

RESOLUTION 20-45

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING WORK ORDERS WITH MARK LAWSON, GAI CONSULTANTS, INC. AND ENNEAD, LLC RELATING TO THE ANNUAL PREPARATION AND IMPLEMENTATION OF THE CITY'S RIGHT OF WAY AND STORMWATER SPECIAL ASSESSMENT PROGRAMS.

BE IT RESOLVED by the City Council of the City of Panama City Beach that:

1. The appropriate officers of the City are authorized to execute and deliver on behalf of the City that certain Work Order 2020-1 to the Professional Services Agreement dated September 1, 2017, between the City and Mark G. Lawson, P.A., in collaboration with GAI Consultants, Inc. and Ennead, LLC, related to the preparation and implementation of the City's Front Beach Road Community Redevelopment non ad-valorem Assessment Program, in the basic annual amount of Thirty Thousand Dollars of Ninety Thousand Dollars (\$30,000), in substantially the form attached and presented to the Council today, with such changes, insertions or omissions as may be approved by the City Manager and whose execution shall be conclusive evidence of such approval.
2. The appropriate officers of the City are authorized to negotiate, execute and deliver on behalf of the City a Work Order between the City and Mark G. Lawson, P.A, in collaboration with GAI Consultants, Inc. and Ennead, LLC, related to a methodology evaluation, preparation and implementation of the City's Stormwater non ad-valorem Assessment Program, in a form comparable to that approved above for the Right of Way Assessment Work Order, an amount not to exceed Thirty Thousand Dollars (\$30,000) per annum, in order to uniformly update and standardize the City's approach to the maintenance, amendment, implementation and collection for all of the City's essential service assessment programs.

THIS RESOLUTION shall be effective immediately upon passage.

PASSED in regular session this 9th day of January, 2020.

CITY OF PANAMA CITY BEACH

By: 

Mike Thomas, Mayor

ATTEST:


Mary Jan Bossert, City Clerk

WORK ORDER
No. 2020-1

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

FROM: Holly White, Finance Director and Acting 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, redevelopment budget information provided, interlocal agreements, redevelopment and assessment related statutes, ordinances and resolutions provided to determine those expenses which may be lawfully recovered through a fixed or variable cost recovery special assessment on a per tax parcel basis, as described in the initial annual assessment Resolution No. 19-133, as amended, and the associated Complaint in Validation in the Circuit Court for Bay County, Florida.

Task 2. Develop a preliminary non-ad valorem assessment roll including all tax parcels proposed for assessment, including any amounts equivalent to unpaid assessments. If necessary, additionally employ tracking or management software or programming (as a separate expense or cost) where certified data is not otherwise readily available.

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 CRA Director 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 CRA Director.

Task 5. Prepare any updated ordinance, implementing resolution(s) or other documents authorizing and annually re-imposing the community redevelopment special assessments.

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 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 2020-21 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 City, Firm, GAI and Ennead recognize the financial circumstances facing Florida communities and local governments in the community redevelopment arena, desire to be more efficient, and determine the continuing success and familiarity of the assessment approach merits an annual fixed charge. 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 \$25,000 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 expected judicial validation of the City's assessment program to fund, among other things, the issue of capital debt, 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 \$30,000 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:

Holly White, Contract Administrator

Mark G. Lawson, P.A.

Date:

Date:

cc: GAI
Ennead
City Attorney