November 8th 2019
Meeting Packet
Agenda
November 8, 2019  
(2:30 p.m.) 
RJS LAW LIBRARY MEETING  
AGENDA 

- Minutes  
- Attendance Report  
- Unaudited Preliminary Financial Reports (September)  
- Sign Options  
- Audio/Video Equipment Costs  
- Report to Trustees  
- Law Library Renovation Proposal  
- Resolution 2019-2 - Program of Public Legal Education  
- Discussion of Upcoming Meeting Dates:  
  - December 6th  
  - January 10th  
  - February TBD
Meeting Minutes
RUPERT J. SMITH LAW LIBRARY
October 4, 2019 Minutes

Present: Chairman, Michael J. Linn
Commissioner Linda Bartz
James Walker, Trustee
James Wilder, Trustee
Donna DeMarchi, Trustee
Nora Everlove, Librarian

I. MEETING CALLED TO ORDER:

II. Chairman, Michael J. Linn calls the meeting to order. Above Trustees present at meeting.

III. MINUTES:
Minutes for the August 2019 meeting were, distributed to the Trustee’s for review.

MOTIONS:
Trustee Walker, Motions to approve the meeting minutes for August 2019. Trustee Wilder, seconds the Motion and the Motion is unanimously carried, and approved.

Trustee Walker, Motions to approve the Librarian’s Financial Report. Trustee DeMarchi, seconds the Motion and the Motion is unanimously carried, and approved.

Trustee Walker, Motions to approve the Resolution 2019-2. Trustee DeMarchi, seconds the Motion, Motion does not pass by a vote 3 no - 2 yes.

IV. DISCUSSION POINTS:
Minutes
Librarian Financial Report
Attendance Report
J. Gaines - Audit
Resolution 2019-2
Signage/Audio Video

V. NEW BUSINESS:

J. Gaines - Audit:
J. Gaines was, invited to attend our meeting to discuss this year's audit. He explained a little bit of what his job is and what the audit consists of. He saw no problem with the Rupert J. Smith Law Library’s audit this year.
VI. OLD BUSINESS:

Librarian Report:
Nora indicates that this last years book will not close until November. September shows both the lows and highs because of two months.

Attendance:
Nora has indicated that attendance was low this past month. She believes it was due to two holidays, it being a short month, and the library was closed for 5 days due to the hurricane. Nora is hoping next month's report will see an increase in patrons.

Resolution 2019-2:
Trustee Walker suggested stepping our game up with a series of lectures. The concept would be on matters of general interest of the public. This project would be very time consuming, he urges we create an auxiliary organization "Society for Public Education" to include members of the bar association, library staff, board members from the library and COSA. The task would be to conduct and manage seminars/lectures for the public and to generate notices to the public. There was already an approval at the last meeting for a budget of $3,000.00. Discussion on this determined there was not enough information and it should be, tabled to the next meeting.

Signage Proposal:
Metal sign will cost approximately $4,000.00
Vinyl sign will cost approximately $450.00
Various logos could be used for the sign. Discussion on this topic is, tabled to the next meeting.

Audio/Video Equipment Cost:
This topic is, tabled until the next meeting due to not having an estimated cost, looking into possibly having the County Video CLE Seminars and other Seminars offered by the Law Library.

Meeting Dates:
Discussion on Meeting dates and times (quarterly or every other month) will be, tabled and discussed at the next meeting. The next scheduled meetings are as follows:

November 8th
December 6th
January 10th

As there were no further topics the meeting was, adjourned.
Dated and signed by the following Trustees this ____ day of ________________.
_____.

______________________________  ______________________________
Chairman, Michael J. Linn        Commissioner, Linda Bartz

______________________________  ______________________________
Trustee, James Walker            Trustee, Donna DeMarchi

______________________________
Trustee, James Wilder
Attendance Report
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<td>January thru October 2018</td>
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</tbody>
</table>
Financial Report
Gale Knowles

From: nora@everlove.net
Sent: Monday, November 4, 2019 12:45 PM
To: Gale Knowles
Cc: 'pmadre'
Subject: FW: October financials
Attachments: 2019-10 Law Library Financial Reports - Unaudited Prelim.xlsx

Gale, This is the October financial statement. It shows no revenues because our October revenues are received in November. Our pay is recorded and a couple of other expenses but only includes money spent in October for October. Most of the bills paid in October were for September. Please add this note to the packet in explanation.

Thanks,
Nora

From: Melinda Gwilt <GwiltM@Stlucieclerk.com>
Sent: Monday, November 4, 2019 9:02 AM
To: nora@everlove.net
Subject: RE: October financials

Good morning Nora,

Here is the October preliminary statements.

Thank you,
Melinda

Melinda Gwilt
Accountant | Clerk of the Circuit Court, St. Lucie County
2300 Virginia Avenue, Fort Pierce, FL 34982
(772) 462-3586

From: nora@everlove.net <nora@everlove.net>
Sent: Sunday, November 3, 2019 12:12 PM
To: Melinda Gwilt <GwiltM@Stlucieclerk.com>
Cc: 'Gale Knowles' <KnowlesG@circuit19.org>
Subject: October financials

SECURITY WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi, Melinda—
Is it possible to get the October preliminary and the updated September preliminary financial statements? Our Trustees meet on Friday and I’d like to give them as much as is available.

Thanks and hope you had a nice weekend.

Nora

Please Note: Florida has very broad public records laws. Most written communications to or from County officials regarding County business are public records available to the public and media upon request. It is the policy of St. Lucie
County that all County records shall be open for personal inspection, examination and/or copying. Your e-mail communications will be subject to public disclosure unless an exemption applies to the communication. If you received this email in error, please notify the sender by reply e-mail and delete all materials from all computers.
St. Lucie County, Florida - Law Library  
Balance Sheet  
October 31, 2019  

UNAUDITED - PRELIMINARY

<table>
<thead>
<tr>
<th>Assets</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash and investments</td>
<td>$138,183</td>
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<tr>
<td>* Reserve cash account</td>
<td>180,000</td>
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<tr>
<td>Petty cash</td>
<td>50</td>
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<tr>
<td>Due from other gov't - Clerk</td>
<td>-</td>
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<tr>
<td>Accounts Receivable</td>
<td>-</td>
</tr>
<tr>
<td>Total assets</td>
<td>$318,233</td>
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</table>

<table>
<thead>
<tr>
<th>Liabilities and Fund Balance</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Liabilities:</td>
<td></td>
</tr>
<tr>
<td>Accounts payable</td>
<td>$554</td>
</tr>
<tr>
<td>Customer deposits</td>
<td>2,835</td>
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<tr>
<td>Total liabilities</td>
<td>3,389</td>
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<tr>
<td>Fund Balance</td>
<td>314,844</td>
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<tr>
<td>Total Liabilities and Fund Balance</td>
<td>$318,233</td>
</tr>
</tbody>
</table>

* Reserve cash account was established on 6/1/2010 by Law Library Trustees  
* Reserve cash account was increased on 10/1/2011 by Law Library Trustees
St. Lucie County, Florida - Law Library
Statement of Revenues, Expenditures and Changes in Fund Balance
For the month ended October 31, 2019
UNAUDITED - PRELIMINARY

<table>
<thead>
<tr>
<th>Revenues:</th>
<th>Current Month</th>
<th>Fiscal Year to Date</th>
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<tbody>
<tr>
<td>Copies</td>
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<tr>
<td>Court facility surcharge</td>
<td>-</td>
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<tr>
<td>Clerk fees - court related</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Interest on investments</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Donations</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Miscellaneous revenue</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Reimbursements</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Transfer from General Fund</td>
<td>-</td>
<td>-</td>
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<tr>
<td><strong>Total revenues</strong></td>
<td>-</td>
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</table>

<table>
<thead>
<tr>
<th>Expenditures:</th>
<th>Current Month</th>
<th>Fiscal Year to Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accounting and auditing</td>
<td>$</td>
<td>$</td>
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<tr>
<td>Contract services</td>
<td>15,575</td>
<td>15,575</td>
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<tr>
<td>Software support</td>
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<td>-</td>
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<tr>
<td>Travel</td>
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<td>Phone</td>
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<tr>
<td>Postage</td>
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<td>Equipment rental</td>
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<td>Insurance</td>
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<td>Equipment maintenance</td>
<td>336</td>
<td>336</td>
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<tr>
<td>Promotional advertising</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Special district fees</td>
<td>175</td>
<td>175</td>
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<tr>
<td>Miscellaneous expenses</td>
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<tr>
<td>Office supplies</td>
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<tr>
<td>Equipment (less than $1,000)</td>
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<tr>
<td>Computer supplies</td>
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<td>Operating supplies</td>
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<tr>
<td>Training and seminar</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Subscriptions</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Law books</td>
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<td>-</td>
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<tr>
<td>Works of art</td>
<td>-</td>
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</tr>
<tr>
<td>Grants &amp; Aid to Gov't Units</td>
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</tr>
<tr>
<td><strong>Total expenditures</strong></td>
<td>16,829</td>
<td>16,829</td>
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</tbody>
</table>

Prior Year Transfer/Expenditure - -
Excess of revenues over expenditures - (16,829) (16,829)

Fund balance - beginning - 331,673 331,673
Fund balance - ending - $314,844 $314,844
### St. Lucie County, Florida - Law Library

#### Annual Revenues & Expenditures per Barner

For the month ended October 31, 2019

**UNAUDITED - PRELIMINARY**

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<td><strong>Copies</strong></td>
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<td><strong>Court facility maintenance</strong></td>
<td>348,930</td>
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<td><strong>Clerk fees - court related</strong></td>
<td>348,930</td>
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<tr>
<td><strong>Interest on investments</strong></td>
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<td><strong>Donations</strong></td>
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<td><strong>Miscellaneous revenue</strong></td>
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<td><strong>Transfer from General Fund</strong></td>
<td>31,001</td>
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**Total revenues**

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<td><strong>Computer services</strong></td>
<td>51,200</td>
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<tr>
<td><strong>Software support</strong></td>
<td>54,110</td>
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</tr>
<tr>
<td><strong>Travel</strong></td>
<td>54,000</td>
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<tr>
<td><strong>Purchases</strong></td>
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<tr>
<td><strong>Potions</strong></td>
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<tr>
<td><strong>Equipment Rental</strong></td>
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<tr>
<td><strong>Insurance</strong></td>
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<tr>
<td><strong>Equipment maintenance</strong></td>
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<td><strong>Special district fees</strong></td>
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<tr>
<td><strong>Miscellaneous expenses</strong></td>
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<tr>
<td><strong>Office supplies</strong></td>
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<td><strong>Equipment less than $1,000</strong></td>
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<td><strong>Computer supplies</strong></td>
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<tr>
<td><strong>Operating supplies</strong></td>
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<td></td>
<td></td>
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<tr>
<td><strong>Training and seminar</strong></td>
<td>55,900</td>
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<tr>
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<tr>
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</tbody>
</table>

**Total expenditures**

| **Prior Year Transfer/Expenditure** | -        |        |        |        |        |        |        |        |        |        |        |        |        |        |

| **Excess of revenues over expenditures** | -        |        |        |        |        |        |        |        |        |        |        |        |        |        |

| **Fund balance - beginning** | -        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| **Fund balance - ending**   | -        |        |        |        |        |        |        |        |        |        |        |        |        |        |

