

CITY OF FORT PIERCE

CONFERENCE AGENDA

Conference Agenda Meeting - Monday, September 8, 2014 - 8:30 a.m.

City Hall - 2nd Floor Conference Room, 100 North U.S. #1, Fort Pierce, Florida

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **New Business**
 - A. Police Chief Search Update - Interim Administrative Services Director
 - B. Rededication of Law Enforcement Officers Memorial Park - Police Chief
 - C. Medical Marijuana - Planning Manager
5. **Adjournment**

City Commission Conference Agenda

Agenda Item # 4. A.

Meeting Date: 09/08/2014

Re:

SUBJECT:

Police Chief Search Update - Interim Administrative Services Director

Attachments

Recommendation from Interim Administrative Services Director

Police Executive Research Forum Proposal

IACP Proposal

The Florida Police Chiefs STARS Program Proposal

Form Review

Form Started By: Jennifer Robinson

Started On: 09/02/2014 12:26 PM

Final Approval Date: 09/02/2014



ADMINISTRATIVE SERVICES DEPARTMENT INTEROFFICE MEMORANDUM

TO: Robert J. Bradshaw, City Manager

FROM: Sheritta Johnson, Interim Administrative Service Director *S Johnson*

RE: **Recommendation for Police Chief Search Services**

DATE: September 4, 2014

The City is undertaking a very important charge in searching for a Chief of Police, and it is imperative that the right individual is selected for the position. I have researched three organizations, the Florida Police Chiefs STARS Program, International Association of Chiefs of Police (IACP) and Police Executive Research Forum (PERF) for the Executive Search and my recommendation is herein.

Each firm provides the following basic services:

- 1) Job and Candidate Profiling
- 2) Recruitment and Marketing
- 3) Resume Receipt and Review

In my opinion, Police Executive Research Forum (PERF) has the most comprehensive approach. "Prior to initiating the national search process, PERF will conduct an onsite assessment to meet with key stakeholders including the City Manager, City Commission, other city officials, leaders within the Fort Pierce Police Department, community leaders and other important groups to identify the knowledge, skills, experience and interpersonal qualifications desired for the Chief of Police." In addition, PERF recruitment includes soliciting candidates from diversity-oriented groups, such as the International Association of Chiefs of Police (IACP), the National Organization of Black Law Enforcement Executives (NOBLE), the National Association of Women Law Enforcement Executives (NAWLEE), the Hispanic American Police Command Officers Associations (HAPCOA) and other like associations.

Recommendation

Based on the aforementioned information, I recommend Police Executive Research Forum (PERF) to conduct the search to fill the vacant position for Police Chief.

If you have any questions, please contact me.

SJ

PROPOSAL

NATIONAL EXECUTIVE SEARCH FOR FORT PIERCE CHIEF OF POLICE

**Submitted by the Police Executive Research Forum
September 4, 2014**

The Police Executive Research Forum (PERF) is pleased to present this proposal to facilitate a national executive search for the Fort Pierce Chief of Police. PERF is ideally suited to conduct the tasks required to complete a successful executive search. As a Washington, D.C.-based policing research organization and membership association of law enforcement leaders, PERF is thoroughly familiar with the role, responsibilities, and experience required of successful law enforcement chief executives.

PERF Overview

Founded in 1977, the Police Executive Research Forum (PERF) is both a premier police research organization and a provider of high quality management services, technical assistance, police executive search services, and training to support law enforcement and the criminal justice system. As an international, private, non-profit 510 (c) (3) organization located in Washington, DC, PERF was formed to improve the delivery of police services and the effectiveness of crime control through:

1. The exercise of strong national leadership;
2. Public debate of police and criminal justice issues;
3. Research and policy development; and
4. The provision of vital management and leadership services to police agencies.

PERF is governed by a member-elected President and Board of Directors, and a Board-appointed Executive Director with a staff of approximately 30 full-time professionals.

PERF continues to conduct some of the most innovative police and criminal justice research and provides a wide variety of management and technical assistance programs to police agencies throughout the world. PERF has pioneered studies in such fields as community and problem-oriented policing, racially-biased policing, reducing the use of force, violent crime reduction strategies, multijurisdictional investigations, the police response to people with mental illnesses, and homeland security. PERF's groundbreaking work has earned it a prominent position in the police community.

PERF is also a professional organization of progressive chief executives of city, county and state law enforcement agencies. In addition, PERF has established formal relationships with international police executives and law enforcement organizations from around the globe. Membership includes police chiefs, superintendents, sheriffs, state police directors, university police chiefs, public safety directors, and other law enforcement professionals.

PERF sponsors and conducts the Senior Management Institute for Police (SMIP). This program provides comprehensive professional management and executive development training to police chiefs and law enforcement executives. Convened annually at Boston University, SMIP instructors include professors from leading universities, though primarily with faculty from Harvard University's Kennedy School of Government. SMIP is considered one of the leading police executive training programs in the nation. To date, over 3,000 professionals have attended.

PERF publishes some of the leading literature in the law enforcement field, addressing the difficult issues that challenge today's police leaders. PERF publications are used for training, promotion exams and to inform police professionals about innovative approaches to community problems. The hallmark of PERF's publications is translating the latest research and thinking about a topic into best police practices that can be tailored to the unique needs of a jurisdiction.

The following titles illustrate the range of PERF's work: *Citizen Review Resource Manual* (1995); *Managing Innovation in Policing* (1995); *Crime Analysis Through Computer Mapping* (1995); *And Justice For All: Understanding and Controlling Police Use of Deadly Force* (1995); *Why Police Organizations Change: A Study of Community-Oriented Policing* (1996); *Themes and Variations in Community Policing: Case Studies in Community Policing* (1996); *The Nature of Community Policing Innovations: Do the Ends Justify the Means?* (1996); *Under Fire: Gun-Buy Backs, Exchanges and Amnesty Programs* (1996); *Mental Illness: Police Response* (1996); *The Police Response to Mental Illness* (2002); and the first authoritative work on racial profiling, *Racial Profiling: A Principled Response* (2001); *Protecting Your Community from Terrorism: The Strategies for Local Law Enforcement Series* (2003); *Chief Concerns: Exploring the Challenges of Police Use of Force* (2005); *Chief Concerns: Police Management of Mass Demonstrations: Identifying Issues and Successful Approaches* (2006); *Chief Concerns: A Gathering Storm—Violent Crime in America* (2006); *Chief Concerns: Police Planning for an Influenza Pandemic: Case Studies and Recommendations from the Field* (2006); *Good to Great Policing: Application of Business Management Principles in the Public Sector* (2007); *Promoting Effective Homicide Investigations* (2007); *Violent Crime in America: What We Know About Hot Spots Enforcement* (2008); *Police Chiefs and Sheriffs Speak Out On Local Immigration Enforcement* (2008); *Violent Crime and the Economic Crisis: Police Chiefs Face a New Challenge* (Parts I and II, 2009); *2011 Electronic Control Weapon Guidelines; Improving the Police Response to Sexual Assault* (2012); *Civil Rights Investigations of Local Police: Lessons Learned* (2013); *The Police Response to Active Shooter Incidents* (2014); *New Challenges for Police: A Heroin Epidemic and Changing Attitudes Toward Marijuana* (2014).

More details about PERF's wide spectrum of activities can be found at our website (www.policeforum.org).

EXECUTIVE SEARCH QUALIFICATIONS

The selection of a chief law enforcement executive is one of the most important tasks a City can undertake, and a solid, rigorous search process is critical to identifying the right person for this position.

PERF's range of work and in-depth knowledge and understanding of policing issues in America and internationally provides an unparalleled foundation for the provision of these services. PERF's executive search team has combined their efforts of conducting police executive searches for over 20 years.

PERF's expertise in law enforcement executive selection is highlighted by the publication of two books on police executive selection issues. With the International City/County Management Association (ICMA) as co-publisher, PERF collaborated on *Police Chief Selection: A Handbook for Local Government*. PERF produced a second book entitled, *Command Performance: A Career Guide for Police Executives*, written for job applicants.

In 2009, PERF addressed leadership and management topics in *Leadership Matters: Police Chiefs Talk About Their Careers*. For this publication, PERF interviewed 25 experienced police chiefs about their strategies for succeeding as chiefs and working well with their mayors, their officers, and their communities. PERF also explored police management issues in "*Good to Great*" Policing: *Application of Business Management Principles in the Public Sector*.

PERF's experience in conducting search processes and knowledge of the field of law enforcement executive candidates is second to none.

