



CITY OF OKEECHOBEE
CITY COUNCIL
AUGUST 3, 2021
LIST OF EXHIBITS

Draft Minutes June 1, 2021 and July 6, 2021
Warrant Register June 2021

- Exhibit 1 Ordinance No.1229 Firefighter Pension Fund Plan Amendment
- Exhibit 2 Ordinance No.1231 Abandonment of Right-of-Way Petition 21-001-AC
- Exhibit 3 Ordinance No.1232 Abandonment of Right-of-Way Petition 21-002-AC
- Exhibit 4 Craig A. Smith & Associates proposal for SFWMD Permit Modification
- Exhibit 5 Homeless Shower Facilities
- Exhibit 6 Scope and Design of Cattlemen's Square in Flagler Park
- Exhibit 7 Cost Adjustment to SE 3rd Avenue Paving
- Exhibit 8 Cost Adjustment to SE 6th Street Paving
- Exhibit 9 PRM Designation of Board Member and Alternate
- Exhibit 10 Disposal of Fire Department Equipment



CITY OF OKEECHOBEE, FLORIDA
JUNE 1, 2021, REGULAR CITY COUNCIL
DRAFT MEETING MINUTES

I. CALL TO ORDER

Mayor Watford called the regular meeting of the City Council for the City of Okeechobee to order on Tuesday, June 1, 2021, at 6:00 P.M. in the City Council Chambers, located at 55 Southeast 3rd Avenue, Room 200, Okeechobee, Florida. The invocation was offered by Pastor Chad Keathley of the Okeechobee Church of God, followed by the Pledge of Allegiance led by Council Member Keefe.

II. ATTENDANCE

Roll was taken by City Clerk Lane Gamiotea to establish a quorum. Members present: Mayor Dowling R. Watford, Jr., Council Members Noel Chandler, Monica Clark, Bob Jarriel, and Bobby Keefe.

III. AGENDA AND PUBLIC COMMENTS

A. Mayor Watford asked whether there were any agenda items to be added, deferred, or withdrawn; New Business Items G and H were added.

B. Motion by Council Member Jarriel, seconded by Council Member Keefe to approve the agenda as amended. **Motion Carried Unanimously.**

C. There were no comment cards submitted for public participation.

IV. CONSENT AGENDA

Motion by Council Member Jarriel, seconded by Council Member Keefe to approve consent agenda item **A**, May 18, 2021, regular meeting minutes. **Motion Carried Unanimously.**

V. NEW BUSINESS

A. Motion by Council Member Chandler, seconded by Council Member Jarriel to not consider issuing a proclamation recognizing Gay Pride Month. **Motion Carried.**

B. Motion by Council Member Jarriel, seconded by Council Member Clark to approve an Addendum to delete Section 4.9 of the existing Interlocal Agreement with Okeechobee Utility Authority (OUA) [as provided in Exhibit 1]. **Motion Withdrawn.**

Motion by Council Member Clark, seconded by Council Member Jarriel to amend Section 4.9 of the Interlocal Agreement with Okeechobee County and OUA to allow compensation for OUA Board members; that the compensation amounts, and implementation be approved by the City and County. **Motion Carried Unanimously. This item will be readdressed before the Council for final consideration.**

C. Motion by Council Member Jarriel, seconded by Council Member Chandler to approve the temporary closure of Northwest 3rd Avenue between 4th and 5th Streets during weekdays for the purpose of administering driver's license road tests [as provided in Exhibit 2]. **Motion Carried.**

D. Motion by Council Member Keefe, seconded by Council Member Jarriel to approve the proposed City Administrator Employment Agreement between the City and Mr. Gary Ritter [as provided in Exhibit 3; the initial start date is June 21, 2021, with an annual salary of \$93,000.00, during the three-month evaluation period his title will be Interim Administrator]. **Motion Carried Unanimously.**

E. Motion by Council Member Keefe, seconded by Council Member Clark to reassign Mr. Wes Abney from an ex-officio non-voting member to a regular member of the Citizens Charter Review Advisory Committee [as provided in Exhibit 4]. **Motion Carried Unanimously.** No action was taken on the vacancies left from the resignations of Mr. Noel Chandler and Mr. Gary Ritter.

V. NEW BUSINESS CONTINUED.

- F.** The following Liaison Board reappointments were made by consensus [see Exhibit 5]: **Interim Administrator Ritter to the Okeechobee Economic Development Corporation** as of June 21, 2021 [replacing MontesDeOca]; **Council Member Chandler as Alternate Member to the Treasure Coast Council of Local Governments and the Treasure Coast Regional League of Cities** [replacing Abney]; **Council Member Keefe to the Okeechobee County Tourist Development Council (TDC)** [replacing Abney]; and **Council Member Chandler to the Central Florida Regional Planning Council** [replacing Keefe who resigned to fill the TDC seat].

- G.** ITEM ADDED TO AGENDA: Motion by Council Member Clark, seconded by Council Member Keefe to approve Amendment No. 1 to Florida Department of Environmental Protection Grant No. LPQ0007, extending the end date to December 30, 2022, and changing the Grant Administrator from Administrator MontesDeOca to Public Works Director Allen [as provided in Exhibit 6, distributed at the meeting]. **Motion Carried Unanimously.**

An Engineer for the City will be assigned to the grant once they are hired. In relation the subject, as provided in the Consultants Competitive Negotiations Act, a ranking committee will be required to review the responses to the Request For Qualifications and submit their ranking to the Council for approval. **By consensus, Council Member Clark was appointed to the ranking committee.**

- H.** ITEM ADDED TO AGENDA: Ms. Connie Vanassche with CAS Governmental Services, LLC gave a summary of the 2020 Legislative Session; and provided the timeline for submitting information for the 2021 Delegation Hearings.

VI. CITY ATTORNEY UPDATE

Attorney Fumero reported on the progress of a proposed demolition ordinance, and nuisance abatement ordinance. The Brantley, Kemp, and Capetta Code Enforcement Cases have been settled; South Florida BBQ has agreed to settle their Case in full as of today. On the transfer of fire services, a notice of termination letter for the medical director contract is forthcoming. He received a letter from the Local 2918 Union Attorney with a list of requests; the County will be responding as the collective bargaining agreement is between the County and the Union. He is diligently working on resolving a billing issue from CSX for the Northwest 9th Avenue railroad crossing.

VII. CITY ADMINISTRATOR UPDATE

Administrator MontesDeOca expressed his gratitude for giving him the opportunity to serve the City over the last five years.

VIII. COUNCIL COMMENTS

Council Member Keefe questioned the status of the Primitive Baptist Church property; Finance Director Riedel responded the current year tax certificate has been purchased. As of July 1, the City will be able to purchase the tax deed for the first tax certificate purchased. **Council Member Clark** reminded everyone that North Parrott Avenue will be closed at the railroad crossing for repairs from June 14 through 24. The **Mayor and Council** collectively welcomed Council Member Chandler back to the Council [this is his first meeting; the investiture ceremony was held at 5:00 p.m. today]. Each extended well wishes to Administrator MontesDeOca on his next endeavor, this is his last meeting serving as the City Administrator.

IX. ADJOURN; Mayor Watford adjourned the meeting at 7:38 P.M.

Submitted By:

Lane Gamiotea, CMC, City Clerk

Please take notice and be advised that when a person decides to appeal any decision made by the City Council with respect to any matter considered at this meeting, s/he may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. City Clerk media are for the sole purpose of backup for official records of the Clerk.



CITY OF OKEECHOBEE, FLORIDA
JULY 6, 2021, REGULAR CITY COUNCIL
DRAFT MEETING MINUTES

I. CALL TO ORDER

Mayor Watford called the regular meeting of the City Council for the City of Okeechobee to order on Tuesday, July 6, 2021, at 6:05 P.M. in the Council Chambers, located at 55 Southeast 3rd Avenue, Room 200, Okeechobee, Florida. The invocation was offered by Mayor Watford, followed by the Pledge of Allegiance led by Council Member Chandler.

II. ATTENDANCE

Roll was taken by City Clerk Lane Gamiotea to establish a quorum. Members present: Mayor Dowling R. Watford, Jr., Council Members Noel Chandler, Monica Clark, Bob Jarriel, and Bobby Keefe.

III. AGENDA AND PUBLIC COMMENTS

A. Mayor Watford asked whether there were any agenda items to be added, deferred, or withdrawn; there were none.

B. Motion by Council Member Jarriel, seconded by Council Member Clark to approve the agenda as presented. **Motion Carried Unanimously.**

C. There were no comment cards submitted for public participation.

IV. CONSENT AGENDA

Motion by Council Member Keefe, seconded by Council Member Clark to approve consent agenda item **A**, [May 2021 Warrant Register: General Fund \$507,077.30, Public Facilities Improvement Fund \$15,124.10, Capital Improvement Projects Fund \$10,089.35, and Appropriation Grant Fund \$56,506.65]. **Motion Carried Unanimously.**

V. MAYOR WATFORD OPENED THE PUBLIC HEARING AT 6:07 P.M.

A. Motion by Council Member Keefe, seconded by Council Member Jarriel to read proposed Ordinance No. 1225 by title only, regarding Small Scale Future Land Use Map (FLUM) Amendment Application No. 21-002-SSA [submitted by John Creswell, Registered Agent for JKST Holdings, LLC, property owner of Lots 1 to 12 of Block 110, CITY OF OKEECHOBEE, Plat Book 5, Page 5, Okeechobee County Public records, approximately 1.93 acres]. **Motion Carried Unanimously.**

City Attorney Fumero read proposed Ordinance No. 1225 by title only as follows: "AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; AMENDING THE CITY OF OKEECHOBEE COMPREHENSIVE PLAN, ORDINANCE NO. 635 AS AMENDED, BY REVISING THE FLUM ON CERTAIN TRACTS OF LAND MORE PARTICULARLY DESCRIBED HEREIN FROM COMMERCIAL (C) TO MULTI-FAMILY RESIDENTIAL (MFR) (APPLICATION NO. 21-002-SSA); PROVIDING FOR INCLUSION OF ORDINANCE AND REVISED FLUM IN THE COMPREHENSIVE PLAN; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE."

Motion by Council Member Jarriel, seconded by Council Member Keefe to adopt proposed Ordinance No. 1225 [as provided in Exhibit 1, which includes the findings as required for granting applications per Code Section. 70-340; Planning Consultants analysis of the findings and recommendation for approval; and the Planning Board's recommendation to approve].

Several of the Council Members noted their objection to the MFR classification as the property is located within the proposed commercial corridor currently under consideration. City Planning Consultant Ben Smith was unable to attend the meeting due to weather conditions caused by a tropical storm. During public comments, Mr. Steve Dobbs of 209 Southeast 2nd Street, spoke on behalf of the applicant for approval. **Motion Failed.**

V. **PUBLIC HEARING CONTINUED.**

- B. Motion by Council Member Jarriel, seconded by Council Member Keefe to read proposed Ordinance No. 1226 by title only, regarding Small Scale FLUM Amendment Application No. 21-003-SSA [submitted by Shaun Penrod, property owner of Lots 1 to 12 of Block 121, CITY OF OKEECHOBEE, Plat Book 5, Page 5, Okeechobee County Public records, approximately 2.07 acres]. **Motion Carried Unanimously.**

City Attorney Fumero read proposed Ordinance No. 1226 by title only as follows: "AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; AMENDING THE CITY OF OKEECHOBEE COMPREHENSIVE PLAN, ORDINANCE NO. 635 AS AMENDED, BY REVISING THE FLUM ON CERTAIN TRACTS OF LAND MORE PARTICULARLY DESCRIBED HEREIN FROM C TO MFR (APPLI- CATION NO. 21-003-SSA); PROVIDING FOR INCLUSION OF ORDINANCE AND REVISED FLUM IN THE COMPREHENSIVE PLAN; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE."

Motion by Council Member Keefe, seconded by Council Member Chandler to adopt proposed Ordinance No. 1226 [as provided in Exhibit 2, which includes the findings as required for granting applications per Code Section. 70-340; Planning Consultants analysis of the findings and recommendation for approval; and the Planning Board's recommendation to approve].

Council Members noted their objections for the same reasons as noted in item A for proposed Ordinance No. 1225, Block 110 is located north of Block 121, both are the subject property for a proposed apartment complex. During public comments, Mr. Steve Dobbs of 209 Southeast 2nd Street, stated his remarks made for the previous item applies the same here. **Motion Failed.**

- C. Motion by Council Member Clark, seconded by Council Member Jarriel to adopt proposed Resolution No. 2021-02, providing for the Collection and Disposal Services of Residential Solid Waste customers, and establishing a Preliminary Rate Assessment for services.

City Attorney Fumero read proposed Resolution No. 2021-02 by title only as follows: "A PRELIMINARY RATE RESOLUTION OF THE CITY OF OKEECHOBEE, FLORIDA; PURSUANT TO THE SECTION 2.08, ORDINANCE NO. 784 RELATING TO THE PROVISION OF SOLID WASTE COLLECTION AND DISPOSAL SERVICES; SETTING FORTH A BRIEF DESCRIPTION OF SOLID WASTE SERVICES PROVIDED; DETERMINING THE SOLID WASTE ASSESSED COST FOR THE UPCOMING FISCAL YEAR; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR THE UPCOMING FISCAL YEAR; AUTHORIZING AND SETTING A PUBLIC HEARING TO CONSIDER COMMENTS FROM THE PUBLIC CONCERNING ADOPTION OF AN ANNUAL RATE RESOLUTION; DIRECTING THE CITY ADMINISTRATOR TO UPDATE THE ASSESSMENT ROLL, AND TO PROVIDE NECESSARY NOTICE THEREOF TO AFFECTED LANDOWNERS IN THE CITY OF OKEECHOBEE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE."

During public comments, Mrs. Karyne Brass and Ms. Libby Pigman stated their concerns on the lack of service provided by Waste Management, which will be conveyed to Mr. Jeff Sabin, as well as requesting Code Enforcement increase their involvement when residents continually place large items that do not fit in the trash receptacles along the rights-of-way. Residents are responsible for notifying Waste Manage when these types of items are put out for pick-up. There could also be an issue of illegal dumping due to the number of items that are continuously put out. Mr. Frank Irby stated the cost he pays is inexpensive compared to the services provided. **Motion Carried Unanimously.**

- D. Motion by Council Member Clark, seconded by Council Member Keefe to adopt proposed Resolution No. 2021-03, providing for the Residential Solid Waste and Collection Assessment for Fiscal Year 2021-22.

V. PUBLIC HEARING CONTINUED.

- D. Continued: City Attorney Fumero read proposed Resolution No. 2021-03 by title only as follows: "A RESOLUTION OF THE CITY OF OKEECHOBEE, FLORIDA; RELATING TO THE PROVISION OF SOLID WASTE COLLECTION AND DISPOSAL SERVICES; CONTINUING IMPOSITION OF THE SOLID WASTE COLLECTION ASSESSMENT PREVIOUSLY ESTABLISHED BY RESOLUTION 01-08; ADOPTING THE ANNUAL RATE RESOLUTION AS PERMITTED BY ORDINANCE 784 FOR FISCAL YEAR 2021-22; APPROVING THE PRELIMINARY RATE RESOLUTION; AND CERTIFYING THE SOLID WASTE ASSESSMENT ROLL AS AUTHORIZED BY FLORIDA STATUTES 197.3632(4)(5) AS NECESSARY UNDER FLORIDA STATUTES 197.3632; PROVIDING FOR PUBLIC HEARING AND COMMENT; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE."

There were no public comments. **Motion Carried Unanimously.**

MAYOR WATFORD CLOSED THE PUBLIC HEARING AT 7:06 P.M.

VI. NEW BUSINESS

- A. Motion by Council Member Jarriel, seconded by Council Member Clark to read proposed Ordinance No. 1227 by title only, regarding Rezoning Petition No. 21-002-R [submitted by John Creswell, Registered Agent for JKST Holdings, LLC, property owner of Lots 1 to 12 of Block 110, CITY OF OKEECHOBEE, Plat Book 5, Page 5, Okeechobee County Public records, proposed use is an apartment complex, provided in Exhibit 5]. **Motion Carried Unanimously.**

City Attorney Fumero read proposed Ordinance No. 1227 by title only as follows: "AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF OKEECHOBEE BY REZONING CERTAIN TRACTS OF LAND MORE PARTICULARLY DESCRIBED HEREIN, FROM LIGHT COMMERCIAL TO RESIDENTIAL MULTIPLE FAMILY (PETITION NO. 21-002-R); AMENDING THE ZONING MAP ACCORDINGLY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE."

Motion by Council Member Keefe, seconded by Council Member Clark to approve the first reading of proposed Ordinance No. 1227 and set August 3, 2021, as the final public hearing date. This Petition is for the same property as in Public Hearing Item A, that did not pass. The Council cannot rezone property that will be inconsistent with the FLUM. **Motion Failed Unanimously.**

- B. Motion by Council Member Keefe, seconded by Council Member Clark to read proposed Ordinance No. 1228 by title only, regarding Rezoning Petition No. 21-003-R [submitted by Shaun Penrod, property owner of Lots 1 to 12 of Block 121, CITY OF OKEECHOBEE, Plat Book 5, Page 5, Okeechobee County Public records, proposed use is an apartment complex, as provided in Exhibit 6]. **Motion Carried Unanimously.**

City Attorney Fumero read proposed Ordinance No. 1228 by title only as follows: "AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF OKEECHOBEE BY REZONING CERTAIN TRACTS OF LAND MORE PARTICULARLY DESCRIBED HEREIN, FROM RESIDENTIAL SINGLE FAMILY-ONE TO RESIDENTIAL MULTIPLE FAMILY (PETITION NO. 21-003-R); AMENDING THE ZONING MAP ACCORDINGLY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE."

Motion by Council Member Clark, seconded by Council Member Keefe to approve the first reading of proposed Ordinance No. 1228 and set August 3, 2021, as the final public hearing date This Petition is for the same property as in Public Hearing Item B, that did not pass. The Council cannot rezone property that will be inconsistent with the FLUM. **Motion Failed Unanimously.**

- C. Motion by Council Member Keefe, seconded by Council Member Jarriel to read proposed Ordinance No. 1229 by title only, regarding amending and restating the Firefighters Pension Fund [as provided in Exhibit 7].

VI. NEW BUSINESS CONTINUED.

- C. Continued. City Attorney Fumero read proposed Ordinance No. 1229 by title only as follows: "AN ORDINANCE OF THE CITY OF OKEECHOBEE AMENDING AND RESTATING THE CITY OF OKEECHOBEE MUNICIPAL FIREFIGHTERS' PENSION FUND, ADOPTED PURSUANT TO ORDINANCE 889, AS SUBSEQUENTLY AMENDED; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE."

Motion by Council Member Clark, seconded by Council Member Jarriel to approve the first reading of proposed Ordinance No. 1229 and set August 3, 2021, as the final public hearing date. **Motion Carried Unanimously.**

- D. Motion by Council Member Jarriel, seconded by Council Member Keefe to adopt proposed Resolution No. 2021-04, providing for the Commercial Solid Waste and Collection Rates for Fiscal Year 2021-22 [as provided in Exhibit 8].

City Attorney Fumero read proposed Resolution No. 2021-04 by title only as follows: "A RESOLUTION OF THE CITY OF OKEECHOBEE, FLORIDA; REVISING THE COMMERCIAL RATE SCHEDULE FOR SOLID WASTE COLLECTION AND DISPOSAL SERVICES WITHIN THE CITY OF OKEECHOBEE FOR FISCAL YEAR 2021-2022; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE." **Motion Carried Unanimously.**

- E. Motion by Council Member Jarriel, seconded by Council Member Keefe to adopt proposed Resolution No. 2021-05, authorizing the execution of a Florida Department of Transportation (FDOT) Maintenance Agreement for school zone warning signs [as provided in Exhibit 9].

City Attorney Fumero read proposed Resolution No. 2021-05 by title only as follows: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OKEECHOBEE, FLORIDA; AUTHORIZING THE EXECUTION AND ACCEPTANCE OF A TRANSPORTATION OFF SYSTEM POST PROJECT MAINTENANCE AGREEMENT, WITH THE FDOT FOR SCHOOL ZONE WARNING SIGNS WITHIN THE CORPORATE LIMITS OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE." **Motion Carried Unanimously.**

- F. Motion by Council Member Keefe, seconded by Council Member Jarriel to approve the Renewal of Public Risk Management Group Health Insurance [as provided in Exhibit 10]. **Motion Carried Unanimously.**

- G. Motion by Council Member Keefe, seconded by Council Member Jarriel to approve the disposal of the airboat as obsolete or surplus equipment and to advertise for local bidding [as provided in Exhibit 11]. **Motion Carried Unanimously.**

- H. Motion by Council Member Jarriel, seconded by Council Member Clark to approve the School Resource Officer Agreement with Okeechobee Christian Academy for the 2021-2022 School Year [as provided in Exhibit 12]. **Motion Carried Unanimously.**

- I. Regarding the modification to the City Commerce Center's South Florida Water Management District (SFWMD) Permit (No. 47-00638-P). Interim Administrator Ritter met with SFWMD representatives Gary Priest and Randy Bernum. Mr. Priest furnished a summary of findings dated November 9, 2010. It provides what water control structures are certified, and which are not, as well what control structures were to be installed in the future. The permit has expired and must be addressed for future developments. A cost estimate was requested from Craig A. Smith & Associates, who were the original engineers, to provide services/oversee the necessary tasks. **This item will be presented at a future meeting for consideration.**

- J. Motion by Council Member Keefe, seconded by Council Member Jarriel to accept the proposal, including the additional terms encumbered by Attorney Fumero to bargain for other conditions due to the selling price being lower than appraisal value, from Taymer Properties, LLC for the purchase of Lots 17A and 17B, CITY COMMERCE CENTER, Plat Book 7, Page 10, Okeechobee County public records. **Motion Carried.**

VI. NEW BUSINESS CONTINUED.

K. Fire Chief Smith reported on the progress of the fire services transfer to the County. Five firefighters have accepted job offers, these cover the three temporary positions and two paramedic positions. One firefighter recently resigned. After the transfer, this leaves one firefighter unemployed. Weekly meetings with County staff continue, equipment is being migrated over, and the ladder truck has been certified. Everything is currently on track for the August 2nd transfer.

VII. CITY ATTORNEY UPDATE

Attorney Fumero advised he and Finance Director Riedel have been working on the Fire Department employee separation packages and forms; and provided updates on Code Enforcement Cases for South Florida BBQ and Bella Rose Day Spa.

VIII. CITY ADMINISTRATOR UPDATE

Administrator Ritter expressed his adoration for the City and admiration for City Staff. Stormwater and community development are going to be a big focus for him. An update from the last Flagler Park Design Review Advisory Committee meeting was given. He expressed his appreciation for Mayor Watford's vocal representation of Okeechobee and the surrounding areas at the Lake Okeechobee System Operating Manual (LOSOM) meetings.

IX. COUNCIL COMMENTS

Council Member Chandler informed the Council, the jon-boat utilized by Public Works employees to access the canals is dangerous and needs to be taken out of service; and suggested the proceeds from the sale of the airboat should be used to purchase a replacement jon-boat. **Council Member Jarriel** suggested that infrastructure and the budget should be a focus going forward. **Council Member Keefe** requested the Council consider having a pre-workshop before the budget workshop; that the Council and Staff need to utilize the strategic plan as guidance during the budget process. In response to his question on the progress for Code Enforcement employee training, Chief Peterson responded they would be attending a weeklong class next month to obtain their Class I certification. **Council Member Clark** who was congratulated on being a new grandmother and celebrating her 40th wedding anniversary, requested a recess for future meetings once they take longer than two hours.

X. ADJOURN. Mayor Watford adjourned the meeting at 8:39 P.M.

Submitted By:

Lane Gamiotea, CMC, City Clerk

Please take notice and be advised that when a person decides to appeal any decision made by the City Council with respect to any matter considered at this meeting, s/he may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. City Clerk media are for the sole purpose of backup for official records of the Clerk.

**City of Okeechobee
Check Register**

Check Dates 6/01/21 thru 6/30/21, Cash Account 001-101.2100 only, Including Reconciled Checks

Number	Date	Amount	Vendor	Payee	Voided
43305	6/02/21	127,011.26	PAYR	City Of Okeechobee Payroll Account	
43306	6/03/21	400.00	TRNE	Trevor Nelson	
43307	6/04/21	90.00	ACEP	ACE Pest Control, Inc.	
43308	6/04/21	108.72	ADVANCE	Advance Auto Parts	
43309	6/04/21	693.47	BOA4	Bank of America - 0752 fka 9846 FD	
43310	6/04/21	810.97	BOAPW	Bank of America - 2303 fka 9233 PW	
43311	6/04/21	2,054.83	BOAADMIN	Bank of America - 2709 fka 0257 Admin	
43312	6/04/21	310.45	BOA12	Bank of America - 7178 fka 6737 PD#2	
43313	6/04/21	1,120.00	BOA2	Bank of America - 9852 fka 8540	
43314	6/04/21	33.66	BOA11	Bank of America 3373 fka 2149 PD#1	
43315	6/04/21	47.49	BOA-BERN	Bank of America-3135 Bernst	
43316	6/04/21	59.56	C&C	C&C Industrial Enterprise. LLC	
43317	6/04/21	8.50	CSTC	Celeste Watford Tax Collector	
43318	6/04/21	17.76	CL - LD	CenturyLink	
43319	6/04/21	38.62	CITY	City Electric Supply Co.	
43320	6/04/21	89.95	ELIS	Eli's Western Wear Inc.	
43321	6/04/21	382.00	EFEC	Everglades Farm Equip. Co., Inc.	
43322	6/04/21	300.00	FITN	Fitness Factory	
43323	6/04/21	534.87	FUCF	Florida Unemployment Comp. Fund	
43324	6/04/21	57.59	GILOUT	Gilbert Outdoors	
43325	6/04/21	4,995.00	GLAD	Glades Air Conditioning	
43326	6/04/21	158.90	ICS	ICS Computers Inc.	
43327	6/04/21	488.82	LAWM	Lawmen's & Shooters' Supply, Inc.	
43328	6/04/21	180.00	MSFE	Mid State Fire Equipment, Inc.	
43329	6/04/21	76.91	OKEENEWS	Okeechobee News c/o Independent Newspaper	
43330	6/04/21	66,023.27	PRMG1	PRM - Health Insurance	
43331	6/04/21	1,801.81	PRMG3	PRM - Life, LTD & STD	
43332	6/04/21	2,760.07	PRMG3	PRM - Life, LTD & STD	
43333	6/04/21	2,372.48	PRMG2	PRM - Vision & Dental	
43334	6/04/21	267.00	SKULL	Skull Hill Steel	
43335	6/04/21	321.05	SMITH	Smith Equipment Repair	
43336	6/04/21	420.38	STATE FL	State of Florida Disbursement Unit	
43337	6/04/21	35.00	SUP	Superior Water Works, Inc.	
43338	6/04/21	50.48	SUPP	Supplyline	
43339	6/04/21	242.05	TRAC	T.R.A.C. Refrigeration	
43340	6/04/21	400.00	THOMAS	Thomas Ardito	
43341	6/04/21	2,856.00	TCMA	Treasure Coast Medical Associates	
43342	6/04/21	92.04	TYLAN	Tylander's Office Solutions	
43343	6/04/21	36.97	W&WL	W & W Lumber Company of Okeechobee	
43344	6/04/21	5,188.78	WEXB	WEX Bank	
43345	6/14/21	61.98	AACTION	AAction Power Equipment LLC	
43346	6/14/21	500.00	CASGSLLC	CAS Governmental Services, LLC	
43347	6/14/21	227.58	CITTECH	CIT Technology Finance Service, Inc.	
43348	6/14/21	1,125.00	CL-REPAI	CenturyLink	
43349	6/14/21	52.50	COMCAST	Comcast	
43350	6/14/21	90.00	CII	Communications International, Inc.	
43351	6/14/21	75.00	ESI	Esquire Reporting, Inc.	
43352	6/14/21	64.80	EFEC	Everglades Farm Equip. Co., Inc.	
43353	6/14/21	399.00	GL&S	Gary's Lock & Safe	

**City of Okeechobee
Check Register**

Check Dates 6/01/21 thru 6/30/21, Cash Account 001-101.2100 only, Including Reconciled Checks

Number	Date	Amount	Vendor	Payee	Voided
43354	6/14/21	113.90	ICS	ICS Computers Inc.	
43355	6/14/21	478.77	IMS	IMS	
43356	6/14/21	40.52	KYOCERA	KYOCERA Document Solutions Southeast	
43357	6/14/21	4,208.75	LARU	LaRue Planning & Mngmnt Services, Inc.	
43358	6/14/21	100.00	LM	Lester McGee	
43359	6/14/21	500.00	MACVICAR	MacVicar Consulting, Inc.	
43360	6/14/21	600.00	MAPA	Michael Adelberg, PA	
43361	6/14/21	15.92	OREI	O'Reilly Auto Parts	
43362	6/14/21	256.85	OKAR	Okeechobee Army Surplus	
43363	6/14/21	106.32	SPI	Safety Products Inc.	
43364	6/14/21	1,811.28	SQC	Scott's Quality Cleaning	
43365	6/14/21	15.00	SUP	Superior Water Works, Inc.	
43366	6/14/21	13.98	SUPP	Supplyline	
43367	6/14/21	20.86	TUPS	The UPS Store #5684	
43368	6/14/21	96.68	TIZO	Tire Zone of Okeechobee, Inc.	
43369	6/14/21	75.00	TRANSU	TransUnion Risk & Alternative Data	
43370	6/14/21	20.00	TYLAN	Tylander's Office Solutions	
43371	6/14/21	375.74	VERI	Verizon Wireless	
43372	6/14/21	29.94	W&WL	W & W Lumber Company of Okeechobee	
43373	6/14/21	32,047.68	WAST	Waste Management Inc. of Florida	
43374	6/14/21	1,394.00	WRM	World Risk Management	
43375	6/16/21	132,194.00	PAYR	City Of Okeechobee Payroll Account	
43376	6/21/21	125.40	HOME	Home Depot Credit Services	
43377	6/21/21	400.00	LM	Lester McGee	
43378	6/21/21	420.38	STATE FL	State of Florida Disbursement Unit	
43379	6/21/21	200.00	THOMAS	Thomas Ardito	
43380	6/21/21	200.00	TRNE	Trevor Nelson	
43381	6/21/21	80.14	VERI	Verizon Wireless	
43382	6/23/21	29,527.31	PAYR	City Of Okeechobee Payroll Account	
43383	6/25/21	419.02	ADVANCE	Advance Auto Parts	
43384	6/25/21	501.34	AFLAC	American Family Life Assurance Co.	
43385	6/25/21	64.21	APEXOPI	Apex Office Products, Inc	
43386	6/25/21	308.93	APPL	Apple Machine and Supply Co.	
43387	6/25/21	334.67	AUTO SUP	Auto Supply of Okeechobee, Inc.	
43388	6/25/21	172.13	CITTECH	CIT Technology Finance Service, Inc.	
43389	6/25/21	85.44	CITTECH	CIT Technology Finance Service, Inc.	
43390	6/25/21	55.97	CITTECH	CIT Technology Finance Service, Inc.	
43391	6/25/21	1,826.54	CENT-FIB	Century Link	
43392	6/25/21	87.04	CITY	City Electric Supply Co.	
43393	6/25/21	40.00	CLER	Clerk of the Court	
43394	6/25/21	169.69	COMCAST	Comcast	
43395	6/25/21	224.64	CII	Communications International, Inc.	
43396	6/25/21	200.00	DON'	Don's Appliances, Inc.	
43397	6/25/21	162.91	EMCN	EMC National Life Company	
43398	6/25/21	40.00	EASP	East Coast Signs & Shirts	
43399	6/25/21	277.71	FPL	Florida Power & Light Company	
43400	6/25/21	0.00	FPL	Florida Power & Light Company	
43401	6/25/21	2,626.67	FPL	Florida Power & Light Company	
43402	6/25/21	103.20	FPU	Florida Public Utilities	

**City of Okeechobee
Check Register**

Check Dates 6/01/21 thru 6/30/21, Cash Account 001-101.2100 only, Including Reconciled Checks

Number	Date	Amount	Vendor	Payee	Voided
43403	6/25/21	2,200.00	GMI	Global Mapping, Inc.	
43404	6/25/21	2,356.80	ICS	ICS Computers Inc.	
43405	6/25/21	53.85	IR	India Riedel	
43406	6/25/21	190.00	IACP	International Association of Chiefs of P	
43407	6/25/21	5,200.00	JCNEW	JC Newell Const. Inspect. Services, Inc.	
43408	6/25/21	30.90	LEGAL SH	LegalShield	
43409	6/25/21	238.41	LIBERTY	Liberty National Life Ins. Co.	
43410	6/25/21	100.00	LIFT	LiftOff, LLC	
43411	6/25/21	405.00	MAMO	Marcos Montes De Oca	
43412	6/25/21	321.90	MILLER	Miller's Central Air, Inc.	
43413	6/25/21	47.36	MES	Municipal Emergency Services	
43414	6/25/21	950.00	MCC	Municode	
43415	6/25/21	17,932.97	NASON	Nason Yeager Gerson Harris & Fumero P.A.	
43416	6/25/21	139.80	OKAR	Okeechobee Army Surplus	
43417	6/25/21	300.00	OAPI	Okeechobee Auxiliary Police, Inc.	
43418	6/25/21	240.00	OKFI	Okeechobee Fitness Center	
43419	6/25/21	1,367.82	OKEENEWS	Okeechobee News c/o Independent Newspaper	
43420	6/25/21	1,626.62	OUA	Okeechobee Utility Authority	
43421	6/25/21	204.64	PF&PO	Prof. Firefighters & Paramedics of Okee	
43422	6/25/21	900.00	ROGERAZC	Roger Azcona, Esq.	
43423	6/25/21	11,613.86	SATC	Salem Trust Company	
43424	6/25/21	199.18	SPRINT	Sprint	
43425	6/25/21	51.69	TAYR	Taylor Rental - Okeechobee	
43426	6/25/21	34,504.28	THST	The Standard	
43427	6/25/21	89.48	TR	Thomson Reuters	
43428	6/25/21	75.00	THRE	Thread Works Embroidery, LLC	
43429	6/25/21	1,298.24	TIZO	Tire Zone of Okeechobee, Inc.	
43430	6/25/21	238.75	TRS	Total Roadside Services, Inc.	
43431	6/25/21	29.99	TYLAN	Tylander's Office Solutions	
43432	6/25/21	234.79	USB	US Bank Equipment Finance	
43433	6/25/21	1,000.00	POST	US Postal SVC/Neopost Postage On Call	
43434	6/25/21	30.00	UNWA	United Way	
43435	6/25/21	2,070.00	VANT ICM	Vantage Transfer Agents - 457	
43436	6/30/21	137,082.63	PAYR	City Of Okeechobee Payroll Account	
Total Printed			132	Checks	662,025.06

City of Okeechobee
Check Register

Check Dates 6/01/21 thru 6/30/21, Cash Account 301-101.2100 only, Including Reconciled Checks

Number	Date	Amount	Vendor	Payee	Voided
3356	6/04/21	1,342.27	BOAPW	Bank of America - 2303 fka 9233 PW	
3357	6/04/21	954.85	DIAMONDR	Diamond R Fertilizer Co., Inc.	
3358	6/04/21	3,849.58	JMCL	JMC Landscaping Services, Inc.	
3359	6/04/21	2,266.00	USA	USA Services of Florida, Inc.	
3360	6/04/21	60.50	W&WL	W & W Lumber Company of Okeechobee	
3361	6/14/21	172.55	DIAMONDR	Diamond R Fertilizer Co., Inc.	
3362	6/14/21	993.65	ES&B	Econo Signs, LLC	
3363	6/14/21	36,100.00	VEST	Vest Concrete, Inc.	
3364	6/21/21	10.44	HOME	Home Depot Credit Services	
3365	6/25/21	307.95	DIAMONDR	Diamond R Fertilizer Co., Inc.	
3366	6/25/21	5,022.83	FPL	Florida Power & Light Company	
Total Printed			11	Checks	51,080.62

City of Okeechobee
Check Register

Check Dates 6/01/21 thru 6/30/21, Cash Account 304-101.2100 only, Including Reconciled Checks

Number	Date	Amount	Vendor	Payee	Voided
1859	6/04/21	3,500.00	NEWMARK	Newmark Knight Frank Valuation & Adviso	
1860	6/04/21	750.00	SOCU	Southern Custom Creations	
1861	6/04/21	11,371.50	TYLERTEC	Tyler Technologies	
1862	6/25/21	1,838.00	ICS	ICS Computers Inc.	
1863	6/25/21	6,144.50	TYLERTEC	Tyler Technologies	
1864	6/25/21	825.43	VERI	Verizon Wireless	
Total Printed			6	Checks	24,429.43

Law Offices

Christiansen & Dehner, P.A.

Scott R. Christiansen

63 Sarasota Center Blvd. Suite 107
Sarasota, Florida 34240
941-377-2200
Fax 941-377-4848

H. Lee Dehner
(1952-2019)

June 23, 2021

Via E-Mail: GRitter@CityofOkeechobee.com

Mr. Gary Ritter
City Administrator
City of Okeechobee
55 S.E. 3rd Avenue
Okeechobee, FL 34974-2032

Re: City of Okeechobee Municipal Firefighters' Pension Fund - Proposed Ordinance

Dear Mr. Ritter:

As you know, I represent the Board of Trustees of the City of Okeechobee Municipal Firefighters' Pension Fund. Enclosed please find a proposed ordinance amending the City of Okeechobee Municipal Firefighters' Pension Fund. This ordinance amends many sections of the plan to reflect the provisions of the August 2, 2021 merger with Okeechobee County, who will be providing fire services to the City. As of August 2, 2021, there will no new members added to this plan, and only those current members who elect to remain a member of this plan shall remain Members of the system.

The changes include a provision that the firefighter board member seats may be held by either a retired firefighter or an active firefighter who remains a member of the plan, or an individual elected by the Board if there are no active or retired firefighters remaining in the plan. Several sections of the plan were updated with recent changes to the Internal Revenue Code (IRC) regarding a change in the mandatory distribution date from age 70½ to age 72. These IRC changes are unrelated to the merger. There have been no changes made to any of the plan's benefits.

By copy of this letter to the plan's actuary, Gabriel Roeder Smith & Company, I am requesting that they provide you with a letter or actuarial impact statement that must accompany this ordinance when it is presented to the Council for consideration and adoption.

If you or any member of your staff have any questions with regard to this ordinance, please feel free to give me a call. This document has already been reviewed by the City Attorney's office.

Yours very truly,



Scott R. Christiansen

SRC/dm
enclosure

E-copy:

Shelly Jones, with enclosures
Carlyn Kowalsky, with enclosures

ORDINANCE NO. 1229

AN ORDINANCE OF THE CITY OF OKEECHOBEE AMENDING AND **RESTATING THE CITY OF OKEECHOBEE MUNICIPAL FIREFIGHTERS' PENSION FUND**, ADOPTED PURSUANT TO ORDINANCE 889, AS SUBSEQUENTLY AMENDED; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Okeechobee Firefighter employees are presently provided pension and certain other benefits under Ordinances of the City of Okeechobee; and

WHEREAS, it becomes necessary from time to time to amend said ordinances in order to clarify or restate certain provisions of the ordinance, or to enact amendments to comply with revised Federal regulations; and

WHEREAS, the City Council has entered into an inter-local agreement with Okeechobee County, Florida, to provide fire services to the City of Okeechobee; and

WHEREAS, **the City Council desires to clarify and restate the provisions of the Municipal Firefighters' Pension Fund** to consolidate all prior ordinances, and to incorporate Federal law and the applicable provisions of Chapter 175, Florida Statutes;

NOW THEREFORE, be it ordained before the City Council of the City of Okeechobee, Florida; presented at a duly advertised public meeting; and passed by majority vote of the City Council; and properly executed by the Mayor or designee, as Chief Presiding Officer for the City:

SECTION 1: **That the City of Okeechobee Municipal Firefighters' Pension Fund, adopted pursuant to Ordinance No. 889, as subsequently amended, is hereby amended and restated as set forth in the document designated THE CITY OF OKEECHOBEE MUNICIPAL FIREFIGHTERS' PENSION FUND, attached hereto and made a part hereof.**

SECTION 2: Specific authority is hereby granted to codify and incorporate this Ordinance in the existing Code of Ordinances of the City of Okeechobee.

SECTION 3: All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4: If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION 5: That this Ordinance shall become effective on August 2, 2021

INTRODUCED on first reading and set for public hearing this 6th day of July, 2021.

Dowling Watford, Jr., Mayor

ATTEST:

Lane Gamiotea, City Clerk

PASSED on second reading after public hearing this 3rd day of August, 2021.

Dowling Watford, Jr., Mayor

ATTEST:

Lane Gamiotea, CMC, City Clerk

APPROVED FOR LEGAL SUFFICIENCY:

John Fumero, City Attorney

CITY OF OKEECHOBEE
MUNICIPAL FIREFIGHTERS' PENSION FUND

SECTION 1. DEFINITIONS.

1. As used herein, unless otherwise defined or required by the context, the following words and phrases shall have the meaning indicated:

Accumulated Contributions means a Member's own contributions with interest at the rate of five and one-quarter percent (5-1/4%) per annum through October 30, 2003 and three percent (3%) per annum thereafter compounded annually on September 30. Interest is not prorated on Member contributions during a Plan Year. For those Members who purchase Credited Service with interest or at no cost to the System, any payment representing the amount attributable to Member contributions based on the applicable Member contribution rate, and any payment representing interest and any required actuarially calculated payments for the purchase of such Credited Service, shall be included in Accumulated Contributions without the crediting of interest.

Actuarial Equivalent means that any benefit payable under the terms of this System in a form other than the normal form of benefit shall have the same actuarial present value on the date payment commences as the normal form of benefit. For purposes of establishing the actuarial present value of any form of payment other than a lump sum distribution, all future payments shall be discounted for interest and mortality by using seven percent (7%) interest and the RP-2000 Combined Healthy Participant Mortality Table, projected to 2015 using projection scale AA, using a blend of 50% male mortality rates and 50% female mortality rates, set back five (5) years for disabled lives. This definition may only be amended by the City pursuant to the recommendation of the Board using assumptions adopted by the Board with the advice of **the plan's actuary, such that actuarial assumptions are not subject to City discretion.**

Average Final Compensation means one-twelfth (1/12) of the average Salary of the five (5) best years of the last ten (10) years of Credited Service prior to retirement, termination, or death, or the career average as a full-time Firefighter, whichever is greater. A year shall be twelve (12) consecutive months.

Beneficiary means the person or persons entitled to receive benefits hereunder at the death of a Member who has or have been designated in writing by the Member and filed with the Board. If no such designation is in effect, or if no person so designated is living, at the time of death of the Member, the Beneficiary shall be the estate of the Member.

Board means the Board of Trustees, which shall administer and manage the System herein provided and serve as trustees of the Fund.

City means City of Okeechobee, Florida.

Code means the Internal Revenue Code of 1986, as amended from time to time.

County means Okeechobee County, Florida.

Credited Service means the total number of years and fractional parts of years of service as a Firefighter with Member contributions when required, omitting intervening years or fractional parts of years when such Member was not employed by the City or County as a Firefighter. ~~A Member may voluntarily leave his Accumulated Contributions in the Fund for a period of five (5) years after leaving the employ of the Fire Department pending the possibility of being reemployed as a Firefighter, without losing credit for the time that he was a Member of the System.~~ If a vested Member leaves the employ of the County Fire Department, his Accumulated Contributions will be returned only upon his written request. ~~If a Member who is not vested is not reemployed as a Firefighter with the Fire Department within five (5) years, his Accumulated Contributions, if one thousand dollars (\$1,000.00) or less, shall be returned. If a Member who is not vested is not reemployed within five (5) years, his Accumulated Contributions, if more than one thousand dollars (\$1,000.00), will be returned only upon the written request of the Member and upon completion of a written election to receive a cash lump sum or to rollover the lump sum amount on forms designated by the Board. Upon return of a Member's Accumulated Contributions, all of his rights and benefits under the System are forfeited and terminated. Upon any reemployment, a Firefighter shall not receive credit for the years and fractional parts of years of service for which he has withdrawn his Accumulated Contributions from the Fund, unless the Firefighter repays into the Fund the contributions he has withdrawn, with interest, as determined by the Board, within ninety (90) days after his reemployment.~~

The years or fractional parts of a year that a Member performs "Qualified Military Service" consisting of voluntary or involuntary "service in the uniformed services" as defined in the Uniformed Services Employment and Reemployment Rights Act (USERRA) (P.L.103-353), after separation from employment as a Firefighter ~~with the City~~ to perform training or service, shall be added to his years of Credited Service for all purposes, including vesting, provided that:

- A. The Member is entitled to reemployment under the provisions of USERRA.

- B. The Member returns to his employment as a Firefighter within one (1) year from the earlier of the date of his military discharge or his release from active service, unless otherwise required by USERRA.
- C. The maximum credit for military service pursuant to this paragraph shall be five (5) years.
- D. This paragraph is intended to satisfy the minimum requirements of USERRA. To the extent that this paragraph does not meet the minimum standards of USERRA, as it may be amended from time to time, the minimum standards shall apply.

In the event a Member dies on or after January 1, 2007, while performing USERRA Qualified Military Service, the beneficiaries of the Member are entitled to any benefits (other than benefit accruals relating to the period of qualified military service) as if the Member had resumed employment and then died while employed.

Beginning January 1, 2009, to the extent required by Section 414(u)(12) of the Code, an individual receiving differential wage payments (as defined under Section 3401(h)(2) of the Code) from an employer shall be treated as employed by that employer, and the differential wage payment shall be treated as compensation for purposes of applying the limits on annual additions under Section 415(c) of the Code. This provision shall be applied to all similarly situated individuals in a reasonably equivalent manner.

Leave conversions of unused accrued paid time off shall not be permitted to be applied toward the accrual of Credited Service either during each Plan Year of a Member's employment with the City or County or in the Plan Year in which the Member terminates employment.

Effective Date means April 20, 1993.

Firefighter means an actively employed full-time person employed by the City or County, including his initial probationary employment period, who is certified as a Firefighter as a condition of employment in accordance with the provisions of § 633.408, Florida Statutes, and whose duty it is to extinguish fires, to protect life and to protect property. The term includes all certified, supervisory, and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time firefighters, part-time firefighters, or auxiliary firefighters but does not include part-time firefighters or auxiliary firefighters.

Fund means the trust fund established herein as part of the System.

Member means an actively employed Firefighter who fulfills the prescribed membership requirements. Benefit improvements which, in the past, have been provided for by amendments to the System adopted by City ordinance, and any benefit improvements which might be made in the future shall apply prospectively and shall not apply to Members who terminate employment or who retire prior to the effective date of any ordinance adopting such benefit improvements, unless such ordinance specifically provides to the contrary.

Plan Year means the twelve (12) month period beginning October 1 and ending September 30 of the following year.

Retiree means a Member who has entered Retirement Status.

Retirement means a Member's separation from City or County employment with eligibility for immediate receipt of benefits under the System or entry into the Deferred Retirement Option Plan.

Salary means the basic compensation paid by the City for services rendered to the City or County as a Firefighter to a Member, plus all tax deferred, tax sheltered and tax exempt items of income derived from elective employee payroll deductions or salary reductions otherwise includible in basic compensation. Compensation in excess of the limitations set forth in Section 401(a)(17) of the Code as of the first day of the Plan Year shall be disregarded for any purpose, including employee contributions or any benefit calculations. The annual compensation of each member taken into account in determining benefits or employee contributions for any Plan Year beginning on or after January 1, 2002, may not exceed \$200,000, as adjusted for cost-of-living increases in accordance with Code Section 401(a)(17)(B). Compensation means compensation during the fiscal year. The cost-of-living adjustment in effect for a calendar year applies to annual compensation for the determination period that begins with or within such calendar year. If the determination period consists of fewer than 12 months, the annual compensation limit is an amount equal to the otherwise applicable annual compensation limit multiplied by a fraction, the numerator of which is the number of months in the short determination period, and the denominator of which is 12. If the compensation for any prior determination period is taken into account in determining a Member's contributions or benefits for the current Plan Year, the compensation for such prior determination period is subject to the applicable annual compensation limit in effect for that prior period. The limitation on compensation for an "eligible employee" shall not be less than the amount which was allowed to be taken into account hereunder as in effect on July 1, 1993. "Eligible employee" is an individual who was a Member before the first Plan Year beginning after December 31, 1995.

Spouse means the Member's or Retiree's Spouse under applicable law at the time benefits become payable.

System means the City of Okeechobee Municipal Firefighters' Pension Fund as contained herein and all amendments thereto.

2. Masculine Gender.

The masculine gender, where used herein, unless the context specifically requires otherwise, shall include both the feminine and masculine genders.

SECTION 2. MEMBERSHIP.

1. Conditions of Eligibility.

A. All Firefighters as of the Effective Date who elect, following the merger with the County, to remain Members of this System, and all future new Firefighters, shall become shall remain Members of this System as a condition of employment. After August 2, 2021, there shall be no new or reemployed Members of the System.

~~B. All future new Firefighters shall be required to complete a medical examination as prescribed by the City.~~

2. Designation of Beneficiary.

Each Firefighter shall complete a form prescribed by the Board providing for the designation of a Beneficiary or Beneficiaries.

SECTION 3. BOARD OF TRUSTEES.

1. The sole and exclusive administration of and responsibility for the proper operation of the System and for making effective the provisions of this ordinance is hereby vested in a Board of Trustees. The Board is hereby designated as the plan administrator. The Board shall consist of five (5) Trustees, two (2) of whom, unless otherwise prohibited by law, shall be legal residents of the City, who shall be appointed by the Okeechobee City Council, and two (2) of whom shall be full-time Firefighter Members of the System, who shall be elected by a majority of the Firefighters who are Members of the System. The active Firefighter Member seats may be held by either a retired firefighter or an active firefighter who is elected by the active and retired firefighters of the plan. If there are no active or retired firefighters remaining in the plan or capable of serving, the remaining Board members may elect an individual to serve in an active firefighter seat. Upon receipt of such person's name, the City Commission shall, as a ministerial duty, appoint such person to the Board. The fifth Trustee shall be chosen by a majority of the previous four (4) Trustees as provided for herein, and such person's name shall be submitted to the Okeechobee City Council. Upon receipt of the fifth person's name, the Okeechobee City Council shall, as a ministerial duty, appoint such person to the Board of Trustees as its fifth Trustee. The fifth Trustee shall have the same rights as each of the other four (4) Trustees appointed or elected as herein provided and shall serve a four (4) year term unless he sooner vacates the office. Each resident Trustee shall serve as Trustee for a period of four (4) years, unless he sooner vacates the office or is sooner replaced by the Okeechobee City Council at whose pleasure he shall serve. Each Member Trustee shall serve as Trustee for a period of four (4) years, unless he sooner leaves the employment of the City or the County as a Firefighter or otherwise vacates his office as Trustee, whereupon a successor shall be chosen in the same manner as the departing Trustee. Each Trustee may succeed himself in office. DROP participants can be elected as ~~but not and~~ vote for elected Trustees. The Board shall establish and administer the nominating and election procedures for each election. The Board shall meet at least quarterly each year. The Board shall be a legal entity with, in addition to other powers and responsibilities contained herein, the power to bring and defend lawsuits of every kind, nature, and description.

2. The Trustees shall, by a majority vote, elect a Chairman and a Secretary. The Secretary of the Board shall keep a complete minute book of the actions, proceedings, or hearings of the Board. The Trustees shall not receive any compensation as such, but may receive expenses and per diem as provided by law.

3. Each Trustee shall be entitled to one (1) vote on the Board. Three (3) affirmative votes shall be necessary for any decision by the Trustees at any meeting of the Board. A Trustee shall abstain from voting as the result of a conflict of interest and shall comply with the provisions of Section 112.3143, Florida Statutes.

4. The Board shall engage such actuarial, accounting, legal, and other services as shall be required to transact the business of the System. The compensation of all persons engaged by the Board and all other expenses of the Board necessary for the operation of the System shall be paid from the Fund at such rates and in such amounts as the Board shall agree.

In the event the Board chooses to use the City's legal counsel, actuary or other professional, technical or other advisors, it shall do so only under terms and conditions acceptable to the Board.

5. The duties and responsibilities of the Board shall include, but not necessarily be limited to, the following:

- A. To construe the provisions of the System and determine all questions arising thereunder.
- B. To determine all questions relating to eligibility and membership.
- C. To determine and certify the amount of all retirement allowances or other benefits hereunder.
- D. To establish uniform rules and procedures to be followed for administrative purposes, benefit applications and all matters required to administer the System.
- E. To distribute to Members, at regular intervals, information concerning the System.
- F. To receive and process all applications for benefits.
- G. To authorize all payments whatsoever from the Fund, and to notify the disbursing agent, in writing, of approved benefit payments and other expenditures arising through operation of the System and Fund.
- H. To have performed actuarial studies and valuations, at least as often as required by law, and make recommendations regarding any and all changes in the provisions of the System.
- I. To perform such other duties as are required to prudently administer the System.

SECTION 4. FINANCES AND FUND MANAGEMENT.

Establishment and Operation of Fund.

