

RESOLUTION 18-97

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING A WORK ORDER WITH MARK LAWSON RELATED TO THE ANNUAL UPDATE AND PREPARATION OF THE CITY'S FIRE ASSESSMENT RESOLUTION AND ROLL, IN THE BASIC ANNUAL AMOUNT OF \$20,000; AUTHORIZING BUDGET AMENDMENTS FOR COMPLETED WORK AND ONGOING SERVICES; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, the City has incurred professional fees unforeseen during the preparation of the FY 2017-2018 budget, related to the numerous tasks assigned to Special Counsel related to the development and validation of the City's fire assessment; and

WHEREAS, sufficient funds for payment of these fees are available in reserves to adequately supplement the Fire Department budget; and

WHEREAS, the transfer of budgeted funds requires approval of the City Council.

NOW THEREFORE, BE IT RESOLVED by the City of Panama City Beach, Florida that:

1. The appropriate officers of the City are authorized and directed to execute and deliver on behalf of the City that certain Work Order 2018-2 with Mark G. Lawson, PA, providing generally for the annual evaluation, development and update of the City's Fire Assessment Program, and specifically for preparation and implementation of the annual Assessment Resolution and Roll, in the basic annual amount of Twenty Thousand Dollars (\$20,000), in substantially the form attached as Exhibit A and presented to the Council today, with such changes, insertions or omissions as may be approved by the City Manager and whose execution of such agreement shall be conclusive evidence of such approval. Execution of Work Order 2018-2 will terminate the hourly billing of tasks authorized under Work Order 2018-1, and any remaining tasks for implementation of the City's 2018 Fire Assessment shall be undertaken and compensated in accordance with Work Order 2018-2.

2. The following budget amendment (# 25) is adopted for the City of Panama City Beach, Florida, for the fiscal year beginning October 1, 2017, and ending September 30, 2018, as shown in and in accordance with the attached and incorporated Exhibit B, for the completed professional services rendered to develop and validate the City's fire assessment.

3. The following budget amendment (# 26) is adopted for the City of Panama City Beach, Florida, for the fiscal year beginning October 1, 2017, and ending September 30, 2018, as shown in and in accordance with the attached and incorporated Exhibit C, for the purposes stated herein.

4. This Resolution shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Panama City Beach, Florida, this 24th day of May, 2018.

CITY OF PANAMA CITY BEACH

By 
MIKE THOMAS, MAYOR

ATTEST:

JO SMITH, CITY CLERK

WORK ORDER
No. 2018-2

TO: Mark G. Lawson, P.A.
Attention: Mark G. Lawson and James C. Dinkins

FROM: Mario Gisbert, City Manager
City of Panama City Beach, Florida

1. SCOPE OF SERVICES. In accordance with the Professional Services Agreement between the City and your firm, and direction of the City Council, Mark G. Lawson, P.A. ("MGLPA") has been and is annually directed and authorized to undertake the following activities:

Task 1. Cause to be acquired and analyze relevant data and documentation including master parcel list, millage coding documentation, fire protection budget information provided, interlocal agreements, fire and assessment related statutes, ordinances and resolutions provided to determine those expenses which may be lawfully recovered through a fixed and variable cost recovery special assessment on a per tax parcel basis, sometimes called "Simplified Fire".

Task 2. Develop a preliminary non-ad valorem assessment roll including all tax parcels proposed for assessment.

Task 3. Consider and analyze case law and general law requirements and deadlines; and collaborate with approved consultants, City staff and officials to develop a detailed critical events schedule including key dates for necessary actions and deliverables.

Task 4. Prepare and present to the City Council, City Manager, City Attorney and Fire Chief an updated executive summary report or memorandum, if necessary, or otherwise share memoranda annually, as needed, summarizing the budget analysis, addressing the apportionment methodology and providing an array of funding (amount) alternatives or recommendations as directed by the City Manager and Fire Chief.

Task 5. Prepare any updated ordinance, implementing resolution(s) or other documents authorizing and initiating the process required for the special assessment program.

Task 6. If requested, appear before the City Council to present any required implementing documents or resolutions.

Task 7. Update the non-ad valorem assessment roll according to direction of the City Council.

Task 8. Facilitate required notices with City staff; and at the City's request, additionally make available an interactive means of roll presentation via the internet from a link

Exhibit A

shown on the City's website (as a separate expense or cost) so all interested persons may view all the assessments.

Task 9. Prepare an annual assessment resolution levying assessments, approving the assessment roll and directing the use of the uniform method beginning with any updates in the 2018-19 fiscal year, and each year thereafter.

Task 10. If requested, appear and assist the City Council with any public hearing to present the assessment resolution; and, adoption thereof.

Task 11. Facilitate timely compliance with statutory prerequisites and reasonable local requirements necessary for collection of the assessments on the annual property tax bill.

2. **ACKNOWLEDGMENT OF USE OF NECESSARY CONSULTANTS.** The City directs, authorizes and confirms collaboration with Dr. Owen Beitsch an economist practicing with GAI Consultants, Inc. ("GAI"), and Ennead, LLC ("Ennead") for the purpose of working with the City and MGLPA to develop and implement the subject funding program from year to year. In such capacity, GAI and Ennead shall not be deemed clients or subcontractors of MGLPA, but also in privity with the City.