Over the past decade, PERF has conducted or assisted with more than 75 executive searches and is successful in providing our clients with a highly qualified and diverse *national* candidate pool from which to select a new top executive. PERF has conducted or assisted with executive searches for police leaders in a variety of jurisdictions including: Chicago, Illinois; Grand Rapids, Michigan (consecutive searches); San Francisco, California; Charlotte, North Carolina; Pittsburgh, Pennsylvania; Minneapolis, Minnesota; Prince George's County, Maryland; Tallahassee, Florida; Kansas City, Missouri; Trenton, New Jersey; Memphis, Tennessee; Lakeland, Florida; Los Angeles, California (consecutive searches); the Massachusetts Institute of Technology; the Kentucky State Police; the New Jersey State Police; Nashville, Tennessee; Montgomery County, Maryland; Wilmington, North Carolina; Jupiter, Florida; Boston University; Springfield, Massachusetts; Charleston, South Carolina; Colonial Heights, Virginia; Savannah, Georgia; and New Haven, Connecticut (consecutive searches). We have recently assisted Dallas, Texas; Seattle, Washington; Houston, Texas; Akron, Ohio; Denver, Colorado; Corpus Christi, Texas; Sanford, Florida (interim chief); Baltimore, Maryland; Fayetteville, North Carolina; the United States Capitol Police; Northeastern University, Chattanooga, Tennessee; Miami Beach, Florida; and Grand Rapids, Michigan.

STAFF QUALIFICATIONS AND EXPERIENCE

PERF has established a team whose experience and expertise will provide the foundation for successful completion of a nationwide search for the Fort Pierce Police Department's next Chief of Police. PERF proposes the following personnel for this effort.

Project Oversight and Recruiting

Chuck Wexler, appointed as the Executive Director of PERF in 1993, leads a staff engaged in police and criminal justice research, management studies and consulting, publication of research findings, technical assistance, demonstration projects, and executive development and selection. At PERF, Mr. Wexler has been directly involved in technical assistance, research and consulting projects to improve the delivery of police services. Studies managed by Mr. Wexler in recent years include: the role of local law enforcement in addressing cybercrime, the police response to “active shooters,” U.S. Department of Justice investigations of local police departments, best practices in eyewitness identification, gun violence prevention, improving the police response to sexual assault, and policing in the Middle East, to name a few. Further, he initiated PERF’s executive search services in 1994 and has overseen all of the organization’s search projects.

Prior to joining PERF, Mr. Wexler worked as an assistant to the nation’s first Director of the Office of National Drug Control Policy, where he identified exemplary local initiatives and helped craft national policy. He also headed the Professional Development Division of the International Association of Chiefs of Police, where he designed its national program for the selection of police chiefs and revamped and broadened executive development programs for police executives. He has also held a number of key positions in the Boston Police Department. Mr. Wexler graduated from Boston University with a liberal arts degree. He earned a master’s degree in criminology from Florida State University and a Ph.D. in urban studies and planning from the Massachusetts Institute of Technology (MIT). He has been an instructor at Bowdoin College and MIT.

In addition to overseeing all of PERF’s executive search process since 1994, Mr. Wexler has been the lead recruiter for chief searches for the cities of Los Angeles, CA; San Francisco, CA; Charlotte, NC; Kansas City, MO; Seattle, WA; and Boston, MA; to name a few. He also contributed to *Selecting a Police Chief: A Handbook for Local Government*, published by ICMA and PERF. Mr. Wexler will oversee the search process and will consult with the lead recruiter and project director on potential candidates.

Lead Recruiter

Rebecca Neuburger, Lead Recruiter, is an executive search consultant for PERF. Prior to joining PERF’s executive search team, Ms. Neuburger worked with PERF for over 13 years coordinating its membership and general office operations. During this time, Neuburger was responsible for managing PERF’s member relations, including planning and executing PERF’s annual and semi-annual meetings, providing support for PERF’s executive leadership training program, the Senior Management Institute for Police (SMIP), and for a wide variety of other project work.

Given her extensive knowledge of PERF’s membership of police executives and network of up and coming chiefs in the field, as an executive search consultant for PERF she has successfully completed searches for the City of Fayetteville, NC, Northeastern University, and Chattanooga, TN.

As PERF’s lead recruiter, Ms. Neuburger will lead and manage the national recruitment effort

for the City of Fort Pierce. She will work closely with PERF's executive director and project director on this search process, and will be PERF's primary representative with the City on all aspects of the search. Ms. Neuburger has a Bachelor's degree from Wesleyan University and an MBA from George Washington University.

Project Director

Charlotte Lansinger has been a specialist in the field of police chief selection for over 25 years, first as the Director of Executive Search Services at the International Association of Chiefs of Police (IACP) and then as a consultant to PERF. Ms. Lansinger has assisted municipalities with the placement of more than 80 police executives in cities across the country. Ms. Lansinger is active in law enforcement career counseling and has given numerous presentations on the topic. She has also served as project associate for the development and administration of various police promotional examinations and assessment centers. She is a co-author of *Command Performance: A Career Guide for Police Executives*, and a contributor to *Selecting a Police Chief: A Handbook for Local Government*, published by ICMA and PERF. Ms. Lansinger holds a bachelor's degree in Government and Public Service from Indiana University of Pennsylvania.

As Recruiting Advisor, Ms. Lansinger will provide oversight on the selection process and potential candidates. Ms. Lansinger will participate in the interview process.

Recruitment Coordinator

Thomas Wilson serves as Deputy Director of the Management Services Division of PERF. The division provides a full range of consulting services to police organizations of all sizes. These services include management and organizational studies, policy review, performance audits, resource allocation, workload assessments, strategic planning, and education and training development. Mr. Wilson has worked with over 20 law enforcement agencies including the Chicago Police Department, Houston Police Department, Nassau County New York Police Department, Fairfax County Virginia Police Department, Miami Beach Florida Police Department, and Northeastern University's Police Department. He has extensive experience conducting on-site interviews with police leaders and staff, elected officials, and community members.

Previously, Mr. Wilson served for almost 24 years with the Anne Arundel County, MD Police Department, retiring as a Major. As Major, Mr. Wilson served in command of both the Patrol Services and Administrative Services Bureaus. The Patrol Services Bureau consisted of roughly 500 sworn and civilian personnel. The Administrative Services Bureau consisted of roughly 160 sworn and civilian personnel. Mr. Wilson holds a Master of Science in Administration from Central Michigan University and a Bachelor's in Criminal Justice from the University of Maryland, College Park.

Mr. Wilson will provide assistance in all aspects of the search process. He will conduct the initial on site visit, write the position profile, and assist with candidate interviews.

Management and Technical Support

Shannon Branly, PERF Deputy Chief of Staff, has provided project management and administrative oversight to the organization since 2011. As Deputy Chief of Staff she is responsible for assisting in administrative oversight for all PERF projects, contributing to project development and management for both private and federally funded work. Since joining PERF in 2008, she has successfully lead the management and hosting of many national meetings and executive sessions, aided in the development and execution of project strategies, contributed to recent PERF publications, and has provided technical assistance and management expertise on a number of PERF's most critical projects, including work on the reporting and investigation of sexual assaults, the impact of the economic recession on police agencies, new police technologies, the police response to active shooters, police use of force and interactions with the mentally ill, and violent crime reduction initiatives among other topics. Ms. Branly serves as a liaison for PERF with federal agencies, executive search clients, other funders, and consultants. She provides technical support on executive searches and has managed searches for Baltimore, MD; the U.S. Capitol Police; Northeastern University; Miami Beach, FL, Chattanooga, TN; and Grand Rapids, MI. Ms. Branly holds a bachelor's degree in Psychology from James Madison University, and a master's degree in Forensic Psychology from Marymount University.

Ms. Branly will manage the contract with the City and administer the overall search process. She will respond to inquiries about the process, correspond with applicants, oversee daily search activities, and ensure all deadlines are met.

Jason Cheney is a Research Associate for PERF's Management Services division and has been with PERF since 1999. Mr. Cheney also handles day-to-day administrative activities in PERF's Executive Search Division. He is responsible for managerial and logistical support for numerous PERF projects, including violent crime and CED research. Prior to joining PERF, Mr. Cheney served as a Legal Assistant for a private attorney in Toms River, New Jersey. Mr. Cheney holds a bachelor's degree in Political Science from Stockton College in New Jersey and a master's degree in International Commerce and Policy from George Mason University.

Mr. Cheney will provide daily administrative support for the search process, including logging and receiving resumes, preparing acknowledgement letters, maintaining the search database, and placing advertisements.

RECRUITMENT PROCESS AND TECHNIQUES

PERF proposes a flexible framework of services to assist the City of Fort Pierce in selecting the most qualified candidate for the position of Chief of Police. This list of proposed steps provides a general set of milestones and serves as a basis for further discussions in shaping the details of the process. In collaboration with the City Manager, City Commission and other officials, PERF will tailor the search process to ensure the presentation of a highly-qualified candidate pool that will meet the unique needs of the Fort Pierce Police Department and the City.