*YTD:*

| **Fund balance - ending** | -        |        |        |        |        |        |        |        |        |        |        |        |        |        |

*YTD:*

| **Prior Year Transfer/Expenditure** | -        |        |        |        |        |        |        |        |        |        |        |        |        |        |

| **Excess of revenues over expenditures** | -        |        |        |        |        |        |        |        |        |        |        |        |        |        |

| **Fund balance - beginning** | -        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| **Fund balance - ending**   | -        |        |        |        |        |        |        |        |        |        |        |        |        |        |

**Total revenues**

| **Fund balance - ending** | -        |        |        |        |        |        |        |        |        |        |        |        |        |        |

**Total expenses**

| **Excess of revenues over expenditures** | -        |        |        |        |        |        |        |        |        |        |        |        |        |        |

| **Fund balance - beginning** | -        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| **Fund balance - ending**   | -        |        |        |        |        |        |        |        |        |        |        |        |        |        |
St. Lucie County, Florida - Law Library
Budget vs Actual
For the month ended October 31, 2019

**UNAUDITED - PRELIMINARY**

<table>
<thead>
<tr>
<th>Revenues:</th>
<th>Account</th>
<th>Budget</th>
<th>Actual</th>
<th>Available</th>
</tr>
</thead>
<tbody>
<tr>
<td>Copies</td>
<td>347120</td>
<td>500</td>
<td>-</td>
<td>(500)</td>
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<tr>
<td>Court facility surcharge</td>
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<td>200,000</td>
<td>-</td>
<td>(200,000)</td>
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<td>348923</td>
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<td>(75,000)</td>
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<tr>
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<td>-</td>
<td>(3,000)</td>
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<td>Donations</td>
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<td>-</td>
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<td>Miscellaneous revenue</td>
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<td>Reimbursements</td>
<td>369930</td>
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<td>-</td>
<td>-</td>
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<tr>
<td>Transfer from General Fund</td>
<td>381001</td>
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<td>-</td>
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<td>Fund Balance Forward</td>
<td>389902</td>
<td>141,730</td>
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<td>(141,730)</td>
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<td>Less 5 Percent</td>
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<td>(13,925)</td>
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<td>13,925</td>
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<td>406,305</td>
<td></td>
<td>-</td>
<td>(406,305)</td>
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</table>

<table>
<thead>
<tr>
<th>Expenditures:</th>
<th>Account</th>
<th>Budget</th>
<th>Actual</th>
<th>Available</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accounting and auditing</td>
<td>532000</td>
<td>3,300</td>
<td>-</td>
<td>3,300</td>
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<tr>
<td>Contract services</td>
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<td>15,575</td>
<td>95,137</td>
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<td>Software support</td>
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<td>Travel</td>
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<td>Postage</td>
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<tr>
<td>Equipment Rental</td>
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<tr>
<td>Insurance</td>
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<td>5,057</td>
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<td>5,057</td>
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<tr>
<td>Equipment maintenance</td>
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<td>1,512</td>
<td>336</td>
<td>1,176</td>
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<td>Promotional advertising</td>
<td>549000</td>
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<td>-</td>
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<tr>
<td>Special district fees</td>
<td>549150</td>
<td>350</td>
<td>175</td>
<td>175</td>
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<tr>
<td>Miscellaneous expenses</td>
<td>549990</td>
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<td>Office supplies</td>
<td>551000</td>
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<td>-</td>
<td>1,610</td>
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<tr>
<td>Equipment (less than $1,000)</td>
<td>551200</td>
<td>3,000</td>
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<td>3,000</td>
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<tr>
<td>Computer supplies</td>
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<td>750</td>
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<tr>
<td>Operating supplies</td>
<td>552000</td>
<td>500</td>
<td>-</td>
<td>500</td>
</tr>
<tr>
<td>Training and seminar</td>
<td>555000</td>
<td>300</td>
<td>-</td>
<td>300</td>
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<tr>
<td>Subscriptions</td>
<td>566100</td>
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<tr>
<td>Law books</td>
<td>566400</td>
<td>225,186</td>
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<td>225,186</td>
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<tr>
<td>Works of art</td>
<td>567000</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Grants &amp; Aid to Gov't Units</td>
<td>581000</td>
<td>-</td>
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<tr>
<td>Reserves</td>
<td>599300</td>
<td>38,184</td>
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<td>Total</td>
<td>406,305</td>
<td>16,829</td>
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<td>389,476</td>
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</table>
### St. Lucie County, Florida - Law Library

**Balance Sheet**

September 30, 2019

**UNAUDITED - FINAL**

<table>
<thead>
<tr>
<th>Assets</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash and investments</td>
<td>$141,990</td>
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<tr>
<td>Reserve cash account</td>
<td>180,000</td>
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<tr>
<td>Petty cash</td>
<td>50</td>
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<tr>
<td>Due from other gov't - Clerk</td>
<td>24,087</td>
</tr>
<tr>
<td>Accounts Receivable</td>
<td>175</td>
</tr>
<tr>
<td>Total assets</td>
<td>$346,302</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Liabilities and Fund Balance</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Liabilities:</td>
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</tr>
<tr>
<td>Accounts payable</td>
<td>$11,795</td>
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<tr>
<td>Customer deposits</td>
<td>2,835</td>
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<tr>
<td>Total liabilities</td>
<td>14,630</td>
</tr>
<tr>
<td><strong>Fund Balance</strong></td>
<td>331,672</td>
</tr>
<tr>
<td><strong>Total Liabilities and Fund Balance</strong></td>
<td>$346,302</td>
</tr>
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</table>

* Reserve cash account was established on 6/1/2010 by Law Library Trustees
* Reserve cash account was increased on 10/1/2011 by Law Library Trustees
St. Lucie County, Florida - Law Library

Statement of Revenues, Expenditures and Changes in Fund Balance

For the month ended September 30, 2019

**UNAUDITED - FINAL**

<table>
<thead>
<tr>
<th>Revenues:</th>
<th>Current Month</th>
<th>Fiscal Year to Date</th>
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<tbody>
<tr>
<td>Copies</td>
<td>$ 377</td>
<td>$ 2,093</td>
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<tr>
<td>Court facility surcharge</td>
<td>38,504</td>
<td>231,278</td>
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<td>Clerk fees - court related</td>
<td>10,264</td>
<td>70,989</td>
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<tr>
<td>Interest on investments</td>
<td>7,258</td>
<td>12,025</td>
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<tr>
<td>Donations</td>
<td>260</td>
<td>2,835</td>
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<tr>
<td>Miscellaneous revenue</td>
<td>-</td>
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<tr>
<td>Reimbursements</td>
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<td>-</td>
</tr>
<tr>
<td>Transfer from General Fund</td>
<td>-</td>
<td>45,000</td>
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<tr>
<td><strong>Total revenues</strong></td>
<td><strong>$ 56,763</strong></td>
<td><strong>364,220</strong></td>
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<table>
<thead>
<tr>
<th>Expenditures:</th>
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</thead>
<tbody>
<tr>
<td>Accounting and auditing</td>
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<td>$ 5,825</td>
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<tr>
<td>Contract services</td>
<td>14,110</td>
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<td>Software support</td>
<td>-</td>
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<tr>
<td>Travel</td>
<td>250</td>
<td>3,000</td>
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<tr>
<td>Phone</td>
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<td>7,835</td>
</tr>
<tr>
<td>Postage</td>
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<td>Insurance</td>
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<td>3,876</td>
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<td>211</td>
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<td>200</td>
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<td>Miscellaneous expenses</td>
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<td>841</td>
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<td>Equipment (less than $1,000)</td>
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<td>Training and seminar</td>
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<td>Law books</td>
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<tr>
<td>Grants &amp; Aid to Gov’t Units</td>
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<tr>
<td><strong>Total expenditures</strong></td>
<td><strong>$ 34,322</strong></td>
<td><strong>277,291</strong></td>
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<table>
<thead>
<tr>
<th>Prior Year Transfer/Expenditure</th>
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</thead>
<tbody>
<tr>
<td>Excess of revenues over expenditures</td>
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<td>86,929</td>
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Fund balance - beginning      309,231          244,744
Fund balance - ending         $ 331,672          $ 331,672

(1)
### UNAUDITED - FINAL

#### For the month ended September 30, 2019

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<th>Jul 30</th>
<th>Jul 12</th>
<th>Jun 30</th>
<th>Jun 12</th>
<th>May 30</th>
<th>May 12</th>
<th>Apr 30</th>
<th>Apr 12</th>
<th>Mar 30</th>
<th>Mar 12</th>
<th>Feb 28</th>
<th>Feb 12</th>
<th>Jan 28</th>
<th>Jan 12</th>
<th>Dec 31</th>
<th>Dec 12</th>
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<tr>
<td>Cash on hand</td>
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</tr>
<tr>
<td>Accounts Receivable</td>
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<td></td>
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</tr>
<tr>
<td>Total Revenue</td>
<td>$ 376.76</td>
<td>$ 33.20</td>
<td></td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Account</th>
<th>Sep 30</th>
<th>Sep 12</th>
<th>Jul 30</th>
<th>Jul 12</th>
<th>Jun 30</th>
<th>Jun 12</th>
<th>May 30</th>
<th>May 12</th>
<th>Apr 30</th>
<th>Apr 12</th>
<th>Mar 30</th>
<th>Mar 12</th>
<th>Feb 28</th>
<th>Feb 12</th>
<th>Jan 28</th>
<th>Jan 12</th>
<th>Dec 31</th>
<th>Dec 12</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transfer from General Fund</td>
<td>$ 20,031.60</td>
<td>$ 20,096.20</td>
<td>$ 20,364.60</td>
<td>$ 20,646.80</td>
<td>$ 20,943.20</td>
<td>$ 21,253.00</td>
<td>$ 21,575.00</td>
<td>$ 21,909.80</td>
<td>$ 22,256.00</td>
<td>$ 22,613.20</td>
<td>$ 22,972.40</td>
<td>$ 23,333.60</td>
<td>$ 23,696.80</td>
<td>$ 24,060.00</td>
<td>$ 24,424.20</td>
<td>$ 24,788.40</td>
<td>$ 25,152.60</td>
<td></td>
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</table>