1. As part of the System, there exists the Fund, into which shall be deposited all of the contributions and assets whatsoever attributable to the System.
2. The actual custody and supervision of the Fund (and assets thereof) shall be vested in the Board. Payment of benefits and disbursements from the Fund shall be made by the disbursing agent but only upon written authorization from the Board.
3. All funds of the Municipal Firefighters' Pension Fund may be deposited by the Board with the Finance Director of the City, acting in a ministerial capacity only, who shall be liable in the same manner and to the same extent as he is liable for the safekeeping of funds for the City. However, any funds so deposited with the Finance Director of the City shall be kept in a separate fund by the Finance Director or clearly identified as such funds of the Municipal Firefighters' Pension Fund. In lieu thereof, the Board shall deposit the funds of the Municipal Firefighters' Pension Fund in a qualified public depository as defined in §280.02, Florida Statutes, which depository with regard to such funds shall conform to and be bound by all of the provisions of Chapter 280, Florida Statutes. In order to fulfill its investment responsibilities as set forth herein, the Board may retain the services of a custodian bank, an investment advisor registered under the Investment Advisors Act of 1940 or otherwise exempt from such required registration, an insurance company, or a combination of these, for the purposes of investment decisions and management. Such investment manager shall have discretion, subject to any guidelines as prescribed by the Board, in the investment of all Fund assets.
4. All funds and securities of the System may be commingled in the Fund, provided that accurate records are maintained at all times reflecting the financial composition of the Fund, including accurate current accounts and entries as regards the following:
 - A. Current amounts of Accumulated Contributions of Members on both an individual and aggregate account basis, and
 - B. Receipts and disbursements, and
 - C. Benefit payments, and
 - D. Current amounts clearly reflecting all monies, funds and assets whatsoever attributable to contributions and deposits from the City or County, and
 - E. All interest, dividends and gains (or losses) whatsoever, and
 - F. Such other entries as may be properly required so as to reflect a clear and complete financial report of the Fund.
5. An audit shall be performed annually by a certified public accountant for the most recent fiscal year of the System showing a detailed listing of assets and a statement of all income and disbursements during the year. Such income and disbursements must be reconciled with the assets at the beginning and end of the year. Such report shall reflect a complete evaluation of assets on both a cost and market basis, as well as other items normally included in a certified audit.

6. The Board shall have the following investment powers and authority:
- A. The Board shall be vested with full legal title to said Fund, subject, however, and in any event to the authority and power of the Okeechobee City Council to amend or terminate this Fund, provided that no amendment or Fund termination shall ever result in the use of any assets of this Fund except for the payment of regular expenses and benefits under this System, except as otherwise provided herein. All contributions from time to time paid into the Fund, and the income thereof, without distinction between principal and income, shall be held and administered by the Board or its agent in the Fund and the Board shall not be required to segregate or invest separately any portion of the Fund.
 - B. All monies paid into or held in the Fund shall be invested and reinvested by the Board and the investment of all or any part of such funds shall be limited to:
 - 1) Annuity and life insurance contracts with life insurance companies in amounts sufficient to provide, in whole or in part, the benefits to which all of the Members in the Fund shall be entitled under the provisions of this System and pay the initial and subsequent premium thereon.
 - 2) Time or savings accounts of a national bank, a state bank insured by the Bank Insurance Fund or a savings/building and loan association insured by the Savings Association Insurance Fund which is administered by the Federal Deposit Insurance Corporation or a state or federal chartered credit union whose share accounts are insured by the National Credit Union Share Insurance Fund.
 - 3) Obligations of the United States or obligations guaranteed as to principal and interest by the government of the United States or by an agency of the government of the United States.
 - 4) Bonds issued by the State of Israel.
 - 5) Stocks, commingled funds administered by national or state banks, mutual funds and bonds or other evidences of indebtedness, provided that:
 - a) Except as provided in paragraph b), all individually held securities and all securities in a commingled or mutual fund must be issued or guaranteed by a corporation organized under the laws of the United States, any state or organized territory of the United States, or the District of Columbia.
 - b) Up to twenty-five percent (25%) of the assets of the Fund at market value may be invested in foreign securities.
 - c) The Board shall not invest more than five percent (5%) of its assets in the common stock, capital stock, or convertible securities of any one issuing company, nor shall the aggregate investment in any one issuing company exceed five percent (5%) of the outstanding capital stock of that company; nor shall the aggregate of its investments in common stock, capital stock and convertible securities at cost exceed sixty percent (60%) of the assets of the Fund.
 - 6) Real estate, provided the Board shall not invest more than ten percent (10%) at cost in real property or real estate.
 - C. At least once every three (3) years, and more often as determined by the Board, the Board shall retain a professionally qualified independent consultant, as defined in Section 175.071, Florida Statutes, to evaluate the performance of all current investment managers and make recommendations regarding the retention of all such investment managers. These recommendations shall be considered by the Board at its next regularly scheduled meeting.
 - D. The Board may retain in cash and keep unproductive of income such amount of the Fund as it may deem advisable, having regard for the cash requirements of the System.
 - E. Neither the Board nor any Trustee shall be liable for the making, retention or sale of any investment or reinvestment made as herein provided, nor for any loss or diminishment of the Fund, except that due to his or its own negligence, willful misconduct or lack of good faith.
 - F. The Board may cause any investment in securities held by it to be registered in or transferred into its name as Trustee or into the name of such nominee as it may direct, or it may retain them unregistered and in form permitting transferability, but the books and records shall at all times show that all investments are part of the Fund.
 - G. The Board is empowered, but is not required, to vote upon any stocks, bonds, or securities of any corporation, association, or trust and to give general or specific proxies or powers of attorney with or without power of substitution; to participate in mergers, reorganizations, recapitalizations, consolidations, and similar transactions with respect to such securities; to deposit such stock or other securities in any voting trust or any protective or like committee with the Trustees or with depositories designated thereby; to amortize or fail to amortize any part or all of the premium or discount resulting from the acquisition or disposition of assets; and generally to exercise any of the powers of an owner with respect to stocks, bonds, or other investments comprising the Fund which it may deem to be to the best interest of the Fund to exercise.

- H. The Board shall not be required to make any inventory or appraisal or report to any court, nor to secure any order of court for the exercise of any power contained herein.
- I. Where any action which the Board is required to take or any duty or function which it is required to perform either under the terms herein or under the general law applicable to it as Trustee under this ordinance, can reasonably be taken or performed only after receipt by it from a Member, the City, or any other entity, of specific information, certification, direction or instructions, the Board shall be free of liability in failing to take such action or perform such duty or function until such information, certification, direction or instruction has been received by it.
- J. Any overpayments or underpayments from the Fund to a Member, Retiree or Beneficiary caused by errors of computation shall be adjusted with interest at a rate per annum approved by the Board in such a manner that the Actuarial Equivalent of the benefit to which the Member, Retiree or Beneficiary was correctly entitled, shall be paid. Overpayments shall be charged against payments next succeeding the correction or collected in another manner if prudent. Underpayments shall be made up from the Fund in a prudent manner.
- K. The Board shall sustain no liability whatsoever for the sufficiency of the Fund to meet the payments and benefits provided for herein.
- L. In any application to or proceeding or action in the courts, only the Board shall be a necessary party, and no Member or other person having an interest in the Fund shall be entitled to any notice or service of process. Any judgment entered in such a proceeding or action shall be conclusive upon all persons.
- M. Any of the foregoing powers and functions reposed in the Board may be performed or carried out by the Board through duly authorized agents, provided that the Board at all times maintains continuous supervision over the acts of any such agent; provided further, that legal title to said Fund shall always remain in the Board.

SECTION 5. CONTRIBUTIONS.

1. Member Contributions.

- A. Amount. Each Member of the System shall be required to make regular contributions to the Fund in the amount of five percent (5%) of his Salary. Member contributions withheld by the ~~City~~ County on behalf of the Member shall be deposited with the Board immediately after each pay period. The contributions made by each Member to the Fund shall be designated as employer contributions pursuant to §414(h) of the Code. Such designation is contingent upon the contributions being excluded from the Members' gross income for Federal Income Tax purposes. For all other purposes of the System, such contributions shall be considered to be Member contributions.
- B. Method. Such contributions shall be made by payroll deduction.

2. State Contributions.

Any monies received or receivable by reason of laws of the State of Florida, for the express purpose of funding and paying for retirement benefits for Firefighters ~~of the City~~ shall be deposited in the Fund comprising part of this System immediately and under no circumstances more than five (5) days after receipt by the City.

3. City or County Contributions.

So long as this System is in effect, the ~~City~~ and County shall make at least quarterly contributions to the Fund in an amount equal to the required City contribution, as shown by the applicable actuarial valuation of the System. The County shall contribute to the plan the funding required as provided for in Section 31.

4. Other.

Private donations, gifts and contributions may be deposited to the Fund, but such deposits must be accounted for separately and kept on a segregated bookkeeping basis. Funds arising from these sources may be used only for additional benefits for Members, as determined by the Board, and may not be used to reduce what would have otherwise been required ~~City~~ or County contributions.

SECTION 6. BENEFIT AMOUNTS AND ELIGIBILITY.

1. Normal Retirement Age and Date.

A Member's normal retirement age is the earlier of the attainment of age fifty-five (55) and the completion of ten (10) years of Credited Service, or upon the completion of twenty-five (25) years of Credited Service, regardless of age. Each Member shall become one hundred percent (100%) vested in his accrued benefit at normal retirement age. A Member's normal retirement date shall be the first day of the month coincident with or next following the date the Member retires from the ~~City~~ County after attaining normal retirement age.

2. Normal Retirement Benefit.
A Member retiring hereunder on or after his normal retirement date shall receive a monthly benefit which shall commence on the first day of the month coincident with or next following his Retirement and be continued thereafter during the Member's lifetime, ceasing upon death, but with one hundred twenty (120) monthly payments guaranteed in any event. The monthly retirement benefit shall equal three percent (3%) of Average Final Compensation, for each year of Credited Service.
3. Early Retirement Date.
A Member may retire on his early retirement date which shall be the first day of any month coincident with or next following the attainment of age fifty (50) and the completion of ten (10) years of Credited Service. Early retirement under the System is Retirement from employment with the City County on or after the early retirement date and prior to the normal retirement date.
4. Early Retirement Benefit.
A Member retiring hereunder on his early retirement date may receive either a deferred or an immediate monthly retirement benefit payable in the same form as for normal retirement as follows:
 - A. A deferred monthly retirement benefit which shall commence on what would have been his normal retirement date, determined based upon his actual years of credited service, and shall be continued on the first day of each month thereafter. The amount of each such deferred monthly retirement benefit shall be determined in the same manner as for retirement on his normal retirement date, determined based upon his actual years of Credited Service, except that Credited Service and Average Final Compensation shall be determined as of his early retirement date; or
 - B. An immediate monthly retirement benefit which shall commence on his early retirement date and shall be continued on the first day of each month thereafter. The benefit payable shall be as determined in paragraph A above, which is reduced by three percent (3%) for each year the commencement of benefits precedes the date which would have been the Member's normal retirement date based upon his actual years of Credited Service.
5. Cost of Living Adjustment.
Beginning retroactively to October 1, 1999, and on every October 1 of odd numbered years thereafter, the monthly benefit of each Retiree (or their Beneficiary or joint annuitant), including disability Retirees and vested terminated persons, who has been receiving benefits for at least one (1) year as of the adjustment date, shall be increased by one-half of one percent (.5%). This benefit shall apply to all current and future eligible Retirees (or their Beneficiary or joint annuitants).
6. Required Distribution Date.
~~The Member's benefit under this Section must begin to be distributed to the Member no later than April 1 of the calendar year following the later of the calendar year in which the Member attains age seventy and one half (70½) or the calendar year in which the Member terminates employment with the City~~ the Member's required beginning date, as provided under Section 16.

SECTION 7. DEATH BENEFITS.

1. Prior to Vesting or Eligibility for Retirement.
The Beneficiary of a deceased Member who was not receiving monthly benefit payments, or who was not yet vested or eligible for early or normal Retirement shall receive a refund of one hundred percent (100%) of the Member's Accumulated Contributions.
2. Deceased Members Vested or Eligible for Retirement.
 - A. Any Member, whether or not still actively employed, who has a right to a vested accrued benefit, shall be eligible for a death benefit if he dies before collecting any other benefits from this System. The amount of the death benefit shall be equal to fifty percent (50%) of the actuarially equivalent single sum value of the Member's vested accrued benefit or his Accumulated Contributions, whichever is greater.

If this single sum value is less than five thousand dollars (\$5,000), it shall be paid in a lump sum. If the value exceeds five thousand dollars (\$5,000), the Beneficiary may elect payment under any of the optional forms available for retirement benefits or a lump sum payment.
 - B. If a Member is eligible for early or normal retirement, but remains in employment and dies while so employed, the death benefit shall be determined as follows: It shall be assumed that such deceased Member had retired immediately preceding his date of death and elected the Ten Year Certain and Life Thereafter option. However, the death benefit shall be equal to fifty percent (50%) of the actuarially equivalent single sum value of the Member's vested accrued benefit, if larger than the Ten Year Certain and Life Thereafter Option, described earlier in this Section.
 - C. Additional regulations with Spouse as Beneficiary. **This subsection 2. applies only when the Member's Spouse is the sole designated Beneficiary.** Notwithstanding the previous paragraphs of this subsection 2, in the event a Member or terminated vested person, with ten (10) or more years of Credited Service, dies prior to Retirement or prior to receipt of benefits, his Beneficiary shall be entitled to the accrued

normal or early retirement benefit payable at the deceased Member's early or normal retirement age less the value of any benefits paid or payable under this subsection.

- 1) Notwithstanding anything contained in this section to the contrary, in any event, distributions to the spouse beneficiary will begin ~~by December 31 of the calendar year immediately following the calendar year in which the member died, or by a date selected pursuant to the above provisions in this section that must be on or before December 31 of the calendar year in which the member would have attained 70½~~ no later than the Member's required beginning date, as provided under Section 16, subsection 2.B.(1).
 - 2) If the surviving spouse beneficiary commences receiving a benefit under subsection A or B above, but dies before all payments are made, the actuarial value of the remaining benefit will be paid to the spouse beneficiary's estate in a lump sum.
- D. Additional regulations with non-spouse as beneficiary. This subsection applies only when the Member's Spouse is not the Beneficiary or is not the sole designated Beneficiary, but there is a surviving Beneficiary. Notwithstanding the previous paragraphs of this subsection 2., in the event a member or terminated vested person, with ten (10) or more years of credited service, dies prior to retirement or prior to receipt of benefits, his or her beneficiary shall be entitled to the accrued normal or early retirement benefit payable beginning by December 31 of the calendar year immediately following the calendar in which the member died. The benefit will be calculated as for normal retirement based on the deceased Member's Credited Service and Average Final Compensation and actuarially reduced to reflect the commencement of benefits prior to the normal retirement date.
- a) If a surviving beneficiary commences receiving a benefit under subsection D. above, but dies before all payments are made, the actuarial value of the remaining benefit will be paid to the surviving beneficiary's estate by December 31 of the calendar year of the beneficiary's death in a lump sum.
 - b) If there is no surviving beneficiary as of the member's death, and the estate is to receive the benefits, the actuarial equivalent of the member's entire interest must be distributed by December 31 of the calendar year containing the fifth anniversary of the member's death.
 - c) The Uniform Lifetime Table in Treasury Regulations § 1.401(a)(9)-9 shall determine the payment period for the calendar year benefits commence, if necessary to satisfy the regulations.

SECTION 8. DISABILITY.

1. Disability Benefits In-Line of Duty.

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 duty as a Firefighter, shall, upon establishing the same to the satisfaction of the Board, be entitled to a monthly pension equal to three percent (3%) of his Average Final Compensation multiplied by the total years of Credited Service, but in any event, the minimum amount paid to the Member shall be forty-two percent (42%) of the Average Final Compensation of the Member. Eligibility requirements for disability benefits are set forth in subsection 8., below.

2. In-Line of Duty Presumptions.

A. Presumption. Any condition or impairment of health of a Member caused by hypertension or heart disease shall be presumed to have been suffered in line of duty unless the contrary is shown by competent evidence, provided that such Member shall have successfully passed a physical examination upon entering into such service, which examination failed to reveal any evidence of such condition; and provided further, that such presumption shall not apply to benefits payable or granted in a policy of life insurance or disability insurance.

B. Additional Presumption. The presumption provided for in this subparagraph B. shall apply only to those conditions described in this subparagraph B. that are diagnosed on or after January 1, 1996.

1) Definitions. As used in this subsection 2.B., the following definitions apply:

- a) "Body fluids" means blood and body fluids containing visible blood and other body fluids to which universal precautions for prevention of occupational transmission of blood-borne pathogens, as established by the Centers for Disease Control, apply. For purposes of potential transmission of meningococcal meningitis or tuberculosis, the term "body fluids" includes respiratory, salivary, and sinus fluids, including droplets, sputum, and saliva, mucous, and other fluids through which infectious airborne organisms can be transmitted between persons.
- b) "Emergency rescue or public safety Member" means any Member employed full time by the City County as a firefighter, paramedic, emergency medical technician, law enforcement officer, or correctional officer who, in the course of employment, runs a high risk of occupational exposure to hepatitis, meningococcal meningitis, or tuberculosis and who is not employed elsewhere in a similar capacity. However, the term "emergency rescue or public

- safety Member" does not include any person employed by a public hospital licensed under Chapter 395, Florida Statutes, or any person employed by a subsidiary thereof.
- c) "Hepatitis" means hepatitis A, hepatitis B, hepatitis non-A, hepatitis non-B, hepatitis C, or any other strain of hepatitis generally recognized by the medical community.
 - d) "High risk of occupational exposure" means that risk that is incurred because a person subject to the provisions of this subsection, in performing the basic duties associated with his employment:
 - i. Provides emergency medical treatment in a non-health-care setting where there is a potential for transfer of body fluids between persons;
 - ii. At the site of an accident, fire, or other rescue or public safety operation, or in an emergency rescue or public safety vehicle, handles body fluids in or out of containers or works with or otherwise handles needles or other sharp instruments exposed to body fluids;
 - iii. Engages in the pursuit, apprehension, and arrest of law violators or suspected law violators and, in performing such duties, may be exposed to body fluids; or
 - iv. Is responsible for the custody, and physical restraint when necessary, of prisoners or inmates within a prison, jail, or other criminal detention facility, while on work detail outside the facility, or while being transported and, in performing such duties, may be exposed to body fluids.
 - e) "Occupational exposure," in the case of hepatitis, meningococcal meningitis, or tuberculosis, means an exposure that occurs during the performance of job duties that may place a worker at risk of infection.
- 2) Presumption. Any emergency rescue or public safety Member who suffers a condition or impairment of health that is caused by hepatitis, meningococcal meningitis, or tuberculosis, that requires medical treatment, and that results in total or partial disability or death shall be presumed to have a disability suffered in the line of duty, unless the contrary is shown by competent evidence; however, in order to be entitled to the presumption, the Member must, by written affidavit as provided in Section 92.50, Florida Statutes, verify by written declaration that, to the best of his knowledge and belief:
- a) In the case of a medical condition caused by or derived from hepatitis, he has not:
 - i. Been exposed, through transfer of bodily fluids, to any person known to have sickness or medical conditions derived from hepatitis, outside the scope of his employment;
 - ii. Had a transfusion of blood or blood components, other than a transfusion arising out of an accident or injury happening in connection with his present employment, or received any blood products for the treatment of a coagulation disorder since last undergoing medical tests for hepatitis, which tests failed to indicate the presence of hepatitis;
 - iii. Engaged in unsafe sexual practices or other high-risk behavior, as identified by the Centers for Disease Control or the Surgeon General of the United States or had sexual relations with a person known to him to have engaged in such unsafe sexual practices or other high-risk behavior; or
 - iv. Used intravenous drugs not prescribed by a physician.
 - b) In the case of meningococcal meningitis, in the ten (10) days immediately preceding diagnosis he was not exposed, outside the scope of his employment, to any person known to have meningococcal meningitis or known to be an asymptomatic carrier of the disease.
 - c) In the case of tuberculosis, in the period of time since the Member's last negative tuberculosis skin test, he has not been exposed, outside the scope of his employment, to any person known by him to have tuberculosis.
- 3) Immunization. Whenever any standard, medically recognized vaccine or other form of immunization or prophylaxis exists for the prevention of a communicable disease for which a presumption is granted under this section, if medically indicated in the given circumstances pursuant to immunization policies established by the Advisory Committee on Immunization Practices of the U.S. Public Health Service, an emergency rescue or public safety Member may be required by the City County to undergo the immunization or prophylaxis unless the Member's physician determines in writing that the immunization or other prophylaxis would pose a significant risk to the Member's health. Absent such written declaration, failure or refusal by an emergency rescue or public safety Member to undergo such immunization or prophylaxis disqualifies the Member from the benefits of the presumption.
- 4) Record of Exposures. The City and County shall maintain a record of any known or reasonably suspected exposure of an emergency rescue or public safety Member in its employ to the disease described in this section and shall immediately notify the Member of such exposure. An emergency rescue or public safety Member shall file an incident or accident report with the City County of each instance of known or suspected occupational exposure to hepatitis infection, meningococcal meningitis, or tuberculosis.

5) Required medical tests: preemployment physical. In order to be entitled to the presumption provided by this section:

- a) An emergency rescue or public safety Member must, prior to diagnosis, have undergone standard, medically acceptable tests for evidence of the communicable disease for which the presumption is sought, or evidence of medical conditions derived therefrom, which tests fail to indicate the presence of infection. This paragraph does not apply in the case of meningococcal meningitis.
- b) On or after June 15, 1995, an emergency rescue or public safety Member may be required to undergo a preemployment physical examination that tests for and fails to reveal any evidence of hepatitis or tuberculosis.

C. Firefighter Cancer Presumption.

The presumption provided for in this paragraph C. shall apply only to "cancer", as defined in F.S. § 112.1816(1)(a), as amended from time to time. Any Member who becomes totally and permanently unable to perform useful and efficient service as a Firefighter due to a diagnosis of cancer or circumstances that arise out of the treatment of cancer will be conclusively presumed to be disabled in-line of duty.

3. Disability Benefits Not-in-Line of Duty.

Any Member with five (5) or more years of Credited Service 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 is not directly caused by the performance of his duties as a Firefighter shall, upon establishing the same to the satisfaction of the Board, be entitled to a monthly pension equal to the greater of (i) or (ii) where (i) is two percent (2%) of Average Final Compensation multiplied by the total years of Credited Service and (ii) is a benefit determined in the same manner as for early retirement as set forth in Section 6, subsection 4B, providing for an actuarial reduction. In any event, the minimum amount paid to the Member shall be twenty-five percent (25%) of his Average Final Compensation. Eligibility requirements for disability benefits are set forth in subsection 8., below.

4. Conditions Disqualifying Disability Benefits.

Each Member who is claiming disability benefits shall establish, to the satisfaction of the Board, that such disability was not occasioned primarily by:

- A. Excessive or habitual use of any drugs, intoxicants, or narcotics.
- B. Injury or disease sustained while willfully and illegally participating in fights, riots or civil insurrections or while committing a crime.
- C. Injury or disease sustained while serving in any branch of the Armed Forces.
- D. Injury or disease sustained by the Member after his employment as a Firefighter with the ~~City~~ Okeechobee County shall have terminated.

5. Physical Examination Requirement.

A Member shall not become eligible for disability benefits until and unless he undergoes a physical examination by a qualified physician or physicians and/or surgeon or surgeons, who shall be selected by the Board for that purpose. The Board shall not select the Member's treating physician or surgeon for this purpose except in an unusual case where the Board determines that it would be reasonable and prudent to do so.

Any Retiree receiving disability benefits under provisions of this ordinance may be required by the Board to submit sworn statements of his condition accompanied by a physician's statement (provided at the Retiree's expense) to the Board annually and may be required by the Board to undergo additional periodic re-examinations by a qualified physician or physicians and/or surgeon or surgeons who shall be selected by the Board, to determine if such disability has ceased to exist. If the Board finds that the Retiree is no longer permanently and totally disabled to the extent that he is unable to render useful and efficient service as a Firefighter, the Board shall recommend to the City County that the Retiree be returned to performance of duty as a Firefighter, and the Retiree so returned shall enjoy the same rights that he had at the time he was placed upon pension. In the event the Retiree so ordered to return shall refuse to comply with the order within thirty (30) days from the issuance thereof, he shall forfeit the right to his pension.

The cost of the physical examination and/or re-examination of the Member claiming or the Retiree receiving disability benefits shall be borne by the Fund. All other reasonable costs as determined by the Board incident to the physical examination, such as, but not limited to, transportation, meals and hotel accommodations, shall be borne by the Fund.

If the Retiree recovers from disability and reenters the service of the City County as a Firefighter, his service will be deemed to have been continuous, but the period beginning with the first month for which Member received a disability retirement payment and ending with the date he reentered the service of the City County will not be considered as Credited Service for the purposes of this System. The Board shall have the power and authority to make the final decisions regarding all disability claims.

6. Disability Payments.

The monthly benefit to which a Member is entitled in the event of the Member's disability retirement shall be payable on the first day of the first month after the Board determines such entitlement. However, the monthly retirement income shall be payable as of the date the Board determined such entitlement, and any portion due for a partial month shall be paid together with the first payment. The last payment will be:

- A. If the Retiree recovers from the disability, the payment due next preceding the date of such recovery, or
- B. If the Retiree dies without recovering from disability, the payment due next preceding his death or the 120th monthly payment, whichever is later.

Provided, however, the disability Retiree may select, at any time prior to the date on which benefit payments begin, an optional form of benefit payment as described in Section 10, subsection 1.A. or 1.B., which shall be the Actuarial Equivalent of the normal form of benefit.

7. Benefit Offsets.

When a Retiree is receiving a disability pension and workers' compensation benefits pursuant to Florida Statute Chapter 440, for the same disability, and the total monthly benefits received from both exceed 100% of the Member's average monthly wage, as defined in Chapter 440, Florida Statutes, the disability pension benefit shall be reduced so that the total monthly amount received by the Retiree does not exceed 100% of such average monthly wage. The amount of any lump sum workers' compensation payment shall be converted to an equivalent monthly benefit payable for ten (10) Years Certain by dividing the lump sum amount by 83.9692. Notwithstanding the foregoing, in no event shall the disability pension benefit be reduced below the greater of forty-two percent (42%) of Average Final Compensation or two and three quarters percent (2.75%) of Average Final Compensation times years of Credited Service.

8. Eligibility for Disability Benefits.

Subject to 8.(4) below, only active Members of the System on the date the Board determines entitlement to a disability benefit are eligible for disability benefits.

- 1) Terminated persons, either vested or non-vested, are not eligible for disability benefits.
- 2) If a Member voluntarily terminates his employment, either before or after filing an application for disability benefits, he is not eligible for disability benefits.
- 3) If a Member is terminated by the City County for any reason other than for medical reasons, either before or after he files an application for disability benefits, he is not eligible for disability benefits.
- 4) The only exception to 1) above is:
 - a) If the Member is terminated by the City County for medical reasons and he has already applied for disability benefits before the medical termination, or;
 - b) If the Member is terminated by the City County for medical reasons and he applies within 30 days after the medical termination date.

If either 4)a., or 4)b. above applies, the Member's application will be processed and fully considered by the Board.

SECTION 9. VESTING.

If a Member terminates his employment as a Firefighter, either voluntarily or by discharge, and is not eligible for any other benefits under this System, the Member shall be entitled to the following:

1. If the Member has less than ten (10) years Credited Service upon termination, the Member shall be entitled to a refund of his Accumulated Contributions or the Member may leave it deposited with the Fund.
2. If the Member has ten (10) or more years of Credited Service upon termination, the Member shall be entitled to a monthly retirement benefit, determined in the same manner as for normal or early retirement and based upon the Member's Credited Service, Average Final Compensation and the benefit accrual rate as of the date of termination, payable to him commencing at Member's otherwise normal or early retirement date, determined based upon his actual years of Credited Service, provided he does not elect to withdraw his Accumulated Contributions and provided the Member survives to his otherwise normal or early retirement date. If the Member does not withdraw his Accumulated Contributions and does not survive to his otherwise normal or early retirement date, his designated Beneficiary shall be entitled to a benefit as provided herein for a deceased Member, vested or eligible for Retirement under Pre-Retirement Death.

SECTION 10. OPTIONAL FORMS OF BENEFITS.

Language ~~stricken~~ to be deleted
Language underlined to be added

1. In lieu of the amount and form of retirement income payable in the event of normal or early retirement as specified herein, a Member, upon written request to the Board may elect to receive a retirement income or benefit of equivalent actuarial value payable in accordance with one of the following options:
 - A. A retirement income of a monthly amount, payable to the Retiree during the lifetime of the Retiree and following the death of the Retiree, one hundred percent (100%), seventy-five percent (75%), sixty-six and two-thirds percent (66 2/3%) or fifty percent (50%) of such monthly amount payable to a joint pensioner for his lifetime. Except where the Retiree's joint pensioner is his spouse, the payments to the joint pensioner as a percentage of the payments to the Retiree shall not exceed the applicable percentage provided for in the applicable table in the Treasury regulations. (See Q & A-2 of 1.401(a)(9)-6)
 - B. A retirement income of a modified monthly amount payable to the Retiree for his lifetime only.
 - C. If a Member retires prior to the time at which social security benefits are payable, he may elect to receive an increased retirement benefit until such time as social security benefits shall be assumed to commence and a reduced benefit thereafter in order to provide, to as great an extent as possible, a more level retirement allowance during the entire period of Retirement. The amounts payable shall be as recommended by the actuaries for the System, based upon the social security law in effect at the time of the Member's Retirement. This option may be combined with other optional forms of benefits.
 - D. For any Member who does not participate in the DROP pursuant to Section 28, a lump sum payment payable to the Retiree equal to twenty percent (20%) of the total actuarial equivalent value of the **Retiree's accrued benefit at the date of retirement with the remaining eighty percent (80%) payable to** the Retiree in a form selected by the Retiree and provided for in A, B or C above or in the normal form (10 year certain and life). A Retiree who is a participant in the Deferred Retirement Option Plan shall not be eligible to select this partial lump sum option.
2. The Member, upon electing any option of this Section, will designate the joint pensioner (subsection 1.A. above) or Beneficiary (or Beneficiaries) to receive the benefit, if any, payable under the System in the event of Member's death, and will have the power to change such designation from time to time. Such designation will name a joint pensioner or one (1) or more primary Beneficiaries where applicable. A Member may change his Beneficiary at any time. If a Member has elected an option with a joint pensioner and the Member's retirement income benefits have commenced, the Member may thereafter change his designated Beneficiary at any time, but may only change his joint pensioner twice. Subject to the restriction in the previous sentence, a Member may substitute a new joint pensioner for a deceased joint pensioner. In the absence of proof of good health of the joint pensioner being replaced, the actuary will assume that the joint pensioner has deceased for purposes of calculating the new payment.
3. The consent of a Member's or Retiree's joint pensioner or Beneficiary to any such change shall not be required. The rights of all previously-designated Beneficiaries to receive benefits under the System shall thereupon cease.
4. Upon change of a Retiree's joint pensioner in accordance with this Section, the amount of the retirement income payable to the Retiree shall be actuarially redetermined to take into account the age of the former joint pensioner, the new joint pensioner and the Retiree and to ensure that the benefit paid is the Actuarial Equivalent of the present value of the Retiree's then-current benefit at the time of the change. Any such Retiree shall pay the actuarial recalculation expenses. Each request for a change will be made in writing on a form prepared by the Board and on completion will be filed with the Board. In the event that no designated Beneficiary survives the Retiree, such benefits as are payable in the event of the death of the Retiree subsequent to his Retirement shall be paid as provided in Section 11.
5. Retirement income payments shall be made under the option elected in accordance with the provisions of this Section and shall be subject to the following limitations:
 - A. If a Member dies prior to his normal retirement date or early retirement date, whichever first occurs, no retirement benefit will be payable under the option to any person, but the benefits, if any, will be determined under Section 7.
 - B. If the designated Beneficiary (or Beneficiaries) or joint pensioner dies before the Member's Retirement under the System, the option elected will be canceled automatically and a retirement income of the normal form and amount will be payable to the Member upon his Retirement as if the election had not been made, unless a new election is made in accordance with the provisions of this Section or a new Beneficiary is designated by the Member prior to his Retirement.
 - C. If both the Retiree and the Beneficiary (or Beneficiaries) designated by Member or Retiree die before the full payment has been effected under any option providing for payments for a period certain and life thereafter, made pursuant to the provisions of subsection 1, the Board may, in its discretion, direct that the commuted value of the remaining payments be paid in a lump sum and in accordance with Section 11.

- D. If a Member continues beyond his normal retirement date pursuant to the provisions of Section 6, subsection 1, and dies prior to his actual retirement and while an option made pursuant to the provisions of this Section is in effect, monthly retirement income payments will be made, or a retirement benefit will be paid, under the option to a Beneficiary (or Beneficiaries) designated by the Member in the amount or amounts computed as if the Member had retired under the option on the date on which his death occurred.
 - E. The Member's benefit under this Section must begin to be distributed to the Member no later than ~~April 1 of the calendar year following the later of the calendar year in which the Member attains age seventy and one half (70½) or the calendar year in which the Member terminates employment with the City~~ the Member's required beginning date, as provided under Section 16.
6. A Retiree may not change his retirement option after the date of cashing or depositing his first retirement check.
 7. Notwithstanding anything herein to the contrary, the Board in its discretion, may elect to make a lump sum payment to a Member or a Member's Beneficiary in the event that the total commuted value of the monthly income payments to be paid do not exceed one thousand dollars (\$1,000). Any such payment made to any person pursuant to the power and discretion conferred upon the Board by the preceding sentence shall operate as a complete discharge of all obligations under the System with regard to such Member and shall not be subject to review by anyone, but shall be final, binding and conclusive on all persons.

SECTION 11. BENEFICIARIES.

1. Each Member or Retiree may, on a form provided for that purpose, signed and filed with the Board, designate a Beneficiary (or Beneficiaries) to receive the benefit, if any, which may be payable in the event of his death. Each designation may be revoked or changed by such Member or Retiree by signing and filing with the Board a new designation-of-beneficiary form. Upon such change, the rights of all previously designated Beneficiaries to receive any benefits under the System shall cease.
2. If a deceased Member or Retiree failed to name a Beneficiary in the manner prescribed in subsection 1, or if the Beneficiary (or Beneficiaries) named by a deceased Member or Retiree predeceases the Member or Retiree, the death benefit, if any, which may be payable under the System with respect to such deceased Member or Retiree, shall be paid to estate of the Member or Retiree and the Board, in its discretion, may direct that the commuted value of the remaining monthly income benefits be paid in a lump sum.
3. Any payment made to any person pursuant to this Section shall operate as a complete discharge of all obligations under the System with regard to the deceased Member and any other persons with rights under the System and shall not be subject to review by anyone but shall be final, binding and conclusive on all persons ever interested hereunder.

SECTION 12. CLAIMS PROCEDURES.

1. The Board shall establish administrative claims procedures to be utilized in processing written requests ("claims"), on matters which affect the substantial rights of any person ("Claimant"), including Members, Retirees, Beneficiaries, or any person affected by a decision of the Board.
2. The Board shall have the power to subpoena and require the attendance of witnesses and the production of documents for discovery prior to and at any proceedings provided for in the Board's claims procedures. The Claimant may request in writing the issuance of subpoenas by the Board. A reasonable fee may be charged for the issuance of any subpoenas not to exceed the fees set forth in Florida Statutes.

SECTION 13. REPORTS TO DIVISION OF RETIREMENT.

Each year and no later than March 15th, the Board shall file an Annual Report with the Division of Retirement containing the documents and information required by Section 175.261, Florida Statutes.

SECTION 14. ROSTER OF RETIREES.

The Secretary of the Board shall keep a record of all persons enjoying a pension under the provisions of this ordinance in which it shall be noted the time when the pension is allowed and when the same shall cease to be paid. Additionally, the Secretary shall keep a record of all Members in such a manner as to show the name, address, date of employment and date such employment is terminated.

SECTION 15. MAXIMUM PENSION.

1. Basic Limitation.
Notwithstanding any other provisions of this System to the contrary, the Member contributions paid to, and retirement benefits paid from, the System shall be limited to such extent as may be necessary to conform to the requirements of Code Section 415 for a qualified retirement plan. Before January 1, 1995, a plan member may not receive an annual benefit that exceeds the limits specified in Code Section 415(b), subject to the applicable adjustments in that section. On and after January 1, 1995, a plan member may

not receive an annual benefit that exceeds the dollar amount specified in Code Section 415(b)(1)(A) (\$160,000), subject to the applicable adjustments in Code Section 415(b) and subject to any additional limits that may be specified in this System. For purposes of this Section, "limitation year" shall be the calendar year.

For purposes of Code Section 415(b), the "annual benefit" means a benefit payable annually in the form of a straight life annuity (with no ancillary benefits) without regard to the benefit attributable to after-tax employee contributions (except pursuant to Code Section 415(n) and to rollover contributions (as defined in Code Section 415(b)(2)(A)). The "benefit attributable" shall be determined in accordance with Treasury Regulations.

2. Adjustments to Basic Limitation for Form of Benefit.

If the benefit under the plan is other than the annual benefit described in subsection 1., then the benefit shall be adjusted so that it is the equivalent of the annual benefit, using factors prescribed in Treasury Regulations. If the form of the benefit without regard to any automatic benefit increase feature is not a straight life annuity or a qualified joint and survivor annuity, then the preceding sentence is applied by either reducing the Code Section 415(b) limit applicable at the annuity starting date or adjusting the form of benefit to an actuarially equivalent amount (determined using the assumptions specified in Treasury Regulation Section 1.415(b)-1(c)(2)(ii)) that takes into account the additional benefits under the form of benefit as follows:

A. For a benefit paid in a form to which Section 417(e)(3) of the Code does not apply (generally, a monthly benefit), the actuarially equivalent straight life annuity benefit that is the greater of:

- 1) The annual amount of the straight life annuity (if any) payable to the Member under the Plan commencing at the same annuity starting date as the form of benefit to the Member, or
- 2) The annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the form of benefit payable to the Member, computed using a five percent (5%) interest assumption (or the applicable statutory interest assumption) and (i) for years prior to January 1, 2009, the applicable mortality tables described in Treasury Regulation Section 1.417(e)-1(d)(2) (Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Rulings 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in Section 417(e)(3)(B) of the Code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing Section 417(e)(3)(B) of the Code); or

B. For a benefit paid in a form to which Section 417(e)(3) of the Code applies (generally, a lump sum benefit), the actuarially equivalent straight life annuity benefit that is the greatest of:

- 1) The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable, computed using the interest rate and mortality table, or tabular factor, specified in the Plan for actuarial experience;
- 2) The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable, computed using a five and one half percent (5.5%) interest assumption (or the applicable statutory interest assumption) and (i) for years prior to January 1, 2009, the applicable mortality tables for the distribution under Treasury Regulation Section 1.417(e)-1(d)(2) (the mortality table specified in Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Ruling 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in Section 417(e)(3)(B) of the Code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing section 417(e)(3)(B) of the Code); or
- 3) The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable (computed using the applicable interest rate for the distribution under Treasury Regulation Section 1.417(e)-1(d)(3) (the 30-year Treasury rate (prior to January 1, 2007, using the rate in effect for the month prior to retirement, and on and after January 1, 2007, using the rate in effect for the first day of the Plan Year with a one-year stabilization period)) and (i) for years prior to January 1, 2009, the applicable mortality tables for the distribution under Treasury Regulation Section 1.417(e)-1(d)(2) (the mortality table specified in Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Ruling 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in Section 417(e)(3)(B) of the Code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing Section 417(e)(3)(B) of the Code), divided by 1.05.

C. The actuary may adjust the 415(b) limit at the annuity starting date in accordance with subsections A. and B above.

3. Benefits Not Taken into Account.

For purposes of this Section, the following benefits shall not be taken into account in applying these limits:

- A. Any ancillary benefit which is not directly related to retirement income benefits;
 - B. Any other benefit not required under §415(b)(2) of the Code and Regulations thereunder to be taken into account for purposes of the limitation of Code Section 415(b)(1); and
 - C. That portion of any joint and survivor annuity that constitutes a qualified joint and survivor annuity.
4. COLA Effect.
Effective on and after January 1, 2003, for purposes of applying the limits under Code Section 415(b) (the "Limit"), the following will apply:
- A. A Member's applicable limit will be applied to the Member's annual benefit in the Member's first limitation year of benefit payments without regard to any automatic cost of living adjustments;
 - B. thereafter, in any subsequent limitation year, a Member's annual benefit, including any automatic cost of living increases, shall be tested under the then applicable benefit limit including any adjustment to the Code Section 415(b)(1)(A) dollar limit under Code Section 415(d), and the regulations thereunder; but
 - C. in no event shall a Member's benefit payable under the System in any limitation year be greater than the limit applicable at the annuity starting date, as increased in subsequent years pursuant to Code Section 415(d) and the regulations thereunder.

Unless otherwise specified in the System, for purposes of applying the limits under Code Section 415(b), a Member's applicable limit will be applied taking into consideration cost of living increases as required by Section 415(b) of the Code and applicable Treasury Regulations.

5. Other Adjustments in Limitations.
- A. In the event the Member's retirement benefits become payable before age sixty-two (62), the limit prescribed by this Section shall be reduced in accordance with regulations issued by the Secretary of the Treasury pursuant to the provisions of Code Section 415(b) of the Code, so that such limit (as so reduced) equals an annual straight life benefit (when such retirement income benefit begins) which is equivalent to a one hundred sixty thousand dollar (\$160,000) annual benefit beginning at age sixty-two (62).
 - B. In the event the Member's benefit is based on at least fifteen (15) years of Credited Service as a full-time employee of the police or fire department of the City, the adjustments provided for in A. above shall not apply.
 - C. The reductions provided for in A. above shall not be applicable to disability benefits pursuant to Section 8, or pre-retirement death benefits paid pursuant to Section 7.
 - D. In the event the Member's retirement benefit becomes payable after age sixty-five (65), for purposes of determining whether this benefit meets the limit set forth in subsection 1 herein, such benefit shall be adjusted so that it is actuarially equivalent to the benefit beginning at age sixty-five (65). This adjustment shall be made in accordance with regulations promulgated by the Secretary of the Treasury or his delegate.
6. Less than Ten (10) Years of Participation.
The maximum retirement benefits payable under this Section to any Member who has completed less than ten (10) years of participation shall be the amount determined under subsection 1 of this Section multiplied by a fraction, the numerator of which is the number of the Member's years of participation and the denominator of which is ten (10). The reduction provided by this subsection cannot reduce the maximum benefit below 10% of the limit determined without regard to this subsection. The reduction provided for in this subsection shall not be applicable to pre-retirement disability benefits paid pursuant to Section 8 or pre-retirement death benefits paid pursuant to Section 7.
7. Participation in Other Defined Benefit Plans.
The limit of this Section with respect to any Member who at any time has been a member in any other defined benefit plan as defined in Code Section 414(j) maintained by the City or County shall apply as if the total benefits payable under all City or County defined benefit plans in which the Member has been a member were payable from one plan.
8. Ten Thousand Dollar (\$10,000) Limit; Less Than Ten Years of Service.
Notwithstanding anything in this Section 15, the retirement benefit payable with respect to a Member shall be deemed not to exceed the limit set forth in this subsection 8. of Section 15 if the benefits payable, with respect to such Member under this System and under all other qualified defined benefit pension plans to which the City or County contributes, do not exceed ten thousand dollars (\$10,000) for the applicable

limitation year or for any prior limitation year, and the City or County has not at any time maintained a qualified defined contribution plan in which the Member participated; provided, however, that if the Member has completed less than ten (10) years of Credited Service with the City and County, the limit under this subsection 8. of Section 15 shall be a reduced limit equal to ten thousand dollars (\$10,000) multiplied by a fraction, the numerator of which is the number of the Member's years of Credited Service and the denominator of which is ten (10).

9. Reduction of Benefits.

Reduction of benefits and/or contributions to all plans, where required, shall be accomplished by first reducing the Member's benefit under any defined benefit plans in which Member participated, such reduction to be made first with respect to the plan in which Member most recently accrued benefits and thereafter in such priority as shall be determined by the Board and the plan administrator of such other plans, and next, by reducing or allocating excess forfeitures for defined contribution plans in which the Member participated, such reduction to be made first with respect to the plan in which Member most recently accrued benefits and thereafter in such priority as shall be established by the Board and the plan administrator for such other plans provided, however, that necessary reductions may be made in a different manner and priority pursuant to the agreement of the Board and the plan administrator of all other plans covering such Member.

10. Service Credit Purchase Limits.

A. Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, if a Member makes one or more contributions to purchase permissive service credit under the System, as allowed in Section 25 and 27, then the requirements of this Section will be treated as met only if:

- 1) the requirements of Code Section 415(b) are met, determined by treating the accrued benefit derived from all such contributions as an annual benefit for purposes of Code Section 415(b), or
- 2) the requirements of Code Section 415(c) are met, determined by treating all such contributions as annual additions for purposes of Code Section 415(c).

For purposes of applying subparagraph (1), the System will not fail to meet the reduced limit under Code Section 415(b)(2)(c) solely by reason of this subparagraph, and for purposes of applying subparagraph (2) the System will not fail to meet the percentage limitation under Section 415(c)(1)(B) of the Code solely by reason of this subparagraph.

B. For purposes of this subsection the term "permissive service credit" means service credit—

- 1) recognized by the System for purposes of calculating a Member's benefit under the plan,
- 2) which such Member has not received under the plan, and
- 3) which such Member may receive only by making a voluntary additional contribution, in an amount determined under the System, which does not exceed the amount necessary to fund the benefit attributable to such service credit.

Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, such term may, if otherwise provided by the System, include service credit for periods for which there is no performance of service, and, notwithstanding clause B.(2), may include service credited in order to provide an increased benefit for service credit which a Member is receiving under the System.

11. Contribution Limits.

A. For purposes of applying the Code Section 415(c) limits which are incorporated by reference and for purposes of this subsection 11., only and for no other purpose, the definition of compensation where applicable will be compensation actually paid or made available during a limitation year, except as noted below and as permitted by Treasury Regulations Section 1.415(c)-2, or successor regulations. Unless another definition of compensation that is permitted by Treasury Regulations Section 1.415(c)-2, or successor regulation, is specified by the System, compensation will be defined as wages within the meaning of Code Section 3401(a) and all other payments of compensation to an employee by an employer for which the employer is required to furnish the employee a written statement under Code Sections 6041(d), 6051(a)(3) and 6052 and will be determined without regard to any rules under Code Section 3401(a) that limit the remuneration included in wages based on the nature or location of the employment or the services performed (such as the exception for agricultural labor in Code Section 3401(a)(2)).

- 1) However, for limitation years beginning after December 31, 1997, compensation will also include amounts that would otherwise be included in compensation but for an election under Code Sections 125(a), 402(e)(3), 402(h)(1)(B), 402(k), or 457(b). For limitation years beginning after December 31, 2000, compensation will also include any elective amounts that are not includible in the gross income of the employee by reason of Code Section 132(f)(4).

- 2) For limitation years beginning on and after January 1, 2007, compensation for the limitation year will also include compensation paid by the later of 2½ months after an employee's severance from employment or the end of the limitation year that includes the date of the employee's severance from employment if:
 - a) the payment is regular compensation for services during the employee's regular working hours, or compensation for services outside the employee's regular working hours (such as overtime or shift differential), commissions, bonuses or other similar payments, and, absent a severance from employment, the payments would have been paid to the employee while the employee continued in employment with the employer; or
 - b) the payment is for unused accrued bona fide sick, vacation or other leave that the employee would have been able to use if employment had continued.
 - 3) Back pay, within the meaning of Treasury Regulations Section 1.415(c)-2(g)(8), shall be treated as compensation for the limitation year to which the back pay relates to the extent the back pay represents wages and compensation that would otherwise be included under this definition.
- B. Notwithstanding any other provision of law to the contrary, the Board may modify a request by a Member to make a contribution to the System if the amount of the contribution would exceed the limits provided in Code Section 415 by using the following methods:
- 1) If the law requires a lump sum payment for the purchase of service credit, the Board may establish a periodic payment deduction plan for the Member to avoid a contribution in excess of the limits under Code Sections 415(c) or 415(n).
 - 2) If payment pursuant to subparagraph (1) will not avoid a contribution in excess of the limits imposed by Code Section 415(c), the Board may either reduce the Member's contribution to an amount within the limits of that section or refuse the Member's contribution.
- C. If the annual additions for any Member for a limitation year exceed the limitation under Section 415(c) of the Code, the excess annual addition will be corrected as permitted under the Employee Plans Compliance Resolution System (or similar IRS correction program).
- D. For limitation years beginning on or after January 1, 2009, a Member's compensation for purposes of this subsection 11. shall not exceed the annual limit under Section 401(a)(17) of the Code.

12. Additional Limitation on Pension Benefits.

Notwithstanding anything herein to the contrary:

- A. The normal retirement benefit or pension payable to a Retiree who becomes a Member of the System and who has not previously participated in such System, on or after January 1, 1980, shall not exceed one hundred percent (100%) of his Average Final Compensation. However, nothing contained in this Section shall apply to supplemental retirement benefits or to pension increases attributable to cost-of-living increases or adjustments.
- B. No Member of the System shall be allowed to receive a retirement benefit or pension which is in part or in whole based upon any service with respect to which the Member is already receiving, or will receive in the future, a retirement benefit or pension from a different employer's retirement system or plan. This restriction does not apply to social security benefits or federal benefits under Chapter 1223, Title 10, U.S. Code.

13. Effect of Direct Rollover on 415(b) Limit.

If the plan accepts a direct rollover of an employee's or former employee's benefit from a defined contribution plan qualified under Code Section 401(a) which is maintained by the employer, any annuity resulting from the rollover amount that is determined using a more favorable actuarial basis than required under Code Section 417(e) shall be included in the annual benefit for purposes of the limit under Code Section 415(b).

SECTION 16. MINIMUM DISTRIBUTION OF BENEFITS.

1. General Rules.

- A. Effective Date. Effective as of January 1, 1989, the Plan will pay all benefits in accordance with a good faith interpretation of the requirements of Code Section 401(a)(9) and the regulations in effect under that section, as applicable to a governmental plan within the meaning of Code Section 414(d). Effective on and after January 1, 2003, the Plan is also subject to the specific provisions contained in this Section. The provisions of this Section will apply for purposes of determining required minimum distributions for calendar years beginning with the 2003 calendar year.
- B. Precedence. The requirements of this Section will take precedence over any inconsistent provisions of the Plan.

- C. TEFRA Section 242(b)(2) Elections. Notwithstanding the other provisions of this Section other than this subsection 1.C., distributions may be made under a designation made before January 1, 1984, in accordance with Section 242(b)(2) of the Tax Equity and Fiscal Responsibility Act (TEFRA) and the provisions of the plan that related to Section 242(b)(2) of TEFRA.

2. Time and Manner of Distribution.

- A. Required Beginning Date. The Member's entire interest will be distributed, or begin to be distributed, to the Member no later than the Member's required beginning date ~~which shall not be later than April 1 of the calendar year following the later of the calendar year in which the Member attains age seventy and one-half (70 ½) or the calendar year in which the Member terminates employment with the City.~~ For a Member who attains age seventy and one-half (70 ½) prior to January 1, 2020, the Member's required beginning date is April 1 of the calendar year following the later of (i) the calendar year in which the Member attains age seventy and one-half (70 ½) or (ii) the calendar year in which the Member terminates employment with the County. For a Member who attains age seventy and one-half (70 ½) on or after January 1, 2020, the Member's required beginning date is April 1 of the calendar year following the later of (i) the calendar year in which the Member attains age seventy-two (72) or (ii) the calendar year in which the Member terminates employment with the County.

- B. Death of Member Before Distributions Begin. If the Member dies before distributions begin, the Member's entire interest will be distributed, or begin to be distributed no later than as follows:

- 1) If the Member's surviving spouse is the Member's sole designated beneficiary, then distributions to the surviving spouse will begin by December 31 of the calendar year immediately following the calendar year in which the Member died, or by a date on or before December 31 of the calendar year in which the Member would have attained age 70 ½, (or age 72 for a Member who would have attained age 70½ after December 31, 2019) if later, as the surviving spouse elects.
- 2) If the Member's surviving spouse is not the Member's sole designated beneficiary, then, distributions to the designated beneficiary will begin by December 31 of the calendar year immediately following the calendar year in which the Member died.
- 3) If there is no designated beneficiary as of September 30 of the year following the year of the Member's death, the Member's entire interest will be distributed by December 31 of the calendar year containing the fifth anniversary of the Member's death.
- 4) If the Member's surviving spouse is the Member's sole designated beneficiary and the surviving spouse dies after the Member but before distributions to the surviving spouse begin, this subsection 2.B., other than subsection 2.B.(1), will apply as if the surviving spouse were the Member.

For purposes of this subsection 2.B., distributions are considered to begin on the Member's required beginning date or, if subsection 2.B.4) applies, the date of distributions are required to begin to the surviving spouse under subsection 2.B.1). If annuity payments irrevocably commence to the Member before the Member's required beginning date (or to the Member's surviving spouse before the date distributions are required to begin to the surviving spouse under subsection 2.B.1)), the date distributions are considered to begin is the date distributions actually commence.