Process Steps:

1. Discuss Needs and Expectations

2. Develop Profile of the Position and Ideal Candidate
3. Prepare and Place Position Announcements
4. Actively Recruit Candidates
5. Receive, Screen and Assess Applications
6. Conduct Detailed Screening of Candidates and Contact References
7. Recommend Pool of Candidates
8. Provide Advice on Interview Process and Structure
9. Provide Advice for Developing a Compensation Package
10. Maintain Documentation of Selection Activities
11. Notify Applicants of Final Appointment

Step 1: Discuss Needs and Expectations

Prior to initiating the national search process, PERF will conduct an onsite assessment to meet with key stakeholders including the City Manager, Commission, and other officials, leadership of the Fort Pierce Police Department, community leaders, and other constituent groups to identify the knowledge, skills, experience, and interpersonal qualifications desired for the Chief of Police.

PERF will also collect information regarding the needs of the police department, and the ideal candidate's qualifications in order to identify the unique aspects of the position and the competencies desired of the next Chief of Police.

To accomplish this important task, PERF will work with the City Manager and others as appropriate, to identify and discuss important issues and candidate qualifications and skills, and to finalize the overall executive search process.

PERF will also gather and review relevant documents, including but not limited to the following:

- Fort Pierce Police Department organizational charts;
- Current and projected budgets;
- Annual reports;
- Mission and values statements; and,

- General information about the City of Fort Pierce, the Police Department, and city residents.

The information reviewed and feedback discussed during this step will ensure PERF has a clear understanding of the needs and expectations associated with the Chief of Police position.

Step 2: Develop Profile of the Position and Ideal Candidate

Using the information gathered in Step 1, PERF will develop an updated profile of the position and the ideal candidate. The profile will be a tool used in the recruitment process to inform prospective candidates of the responsibilities, issues, and other matters pertaining to the role and responsibilities of the Chief of Police, and will provide a detailed description of the professional and interpersonal qualifications required for the position.

In consultation with the City Manager and other appropriate personnel, PERF will finalize the position profile, which will then be used throughout the process to identify the best, most qualified candidate pool. The profile will provide legitimacy to the applicant screening process and will assist others involved in screening and evaluating the recommended candidate pool.

Step 3: Prepare and Place Position Announcements

- a. Prepare Position Announcement
PERF will develop a position announcement for distribution to various law enforcement, policing, and public safety information outlets nationwide. PERF will solicit applications from qualified candidates through advertising on national and regional law enforcement organizations' websites, direct e-mailing of position announcements, and perhaps most importantly, through **active recruitment**.
- b. Outline Recruitment Plan
In consultation, PERF will finalize the national recruitment strategy, identifying key organizations as well as several dissemination methods to ensure the appropriate target audience is reached. A variety of methods will be used to advertise the position to ensure recruitment of a highly qualified and diverse candidate pool. PERF will submit all position announcements and materials for final review and approval prior to posting.

Projected methods may include:

- Posting advertisements on websites of the International Association of Chiefs of Police (**IACP**), the National Organization of Black Law Enforcement Executives (**NOBLE**), the National Association of Women Law Enforcement Executives (**NAWLEE**), the Hispanic American Police Command Officers Association (**HAPCOA**), as well as numerous partner associations' websites.
- Notification to PERF members through PERF's website at www.PoliceForum.org, and through electronic mailings to its **over 1,700 member professionals** who represent law enforcement agencies worldwide and leading schools of criminal justice.

- Notification by letter or e-mail to **regional and state associations of chiefs of police.**

Step 4: Actively Recruit Candidates

Using the knowledge and insight acquired in Step 1, the position profile and our extensive national network of police professionals, PERF will **actively recruit** qualified candidates for the position. PERF has successfully conducted more than 75 executive searches and keeps meticulous recruitment databases. PERF has developed extensive contacts in the law enforcement and public safety communities over the course of numerous projects, through our membership program, and through our Senior Management Institute for Police. Over 3,000 up and coming police executives have graduated this program. PERF will reach out to these contacts, either to solicit their candidacy on the search, or to recommend suitable colleagues who may be interested in the position.

Step 5: Receive, Screen, and Assess Applications

PERF will acknowledge and review all candidate applications received and will conduct an initial screening of the applications to identify a group of qualified candidates based on the position profile and credentials to continue in the selection process.

Step 6: Conduct Detailed Screening of Candidates and Contact References

- a. Conduct Detailed Screening Interviews with Candidates
PERF will conduct screening interviews with selected candidates who display the competencies, skills, knowledge, and abilities that meet and exceed the established qualification criteria. The interview format will include – but will not be limited to – questions related to the candidates’ work experience, management philosophy, and interest in the position. PERF may also utilize candidate questionnaires with essay questions to further collect information on the candidates. Candidate responses would be reviewed by PERF’s subject matter experts and taken into consideration during the selection process.
- b. Speak with References
PERF routinely requests that semi-finalists provide five professional references that are thoroughly checked before the candidates are permitted to move forward in the search process. PERF will conduct preliminary reference checks with listed references and reach out to other trusted individuals in our network of police professionals to identify additional information on candidates in the semi-finalist group. Information provided on the resumes will be checked for accuracy through a variety of methods.
- c. Database Search
In addition, PERF conducts thorough internet searches of all semi-finalist candidates using multiple search engines and news sites. These searches have been helpful in yielding additional information on search candidates.

Step 7: Recommend Pool of Candidates

Based on each candidate's background, experience and management philosophy, PERF will recommend a pool of the most qualified candidates to the City Manager, Commission and other identified persons for interviews. PERF will assist the City with the logistics of candidate interviews. The interview process will be structured to assess candidate skills and experience in order to determine those with the best qualifications to match the position profile.

Step 8: Provide Advice on Interview Process and Structure

PERF representatives will be available for advice and input during the interview phase of this search. PERF will prepare a list of possible questions and provide guidance on conducting the interviews and evaluating candidates.

Step 9: Provide Advice for Developing a Compensation Package

PERF will also provide advice to the City on developing a competitive salary offer and compensation package and assist in contract negotiations as requested.

Step 10: Maintain Documentation of Selection Activities

PERF will report progress to the City Manager on a routine basis and will provide important updates as needed between official meetings. Throughout PERF's involvement with the selection process, PERF will maintain detailed records of all activities related to the search and will make these records available to the City on request. All search documentation will be retained by PERF for three years.

Step 11: Notify Applicants of Final Appointment

Through all stages of the search process, PERF will maintain correspondence with applicants, including acknowledgement of receipt of resumes and applications. Upon the selection of a Chief of Police, PERF will notify other applicants of the final appointment action.

PERF recommends that a full and thorough background investigation be conducted on the person selected for appointment as Chief of Police. While we endeavor to provide a complete summary of each candidate's background, we are limited in terms of our investigative capacity. In all cases, a reputable investigative body should be engaged to conduct site interviews and detailed background investigations. PERF can recommend experienced investigative organizations and will work closely with the selected organization to ensure as comprehensive an investigation as possible.

COST PROPOSAL

Professional Service Fee

The cost of the scope of work outlined in this proposal is \$43,500. This fee covers PERF's professional services, and basic office expenditures associated with the work (supplies, postage, telephone expense, etc.), and expenses for PERF staff to travel to Fort Pierce to conduct the initial site visit and participate in the interview process.

Additional/Reimbursable Expenses

The following costs are in addition to PERF's professional service fee and will be covered by the City:

- Travel Expenses for Candidates: (e.g., expenses for out-of-town candidates to travel to Fort Pierce to participate in the search process).
- Meeting Facilities: Suitable facilities for activities related to the performance of this contract (such as interview and meeting rooms) will be provided by the City.
- Background Investigation: PERF recommends that a full and complete background investigation be conducted on the person selected for appointment as Chief of Police. PERF does not offer this service, however we can recommend a reputable private, third party investigation firm to the City to perform detailed background investigations on the final candidate(s).

Process Timeline

PERF is available to begin work on this search process in October with completion expected to be approximately four months. PERF will work closely with the City to develop a detailed search timeline in Step 1.



IACP Executive Search Services

A Proposal for the City of Fort Pierce, Florida

The International Association of Chiefs of Police (IACP) offers the most comprehensive and thorough police executive search process available. We take pride in working closely with the client agency and its stakeholders during all stages of the transition process. A nationwide IACP executive search process typically follows the work plan outlined below. However, the IACP is always able to tailor its services to meet the needs and requirements of the client agency.

I. JOB AND CANDIDATE PROFILING

At the very outset, specific criteria will be established in cooperation with hiring officials to define qualifications of the ideal candidate. Criteria typically include management style; policing philosophy; minimum education; minimum level of law enforcement command experience; demonstrated ability to work with the community and social agencies in pursuit of common goals; unquestionable record of integrity; and demonstrated leadership, management, team building, and crime-control program implementation skills.

