosure counsel. The Finance Director, acting in the name and on behalf of the City, shall be entitled to rely upon any legal advice provided by the city attorney, the City's bond counsel or the City's disclosure counsel in determining whether a filing should be made.

SECTION 6.03. EXECUTION AND DELIVERY OF BONDS AND OTHER NECESSARY DOCUMENTS. The Mayor of the City and the proper officers of the City be and they are hereby authorized and directed to execute the Series 2016 Bonds when prepared and deliver same to or on behalf of the underwriters upon payment of the purchase price pursuant to the conditions stated in the Bond Purchase Agreement. The Mayor, the City Clerk, the City Manager, the Finance Director and the City Attorney are each designated agents of the City in connection with the issuance and delivery of the Series 2016 Bonds and are authorized and empowered, collectively or individually, to take all action and steps to execute and deliver any and all instruments, documents or contracts on behalf of the City which are necessary or desirable in connection with the execution and delivery of the Series 2016 Bonds, in such form and with such changes as are not inconsistent with the terms and provisions of this resolution, the Bond Purchase Agreement executed pursuant to Section 5.02 hereof, and other actions related to the Series 2016 Bonds heretofore taken by the City Council.

## ARTICLE VII

### MISCELLANEOUS PROVISIONS

SECTION 7.01. VALIDATION WAIVED. Validation proceedings in the Circuit Court for Volusia County, Florida, pursuant to the provisions of Chapter 75, Florida Statutes, for validation of the Series 2016 Bonds are not to be instituted in order to allow for a prompt closing and delivery of the Series 2016 Bonds.

SECTION 7.02. DEFEASANCE. Notwithstanding the foregoing provisions of this Resolution, if, at any time, the City shall have paid, or shall have made provision for payment of, the principal, interest and redemption premiums, if any, with respect to any Bonds, or portions thereof, then, and in that event, the pledge and lien created hereunder in favor of the Registered Owners of such Bonds or portions thereof, shall be no longer in effect. For purposes of the preceding sentence, deposit of cash and/or principal and interest of Defeasance Securities in irrevocable trust with a banking institution or trust company, for the sole benefit of the applicable Registered Owners sufficient to make timely payment of the principal, interest and redemption premiums, if any, on such outstanding Bonds or portions thereof, designated to be defeased, shall be considered "provision for payment." Nothing herein shall be deemed to require the City to call any of the Bonds for redemption prior to maturity pursuant to any applicable optional

redemption provisions, or to impair the discretion of the City in determining whether to exercise any such option for early redemption.

SECTION 7.03. NO RECOURSE. No recourse shall be had for the payment of the principal of, redemption premium, if any, and interest on the Bonds, or for any claim based thereon or on this Resolution, against any present or former member or officer of the City Council or any person executing the Bonds.

SECTION 7.04. MODIFICATION OR AMENDMENT. No adverse material modification or amendment of this Resolution or of any ordinance or resolution amendatory hereof or supplemental hereto, may be made without the consent in writing of the Registered Owners of fifty-one percent (51%) or more in principal amount of all the Bonds then outstanding so affected by such modification or amendment; provided, however, that no modification or amendment shall permit a change in the maturity of such Bonds, a reduction in the rate of interest thereon, or a reduction in the amount of the principal obligation represented thereby; nor shall any modification or amendment either affect the unconditional promise of the City to pay the principal of and interest on the Bonds, as the same shall become due, as provided herein, or reduce the percentage of Registered Owners of Bonds above required to consent to such modifications or amendments, without the consent of the Registered Owners of all such Bonds; provided further, however, that no such modification or amendment shall allow or permit any acceleration of the payment of principal of or interest on the Bonds upon any default in the payment thereof, whether or not the Registered Owners of the Bonds consent thereto.

The City Council, from time to time and at any time and without the consent or concurrence of any Registered Owners of any Bonds, may adopt an ordinance or a resolution amendatory hereof or supplemental hereto, if the provisions of such supplemental resolution shall not adversely affect the rights of the Registered Owners of the Bonds then outstanding, for any one or more of the following purposes:

(1) to make any changes or corrections in this Resolution which the City shall have been advised by counsel are required for the purpose of curing or correcting any ambiguity or defect, or inconsistent provision or omission or mistake or manifest error contained herein, or to insert in this Resolution such provisions clarifying matters or questions arising hereunder as are necessary or desirable;

(2) to add additional covenants and agreements of the City for the purpose of further securing the payment of the Bonds;

(3) to surrender any right, power or privilege reserved to or conferred upon the City by the terms hereof;

(4) to confirm by further assurance any lien, pledge or charge created or to be created by the provisions hereof;

(5) to grant to or confer upon the Registered Owners any additional right, remedies, powers, authority or security that lawfully may be granted to or conferred upon them;

(6) to assure compliance with the Code;

(7) to provide such changes which, in the opinion of the City, based upon such certificates and opinions of the Independent Certified Public Accountant, Bond Counsel, financial advisors or other appropriate advisors as the City may deem necessary or appropriate, will not materially adversely affect the security of the Registered Owners, including, but not limited to, such changes as may be necessary in order to adjust the terms hereof so as to facilitate the issuance of other types of obligations, including, but not limited to, bonds, notes, certificates, warrants or other evidences of indebtedness, which bear interest at a variable rate;

(8) to modify any of the provisions of this Resolution in any other respects, provided that such modification shall not be effective (a) with respect to the Bonds outstanding at the time such amendatory or supplemental resolution is adopted or (b) shall not be effective (i) until the Bonds outstanding at the time such amendatory or supplemental resolution is adopted shall cease to be outstanding, or (ii) until the Registered Owners thereof consent thereto.

SECTION 7.05. BOND REGISTRAR AND PAYING AGENT; ESCROW AGENT. The Bank of New York Mellon Trust Company, N.A. is hereby designated Paying Agent and Bond Registrar for the Series 2016 Bonds. In addition, The Bank of New York Mellon Trust Company, N.A. is hereby designated Escrow Agent for the Refunded Bonds.

SECTION 7.06. APPROVAL OF PAYMENT OF COSTS OF ISSUANCE. The costs of issuance of the Series 2016 Bonds as shown on Exhibit "D" hereto are hereby approved for payment.

SECTION 7.07. SEVERABILITY OF INVALID PROVISIONS. If any one or more of the covenants, agreements or provisions of this Resolution should be held to be contrary to any express provision of law or to be contrary to the policy of express law, though not expressly prohibited, or to be against public policy, or should for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separate from the remaining covenants, agreements or provisions of, and in no way affect the validity of, all the other provisions of this Resolution or of the Bonds.

SECTION 7.08. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

DULY PASSED AND ADOPTED at a regular meeting this \_\_\_\_ day of May, 2016.

(SEAL)

By: \_\_\_\_\_  
Allen Green, Mayor

By: \_\_\_\_\_  
Robin L. Fenwick, CMC, City Clerk

APPROVED AS TO FORM AND  
CORRECTNESS:

By: \_\_\_\_\_  
Margaret T. Roberts, City Attorney

- APPENDICES:
- “A” - Bond Form
  - “B” - Bond Purchase Agreement
  - “C” - Preliminary Official Statement
  - “D” - Costs of Issuance
  - “E” - Escrow Deposit Agreement

EXHIBIT A

No. \_\_\_\_\_

\$ \_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF FLORIDA  
CITY OF PORT ORANGE, FLORIDA  
GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016

RATE OF INTEREST MATURITY DATE DATE OF ORIGINAL ISSUE CUSIP

REGISTERED OWNER:

PRINCIPAL AMOUNT:

KNOW ALL MEN BY THESE PRESENTS, that City of Port Orange, Florida (the “City”), for value received, hereby promises to pay to the Registered Owner designated above, or registered assigns, on the Maturity Date specified above, the Principal Amount shown above, upon presentation and surrender hereof at the corporate trust office of The Bank of New York Mellon Trust Company, N.A., as bond registrar and paying agent (collectively, the “Bond Registrar”), and to pay interest thereon from the date of this Bond or from the most recent interest payment date to which interest has been paid, whichever is applicable, until payment of such amount, at the rate per annum set forth above, until payment of the Principal Amount, such interest to the maturity hereof being payable on October 1, 2016, and semiannually thereafter on April 1 and October 1 of each year by check or draft mailed to the Registered Owner at his address as it appears, at 5:00 P.M. Eastern Time on the fifteenth day of the month preceding the applicable interest payment date, on the registration books of the City kept by the Bond Registrar; provided, that for any Registered Owner of one million dollars (\$1,000,000) or more in principal amount of Bonds, such interest payment shall, at the written request of such Registered Owner be by wire transfer or other medium acceptable to the City and to such Registered Owner. The principal of, redemption premium, if any, and interest on this Bond are payable in lawful money of the United States of America.



(Reso. No 16-30)

This Bond is secured by a pledge of the full faith, credit and taxing power of the City. The City, in Resolution 16-30, duly adopted on May\_\_, 2016 (the "Resolution"), described below, has covenanted that it will, in each year while any principal of or interest on the Bonds is outstanding, levy and collect a direct annual tax, without limit as to rate or amount, on all taxable property within its boundaries, sufficient to pay the principal of and interest on the Bonds coming due in such year (the "Ad Valorem Taxes").

REFERENCE IS HEREBY MADE TO THE FURTHER PROVISIONS OF THIS BOND APPEARING ON THE REVERSE SIDE HEREOF AND SUCH FURTHER PROVISIONS SHALL HAVE THE SAME FORCE AND EFFECT AS IF SET FORTH ON THE FACE HEREOF.

It is hereby certified and recited that all conditions, things and acts required to exist, to happen and to be performed precedent to and in the issuance of this Bond, exist, have happened and have been performed in regular and due form and time in substantial compliance with the Constitution and Statutes of the State of Florida applicable thereto; that the issuance of this Bond, and of the issue of Bonds of which this Bond is one, does not violate any constitutional or statutory limitation; that the issue of bonds of which this Bond is one has been approved at a referendum held in accordance with the Constitution and Statutes of the State of Florida on October 11, 2005; that the total indebtedness of the City, including the issue of bonds of which this Bond is one, does not exceed any constitutional or statutory limitation; and that provision has made for the levy and collection of a direct annual tax, without limitation as to rate or amount, upon all taxable property within the City sufficient to pay the principal of and interest on this Bond as the same shall become due, which tax shall be levied and collected at the same time and in the same manner as other ad valorem taxes are assessed, levied and collected.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Resolution until the Certificate of Authentication hereon shall have been executed by the Bond Registrar.

IN WITNESS WHEREOF, City of Port Orange, Florida, has issued this Bond and has caused the same to be executed by its Mayor, either manually or with his facsimile signature, and the corporate seal of the City or a facsimile thereof to be affixed hereto or imprinted or reproduced hereon and attested by the manual or facsimile signature of the City Manager, all as of the \_\_\_\_ day of May, 2016.

(SEAL)

THE CITY OF PORT ORANGE, FLORIDA

ATTEST:

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_  
City Manager

(Reso. No 16-30)

APPROVED AS TO FORM AND  
CORRECTNESS:

By: \_\_\_\_\_  
City Attorney

BOND REGISTRAR'S CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds of the issue described in the within-mentioned Resolution.

The Bank of New York Mellon Trust  
Company, N.A.  
As Bond Registrar

By: \_\_\_\_\_  
Authorized Signature

Date of Authentication:

(MATERIAL APPEARING ON REVERSE OF BOND)

This Bond is one of an authorized issue of Bonds issued to refund the City's General Obligation Bonds, Series 2006 previously issued by the City to finance the acquisition and construction of fire and police facilities and other capital projects, under the authority of and in full compliance with the Constitution and Statutes of the State of Florida, including particularly Chapter 166, Florida Statutes, a referendum elections held in the City on October 11, 2005, and a Resolution duly adopted by the City Council of the City on March 9, 2006, as supplemented (collectively, the "Resolution"), and is subject to all the terms and conditions of the Resolution. Capitalized terms used herein shall have the meaning specified in the Resolution.

The City has entered into certain covenants with the Registered Owners of the Bonds of this issue, for the terms of which reference is made to the Resolution. In particular, the City has in the Resolution reserved the right to defease the lien of the Registered Owners of the Bonds of this issue upon the Ad Valorem Taxes, upon making provision for payment of the Bonds as provided in the Resolution.

Principal amounts of the Bonds or portions thereof maturing April 1, \_\_, to be selected by lot, which shall be equal to the following mandatory amortization installments:

| <u>Year</u> | \$ | <u>Amount</u> | <u>Year</u> | \$ | <u>Amount</u> |
|-------------|----|---------------|-------------|----|---------------|
|-------------|----|---------------|-------------|----|---------------|

shall be redeemed on April 1 in such years prior to their maturity (except the installment maturing in the year \_\_) by operation of the Amortization Account, at the price of the principal amount thereof plus accrued interest to the date of prior redemption, or be purchased in the open market at a price not to exceed such redemption price.

The Bonds or portions thereof maturing in the years \_\_ to \_\_, both inclusive, are not subject to redemption prior to their stated dates of maturity. The Bonds or portions thereof maturing in the year \_\_ and thereafter shall, at the option of the City, be redeemable prior to their stated dates of maturity, in whole at any time on or after \_\_ 1, \_\_, or in part, in such manner determined by the City, on \_\_ 1, \_\_, or on any \_\_1 or \_\_\_\_ 1 thereafter, at a price of the principal amount or accreted value thereof, as applicable, on the applicable redemption date, plus the following premiums expressed as percentages of the principal amount or accreted value thereof, as applicable, on such redemption date, if redeemed at the following times:

| Redemption Period<br>(both dates inclusive) | <u>Premium</u> |
|---------------------------------------------|----------------|
|---------------------------------------------|----------------|

Notice of such redemption shall be given in the manner and to the extent provided in the Resolution.

(Reso. No 16-30)

This Bond may be transferred only upon the books of the City kept by the Bond Registrar upon surrender thereof at the principal office of the Bond Registrar with an assignment duly executed by the Registered Owner or his duly authorized attorney, but only in the manner, subject to the limitations and upon payment of the charges, if any, provided in the Resolution, and upon surrender and cancellation of this Bond. Upon any such transfer, there shall be executed in the name of the transferee, and the Bond Registrar shall deliver, a new registered Bond or Bonds of authorized denominations and in the same aggregate principal amount, series, maturity and interest rate as this Bond.

In like manner, subject to such conditions and upon the payment of such charges, if any, the Registered Owner of this Bond may surrender the same (together with a written authorization for exchange satisfactory to the Bond Registrar duly executed by the Registered Owner or his duly authorized attorney) in exchange for an equal aggregate principal amount of fully registered Bonds in authorized denominations of the same series, maturity and interest rate as this Bond.

This Bond is and has all the qualities and incidents of a negotiable instrument under the Uniform Commercial Code-Investment Securities laws of the State of Florida; and the Registered Owner shall be conclusively deemed by his acceptance hereof to have agreed that this Bond shall be and have all the qualities and incidents of negotiable instruments under such laws of the State of Florida.

The following abbreviations, when used in the inscription on the face of the within Bond, shall be construed as though they were written out in full according to applicable laws or regulations:

|                                                                                   |                                                   |
|-----------------------------------------------------------------------------------|---------------------------------------------------|
| TEN COM - as tenants in common                                                    | UNIF GIF MIN ACT - ____ (Cust.)                   |
| TEN ENT - as tenants by the entireties                                            | Custodian for ____ (Minor)                        |
| JT TEN - as joint tenants with right of survivorship and not as tenants in common | under Uniform Gifts to Minors Act of ____ (State) |

Additional abbreviations may also be used though not in list above.

ASSIGNMENT

FOR VALUE RECEIVED the undersigned sells, assigns and transfers to \_

PLEASE INSERT NAME, ADDRESS AND SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF ASSIGNEE \_

the within bond and does hereby irrevocably constitute and appoint

\_\_\_\_\_ as his agent to transfer this Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature guaranteed: \_\_\_\_\_

\_\_\_\_\_  
(Bank, Trust Company or Firm)

\_\_\_\_\_  
(Authorized Officer)

NOTICE: The signature to this assignment must correspond with the name of the Registered Owner as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

# Exhibit "B"

## **BOND PURCHASE CONTRACT**

*with respect to*

**CITY OF PORT ORANGE, FLORIDA**  
General Obligation Refunding Bonds, Series 2016

April [\_\_\_], 2016

Re: Bond Purchase Contract with respect to \$\_\_\_\_\_ City of Port Orange, Florida, General Obligation Refunding Bonds, Series 2016 (the "2016 Bonds")

Ladies and Gentlemen:

The undersigned, Hilltop Securities Inc. (the "Underwriter"), acting on its own behalf and not as an agent or fiduciary to you, the City of Port Orange, Florida (the "City") does hereby offer to enter into this Bond Purchase Contract (this "Purchase Contract") which, upon the City's acceptance hereof will be binding upon the City and upon the Underwriter. This offer is made subject to the City's acceptance by execution of this Purchase Contract and its delivery to the Underwriter on or before 11:59 p.m. Orlando, Florida time, on the date hereof. Upon such acceptance, this Purchase Contract shall remain in full force and effect in accordance with its terms and shall be binding upon the City and the Underwriter. Terms not otherwise defined herein shall have the same meanings ascribed to them in the Bond Resolution (defined below) and the Official Statement (defined herein).

The City acknowledges and agrees that (i) the transaction contemplated by this Purchase Contract is an arm's length transaction between the City and the Underwriter; (ii) the Underwriter, as underwriter, has financial and other interests that differ from those of the City; (iii) the Underwriter is acting solely as a principal and is not acting as a municipal advisor, financial advisor or fiduciary to the City; (iv) the Underwriter has not assumed any advisory or fiduciary responsibility to the City with respect to the transaction contemplated hereby and the discussions, undertakings and procedures leading thereto irrespective of whether the Underwriter has provided or is currently providing other services to the City on other matters; (v) the only obligations the Underwriter has to the City with respect to the transaction contemplated hereby are expressly set forth in this Purchase Contract; and (vi) the Underwriter has provided to the City prior disclosures under Rule G-17 of the Municipal Securities Rulemaking Board (the "MSRB"), which have been received by the City. The City represents that it has consulted with its own financial, municipal, legal, accounting, tax and/or other advisors, as applicable, to the extent it deems appropriate.

1. **The 2016 Bonds.** The 2016 Bonds are general obligations issued by the City pursuant to the Act, and Ordinance No. 2016-\_\_ enacted by the City Council (the "Ordinance"), and Resolution No. 2016-\_\_ enacted by the City Council on April \_\_, 2016 (the "Bond Resolution" and together with the Ordinance, collectively, the "Bond Legislation"). The terms of the 2016 Bonds are set forth in Appendix I attached hereto and are more fully described in the Official

Statement relating to the 2016 Bonds, dated [\_\_\_\_], 2016 (the “Official Statement”). The execution and delivery of the Official Statement by the City is hereby authorized.

The 2016 Bonds are being issued to finance the cost of refunding the City’s outstanding General Obligation Bonds, Series 2006 (the “Refunded Obligations”) and to pay certain expenses related to the issuance and sale of the Series 2016 Bonds.

The Underwriter hereby agrees and makes the following representations and warranties to the City, as of the date hereof and as of the Closing Date (as hereinafter defined), which representations and warranties shall survive the Closing (as hereinafter defined): (a) the Underwriter is an entity duly organized, validly existing and in good standing under the laws of the jurisdiction of its organization, (b) this Purchase Contract has been duly authorized, executed and delivered by the Underwriter and, assuming the due authorization, execution and delivery by the City, is the legal, valid and binding obligation of the Underwriter enforceable in accordance with its terms, except as the enforceability of this Purchase Contract may be limited by bankruptcy or other laws affecting creditors' rights generally and except that equitable remedies lie in the discretion of the court and may not be available, (c) the Underwriter is licensed by and registered with the Financial Industry Regulatory Authority as a broker dealer and the MSRB as a municipal securities dealer, (d) neither the Underwriter nor any “person” or “affiliate” thereof have been on the “convicted vendor list” during the past 36 months as all such terms are defined in Section 287.133, Florida Statutes.

The 2016 Bonds and the interest thereon will be payable from unlimited ad valorem taxes levied on all taxable property in the City. The full faith, credit and taxing power of the City are irrevocably pledged to the punctual payment of the principal and interest on the Series 2016 Bonds, as same shall become due and payable.

Interest on the 2016 Bonds will be paid on October 1, 2016, and semiannually thereafter on April 1 and October 1.

2. **Purchase and Sale of 2016 Bonds.** Upon the terms and conditions and upon the basis of the representations, warranties and covenants herein, the Underwriter hereby agrees to purchase from the City for offering to the public, and the City hereby agrees to sell to the Underwriter for such purpose, all (but not less than all) of the \$\_\_\_\_\_ aggregate principal amount of the 2016 Bonds at the aggregate purchase price of \$\_\_\_\_\_ (which represents the par amount of the 2016 Bonds, less Underwriter’s Discount of \$\_\_\_\_\_ [plus][less] net original issue [premium][discount] of \$\_\_\_\_\_ (the “Purchase Price”)) which shall be payable at the Closing. The Purchase Price of the 2016 Bonds shall be payable to the City on the Closing Date, by wire transfer of federal funds.

3. **Offering of the 2016 Bonds; Continuing Disclosure Certificate.** The Underwriter agrees to make a bona fide public offering of all the 2016 Bonds in conformance with MSRB Rules. The Underwriter shall, at or before delivery of the 2016 Bonds, furnish the City with such information concerning the initial prices at which 2016 Bonds of each maturity were sold to the public and the amount of 2016 Bonds of each maturity sold at such prices as the City shall reasonably request. The City agrees to deliver to the Underwriter, at such addresses as the Underwriter shall specify, sufficient copies of the Official Statement as the Underwriter shall reasonably request in order to allow the Underwriter to comply with Paragraph (b)(4) of Rule 15c2-12 (the “Rule”) of the Securities and Exchange Commission (the “SEC”) under the

Securities Exchange Act of 1934 (the “Exchange Act”) and with Rule G-32 of the MSRB and all other applicable rules of the MSRB. The City agrees to provide or cause to be provided, at its expense, such copies of the Official Statement within seven (7) business days after the execution of this Purchase Contract. The Underwriter shall give written notice to the City on the Closing Date if any participating underwriter, as such term is defined in the Rule, remains obligated to deliver Official Statements pursuant to Paragraph (b)(4) of the Rule; provided however unless the Underwriter provides such written notice to the City, the last such day shall be the Closing Date.

If at any time prior to the earlier of: (a) the date set forth in the notice received by the City from the Underwriter pursuant to the preceding paragraph that Official Statements are no longer required to be delivered under the Rule, or (b) ninety (90) days after the Closing, there shall exist any event about which either the City or the Underwriter has knowledge and which, in the reasonable opinion of the Underwriter and counsel to the Underwriter (which opinion shall be communicated to the City) or in the reasonable opinion of the City, requires a supplement or amendment to the Official Statement so that when delivered to a potential investor, it will not contain an untrue statement of a material fact or omit to state a material fact necessary in order to make the statements therein, in light of the circumstances under which they were made, not misleading, then the City will, at its expense, supplement or amend the Official Statement in a form and in a manner approved by the Underwriter, counsel to the Underwriter and the City; provided however, that if subsequent to Closing, the City determines that such event requires the publication of a supplement or amendment to the Official Statement, then the approval of the Underwriter shall not be required, although the City agrees to notify the Underwriter of such supplement or amendment, and the Underwriter shall use its reasonable best efforts to distribute the supplement or amendment with the Official Statement. The parties agree to cooperate in good faith with regard to the form and manner of any supplement or amendment to the Official Statement.

The Underwriter agrees that they will not confirm the sale of any 2016 Bonds unless the confirmation of sale is accompanied or preceded by the delivery of a copy of the Official Statement pursuant to the rules of the MSRB. To the extent required by applicable MSRB Rules, the City hereby confirms that it does not object to distribution of the Official Statement in electronic form.

In order to assure compliance with the requirements of the Rule for the continuing disclosure to the public of information regarding the City and the 2016 Bonds, the City, as part of the Resolution, has covenanted to enter into a Continuing Disclosure Certificate as required by the Rule (the “Disclosure Certificate”). A description of the Disclosure Certificate is set forth in the Official Statement and the form of the Continuing Disclosure Certificate is attached as APPENDIX F to the Official Statement. Failure by the City to deliver the Continuing Disclosure Certificate at the Closing will be grounds for the Underwriter to terminate this Purchase Contract since failure to provide the Disclosure Certificate would cause the Underwriter to violate the Rule.

4. **Disclosure Statement.** Delivered to the City herewith by the Underwriter and attached hereto as Appendix II is a disclosure statement of the Underwriter pursuant to Florida Statutes, Section 218.385.



5. **Representations and Warranties of the City.** The City represents and warrants to the Underwriter that:

(a) The Official Statement, as it may be amended or supplemented prior to the date of delivery to the Underwriter and at the Closing, will be true and correct in all material respects and the Official Statement, as it may be amended or supplemented prior to the date of delivery to the Underwriter and at the Closing, will not contain an untrue statement of material fact and does not and will not omit to state a material fact necessary to make the statements made under such captions, in the light of the circumstances under which they were made, not misleading (except for information describing the Depository Trust Company or its book-entry only system of registration or information provided by the Underwriter, as to which no representation is made). The City will promptly advise the Underwriter of any reason to amend or supplement the Official Statement prior to Closing.

(b) The City is and will be at the time of the Closing, a duly organized and validly existing municipal corporation within the State of Florida (the “State”) with the powers and authority set forth in Chapter 166, Parts I and II, Chapter 132, Florida Statutes, Chapter 159, Part I, Florida Statutes, and other applicable laws, and the Bond Legislation (herein collectively referred to as the “Act”).

(c) The City has duly adopted the Bond Legislation in accordance with the Act. The City has and will have at the time of the Closing, full legal right, power and City to adopt the Bond Legislation and enter into this Purchase Contract and such other certificates, documents and agreements as are necessary to issue and deliver the 2016 Bonds to the Underwriter as provided herein and to carry out the transactions contemplated by the Resolution, this Purchase Contract and the 2016 Bonds.

(d) The City has and will have at the time of the Closing, full legal right, power to covenant that it will, in each year while any principal of or interest on the 2016 Bonds is outstanding, levy and collect a direct annual tax, without limit as to rate or amount, on all taxable property within its boundaries, sufficient to pay the principal of and interest on the 2016 Bonds coming due in such year (the “Ad Valorem Taxes”).