- C. Death After Distributions Begin. If the Member dies after the required distribution of benefits has begun, the remaining portion of the Member's interest must be distributed at least as rapidly as under the method of distribution before the Member's death.

- D. Form of Distribution. Unless the Member's interest is distributed in the form of an annuity purchased from an insurance company or in a single sum on or before the required beginning date, as of the first distribution calendar year distributions will be made in accordance with this Section. If the Member's interest is distributed in the form of an annuity purchased from an insurance company, distributions thereunder will be made in accordance with the requirements of Section 401(a)(9) of the Code and Treasury regulations. Any part of the Member's interest which is in the form of an individual account described in Section 414(k) of the Code will be distributed in a manner satisfying the requirements of Section 401(a)(9) of the Code and Treasury regulations that apply to individual accounts.

3. Determination of Amount to be Distributed Each Year.

- A. General Requirements. If the Member's interest is paid in the form of annuity distributions under the Plan, payments under the annuity will satisfy the following requirements:

- 1) The annuity distributions will be paid in periodic payments made at intervals not longer than one year.
- 2) The Member's entire interest must be distributed pursuant to Section 6, Section 7, Section 9, or Section 10 (as applicable) and in any event over a period equal to or less than the Member's life or the lives of the Member and a designated beneficiary, or over a period not extending beyond the life expectancy of the Member or of the Member and a designated beneficiary. The life expectancy of the Member, the Member's spouse, or the Member's beneficiary may not be recalculated after the initial determination for purposes of determining benefits.

- B. Amount Required to be Distributed by Required Beginning Date. The amount that must be distributed on or before the Member's required beginning date (or, if the Member dies before distributions begin, the date distributions are required to begin under Section 7) is the payment that is required for one payment interval. The second payment need not be made until the end of the next payment interval even if that payment interval ends in the next calendar year. Payment intervals are the periods for which payments are received, e.g., monthly. All of the Member's benefit accruals as of the last day of the first distribution calendar year will be included in the calculation of the amount of the annuity payments for payment intervals ending on or after the Member's required beginning date.
 - C. Additional Accruals After First Distribution Calendar Year. Any additional benefits accruing to the Member in a calendar year after the first distribution calendar year will be distributed beginning with the first payment interval ending in the calendar year immediately following the calendar year in which such amount accrues.
4. General Distribution Rules.
- A. The amount of an annuity paid to a Member's beneficiary may not exceed the maximum determined under the incidental death benefit requirement of Code Section 401(a)(9)(G), and effective for any annuity commencing on or after January 1, 2008, the minimum distribution incidental benefit rule under Treasury Regulation Section 1.401(a)(9)-6, Q&A-2.
 - B. The death and disability benefits provided by the Plan are limited by the incidental benefit rule set forth in Code Section 401(a)(9)(G) and Treasury Regulation Section 1.401-1(b)(1)(I) or any successor regulation thereto. As a result, the total death or disability benefits payable may not exceed 25% of the cost for all of the Members' benefits received from the retirement system.
5. Definitions.
- A. Designated Beneficiary. The individual who is designated as the beneficiary under the Plan and is the designated beneficiary under Section 401(a)(9) of the Code and Section 1.401(a)(9)-1, Q&A-4, of the Treasury regulations.
 - B. Distribution Calendar Year. A calendar year for which a minimum distribution is required. For distributions beginning before the Member's death, the first distribution calendar year is the calendar year immediately preceding the calendar year which contains the Member's required beginning date. For distributions beginning after the Member's death, the first distribution calendar year is the calendar year in which distributions are required to begin pursuant to Section 7.

SECTION 17. MISCELLANEOUS PROVISIONS.

- 1. Interest of Members in System.
All assets of the Fund are held in trust, and at no time prior to the satisfaction of all liabilities under the System with respect to Retirees and Members and their Spouses or Beneficiaries, shall any part of the corpus or income of the Fund be used for or diverted to any purpose other than for their exclusive benefit.
- 2. No Reduction of Accrued Benefits.
No amendment or ordinance shall be adopted by the City Council of the City of Okeechobee which shall have the effect of reducing the then vested accrued benefits of Members or a Member's Beneficiaries.
- 3. Qualification of System.
It is intended that the System will constitute a qualified public pension plan under the applicable provisions of the Code for a qualified plan under Code Section 401(a) and a governmental plan under Code Section 414(d), as now in effect or hereafter amended. Any modification or amendment of the System may be made retroactively, if necessary or appropriate, to qualify or maintain the System as a Plan meeting the requirements of the applicable provisions of the Code as now in effect or hereafter amended, or any other applicable provisions of the U.S. federal tax laws, as now in effect or hereafter amended or adopted, and the regulations issued thereunder.
- 4. Use of Forfeitures.
Forfeitures arising from terminations of service of Members shall serve only to reduce future City or County contributions.
- 5. Prohibited Transactions.
Effective as of January 1, 1989, a Board may not engage in a transaction prohibited by Code Section 503(b).
- 6. USERRA.
Effective December 12, 1994, notwithstanding any other provision of this System, contributions, benefits and service credit with respect to qualified military service are governed by Code Section 414(u) and the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended. To the extent that the definition of "Credited Service" sets forth contribution requirements that are more favorable to the Member than the minimum compliance requirements, the more favorable provisions shall apply.

7. Vesting.
 - A. Member will be 100% vested in all benefits upon attainment of the Plan's age and service requirements for the Plan's normal retirement benefit; and
 - B. A Member will be 100% vested in all accrued benefits, to the extent funded, if the Plan is terminated or experiences a complete discontinuance of employer contributions.
8. Electronic Forms.
In those circumstances where a written election or consent is not required by the Plan or the Code, an oral, electronic, or telephonic form in lieu of or in addition to a written form may be prescribed by the Board. However, where applicable, the Board shall comply with Treas. Reg. § 1.401(a)-21.
9. Compliance with Chapter 175, Florida Statutes.
It is intended that the System will continue to qualify for funding under Section 175.101, Florida Statutes. Accordingly, unless otherwise required by law, any provision of the System which violates the requirements of Chapter 175, Florida Statutes, as amended from time to time, shall be superseded by and administered in accordance with the requirements of such chapter.
10. Missing Benefit Recipients.
The System shall follow the procedures outlined in the IRS Employee Plans Compliance Resolution System (EPCRS) Program and other applicable IRS guidance to locate any missing individuals to whom a full unreduced benefit payment is due and if, at the conclusion of such efforts, the individual cannot be located, the existing procedure of cancelling payments otherwise due (provided that, if the individual is later located, the benefits due shall be paid) will apply.

SECTION 18. REPEAL OR TERMINATION OF SYSTEM.

1. This ordinance establishing the System and Fund, and subsequent ordinances pertaining to said System and Fund, may be modified, terminated, or amended, in whole or in part; provided that if this or any subsequent ordinance shall be amended or repealed in its application to any person benefitting hereunder, the amount of benefits which at the time of any such alteration, amendment, or repeal shall have accrued to the Member or Beneficiary shall not be affected thereby.
2. If this ordinance shall be repealed, or if contributions to the System are discontinued or if there is a transfer, merger or consolidation of government units, services or functions as provided in Chapter 121, Florida Statutes, the Board shall continue to administer the System in accordance with the provisions of this ordinance, for the sole benefit of the then Members, any Beneficiaries then receiving retirement allowances, and any future persons entitled to receive benefits under one of the options provided for in this ordinance who are designated by any of said Members. In the event of repeal, discontinuance of contributions, or transfer, merger or consolidation of government units, services or functions, there shall be full vesting (100%) of benefits accrued to date of repeal and such benefits shall be nonforfeitable.
3. The fund shall be distributed in accordance with the following procedures:
 - A. The Board shall determine the date of distribution and the asset value required to fund all the nonforfeitable benefits after taking into account the expenses of such distribution. The Board shall inform the City if additional assets are required, in which event the City shall continue to financially support the Plan until all nonforfeitable benefits have been funded.
 - B. The Board shall determine the method of distribution of the asset value, whether distribution shall be by payment in cash, by the maintenance of another or substituted trust fund, by the purchase of insured annuities, or otherwise, for each Firefighter entitled to benefits under the plan as specified in subsection C.
 - C. The Board shall distribute the asset value as of the date of termination in the manner set forth in this subsection, on the basis that the amount required to provide any given retirement income is the actuarially computed single-sum value of such retirement income, except that if the method of distribution determined under subsection B. involves the purchase of an insured annuity, the amount required to provide the given retirement income is the single premium payable for such annuity. The actuarial single-sum value **may not be less than the Firefighter's Accumulated Contributions to the Plan**, with interest if provided by the Plan, less the value of any plan benefits previously paid to the Firefighter.
 - D. If there is asset value remaining after the full distribution specified in subsection C., and after the payment of any expenses incurred with such distribution, such excess shall be returned to the City, less return to the State of the State's contributions, **provided that, if the excess is less than the total contributions made by the City and the State to date of termination of the Plan**, such excess shall be divided proportionately to the total contributions made by the City and the State.

- E. The Board shall distribute, in accordance with subsection B., the amounts determined under subsection C.

If, after twenty-four (24) months after the date the Plan terminated or the date the Board received written notice that the contributions thereunder were being permanently discontinued, the City or the Board of the Fund affected has not complied with all the provisions in this Section, the Florida Department of Management Services will effect the termination of the Fund in accordance with this Section.

SECTION 19. DOMESTIC RELATIONS ORDERS; RETIREE DIRECTED PAYMENTS; EXEMPTION FROM EXECUTION, NON-ASSIGNABILITY.

1. Domestic Relations Orders.

- A. Prior to the entry of any domestic relations order which affects or purports to affect the System's responsibility in connection with the payment of benefits of a Retiree, the Member or Retiree shall submit the proposed order to the Board for review to determine whether the System may legally honor the order.
- B. If a domestic relations order is not submitted to the Board for review prior to entry of the order, and the System is ordered to take action that it may not legally take, and the System expends administrative or legal fees in resolving the matter, the Member or Retiree who submits such an order will be required to reimburse the System for its expenses in connection with the order.

2. Retiree Directed Payments.

The Board may, upon written request by a Retiree or by a dependent, when authorized by a Retiree or the Retiree's Beneficiary, authorize the System to withhold from the monthly retirement payment those funds that are necessary to pay for the benefits being received through the City or County, to pay the certified bargaining agent of the City or County, to make payments to insurance companies for insurance premiums as permitted by Chapter 175, Florida Statutes, and to make any payments for child support or alimony.

3. Exemption from Execution, Non-Assignability.

Except as otherwise provided by law, the pensions, annuities, or any other benefits accrued or accruing to any person under the provisions of this ordinance and the Accumulated Contributions and the cash securities in the Fund created under this ordinance are hereby exempted from any state, county or municipal tax and shall not be subject to execution, attachment, garnishment or any legal process whatsoever and shall be unassignable.

SECTION 20. PENSION VALIDITY.

The Board shall have the power to examine into the facts upon which any pension shall heretofore have been granted under any prior or existing law, or shall hereafter be granted or obtained erroneously, fraudulently or illegally for any reason. The Board is empowered to purge the pension rolls or correct the pension amount of any person heretofore granted a pension under prior or existing law or any person hereafter granted a pension under this ordinance if the same is found to be erroneous, fraudulent or illegal for any reason; and to reclassify any person who has heretofore under any prior or existing law been or who shall hereafter under this ordinance be erroneously, improperly or illegally classified. Any overpayments or underpayments shall be corrected and paid or repaid in a reasonable manner determined by the Board.

SECTION 21. FORFEITURE OF PENSION.

- 1. Any Member who is convicted of the following offenses committed prior to Retirement, or whose employment is terminated by reason of his admitted commission, aid or abetment of the following specified offenses, shall forfeit all rights and benefits under this System, except for the return of his Accumulated Contributions, but without interest, as of the date of termination. Specified offenses are as follows:
 - A. The committing, aiding or abetting of an embezzlement of public funds;
 - B. The committing, aiding or abetting of any theft by a public officer or employee from employer;
 - C. Bribery in connection with the employment of a public officer or employee;
 - D. Any felony specified in Chapter 838, Florida Statutes.
 - E. The committing of an impeachable offense.
 - F. The committing of any felony by a public officer or employee who willfully and with intent to defraud the public or the public agency, for which he acts or in which he is employed, of the right to receive the faithful performance of his duty as a public officer or employee, realizes or obtains or attempts to obtain a profit, gain, or advantage for himself or for some other person through the use or attempted use of the power, rights, privileges, duties or position of his public office or employment position.

- G. The committing on or after October 1, 2008, of any felony defined in Section 800.04, Florida Statutes, against a victim younger than sixteen (16) years of age, or any felony defined in Chapter 794, Florida Statutes, against a victim younger than eighteen (18) years of age, by a public officer or employee through the use or attempted use of power, rights, privileges, duties, or position of his or her public office or employment position.
- 2. Conviction shall be defined as an adjudication of guilt by a court of competent jurisdiction; a plea of guilty or a nolo contendere; a jury verdict of guilty when adjudication of guilt is withheld and the accused is placed on probation; or a conviction by the Senate of an impeachable offense.
- 3. Court shall be defined as any state or federal court of competent jurisdiction which is exercising its jurisdiction to consider a proceeding involving the alleged commission of a specified offense. Prior to forfeiture, the Board shall hold a hearing on which notice shall be given to the Member whose benefits are being considered for forfeiture. Said Member shall be afforded the right to have an attorney present. No formal rules of evidence shall apply, but the Member shall be afforded a full opportunity to present his case against forfeiture.
- 4. Any Member who has received benefits from the System in excess of his Accumulated Contributions after Member's rights were forfeited shall be required to pay back to the Fund the amount of the benefits received in excess of his Accumulated Contributions, but without interest. The Board may implement all legal action necessary to recover such funds.

SECTION 22. CONVICTION AND FORFEITURE; FALSE, MISLEADING OR FRAUDULENT STATEMENTS.

- 1. It is unlawful for a person to willfully and knowingly make, or cause to be made, or to assist, conspire with, or urge another to make, or cause to be made, any false, fraudulent, or misleading oral or written statement or withhold or conceal material information to obtain any benefit from the System.
- 2. A person who violates subsection 1 commits a misdemeanor of the first degree, punishable as provided in Section 775.082 or Section 775.083, Florida Statutes.
- 3. In addition to any applicable criminal penalty, upon conviction for a violation described in subsection 1, a Member or Beneficiary of the System may, in the discretion of the Board, be required to forfeit the right to receive any or all benefits to which the person would otherwise be entitled under the System. For purposes of this subsection, "conviction" means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld.

SECTION 23. INDEMNIFICATION.

- 1. To the extent not covered by insurance contracts in force from time to time, the City shall indemnify, defend and hold harmless members of the Board from all personal liability for damages and costs, including court costs and attorneys' fees, arising out of claims, suits, litigation, or threat of same, herein referred to as "claims", against these individuals because of acts or circumstances connected with or arising out of their official duty as members of the Board. The City reserves the right, in its sole discretion, to settle or not settle the claim at any time, and to appeal or to not appeal from any adverse judgment or ruling, and in either event will indemnify, defend and hold harmless any members of the Board from the judgment, execution, or levy thereon.
- 2. This Section shall not be construed so as to relieve any insurance company or other entity liable to defend the claim or liable for payment of the judgment or claim, from any liability, nor does this Section waive any provision of law affording the City immunity from any suit in whole or part, or waive any other substantive or procedural rights the City may have.
- 3. This Section shall not apply nor shall the City be responsible in any manner to defend or pay for claims arising out of acts or omissions of Members of the Board which constitute felonies or gross malfeasance or gross misfeasance in office.

SECTION 24. TRANSFERS WITHIN THE CITY.

If a member of any of the City's three (3) retirement systems transfers to either of the other two (2) systems, he must choose one of the following procedures with regard to Credited Service accrued to date of transfer.

- 1. The Member may take a refund of his Accumulated Contributions, in which event no pension benefit shall be payable based on Credited Service attributable to the period covered.
- 2. The member may leave his Accumulated Contributions in the fund, in which event his Credited Service with both systems shall be combined for purposes of determining eligibility for benefits and for vesting. When the member is eligible to receive a benefit, he shall receive benefits from both systems, which shall consist of accrued benefits under each system based on the provisions of the respective system and the earnings and Credited Service under that system.

SECTION 25. MILITARY SERVICE PRIOR TO EMPLOYMENT.

Language ~~stricken~~ to be deleted
 Language underlined to be added

The years or fractional parts of years that a Firefighter serves or has served on active duty in the active military service of the Armed Forces of the United States, the United States Merchant Marine or the United States Coast Guard, voluntarily or involuntarily, honorably or under honorable conditions, prior to first and initial employment with the City Fire Department shall be added to his years of Credited Service provided that:

1. The Member contributes to the Fund the sum that he would have contributed, based on his Salary and the Member contribution rate in effect at the time that the Credited Service is requested, had he been a member of the System for the years or fractional parts of years for which he is requesting credit plus amounts actuarially determined such that the crediting of service does not result in any cost to the Fund plus payment of costs for all professional services rendered to the Board in connection with the purchase of years of Credited Service.
2. Multiple requests to purchase Credited Service pursuant to this Section may be made at any time prior to Retirement.
3. Payment by the Member of the required amount shall be made within six (6) months of his request for credit, but not later than the retirement date, and shall be made in one (1) lump sum payment upon receipt of which Credited Service shall be given.
4. The maximum credit under this Section shall be four (4) years.
5. Credited Service purchased pursuant to this section shall not count toward vesting or eligibility for not-in-line of duty disability benefits.

SECTION 26. DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS ELIMINATION OF MANDATORY DISTRIBUTIONS

1. Rollover Distributions.

A. General. This Section applies to distributions made on or after January 1, 2002. Notwithstanding any provision of the System to the contrary that would otherwise limit a distributee's election under this Section, a distributee may elect, at the time and in the manner prescribed by the Board, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

B. Definitions.

- 1) Eligible Rollover Distribution: An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: any distribution that is one (1) of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated Beneficiary, or for a specified period of ten (10) years or more; any distribution to the extent such distribution is required under section 401(a)(9) of the Code; and the portion of any distribution that is not includible in gross income. Effective January 1, 2002, any portion of any distribution which would be includible in gross income as after-tax employee contributions will be an eligible rollover distribution if the distribution is made to an individual retirement account described in section 408(a); to an individual retirement annuity described in section 408(b); to a qualified defined contribution plan described in section 401(a) or 403(a) that agrees to separately account for amounts so transferred (and earnings thereon), including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible; or on or after January 1, 2007, to a qualified defined benefit plan described in Code Section 401(a) or to an annuity contract described in Code Section 403(b), that agrees to separately account for amounts so transferred (and earnings thereon), including separately accounting for the portion of the distribution that is includible in gross income and the portion of the distribution that is not so includible.
- 2) Eligible Retirement Plan: An eligible retirement plan is an individual retirement account described in section 408(a) of the Code; an individual retirement annuity described in section 408(b) of the Code; an annuity plan described in section 403(a) of the Code, effective January 1, 2002, an eligible deferred compensation plan described in section 457(b) of the Code which is maintained by an eligible employer described in section 457(e)(1)(A) of the Code and which agrees to separately account for amounts transferred into such plan from this plan; effective January 1, 2002, an annuity contract described in section 403(b) of the Code; a qualified trust described in section 401(a) of the Code; or effective January 1, 2008, a Roth IRA described in Section 408A of the Code, that accepts the distributee's eligible rollover distribution. This definition shall apply in the case of an eligible rollover distribution to the surviving Spouse.
- 3) Distributee: A distributee includes an employee or former employee. It also includes the employee's or former employee's surviving Spouse. Effective January 1, 2007, it further includes a nonspouse beneficiary who is a designated beneficiary as defined by Code Section 401(a)(9)(E). However, a nonspouse beneficiary may rollover the distribution only to an individual retirement

account or individual retirement annuity established for the purpose of receiving the distribution and the account or annuity will be treated as an "inherited" individual retirement account or annuity.

- 4) Direct Rollover: A direct rollover is a payment by the plan to the eligible retirement plan specified by the distributee.

2. Rollovers or Transfers into the Fund.

On or after January 1, 2002, the System will accept, solely for the purpose of purchasing Credited Service as provided herein, permissible Member requested transfers of funds from other retirement or pension plans, Member rollover cash contributions and/or direct cash rollovers of distributions made on or after January 1, 2002, as follows:

A. Transfers and Direct Rollovers or Member Rollover Contributions from Other Plans. The System will accept either a direct rollover of an eligible rollover distribution or a Member contribution of an eligible rollover distribution from a qualified plan described in section 401(a) or 403(a) of the Code, from an annuity contract described in section 403(b) of the Code or from an eligible plan under section 457(b) of the Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state. The System will also accept legally permissible Member requested transfers of funds from other retirement or pension plans.

B. Member Rollover Contributions from IRAs. The system will accept a Member rollover contribution of the portion of a distribution from an individual retirement account or annuity described in section 408(a) or 408(b) of the Code that is eligible to be rolled over.

3. Elimination of Mandatory Distributions.

Notwithstanding any other provision herein to the contrary, in the event this Plan provides for a mandatory (involuntary) cash distribution from the Plan not otherwise required by law, for an amount in excess of one-thousand dollars (\$1,000.00), such distribution shall be made from the Plan only upon written request of the Member and completion by the Member of a written election on forms designated by the Board, to either receive a cash lump sum or to rollover the lump sum amount.

SECTION 27. PRIOR FIRE SERVICE.

Unless otherwise prohibited by law, and except as provided for in Section 1, the years or fractional parts of years that a Member previously served as a full-time Firefighter with the City during a period of previous employment and for which period Accumulated Contributions were withdrawn from the Fund, or the years and fractional parts of years that a member served as a Firefighter for any other municipal, county, state or special district fire department in the State of Florida shall be added to his years of Credited Service provided that:

1. The Member contributes to the Fund the sum that he would have contributed, based on his Salary and the Member contribution rate in effect at the time that the Credited Service is requested, had he been a member of the System for the years or fractional parts of years for which he is requesting credit plus amounts actuarially determined such that the crediting of service does not result in any cost to the Fund plus payment of costs for all professional services rendered to the Board in connection with the purchase of years of Credited Service.
2. Multiple requests to purchase Credited Service pursuant to this Section may be made at any time prior to Retirement.
3. Payment by the Member of the required amount shall be made within six (6) months of his request for credit, but not later than the retirement date, and shall be made in one (1) lump sum payment upon receipt of which Credited Service shall be given.
4. The maximum credit under this Section for service other than with the City of Okeechobee shall be five (5) years of Credited Service and shall count for all purposes, except vesting and eligibility for not-in-line of duty disability benefits. There shall be no maximum purchase of credit for prior service with the City of Okeechobee and such credit shall count for all purposes, including vesting.
5. In no event, however, may Credited Service be purchased pursuant to this Section for prior service with any other municipal, county or special district fire department, if such prior service forms or will form the basis of a retirement benefit or pension from a different employer's retirement system or plan as set forth in Section 15, subsection 12.B.

SECTION 28. DEFERRED RETIREMENT OPTION PLAN.

1. Definitions.

As used in this Section 28, the following definitions apply:"

- A. "DROP" -- The City of Okeechobee Firefighters' Deferred Retirement Option Plan.

- B. "DROP Account" -- The account established for each DROP participant under subsection 3.
- C. "Total return of the assets" -- For purposes of calculating earnings on a Member's DROP Account pursuant to subsection 3.B.(2)(b), for each fiscal year quarter, the percentage increase (or decrease) in the interest and dividends earned on investments, including realized and unrealized gains (or losses), of the total plan assets.

2. Participation.

A. Eligibility to Participate.

In lieu of terminating his employment as a Firefighter, any Member who is eligible for normal retirement under the System may elect to defer receipt of such service retirement pension and to participate in the DROP.

B. Election to Participate.

A Member's election to participate in the DROP must be made in writing in 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 fifteen (15) business days after it is received by the Board.

C. Period of Participation.

A Member who elects to participate in the DROP under subsection 2.B., shall participate in the DROP for a period not to exceed sixty (60) months beginning at the time his election to participate in the DROP first becomes effective. An election to participate in the DROP shall constitute an irrevocable election to resign from the service of the City County not later than the date provided for in the previous sentence. A Member may participate only once.

D. Termination of Participation.

- 1) A Member's participation in the DROP shall cease at the earlier of:
 - a) the end of his permissible period of participation in the DROP as determined under subsection 2.C.; or
 - b) termination of his employment as a Firefighter.
- 2) Upon the Member's termination of participation in the DROP, pursuant to subsection (a) above, all amounts provided for in subsection 3.B., including monthly benefits and investment earnings and losses or interest, shall cease to be transferred from the System to his DROP Account. Any amounts remaining in his DROP Account shall be paid to him in accordance with the provisions of subsection 4. when he terminates his employment as a Firefighter.
- 3) A Member who terminates his participation in the DROP under this subsection 2.D. shall not be permitted to again become a participant in the DROP.

E. Effect of DROP Participation on the System.

- 1) A Member's Credited Service and his accrued benefit under the System shall be determined on the date his election to participate in the DROP first becomes effective. The Member shall not accrue any additional Credited Service or any additional benefits under the System (except for any supplemental benefit payable to DROP participants or any additional benefits provided under any cost-of-living adjustment for Retirees in the System) while he is a participant in the DROP. After a Member commences participation, he shall not be permitted to again contribute to the System nor shall he be eligible for disability or pre-retirement death benefits, except as provided for in Section 29, Reemployment After Retirement.
- 2) No amounts shall be paid to a Member from the System while the Member is a participant in the DROP. Unless otherwise specified in the System, if a Member's participation in the DROP is terminated other than by terminating his employment as a Firefighter, no amounts shall be paid to him from the System until he terminates his employment as a Firefighter. Unless otherwise specified in the System, amounts transferred from the System to the Member's DROP Account shall be paid directly to the Member only on the termination of his employment as a Firefighter.

3. Funding.

A. Establishment of DROP Account.

A DROP Account shall be established for each Member participating in the DROP. A Member's DROP Account shall consist of amounts transferred to the DROP under subsection 3.B., and earnings or interest on those amounts.

B. Transfers From Retirement System.

- 1) As of the first day of each month of a Member's period of participation in the DROP, the monthly retirement benefit he would have received under the System had he terminated his employment as a Firefighter and elected to receive monthly benefit payments thereunder shall be transferred to his DROP Account, except as otherwise provided for in subsection 2.D.(2). A Member's period of participation in the DROP shall be determined in accordance with the provisions of subsections

- 2.C. and 2.D., but in no event shall it continue past the date he terminates his employment as a Firefighter.
- 2) Except as otherwise provided in subsection 2.D.(2), a Member's DROP Account under this subsection 3.B. shall be debited or credited with either:
- a) Interest at an effective rate of six and one-half percent (6.5%) per annum compounded monthly determined on the last business day of the prior month's ending balance and credited to the Member's DROP Account as of such date (to be applicable to all current and future DROP participants); or
 - b) Earnings, to be credited or debited to the Member's DROP Account, determined as of the last business day of each fiscal year quarter and debited or credited as of such date, determined as follows:

The average daily balance in a Member's DROP Account shall be credited or debited at a rate **equal to the net investment return realized by the System for that quarter. "Net investment return" for the purpose of this paragraph is the total return of the assets** in which the Member's DROP Account is invested by the Board net of brokerage commissions, transaction costs and management fees.

For purposes of calculating earnings on a Member's DROP Account pursuant to this subsection 3.B.(2)(b), brokerage commissions, transaction costs, and management fees shall be determined for each quarter by the investment consultant pursuant to contracts with fund managers as reported in the custodial statement. The investment consultant shall report these quarterly contractual fees to the Board. The investment consultant shall also report the net investment return for each manager and the net investment return for the total plan assets.

Upon electing participation in the DROP, the Member shall elect to receive either interest or earnings on his account to be determined as provided above. The Member may, in writing, elect to change his election only once during his DROP participation. An election to change must be made prior to the end of a quarter and shall be effective beginning the following quarter.

- 3) A Member's DROP Account shall only be credited or debited with earnings or interest and monthly benefits while the Member is a participant in the DROP. A Member's final DROP account value for distribution to the Member upon termination of participation in the DROP shall be the value of the account at the end of the quarter immediately preceding termination of participation for participants electing the net plan return and at the end of the month immediately preceding termination of participation for participants electing the flat interest rate return, plus any monthly periodic additions made to the DROP account subsequent to the end of the previous quarter or month, as applicable, and prior to distribution. If a Member fails to terminate employment after participating in the DROP for the permissible period of DROP participation, then beginning with the Member's 1st month of employment following the last month of the permissible period of DROP participation, the Member's DROP Account will no longer be credited or debited with earnings or interest, nor will monthly benefits be transferred to the DROP account. All such non-transferred amounts shall be forfeited and continue to be forfeited while the Member is employed by the ~~Fire Department~~ County, and no cost-of-living adjustments shall be applied to the Member's credit during such period of continued employment. A Member employed by the ~~Fire Department~~ County after the permissible period of DROP participation will not be eligible for pre-retirement death and disability benefits, and will accrue additional Credited Service, only as provided for in Section 29.

4. Distribution of DROP Accounts on Termination of Employment.

A. Eligibility for Benefits.

A Member shall receive the balance in his DROP Account in accordance with the provisions of this subsection 4. upon his termination of employment as a Firefighter. Except as provided in subsection 4.E., no amounts shall be paid to a Member from the DROP prior to his termination of employment as a Firefighter.

B. Form of Distribution.

- 1) Unless the Member elects otherwise, distribution of his DROP Account shall be made in a lump sum, subject to the direct rollover provisions set forth in subsection 4.F. Elections under this paragraph shall be in writing and shall be made in such time or manner as the Board shall determine.
- 2) If a Member dies before his benefit is paid, his DROP Account shall be paid to his Beneficiary in such optional form as his Beneficiary may select. If no Beneficiary designation is made, the DROP Account shall be distributed to the Member's estate.

C. Date of Payment of Distribution.

Except as otherwise provided in this subsection 4., distribution of a Member's DROP Account shall be made as soon as administratively practicable following the Member's termination of employment.

Distribution of the amount in a Member's DROP account will not be made unless the Member completes a written request for distribution and a written election, on forms designated by the Board, to either receive a cash lump sum or a rollover of the lump sum amount.

D. Proof of Death and Right of Beneficiary or Other Person.

The Board may require and rely upon such proof of death and such evidence of the right of any Beneficiary or other person to receive the value of a deceased Member's DROP Account as the Board may deem proper and its determination of the right of that Beneficiary or other person to receive payment shall be conclusive.

E. Distribution Limitation.

Notwithstanding any other provision of this subsection 4., all distributions from the DROP shall conform to the **"Minimum Distribution Of Benefits" provisions as provided for herein.**

F. Direct Rollover of Certain Distributions.

This subsection applies to distributions made on or after January 1, 2002. Notwithstanding any provision of the DROP to the contrary, a distributee may elect to have any portion of an eligible rollover distribution paid in a direct rollover as otherwise provided under the System in Section 26.

5. Administration of DROP.

A. Board Administers the DROP.

The general administration of the DROP, the responsibility for carrying out the provisions of the DROP and the responsibility of overseeing the investment of the DROP's assets shall be placed in the Board.

The members of the Board may appoint from their number such subcommittees with such powers as they shall determine; may adopt such administrative procedures and regulations as they deem desirable for the conduct of their affairs; may authorize one or more of their number or any agent to execute or deliver any instrument or make any payment on their behalf; may retain counsel, employ agents and provide for such clerical, accounting, actuarial and consulting services as they may require in carrying out the provisions of the DROP; and may allocate among themselves or delegate to other persons all or such portion of their duties under the DROP, other than those granted to them as Trustee under any trust agreement adopted for use in implementing the DROP, as they, in their sole discretion, shall decide. A Trustee shall not vote on any question relating exclusively to himself.

B. Individual Accounts, Records and Reports.

The Board shall maintain records showing the operation and condition of the DROP, including records showing the individual balances in each Member's DROP Account and the Board shall keep in convenient form such data as may be necessary for the valuation of the assets and liabilities of the DROP. The Board shall prepare and distribute to Members participating in the DROP and other individuals or file with the appropriate governmental agencies, as the case may be, all necessary descriptions, reports, information returns, and data required to be distributed or filed for the DROP pursuant to the Code and any other applicable laws.

C. Establishment of Rules.

Subject to the limitations of the DROP, the Board from time to time shall establish rules for the administration of the DROP and the transaction of its business. The Board shall have discretionary authority to construe and interpret the DROP (including but not limited to determination of an individual's eligibility for DROP participation, the right and amount of any benefit payable under the DROP and the date on which any individual ceases to be a participant in the DROP). The determination of the Board as to the interpretation of the DROP or its determination of any disputed questions shall be conclusive and final to the extent permitted by applicable law.

D. Limitation of Liability.

1) The Trustees shall not incur any liability individually or on behalf of any other individuals for any act or failure to act, made in good faith in relation to the DROP or the funds of the DROP.

2) Neither the Board nor any Trustee of the Board shall be responsible for any reports furnished by any expert retained or employed by the Board, but they shall be entitled to rely thereon as well as on certificates furnished by an accountant or an actuary, and on all opinions of counsel. The Board shall be fully protected with respect to any action taken or suffered by it in good faith in reliance upon such expert, accountant, actuary or counsel, and all actions taken or suffered in such reliance shall be conclusive upon any person with any interest in the DROP.

6. General Provisions.

A. The DROP is not a separate retirement plan.

Instead, it is a program under which a Member who is eligible for normal retirement under the System may elect to accrue future retirement benefits in the manner provided in this Section 28 for the remainder of his employment, rather than in the normal manner provided under the plan. Upon termination of employment, a Member is entitled to a lump sum distribution of his or her DROP

Account balance or may elect a rollover. The DROP Account distribution is in addition to the Member's monthly benefit.

B. Notional account.

The DROP Account established for such a Member is a notional account, used only for the purpose of calculation of the DROP distribution amount. It is not a separate account in the System. There is no change in the System's assets, and there is no distribution available to the Member until the Member's termination from the DROP. The Member has no control over the investment of the DROP account.

C. No employer discretion.

The DROP benefit is determined pursuant to a specific formula which does not involve employer discretion.

D. IRC limit.

The DROP Account distribution, along with other benefits payable from the System, is subject to limitation under Internal Revenue Code Section 415(b).

E. Amendment of DROP.

The DROP may be amended by an ordinance of the City at any time and from time to time, and retroactively if deemed necessary or appropriate, to amend in whole or in part any or all of the provisions of the DROP. However, except as otherwise provided by law, no amendment shall make it possible for any part of the DROP's funds to be used for, or diverted to, purposes other than for the exclusive benefit of persons entitled to benefits under the DROP. No amendment shall be made which has the effect of decreasing the balance of the DROP Account of any Member.

F. Facility of Payment

If a Member or other person entitled to a benefit under the DROP is unable to care for his affairs because of illness or accident or is a minor, the Board shall direct that any benefit due him shall be made only to a duly appointed legal representative. Any payment so made shall be a complete discharge of the liabilities of the DROP for that benefit.

G. Information.

Each Member, Beneficiary or other person entitled to a benefit, before any benefit shall be payable to him or on his account under the DROP, shall file with the Board the information that it shall require to establish his rights and benefits under the DROP.

H. Written Elections, Notification.

- 1) Any elections, notifications or designations made by a Member pursuant to the provisions of the DROP shall be made in writing and filed with the Board in a time and manner determined by the Board under rules uniformly applicable to all employees similarly situated. The Board reserves the right to change from time to time the manner for making notifications, elections or designations by Members under the DROP if it determines after due deliberation that such action is justified in that it improves the administration of the DROP. In the event of a conflict between the provisions for making an election, notification or designation set forth in the DROP and such new administrative procedures, those new administrative procedures shall prevail.
- 2) Each Member or Retiree who has a DROP Account shall be responsible for furnishing the Board with his current address and any subsequent changes in his address. Any notice required to be given to a Member or Retiree hereunder shall be deemed given if directed to him at the last such address given to the Board and mailed by registered or certified United States mail. If any check mailed by registered or certified United States mail to such address is returned, mailing of checks will be suspended until such time as the Member or Retiree notifies the Board of his address.

I. Benefits Not Guaranteed.

All benefits payable to a Member from the DROP shall be paid only from the assets of the Member's DROP Account and neither the City ~~nor the County~~ nor the Board shall have any duty or liability to furnish the DROP with any funds, securities or other assets except to the extent required by any applicable law.

J. Construction.

- 1) The DROP shall be construed, regulated and administered under the laws of Florida, except where other applicable law controls.
- 2) The titles and headings of the subsections in this Section 28 are for convenience only. In the case of ambiguity or inconsistency, the text rather than the titles or headings shall control.

K. Forfeiture of Retirement Benefits.

Nothing in this Section shall be construed to remove DROP participants from the application of any forfeiture provisions applicable to the System. DROP participants shall be subject to forfeiture of all retirement benefits, including DROP benefits.

L. Effect of DROP Participation on Employment.

Participation in the DROP is not a guarantee of employment and DROP participants shall be subject to the same employment standards and policies that are applicable to employees who are not DROP participants.

SECTION 29. REEMPLOYMENT AFTER RETIREMENT.

1. Any retiree under this system may be reemployed by any public or private employer and may receive compensation from that employment without limiting or restricting in any way the retirement benefits payable under this System. Notwithstanding the previous sentence, reemployment by the City shall be subject to the limitations set forth in this Section.
2. After Normal Retirement. ~~Any Retiree who is retired under normal retirement pursuant to this System and who is reemployed as a Firefighter and, by virtue of that reemployment, is eligible to participate in this System, shall upon being reemployed, discontinue receipt of benefits. Upon reemployment, the Retiree shall be deemed to be fully vested and the additional Credited Service accrued during the subsequent employment period shall be used in computing a second benefit amount attributable to the subsequent employment period, which benefit amount shall be added to the benefit determined upon the initial retirement to determine the total benefit payable upon final Retirement. Calculations of benefits upon Retirement shall be based upon the benefit accrual rate, Average Final Compensation, and Credited Service as of that date and the retirement benefit amount for any subsequent employment period shall be based upon the benefit accrual rate, Average Final Compensation (based only on the subsequent employment period), and Credited Service as of the date of subsequent retirement. The amount of any death or disability benefit received during a subsequent period of employment shall be reduced by the amount of accrued benefit eligible to be paid for a prior period of employment. The optional form of benefit and any joint pensioner selected upon initial retirement shall not be subject to change upon subsequent retirement except as otherwise provided herein, but the Member may select a different optional form and joint pensioner applicable only to the subsequent retirement benefit.~~ ~~3.~~ Any Retiree who is retired under normal retirement pursuant to this System who is reemployed by the City after that Retirement and, by virtue of that reemployment is ineligible to participate in this system, shall, during the period of reemployment, continue receipt of benefits for the period of any subsequent employment period.
- ~~4~~ 3 After Early Retirement. Any Retiree who is retired under early retirement pursuant to this System and who subsequently becomes an employee of the City in any capacity, shall discontinue receipt of benefits from the System. ~~If by virtue of that reemployment, the Retiree is eligible to participate in this System, the Retiree shall be deemed to be fully vested and the additional Credited Service accrued during the subsequent employment period shall be used in computing a second benefit amount attributable to the subsequent employment period, which benefit amount shall be added to the benefit determined upon the initial retirement to determine the total benefit payable upon final Retirement. Calculations of benefits upon retirement shall be based upon the benefit accrual rate, Average Final Compensation, Credited Service and early retirement reduction factor as of that date and the retirement benefit amount for any subsequent employment period shall be based upon the benefit accrual rate, Average Final Compensation (based only on the subsequent employment period), and Credited Service as of the date of subsequent retirement. The amount of any death or disability benefit received as a result of a subsequent period of employment shall be reduced by the amount of accrued benefit eligible to be paid for a prior period of employment. The optional form of benefit and any joint pensioner selected upon initial retirement shall not be subject to change upon subsequent retirement except as otherwise provided herein, but the member may select a different optional form and joint pensioner applicable to the subsequent retirement benefit. Retirement pursuant to an early retirement incentive program shall be deemed early retirement for purposes of this Section if the Member was permitted to retire prior to the customary retirement date provided for in the System at the time of retirement.~~
- ~~5~~ 4. After Disability Retirement.
 - A. Subject to paragraph B. below, any Retiree who is retired under Section 8., Disability (“**disability retiree**”), **may, subject to subsection 5., Physical Examination Requirement**, of that section, be reemployed by any public or private employer, and may receive compensation from that employment without limiting or restricting in any way, the retirement benefits payable under this system.
 - B. Any disability Retiree who subsequently becomes an employee of the City in any capacity, except as a Firefighter, shall discontinue receipt of disability benefits from the system for the period of any such employment.
 - C. ~~If A disability Retiree is~~ shall not be reemployed as a Firefighter for the City, ~~his disability benefit shall cease and Section 8, subsection 5. shall apply.~~
- ~~6~~ 5. Reemployment of Terminated Vested Persons. Reemployed terminated vested persons shall not be subject to the provisions of this section until such time as they begin to actually receive benefits. Upon receipt of benefits, terminated vested persons shall be treated as normal or early retirees for purposes of applying the provisions of this section and their status as an early or normal retiree shall be determined by the date they elect to begin to receive their benefit.

7. 6. DROP Participants. Retirees who were in the Deferred Retirement Option Plan shall, following termination of employment after DROP participation, have the options provided for in this section for reemployment.

SECTION 30. SUPPLEMENTAL BENEFIT COMPONENT FOR SPECIAL BENEFITS; CHAPTER 175 SHARE ACCOUNTS.

There is hereby established an additional plan component to provide special benefits in the form of a supplemental retirement, termination, death and disability benefits to be in addition to the benefits provided for in the previous Sections of this plan, such benefit to be funded solely and entirely by Chapter 175, Florida Statutes, premium tax monies for each plan year which are allocated to this supplemental component as provided for in Section 175.351, Florida Statutes. **Amounts allocated to this supplemental component ("Share Plan"), if any, shall be further allocated to the Members and DROP participants as follows:**

1. Individual Member Share Accounts.

The Board shall create individual "Member Share Accounts" for all actively employed plan Members and DROP participants and maintain appropriate books and records showing the respective interest of each Member or DROP participant hereunder. Each Member or DROP participant shall have a Member Share Account for his share of the Chapter 175, Florida Statutes, tax revenues described above, forfeitures and income and expense adjustments relating thereto. The Board shall maintain separate Member Share Accounts, however, the maintenance of separate accounts is for accounting purposes only and a segregation of the assets of the trust fund to each account shall not be required or permitted.

2. Share Account Funding.

A. Individual Member Share Accounts shall be established as of September 30, 2015 for all Members and DROP participants who were actively employed as of October 1, 2014. Individual Member Share Accounts shall be credited with an allocation as provided for in the following subsection 3. of any premium tax monies which have been allocated to the share plan for that Plan Year, beginning with the Plan Year ending September 30, 2015.

B. ~~In addition, any~~ Any forfeitures as provided in subsection 4., shall be ~~allocated~~ used as part of future allocations to the individual Member Share Accounts in accordance with the formula set forth in subsection 4 3.A.

3. Allocation of Monies to Share Accounts.

A. Allocation of Chapter 175 Contributions.

1) Effective as of September 30, 2015, the amount of any premium tax monies allocated to the share plan shall be allocated to individual Member Share Accounts as provided for in this subsection. Members retiring (or entering DROP) on or after October 1, 2014 and prior to September 30, 2015 shall receive an allocation. In addition, all premium tax monies allocated to the Share Plan in any subsequent Plan Year shall also be allocated as provided for in this subsection. Available premium tax monies shall be allocated to individual Member Share Accounts at the end of each Plan **Year on September 30 (a "valuation date").**

2) On each valuation date, each current actively employed Member of the plan not participating in the DROP, each DROP participant and each Retiree who retires or DROP participant who has terminated DROP participation in the Plan Year ending on the valuation date (including each disability retiree), or Beneficiary of a deceased Member (not including terminated vested persons) who is otherwise eligible for an allocation as of the valuation date shall receive a share allocation as follows:

3) The total funds subject to allocation on each valuation date shall be allocated to each Member Share Account of those eligible for an allocation in an amount equal to a fraction of the total amount, the numerator of which shall be **the individual's total years and fractional parts of years of Credited Service** as of the valuation date, and the denominator of which shall be the sum of the total years and fractional parts of years of Credited Service as of the valuation date of all individuals to whom allocations are being made. Beneficiaries shall receive an allocation based on the years of Credited Service of the deceased Member or DROP participant.

~~4) Re-employed Retirees shall be deemed new employees and shall receive an allocation based solely on the Credited Service in the reemployment period.~~

B. Allocation of Investment Gains and Losses.

On each valuation date, each individual Member Share Account shall be adjusted to reflect the net earnings or losses resulting from investments during the year. The net earnings or losses allocated to the individual Member Share Accounts shall be the same percentage which is earned or lost by the total plan investments, including realized and unrealized gains or losses, net of brokerage commissions, transaction costs and management fees.

Net earnings or losses are determined as of the last business day of the fiscal year, which is the valuation date, and are debited or credited as of such date.

For purposes of calculating net earnings or losses on a Member's share account pursuant to this subsection, brokerage commissions, transaction costs, and management fees for the immediately preceding fiscal year shall be determined for each year by the investment consultant pursuant to contracts with fund managers as reported in the custodial statement. The investment consultant shall report these annual contractual fees to the Board. The investment consultant shall also report the net investment return for each manager and the net investment return for the total plan assets.

C. No Right to Allocation.

The fact of allocation or credit of an allocation to a Member's Share Account by the Board shall not vest in any Member, any right, title, or interest in the assets of the trust or in the Chapter 175, Florida Statutes, tax revenues except at the time or times, to the extent, and subject to the terms and conditions provided in this Section.

D. Members and DROP participant shall be provided annual statements setting forth their share account balance as of the end of the Plan Year.

4. Forfeitures.

Any Member who has less than ten (10) years of Credited Service and who is not otherwise eligible for payment of benefits after termination of employment with the City County as provided for in subsection 5. shall forfeit his individual Member Share Account ~~or the non-vested portion thereof~~. Forfeited amounts shall be ~~redistributed to the other~~ included and used as part of the Chapter 175 tax revenues for future allocations to individual Member Share Accounts on each valuation date in an amount determined in accordance with the formula set forth in subsection 3.A.

5. Eligibility For Benefits.

Any Member (or his Beneficiary) or DROP participant who terminates employment as a Firefighter ~~with the City~~ or who dies, upon application filed with the Board, shall be entitled to be paid the value of his individual Member Share Account, subject to the following criteria:

A. Retirement Benefit.

- 1) A Member shall be entitled to one hundred percent (100%) of the value of his share account upon normal or early Retirement pursuant to Section 6, or if the Member enters the DROP, upon termination of employment.
- 2) Such payment shall be made as provided in subsection 6.

B. Termination Benefit.

- 1) In the event that a Member's employment as a Firefighter is terminated by reason other than retirement, death or disability, he shall be entitled to receive the value of his share account only if he is vested in accordance with Section 9.
- 2) Such payment shall be made as provided in subsection 6.

C. Disability Benefit.

- 1) In the event that a Member is determined to be eligible for either an in-line of duty disability benefit pursuant to Section 8, subsection 1. or a not-in-line of duty disability benefit pursuant to Section 8, subsection 3., he shall be entitled to one hundred percent (100%) of the value of his share account.
- 2) Such payment shall be made as provided in subsection 6.

D. Death Benefit.

- 1) In the event that a Member or DROP participant dies while actively employed as a Firefighter, one hundred percent (100%) of the value of his Member Share Account shall be paid to his designated Beneficiary as provided in Section 7.
- 2) Such payment shall be made as provided in subsection 6.

6. Payment of Benefits.

If a Member or DROP participant terminates employment for any reason or dies and he or his Beneficiary is otherwise entitled to receive the balance in the Member's share account, the Member's share account shall be valued by the plan's actuary on the next valuation date as provided for in subsection 3. above, following termination of employment. Payment of the calculated share account balance shall be payable as soon as administratively practicable following the valuation date, but not later than one hundred fifty (150) days following the valuation date and shall be paid in one lump sum payment. No optional forms of payments shall be permitted.

7. Benefits Not Guaranteed.

All benefits payable under this Section 30 shall be paid only from the assets accounted for in individual Member Share Accounts. Neither the City, nor County nor the Board shall have any duty or liability to furnish any additional funds, securities or other assets to fund share account benefits. Neither the Board nor any Trustee shall be liable for the making, retention, or sale of any investment or reinvestment made as herein provided, nor for any loss or diminishment of the Member Share Account balances, except due to

his or its own negligence, willful misconduct or lack of good faith. All investments shall be made by the Board subject to the restrictions otherwise applicable to fund investments.

8. Notional Account.
The Member Share Account is a notional account, used only for the purpose of calculation of the share distribution amount. It is not a separate account in the System. There is no change in the System's assets, and there is no distribution available to the Member or DROP participant until the Member's or DROP participant's termination from employment. The Member or DROP participant has no control over the investment of the share account.
9. No Employer Discretion.
The share account benefit is determined pursuant to a specific formula which does not involve employer discretion.
10. Maximum Additions.
Notwithstanding any other provision of this Section, annual additions under this Section shall not exceed the limitations of Section 415(c) of the Code pursuant to the provisions of Section 15, subsection 11.
11. IRC Limit.
The share account distribution, along with other benefits payable from the System, is subject to limitation under Internal Revenue Code Section 415(b).

SECTION 31. MERGER WITH COUNTY FIRE SERVICE.

Pursuant to an inter-local agreement with Okeechobee County, the Okeechobee Fire Department will merge with the County Fire Service on August 2, 2021. Pursuant to that agreement and notwithstanding any other provision herein to the contrary, the following transitional rules shall apply to Firefighters who have elected to remain Members of this System subsequent to the merger.

1. For all Members who elect to continue participation in the Okeechobee Municipal Firefighters' Pension Fund, the County agrees to pay to the System the lesser amount of the required employer's annual contribution as determined by the actuary employed by the System, and as otherwise provided for by State law, or an amount equal to that which the County would have paid to the Florida Retirement System had such Firefighters been enrolled in that system. The City agrees to fund the City of Okeechobee Municipal Firefighters' Pension Fund on August 2, 2021, to the level required to make the Fund actuarially sound as of August 2, 2021, and to make appropriate payment(s) in the future, as long as there are participants, in order to maintain the actuarial soundness of the Fund should the County's required contribution pursuant to the Interlocal Agreement, not be sufficient to meet the requirement for actuarial soundness. The aforementioned "required annual contribution" will be based on the level of benefits on August 2, 2021, or the level of benefit in a subsequent year, whichever is less. Nothing herein shall prevent the termination of the Okeechobee Municipal Firefighters' Pension Fund, as allowed by Florida Statutes, as amended. If the Florida Retirement System increases benefits provided to special risk members of that system, the City and County agree to review this Section.
2. The required contribution of both Member contributions and the County contributions shall be transferred by the County to the City by wire on the same day payroll is paid. The City agrees to transfer to the System by wire or otherwise deposit the funds received from the County within one business day from the day it is received from the County.
3. The Board of Trustees shall remain responsible for administration of the System and the City shall continue to have the authority to make plan amendments and improvements. The System shall be responsible to make pension benefits payable to all current and future Retirees from the System, including Firefighters who have opted to remain in the System.
4. Any Firefighter electing to remain in the System may continue membership in the System until Retirement and upon termination of employment and Retirement from the System shall be allowed to be reemployed by the County and shall become a member of the County retirement program in the same manner as a new County employee.
5. In the event a Firefighter has opted to join the County retirement program and has less than ten (10) years of Credited Service in the System, the Firefighter shall receive a refund of his Accumulated Contributions from the System upon completion of the necessary forms.
6. In the event a Firefighter has opted to join the County retirement program and has ten (10) or more years of Credited Service in the System, the Firefighter may either receive a deferred early retirement benefit or a refund of his Accumulated Contributions from the System. If the Firefighter has opted to retire from the System, the Firefighter will then be eligible to join the County retirement system in the same manner as all other new County employees.

dm/OK/FIRE/04-12-21.ord.rev 06-11-21



July 16, 2021

Board of Trustees
City of Okeechobee Firefighters' Retirement System
c/o Mr. Scott Baur
Resource Centers, LLC
4360 Northlake Blvd
Suite 206
Palm Beach Gardens, FL 33410

**Re: City of Okeechobee Firefighters' Retirement System
Actuarial Impact Statement**

Dear Scott:

As requested, we are pleased to enclose an Actuarial Impact Statement as of October 1, 2020 to illustrate the first year impact of the attached proposed Ordinance which amends and restates the Okeechobee Firefighters' Retirement System (System) as described below.

Background – The City Council has entered into an inter-local agreement with Okeechobee County, Florida (County) to provide fire services to the City of Okeechobee.

Proposed Ordinance – The proposed Ordinance amends and restates the System provisions as follows:

- Effective August 2, 2021, the System is closed to new or reemployed members. Current members can elect to remain in the System or join the County Retirement Program. The County Retirement Program is the Florida Retirement System (FRS).
- Members who elect to remain in the System accrue benefit service and salary for active employment under the City or County.
- Members who elect to leave the System who have less than 10 years of credited service and are therefore not vested will receive a refund of their accumulated contributions.
- Members who elect to leave the System who have 10 or more years of credited service and are therefore vested can receive either a deferred vested retirement benefit or a refund of their accumulated contributions.
- The County agrees to contribute, until no active members remain, the lesser of the required annual Employer contribution of the County's Retirement Program or of the System.
- Amends the required beginning date in compliance with the Setting Every Community Up for Retirement Enhancement ("SECURE") Act. Please note this change is no cost.