#### Expenditures:

<table>
<thead>
<tr>
<th>Account</th>
<th>Sep 30</th>
<th>Sep 12</th>
<th>Jul 30</th>
<th>Jul 12</th>
<th>Jun 30</th>
<th>Jun 12</th>
<th>May 30</th>
<th>May 12</th>
<th>Apr 30</th>
<th>Apr 12</th>
<th>Mar 30</th>
<th>Mar 12</th>
<th>Feb 28</th>
<th>Feb 12</th>
<th>Jan 28</th>
<th>Jan 12</th>
<th>Dec 31</th>
<th>Dec 12</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accounting and auditing</td>
<td>$ 21.40</td>
<td>$ 20.00</td>
<td></td>
<td></td>
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<tr>
<td>Cash receipts</td>
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</tr>
<tr>
<td>Total Expenditures</td>
<td>$ 21.40</td>
<td>$ 20.00</td>
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<td></td>
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<thead>
<tr>
<th>Account</th>
<th>Sep 30</th>
<th>Sep 12</th>
<th>Jul 30</th>
<th>Jul 12</th>
<th>Jun 30</th>
<th>Jun 12</th>
<th>May 30</th>
<th>May 12</th>
<th>Apr 30</th>
<th>Apr 12</th>
<th>Mar 30</th>
<th>Mar 12</th>
<th>Feb 28</th>
<th>Feb 12</th>
<th>Jan 28</th>
<th>Jan 12</th>
<th>Dec 31</th>
<th>Dec 12</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Revenue</td>
<td>$ 20,404.68</td>
<td>$ 20,468.13</td>
<td>$ 20,764.33</td>
<td>$ 21,064.53</td>
<td>$ 21,364.73</td>
<td>$ 21,664.93</td>
<td>$ 21,965.13</td>
<td>$ 22,265.33</td>
<td>$ 22,565.53</td>
<td>$ 22,865.73</td>
<td>$ 23,165.93</td>
<td>$ 23,466.13</td>
<td>$ 23,766.33</td>
<td>$ 24,066.53</td>
<td>$ 24,366.73</td>
<td>$ 24,666.93</td>
<td>$ 24,967.13</td>
<td></td>
</tr>
<tr>
<td>Total Expenditures</td>
<td>$ 21.40</td>
<td>$ 20.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fund balance, beginning</td>
<td>$ 20,383.28</td>
<td>$ 20,444.13</td>
<td>$ 20,744.30</td>
<td>$ 21,044.50</td>
<td>$ 21,344.70</td>
<td>$ 21,644.90</td>
<td>$ 21,945.10</td>
<td>$ 22,245.30</td>
<td>$ 22,545.50</td>
<td>$ 22,845.70</td>
<td>$ 23,145.90</td>
<td>$ 23,446.10</td>
<td>$ 23,746.30</td>
<td>$ 24,046.50</td>
<td>$ 24,346.70</td>
<td>$ 24,646.90</td>
<td>$ 24,947.10</td>
<td></td>
</tr>
<tr>
<td>Fund balance, ending</td>
<td>$ 13,751.31</td>
<td>$ 13,712.44</td>
<td>$ 13,903.12</td>
<td>$ 14,093.82</td>
<td>$ 14,284.52</td>
<td>$ 14,475.22</td>
<td>$ 14,665.92</td>
<td>$ 14,856.62</td>
<td>$ 15,047.32</td>
<td>$ 15,238.02</td>
<td>$ 15,428.72</td>
<td>$ 15,619.42</td>
<td>$ 15,810.12</td>
<td>$ 15,999.82</td>
<td>$ 16,188.52</td>
<td>$ 16,378.22</td>
<td>$ 16,567.92</td>
<td></td>
</tr>
</tbody>
</table>
St. Lucie County, Florida - Law Library
Budget vs Actual
For the month ended September 30, 2019

**UNAUDITED - FINAL**

<table>
<thead>
<tr>
<th>Revenues:</th>
<th>Account</th>
<th>Budget</th>
<th>Actual</th>
<th>Available</th>
</tr>
</thead>
<tbody>
<tr>
<td>Copies</td>
<td>347120</td>
<td>500</td>
<td>2,093</td>
<td>1,593</td>
</tr>
<tr>
<td>Court facility surcharge</td>
<td>348930</td>
<td>200,000</td>
<td>231,278</td>
<td>31,278</td>
</tr>
<tr>
<td>Clerk fees - court related</td>
<td>348923</td>
<td>75,000</td>
<td>70,989</td>
<td>(4,011)</td>
</tr>
<tr>
<td>Interest on investments</td>
<td>361100</td>
<td>3,000</td>
<td>12,025</td>
<td>9,025</td>
</tr>
<tr>
<td>Donations</td>
<td>366900</td>
<td>-</td>
<td>2,835</td>
<td>2,835</td>
</tr>
<tr>
<td>Miscellaneous revenue</td>
<td>369917</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Reimbursements</td>
<td>369930</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Transfer from General Fund</td>
<td>381001</td>
<td>45,000</td>
<td>45,000</td>
<td>-</td>
</tr>
<tr>
<td>Fund Balance Forward</td>
<td>389902</td>
<td>117,469</td>
<td>-</td>
<td>(117,469)</td>
</tr>
<tr>
<td>Less 5 Percent</td>
<td>389903</td>
<td>(13,925)</td>
<td>-</td>
<td>13,925</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>427,044</td>
<td>364,220</td>
<td>(62,824)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expenditures:</th>
<th>Account</th>
<th>Budget</th>
<th>Actual</th>
<th>Available</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accounting and auditing</td>
<td>532000</td>
<td>6,325</td>
<td>5,825</td>
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<tr>
<td>Contract services</td>
<td>534000</td>
<td>169,320</td>
<td>169,320</td>
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<tr>
<td>Software support</td>
<td>534110</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Travel</td>
<td>540000</td>
<td>3,000</td>
<td>3,000</td>
<td>-</td>
</tr>
<tr>
<td>Phone</td>
<td>541000</td>
<td>7,478</td>
<td>7,835</td>
<td>(357)</td>
</tr>
<tr>
<td>Postage</td>
<td>542000</td>
<td>705</td>
<td>578</td>
<td>127</td>
</tr>
<tr>
<td>Equipment Rental</td>
<td>544100</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Insurance</td>
<td>545000</td>
<td>6,000</td>
<td>3,876</td>
<td>2,124</td>
</tr>
<tr>
<td>Equipment maintenance</td>
<td>546000</td>
<td>2,000</td>
<td>4,703</td>
<td>(2,703)</td>
</tr>
<tr>
<td>Promotional advertising</td>
<td>549000</td>
<td>1,000</td>
<td>211</td>
<td>789</td>
</tr>
<tr>
<td>Special district fees</td>
<td>549150</td>
<td>175</td>
<td>200</td>
<td>(25)</td>
</tr>
<tr>
<td>Miscellaneous expenses</td>
<td>549990</td>
<td>500</td>
<td>841</td>
<td>(341)</td>
</tr>
<tr>
<td>Office supplies</td>
<td>551000</td>
<td>2,500</td>
<td>1,080</td>
<td>1,420</td>
</tr>
<tr>
<td>Equipment (less than $1,000)</td>
<td>551200</td>
<td>1,500</td>
<td>121</td>
<td>1,379</td>
</tr>
<tr>
<td>Computer supplies</td>
<td>551501</td>
<td>500</td>
<td>93</td>
<td>407</td>
</tr>
<tr>
<td>Operating supplies</td>
<td>552000</td>
<td>-</td>
<td>128</td>
<td>(128)</td>
</tr>
<tr>
<td>Training and seminar</td>
<td>555000</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Subscriptions</td>
<td>566100</td>
<td>120</td>
<td>1,330</td>
<td>(1,210)</td>
</tr>
<tr>
<td>Law books</td>
<td>566400</td>
<td>101,767</td>
<td>78,150</td>
<td>23,617</td>
</tr>
<tr>
<td>Works of art</td>
<td>567000</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Grants &amp; Aid to Gov't Units</td>
<td>581000</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Reserves</td>
<td>599300</td>
<td>124,154</td>
<td>-</td>
<td>124,154</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>427,044</td>
<td>277,292</td>
<td>149,752</td>
</tr>
</tbody>
</table>
Signage Options
Gale Knowles

From: nora@everlove.net
Sent: Wednesday, October 30, 2019 10:47 AM
To: Gale Knowles; 'pmadre'
Subject: Library Sign - Agenda Item
Attachments: SLCLL Sign options.docx

Gale,

I didn’t make copies of the papers taped to the library wall because they are created in a drawing program (that Paul uses) and not anything that is Microsoft compatible. They wouldn’t be able to open them. I couldn’t even figure out how to save them into a .pdf file. I didn’t want to print additional copies for Merrilyn to distribute at the meeting because they are in color. We don’t have a color printer at the library and I used almost an entire color cartridge just printing out two copies. If anyone complains, I hope you’ll explain how impractical it would have been. I’ve walked Jim Walker (no pun intended) through the different sheets posted to the wall but it was long enough ago that he may not remember all of it. None of the other Trustees’ have seen this and they make need to walk out into the library to take a look.

Thanks,
Nora
To: Board of Trustees
From: Nora Everlove
Date: 10/30/2019
Re: New Library Sign

Take a look at the wall in the library where the new sign will be installed. I’ve posted several pieces of paper that will answer all your questions and allow you to make a good decision. Each is numbered:

- #1 is the overall view. I’m sure more than one of you are recoiling at the bins of kiddie art but we left them in only to show the scale of the sign.
- #2 & #3 show the actual size of the letters on the wall. Again, giving you the scale.
- #4 is the Florida seal. We can purchase a painted seal on ebay for $90. It is raised, giving it more of a three-dimension look. If could be produced in vinyl but it would look more like a giant sticker than something adding “authority” to the look. Also, the $90 is a bargain compared to the cost of producing it in vinyl. And, if that isn’t enough to make this decision easy, the sales girl at the sign shop asked me, “What does the state seal look like?” If you don’t like the idea of adding the seal, we don’t have to include it. There are images showing it with or without the seal. If you agree to the seal but later decide you don’t like it, and I’m not sure why that would be, we could use the seal in any number of places in the library.
- #5-#7 show different color combination. Note that the silver on a blue field, originally suggested by George, really doesn’t look very good. The color values are too similar. It lacks contract.

Merrilyn has a “color deck” of paint chips. The universe of color is at your fingertips but I think somewhere around colors #184 - #186 are closest to what was envisioned.

Reviewing the process and the pricing:

- The original motion was for up to $1500.
- No matter what we do, we have to paint the whole wall in white/off-white and the “field” or background for the sign in blue. $140 including cost of paint
- No matter what we do - just the vinyl letters or hand painted letters, we have to make a vinyl stencil.
- The vinyl letters will not hold up as well as the hand-painted sign.
- I have a quote from the sign store for $450 for the vinyl letters. This doesn’t include painting the wall. They don’t do any hand-painting.
- Hand-painted sign for $450 (including the stencil). My husband, Paul, was a professional signmaker for 17 years, we have a vinyl cutter at home and he can make the stencil. The hand-painting will look much richer and hold up longer.
- Adding the Seal will cost $90 plus shipping on ebay.

I recommend we go for the hand-painted sign with the Florida Seal. Including painting the wall, the total cost would be $680.
Report for Trustees
Gale, please put this Report to the Trustees in the Agenda Packet for our next Board Meeting. It responds to a question raised by Commissioner Bartz, who wondered whether or to what extent it was necessary to proceed with formal pre-contract measures, such as bidding, before consideration of a suggested contract for study regarding certain renovations of the library. Such report reflects my own research in the matter, as well as independent research undertaken by Daniel McIntyre, County Attorney.