(e) Concurrently with or prior to the acceptance hereof, the City has (i) duly adopted the Bond Legislation, (ii) duly authorized and approved the execution and delivery of the 2016 Bonds, the Official Statement, this Purchase Contract, the Paying Agent Agreement by and between the City and The Bank of New York Mellon Trust Company, N.A. in its capacity as Paying Agent and Registrar (the “Paying Agent Agreement”), the Escrow Deposit Agreement by and between the City and The Bank of New York Mellon Trust Company, N.A., in its capacity as Escrow Holder (the “Escrow Deposit Agreement”), the Disclosure Certificate or such other certificates, documents and agreements as are necessary to issue and deliver the 2016 Bonds (collectively, the “City Documents”), (iii) duly authorized and approved the Official Statement and the distribution thereof, (iv) pursuant to the Bond Resolution, duly authorized and approved the sale and delivery of the 2016 Bonds to the Underwriter, and (v) duly authorized and approved the consummation by the City of all other transactions contemplated by the Official Statement and this Purchase Contract. Upon execution and delivery, the 2016 Bonds and the

City Documents will constitute valid and binding obligations of the City in conformity with and entitled to the benefit of the provisions of the Act.

(f) As of the time of acceptance hereof and as of the Closing Date, except as otherwise disclosed in the Official Statement, the City is not and will not be in material breach of or in material default under any applicable law or administrative regulation of the State or the United States of America relating to the City or any applicable judgment or decree or any trust agreement, loan agreement, indenture, bond, note, resolution, ordinance, certificate, agreement or other instrument to which the City is a party or to which the City or its assets are otherwise subject; and, as of such times and except as disclosed in the City Documents, the 2016 Bonds and the adoption of the Bond Legislation and compliance with the provisions of each such document do not and will not conflict with or constitute a material breach of or material default under any applicable law or administrative rule or regulation of the State or the United States of America, or a breach of any applicable judgment, decree, trust agreement, loan agreement, indenture, bond, note, resolution, ordinance, agreement or other instrument to which the City is a party or to which the City or its assets is otherwise subject.

(g) On the Closing Date (defined herein), the City shall have received all approvals, consents and orders of any governmental City, board, agency or commission having jurisdiction which would constitute a condition precedent to the performance by the City of its obligations under the City Documents and under the Bond Legislation with respect to the 2016 Bonds.

(h) The City will apply the proceeds of the 2016 Bonds in accordance with the Bond Legislation and as described in the Official Statement.

(i) The City covenants to comply with the requirements of the Internal Revenue Code of 1986, as amended (the "Code"), in order to maintain the exclusion from gross income of the interest on the 2016 Bonds for purposes of federal income taxation; these requirements include, but are not limited to, provisions which prescribe yield and other limits within which the proceeds of the 2016 Bonds and other amounts are to be invested and require that certain investment earnings on the foregoing must be rebated on a periodic basis to the Treasury Department of the United States.

(j) Except as disclosed in the Official Statement, between the date of this Purchase Contract and the Closing, the City will not, without notifying the Underwriter in writing, issue any bonds, notes or other obligations for borrowed money on a parity with the 2016 Bonds.

(k) As of the date hereof, except as specifically disclosed in the Official Statement, there is no action, suit, proceeding, inquiry or investigation, at law or in equity, before or by any court, government agency, public board or body, pending, or to the best of the knowledge of the officials of the City, threatened against the City which affects or seeks to prohibit, restrain or enjoin the sale, issuance or delivery of the 2016 Bonds, or the levy or collection of the Ad Valorem Taxes to pay the principal of or interest on the 2016 Bonds, or contests or affects the validity or enforceability of the 2016 Bonds, the City Documents, the Bond Legislation, or in any respect relating to the authorization of the issuance of the 2016 Bonds or the execution and delivery of the City Documents, or contesting the tax-exempt status of interest on the 2016 Bonds, or contesting the completeness or accuracy of the Official Statement or any supplement

or amendment thereto, or contesting the powers of the City or its City for the issuance of the 2016 Bonds.

(l) The financial statements and other historical financial and statistical information contained in the Official Statement fairly present the financial condition and operating results of the City as of the dates and for the periods set forth in such financial statements and statistical information in accordance with generally accepted accounting principles, applied consistently and there has been no material adverse change in the financial condition of the City since the date of those statements, except as disclosed in the Official Statement.

(m) Except as disclosed in the Official Statement, the City has not been in default at any time as to principal or interest with respect to any obligations issued or guaranteed by the City.

(n) Except as disclosed in the Official Statement, in the past five years, the City has not failed to comply in any material respect with any prior undertakings to provide continuing disclosure pursuant to the Rule.

(o) The City is lawfully empowered to pledge the full faith, credit and taxing power of the City and to levy and collect the Ad Valorem Taxes for payment of the principal of and interest on the 2016 Bonds.

6. **Closing.** At or before 1:00 p.m., Port Orange, Florida time, on May 31, 2016, or at such other time or on such earlier or later business day as shall have been agreed upon by the City and the Underwriter: (a) the City will deliver the 2016 Bonds to the Underwriter, in definitive form and duly executed, at a place in Port Orange, Florida, or such other location to be agreed upon by the City and the Underwriter, (b) the City will deliver to the Underwriter the 2016 Bonds in definitive form, duly executed and authenticated, together with the other closing documents hereinafter mentioned, and (c) the Underwriter will accept such delivery and pay the Purchase Price of the 2016 Bonds as set forth in Section 2 hereof by wire transfer of federal funds to the order of "Port Orange, Florida", or as the City may otherwise direct. The foregoing payments and deliveries are herein referred to as the "Closing" and the date of such deliveries and payments is herein referred to as the "Closing Date." The 2016 Bonds shall bear a proper CUSIP number and shall be in typewritten form, with a separate single certificated fully registered bond for each maturity thereof. The 2016 Bonds shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, and will be made available for inspection and checking by the Underwriter on or before the business day prior to the Closing Date.

7. **Closing Conditions.** The Underwriter's obligations hereunder to purchase and pay for the 2016 Bonds shall be subject to the performance by the City of its obligations to be performed hereunder at or prior to the Closing, and shall also be subject to the following conditions:

(a) The representations and warranties of the City contained herein shall be true, complete and correct in all material respects as of the date hereof and at the time of the Closing as if made at the time of the Closing.

(b) At the time of the Closing, the City shall perform or have performed all of its obligations required under or specified in the Bond Legislation, this Purchase Contract, and the City Documents to be performed at or before the Closing, and the Bond Legislation, this Purchase Contract and the City Documents shall be in full force and effect and shall not have been amended, modified or supplemented except as agreed to in writing by the Underwriter.

(c) At or before the Closing, the Underwriter shall receive the following documents:

(i) Sufficient copies of the Official Statement (including any supplements or amendments thereto), manually executed on behalf of the City;

(ii) A copy of the Paying Agent Agreement, fully executed by the City and the Paying Agent;

(iii) A copy of the Escrow Deposit Agreement, fully executed by the City and the Escrow Holder;

(iv) Disclosure Certificate, executed by the City;

(v) A certified copy of the Ordinance;

(vi) A certified copy of the Bond Resolution;

(vii) A final approving opinion of Akerman LLP, Jacksonville, Florida ("Bond Counsel"), as to the 2016 Bonds, dated the Closing Date, substantially in the form included as APPENDIX D to the Official Statement;

(vi) A supplemental opinion of Bond Counsel, dated the Closing Date, addressed to the City and the Underwriter to the effect that (A) the statements set forth in the Official Statement under the captions "DESCRIPTION OF THE SERIES 2016 BONDS" (excluding information thereunder relating to The Depository Trust Company and its system of book-entry registration) and "SECURITY FOR THE SERIES 2016 BONDS," insofar as such statements constitute summaries of certain provisions of the Bond Legislation or the 2016 Bonds, such statements constitute fair summaries of such provisions and the statements contained in the section captioned "TAX EXEMPTION" are accurate, and (B) the 2016 Bonds are not subject to the registration requirements of the Securities Act of 1933, as amended (the "Securities Act"), and the Resolution is not required to be registered under the Trust Indenture Act of 1939, as amended;

(vii) The opinion, dated as of the date of Closing, addressed to the City, and the Underwriter, of Akerman LLP, Jacksonville, Florida ("Disclosure Counsel") to the effect that, as of the date of the Official Statement and as of the date of Closing, based upon their review and discussions, and in reliance upon the accuracy of the information contained in designated certificates and opinions, and without having undertaken to determine independently the accuracy, completeness, or fairness of the statements contained in the Official Statement and subject to the qualifications contained in such opinion, nothing has come to their attention which leads them to believe that the Official Statement contains any untrue statement of a material fact or omits to state a material fact

required to be stated therein or necessary to make the statements therein, in light of the circumstances under which they were made, not misleading;

(viii) The opinion, dated as of the date of Closing, addressed to the City, Bond Counsel and the Underwriter, of Margaret T. Roberts, Esquire, as the City Attorney to the City to the effect that (A) assuming due authentication of the 2016 Bonds by the Paying Agent, in its capacity as Registrar, the 2016 Bonds have been duly and validly authorized, issued and delivered by the City in accordance with law, including the Act and the Bond Legislation, the 2016 Bonds constitute the valid, legal and binding limited obligations of the City, as provided in the Bond Legislation and are enforceable in accordance with Florida law; (B) the City is a duly organized and validly existing municipal corporation within the State; (C) the Bond Legislation has been duly adopted and the City Documents have been duly authorized, executed and delivered by the City and each constitutes a valid, legal and binding agreement of the City enforceable in accordance with its respective terms, except as such enforceability may be subject to bankruptcy, insolvency, moratorium, reorganization or other similar laws affecting the enforcement of creditors rights generally, or by such principles of equity as the court having jurisdiction may impose with respect to certain remedies which require or may require enforcement by a court of equity; (D) the City has authorized, executed and delivered the Official Statement and has authorized the use of the Official Statement by the Underwriter for the offering of the 2016 Bonds; (E) the information in the Official Statement as to matters relating to the City, the Act, the 2016 Bonds, and the City Documents are correct in all material respects and does not omit any statement which, in his opinion should be included or referred to therein, and, in addition, such counsel shall state that, based upon their participation in the preparation of the Official Statement as City Attorney to the City and without having undertaken to determine independently the accuracy or completeness of the statements contained in the Official Statement, as of the date of Closing, nothing has come to the attention of such counsel that causes them to believe that the Official Statement (excluding the financial statements, and the reports, financial and statistical data and forecasts included therein, as to which no opinion need be expressed) as of its date contained any untrue statement of a material fact or omitted to state a material fact required to be stated therein or necessary to make the statements therein, in light of the circumstances in which they were made, not misleading; (F) to the best of their knowledge, after reasonable inquiry, except as otherwise disclosed in the Official Statement, the City is not in material breach of or in material default under any applicable law or administrative regulation of the State or the United States of America relating to the City or any applicable judgment or decree or any trust agreement, loan agreement, indenture, bond, note, resolution, ordinance, certificate, agreement or other material instrument to which the City is a party or to which the City or its assets is otherwise subject; and, as of such times and except as disclosed in the Official Statement, the execution and delivery of this Purchase Contract, the City Documents, and the 2016 Bonds and the adoption of the Bond Legislation and compliance with the provisions of each such document do not and will not conflict with or constitute a material breach of or material default under any applicable law or administrative rule or regulation of the State of Florida or the United States of America, or a breach of any applicable judgment, decree, trust agreement, loan agreement, indenture, bond, note, resolution, ordinance, agreement or other instrument to which the City is a party or to which the City or its

assets is otherwise subject; (G) to the best of their knowledge after reasonable inquiry, no consent, waiver, authorization or any other action not previously given or taken by any person, board or body, public or private, is required as of this date for the City to adopt the Bond Legislation or issue the 2016 Bonds, or to enter into the City Documents or to perform its obligations under any of the foregoing; (H) the principal of, redemption premium, if any, and interest on the 2016 Bonds are payable from and secured by a lien upon the Ad Valorem Taxes all to the extent and in the manner provided in the Bond Legislation, and the City has full authority to pledge such funds in accordance with the terms of the Bond Legislation as security for the 2016 Bonds; (I) except for litigation or claims disclosed or referred to in the Official Statement, there is no litigation of any nature now pending or, to the best of such counsel's knowledge, threatened, to restrain or enjoin the sale, execution, issuance or delivery of the 2016 Bonds and the City Documents or in any way contesting the validity of the 2016 Bonds and the City Documents or any proceedings of the City taken with respect to the authorization, sale or issuance of the 2016 Bonds or the pledge or application of Ad Valorem Taxes or contesting the tax-exempt status of interest on the 2016 Bonds or contesting the completeness or accuracy of the Official Statement or any supplement or amendment thereto or materially adversely affecting the operations or financial condition of the City; (J) the City has the right and power under the Act to adopt the Bond Legislation, and the Bond Legislation was duly and lawfully approved, adopted and executed by the City and is in full force and effect, and no other authorization by the City is required for the Bond Legislation;

(ix) A certificate, dated as of the Closing Date, of the City, to the effect that as of such date, except for litigation or claims disclosed or referred to in Official Statement, there is no litigation of any nature now pending or, to the best of the City's knowledge, threatened, to restrain or enjoin the sale, execution, issuance or delivery of the 2016 Bonds or in any way contesting the validity of the 2016 Bonds or any proceedings of the City taken with respect to the authorization, sale or issuance of the 2016 Bonds or the pledge or application of any moneys provided for the payment of or security for the 2016 Bonds or any litigation which, if successful, would materially or adversely affect the operations or financial condition of the City;

(x) A certificate, or certificates, dated as of the Closing Date, signed by the Chairman or Vice-Chairman of the Board and the Executive Director of the City (A) to the effect that, to the best of their knowledge, the representations and warranties of the City contained herein are true and correct in all material respects on and as of the time of the Closing as if made at the time of the Closing; (B) to the effect that, to the best of their knowledge, the Official Statement did not as of its date and does not as of the date of Closing contain any untrue statement of a material fact or omit to state a material fact which should be included therein for the purposes which the Official Statement is to be used, or which is necessary in order to make the statements contained therein, in light of the circumstances in which they were made, not misleading (except for the information under the captions "TAX MATTERS" and "UNDERWRITING"); (C) no event affecting the City has occurred since the date of the Official Statement which should be disclosed in the Official Statement for the purposes for which it is to be used or which is necessary to be disclosed therein in order to make the statements and information therein not

misleading in any material respect; (D) the financial statements and the other financial and statistical data relating to the City included in the Official Statement are true and correct as of the date of such information included in the Official Statement; (E) since the date of the financial statements included in the Official Statement, (i) no material adverse change has occurred in the financial condition of the City since September 30, 2015, and (ii) the City has not incurred any material liabilities other in the ordinary course of business, except as set forth in or contemplated by the Official Statement; (F) no obligations issued or guaranteed by the City are in default as to payment of principal or interest or have been in default as to payment of principal or interest at any time after December 31, 1975;

(xi) An opinion of Broad and Cassel, Counsel to the Underwriter, dated as of the Closing Date, addressed to the Underwriter to the effect that: (A) the 2016 Bonds are not subject to the registration requirements of the Securities Act; (B) based upon their participation in the preparation of the Official Statement as counsel to the Underwriter and without having undertaken to determine independently the accuracy or completeness of the statements contained in the Official Statement, as of the date of Closing, nothing has come to the attention of such counsel that causes them to believe that the Official Statement (excluding the financial statements, and the reports, financial and statistical data and forecasts included therein, as to which no opinion need be expressed) as of its date contained any untrue statement of a material fact or omitted to state a material fact required to be stated therein or necessary to make the statements therein, in light of the circumstances in which they were made, not misleading; and (C) based upon their review of the appropriate documents regarding the Disclosure Certificate as it relates to continuing disclosure under the Rule, the requirements of the Rule have been satisfied;

(xii) A certificate, dated as of the Closing Date, issued by the Paying Agent;

(xiii) Evidence that the 2016 Bonds have been rated “[REDACTED]”, by Moody’s Investors Service, Inc., which ratings will be in effect as of the Closing Date; and

(xix) Such additional certificates, instruments, agreements (including without limitation, interlocal agreements) and other documents as the Underwriter or counsel to the Underwriter may reasonably deem necessary to evidence the truth and accuracy as of the time of the Closing of the representations of the City and the due performance or satisfaction by the City on or prior to the Closing Date of all the agreements then to be performed and conditions then to be satisfied by it.

(d) The City Documents and all official action of the City relating thereto, shall be in full force and effect and shall not have been amended, modified or supplemented, except as may have been agreed to in writing by the Underwriter, and the Official Statement shall have been executed and shall not have been amended or supplemented except as may have been agreed to by the Underwriter.

If the City shall be unable to satisfy the conditions contained in this Purchase Contract, or if the obligations of the Underwriter shall be terminated for any reason permitted by this

Purchase Contract, this Purchase Contract shall terminate and neither the Underwriter nor the City shall be under further obligation hereunder.

8. **Blue Sky Laws.** The City covenants with the Underwriter to cooperate with the Underwriter in qualifying the 2016 Bonds for offer and sale under the securities or “Blue Sky” laws of such states as the Underwriter may request; provided that in no event shall the City be obligated to take any action which would subject it to general service of process or jurisdiction in any state where it is not now so subject or to qualify to do business in any state. It is understood that the City is not responsible for compliance with or the consequences of failure to comply with applicable “Blue Sky” laws, or for any expenses incurred in such compliance. The Underwriter shall be responsible for complying with all federal and state securities laws applicable to the offering and sale of the 2016 Bonds and shall indemnify and hold the City harmless from any failure to comply with such laws.

9. **Expenses.** The City shall pay or cause to be paid, from the proceeds of the 2016 Bonds or other funds available to it, the expenses incident to the performance of its obligations hereunder, including but not limited to (i) the cost of the preparation and printing or other reproduction (for distribution on or prior to the date hereof) of the Official Statement; (ii) the fees and disbursements of its attorneys, Bond Counsel, Disclosure Counsel and any other experts or consultants retained by the City; and (iii) the expenses incurred on behalf of the City’s employees, which may be included as a component of the underwriter’s discount and which are incidental to implementing this Purchase Contract, including, but not limited to, meals, transportation and lodging of those employees. The provisions of this paragraph shall not obligate the City to pay any fees or disbursements that are contingent upon the occurrence of the Closing, unless a successful Closing occurs. Except as indicated in this paragraph, all out-of-pocket expenses of the Underwriter including travel, Underwriter’s Counsel fees and other expenses, shall be paid by the Underwriter.

The City acknowledges that the Underwriter has advised the City that it will pay from the underwriter’s expense allocation of the underwriting discount certain fees. In the event that either party shall have paid obligations of the other as set forth in this Section 9, adjustment shall be made at the time of the Closing.

10. **Notices.** Any notice or other communication to be given to the City under this Purchase Contract shall be given by delivering the same in writing to the City of Port Orange, Florida, 1000 City Center Circle, Port Orange, Florida 32129, Attention Mayor and City Clerk. Any notice or other communication to be given to the Underwriter under this Purchase Contract shall be given by delivering the same in writing to Hilltop Securities Inc., 450 S. Orange Avenue, Suite 460, Orlando, FL 32801, Attention: Mark Galvin, Director.

11. **Parties in Interest.** This Purchase Contract shall constitute the entire agreement between the City and the Underwriter and is made solely for the benefit of the City and the Underwriter (including their respective successors or assigns). No other person shall acquire or have any rights hereunder or by virtue hereof. All representations, warranties and agreements of the City in this Purchase Contract shall remain operative and in full force and effect, regardless of (a) any investigation made by or on behalf of the Underwriter, and (b) the delivery of and payment for the 2016 Bonds hereunder.



12. **No Liabilities for City Officials.** None of the officials or employees of the City shall be charged personally by the Underwriter with any liability, or held liable to the Underwriter under any term or provision of this Purchase Contract because of its execution or attempted execution, or because of any breach or attempted or alleged breach thereof.

13. **Amendments.** This Purchase Contract may not be amended without the written consent of the City and the Underwriter.

14. **Termination of this Purchase Contract.** The Underwriter may terminate this Purchase Contract and its obligations hereunder by written notification to the City if, at any time after the date hereof and before the Closing:

(a) legislation shall have been introduced in or enacted by the Congress of the United States or enacted by the State of Florida, or legislation pending in the Congress of the United States shall have been amended, or legislation shall have been recommended to the Congress of the United States or otherwise endorsed for passage (by notice or otherwise) by the President of the United States, the Treasury Department of the United States, the Internal Revenue Service or the Chairman or ranking minority member of the Committee on Finance of the United States Senate or the Committee on Ways and Means of the United States House of Representatives or legislation shall have been proposed for consideration by either such Committee, by the Staff of such Committee or by the staff of the Joint Committee on Taxation of the Congress of the United States, or legislation shall have been favorably reported for passage to either House of Congress of the United States by a Committee of such House to which such legislation has been referred for consideration, or a decision shall have been rendered by a court of the United States or the State of Florida, including the Tax Court of the United States, or a ruling shall have been made or a regulation shall have been proposed or a form of notice shall have been made or a regulation shall have been proposed or a form of notice shall have been issued by the Treasury Department of the United States, or the Internal Revenue Service or other Federal or State of Florida City, with respect to Federal or State of Florida taxation upon interest on obligations of the general character of the 2016 Bonds in a manner different than that described in the Official Statement, which (A) may have the purpose or effect, directly or indirectly, of affecting the tax status of the City, its property or income, its securities (including the 2016 Bonds) or the interest thereon, or any applicable tax exemption granted or authorized by the State of Florida and, (B) which in the reasonable opinion of the Underwriter, affects adversely the market for the 2016 Bonds, or the market price generally of obligations of the general character of the 2016 Bonds; or

(b) in the Underwriter's reasonable judgment, the market price of the 2016 Bonds is materially adversely affected because: (A) additional material restrictions not in force as of the effective date hereof shall have been imposed upon trading in securities generally by any governmental City or by any national securities exchange; (B) the New York Stock Exchange or other national securities exchange, or any governmental City, shall impose, as to the 2016 Bonds or similar obligations, any material restrictions not now in force, or increase materially those now in force; or (C) a general banking moratorium shall have been established by federal, New York or Florida authorities; or

(c) there shall have occurred a financial crisis with respect to the City or any material change that materially adversely affects the City's ability to pay its debt obligations which, in the

Underwriter's reasonable opinion subsequent to consultation with appropriate representatives of the City, materially adversely affects the marketability of the 2016 Bonds at the Purchase Price set forth in Section 2 hereof; or

(d) any litigation shall be instituted, pending or threatened to restrain or enjoin the issuance, sale or delivery of the 2016 Bonds or in any way contesting or affecting any City for or the validity of the 2016 Bonds, any of the proceedings of the City taken with respect to the issuance or sale thereof, the pledge or application of any moneys or securities provided for the payment of the 2016 Bonds or the existence or powers of the City; or

(e) there shall have occurred any outbreak or escalation of hostilities, declaration by the United States of a national emergency or war or other calamity or crisis the effect of which on financial markets is such as to make it, in the reasonable judgment of the Underwriter, impracticable or inadvisable to proceed with the offering or delivery of the 2016 Bonds as contemplated by the Official Statement (exclusive of any amendment or supplement thereto)(it being agreed that no such national emergency, war, other calamity or crisis currently exists), or

(f) a stop order, release, regulation, or no-action letter by or on behalf of the SEC or any other governmental agency having jurisdiction of the subject matter shall have been issued or made to the effect that the issuance, offering, or sale of the 2016 Bonds, including all the underlying obligations as contemplated hereby or by the Official Statement, or any document relating to the issuance, offering or sale of the 2016 Bonds is or would be in violation of any provision of the federal securities laws at the Closing Date, including the Securities Act, the Exchange Act, and the Trust Indenture Act of 1939, as amended (the "Trust Indenture Act"); or

(g) there shall be established any new restriction on transactions in securities such as the 2016 Bonds, materially affecting the free market for securities such as the 2016 Bonds (including the imposition of any limitation on interest rates); or

(h) legislation shall be enacted or be proposed or actively considered for enactment, or a decision by a court of the United States shall be rendered, or a ruling, or regulation, by or on behalf of the SEC or other governmental agency having jurisdiction of the subject matter shall be made, to the effect that the 2016 Bonds or any securities of the City, any obligations of the general character of the 2016 Bonds, and the 2016 Bond Resolution, are not exempt from the registration, qualification or other requirements of the Securities Act or of the Trust Indenture Act and as then in effect, or otherwise, or would be in violation of any provision of the federal securities laws; or

(i) any event shall have occurred or shall exist which makes untrue or incorrect, as of its date, in any material respect, any material statement or information contained in the Official Statement or which is not reflected in the Official Statement, as the Official Statement may have been revised from time to time pursuant to Section 4 hereof, but should be reflected therein in order to make such material statements and information contained therein not misleading as of such time.

**15. Truth in Bonding Statement.**

(a) The City is proposing to issue the 2016 Bonds for the purpose of, together with certain other legally available funds of the City (i) refunding, on a current basis, all or a portion of the Refunded Bonds, and (ii) paying certain costs of issuance of the 2016 Bonds. The 2016 Bonds are expected to be repaid over a period of approximately 19.85 years. At a true interest cost of [ ]%, total interest paid over the life of the 2016 Bonds will be approximately \$[ ].

(b) The sources of repayment or security for the 2016 Bonds are a lien upon and pledge of the Ad Valorem Taxes. Authorizing the 2016 Bonds will result in approximately \$[ ] or less of Ad Valorem Taxes not being available to finance the other services of the City each year for approximately 19.85 years.

The truth-in-bonding statements set forth in subsections (a) and (b) of this Section 16 are provided in accordance with Florida Statutes, Section 218.385(2) and (3), are for informational purposes only and shall not effect or control the actual terms and conditions of the 2016 Bonds.

**16. Miscellaneous.**

(a) Severability. If any portion of this Purchase Contract shall be held invalid or inoperative, then so far as is reasonable and possible (a) the remainder of this Purchase Contract shall be considered valid and operative, and (b) effect shall be given to the intent manifested by the portion held invalid or inoperative.

(b) Multiple Counterparts. This Purchase Contract may be executed in a number of identical counterparts, each of which shall be deemed to be an original, but all of which constitute, collectively, one and the same agreement; but in making proof of this Purchase Contract, it shall not be necessary to produce or account for more than one such counterpart.

(c) Other Instruments. The parties hereto covenant and agree that they will execute such other and further instruments and documents as are or may become necessary or convenient to effectuate and carry out this Purchase Contract.

(d) Governing Law. The validity, interpretation and performance of this Purchase Contract shall be governed by the internal laws of the State of Florida, without regard to conflict of law principles.