Summary of Findings – Please note that the impact of the proposed System change is being shown on the actuarially determined contribution for the fiscal year ending September 30, 2022, using the valuation results as of October 1, 2020, the most recent actuarial valuation.

- As a result of the System change, the required employer contribution amount for Firefighters for the fiscal year ending September 30, 2022 decreased by \$22,686, from \$22,686, to \$0.
- As a result of the System change, the Unfunded Actuarial Accrued Liability (UAAL) for Firefighters increased by \$268,575, from (\$882,680) to (\$614,105).
- As a result of the System change, the funded ratio of the System (actuarial value of assets divided by actuarial accrued liability) decreased from 122.7% to 114.8%.

Filing Requirements – We have prepared the Actuarial Impact Statement for filing with the State of Florida. Please note that this Statement must be signed and dated on behalf of the Board of Trustees. Copies of the Ordinance upon passage at first reading along with the signed and dated Actuarial Impact Statement are generally required to be filed with the State at the following address:

Mr. Douglas E. Beckendorf, A.S.A.
Bureau of Local Retirement Services
Division of Retirement
Building 8
Post Office Box 9000
Tallahassee, Florida 32315-9000

We understand the State requires funding any increases in costs no later than the fiscal year next following the effective date of the Ordinance.

Please forward a copy of the Ordinance upon passage to update our files.

Other Considerations – Under Governmental Accounting Standards Board (GASB) Statement Number 68, we understand the cost / income of plan changes must be recognized immediately in pension expense (accounting not funding). Therefore, the pension expense is expected to increase the first year and then is expected to decrease to a lower level in fiscal years following initial recognition of the plan change.

Actuarial assumptions and methods, financial data, System provisions and member census data – The actuarial assumptions and methods, financial data and member census data employed for purposes of our Actuarial Impact Statement are the same actuarial assumptions and methods, financial data and member census data utilized for the October 1, 2020 Actuarial Valuation of the System with the following exception:



- Includes 6 members who have elected to join the County retirement program.
- The 4 remaining members are assumed to continue service as a firefighter for the City or County.
- Interest to be earned by the Fund was decreased from 7% to 6%.

Information regarding member elections to leave or remain in the System was provided by the City.

The System provisions employed for purposes of our Actuarial Impact Statement are the same System provisions utilized in the October 1, 2020 Actuarial Valuation of the System with the exception of the proposed changes described above.

Risk Assessment – Risk assessment may include scenario tests, sensitivity, or stress tests, stochastic modeling, and a comparison of the present value of benefits at low-risk discount rates. We are prepared to perform such assessment to aid in the decision-making process. Please refer to the October 1, 2020 Actuarial Valuation Report dated February 17, 2021 for additional discussion regarding the risks associated with measuring the liability and the minimum funding payment.

This Actuarial Impact Statement is intended to describe the estimated future financial effects of the proposed benefit changes on the System and is not intended as a recommendation in favor of the benefit changes nor in opposition to the changes.

If all actuarial assumptions are met and if all current and future minimum required contributions are paid, System assets will be sufficient to pay all System benefits and future contributions are expected to remain relatively stable as a percent of payroll. System minimum required contributions are determined in compliance with the requirements of the Florida Protection of Public Employee Retirement Benefits Act and Firefighters' Retirement Chapter 175 with normal cost determined using the Aggregate Cost Method.

These calculations are based upon assumptions regarding future events. However, the System's long term costs will be determined by actual future events, which may differ materially from the assumptions made. These calculations are also based upon present and proposed System provisions that are outlined or referenced in this Actuarial Impact Statement.

If you have reason to believe the assumptions used are unreasonable, the System provisions are incorrectly described or referenced, important System provisions relevant to this Actuarial Impact Statement are not described or that conditions have changed since the calculations were made, you should contact the undersigned prior to relying on information in this Actuarial Impact Statement.

If you have reason to believe that the information provided in this Actuarial Impact Statement is inaccurate, or is in any way incomplete, or if you need further information in order to make an



informed decision on the subject matter of this report, please contact the undersigned prior to making such decision.

Future actuarial measurements may differ significantly from the current measurements presented in this report due to such factors as the following: System experience differing from that anticipated by the economic or demographic assumptions; changes in economic or demographic assumptions; increases or decreases expected as part of the natural operation of the methodology used for these measurements (such as the end of an amortization period) and changes in System provisions or applicable law. Due to the limited scope of our assignment, we did not perform an analysis of the potential range of such future measurements.

This Actuarial Impact Statement should not be relied on for any purpose other than the purpose described in the primary communication. Determinations of the financial results associated with the benefits described in this report in a manner other than the intended purpose may produce significantly different results.

This Actuarial Impact Statement has been prepared by actuaries who have substantial experience valuing public employee retirement systems. To the best of our knowledge the information contained in this report is accurate and fairly presents the actuarial position of the System as of the valuation date. All calculations have been made in conformity with generally accepted actuarial principles and practices, with the Actuarial Standards of Practice issued by the Actuarial Standards Board and with applicable statutes.

This Actuarial Impact Statement was prepared using our proprietary valuation model and related software which in our professional judgment has the capability to provide results that are consistent with the purposes of the valuation and has no material limitations or known weaknesses. We performed tests to ensure that the model reasonably represents that which is intended to be modeled.

This Actuarial Impact Statement may be provided to parties other than the Board only in its entirety and only with the permission of an approved representative of the Board.

The signing actuaries are independent of the System sponsor.

The undersigned are Members of the American Academy of Actuaries and meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.



Mr. Scott Baur
July 16, 2021
Page v

If you should have any question concerning the above or if we may be of further assistance with this matter, please do not hesitate to contact us.

Sincerest regards,

Michelle Jones

Shelly L. Jones, A.S.A., E.A., M.A.A.A, F.C.A.
Consultant and Actuary

Jennifer Borregard

Jennifer M. Borregard, E.A., M.A.A.A., F.C.A.
Consultant and Actuary

Enclosures



Actuarial Impact Statement as of October 1, 2020

A. Description of Proposed Amendment

- (1) Effective August 2, 2021, the System is closed to new or reemployed members. Current members can elect to remain in the System or join the County Retirement Program. The County Retirement Program is the Florida Retirement System (FRS).
- (2) Members who elect to remain in the System accrue benefit service and salary for active employment under the City or County.
- (3) Members who elect to leave the System who have less than 10 years of credited service and are therefore not vested will receive a refund of their accumulated contributions.
- (4) Members who elect to leave the System who have 10 or more years of credited service and are therefore vested can receive either a deferred vested retirement benefit or a refund of their accumulated contributions.
- (5) The County agrees to contribute, until no active members remain, the lesser of the required annual Employer contribution of the County's Retirement Program or of the System.
- (6) Amends the required beginning date in compliance with the Setting Every Community Up for Retirement Enhancement ("SECURE") Act. Please note this change is no cost.

B. An estimate of the cost implementing this amendment is attached.

C. In my opinion, the proposed changes are in compliance with Part VII, Chapter 112, Florida Statutes and Section 14, Article X of the State Constitution.

Chairman, Pension Board

Date



Actuarial Impact Statement as of October 1, 2020

	Valuation	Actuarial Impact
	<u>10/01/2020</u>	<u>Statement</u>
		<u>10/01/2020</u>
A. <u>Participant Data</u>		
1. Active participants	10	10*
2. Retired, disabled and beneficiaries receiving benefits (including DROPs)	8	8
3. Terminated vested participants	1	1
4. Annual payroll of active participants	\$ 426,372	\$ 183,592
5. Annual benefits payable to those currently receiving benefits (including DROPs)	\$ 229,985	\$ 229,985
B. <u>Assets</u>		
1. Smoothed actuarial value	\$ 4,770,705	\$ 4,770,705
2. Market value	\$ 4,852,274	\$ 4,852,274
C. <u>Liabilities</u>		
1. Actuarial present value of future expected benefit payments for active members		
a. Retirement benefits	\$ 2,368,216	\$ 1,505,296
b. Vesting benefits	140,275	77,464
c. Disability benefits	94,112	51,726
d. Death benefits	9,896	5,672
e. Total	<u>\$ 2,612,499</u>	<u>\$ 1,640,158</u>
2. Actuarial present value of future expected benefit payments for terminated vested members and miscellaneous	\$ 67,685	\$ 237,894
3. Actuarial present value of future expected benefit payments for members currently receiving benefits		
a. Service retired including DROPs	\$ 2,112,849	\$ 2,314,327
b. Disability retired	347,412	376,215
c. Beneficiaries	286,006	306,559
d. Miscellaneous (refunds in process)	20,459	37,761
e. Total	<u>\$ 2,766,726</u>	<u>\$ 3,034,862</u>
4. Share Plan Liability	\$ 2,789	\$ 2,789
5. Total actuarial present value of future expected benefit payments	\$ 5,449,699	\$ 4,915,703
6. Actuarial accrued liabilities (Entry Age Normal)	\$ 3,888,025	\$ 4,156,600
7. Unfunded actuarial accrued liabilities (Entry Age Normal)	\$ (882,680)	\$ (614,105)
D. <u>Normal Cost</u>		
1. Present Value of Future Normal Costs (C.5. - B.1.)	\$ 678,994	\$ 144,998
2. Present Value of Future Salaries	\$ 5,669,064	\$ 2,232,022
3. Normal Cost Accrual Rate (D.1. / D.2.)	11.977%	6.496%
4. Normal Cost (A.4. x D.3.)	\$ 51,067	\$ 11,926

* Includes six (6) members who have elected to join the County Retirement Program.



Actuarial Impact Statement as of October 1, 2020

	<u>Valuation</u> <u>10/01/2020</u>	<u>Actuarial Impact</u> <u>Statement</u> <u>10/01/2020</u>
E. <u>Statement of Accumulated Plan Benefits</u>		
1. Actuarial present value of accumulated vested benefits		
a. Participants currently receiving benefits	\$ 2,746,267	\$ 2,997,101
b. Terminated vested members and miscellaneous (including share plan liability)	90,933	278,444
c. Other participants	507,416	448,005
d. Total	\$ 3,344,616	\$ 3,723,550
2. Actuarial present value of accumulated non-vested plan benefits	73,605	17,886
3. Total actuarial present value of accumulated plan benefits	\$ 3,418,221	\$ 3,741,436
F. <u>Pension Cost</u>		
1. Total normal cost	\$ 51,067	\$ 11,926
2. Estimated administrative expenses	40,275	40,275
3. Interest adjustment	5,333	3,132
4. Total required contributions	\$ 96,675	\$ 55,333
5. Item 4 as a percentage of payroll	22.7%	30.1%
6. Estimated employee contributions	\$ 21,319	\$ 9,180
7. Item 6 as a percentage of payroll	5.0%	5.0%
8. Expected State contribution	\$ 52,670	\$ 52,670
9. Item 8 as a percentage of payroll	12.4%	28.7%
10. Net amount payable by Employer	\$ 22,686	\$ 0
11. Item 10 as a percentage of payroll	5.3%	0.0%
G. <u>Disclosure of Following Items:</u>		
1. Actuarial present value of future salaries - attained age	\$ 5,669,064	\$ 2,232,022
2. Actuarial present value of future employee contributions - attained age	\$ 283,453	\$ 111,601
3. Actuarial present value of future contributions from other sources	N/A	N/A
4. Amount of active members' accumulated contributions	\$ 159,331	\$ 108,744
5. Actuarial present value of future salaries and future benefits at entry age	N/A	N/A
6. Actuarial present value of future employee contributions at entry age	N/A	N/A



Actuarial Impact Statement as of October 1, 2020

This Actuarial Valuation and/or cost determination was prepared and completed by us or under our direct supervision, and we acknowledge responsibility for the results. To the best of our knowledge, the results are complete and accurate, and in our opinion, the techniques and assumptions used are reasonable and meet the requirements and intent of Part VII, Chapter 112, Florida Statutes. There is no benefit or expense to be provided by the System and/or paid from the System's assets for which liabilities or current costs have not been established or otherwise provided for in the valuation. All known events or trends which may require material increase in System costs or required contribution rates have been taken into account in the valuation.

Michelle Jones

Shelly L. Jones, A.S.A, E.A.
Enrollment Number: 20-08684
Date: July 16, 2021

Jennifer Borregard

Jennifer M. Borregard, E.A.
Enrollment Number: 20-07624

Outline of Principal Provisions of the Retirement System

A. Effective Date:

January 1, 1972. Most recently amended by Ordinance No. 1188 adopted July 16, 2019.

B. Eligibility:

All actively employed full time Firefighters who elect to remain members of the System following the merger with the County are eligible on date of employment. After August 2, 2021 the System is closed to new or reemployed members.

C. Contributions:

Employee:	5.0% of Salary.
State:	Premium Tax Revenue.
County:	Until no active members remain, the lesser of the required annual Employer contribution of the County's Retirement Program or of the System.
City:	Balance required to maintain System on sound actuarial basis.

D. Credited Service:

Service is measured as the total number of years and fractional part of years of continuous service as a Member. No service is credited for any periods of employment for which the Member received a refund of Employee Contributions. [System is being administered and valued based upon total number of years and completed months of service as a Member].

E. Salary:

Basic compensation including tax deferred, tax sheltered and tax exempt income which would otherwise be included in base income, derived from elective employee payroll deductions or salary reductions.

F. Average Final Compensation:

Average Final Compensation (AFC) is determined by the average basic salary over the highest 5 years of the last 10.

G. Normal Retirement:

1. Eligibility:

Earlier of:

- (a) Attainment of age 55 with completion of 10 years of Credited Service.
- (b) Completion of 25 years of Credited Service.

2. Benefit:

3.0% times AFC times Credited Service.

Outline of Principal Provisions of the Retirement System

H. Early Retirement:

1. Eligibility:

Attainment of age 50 with completion of 10 years of Credited Service.

2. Benefit:

Benefit accrued to date of retirement, reduced by 3% for each year early retirement date precedes age 55.

I. Delayed Retirement:

Computed the same as set forth under Normal Retirement, based upon AFC and Credited Service as of delayed retirement date.

J. Disability Retirement:

1. Service Incurred:

Accrued benefit, but not less than 42% of AFC.

2. Non-Service Incurred:

- a. Eligibility: 5 or more years of Credited Service; totally and permanently disabled.
- b. Benefit: The greatest of:
 - (i) Accrued benefit
 - (ii) 2% of AFC times Credited Service
 - (iii) 25% of AFC

K. Pre-Retirement Death Benefit:

- a. Not Vested: Refund of accumulated contributions.
- b. Vested but Not Eligible for Early or Normal Retirement: Greater of (a) 50% of the present value of vested accrued benefit or (b) refund of accumulated contributions.
- c. Eligible for Early or Normal Retirement: Greater of (a) accrued benefit, determined as though the deceased had retired immediately preceding date of death and elected the 10 year certain and life form of payment or (b) 50% of present value of vested accrued benefit.

In the event a vested Member's spouse is the sole beneficiary, the beneficiary shall be entitled to the accrued normal or early retirement benefit payable at the deceased Member's early or normal retirement age less the value of any benefits paid above.

Outline of Principal Provisions of the Retirement System

L. Termination Benefits:

1. Eligibility:

100% vesting upon the completion of 10 years of credited service. Employees who have not completed 10 years of credited service at date of termination of employment shall only be entitled to the return of their accumulated contributions with 3.0% interest.

2. Benefit:

Accrued benefit based upon credited service and AFC as of date of termination, payable at age 55.

M. Normal Form of Retirement Income:

Monthly benefit payable for ten (10) years certain and life thereafter.

N. Optional Forms of Retirement Income:

In lieu of electing the normal form of payment, the optional forms of payment available are the Single Life Annuity option and the 50%, 66 2/3%, 75% and 100% Joint and Contingent options. A Social Security option is available for Members retiring prior to being eligible for Social Security retirement benefits. A 20% Partial Lump Sum is available for Members who do not participate in the DROP.

O. Deferred Retirement Option Program (DROP)

1. Eligibility:

Member must be eligible for Normal Retirement.

2. Benefit:

Retirement benefits are transferred to a hypothetical DROP account within the pension fund. Interest is credited or debited based upon either the quarterly rate of return earned by the Fund or a monthly 6.5% fixed rate of return, as elected by the Member. Members may elect to change their interest crediting election once during the DROP period. The period of participation in the DROP is limited to no more than 60 months. The benefit is paid as a lump sum upon actual termination of employment.

Outline of Principal Provisions of the Retirement System

P. Cost of Living Adjustment (COLA)

Beginning October 1, 1999 and October 1 of every odd-numbered year thereafter, monthly benefits of all retirees (service, disability, DROP), beneficiaries and vested terminated participants who have been in the DROP or in pay status for at least one year on the adjustment date will be increased by 0.5%.

Q. Changes Since Previous Actuarial Valuation

Eligibility was:

All actively employed full time Firefighters of the City are eligible on date of employment; Participation is mandatory.

Contributions were:

Employee:	5.0% of Salary.
State:	Premium Tax Revenue.
City:	Balance required to maintain System on sound actuarial basis.

**Actuarial Assumptions and Actuarial Cost Methods
Used in the Valuation**

A. Mortality

For healthy participants during employment, PUB-2010 Headcount Weighted Safety Employee Female Mortality Table and Safety Below Median Employee Male Mortality Table, both set forward 1 year, with fully generational mortality improvements projected to each future decrement date with Scale MP-2018.

For healthy participants post employment, PUB-2010 Headcount Weighted Safety Healthy Retiree Female Mortality Table and Safety Below Median Healthy Retiree Male Mortality Table, both set forward 1 year, with fully generational mortality improvements projected to each future decrement date with Scale MP-2018.

For disabled participants, 80% PUB-2010 Headcount Weighted General Disabled Retiree Mortality Table / 20% PUB-2010 Headcount Weighted Safety Disabled Retiree Mortality Table, separate rates for males and females, without projected mortality improvements.

Sample Ages (2020)	Pre-retirement Future Life Expectancy (Years)		Post-retirement Future Life Expectancy (Years)	
	Men	Women	Men	Women
	55	30.45	34.32	27.59
60	25.51	29.26	23.01	26.39
62	23.58	27.25	21.28	24.55

Sample Ages (2040)	Pre-retirement Future Life Expectancy (Years)		Post-retirement Future Life Expectancy (Years)	
	Men	Women	Men	Women
	55	32.09	35.81	29.48
60	27.08	30.70	24.79	28.13
62	25.11	28.67	23.00	26.25

B. Interest to be Earned by Fund

6.0% (net of investment expenses), compounded annually - includes inflation at 2.5%.

C. Allowances for Expenses or Contingencies

Actual administrative expenses incurred during the prior System year.

Actuarial Assumptions and Actuarial Cost Methods
Used in the Valuation

D. Salary Increase Factors

Current salary is assumed to increase at a rate of 7.0% - includes wage inflation of 3.5%.

E. Disability Rates

Disability rates for males and for females were used in accordance with the following illustrative example.

<u>Age</u>	<u>Disability Rates</u> <u>Per 100 Employees</u>
20	0.14
30	0.18
40	0.30
50	1.00

85% of disabilities are assumed to be service incurred - 15% non-service incurred.

F. Employee Withdrawal Rates

Withdrawal rates for males and for females were used in accordance with the following illustrative example.

<u>Age</u>	<u>Withdrawal Rate</u>
20	6.0%
30	5.0%
40	2.6%
50	0.8%
60	0.2%

G. Rates of Retirement

100% at normal retirement age.

All active members on the valuation date are assumed to have a minimum of one year of future service.

**Actuarial Assumptions and Actuarial Cost Methods
Used in the Valuation**

H. **Cost Methods**

Normal Retirement, Termination, Disability, and Death Benefits: Aggregate

Under this method the excess of the Actuarial Present Value of Projected Benefits of the group included in the valuation, over the sum of the Smoothed Value of Assets is allocated as a level percentage of earnings of the group between the valuation date and the assumed retirement age. This allocation is performed for the group as a whole, not as a sum of individual allocations. The portion of this Actuarial Present Value allocated to a specific year is called the Normal Cost. Under this method, actuarial gains (losses) reduce (increase) future Normal Costs.

Vested Normal Retirement, Termination, Disability, and Death Benefits: Unit Credit Cost Method

Under this method, the actuarial present value of vested accrued benefits is an amount calculated to be the sum of the present values of each individual's vested accrued or earned benefit under the Fund as of the valuation date. Each individual's calculation is based on pay and service as of the valuation date.

I. **Asset Valuation Method**

The method used for determining the smoothed value of assets phases in the deviation between the expected and actual return on assets at the rate of 25% per year. The smoothed value of assets will be further adjusted to the extent necessary to fall within the corridor whose lower limit is 80% of the fair market value of System assets and whose upper limit is 120% of the fair market value of System assets.

J. **Changes Since Previous Actuarial Valuation**

Interest to be earned by the Fund was 7%.

ORDINANCE NO. 1231

AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; VACATING AND ABANDONING CERTAIN RIGHTS-OF-WAY BEING AN UNIMPROVED PORTION OF AN ALLEYWAY LYING WITHIN BLOCK 110, CITY OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5, PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA (PETITION NO. 21-001-AC); RESERVING UNTO THE CITY, ITS SUCCESSORS AND ASSIGNS A NON-EXCLUSIVE EASEMENT FOR PUBLIC UTILITIES PURPOSES; DIRECTING THE CITY CLERK TO RECORD THE ORDINANCE IN THE PUBLIC RECORDS OF THE CLERK OF THE CIRCUIT COURT IN AND FOR OKEECHOBEE COUNTY, FLORIDA; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Okeechobee General Services Department received Abandonment of Right-of-Way Petition No. 21-001-AC submitted by John Creswell, Agent on behalf of the property owner, JKST Holding, LLC, for the closing of a certain rights-of-way as described in this Ordinance; and

WHEREAS, the City of Okeechobee Technical Review Committee reviewed and discussed Petition No. 21-001-AC at a duly advertised public meeting held on May 20, 2021; and

WHEREAS, Petition No. 21-001-AC was reviewed and discussed by the City of Okeechobee Planning Board at a duly advertised Public Hearing held on July 15, 2021, and determined such Petition to be consistent with the Comprehensive Plan; and

WHEREAS, the City Council reviewed Petition No. 21-001-AC and finds it to be consistent with the Comprehensive Plan, is not the sole access to any property, is in the best interest of the citizens, provides a benefit to the City of Okeechobee; and

WHEREAS, this Ordinance addresses the request to reserve a perpetual, non-exclusive utility easement on a portion of the abandoned alleyway and the special condition request regarding relocation and/or repairs by the property owner; and

WHEREAS, the granting of the Petition will serve a legitimate public interest and is a proper exercise of the municipal authority of the City of Okeechobee as a discretionary function.

NOW, THEREFORE, it is ordained before the City Council for the City of Okeechobee, Florida; presented at a duly advertised public meeting; and passed by majority vote of the City Council; and properly executed by the Mayor or designee, as Chief Presiding Officer for the City:

SECTION 1: The unimproved, dedicated right-of-way described hereafter and as shown on Exhibit A, is hereby closed, vacated, and abandoned by the City of Okeechobee, Florida to-wit:

THAT PORTION OF THE EAST TO WEST ALLEYWAY, 20-FEET IN WIDTH, LYING BETWEEN LOTS 1 THROUGH 6 AND LOTS 7 THROUGH 12 OF BLOCK 110, CITY OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5, AS RECORDED IN THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA.

SECTION 2: The City of Okeechobee, Florida acknowledges and addresses the special conditions requested by the utility companies and included within Petition No. 21-001-AC:

Reserving unto itself, its successors and assigns, a perpetual, non-exclusive a utility easement for the West 10-feet of the subject alleyway adjacent to Northeast 2nd Avenue, as requested by Florida, Power, and Light Company.

The applicant agrees to CenturyLink's request to bear all costs of relocation and repair of any of their facilities and equipment that are found and/or damaged in the abandoned alleyway.

SECTION 3: The City Clerk shall cause a certified copy of the Ordinance to be recorded in the public records of Okeechobee County, Florida.

SECTION 4: Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: Severability. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

SECTION 6: Effective Date. This Ordinance shall be set for Final Public Hearing the 7th day of September, 2021, and shall take effect upon its adoption by the City Council and recorded in the public records of the Clerk of Circuit Court, Okeechobee County, Florida.

INTRODUCED for First Reading and set for Final Public Hearing on this 3rd day of August, 2021.

Dowling Watford, Mayor

ATTEST:

Lane Gamiotea, CMC, City Clerk

PASSED AND ADOPTED after Second Reading and Final Public Hearing on this 7th day of September, 2021.

Dowling Watford, Mayor

ATTEST:

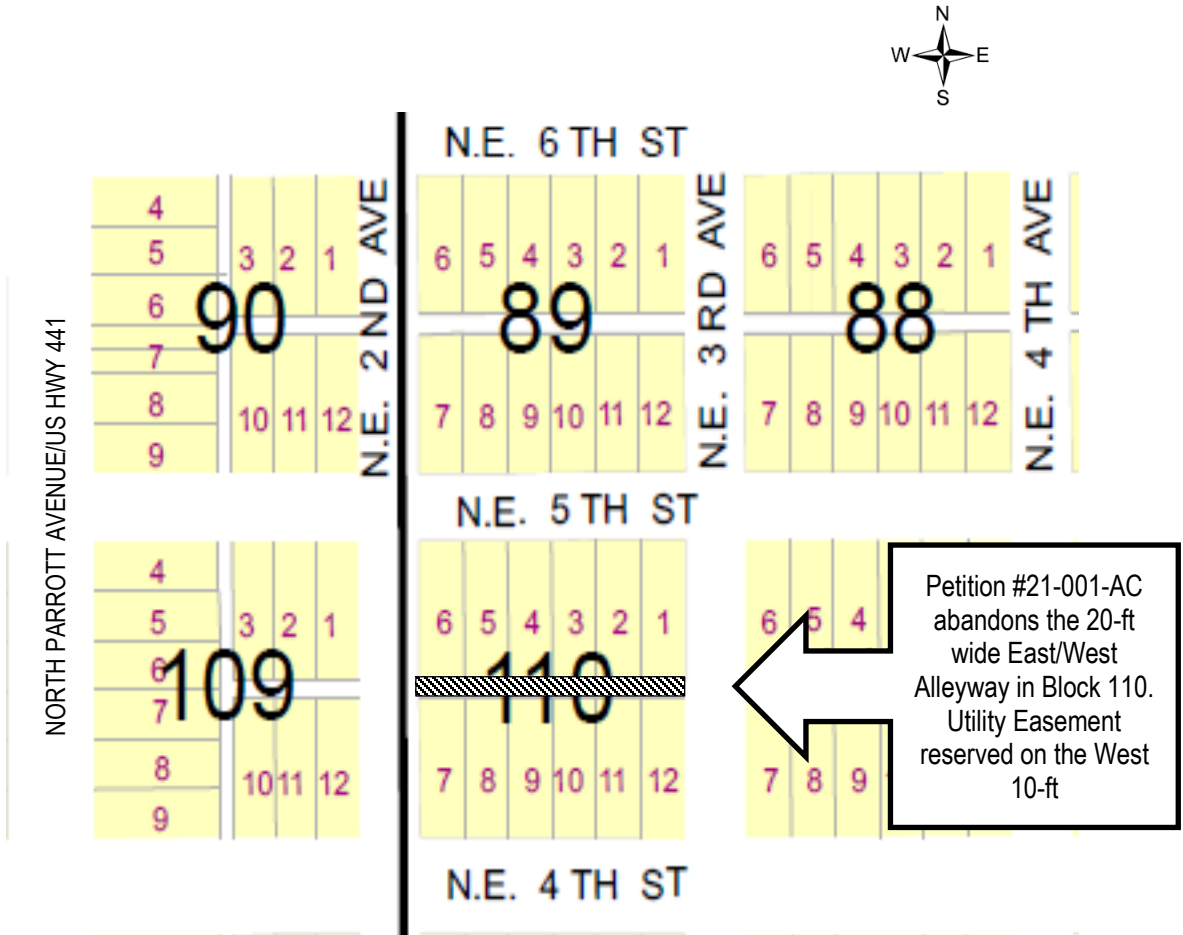
Lane Gamiotea, CMC, City Clerk

REVIEWED FOR LEGAL SUFFICIENCY:

John J. Fumero, City Attorney

ORDINANCE NO. 1231 - EXHIBIT A

The following excerpt is from the City of Okeechobee Subdivision Map to identify the portion of alley to be abandoned as requested by Petition No. 21-001-AC, the subject property is recorded in Plat Book 5, Page 5, Okeechobee County Public Records.





CITY OF OKEECHOBEE
General Services Department
55 Southeast 3rd Street
Okeechobee, Florida 34974
863-763-3372 X 9820
Fax: 863-763-1686

ABANDONMENT OF RIGHT-OF-WAY PETITION

PETITION NO. 21-001-AC

Application fee (non-refundable) \$600.00 Note: (Resolution No. 98-11) Schedule of Land Development Regulation Fees and Charges When the cost for advertising publishing and mailing notices of public hearings exceeds the established fee, or when a professional consultant is hired to advise the city on the application, the applicant shall pay the actual costs.	Date Fee Paid: <u>4-14-21</u>	Receipt No: <u>543954</u> <u>54396</u>
	TRC Meeting: <u>5-20-21</u>	Publication Date: Letters Mailed:
	PB/BOA Meeting: <u>6-19-21</u> <u>7-15-21</u>	Publication Dates: Letters Mailed: <u>6-2-21</u> <u>6-30-21</u>
	City Council 1 st Reading: <u>7-6-21</u>	CMR Letter E-mailed:
	City Council Public Hearing: <u>7-20-21</u>	Publication Date: <u>7/19/21</u> <u>8/25/21</u>

Right-of-way Definition: Land dedicated, deeded, used, or to be used for a street, alley, walkway, boulevard, drainage facility, access for ingress or egress, or other purpose by the public, certain designated individuals, or governing bodies. [F.S. Ch. 177 § 177.031(16)]. Easements for roads and related purposes shall be considered as right-of-way.

Legal Description of the Right-of-Way to be Abandoned:

A STRIP OF LAND, 20.00 FEET IN WIDTH, BEING A PORTION OF BLOCK 110 OF THE CITY OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5 OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA, LOCATED IN SECTION 15, TOWNSHIP 37 SOUTH, RANGE 35 EAST, OKEECHOBEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 7 OF SAID BLOCK 110, SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF THE ALLEY OF SAID BLOCK 110, THENCE NORTH 00°10'09" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF NORTHEAST 2ND AVENUE, A DISTANCE OF 20.00 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 110 ALLEY; THENCE NORTH 89°45'09" EAST ALONG THE NORTH LINE OF SAID BLOCK 110 ALLEY, A DISTANCE OF 299.74 FEET TO THE WEST RIGHT-OF-WAY LINE OF NORTHEAST 3RD AVENUE AND THE NORTHEAST CORNER OF SAID BLOCK 110 ALLEY; THENCE SOUTH 00°11'47" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 20.00 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 110 ALLEY; THENCE SOUTH 89°45'46" WEST ALONG THE SOUTH LINE OF SAID BLOCK 110 ALLEY, A DISTANCE OF 299.75 FEET TO THE POINT OF BEGINNING.

SAID LAND LYING IN OKEECHOBEE COUNTY, FLORIDA CONTAINING 0.138 ACRES MORE OR LESS.


Note: Upon abandonment of a right-of-way in the City of Okeechobee or First Addition of City of Okeechobee Subdivision's, there may be a Fee Simple Interest from the Hamrick Trust. For more information contact Gil Culbreth, 3550 US Hwy 441 South, Okeechobee, Florida 34974, 863-763-3154.

Purpose of the Right-of-Way Abandonment:

The alley is being abandoned because there is a single land owner around this alley and they are planning to sell the land to someone who wants to build multifamily units and this will eliminate the rear setback on each lot and allow a unity of title for the whole block.

✓	Name of property owner(s): JKST Holdings LLC
	Owner(s) mailing address: PO Box 873, Port Salerno, FL 34992-0873
	Owner(s) e-mail address: shaun@gdcflorida.com
	Owner(s) daytime phone(s): 863-467-1111 Fax:

✓	Required Attachments
✓	Copy of recorded deed of petitioner as well as any other property owner whose property is contiguous to the right-of-way.
N/A	Letters of Consent or Objection. (If more than one property owner is involved and they are not signing the petition). SEE NOTE BELOW FOR ADDITIONAL INSTRUCTIONS
✓	Location map of subject property and surrounding area within 100' (See Information Request Form attached) and dimensions of right-of-way.
✓	List of all property owners within 300' of subject property (See Information Request Form attached)
✓	Site Plan of property after abandonment. (No larger than 11x 17)
✓	Utility Companies Authorization Form. (See attached)
✓	Supplementary supporting information: Copy of recorded Plat of the Subdivision where right-of-way exists no larger than 11x17. (Can be obtained from the County Clerk's Office, Court House)
	<p>PLEASE NOTE: <i>If there are other property owners that are contiguous to the subject right-of-way, a notarized letter must be attached with the following information: date, their name(s), what property they own, and whether they object to or consent to the right-of-way abandonment. (See attached sample letter)</i></p>

✓	Confirmation of Information Accuracy	
	I hereby certify that the information contained in and/or attached with this petition is correct. The information included in this petition is for use by the City of Okeechobee in processing my request. False or misleading information may be punishable by a fine of up to \$500.00 and imprisonment of up to 30 days and may result in the summary denial of this petition.	
	 Signature	JOHN CRESWELL Printed Name
		3/31/2021 Date

2021 FLORIDA LIMITED LIABILITY COMPANY ANNUAL REPORT

DOCUMENT# L16000189762

Entity Name: JKST HOLDINGS, LLC

Current Principal Place of Business:

4459 SE KUBIN AVENUE
STUART, FL 34997

Current Mailing Address:

P.O. BOX 873
PORT SALERNO, FL 34992 US

FEI Number: 81-4132181

Certificate of Status Desired: No

Name and Address of Current Registered Agent:

CRESWELL, JOHN H
4459 SE KUBIN AVENUE
STUART, FL 34997 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE:

Electronic Signature of Registered Agent

Date

Authorized Person(s) Detail :

Title	AMBR	Title	AMBR
Name	CRESWELL, JOHN H	Name	CRESWELL, KATHLEEN B
Address	4459 SE KUBIN AVENUE	Address	4459 SE KUBIN AVENUE
City-State-Zip:	STUART FL 34997	City-State-Zip:	STUART FL 34997
Title	AMBR	Title	AMBR
Name	KOGUT, SHAUN M	Name	CROSS, TOBI L
Address	308 SW 2ND STREET	Address	2533 SE 34TH LANE
City-State-Zip:	OKEECHOBEE FL 34974	City-State-Zip:	OKEECHOBEE FL 34974

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am a managing member or manager of the limited liability company or the receiver or trustee empowered to execute this report as required by Chapter 605, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

SIGNATURE: CRESWELL, JOHN H

AUTHORIZED MEMBER

02/09/2021

Electronic Signature of Signing Authorized Person(s) Detail

Date

Detail by Entity Name

Florida Limited Liability Company
JKST HOLDINGS, LLC

Filing Information

Document Number L16000189762
FEI/EIN Number 81-4132181
Date Filed 10/13/2016
State FL
Status ACTIVE

Principal Address

4459 SE KUBIN AVENUE
STUART, FL 34997

Mailing Address

P.O. BOX 873
PORT SALERNO, FL 34992

Registered Agent Name & Address

CRESWELL, JOHN H
4459 SE KUBIN AVENUE
STUART, FL 34997

Authorized Person(s) Detail**Name & Address**

Title AMBR

CRESWELL, JOHN H
4459 SE KUBIN AVENUE
STUART, FL 34997

Title AMBR

CRESWELL, KATHLEEN B
4459 SE KUBIN AVENUE
STUART, FL 34997

Title AMBR

KOGUT, SHAUN M
308 SW 2ND STREET
OKEECHOBEE, FL 34974

Title AMBR

CROSS, TOBI L
2533 SE 34TH LANE
OKEECHOBEE, FL 34974

Annual Reports

Report Year	Filed Date
2019	01/30/2019
2020	01/15/2020
2021	02/09/2021

Document Images

02/09/2021 -- ANNUAL REPORT	View image in PDF format
01/15/2020 -- ANNUAL REPORT	View image in PDF format
01/30/2019 -- ANNUAL REPORT	View image in PDF format
01/16/2018 -- ANNUAL REPORT	View image in PDF format
02/09/2017 -- ANNUAL REPORT	View image in PDF format
10/13/2016 -- Florida Limited Liability	View image in PDF format

PLEASE COMPLETE THE FOLLOWING

**FINDINGS REQUIRED FOR GRANTING A VACATION OF RIGHTS-OF-WAYS
(Sec. 78-33, page CD78:4 in the LDR's)**

It is the Petitioner's responsibility to convince the Technical Review Committee, Planning Board/BOA and City Council that approval of the proposed vacation is justified. Specifically, the Petitioner should provide in his/her application and presentation sufficient explanation and documentation to convince the reviewing body to find that:

1. Proposed vacation is consistent with the Comprehensive Plan:
The requested alley is currently not used for access or utilities, there is no mention of alleys in the City's Comprehensive plan, the LDR's mention alleys in Section 86-142, which states alley may be allowed in residential districts, also in Section 70-335, which states notice of abandonment required, otherwise they are other referenced, but not concerning vacancies.

2. Right-of-way to be vacated is not the sole access to any property, and the remaining access is not an easement:
The alley is not sole access to any property and a remaining land will not require an easement.

3. Proposed vacation is in the public interest and provides a benefit to the City:
The proposed vacation of the alley is within a block that will become a multifamily project, which the City is in need of, so this vacation will allow the existing ROW and alley's square footage to add density to this project so more housing can be added and return the property to the tax rolls.

4. Proposed vacation would not jeopardize the location of any utility.
There are currently no utilities in the requested abandonments.

The City Staff will, in the Staff Report, address the request and evaluate it and the Petitioner's submission in light of the above criteria and offer a recommendation for *approval or denial*).

FILE NUM 2017001893
OR BK 786 PG 1593
SHARON ROBERTSON, CLERK & COMPTROLLER
OKEECHOBEE COUNTY, FLORIDA
RECORDED 02/28/2017 02:07:39 PM
AMT \$90,000.00
RECORDING FEES \$10.00
DEED DOC \$630.00
RECORDED BY S Creech
Pg 1593 (1 pg)

Prepared by and return to:
JOHN D. CASSELS, JR.
Partner
CASSELS & MCCALL
400 NW 2nd Street
Okeechobee, FL 34972
863-763-3131
File No.: 17-8358

Parcel Identification No. 3-15-37-36-0010-01100-0010

[Space Above This Line For Recording Data]

Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this 28 day of February, 2017 Between

C.P. CO., LLC, a Florida limited liability company whose post office address is PO BOX 14049, Fort Pierce, FL 34979 of the County of Saint Lucie, State of Florida, grantor, and

JKST HOLDINGS, LLC, a Florida limited liability company whose post office address is PO BOX 873, Stuart, FL 34997 of the County of Martin, State of Florida, grantee,

Witnesseth that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Okeechobee County Florida, to-wit:

LOTS 1 TO 12, BLOCK 110 OF THE CITY OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA.

Subject to restrictions, reservations and easements of record, if any.

and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

✓ Alan R. Pohl
Witness Name: Alan R. Pohl
✓ Rest Gonzalez
Witness Name: Rest Gonzalez

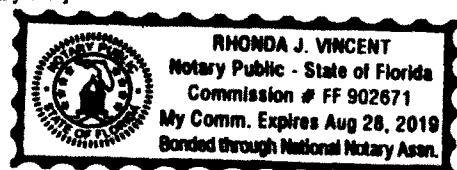
C.P. CO., LLC
By: George Pantuso
GEORGE PANTUSO/Authorized Member

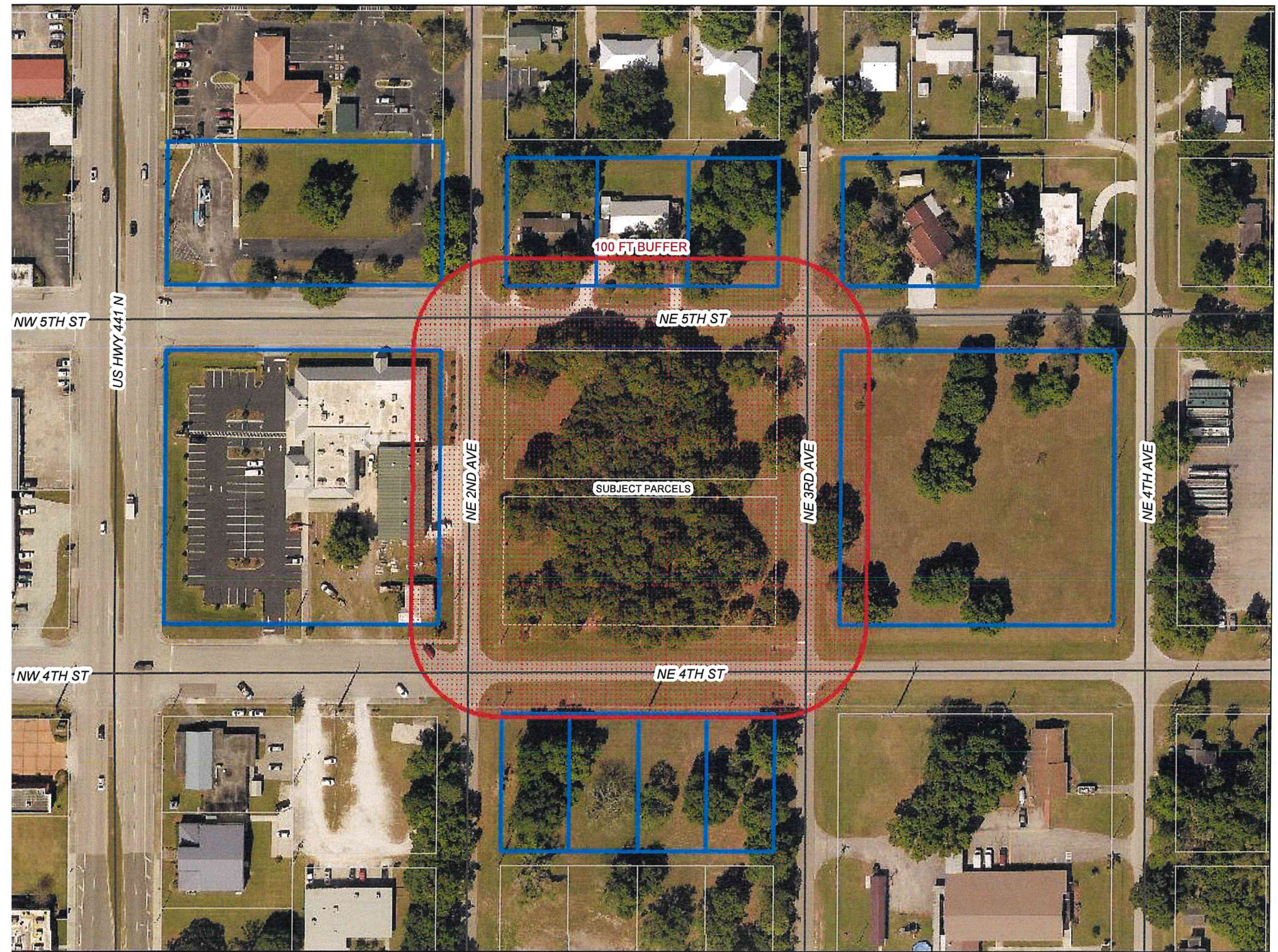
State of Florida
County of St. Lucie

The foregoing instrument was acknowledged before me this 28th day of February, 2017 by GEORGE PANTUSO, Managing Member of C.P. CO., LLC, on behalf of the limited liability company. He/she is personally known to me or has produced a driver's license as identification.

[Notary Seal]

Rhonda J. Vincent
Notary Public
Rhonda J. Vincent





100 FT BUFFER

NE 5TH ST

SUBJECT PARCELS

NE 2ND AVE

NE 3RD AVE

NE 4TH AVE

NE 4TH ST

US HWY 441 N

NW 5TH ST

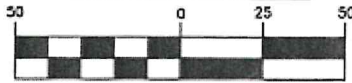
NW 4TH ST



JKST Surrounding Owners within 300 Feet

PARCEL NUMBER	OWNER	ADDRESS	CITTE	STATE	ZIP
3-15-37-35-0010-01110-0010	CHURCH OF GOD	301 NE 4TH AVE	OKEECHOBEE	FL	34972
3-15-37-35-0010-01200-0010	CHURCH OF GOD	301 NE 4TH AVE	OKEECHOBEE	FL	34972
3-15-37-35-0010-00890-0060	COLT PENNY M	1601 SW 35TH CIR	OKEECHOBEE	FL	34974
3-15-37-35-0010-00880-0070	ENTRY MARIE	500 NE 3RD AVE	OKEECHOBEE	FL	34972
3-15-37-35-0010-00890-0090	II PARTNERS INC	P O BOX 2293	OKEECHOBEE	FL	34973-2293
3-15-37-35-0010-01090-0010	LAKE REAL ESTATE HOLDINGS LLC	400 N PARROTT AVE	OKEECHOBEE	FL	34972
3-15-37-35-0010-00890-0010	LMXN HOLDINGS LLC	1887 SW 8TH ST	OKEECHOBEE	FL	34974-3910
3-15-37-35-0010-00890-0040	LMXN HOLDINGS LLC	1887 SW 8TH ST	OKEECHOBEE	FL	34974-3910
3-15-37-35-0010-00890-0110	LMXN HOLDINGS LLC	1887 SW 8TH ST	OKEECHOBEE	FL	34974-3910
3-15-37-35-0010-00880-0060	MITCHELL RONALD	1105 SW 4TH ST	OKEECHOBEE	FL	34974
3-15-37-35-0010-01220-0010	OKEECHOBEE PRESBYTERIAN	312 N PARROTT AVE	OKEECHOBEE	FL	34972-2933
3-15-37-35-0010-01220-0040	OKEECHOBEE PRESBYTERIAN CHURCH	312 N PARROTT AVE	OKEECHOBEE	FL	34972
3-15-37-35-0010-01210-0010	PENROD SHAUN C	2437 SW 33RD CIR	OKEECHOBEE	FL	34974-5723
3-15-37-35-0010-01210-0030	PENROD SHAUN C	2437 SW 33RD CIR	OKEECHOBEE	FL	34974-5723
3-15-37-35-0010-01210-0040	PENROD SHAUN C	2437 SW 33RD CIR	OKEECHOBEE	FL	34974-5723
3-15-37-35-0010-01210-0060	PENROD SHAUN C	2437 SW 33RD CIR	OKEECHOBEE	FL	34974-5723
3-15-37-35-0010-01210-0070	PENROD SHAUN C	2437 SW 33RD CIR	OKEECHOBEE	FL	34974-5723
3-15-37-35-0010-01210-0090	PENROD SHAUN C	2437 SW 33RD CIR	OKEECHOBEE	FL	34974-5723
3-15-37-35-0010-01210-0100	PENROD SHAUN C	2437 SW 33RD CIR	OKEECHOBEE	FL	34974-5723
3-15-37-35-0010-01210-0120	PENROD SHAUN C	2437 SW 33RD CIR	OKEECHOBEE	FL	34974-5723
3-15-37-35-0010-01220-0100	SENIORS R ABLE INC	PO BOX 759	OKEECHOBEE	FL	34973-0759
3-15-37-35-0010-00880-0100	SKYLINE RENOVATION SERVICES LLC	5276 JOG LN	DELRAY BEACH	FL	33484-6650
3-15-37-35-0010-00900-0010	TAMAL PROPERTIES LLC	152 PORGEE ROCK PL	JUPITER	FL	33458-1634
3-15-37-35-0010-00900-0070	TAMAL PROPERTIES LLC	152 PORGEE ROCK PL	JUPITER	FL	33458-1634
3-15-37-35-0010-00890-0070	VILLEDIA BAUDILIO	201 NE 5TH ST	OKEECHOBEE	FL	34972-2605
3-15-37-35-0010-00880-0040	WILLIAMSON JOHN	1200 NE 96TH ST	OKEECHOBEE	FL	34972-0505

GRAPHIC SCALE

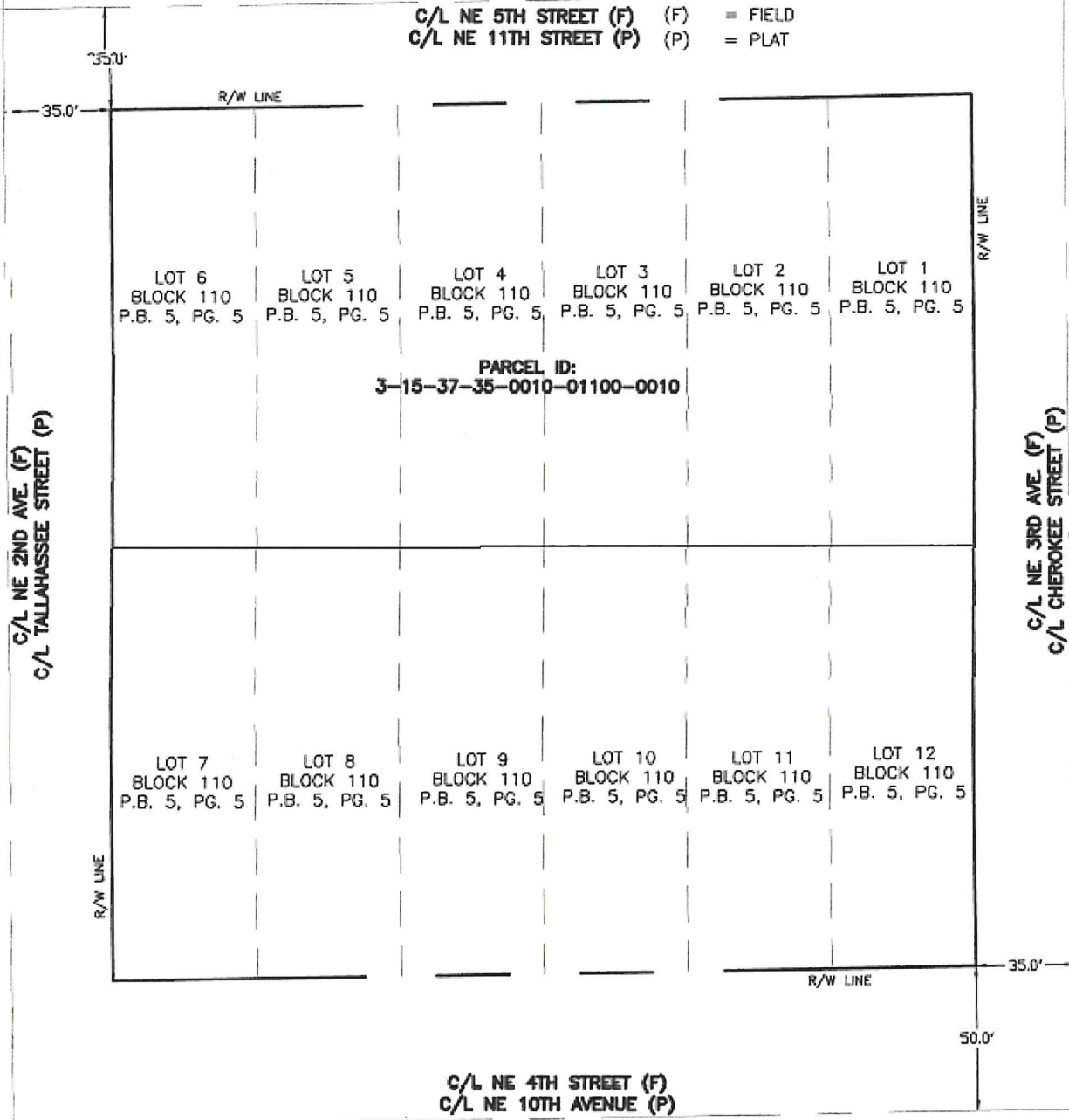


(IN FEET)
 1 INCH = 50 FT.
 (INTENDED DISPLAY SCALE)



LEGEND:

- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- P.B. = PLAT BOOK
- PG. = PAGE
- O.R.B. = OFFICIAL RECORDS BOOK
- R/W = RIGHT OF WAY
- C/L = CENTERLINE
- (F) = FIELD
- (P) = PLAT



Site Plan of Property After Abandonment

(THIS IS NOT A SURVEY)
 20.0' ABANDONED ALLEY
 OKEECHOBEE COUNTY, FLORIDA

DATE:
 03/26/21

CITY OF OKEECHOBEE RIGHT-OF-WAY ABANDONMENT PETITION
Utility Companies Authorization Form

Instructions:

Applicant: Deliver the petition and this form to the following Utility Companies for their comments. It must be signed and dated with a contact number for each person.