As always, Board Members are cautioned that we are governed by Sunshine requirements, and no communication between Board Members bearing on this is permitted outside the public meeting.
It will be recalled from the last meeting of the Trustees on 10/4/19, there was brief discussion about a proposal to use a 2018 $45k grant from the SLC BOCC for upgrading the library’s audio-visual capabilities, and to add a Conference Room specially dedicated to AV-related functions. Such functions might: (1) provide studio ability to produce educational videos; (2) provide ability to host two-way audio/video conferencing; (3) serve as a “virtual phone booth”, for patrons needing to make or receive cellphone calls, thus preserving the tranquility of our library spaces; (4) provide space for patrons to listen in on audio tapes and watch video presentations; (5) accommodate live educational video lectures by speakers from remote, offsite locations; and (6) provide improved capability for power point presentations onsite. Other conference spaces in the library could likewise be upgraded—when meetings take place there, for instance, such meetings should be able, at a minimum, to readily accommodate attendees who wish to attend electronically. Right now, even that limited function isn’t really practical with what we have (a recent experience by our librarian speaks to that). An architect, Don Bergman, has been invited to discuss thinking on the whole subject at our next meeting of 11/8/19. He was asked to share his considerable experience with how public governmental bodies are designing their facilities to incorporate means for interfacing with the many forms of informational modalities increasingly available.

In anticipation of that, I was asked to research what statutory requirements might govern procurement of services incident to undertaking such a project. Specifically, for example, is a formal bid process necessary where an Independent Special District of the State of Florida, situated as is the RJS Law Library, wishes to undertake renovations with an approximate valuations of $45k?

In furtherance of this charge, I reviewed the library’s enabling legislation, Fla. Laws 2001-326; Fla. Laws. 2006-336, and Fla. Ch. 189 (“Special Districts—General Provisions”); Fla. Ch. 255 (“Public Property and Publicly Owned Buildings”); and Fla. Ch. 287 (“Procurement of Personal Property and Services”). In addition, since St. Lucie County is given certain oversight regarding resident special districts, see Fla. Stat. sec. 189.428 (“Special Districts; oversight review process—”), I requested the county attorney, Daniel McIntyre, for an opinion on this subject (see e-mail, attached).

Mr. McIntyre was kind enough to independently review the matter. We spoke on the phone thereafter, and he advises that his search included the Charter and Ordinances for St. Lucie County. He also located several opinions of the Attorney General, OAG-- 96-38; 97-69; and 2012-34 (copies attached).

Based on the foregoing, neither Mr. McIntyre nor I are aware of any specific provision responsive to the inquiry. See ex. OAG 2012-34 (“It is the general rule with regard to competitive bidding by public agencies that, in the absence of any legislative
requirements regarding the method of awarding public contracts, public officers may exercise reasonable discretion, and a contract may be made by any practicable method that will safeguard the public interest."

This is because the cost of our proposed project, approximately $45,000, is well below the thresholds where state building and construction provisions are otherwise applicable. See ex. Fla. Stat. sec. 550.20 ("Local bids and contracts for public construction works; specification of state-produced lumber."

Subsection 550.20(1) requires a minimum threshold of $300,000 before competitive bidding is required. There are other thresholds, but none is seen to be applicable here. See id.

It is hoped that the foregoing is deemed responsive to the inquiry it is intended to address. Should it not be cause for complete satisfaction in this regard, or should there be additional questions in the matter, I am happy to further respond in such manner as our Board might think proper. Thank you for this opportunity to be of assistance.

James T. Walker  
Trustee, Bd/Trustees  
Rupert J. Smith Law Library  
jimw@jimwalkerlaw.com  
772-461-2310  
Hayskar, Walker, Schwerer, Dundas & McCain, PA  
130 S. Indian River Dr., Ste 304  
Fort Pierce, Fl 34950

Cc Daniel McIntyre, Esq.  
County Attorney, St. Lucie County
255.20 Local bids and contracts for public construction works; specification of state-produced lumber.—

(1) A county, municipality, special district as defined in chapter 189, or other political subdivision of the state seeking to construct or improve a public building, structure, or other public construction works must competitively award to an appropriately licensed contractor each project that is estimated in accordance with generally accepted cost-accounting principles to cost more than $300,000. For electrical work, the local government must competitively award to an appropriately licensed contractor each project that is estimated in accordance with generally accepted cost-accounting principles to cost more than $75,000. As used in this section, the term “competitively award” means to award contracts based on the submission of sealed bids, proposals submitted in response to a request for proposal, proposals submitted in response to a request for qualifications, or proposals submitted for competitive negotiation. This subsection expressly allows contracts for construction management services, design/build contracts, continuation contracts based on unit prices, and any other contract arrangement with a private sector contractor permitted by any applicable municipal or county ordinance, by district resolution, or by state law. For purposes of this section, cost includes the cost of all labor, except inmate labor, and the cost of equipment and materials to be used in the construction of the project. Subject to the provisions of subsection (3), the county, municipality, special district, or other political subdivision may establish, by municipal or county ordinance or special district resolution, procedures for conducting the bidding process.

(a) Notwithstanding any other law, a governmental entity seeking to construct or improve bridges, roads, streets, highways, or railroads, and services incidental thereto, at a cost in excess of $250,000 may require that persons interested in performing work under contract first be certified or qualified to perform such work. A contractor may be considered ineligible to bid if the contractor is behind by 10 percent or more on completing an approved progress schedule for the governmental entity at the time of advertising the work. A prequalified contractor considered eligible by the Department of Transportation to bid to perform the type of work described under the contract is presumed to be qualified to perform the work described. The governmental entity may provide an appeal process to overcome that presumption with de novo review based on the record below to the circuit court.

(b) For contractors who are not prequalified by the Department of Transportation, the governmental entity shall publish prequalification criteria and procedures prior to advertisement or notice of solicitation. Such publications must include notice of a public hearing for comment on such criteria and procedures prior to adoption. The procedures must provide for an appeal process within the authority for making objections to the prequalification process with de novo review based on the record below to the circuit court within 30 days.

(c) The provisions of this subsection do not apply:

1. If the project is undertaken to replace, reconstruct, or repair an existing public building, structure, or other public construction works damaged or destroyed by a sudden unexpected turn of events such as an act of God, riot, fire, flood, accident, or other urgent circumstances, and such damage or destruction creates:
   a. An immediate danger to the public health or safety;
   b. Other loss to public or private property which requires emergency government action; or
   c. An interruption of an essential governmental service.

2. If, after notice by publication in accordance with the applicable ordinance or resolution, the governmental entity does not receive any responsive bids or proposals.

3. To construction, remodeling, repair, or improvement to a public electric or gas utility system if such work on the public utility system is performed by personnel of the system.
4. To construction, remodeling, repair, or improvement by a utility commission whose major contracts are to construct and operate a public electric utility system.

5. If the project is undertaken as repair or maintenance of an existing public facility. For the purposes of this paragraph, the term "repair" means a corrective action to restore an existing public facility to a safe and functional condition and the term "maintenance" means a preventive or corrective action to maintain an existing public facility in an operational state or to preserve the facility from failure or decline. Repair or maintenance includes activities that are necessarily incidental to repairing or maintaining the facility. Repair or maintenance does not include the construction of any new building, structure, or other public construction works or any substantial addition, extension, or upgrade to an existing public facility. Such additions, extensions, or upgrades shall be considered substantial if the estimated cost of the additions, extensions, or upgrades included as part of the repair or maintenance project exceeds the threshold amount in subsection (1) and exceeds 20 percent of the estimated total cost of the repair or maintenance project using generally accepted cost-accounting principles that fully account for all costs associated with performing and completing the work, including employee compensation and benefits, equipment cost and maintenance, insurance costs, and materials. An addition, extension, or upgrade shall not be considered substantial if it is undertaken pursuant to the conditions specified in subparagraph 1. Repair and maintenance projects and any related additions, extensions, or upgrades may not be divided into multiple projects for the purpose of evading the requirements of this subparagraph.

6. If the project is undertaken exclusively as part of a public educational program.

7. If the funding source of the project will be diminished or lost because the time required to competitively award the project after the funds become available exceeds the time within which the funding source must be spent.

8. If the local government competitively awarded a project to a private sector contractor and the contractor abandoned the project before completion or the local government terminated the contract.

9. If the governing board of the local government complies with all of the requirements of this subparagraph, conducts a public meeting under s. 286.011 after public notice, and finds by majority vote of the governing board that it is in the public's best interest to perform the project using its own services, employees, and equipment. The public notice must be published at least 21 days before the date of the public meeting at which the governing board takes final action. The notice must identify the project, the components and scope of the work, and the estimated cost of the project using generally accepted cost-accounting principles that fully account for all costs associated with performing and completing the work, including employee compensation and benefits, equipment cost and maintenance, insurance costs, and materials. The notice must specify that the purpose for the public meeting is to consider whether it is in the public's best interest to perform the project using the local government's own services, employees, and equipment. Upon publication of the public notice and for 21 days thereafter, the local government shall make available for public inspection, during normal business hours and at a location specified in the public notice, a detailed itemization of each component of the estimated cost of the project and documentation explaining the methodology used to arrive at the estimated cost. At the public meeting, any qualified contractor or vendor who could have been awarded the project had the project been competitively bid shall be provided with a reasonable opportunity to present evidence to the governing board regarding the project and the accuracy of the local government's estimated cost of the project. In deciding whether it is in the public's best interest for the local government to perform a project using its own services, employees, and equipment, the governing board must consider the estimated cost of the project and the accuracy of the estimated cost in light of any other information that may be presented at the public meeting and whether the project requires an increase in the number of government employees or an increase in capital expenditures for public facilities, equipment, or other capital assets. The local government may further consider the impact on local economic development, the impact on small and minority business owners, the impact on state and local tax revenues, whether the private sector contractors provide health insurance and other benefits equivalent to those provided by the local government, and any other factor relevant to what is in the public's best interest.

10. If the governing board of the local government determines upon consideration of specific substantive criteria that it is in the best interest of the local government to award the project to an appropriately licensed private sector contractor pursuant to administrative procedures established by and expressly set forth in a charter, ordinance, or resolution of the local government adopted before July 1, 1994. The criteria and procedures must be set out in the
charter, ordinance, or resolution and must be applied uniformly by the local government to avoid awarding a project in an arbitrary or capricious manner. This exception applies only if all of the following occur:

a. The governing board of the local government, after public notice, conducts a public meeting under s. 286.011 and finds by a two-thirds vote of the governing board that it is in the public’s best interest to award the project according to the criteria and procedures established by charter, ordinance, or resolution. The public notice must be published at least 14 days before the date of the public meeting at which the governing board takes final action. The notice must identify the project, the estimated cost of the project, and specify that the purpose for the public meeting is to consider whether it is in the public's best interest to award the project using the criteria and procedures permitted by the preexisting charter, ordinance, or resolution.

b. The project is to be awarded by any method other than a competitive selection process, and the governing board finds evidence that:

   (I) There is one appropriately licensed contractor who is uniquely qualified to undertake the project because that contractor is currently under contract to perform work that is affiliated with the project; or

   (II) The time to competitively award the project will jeopardize the funding for the project, materially increase the cost of the project, or create an undue hardship on the public health, safety, or welfare.

c. The project is to be awarded by any method other than a competitive selection process, and the published notice clearly specifies the ordinance or resolution by which the private sector contractor will be selected and the criteria to be considered.

d. The project is to be awarded by a method other than a competitive selection process, and the architect or engineer of record has provided a written recommendation that the project be awarded to the private sector contractor without competitive selection, and the consideration by, and the justification of, the government body are documented, in writing, in the project file and are presented to the governing board prior to the approval required in this paragraph.