[SIGNATURE PAGE TO FOLLOW]

**SIGNATURE PAGE FOR BOND PURCHASE CONTRACT**

**PORT ORANGE, FLORIDA**  
General Obligation Refunding Bonds, Series 2016

**Very truly yours,**

**HILLTOP SECURITIES INC.**

By: \_\_\_\_\_  
Name: Mark Galvin  
Title: Director

Accepted:

**CITY OF PORT ORANGE, FLORIDA**

By: \_\_\_\_\_  
Allen Green, Mayor

Date:

(SEAL)

Attest:

By: \_\_\_\_\_  
City Clerk

## APPENDIX I

TERMS OF THE 2016 Bonds  
(Maturities, Principal Amounts, Interest Rates, Yields and Prices)

**\$\_\_\_\_\_ Series 2016 Serial Bonds**

[illegible]

\*.

## Redemption Provisions

*[Optional Redemption.* The Series 2016 Bonds maturing on or after October 1, 2027 are subject to redemption prior to maturity, at the option of the City, on or after April 1, 2026, as a whole at any time or in part on any interest payment date, as designated by the City, and by lot within a maturity at the respective redemption prices (expressed as a percentage of principal amount to be redeemed) set forth below together, in each case, with accrued interest to the date fixed for redemption:

| <u>Period During Which Redeemed</u> | <u>Redemption Price</u> |
|-------------------------------------|-------------------------|
| April 1, 2026 and thereafter        | 100%]                   |

APPENDIX II

**DISCLOSURE STATEMENT REQUIRED BY FLORIDA STATUTES,**  
**SECTION 218.385**

The undersigned, Hilltop Securities Inc. (the “Underwriter”), as Underwriter in connection with those certain \$\_\_\_\_\_ City of Port Orange, Florida, General Obligation Refunding Bonds, Series 2016 (the “2016 Bonds”), hereby furnishes the following information to Port Orange, Florida (the “Issuer”):

(a) Attached hereto as Exhibit A is an itemized list of the nature and estimated amounts of expenses to be incurred for services rendered by the Underwriter in connection with the issuance and delivery of the 2016 Bonds (such fees and expenses to be paid from the proceeds of the 2016 Bonds as part of the underwriting spread provided below).

(b) No other fee, bonus or other compensation is estimated to be paid by the Underwriter in connection with the issuance of the 2016 Bonds to any person not regularly employed or retained by the Underwriter (including any “finder,” within the meaning of Section 218.386, Florida Statutes, as amended), in connection with the delivery of the 2016 Bonds to it by the Issuer.

(c) No person has entered into an understanding with the Underwriter, or to the knowledge of the Underwriter, with the Issuer, for any paid or promised compensation or valuable consideration, directly or indirectly, express or implied, to act solely as an intermediary between the Issuer and the Underwriter or to exercise or attempt to exercise any influence to effect any transaction in the purchase and sale of the 2016 Bonds.

The total amount of the underwriting spread expected to be realized by the Underwriter is \$[\_\_\_\_]/1000 of bonds issued.

The management fee, as part of the underwriting spread, to be charged by the Underwriter is \$[\_\_\_\_]/1000 of bonds issued.

Dated: April [\_\_\_\_], 2016

**HILLTOP SECURITIES INC.**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

## **EXHIBIT A**

### **ITEMIZED EXPENSES**

| <b>Expense Description</b>    | <b>Amount</b> |
|-------------------------------|---------------|
| Underwriter Expenses*         | \$ .00        |
| Underwriter's Counsel         | .00           |
| Day Loan                      | .00           |
| IPreo                         | .00           |
| DTC, Cusip and Disclosure Fee | .00           |
| Total                         | \$            |

\* Includes telecommunication, printing, travel and other miscellaneous expenses.



# Exhibit "C"

## Preliminary Official Statement Dated April \_\_, 2016

FULL BOOK ENTRY  
NEW ISSUE

Ratings: Moody's: \_\_\_\_  
(See "RATINGS" and "BOND  
INSURANCE" herein)

*In the opinion of Akerman LLP, Bond Counsel, under existing law assuming compliance with certain covenants, interest on the Series 2016 Bonds is excluded from gross income for federal income tax purposes and is not treated as an item of tax preference for purposes of the alternative minimum tax imposed on individuals and corporations under the Internal Revenue Code of 1986, as amended (the "Code"). The interest on the Series 2016 Bonds may be subject to certain federal taxes imposed on certain corporations, including imposition of the corporate alternative minimum tax on a portion of that interest. For a more complete discussion of tax aspects, see "TAX EXEMPTION" herein).*

**\$14,500,000\***

### **CITY OF PORT ORANGE, FLORIDA GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016**

Dated: Date of Delivery

Due: April 1, as shown on the inside cover

The Series 2016 Bonds will be issued as fully registered bonds without coupons and initially will be registered in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York ("DTC"). Individual purchases of the Series 2016 Bonds will be made in book-entry form only in denominations of \$5,000 or any integral multiple thereof. Purchasers of the Series 2016 Bonds will not receive physical delivery of bond certificates. Payments of principal of and interest on the Series 2016 Bonds will be made to Cede & Co., as nominee of DTC as registered owner of the Series 2016 Bonds, by The Bank of New York Mellon Trust Company, N.A., as Registrar and Paying Agent, to be subsequently disbursed to the Beneficial Owners (as defined herein) of the Series 2016 Bonds. Interest on the Series 2016 Bonds will accrue from the date of delivery and will be payable on October 1, 2016, and semiannually thereafter on April 1 and October 1 of each year.

The Series 2016 Bonds are being issued pursuant to Ordinance No. 2116-\_\_ enacted by the City Council of the City of Port Orange, Florida (the "City") on April \_\_, 2016, and Resolution No. 16-\_\_ adopted by the City Council of the City on April \_\_, 2016 (the "Bond Resolution"), to finance the cost of refunding of the City's outstanding General Obligation Bonds, Series 2006 (the "Refunded Obligations"), and paying certain expenses related to the issuance and sale of the Series 2016 Bonds. See the discussion under the heading "PURPOSE OF ISSUE" herein.

The Series 2016 Bonds and interest thereon are general obligations of the City of Port Orange, Florida, payable from unlimited ad valorem taxes levied on all taxable property in the City. The full faith and credit of the City of Port Orange is pledged for the payment of the principal and interest on the Series 2016 Bonds.

The City may determine to obtain a financial guaranty insurance policy to insure payment of the principal of and interest on all or a portion of the Series 2016 Bonds when due. See the material under the heading "BOND INSURANCE" herein.

See the inside cover page hereof for maturities, principal amounts, interest rates, prices and yields.

The Series 2016 Bonds are offered when, as and if issued, subject to receipt of the legal opinion of Akerman LLP, Jacksonville, Florida, Bond Counsel. Akerman LLP is also acting as disclosure counsel to the City with respect to the Series 2016 Bonds. Certain legal matters will be passed on for the City by Margaret T. Roberts, City Attorney. The Underwriters are represented with respect to the issuance of the Series 2016 Bonds by Broad & Cassel, Orlando, Florida. Southeastern Investment Securities, LLC has served as Financial Advisor to the City. It is expected that the Series 2016 Bonds in book-entry-only form will be available for delivery to the Underwriter in New York, New York, on or about May \_\_, 2016.

**This cover page contains certain information for quick reference only. It is not a summary of this issue. Investors must read this entire Official Statement, including, without limitation, the cover page and appendices hereto, to obtain information essential to making an informed investment decision.**

## HilltopSecurities

Dated: April \_\_, 2016

\* Preliminary, subject to change

### Red Herring Legend:

This Preliminary Official Statement and the information contained herein are subject to completion or amendment. The Series 2016 Bonds offered hereby may not be sold and offers to buy may not be accepted prior to the time the Official Statement is delivered in final form. Under no circumstances shall this Preliminary Official Statement constitute an offer to sell or the solicitation of an offer to buy, nor shall there be any sale of the Series 2016 Bonds offered hereby in any jurisdiction in which such offer, solicitation or sale would be unlawful prior to registration or qualification under the securities laws of such jurisdiction.

MATURITIES, AMOUNTS, INTEREST RATES AND PRICES OR YIELDS\*

| Maturity<br>( <u>April 1</u> ) | Principal<br><u>Amount</u> | Interest<br><u>Rate</u> | Price or<br><u>Yield</u> | <u>CUSIP</u> |
|--------------------------------|----------------------------|-------------------------|--------------------------|--------------|
|--------------------------------|----------------------------|-------------------------|--------------------------|--------------|

\$ \_\_\_\_\_ % Term Bonds due April 1, 20\_\_, Yield: \_\_\_\_ CUSIP \_\_\_\_\_

\$ \_\_\_\_\_ % Term Bonds due April 1, 20\_\_, Yield: \_\_\_\_ CUSIP \_\_\_\_\_

\$ \_\_\_\_\_ % Term Bonds due April 1, 20\_\_, Yield: \_\_\_\_ CUSIP \_\_\_\_\_

\* Preliminary, subject to change

**CITY OF PORT ORANGE, FLORIDA**

1000 City Center Circle  
Port Orange, Florida 32129  
(386) 506-5501

**CITY COUNCIL**

Allen Green, Mayor  
Drew Bastian  
Donald O. Burnette  
Bob Ford  
Scott Stiltner

**CITY MANAGER**

Michael Johansson

**CITY CLERK**

Robin Fenwick

**FINANCE DIRECTOR**

Tracey Riehm

**CITY ATTORNEY**

Margaret T. Roberts, Esquire

**FINANCIAL ADVISOR**

Southeastern Investment Securities, LLC  
Winter Park, Florida

**BOND AND DISCLOSURE COUNSEL**

Akerman LLP  
Jacksonville, Florida

No dealer, broker, salesman or other person has been authorized by the City of Port Orange, Florida to give any information or to make any representations other than those contained in this Official Statement, and if given or made, such other information or representations must not be relied upon as having been authorized by the City or the Underwriter. This Official Statement does not constitute an offer to sell or the solicitation of an offer to buy, nor shall there be any sale of the Series 2016 Bonds by any person in any jurisdiction in which it is unlawful for such person to make such offer, solicitation or sale. The information set forth herein has been furnished by the City and includes information obtained from other sources which are believed to be reliable, but is not guaranteed as to accuracy or completeness by, and is not to be construed as a representation of, the Underwriter. The information and expressions of opinion herein are subject to change without notice, and neither the delivery of this Official Statement nor any sale made hereunder shall, under any circumstances, create the implication that there has been no change in the affairs of the City since the date hereof.

Upon issuance, the Series 2016 Bonds will not be registered under the Securities Act of 1933, will not be listed on any stock or other securities exchange, and neither the Securities and Exchange Commission nor any other federal, state, municipal or other governmental entity, other than the City, will have passed upon the accuracy or adequacy of this Official Statement or approved the Series 2016 Bonds for sale.

IN CONNECTION WITH THE OFFERING OF THE SERIES 2016 BONDS, THE UNDERWRITER MAY OVER-ALLOT OR EFFECT TRANSACTIONS THAT STABILIZE OR MAINTAIN THE MARKET PRICE OF SUCH SERIES 2016 BONDS AT A LEVEL ABOVE THAT WHICH MIGHT OTHERWISE PREVAIL IN THE OPEN MARKET. SUCH STABILIZING, IF COMMENCED, MAY BE DISCONTINUED AT ANY TIME.

References herein to laws, rules, regulations, resolutions, agreements, reports and other documents do not purport to be comprehensive or definitive. All references to such documents are qualified in their entirety by reference to the particular document, the full text of which may contain qualifications of and exceptions to statements made herein. Where full texts have not been included as appendices to this Official Statement they will be furnished on request.

This preliminary official statement is in a form deemed final by the City for purposes of Rule 15c2-12 issued under the Securities Exchange Act of 1934, as amended, except for certain information permitted to be omitted pursuant to Rule 15c2-12(B)(1).

This Official Statement is being provided to prospective purchasers in either bound or printed format ("Original Bound Format"), or in electronic format on the following website: [www.munios.com](http://www.munios.com). Prospective purchasers may rely on the information contained in this Official Statement in either the Original Bound Format or the electronic format, provided, however, that prospective purchasers must read the entire Official Statement (including the cover page and all appendices attached hereto) to obtain all of the information essential to the making of an informed investment decision.

## TABLE OF CONTENTS

|                                                                                                               |    |
|---------------------------------------------------------------------------------------------------------------|----|
| SUMMARY STATEMENT .....                                                                                       | i  |
| INTRODUCTION .....                                                                                            | 1  |
| PURPOSE OF ISSUE.....                                                                                         | 2  |
| DESCRIPTION OF THE SERIES 2016 BONDS.....                                                                     | 2  |
| SECURITY FOR THE SERIES 2016 BONDS .....                                                                      | 5  |
| AD VALOREM TAXATION .....                                                                                     | 5  |
| BOND INSURANCE .....                                                                                          | 16 |
| CITY OF PORT ORANGE, FLORIDA.....                                                                             | 16 |
| ESTIMATED SOURCES AND USES OF FUNDS .....                                                                     | 18 |
| DEBT SERVICE SCHEDULE.....                                                                                    | 20 |
| FINANCIAL STATEMENTS .....                                                                                    | 20 |
| LITIGATION.....                                                                                               | 21 |
| TAX EXEMPTION .....                                                                                           | 21 |
| LEGAL OPINION .....                                                                                           | 24 |
| ADVISORS AND CONSULTANTS .....                                                                                | 24 |
| UNDERWRITING .....                                                                                            | 25 |
| RATINGS .....                                                                                                 | 25 |
| DISCLOSURE MATTERS .....                                                                                      | 26 |
| MISCELLANEOUS .....                                                                                           | 27 |
| <br>APPENDIX A: COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE<br>FISCAL YEAR ENDED SEPTEMBER 30, 2015         |    |
| APPENDIX B: GENERAL INFORMATION PERTAINING TO THE CITY OF PORT<br>ORANGE, FLORIDA AND VOLUSIA COUNTY, FLORIDA |    |
| APPENDIX C: FORM OF BOND RESOLUTION                                                                           |    |
| APPENDIX D: FORM OF BOND COUNSEL OPINION                                                                      |    |
| APPENDIX E: BOOK ENTRY ONLY SYSTEM OF REGISTRATION OF<br>OWNERSHIP OF BONDS                                   |    |

## **SUMMARY STATEMENT**

This Summary Statement is subject in all respects to more complete information and to the definitions contained or incorporated in this Official Statement. The offering of the Series 2016 Bonds to potential investors is made only by means of this entire Official Statement. No person is authorized to detach this Summary Statement from this Official Statement or otherwise to use this Summary Statement without this entire Official Statement. For a complete description of the terms and conditions of the contract between the City and the Registered Owners of the Series 2016 Bonds, reference is made to the Bond Resolution, hereinafter defined, the form of which is included herein as APPENDIX C.

### **The City**

The City of Port Orange, Florida (the “City”) is located on the Atlantic Coast of the Florida peninsula, and encompasses approximately 28.8 square miles. The City is located in eastern Volusia County, Florida, immediately south of the City of Daytona Beach, 100 miles south of the City of Jacksonville, 50 miles northeast of the City of Orlando, and approximately 45 miles north of Cape Canaveral and the City of Titusville, Florida. The City was established in 1867 and incorporated as a town in 1913 and as a city in 1925. See APPENDIX B “GENERAL INFORMATION PERTAINING TO THE CITY OF PORT ORANGE, FLORIDA AND VOLUSIA COUNTY, FLORIDA” hereto.

### **Purpose**

The proceeds to be received by the City from the sale of the Series 2016 Bonds will be used by the City pursuant to the Bond Resolution to provide funds to refund the City’s outstanding General Obligation Bonds, Series 2006 (the “Refunded Obligations”) and to pay certain expenses related to the issuance and sale of the Series 2016 Bonds. See the discussion under the heading “PURPOSE OF ISSUE” herein.

### **Sources and Security of Payment**

The Series 2016 Bonds will be general obligations of the City of Port Orange, Florida, payable from unlimited ad valorem taxes levied on all taxable property in the City. The full faith and credit of the City of Port Orange is pledged for the payment of the principal and interest on the Series 2016 Bonds. For a discussion of the security for the Series 2016 Bonds, see the information under the heading “SECURITY FOR THE SERIES 2016 BONDS” herein.

### **Bond Insurance**

The City may determine to obtain a financial guaranty insurance policy to insure payment of the principal of and interest on all or a portion of the Series 2016 Bonds when due. The issuance of such policy, if any, would be subject to the terms and conditions of a commitment to be obtained from the municipal bond insurance company selected by the City and to compliance with standard closing requirements. See the material under the heading “BOND INSURANCE” herein.

## **Description of the Series 2016 Bonds**

*Redemption.* The Series 2016 Bonds maturing on and before April 1, 20\_\_, are not subject to their stated dates of redemption prior to maturity. The Series 2016 Bonds maturing on or after April 1, 20\_\_, are subject to redemption prior to maturity, at the option of the City, on or after April 1, 20\_\_, as a whole at any time or in part on any interest payment date, as designated by the City, and by lot within a maturity at the redemption prices set forth herein. The Series 2016 Term Bonds maturing in the year \_\_\_\_ are subject to mandatory redemption prior to their stated dates of maturity, in part, by lot, as selected by the Bond Registrar. For more complete information, see the information under the heading “DESCRIPTION OF THE SERIES 2016 BONDS” and the caption “Redemption” thereunder.

*Denominations.* The Series 2016 Bonds will be issued in denominations of \$5,000 each or any integral multiple thereof.

*Registration and Transfers.* The Series 2016 Bonds will be issued in fully registered, book-entry-only form, in the name of Cede & Co., as registered owner and nominee of The Depository Trust Company, New York, New York. Individual purchases will only be made in book-entry form. Transfers of book-entry interests will be accomplished by DTC participants or others who act for the Beneficial Owners, in accordance with DTC procedures and applicable state laws.

*Payments.* Payments of principal of and interest on the Series 2016 Bonds will be made by the Registrar and Paying Agent to Cede & Co., as nominee for DTC, which, in turn, will immediately credit the accounts of DTC participants. The DTC participants will credit the payments to the Beneficial Owners in accordance with standing instructions and customary practices between DTC and the DTC participants.

For a more complete description of the Series 2016 Bonds and the basic documentation pursuant to which Bonds are issued, see the information under “SECURITY FOR THE SERIES 2016 BONDS” herein.

## **Tax Exemption**

In the opinion of Akerman LLP, Bond Counsel, under existing law (i) assuming compliance with certain covenants, interest on the Series 2016 Bonds is excluded from gross income for federal income tax purposes and is not treated as an item of tax preference for purposes of the alternative minimum tax imposed on individuals and corporations under the Internal Revenue Code of 1986, as amended (the “Code”); and (ii) the Series 2016 Bonds are exempt from taxation under existing laws of the State of Florida, except as to estate taxes and taxes imposed by Chapter 220, Florida Statutes, on interest, income or profits on debt obligations owned by corporations, banks and savings associations. The interest on the Series 2016 Bonds may be subject to certain federal taxes imposed on certain corporations, including imposition of the corporate alternative minimum tax on a portion of that interest.

For a more complete discussion of tax aspects, see “TAX EXEMPTION” herein.

## **Authority for Issuance**

The Series 2016 Bonds are being issued, executed and delivered under the authority of, and in full compliance with, the Constitution and Statutes of the State of Florida, including particularly Chapter 166, Parts I and II, Chapter 132, Florida Statutes , and other applicable provisions of law, Ordinance No. 2016-\_\_ enacted by the City Council of the City of Port Orange, Florida (the “City”) on April \_\_, 2016, Resolution No. 2016-\_\_ adopted by the City Council of the City on April \_\_, 2016 (the “Bond Resolution”).

## **Continuing Disclosure**

The City has covenanted for the benefit of the Series 2016 Bondholders to provide certain financial information and operating data relating to the City and the Series 2016 Bonds in each year, and to provide notices of the occurrence of certain enumerated material events. The specific nature of the financial information, and of the type of events which trigger a disclosure obligation, and other details of the undertaking are described in “APPENDIX F -- Form of Continuing Disclosure Certificate” attached hereto. No party other than the City is obligated to provide, nor is expected to provide, any continuing disclosure information with respect to the Series 2016 Bonds. See the information under the heading “DISCLOSURE MATTERS - Continuing Disclosure” herein.

## **Offering and Delivery**

The Series 2016 Bonds are offered when, as and if issued, subject to the opinion on certain legal matters relating to their issuance by Akerman LLP, Jacksonville, Florida, Bond Counsel, and the satisfaction of certain other conditions. It is anticipated that the Series 2016 Bonds in book-entry form will be available for delivery in New York, New York, on or about May \_\_, 2016.

## **End of Summary Statement**



**OFFICIAL STATEMENT**  
*relating to*  
**\$14,500,000\***  
**CITY OF PORT ORANGE, FLORIDA**  
**GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016**

**INTRODUCTION**

The purpose of this Official Statement, including the cover page, the Summary Statement, and all appendices, is to furnish information in connection with the sale by the City of Port Orange, Florida (the “City”) of its \$14,500,000\* aggregate principal amount of General Obligation Refunding Bonds, Series 2016 (the “Series 2016 Bonds”). The Series 2016 Bonds are being issued pursuant to the Constitution and Statutes of the State of Florida (the “State”), including particularly, Chapter 132I, Florida Statutes , and other applicable provisions of law, Ordinance No. 2016-\_\_ enacted by the City Council of the City of Port Orange, Florida (the “City”) on April \_\_, 2016, Resolution No. 2016-\_\_ adopted by the City Council of the City on April \_\_, 2016 (the “Bond Resolution”).

The Series 2016 Bonds will be general obligations of the City of Port Orange, Florida, payable from unlimited ad valorem taxes levied on all taxable property in the City. The full faith and credit of the City of Port Orange is pledged for the payment of the principal and interest on the Series 2016 Bonds.

Capitalized terms used herein shall have the same meanings as given to them in the Bond Resolution unless otherwise defined herein or where the context would clearly indicate otherwise. The references, excerpts and summaries of all documents referred to herein do not purport to be complete statements of the provisions of such documents, and reference is made to the originals of all such documents for full and complete statements of all matters of fact relating to the Series 2016 Bonds, the security for the payment of the Series 2016 Bonds, and the rights and obligations of Registered Owners thereof. The form of the Bond Resolution is attached hereto as Appendix C. Copies of the other documents may be obtained from Tracey Riehm, Finance Director, 1000 City Center Circle, Port Orange, Florida 32129, telephone: (386) 506-5710, upon payment of reproduction costs and postage and handling expenses.

The assumptions, estimates, projections and matters of opinion contained in this Official Statement, whether or not so expressly stated, are set forth as such and not as matters of fact, and no representation is made that any of the assumptions or matters of opinion herein are valid or that any projections or estimates contained herein will be realized. Neither this Official Statement nor any other statement which may have been made verbally or in writing in connection with the Series 2016 Bonds, other than the Bond Resolution, is to be construed as a contract with the Registered Owners of the Series 2016 Bonds.

---

\*Preliminary, subject to change.

## **PURPOSE OF ISSUE**

The Series 2016 Bonds are being issued to refund the City's outstanding General Obligation Bonds, Series 2006 (the "Refunded Obligations") and to pay certain expenses related to the issuance and sale of the Series 2016 Bonds.

The City has determined that it can achieve a savings in annual debt service payments by providing for payment of the Refunded Obligations through the issuance of the Series 2016 Bonds and the use of a portion of the proceeds thereof to refund and defease the Refunded Obligations. The Refunded Obligations will be called for redemption approximately thirty days after the Series 2016 Bonds are issued.

To provide for payment of the Refunded Obligations, upon delivery of the Series 2016 Bonds the City will enter into an Escrow Deposit Agreement (the "Escrow Agreement") with The Bank of New York Mellon Trust Company, N.A. (the "Escrow Agent"), to hold and invest a portion of the proceeds of the Series 2016 Bonds, together with monies currently held by the City for payment of debt service on Refunded Obligations, in an irrevocable trust account (the "Escrow Account"). The moneys in the Escrow Account will be applied to the payment of principal of, and premium and interest on, the Refunded Obligations.

Moneys deposited in the Escrow Account may be invested by the Escrow Agent, at the direction of the City, in obligations of or guaranteed by the United States of America (the "Escrow Investments") maturing in amounts and bearing interest at rates sufficient without reinvestment, together with cash held un-invested in the Escrow Account, to pay the principal of and interest on the Refunded Obligations at redemption, as more specifically set forth in the Escrow Agreement. Under the authorizing instruments for the Refunded Obligations, by virtue of the provisions for payment described above, the lien upon and pledge of the Net Revenues for the benefit of the holders of the Refunded Obligations will be released and extinguished.

The moneys and Escrow Investments, if any, held in accordance with the Escrow Agreement, all interest or other income thereon, and any proceeds from the disposition thereof will not be available for payment of debt service on the Series 2016 Bonds and do not constitute part of the Net Revenues.

## **DESCRIPTION OF THE SERIES 2016 BONDS**

### **General**

The Series 2016 Bonds will be dated the date of their delivery, are issuable in fully registered, book-entry-only form, in the denomination of \$5,000 or any integral multiple thereof, and will mature on the dates, in the amounts and bear interest at the rates set forth on the cover page of this Official Statement.

Interest on the Series 2016 Bonds will be payable semiannually on April 1 and October 1, commencing October 1, 2016. Principal of and premium, if any, and interest on the Series 2016 Bonds will be payable in the manner described in APPENDIX E — "BOOK ENTRY ONLY PROVISIONS" hereto.