Utility Companies: If an easement is needed, provide a complete legal description for it. The City Attorney will address it as a nonexclusive perpetual easement within the Ordinance. If there is going to be a relocated easement, provide legal of where it's to be relocated to. The City Attorney will address this in the Ordinance by denoting the relocated easement is in an attached exhibit to the Ordinance. Additionally, the effective date will be upon the City's receipt of the recorded relocated easement between the owner and utility company and provided on the utility company's form.

Florida Power & Light	FPL requires a 10' easement on the West end of the 20' alley in Block 110 adjacent to
863-467-3708	NE 2nd Avenue, if abandoned.
Donna Padgett	

Donna Padgett Donna Padgett ⁸⁶³ 467-3708 4-7-21
 Authorized Signature Typed Name & Title Phone No. Date

Embarq d/b/a Century Link	
863-452-3185	
Kenneth R. Lutz	
ken.lutz@centurylink.com	
Nre.easement@centurylink.com	

 Authorized Signature Typed Name & Title Phone No. Date

Comcast Cable	
863-763-2824	
107 NW 7 th Avenue	
Rick_Johnson@cable.comcast.com	

 Authorized Signature Typed Name & Title Phone No. Date

Okeechobee Utility Authority	
John Hayford	
863-763-9460	
100 SW 5 th Avenue	

 Authorized Signature Typed Name & Title Phone No. Date

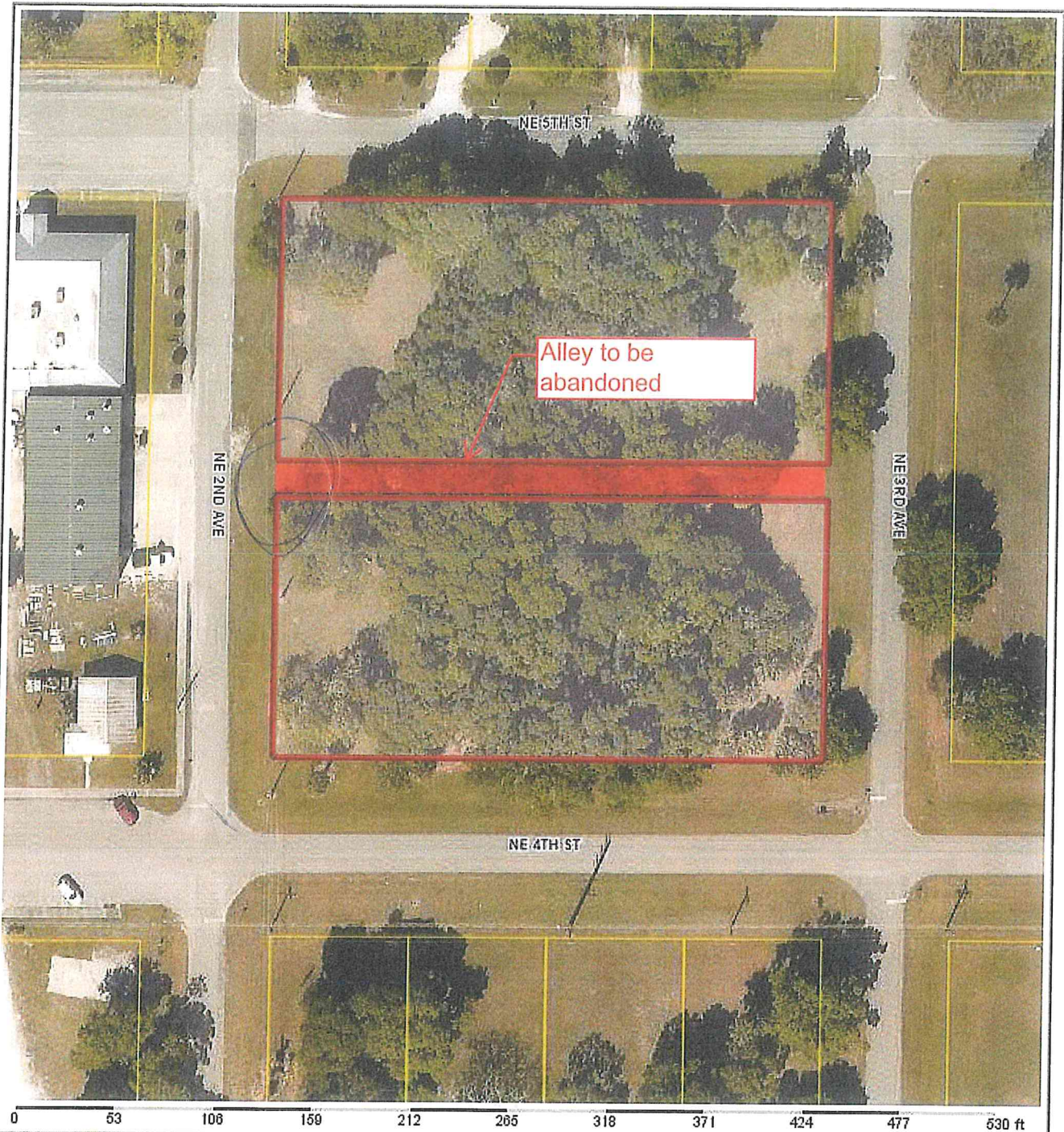
Florida Public Utilities	
Ivan Giobbs	
561-723-3459	
igibbs@chpk.com	

 Authorized Signature Typed Name & Title Phone No. Date

***REQUIRED ONLY FOR CITY OF OKEECHOBEE & FIRST ADDITION TO CITY OF OKEECHOBEE SUBDIVISIONS**

Hamrick Estate	
Gil Culbreth, Co-Trustee	
863-763-3154	

 Authorized Signature Typed Name & Title Phone No. Date



Okeechobee County Property Appraiser Mickey L. Bandi, CFA | Okeechobee, Florida | 863-763-4422

PARCEL: 3-15-37-35-0010-01100-0010 (33778) | VACANT (0000) | 1.928 AC
 CITY OF OKEECHOBEE (PLAT BOOK 1 PAGE 10 AND PLAT BOOK 5 PAGE 5) LOTS 1 TO 12 INC BLOCK 110

Owner: **JKST HOLDINGS LLC**
 PO BOX 873
 PORT SALERNO, FL 34992-0873
 Site: 309 NE 4TH ST, OKEECHOBEE
 Sales: 2/28/2017 \$90,000 V(Q)
 12/18/2014 \$27,100 V(U)
 Info: 1/1/2009 \$28,600 V(U)

2020 Certified Values

Mkt Lnd	\$167,040	Appraised	\$167,040
Ag Lnd	\$0	Assessed	\$167,040
Bldg	\$0	Exempt	\$0
XFOB	\$0		
Just	\$167,040		
		Total	county:\$167,040
		Taxable	city:\$167,040
			other:\$167,040
			school:\$167,040

NOTES:



Okeechobee County, FL

This information, was derived from data which was compiled by the Okeechobee County Property Appraiser Office solely for the governmental purpose of property assessment. This information should not be relied upon by anyone as a determination of the ownership of property or market value. No warranties, expressed or implied, are provided for the accuracy of the data herein, it's use, or it's interpretation. Although it is periodically updated, this information may not reflect the data currently on file in the Property Appraiser's office. GrizzlyLogic.com



CenturyLink

3/30/2021

JKST Holdings, LLC
c/o Jessica Crews
Abney Building & Consulting, Inc.
201 NE 2nd Street
Okeechobee, FL 34972

No Reservations/No Objection

SUBJECT: Vacate 20' Alley, Block 110, City of Okeechobee. According to the plat recorded in Plat Book 1, Page 5 of the Public Records of Okeechobee County.

To Whom It May Concern:

Embarq Florida, Inc., d/b/a CENTURYLINK ("CenturyLink") has reviewed the request for the subject vacation and has determined that it has no objections with respect to the areas proposed for vacation as shown and/or described on Exhibit "A", said Exhibit "A" attached hereto and incorporated by this reference.

It is the intent and understanding of CenturyLink that this Vacation shall not reduce our rights to any other existing easement or rights we have on this site or in the area.

This vacation response is submitted **WITH THE STIPULATION** that if CenturyLink facilities are found and/or damaged within the vacated area as described, the Applicant will bear the cost of relocation and repair of said facilities.

If you have any questions, please contact Bill Paul at 727-449-3544 / william.d.paul@centurylink.com

Sincerely yours,


Darrett Kennedy
Senior Manager, DF/ROW
CenturyLink
P836105

**SKETCH AND LEGAL
DESCRIPTION
(THIS IS NOT A SURVEY)
20.0' ABANDONED ALLEY**

EXHIBIT "A"

NOT VALID WITHOUT SHEET 2 OF 2

LEGAL DESCRIPTION:

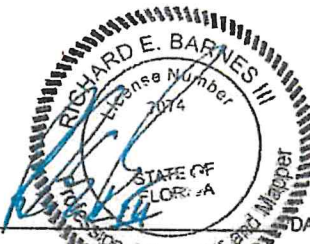
A STRIP OF LAND, 20.00 FEET IN WIDTH, BEING A PORTION OF BLOCK 110 OF THE CITY OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5 OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA, LOCATED IN SECTION 15, TOWNSHIP 37 SOUTH, RANGE 35 EAST, OKEECHOBEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 7 OF SAID BLOCK 110, SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF THE ALLEY OF SAID BLOCK 110, THENCE NORTH 00°10'09" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF NORTHEAST 2ND AVENUE, A DISTANCE OF 20.00 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 110 ALLEY; THENCE NORTH 89°45'09" EAST ALONG THE NORTH LINE OF SAID BLOCK 110 ALLEY, A DISTANCE OF 299.74 FEET TO THE WEST RIGHT-OF-WAY LINE OF NORTHEAST 3RD AVENUE AND THE NORTHEAST CORNER OF SAID BLOCK 110 ALLEY; THENCE SOUTH 00°11'47" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 20.00 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 110 ALLEY; THENCE SOUTH 89°45'46" WEST ALONG THE SOUTH LINE OF SAID BLOCK 110 ALLEY, A DISTANCE OF 299.75 FEET TO THE **POINT OF BEGINNING**.

SAID LAND LYING IN OKEECHOBEE COUNTY, FLORIDA CONTAINING 0.138 ACRES MORE OR LESS.

SURVEYOR'S NOTES:

1. NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER. THIS INSTRUMENT MAY NOT BE REPRODUCED IN PART OR WHOLE WITHOUT THE CONSENT OF THE SIGNING SURVEYOR.
2. LANDS DESCRIBED HEREON WERE NOT ABSTRACTED, BY THE SURVEYOR, FOR OWNERSHIP, EASEMENTS, RIGHTS-OF-WAY OR OTHER INSTRUMENTS THAT MAY APPEAR IN THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA.
3. THE DESCRIPTION CONTAINED HEREIN AND THE ATTACHED SKETCH DOES NOT REPRESENT A FIELD BOUNDARY SURVEY.

SIGNED:  DATE: 3/29/21

RICHARD E. BARNES III
PROFESSIONAL SURVEYOR AND MAPPER NO. 7074
STATE OF FLORIDA

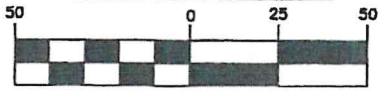
BSM
ASSOCIATES
LAND SURVEYING SERVICES

80 SE 31st Lane, Okeechobee, FL 34974
ricky.barnes@bsmsurvey.com
363.494.8324 L3 8155

**SKETCH AND LEGAL
DESCRIPTION
(THIS IS NOT A SURVEY)
20.0' ABANDONED ALLEY
OKEECHOBEE COUNTY, FLORIDA**

SCALE: N/A	PROJECT NO: 21-109	REVISION:
DATE: 03/26/21	CAD FILE: 21-109	SHEET: 1 OF 2

GRAPHIC SCALE



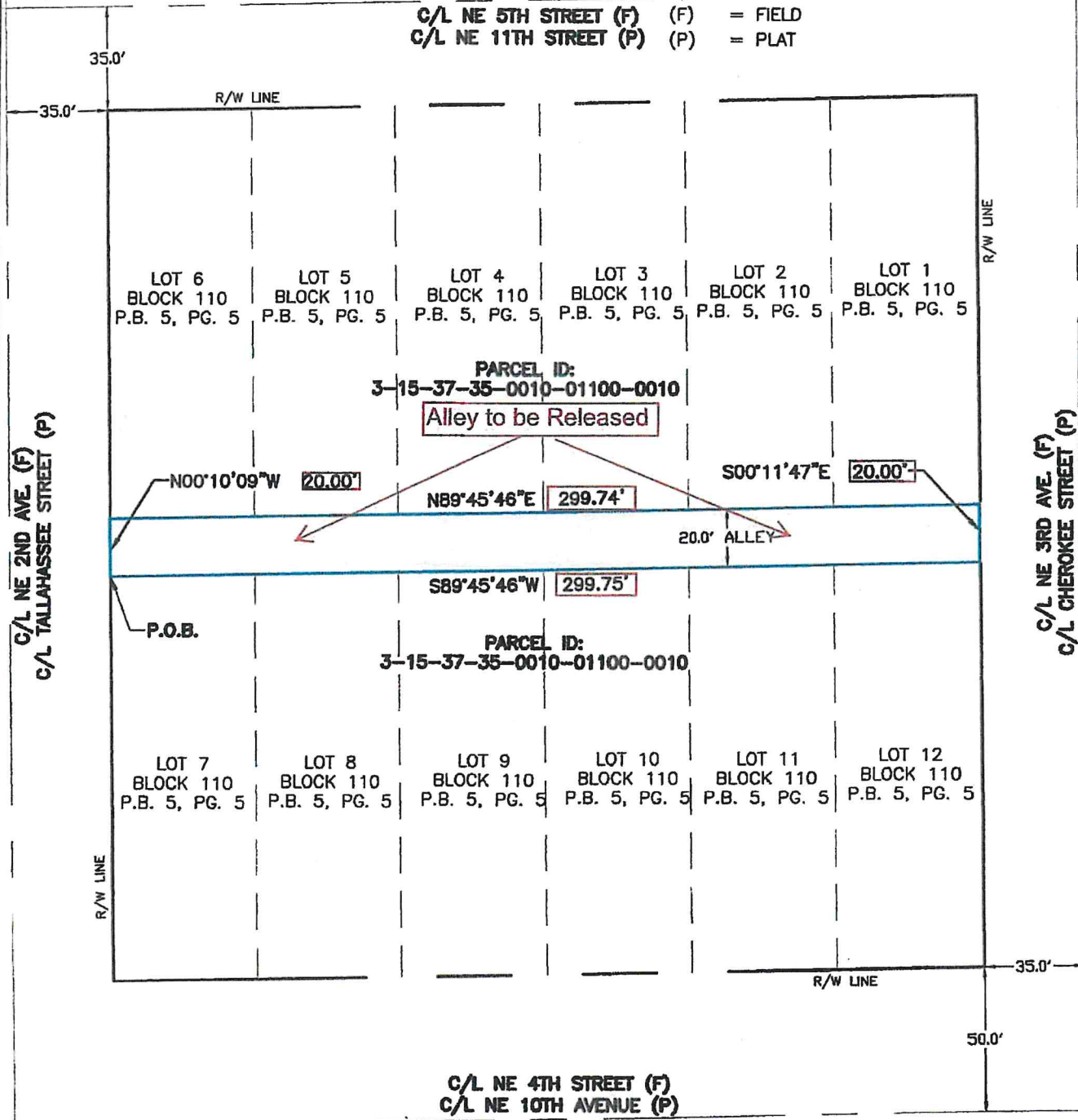
(IN FEET)

1 INCH = 50 FT.

(INTENDED DISPLAY SCALE)

LEGEND:

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BSM
 & ASSOCIATES
 LAND SURVEYING SERVICES

30 SE 31st Lane, Okeechobee, FL 34974
 ricky.barnes@bsmsurvey.com
 363.464.8324 LG 8155

NOT VALID WITHOUT SHEET 1 OF 2

SKETCH AND LEGAL DESCRIPTION
 (THIS IS NOT A SURVEY)
 20.0' ABANDONED ALLEY
 OKEECHOBEE COUNTY, FLORIDA

SCALE: 1" = 50'	PROJECT NO: 21-109	REVISION:
DATE: 03/26/21	CAD FILE: 21-109	SHEET: 2 OF 2

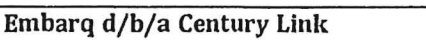
CITY OF OKEECHOBEE RIGHT-OF-WAY ABANDONMENT PETITION
Utility Companies Authorization Form


Instructions:

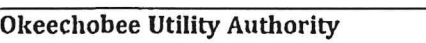
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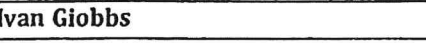
Florida Power & Light	
863-467-3708	
Donna Padgett	

Authorized Signature	Typed Name & Title	Phone No.	Date
	Embarq d/b/a Century Link		
	863-452-3185		
	Kenneth R. Lutz		
	ken.lutz@centurylink.com		
	Nre.easement@centurylink.com		

Authorized Signature	Typed Name & Title	Phone No.	Date
	Comcast Cable		
	863-763-2824		
	107 NW 7 th Avenue		
	Rick_Johnson@cable.comcast.com		

Authorized Signature	Typed Name & Title	Phone No.	Date
	Okeechobee Utility Authority		
	John Hayford		
	863-763-9460		
	100 SW 5 th Avenue		

Authorized Signature	Typed Name & Title	Phone No.	Date
	John Hayford, Executive Director	863-763-9460 x 109	4/1/2021

Authorized Signature	Typed Name & Title	Phone No.	Date
	Florida Public Utilities		
	Ivan Gibbs		
	561-723-3459		
	igibbs@chpk.com		

Authorized Signature	Typed Name & Title	Phone No.	Date
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***REQUIRED ONLY FOR CITY OF OKEECHOBEE & FIRST ADDITION TO CITY OF OKEECHOBEE SUBDIVISIONS**

Hamrick Estate	
Gil Culbreth, Co-Trustee	
863-763-3154	

Authorized Signature	Typed Name & Title	Phone No.	Date
----------------------	--------------------	-----------	------

CITY OF OKEECHOBEE RIGHT-OF-WAY ABANDONMENT PETITION
Utility Companies Authorization Form

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Florida Power & Light	
863-467-3708	
Donna Padgett	

Authorized Signature _____ Typed Name & Title _____ Phone No. _____ Date _____

Embarq d/b/a Century Link	
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Kenneth R. Lutz	
ken.lutz@centurylink.com	
Nre.easement@centurylink.com	

Authorized Signature _____ Typed Name & Title _____ Phone No. _____ Date _____

Comcast Cable	
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Authorized Signature _____ Typed Name & Title _____ Phone No. _____ Date _____

Okeechobee Utility Authority	
John Hayford	
863-763-9460	
100 SW 5th Avenue	

Authorized Signature _____ Typed Name & Title _____ Phone No. _____ Date _____

Florida Public Utilities	
Ivan Gibbs	
561-723-3459	
igibbs@chpk.com	

Authorized Signature _____ Typed Name & Title _____ Phone No. _____ Date _____

***REQUIRED ONLY FOR CITY OF OKEECHOBEE & FIRST ADDITION TO CITY OF OKEECHOBEE SUBDIVISIONS**

Hamrick Estate	<i>THE HAMRICK TRUST HAS A fee interest in the Alley in Block 110, City of Okeechobee</i>
Gil Culbreth, Co-Trustee	
863-763-3154	

H.G. Culbreth, Jr. _____ *863-610-0265* _____ *4-2-2021*
 Authorized Signature _____ Typed Name & Title *Co-Trustee* Phone No. _____ Date _____

OKEECHOBEE

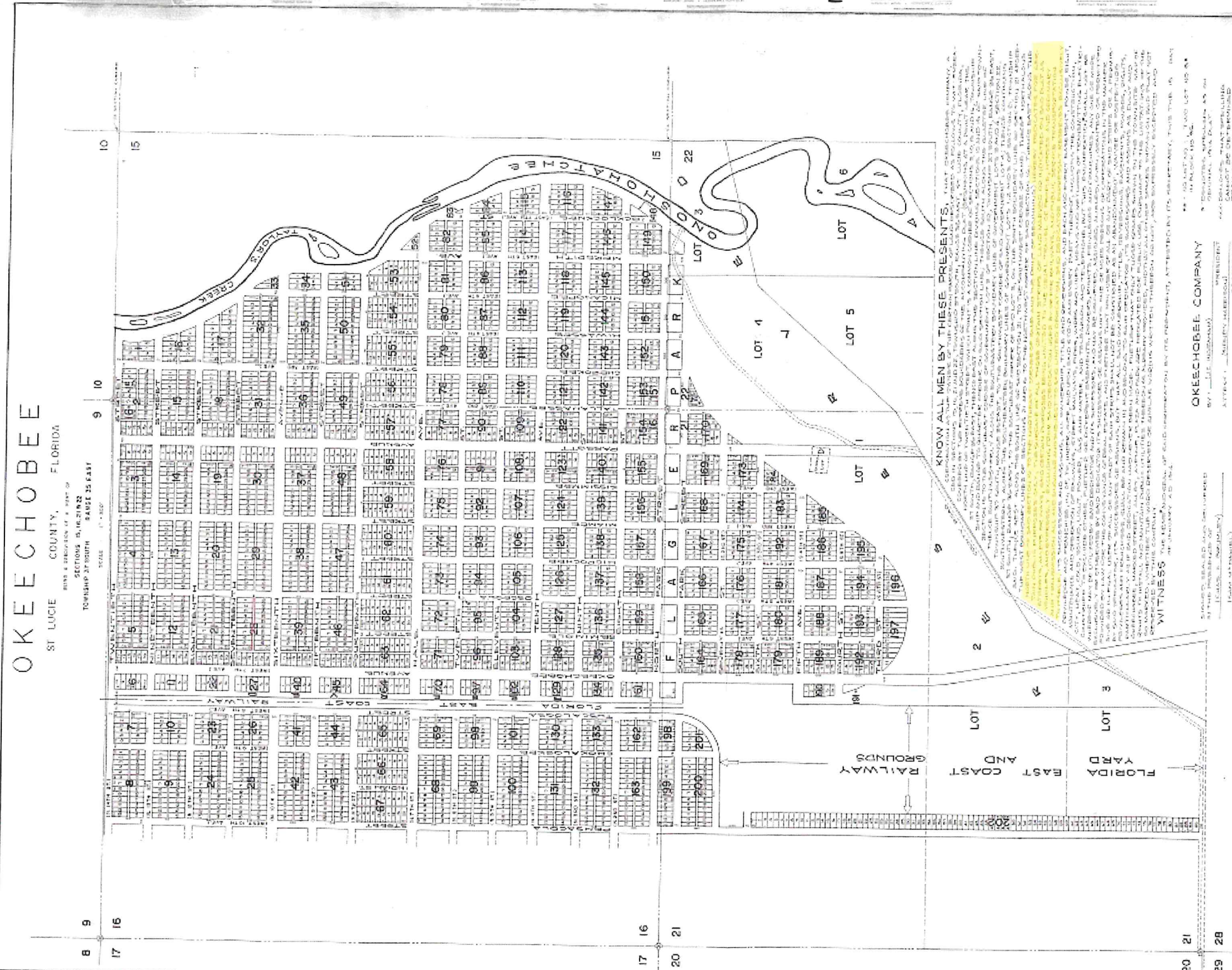
ST LUCIE COUNTY, FLORIDA

SECTION 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

Order: 6457612
Doc: 5-5 MAP PLAT

OKEECHOBEE E

5-5



KNOW ALL MEN BY THESE PRESENTS, THAT OKEECHOBEE COMPANY, a corporation organized under the laws of the State of Florida, and its duly authorized officers and directors, do hereby certify that the within and foregoing plat, together with the map and description thereof, is a true and correct copy of the original plat and map as the same were filed for record in the public office of the Clerk of the County of St. Lucie, Florida, on this 13th day of July, 1974, and that the same have been duly recorded in the public office of the Clerk of the County of St. Lucie, Florida, in accordance with the provisions of the laws of the State of Florida relating to the recording of maps and plats, and that the same are now a part of the public records of the County of St. Lucie, Florida, and are available for public inspection and copying at all times during the regular business hours of the Clerk of the County of St. Lucie, Florida.

WITNESS my hand and the seal of the County of St. Lucie, Florida, this 13th day of July, 1974.

SECRETARY

CLERK OF COUNTY COURT

DEPUTY CLERK

DEPUTY CLERK

**SKETCH AND LEGAL
DESCRIPTION
(THIS IS NOT A SURVEY)
20.0' ABANDONED ALLEY**

NOT VALID WITHOUT SHEET 2 OF 2

LEGAL DESCRIPTION:

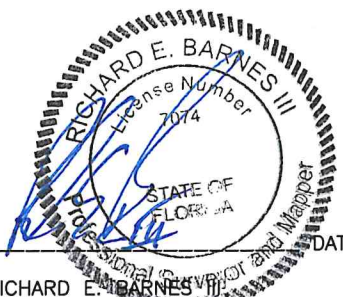
A STRIP OF LAND, **20.00 FEET IN WIDTH**, BEING A PORTION OF BLOCK 110 OF THE CITY OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5 OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA, LOCATED IN SECTION 15, TOWNSHIP 37 SOUTH, RANGE 35 EAST, OKEECHOBEE COUNTY, FLOIRDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 7 OF SAID BLOCK 110, SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF THE ALLEY OF SAID BLOCK 110, THENCE NORTH 00°10'09" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF NORTHEAST 2ND AVENUE, A DISTANCE OF 20.00 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 110 ALLEY; THENCE NORTH 89°45'09" EAST ALONG THE NORTH LINE OF SAID BLOCK 110 ALLEY, A DISTANCE OF 299.74 FEET TO THE WEST RIGHT RIGHT-OF-WAY LINE OF NORTHEAST 3RD AVENUE AND THE NORTHEAST CORNER OF SAID BLOCK 110 ALLEY; THENCE SOUTH 00°11'47" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 20.00 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 110 ALLEY; THENCE SOUTH 89°45'46" WEST ALONG THE SOUTH LINE OF SAID BLOCK 110 ALLEY, A DISTANCE OF 299.75 FEET TO THE **POINT OF BEGINNING**.

SAID LAND LYING IN OKEECHOBEE COUNTY, FLORIDA CONTAINING 0.138 ACRES MORE OR LESS.

SURVEYOR'S NOTES:

1. NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER. THIS INSTRUMENT MAY NOT BE REPRODUCED IN PART OR WHOLE WITHOUT THE CONSENT OF THE SIGNING SURVEYOR.
2. LANDS DESCRIBED HEREON WERE NOT ABSTRACTED, BY THE SURVEYOR, FOR OWNERSHIP, EASEMENTS, RIGHTS-OF-WAY OR OTHER INSTRUMENTS THAT MAY APPEAR IN THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA.
3. THE DESCRIPTION CONTAINED HEREIN AND THE ATTACHED SKETCH DOES NOT REPRESENT A FIELD BOUNDARY SURVEY.


 SIGNED: *[Signature]* DATE: 3/29/21
 RICHARD E. BARNES III
 PROFESSIONAL SURVEYOR AND MAPPER NO. 7074
 STATE OF FLORIDA

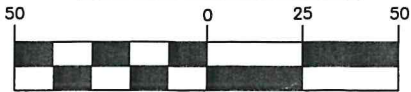


BSM & ASSOCIATES
 LAND SURVEYING SERVICES
 80 SE 31st Lane, Okeechobee, FL 34974
 ricky.barnes@bsmsurvey.com
 863.484.8324 LB 8155

**SKETCH AND LEGAL
DESCRIPTION
(THIS IS NOT A SURVEY)
20.0' ABANDONED ALLEY
OKEECHOBEE COUNTY, FLORIDA**

SCALE: N/A	PROJECT NO: 21-109	REVISION:
DATE: 03/26/21	CAD FILE: 21-109	SHEET: 1 OF 2

GRAPHIC SCALE



(IN FEET)

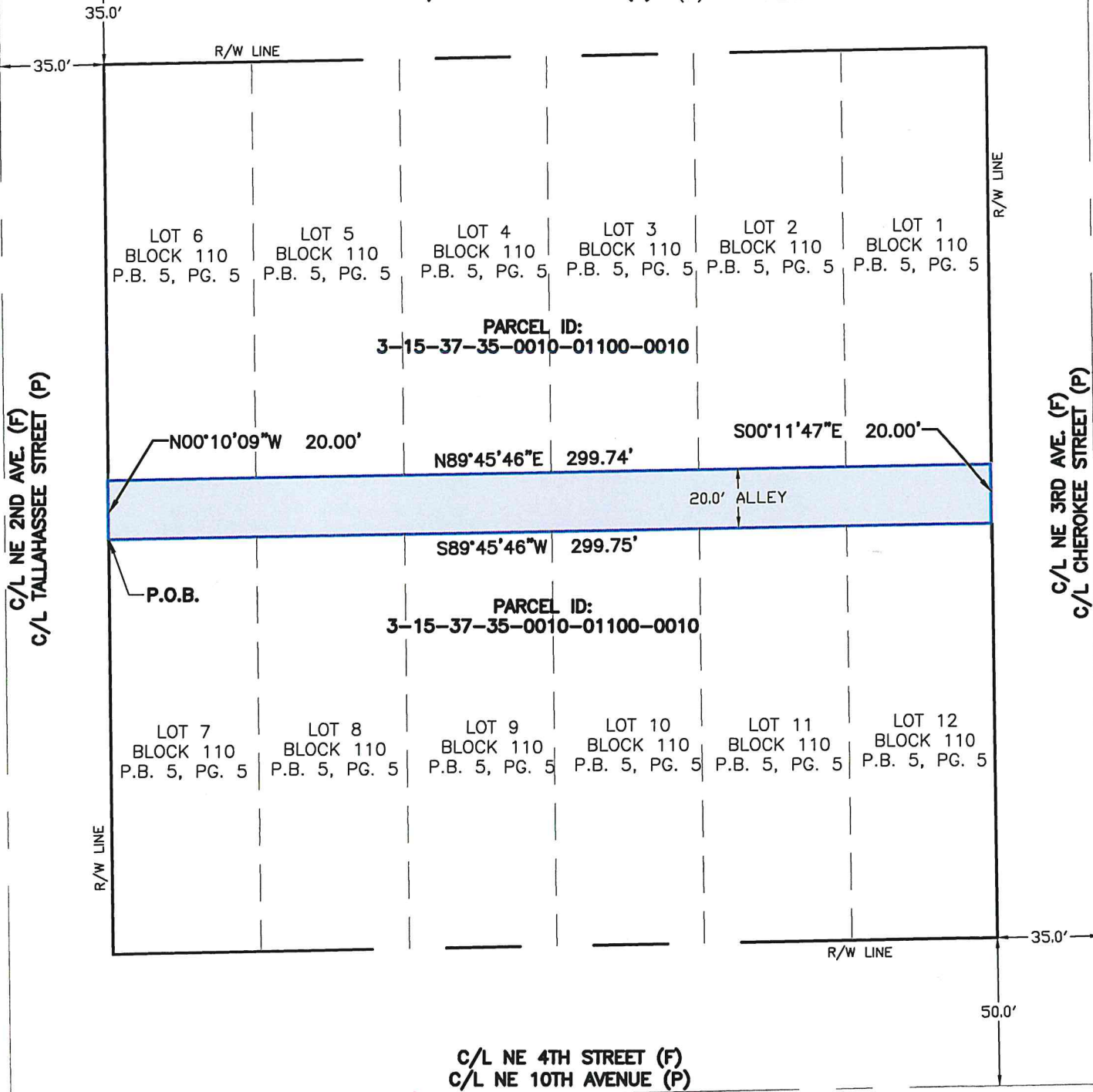
1 INCH = 50 FT.

(INTENDED DISPLAY SCALE)

LEGEND:

- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- P.B. = PLAT BOOK
- PG. = PAGE
- O.R.B. = OFFICIAL RECORDS BOOK
- R/W = RIGHT OF WAY
- C/L = CENTERLINE
- (F) = FIELD
- (P) = PLAT

C/L NE 5TH STREET (F)
C/L NE 11TH STREET (P)



PARCEL ID:
3-15-37-35-0010-01100-0010

PARCEL ID:
3-15-37-35-0010-01100-0010

BSM & ASSOCIATES
LAND SURVEYING SERVICES
80 SE 31st Lane, Okeechobee, FL 34974
ricky.barnes@bsmsurvey.com
863.484.8324 LB 8155

NOT VALID WITHOUT SHEET 1 OF 2

SKETCH AND LEGAL DESCRIPTION
(THIS IS NOT A SURVEY)
20.0' ABANDONED ALLEY
OKEECHOBEE COUNTY, FLORIDA

SCALE: 1" = 50'	PROJECT NO: 21-109	REVISION:
DATE: 03/26/21	CAD FILE: 21-109	SHEET: 2 OF 2



Okeechobee County Property Appraiser Mickey L. Bandi, CFA | Okeechobee, Florida | 863-763-4422

PARCEL: 3-15-37-35-0010-01100-0010 (33778) | VACANT (0000) | 1.928 AC
 CITY OF OKEECHOBEE (PLAT BOOK 1 PAGE 10 AND PLAT BOOK 5 PAGE 5) LOTS 1 TO 12 INC BLOCK 110

JKST HOLDINGS LLC
 Owner: PO BOX 873
 PORT SALERNO, FL 34992-0873
 Site: 309 NE 4TH ST, OKEECHOBEE
 Sales Info:
 2/28/2017 \$90,000 V (Q)
 12/18/2014 \$27,100 V (U)
 1/1/2009 \$28,600 V (U)

2020 Certified Values			
Mkt Lnd	\$167,040	Appraised	\$167,040
Ag Lnd	\$0	Assessed	\$167,040
Bldg	\$0	Exempt	\$0
XFOB	\$0	county:	\$167,040
Just	\$167,040	city:	\$167,040
		other:	\$167,040
		Taxable	school:\$167,040

NOTES:



Okeechobee County, FL

This information, was derived from data which was compiled by the Okeechobee County Property Appraiser Office solely for the governmental purpose of property assessment. This information should not be relied upon by anyone as a determination of the ownership of property or market value. No warranties, expressed or implied, are provided for the accuracy of the data herein, it's use, or it's interpretation. Although it is periodically updated, this information may not reflect the data currently on file in the Property Appraiser's office.

JKST Holdings, LLC Alley

A STRIP OF LAND, 20.00 FEET IN WIDTH, BEING A PORTION OF BLOCK 110 OF THE CITY OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5 OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA, LOCATED IN SECTION 15, TOWNSHIP 37 SOUTH, RANGE 35 EAST, OKEECHOBEE COUNTY, FLOIRDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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SAID LAND LYING IN OKEECHOBEE COUNTY, FLORIDA CONTAINING 0.138 ACRES MORE OR LESS.

Okeechobee County Property Appraiser

Mickey L. Bandi, CFA

CLT/C

2020 Certified Values

updated: 4/8/2021

Parcel: << **3-15-37-35-0010-01100-0010 (33778)** >>

Aerial Viewer Pictometry Google Maps

Owner & Property Info

Result: 2 of 6

Owner	JKST HOLDINGS LLC PO BOX 873 PORT SALERNO, FL 34992-0873		
Site	309 NE 4TH ST, OKEECHOBEE		
Description*	CITY OF OKEECHOBEE (PLAT BOOK 1 PAGE 10 AND PLAT BOOK 5 PAGE 5) LOTS 1 TO 12 INC BLOCK 110		
Area	1.928 AC	S/T/R	15-37-35
Use Code**	VACANT (0000)	Tax District	50

*The Description above is not to be used as the Legal Description for this parcel in any legal transaction.
 **The Use Code is a Dept. of Revenue code. Please contact Okeechobee County Planning & Development at 863-763-5548 for zoning info.

Property & Assessment Values

2019 Certified Values		2020 Certified Values	
Mkt Land	\$164,430	Mkt Land	\$167,040
Ag Land	\$0	Ag Land	\$0
Building	\$0	Building	\$0
XFOB	\$0	XFOB	\$0
Just	\$164,430	Just	\$167,040
Class	\$0	Class	\$0
Appraised	\$164,430	Appraised	\$167,040
SOH Cap [?]	\$0	SOH/10% Cap [?]	\$0
Assessed	\$164,430	Assessed	\$167,040
Exempt	\$0	Exempt	\$0
Total Taxable	county:\$164,430	Total Taxable	county:\$167,040
	city:\$164,430		city:\$167,040
	other:\$164,430		other:\$167,040
	school:\$164,430		school:\$167,040

Note: Property ownership changes can cause the Assessed value of the property to reset to full Market value, which could result in higher property taxes.



Sales History

Sale Date	Sale Price	Book/Page	Deed	V/I	Qualification (Codes)	RCode
2/28/2017	\$90,000	0786/1593	WD	V	Q	01
12/18/2014	\$27,100	0755/1673	SW	V	U	16
1/1/2009	\$28,600	0676/1328	WD	V	U	16
11/26/2008	\$172,700	0663/0479	WD	V	Q	
12/4/2004	\$0	0563/1428	QC	V	U	03
10/1/1988	\$100	0299/0499	WD	V	U	03
4/1/1970	\$100	0119/0659	WD	V	Q	

Building Characteristics

Bldg Sketch	Description*	Year Blt	Base SF	Actual SF	Bldg Value
NONE					

Extra Features & Out Buildings (Codes)

Code	Description	Year Blt	Value	Units	Dims	Condition (% Good)
NONE						



Staff Report

Right-of-Way Abandonment

Prepared for: *The City of Okeechobee*

Applicant: *JKST Holdings LLC*

Address: *309 NE 4th Street*

Petition No.: *21-001-AC*

LaRue
planning

1375 Jackson Street # 206 Fort Myers, FL 33901

Request

The matter before the TRC is an application to abandon the alley that runs through Block 110 at 309 NE 4th Street. The alley is 20 feet wide by 299.75 feet long, totaling 5,995 square feet (0.138 acres). The block is owned by a single land owner that plans to sell the entirety of the property to a potential developer with plans to build apartments at this site if the concurrent future land use map amendment and rezoning requests are also approved.

General Information

Applicant	JKST Holdings LLC PO Box 873 Port Salerno, FL 34992
Site Address	The alley between the north and south sections of Block 110 at 309 NE 4 th St
Contact Person	John Creswell
Contact Phone Number	863.467.1111
Contact E-mail Address	shaun@gdcflorida.com

Legal Description of Subject Property

A STRIP OF LAND, 20.00 FEET IN WIDTH, BEING A PORTION OF BLOCK 110 OF THE CITY OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5 OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA, LOCATED IN SECTION 15, TOWNSHIP 37 SOUTH, RANGE 35 EAST, OKEECHOBEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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SAID LAND LYING IN OKEECHOBEE COUNTY, FLORIDA CONTAINING 0.138 ACRES MORE OR LESS.

Characteristics of the Subject Property

	Existing	Proposed
Future Land Use	Commercial	Multi-Family Residential
Zoning	Light Commercial	Residential Multiple Family
Use of Property	Vacant	Multi-Family rental apartments
Acreage	0.138 acres	0.138 acres

Description of the Subject Site and Surrounding Area

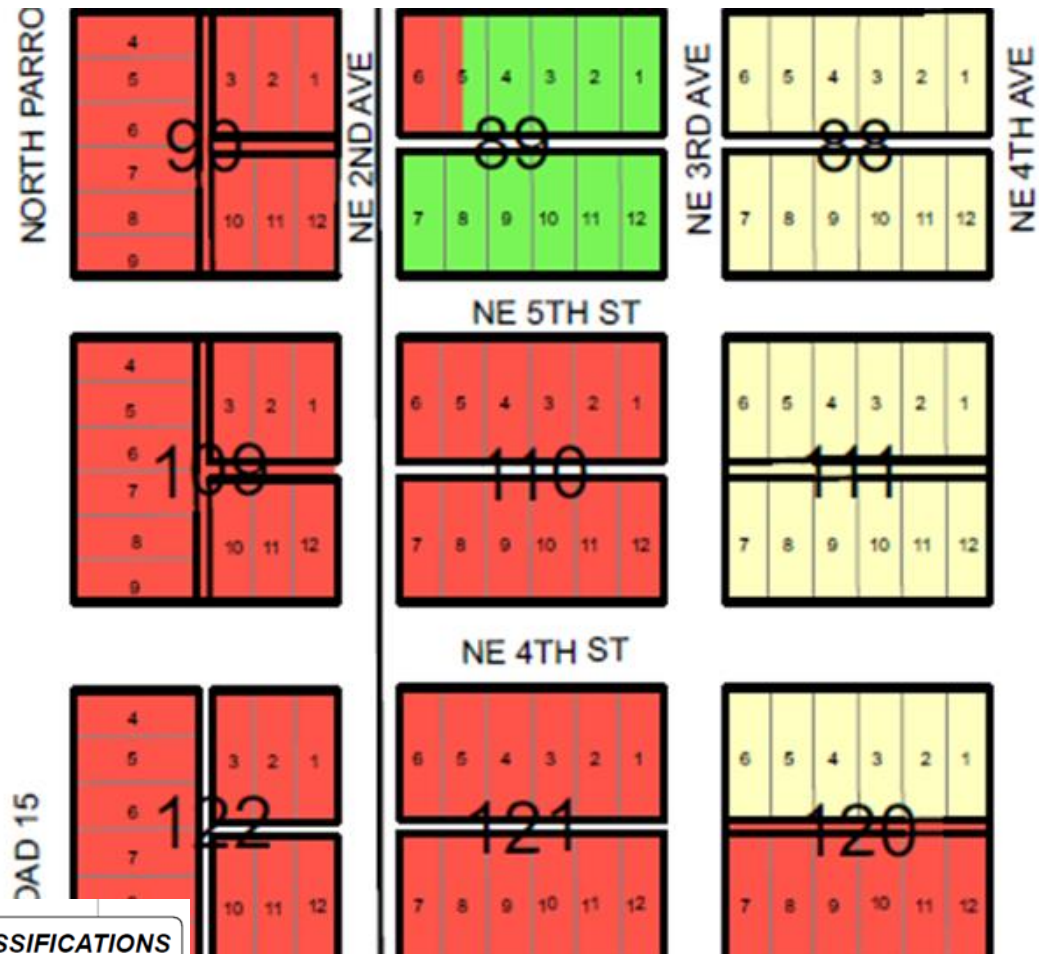
AERIAL

The subject of the abandonment/vacation is outlined in Red on the aerial photograph from the Property Appraiser's office below. The Applicant owns both sections of the surrounding property.



FUTURE LAND USE

The subject of the abandonment/vacation, is the land between the north and south sections of Block 110, as shown on this excerpt from the City's Future Land Use Map. If the City grants the Applicant's concurrent request to change the future land use designation from Commercial to Multifamily Residential, then it also seems appropriate to approve the vacation of this alley and designate that land as Multifamily Residential on the Future Land Use Map.



LAND USE CLASSIFICATIONS

- +--- RAILROAD CENTERLINE
- HOPKINS MEANDER LINE
- +--- RAILROAD CENTERLINE
- fl_u_boundary_lines
- lot_line
- fl_u_background_parcel
- SINGLE - FAMILY RESIDENTIAL
- MIXED USE RESIDENTIAL
- MULTI - FAMILY RESIDENTIAL
- COMMERCIAL
- INDUSTRIAL
- PUBLIC FACILITIES

ZONING

The subject of the abandonment/vacation, is the land between the north and south sections of Block 110, as shown on this excerpt from the City’s Zoning Map. If the City grants the Applicant’s concurrent request to rezone from Light Commercial to Residential Multiple Family, then it also seems appropriate to approve the vacation of this alley and designate that land as Residential Multiple Family on the Zoning Map.



Consistency with Sec. 78-33, Vacation of Rights-of-Way

Sec. 78.33 states that applications to vacate an alley or public right-of-way may be approved upon a finding by the City Council that the following requirements have been met. The Applicant's responses are provided in Times Roman typeface and are repeated below exactly as provided by the Applicant. Staff has made no attempt to correct typos, grammar, or clarify the Applicant's comments. Staff Comments are in Arial typeface.

1. *Proposed vacation is consistent with the Comprehensive Plan.*

Applicant Comment: "The requested alley is currently not used for access or utilities, there is no mention of alleys in the City's Comprehensive Plan, the LDR's mention alleys in Section 86-142, which states alley may be allowed in residential districts, also in Section 70-335, which states notice of abandonment required, otherwise they are other referenced, but not concerning vacancies."

Staff Comment: There is nothing in the City's Comprehensive Plan concerning abandonments or vacations of rights-of-way.

2. *Right-of-way to be vacated is not the sole access to any property, and the remaining access is not an easement*

Applicant Comment: "The alley is not sole access to any property and a remaining land will not require an easement."

Staff Comment: The applicant owns all of the surrounding property. No other properties require this alley for access. If the abandonment is approved, FP&L is requiring that a 10 foot easement be provided for the full 20 foot width of the subject ROW on the West side, adjacent to NE 2nd Avenue.

3. *Proposed vacation is in the public interest and provides a benefit to the City.*

Applicant Comment: "The proposed vacation of the alley is within a block that will become a multifamily project, which the City is in need of, so this vacation will allow the existing ROW and alley's square footage to add density to this project so more housing can be added and return the property to the tax rolls."

Staff Comment: The proposed right-of-way area to be vacated has not been improved to facilitate vehicular traffic. Turning over maintenance responsibility to the Applicant and adding this property to the City tax rolls will be a benefit to the City. If the concurrently requested map changes are approved and the property is developed according to the Applicant's stated plans, additional taxes will be collected by the City.

4. Proposed vacation would not jeopardize the location of any utility.

Applicant Comment: “There are currently no utilities in the requested abandonments.”

Staff Comment: The Applicant has provided signed authorizations from all necessary utility entities including:

- Florida Power & Light (with the above mentioned required easement)
- Century Link (with the condition that the Applicant will bear the cost of relocation and repair of any facilities that are found and/or damaged in the vacated areas)
- Comcast
- Okeechobee Utility Authority
- Florida Public Utilities

Recommendation

Based on the foregoing information and analysis, we believe, from a planning perspective, that if the applicant agrees to the requested conditions made by FP&L and Century Link, the requested right-of-way vacation/abandonment can be considered consistent with the requirements of Sec. 78-33. Staff recommends **approval** of this request.

Submitted by:



Benjamin L. Smith, AICP
Sr. Planner

LaRue Planning

May 11, 2021

TRC Meeting: May 20, 2021

PB/BOA Meeting: July 15, 2021

City Council 1st Reading: (tentative) August 3, 2021

City Council 2nd Reading and Public Hearing: (tentative) September 7, 2021



CITY OF OKEECHOBEE, FLORIDA
TECHNICAL REVIEW COMMITTEE MEETING
MAY 20, 2021
SUMMARY OF COMMITTEE ACTION

I. CALL TO ORDER

Chairperson Montes De Oca called the regular meeting of the Technical Review Committee (TRC) for the City of Okeechobee to order on Thursday, May 20, 2021, at 10:00 A.M. in the City Council Chambers, located at 55 Southeast Third Avenue, Room 200, Okeechobee, Florida, followed by the Pledge of Allegiance led by Assistant Police Chief Hagan.

II. ATTENDANCE

The following TRC Members were present: City Administrator Marcos Montes De Oca and Building Official Jeffery Newell. Members absent: Fire Chief Herb Smith (Lieutenant Adam Crum was present in his place), Police Chief Bob Peterson (Assistant Police Chief Donald Hagan was present in his place), and Public Works Director David Allen (Public Works Operations Supervisor Marvin Roberts was present in his place). City Planning Consultant Ben Smith, Okeechobee Utility Authority (OUA) Executive Director John Hayford (entered the Chambers at 10:04), Committee Secretary Patty Burnette and General Services Secretary Yesica Montoya were present. City Attorney John Fumero, Okeechobee County Environmental Health Director Victor Faconti and the Okeechobee County School Board representative were absent.

III. AGENDA

- A. There were no items added, deferred, or withdrawn from the agenda.
- B. Motion by Building Official Newell, seconded by Assistant Police Chief Hagan to approve the agenda as presented. **Motion Carried Unanimously.**

IV. MINUTES

- A. Motion by Building Official Newell, seconded by Assistant Police Chief Hagan to dispense with the reading and approve the October 15, 2020, Regular Meeting minutes. **Motion Carried Unanimously.**

V. NEW BUSINESS

- A. Abandonment of Right-of-Way Petition No. 21-001-AC.
 - 1. City Planning Consultant Mr. Ben Smith of LaRue Planning and Management Services reviewed the Planning Staff Report recommending approval.
 - 2. No City Staff comments were received.
 - 3. The property owner or agent were not in attendance.
 - 4. No public comments were offered.
 - 5. Chairperson Montes De Oca disclosed he had spoken with Mr. Steven Dobbs, the Applicant's agent, regarding the proposed project.
 - 6. Motion by Building Official Newell, seconded by Operations Supervisor Roberts to recommend approval to the Planning Board for Abandonment of Right-of-Way Petition No. 21-001-AC, which requests to vacate the 20-foot wide by 299.75-foot long East to West alleyway lying between Lots 1 through 6 and 7 through 12 of Block 110, CITY OF OKEECHOBEE, Plat Books 1 and 5, Pages 10 and 5, Public Records of Okeechobee County with the following conditions: Florida Power & Light (FPL) is requiring a 10-foot easement be provided for the full 20-foot width of the subject right-of-way on the West side, adjacent to Northeast 2nd Avenue; and Century Link has requested a condition that the Applicant will bear the cost of relocation and repair any facilities that are found and/or damaged in the vacated areas. **Motion Carried Unanimously.**
- B. Abandonment of Right-of-way Petition No. 21-002-AC.
 - 1. City Planning Consultant Smith reviewed the Planning Staff Report recommending approval.
 - 2. No City Staff comments were received.
 - 3. The property owner or agent were not in attendance.
 - 4. No public comments were offered.

V. NEW BUSINESS ITEM B CONTINUED

- 5. Chairperson Montes De Oca disclosed he had spoken with Mr. Steven Dobbs, the Applicant's agent, regarding the proposed project.
- 6. Motion by Building Official Newell, seconded by Lieutenant Crum to recommend approval to the Planning Board for Abandonment of Right-of-Way Petition No. 21-002-AC, which requests to vacate the 15-foot wide by 299.84-foot long East to West alleyway lying between Lots 1 through 6 and 7 through 12 of Block 121, CITY OF OKEECHOBEE, Plat Books 1 and 5, Pages 10 and 5, Public Records of Okeechobee County with the following conditions: FPL is requiring a 10-foot easement be provided for the full 15-foot width of the subject right-of-way on the West side, adjacent to Northeast 2nd Avenue; and Century Link has requested a condition that the Applicant will bear the cost of relocation and repair any facilities that are found and/or damaged in the vacated areas. **Motion Carried Unanimously.**

VI. Chairperson Montes De Oca adjourned the meeting at 10:11 A.M.

Submitted by:

Patty M. Burnette, Secretary

Please take notice and be advised that when a person decides to appeal any decision made by the Technical Review Committee with respect to any matter considered at this proceeding, he/she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. General Services' media are for the sole purpose of backup for official records.

DRAFT

ORDINANCE NO. 1232

AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; VACATING AND ABANDONING CERTAIN RIGHTS-OF-WAY BEING AN UNIMPROVED PORTION OF AN ALLEYWAY LYING WITHIN BLOCK 121, CITY OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5, PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA (PETITION NO. 21-002-AC); RESERVING UNTO THE CITY, ITS SUCCESSORS AND ASSIGNS A NON-EXCLUSIVE EASEMENT FOR PUBLIC UTILITIES PURPOSES; DIRECTING THE CITY CLERK TO RECORD THE ORDINANCE IN THE PUBLIC RECORDS OF THE CLERK OF THE CIRCUIT COURT IN AND FOR OKEECHOBEE COUNTY, FLORIDA; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Okeechobee General Services Department received Abandonment of Right-of-Way Petition No. 21-002-AC submitted by the property owner Shaun and Desiree Penrod, for the closing of a certain rights-of-way as described in this Ordinance; and

WHEREAS, the City of Okeechobee Technical Review Committee reviewed and discussed Petition No. 21-002-AC at a duly advertised public meeting held on May 20, 2021; and

WHEREAS, Petition No. 21-001-AC was reviewed and discussed by the City of Okeechobee Planning Board at a duly advertised Public Hearing held on July 15, 2021, and determined such Petition to be consistent with the Comprehensive Plan; and

WHEREAS, the City Council reviewed Petition No. 21-001-AC and finds it to be consistent with the Comprehensive Plan, is not the sole access to any property, is in the best interest of the citizens, provides a benefit to the City of Okeechobee; and

WHEREAS, this Ordinance addresses the request to reserve a perpetual, non-exclusive utility easement on a portion of the abandoned alleyway and the special condition request regarding relocation and/or repairs by the property owner; and

WHEREAS, the granting of the Petition will serve a legitimate public interest and is a proper exercise of the municipal authority of the City of Okeechobee as a discretionary function.

NOW, THEREFORE, it is ordained before the City Council for the City of Okeechobee, Florida; presented at a duly advertised public meeting; and passed by majority vote of the City Council; and properly executed by the Mayor or designee, as Chief Presiding Officer for the City:

SECTION 1: The unimproved, dedicated right-of-way described hereafter and as shown on Exhibit A, is hereby closed, vacated, and abandoned by the City of Okeechobee, Florida to-wit:

THAT PORTION OF THE EAST TO WEST ALLEYWAY, 15-FEET IN WIDTH, LYING BETWEEN LOTS 1 THROUGH 6 AND LOTS 7 THROUGH 12 OF BLOCK 121, CITY OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5, AS RECORDED IN THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA.