Job Analysis. An on-site job analysis will be conducted. The analysis will produce a comprehensive list of tasks, duties, and responsibilities for the next chief. The analysis will specify additional critical knowledge, skills, and abilities required to perform effectively as a police leader and manager.

The contemporary police chief is properly expected to lead. He or she is expected to

- promote professional ethics and values.
- foster public support for the agency.
- ensure that the public is satisfied with police services.
- establish objectives.
- achieve those objectives successfully.
- create and maintain an effective and motivated police force.
- manage resources productively.
- observe professional police principles.
- function productively with external agencies.
- remain accountable to the governing body.

The leadership role must be fulfilled in a way that satisfies not only the many constituencies both inside and outside of the police agency. Failure to do so usually results in conflict, acrimony, and frustration. The IACP job analysis will concentrate on all of the foregoing dimensions and

requirements in the police, government, and community settings. The result of the job analysis is a comprehensive position profile that will guide recruitment and initial screening efforts.

Profiling Methodology. Our profiling methodology includes interviews with a cross section of individuals from various constituencies. In a municipal environment, these normally include elected and appointed leaders, heads of other departments, police union officials, members of the police agency, civic and religious leaders, business leaders, and members of the community.

Our methodology also entails an examination of factors and trends that condition the client's policing environment. Factors and trends of significance are policing style, serious and less serious crime, citizen attitudes and complaints, police resources, staff characteristics, urgent problems, and significant accomplishments and department assets. Prime candidates will insist on such information when seriously considering applying for the job. The information also enables us to appraise candidate qualifications.

The IACP concentrates heavily on discovering and, if necessary, formulating, specific goals and objectives the new chief will be expected to achieve, problems to be solved, and innovations sought. Our view is that the thoroughness of job profiling dictates the effectiveness of the entire search process. Accordingly, the IACP focuses substantial attention at this initial phase of the process.

II. RECRUITMENT MARKETING & ADVERTISING

The IACP offers unparalleled reach into the law enforcement community and will leverage our considerable avenues of information transfer to support the client's recruitment effort. Specific examples include:

Police Chief Magazine. A full page advertisement for the position will be designed and published in *Police Chief*, IACP's monthly magazine with a circulation of more than 20,000. Advertising will be complimentary and is contingent upon the production schedule of the magazine. The IACP will develop ad copy describing the position, the hiring agency, and the jurisdiction designed to elicit responses from the best possible applicants.

The IACP Network. Using our nationwide network of governmental and police executives, the IACP will proactively search for (cold source) ideal candidates. The IACP will discuss this position with individuals across the country whose professional judgment is respected and solicit their recommendations. The IACP is uniquely qualified through its position in the law enforcement community to identify and recruit the most dynamic and highly qualified law enforcement executives.

Internet and Email. An ad will be prominently posted on www.DiscoverPolicing.org, the official career center of the IACP and an award-winning police recruitment website. In addition, awareness of the job will be promoted through a series of email notices sent directly to

IACP members, including prominent placement in the *IACP News* biweekly e-newsletter with a distribution of 31,500. Finally, the announcement will be shared through the IACP's social media outlets, including Facebook and Twitter.

Diversity Recruitment. We will provide notices to and solicit candidate recommendations from diversity-oriented groups like the National Organization of Black Law Enforcement Executives, the Hispanic American Command Officers Association, the National Center for Women and Policing, and the National Association of Women Law Enforcement Executives. The IACP understands the importance of diversity and works hard to ensure an inclusive recruitment process. Many successful finalists in past IACP searches for police chief and other command positions have been minority candidates.

III. APPLICANT SCREENING, EVALUATION & SELECTION

Resume Receipt and Review. The IACP will acknowledge receipt of application materials from candidates and conduct an initial review of all resumes and cover letters. Applicants are categorized based on their basic qualifications relative to the needs of the department as identified through the job analysis. Common evaluation factors include:

- Experience as a chief or at a command level, including consideration of breadth and depth of experience.
- Patterns of employment, including frequency of job changes and gaps in employment.
- Experience in an agency or environment similar to the client agency.
- Demonstrated record of accomplishments in areas of specific relevance to the client.
- Evidence of formal education and specialized leadership training such as the FBI National Academy.
- Written communication skill and the extent to which the candidate expresses an understanding of the department and is able to present and correlate his or her qualification to the needs of the agency.

This initial review process will identify the best candidates (approximately 15) for initial screening.

Initial Screening. Initial screening typically involves internet checks and structured telephone interviews tailored to the agency's job. We have found that at this stage, thorough questioning of the candidate and an internet search provide adequate information to form an accurate picture of the candidate's history. Based on the results of the initial screening, the IACP will recommend a group (approximately six) of the most highly qualified candidates for further on-site evaluation. Brief dossiers on each recommended finalist are provided summarizing the candidate's resume and the results of the preliminary background checks and telephone interviews.

Finalist Evaluation. The IACP will assist with evaluation of the finalists, including development of an interview process, scheduling, coordination of finalist travel arrangements,

and on-site administration. The IACP typically recommends an independent structured interview process with IACP-provided interviewers, augmented by one or more client interview panels. For the IACP panel, we will develop interview questions designed to reveal comparative strengths and weaknesses of the finalists and the best match among candidates and the job. Questions are based on the job analysis as well as knowledge of the department and its policing environment. The IACP will schedule, coordinate, and facilitate the interview process, including arrangement of candidate travel. Results can present candidates in rank order or as groupings in terms of suitability.

Assessment Center Option. At your option, an assessment center will be conducted to evaluate the managerial and administrative capabilities of the final group of five or six candidates. In an assessment center, candidates participate in a series of individual and group exercises that simulate critical aspects of the target job. Trained assessors observe each candidate's performance and evaluate their behavior on predefined dimensions that relate to success in the specific job in question

Selection. The IACP search team will rank order or group candidates in terms of suitability and can offer hiring recommendations. Candidate strengths and weaknesses, as revealed by all efforts undertaken, will be documented and discussed with agency officials. Consultation with selecting officials is particularly intense at this juncture in the process.

On-site Background Investigation. Our experienced investigators will conduct a thorough on-site background investigation of the selected candidate. A candidate's current supervisor and subordinates, leaders in the community, union representatives, and others who know the candidate will be contacted and interviewed at length. Records concerning civil suits, financial status, driving history, etc., will be obtained. The entire career of the candidate is considered and controversies in previous jobs are investigated as necessary.

Offer Negotiation. The IACP is able to assist in extending and negotiating an offer to the top candidate as needed.

IV. TIMELINE

The typical executive search can be completed within four to six months. While this time frame was designed to produce work that meets IACP quality standards, we are happy to work to accommodate individual agency needs. The following table outlines the major activities of an IACP search and the estimated timeframe to complete each.

Activity	Estimated Timeframe
Contract Execution	-
Onsite Visit - Job/Candidate Profile	2 weeks of contract execution
Open Job; Begin Recruitment Marketing and Advertising	Immediately following on-site; continue for 30 – 60 days
Review resumes, make first cut	2 weeks after job closes
Conduct initial screening / phone interviews; select finalists; Deliver finalist dossiers	2 weeks after making first cut
Develop interview questions or assessment exercises; Schedule and conduct on-site evaluation for finalists.	2.5 weeks after phone interviews
Conduct background on candidate; Negotiate offer	2 weeks after on-site interviews

V. QUALIFICATIONS

The IACP is a non-profit 501c(3) corporation, chartered in the District of Columbia and headquartered in Alexandria, Virginia. The IACP is the world’s leading association of law enforcement executives with over 20,000 members in over 100 countries. Headquarters staff comprises approximately 100 professionals engaged in a variety of activities, from grant management and research to training and technical assistance. The association’s mission is simple: to serve the police leaders of today and develop the leaders of tomorrow. Assisting agencies with the identification and placement of that leadership helps us attain that goal. The IACP differs from private firms who are in the business of offering executive search services. We are motivated by our commitment to improving law enforcement leadership and professionalism across the country. Further, we concentrate our efforts exclusively on police and law enforcement matters. We do not diffuse our interests and capacities.

Since the association began its program of field consulting in 1935, it has conducted hundreds of management surveys, technical assistance projects, staff studies, planning projects, and has provided contract training and testing services for jurisdictions of all sizes and types. The IACP's Executive Search Service was established in 1986 in response to urgings of local government officials, chiefs, and potential chiefs. Since that time, the same veteran team of resident professional staff and associate consultants has assisted scores of police organizations with the important task of identifying future leadership. Client lists, references and resumes are available upon request.