3. **COMPENSATION; TERM.** Fees are authorized based upon hourly rates described in the Professional Services Agreement. In addition to such rates, the professionals shall be entitled to reimbursement for actual costs incurred, but not exceeding that provided by Chapter 112, Florida Statutes. These rates will not change except upon notice and acceptance by the City.

The Firm, GAI and Ennead recognize the financial circumstances facing Florida communities and local governments in the wake of the past national economic downturn and the reduction in tax and other revenues emanating from a general pressure to be more efficient, and continuing success and familiarity as a result of the Simplified Fire approach. Accordingly, the City and the firms have agreed to undertake the work effort contemplated hereunder based upon an annual negotiated fee as follows:

(a) The firms will undertake all of the foregoing tasks annually for a single initial lump sum professional services fee of \$20,000 to be paid in two (2) equal installments – one within fifteen (15) days of delivery of the executive summary report or memorandum described in Task 4; and the second within fifteen (15) days of the delivery of a certifiable roll to the City for delivery by the City to the tax collector.

(b) The City shall additionally pay all reasonable costs incurred by the firms on a monthly basis (upon provision of appropriate reimbursement back-up and detail for audit purposes);

(c) In the event the assessment roll for any year substantially exceeds 20,000 tax parcels, the City will pay \$0.92 for each tax parcel certified for collection over the first 20,000 tax parcels to compensate as a large-roll surcharge for larger and more significant roll work;

(d) The firms shall submit itemized hourly statements for all work associated with any additional services beyond this Scope of Services on a monthly basis, only if and when the firms are directed to proceed in writing; and

(e) This authorization and Work Order shall continue from year to year with Task 1 work beginning in March each year, unless either party notifies the other in writing otherwise on or before March 1.

All invoices will provide appropriate reimbursement backup and detail required by the City for audit purposes. The fees associated with this Work Order reflect a fixed or negotiated and circumstantial discount warranted by the now judicially validated establishment of the City's program, the City's direction and continued intent to hereafter collect same using the tax bill collection method authorized by section 197.3632, Florida Statutes.

The foregoing negotiated fee structure does not cover amounts for the time and cost of authorized or requested travel, published notices, printing or mailing, fees or charges of the property appraiser or tax collector, or similar expenses associated with assessment implementation, roll presentation via the internet, litigation or threats of litigation, transcription fees or filing fees all of which will be the responsibility of the City, or any additional work not described above or for other engagements.

4. WORK ORDER BUDGET. The annual budget appropriation for this Work Order shall be the amount of \$25,000 for professional services and demonstrated and authorized expenses plus any large-roll surcharge described in Section 3.(c). The City acknowledges that additional costs and fees for any additional services authorized in writing by the City may require an additional budget appropriation.

Authorized and confirmed by:

Accepted and confirmed by:

Mario Gisbert, Contract Administrator

Mark G. Lawson, P.A.

Date:

Date:

cc: GAI
Ennead

CITY OF PANAMA CITY BEACH
 BUDGET TRANSFER FORM BF-10

No. BA # 25

FUND GENERAL ACCOUNT NUMBER	ACCOUNT DESCRIPTION	APPROVED BUDGET	BUDGET ADJUSTMENT	NEW BUDGET BALANCE
TO 001-2200-522.31-60	Professional Services-Other	35,000.00	119,200.00	154,200.00
FROM 001-8100-999.96-00	Reserves Available for Expenditures	6,573,803.00	(119,200.00)	6,454,603.00
TO		0.00	0.00	0.00
FROM		0.00	0.00	0.00
	Check Adjustment Totals:	6,608,803.00	0.00	6,608,803.00

BRIEF JUSTIFICATION FOR BUDGET ADJUSTMENT:

To appropriate reserves for various professional services associated with development and validation of fire assessment - special counsel, et al

ROUTING FOR APPROVAL

_____ DEPARTMENT HEAD _____ DATE _____

_____ CITY MANAGER _____ DATE _____

_____ FINANCE DIRECTOR _____ DATE _____

Exhibit B

CITY OF PANAMA CITY BEACH
 BUDGET TRANSFER FORM BF-10

No. BA # 26

FUND	GENERAL ACCOUNT NUMBER	ACCOUNT DESCRIPTION	APPROVED BUDGET	BUDGET ADJUSTMENT	NEW BUDGET BALANCE
TO	001-2200-522.31-60	Professional Services-Other	154,200.00	20,000.00	174,200.00
FROM	001-8100-999.96-00	Reserves Available for Expenditures	6,454,603.00	(20,000.00)	6,434,603.00
TO			0.00	0.00	0.00
FROM			0.00	0.00	0.00
		Check Adjustment Totals:	6,608,803.00	0.00	6,608,803.00

BRIEF JUSTIFICATION FOR BUDGET ADJUSTMENT:
 To appropriate reserves for special counsel for ongoing services related to fire assessment

ROUTING FOR APPROVAL _____ DEPARTMENT HEAD _____ DATE _____ CITY MANAGER _____ DATE _____

_____ FINANCE DIRECTOR _____ DATE _____

Exhibit C