SECTION 2: The City of Okeechobee, Florida acknowledges and addresses the special conditions requested by the utility companies and included within Petition No. 21-002-AC:

Reserving unto itself, its successors and assigns, a perpetual, non-exclusive a utility easement for the West 10-feet of the subject alleyway adjacent to Northeast 2nd Avenue, as requested by Florida, Power, and Light Company.

The applicant agrees to CenturyLink's request to bear all costs of relocation and repair of any of their facilities and equipment that are found and/or damaged in the abandoned alleyway.

SECTION 3: The City Clerk shall cause a certified copy of the Ordinance to be recorded in the public records of Okeechobee County, Florida.

SECTION 4: Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: Severability. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

SECTION 6: Effective Date. This Ordinance shall be set for Final Public Hearing the 7th day of September, 2021, and shall take effect upon its adoption by the City Council and recorded in the public records of the Clerk of Circuit Court, Okeechobee County, Florida.

INTRODUCED for First Reading and set for Final Public Hearing on this 3rd day of August, 2021.

Dowling Watford, Mayor

ATTEST:

Lane Gamiotea, CMC, City Clerk

PASSED AND ADOPTED after Second Reading and Final Public Hearing on this 7th day of September, 2021.

Dowling Watford, Mayor

ATTEST:

Lane Gamiotea, CMC, City Clerk

REVIEWED FOR LEGAL SUFFICIENCY:

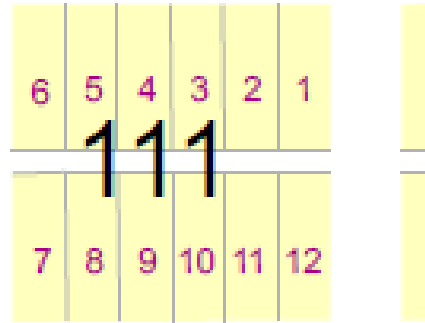
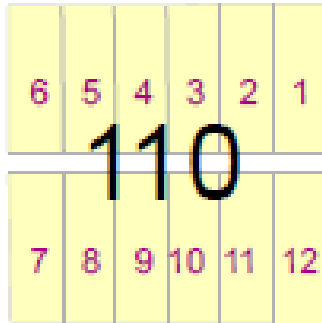
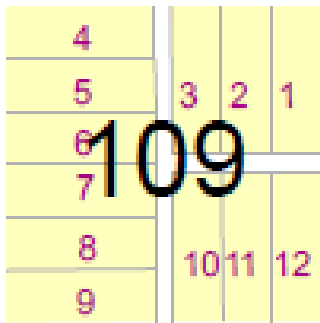
John J. Fumero, City Attorney

ORDINANCE NO. 1232 - EXHIBIT A

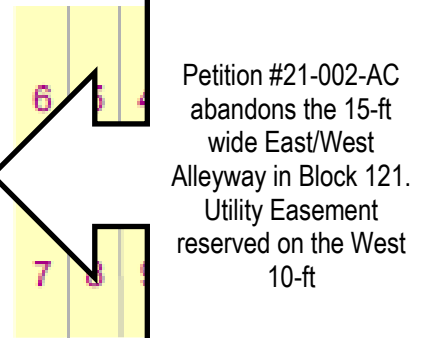
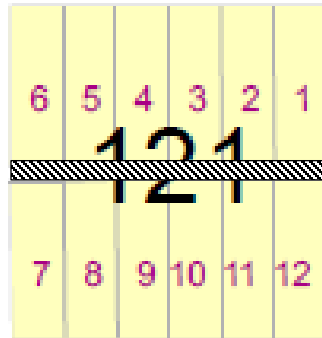
The following excerpt is from the City of Okeechobee Subdivision Map to identify the portion of alley to be abandoned as requested by Petition No. 21-002-AC, the subject property is recorded in Plat Book 5, Page 5, Okeechobee County Public Records.



NORTH PARROTT AVENUE/US HWY 441

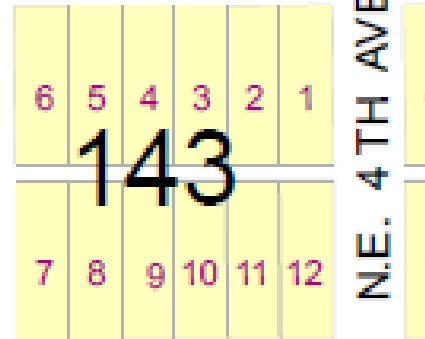
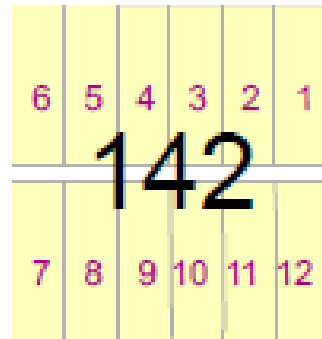
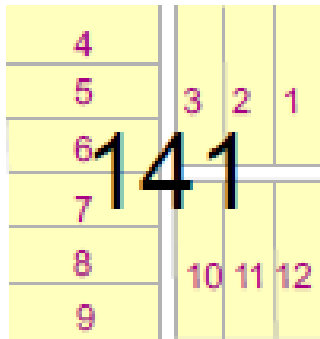


N.E. 4 TH ST



Petition #21-002-AC abandons the 15-ft wide East/West Alleyway in Block 121. Utility Easement reserved on the West 10-ft

N.E. 3 RD ST



N.E. 2ND AVE

N.E. 3RD AVE

N.E. 4TH AVE

N.E. 2ND ST



CITY OF OKEECHOBEE
General Services Department
55 Southeast 3rd Street
Okeechobee, Florida 34974
863-763-3372 X 9820
Fax: 863-763-1686

ABANDONMENT OF RIGHT-OF-WAY PETITION

PETITION NO. 01-002-AC

Application fee (non-refundable) \$600.00 Note: (Resolution No. 98-11) Schedule of Land Development Regulation Fees and Charges When the cost for advertising publishing and mailing notices of public hearings exceeds the established fee, or when a professional consultant is hired to advise the city on the application, the applicant shall pay the actual costs.	Date Fee Paid: <u>4-14-21</u>	Receipt No: <u>543954</u> <u>54396</u>
	TRC Meeting: <u>5-20-21</u>	Publication Date: Letters Mailed:
	PB/BOA Meeting: <u>6-17-21</u> <u>7-15-21</u>	Publication Dates: <u>6-20-21</u> Letters Mailed: <u>6-22-21</u>
	City Council 1st Reading: <u>7-16-21</u>	CMR Letter E-mailed:
	City Council Public Hearing: <u>7-20-21</u>	Publication Date: <u>8-2-21</u> <u>8-2-21</u> <u>9-7-21</u>

Right-of-way Definition: Land dedicated, deeded, used, or to be used for a street, alley, walkway, boulevard, drainage facility, access for ingress or egress, or other purpose by the public, certain designated individuals, or governing bodies. [F.S. Ch. 177 § 177.031(16)]. Easements for roads and related purposes shall be considered as right-of-way.

Legal Description of the Right-of-Way to be Abandoned:

A STRIP OF LAND, 15.00 FEET IN WIDTH, BEING A PORTION OF BLOCK 121 OF THE CITY OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5 OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA, LOCATED IN SECTION 15, TOWNSHIP 37 SOUTH, RANGE 35 EAST, OKEECHOBEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 7 OF SAID BLOCK 121, SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF THE ALLEY OF SAID BLOCK 121, THENCE NORTH 00°11'04" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF NORTHEAST 2ND AVENUE, A DISTANCE OF 15.00 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 121 ALLEY; THENCE NORTH 89°49'44" EAST ALONG THE NORTH LINE OF SAID BLOCK 121 ALLEY, A DISTANCE OF 299.84 FEET TO THE WEST RIGHT-OF-WAY LINE OF NORTHEAST 3RD AVENUE AND THE NORTHEAST CORNER OF SAID BLOCK 121 ALLEY; THENCE SOUTH 00°11'04" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 15.00 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 121 ALLEY; THENCE SOUTH 89°49'44" WEST ALONG THE SOUTH LINE OF SAID BLOCK 121 ALLEY, A DISTANCE OF 299.84 FEET TO THE POINT OF BEGINNING.

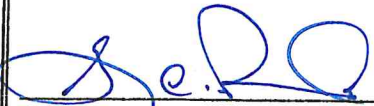
SAID LAND LYING IN OKEECHOBEE COUNTY, FLORIDA CONTAINING 0.103 ACRES MORE OR LESS.

Purpose of the Right-of-Way Abandonment:

The alley is being abandoned because there is a single land owner around this alley and they are planning to sell the land to someone who wants to build multifamily units and this will eliminate the rear setback on each lot and allow a unity of title for the whole block.


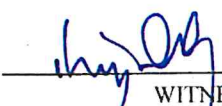
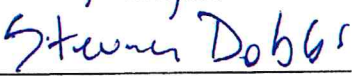
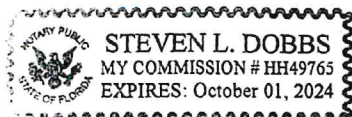
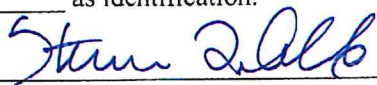
✓	Name of property owner(s): Shaun C. Penrod
	Owner(s) mailing address: 2437 SW 33rd Circle, Okeechobee, FL 34974
	Owner(s) e-mail address: penrodconstruction@gmail.com
	Owner(s) daytime phone(s): (863) 634-0465 Fax:

✓	Required Attachments
✓	Copy of recorded deed of petitioner as well as any other property owner whose property is contiguous to the right-of-way.
NR	Letters of Consent or Objection. (If more than one property owner is involved and they are not signing the petition). SEE NOTE BELOW FOR ADDITIONAL INSTRUCTIONS
✓	Location map of subject property and surrounding area within 100' (See Information Request Form attached) and dimensions of right-of-way.
✓	List of all property owners within 300' of subject property (See Information Request Form attached)
✓	Site Plan of property after abandonment. (No larger than 11x 17)
✓	Utility Companies Authorization Form. (See attached)
✓	Supplementary supporting information: Copy of recorded Plat of the Subdivision where right-of-way exists no larger than 11x17. (Can be obtained from the County Clerk's Office, Court House)
	PLEASE NOTE: <i>If there are other property owners that are contiguous to the subject right-of-way, a notarized letter must be attached with the following information: date, their name(s), what property they own, and whether they object to or consent to the right-of-way abandonment. (See attached sample letter)</i>

✓	Confirmation of Information Accuracy
I hereby certify that the information contained in and/or attached with this petition is correct. The information included in this petition is for use by the City of Okeechobee in processing my request. False or misleading information may be punishable by a fine of up to \$500.00 and imprisonment of up to 30 days and may result in the summary denial of this petition.	
 Signature	Shaun C. Penrod Printed Name
	3/31/2021 Date

CITY OF OKEECHOBEE
55 SE 3RD AVENUE
OKEECHOBEE, FL 34974
 TELE: 863-763-3372 FAX: 863-763-1686

LAND USE POWER OF ATTORNEY

Name of Property Owners: Corey and Desiree Penrod		
Mailing Address: 2437 SW 33rd Circle Okeechobee, FL 34974		
Home Telephone:	Work:	Cell: 863-634-0546
Property Address: 200 block NE 3rd Street Okeechobee, FL 34972		
Parcel ID Number: 3-15-37-35-0010-01210-0060, 3-15-37-35-0010-01210-0040, 3-15-37-35-0010-01210-0030, 3-15-37-35-0010-01210-0010, 3-15-37-35-0010-01210-0070, 3-15-37-35-0010-01210-0090, 3-15-37-35-0010-01210-0100, and 3-15-37-35-0010-01210-0120		
Name of Applicant: Mitch Stephens		
Home Telephone:	Work:	Cell: 919-201-9913
<p>The undersigned, being the record title owner(s) of the real property described above, do hereby grant unto the applicant stated above the full right and power of attorney to make application to the City of Okeechobee to change the land use of said property. This land use change may include rezoning of the property, the granting of special exception or variances, and appeals of decisions of the Planning Department. It is understood that conditions, limitations and restrictions may be place upon the use or operation of the property. Misstatements upon application or in any hearing may result in the termination of any special exception or variance and a proceeding to rezone the property to the original classification. This power of attorney may be terminated only by a written and notarized statement of such termination effective upon receipt by the Planning Department.</p>		
IN WITNESS WHEREOF THE UNDERSIGNED HAVE SET THEIR HAND AND SEALS THIS _____ DAY OF _____ 20____.		
 _____ OWNER	 _____ WITNESS	
_____ OWNER	 _____ WITNESS	
STATE OF FLORIDA COUNTY OF <u>Okeechobee</u>		
The foregoing instrument was acknowledged before me by means of <input checked="" type="checkbox"/> physical presence or <input type="checkbox"/> online notarization, this <u>25th</u> day of <u>May</u> , 20 <u>21</u> , by <u>Steven Dobbs</u> (Name of Person)		
who is personally known to me or produced _____ as identification.		
	 _____ NOTARY PUBLIC SIGNATURE	

PLEASE COMPLETE THE FOLLOWING

**FINDINGS REQUIRED FOR GRANTING A VACATION OF RIGHTS-OF-WAYS
(Sec. 78-33, page CD78:4 in the LDR's)**

It is the Petitioner's responsibility to convince the Technical Review Committee, Planning Board/BOA and City Council that approval of the proposed vacation is justified. Specifically, the Petitioner should provide in his/her application and presentation sufficient explanation and documentation to convince the reviewing body to find that:

1. Proposed vacation is consistent with the Comprehensive Plan:
The requested alley is currently not used for access or utilities, there is no mention of alleys in the City's Comprehensive plan, the LDR's mention alleys in Section 86-142, which states alley may be allowed in residential districts, also in Section 70-335, which states notice of abandonment required, otherwise they are other referenced, but not concerning vacancies.

2. Right-of-way to be vacated is not the sole access to any property, and the remaining access is not an easement:
The alley is not sole access to any property and a remaining land will not require an easement.


3. Proposed vacation is in the public interest and provides a benefit to the City:
The proposed vacation of the alley is within a block that will become a multifamily project, which the City is in need of, so this vacation will allow the existing ROW and alley's square footage to add density to this project so more housing can be added and return the property to the tax rolls.

4. Proposed vacation would not jeopardize the location of any utility.
There are currently no utilities in the requested abandonments.

The City Staff will, in the Staff Report, address the request and evaluate it and the Petitioner's submission in light of the above criteria and offer a recommendation for *approval or denial*).

Parcel ID Number: 3-15-37-35-0010-01210-0070

Prepared by and return to:
Susie Burk
Okee-Tantie Title Company, Inc.
105 NW 6th Street
Okeechobee, Florida 34972
FILE NO. 36444


FILE NUM 2018013904
OR BK 816 PG 970
SHARON ROBERTSON, CLERK & COMPTROLLER
OKEECHOBEE COUNTY, FLORIDA
RECORDED 11/21/2018 02:00:48 PM
ANT \$105,000.00
RECORDING FEES \$27.00
DEED DOC \$735.00
RECORDED BY M Pinon
Pgs 970 - 972; (3 pgs)

Warranty Deed

This Indenture, Executed this November 20, 2018 A.D. Between

WANDA SUE WOLFORD, TRUSTEE OF THE EVA MAE WILLIAMS REVOCABLE LIVING TRUST F/K/A THE EVA MAE HAZELLIEF REVOCABLE LIVING TRUST UNDER AGREEMENT DATED SEPTEMBER 5, 1986, AS AMENDED JULY 27, 1994 AND SEPTEMBER 25, 1997

whose address is 1888 EAST RD, Jacksonville, Florida 32216, hereinafter called the grantor, to

SHAUN C. PENROD and DESIREE A. PENROD, HUSBAND and WIFE,

whose post office address is: 2437 SW 33rd Cir., Okeechobee, FL 34974, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Okeechobee County, Florida, viz:

Legal Description as Exhibit "A"

Parcel ID Number: 3-15-37-35-0010-01210-0070

Subject to covenants, restrictions, easements of record and taxes for the current year.

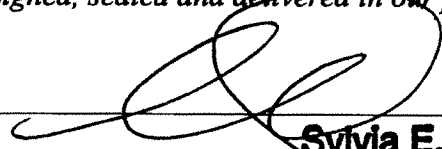
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

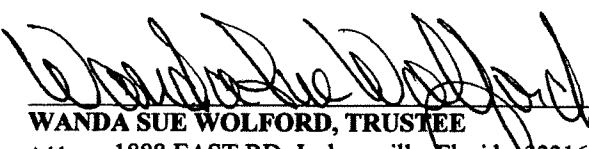
And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2018.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

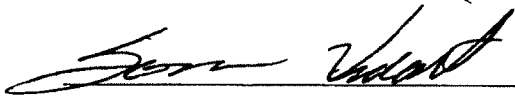
Signed, sealed and delivered in our presence:



Witness Printed Name **Sylvia E. Burk**

 (Seal)

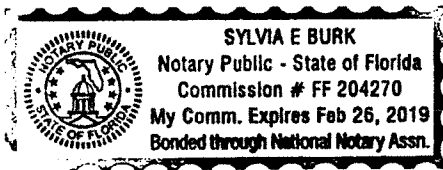
WANDA SUE WOLFORD, TRUSTEE
Address: 1888 EAST RD, Jacksonville, Florida 32216

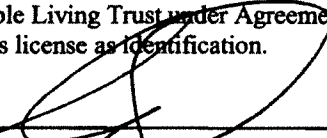


Witness Printed Name **SONSUN VIRKAITIS**

State of Florida
County of Okeechobee

The foregoing instrument was acknowledged before me this November 20, 2018, by WANDA SUE WOLFORD, TRUSTEE OF The Eva Mae Williams Revocable Living Trust F/K/A the Eva Mae Hazellief Revocable Living Trust under Agreement dated September 5, 1986, as amended July 27, 1994 and September 25, 1997, who produced a drivers license as identification.





Notary Public
Print Name: **Sylvia E. Burk**
My Commission Expires _____

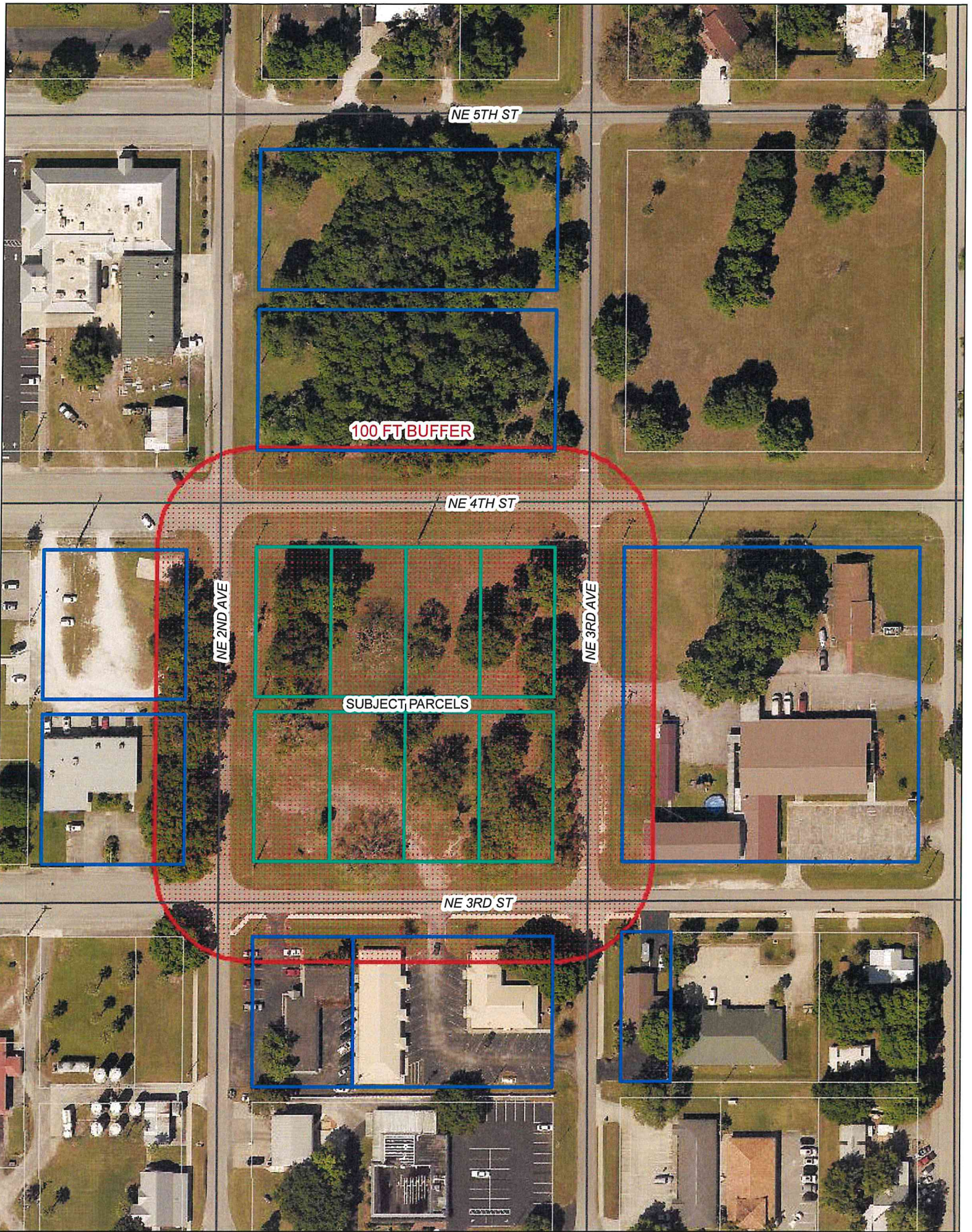
Exhibit "A"

**LOTS 1 TO 12, INCLUSIVELY, BLOCK 121, CITY OF OKEECHOBEE, PLAT BOOK 5, PAGE 5,
OKEECHOBEE COUNTY, FLORIDA.**

COPY

File Number: 36444

**Legal Description with Non Homestead
Closer's Choice**



NE 5TH ST

100 FT BUFFER

NE 4TH ST

NE 2ND AVE

SUBJECT PARCELS

NE 3RD AVE

NE 3RD ST

THIS MAP HAS BEEN COMPILED FROM THE MOST AUTHENTIC INFORMATION AVAILABLE AND THE OKEECHOBEE COUNTY PROPERTY APPRAISER'S OFFICE DOES NOT ASSUME RESPONSIBILITY



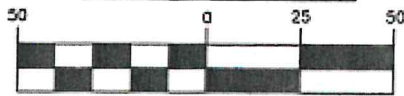
Penrod Surrounding Owners within 300 Feet

PARCEL NUMBER	OWNER	ADDRESS 1	CITY	STATE	ZIP
3-15-37-35-0010-01400-0010	205 N PARROT AVE HOLDINGS LLC	2740 SW MARTIN DOWNS BLVD-#247	PALM CITY	FL	34990
3-15-37-35-0010-01420-0070	205 OKEECHOBEE LLC	205 NE 2ND ST	OKEECHOBEE	FL	34972-2974
3-15-37-35-0010-01430-0110	BELLA ROSE DAY SPA & SALON LLC	311 NE 2ND ST	OKEECHOBEE	FL	34972-2976
3-15-37-35-0010-01530-0020	BROWN MICHAEL G	P O BOX 120	OKEECHOBEE	FL	34973-0120
3-15-37-35-0010-01190-0030	CANCINO MARIA	406 NE 4TH ST	OKEECHOBEE	FL	34972-2606
3-15-37-35-0010-01230-0050	CBC PROPERTIES LLC	301 NW 4TH AVE	OKEECHOBEE	FL	34972-2552
3-15-37-35-0010-01110-0010	CHURCH OF GOD	301 NE 4TH AVE	OKEECHOBEE	FL	34972
3-15-37-35-0010-01200-0010	CHURCH OF GOD	301 NE 4TH AVE	OKEECHOBEE	FL	34972
3-15-37-35-0010-01440-0070	COLIN M CAMERON ESQ PA	200 NE 4TH AVE	OKEECHOBEE	FL	34972-2981
3-15-37-35-0010-00890-0060	COLT PENNY M	1601 SW 35TH CIR	OKEECHOBEE	FL	34974
3-15-37-35-0010-00880-0070	ENTRY MARIE	500 NE 3RD AVE	OKEECHOBEE	FL	34972
3-15-37-35-0010-01120-0010	FT DRUM CORPORATION	PO BOX 1177	OKEECHOBEE	FL	34973-1177
3-15-37-35-0010-01190-0010	FT DRUM CORPORATION	PO BOX 1177	OKEECHOBEE	FL	34973-1177
3-15-37-35-0010-01220-0080	GREENBERGER JANIS	P O BOX 1092	OKEECHOBEE	FL	34973-1092
3-15-37-35-0010-01430-0070	GRETCHEN ROBERTSON INVESTMENT	309 NE 2ND ST	OKEECHOBEE	FL	34972-2976
3-15-37-35-0010-01430-0090	GRETCHEN ROBERTSON INVESTMENT	309 NE 2ND ST	OKEECHOBEE	FL	34972
3-15-37-35-0010-01530-0010	HOOVER SUSANNE C	P O BOX 78	OKEECHOBEE	FL	34973
3-15-37-35-0010-01430-0010	HORNER WANDA	211 NE 4TH AVE	OKEECHOBEE	FL	34972
3-15-37-35-0010-00890-0090	II PARTNERS INC	P O BOX 2293	OKEECHOBEE	FL	34973-2293
3-15-37-35-0010-01100-0010	JKST HOLDINGS LLC	PO BOX 873	PORT SALERNO	FL	34992-0873
3-15-37-35-0010-01190-0060	KENNEDY ARTHUR GREGORY	2328 SW 13TH ST	OKEECHOBEE	FL	34974
3-15-37-35-0010-01410-0040	KIRCHMAN OIL COMPANY	P O BOX 1625	BELLE GLADE	FL	33430-6625
3-15-37-35-0010-01520-0040	LAKE O PARTNERS INC	110 NE 3RD AVE	OKEECHOBEE	FL	34972
3-15-37-35-0010-01090-0010	LAKE REAL ESTATE HOLDINGS LLC	400 N PARROTT AVE	OKEECHOBEE	FL	34972
3-15-37-35-0010-00890-0010	LMXN HOLDINGS LLC	1887 SW 8TH ST	OKEECHOBEE	FL	34974-3910
3-15-37-35-0010-00890-0040	LMXN HOLDINGS LLC	1887 SW 8TH ST	OKEECHOBEE	FL	34974-3910
3-15-37-35-0010-00890-0110	LMXN HOLDINGS LLC	1887 SW 8TH ST	OKEECHOBEE	FL	34974-3910
3-15-37-35-0010-01420-0010	MARK J TENNISWOOD DMD PA	208 NE 3RD ST	OKEECHOBEE	FL	34972-2947
3-15-37-35-0010-00880-0060	MITCHELL RONALD	1105 SW 4TH ST	OKEECHOBEE	FL	34974
3-15-37-35-0010-01080-0040	MONTESI CRAIG SR	10143 CULPEPPER CT	ORLANDO	FL	32836-6340
3-15-37-35-0010-01190-0090	N & A CONSTRUCTION INC	150 FULMAR TER	OKEECHOBEE	FL	34974
3-15-37-35-0010-01220-0010	OKEECHOBEE PRESBYTERIAN	312 N PARROTT AVE	OKEECHOBEE	FL	34972-2933
3-15-37-35-0010-01220-0040	OKEECHOBEE PRESBYTERIAN CHURCH	312 N PARROTT AVE	OKEECHOBEE	FL	34972

Penrod Surrounding Owners within 300 Feet

3-15-37-35-0010-01220-0060	OKEECHOBEE PRESBYTERIAN CHURCH	312 N PARROTT AVE	OKEECHOBEE	FL	34972
3-15-37-35-0010-01530-0030	PALM PLAZA OF OKEECHOBEE INC	PO BOX 986	OKEECHOBEE	FL	34973-0986
3-15-37-35-0010-01430-0060	PENROD CONSTRUCTION COMPANY	P O BOX 3166	OKEECHOBEE	FL	34973-3166
3-15-37-35-0010-01520-0010	REGIONS BANK	250 RIVERCHASE PKWY STE 600	BIRMINGHAM	AL	35244
3-15-37-35-0010-01440-0030	RODRIGUEZ SOBEIDA	111 W 33RD ST	HIALEAH	FL	33012
3-15-37-35-0010-01190-0070	ROSE DARLA J	1411 SW 7TH AVE	OKEECHOBEE	FL	34974-5044
3-15-37-35-0010-01220-0100	SENIORS R ABLE INC	PO BOX 759	OKEECHOBEE	FL	34973-0759
3-15-37-35-0010-01230-0010	SHAMROCK MAX LLC	PO BOX 625	OKEECHOBEE	FL	34973-0625
3-15-37-35-0010-00880-0100	SKYLINE RENOVATION SERVICES LLC	5276 JOG LN	DELRAY BEACH	FL	33484-6650
3-15-37-35-0010-01420-0050	SLOAN & RILEY HOLDINGS LLC	202 NE 3RD ST	OKEECHOBEE	FL	34972-2947
3-15-37-35-0010-01540-0010	SPIRIT CV OKEECHOBEE FL LLC	%CVS #3237-01/OCC EXP DEPT	WOONSOCKET	RI	02895-6146
3-15-37-35-0010-00900-0010	TAMAL PROPERTIES LLC	152 PORGEE ROCK PL	JUPITER	FL	33458-1634
3-15-37-35-0010-00900-0070	TAMAL PROPERTIES LLC	152 PORGEE ROCK PL	JUPITER	FL	33458-1634
3-15-37-35-0010-01430-0030	THERAPY CENTER OF OKEECHOBEE I	637 SE 74TH AVE	OKEECHOBEE	FL	34974
3-15-37-35-0010-00890-0070	VILLEDA BAUDILIO	201 NE 5TH ST	OKEECHOBEE	FL	34972-2605
3-15-37-35-0010-01410-0010	WALPOLE EDWIN E III REV LIV TR	P O BOX 1177	OKEECHOBEE	FL	34973
3-15-37-35-0010-01410-0020	WALPOLE INC	P O BOX 1177	OKEECHOBEE	FL	34973-1177
3-15-37-35-0010-01410-0100	WALPOLE INC	P O BOX 1177	OKEECHOBEE	FL	34973-1177
3-15-37-35-0010-01410-0060	WILLIAMS HAYNES E REV TRUST	206 N PARROTT AVE	OKEECHOBEE	FL	34972
3-15-37-35-0010-01440-0040	WILLIAMS MICHAEL JAMES	161 MILTON DR	PADUCAH	KY	42003-5574
3-15-37-35-0010-01410-0080	WILLIAMS SUSAN E REV TRUST	206 N PARROTT AVE	OKEECHOBEE	FL	34972
3-15-37-35-0010-00880-0040	WILLIAMSON JOHN	1200 NE 96TH ST	OKEECHOBEE	FL	34972-0505

GRAPHIC SCALE



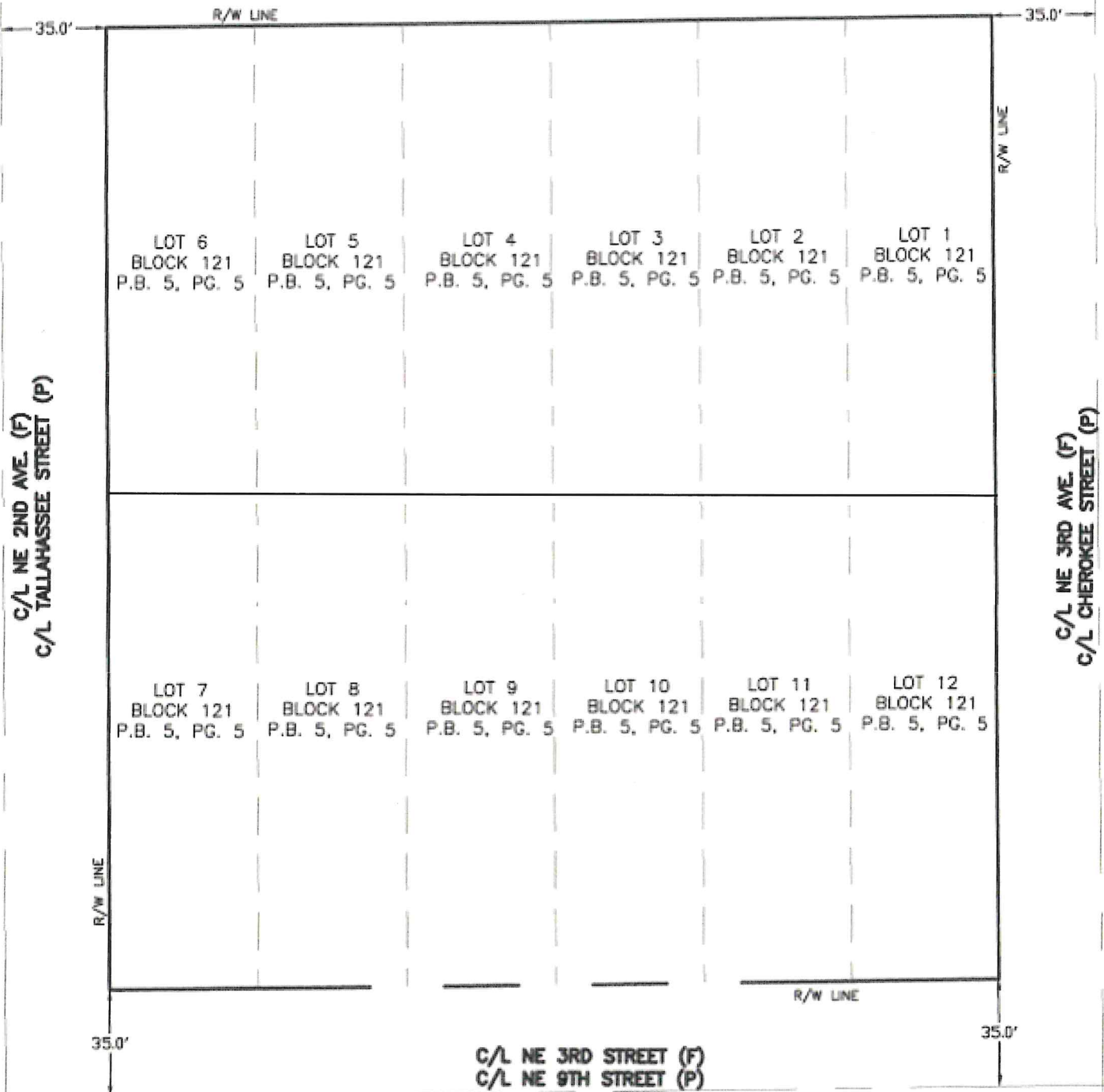
(IN FEET)

1 INCH = 50 FT.

(INTENDED DISPLAY SCALE)

LEGEND:

- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- P.B. = PLAT BOOK
- PG. = PAGE
- O.R.B. = OFFICIAL RECORDS BOOK
- R/W = RIGHT OF WAY
- C/L = CENTERLINE
- (F) = FIELD



Site Plan of Property After Abandonment

(THIS IS NOT A SURVEY)
20.0' ABANDONED ALLEY
OKEECHOBEE COUNTY, FLORIDA

DATE:
03/26/21

CITY OF OKEECHOBEE RIGHT-OF-WAY ABANDONMENT PETITION
Utility Companies Authorization Form

Instructions:

Applicant: Deliver the petition and this form to the following Utility Companies for their comments. It must be signed and dated with a contact number for each person.

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Florida Power & Light	FPL requires a 10' easement on the West end of the 15' alley in Block 121 adjacent to
863-467-3708	NE 2nd Avenue, if abandoned.
Donna Padgett	✱

Donna Padgett *Donna Padgett* *863-467-3708* *4-7-21*
 Authorized Signature Typed Name & Title Phone No. Date

Embarq d/b/a Century Link	
863-452-3185	
Kenneth R. Lutz	
ken.lutz@centurylink.com	
Nre.easement@centurylink.com	

Authorized Signature Typed Name & Title Phone No. Date

Comcast Cable	
863-763-2824	
107 NW 7 th Avenue	
Rick_Johnson@cable.comcast.com	

Authorized Signature Typed Name & Title Phone No. Date

Okeechobee Utility Authority	
John Hayford	
863-763-9460	
100 SW 5 th Avenue	

Authorized Signature Typed Name & Title Phone No. Date

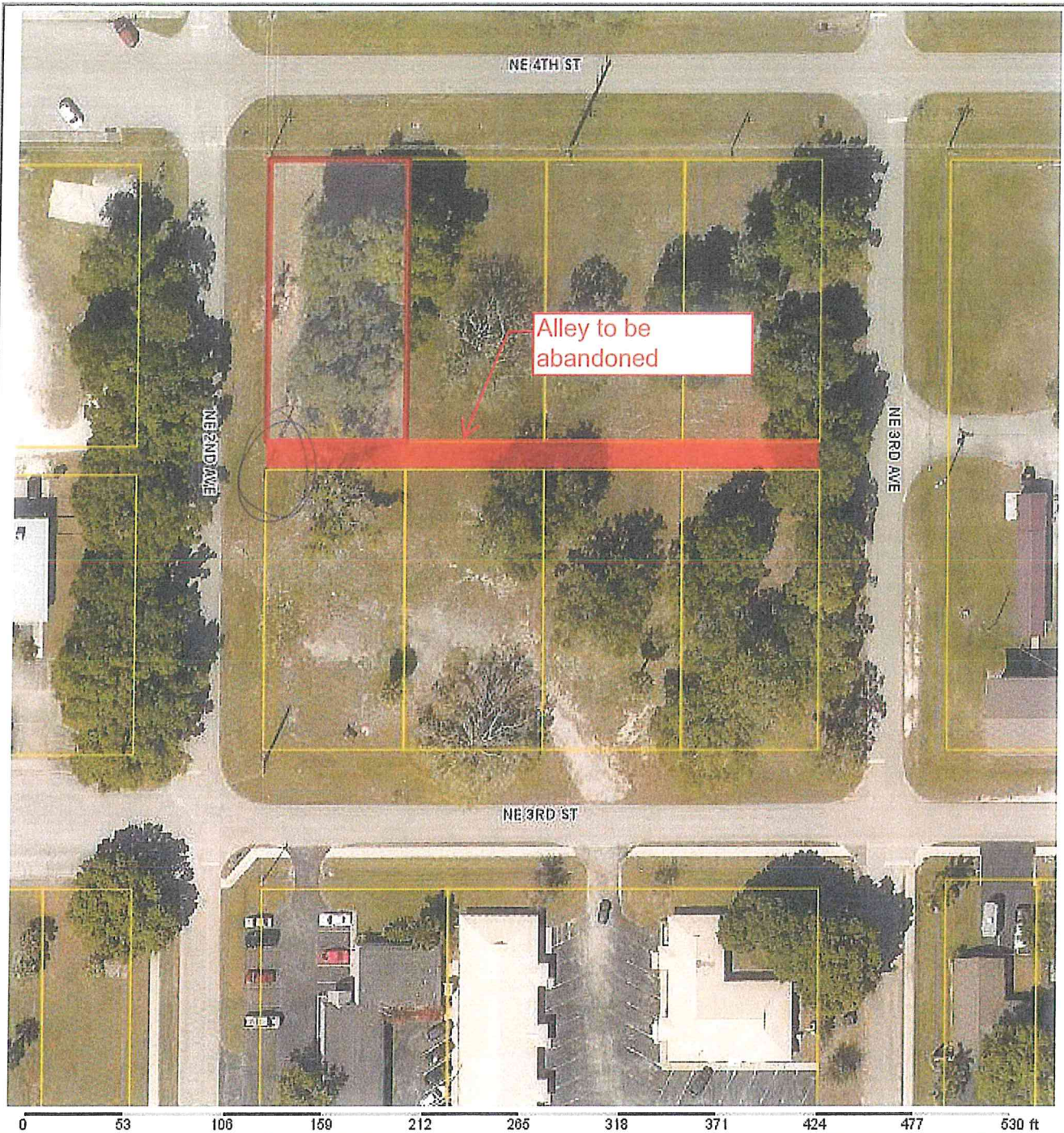
Florida Public Utilities	
Ivan Giobbs	
561-723-3459	
igibbs@chpk.com	

Authorized Signature Typed Name & Title Phone No. Date

***REQUIRED ONLY FOR CITY OF OKEECHOBEE & FIRST ADDITION TO CITY OF OKEECHOBEE SUBDIVISIONS**

Hamrick Estate	
Gil Culbreth, Co-Trustee	
863-763-3154	

Authorized Signature Typed Name & Title Phone No. Date



Okeechobee County Property Appraiser Mickey L. Bandi, CFA | Okeechobee, Florida | 863-763-4422

PARCEL: 3-15-37-35-0010-01210-0060 (33817) | VACANT COMMERCIAL (1000) | 0.258 AC
 CITY OF OKEECHOBEE (PLAT BOOK 1 PAGE 10 & PLAT BOOK 5 PAGE 5) LOT 6 & WEST 1/2 OF LOT 5 BLOCK 121

PENROD SHAUN C

Owner: PENROD DESIREE A
 2437 SW 33RD CIR
 OKEECHOBEE, FL 34974-5723
Site: NE 4TH ST, OKEECHOBEE

2020 Certified Values			
Mkt Lnd	\$21,360	Appraised	\$21,360
Ag Lnd	\$0	Assessed	\$21,360
Bldg	\$0	Exempt	\$0
XFOB	\$0		
Just	\$21,360	Total	county:\$21,360
		Taxable	city:\$21,360
			other:\$21,360
			school:\$21,360

Sales	11/20/2018	\$105,000	V (Q)
Info	10/27/1997	\$0	V (U)
	5/1/1987	\$0	V (U)

NOTES:



This information, was derived from data which was compiled by the Okeechobee County Property Appraiser Office solely for the governmental purpose of property assessment. This information should not be relied upon by anyone as a determination of the ownership of property or market value. No warranties, expressed or implied, are provided for the accuracy of the data herein, it's use, or it's interpretation. Although it is periodically updated, this information may not reflect the data currently on file in the Property Appraiser's office. GrizzlyLogic.com



CenturyLink

3/31/2021

Shaun & Desiree Penrod
c/o Jessica Crews
Abney Building & Consulting, Inc.
201 NE 2nd Street
Okeechobee, FL 34972

No Reservations/No Objection

SUBJECT: Vacate 15' Alley, Block 121, City of Okeechobee. According to the plat recorded in Plat Book 1, Page 5 of the Public Records of Okeechobee County.

To Whom It May Concern:

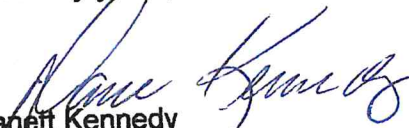
Embarq Florida, Inc., d/b/a CENTURYLINK ("CenturyLink") has reviewed the request for the subject vacation and has determined that it has no objections with respect to the areas proposed for vacation as shown and/or described on Exhibit "A", said Exhibit "A" attached hereto and incorporated by this reference.

It is the intent and understanding of CenturyLink that this Vacation shall not reduce our rights to any other existing easement or rights we have on this site or in the area.

This vacation response is submitted WITH THE STIPULATION that if CenturyLink facilities are found and/or damaged within the vacated area as described, the Applicant will bear the cost of relocation and repair of said facilities.

If you have any questions, please contact Bill Paul at 727-449-3544 / william.d.paul@centurylink.com

Sincerely yours,


Danett Kennedy
Senior Manager, DF/ROW
CenturyLink
P836107

SKETCH AND LEGAL DESCRIPTION
(THIS IS NOT A SURVEY)
15.0' ABANDONED ALLEY

NOT VALID WITHOUT SHEET 2 OF 2

LEGAL DESCRIPTION:


A STRIP OF LAND, 15.00 FEET IN WIDTH, BEING A PORTION OF BLOCK 121 OF THE CITY OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5 OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA, LOCATED IN SECTION 15, TOWNSHIP 37 SOUTH, RANGE 35 EAST, OKEECHOBEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 7 OF SAID BLOCK 121, SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF THE ALLEY OF SAID BLOCK 121, THENCE NORTH 00°11'04" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF NORTHEAST 2ND AVENUE, A DISTANCE OF 15.00 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 121 ALLEY; THENCE NORTH 89°49'44" EAST ALONG THE NORTH LINE OF SAID BLOCK 121 ALLEY, A DISTANCE OF 299.84 FEET TO THE WEST RIGHT-OF-WAY LINE OF NORTHEAST 3RD AVENUE AND THE NORTHEAST CORNER OF SAID BLOCK 121 ALLEY; THENCE SOUTH 00°11'04" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 15.00 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 121 ALLEY; THENCE SOUTH 89°49'44" WEST ALONG THE SOUTH LINE OF SAID BLOCK 121 ALLEY, A DISTANCE OF 299.84 FEET TO THE **POINT OF BEGINNING**.

SAID LAND LYING IN OKEECHOBEE COUNTY, FLORIDA CONTAINING 0.103 ACRES MORE OR LESS.

SURVEYOR'S NOTES:

1. NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER. THIS INSTRUMENT MAY NOT BE REPRODUCED IN PART OR WHOLE WITHOUT THE CONSENT OF THE SIGNING SURVEYOR.
2. LANDS DESCRIBED HEREON WERE NOT ABSTRACTED, BY THE SURVEYOR, FOR OWNERSHIP, EASEMENTS, RIGHTS-OF-WAY OR OTHER INSTRUMENTS THAT MAY APPEAR IN THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA.
3. THE DESCRIPTION CONTAINED HEREIN AND THE ATTACHED SKETCH DOES NOT REPRESENT A FIELD BOUNDARY SURVEY.

SIGNED:  DATE: 3/29/21

RICHARD E. BARNES III
PROFESSIONAL SURVEYOR AND MAPPER NO. 7074
STATE OF FLORIDA



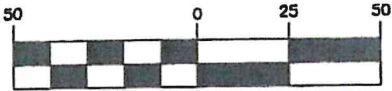
BSM & ASSOCIATES
LAND SURVEYING SERVICES

80 SE 31st Lane, Okeechobee, FL 34974
ricky.barnes@bsmsurvey.com
863.484.8324 LB 8155

SKETCH AND LEGAL DESCRIPTION
(THIS IS NOT A SURVEY)
15.0' ABANDONED ALLEY
OKEECHOBEE COUNTY, FLORIDA

SCALE: N/A	PROJECT NO: 21-109	REVISION:
DATE: 03/26/21	CAD FILE: 21-109	SHEET: 1 OF 2

GRAPHIC SCALE



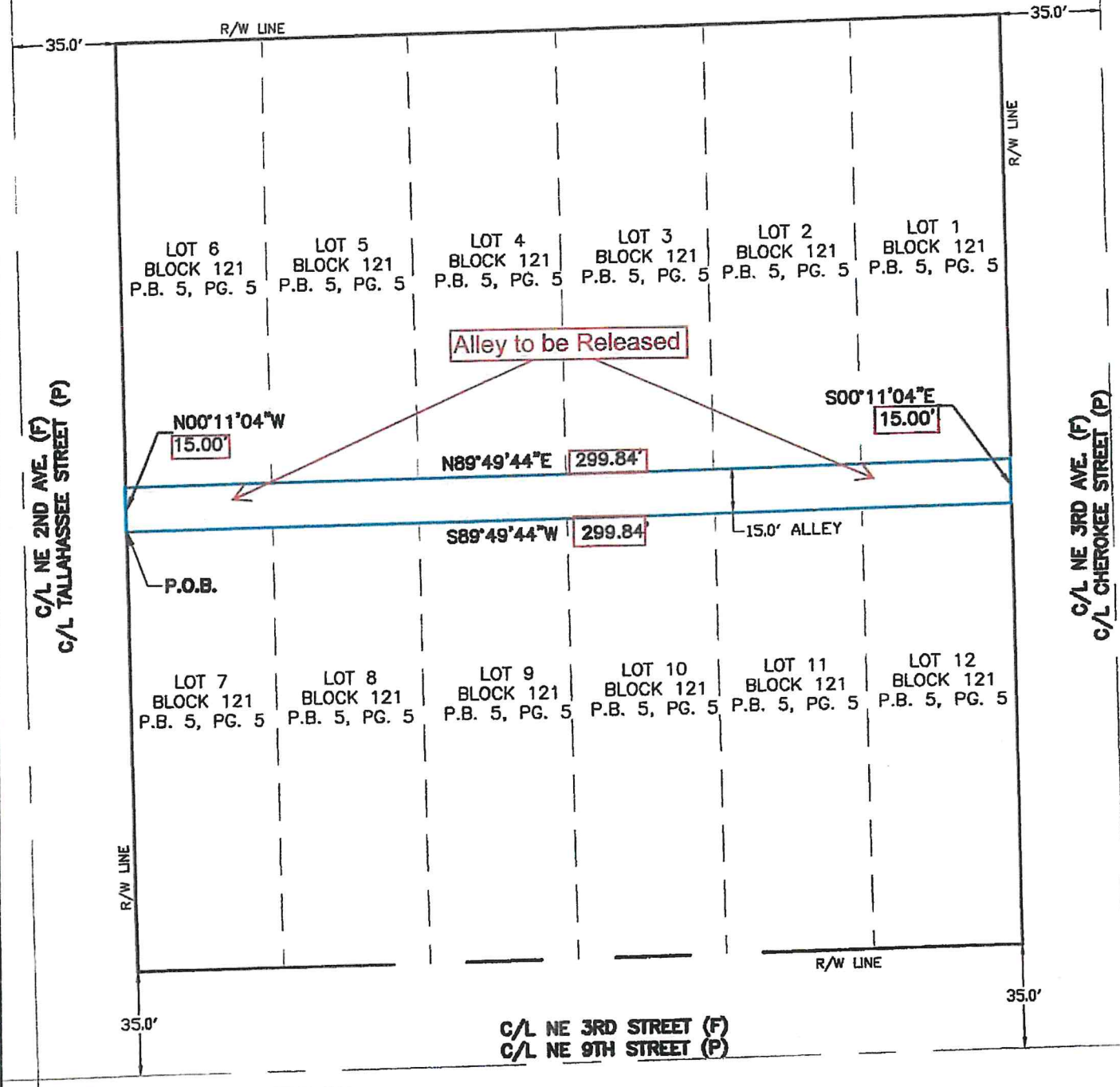
(IN FEET)

1 INCH = 50 FT.

(INTENDED DISPLAY SCALE)

LEGEND:

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- P.O.C. = POINT OF COMMENCEMENT
- P.B. = PLAT BOOK
- PG. = PAGE
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- R/W = RIGHT OF WAY
- C/L = CENTERLINE
- (F) = FIELD
- (P) = PLAT



BSM
 & ASSOCIATES
 LAND SURVEYING SERVICES
 30 SE 31st Lane, Okeechobee, FL 34974
 ricky.barnes@bsmsurvey.com
 353.484.8324 LB 2155

NOT VALID WITHOUT SHEET 1 OF 2

SKETCH AND LEGAL DESCRIPTION
 (THIS IS NOT A SURVEY)
 15.0' ABANDONED ALLEY
 OKEECHOBEE COUNTY, FLORIDA

SCALE: 1" = 50'	PROJECT NO: 21-109	REVISION:
DATE: 03/26/21	CAD FILE: 21-109	SHEET: 2 OF 2

CITY OF OKEECHOBEE RIGHT-OF-WAY ABANDONMENT PETITION

Utility Companies Authorization Form

Instructions:

Applicant: Deliver the petition and this form to the following Utility Companies for their comments. It must be signed and dated with a contact number for each person.