VI. PRICING

We have estimated the cost to provide these services to your agency:

PROCEDURE	COST
Comprehensive Executive Search <i>(includes Assessment Center)</i>	\$35,000 plus travel expenses
Comprehensive Executive Search <i>(includes Structured Interview)</i>	\$30,000 plus travel expenses

These prices include all developmental and administrative costs except travel expenses for IACP staff, candidates, and assessors, assessor honoraria (if any), and facility costs. IACP is always ready to tailor its services to your agency's needs and financial abilities. The proposed price can be adjusted, therefore, to accommodate variations in scope of services, either greater or lesser.

VII. CLIENT LIST

The IACP has assisted scores of agencies in their search and assessment of new chief executives. Below is a sampling of our recent clients.

AGENCY	CONTACT PERSON	NATURE OF SERVICE COMPLETION DATE
<i>Sykesville, MD</i> Population: 4,500	Dawn Ashbacher Town Manager Town of Sykesville 7547 Main Street Sykesville, MD 21784 (410) 795-6390 dashbacher@sykesville.net	Comprehensive executive search for police chief December 2013
<i>East Carolina University, NC</i>	Bill Koch Associate Vice Chancellor East Carolina University EH&S Building 210 E. 4 th Street Greenville, NC 27858 (252) 328-6166 kochw@ecu.edu	Comprehensive executive search for police chief October 2013 Previous process completed February 2008

AGENCY	CONTACT PERSON	NATURE OF SERVICE COMPLETION DATE
<i>New Smyrna Beach FL</i> Population: 25,000	Carol Hargy Human Resources Director City of New Smyrna Beach 210 Sams Avenue New Smyrna Beach, FL 32168 (386) 424-2111 chargy@cityofnsb.com	Comprehensive executive search for police chief April 2013
<i>Washington Metropolitan Transit Authority</i>	Rod Dones Talent Acquisitions Manager WMATA 600 Fifth St, NW, 7 th floor Washington, D.C. 20001 (202) 962-9819 ext 29819 rdones@wmata.com	Comprehensive executive search for police chief March 2013
<i>Greenville, NC</i> Population: 90,000	Barbara Lipscomb City Manager City of Greenville 200 W. Fifth St Greenville, NC 27834 (252) 329-4642 blipscomb@greenvillenc.gov	Comprehensive executive search for police chief November 2012 April 2006
<i>National Railroad Passenger Corporation (Amtrak)</i>	Barry Melnkovic Chief Human Capital Officer Human Resources, Diversity Initiatives Labor Administration National Railroad Passenger Corporation 60 Massachusetts Avenue, NE Washington, DC 20002 (202) 906-2216 barry.melnkovic@amtrak.com	Comprehensive executive search for police chief October 2012
<i>Delaware River & Bay Authority Transit system</i>	Charlotte L. Crowell Chief HR Officer Delaware River & Bay Authority New Castle, DE 19720 (302) 571-6397	Comprehensive executive search for police chief August 2012 - Deputy Police Administrator July 2010 - Police Chief

AGENCY	CONTACT PERSON	NATURE OF SERVICE COMPLETION DATE
<i>University of Massachusetts Amherst</i>	Ruth Yanka Executive Director A&F Operations Administration and Finance University of Massachusetts Amherst 181 Presidents Drive 340 Whitmore, UMASS Amherst MA 01003 (413) 545-1581 ryanka@admin.umass.edu	Comprehensive executive search for police chief July 2012
<i>Rutland, VT</i> Population: 16,500	Larry Jensen Chair, Police Commission City of Rutland 7 Tuttle Meadow Drive Rutland, VT 05701 (802) 755-6526 lgjensen@aol.com	Comprehensive executive search for police chief July 2012
<i>West Palm Beach, FL</i> Population: 101,000	Patrick J. Cooney Director of Human Resources City of West Palm Beach 401 Clematis Street West Palm Beach, FL 33407 (561) 494-1006 pcooney@wpb.org	Comprehensive executive search for police chief May 2012

VIII. CONTACT

Kim Kohlhepp

Manager

International Association of Chiefs of Police

Center for Professional Services

44 Canal Center Plaza, Suite 200

kohlheppk@theiacp.org

Direct: 703-647-7237

Main line: 800-THE-IACP

www.theiacp.org



THE FLORIDA POLICE CHIEFS STARS PROGRAM

City of Fort Pierce Florida

Executive Search and
Recruitment Services

Police Chief

September 3, 2014

The Florida Police Chiefs
STARS Program

Law Enforcement Professional Consultants



THE FLORIDA POLICE CHIEFS STARS PROGRAM

City of Fort Pierce

**Proposal for
Executive Search & Recruitment Services**

Police Chief

September 3, 2014

The Florida Police Chiefs STARS Program
Amy Mercer
Executive Director, FPCA/STARS Project Coordinator
P.O. Box 14038
Tallahassee, FL 32317
850-219-3631
amercer@fpca.com
www.fpca.com



THE FLORIDA POLICE CHIEFS STARS PROGRAM

September 3, 2014

Sheritta Johnson
Risk Management
100 N. US 1
Fort Pierce, FL 34950

Dear Ms. Johnson:

Thank you for allowing the Florida Police Chiefs Education and Research Foundation (FPCERF) STARS to submit our qualifications for the City of Fort Pierce Police Chief recruitment.

The Florida Police Chiefs Association (FPCA), established in 1952, the professional association for which the FPCERF was created is the state's pre-eminent law enforcement professional association, speaking for Florida's chiefs and providing guidance and leadership for the future of law enforcement and our communities. The FPCA's mission is to continuously enhance law enforcement professionalism in the state of Florida, serving as the public face of law enforcement executive leadership, and providing a forum for executive education, development, and exchange of ideas.

STARS understands the scope of the work desired by the City of Fort Pierce. The attached proposal illustrates our understanding and details our approach. A STARS executive search is a collaborative effort. Our work plan will be developed by officials from your agency and STARS. Our services will be tailored to preferences from your agency.

As the Project Coordinator for the STARS program, I am authorized to submit this proposal on behalf of the FPCERF. Please contact me if you have any questions or require further information. I can be reached by phone at 850-219-3631 and my email address is amercer@fpca.com.

Sincerely

Amy Mercer
FPCA Executive Director / STARS Project Coordinator



THE FLORIDA POLICE CHIEFS STARS PROGRAM

STARS PROGRAM OVERVIEW:

When a community, organization or an agency has to fill a law enforcement executive position, finding the best candidates can be challenging. Those hiring may have limited or no access to law enforcement recruitment experts, and qualified candidates may be difficult to locate. Professional searches for qualified candidates can also be costly.

By providing Selection, Training, Assessment, Recruitment and Support, the Florida Police Chiefs STARS Program is setting the standard for finding, retaining and supporting the best law enforcement executives available.

The STARS Program will take an organization through an extensive search and qualification process. Pre-screened qualified applicants will be recommended to the participating entity, based on that agency's specific needs.

With **the Florida Police Chiefs STARS Program**, you have access to the following benefits:

A professional search team managed by law enforcement experts

Florida-based experts with extensive knowledge of national law enforcement issues and those specific to our state

Cost efficient process with proven results

Reassurance that the best candidates have been recruited for the job

Support and training provided so the selected candidate's transition is seamless



THE FLORIDA POLICE CHIEFS STARS PROGRAM

Project Team:

STARS has the resources available to conduct this search and avoid untimely delays in the process. Uniquely qualified to lead this search for the new Police Chief is top law enforcement expert Dr. Jim Sewell with Retired Chief James Gabbard. Full resumes are provided below.

Dr. Jim Sewell

EDUCATION

1980	The Florida State University; Tallahassee, Florida Ph.D. in Criminology Dissertation: Development of a Critical Life Events Scale for Law Enforcement
1975	Master of Science in Criminology
1971	Bachelor of Science in Criminology

PROFESSIONAL EXPERIENCE

May 2003 - February 2005	Florida Department of Law Enforcement Assistant Commissioner
August 2002 - May 2003	Deputy Commissioner
Nov. 1996 - August 2002	Regional Director Tampa Bay Regional Operations Center
May 1994 - October 1996	Director Division of Criminal Justice Information Systems
September 1990 - May 1994	Director Florida Criminal Justice Executive Institute



THE FLORIDA POLICE CHIEFS STARS PROGRAM

March 1986 - August 1990	Chief of Police City of Gulfport Florida Department of Safety and Motor Vehicles
December 1982 - February 1986	Director Office of Management and Planning Services Florida Department of Law Enforcement
May 1982 - December 1982	Deputy Director Division of Criminal Justice Information Systems
July 1981 - May 1982	Deputy Director Division of Local Law Enforcement Assistance
March 1981 - July 1981	Chief, Criminal Intelligence Bureau Division of Criminal Investigation
March 1980 - March 1981	Internal Inspector/Research and Development Specialist Office of Inspector General
October 1974 - March 1980	The Florida State University Department of Public Safety Assistant to the Director/Sergeant to Lieutenant
January 1973 - October 1974	University Police Officer/Education Officer

SELECTED PROFESSIONAL CERTIFICATES

December 2000	Diplomate, American Academy of Experts in Traumatic Stress
September 1993	Florida Criminal Justice Executive Institute: Chief Executive Seminar, Class 8
April 1990	Florida Department of Law Enforcement Executive Institute: Advanced Chiefs of Police Seminar
May 1988	University of South Florida Institute of Government: Executive Fellows Leadership Development Program
September 1978	F.B.I. National Academy, 114th Session



THE FLORIDA POLICE CHIEFS STARS PROGRAM

SELECTED PUBLICATIONS

"Dealing with Employee Stress: How Managers Can Help—or Hinder—Their Personnel," *FBI Law Enforcement Bulletin*, 2006, 75, 7, 1-6.