## Redemption

*Optional Redemption.* The Series 2016 Bonds maturing on or after April 1, 20\_\_, are subject to redemption prior to maturity, at the option of the City, on or after \_\_\_\_\_ 1, 20\_\_, as a whole at any time or in part on any interest payment date, as designated by the City, and by lot within a maturity at the respective redemption prices (expressed as a percentage of principal amount to be redeemed) set forth below together, in each case, with accrued interest to the date fixed for redemption:

| <u>Period During Which Redeemed</u><br><u>(dates inclusive)</u> | <u>Redemption</u><br><u>Price</u> |
|-----------------------------------------------------------------|-----------------------------------|
| _____ 1, 20__ and thereafter                                    | 100%                              |

*Sinking Fund Installments.* The Series 2016 Term Bonds maturing on April 1, 20\_\_, are to be retired from amounts credited monthly to the Bond Amortization Fund as mandatory sinking fund installments, which amounts are required to be sufficient to retire by April 1 of each year the principal amount of such Series 2016 Bonds set forth in the table below:

| <u>Year</u> | <u>Principal</u><br><u>Amount</u> |
|-------------|-----------------------------------|
| 20__        | \$                                |
| 20__        |                                   |
| 20__        |                                   |
| 20__ *      |                                   |
| <hr/>       |                                   |
| *Maturity   |                                   |

The Series 2016 Term Bonds maturing on April 1, 20\_\_, are to be retired from amounts credited monthly to the Bond Amortization Fund as mandatory sinking fund installments, which amounts are required to be sufficient to retire by April 1 of each year the principal amount of such Series 2016 Bonds set forth in the table below:

| <u>Year</u> | <u>Principal</u><br><u>Amount</u> |
|-------------|-----------------------------------|
| 20__        | \$                                |
| 20__        |                                   |
| 20__        |                                   |
| 20__ *      |                                   |
| <hr/>       |                                   |
| *Maturity   |                                   |

The Series 2016 Term Bonds maturing on April 1, 20\_\_, are to be retired from amounts credited monthly to the Bond Amortization Fund as mandatory sinking fund installments, which amounts are required to be sufficient to retire by April 1 of each year the principal amount of such Series 2016 Bonds set forth in the table below:

| <u>Year</u> | <u>Principal<br/>Amount</u> |
|-------------|-----------------------------|
| 20__        | \$                          |
| 20__        |                             |
| 20__        |                             |
| 20__*       |                             |
| <hr/>       |                             |
| *Maturity   |                             |

### **Notice and Effect of Redemption.**

Notice of redemption shall, at least 30 days prior to the redemption date, (i) be filed with the Paying Agent, and (ii) be mailed, postage prepaid, to all owners of Series 2016 Bonds to be redeemed at their addresses as they appear of record on the books of the Bond Registrar as of 45 days prior to the date of redemption. The privilege of transfer or exchange of any of the Series 2016 Bonds so called for redemption is suspended for a period commencing 15 days preceding the mailing of the notice of redemption and ending on the date fixed for redemption.

Such notice shall be dated and shall state (a) the redemption date, (b) the redemption price, (c) the identification and respective principal amount of Series 2016 Bonds to be redeemed, if less than all Series 2016 Bonds are to be redeemed, (d) the place where the Series 2016 Bonds are to be surrendered for payment of the redemption price and (e) that on the redemption date (i) the redemption price will become due and payable under any Series 2016 Bond or portion thereof called for redemption and (ii) interest on each such Series 2016 Bond shall cease to accrue from and after such date. Such notice of any redemption shall either (i) explicitly state that the proposed redemption is conditioned on there being on deposit in the applicable fund or account on the redemption date sufficient money to pay the full redemption price of the Series 2016 Bonds to be redeemed, or (ii) be sent only if sufficient money to pay the full redemption price of the Series 2016 Bonds to be redeemed is on deposit in the applicable fund or accounts.

In addition to the foregoing notice, further notice shall be given as set out below, but no defect in any such notice nor any failure to give all or any portion of any notice shall in any manner defeat the effectiveness of a call for redemption with respect to a Registered Owner as to which notice is given as prescribed above.

Each further notice of redemption shall contain the information required above for an official notice of redemption plus: (i) the date of original execution and delivery of the Series 2016 Bonds; (ii) the rate of interest borne by each Series 2016 Bond being redeemed; (iii) the maturity date of each Series 2016 Bond being redeemed; and (iv) any other descriptive information needed to identify accurately the Series 2016 Bonds being redeemed.

Each further notice of redemption shall be sent at least 30 days before the redemption date by registered or certified mail or overnight delivery service (at the expense of the addressee) to all registered securities depositories (such depositories now being The Depository Trust Company of New York, New York, Midwest Securities Trust Company of Chicago, Illinois, and Philadelphia Depository Trust Company of Philadelphia, Pennsylvania) then in the business of

holding substantial amounts of obligations of types such as the Series 2016 Bonds and to one or more national information services (such as Financial Information, Inc.'s Financial Daily Called Bond Service, Interactive Data Corporation's Bond Service, Kenny Information Service's Called Bond Service and Standard & Poor's Called Bond Record) that disseminate notices of redemption of obligations such as the Series 2016 Bonds.

## **SECURITY FOR THE SERIES 2016 BONDS**

The Series 2016 Bonds constitute general obligations of the City. In each year while any of the Series 2016 Bonds are outstanding, there shall be assessed, levied and collected a tax, without limitation as to rate or amount, on all taxable property within the corporate limits of the City (excluding exemptions as provided by applicable law), in addition to all other taxes, sufficient in amount to pay the principal of and interest on the Series 2016 Bonds as the same shall become due.

The tax assessed, levied and collected for the security and payment of the Series 2016 Bonds shall be assessed, levied and collected, in the same manner and at the same time as other ad valorem taxes are assessed, levied and collected, and the proceeds of said tax shall be applied solely to the payment of the principal of and interest on the Series 2016 Bonds. On or before each interest or principal payment date for the Series 2016 Bonds, the City shall transfer to the Paying Agent for deposit in the Sinking Fund established under the Bond Resolution an amount sufficient to pay the principal of and interest on the Series 2016 Bonds then due and payable.

The full faith, credit and taxing power of the City are irrevocably pledged to the punctual payment of the principal of and interest on the Series 2016 Bonds as the same shall become due and payable. See "AD VALOREM TAXATION" herein.

No reserve account has been established or will be funded for the Series 2016 Bonds.

## **AD VALOREM TAXATION**

### **General**

The Bonds are general obligation bonds and are secured by the proceeds of a direct annual tax levied upon all taxable property within the City.

The laws of the State provide for a uniform procedure to be followed by all counties, municipalities, school districts and special districts for the levy and collection of ad valorem taxes on real and personal property. Pursuant to such laws, the County's property appraiser (the "County Property Appraiser") prepares an annual assessment roll for all taxing units within the County, including the City, and levies such millage, subject to constitutional limitations, as determined by each taxing unit, and the County Tax Collector (the "County Tax Collector") collects the ad valorem property taxes for all taxing units within the County, including the City. Since the ad valorem property taxes of all taxing units within a County are billed together by the County Tax Collector, each property owner is required to pay all such taxes without preference.

The Florida Constitution limits the aggregate rate of ad valorem taxes that may be levied on real and personal property. The limitation, except as noted below, is ten mills each for all county and municipal purposes. A mill is equal to one-tenth of one cent of one dollar or \$1.00 for

every \$1,000 of assessed value. There is no limitation as to rate or amount of ad valorem taxes approved by referendum for payment of indebtedness.

Each respective millage rate, except as limited by law, is set on the basis of estimates of revenue needs and total taxable property valuations within the taxing authority's respective jurisdiction. Ad valorem taxes are not levied in excess of actual budget requirements. In setting millage rates, the City is required by state law to assume a 95% tax collection rate.

### **Property Assessment Procedures**

Real and personal property valuations are determined each year as of January 1 by the County Property Appraiser's Office.

State law requires that all non-exempt property be assessed at one hundred percent (100%) of fair market value, with certain exceptions. Real property used for religious, educational, charitable, scientific, literary and governmental purposes are generally exempt from ad valorem taxation. In addition, Florida law provides special exemptions for widows, hospitals, nursing homes, certain disabled persons, homesteads, homes for the aged, disabled veterans and low-income senior citizens. Under Florida law, the first \$25,000 of the assessed valuation of a homestead is exempt from taxation for a residence occupied by the owner on a permanent basis. In addition, several amendments to the Florida Constitution have been made to provide homeowners additional exemptions from taxation for certain homestead properties. See "AD VALOREM TAXATION - Property Tax Reform" herein. Agricultural land, noncommercial recreational land, inventory and livestock are assessed at less than one hundred percent (100%) of fair market value.

The assessment roll is prepared between each January 1 and July 1, with each taxpayer given notice of the proposed assessed value of his property in August. The property owner has the right to file an appeal with the Property Appraisal Adjustment Board, which considers petitions relating to assessments and exemptions. The Property Appraisal Adjustment Board certifies the assessment roll upon completion of the hearing of all appeals. Millage rates are then computed by the various taxing authorities and certified to the Property Appraiser, who applies the millage rates to the assessment roll. This procedure creates the tax roll that is then annually turned over to the County Tax Collector on or about the first Monday in October.

Section 194.104, Florida Statutes requires that taxpayers appealing the assessed value or assigned classification of their property must make a required partial payment of taxes on properties that will have a petition pending on or after the delinquency date (normally April 1). The statute further provides that a taxpayer's failure to make the required partial payment before the delinquency date (normally April 1) will result in the denial of the taxpayer's petition.

State law provides that tax liens are superior to all other liens, except prior United States Internal Revenue Service liens.

### **Property Tax Reform**

In addition to the proposed amendments to the Florida Constitution hereinafter described (see "AD VALOREM TAXATION - Proposed Constitutional Amendments" herein), there have been several relatively recent amendments to the Florida Constitution affecting the

assessment of property or the collection of ad valorem tax revenues. Such amendments are summarized below.

*Save Our Homes Constitutional Amendment.* By voter referendum held on November 3, 1992, Article VII, Section 4 of the Florida Constitution was amended to add a subsection which, in effect, limits the increases in assessed just value of homestead property to the lesser of (i) three percent (3%) of the assessment for the prior year or (ii) the percentage change in the Consumer Price Index for all urban consumers, U.S. City Average, all items 1967 = 100, or successor reports for the preceding calendar year as initially reported by the United States Department of Labor, Bureau of Labor Statistics. Further, the amendment provides that (i) no assessment shall exceed just value, (ii) after any change of ownership of homestead property or upon termination of homestead status, such property shall be reassessed at just value as of January 1 of the year following the year of sale or change of status, (iii) new homestead property shall be assessed at just value as of January 1 of the year following the establishment of the homestead, and (iv) changes, additions, reductions or improvements to homestead shall initially be assessed as provided for by general law, and thereafter, as provided in the amendment.

*2006 Constitutional Amendments.* In the November 7, 2006 general election Florida voters approved an amendment to the State Constitution to provide an increase in the homestead exemption, from \$25,000 to \$50,000, for certain low-income seniors, effective January 1, 2007. An amendment to the State Constitution was also approved in the November 7, 2006 election to provide a discount for certain permanently disabled veterans from the amount of ad valorem taxes collected from such veterans. The disabled veterans amendment became effective on December 7, 2006.

*January 2008 Constitutional Amendments.* In the January 29, 2008 special election, Florida voters approved amendments to the State Constitution to exempt certain portions of a property's assessed value from taxation, and in certain cases limit increases in assessed value of non-homestead property. Certain provisions from such amendments are summarized below. Generally, the amendments approved January 29, 2008:

1. Provide for an additional \$25,000 exemption for the assessed value of homestead property to increase the homestead exemption, for property owners using the standard homestead exemption, to \$50,000 (thus doubling the existing homestead exemption for property with an assessed value equal to \$50,000 or greater and increasing the homestead exemption to \$75,000 for property owners eligible to use one of the special homestead exemptions and having property with an assessed value equal to or greater than \$75,000). The additional \$25,000 exemption, however, does not apply to school district taxes.

2. Permit owners of homestead property to transfer their "Save Our Homes" benefit (up to \$500,000) to a new homestead property purchased within two (2) years of the sale of their previous homestead property to which such benefit applied if the just value of the new homestead is greater than or is equal to the just value of the prior homestead property. If the just value of the new homestead property is less than the just value of the prior homestead property, then owners of homestead property may transfer a proportional amount of their "Save Our Homes" benefit, such proportional amount being equal to the just value of the new homestead property divided by the just value of the prior homestead property, multiplied by the assessed value of the prior homestead property.

3. Exempt from ad valorem taxation \$25,000 of the assessed value of property subject to tangible personal property tax.

4. Limit increases in the assessed value of non-homestead property to ten percent (10%) per year, subject to certain adjustments. The cap on annual increases is effective for a ten (10) year period, subject to extension by an affirmative vote of the Florida electorate. The limitation on increases in assessed value of non-homestead property, however, does not apply to school district taxes.

The amendments approved in January 2008 became effective for the 2008 tax year (2008-2009 fiscal year for local governments).

November 2008 Constitutional Amendments. In the November 4, 2008 general election Florida voters approved amendments to the State Constitution to provide the Florida legislature with the authority to create exemptions or protections from special assessment for certain types of property subject to ad valorem taxation, including (i) exemptions for conservation lands and residential wind damage resistance and renewable energy source improvements and (ii) restrictions on the assessment of working waterfront properties. The constitutional amendments took effect on January 1, 2009.

November 2010 Constitutional Amendment. In the November 2, 2010 general election Florida voters approved an amendment to Article VII, Section 4 of the State Constitution to provide an additional homestead exemption to members of the military deployed on active duty outside the United States during the preceding year. The exemption is equal to the percentage number of days during the prior calendar year that the military homeowner was deployed outside the United States in support of military operations designated by the Florida legislature. This constitutional amendment took effect on January 1, 2011.

November 2012 Constitutional Amendments. In the November 6, 2012 general election Florida voters approved several amendments to the State Constitution affecting ad valorem taxation. Certain provisions from such amendments are summarized below. Generally, the amendments approved November 6, 2012.

1. Allow totally or partially disabled veterans who were not Florida residents at the time of entering military service to qualify for the combat-related disabled veteran's ad valorem tax discount on homestead property.

2. Provide the Florida legislature with the authority to:

(a) create ad valorem tax relief (up to the total amount of ad valorem tax owed on the homestead property) for (i) the surviving spouse of a veteran who died from service-connected causes while on active duty as a member of the United States Armed Forces and (ii) the surviving spouse of a first responder who died in the line of duty.

(b) permit counties and municipalities, by ordinance, to grant an additional homestead tax exemption (up to the assessed value of the homestead property) to certain low income seniors; provided (i) the homestead property has a just value of less than \$250,000; and (ii) the owner (A) is at least sixty-five (65) years old, (B) has title to the property, (C) has maintained the homestead property as his or her permanent residence for at least twenty-five (25) years, and (D) has an annual household income less than \$27,300 (which may be adjusted annually, based on the cost of living index).



The above described amendments approved by the voters of Florida on November 6, 2012 became effective on January 1, 2013. The Florida legislature created the ad valorem tax relief for the surviving spouse of a veteran, as described in subparagraph 2(a) above, in Florida Statutes Section 196.081. In addition, Broward County and the City have each enacted ordinances to grant up to an additional \$50,000 homestead exemption to low income seniors meeting the conditions of the Constitutional amendment described in subparagraph 2(b) above.

*Rollback Law.* In June 2007, the Florida legislature enacted Chapter 2007-321, Laws of Florida (2007) (the “Rollback Law”). The Rollback Law took effect immediately and affected governmental budgets prepared for fiscal year 2007-2008 and subsequent fiscal years. The Rollback Law required all counties, cities and special districts to “roll back” their fiscal year 2008 tax rates so that such governmental entities collected the same revenue in fiscal year 2008 that they collected in fiscal year 2007, plus a further 0% to 9% tax cut from fiscal year 2007 figures, depending on tax increases adopted by the individual county, city or special district since fiscal year 2002. Using the formula set forth in the Rollback Law, the City reduced its ad valorem tax rate for the collection of general fund operating revenues in Fiscal Year 2008 by 8.52% from its Fiscal Year 2007 collections. The Rollback Law further provides that, after fiscal year 2009, property tax rate growth in cities, counties and special districts cannot exceed the growth of new construction and per capita personal income. The City can exceed the new statutory cap on property tax rate growth (i) by up to ten percent (10%) following a two-thirds (2/3) majority vote of the City Commission or (ii) by an unlimited amount following a three-fourths (3/4) majority vote of the City Commission or approval by the electors of the City via referendum.

During its recent legislative sessions the Florida legislature has enacted other laws to provide additional limitations on the assessment of property in Florida or restrictions on the collection of ad valorem tax revenues. Such laws include:

1. Florida Senate Bill 1830, effective as of July 1, 2013, which:

(a) gives long-term lessees the ability to retain their homestead exemption and related assessment limitations and exemptions in certain instances and extends the time for property owners to appeal value adjustment board decisions on transfers of assessment limitations to conform with general court filing time frames;

(b) inserts the term “algaculture” in the definition of “agricultural purpose” and inserts the term “aquacultural crops” in the provision specifying the valuation of certain annual agricultural crops, nonbearing fruit trees and nursery stock;

(c) allows for an automatic renewal for assessment reductions related to certain additions to homestead properties used as living quarters for a parent or grandparent and aligns related appeal and penalty provisions to those for other homestead exemptions;

(d) deletes a statutory requirement that the owner of Florida real property permanently reside upon such property in order to qualify for a homestead exemption; by deleting such statutory requirement, non-resident owners of property are allowed to claim a homestead exemption if a person legally or naturally dependent upon the owner permanently resides on such property;

(e) makes clear that counties and cities may provide property tax exemptions for certain low income persons age sixty-five (65) and older;

(f) removes a residency requirement that a senior disabled veteran must have been a Florida resident at the time they entered military service in order to qualify for certain property tax exemptions;

(g) repeals the ability for limited liability partnerships with a general partner that is a charitable 501(c)(3) organization to qualify for the affordable housing property tax exemption; and

(h) exempts from property taxes property used exclusively for educational purposes when the entities that own the property and the educational facility are owned by the same natural persons.

2. Florida House Bill 277, effective on July 1, 2013, which provides that certain renewable energy devices are exempt from being considered when calculating the assessed value of residential property, provided such devices were installed on or after January 1, 2013.

The amendments to the Florida Constitution, the Rollback Law and the other laws enacted by the Florida legislature described above affect the assessed value of real property subject to ad valorem taxation and the rates that may be used to tax such assessed value. However, the Rollback Law and such other laws and Constitutional amendments do not affect the City's ability to levy ad valorem taxes (without limitation as to amount) to make all required payments of debt service on its general obligation bonds, including the Series 2016 Bonds. No assurance can be provided, however, that similar amendments or legislative proposals will not be introduced or enacted in the future that would have a material adverse impact on the finances of the City. See "AD VALOREM TAXATION - Proposed Constitutional Amendments" herein.

### **Procedure for Ad Valorem Tax Collection**

All property taxes are due and payable on November 1 of each year or as soon thereafter as the assessment roll is certified and delivered to the Division. A notice is mailed to each property owner in the City on the assessment roll for the taxes levied by the County, the Broward County School District and other taxing authorities within the County, including the City. Taxes may be paid upon receipt of such notice with discounts at the rate of four percent (4%) if paid in the month of November, three percent (3%) if paid in the month of December, two percent (2%) if paid in the month of January and one percent (1%) if paid in the month of February. Taxes paid during the month of March are without discount.

All unpaid taxes on real and personal property become delinquent on April 1 of the year following the year in which taxes were levied, or within sixty (60) days after the mailing of the original tax notice of the final assessment rate, whichever is later. All taxes collected are distributed to the governmental unit levying the taxes. The Division is required to distribute taxes collected to each governmental unit in the County, including the City, at least four (4) times during the first two (2) months after the tax roll is delivered to the Division and once a month thereafter.

### **Sale of Tax Certificates**

If the landowner is delinquent in the payment of real property taxes, the Division is required to sell tax certificates on or before June 1 or sixty (60) days after the taxes have become delinquent, whichever is later, and after notice of the sale has been advertised in a local newspaper once each week for four weeks. The landowner may, prior to the sale of tax certificates, pay delinquent taxes plus an interest charge of eighteen percent (18%) per annum on

{37899524;2}

the delinquent amount, the landowner's proportionate cost of the advertisement of tax certificates, and other costs and charges. The tax certificates shall be sold to the person who pays the taxes owing and interest thereon to the date of sale at the rate of eighteen percent (18%) per annum, pays certain costs, and accepts the lowest interest rate to be borne by the certificates (but not more than 18%). If there are no bidders, the County must hold, but not pay for, tax certificates with respect to the property bearing interest at the maximum legal rate of interest, which is currently eighteen percent (18%) per annum. The County may sell such certificates to the public at any time at the principal amount thereof plus interest at the rate of not more than eighteen percent (18%) per annum and a fee. The proceeds of tax certificates, plus interest, are required to be distributed by the Division, on or prior to sixty (60) days after the tax certificates sale, to the various taxing authorities, including the City.

Any tax certificates may be redeemed and canceled by the holder thereof, so long as such redemption occurs prior to the time a tax deed (as described below) is issued. The person effecting such redemption must pay the face amount of the certificate, plus interest at a rate which shall be the greater of the rate borne by the certificate or five percent (5%) of the face amount of the tax certificate (unless the rate bid was zero percent), plus costs and other charges. The proceeds of such a redemption are paid to the Division, which remits to the holder of the tax certificate the proceeds less service charges, and the certificate is canceled. Redemption of tax certificates held by the County is effected by purchases of such certificates from the County, as described in the preceding paragraph.

### **Sale of Tax Deeds**

The private holder of a tax sale certificate which has not been redeemed has seven (7) years from the date of issuance in which to act against the property. After an initial period of two (2) years during which action against the property is held in abeyance to allow for sales and redemptions of tax certificates, tax certificate holders may apply for a tax deed. The applicant is required to pay to the Division all amounts required to redeem all other outstanding tax certificates on the property which are not held by him, and any omitted taxes or delinquent taxes, plus interest. Thereafter, the property is advertised for public sale at auction to the highest bidder.

In any such public sale, the holder of the tax certificate who is seeking a tax deed for non-homestead property is deemed to submit a minimum bid equal to the amount required to redeem the certificate, charges for cost of sale, redemption of other certificates on the property, and all other amounts paid by such holder to apply for the tax deed, plus interest thereon. In the case of homestead property, the minimum bid must also include an additional amount equal to one-half of the assessed value of the homestead. If there are no other bidders, the holder of the tax certificate receives title to the property and the amounts paid for the certificate and for application for the tax deed are credited toward the purchase price. If there are other bidders, the holder of the tax certificate may enter the bidding. The highest bidder is awarded title to the property. Such bidder must pay documentary stamp taxes and recording fees in addition to his bid. The portion of proceeds of such sale needed to redeem the tax certificate (and all other amounts paid by such person in applying for a tax deed) are forwarded to the holder thereof or credited to such holder if he is the successful bidder, after payment of documentary stamp taxes and recording fees, cost of advertising and clerk's fees. Excess proceeds are distributed first to satisfy other governmental liens held by governmental units against the property and then to other lienholders of record and then to the former title holder of the property, less service charges.

If the County holds a certificate and has not succeeded in selling it, the County must (if the property is worth \$5,000 or more) or may, in its discretion (if the property is worth less than \$5,000), apply for a tax deed sale after the County's ownership of such certificate for two (2) years. The County pays costs and fees to the tax collector but not any amount to redeem other outstanding certificates covering the property. The costs and fees consist of the tax collector's costs in obtaining an abstract or title search, the clerk's fee for processing the application, the cost of advertising the sale, and the sheriff's cost for service of notice. The public bidding on the non-homestead property must start at a minimum bid equal to the value of all outstanding certificates, plus other delinquent tax charges and costs. The minimum bid on homestead property must also include an additional amount equal to one-half of the assessed value of the homestead. If there are no bidders, the County may purchase the property for the minimum bid price. After ninety (90) days have passed, any other person or governmental unit may purchase the property by paying the minimum bid price. Taxes accruing after the date of public sale do not require repetition of this process but are added to the minimum bid. Seven (7) years after the date of public sale, unsold property escheats to the County or, if the property is located within a municipality, to the municipality, and all tax certificates and liens against the property shall be canceled and a deed vesting title in the Board of County Commissioners of the County or the governing body of the municipality, as applicable, shall be executed.

### **Proposed Constitutional Amendments**

There have been numerous amendments to the Constitution of the State affecting ad valorem property taxes in Florida. See "AD VALOREM TAXATION - Property Tax Reform" herein. In addition, Constitutional amendments and legislative measures to expand exemptions from taxation or further restrict ad valorem tax payment requirements have been proposed during most of the recent election cycles and sessions of the Florida legislature. To become effective, amendments to the Constitution of the State, which are required to modify, or to provide the authority to modify, existing ad valorem tax requirements, must be approved by at least sixty percent (60%) of the voters of the State.

There is no way to predict, with any reasonable degree of certainty, the actual impact on available revenues that new amendments to the Florida Constitution limiting ad valorem taxation could have if such amendments are passed by the voters of the State in the future. However, the City currently does not expect any of the amendments to the Florida Constitution and laws recently adopted by the Florida legislature affecting ad valorem taxation, as described above, to have a material, adverse impact on its collection of ad valorem tax revenues. Moreover, passage of such amendments and enactment of such laws do not prevent the City from levying ad valorem taxes (without limitation as to amount) to make all required payments of debt service on its general obligation bonds, including the Series 2016 Bonds.

### **Ad Valorem Historical Data and Debt Ratios**

The following schedule reflects the total assessed value and total taxable value for operating millage of the City's taxable property in each of the past ten years.

**CITY OF PORT ORANGE, FLORIDA  
ASSESSED VALUE OF TAXABLE PROPERTY  
LAST TEN FISCAL YEARS**

| <b>Fiscal Year<br/>Ended<br/>September<br/>30.</b> | <b>Residential<br/>Property</b> | <b>Commercial<br/>Property</b> | <b>Industrial<br/>Property</b> | <b>Other<br/>Property</b> | <b>Less:<br/>Tax-Exempt<br/>Property</b> | <b>Total<br/>Just<br/>Value</b> | <b>Total<br/>Direct<br/>Tax<br/>Rate</b> | <b>Assessed<br/>Taxable<br/>Value</b> | <b>Assessed<br/>Value as a<br/>Percentage<br/>of Total<br/>Just Value</b> |
|----------------------------------------------------|---------------------------------|--------------------------------|--------------------------------|---------------------------|------------------------------------------|---------------------------------|------------------------------------------|---------------------------------------|---------------------------------------------------------------------------|
| 2006                                               | \$2,957,834                     | \$395,040                      | \$61,312                       | \$1,592,105               | \$1,233,856                              | \$3,772,435                     | 4.859                                    | \$2,538,579                           | 67.29%                                                                    |
| 2007                                               | 5,035,459                       | 827,747                        | 137,958                        | 896,726                   | 1,860,452                                | 5,037,437                       | 5.085                                    | 3,176,985                             | 63.07%                                                                    |
| 2008                                               | 5,167,936                       | 1,063,668                      | 139,557                        | 859,756                   | 1,899,637                                | 5,331,279                       | 4.418                                    | 3,431,642                             | 64.37%                                                                    |
| 2009                                               | 4,609,670                       | 1,144,669                      | 150,242                        | 832,732                   | 1,863,168                                | 4,874,145                       | 5.021                                    | 3,010,977                             | 61.77%                                                                    |
| 2010                                               | 3,470,025                       | 1,036,297                      | 130,846                        | 596,656                   | 1,343,777                                | 3,890,047                       | 5.100                                    | 2,546,270                             | 65.46%                                                                    |
| 2011                                               | 3,073,396                       | 850,955                        | 99,580                         | 502,426                   | 1,118,101                                | 3,408,255                       | 5.101                                    | 2,290,154                             | 67.19%                                                                    |
| 2012                                               | 2,986,815                       | 839,544                        | 111,851                        | 482,771                   | 1,083,012                                | 3,337,969                       | 5.515                                    | 2,254,957                             | 67.55%                                                                    |
| 2013                                               | 2,923,702                       | 838,015                        | 117,418                        | 469,671                   | 1,054,530                                | 3,294,276                       | 5.372                                    | 2,239,747                             | 67.99%                                                                    |
| 2014                                               | 3,011,211                       | 867,376                        | 116,791                        | 486,258                   | 1,092,756                                | 3,388,880                       | 5.190                                    | 2,296,124                             | 67.75%                                                                    |
| 2015                                               | 3,359,289                       | 967,639                        | 130,292                        | 542,466                   | 1,276,462                                | 3,723,224                       | 4.921                                    | 2,446,762                             | 65.72%                                                                    |

Source: Volusia County Property Tax Appraiser

The following table shows the tax millage rates for the fiscal years 2006-2015 within the City.