11. To projects subject to chapter 336.

d) If the project:

1. Is to be awarded based on price, the contract must be awarded to the lowest qualified and responsive bidder in accordance with the applicable county or municipal ordinance or district resolution and in accordance with the applicable contract documents. The county, municipality, or special district may reserve the right to reject all bids and to rebid the project, or elect not to proceed with the project. This subsection is not intended to restrict the rights of any local government to reject the low bid of a nonqualified or nonresponsive bidder and to award the contract to any other qualified and responsive bidder in accordance with the standards and procedures of any applicable county or municipal ordinance or any resolution of a special district.

2. Uses a request for proposal or a request for qualifications, the request must be publicly advertised and the contract must be awarded in accordance with the applicable local ordinances.

3. Is subject to competitive negotiations, the contract must be awarded in accordance with s. 287.055.

(e) If a construction project greater than $300,000, or $75,000 for electrical work, is started after October 1, 1999, is to be performed by a local government using its own employees in a county or municipality that issues registered contractor licenses, and the project would require a contractor licensed under chapter 489 if performed by a private sector contractor, the local government must use a person appropriately registered or certified under chapter 489 to supervise the work.

(f) If a construction project greater than $300,000, or $75,000 for electrical work, is started after October 1, 1999, is to be performed by a local government using its own employees in a county that does not issue registered contractor licenses, and the project would require a contractor licensed under chapter 489 if performed by a private sector contractor, the local government must use a person appropriately registered or certified under chapter 489 or a person appropriately licensed under chapter 471 to supervise the work.

(g) Projects performed by a local government using its own services and employees must be inspected in the same manner required for work performed by private sector contractors.

(h) A construction project provided for in this subsection may not be divided into more than one project for the purpose of evading this subsection.
(i) This subsection does not preempt the requirements of any small-business or disadvantaged-business enterprise program or any local-preference ordinance.

(j) A county, municipality, special district as defined in s. 189.012, or any other political subdivision of the state that owns or operates a public-use airport as defined in s. 332.004 is exempt from this section when performing repairs or maintenance on the airport’s buildings, structures, or public construction works using the local government’s own services, employees, and equipment.

(k) A local government that owns or operates a port identified in s. 403.021(9)(b) is exempt from this section when performing repairs or maintenance on the port’s buildings, structures, or public construction works using the local government’s own services, employees, and equipment.

(l) A local government that owns or operates a public transit system as defined in s. 343.52, a public transportation system as defined in s. 343.62, or a mass transit system described in s. 349.04(1)(b) is exempt from this section when performing repairs or maintenance on the system’s buildings, structures, or public construction works using the local government’s own services, employees, and equipment.

(m) Any contractor may be considered ineligible to bid by the governmental entity if the contractor has been found guilty by a court of any violation of federal labor or employment tax laws regarding subjects such as safety, tax withholding, workers’ compensation, reemployment assistance or unemployment tax, social security and Medicare tax, wage or hour, or prevailing rate laws within the past 5 years.

(2) The threshold amount of $300,000 for construction or $75,000 for electrical work, as specified in subsection (1), must be adjusted by the percentage change in the Engineering News-Record’s Building Cost Index from January 1, 2009, to January 1 of the year in which the project is scheduled to begin.

(3)(a) All county officials, boards of county commissioners, school boards, city councils, city commissioners, and all other public officers of state boards or commissions that are charged with the letting of contracts for public work, for the construction of public bridges, buildings, and other structures must specify in the contract lumber, timber, and other forest products produced and manufactured in this state, if wood is a component of the public work, and if such products are available and their price, fitness, and quality are equal.

(b) This subsection does not apply:
1. To plywood specified for monolithic concrete forms.
2. If the structural or service requirements for timber for a particular job cannot be supplied by native species.
3. If the construction is financed in whole or in part from federal funds with the requirement that there be no restrictions as to species or place of manufacture.
4. To transportation projects for which federal aid funds are available.

(4) Any qualified contractor or vendor who could have been awarded the project had the project been competitively bid has standing to challenge a local government’s actions to determine if the local government has complied with this section. The prevailing party in such action is entitled to recover its reasonable attorney’s fees.

History.—s. 1, ch. 61-495; s. 1, ch. 94-175; s. 4, ch. 95-310; s. 5, ch. 95-341; s. 1, ch. 99-181; s. 62, ch. 2002-20; s. 9, ch. 2003-286; s. 1, ch. 2009-210; s. 54, ch. 2012-30; s. 4, ch. 2013-193; s. 81, ch. 2014-22.

Disclaimer: The information on this system is unverified. The journals or printed bills of the respective chambers should be consulted for official purposes.

Mr. George T. Reeves  
Davis, Schnitker, Reeves & Browning, P.A.  
Post Office Drawer 652  
Madison, Florida 32341  

RE: SPECIAL DISTRICTS—COMPETITIVE BIDDING—PROCUREMENT—WATER MANAGEMENT DISTRICTS—whether water management district is authorized to adopt policy of local preference in procurement of goods and services. ss. 255.20, 287.055, and Ch. 373, Fla. Stat.

Dear Mr. Reeves:

On behalf of the Governing Board of the Suwannee River Water Management District, you have asked for my opinion on substantially the following question:

Is the Governing Board of the Suwannee River Water Management District authorized to enact a policy granting a local preference in the procurement of goods and services to businesses which are located within the boundaries of the Suwannee River Water Management District? [1]

In sum:

The Suwannee River Water Management District is limited to utilizing the procedures set forth in the statutes for the procurement of goods and services including the Consultants' Competitive Negotiation Act and has no authority to enact a policy granting a local preference to businesses located within the boundaries of the district except to the extent the district can identify a statutory authorization for local preference consideration.

The Suwannee River Water Management District is a multi-county special taxing district created pursuant to section 373.069, Florida Statutes, [2] for the purpose of managing that geographical portion of Florida's water resources and managing those resources in a sustainable manner. [3] The district is recognized as an independent special district by the Division of Community Development, Florida Department of Economic Opportunity. [4]
While established as an independent special district, the powers of a water management district as an administrative agency are measured by the terms of the act under which it is organized and it can exercise no authority that has not clearly been granted to it by the Legislature or which is necessarily implied from the powers conferred. [5] Pursuant to sections 373.113 and 373.171(1)(c), Florida Statutes, the governing boards of water management districts are authorized to issue orders and adopt rules to implement the provisions of the act. Further, the governing board is authorized to provide for district works:

"In order to carry out the works for the district, and for effectuating the purposes of this chapter, the governing board is authorized to clean out, straighten, enlarge, or change the course of any waterway, natural or artificial, within or without the district; to provide such canals, levees, dikes, dams, sluiceways, reservoirs, holding basins, floodways, pumping stations, bridges, highways, and other works and facilities which the board may deem necessary; to establish, maintain, and regulate water levels in all canals, lakes, rivers, channels, reservoirs, streams, or other bodies of water owned or maintained by the district; to cross any highway or railway with works of the district and to hold, control, and acquire by donation, lease, or purchase, or to condemn any land, public or private, needed for rights-of-way or other purposes, and may remove any building or other obstruction necessary for the construction, maintenance, and operation of the works; and to hold and have full control over the works and rights-of-way of the district."

Among the general powers and duties of the governing board of a water management district is the power to enter into contracts.[6]

It is the general rule with regard to competitive bidding by public agencies that, in the absence of any legislative requirements regarding the method of awarding public contracts, public officers may exercise reasonable discretion, and a contract may be made by any practicable method that will safeguard the public interest.[7] You have not specified the types of goods and services to which the water management district's proposed policy may apply; however, the Florida Statutes contain extensive direction to special districts regarding bidding procedures for contractual services, goods and commodities, and personal property which would control and which contain local preference provisions upon which the district must rely.

The statutory directives requiring special districts to competitively award contracts for public construction projects are contained in sections 255.20 and 287.055, Florida Statutes. Section 255.20, Florida Statutes, requires counties, municipalities, special districts as defined in chapter 189, or other political subdivisions[8] of the state that are seeking to construct or improve public construction works to competitively award these projects.[9] Such projects must be

competitively awarded to a licensed contractor when the project is estimated to have construction costs of more than $300,000. The term "competitively award" is defined to mean "to award contracts based on the submission of sealed bids, proposals submitted in response to a request for proposal, proposals submitted in response to a request for qualifications, or proposals submitted for competitive negotiation." [10] The statute expressly allows contracts for construction management services, design/build contracts, continuation contracts based on unit prices, "and any other contract arrangement with a private sector contractor permitted by any applicable municipal or county ordinance, by district resolution, or by state law." [11] Exceptions to the statute are recognized for emergency situations. [12]

Section 255.20, Florida Statutes, making provision for letting contracts for certain public projects, contains a local preference requirement in subsection (3):

"All county officials, boards of county commissioners, school boards, city councils, city commissioners, and all other public officers of state boards or commissions that are charged with the letting of contracts for public work, for the construction of public bridges, buildings, and other structures must specify lumber, timber, and other forest products produced and manufactured in this state if such products are available and their price, fitness, and quality are equal. This subsection does not apply to plywood specified for monolithic concrete forms, if the structural or service requirements for timber for a particular job cannot be supplied by native species, or if the construction is financed in whole or in part from federal funds with the requirement that there be no restrictions as to species or place of manufacture."

This statute also makes reference to local preference legislation, i.e., "[t]his subsection does not preempt the requirements of any small-business or disadvantaged-business enterprise program or any local-preference ordinance." However, as discussed more fully herein, special districts, as limited purpose local governmental entities, have no home rule power to adopt ordinances.

The Consultants' Competitive Negotiation Act (CCNA), section 287.055, Florida Statutes, applies to political subdivisions[13] such as the Suwannee River Water Management District and requires that certain professional services be acquired utilizing the competitive selection procedures set forth in the statute. The statute includes procedures for competitive selection and, in subsection (4) (b) sets forth the factors an agency may consider in determining whether a firm is qualified to perform the required services:

"In determining whether a firm is qualified, the agency shall consider such factors as the ability of professional personnel; whether a firm is a certified minority business enterprise; past performance; willingness to meet time and budget requirements; location; recent,
current, and projected workloads of the firms; and the volume of work previously awarded to each firm by the agency, with the object of effecting an equitable distribution of contracts among qualified firms, provided such distribution does not violate the principle of selection of the most highly qualified firms. " (e.s.)

Thus, the location of a firm may be considered by the agency in evaluating qualifications to perform the services under the CCNA.

The Suwannee River Water Management District is also subject to the provisions of section 287.084, Florida Statutes, which provides preference to Florida businesses in the purchasing of personal property:

"(1)(a) When an agency, university, college, school district, or other political subdivision of the state is required to make purchases of personal property through competitive solicitation and the lowest responsible and responsive bid, proposal, or reply is by a vendor whose principal place of business is in a state or political subdivision thereof which grants a preference for the purchase of such personal property to a person whose principal place of business is in such state, then the agency, university, college, school district, or other political subdivision of this state shall award a preference to the lowest responsible and responsive vendor having a principal place of business within this state, which preference is equal to the preference granted by the state or political subdivision thereof in which the lowest responsible and responsive vendor has its principal place of business. In a competitive solicitation in which the lowest bid is submitted by a vendor whose principal place of business is located outside the state and that state does not grant a preference in competitive solicitation to vendors having a principal place of business in that state, the preference to the lowest responsible and responsive vendor having a principal place of business in this state shall be 5 percent."