"Training Strategies and Techniques for Investigators," in Palmiotto, M.J., *Policing and Training Issues*, Upper saddle River, NJ: Prentice-Hall, 2003, 235-258.

"Managing the Stress of Organizational Change," *FBI Law Enforcement Bulletin*, 2002, 71, 3, 14-20.

"The Police Officer's Ethical Use of Force," in Palmetto, M. J., *Police Misconduct*, Upper Saddle River, NJ: Prentice Hall, 2001.

Controversial Issues in Policing (Edited Work), Boston, MA: Allyn and Bacon, 1999.

"The Four R's for Police Executives," *FBI Law Enforcement Bulletin*, 1996, 65, 7, 9-13.

"What They Didn't Teach in Management School," *F.B.I. Law Enforcement Bulletin*, 1991, 60, 8, 5-8.

With Robert A. Butterworth, "Politics and The Police Executive: Defining a Code of Ethics," *Florida Police Chief*, 1987, 13, 12, 32-43.

"Administrative Concerns in Law Enforcement Stress Management," *Police Studies: The International Review of Police Development*, 1986, 9, 3, 153-159.

"The Development of a Critical Life Events Scale for Law Enforcement," *Journal of Police Science and Administration*, 1983, 11, 1 109-116.

COMMUNITY AND PROFESSIONAL SERVICE

Teaching Activity

- Adjunct Instructor in Criminology, University of South Florida, 2005-Present
- Adjunct Instructor in Criminology, Florida Metropolitan University, 1999-2000
- Adjunct Instructor, The Florida State University School of Criminology 1975, 1979, 1981, 1983 - 1986, 1992 – 1996



THE FLORIDA POLICE CHIEFS STARS PROGRAM

- Lecturer, Florida Criminal Justice Executive Institute; Lively Law Enforcement Education Center; Florida Law Enforcement Academy; Florida Marine Patrol Academy; Florida Highway Patrol Academy; Florida Crime Prevention Training Institute; Institute of Police Technology and Management; Florida Institute for Law Enforcement; and St. Leo University.
- General Topics: Police Leadership; Futures in Criminal Justice; Crime Prevention; Community Relations; Terrorism and Extremist Groups; Police Officer Stress Awareness and Management; Post Shooting Trauma; Crisis Intervention

Community Boards of Directors

- Juvenile Welfare Board, Gubernatorial appointee, 2010-date
- Independent Review Commission on Hillsborough County Jails, Chair, 2008
- Drug Free America Foundation, 2005-date
- Pinellas Association of Retarded Children, 2004-2007, 2008-2010
- Pinellas Marine Institute, 2000 - 2006
- St. Petersburg Center Against Spouse Abuse, 1987 – 1990, 1997 - 2000
- Tau Kappa Epsilon Fraternity, Board of Trustees for Lambda Iota Chapter, 1983 - 1986; Chairman, 1985 - 1986
- Tallahassee Telephone Counseling and Referral Service, 1976 – 1979, 1983 – 1986; President, 1985 – 1986; Professional Advisory Board, 1979 - 1983
- Tallahassee Rape Crisis Service, Vice President, 1978 - 1980

Professional Memberships

- American Academy of Experts in Traumatic Stress, 2000 - 2008
- Police Executive Research Forum, 1988 - 2005
- Tampa Bay Area Chiefs of Police Association, 1986 - 1990; 1996 - Present
- Florida Police Chiefs Association, 1986 – Present (Life Member)
- National Association of Women Law Enforcement Executives, 1996 - 2005
- Society of Police Futurists International, 1992 - Present
- International Association of Chiefs of Police, 1986 – Present (Life Member)

REFERENCES AVAILABLE UPON REQUEST



THE FLORIDA POLICE CHIEFS STARS PROGRAM

Retired Chief James Gabbard

Employment History

2008 to Present-Senior Manager with the International City/County Management Association (ICMA) Police Consulting Services

2005 to 2010 - City Manager for the City of Vero Beach Florida (Retired 2010)

1986 to 2005 - Chief of Police for the City of Vero Beach Florida Retired 2005)

1970 to 1986 - Member of the West Palm Beach Police Department (Retired 1986)

1985 - 1986 Captain of Traffic

1982 - 1985 Captain of Special Investigations

1978 - 1985 Lieutenant of Detectives

1973 - 1978 Sergeant of Detectives

1970 - 1973 Patrol Officer and Undercover Drug Investigator

Professional Associations

Federal Bureau of Investigation's National Academy (Class #112)

Florida Police Chiefs Association - Past President and Life Member

International Association of Chiefs of Police - Life Member

Treasure Coast Chiefs and Sheriffs Association - Past President and Life Member

Federal Bureau of Investigations National Academy Associates

Past Member and Chairman of the FDLE Region XI Training Council

Past Member and Chairman of the FDLE Crime Laboratory Council

Past Member and Chairman of the Treasure Coast Crime Laboratory Council

Past Member of the Police Executive Research Forum

REFERENCES AVAILABLE UPON REQUEST



THE FLORIDA POLICE CHIEFS STARS PROGRAM

Proposal/Scope of Services:

It is our understanding that the scope of work, minimum responsibilities and search and recruitment services shall include the following:

- Job and Candidate Profiling in cooperation with hiring officials that will identify the agency policing environment;
- Job Analysis that will produce a list of tasks, duties and responsibilities for your next Police Chief;
- Advertisement and Outreach that utilizes the STARS nationwide network, internet, email and diversity recruitment;
- Resume receipt and review;
- Categorize resumes based on their basic qualifications relative to the needs of the department as identified through the job analysis;
- Provide a written report to the City Manager that identifies the best candidates (approximately 10) for initial and further screening;
- Provide a written questionnaire to the 10 identified candidates for further screening;
- Questionnaire receipt and review;
- Provide a written report to the City Manager that identifies the best candidates (approximately 5) for further screening by the municipality.
- Once the new Chief is selected, we will provide mentoring, training, various resources and support services to the selected individual.

Objectives:

- To assist the municipality and the agency during a time of transition.
- To save a considerable amount of the municipality's time in establishing a position profile and reviewing applicants.
- To independently and objectively assess the qualifications and suitability of candidates for the position.
- To recommend a pool of highly qualified candidates to the City Manager
- To respond to all candidate inquiries and produce all correspondence during the search.
- To preserve the confidentiality of inquiries to the degree possible under Florida law.
- To keep the City Manager closely involved in key decisions and informed of our progress.
- To support the new Chief once hired to help ensure his or her success in leading the Police Department.



THE FLORIDA POLICE CHIEFS STARS PROGRAM

Tasks Timeline & Deliverables:

Task	Estimated Timeframe	Deliverable
Contract Execution		
Phone Conference – Job/Candidate Profile	1 week of contract execution	
Open Job: Begin Recruitment Marketing, Advertising and Outreach	Immediately following phone conference and continue for 30 days	Recruitment advertising materials
Review Resumes, make first cut and provide detailed report to City Manager	2 weeks after job closes	Listing of all applicants noting those advanced to written questionnaire
Review Written Questionnaires, make second cut and provide detailed report to the City Manager	2 weeks after municipality reviews and approves the written questionnaire	Listing of all applicants noting those advanced to municipality for final screening
Mentor, Train, Provide various resources and support	Immediately once the new chief is selected and on going	Assign a mentor, conduct training for the new chief, provide polices and other resources as needed

Sampling of Client List:

2014	City of Port Richey, FL Police Department
2014	University of Central Florida Police Department
2014	City of High Springs, FL, Police Department
2014	City of Bunnell, FL, Police Department
2014	City of Miami Gardens, FL, Police Department
2012	City of Miami Beach, FL, Police Department
2012	City of West Melbourne, FL, Police Department
2011	City of Altamonte Springs, FL, Police Department
2008	City of Bartow, FL, Police Department
2007	City of Greenacres, FL, Police Department
2007	City of Lake City, FL, Police Department
2007	City of North Miami Beach, FL, Police Department
2007	City of Fort Pierce, FL, Police Department
2006	City of Perry, FL, Police Department