**MILLAGE RATES <sup>(1)</sup>  
FOR A RESIDENT OF THE CITY OF PORT ORANGE, FLORIDA**

| <b>FY</b> | <b>Port<br/>Orange</b> | <b>School<br/>Dist.</b> | <b>Volusia<br/>County</b> | <b>Other<sup>(1)</sup></b> | <b>Total</b> |
|-----------|------------------------|-------------------------|---------------------------|----------------------------|--------------|
| 2006      | 4.85850                | 8.259                   | 6.294                     | 6.5250                     | 25.93650     |
| 2007      | 5.08508                | 7.685                   | 5.1333                    | 5.7285                     | 23.63188     |
| 2008      | 4.41780                | 7.467                   | 4.703                     | 5.3652                     | 21.95300     |
| 2009      | 5.02140                | 7.459                   | 5.404                     | 5.8365                     | 23.72090     |
| 2010      | 5.10020                | 7.805                   | 6.374                     | 6.6023                     | 25.88150     |
| 2011      | 5.51090                | 8.237                   | 6.303                     | 6.0012                     | 26.05210     |
| 2012      | 5.51450                | 8.063                   | 6.779                     | 5.7182                     | 26.07470     |
| 2013      | 5.37200                | 7.888                   | 6.881                     | 4.9467                     | 25.08770     |
| 2014      | 5.19010                | 7.358                   | 7.271                     | 4.6028                     | 24.42190     |
| 2015      | 4.92090                | 7.336                   | 7.271                     | 4.4160                     | 23.94390     |

(1) Includes Florida Inland Nav. District, Volusia Hospital District, Halifax Hospital District, Ponce DeLeon Inlet and Port Authority, St. Johns River Water Management District, Mosquito Control District

The following table shows tax levies and tax collections in the City for fiscal years ended 2006 through 2015.

# CITY OF PORT ORANGE, FLORIDA TAX COLLECTION RECORDS

| Fiscal Year | Total Tax Levy | Collected within the Fiscal Year of the Levy |                   | Collections In Subsequent Years | Total Collections to Date |                   |
|-------------|----------------|----------------------------------------------|-------------------|---------------------------------|---------------------------|-------------------|
|             |                |                                              | Percent of Amount |                                 |                           | Percent of Amount |
| 2006        | \$12,333,689   | \$12,217,326                                 | 99.1%             | 42,004                          | \$12,259,330              | 99.4%             |
| 2007        | 16,155,225     | 15,980,661                                   | 98.9%             | 28,799                          | 16,009,460                | 99.1%             |
| 2008        | 15,160,309     | 15,019,218                                   | 99.1%             | 79,921                          | 15,099,139                | 99.6%             |
| 2009        | 15,119,319     | 15,013,104                                   | 99.3%             | 10,121                          | 15,023,225                | 99.4%             |
| 2010        | 12,986,485     | 12,483,260                                   | 96.1%             | 39,202                          | 12,522,462                | 96.4%             |
| 2011        | 12,620,809     | 12,162,874                                   | 96.4%             | 51,396                          | 12,214,270                | 96.8%             |
| 2012        | 12,434,959     | 11,962,988                                   | 96.2%             | 35,594                          | 11,998,582                | 96.5%             |
| 2013        | 12,031,923     | 11,603,809                                   | 96.4%             | 23,641                          | 11,627,449                | 96.6%             |
| 2014        | 11,917,114     | 11,488,291                                   | 96.4%             | 34,720                          | 11,523,011                | 96.7%             |
| 2015        | 12,040,270     | 11,377,953                                   | 94.5%             | 241,788                         | 11,619,741                | 96.5%             |

Source: County of Volusia, Florida, Property Appraisers Office

The following table shows the total outstanding general obligation debt of the City and the ratio of such debt to the City's actual taxable property values and to the City's obligation on a per capita basis for the last ten (10) Fiscal Years.

## Ratio of Net General Obligation Debt City of Port Orange, Florida

| Fiscal Year Ended September 30 | Assessed Taxable Value <sup>(1)</sup> | Net General Bonded Debt | Assessed Net General Bonded Debt | Estimated Population <sup>(2)</sup> | Net General Bonded Debt Per Capita |
|--------------------------------|---------------------------------------|-------------------------|----------------------------------|-------------------------------------|------------------------------------|
| 2006                           | \$ 2,538,579,683                      | \$ 17,835,000           | 0.70%                            | 56,067                              | \$318.10                           |
| 2007                           | 3,176,985,326                         | 17,465,000              | 0.55%                            | 56,850                              | 307.21                             |
| 2008                           | 3,431,642,146                         | 17,055,000              | 0.50%                            | 57,218                              | 298.07                             |
| 2009                           | 3,010,976,956                         | 16,640,000              | 0.55%                            | 56,732                              | 293.31                             |
| 2010                           | 2,546,269,833                         | 16,205,000              | 0.64%                            | 56,402                              | 287.31                             |
| 2011                           | 2,290,153,662                         | 15,755,000              | 0.69%                            | 56,313                              | 279.78                             |
| 2012                           | 2,254,956,801                         | 15,290,000              | 0.68%                            | 56,386                              | 271.17                             |
| 2013                           | 2,239,747,296                         | 14,810,000              | 0.66%                            | 57,060                              | 259.55                             |
| 2014                           | 2,296,124,074                         | 14,440,000              | 0.63%                            | 57,467                              | 251.27                             |
| 2015                           | 2,446,761,822                         | 14,055,000              | 0.57%                            | 58,656                              | 239.62                             |

Source: (1) Volusia County Property Tax Appraiser

(2) University of Florida, Bureau of Economic and Business Research

The following table shows the general obligation direct and overlapping debt of the City, as of September 30, 2015, and the estimated percent of such debt that is applicable to the City. For more information concerning the general obligation debt of the City, see "APPENDIX B - Basic Financial Statements of the City for the Fiscal Year ended September 30, 2015."

## Direct and Overlapping Debt City of Port Orange, Florida

| Governmental Unit                                 | Debt<br>Outstanding    | Estimated Percentage<br>Applicable to City <sup>(1)</sup> | City's Estimated<br>Share of Overlapping<br>Net Debt |
|---------------------------------------------------|------------------------|-----------------------------------------------------------|------------------------------------------------------|
| Debt repaid with property taxes:                  |                        |                                                           |                                                      |
| Volusia County:                                   |                        |                                                           |                                                      |
| General Obligation Bonds.....                     | \$ 21,314,242          | 9.54%                                                     | \$ 2,033,379                                         |
| Other Debt:                                       |                        |                                                           |                                                      |
| District School Board of Volusia County, Florida: |                        |                                                           |                                                      |
| State School Bonds .....                          | 5,669,529              | 9.54%                                                     | 540,873                                              |
| Sales Tax Revenue Bonds .....                     | 52,231,318             | 9.54%                                                     | 4,982,868                                            |
| <del>Certificates of participation.....</del>     | <del>278,441,834</del> | <del>9.54%</del>                                          | <del>26,563,351</del>                                |
| Volusia County:                                   |                        |                                                           |                                                      |
| Revenue Bonds .....                               | 128,207,486            | 9.54%                                                     | 13,266,304                                           |
| Notes Payable.....                                | 13,486,711             | 9.54%                                                     | 1,286,632                                            |
| Total overlapping debt .....                      |                        |                                                           | 47,638,097                                           |
| City direct debt.....                             |                        |                                                           | 37,215,000                                           |
| Total direct and overlapping debt.....            |                        |                                                           | <u>\$ 84,853,097</u>                                 |

Source: City of Port Orange, Florida Comprehensive Annual Financial Report for Fiscal Year Ended September 30, 2015.

(1) Percentage applicable to City was determined by taking the City's assessed taxable value and dividing it by Volusia County's assessed taxable value for tax year 2013.

## **BOND INSURANCE**

In connection with the issuance of the Series 2016 Bonds, the City has obtained indications of interest from municipal bond insurance companies to provide a financial guaranty insurance policy to guarantee the full and complete payment of the principal of (either at the stated maturity or pursuant to a mandatory sinking fund redemption) and interest on all or a portion of the Series 2016 Bonds as such payments shall become due (except that in the event of any acceleration of the due date of such principal by reason of mandatory or optional redemption or acceleration resulting from default or otherwise, other than any advancement of maturity pursuant to a mandatory sinking fund payment, the payments guaranteed by any such policy shall be made in such amounts and at such times as such payments of principal would have been due had there not been any such acceleration). The issuance of such policy would be subject to the terms and conditions of a commitment to be obtained from the municipal bond insurance company selected by the City and to compliance with standard closing requirements.

No assurance can be given as to (a) whether the City will decide to obtain any such municipal bond insurance policy in connection with the issuance of the Series 2016 Bonds or (b) whether the City will insure all or less than all of the Series 2016 Bonds. The decision as to whether or not a financial guaranty insurance policy will be obtained with respect to all or a portion of the Series 2016 Bonds and the selection of the municipal bond insurance company to provide such policy, will be made at or about the time of the pricing of the Series 2016 Bonds and will be based upon, among other things, market conditions existing at such time. If the City does decide to obtain any such policy, it will be a condition to the issuance of the Series 2016 Bonds that such policy be issued concurrently with the issuance of the Series 2016 Bonds and it is expected that the premium for such policy will be paid from the proceeds of the Series 2016 Bonds.

## **CITY OF PORT ORANGE, FLORIDA**

### **Background**

The City is one of 16 incorporated municipalities in Volusia County, Florida. The City is located in eastern Volusia County on the Atlantic Coast, immediately south of the City of Daytona Beach, 100 miles south of the City of Jacksonville, 50 miles northeast of the City of Orlando, and approximately 45 miles north of Cape Canaveral and the City of Titusville. The 2013 population of the City was 57,060 according to the Bureau of Economic and Business Research at the University of Florida. For additional information regarding the City, see APPENDIX B – “GENERAL INFORMATION PERTAINING TO THE CITY OF PORT ORANGE, FLORIDA AND VOLUSIA COUNTY, FLORIDA” hereto.

### **Municipal Government**

The City is served by a Council-Manager form of government with an elected Mayor and four Council Members. The City Council is the principal legislative and governing body of the City, as provided by the Florida Constitution. The Mayor and Council Members are elected by the voters for staggered terms of four years each. The present Council Members and the dates on which their terms expire are as follows:



### Council Members

Allen Green, Mayor  
Drew Bastian  
Donald O. Burnette  
Robert Ford  
Scott Stiltner

### Term Expires

December, 2016  
December, 2016  
December, 2018  
December, 2018  
December, 2018

No action of the City Council is binding unless adopted by the affirmative vote of three or more Council Members. Certain actions authorizing the incurrence of debt require an affirmative vote of four or more Council Members.

## **Administration**

The City Manager is employed by the City Council and serves as Chief Administrative Officer of the City. The City Manager oversees the day-to-day operations of those departments and activities under the City Council, makes policy recommendations to the City Council and performs other duties assigned to him by the City Council.

The Finance Director prepares the annual budget for approval by the City Council, and recommends debt issuance or other borrowing plans when necessary. He prepares the five-year capital improvement program as outlined in the City's adopted Comprehensive Plan, and recommends funding resources necessary to implement such program.

The City Manager is assisted by an Assistant City Manager. The Finance Director also serves as the chief financial officer of the City.

Biographies of the key City and City administrative personnel are as follows:

**Michael Johansson** [Insert biographical information.]

**Alan** [insert biographical information].

**Tracey Riehm** [insert biographical information].

## **Budgetary Process**

The City is required by law to formulate and adopt annually a budget for all departments and activities and to hold required public hearings. On or before the first day of August each year, the City Manager submits the proposed budget to the Mayor and City Council. The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year. A public hearing is then held, and the proposed budget is adopted by September 30.

Florida laws require a balanced budget for municipalities and prohibits the governing body of any municipality from making appropriations in any one fiscal year which exceed the revenues available in such fiscal year.

## **Description of Financial Practices and Financial Statements**

The financial statements of the City are prepared in conformity with Generally Accepted Accounting Principles. The City uses funds and accounts groups to report on its financial position and the results of its operations. A summary of significant accounting policies of the City is contained in the notes to the City's financial statements, which are included in APPENDIX A hereto.

### **ESTIMATED SOURCES AND USES OF FUNDS**

The following table sets forth the estimated sources and uses of funds for the Series 2016 Bonds (exclusive of accrued interest).

**SOURCES:**

|                                             |                 |
|---------------------------------------------|-----------------|
| Principal Amount of Series 2016 Bonds ..... | \$              |
| Available City funds                        | \$              |
| Net Premium or Discount .....               | \$ _____        |
| <b>TOTAL SOURCES</b> .....                  | <b>\$</b> _____ |

**USES:**

|                                        |                 |
|----------------------------------------|-----------------|
| Deposit to Refunding Escrow Fund ..... | \$              |
| Issuance Costs <sup>(1)</sup> .....    | \$ _____        |
| <b>TOTAL USES</b> .....                | <b>\$</b> _____ |

---

<sup>(1)</sup> Includes underwriter's discount, legal and advisory fees, bond insurance premium, if any, and other costs.

## DEBT SERVICE SCHEDULE

The following table sets forth the annual principal and interest requirements for the Series 2016 Bonds for each Bond Year ending April 1.

| Bond Year<br>Ending<br><u>April 1</u> | <u>Principal</u> | <u>Interest</u> | <u>Aggregate<br/>Debt Service</u> |
|---------------------------------------|------------------|-----------------|-----------------------------------|
|---------------------------------------|------------------|-----------------|-----------------------------------|

## FINANCIAL STATEMENTS

Included in APPENDIX A is the Comprehensive Annual Financial Report of the City for the Fiscal Year ended September 30, 2015. The financial statements of the City as of September 30, 2015 have been audited by James Moore & Co. P.L. as stated in their report also appearing in APPENDIX A. James Moore & Co. P.L. has not participated in the preparation of this Official Statement and has not performed any additional procedures relating to the information herein.

The Series 2016 Bonds are payable solely from the Pledged Funds as described herein. The general purpose financial statements included in APPENDIX A are presented for general information purposes only.

## INVESTMENT POLICY

The City's current investment policy was adopted by the City Council in 2010 and applies to all cash and investments held or controlled by the City with the exception of pension funds, funds held by state agencies, funds related to the issuance of debt where there are existing

policies or indentures in effect, and future revenues subject to other conflicting statutory investment requirements. The foremost objective of the investment policy is safety of principal; additional objectives are the maintenance of liquidity and the rate of return.

The City Manager is charged with providing oversight and direction in regard to the management of the investment program but daily management responsibility rests with the Financial Director. The Finance Director is to provide the City Manager with quarterly investment reports and the City Council with an annual report on all invested funds and performance. The City has established an Investment Committee for the purpose of formulating alternative investment strategies and short-range guidance within the guidelines set forth in the investment policy and monitoring performance. The Investment Committee consists of the City manager, Finance Director, Accounting and Budget Manager and a City Council member and other members designated from time to time.

Investments of current operating funds are to have maturities of no longer than twenty four (24) months. Investments of bond reserves, construction funds and other non-operating funds are to have maturities of no longer than ten (10) years, except to meet specific construction draw schedules or other predetermined operating, capital needs or to satisfy debt obligations, but in no event longer than 30 years. Investment in any derivative products or the use of reverse repurchase agreements requires specific City Council approval prior to their use.

The investment policy was adopted by a resolution of the City Council. The Finance Director, Accounting and Budget Manager and the Investment Committee and the Controller review the investment policy annually and the City Council is required to approve any modification.

Additional information relating to the City's investment policy and the investment of its funds is set forth in APPENDIX A, the Comprehensive Annual Financial Report of the City for the Fiscal Year ended September 30, 2013, under footnote (4).

## **LITIGATION**

The City is a defendant from time to time in various lawsuits. It is the opinion of the City Attorney that none of the actions presently pending will have a material effect upon the finances of the City or its right to receive and apply the Pledged Funds as provided in the Bond Resolution. There is no pending or, to the knowledge of the City, threatened, litigation against the City which in any way questions or affects the validity of the Series 2016 Bonds, or any proceedings or transactions relating to their issuance, sale, delivery or payment.

## **TAX EXEMPTION**

In the opinion of Akerman LLP, Bond Counsel, under existing law assuming compliance with certain tax covenants, the interest on the Series 2016 Bonds is excluded from gross income for federal income tax purposes under Section 103(a) of the Internal Revenue Code of 1986, as amended (the "Code"), and is not treated as a specific item of tax preference under Section 57 of the Code for purposes of the alternative minimum tax imposed on individuals and corporations. An opinion to those effects will be included in the legal opinion of Bond Counsel.

The Code prescribes a number of qualifications and conditions for the interest on state and local government obligations to be and remain excluded from gross income for federal income tax purposes, some of which, including provisions for potential payments by the Issuer to the federal government, require future or continued compliance after issuance of the Series 2016 Bonds in order for the interest to be and to continue to be so excluded from the date of issuance of the Series 2016 Bonds. The City has made certain representations and certifications, and has covenanted to comply with the applicable provisions of the Code including those which require the City to take or omit to take certain actions after issuance of the Series 2016 Bonds. The opinion of Bond Counsel described above will assume the accuracy of the City's representations and certifications and will assume the compliance by the City with the provisions of the Code described above. Bond Counsel will not independently verify the accuracy of the certifications and representations made by the City. No opinion is expressed by Bond Counsel with respect to the tax-exempt status of the interest on the Series 2016 Bonds in the event of noncompliance with provisions of the Code which require the City to take or omit to take certain actions after the issuance of the Series 2016 Bonds. The failure of the City to comply with such provisions may cause the interest on the Series 2016 Bonds to become taxable retroactive to the date of issuance of the Series 2016 Bonds.

Under Code provisions applicable only to corporations (as defined for federal income tax purposes), a portion of the excess of adjusted current earnings (which includes interest on all tax-exempt bonds, including the Series 2016 Bonds) over other alternative minimum taxable income is included in alternative minimum taxable income that may be subject to a corporate alternative minimum tax.

Except as described above, Bond Counsel has not, and will not, express an opinion regarding the federal income tax consequences resulting from the ownership of, receipt or accrual of interest on, or disposition of the Series 2016 Bonds. Prospective purchasers should be aware that ownership of the Series 2016 Bonds may result in other collateral federal tax consequences, including (i) denial of a deduction for interest on indebtedness incurred or continued to purchase or carry Series 2016 Bonds; (ii) reduction of loss reserve deduction for property and casualty insurance companies by 15% of certain items, including interest on the Series 2016 Bonds; (iii) inclusion of interest on Series 2016 Bonds in the branch profits tax; (iv) inclusion of interest on Series 2016 Bonds in the passive income subject to federal income taxation of certain Subchapter S corporations with Subchapter C earnings and profits at the close of the taxable year; (iv) inclusion in gross income of interest on the Series 2016 Bonds by recipients of certain Social Security and Railroad Retirement Benefits; and (iv) limitations applicable to individuals otherwise eligible for earned income credit. The applicability and extent of these or other tax consequences will depend upon the participate tax status or other tax items of the owners of the Series 2016 Bonds. Owners of the Series 2016 Bonds should consult their own tax advisors with respect to such tax consequences. In addition, prospective purchasers of the Series 2016 Bonds at other than their original issue or the respective prices indicated on the front cover should consult their on tax advisors as to other tax consequences such as, for example, market discount.

### **Original Issue Discount**

The Series 2016 Bonds maturing April 1 in the years \_\_\_\_\_, inclusive (collectively, the "Discount Bonds") are being offered and sold to the public at an original issue discount

("OID"). OID is the excess of the stated redemption price at maturity (the face amount) over the "issue price" of such Series 2016 Bonds. The issue price of a Discount Bond is the initial offering price to the public (other than to bond houses, brokers or similar persons acting in the capacity of underwriters or wholesalers) at which a substantial amount of the Discount Bond of the same maturity are sold pursuant to that offering. For federal income tax purposes, OID accrues actuarially to the holder of a Discount Bond over the period to maturity based on the constant interest rate method. With respect to an initial purchaser of a Discount Bond at its issue price, the portion of OID that accrues during the period the purchaser owns the Discount Bond (i) is interest excludable from the purchaser's gross income for federal income tax purposes to the same extent and subject to the same considerations discussed above as other interest on the Series 2016 Bonds, and (ii) is added to the purchaser's tax basis for purposes of determining gain or loss on the maturity, redemption, prior sale or other disposition of that Discount Bond. A purchaser of a Discount Bond at its issue price in the initial public offering who holds that Discount Bond to maturity will realize no gain or loss upon the retirement of that Bond. Registered owners of Discount Bonds should consult their own tax advisers as to the determination for federal income tax purposes of the amount of OID properly accruable each year with respect to the Discount Bond, and as to other federal tax consequences and any state and local tax aspects of owning Series 2016 Bonds.

### **Original Issue Premium**

The Series 2016 Bonds maturing April 1, in the years \_\_\_\_\_, inclusive (collectively, the "Premium Bonds") were offered and sold to the public at a price in excess of their stated redemption price (the principal amount) at maturity. That excess constitutes bond premium. For federal income tax purposes, bond premium is amortized over the period to maturity of the Premium Bonds, based on the yield to maturity of that Premium Bond (or, in the case of a Premium Bond callable prior to maturity, the amortization period and yield may be required to be determined on the basis of an earlier call date that results in the lowest yield on that Premium Bond), compounded semiannually. No portion of the bond premium is deductible by the owner of the Premium Bonds. For purposes of determining the owner's gain or loss on the sale, redemption at maturity or other disposition of a Premium Bond, the owner's tax basis in the Premium Bond is reduced by the amount of bond premium that accrues during the period of ownership. As a result, an owner may realize taxable gain for federal income tax purposes upon the sale or other disposition of a Premium Bond for an amount equal to or less than the amount paid by that owner for the Premium Bond. A purchaser of a Premium Bond at its issue price in the initial public offering who holds that Premium Bond to maturity (or, in the case of a callable Premium Bond, its earlier call date that results in the lowest yield on the Premium Bond) will realize no gain or loss upon the retirement of that Premium Bond. Owners of the Premium Bonds should consult their own tax advisers as to the determination for federal income tax purposes of the amount of bond premium properly accruable each year with respect to the Premium Bonds, and as to other federal tax consequences and any state and local tax aspects of owning Premium Bonds.

### **Information Reporting and Backup Withholding**

Interest paid on tax-exempt bonds such as the Series 2016 Bonds is subject to information reporting to the Internal Revenue Service in a manner similar to interest paid on taxable obligations. This reporting requirement does not affect the excludability of interest on the Series

2016 Bonds from gross income for federal income tax purposes. However, in conjunction with that information reporting requirement, the Code subjects certain non-corporate owners of Series 2016 Bonds, under certain circumstances, to “backup withholding” at the rate specified in the Code with respect to payments on the Series 2016 Bonds and proceeds from the sale of Series 2016 Bonds. Any amount so withheld would be refunded or allowed as a credit against the federal income tax of such owner of Series 2016 Bonds. This withholding generally applies if the owner of Series 2016 Bonds (i) fails to furnish the payor such owner’s social security number or other taxpayer identification number (“TIN”), (ii) furnished the payor an incorrect TIN, (iii) fails to properly report interest, dividends, or other “reportable payments” as defined in the Code, or (iv) under certain circumstances, fails to provide the payor or such owner’s securities broker with a certified statement, signed under penalty of perjury, that the TIN provided is correct and that such owner is not subject to backup withholding. Prospective purchasers of the Series 2016 Bonds may also wish to consult with their tax advisors with respect to the need to furnish certain taxpayer information in order to avoid backup withholding.

### **Federal Tax Legislation**

Legislation affecting state and local government bonds is introduced and considered from time to time by the United States Congress which, if enacted, could alter or amend the federal tax matters referred to above or adversely affect the market value of the Series 2016 Bonds. It cannot be predicted whether or in which form any such proposal might be enacted or whether, if enacted, it would apply to bonds (such as the Series 2016 Bonds) issued prior to enactment.

### **LEGAL OPINION**

Legal matters incident to the issuance of the Series 2016 Bonds and with regard to the tax-exempt status of the interest on the Series 2016 Bonds (see “TAX EXEMPTION” herein) are subject to the legal opinion of Akerman LLP, whose fees and expenses for legal services as Bond Counsel will be paid by the City from a portion of the proceeds of the Series 2016 Bonds. The signed legal opinion, dated and premised on law in effect as of the date of original delivery of the Series 2016 Bonds, will be delivered to the Underwriter at the time of original delivery.

The proposed text of the legal opinion is set forth as APPENDIX D. The actual legal opinion to be delivered may vary from that text if necessary to reflect facts and law on the date of delivery. The opinion will speak only as of its date, and subsequent distribution of it by recirculation of the Official Statement or otherwise shall create no implication that Bond Counsel has reviewed or expresses any opinion concerning any of the matters referenced in the opinion subsequent to its date.

Certain legal matters incident to the issuance of the Series 2016 Bonds will be passed upon for the City by Margaret T. Roberts, City Attorney.

### **ADVISORS AND CONSULTANTS**

The City has retained certain advisors and consultants in connection with the issuance of the Series 2016 Bonds. These advisors and consultants are compensated from a portion of the proceeds of the Series 2016 Bonds, identified as “Cost of Issuance” under the heading “SOURCES AND USES OF FUNDS” herein, and their compensation is, in some instances, contingent upon the issuance of the Series 2016 Bonds and the receipt of the proceeds thereof.