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Florida Power & Light	
863-467-3708	
Donna Padgett	

Authorized Signature	Typed Name & Title	Phone No.	Date
Embarq d/b/a Century Link			
863-452-3185			
Kenneth R. Lutz			
ken.lutz@centurylink.com			
Nre.easement@centurylink.com			

Authorized Signature	Typed Name & Title	Phone No.	Date
Comcast Cable			
863-763-2824			
107 NW 7th Avenue			
Rick_Johnson@cable.comcast.com			

<i>Rick Johnson</i>	Rick Johnson Construction Coordinator	561-402-4513	3-26-21
Authorized Signature	Typed Name & Title	Phone No.	Date

Okeechobee Utility Authority	
John Hayford	
863-763-9460	
100 SW 5th Avenue	

Authorized Signature	Typed Name & Title	Phone No.	Date
Florida Public Utilities			
Ivan Giobbs			
561-723-3459			
igibbs@chpk.com			

Authorized Signature	Typed Name & Title	Phone No.	Date
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***REQUIRED ONLY FOR CITY OF OKEECHOBEE & FIRST ADDITION TO CITY OF OKEECHOBEE SUBDIVISIONS**

Hamrick Estate	
Gil Culbreth, Co-Trustee	
863-763-3154	

Authorized Signature	Typed Name & Title	Phone No.	Date
----------------------	--------------------	-----------	------

CITY OF OKEECHOBEE RIGHT-OF-WAY ABANDONMENT PETITION
Utility Companies Authorization Form

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863-467-3708	
Donna Padgett	

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Authorized Signature _____ Typed Name & Title _____ Phone No. _____ Date _____

Comcast Cable	
863-763-2824	
107 NW 7 th Avenue	
Rick_Johnson@cable.comcast.com	

Authorized Signature _____ Typed Name & Title _____ Phone No. _____ Date _____

Okeechobee Utility Authority	
John Hayford	
863-763-9460	
100 SW 5 th Avenue	

John Hayford, Executive Director 863-763-9460 x 109 4/1/2021

Authorized Signature _____ Typed Name & Title _____ Phone No. _____ Date _____

Florida Public Utilities	
Ivan Giobbs	
561-723-3459	
igibbs@chpk.com	

Authorized Signature _____ Typed Name & Title _____ Phone No. _____ Date _____

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Hamrick Estate	
Gil Culbreth, Co-Trustee	
863-763-3154	

Authorized Signature _____ Typed Name & Title _____ Phone No. _____ Date _____

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863-467-3708	
Donna Padgett	

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Authorized Signature _____ Typed Name & Title _____ Phone No. _____ Date _____

Okeechobee Utility Authority	
John Hayford	
863-763-9460	
100 SW 5th Avenue	

Authorized Signature _____ Typed Name & Title _____ Phone No. _____ Date _____

Florida Public Utilities	
Ivan Gibbs	
561-723-3459	
igibbs@chpk.com	


 Authorized Signature _____ Typed Name & Title **Ivan Gibbs
Engineering Technician** Phone No. **561-723-3459** Date **4-6-2021**

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Hamrick Estate	
Gil Culbreth, Co-Trustee	
863-763-3154	

Authorized Signature _____ Typed Name & Title _____ Phone No. _____ Date _____



Okeechobee County Property Appraiser Mickey L. Bandi, CFA | Okeechobee, Florida | 863-763-4422

PARCEL: 3-15-37-35-0010-01210-0060 (33817) | VACANT COMMERCIAL (1000) | 0.258 AC
 CITY OF OKEECHOBEE (PLAT BOOK 1 PAGE 10 & PLAT BOOK 5 PAGE 5) LOT 6 & WEST 1/2 OF LOT 5 BLOCK 121

NOTES:

OWNER: PENROD SHAUN C
~~PENROD DESIREE A~~
 2437 SW 33RD CIR
 OKEECHOBEE, FL 34974-5723

SITE: NE 4TH ST, OKEECHOBEE

Sales Info:
 11/20/2018 \$105,000 V(Q)
 10/27/1997 \$0 V(U)
 5/1/1987 \$0 V(U)

2020 Certified Values			
Mkt Lnd	\$21,360	Appraised	\$21,360
Ag Lnd	\$0	Assessed	\$21,360
Bldg	\$0	Exempt	\$0
XFOB	\$0	county:	\$21,360
Just	\$21,360	city:	\$21,360
		other:	\$21,360
		school:	\$21,360
		Total Taxable	



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Penrod Alley

A STRIP OF LAND, 15.00 FEET IN WIDTH, BEING A PORTION OF BLOCK 121 OF THE CITY OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5 OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA, LOCATED IN SECTION 15, TOWNSHIP 37 SOUTH, RANGE 35 EAST, OKEECHOBEE COUNTY, FLOIRDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 7 OF SAID BLOCK 121, SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF THE ALLEY OF SAID BLOCK 121, THENCE NORTH $00^{\circ}11'04''$ WEST ALONG THE EAST RIGHT-OF-WAY LINE OF NORTHEAST 2ND AVENUE, A DISTANCE OF 15.00 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 121 ALLEY; THENCE NORTH $89^{\circ}49'44''$ EAST ALONG THE NORTH LINE OF SAID BLOCK 121 ALLEY, A DISTANCE OF 299.84 FEET TO THE WEST RIGHT RIGHT-OF-WAY LINE OF NORTHEAST 3RD AVENUE AND THE NORTHEAST CORNER OF SAID BLOCK 121 ALLEY; THENCE SOUTH $00^{\circ}11'04''$ EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 15.00 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 121 ALLEY; THENCE SOUTH $89^{\circ}49'44''$ WEST ALONG THE SOUTH LINE OF SAID BLOCK 121 ALLEY, A DISTANCE OF 299.84 FEET TO THE POINT OF BEGINNING.

SAID LAND LYING IN OKEECHOBEE COUNTY, FLORIDA CONTAINING 0.103 ACRES MORE OR LESS.

**SKETCH AND LEGAL
DESCRIPTION
(THIS IS NOT A SURVEY)
15.0' ABANDONED ALLEY**

NOT VALID WITHOUT SHEET 2 OF 2

LEGAL DESCRIPTION:

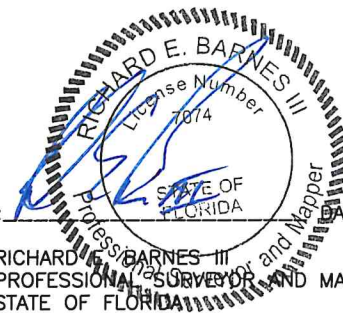
A STRIP OF LAND, 15.00 FEET IN WIDTH, BEING A PORTION OF BLOCK 121 OF THE CITY OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5 OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA, LOCATED IN SECTION 15, TOWNSHIP 37 SOUTH, RANGE 35 EAST, OKEECHOBEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 7 OF SAID BLOCK 121, SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF THE ALLEY OF SAID BLOCK 121, THENCE NORTH 00°11'04" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF NORTHEAST 2ND AVENUE, A DISTANCE OF 15.00 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 121 ALLEY; THENCE NORTH 89°49'44" EAST ALONG THE NORTH LINE OF SAID BLOCK 121 ALLEY, A DISTANCE OF 299.84 FEET TO THE WEST RIGHT-OF-WAY LINE OF NORTHEAST 3RD AVENUE AND THE NORTHEAST CORNER OF SAID BLOCK 121 ALLEY; THENCE SOUTH 00°11'04" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 15.00 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 121 ALLEY; THENCE SOUTH 89°49'44" WEST ALONG THE SOUTH LINE OF SAID BLOCK 121 ALLEY, A DISTANCE OF 299.84 FEET TO THE **POINT OF BEGINNING**.

SAID LAND LYING IN OKEECHOBEE COUNTY, FLORIDA CONTAINING 0.103 ACRES MORE OR LESS.

SURVEYOR'S NOTES:

1. NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER. THIS INSTRUMENT MAY NOT BE REPRODUCED IN PART OR WHOLE WITHOUT THE CONSENT OF THE SIGNING SURVEYOR.
2. LANDS DESCRIBED HEREON WERE NOT ABSTRACTED, BY THE SURVEYOR, FOR OWNERSHIP, EASEMENTS, RIGHTS-OF-WAY OR OTHER INSTRUMENTS THAT MAY APPEAR IN THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA.
3. THE DESCRIPTION CONTAINED HEREIN AND THE ATTACHED SKETCH DOES NOT REPRESENT A FIELD BOUNDARY SURVEY.



 SIGNED: _____ DATE: 3/29/21
 RICHARD E. BARNES III
 PROFESSIONAL SURVEYOR AND MAPPER NO. 7074
 STATE OF FLORIDA

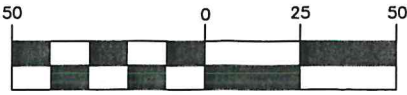


B.S.M.
& ASSOCIATES
LAND SURVEYING SERVICES
80 SE 31st Lane, Okeechobee, FL 34974
ricky.barnes@bsmsurvey.com
863.484.8324 LB 8155

**SKETCH AND LEGAL
DESCRIPTION
(THIS IS NOT A SURVEY)
15.0' ABANDONED ALLEY
OKEECHOBEE COUNTY, FLORIDA**

SCALE: N/A	PROJECT NO: 21-109	REVISION:
DATE: 03/26/21	CAD FILE: 21-109	SHEET: 1 OF 2

GRAPHIC SCALE



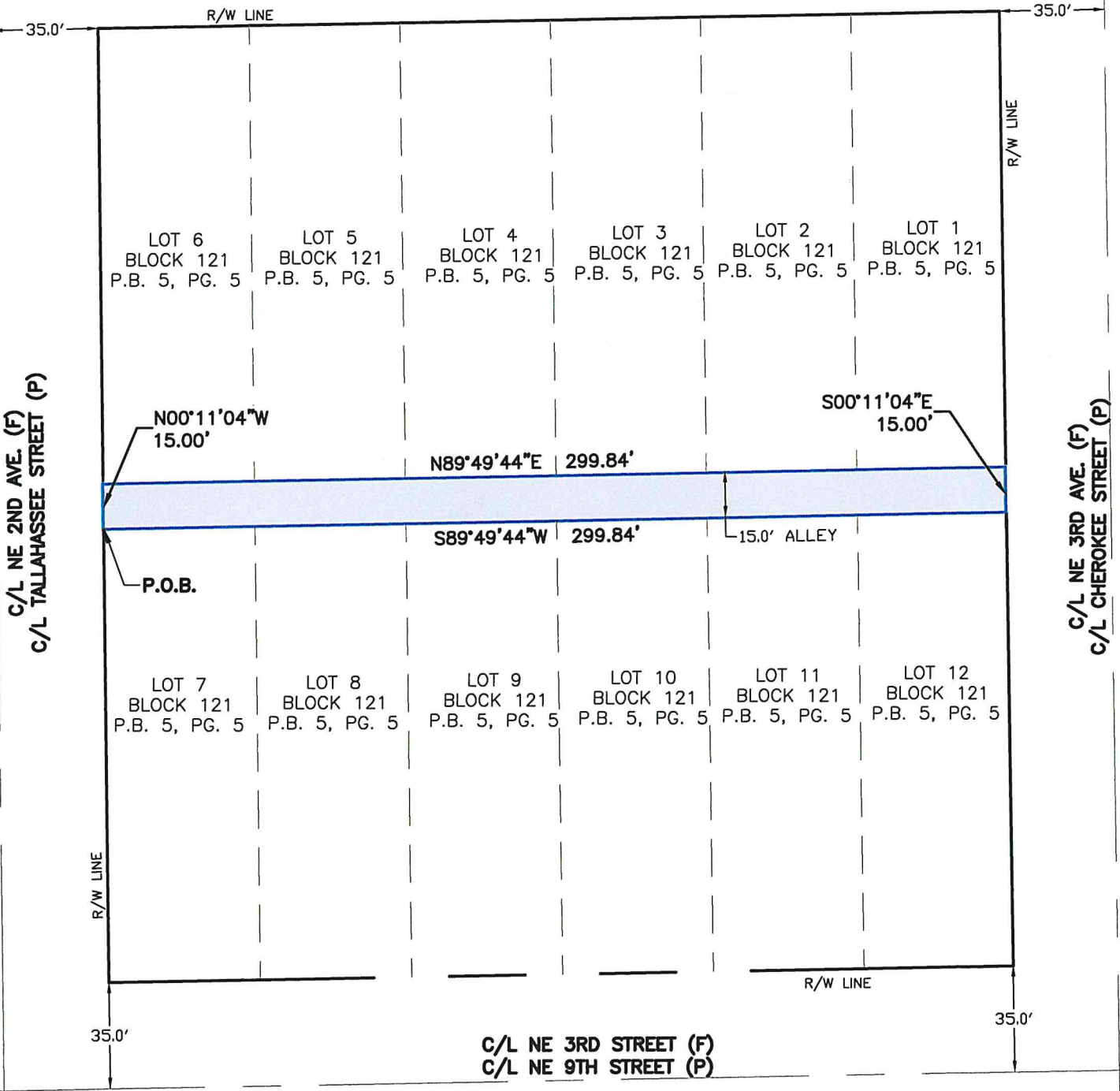
(IN FEET)

1 INCH = 50 FT.

(INTENDED DISPLAY SCALE)

LEGEND:

- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- P.B. = PLAT BOOK
- PG. = PAGE
- O.R.B. = OFFICIAL RECORDS BOOK
- R/W = RIGHT OF WAY
- C/L = CENTERLINE
- (F) = FIELD
- (P) = PLAT



B.S.M.
 & ASSOCIATES
 LAND SURVEYING SERVICES
 80 SE 31st Lane, Okeechobee, FL 34974
 ricky.barnes@bsmsurvey.com
 863.484.8324 LB 8155

NOT VALID WITHOUT SHEET 1 OF 2

SKETCH AND LEGAL DESCRIPTION
 (THIS IS NOT A SURVEY)
 15.0' ABANDONED ALLEY
 OKEECHOBEE COUNTY, FLORIDA

SCALE: 1" = 50'	PROJECT NO: 21-109	REVISION:
DATE: 03/26/21	CAD FILE: 21-109	SHEET: 2 OF 2

Okeechobee County Property Appraiser

Mickey L. Bandi, CFA

RSF/C

2020 Certified Values

updated: 4/8/2021

Parcel: << **3-15-37-35-0010-01210-0010 (33814)** >>

Aerial Viewer Pictometry Google Maps

Owner & Property Info

Result: 6 of 18

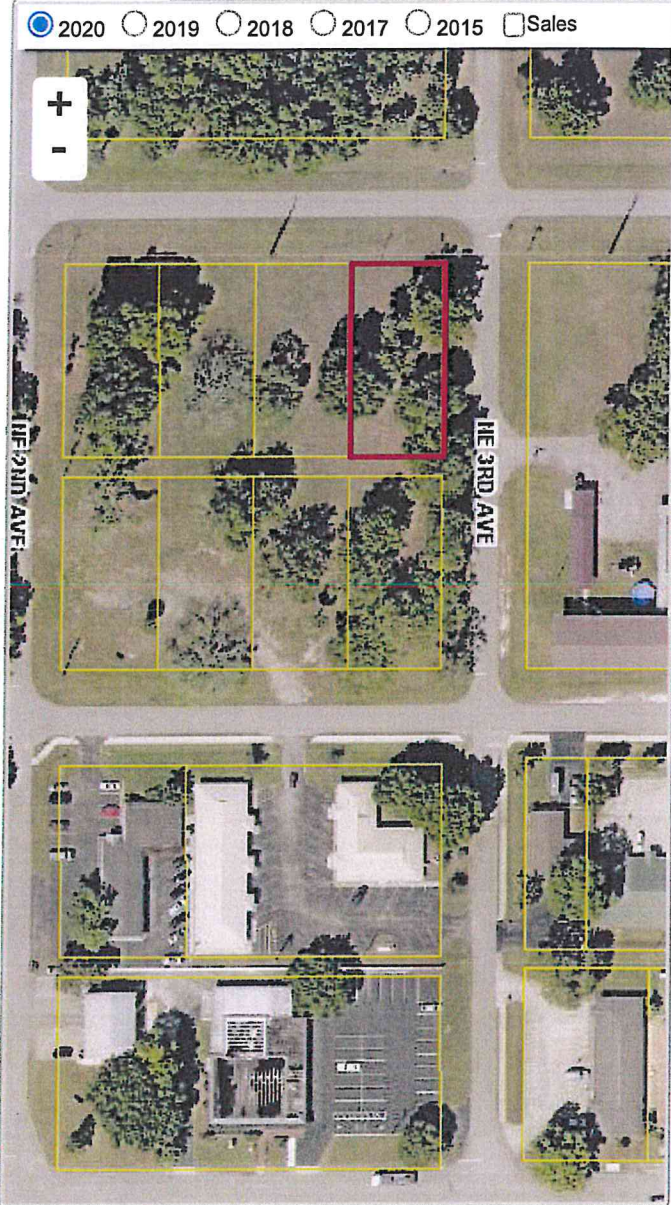
Owner	PENROD SHAUN C PENROD DESIREE A 2437 SW 33RD CIR OKEECHOBEE, FL 34974-5723		
Site	NE 4TH ST, OKEECHOBEE		
Description*	CITY OF OKEECHOBEE (PLAT BOOK 1 PAGE 10 & PLAT BOOK 5 PAGE 5) LOT 1 & EAST 1/2 OF LOT 2 BLOCK 121		
Area	0.258 AC	S/T/R	15-37-35
Use Code**	VACANT COMMERCIAL (1000)	Tax District	50

*The Description above is not to be used as the Legal Description for this parcel in any legal transaction.
**The Use Code is a Dept. of Revenue code. Please contact Okeechobee County Planning & Development at 863-763-5548 for zoning info.

Property & Assessment Values

2019 Certified Values		2020 Certified Values	
Mkt Land	\$21,026	Mkt Land	\$21,360
Ag Land	\$0	Ag Land	\$0
Building	\$0	Building	\$0
XFOB	\$0	XFOB	\$0
Just	\$21,026	Just	\$21,360
Class	\$0	Class	\$0
Appraised	\$21,026	Appraised	\$21,360
SOH Cap [?]	\$0	SOH/10% Cap [?]	\$0
Assessed	\$21,026	Assessed	\$21,360
Exempt	\$0	Exempt	\$0
Total Taxable	county:\$21,026	Total Taxable	county:\$21,360
	city:\$21,026		city:\$21,360
	other:\$21,026		other:\$21,360
	school:\$21,026		school:\$21,360

Note: Property ownership changes can cause the Assessed value of the property to reset to full Market value, which could result in higher property taxes.



Sales History

Sale Date	Sale Price	Book/Page	Deed	V/I	Qualification (Codes)	RCode
11/20/2018	\$105,000	0816/0970	WD	V	Q	03
10/27/1997	\$0	0398/0544	WD	V	U	03
5/1/1987	\$0	0286/1692	WD	V	U	03

Building Characteristics

Bldg Sketch	Description*	Year Blt	Base SF	Actual SF	Bldg Value
NONE					

Extra Features & Out Buildings (Codes)

Code	Description	Year Blt	Value	Units	Dims	Condition (% Good)
NONE						

Land Breakdown

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RSF/1c

Okeechobee County Property Appraiser

Mickey L. Bandi, CFA

2020 Certified Values

updated: 4/8/2021

Parcel: << **3-15-37-35-0010-01210-0030 (33815)** >>

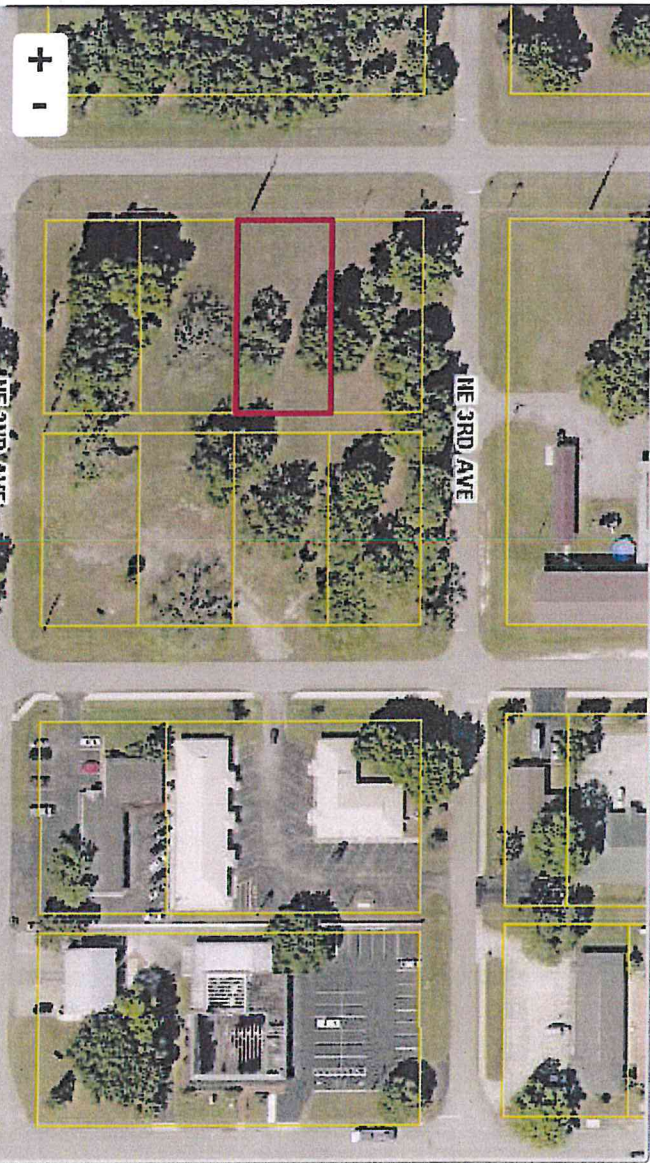
Aerial Viewer Pictometry Google Maps

Owner & Property Info

Owner	PENROD SHAUN C PENROD DESIREE A 2437 SW 33RD CIR OKEECHOBEE, FL 34974-5723		
Site	NE 4TH ST, OKEECHOBEE		
Description*	CITY OF OKEECHOBEE (PLAT BOOK 1 PAGE 10 & PLAT BOOK 5 PAGE 5) LOT 3 & WEST 1/2 OF LOT 2 BLOCK 121		
Area	0.258 AC	S/T/R	15-37-35
Use Code**	VACANT COMMERCIAL (1000)	Tax District	50

*The Description above is not to be used as the Legal Description for this parcel in any legal transaction.
 **The Use Code is a Dept. of Revenue code. Please contact Okeechobee County Planning & Development at 863-763-5548 for zoning info.

2020 2019 2018 2017 2015 Sales



Property & Assessment Values

2019 Certified Values		2020 Certified Values	
Mkt Land	\$21,026	Mkt Land	\$21,360
Ag Land	\$0	Ag Land	\$0
Building	\$0	Building	\$0
XFOB	\$0	XFOB	\$0
Just	\$21,026	Just	\$21,360
Class	\$0	Class	\$0
Appraised	\$21,026	Appraised	\$21,360
SOH Cap [?]	\$0	SOH/10% Cap [?]	\$0
Assessed	\$21,026	Assessed	\$21,360
Exempt	\$0	Exempt	\$0
Total Taxable	county:\$21,026 city:\$21,026 other:\$21,026 school:\$21,026	Total Taxable	county:\$21,360 city:\$21,360 other:\$21,360 school:\$21,360

Note: Property ownership changes can cause the Assessed value of the property to reset to full Market value, which could result in higher property taxes.

Sales History

Sale Date	Sale Price	Book/Page	Deed	V/I	Qualification (Codes)	RCode
11/20/2018	\$105,000	0816/0970	WD	V	Q	03
10/27/1997	\$0	0398/0544	WD	V	U	03
5/1/1987	\$0	0286/1692	WD	V	U	03

Building Characteristics

Bldg Sketch	Description*	Year Blt	Base SF	Actual SF	Bldg Value
NONE					

Extra Features & Out Buildings (Codes)

Code	Description	Year Blt	Value	Units	Dims	Condition (% Good)
NONE						

Land Breakdown

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Okeechobee County Property Appraiser

Mickey L. Bandi, CFA

RSFI/C

2020 Certified Values

updated: 4/8/2021

Parcel: << **3-15-37-35-0010-01210-0040 (33816)** >>

Aerial Viewer Pictometry Google Maps

Owner & Property Info

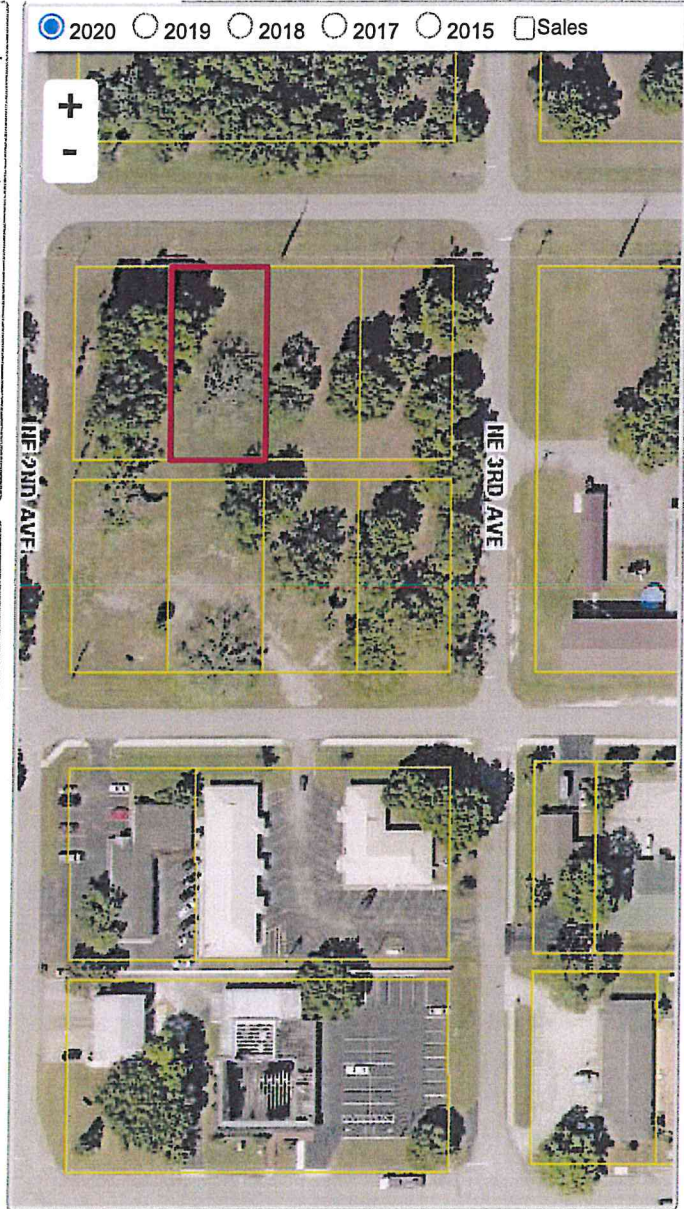
Owner	PENROD SHAUN C PENROD DESIREE A 2437 SW 33RD CIR OKEECHOBEE, FL 34974-5723		
Site	NE 4TH ST, OKEECHOBEE		
Description*	CITY OF OKEECHOBEE (PLAT BOOK 1 PAGE 10 & PLAT BOOK 5 PAGE 5) LOT 4 & EAST 1/2 OF LOT 5 BLOCK 121		
Area	0.258 AC	S/T/R	15-37-35
Use Code**	VACANT COMMERCIAL (1000)	Tax District	50

*The Description above is not to be used as the Legal Description for this parcel in any legal transaction.
 **The Use Code is a Dept. of Revenue code. Please contact Okeechobee County Planning & Development at 863-763-5548 for zoning info.

Property & Assessment Values

2019 Certified Values		2020 Certified Values	
Mkt Land	\$21,026	Mkt Land	\$21,360
Ag Land	\$0	Ag Land	\$0
Building	\$0	Building	\$0
XFOB	\$0	XFOB	\$0
Just	\$21,026	Just	\$21,360
Class	\$0	Class	\$0
Appraised	\$21,026	Appraised	\$21,360
SOH Cap [?]	\$0	SOH/10% Cap [?]	\$0
Assessed	\$21,026	Assessed	\$21,360
Exempt	\$0	Exempt	\$0
Total Taxable	county:\$21,026	Total Taxable	county:\$21,360
	city:\$21,026		city:\$21,360
	other:\$21,026		other:\$21,360
	school:\$21,026		school:\$21,360

Note: Property ownership changes can cause the Assessed value of the property to reset to full Market value, which could result in higher property taxes.



Sales History

Sale Date	Sale Price	Book/Page	Deed	V/I	Qualification (Codes)	RCode
11/20/2018	\$105,000	0816/0970	WD	V	Q	03
10/27/1997	\$0	0398/0544	WD	V	U	03
5/1/1987	\$0	0286/1692	WD	V	U	03

Building Characteristics

Bldg Sketch	Description*	Year Blt	Base SF	Actual SF	Bldg Value
NONE					

Extra Features & Out Buildings (Codes)

Code	Description	Year Blt	Value	Units	Dims	Condition (% Good)
NONE						

Land Breakdown

Code	Description	Area	Value
NONE			

RSF/C

Okeechobee County Property Appraiser

Mickey L. Bandi, CFA

2020 Certified Values

updated: 4/8/2021

Parcel: << **3-15-37-35-0010-01210-0060 (33817)** >>

Aerial Viewer Pictometry Google Maps

Owner & Property Info

Owner	PENROD SHAUN C PENROD DESIREE A 2437 SW 33RD CIR OKEECHOBEE, FL 34974-5723		
Site	NE 4TH ST, OKEECHOBEE		
Description*	CITY OF OKEECHOBEE (PLAT BOOK 1 PAGE 10 & PLAT BOOK 5 PAGE 5) LOT 6 & WEST 1/2 OF LOT 5 BLOCK 121		
Area	0.258 AC	S/T/R	15-37-35
Use Code**	VACANT COMMERCIAL (1000)	Tax District	50

*The Description above is not to be used as the Legal Description for this parcel in any legal transaction.
 **The Use Code is a Dept. of Revenue code. Please contact Okeechobee County Planning & Development at 863-763-5548 for zoning info.

2020 2019 2018 2017 2015 Sales



Property & Assessment Values

2019 Certified Values		2020 Certified Values	
Mkt Land	\$21,026	Mkt Land	\$21,360
Ag Land	\$0	Ag Land	\$0
Building	\$0	Building	\$0
XFOB	\$0	XFOB	\$0
Just	\$21,026	Just	\$21,360
Class	\$0	Class	\$0
Appraised	\$21,026	Appraised	\$21,360
SOH Cap [?]	\$0	SOH/10% Cap [?]	\$0
Assessed	\$21,026	Assessed	\$21,360
Exempt	\$0	Exempt	\$0
Total Taxable	county:\$21,026	Total Taxable	county:\$21,360
	city:\$21,026		city:\$21,360
	other:\$21,026		other:\$21,360
	school:\$21,026		school:\$21,360

Note: Property ownership changes can cause the Assessed value of the property to reset to full Market value, which could result in higher property taxes.

Sales History

Sale Date	Sale Price	Book/Page	Deed	V/I	Qualification (Codes)	RCode
11/20/2018	\$105,000	0816/0970	WD	V	Q	03
10/27/1997	\$0	0398/0544	WD	V	U	03
5/1/1987	\$0	0286/1692	WD	V	U	03

Building Characteristics

Bldg Sketch	Description*	Year Blt	Base SF	Actual SF	Bldg Value
NONE					

Extra Features & Out Buildings (Codes)

Code	Description	Year Blt	Value	Units	Dims	Condition (% Good)
NONE						

Land Breakdown

NONE						
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RSF1/c

Okeechobee County Property Appraiser

Mickey L. Bandi, CFA

2020 Certified Values

updated: 4/8/2021

Parcel: << **3-15-37-35-0010-01210-0120 (33821)** >>

Aerial Viewer Pictometry Google Maps

Owner & Property Info

Owner	PENROD SHAUN C PENROD DESIREE A 2437 SW 33RD CIR OKEECHOBEE, FL 34974-5723		
Site	NE 3RD ST, OKEECHOBEE		
Description*	CITY OF OKEECHOBEE (PLAT BOOK 1 PAGE 10 & PLAT BOOK 5 PAGE 5) LOT 12 & EAST 1/2 OF LOT 11 BLOCK 121		
Area	0.258 AC	S/T/R	15-37-35
Use Code**	VACANT COMMERCIAL (1000)	Tax District	50

*The Description above is not to be used as the Legal Description for this parcel in any legal transaction.
 **The Use Code is a Dept. of Revenue code. Please contact Okeechobee County Planning & Development at 863-763-5548 for zoning info.



Property & Assessment Values

2019 Certified Values		2020 Certified Values	
Mkt Land	\$21,026	Mkt Land	\$21,360
Ag Land	\$0	Ag Land	\$0
Building	\$0	Building	\$0
XFOB	\$0	XFOB	\$0
Just	\$21,026	Just	\$21,360
Class	\$0	Class	\$0
Appraised	\$21,026	Appraised	\$21,360
SOH Cap [?]	\$0	SOH/10% Cap [?]	\$0
Assessed	\$21,026	Assessed	\$21,360
Exempt	\$0	Exempt	\$0
Total Taxable	county:\$21,026	Total Taxable	county:\$21,360
	city:\$21,026		city:\$21,360
	other:\$21,026		other:\$21,360
	school:\$21,026		school:\$21,360

Note: Property ownership changes can cause the Assessed value of the property to reset to full Market value, which could result in higher property taxes.

Sales History

Sale Date	Sale Price	Book/Page	Deed	V/I	Qualification (Codes)	RCode
11/20/2018	\$105,000	0816/0970	WD	V	Q	03

Building Characteristics

Bldg Sketch	Description*	Year Blt	Base SF	Actual SF	Bldg Value
NONE					

Extra Features & Out Buildings (Codes)

Code	Description	Year Blt	Value	Units	Dims	Condition (% Good)
NONE						

Land Breakdown

Code	Description	Units	Adjustments	Eff Rate	Land Value
067NP9	NO SIDE ST (MKT)	75.000 FF (0.258 AC)	1.0000/.8900 1.0000/ /	\$285 /FF	\$21,360

RSFI/c

Okeechobee County Property Appraiser

Mickey L. Bandi, CFA

2020 Certified Values

updated: 4/8/2021

Parcel: << **3-15-37-35-0010-01210-0100 (33820)** >>

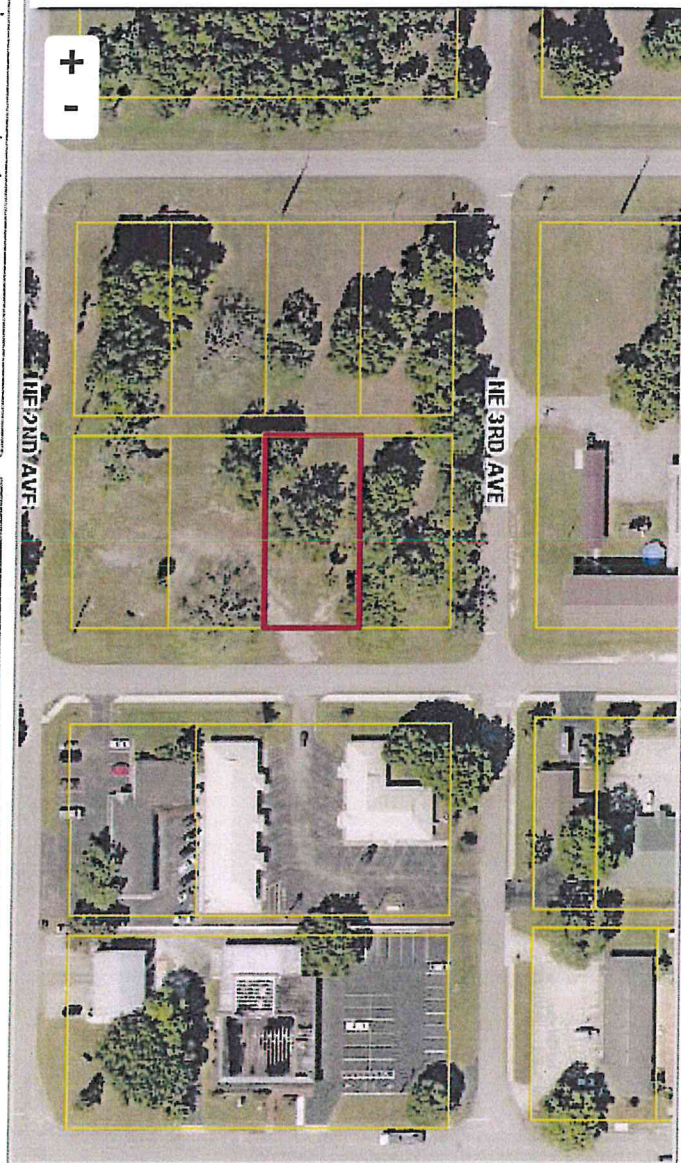
Aerial Viewer Pictometry Google Maps

Owner & Property Info

Owner	PENROD SHAUN C PENROD DESIREE A 2437 SW 33RD CIR OKEECHOBEE, FL 34974-5723		
Site	NE 3RD ST, OKEECHOBEE		
Description*	CITY OF OKEECHOBEE (PLAT BOOK 1 PAGE 10 & PLAT BOOK 5 PAGE 5) LOT 10 & WEST 1/2 OF LOT 11 BLOCK 121		
Area	0.258 AC	S/T/R	15-37-35
Use Code**	VACANT COMMERCIAL (1000)	Tax District	50

*The Description above is not to be used as the Legal Description for this parcel in any legal transaction.
 **The Use Code is a Dept. of Revenue code. Please contact Okeechobee County Planning & Development at 863-763-5548 for zoning info.

2020 2019 2018 2017 2015 Sales



Property & Assessment Values

2019 Certified Values		2020 Certified Values	
Mkt Land	\$21,026	Mkt Land	\$21,360
Ag Land	\$0	Ag Land	\$0
Building	\$0	Building	\$0
XFOB	\$0	XFOB	\$0
Just	\$21,026	Just	\$21,360
Class	\$0	Class	\$0
Appraised	\$21,026	Appraised	\$21,360
SOH Cap [?]	\$0	SOH/10% Cap [?]	\$0
Assessed	\$21,026	Assessed	\$21,360
Exempt	\$0	Exempt	\$0
Total Taxable	county:\$21,026	Total Taxable	county:\$21,360
	city:\$21,026		city:\$21,360
	other:\$21,026		other:\$21,360
	school:\$21,026		school:\$21,360

Note: Property ownership changes can cause the Assessed value of the property to reset to full Market value, which could result in higher property taxes.

Sales History

Sale Date	Sale Price	Book/Page	Deed	V/I	Qualification (Codes)	RCode
11/20/2018	\$105,000	0816/0970	WD	V	Q	03

Building Characteristics

Bldg Sketch	Description*	Year Blt	Base SF	Actual SF	Bldg Value
NONE					

Extra Features & Out Buildings (Codes)

Code	Description	Year Blt	Value	Units	Dims	Condition (% Good)
NONE						

Land Breakdown

Code	Description	Units	Adjustments	Eff Rate	Land Value
067NP9	NO SIDE ST (MKT)	75.000 FF (0.258 AC)	1.0000/.8900 1.0000/ /	\$285 /FF	\$21,360

Okeechobee County Property Appraiser

Mickey L. Bandi, CFA

2020 Certified Values

updated: 4/8/2021

RSFI/c

Parcel: << **3-15-37-35-0010-01210-0090 (33819)** >>

Aerial Viewer Pictometry Google Maps

Owner & Property Info

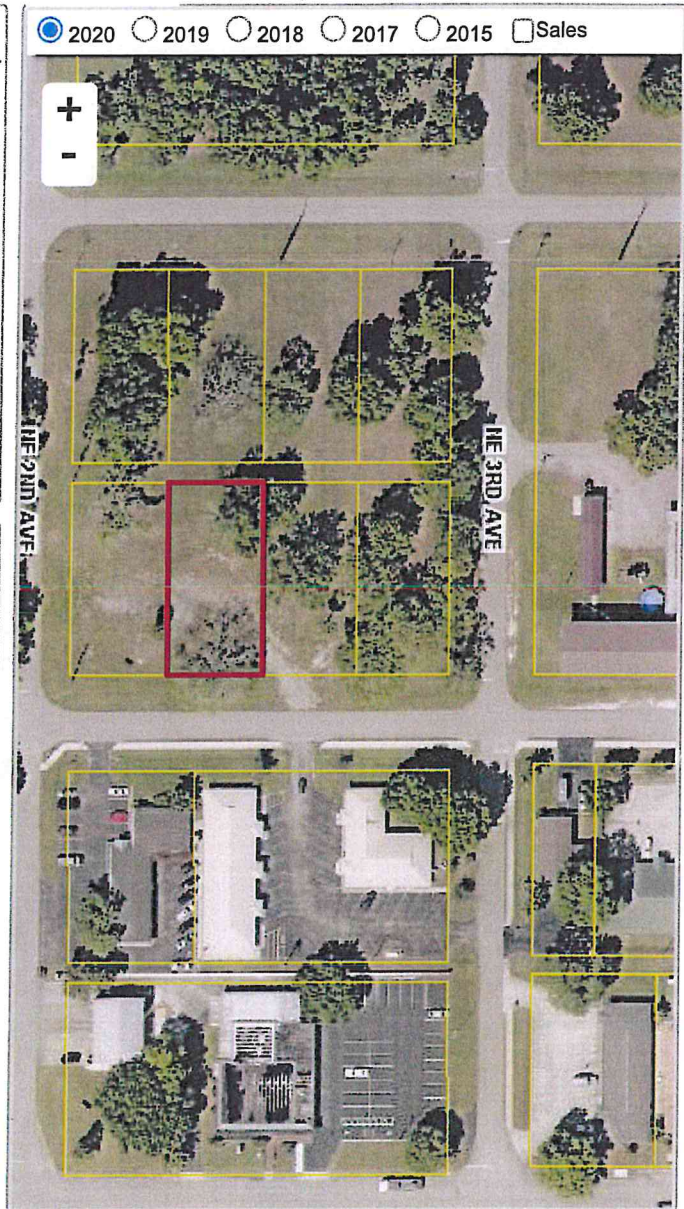
Owner	PENROD SHAUN C PENROD DESIREE A 2437 SW 33RD CIR OKEECHOBEE, FL 34974-5723		
Site	NE 3RD ST, OKEECHOBEE		
Description*	CITY OF OKEECHOBEE (PLAT BOOK 1 PAGE 10 & PLAT BOOK 5 PAGE 5) LOT 9 & EAST 1/2 OF LOT 8 BLOCK 121		
Area	0.258 AC	S/T/R	15-37-35
Use Code**	VACANT COMMERCIAL (1000)	Tax District	50

*The Description above is not to be used as the Legal Description for this parcel in any legal transaction.
 **The Use Code is a Dept. of Revenue code. Please contact Okeechobee County Planning & Development at 863-763-5548 for zoning info.

Property & Assessment Values

2019 Certified Values		2020 Certified Values	
Mkt Land	\$21,026	Mkt Land	\$21,360
Ag Land	\$0	Ag Land	\$0
Building	\$0	Building	\$0
XFOB	\$0	XFOB	\$0
Just	\$21,026	Just	\$21,360
Class	\$0	Class	\$0
Appraised	\$21,026	Appraised	\$21,360
SOH Cap [?]	\$0	SOH/10% Cap [?]	\$0
Assessed	\$21,026	Assessed	\$21,360
Exempt	\$0	Exempt	\$0
Total Taxable	county:\$21,026	Total Taxable	county:\$21,360
	city:\$21,026		city:\$21,360
	other:\$21,026		other:\$21,360
	school:\$21,026		school:\$21,360

Note: Property ownership changes can cause the Assessed value of the property to reset to full Market value, which could result in higher property taxes.



Sales History

Sale Date	Sale Price	Book/Page	Deed	V/I	Qualification (Codes)	RCode
11/20/2018	\$105,000	0816/0970	WD	V	Q	03

Building Characteristics

Bldg Sketch	Description*	Year Blt	Base SF	Actual SF	Bldg Value
NONE					

Extra Features & Out Buildings (Codes)

Code	Description	Year Blt	Value	Units	Dims	Condition (% Good)
NONE						

Land Breakdown

Code	Description	Units	Adjustments	Eff Rate	Land Value
067NP9	NO SIDE ST (MKT)	75.000 FF (0.258 AC)	1.0000/.8900 1.0000/ /	\$285 /FF	\$21,360

Okeechobee County Property Appraiser

Mickey L. Bandi, CFA

2020 Certified Values

updated: 4/8/2021

Parcel: << **3-15-37-35-0010-01210-0070 (33818)** >>

Aerial Viewer Pictometry Google Maps

2020 2019 2018 2017 2015 Sales

Owner & Property Info

Owner	PENROD SHAUN C PENROD DESIREE A 2437 SW 33RD CIR OKEECHOBEE, FL 34974-5723		
Site	NE 3RD ST, OKEECHOBEE		
Description*	CITY OF OKEECHOBEE (PLAT BOOK 1 PAGE 10 & PLAT BOOK 5 PAGE 5) LOT 7 & WEST 1/2 OF LOT 8 BLOCK 121		
Area	0.258 AC	S/T/R	15-37-35
Use Code**	VACANT COMMERCIAL (1000)	Tax District	50

*The Description above is not to be used as the Legal Description for this parcel in any legal transaction.
 **The Use Code is a Dept. of Revenue code. Please contact Okeechobee County Planning & Development at 863-763-5548 for zoning info.



Property & Assessment Values

2019 Certified Values		2020 Certified Values	
Mkt Land	\$21,026	Mkt Land	\$21,360
Ag Land	\$0	Ag Land	\$0
Building	\$0	Building	\$0
XFOB	\$0	XFOB	\$0
Just	\$21,026	Just	\$21,360
Class	\$0	Class	\$0
Appraised	\$21,026	Appraised	\$21,360
SOH Cap [?]	\$0	SOH/10% Cap [?]	\$0
Assessed	\$21,026	Assessed	\$21,360
Exempt	\$0	Exempt	\$0
Total Taxable	county:\$21,026	Total Taxable	county:\$21,360
	city:\$21,026		city:\$21,360
	other:\$21,026		other:\$21,360
	school:\$21,026		school:\$21,360

Note: Property ownership changes can cause the Assessed value of the property to reset to full Market value, which could result in higher property taxes.

Sales History

Sale Date	Sale Price	Book/Page	Deed	V/I	Qualification (Codes)	RCode
11/20/2018	\$105,000	0816/0970	WD	V	Q	03

Building Characteristics

Bldg Sketch	Description*	Year Blt	Base SF	Actual SF	Bldg Value
NONE					

Extra Features & Out Buildings (Codes)

Code	Description	Year Blt	Value	Units	Dims	Condition (% Good)
NONE						

Land Breakdown

Code	Description	Units	Adjustments	Eff Rate	Land Value
067NP9	NO SIDE ST (MKT)	75.000 FF (0.258 AC)	1.0000/.8900 1.0000/ /	\$285 /FF	\$21,360



Staff Report

Right-of-Way Abandonment

Prepared for: *The City of Okeechobee*

Applicant: *Shaun C Penrod*

Address: *200 NE 3rd Street*

Petition No.: *21-002-AC*

LaRue
planning

1375 Jackson Street # 206 Fort Myers, FL 33901

Request

The matter before the TRC is an application to abandon the alley that runs through Block 121 at 200 NE 3rd Street. The alley is 15 feet wide by 299.84 feet long, totaling 4,497.6 square feet (0.103 acres). The block is owned by a single land owner that plans to sell the entirety of the property to a potential developer with plans to build apartments at this site if the concurrent future land use map amendment and rezoning requests are also approved.

General Information

Applicant	Shaun C Penrod 2437 SW 33 rd Circle Okeechobee, FL 34974
Site Address	The alley between the north and south parcels of Block 121
Contact Person	Shaun Penrod
Contact Phone Number	863.634.0465
Contact E-mail Address	penrodconstruction@gmail.com

Legal Description of Subject Property

A STRIP OF LAND, 15.00 FEET IN WIDTH, BEING A PORTION OF BLOCK 121 OF THE CITY OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5 OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA, LOCATED IN SECTION 15, TOWNSHIP 37 SOUTH, RANGE 35 EAST, OKEECHOBEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 7 OF SAID BLOCK 121, SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF THE ALLEY OF SAID BLOCK 121, THENCE NORTH 00°11'04" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF NORTHEAST 2ND AVENUE, A DISTANCE OF 15.00 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 121 ALLEY; THENCE NORTH 89°49'44" EAST ALONG THE NORTH LINE OF SAID BLOCK 121 ALLEY, A DISTANCE OF 299.84 FEET TO THE WEST RIGHT RIGHT-OF-WAY LINE OF NORTHEAST 3RD AVENUE AND THE NORTHEAST CORNER OF SAID BLOCK 121 ALLEY; THENCE SOUTH 00°11'04" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 15.00 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 121 ALLEY; THENCE SOUTH 89°49'44" WEST ALONG THE SOUTH LINE OF SAID BLOCK 121 ALLEY, A DISTANCE OF 299.84 FEET TO THE POINT OF BEGINNING.

SAID LAND LYING IN OKEECHOBEE COUNTY, FLORIDA CONTAINING 0.103 ACRES MORE OR LESS.

Characteristics of the Subject Property

	Existing	Proposed
Future Land Use	Commercial	Multi-Family Residential
Zoning	Residential Single Family	Residential Multiple Family
Use of Property	Vacant	Multi-Family rental apartments
Acreage	0.103 acres	0.103 acres

Description of the Subject Site and Surrounding Area

AERIAL

The subject of the abandonment/vacation is outlined in Red on the aerial photograph from the Property Appraiser's office below. The Applicant owns all surrounding parcels.



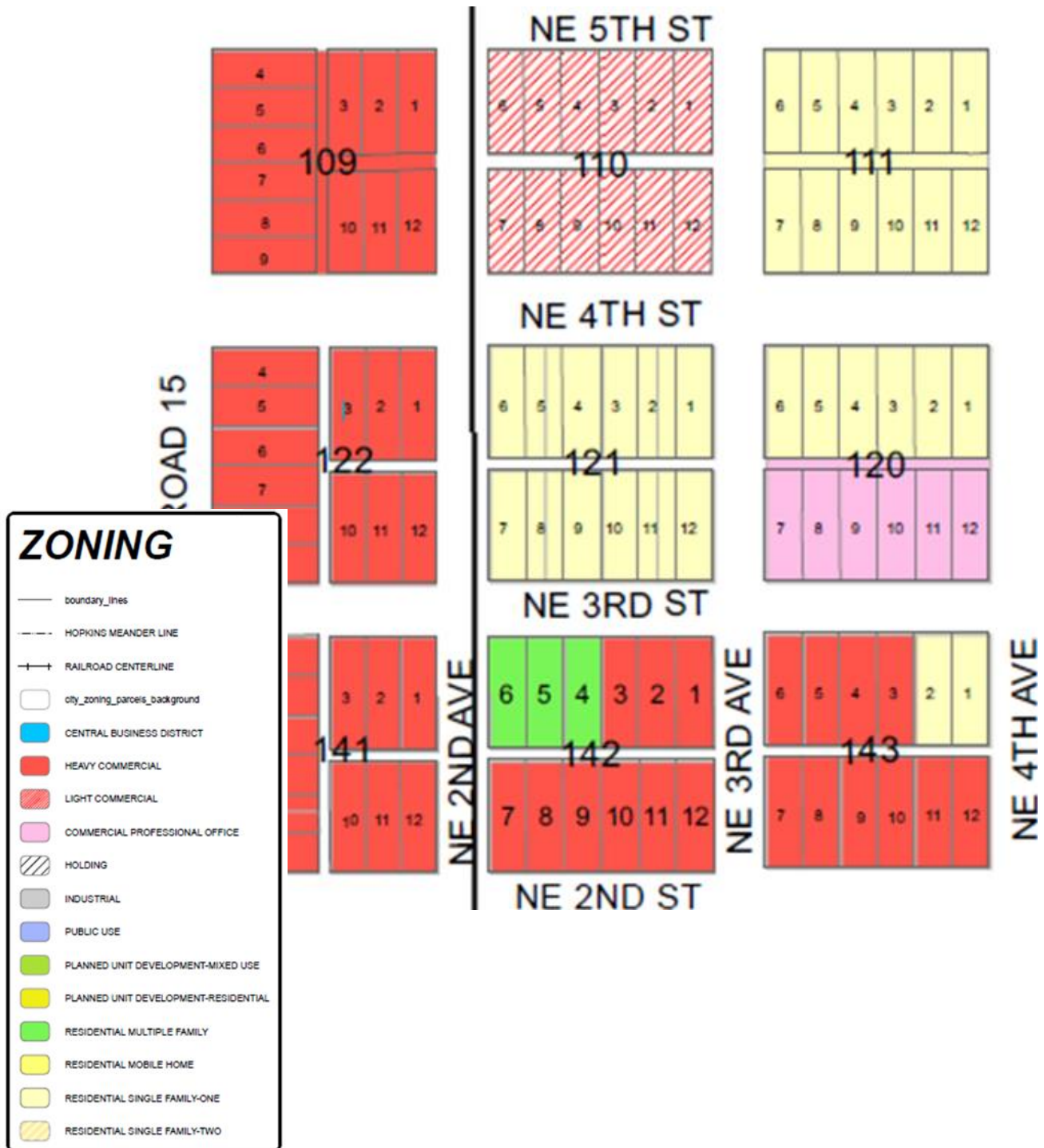
FUTURE LAND USE

The subject of the abandonment/vacation, is the land between the north and south sections of Block 121, as shown on this excerpt from the City's Future Land Use Map. If the City grants the Applicant's concurrent request to change the future land use designation from Commercial to Multifamily Residential, then it also seems appropriate to approve the vacation of this alley and designate that land as Multifamily Residential on the Future Land Use Map.



ZONING

The subject of the abandonment/vacation, is the land between the north and south sections of Block 121, as shown on this excerpt from the City's Zoning Map. If the City grants the Applicant's concurrent request to rezone from Residential Single Family to Residential Multiple Family, then it also seems appropriate to approve the vacation of this alley and designate that land as Residential Multiple Family on the Zoning Map.



Consistency with Sec. 78-33, Vacation of Rights-of-Way

Sec. 78.33 states that applications to vacate an alley or public right-of-way may be approved upon a finding by the City Council that the following requirements have been met. The Applicant's responses are provided in Times Roman typeface and are repeated below exactly as provided by the Applicant. Staff has made no attempt to correct typos, grammar, or clarify the Applicant's comments. Staff Comments are in Arial typeface.