THE FLORIDA POLICE CHIEFS STARS PROGRAM

References:

Mr. Wadie Atallah, City Manager

City of Greenacres
 5800 Melaleuca Lane
 Greenacres, FL 33463
 Email: cm@ci.greenacres.fl.us

Mr. George Long

City of Bartow
 450 North Wilson Ave.
 Bartow, FL 33830
 Phone: 863-534-0100
 Email: psams.cm@cityofbartow.net

Mr. Larry Williams, City Manager

City of Bunnell
 1769 E. Moody Blvd.
 Bunnell, FL 32110
 Phone: 386-437-7500
 Email: ljwilliams@bunnellcity.us

Chief Richard M. Beary

University of Central Florida P.D.
 PO Box 163550
 Orlando, FL 32816-3550
 Phone: (407) 823-2419
 Email: richard.beary@ucf.edu

Mr. Tom O'Neill, City Manager

City of Port Richey
 6333 Ridge Road
 Port Richey, FL 34668
 Phone: (727) 816-1900
 Email: t.oneill@cityofportrichey.com

Cost:
 Below are the proposed fees associated with providing these services to the municipality. The fees outlined below are inclusive of all developmental and administrative costs.

Procedure	Cost
Job/Candidate Profile, Job Analysis, Job advertisement and outreach	\$4,500
Resume Receipt and Review, Categorize resumes and provide written report to the municipality	\$4,500
Questionnaire Development, Receipt and Review and provide written report to the municipality	\$2,000
Mentoring, training, various resources and support services for the new Chief	No Cost
Total	\$11,000

Additional Services are available through the STARS program if requested.

City Commission Conference Agenda

Agenda Item # 4. B.

Meeting Date: 09/08/2014

Re: Law Enforcement Officers Memorial Park

Submitted For: Robert Bradshaw, City Manager

SUBJECT:

Rededication of Law Enforcement Officers Memorial Park - Police Chief

Attachments

[Memo from Police Chief](#)

Form Review

Form Started By: Jennifer Robinson

Started On: 09/03/2014 11:52 AM

Final Approval Date: 09/03/2014

POLICE

FORT PIERCE



MEMORANDUM

RECEIVED

SEP - 3 2014

CITY OF FT. PIERCE
CITY MANAGER'S OFFICE

To: Robert J. Bradshaw, City Manager

From: R. Sean Baldwin, Chief of Police

Date: September 2, 2014

Re: Request for City Commission Conference Agenda – Law Enforcement Officers Memorial Park

Over the last several years, we have been working to honor our fallen police officers by naming police facilities after them. Our substation on Avenue D is named after Willie B. Ellis, who was killed in the line of duty in 1967. Our main station on U.S. # 1 is named after Grover Cooper and James Wouters, who were killed in the line of duty in 1987. However, we have not named a facility after Danny Parrish, who was killed in the line of duty in 1991. I would like to ask the City Commission for their support in rededicating the existing *Law Enforcement Officers Memorial Park*, located in front of our main station, as the ***Danny Parrish Law Enforcement Officers' Memorial Park***. I am seeking your assistance in scheduling this matter for discussion with the City Commission at an upcoming Conference Agenda Meeting.

This park, which is located directly in front of the police department's main station at Hayes Rd. And U.S. Highway #1, was dedicated by the City Commission as the *Law Enforcement Officers Memorial Park* in 1993 (see enclosed minutes). This action was taken at the request of the local Fraternal Order of Police (FOP). I have met with FOP President James Mosley, and he is supportive of rededicating the park as requested. Danny Parrish's widow, Mirtha, is also supportive and appreciative. We have also received support from the Hundred Club of St. Lucie County, and all of the local law enforcement agencies.

The current park is pretty deficient given its intended purpose. With the City Commission's support, I am confident that we can raise sufficient funding through private donations to provide proper signage, an appropriate monument, and landscaping that honors our county's fallen officers. In fact, members of the Hundred Club have already committed funding for this purpose.

At this point, we are simply seeking the City Commission's support to move forward with planning. Within a few months, we should be able to provide a conceptual design and provide additional details. Ultimately, we will need the City Commission to formally approve a resolution rededicating the park. We hope to hold a rededication ceremony in January 2016, which will mark the 25th anniversary of Danny's death.

Either Deputy Chief Amandro or I will be available to make this presentation to the City Commission, which I do not anticipate taking longer than a few minutes.

With your approval, please schedule this matter for discussion with the City Commission at an upcoming Conference Agenda Meeting, preferably in either October or November.

RSB/sc
enclosure

c: Frank Amandro, Deputy Chief
Melissa Jaques, Sergeant

POLICE

FORT PIERCE

R. Sean Baldwin, Chief of Police



November 26, 2013

Mr. Jim Mosley
Fraternal Order of Police
Treasure Coast Lodge 41, Inc.
P.O. Box 2225
Fort Pierce, Florida 34954

Dear Mr. Mosely:

In 1993, the Fraternal Order of Police obtained the City Commissions approve to rename the park in front of the Fort Pierce Police Department's main station as the "Law Enforcement Officers Memorial Park". I am currently reviewing a plan to rededicate this park the "Danny T. Parrish Law Enforcement Memorial Park", but I would like to ensure that the FOP does not object before proceeding.

As you know, over the last several years we have worked to memorialize our fallen officers by naming public facilities after them. Our substation on Avenue D is named the Willie B. Ellis Police Substation, and our main station on U.S. Highway 1 is named after Grover C. Cooper, III and James A. Waters. Danny is the only fallen officer that has not been honored in this fashion, and I would like to rectify that with this park dedication.

I would greatly appreciate you discussing this with your membership to ensure that there are no objections. If this is a concern, please let me know in the next couple of weeks, and we will work to find a resolution.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean Baldwin".

R. Sean Baldwin
Chief of Police

RSB/sc

c: Melissa Jaques, Sergeant

920 South U.S. Highway #1 • Fort Pierce, FL 34950 • 772.467.6800 • www.fppd.org

Protecting Our Community

the yard trash pickup that the City now has twice a month. So they've not only saved an awful lot of money, but they've educated people so that some of them are holding that stuff and disposing of it in the regular yard waste pickup. In the numbers that Mr. Hopkins is giving now, that's already starting to go down.

Mr. Harold Hopkins, Director of Solid Waste, said it's leveling off, yes. They are on their second run now; so by the end of this week, the beginning of the third run, it should be back to fairly normal.

City Manager Powell said he thinks they still need the option. They could very well have two hurricanes in a year. It very well may be that they've got to do more than one. They just simply don't want to have it in the ordinances that they have to have one whether they need it or not.

Commissioner Burdge said under the new ordinance, which is basically getting rid of the annual pickup, it just says that the schedule governing the frequency shall be on file in the City Clerk's office. He guesses the Commission could authorize it to be more scheduling. He doesn't know. He thinks modifying the current one, just saying "The City may cause to be conducted..." Instead of each year just City-wide free trash collections, let it drop that. The City may cause to be conducted; and get rid of the words "each year".

Commissioner Bluestone said they don't need an ordinance if they have to do that.

Commissioner Drummond said they sure don't need that.

Commissioner Burdge said that's okay, fine.

Those voting in favor of the passage of the Ordinance No. J-42 on first reading were: Commissioners Bluestone, Burdge, Drummond, Grimyser, and Dannahower. Those opposed: None.

The next item on the Agenda was Consider request by Fraternal Order of Police to rename the area in front of the Police Station at 920 South U. S. #1 known as Hayes Road Park to "Law Enforcement Officers Memorial Park".

Motion was made by Commissioner Bluestone, seconded by Commissioner Burdge, to rename the area in front of the Police Station at 920 South U. S. #1 known as Hayes Road Park to "Law Enforcement Officers Memorial Park".

Commissioner Drummond said he has a question. Is it Hayes Park now? Is that the name of it?

Mr. Bob Morgan, Director of Public Works, said Hayes Road Park.

Commissioner Drummond asked is this the portion directly in front of the Police Station, or across U. S. #1?

Mr. Morgan said directly across U.S. #1 is Pinewood Park. This one is that little small area, the xeriscaped area, in front of the Police Station.

Those voting in favor of the motion were: Commissioners Bluestone, Burdge, Drummond, Grimyser, and Dannahower. Those opposed: None.