Section 287.082, Florida Statutes, provides that commodities manufactured, grown, or produced in Florida are to be given preference in the sealed bidding process.

While this office has, on several occasions, recognized the authority of local governments to adopt ordinances or regulations establishing a local preference for procurement of goods and services, these opinions have related to the authority of local governments with home rule powers such as municipalities, counties, and, to a limited extent, school districts.[14] Unlike counties or municipalities which have been granted home rule powers, special districts possess no inherent or home rule powers. Created by statute for a specific, limited purpose, the Suwannee River Water Management District may exercise only such power and authority as it has been granted by law. Thus, when presented with the issue of the authority of a water management district to adopt alternative or "hybrid" procedures for such things

as public construction projects, this office has concluded that no such authority exists in the absence of statutory authority. [15]

In sum, it is my opinion that the Suwannee River Water Management District is limited to utilizing the procedures set forth in the statutes for the procurement of goods and services and has no authority to enact a policy granting a local preference to businesses located within the boundaries of the district except to the extent the district can identify a statutory authorization for local preference consideration.

Sincerely,

Pam Bondi
Attorney General

PB/tgh

[1] I note that you have asked a second question premised on an affirmative response to your first question (set out above). In light of my response to your initial question, no consideration of your second question is necessary.


[8] See s. 1.01(8), Fla. Stat., defining "political subdivision" to include "all other districts in this state."


[13] The definition of "[a]gency" for purposes of the CCNA includes "a political subdivision" and, as discussed herein, the definition of "political subdivision" includes special districts. See n.8 supra.


[15] See Op. Att'y Gen. Fla. 11-21 (2011), concluding that the Southwest Florida Water Management District is limited to utilizing the procedures set forth in the statutes for public construction works and for construction management services and that the district has no authority to develop a "hybrid" model for awarding construction projects in the absence of statutory authority to do so.
Florida Attorney General
Advisory Legal Opinion

Number: AGO 96-28
Date: April 29, 1996
Subject: Competitive bids by water control district

Mr. Kenneth W. Edwards, Esquire
Northern Palm Beach County Improvement District
Post Office Box 2775
Palm Beach, Florida 33480-2775


Dear Mr. Edwards:

You have asked substantially the following questions:

1. Is the Northern Palm Beach County Improvement District authorized to use the competitive bidding procedures set forth in section 255.20, Florida Statutes, in addition to those in section 298.35, Florida Statutes?

2. May the Northern Palm Beach County Improvement District use the provisions of section 255.20, Florida Statutes, to hire a managing general contractor who will, in turn, use the competitive bidding procedures in the statute to hire subcontractors to work on district projects?

In sum:

1. Sections 255.20 and 298.35, Florida Statutes, may be read together to provide direction to the Northern Palm Beach County Improvement District in competitively bidding contracts for works and improvements within the district.

2. The Northern Palm Beach County Improvement District is authorized to hire a managing general contractor utilizing the competitive bidding procedures set forth in section 255.20, Florida Statutes, the district previously having complied with the requirements of the statute for such an action.
Question One

The Northern Palm Beach County Improvement District is a drainage district organized under Chapter 59-994, Laws of Florida, as amended by Chapter 89-462, Laws of Florida. Pursuant to provisions of the enabling legislation, the district is subject to the provisions of Chapter 298, Florida Statutes, relating to drainage and water control. The district is recognized as an independent special district within the scope of Chapter 189, Florida Statutes, by the Department of Community Affairs.

It is the general rule with regard to competitive bidding by public agencies that, in the absence of any legislative requirements regarding the method of awarding public contracts, public officers may exercise reasonable discretion, and a contract may be made by any practicable method that will safeguard the public interest. The statutory directive to the Northern Palm Beach County Improvement District to use competitive bidding is contained in section 298.35, Florida Statutes.

With regard to the building, construction, excavation, and completion of all works and improvements necessary to "the plan of reclamation," section 298.35, Florida Statutes, provides, in part, that the board of supervisors of the district may, at its discretion, let the contract for such works and improvements, either as a whole or in sections. When such contracts are let they shall be advertised and let to the lowest and best bidder. The contract must be in writing, and complete plans and specifications of the work to be done and improvements to be made under such contract must be attached and made a part of the contract. These plans and specifications must be prepared by the chief engineer and shall be incorporated in, and attached to, the contract. The contract must be prepared by the attorney for the district and approved by the board of supervisors and signed by its president and the contractor, and executed in duplicate.

Thus, the board of supervisors is given the discretion to bid out all construction contracts for works and improvements of the district and, if the decision is made to bid these contracts, they must be awarded to the lowest and best bidder. Nothing in this section or elsewhere in Chapter 298, Florida Statutes, or the district's enabling legislation makes this procedure the exclusive method for letting contracts for works and improvements. Rather, section 298.35, Florida Statutes, appears to represent a minimum procedure to which supplementary requirements may be added by the special district.

Section 255.20, Florida Statutes, requires counties, municipalities, special districts as defined in chapter 189, or other political
subdivisions of the state that are seeking to construct or improve public construction works to competitively award these projects.\textsuperscript{[4]} Such projects must be competitively awarded to a licensed contractor when the project is estimated to have construction costs of more than $200,000. The term "competitively award" is defined to mean "to award contracts based on the submission of sealed bids, proposals submitted in response to a request for proposal, proposals submitted in response to a request for qualifications, or proposals submitted for competitive negotiation."\textsuperscript{[5]} The statute expressly allows contracts for construction management services, design/build contracts, continuation contracts based on unit prices, "and any other contract arrangement with a private sector contractor permitted by any applicable municipal or county ordinance, by district resolution, or by state law."\textsuperscript{[6]} Exceptions to the statute are recognized for emergency situations.\textsuperscript{[7]}

Section 255.20, Florida Statutes, contains more specific provisions relating to competitive bids for public construction contracts undertaken by special districts than does section 298.35, Florida Statutes. As discussed above, section 255.20 recognizes a threshold amount and expressly authorizes certain kinds of contract arrangements with private sector contractors. It also makes provision for emergency situations in which competitive bids may pose a danger to the public safety or health or an interruption of essential governmental services. In short, when the two statutes are read together, section 255.20, Florida Statutes, adds depth to the requirements of section 298.35, Florida Statutes.

Therefore, it is my opinion that sections 255.20 and 298.35, Florida Statutes, may be read together to provide direction to the Northern Palm Beach County Improvement District in competitively bidding contracts for works and improvements within the district.

Question Two

You also ask whether the Northern Palm Beach County Improvement District may use the provisions of section 255.20, Florida Statutes, to hire a managing general contractor who will, in turn, use the competitive bidding procedures in the statute to hire subcontractors to work on district projects.

Section 255.20(1), Florida Statutes, provides:

"This subsection expressly allows contracts for construction management services, design/build contracts, continuation contracts based on unit prices, and any other contract arrangement with a private sector contractor permitted by any applicable municipal or county ordinance, by district resolution, or by state law." (e.s.)

Thus, section 255.20, Florida Statutes, clearly authorizes a special
district to enter into other types of contractual arrangements with private contractors pursuant to a resolution of the district. Information you have supplied indicates that the district passed such a resolution in January 1996, authorizing the use of competitive award methodologies under section 255.20, Florida Statutes, to secure contracts for "managing general contractors."[8]

Therefore, in light of my response to Question One and the adoption of a district resolution providing for such action, the district is authorized to employ a managing general contractor using the competitive bid procedures set forth in section 255.20, Florida Statutes.

Sincerely,

Robert A. Butterworth
Attorney General

RAB/tgh


[3] Cf. s. 2, Ch. 89-462, Laws of Florida, which recognizes the applicability of a number of laws to the district: "[i]n addition to the powers provided for in chapter 59-994, Laws of Florida, as amended, chapter 298, Florida Statutes, and other applicable laws, Northern Palm Beach County Water Control District shall have the following powers . . . ." (e.s.)

[4] Section 255.20(1), Fla. Stat. (1995). But see s. 2, Ch. 94-175, Laws of Florida, which provides that "[t]his act does not apply to any project that is permitted and for which construction actually begins before October 1, 1995."


[6] Id.


[8] See Resolution of the Board of Supervisors of Northern Palm Beach County Improvement District Adopting Alternative Construction Methodologies, Bidding Procedures and Letting of Contracts, passed and adopted January 24, 1996.
Florida Attorney General  
Advisory Legal Opinion  

Number: AGO 97-69  
Date: October 1, 1997  
Subject: Port Authority, competitive bidding

Mr. Dennis Manelli  
Counsel for Tampa Port Authority  
Post Office Box 2192  
Tampa, Florida 33601-2192

RE: TAMPA PORT AUTHORITY—COMPETITIVE BIDS—CONSTRUCTION CONTRACTS—  
competitive bidding procedures for Tampa Port Authority. s. 255.20,  

Dear Mr. Manelli:

On behalf of your client, the Tampa Port Authority, you have asked  
for my opinion on substantially the following question:

Is the Tampa Port Authority authorized to use the procedures set  
forth in section 255.20, Florida Statutes, to satisfy the  
competitive bidding requirements set forth in its enabling  
legislation, Chapter 95-488, Laws of Florida?

In sum:

The Tampa Port Authority is not authorized to substitute compliance  
with the provisions of section 255.20, Florida Statutes, for  
compliance with the competitive bidding procedures of section 15,  
Chapter 95-488, Laws of Florida.

Chapter 95-488, Laws of Florida, created the Tampa Port Authority as  
the governing body and port authority of the Hillsborough County  
Port District.[1] The Tampa Port Authority has been designated an  
independent special district within the scope of Chapter 189,  
Florida Statutes, by the Florida Department of Community Affairs.[2]

According to information submitted with your request, the authority  
currently has plans to construct a headquarters facility on real  
property it owns. Immediate demands for new facilities, and  
financing opportunities which will be available only for a limited  
time, require the authority to "fast-track" the project to the  
greatest extent possible. Accordingly, the authority proposes to

http://www.myfloridalegal.com/ago.nsf/printview/081E6BD3B5F0B4CD8525652300591... 10/9/2019
advertise for a request for qualifications in accordance with the provisions of section 255.20, Florida Statutes, in order to prequalify a number of construction managers/general contractors for the project. Following such prequalification process, the port proposes to expeditiously interview, rank, and select the construction manager/general contractor deemed best qualified by the authority's selection committee. The authority seeks to avoid the more lengthy procedures involved in competitively bidding the individual construction contracts involved in this project.

The authority asserts that such a process will allow for selection of a construction manager/general contractor in a manner which will adequately safeguard the public interest. However, there is some question whether this process will violate the enabling legislation for the authority.

Section 15, Chapter 95-488, Laws of Florida, authorizes the Tampa Port Authority to award contracts and sets limitations on that power. The act provides:

"No contract shall be let by the port authority for any construction, improvement, repair, or building, nor shall any goods, supplies, or materials for port district purposes or uses be purchased, if the amount to be paid by the authority exceeds $25,000, unless notice thereof has been advertised at least once no fewer than 10 days nor more than 90 days prior to receiving bids, in a daily newspaper of general circulation published in the City of Tampa, which notice calls for bids upon the work to be done for the goods, supplies, or materials to be purchased; provided, however, that as to any such contract let without competitive bid in an amount in excess of $15,000, the port director shall inform the port authority, at its next public meeting, of that contract and the reasons why competitive bidding was not employed, it being the intent that public bidding on purchases exceeding $15,000 be employed unless, in the judgment of the port director, it is necessary to contract sooner than would be possible through the public bidding process and it is in the best interest of the port to so contract. In each case, the bid of the lowest responsible bidder shall be accepted, except that the port authority in any event shall have the right to reject all bids. . . ."