1. *Proposed vacation is consistent with the Comprehensive Plan.*

Applicant Comment: "The requested alley is currently not used for access or utilities, there is no mention of alleys in the City's Comprehensive Plan, the LDR's mention alleys in Section 86-142, which states alley may be allowed in residential districts, also in Section 70-335, which states notice of abandonment required, otherwise they are other referenced, but not concerning vacancies."

Staff Comment: There is nothing in the City's Comprehensive Plan concerning abandonments or vacations of rights-of-way.

2. *Right-of-way to be vacated is not the sole access to any property, and the remaining access is not an easement*

Applicant Comment: "The alley is not sole access to any property and a remaining land will not require an easement."

Staff Comment: The applicant owns all of the surrounding property. No other properties require this alley for access. If the abandonment is approved, FP&L is requiring that a 10 foot easement be provided for the full 15 foot width of the subject ROW on the West side, adjacent to NE 2nd Avenue.

3. *Proposed vacation is in the public interest and provides a benefit to the City.*

Applicant Comment: "The proposed vacation of the alley is within a block that will become a multifamily project, which the City is in need of, so this vacation will allow the existing ROW and alley's square footage to add density to this project so more housing can be added and return the property to the tax rolls."

Staff Comment: The proposed right-of-way area to be vacated has not been improved to facilitate vehicular traffic. Turning over maintenance responsibility to the Applicant and adding this property to the City tax rolls will be a benefit to the City. If the concurrently requested map changes are approved and the property is developed according to the Applicant's stated plans, additional taxes will be collected by the City.

4. *Proposed vacation would not jeopardize the location of any utility.*

Applicant Comment: “There are currently no utilities in the requested abandonments.”

Staff Comment: The Applicant has provided signed authorizations from all necessary utility entities including:

- Florida Power & Light (with the above mentioned required easement)
- Century Link (with the condition that the Applicant will bear the cost of relocation and repair of any facilities that are found and/or damaged in the vacated areas)
- Comcast
- Okeechobee Utility Authority
- Florida Public Utilities

Recommendation

Based on the foregoing information and analysis, we believe, from a planning perspective, that if the applicant agrees to the requested conditions made by FP&L and Century Link, the requested right-of-way vacation/abandonment can be considered consistent with the requirements of Sec. 78-33. Staff recommends **approval** of this request.

Submitted by:



Benjamin L. Smith, AICP
Sr. Planner

LaRue Planning

May 11, 2021

TRC Meeting: May 20, 2021

PB/BOA Meeting: July 15, 2021

City Council 1st Reading: (tentative) August 3, 2021

City Council 2nd Reading and Public Hearing: (tentative) September 7, 2021



CITY OF OKEECHOBEE, FLORIDA
TECHNICAL REVIEW COMMITTEE MEETING
MAY 20, 2021
SUMMARY OF COMMITTEE ACTION

I. CALL TO ORDER

Chairperson Montes De Oca called the regular meeting of the Technical Review Committee (TRC) for the City of Okeechobee to order on Thursday, May 20, 2021, at 10:00 A.M. in the City Council Chambers, located at 55 Southeast Third Avenue, Room 200, Okeechobee, Florida, followed by the Pledge of Allegiance led by Assistant Police Chief Hagan.

II. ATTENDANCE

The following TRC Members were present: City Administrator Marcos Montes De Oca and Building Official Jeffery Newell. Members absent: Fire Chief Herb Smith (Lieutenant Adam Crum was present in his place), Police Chief Bob Peterson (Assistant Police Chief Donald Hagan was present in his place), and Public Works Director David Allen (Public Works Operations Supervisor Marvin Roberts was present in his place). City Planning Consultant Ben Smith, Okeechobee Utility Authority (OUA) Executive Director John Hayford (entered the Chambers at 10:04), Committee Secretary Patty Burnette and General Services Secretary Yesica Montoya were present. City Attorney John Fumero, Okeechobee County Environmental Health Director Victor Faconti and the Okeechobee County School Board representative were absent.

III. AGENDA

- A. There were no items added, deferred, or withdrawn from the agenda.
- B. Motion by Building Official Newell, seconded by Assistant Police Chief Hagan to approve the agenda as presented. **Motion Carried Unanimously.**

IV. MINUTES

- A. Motion by Building Official Newell, seconded by Assistant Police Chief Hagan to dispense with the reading and approve the October 15, 2020, Regular Meeting minutes. **Motion Carried Unanimously.**

V. NEW BUSINESS

- A. Abandonment of Right-of-Way Petition No. 21-001-AC.
 - 1. City Planning Consultant Mr. Ben Smith of LaRue Planning and Management Services reviewed the Planning Staff Report recommending approval.
 - 2. No City Staff comments were received.
 - 3. The property owner or agent were not in attendance.
 - 4. No public comments were offered.
 - 5. Chairperson Montes De Oca disclosed he had spoken with Mr. Steven Dobbs, the Applicant's agent, regarding the proposed project.
 - 6. Motion by Building Official Newell, seconded by Operations Supervisor Roberts to recommend approval to the Planning Board for Abandonment of Right-of-Way Petition No. 21-001-AC, which requests to vacate the 20-foot wide by 299.75-foot long East to West alleyway lying between Lots 1 through 6 and 7 through 12 of Block 110, CITY OF OKEECHOBEE, Plat Books 1 and 5, Pages 10 and 5, Public Records of Okeechobee County with the following conditions: Florida Power & Light (FPL) is requiring a 10-foot easement be provided for the full 20-foot width of the subject right-of-way on the West side, adjacent to Northeast 2nd Avenue; and Century Link has requested a condition that the Applicant will bear the cost of relocation and repair any facilities that are found and/or damaged in the vacated areas. **Motion Carried Unanimously.**
- B. Abandonment of Right-of-way Petition No. 21-002-AC.
 - 1. City Planning Consultant Smith reviewed the Planning Staff Report recommending approval.
 - 2. No City Staff comments were received.
 - 3. The property owner or agent were not in attendance.
 - 4. No public comments were offered.

V. NEW BUSINESS ITEM B CONTINUED

- 5. Chairperson Montes De Oca disclosed he had spoken with Mr. Steven Dobbs, the Applicant's agent, regarding the proposed project.
- 6. Motion by Building Official Newell, seconded by Lieutenant Crum to recommend approval to the Planning Board for Abandonment of Right-of-Way Petition No. 21-002-AC, which requests to vacate the 15-foot wide by 299.84-foot long East to West alleyway lying between Lots 1 through 6 and 7 through 12 of Block 121, CITY OF OKEECHOBEE, Plat Books 1 and 5, Pages 10 and 5, Public Records of Okeechobee County with the following conditions: FPL is requiring a 10-foot easement be provided for the full 15-foot width of the subject right-of-way on the West side, adjacent to Northeast 2nd Avenue; and Century Link has requested a condition that the Applicant will bear the cost of relocation and repair any facilities that are found and/or damaged in the vacated areas. **Motion Carried Unanimously.**

VI. Chairperson Montes De Oca adjourned the meeting at 10:11 A.M.

Submitted by:

Patty M. Burnette, Secretary

Please take notice and be advised that when a person decides to appeal any decision made by the Technical Review Committee with respect to any matter considered at this proceeding, he/she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. General Services' media are for the sole purpose of backup for official records.

DRAFT

CRAIG A. SMITH & ASSOCIATES

PROPOSED SCOPE OF SERVICES AND PROPOSED FEE

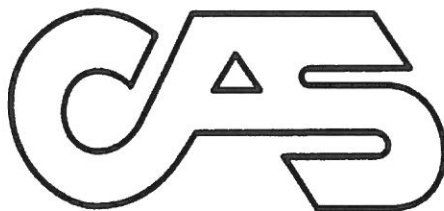
FOR

OKEECHOBEE COMMERCE CENTER PROJECT

CAS PROPOSAL NUMBER: P 4142

CITY OF OKEECHOBEE

DATED: July 23, 2021
Revised July 26, 2021



CRAIG A. SMITH & ASSOCIATES
Engineers•Surveyors•Utility Locators•Grant Specialists
21045 Commercial Trail
Boca Raton, FL 33486
Tel. (561) 314-4445 Fax. (561) 314-4458



CRAIG A. SMITH & ASSOCIATES

PROPOSED SCOPE OF SERVICES AND PROPOSED FEE

**PROJECT NAME: CITY OF OKEECHOBEE
CITY COMMERCE CENTER IMPROVEMENTS**

PROPOSAL NO: P 4142

In response to the South Florida Water Management District's (SFWMD's) constant assertion, the City of Okeechobee City Commissioners has requested that the City Manager seek the assistance of an engineering design firm to assist with evaluating the existing SFWMD permit and constructed system and, if required, prepare a permit modification and any necessary construction plans for the remaining surface water management system such (primarily the dry pre-treatment areas and portion of wet detention area) that the future buildout of the City's Commerce Park will not be required to construct these remaining facilities to meet their pre-treatment requirements.

In response, CAS is presenting this proposal to provide Professional Engineering, Surveying, Utility Location, and other required services to assist the City in achieving these goals

OWNER/CLIENT:

Name: City of Okeechobee
Attention: Gary Ritter – City Administrator
Address: 55 SE 3rd Avenue
Okeechobee, FL 34974
Phone: (863) 763-3372 Ext. 9812
Facsimile: (863) 763-1686



BACKGROUND:

Craig A. Smith & Associates (CAS) Designed and oversaw construction of the City's Commerce Center (CC) around 2000-2004. The CC design and construction was funded by a combination of grants. Grant funding fell short of what was required to complete all the surface water management system (SWMS) required for total CC buildout. In addition, to limit the amount of City owned and maintained SWMS lands, the city elected to require each lot owner to provide some level of pretreatment prior to discharge into the city owned system.

As a result of the funding shortage and decision to defer some level of pretreatment, the city has been required to make incremental improvements to the core SWMS and monitor permit compliance. Permit modifications submitted by CAS have been approved by SFWMD over time since the construction of the initial backbone drainage system. Each lot owner has applied and provided their required pre-treatment requirement by constructing the required pre-treatment system adjacent to City rights-of-way and complying with the grading requirements. In addition, city staff and lot owners must also endure SFWMD's inability to track improvements and permit compliance as each developer must modify the permit to demonstrate compliance for their lot development. Each time a lot is developed, the developer and their engineer has been asked to re-demonstrate the sufficiency of the existing SWMS. CAS has repeatedly demonstrated to SFWMD that the extent of constructed SWMS necessary to comply with water quality and quantity has exceeded the level of development currently in the CC. CAS also recognizes that there may have been project phases designed by others and those phases may have faced the same level of scrutiny by the SFWMD. The city wishes to reduce the complexity brought on by SFWMD of future development by modifying the permit and providing all SWMS requirements for future development. Because of the piecemeal permitting and construction over the years, it is unclear how much improvements will be required to achieve the project goals. For this reason, CAS proposes to develop the project in phases.

CAS proposes to prepare a preliminary engineering evaluation to develop a conceptual plan and cost estimate in phase 1. This will better define the scope of work for final design and construction plan development and should allow the potential for the city to seek funding. More specifically, the scope of work is as follows:

E50 PRELIMINARY ENGINEERING SERVICES

In this phase CAS will collect and review pertinent available information. CAS will evaluate what additional information will be required to evaluate existing conditions and prepare permit applications and construction plans sufficient to achieve the project goals. Anticipated available information includes the information CAS has in our files from the original design, subsequent designs, and as-built surveys. CAS will download and review information from SFWMD permit files and any files the city might have. CAS will perform one site visit to



compare the gathered information with actual field conditions to confirm accuracy. It is anticipated CAS will need to provide supplemental field surveys to verify the accuracy of the information and create base maps for detailed construction plan development. From the information gathered and field observations, CAS will develop a conceptual plan and a conceptual level cost estimate for achieving the project goals. CAS will meet with the City to review the findings, present the conceptual plan and cost estimate for approval prior to advancing to plan development. CAS will meet virtually or by teleconference with the City Manager as needed to coordinate the progress of this phase.

Because of the uncertainty of the missing or unavailable information and proposed scope of work to achieve the project goals, CAS will provide a summary report of the findings along with a detailed scope and proposed price to gather the additional required data, prepare any required permit modifications and construction plans at the conclusion of this initial phase.

CAS'S Lump Sum (LS) Fee for Task E50\$14,300.00

ADDITIONAL SERVICES

Any service not specifically included in the final Agreement will be considered as an Additional Service. CAS will accomplish Additional Services upon proper written authorization of the City of Okeechobee. The fees for Additional Services are at the attached hourly rates or at a mutually agreed upon Lump Sum Fee.

If you are in agreement with the above scope of services and the terms, please sign in the authorization space provided below and return one (1) executed copy of this proposal to our Boca Raton office at 21045 Commercial Trail, Boca Raton, FL 33486 so that we can proceed.

Should you have any questions or need additional information, please do not hesitate to call.

SUBMITTED BY:

APPROVED BY:

CRAIG A. SMITH & ASSOCIATES

CITY OF OKEECHOBEE

James R. Orth, P.E.
 Vice President of Engineering

 Gary Ritter
 City Administrator



CITY OF OKEECHOBEE

(863) 763-3372 Ext. 9812 FAX (863) 763-1686
EMAIL: rbrock@cityofokeechobee.com

CITY COUNCIL AGENDA ITEM REQUEST FORM

PLEASE SUBMIT COMPLETED FORM TO:

CITY ADMINISTRATOR
55 SE 3RD AVENUE, ROOM 201
OKEECHOBEE, FLORIDA 34974

ATTN: Robin Brock, Executive Assistant

NAME: Bobbi Toole
ADDRESS: 1500 NE 42 Terrace

TELEPHONE: 863-623-2734 Email: photosbybobbi@comcast.com

MEETING: REGULAR SPECIAL WORKSHOP DATE: 1st meeting of August

Please state the item you wish to have placed on the agenda:
showers for homeless -

Please state what department(s) you have worked with:
none

Please state desired action by the City Council: a resolution As to why we do not supply a facility, place for homeless to be clean.

Please summarize pertinent information concerning your request and attach applicable documents: I will have a successful fundraiser to provide a portable unit. We need a place to put it.

If a presentation is to be made, please limit the time to ten minutes unless otherwise approved by the Mayor.

SIGNED BY: Bobbi Toole DATE: 7/9/2021



CITY OF OKEECHOBEE
55 SE THIRD AVENUE OKEECHOBEE, FL 34974

Exhibit 6 provided separately

RECEIVED
7-7-21

Exhibit 7
8/3/2021

APPLICATION AND CERTIFICATION FOR PAYMENT

AIA DOCUMENT G702

PAGE ONE OF 2 PAGES

TO OWNER:
CITY OF OKEECHOBEE
55 SE THIRD AVENUE
OKEECHOBEE, FL 34974

PROJECT: SE 3RD AVENUE

APPLICATION NO: 1R2

Distribution to:

- OWNER
- ARCHITECT
- CONTRACTOR
- ENGINEER

FROM CONTRACTOR:
C. W. Roberts Contracting, Inc.
3372 Capital Circle NE
Tallahassee, FL 32308

VIA ARCHITECT:

PERIOD FROM: 2/22/2021

PERIOD TO: 4/21/2021

PROJECT NOS: 1511725

CONTRACT FOR:

CONTRACT DATE: 2/8/2021

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract.
Continuation Sheet, AIA Document G703, is attached.

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

- 1. ORIGINAL CONTRACT SUM \$ 139,848.50 ✓
- 2. Net change by Change Orders \$ 0.00
- 3. CONTRACT SUM TO DATE (Line 1 + 2) \$ 139,848.50 ✓
- 4. TOTAL COMPLETED & STORED TO DATE (Column G on G703) \$ 147,096.50
- 5. RETAINAGE:
 - a. 0 % of Completed Work \$ 0.00
(Column D + E on G703)
 - b. % of Stored Material \$
(Column F on G703)
 - Total Retainage (Lines 5a + 5b or Total in Column I of G703) \$ 0.00
- 6. TOTAL EARNED LESS RETAINAGE \$ 147,096.50
(Line 4 Less Line 5 Total)
- 7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate) \$ 0.00
- 8. CURRENT PAYMENT DUE \$ 147,096.50
- 9. BALANCE TO FINISH, INCLUDING RETAINAGE \$ -7,248.00
(Line 3 less Line 6)

CONTRACTOR: C. W. Roberts Contracting, Inc.

By: Benjamin B Baummier
Project Manager
Digitally signed by Benjamin B Baummier
Date: 2021.06.22 09:12:15 -04'00' Date: 06/08/2021

State of: County of:
Subscribed and sworn to before me this day of
Notary Public:
My Commission expires:

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$ 147,096.50

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)
ARCHITECT:

By: Date:

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner #	\$0.00	\$0.00
Total approved this Month #	\$0.00	\$0.00
TOTALS	\$0.00	\$0.00
NET CHANGES by Change Order	\$0.00	

ESTIMATE OF CONSTRUCTION FOR

CONTRACTOR : C. W. ROBERTS CONTRACTING, INC.
ADDRESS : 3372 CAPITAL CIRCLE NE
 TALLAHASSEE, FLORIDA 32308
TELEPHONE : (850) 385-5060
CONTACT : Todd Castleberry
EMAIL : tcastleberry@cwrccontracting.com
TELEPHONE : (772) 288-0951

PROJECT NAME : SE 3RD AVENUE
OWNER/GC : CITY OF OKEECHOBEE
OWNER PROJECT NO. : PW 05-10-09-20
FINANCIAL PROJECT ID :
F. A. P. NO. :
ENGINEER :
ADDRESS : 55 SE THIRD AVENUE
 OKEECHOBEE, FL 34974
ATTENTION : DAVID ALLEN
EMAIL : DALLEN@CITYOFOKEECHOBEE.COM
TELEPHONE :

CWR PROJECT NO. : 1511725
BEGIN PAY PERIOD : 2/22/2021
END PAY PERIOD : 4/21/2021
PAY REQUEST NO. : 1R2

LINE NO.	ITEM NO.	WORK ITEM DESCRIPTION	EST. QTY.	UNIT MEASURE	UNIT PRICE	SCHEDULED VALUES	QUANTITIES OF WORK COMPLETED			VALUE OF WORK COMPLETED			% COMPLETE
							PREVIOUS	THIS EST.	TO - DATE	PREVIOUS	THIS EST.	TO - DATE	
1	100	MOBILIZATION / DEMOBILIZATION	1.000	LS	\$8,500.00	\$8,500.00	0.000	1.000	1.000	\$0.00	\$8,500.00	\$8,500.00	100.00%
2	200	MAINTENANCE OF TRAFFIC	1.000	LS	\$2,300.00	\$2,300.00	0.000	1.000	1.000	\$0.00	\$2,300.00	\$2,300.00	100.00%
3	300	INLET PROTECTION SYSTEM	10.000	EA	\$235.00	\$2,350.00	0.000	10.000	10.000	\$0.00	\$2,350.00	\$2,350.00	100.00%
4	400	MILL EXISTING ASPHALTIC PAVEMENT 1" AVERAGE DEPTH	8,742.000	SY	\$1.75	\$15,298.50	0.000	8,742.000	8,742.000	\$0.00	\$15,298.50	\$15,298.50	100.00%
5	500	SUPERPAVE ASPHALTIC CONCRETE TRAFFIC C (SP-9.5)	750.000	TN	\$104.00	\$78,000.00	0.000	867.000	867.000	\$0.00	\$90,168.00	\$90,168.00	115.60%
6	600	REMOVAL OF EXISTING SIDEWALK, CURB AND GUTTER	1.000	LS	\$4,600.00	\$4,600.00	0.000	1.000	1.000	\$0.00	\$4,600.00	\$4,600.00	100.00%
7	700	SIDEWALK CURB & RAMP FDOT INDEX 304, CR-F	10.000	EA	\$2,200.00	\$22,000.00	0.000	9.000	9.000	\$0.00	\$19,800.00	\$19,800.00	90.00%
8	800	DETECTABLE WARNING MAT - BRICK RED	200.000	SF	\$34.00	\$6,800.00	0.000	120.000	120.000	\$0.00	\$4,080.00	\$4,080.00	60.00%
CONTRACT AMOUNT						\$139,848.50				\$0.00	\$147,096.50	\$147,096.50	
FUEL & BIT ADJUSTMENTS													
						\$0.00	0.000		0.000	\$0.00	\$0.00	\$0.00	0.00%
						\$0.00	0.000		0.000	\$0.00	\$0.00	\$0.00	0.00%
						\$0.00	0.000		0.000	\$0.00	\$0.00	\$0.00	0.00%
						\$0.00	0.000		0.000	\$0.00	\$0.00	\$0.00	0.00%
						\$0.00	0.000		0.000	\$0.00	\$0.00	\$0.00	0.00%
ADJUSTMENTS TOTAL						\$0.00			0.000	\$0.00	\$0.00	\$0.00	0.00%
PRESENT CONTRACT AMOUNT						\$139,848.50				\$0.00	\$147,096.50	\$147,096.50	#####

ORIGINAL CONTRACT AMOUNT :		\$139,848.50
CHANGE ORDERS () , () :		\$0.00
FUEL & BIT ADJUSTMENTS :		\$0.00
PRESENT CONTRACT AMOUNT :		\$139,848.50
EARNINGS TO - DATE :	\$147,096.50	\$147,096.50
LESS RETAINAGE :	\$0.00	\$0.00
LESS PREVIOUS AMOUNT PAID :		\$0.00
NET DUE THIS REQUEST :	\$147,096.50	\$147,096.50
CWR REVENUE:		\$147,096.50



Memo

To: Marcos Montes De Oca
From: David Allen, Public Works Director
Date: 11/20/2020
Re: Requestst for award of SE 3rd Avenue Paving Improvements Project to CW Roberts Inc.

Public Works is requesting the approval to award a contract for paving services, PW 05-10-09-20, FDOT FPN 440372-1 to CW Roberts Contracting Inc. in the amount of \$139,848.50.

Four bids were received for the project. The total bid amount for each of the vendors is:

CW Roberts Contracting Inc.	\$139,848.50
Florida Blacktop Inc.	\$152,141.89
Ranger Construction	\$153,332.00
Hardrives Inc.	\$168,919.50

A detailed bid tabulation for the project along with the actual bid documents from CW Roberts are attached.

This project is a FDOT SCOP-Communities funded project. The grant amount form FDOT is \$123,531.00. The difference of \$16, 317.50 will be funded from the existing Public Works budget under the \$80,000.00 allocation for asphalt and roadway reconstruction, line item 301-549-6300.

Given the approximate nature of asphalt work, it is also requested that the City Administrator be authorized to approve adjustments to the final project cost not to exceed \$10,000.00 to reflect the actual amounts used for the project.

CITY OF OKEECHOBEE

PW 05-10-09-20 October 22, 2020 3:00 PM Bid Opening

Okeechobee Southeast 3rd Avenue Pavement Improvements

CONTRACTOR:

Florida Blacktop, Inc.

Hardrives, Inc.

C. W. Roberts Contracting Inc.

Ranger Construction

ITEM NO.	DESCRIPTION	Florida Blacktop, Inc.				Hardrives, Inc.				C. W. Roberts Contracting Inc.				Ranger Construction			
		UNIT MEASURE	EST. QTY.	UNIT PRICE	AMOUNT	UNIT MEASURE	EST. QTY.	UNIT PRICE	AMOUNT	UNIT MEASURE	EST. QTY.	UNIT PRICE	AMOUNT	UNIT MEASURE	EST. QTY.	UNIT PRICE	AMOUNT
1	MOBILIZATION / DEMOBILIZATION	LUMP SUM	1	\$ 10,383.43	\$ 10,383.43	LUMP SUM	1	\$ 10,000.00	\$ 10,000.00	LUMP SUM	1	\$ 8,500.00	\$ 8,500.00	LUMP SUM	1	\$ 11,500.00	\$ 11,500.00
2	MAINTENANCE OF TRAFFIC	LUMP SUM	1	\$ 1,657.74	\$ 1,657.74	LUMP SUM	1	\$ 8,000.00	\$ 8,000.00	LUMP SUM	1	\$ 2,300.00	\$ 2,300.00	LUMP SUM	1	\$ 9,600.00	\$ 9,600.00
3	INLET PROTECTION SYSTEM	EACH	10	\$ 174.72	\$ 1,747.20	EACH	10	\$ 250.00	\$ 2,500.00	EACH	10	\$ 235.00	\$ 2,350.00	EACH	10	\$ 109.00	\$ 1,090.00
4	MILL EXISTING ASPHALTIC PAVEMENT, 1" AVERAGE DEPTH	SQUARE YARD	8742	\$ 3.05	\$ 26,663.10	SQUARE YARD	8742	\$ 2.25	\$ 19,669.50	SQUARE YARD	8742	\$ 1.75	\$ 15,298.50	SQUARE YARD	8742	\$ 2.25	\$ 19,669.50
5	SUPERPAVE ASPHALTIC CONCRETE, TRAFFIC C (SP-9.5)	TON	750	\$ 110.00	\$ 82,500.00	TON	750	\$ 135.00	\$ 101,250.00	TON	750	\$ 104.00	\$ 78,000.00	TON	750	\$ 112.65	\$ 84,487.50
6	REMOVAL OF EXISTING SIDEWALK, CURB AND GUTTER	LUMP SUM	1	\$ 5,894.02	\$ 5,894.02	LUMP SUM	1	\$ 7,500.00	\$ 7,500.00	LUMP SUM	1	\$ 4,600.00	\$ 4,600.00	LUMP SUM	1	\$ 6,825.00	\$ 6,825.00
7	SIDEWALK CURB AND RAMP, FDOT INDEX 304, CR-F	EACH	10	\$ 1,514.24	\$ 15,142.40	EACH	10	\$ 1,500.00	\$ 15,000.00	EACH	10	\$ 2,200.00	\$ 22,000.00	EACH	10	\$ 1,095.00	\$ 10,950.00
8	DETECTABLE WARNING MAT - BRICK RED	SQUARE FOOT	200	\$ 40.77	\$ 8,154.00	SQUARE FOOT	200	\$ 25.00	\$ 5,000.00	SQUARE FOOT	200	\$ 34.00	\$ 6,800.00	SQUARE FOOT	200	\$ 46.00	\$ 9,200.00
TOTAL BID AMOUNT				\$ 152,141.89				\$ 168,919.50				\$ 139,848.50				\$ 153,322.00	

Posted on October 22, 2020 at 4:00 p.m.

To be removed on November 2, 2020 at 4:00 p.m.

VI. NEW BUSINESS CONTINUED

ITEM A. CONTINUED: Attorney Furnero read revised proposed Resolution No. 2020-20 by title only as follows: "A RESOLUTION OF THE CITY OF OKEECHOBEE, FLORIDA; ACCEPTING THE OFFICIAL RESULTS FOR THE 2020 GENERAL CITY ELECTION; PROVIDING FOR TERMS OF OFFICE TO BE HELD BY MONICA McCARTHY CLARK, AS AN ELECTED CITY COUNCIL MEMBER; PROVIDING FOR THE CITY CLERK TO ISSUE A CERTIFICATE OF ELECTION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE."

Motion Carried Unanimously.

Motion by Council Member Keefe, seconded by Council Member Jarriel to adopt proposed Resolution No. 2020-21 accepting the unconditional resignation of Council Member Elect Russ Cale.

Attorney Furnero read proposed Resolution No. 2020-21 by title only as follows: "A RESOLUTION OF THE CITY OF OKEECHOBEE, FLORIDA; ACCEPTING THE UNCONDITIONAL RESIGNATION OF RUSS CALE FROM THE OFFICE OF CITY COUNCIL; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE."

Motion Carried Unanimously.

B. Motion by Council Member Jarriel, seconded by Council Member Keefe to approve an agreement for services with eSCRIBE Software Ltd. [in the amount of \$16,668.00] for webcasting and automated closed captioning. **Motion Carried Unanimously.**

C. Motion by Council Member Abney, seconded by Council Member Keefe to award Bid No. PW 05-10-09-20 Southeast 3rd Avenue Pavement Improvements to C.W. Roberts Contracting, Inc. in the amount of \$139,848.50. **Motion Carried Unanimously.**

D. Motion by Council Member Abney, seconded by Council Member Jarriel to approve Centennial Park Pavilion Rules and Reservation Fee Application. **Motion Carried Unanimously.**

E. Motion by Council Member Jarriel, seconded by Council Member Keefe to ratify the Interlocal Agreement for Fire Services between Okeechobee County and the City of Okeechobee, including all exhibits. **Motion Carried Four to One.**

VII. CITY ATTORNEY UPDATE

City Attorney Furnero reported he will be working with City Clerk Gamiotea on the Special Election to replace Mr. Cale; and on updating the City's public records policy to give specific procedures for retaining electronic records and researching possible technology applications to assist the City Council in retaining their public records.

VIII. COUNCIL COMMENTS

Council Member Jarriel welcomed citizens to be present at meetings and voice their opinions and/or concerns. His comments were echoed by Council Member Keefe. Council Member Clark explained her intent for limiting public attendance to the tree lighting ceremony.

IX. Mayor Watford adjourned the meeting at 6:54 P.M.

Submitted By:


Lane Gamiotea, CMC, City Clerk

Please take notice and be advised that when a person decides to appeal any decision made by the City Council with respect to any matter considered at this meeting, he/she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. City Clerk media are for the sole purpose of backup for official records of the Clerk.

Progress Estimate - Lump Sum Work

Contractor's Application

For (Contract): Southeast 6th Street Pavement Improvements FDOT FPN 440373-1-54-01										Application Number: 1 Revised-1					
Application Period: 06/01/2021 to 06/30/2021										Application Date: 7/15/2021					
A				B	C		D		E	F					
Item				Bid Unit	Bid Item Quantity	Unit Price	Bid Item Value (\$)	Quantity Installed Previous Period	From Previous Application	Quantity Installed This Period	Value of Work Installed This Period	Materials Presently Stored (not in C or D)	Total Completed & Stored (C + D + E)	% (F / B)	Balance to Finish (F - E)
Bid Item No.	Description														
1	Mobilization / Demobilization			LS	1	4,600.10	4,600.10		4,600.10	1.00			4,600.10	100%	-
2	Maintenance of Traffic			LS	1	4,100.00	4,100.00		4,100.00	1.00			4,100.00	100%	-
3	Mill Existing Asphaltic Pavement, 1" Avg Depth			SY	555	6.58	3,651.90		3,651.90	555.00			3,651.90	100%	-
4	Superpave Asphaltic Concrete Traffic C (SP9.5)			TON	200	132.86	26,572.00		30,985.61	233.22			30,985.61	117%	(4,413.61)
Contract Totals							\$38,924.00		\$43,337.61				\$43,337.61	111%	-\$4,413.61



Memo

To: Marcos Montes De Oca
From: David Allen, Public Works Director
Date: 12/4/2020
Re: Request for award of SE 6th Street Paving Improvements Project to Excavation Point, Inc.

Public Works is requesting the approval to award a contract for paving services, PW 01-10-11-20, FDOT FPN 440373-1 to Excavation Point, Inc. in the amount of \$38,924.00

Four bids were received for the project. The total bid amount for each of the vendors is:

Excavation Point, Inc.	\$38,924.00
CW Roberts Contracting Inc.	\$44,601.90
Florida Blacktop Inc.	\$52,885.38
Boromei Construction, Inc.	\$70,550.00

A detailed bid tabulation for the project along with the actual bid documents from Excavation Point are attached.

This project is a FDOT SCOP-Communities funded project. The grant amount from FDOT is \$54,006.00. It is not anticipated that additional City funds will be needed to complete the project.

Given the approximate nature of asphalt work, it is also requested that the City Administrator be authorized to approve adjustments to the final project cost not to exceed \$5,000.00 to reflect the actual quantities used for the project.

CITY OF OKEECHOBEE

**PW 01-10-11-20 November 25, 2020 3:00 PM Bid Opening
Okeechobee Southeast 6th Street Pavement Improvements**

CONTRACTOR:

		Boromei Construction, Inc				Florida Blacktop, Inc				Excavation Point, Inc				C. W. Roberts Contracting, Inc			
ITEM NO.		UNIT MEASURE	EST. QTY.	UNIT PRICE	AMOUNT	UNIT MEASURE	EST. QTY.	UNIT PRICE	AMOUNT	UNIT MEASURE	EST. QTY.	UNIT PRICE	AMOUNT	UNIT MEASURE	EST. QTY.	UNIT PRICE	AMOUNT
1	MOBILIZATION / DEMOBILIZATION	LUMP SUM	1		\$ 15,000.00	LUMP SUM	1	\$ 6,474.76	\$ 6,474.76	LUMP SUM	1	\$ 4,600.10	\$ 4,600.10	LUMP SUM	1	\$ 5,861.24	\$ 5,861.24
2	MAINTENANCE OF TRAFFIC	LUMP SUM	1		\$ 10,000.00	LUMP SUM	1	\$ 4,767.17	\$ 4,767.17	LUMP SUM	1	\$ 4,100.00	\$ 4,100.00	LUMP SUM	1	\$ 4,991.16	\$ 4,991.16
3	MILL EXISTING ASPHALTIC PAVEMENT, 1" AVERAGE DEPTH	SQUARE YARD	555	\$ 10.00	\$ 5,550.00	SQUARE YARD	555	\$ 10.19	\$ 5,655.45	SQUARE YARD	555	\$ 6.58	\$ 3,651.90	SQUARE YARD	555	\$ 12.90	\$ 7,159.50
4	SUPERPAVE ASPHALTIC CONCRETE, TRAFFIC C (SP-9.5)	TON	200	\$ 200.00	\$ 40,000.00	TON	200	\$ 179.94	\$ 35,988.00	TON	200	\$ 132.86	\$ 26,572.00	TON	200	\$ 132.95	\$ 26,590.00
TOTAL BID AMOUNT					\$ 70,550.00				\$ 52,885.38				\$ 38,924.00				\$ 44,601.90

Posted on November 25, 2020 at 4:00 p.m.
To be removed on December 7, 2020 at 4:00 p.m.

VI. NEW BUSINESS CONTINUED

ITEM A. CONTINUED: The meeting was recessed at 7:49 P.M., and reconvened at 7:52 P.M.

Motion by Council Member Keefe, seconded by Council Member Jarriel to accept the rankings as presented [by Staff at the November 5, 2020 meeting]. **Motion Carried Unanimously.**

- B.** Motion by Council Member Keefe, seconded by Council Member Clark to read proposed Ordinance No. 1221 by title only updating the Five-Year Capital Improvement Element of the Comprehensive Plan. **Motion Carried Unanimously.**

Attorney Fumero read proposed Ordinance No. 1221 by title only as follows: "AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; UPDATING THE FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS OF THE CITY'S COMPREHENSIVE PLAN AS MANDATED BY FLORIDA STATUTES SECTION 163.3177(3)(b); PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE."

Motion by Council Member Jarriel, seconded by Council Member Clark to approve the first reading and set January 5, 2021 as the Final Public Hearing date for proposed Ordinance No. 1221. **Motion Carried Unanimously.**

- C.** Motion by Council Member Jarriel, seconded by Council Member Keefe to award Bid No. PW 01-10-11-20 Southeast 6th Street Paving Improvement Project to Excavation Point, Inc. in the amount of \$38,924.00. **Motion Carried Unanimously.**

- D.** Motion by Council Member Keefe, seconded by Council Member Clark approve additional fees in the amount of \$4,458.00 for the implementation of services for the eSCRIBE software. **Motion Carried Unanimously.**

- E.** Motion by Council Member Clark, seconded by Council Member Abney to adopt vendor fees for Police Officer special and/or holiday detail effective October 1, 2020. **Motion Carried Unanimously.**

- F.** Motion by Council Member Abney, seconded by Council Member Jarriel to adopt Police Officer rate of pay for special and/or holiday detail effective October 1, 2020. **Motion Carried Unanimously.**

- G.** Motion by Council Member Clark, seconded by Council Member Abney to approve the 100 percent option for Fire Department employees for annual and sick leave as presented. **Motion Carried Unanimously.**

VII. CITY ATTORNEY UPDATE


City Attorney Fumero provided an update on the outcome of the initial Citizens Charter Review Advisory Committee meeting that was held prior to the Council meeting.

VIII. COUNCIL COMMENTS

Council Member Jarriel complimented the Christmas festival and parade. Mayor Watford and Council Member Clark wished everyone a Merry Christmas.

- IX.** Mayor Watford adjourned the meeting at 8:29 P.M.

Submitted By:


Lane Gamiotea, CMC, City Clerk

Please take notice and be advised that when a person decides to appeal any decision made by the City Council with respect to any matter considered at this meeting, he/she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. City Clerk media are for the sole purpose of backup for official records of the Clerk.



City of Okeechobee

Date: July 27, 2021

To: Gary Ritter, City Administrator

FR: India Riedel, Finance Department

RE: City Council Agenda Item August 3, 2021

Suggested Motion: Approve the designation of India Riedel as the City's Representative and Board Member and Gary Ritter as Alternate to the PRM Property and Casualty Insurance Trust per the requirements of Article 6.1 of the Bylaws.

Background: Prior City Administrator was appointed as Alternate.

Memo

**CITY OF OKEECHOBEE
FIRE DEPARTMENT**

Exhibit 10
8/3/2021

To: Mayor Watford/Council Members/Administrator
From: Chief Smith
Date: 28 July 2021
Re: Disposal requests

As part of the interlocal agreement between the City and County Boards of Okeechobee regarding the contracting of fire services as of August 2nd, 2021, Vehicle/Equipment disposal forms are being presented to the council for their approval as agreed upon in the agreement.

Respectfully,

Herby Smith
Fire Chief/Marshal



City of Okeechobee

PROPERTY DISPOSAL REQUEST FORM

Date: 20-JULY-2021

Department requesting item to be sold:

Police Fire Public Works General Services Admin Clerk Finance

Property ID: Engine 9 Asset ID: 1064

Reason for Disposal:

Surplus Damaged Other: Inter local Agreement

Brief description of item: *(Please be sure to fill out the corresponding form)*

Building / Tractor Bus Fire Apparatus Heavy Equipment
 Heavy Truck Marine / Boat Office Equipment Tractor
 Vehicle Generic: _____

Make/Brand: PIERCE **Notes:**
Model: CUSTOM SABER Estimated Value is based on
Year: 2017 the 10 year model for
replacement of engines on
Serial Number: 4P1BAAFFXHA018168 first out incidents.


Current Condition: GOOD

Estimated Value at Time of Acquisition: \$ 412,507.00
Estimated Value at Current Date: \$ 275,000.00

Miles
19,194

I hereby request approval to dispose of the above listed item/s via:

GovDeals.com Auction Site Other: GIVE TO COUNTY FIRE



Department Head

Date submitted

Approved this ____ day of _____ 20____ by _____



City of Okeechobee

PROPERTY DISPOSAL REQUEST FORM

Date: 28-July-2021

Department requesting item to be sold:

Police Fire Public Works General Services Admin Clerk Finance

Property ID: Equipment on Engine 9 Asset ID: 1064

Reason for Disposal:

Surplus Damaged Other: Interlocal Agreement

Brief description of item: *(Please be sure to fill out the corresponding form)*

Building / Trailor Bus Fire Apparatus Heavy Equipment
 Heavy Truck Marine / Boat Office Equipment Tractor
 Vehicle Generic: Equipment on Engine 9

Make/Brand: Misc./various items

Notes:

Model: n/a

Misc. items bought at time of E-9's purchase to supply truck. Most items purchased from Ten-8 Equipment Company.

Year: n/a

Serial Number:

Current Condition: Fair/Good

Estimated Value at Time of Acquisition: \$ 22,516.41

Estimated Value at Current Date: \$ 15,000.00

I hereby request approval to dispose of the above listed item/s via:

GovDeals.com Auction Site Other: Interlocal Agreement

Chief Smith

03-August-2021

Department Head

Date submitted

Approved this ____ day of _____ 20____ by _____

City Administrator



City of Okeechobee

PROPERTY DISPOSAL REQUEST FORM

Date: 28-July-2021

Department requesting item to be sold:

Police Fire Public Works General Services Admin Clerk Finance

Property ID: Eng. 9 additional equipment Asset ID: 1027

Reason for Disposal:

Surplus Damaged Other: Interlocal Agreement

Brief description of item: *(Please be sure to fill out the corresponding form)*

Building / Tractor Bus Fire Apparatus Heavy Equipment
Heavy Truck Marine / Boat Office Equipment Tractor
Vehicle Generic: (Medical Suction Unit) Equipment on Engine 9

Make/Brand: Laerdal

Notes:

Model: n/a

Portable Suction Unit for medical use

Year: 2018

Serial Number:

Current Condition: Fair/Good

Estimated Value at Time of Acquisition: \$ 2000

Estimated Value at Current Date: \$ 500

I hereby request approval to dispose of the above listed item/s via:

GovDeals.com Auction Site Other: Interlocal Agreement

Chief Smith

03-August-2021

Department Head

Date submitted

Approved this ____ day of _____ 20____ by _____

City Administrator



City of Okeechobee

PROPERTY DISPOSAL REQUEST FORM

Date: 20-JULY-2021

Department requesting item to be sold:

Police Fire Public Works General Services Admin Clerk Finance

Property ID: Ladder/Aerial Truck Asset ID: 404

Reason for Disposal:

Surplus Damaged Other: Interlocal Agreement

Brief description of item: *(Please be sure to fill out the corresponding form)*

Building / Trailer Bus Fire Apparatus Heavy Equipment
 Heavy Truck Marine / Boat Office Equipment Tractor
 Vehicle Generic: _____

Make/Brand: Sutphen

Notes:

Model: 100 FOOT AERIAL PLATFORM

Condition varies with the multiple areas of repairs and rebuilds.

Year: 1983

Serial Number: 1S9A 3JDE D1003149

Current Condition: Fair/Good/Very Good


Estimated Value at Time of Acquisition: \$ 75,000

Estimated Value at Current Date: \$ 25,000

Miles
145,798

I hereby request approval to dispose of the above listed item/s via:

GovDeals.com Auction Site Other: Interlocal Agreement



Department Head

Date submitted

Approved this ____ day of _____ 20__ by _____



City of Okeechobee

PROPERTY DISPOSAL REQUEST FORM

Date: 20-JULY-2021

Department requesting item to be sold:

Police Fire Public Works General Services Admin Clerk Finance

Property ID: Chief's Pick-up (old) Asset ID: 510

Reason for Disposal:

Surplus Damaged Other: Inter local Agreement

Brief description of item: *(Please be sure to fill out the corresponding form)*

Building / Trailer Bus Fire Apparatus Heavy Equipment
 Heavy Truck Marine / Boat Office Equipment Tractor
 Vehicle Generic: _____


Make/Brand: Ford Pickup **Notes:**
Model: F150 1/2 ton 4x4 4 door
Standard Bed
Year: 2010
Serial Number: 1FTEW1E83AFB33505
Current Condition: Fair/Good

Miles
51,317

Estimated Value at Time of Acquisition: \$ 25,838.10
Estimated Value at Current Date: \$ 15,000.00

I hereby request approval to dispose of the above listed item/s via:

GovDeals.com Auction Site Other: GIVE TO COUNTY FIRE



Department Head

Date submitted

Approved this _____ day of _____ 20____ by _____



City of Okeechobee

PROPERTY DISPOSAL REQUEST FORM

Date: 28-July-2021

Department requesting item to be sold:

Police Fire Public Works General Services Admin Clerk Finance

Property ID: Bunker Gear Asset ID: 1088-1093 & 955-960,

Reason for Disposal:

Surplus Damaged Other: Inter local Agreement

Brief description of item: *(Please be sure to fill out the corresponding form)*

Building / Tractor Bus Fire Apparatus Heavy Equipment
 Heavy Truck Marine / Boat Office Equipment Tractor
 Vehicle Generic: 12 sets of bunker gear

Make/Brand: Veridan

Notes:

Model: See notes

Coats (model):
CVEL817D2992GBT

Year: 2017 & 2019

Pant (model):
TVEL817D2993GBT

Serial Number: n/a

Current Condition: GOOD & VERY GOOD

Estimated Value at Time of Acquisition: \$ 32,000.00

Estimated Value at Current Date: \$ 20,000.00

I hereby request approval to dispose of the above listed item/s via:

GovDeals.com Auction Site Other: Give to OCFR/Inter local Agreement

Chief Smith

03-August-2021

Department Head

Date submitted

Approved this ____ day of _____ 20____ by _____

City Administrator



City of Okeechobee

PROPERTY DISPOSAL REQUEST FORM

Date: 28-July-2021

Department requesting item to be sold:

Police Fire Public Works General Services Admin Clerk Finance

Property ID: Extrication Tools Asset ID: 1031

Reason for Disposal:

Surplus Damaged Other: Inter local Agreement

Brief description of item: *(Please be sure to fill out the corresponding form)*

Building / Tractor Bus Fire Apparatus Heavy Equipment
Heavy Truck Marine / Boat Office Equipment Tractor
Vehicle Generic: Rescue Tools

Make/Brand: Genesis **Notes:**
Model: Eforce Battery operated Set of tools, batteries, and charger
Year: 2017
Serial Number: n/a
Current Condition: good

Estimated Value at Time of Acquisition: \$ 30,000.00

Estimated Value at Current Date: \$ 15,000.00

I hereby request approval to dispose of the above listed item/s via:

GovDeals.com Auction Site Other: Give to OCFR/Inter local Agreement

Chief Smith

Department Head

03-August-2021

Date submitted

Approved this ____ day of _____ 20____ by _____

City Administrator



City of Okeechobee

PROPERTY DISPOSAL REQUEST FORM

Date: 20-JULY-2021

Department requesting item to be sold:

Police Fire Public Works General Services Admin Clerk Finance

Property ID: GPS Preemption Asset ID: 1181

Reason for Disposal:

Surplus Damaged Other: Interlocal Agreement

Brief description of item: *(Please be sure to fill out the corresponding form)*

Building / Tractor Bus Fire Apparatus Heavy Equipment
Heavy Truck Marine / Boat Office Equipment Tractor
Vehicle Generic: Preemption equipment for vehicles (3 total kits)

Make/Brand: Global Traffic Technologies

Notes:

Model: Opticom 2100

Equipment to be placed inside emergency vehicles (Ladder, Pickup, & Engine 9) to allow intersection lights to change green upon entering area.

Year: n/a

Serial Number: 2100KQ1017, 2100KQ1144,2100KQ1089

Current Condition: NEW

Estimated Value at Time of Acquisition: \$ 9,120.00

Estimated Value at Current Date: \$ 9,120.00

I hereby request approval to dispose of the above listed item/s via:

GovDeals.com Auction Site Other: Interlocal Agreement

Department Head

Date submitted

Approved this ____ day of _____ 20____ by _____

City Administrator



City of Okeechobee

PROPERTY DISPOSAL REQUEST FORM

Date: 28-July-2021

Department requesting item to be sold:

Police Fire Public Works General Services Admin Clerk Finance

Property ID: SCBA Bottles Asset ID: 1036 & 904-909

Reason for Disposal:

Surplus Damaged Other: Inter local Agreement

Brief description of item: *(Please be sure to fill out the cooresponding form)*

Building / Trailor Bus Fire Apparatus Heavy Equipment
Heavy Truck Marine / Boat Office Equipment Tractor
Vehicle Generic: 10 (ten) Bottles/valves for SCBA breathing

Make/Brand: MSA **Notes:**
Model: ultra light 10-MSA bottles (45 minute)
Year: various bottles and at least four 30-
Serial Number: n/a year bottles.

Current Condition: Fair/Good

Estimated Value at Time of Acquisition: \$ 9000.00

Estimated Value at Current Date: \$ 3000.00

I hereby request approval to dispose of the above listed item/s via:

GovDeals.com Auction Site Other: Give to OCFR/Inter local Agreement

Chief Smith

Department Head

03-August-2021

Date submitted

Approved this ____ day of _____ 20____ by _____

City Administrator



City of Okeechobee

PROPERTY DISPOSAL REQUEST FORM

Date: 28-July-2021

Department requesting item to be sold:

Police Fire Public Works General Services Admin Clerk Finance

Property ID: SCBA Harnesses Asset ID: 1032 & 1037

Reason for Disposal:

Surplus Damaged Other: Inter local Agreement

Brief description of item: *(Please be sure to fill out the corresponding form)*

Building / Tractor Bus Fire Apparatus Heavy Equipment
Heavy Truck Marine / Boat Office Equipment Tractor
Vehicle Generic: 8 (eight) Harnesses for SCBA breathing

Make/Brand: MSA

Notes:

Model: Firehawk M7

8-Refurbished Harnesses
only

Year: 2007 edition

Serial Number: n/a

Current Condition: Fair

Estimated Value at Time of Acquisition: \$ 8720.00

Estimated Value at Current Date: \$ 2500.00

I hereby request approval to dispose of the above listed item/s via:

GovDeals.com Auction Site Other: Give to OCFR/Inter local Agreement

Chief Smith

03-August-2021

Department Head

Date submitted

Approved this ____ day of _____ 20____ by _____

City Administrator



City of Okeechobee

PROPERTY DISPOSAL REQUEST FORM

Date: 28-July-2021

Department requesting item to be sold:

Police Fire Public Works General Services Admin Clerk Finance

Property ID: Communications Asset ID: 683-687 & 693,694,696

Reason for Disposal:

Surplus Damaged Other: Interlocal Agreement

Brief description of item: *(Please be sure to fill out the coresponding form)*

Building / Trailor Bus Fire Apparatus Heavy Equipment
 Heavy Truck Marine / Boat Office Equipment Tractor
 Vehicle Generic: 5 (FIVE) Portable & 3 (THREE) Mobile Radios

Make/Brand:	Harris	Notes:
Model:	MAEV-S7HXX & MAMW-SDMXX	(Portables) A4012100156E,A40121001365,A4012100288F,A40121001363,A40121001361 &
Year:	2011	(Mobiles) A4011E016918, A4011E016822, A4011E016818
Serial Number:	(SEE NOTES)	
Current Condition:	FAIR	

Estimated Value at Time of Acquisition: \$ Grant assisted

Estimated Value at Current Date: \$ 1500

I hereby request approval to dispose of the above listed item/s via:

GovDeals.com Auction Site Other: Give to OCFR/Interlocal Agreement

Chief Smith

Department Head

28-July-2021

Date submitted

Approved this ____ day of _____ 20____ by _____

City Administrator



City of Okeechobee

PROPERTY DISPOSAL REQUEST FORM

Date: 28-July-2021

Department requesting item to be sold:

Police Fire Public Works General Services Admin Clerk Finance

Property ID: AED Asset ID: 1084

Reason for Disposal:

Surplus Damaged Other: Inter local Agreement

Brief description of item: *(Please be sure to fill out the corresponding form)*

Building / Tractor Bus Fire Apparatus Heavy Equipment
Heavy Truck Marine / Boat Office Equipment Tractor
Vehicle Generic: Portable AED (medical equipment)

Make/Brand: Defibtech Lifeline **Notes:**
Model: Mobile Responder **Set with charger**
Year: 2019
Serial Number: n/a
Current Condition: Good

Estimated Value at Time of Acquisition: \$ 1446.00
Estimated Value at Current Date: \$ 750.00

I hereby request approval to dispose of the above listed item/s via:

GovDeals.com Auction Site Other: Give to OCFR/Inter local Agreement

Chief Smith
Department Head

03-August-2021
Date submitted

Approved this ____ day of _____ 20____ by _____
City Administrator



City of Okeechobee

PROPERTY DISPOSAL REQUEST FORM

Date: 28-July-2021

Department requesting item to be sold:

Police Fire Public Works General Services Admin Clerk Finance

Property ID: Thermal Camera Asset ID: 912

Reason for Disposal:

Surplus Damaged Other: Inter local Agreement

Brief description of item: *(Please be sure to fill out the corresponding form)*

Building / Tractor Bus Fire Apparatus Heavy Equipment
Heavy Truck Marine / Boat Office Equipment Tractor
Vehicle Generic: Thermal Imaging Camera

Make/Brand: FLIR **Notes:**

Model: K2 **Set with charger**

Year: 2016

Serial Number: n/a

Current Condition: Good

Estimated Value at Time of Acquisition: \$ 1351.00

Estimated Value at Current Date: \$ 750.00

I hereby request approval to dispose of the above listed item/s via:

GovDeals.com Auction Site Other: Give to OCFR/Inter local Agreement

Chief Smith
Department Head

03-August-2021
Date submitted

Approved this ____ day of _____ 20____ by _____

City Administrator



City of Okeechobee

PROPERTY DISPOSAL REQUEST FORM

Date: 28-July-2021

Department requesting item to be sold:

Police Fire Public Works General Services Admin Clerk Finance

Property ID: Fan Asset ID: 734

Reason for Disposal:

Surplus Damaged Other: Interlocal Agreement

Brief description of item: *(Please be sure to fill out the cooresponding form)*

Building / Trailor Bus Fire Apparatus Heavy Equipment
 Heavy Truck Marine / Boat Office Equipment Tractor
 Vehicle Generic: Fan

Make/Brand: Ventamatic LTD.

Notes:

Model: n/a

Year: 2014

Serial Number: n/a

Current Condition: fair

Estimated Value at Time of Acquisition: \$ 1150

Estimated Value at Current Date: \$ 250

I hereby request approval to dispose of the above listed item/s via:

GovDeals.com Auction Site Other: Give to OCFR/Interlocal Agreement

Chief Smith

Department Head

03-August-2021

Date submitted

Approved this ____ day of _____ 20____ by _____

City Administrator