*Financial Advisor.* The City has retained Southeastern Investment Securities, LLC, Winter Park, Florida, as financial advisor (the “Financial Advisor”) in connection with the preparation of the City’s plan of financing and with respect to the authorization and issuance of the Series 2016 Bonds. The Financial Advisor is not obligated to undertake and has not undertaken to make, an independent verification or to assume responsibility for the accuracy, completeness, or fairness of the information contained in the Official Statement.

*Bond Counsel and Disclosure Counsel.* Akerman LLP, Jacksonville, Florida, represents the City as Bond Counsel and Disclosure Counsel with respect to the issuance of the Series 2016 Bonds. As Disclosure Counsel, Akerman LLP is not obligated to undertake and has not undertaken to make, an independent verification or to assume responsibility for the accuracy, completeness, or fairness of the information contained in the Official Statement.

## **UNDERWRITING**

Hilltop Securities Inc. (the “Underwriter”) has agreed, subject to the proceeding authorizing the issuance of the Series 2016 Bonds, to purchase the Series 2016 Bonds from the City, at a price of \$\_\_\_\_\_ (consisting of the \$\_\_\_\_\_ par amount, plus/less net original issue discount and original issue premium of \$\_\_\_\_\_ and less underwriter’s discount of \$\_\_\_\_\_), for the purpose of resale. The Underwriter has furnished the information in this Official Statement pertaining to the public offering price of the Series 2016 Bonds. The public offering price of the Series 2016 Bonds may be changed from time to time by the Underwriter, and the Underwriter may allow a concession from the public offering price to certain dealers. None of the Series 2016 Bonds will be delivered by the City to the Underwriter unless all of the Series 2016 Bonds are so delivered.

## **RATINGS**

Moody’s Investors Service, Inc. (“Moody’s”) has assigned a rating of “\_\_\_” to the Series 2016 Bonds. If the City obtains a financial guaranty insurance policy with respect to some or all of the Series 2016 Bonds, it is anticipated that Moody’s and Standard & Poor’s Rating Services, a Standard & Poor’s Financial Services LLC business, will assign ratings to the Series 2016 Bonds with the understanding that upon delivery of the Series 2016 Bonds, the financial guaranty insurance policy will be issued.

Such ratings reflects only the view of the rating agencies and an explanation of the ratings may be obtained only from the rating agencies. There is no assurance that such ratings will continue for any given period of time or that it will not be lowered or withdrawn entirely if in the rating agencies’ judgment circumstances so warrant. A downward change in or withdrawal of any of such ratings may have an adverse effect on the market price of the Series 2016 Bonds. An explanation of the significance of Moody’s ratings can be received from Moody’s at the following address: Moody’s Investors Service, Inc., 7 World Trade Center at 250 Greenwich Street, New York, NY 10007.

## **DISCLOSURE MATTERS**

### **Required by Florida Blue Sky Regulations**

Florida law requires the City to make a full and fair disclosure of any bonds or other debt obligations which it has issued or guaranteed and which are or have been in default as to principal or interest at any time after December 31, 1975 (including bonds or other debt obligations for which it has served as a conduit issuer). The City is not and has not been in default as to principal of and interest on bonds or other debt obligations to which revenues of the City are pledged. Although the City is not aware of any other default, it has not undertaken an independent review of bonds or other debt obligations for which it served only as a conduit issuer. To the extent any of such bonds or other debt obligations are in default as to the payment of principal and interest, the obligation of the City thereunder is limited solely to funds received from the party borrowing the proceeds of such bonds or other debt obligations, and the City is not obligated to pay principal of and interest on such bonds or debt obligations from any other funds of the City.

### **Certificate as to Official Statement**

The execution and delivery of this Official Statement has been duly authorized by the City. At the time of delivery of Series 2016 Bonds to the Underwriters, the City will provide to the Underwriter a certificate (which may be included in a consolidated closing certificate of the City), signed by those City officials who signed this Official Statement, relating to the accuracy and completeness of this Official Statement and to its being a “final official statement” in the judgment of the City for the purposes of SEC Rule 15c2-12(b)(3).

### **Continuing Disclosure**

The City has covenanted for the benefit of the Series 2016 Bondholders to provide certain financial information and operating data relating to the City and the Series 2016 Bonds in each year, and to provide notices of the occurrence of certain enumerated material events. The City has agreed to file annual financial information and operating data and the audited financial statements with each entity authorized and approved by the SEC to act as a repository (each a “Repository”) for purposes of complying with Rule 15c2-12 adopted by the SEC (the “Rule”). Effective July 1, 2009, the sole Repository is the Municipal Securities Rulemaking Board. The City has agreed to file notices of certain enumerated material events, when and if they occur, with the Repository. The City will retain Digital Assurance Certification LLC, as dissemination agent.

The specific nature of the financial information, and of the type of events which trigger a disclosure obligation, and other details of the undertaking are described in “APPENDIX E -- Form of Continuing Disclosure Certificate” attached hereto. The Continuing Disclosure Certificate shall be executed by the City upon the issuance of the Series 2016 Bonds. These covenants have been made in order to assist the Underwriter in complying with the continuing disclosure requirements of the Rule.

With respect to the Series 2016 Bonds, no party other than the City is obligated to provide, nor is expected to provide, any continuing disclosure information with respect to the Rule.

## **Historical Compliance with Continuing Disclosure Undertakings**

The City has entered into continuing disclosure undertakings with respect to various debt obligations of the City. In general, the City has complied with such continuing disclosure undertakings; however, the City has failed to comply in the following respects during the past five years:

- On various dates during the past five years the insured or underlying ratings on such debt obligations have been changed by the agencies rating such debt obligations. The City has not timely provided notices of such ratings changes. In June, 2014, the City filed a general notice of the current insured and underlying ratings for all its debt obligations which are subject to a continuing disclosure undertaking.
- For certain fiscal years prior to the fiscal year ending September 1, 2012, the City provided its annual audited financial statements on its website but failed to file copies with the national disclosure repository, EMMA. On May 1, 2013 the City filed its audited financial statements for fiscal years 2009 through 2011.

As of the date hereof, the City is in compliance with its continuing disclosure undertaking for all other obligations issued by the City. The City staff has reviewed the requirements of all its continuing disclosure undertaking with Disclosure Counsel. The City implemented procedures for ensuring compliance with the continuing disclosure requirements, including the designation of an officer that is responsible for continuing disclosure, subject to supervision of the City Finance Director and the City Clerk. The City is undertaking a review of procedures and actions to assist with notification of rating changes and filing timelines. The City does not anticipate that there will be future compliance failures.

## **MISCELLANEOUS**

The references, excerpts and summaries of all documents, resolutions and ordinances referenced herein do not purport to be complete statements of the provisions of such documents, resolutions and ordinances, and reference is directed to all such documents, resolutions and ordinances for full and complete statements of all matters of fact relating to Series 2016 Bonds, the security for and the repayment of Series 2016 Bonds and the rights and obligations of the holders thereof.

**CITY OF PORT ORANGE, FLORIDA**

By: /s/  
Mayor

**APPENDIX A**  
**COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR**  
**ENDED SEPTEMBER 30, 2015**

## **APPENDIX B**

### **GENERAL INFORMATION PERTAINING TO THE CITY OF PORT ORANGE, FLORIDA AND VOLUSIA COUNTY, FLORIDA**

The following information regarding the City of Port Orange, Florida, and Volusia County, Florida, is included only for the purposes of supplying general background information regarding the City. The information has been compiled on behalf of the City and such compilation involved oral and written communication with the various sources indicated. The information is subject to change, although efforts have been made to update the information where practicable.

#### **CITY OF PORT ORANGE, FLORIDA**

##### **General Description and Location**

The City of Port Orange, Florida (the “City”), encompasses approximately 28.8 square miles of land area. The City was established in 1867, was incorporated as a town in 1913, and in 1925 was incorporated as a city. The City is located in eastern Volusia County, Florida (the “County”) on the Atlantic coast, immediately south of the City of Daytona Beach, 100 miles south of the City of Jacksonville, 50 miles northeast of the City of Orlando, and approximately 45 miles north of the Cities of Titusville and Cape Canaveral.

The City is one of seven cities in the Halifax Area, in addition to four unincorporated communities. The Halifax Area consists of a peninsula section which consists of a long and narrow barrier strip lying between the Atlantic Ocean and the Halifax River and a mainland section which extends westward three or four miles from the Halifax River. The peninsula and mainland sections are connected by six bridges: one in Ormond Beach; four in Daytona Beach; and one at Port Orange. All bridges allow easy access to the 18-mile-long ocean beach.

#### **VOLUSIA COUNTY, FLORIDA**

##### **Volusia County**

The County is located in the eastern part of the State of Florida. It is bordered by the Atlantic Ocean to the east, Flagler and Putnam Counties to the north, Lake County to the west, and to the south by Seminole and Brevard Counties. The County lies approximately 100 miles south of Jacksonville, 119 miles northeast of Tampa, 34 miles northeast of Orlando and 231 miles from Tallahassee. The County was established in 1854 and became the 30th county in the State of Florida. In 1888, an election changed the County seat from Enterprise to Deland where it remains today.

##### **Population**

The 2013 population of Volusia County was 498,928 while the City of Port Orange had a population of 57,060 for the year 2013. The following table depicts population trends.

**CITY OF PORT ORANGE, FLORIDA  
AND VOLUSIA COUNTY, FLORIDA  
POPULATION TRENDS 1970-2011**

| <u>Fiscal<br/>Year<br/>Ended</u> | <u>Port Orange<br/>Population</u> | <u>% Change<br/>During<br/>the Period</u> | <u>Volusia County<br/>Population</u> | <u>% Change<br/>During<br/>the Period</u> |
|----------------------------------|-----------------------------------|-------------------------------------------|--------------------------------------|-------------------------------------------|
| 1970                             | 3,781                             | -                                         | 169,487                              | -                                         |
| 1980                             | 18,756                            | 17.06%                                    | 258,762                              | 4.32%                                     |
| 1990                             | 35,317                            | 6.53                                      | 370,737                              | 3.66                                      |
| 1995                             | 39,750                            | 2.39                                      | 405,578                              | 1.81                                      |
| 2000                             | 46,629                            | 3.24                                      | 443,343                              | 1.80                                      |
| 2004                             | 53,217                            | 14.13                                     | 484,261                              | 9.23                                      |
| 2005                             | 54,630                            | 2.66                                      | 494,649                              | 2.15                                      |
| 2006                             | 56,850                            | 2.63                                      | 492,984                              | -0.34                                     |
| 2007                             | 57,218                            | 1.40                                      | 508,014                              | 3.05                                      |
| 2008                             | 56,732                            | 0.65                                      | 510,279                              | 0.45                                      |
| 2009                             | 56,732                            | -0.85                                     | 507,105                              | 0.62                                      |
| 2010                             | 56,402                            | -0.58                                     | 505,050                              | -0.41                                     |
| 2011                             | 56,313                            | -0.16                                     | 495,400                              | -1.91                                     |
| 2012                             | 56,386                            | 0.13                                      | 497,145                              | 0.35                                      |
| 2013                             | 57,060                            | 1.20                                      | 498,928                              | 0.36                                      |
| 2014                             | 57,467                            | 0.71                                      | 501,901                              | 0.60                                      |
| 2015                             | 58,656                            | 2.07                                      | 503,851                              | 0.39                                      |

Source: City population data for 1970, 1980, 1990 and 2000 are from the U.S. Department of Commerce, Bureau of the Census; estimated City population data for the remaining years was provided by the City. County population data for 1970, 1980, 1990 and 2000 are from the U.S. Department of Commerce, Bureau of the Census; population data for the remaining years from Bureau of Economic and Business Research, University of Florida.

### **Form of Government**

The City is served by a Council-Manager form of government with an elected Mayor and four (4) Council Members. The Mayor and the Council Members are elected for staggered four-year terms. The City Council is governed by the City Charter and by state and local laws and regulations. The City Council is responsible for the establishment and adoption of policy. The execution of such policy is the responsibility of the Council appointed City Manager.

Listed below are the current Mayor and Council Members, their term expiration dates and their principal occupations.

| <b><u>Council Members</u></b> | <b><u>Position</u></b> | <b><u>District</u></b> | <b><u>Date Term Expires</u></b> | <b><u>Occupation</u></b>                    |
|-------------------------------|------------------------|------------------------|---------------------------------|---------------------------------------------|
| Allen Green                   | Mayor                  |                        | December 2016                   | General Contractor                          |
| Donald O. Burnette            | Vice Mayor             | 2                      | December 2014                   | Senior Loan Officer                         |
| Drew Bastain                  | Council Member         | 3                      | December 2016                   | Retired City Firefighter                    |
| Robert Ford                   | Council Member         | 1                      | December 2014                   | Associate Graduate Faculty                  |
| Dennis A. Kennedy             | Council Member         | 4                      | December 2014                   | Operations Coordinator<br>Surgical Services |

### **Accounting and Budgetary Process**

The City follows these procedures in establishing the budgetary data reflected in the financial statements. No later than 60 days before the end of the fiscal year, the City Manager submits to the City Council a proposed operating budget for the fiscal year commencing the following October 1. The operating budget includes proposed expenditures and the means of financing them. Public hearings are conducted to obtain taxpayer comments. Prior to October 1, the budget is legally enacted through passage of a resolution. Additionally, the City Council may make supplemental appropriations for the year up to the amount of revenues in excess of those estimated. Once or twice a year, or as needed, a formal resolution (or ordinance) is drawn up summarizing all changes made previously and any adjustments appropriated at that time.

### **Employee's Pension Plan**

The City maintains three separate single-employer, defined benefit pension plans. The City of Port Orange Fire and Rescue Pension Fund (the "Fire Plan") covers all of the City's fire and rescue personnel; the City of Port Orange Police Pension Fund (the "Police Plan") covers all of the City's police officers; the City of Port Orange General Employees' Defined Benefit Pension Fund (the "General Employee Plan") covers all other general employees of the City. These plans contain the assets, liabilities and net assets of each respective plan. The City also has a single employer healthcare plan for retired employees, the Post Retirement Benefits Plan. These defined benefit plans do not issue stand-alone financial reports and are not included in any other retirement system's or entity's financial report.

Eligible employees of the Fire Plan, Police Plan and General Employee Plan consist of full time state certified firefighters and/or paramedics, full-time sworn police officers, and other general employees, respectively, of the City.

The General Employee Plan originated as a defined contribution plan. However, on October 1, 2003, the defined contribution plan was terminated and converted into a defined benefit plan and the General Employee Plan was closed to new members effective September 30, 2010. General employees hired on or after October 1, 2010 may participate in the ICMA-RC Money Purchase Plan and Trust for general employees (401A Defined Contribution Plan).

Members participating in a bargaining unit will continue to have access to the General Employee Plan unless this option is removed through future collective bargaining processes.

All specifics of various funding methods and determination of benefits are outlined in Chapters 175, 185 and 112 of the Florida Statutes. These statutes provide, in general, that funds are to be accumulated from employee contributions, City contributions, State appropriations (Police Plan and Fire Plan only), and investment earnings from accumulated funds. The statutes also provide that should the accumulated funds at any time be insufficient to meet and pay the benefits due, the City shall supplement the funds by an appropriation from current funds or from any revenues which may be lawfully used for said purposes in an amount sufficient to make up the deficiency.

The following chart summarizes the City's actuarial accrued liability, actuarial value of plan assets, unfunded actuarial accrued liability and funded ratio of the Fire Plan, Police Plan and General Employee Plan as of fiscal year end 2011 through 2013. For an explanation of such terms and the calculation thereof, see Footnote (\_\_\_) to the City's Financial Statements attached as APPENDIX A.

| Valuation<br>Date<br>(October 1) | <u>Police Plan</u>                            |                   | <u>Fire Plan</u>                              |                   | <u>General Employees<br/>Plan</u>             |                   |
|----------------------------------|-----------------------------------------------|-------------------|-----------------------------------------------|-------------------|-----------------------------------------------|-------------------|
|                                  | Unfunded<br>Accrued<br>Actuarial<br>Liability | Funded<br>Percent | Unfunded<br>Accrued<br>Actuarial<br>Liability | Funded<br>Percent | Unfunded<br>Accrued<br>Actuarial<br>Liability | Funded<br>Percent |
| 2013                             | \$16.45                                       | 59.60%            | \$18.34                                       | 51.85%            | \$4.69                                        | 84.41%            |
| 2012                             | 17.62                                         | 54.21%            | 19.35                                         | 48.69%            | 4.86                                          | 82.97%            |
| 2011                             | 15.61                                         | 55.36%            | 21.04                                         | 42.39%            | 5.40                                          | 80.40%            |

Dollar amounts in Millions.

Source: City of Port Orange Comprehensive Annual Financial Report

Additional information relating to the City's pension and post-retirement benefits plans, including the funding status thereof, is presented in APPENDIX A, the Comprehensive Annual Financial Report of the City for the Fiscal Year ended September 30, 2016, in footnotes (\_\_\_) and (\_\_\_) thereof.

The City has been addressing unfunded liability by making payments in excess of legal requirements and expects to continue to improve the unfunded position of these plans. Nonetheless, this funding does take resources that would otherwise be available to the City for other purposes and is in excess of legal requirements; although the City currently expects to continue to improve the unfunded position, there is no assurance that the City will be able to continue the excess contribution. In addition, adverse financial market events could reduce the value of plan assets and require additional funding for the employee plans.



**CITY OF PORT ORANGE, FLORIDA**  
**PROPERTY TAX RATES – ALL OVERLAPPING GOVERNMENTS**  
**LEAST TEN FISCAL YEARS**  
**September 30, 2013**

City of Port Orange

| FY   | Operating                 | Debt Service              | Total                     | School District                       | Volusia County                            |                           |
|------|---------------------------|---------------------------|---------------------------|---------------------------------------|-------------------------------------------|---------------------------|
| 2006 | 4.80000                   | 0.05850                   | 4.85850                   | 8.259                                 | 6.2940                                    |                           |
| 2007 | 4.66000                   | 0.42508                   | 5.08508                   | 7.685                                 | 5.1333                                    |                           |
| 2008 | 4.04400                   | 0.37380                   | 4.41780                   | 7.467                                 | 4.7033                                    |                           |
| 2009 | 4.60000                   | 0.42140                   | 5.02140                   | 7.459                                 | 5.4037                                    |                           |
| 2010 | 4.60000                   | 0.50020                   | 5.10020                   | 7.805                                 | 6.3743                                    |                           |
| 2011 | 4.95000                   | 0.56090                   | 5.51090                   | 8.237                                 | 6.3025                                    |                           |
| 2012 | 4.95000                   | 0.56450                   | 5.51450                   | 8.063                                 | 6.7791                                    |                           |
| 2013 | 4.80510                   | 0.56690                   | 5.37200                   | 7.888                                 | 6.8809                                    |                           |
| 2014 | 4.69910                   | 0.49100                   | 5.19010                   | 7.358                                 | 7.2709                                    |                           |
| 2015 | 4.45890                   | 0.46200                   | 4.92090                   | 7.336                                 | 7.2709                                    |                           |
| FY   | Florida Inland Nav. Dist. | Volusia Hospital District | Halifax Hospital District | Ponce DeLeon Inlet and Port Authority | St. Johns River Water Management District | Mosquito Control District |
| 2006 | 0.3850                    | 2.3500                    | 3.0000                    | 0.0900                                | 0.4620                                    | 0.2380                    |
| 2007 | 0.0385                    | 2.2160                    | 2.7500                    | 0.0720                                | 0.4620                                    | 0.1900                    |
| 2008 | 0.0345                    | 2.1688                    | 2.5000                    | 0.0675                                | 0.4158                                    | 0.1786                    |
| 2009 | 0.0345                    | 2.8529                    | 2.2500                    | 0.0777                                | 0.4158                                    | 0.2056                    |
| 2010 | 0.0345                    | 3.5987                    | 2.2500                    | 0.0936                                | 0.4158                                    | 0.2097                    |
| 2011 | 0.0345                    | 3.2500                    | 2.0000                    | 0.0929                                | 0.4158                                    | 0.2080                    |
| 2012 | 0.0345                    | 3.3015                    | 1.7500                    | 0.0929                                | 0.3313                                    | 0.2080                    |
| 2013 | 0.0345                    | 3.0300                    | 1.2500                    | 0.0929                                | 0.3313                                    | 0.2080                    |
| 2014 | 0.0345                    | 2.9391                    | 1.0000                    | 0.0929                                | 0.3283                                    | 0.2080                    |
| 2015 | 0.0345                    | 2.7842                    | 1.0000                    | 0.0929                                | 0.3164                                    | 0.1880                    |

Source: Volusia County Property Tax Appraiser - Report DR-403 BM  
2013 Tax Rolls - Municipalities

**PRINCIPAL PROPERTY TAXPAYERS**  
**CURRENT AND NINE YEARS AGO**  
September 30, 2014  
CITY OF PORT ORANGE, FLORIDA

| Taxpayer                     | Assessed<br>Taxable Value |
|------------------------------|---------------------------|
| Florida Power & Light Co     | \$48,726,854              |
| Port Orange Town Center      | 34,366,327                |
| Hawthorne Village            | 21,192,782                |
| WhitePalm PT Bay LLC         | 19,296,730                |
| USF Propco I LLC             | 17,459,636                |
| Becks Farm LTD               | 16,588,989                |
| Brick Walk Assoc Wos B LLC   | 15,203,036                |
| Walmart Stores East LP       | 14,541,781                |
| Port Orange Apartment Assoc  | 14,313,362                |
| Port Orange Apt Assoc II LLC | 13,291,424                |

Source: Volusia County Property Appraiser's Office

**PRINCIPAL EMPLOYERS**  
September 30, 2015  
CITY OF PORT ORANGE, FLORIDA

| Employer                        | Total<br>Employees | Rank |
|---------------------------------|--------------------|------|
| Florida Healthcare              | 1,200              | 1    |
| Walmart                         | 503                | 2    |
| Halifax Health -Hospice-Volusia | 400                | 3    |
| Publix Supermarkets             | 380                | 4    |
| Spruce Creek High School        | 280                | 5    |
| Raydon                          | 215                | 6    |
| Dollar General                  | 206                | 7    |
| U.S. Foodservice                | 206                | 8    |
| Atlantic High School            | 200                | 9    |
| Ferran Service & Contracting    | 200                | 10   |

Sources: InfoGroup Employer Database 2015  
ed. 1

## **Economic Summary**

Florida's unemployment rate for November 2013 is 6.2% which is 1.7% less than November 2012. In comparison, Port Orange's unemployment rate is 5.4% for November 2013 down 1.1% from November 2012. The decrease in unemployment rates are a positive sign that the economy is on the rebound.

Another indicator of Florida's economy is the number of Worker Adjustment and Retraining Notification Act (WARN) notices that are submitted to the Florida Department of Economic Opportunity. Employers are required by federal law to forward information on upcoming layoffs or closures to the agency. Between January 2013 and December 2013, there were 134 notices filed which is a decrease from 2012 which had 168 notices filed and equal to the number of filings for 2011.

The median household income for Port Orange, per the U.S. Census Bureau, 2010-2012 American Community Survey, was \$45,229.

Economically, the entire Halifax Area is generally considered a single unit which disregards individual corporate entities. The mild climate, excellent beaches and resort facilities have made tourism the major economic factor in the City and the surrounding area. The following table sets forth the labor force statistics for Volusia County for the last ten years.

**CIVILIAN LABOR FORCE SUMMARY  
VOLUSIA COUNTY, FLORIDA**

| Calendar<br><u>Year</u> | Civilian<br><u>Labor Force</u> | <u>Employment</u> | <u>Unemployment</u> | Annual Average<br>Percentage<br><u>Unemployment</u> |
|-------------------------|--------------------------------|-------------------|---------------------|-----------------------------------------------------|
| 2006                    | 248,026                        | 239,965           | 8,061               | 3.3                                                 |
| 2007                    | 249,454                        | 239,017           | 10,437              | 4.2                                                 |
| 2008                    | 253,605                        | 236,839           | 16,766              | 6.6                                                 |
| 2009                    | 253,875                        | 226,002           | 27,873              | 11.0                                                |
| 2010                    | 253,470                        | 223,067           | 30,403              | 12.0                                                |
| 2011                    | 251,540                        | 226,120           | 25,420              | 10.1                                                |
| 2012                    | 252,137                        | 229,707           | 22,340              | 8.9                                                 |
| 2013                    | 251,813                        | 233,371           | 18,442              | 7.3                                                 |
| 2014                    | 255,700                        | 241,414           | 14,286              | 5.6                                                 |
| 2015                    | 236,801                        | 225,072           | 11,729              | 5.0                                                 |

Source: Volusia County Data and Reports Page

**UNEMPLOYMENT STATISTICS**

|           | City of Port Orange |             |             |             |             | State of Florida |             |             |             |             |
|-----------|---------------------|-------------|-------------|-------------|-------------|------------------|-------------|-------------|-------------|-------------|
|           | <u>2011</u>         | <u>2012</u> | <u>2013</u> | <u>2014</u> | <u>2015</u> | <u>2011</u>      | <u>2012</u> | <u>2013</u> | <u>2014</u> | <u>2015</u> |
| January   | 9.5%                | 8.1%        | 7.1%        | 5.4%        | 5.1%        | 11.1%            | 9.5%        | 8.4%        | 6.3%        | 5.7%        |
| February  | 9.0                 | 7.6         | 6.4         | 5.6         | 4.8         | 10.7             | 9.1         | 7.8         | 6.3         | 5.7         |
| March     | 8.5                 | 7.2         | 6.0         | 5.4         | 4.6         | 10.5             | 8.6         | 7.4         | 6.4         | 5.7         |
| April     | 8.0                 | 6.8         | 5.8         | 4.9         | 4.5         | 10.2             | 8.3         | 7.1         | 5.7         | 5.6         |
| May       | 8.2                 | 7.1         | 6.0         | 5.2         | 5.0         | 10.3             | 8.5         | 7.3         | 6.1         | 5.7         |
| June      | 8.8                 | 7.5         | 6.1         | 5.1         | 5.0         | 10.9             | 9.0         | 7.7         | 6.3         | 5.6         |
| July      | 8.9                 | 7.7         | 6.1         | 5.4         | 5.0         | 11.0             | 9.4         | 7.6         | 6.6         | 5.5         |
| August    | 9.0                 | 7.2         | 5.9         | 5.6         | 4.8         | 10.9             | 9.0         | 7.4         | 6.7         | 5.4         |
| September | 8.5                 | 7.0         | 5.7         | 5.0         | 4.5         | 10.6             | 8.6         | 7.1         | 6.1         | 5.2         |
| October   | 8.0                 | 6.8         | 5.4         | 4.8         | 4.4         | 10.2             | 8.2         | 6.7         | 5.8         | 5.2         |
| November  | 8.3                 | 6.5         | 5.4         | 4.6         | 4.2         | 9.9              | 7.9         | 6.4         | 5.6         | 5.1         |
| December  | 8.0                 | 6.5         | 5.1         | 4.3         | 4.3         | 9.7              | 7.8         | 5.9         | 5.4         | 5.0         |

Source: State of Florida, Department of Economic Opportunity (absorbed the Agency for Work Force Innovation October 2011)

**BUILDING PERMIT ACTIVITY  
CITY OF PORT ORANGE, FLORIDA  
LAST TEN YEARS**

| Fiscal Year<br>Ended | Commercial<br>Construction<br>Applications | Additional<br>Commercial<br>Permitted Value | Residential<br>Construction<br>Applications | Additional<br>Residential Permitted<br>Value |
|----------------------|--------------------------------------------|---------------------------------------------|---------------------------------------------|----------------------------------------------|
| 2006                 | 836                                        | 19,240,745                                  | 4,988                                       | 80,385,861                                   |
| 2007                 | 912                                        | 22,097,532                                  | 3,688                                       | 99,224,276                                   |
| 2008                 | 855                                        | 77,676,089                                  | 2,954                                       | 49,591,983                                   |
| 2009                 | 769                                        | 47,219,909                                  | 2,692                                       | 37,352,269                                   |
| 2010                 | 1,019                                      | 53,739,209                                  | 3,046                                       | 35,258,431                                   |
| 2011                 | 780                                        | 40,628,065                                  | 2,984                                       | 38,579,913                                   |
| 2012                 | 793                                        | 28,023,025                                  | 3,874                                       | 51,451,873                                   |
| 2013                 | 768                                        | 80,791,578                                  | 3,565                                       | 71,653,990                                   |
| 2014                 | 669                                        | 21,837,754                                  | 4,085                                       | 59,304,865                                   |
| 2015                 | 971                                        | 27,171,836                                  | 4,423                                       | 64,374,909                                   |

Source: City of Port Orange, Florida

### **Tourism and Recreation**

The City is located immediately south of Daytona Beach and as a result is impacted by the year-round tourism industry. The many visitors are drawn to the area due to the mild climate, desirable beaches and excellent Atlantic Ocean-front accommodations. The Intracoastal Waterway, which parallels the beach, the St. John's River and its numerous tributaries, estuaries and lakes provide boating, fishing and year-round recreation.