The act also requires that the port authority establish policies to ensure equal opportunities for participation as vendors for minority-owned and women-owned businesses, and makes specific provision for emergency situations in which a delay in procurement may endanger lives or property, or subject the port authority to undue liability.[3]

Thus, the enabling legislation for the port authority requires that the specific competitive bidding procedures set forth in the act be
used for contracts for "any construction, improvement, repair, or building, . . . if the amount to be paid by the authority exceeds $25,000[.]" However, an exemption from this requirement is recognized for emergency situations in which the port director determines that it is in the best interest of the port to utilize procedures other than those described above. If such a situation exists, the port director is required to justify this deviation from the competitive bidding procedures to the port authority board.

Section 255.20, Florida Statutes, requires counties, municipalities, special districts as defined in Chapter 189, Florida Statutes, or other political subdivisions of the state that are seeking to construct or improve public construction works to competitively award these projects.[4] Such projects must be competitively awarded to a licensed contractor when the project is estimated to have construction costs of more than $200,000. The term "competitively award" is defined to mean "to award contracts based on the submission of sealed bids, proposals submitted in response to a request for proposal, proposals submitted in response to a request for qualifications, or proposals submitted for competitive negotiation."[5] The statute "expressly allows contracts for construction management services, design/build contracts, continuation contracts based on unit prices, and any other contract arrangement with a private sector contractor permitted by any applicable municipal or county ordinance, by district resolution, or by state law."[6] Exceptions to the statute are recognized for emergency situations.[7]

In Attorney General's Opinion 96-28, this office concluded that the provisions of section 255.20, Florida Statutes, could be read together with the minimum procedures for letting contracts for works and improvements by drainage and water control districts set forth in section 298.35, Florida Statutes. This conclusion allowed the Northern Palm Beach County Improvement District to hire a managing general contractor by utilizing the competitive bidding procedures set forth in section 255.20, Florida Statutes, after complying with the more general requirements to which the district was subject contained in Chapter 298, Florida Statutes. Attorney General's Opinion 96-28 recognizes that the minimum specifications contained in section 298.35, Florida Statutes, may be supplemented by more stringent requirements contained in section 255.20, Florida Statutes. The opinion does not authorize the substitution of one set of criteria to satisfy the requirements of the other. As was pointed out in that opinion:

"Nothing in this section or elsewhere in Chapter 298, Florida Statutes, or the district's enabling legislation makes this procedure the exclusive method for letting contracts for works and improvements. Rather, section 298.35, Florida Statutes, appears to represent a minimum procedure to which supplementary requirements..."
may be added by the special district."

Such is not the case with the Tampa Port Authority. Section 15 of Chapter 95-488, Laws of Florida, appears to represent a comprehensive scheme for awarding contracts for construction and for the purchase of goods and services. In light of this conclusion, it is my opinion that the Tampa Port Authority must look to the provisions of its enabling act for authority to award the contracts described therein. Such a conclusion is consistent with the general rules of statutory construction, which provide that a special act will control over the provisions of a general law.[8]

Thus, it is my opinion that the Tampa Port Authority may not utilize the provisions of section 255.20, Florida Statutes, rather than the provisions of section 15, Chapter 95-488, Laws of Florida, to satisfying the competitive bidding procedures required by its enabling legislation.

Sincerely,

Robert A. Butterworth
Attorney General

RAB/tgk


[3] See s. 15, Ch. 95-488, Laws of Florida (1995), which states:

"Notwithstanding any of the foregoing provisions, the port authority may negotiate to purchase goods and services under the following circumstances: in the event of emergencies, when a delay in procurement could endanger lives or property or subject the port authority to undue liability; to procure government surplus material and equipment; to procure used equipment and material to be used for port purposes, provided two independent appraisals are obtained and considered; and, with the prior approval of at least three members of the port authority, to procure goods and services when procurement by competitive bid is not practicable."


[5] Id.


Dan, a favor, please sir?

As you know, the RJS Law Library is established by special act as an independent special district. The Board is currently being asked to consider some renovations and improvements, one of which will involve construction of a new conference room w/in the facility. The current proposal, and its status, are described in the foregoing strand, and attachments. Com'r Bartz, the BOCC’s representative, was wondering whether there are formal procurement/bidding requirements governing such a project. I was tasked with addressing the question before the library’s Bd/Trustees moves forward with any further decision-making on this subject.

From my own review of the topic, no such requirements are found. I looked at Fla. Ch. 255 and 287, and my sense is they don’t appear to apply to districts situated as is the library. Nothing in the library’s enabling provisions covers the subject. Ch. 189, relating to special districts, offers no apparent guidance. There is not seen to be clear legislative directive in the matter.

It is understood that, pursuant to Fla. Stat. sec. 189.428, certain oversight authority over resident special districts is conferred upon the county. So, drawing upon that, would it be in order for me to ask your own office for any views it might have on whether compliance with formal procurement processes is necessary or proper regarding this proposal, and, if so, to what extent?

Another related concern is this: it is further understood that the county is looking at the possibility of relocating it’s courthouse functions into a campus-type “judicial complex” elsewhere within the county, sometime in the foreseeable future. One is reluctant to see the library expend monies on interior renovations if a move might be in the offering at some point. Might you suggest to me who I may talk to for further information on how, if at all, the library could be impacted by such plan? With warmest thanks for your attention, I remain

10/9/2019
Most Cordially Yours,

/s/

James T. Walker
Trustee, RJS Law Library
jimw@jimwalkerlaw.com
772-461-2310
Hayskar, Walker, Schwerer, Dundas & McCain, PA
130 S. Indian River Dr., Ste 130
Fort Pierce, Fl 34950

From: Don Bergman [mailto:hobieone@bellsouth.net]
Sent: Friday, October 04, 2019 11:52 AM
To: 'Jim Walker'
Subject: RE: RJSLL Proposal

Mr. Walker,

Attached is a Schematic Design proposal for the Rupert J. Smith Law Library based upon our meeting and walkthrough on Wednesday, October 2, 2019. I have also included a fairly current and abbreviated CV for your use. I spoke with Stephen Placido, of TSG Design Solutions in West Palm Beach, who I have previously worked with on the Lincoln Park Academy Auditorium, about this project. While it is still early in determining the Scope of Work, Stephen felt it would be too small for TSG to provide services that would meet your budget. They did refer me to contact Ed Dugger & Assoc., local A/V & acoustics firm to discuss the project and get some information from them.

If you need additional information from me, just let me know.

Don

From: Jim Walker [mailto:jimw@jimwalkerlaw.com]
Sent: Friday, October 04, 2019 10:41 AM
To: 'Don Bergman' <hobieone@bellsouth.net>
Cc: nora@everlove.net
Subject: FW: RJSLL Proposal

Send what you have, together w/updated CV, to me, and maybe also something from that AV firm you were telling me about. I'll be forwarding all that to the Board for use in offering a report on the subject at this afternoon's meeting. A formal decision, based on a complete proposal, including both architectural and AV aspects, will be requested of the Board at it's next following meeting. You will be introduced at that meeting, and will be asked to make a formal presentation. So if you can get me something sometime this a.m., it will be appreciated. Thx.

James T. Walker
Trustee, Rupert J. Smith Law Library
jimw@jimwalkerlaw.com
772-461-2310

10/9/2019
Mr. Walker,

Trying to finish up this proposal for you. Who would be the Client on this and what is their address?

Will get this right off to you.

Thank you,

Don Bergman, AIA
Don Bergman Architecture LLC
AA26002432
Contract  
For  
Renovations
Dan, a favor, please sir?

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/s/
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Thank you,

Don Bergman, AIA
Don Bergman Architecture LLC
AA26002432
Don Bergman Architecture, LLC.
Lic. # AA 26002432

October 4, 2019

James T. Walker, Trustee
Rupert J. Smith Law Library
221 South Indian River Drive
Fort Pierce, FL 34950

RE: Rupert J. Smith Law Library Remodeling
Don Bergman Architecture Project No. P19-017

Dear Mr. Walker;

Thank you for the opportunity to submit this contract Proposal. This Agreement shall serve as authorization for Don Bergman Architecture LLC (DBA), hereafter referred to as the "Architect", to provide professional services for the Rupert J. Smith Law Library of St. Lucie County, hereinafter referred to as "Client".

Project Description

The existing Rupert J. Smith Law Library is located on the ground floor at the north end of the St. Lucie County Courthouse. Access to the Library is through a pair of doors that are accessible from Indian River Drive and the adjoining sidewalk. The Library is in need of small Conference/Meeting Rooms, desk seating, and small, private research rooms. Excluding the main Conference Room, there is limited space throughout the Library, and there are areas where outdated/unused reference books are currently being stored. The Rupert J. Smith Law Library of St. Lucie County's 10 Year Plan has identified several Facilities Objectives including "providing adequate types of work space by maintaining the right mix of desk seating, small conference rooms, and large conference rooms" and "continuously improving electronic infrastructure and support".

The Basic Services Scope of Work to be performed by this office based on the above information, contemplates use of terms and conditions within the AIA Document B141, Owner-Architect Agreement (1987 ed.) unless otherwise provided herein. We propose the following as our Scope of Work and Basis of Compensation for this work:

I. SCOPE OF WORK - BASIC SERVICES:

A. Master Plan/Concept Diagrams:

1. Master Plan concept diagrams will be developed to utilize graphically key elements and the overall functional placement, internal relationships, circulation and work flow of the various spaces.

2. DBA will attend up to two (2) meetings to review concept diagrams and incorporate comments into a Final Concept Diagram.

B. Schematic Design:
1. Utilizing the approved Final Master Plan Conceptual Diagram, a Schematic Design package, consisting of a preliminary Floor Plan, will be developed for your use in establishing a design image for the building, a construction budget for the project; for our use in obtaining engineering fees and for our use in providing you an overall fixed fee for the construction documents.

2. DBA will attend a final meeting to review the Schematic Design and receive final comments.

B. General:

1. Components of the existing structure cannot be fully determined by this office and/or our consultants because we were not present during construction of this facility. Therefore, the Architect is not responsible for unforeseen conditions which may affect final construction.

II. BASIS OF COMPENSATION:

The Client, Rupert J. Smith Law Library of St. Lucie County, will compensate Don Bergman Architecture (DBA) for the services outlined in the Scope of Work as follows:

A. Initial Payment:

No initial payment will be required upon execution of this Agreement.

B. Basic Compensation:

We propose to provide Basic Services as outlined in Paragraph I, on an hourly basis, not to exceed One Thousand Eight Hundred Dollars ($1,800.00), plus reimbursable expenses.

C. Method of Payment:

1. Invoicing will be monthly, based upon the percent of services provided plus reimbursable expenses. Payment is due when invoice is provided; delinquent after 30 days.
2. There is no finance charge upon amounts due which are paid within thirty (30) days. A periodic rate of 1.5% per month (an annual percentage rate of eighteen percent (18%) simple interest per annum on the unpaid balance) will be charged to the Client's account each month and added to the balance which remains unpaid after thirty (30) days.
3. Payment in full for services performed to date must be received by this office prior to the submittal of signed/sealed/dated construction documents for the building permit and/or agency review.