Central Florida now draws more than 24.4 million tourists annually, many of who include the County as part of a regional package of places to visit. There are 47 miles of Atlantic Ocean beaches centered on Daytona Beach. Major attractions convenient to the City include the Daytona Beach International Speedway in Daytona Beach, Walt Disney World in Orlando, Busch Gardens in Tampa and the Kennedy Space Center at Cape Canaveral.

### **Community Facilities**

The City's recreation department provides various facilities for its residents, including a municipal golf course, 26 athletic fields, 18 tennis courts, 10 playgrounds, 8 boat ramps, 6 boardwalks/fishing piers, 2 adult activity centers and 2 gymnasiums. The recreation department offers a wide range of athletic programs for adults and youths. A variety of summer programs are offered for youths. Numerous fraternal and civic organizations, as well as city departments, utilize the activities center and civic center for meetings, classes and special events and other community activities. The City currently operates 28 parks and facilities with more than 485 acres of park land.

## Healthcare Facilities

Halifax Health Medical Center of Port Orange is an 80-bed community hospital that features a round-the-clock Emergency Department, four operating rooms and private patient rooms. The Emergency Department is open 24 hours a day, seven days a week, with a total of 20 beds. Eight of the 20 beds are designated as “Fast Track” beds for patients with minor injuries and illnesses. Highly trained emergency physicians and nurses treat most emergencies on-site.

## Transportation Facilities

The Halifax Area is served by an adequate highway system of main north arteries, including U.S. Highway 1 and State Highway A1A, which joins U.S. Highway 1 at Port Orange via the Port Orange Bridge, and U.S. Highway 92, which runs west across the state to Tampa. Interstate Highway 4 provides a limited access route from the Halifax area to the Orlando and Tampa-St. Petersburg areas and connects to other north-south expressways. Interstate Highway 95 provides rapid highway transportation along the entire Atlantic Coast.

Transportation by water is available through the Intracoastal Waterway, which is used by private yachts, tug boats, barges, and similar craft. The Ponce de Leon Inlet affords access to the Atlantic Ocean from the Intracoastal Waterway and is used by fishing and pleasure craft.

The Halifax Area derives freight service by the main line of the Florida East Coast Railway. Greyhound/Trailways bus lines furnish interstate bus transportation to the Halifax Area. Rail transportation is available by AMTRAK at DeLand.

Air travel to the Daytona Beach International Airport is available by Delta Airlines and U.S. Airlines. Additional private air service and executive air travel as well as air freight are provided through the New Smyrna Beach Municipal Airport, DeLand Municipal Airport, Ormond Beach Municipal Airport and Spruce Creek Airport, all located within the County. Additional international and domestic air service is provided by Orlando International Airport in adjacent Orange County.

## Educational Facilities

The City has six elementary schools, two middle school and two senior high schools. Enrollment for the 2012/2013 school year is shown below:

|                          |     |                            |       |
|--------------------------|-----|----------------------------|-------|
| Cypress Creek Elementary | 761 | Creekside Middle School    | 1,149 |
| Horizon Elementary       | 683 | Silver Sands Middle School | 1,130 |
| Port Orange Elementary   | 409 |                            |       |
| Spruce Creek Elementary  | 678 |                            |       |
| Sugar Mill Elementary    | 617 | Atlantic High School       | 1,048 |
| Sweetwater Elementary    | 636 | Spruce Creek High School   | 2,742 |

There are currently 83 public schools in Volusia County serving approximately 61,000 students from kindergarten through twelfth grade. There are 46 elementary, 8 charter, 13 middle, 10 high schools and 7 alternative education centers within the school system. All public schools are operated by the Volusia County School District and offer a variety of exceptional student education programs.

The area is served by five colleges and universities. Embry-Riddle Aeronautical University, Bethune Cookman College, and Daytona State College are all based locally. The University of Central Florida has a local branch campus. Stetson University is located less than 30 minutes away in the City of Deland.

Embry-Riddle is a private, fully accredited, aviation-oriented institution of higher education. A Daytona Beach landmark since 1965 when it moved from Miami, Embry-Riddle provides students with flight training and degree programs in such fields as aeronautical engineering, aviation management, applied mathematics and aeronautical service. The 100-acre campus complex is adjacent to Daytona Beach International Airport.

Stetson University in Deland is a private university offering both bachelor and master degree programs. Bethune-Cookman College in Daytona Beach is a private 4-year liberal arts college. Orlando's University of Central Florida maintains a regional campus in Daytona Beach offering bachelor and master degree programs in such areas as business administration, education, engineering and computer sciences.

Daytona State College was created in 1958 as Florida's "pilot" comprehensive community college at the time named Daytona Beach Community College. During the 2006-07 school year, DBCC began offering bachelor degree programs. Daytona State College currently serves students at its main campus in Daytona Beach as well as four satellite locations.

The foregoing information regarding educational facilities was derived from the Volusia County Department of Economic Development and the Volusia County School Board.

**APPENDIX C**  
**BOND RESOLUTION**



**APPENDIX D**  
**FORM OF BOND COUNSEL OPINION**

July \_\_, 2012

Mayor  
City of Port Orange, Florida

**Re:     \$\_\_\_\_\_ City of Port Orange, Florida General Obligation Refunding  
         Bonds, Series 2016**

We have examined the transcript of proceedings (the “Transcript”) relating to the issuance by the City of Port Orange, Florida (the “City”) of its \$\_\_\_\_\_ General Obligation Refunding Bonds, Series 2009 (hereinafter called the “Series 2016 Bonds”). The Series 2016 Bonds are being issued pursuant to Ordinance 2016-\_\_ (the “Ordinance”), duly enacted by the City Council of the City (the “City Council”) on April \_\_, 2016, as supplemented by Resolution No. 16-\_\_, adopted by the City Council on April \_\_, 2016 (the Ordinance and such resolutions, the “Bond Legislation”). The Series 2016 Bonds are being issued pursuant to the Constitution and Statutes of the State of Florida, including particularly Section 166, Florida Statutes, Chapter 132, Florida Statutes, and other applicable provisions of law to refund the City’s outstanding General Obligation Bonds, Series 2006. We have examined a specimen of the executed Series 2016 Bonds.

The Series 2016 Bonds are general obligations of the City, payable from and secured equally and ratably by a lien upon ad valorem taxes levied without limit as to rate or amount upon all taxable property in the City (the “Ad Valorem Taxes”), sufficient to pay the principal of and interest on the Series 2016 Bonds, in the manner provided in the Bond Legislation.

Based upon this examination, we are of the opinion that, under existing law:

1. The City is a body corporate and politic, duly organized and validly existing under the constitution and laws of the State of Florida, and has full legal right, power and authority to issue the Series 2016 Bonds and to adopt the Bond Legislation.
2. The Series 2016 Bonds and the Bond Legislation contained in the Transcript are valid, binding and enforceable in accordance with their respective terms.
3. The Series 2016 Bonds have been duly authorized, executed and delivered by the City, and are valid and binding general obligations of the City enforceable in accordance with their terms, payable from and secured by the full faith and credit and taxing power of the City and by a lien upon the Ad Valorem Taxes, as described above.

4. The interest on the Series 2016 Bonds (i) is excluded from gross income for federal income tax purposes, and (ii) is not an item of tax preference for purposes of the federal alternative minimum tax; however, it should be noted that, with respect to corporations (as defined for federal income tax purposes), such interest is taken into account in determining adjusted current earnings for the purpose of computing the alternative minimum tax imposed on such corporations. For purposes of the opinions expressed in the preceding sentence we have assumed compliance by the City with various covenants contained in the Bond Resolution and the tax certificate relating to certain arbitrage rebate and other tax requirements contained in Section 103 and Part IV of Subchapter B of Chapter 1 of the Internal Revenue Code of 1986, as amended (the “Code”), to the extent necessary to preserve the exclusion of interest on the Series 2016 Bonds from gross income for federal income tax purposes. Failure of the City to comply with such requirements could cause interest on the Series 2016 Bonds to be included in gross income for federal income tax purposes retroactive to the date of issuance of the Series 2016 Bonds. Other provisions of the Code may give rise to adverse federal income tax consequences to particular owners of the Series 2016 Bonds. The scope of this opinion is limited to matters addressed above and no opinion is expressed hereby regarding other federal tax consequences that may arise due to ownership of the Series 2016 Bonds other than expressed in paragraph 5 below.

It is to be understood that the rights of the owner of the Series 2016 Bonds and the enforceability thereof may be subject to the exercise of judicial discretion in accordance with general principles of equity, to the valid exercise of the sovereign police powers of the State of Florida and the constitutional powers of the United States of America and to bankruptcy, insolvency, reorganization, moratorium and other similar laws affecting creditors’ rights heretofore or hereafter enacted.

Our opinions expressed herein are predicated upon present law, facts and circumstances; and we assume no affirmative obligation to update the opinions expressed herein if such laws, facts or circumstances change after the date hereof.

Respectfully submitted,

**APPENDIX E**  
**BOOK ENTRY ONLY SYSTEM**  
**OF REGISTRATION OF OWNERSHIP OF BONDS**

**Book-Entry Provisions**

The information in this section concerning DTC and DTC's book entry system has been obtained from DTC and neither the City nor the Underwriter makes any representation or warranty or takes any responsibility for the accuracy or completeness of such information.

DTC will act as securities depository for the Series 2016 Bonds. The Series 2016 Bonds will be issued as fully registered securities registered in the name of Cede & Co. (DTC's partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully registered Series 2016 Bond certificate will be issued for each maturity of the Series 2016 Bonds, each in the aggregate principal amount of such maturity, and will be deposited with DTC.

DTC, the world's largest depository, is a limited-purpose trust company organized under the New York Banking Law, a "banking organization" within the meaning of the New York Banking Law, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds and provides asset servicing for over 3.5 million U.S. and non-U.S. equity issues, corporate and municipal debt issues, and money market instruments from over 100 countries that DTC's participants ("Direct Participants") deposit with DTC. DTC also facilitates the post-trade settlement among Direct Participants of sales and other securities transactions in deposited securities, through electronic computerized book-entry transfers and pledges between Direct Participants' accounts. This eliminates the need for physical movement of securities certificates. Direct Participants include both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations. DTC is a wholly owned subsidiary of The Depository Trust & Clearing Corporation ("DTCC"). DTCC is the holding company for DTC, National Securities Clearing Corporation and Fixed Income Clearing Corporation, all of which are registered clearing agencies. DTCC is owned by the users of its regulated subsidiaries. Access to the DTC system is also available to others such as both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, and clearing corporations that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly ("Indirect Participants"). The Direct Participants and the Indirect Participants are collectively referred to herein as the "DTC Participants". DTC has a Standard & Poor's rating of AA+. The DTC rules applicable to its DTC Participants are on file with the Securities and Exchange Commission (the "SEC"). More information about DTC can be found at [www.dtcc.com](http://www.dtcc.com).

Purchases of Series 2016 Bonds under the DTC system must be made by or through Direct Participants, which will receive a credit for the Series 2016 Bonds on DTC's records. The ownership interest of each actual purchaser of each Series 2016 Bond (each a "Beneficial

Owner”) is in turn to be recorded on the Direct and Indirect Participants’ records. Beneficial Owners will not receive written confirmation from DTC of their purchase. Beneficial Owners are, however, expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interests in the Series 2016 Bonds are to be accomplished by entries made on the books of Direct and Indirect Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interests in the Series 2016 Bonds, except in the event that use of the book-entry system for the Series 2016 Bonds is discontinued.

To facilitate subsequent transfers, all Series 2016 Bonds deposited by Direct Participants with DTC are registered in the name of DTC’s partnership nominee, Cede & Co., or such other name as may be requested by an authorized representative of DTC. The deposit of the Series 2016 Bonds with DTC and their registration in the name of Cede & Co. or such other DTC nominee do not affect any change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Series 2016 Bonds; DTC’s records reflect only the identity of the Direct Participants to whose accounts such Series 2016 Bonds are credited, which may or may not be the Beneficial Owners. The Direct and Indirect Participants will remain responsible for keeping account of their holdings on behalf of their customers.

Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time. Beneficial Owners of Series 2016 Bonds may wish to take certain steps to augment the transmission to them of notices of significant events with respect to the Series 2016 Bonds, such as redemptions, tenders, defaults, and proposed amendments to the Series 2016 Bond documents. For example, Beneficial Owners of Series 2016 Bonds may wish to ascertain that the nominee holding the Series 2016 Bonds for their benefit has agreed to obtain and transmit notices to Beneficial Owners. In the alternative, Beneficial Owners may wish to provide their names and addresses to the Registrar and request that copies of notices be provided directly to them.

Redemption notices shall be sent to DTC. If less than all of the Series 2016 Bonds or a maturity are being redeemed, DTC’s practice is to determine by lot the amount of the interest of each Direct Participant in such series or maturity to be redeemed.

Neither DTC nor Cede & Co. (nor any other DTC nominee) will consent or vote with respect to the Series 2016 Bonds unless authorized by a Direct Participant in accordance with DTC’s procedures. Under its usual procedures, DTC mails an Omnibus Proxy to the City as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.’s consenting or voting rights to those Direct Participants to whose accounts the Series 2016 Bonds are credited on the record date (identified in a listing attached to the Omnibus Proxy).

Principal and interest payments on the Series 2016 Bonds will be made to Cede & Co., or such other nominee as may be requested by an authorized representative of DTC. DTC’s practice is to credit Direct Participants’ accounts upon DTC’s receipt of funds and corresponding detail information from the City or the Paying Agent on a payment date in accordance with their

respective holdings shown on DTC's records. Payments by DTC Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name", and will be the responsibility of such DTC Participant and not of DTC nor its nominee, the Paying Agent, or the City, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of principal and interest on the Series 2016 Bonds, as applicable, to Cede & Co. (or such other nominee as may be requested by an authorized representative of DTC) is the responsibility of the City and/or the Paying Agent, disbursement of such payments to Direct Participants will be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners will be the responsibility of Direct and Indirect Participants.

DTC may discontinue providing its services as depository with respect to the Series 2016 Bonds at any time by giving reasonable notice to the City or the Paying Agent. Under such circumstances, in the event that a successor depository is not obtained, Series 2016 Bond certificates are required to be printed and delivered.

Subject to the policies and procedures of DTC (or any successor securities depository), the City may decide to discontinue use of the system of book-entry transfers through DTC upon compliance with any applicable DTC rules and procedures. In that event, Series 2016 Bond certificates will be printed and delivered.

So long as Cede & Co. is the registered owner of the Series 2016 Bonds, as nominee of DTC, reference herein to the Bondholders or Registered Owners of the Series 2016 Bonds will mean Cede & Co., as aforesaid, and will not mean the Beneficial Owners of the Series 2016 Bonds.

The City can make no assurances that DTC will distribute payments of principal of, redemption price, if any, or interest on the Series 2016 Bonds to the Direct Participants, or that Direct and Indirect Participants will distribute payments of principal of, redemption price, if any, or interest on the Series 2016 Bonds or redemption notices to the Beneficial Owners of such Series 2016 Bonds or that they will do so on a timely basis, or that DTC or any of its Participants will act in a manner described in this Official Statement. The City is not responsible or liable for the failure of DTC to make any payment to any Direct Participant or failure of any Direct or Indirect Participant to give any notice or make any payment to a Beneficial Owner in respect to the Series 2016 Bonds or any error or delay relating thereto.

The rights of holders of beneficial interests in the Series 2016 Bonds and the manner of transferring or pledging those interests are subject to applicable state law. Holders of beneficial interests in the Series 2016 Bonds may want to discuss the manner of transferring or pledging their interest in the Series 2016 Bonds with their legal advisors.

NEITHER THE CITY NOR THE PAYING AGENT SHALL HAVE ANY OBLIGATION WITH RESPECT TO ANY DEPOSITORY PARTICIPANT OR BENEFICIAL OWNER OF THE SERIES 2016 BONDS DURING SUCH TIME AS THE SERIES 2016 BONDS ARE REGISTERED IN THE NAME OF A SECURITIES DEPOSITORY PURSUANT TO A BOOK-ENTRY ONLY SYSTEM OF REGISTRATION.

## **APPENDIX E**

### **FORM OF CONTINUING DISCLOSURE CERTIFICATE**

This Continuing Disclosure Certificate (the “Disclosure Certificate”) is executed and delivered by the City of Port Orange], Florida (the “City”) in connection with the issuance of \$14,500,000 General Obligation Bonds, Series 2016 (the “Bonds”). The Bonds are being issued pursuant to Resolution No. 16-\_\_, adopted by the City on April \_\_, 2016, as supplemented (the “Resolution”). The City covenants and agrees as follows:

**SECTION 1. PURPOSE OF THE DISCLOSURE CERTIFICATE.** This Disclosure Certificate is being executed and delivered by the City for the benefit of the Holders and Beneficial Owners of the Bonds and in order to assist the Participating Underwriter in complying with the continuing disclosure requirements of Securities and Exchange Commission Rule 15c2-12 promulgated by the Securities and Exchange Commission (“SEC”) pursuant to the Securities Exchange Act of 1934, as the same may be amended from time to time.

**SECTION 2. DEFINITIONS.** In addition to the definitions set forth in the Indenture which apply to any capitalized term used in this Disclosure Certificate unless otherwise defined in this Section, the following capitalized terms shall have the following meanings:

“Annual Report” shall mean any Annual Report provided by the City pursuant to, and as described in, Sections 3 and 4 of this Disclosure Certificate.

“Beneficial Owner” shall mean any person which (a) has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Bonds (including persons holding Bonds through nominees, depositories or other intermediaries), or (b) is treated as the owner of any Bonds for federal income tax purposes.

“Dissemination Agent” shall mean initially Digital Assurance Certification LLC, as dissemination agent, or any successor Dissemination Agent designated in writing by the City, and which has filed with the City a written acceptance of such designation.

“Listed Events” shall mean any of the events listed in Section 5(a) of this Disclosure Certificate.

“MSRB” means the Municipal Securities Rulemaking Board.

“Participating Underwriter” shall mean the original underwriter of the Bonds required to comply with the Rule in connection with offering of the Bonds.

“Repository” shall mean the MSRB and each State Repository.

“Rule” shall mean the continuing disclosure requirements of Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time.

“State” shall mean the State of Florida.

“State Repository” shall mean any public or private repository or entity designated by the State as a state information depository for the purpose of the Rule and recognized as such by the Securities and Exchange Commission. As of the date of this Certificate, there is no State Repository.

### SECTION 3. PROVISION OF ANNUAL REPORTS.

(a) The City shall, or shall cause the Dissemination Agent to, not later than the May 1 following the end of the City’s fiscal year (presently ending September 30), commencing with the report for the Fiscal Year 2015/16, provide to each Repository an Annual Report which is consistent with the requirements of Section 4 of this Disclosure Certificate. The Annual Report may be submitted as a single document or as separate documents comprising a package, and may cross-reference other information as provided in Section 4 of this Disclosure Certificate; provided that the audited financial statements of the City may be submitted separately from the balance of the Annual Report and later than the date required above for the filing of the Annual Report if they are not available by that date. If the City’s fiscal year changes, it shall give notice of such change in the same manner as for a Listed Event under Section 5(c).

(b) Not later than fifteen (15) Business Days prior to said date, the City shall provide the Annual Report to the Dissemination Agent (if other than the City). If the City is unable to provide to the Repositories an Annual Report (other than the audited financial statements described in subsection (a) above) by the date required in subsection (a), the City shall send, or cause to be sent, a notice to (i) the MSRB, and (ii) the State Repository, if any, in substantially the form attached hereto as Exhibit A.

(c) If the Dissemination Agent is other than the City, the Dissemination Agent shall file a report with the City certifying that the Annual Report has been provided pursuant to this Disclosure Agreement, stating the date it was provided to EMMA.

SECTION 4. CONTENT OF ANNUAL REPORTS. The City’s Annual Report shall contain or include by reference the following:

(a) The audited financial statements of the City for the prior Fiscal Year, prepared in accordance with generally accepted accounting principles as promulgated to apply to

governmental entities from time to time by the Governmental Accounting Standards Board. If the City's audited financial statements are not available by the time the Annual Report is required to be filed pursuant to Section 3(a), the Annual Report shall contain unaudited financial statements in a format similar to the financial statements contained in the final Official Statement, and the audited financial statements shall be filed in the same manner as the Annual Report when they become available.

(b) The following financial information and operating data in tabular form from the Official Statement under the following titles:

□

(i) status of the Half-Cent Sales Tax, Public Utilities and Services Taxes and Communications Services Tax receipts presented in a manner consistent with the presentation of such information in this Official Statement under the heading "HALF-CENT SALES TAX, PUBLIC UTILITY AND SERVICE TAXES AND COMMUNICATIONS SERVICES TAX RECEIPTS", and

(ii) status of the legally available Non-Ad Valorem Revenues presented in a manner consistent with the presentation of such information in this Official Statement under the heading "HISTORICAL LEGALLY AVAILABLE NON-AD VALOREM REVENUES" and "STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE".

The information provided under Section 4(b) may be included by specific reference to other documents, including official statements of debt issues of the City or related public entities, which have been submitted to each of the Repositories or the Securities and Exchange Commission. If the document included by reference is a final official statement, it must be available from the Municipal Securities Rulemaking Board. The City shall clearly identify each such other document so included by reference.

## SECTION 5. REPORTING OF SIGNIFICANT EVENTS.

(a) Pursuant to the provisions of this Section 5, the City shall give, or cause to be given, to each Repository in a timely manner not in excess of ten business days after the occurrence of the event, notice of the occurrence of any of the following events (each, a "Listed Event") with respect to the Bonds:

1. principal and interest payment delinquencies;
2. non-payment related defaults, if material;
3. 3. unscheduled draws on the debt service reserves reflecting financial difficulties;
4. unscheduled draws on credit enhancements reflecting financial difficulties;



5. substitution of credit or liquidity providers, or their failure to perform;
6. adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
7. modifications to rights of the Holders of the Bonds;
8. Bond calls, if material, and tender offers;
9. defeasances;
10. release, substitution, or sale of property securing repayment of the Bonds, if material;
11. rating changes;
12. bankruptcy, insolvency, receivership or similar event of the City (which is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City;
13. the consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
14. the appointment of a successor or additional trustee or the change of name of the trustee, if material.

SECTION 6. SUBMISSION OF INFORMATION TO THE MSRB. The information required to be disclosed pursuant to Sections 3 and 5 of this Disclosure Certificate shall be submitted to the MSRB through its Electronic Municipal Market Access system (“EMMA”). Subject to future changes in submission rules and regulations, such submissions shall be provided to the MSRB, through EMMA, in portable document format (“PDF”) files configured to permit documents to be saved, viewed, printed and retransmitted by electronic means. Such PDF files shall be word-searchable (allowing the user to search for specific terms used within the document through a search or find function available in a software package).

Subject to future changes in submission rules and regulations, at the time that such information is submitted through EMMA, the City, or any Dissemination Agent engaged by the City pursuant to Section 8 hereof, shall also provide to the MSRB information necessary to accurately identify:

- (a) the category of information being provided;
- (b) the period covered by the financial statements and any additional financial information and operating data being provided;
- (c) the issues or specific securities to which such submission is related or otherwise material (including CUSIP number, City name, state, issue description/securities name, dated date, maturity date, and/or coupon rate);
- (d) the name of any obligated person other than the City;
- (e) the name and date of the document being submitted; and
- (f) contact information for the submitter.

SECTION 7. TERMINATION OF REPORTING OBLIGATION. The City's obligations under this Disclosure Certificate shall terminate upon the legal defeasance, prior redemption or payment in full of all of the Bonds. If such termination occurs prior to the final maturity of the Bonds, the City shall give notice of such termination in the same manner as for a Listed Event under Section 5(c).

SECTION 8. DISSEMINATION AGENT. The City may, from time to time, appoint or engage a Dissemination Agent to assist it in carrying out its obligations under this Disclosure Certificate, and may discharge any such Dissemination Agent, with or without appointing a successor Dissemination Agent. The Dissemination Agent shall not be responsible in any manner for the content of any notice or report prepared by the City pursuant to this Disclosure Certificate.

SECTION 9. AMENDMENT; WAIVER. Notwithstanding any other provision of this Disclosure Certificate, the City may amend this Disclosure Certificate, and any provision of this Disclosure Certificate may be waived, provided that the following conditions are satisfied:

(a) If the amendment or waiver relates to the provisions of Sections 3(a), 4, or 5(a), it may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature or status of the City, or the type of business conducted;

(b) The undertaking, as amended or taking into account such waiver, would, in the opinion of nationally recognized bond counsel, have complied with the requirements of the Rule

at the time of the original issuance of the Bonds, after taking into account any amendments or interpretations of the Rule, as well as any change in circumstances; and

(c) The amendment or waiver either (i) is approved by the Holders of the Bonds in the same manner as provided in the Indenture for amendments to the Indenture with the consent of Holders, or (ii) does not, in the opinion of nationally recognized bond counsel, materially impair the interests of the Holders or Beneficial Owners of the Bonds.

In the event of any amendment or waiver of a provision of this Disclosure Certificate, the City shall describe such amendment in the next Annual Report, and shall include, as applicable, a narrative explanation of the reason for the amendment or waiver and its impact on the type (or in the case of a change of accounting principles, on the presentation) of financial information or operating data being presented by the City. In addition, if the amendment relates to the accounting principles to be followed in preparing financial statements, (i) notice of such change shall be given in the same manner as for a Listed Event under Section 5(c), and (ii) the Annual Report for the year in which the change is made should present a comparison (in narrative form and also, if feasible, in quantitative form) between the financial statements as prepared on the basis of the new accounting principles and those prepared on the basis of the former accounting principles.

**SECTION 10. ADDITIONAL INFORMATION.** Nothing in this Disclosure Certificate shall be deemed to prevent the City from disseminating any other information, using the means of dissemination set forth in this Disclosure Certificate or any other means of communication, or including any other information in any Annual Report or notice of occurrence of a Listed Event, in addition to that which is required by this Disclosure Certificate. If the City chooses to include any information in any Annual Report or notice of occurrence of a Listed Event in addition to that which is specifically required by this Disclosure Certificate, the City shall have no obligation under this Certificate to update such information or include it in any future Annual Report or notice of occurrence of a Listed Event.

**SECTION 11. DEFAULT.** In the event of a failure of the City to comply with any provision of this Disclosure Certificate, any Holder or Beneficial Owner of the Bonds may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Disclosure Certificate; provided, however, the sole remedy under this Disclosure Certificate in the event of any failure of the City to comply with the provisions of this Disclosure Certificate shall be an action to compel performance. A default under this Disclosure Certificate shall not be deemed a default or an event of default under the Resolution.

**SECTION 12. DUTIES, IMMUNITIES AND LIABILITIES OF DISSEMINATION AGENT.** The Dissemination Agent shall have only such duties as are specifically set forth in this Disclosure Certificate, and the City agrees, to the extent permitted by law and solely from the Pledged Funds, as defined in the Indenture, to indemnify and save the Dissemination Agent, its officers, directors, employees and agents, harmless against loss, expense and liabilities which it may incur arising out of or in the exercise or performance of its powers and duties hereunder,

including the costs and expenses (including attorneys' fees) of defending against any claim of liability, but excluding liabilities due to the Dissemination Agent's negligence or willful misconduct. The obligations of the City under this Section shall survive resignation or removal of the Dissemination Agent and payment of the Bonds.

SECTION 13. BENEFICIARIES. This Disclosure Certificate shall inure solely to the benefit of the City, the Dissemination Agent, the Participating Underwriters and Holders and Beneficial Owners from time to time of the Bonds, and shall create no rights in any other person or entity.

Date: May \_\_, 2016

**CITY OF PORT ORANGE, FLORIDA**

(SEAL)

By: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk

## EXHIBIT “D”

## ESTIMATED COSTS OF ISSUANCE

| <b><u>Item</u></b>                                         | <b><u>Firm</u></b>                                 | <b><u>Fee/Cost</u></b> |
|------------------------------------------------------------|----------------------------------------------------|------------------------|
|                                                            |                                                    |                        |
| Bond and Disclosure Counsel                                | Akerman LLP                                        | \$26,000               |
| Bond Counsel Expenses                                      |                                                    | 1,000                  |
| Financial Advisor                                          | SIS, Inc.                                          | 28,500                 |
| Financial Advisor Expenses                                 |                                                    | 350                    |
| Paying Agent/Escrow Agent                                  | The Bank of New York Mellon<br>Trust Company, N.A. | 1,250                  |
| Rating Agency Fees:                                        | Moody's                                            | 18,000                 |
| Dissemination Agent                                        | DAC                                                | 5,000                  |
| Verification Agent                                         | TDB                                                | 2,000                  |
| Printing                                                   |                                                    | 5,000                  |
| Miscellaneous and Professionals'<br>Out of Pocket Expenses |                                                    | <u>2,500</u>           |
| Subtotal Costs of Issuance                                 |                                                    | <u>\$89,100</u>        |

# Exhibit "E"

**CITY OF PORT ORANGE, FLORIDA  
and  
THE BANK OF NEW YORK TRUST MELLON COMPANY, N.A.  
as Escrow Agent**

---

## **ESCROW DEPOSIT AGREEMENT**

**Relating to  
City of Port Orange, Florida  
General Obligation Refunding Bonds, Series 2016**

---

**Dated as of May \_\_, 2016**

## **ESCROW DEPOSIT AGREEMENT**

THIS ESCROW DEPOSIT AGREEMENT (the "Agreement") made and entered into as of May \_\_, 2016, by and between the City of Port Orange, Florida (the "City") and The Bank of New York Mellon Trust Company, N.A., a national banking association, as Escrow Agent (the "Escrow Agent").

### **WITNESSETH:**

WHEREAS, the City has heretofore issued its General Obligation Bonds, Series 2006, dated March 21, 2006, of which an aggregate principal amount of \$13,655,000 is currently outstanding (the "Refunded Bonds") and

WHEREAS, the City has issued its \$\_\_\_\_\_ General Obligation Refunding Bonds, Series 2016 (the "Series 2016 Bonds"), pursuant to the provisions of Resolution No. 16-30, adopted May \_\_, 2016 (the "Resolution"), a portion of the proceeds of which Series 2016 Bonds is to be deposited with the Escrow Agent to provide, with certain other available moneys of the City, sufficient moneys for the defeasance of the Refunded Bonds; and

WHEREAS, a portion of the proceeds derived from the sale of the Series 2016 Bonds, together with the other available moneys of the City, will be sufficient to pay when due the principal of and interest on the Refunded Bonds as more specifically set forth in this Agreement; and

WHEREAS, in order to provide for the proper and timely application of the moneys deposited hereunder, it is necessary for the City to enter into this Agreement with the Escrow Agent;

NOW, THEREFORE, the City, in consideration of the foregoing and the mutual covenants set forth in this Agreement and in order to secure the payment of the principal of and interest on all of the Refunded Bonds according to their tenor and effect, does hereby agree as follows:

### **ARTICLE I**

#### **CREATION AND CONVEYANCE OF TRUST ESTATE**

Section 1.01. Creation and Conveyance of Trust Estate. The City grants, warrants, remises, releases, conveys, assigns, transfers, aliens, pledges, sets over and confirms unto the Escrow Agent and to its successors in the trust created pursuant to this Agreement, and to it and its assigns forever, all and singular the property hereinafter described, to wit:

#### **DIVISION I**

All right, title and interest in and to \$\_\_\_\_\_ in moneys deposited directly with the Escrow Agent and derived from the proceeds of the Series 2016 Bonds upon issuance

and delivery of the Series 2016 Bonds and execution of and delivery of this Agreement (the “Series 2016 Bond Proceeds”) and \$\_\_\_\_\_ in moneys of the City (the “Other Moneys”).

## **DIVISION II**

Any and all other property of every kind and nature from time to time hereafter, by delivery or by writing of any kind, conveyed, pledged, assigned or transferred as and for additional security hereunder by the City, or by anyone on behalf of the City to the Escrow Agent for the benefit of the Refunded Bonds.

## **DIVISION III**

All property which is by the express provisions of this Agreement required to be subject to the pledge of this Agreement and any additional property that may, from time to time hereafter, by delivery or by writing of any kind, by the City, or by anyone in its behalf, be subject to the pledge of this Agreement.

**TO HAVE AND TO HOLD**, all and singular, the Trust Estate (as such term is hereinafter defined), including all additional property which by the terms of this Agreement has or may become subject to the encumbrances of this Agreement, unto the Escrow Agent, and its successors and assigns, forever, in trust, however, for the sole benefit and security of the holders from time to time of the Refunded Bonds, but if the principal of and interest on all of the Refunded Bonds shall be fully and promptly paid when due, upon the maturity or earlier redemption of the Refunded Bonds, in accordance with their terms and the terms of this Agreement, then this Agreement shall be and become void and of no further force and effect except as otherwise provided in this Agreement; otherwise the same shall remain in full force and effect, and upon the trusts and subject to the covenants and conditions hereinafter set forth.

## **ARTICLE II**

### **DEFINITIONS**

Section 2.01. Definitions. In addition to words and terms elsewhere defined in this Agreement, the following words and terms as used in this Agreement shall have the following meanings, unless some other meaning is plainly intended. Capitalized terms not otherwise defined in this Agreement shall have the meanings set forth in the Resolution.

“Trust Estate” shall mean the property, rights and interests described or referred to under Divisions I, II, III and IV in Article I above.

Words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders. Words importing the singular number shall include the plural number and vice versa unless the context shall otherwise indicate. The word “person” shall include corporations, associations, natural persons and public bodies



unless the context shall otherwise indicate. Reference to a person other than a natural person shall include its successors.

### **ARTICLE III**

#### **ESTABLISHMENT OF ESCROW DEPOSIT TRUST FUND; FLOW OF FUNDS**

Section 3.01. Creation of Escrow Deposit Trust Fund and Deposit of Moneys. There is created and established with the Escrow Agent a special and irrevocable trust fund designated “City of Port Orange, Florida General Obligation Refunding Bonds, Series 2016 Escrow Deposit Trust Fund” (the “Escrow Deposit Trust Fund”), to be held by the Escrow Agent for the sole benefit of the holders of the Refunded Bonds and accounted for separate and apart from the other funds of the City and, to the extent required by law, of the Escrow Agent.

Concurrently with the delivery of this Agreement, the City herewith causes to be deposited with the Escrow Agent and the Escrow Agent acknowledges receipt of immediately available moneys for deposit in the Escrow Deposit Trust Fund in the amount of \$\_\_\_\_\_, which is sufficient (without investment) to pay the principal of and interest to become due on the Refunded Bonds, as more particularly described in Schedule C.

Section 3.02. Payment of Refunded Bonds. The Series 2016 Bond Proceeds and Other Moneys received by the Escrow Agent will be sufficient to pay as the same are due all principal and redemption price of and interest on the Refunded Bonds. Notwithstanding the foregoing, if the amounts deposited in the Escrow Deposit Trust Fund are insufficient to make said payments of principal and interest, the City shall cause to be deposited into the Escrow Deposit Trust Fund the amount of any deficiency immediately upon notice from the Escrow Agent.

Section 3.03. Irrevocable Trust Created. The deposit of moneys and Escrow Securities or other property hereunder in the Escrow Deposit Trust Fund shall constitute an irrevocable deposit of said moneys and other property hereunder for the sole benefit of the holders of the Refunded Bonds, subject to the provisions of this Agreement. The holders of the Refunded Bonds, subject to the provisions of this Agreement, shall have an express lien on all moneys and other property in the Escrow Deposit Trust Fund. The moneys deposited in the Escrow Deposit Trust Fund and other property hereunder shall be held in trust by the Escrow Agent, and shall be transferred in the necessary amounts as hereinafter set forth, to the paying agents for the Refunded Bonds for the payment of the principal of and interest and premium, if any, on the Refunded Bonds, as more specifically set forth in Schedule C.

Section 3.04. Transfers from Escrow Deposit Trust Fund; Instructions to Call for Redemption. The Escrow Agent shall, no later than the payment date for the Refunded Bonds, as specified in Schedule C, transfer from the Escrow Deposit Trust Fund to the paying agent for the Refunded Bonds amounts sufficient to pay the principal of, redemption premium, if any and interest on the Refunded Bonds, as specified in Schedule C. The City irrevocably determines to call for redemption the Refunded Bonds on the call date of

\_\_\_\_\_, 2016 at the redemption price of 100% of their principal amount plus accrued and unpaid interest to the date fixed for redemption. The City hereby instructs the Paying Agent for the Refunded Bonds, to send notice of redemption, substantially in the form attached hereto as Schedule D, of the Refunded Bonds to be redeemed prior to maturity in accordance with the provisions of the instruments authorizing the Refunded Bonds.

Section 3.05. No Investment. The Escrow Agent shall not invest or reinvest funds in the Escrow Deposit Trust.

Section 3.06. Escrow Deposit Trust Fund Constitutes Trust Fund. The Escrow Deposit Trust Fund created and established pursuant to this Agreement shall be and constitutes a trust fund for the purposes provided in this Agreement and shall be kept separate and distinct from all other funds of the City and, to the extent required by law, of the Escrow Agent and used only for the purposes and in the manner provided in this Agreement.

Section 3.07. Transfer of Funds After All Payments Required by this Agreement are Made. After all of the transfers by the Escrow Agent to the paying agent for payment of the principal of, redemption premium, if applicable, and interest on the Refunded Bonds provided in Schedule C have been made, all remaining moneys and securities, together with any income and interest thereon, in the Escrow Deposit Trust Fund shall be paid to the City; provided, however, that no such transfers shall be made until all of the principal of and interest on the Refunded Bonds have been paid.

## **ARTICLE IV**

### **CONCERNING THE ESCROW AGENT**

Section 4.01. Liability of Escrow Agent. The Escrow Agent shall not be liable in connection with the performance of its duties hereunder except for its own negligence or wilful misconduct. The Escrow Agent shall not be liable for any loss resulting from any investments made pursuant to the terms of this Agreement. The Escrow Agent shall not be liable for the accuracy of the calculations as to the sufficiency of moneys and of the principal amount of the Escrow Securities and the earnings thereon to pay the Refunded Bonds. So long as the Escrow Agent applies any moneys, Escrow Securities and interest earnings therefrom to pay the Refunded Bonds as provided in this Agreement, and complies fully with the terms of this Agreement, the Escrow Agent shall not be liable for any deficiencies in the amounts necessary to pay the Refunded Bonds caused by such calculations. It is expressly understood and agreed that the Escrow Agent's duties and obligations in connection with this Agreement are confined to those expressly defined herein and no implied covenants or obligations should be read into this Agreement against the Escrow Agent. The Escrow Agent may act through its agents and attorneys appointed with due care, and shall not be responsible for any willful misconduct or negligence on the part of any such person so appointed. Any payment obligation of the Escrow Agent hereunder shall be paid from, and is limited to funds established and maintained under this

Agreement; the Escrow Agent shall not be required to expend its own funds for the performance of its duties hereunder. Notwithstanding any provision herein to the contrary, in no event shall the Escrow Agent be liable for special, indirect or consequential loss or damage of any kind whatsoever (including but not limited to lost profits), even if the Escrow Agent has been advised of the likelihood of such loss or damage and regardless of the form of action. The Escrow Agent shall not be responsible or liable for any failure or delay in the performance of its obligation under this Agreement arising out of or caused, directly or indirectly, by circumstances beyond its reasonable control, including, without limitation, acts of God; earthquakes; fire; flood; hurricanes or other storms; wars; terrorism; similar military disturbances; sabotage; epidemic; pandemic; riots; interruptions; loss or malfunctions of utilities, computer (hardware or software) or communications services; accidents; labor disputes; acts of civil or military authority or governmental action; it being understood that the Escrow Agent shall use commercially reasonable efforts which are consistent with accepted practices in the banking industry to resume performance as soon as reasonably practicable under the circumstances.

The Escrow Agent shall have no lien, security interest or right of set-off whatsoever upon any of the moneys or investments in the Escrow Deposit Trust Fund for the payment of fees or expenses for the services rendered by the Escrow Agent under this Agreement.

Section 4.02. Permitted Acts. The Escrow Agent and its affiliates may become the owner of all or may deal in the Refunded Bonds as fully and with the same rights as if it were not the Escrow Agent.

Section 4.03. Payment to Escrow Agent. The City shall pay to the Escrow Agent a fee of \$\_\_\_\_\_ for the services rendered by it hereunder and also its reasonable expenses, charges and other disbursements and those of its attorneys, agents and employees incurred in and about the administration and execution of the trusts created pursuant to this Agreement, and the performance of its powers and duties hereunder, including, without limitation, all advances, counsel fees, costs and other expenses reasonably made or incurred by the Escrow Agent in connection with such services.

The City further agrees to indemnify and hold the Escrow Agent harmless, to the extent allowed by law, against any liabilities which it may incur in the exercise and performance of its powers and duties hereunder and which are not due to its negligence or willful misconduct. Indemnification provided under this Section 4.03 shall survive the termination of this Agreement or the earlier resignation or removal of the Escrow Agent.

Whenever the Escrow Agent shall deem it necessary or desirable that a matter be proved or established prior to taking, suffering or omitting any action under this Agreement, such matter may be deemed to be conclusively established by a certificate signed by an authorized officer of the City. The Escrow Agent may conclusively rely, as to the correctness of statements, conclusions and opinions therein, upon any certificate, report, opinion or other document furnished to the City pursuant to any provision of this Agreement. The Escrow Agent shall be protected and shall not be liable for acting or proceeding, in good faith, upon such reliance and the City shall be under no duty to make any investigation or inquiry as to any statements contained or matters referred to in any such

instrument. The Escrow Agent may consult with counsel, who may be counsel to the City or independent counsel, with regard to legal questions, and the opinion of such counsel shall be full and complete authorization and protection in respect of any action taken or suffered by it hereunder in good faith in accordance herewith. Prior to retaining such independent counsel, the Escrow Agent shall notify the City of its intention to retain counsel.

Section 4.04. Resignation or Removal of Escrow Agent. The Escrow Agent, at the time acting hereunder, may at any time resign and be discharged from the duties and obligations hereby created by giving not less than thirty (30) days' written notice to the City and by mailing notice thereof, specifying the date when such resignation will take effect, to the City and the Paying Agent for the Refunded Bonds, but no such resignation shall take effect unless a successor Escrow Agent shall have been appointed by the City and such successor Escrow Agent shall have accepted such appointment, in which event such resignation shall take effect immediately upon the appointment and acceptance of a successor Escrow Agent.

The Escrow Agent may be removed at any time by an instrument or concurrent instruments in writing, delivered to the Escrow Agent, to the City and signed by the holders of majority in aggregate principal amount of the Defeased Bonds then outstanding.

In the event the Escrow Agent hereunder shall resign or be removed, or be dissolved, or shall be in the course of dissolution or liquidation, or otherwise become incapable of acting hereunder, or in case the Escrow Agent shall be taken under the control of any public officer or officers, or of a receiver appointed by a court, a successor shall be appointed by the City. The City shall mail notice of any such appointment made by it to the Paying Agent for the Refunded Bonds.

In the event that no appointment of a successor Escrow Agent or a temporary successor Escrow Agent shall have been made by the City pursuant to the foregoing provisions of this Section 4.04 within sixty (60) days after written notice of resignation of the Escrow Agent has been given to the City, the holder of any of the Refunded Bonds or any retiring Escrow Agent may apply to any court of competent jurisdiction for the appointment of a successor Escrow Agent, and such court may thereupon, after such notice, if any, as it shall deem proper, appoint a successor Escrow Agent.

In the event of replacement or resignation of the Escrow Agent, the Escrow Agent shall remit to the City the prorated portion of prepaid fees not yet incurred or payable less any termination fees and expenses at the time of discharge.

Any corporation into which the Escrow Agent, or any successor to it in the trusts created by this Agreement, may be merged or converted or within which it or any successor to it may be consolidated, or any corporation resulting from any merger, conversion, consolidation or tax-free reorganization to which the Escrow Agent or any successor to it shall be a party, or any corporation to which the Escrow Agent or successor to it shall sell or transfer all or substantially all of its corporate trust business, shall be the successor Escrow Agent under this Agreement without the execution or filing of any paper or any other act on the part of any of the parties hereto, anything herein to the contrary notwithstanding.

**ARTICLE V**  
**MISCELLANEOUS**

Section 5.01. Amendments to this Agreement. This Agreement is made for the benefit of the holders from time to time of the Refunded Bonds and shall not be repealed, revoked, altered or amended without the written consent of all such holders of the Refunded Bonds, the Escrow Agent and the City; provided, however, that the City and the Escrow Agent may, without the consent of, or notice to, such holders, enter into such agreements supplemental to this Agreement which shall not adversely affect the rights of such holders and shall not be inconsistent with the terms and provisions of this Agreement for any one or more of the following purposes:

- (a) to cure any ambiguity or formal defect or omission in this Agreement; or
- (b) to grant to or confer upon the Escrow Agent for the benefit of the holders of the Refunded Bonds any additional rights, remedies, powers or authority that may lawfully be granted to or conferred upon the Escrow Agent.

The Escrow Agent shall be entitled to rely conclusively upon an unqualified opinion of a nationally recognized counsel in the field of law relating to municipal bonds with respect to compliance with this Section.

Section 5.02. Severability. If any one or more of the covenants or agreements provided in this Agreement on the part of the City or the Escrow Agent to be performed should be determined by a court of competent jurisdiction to be contrary to law, such covenant or agreement shall be deemed and construed to be severable from the remaining covenants and agreements contained in this Agreement and shall in no way affect the validity of the remaining provisions of this Agreement.

Section 5.03. Agreement Binding. All the covenants, proposals and agreements in this Agreement contained by or on behalf of the City or by or on behalf of the Escrow Agent shall bind and inure to the benefit of their respective successors and assigns, whether so expressed or not.

Section 5.04. Notices to Escrow Agent and City. Any notice, demand, direction, request or other instrument authorized or required by this Agreement to be given to or filed with the Escrow Agent or the City, shall be deemed to have been sufficiently given or filed for all purposes of this Agreement if personally delivered and receipted for, or if sent by registered or certified United States mail, return receipt requested, addressed as follows:

- (a) City of Port Orange  
1000 City Center Circle  
Port Orange, Florida 32129  
Attention: City Manager

(b) The Bank of New York Mellon Trust Company, N.A.  
10161 Centurion Parkway  
Jacksonville, Florida 32256  
Attention: Corporate Trust

Either party to this Agreement may, by notice sent to the other party to this Agreement, designate a different or additional address to which notices under this Agreement are to be sent.

Section 5.05. Termination. This Agreement shall terminate when all transfers and payments required to be made by the Escrow Agent under the provisions of this Agreement shall have been made.

Section 5.06. Execution by Counterparts. This Agreement may be executed in several counterparts, all or any of which shall be regarded for all purposes as one original and shall constitute and be but one and the same instrument.

Section 5.07. Governing Law. The terms of this Agreement shall be governed by the laws of the state of Florida, without regard to conflict of law principles.

IN WITNESS WHEREOF, each of the parties hereto has caused this Agreement to be executed by its duly authorized officers and its official seal or corporate seal, as the case may be, to be hereunto affixed and attested as of the date first above written.

**CITY OF PORT ORANGE, FLORIDA**

By: \_\_\_\_\_  
Mayor

(SEAL)

**THE BANK OF NEW YORK  
MELLON TRUST COMPANY, N.A.,  
as Escrow Agent**

By: \_\_\_\_\_  
Vice President

## **SCHEDULE A**

### **Refunded Bonds**

The Refunded Bonds are the City of Port Orange, Florida, General Obligation Bonds, Series 2006 maturing on or after October 1, 2016, as follows:

| <u>CUSIP No.</u> | <u>Maturity Date</u><br><u>October 1,</u> | <u>Principal</u><br><u>Amount</u> | <u>Interest Rate</u> |
|------------------|-------------------------------------------|-----------------------------------|----------------------|
|------------------|-------------------------------------------|-----------------------------------|----------------------|

---

The Refunded Bonds will be called for redemption on \_\_\_\_\_, 2016 at the price of 100% of the principal amount thereof.

**SCHEDULE B**  
**INVESTMENT OF FUNDS**

The escrow funds shall be held in cash and not invested.



**SCHEDULE C**

**SCHEDULE OF PAYMENTS ON  
Refunded Bonds**

| <u>Date</u> | <u>Called Principal</u> | <u>Interest</u> | <u>Premium</u> | <u>Total</u> |
|-------------|-------------------------|-----------------|----------------|--------------|
|-------------|-------------------------|-----------------|----------------|--------------|

**SCHEDULE D**  
**FORM OF NOTICE OF REDEMPTION**  
**NOTICE OF REDEMPTION**

**CITY OF PORT ORANGE, FLORIDA GENERAL OBLIGATION BONDS, SERIES 2006**

**Dated March 21, 2006**

NOTICE IS HEREBY GIVEN to the Holders of the above-referenced bonds (the “Bonds”) that, pursuant to the Resolution authorizing the Bonds, all outstanding Bonds becoming due on or after October 1, 2016, have been called for redemption on \_\_\_\_\_, 2016 (the Redemption Date), at a redemption price equal to 100% of the principal amount of the Bonds called for redemption, plus accrued interest to the Redemption Date. The CUSIP number, maturity date, principal amount and interest rate of the Bonds called for redemption are:

| <u>CUSIP No.</u> | <u>Maturity Date</u> | <u>Principal</u> | <u>Interest Rate</u> |
|------------------|----------------------|------------------|----------------------|
|                  | <u>October 1,</u>    | <u>Amount</u>    |                      |

---

Please forward your called Bond(s) for redemption to The Bank of New York Mellon Trust Company, N.A. (the “Paying Agent”) as follows:

By Hand or Overnight:  
The Bank of New York  
Corporate Trust Operations  
111 Sanders Creek Parkway  
East Syracuse, NY 13057

Registered or certified insured mail is suggested when submitting Bonds for payment.

By: The Bank of New York Trust Mellon Company, N.A.

Please include with your Bond(s) information regarding to whom your Bond(s) should be returned and the appropriate address in the event the called Bonds are not redeemed on the Redemption Date, as described below. Also, please include IRS Form W-9, if applicable.

Moneys sufficient to pay the redemption price and accrued interest on the called Bonds have been deposited with the Escrow Agent.

CITY OF PORT ORANGE, FLORIDA

By: THE BANK OF NEW YORK  
MELLON TRUST COMPANY, N.A.  
as Paying Agent

Dated : May \_\_, 2016

\*No representation is made as to the correctness or accuracy of the CUSIP Number either as printed on the Bonds or as contained in this Notice of Redemption. Reliance may only be placed on the identification information printed on the Bonds and contained in this notice.