III. REIMBURSABLE EXPENSES:

A. Additional costs and expenses (i.e., large copy items, color prints and plots, and express deliveries) will be billed at a multiplier of 1.2 times the amounts expended by the Architect, and the Architect's employees in the interest of this project.
IV. ADDITIONAL SERVICES:

A. The following are not part of Basic Services, but are available if needed and authorized by Client:

1. Any services beyond those outlined in Basic Services, Paragraph I.
2. Cost estimating and/or value engineering.
4. Preparation of agency submittals and attendance at hearings/meetings required for approvals.
5. Interior Design.
7. Preparation of Record Drawings, electronic format floppy or compact disks, electronic transfer and/or archive storage or retrieval of documents.

B. Basis of Compensation:

1. For Additional Services of the Architect, as authorized by the Client, compensation shall be based upon a mutually agreed upon fee.

V. GENERAL:

A. Client: Client confirms that neither DBA nor any of DBA's Consultants or subcontractors has offered any fiduciary service to Client and no fiduciary responsibility shall be owed to Client by DBA or any of DBA's subconsultants or subcontractors, as a consequence of DBA's entering into this Agreement with Client.

B. Assignment: No assignment, transfer or subletting of any party's rights, interests or obligations shall be allowed without the prior written consent of the other party.

C. Ownership of Instruments of Service: All reports, plans, specifications, computer files, field data, notes and other documents and instruments prepared by the Architect as instruments of service shall remain the property of the Architect. The Architect shall retain all common law, statutory and other reserved rights, including the copyright thereto.

The Client shall be permitted to retain copies, including reproducible copies or drawings and specifications for information and reference in connection with Client's use and occupancy of the project. The drawings and specifications shall not be used by the Client on other projects, for additions to the project, or for completion of the project by others, except by Agreement in writing and with appropriate compensation to the Architect.

If you have any questions or comments regarding this Proposal, please call. This fee is valid for a period of thirty (30) calendar days from the date of this Proposal. Your acceptance may be indicated by signing, dating and returning one (1) copy of this letter. Work will be
scheduled upon receipt of the signed Proposal.

Sincerely,
Don Bergman Architecture LLC

Don Bergman
Don Bergman, AIA
President

DLB/nsr

Authorization to provide the above services:

Signed: ________________________________
Name: ________________________________
Title: ________________________________
Date: ________________________________
Donald L. Bergman, AIA
President
Don Bergman Architecture, LLC.

EDUCATION:

University of Florida
Master of Arts/1984/Architecture
Bachelor of Design/1979/Architecture

REGISTRATION:

1992/Architecture/Florida - No. AR 0013560
2012/Architecture/Florida - No. AA26002432 (Corporation)

MEMBERSHIPS/PROFESSIONAL AFFILIATIONS:

American Institute of Architects
Standard Building Code Congress International
Chairman, City of Fort Pierce Board of Examiners of Contractors
Past Chairman, City of Fort Pierce Board of Adjustment & Appeals

EXPERIENCE:

Don Bergman Architecture, LLC.

Garcia Stromberg Architecture (GS4)
Peacock + Lewis Architects and Planners, Inc.
Stebbins, Scott & Bergman, Architects
Donald L. Bergman, Architect, P.A.
Stebbins & Scott, Architects, P.A.

REPRESENTATIVE PROJECTS:

Lawnwood Regional Medical Center & Heart Institute
Fast-Track Suite
Fort Pierce, FL

JCAHO Statement of Conditions Update
Fort Pierce, FL

HCA Raulerson Hospital
JCAHO Statement of Conditions Update
Okeechobee, FL

St. Lucie Medical Center & Orthopaedic Institute
JCAHO Statement of Conditions Update

Operating Room #10
Dialysis Unit
Port St. Lucie, FL

Whole Family Health Center
North US Highway 1, Fort Pierce, FL

Hartman Medical Office Building
Hartman Road, Fort Pierce, FL

Dogs & Cats Forever, Inc.
Feline Wing Addition
Selvitz Road, Fort Pierce, FL

Medmark Services, Inc.
VA Primary Care Clinic
Fort Pierce, FL

Indian River Community College/Fort Pierce Redevelopment Agency
Human Development & Resources Centre - Classroom Building - Phase I*
Avenue D, Fort Pierce, Florida

City of Fort Pierce Redevelopment Agency
Human Development & Resources Centre - Gymnasium - Phase II
Avenue D, Fort Pierce, Florida
City of Fort Pierce
Avenue "D" Police Substation*
Avenue D, Fort Pierce, FL

Main Police Headquarters*
US Highway 1, Fort Pierce, FL

Marina Support Building
Indian River Drive, Fort Pierce, FL

The Sunrise Center Build-out of the City of Fort Pierce Building Dept.
Orange Avenue, Fort Pierce, FL

St. Lucie County Board of County Commissioners
Children's Environmental Museum* (Oxbow Eco-Center)
Fort St. Lucie, FL

Remodeling of the Becker House
Selvitz Road, Fort Pierce, FL

Sheriff's Administration & Operations Center*
Midway Road, St. Lucie County, Florida

County Courthouse & Parking Garage*
St. Lucie County, Florida

Renovations to the Walton Community Center
Fort Pierce, FL

The Housing Authority of the City of Fort Pierce
Fire Damaged Units:
3001 Avenue J
802 N 23rd Street
South 27th Circle - Duplex
South 27th Circle - Townhouse
North 32nd Street - Single Family Residence

Juanita Avenue*:
Modernization - 20 single family units

Lincoln Investments:
Window Replacement & Exterior Painting

El Dorado Terrace:
HVAC & Electrical Service Upgrades

Park Terrace:
Re-roofing Study/Core samples/Moisture content imaging

Buell Brown Center:
North Entrance Storefront Doors
Re-roofing Study/Core samples/Moisture content imaging
1984 Renovation of vacated hospital bldg. & conversion to Buell Brown Center*
2018 Renovation of the Buell Brown Center

Avenue G Boys & Girls Club Remodeling
3100 Avenue G

The Infinity Center Remodeling
1115 North 23rd Street
Resolution 2019-2
Those of you who were at today’s meeting know that a very important step was taken. Friends is expanding its promotional role on behalf of the law library by undertaking responsibility for creation and management of a standing program of public legal education. Such program will involve—but not necessarily be at all limited to—a series of educational lectures on law-related matters of general public interest.

One thinks that we’ll look back on today, and realize that something very special happened on this day, when a giant leap in public commitment was made. One hopes each of you feels the weight of responsibility for that just as much as I do. This will be a standing effort and decisions made hereafter will determine whether it is successful or not. It will be an important, essential function that, done right, will be of great value to our community, making this a better place for all within which to live. So we echo that NASA fellow who said, “Failure is not an option”. This means that decision-making hereafter must be thoughtful, and with full understanding of consequences. Please be aware that the Trustees have budgeted $3k in “seed money” to support the project. But after that, our group may need to develop independent revenue sources for reasonably incidental expenses. And we need to move quickly. The Directors bound themselves to have this program in place, up and running, within the first quarter of 2020. That doesn’t leave much time. With all due respect, the only reason I myself am riding this train is because we have as fellow passengers an extraordinarily dedicated, idealistic core group of individuals, our Directors, in whom there is great confidence. Don’t let me down.

Our next scheduled monthly meeting is set for Wednesday, Nov. 13, at 2 p.m. It is suggested that such meeting largely serve the purpose of an initial “workshop” We should therefore plan on taking a little more time with that meet than we normally do, because a lot of decisions need to be made in coming up with a framework for all this. To assist with thinking processes, find
attached a draft resolution originally prepared on the subject for the Trustees—it failed to win Trustee passage on a 2-3 vote. The sense there was that maybe Friends was better suited for this function. The attached draft will give you an idea of some of the sort of thinking that needs to go into what we’re about to undertake. My own suggestion is that Friends handle this task under an umbrella, that will permit the work of this activity to be carried out in a different forum, with the normal business carried out by Friends as usual in our regular monthly meetings. Maybe we can do this thru an auxiliary of Friends, where Friends is the parent organization? But in any case, one sees a need to amend our by-laws and/or to create another, subordinate set of guidelines that will shape the task of providing public legal education. This is going to be a big job. It needs to be undertaken seriously, with determination to make it work.

One thinks it would be useful, at the outset, to involve our local Bar Associations in these discussions. Would there be any objection were they invited to have representation at the meeting? /JimW
RESOLUTION 2019 – 2

A RESOLUTION OF THE BOARD OF DIRECTORS
FOR THE RUPERT J. SMITH LAW LIBRARY;
ESTABLISHING AN AUXILIARY COMMITTEE
TO PROVIDE MEANS FOR PUBLIC LEGAL EDUCATION;
DIRECTING THAT THE AUXILIARY COMMITTEE
BE KNOWN AS THE SOCIETY FOR PUBLIC LEGAL
EDUCATION; ADDRESSING RULES, PROCEDURES
AND MEMBERSHIP FOR SUCH COMMITTEE

WHEREAS it is desirable that the Rupert J. Smith Law Library (RJSLL) provide for educational seminars, lectures and presentations for the benefit of the general public on law-related topics, so as to promote and advance public knowledge of the law, enabling individuals to acquire information on their respective rights, remedies and obligations, to the end that they be better equipped as functioning citizens in a democratic society; and

WHEREAS it is proper that such seminars, lectures and presentations be conducted on library premises so that attending members of the public may have access to the library’s legal resources and thereby acquire awareness of the availability of such resources; and

WHEREAS such goal is best accomplished through creation of an auxiliary group or committee dedicated to accomplishing the aforesaid objectives.

NOW THEREFORE BE IT RESOLVED as follows:

First, there is established herewith an auxiliary committee to be associated henceforth with the RJSLL, which auxiliary committee shall be known as the Society for Public Legal Education (SPLE);

Second, the SPLE shall be composed of one or more representatives, in equal number from each of the St. Lucie County Bar Association (SLCBA) and Port St. Lucie Bar Association (PSLBA), or the successors of either or both, together with one or more representatives of the Council on Social Agencies (COSA), all such representatives to be appointed by the Board of Trustees for the RJSLL, upon recommendation of the respective heads of the designated organizations. Said SPLE, shall also have at least one representative from the Board of Trustees for the RJSLL;

Third, the SPLE may adopt its own governing bylaws, while providing for its own procedures and officers, providing further, that no such provision shall impair or compromise the purposes herein declared, with any such adoptions and provisions to become effective only after approval by the Board of Trustees for RJSLL;
Fourth, it shall be the primary purpose of SPLE to arrange, organize and manage a periodic series of seminars, lectures and presentations, whether they be weekly, bi-weekly or monthly, for the benefit of the general public on law-related subjects, said seminars, lectures or presentations to take place within the Rupert J. Smith Law Library; and

Fifth, the SPLE may recommend to the Board of Trustees of RJSLL that the SPLE be authorized to undertake such further measures as may advance the SPLE’s mission of providing legal education to the general public.


Chair, Board of Trustees
Rupert J. Smith Law Library of St. Lucie County