PROPERTY RECORD CARD

Ft Pierce City Of Record: 1 of 1

<<Prev

Next >>

Spec.Assmnt

Taxes

Exemptions

Permits Home Print

Property Identification

Site Address: US Hwy 1
Sec/Town/Range: 15 :35S :40E
Map ID: 24/15N
Zoning: C3
ParcelID: 2415-601-0087-000-8
Account #: 24596
Use Type: VAC GOVT
City/Cnty: Fort Pierce



Ownership and Mailing

Owner: Ft Pierce City Of
Address: PO Box 1480
 Fort Pierce FL 34954-1480

Legal Description

PINEWOOD S/D BLK 8 LOTS 23 AND 24

Sales Information

Date	Price	Code	Deed
1/1/1900	0		

Book/Page
/

Assessment 2014
2014 TRIM: 64500
Assessed: 64500
Ag.Credit: 0
Exempt: 64500
Taxable: 0
Taxes: 0

Total Land and Building
Land Value: 64500 **Acres:** 0.33
Building Value: 0
Finished Area: 0 SqFt

BUILDING INFORMATION

No Sketch
Available

No Image
Available

Exterior Features

View: -	RoofCover: -	RoofStruct: -
ExtType: -	YearBlt: -	Frame: -
Grade: -	EffYrBlt: -	PrimeWall: -
StoryHght: -	No.Units: -	SecWall: -

Interior Features

BedRooms: -	Electric: -	PrmIntWall: -
FullBath: -	HeatType: -	AvgHt/Ft: -
1/2Bath: -	HeatFuel: -	Prm.Flors: -
%A/C: -	%Heated: -	%Sprinkled: -

Special Features and Yard Items

Type	Y/S	Qty.	Units	Qual.	Cond.	YrBlt.
------	-----	------	-------	-------	-------	--------

Land Information

No.	Use Type	Type	Measure	Depth
1	8000-VAC GOVT	241 -Sq Feet	14335	

THIS INFORMATION IS BELIEVED TO BE CORRECT AT THIS TIME BUT IT IS SUBJECT TO CHANGE AND IS NOT WARRANTED.

PROPERTY RECORD CARD

Ft Pierce City Of Record: 1 of 2

<<Prev

Next >>

Spec.Assmnt

Taxes

Exemptions

Permits Home Print

Property Identification

Site Address: 920 S US HWY 1 **ParcelID:** 2415-123-0001-000-5
Sec/Town/Range: 15:35S :40E **Account #:** 24425
Map ID: 24/15N **Use Type:** Mncpal Prop
Zoning: OS1 **City/Cnty:** Fort Pierce



Ownership and Mailing

Owner: Ft Pierce City Of
Address: PO Box 1480
 Fort Pierce FL 34954-1480

Legal Description

15 35 40 THAT PART OF GOVT LOT 1AND THAT PART OF BLKS 8, 9, 10 AND 11 AND THAT PART OF VAC STREETS A

More...

Sales Information

Date 1/1/1900 **Price** 0 **Code** 0 **Deed**

Book/Page /

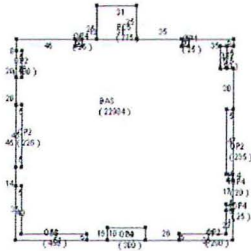
Assessment 2014

2014 TRIM: 4632800
Assessed: 4632800
Ag.Credit: 0
Exempt: 4632800
Taxable: 0
Taxes: 0

Total Land and Building

Land Value: 516800 **Acres:** 7.91
Building Value: 4116000
Finished Area: 22984 SqFt

BUILDING INFORMATION



241512300010005

Exterior Features

View: - **RoofCover:** - **RoofStruct:** -
ExtType: PS1 - PS1 **YearBlt:** 1988 **Frame:** -
Grade: S1 - S1 **EffYrBlt:** 1988 **PrimeWall:** -
StoryHght: 0010 - 1 Story **No.Units:** - **SecWall:** -

Interior Features

BedRooms: 0 **Electric:** - **PrmIntWall:** -
FullBath: 0 **HeatType:** - **AvgHt/Ft:** STD
1/2Bath: 0 **HeatFuel:** - **Prm.Flors:** -
%A/C: 0 **%Heated:** 0 **%Sprinkled:** 0

Special Features and Yard Items

Type	Y/S	Qty.	Units	Qual.	Cond.	YrBlt.
ASP1 - ASP1 HIGH	Y	1	92000	AV	AV	1988
CNC2 - CONCRETE LOW	Y	1	4500	AV	AV	1988
LGT1 - SINGLE LIGHT	Y	1	26	AV	AV	1988
BARB - BARB WIRE	Y	1	1000	AV	AV	1988
FEN6 - CHAINLINK 6'	Y	1	1000	AV	AV	1988

Land Information

No.	Use Type	Type	Measure	Depth
1	8900-Mncpal Prop	305 -Sq Feet	344560	

THIS INFORMATION IS BELIEVED TO BE CORRECT AT THIS TIME BUT IT IS SUBJECT TO CHANGE AND IS NOT WARRANTED.

City Commission Conference Agenda

Agenda Item # 4. C.

Meeting Date: 09/08/2014

Re:

SUBJECT:

Medical Marijuana - Planning Manager

Attachments

[Cannabusiness](#)

[Medical Marijuana Report](#)

[Memo from City Attorney re: Medical Marijuana](#)

Form Review

Form Started By: Jennifer Robinson

Started On: 09/03/2014 11:59 AM

Final Approval Date: 09/03/2014

Cannabusiness

What are our options?
Planning for potential legalization of medical marijuana in Florida

Presenters

Alison Stettner, AICP
 City of Orange City

Barry Wilcox, AICP, LEED ND
 City of Tallahassee

James White, AICP, Esq.
 Weiss Serota

September 4, 2014

State of the Union

State	Year Passed
1. Alaska	1998
2. Arizona	2010
7. California	1996
4. Colorado	2000
5. Connecticut	2012
8. DC	2010
7. Delaware	2013
6. Hawaii	2000
3. Illinois	2013
10. Maine	1999
11. Maryland	2014
12. Massachusetts	2012
13. Michigan	2009
14. Minnesota	2014
15. Montana	2004
16. Nevada	2000
17. New Hampshire	2013
18. New Jersey	2010
19. New Mexico	2007
20. New York	2014
21. Oregon	1998
22. Rhode Island	2008
23. Vermont	2004
24. Washington	1998

18

Constitutional Amendment

TITLE
Use of Marijuana for Certain Medical Conditions

SUMMARY
Allows the medical use of marijuana for individuals with debilitating diseases as determined by a licensed Florida physician. Allows caregivers to assist patients' medical use of marijuana. The Department of Health shall register and regulate centers that produce and distribute marijuana for medical purposes and shall issue identification cards to patients and caregivers. Applies only to Florida law. Does not authorize violations of federal law or any non-medical use, possession or production of marijuana.

19

Constitutional Amendment

How will it work?

- Patient required to obtain a physician certification from a physician licensed in the State of Florida
- Certifying physician must:
 - conduct a physical exam of the patient
 - complete a full assessment of the patient's medical history
 - determine that the person has a "Debilitating Medical Condition;" and
 - find that the "potential benefits of the medical use of marijuana would likely outweigh the health risks for the patient"

20

Constitutional Amendment

"Debilitating Medical Condition"

Cancer, glaucoma, positive HIV, AIDS, hepatitis C, amyotrophic lateral sclerosis (ALS), Crohn's disease, Parkinson's disease, multiple sclerosis or other conditions for which a physician believes that the medical use of marijuana would likely outweigh the potential health risks for a patient."

18

Approved Legislation (§ 381.986)

- SB 1030 (codified in § 381.986 Florida Statutes)
 - AKA "Compassionate Medical Cannabis Act of 2014"
 - AKA "Charlotte's Web"
 - AKA "Low THC Cannabis"
- No smoking
- Limited qualifying illnesses - Cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms
- Patient must be a permanent resident of Florida

19

Approved Legislation (§ 381.986)

- Up to 5 dispensing organizations
- A dispensing organization must:
 - Be responsible for all stages - cultivation to dispensing
 - Be a registered grow facility licensed for the cultivation of more than 400,000 plants
 - Must be operated by a state licensed nurseryman
 - Have been operated as a registered nursery in Florida for at least 30 continuous years.
- Current list from the Department of Agriculture - 39 eligible nurseries

20

Approved Legislation (§ 381.986)

- Implemented by the Department of Health who must:
 - develop rules - currently in and draft
 - develop a compassionate use registry for the registry of physicians and patients
 - authorize and regulate the dispensing organizations
 - administer the program under the Deputy State Health Officer.
- The Bill also encourages state university participation in Federal Drug Administration-approved research programs, and creates a grant program for eligible university research programs.
- Rulemaking must be complete, and implementation must begin by January 1, 2015.

Approved Legislation (§ 381.986)

SB 1700 – Public Records Exemption

- Provides a public records exception to protect the release of documents related to the use of medical marijuana
- Recent case law indicates that the provisions are not likely to protect against disclosure to Federal agencies, such as the Drug Enforcement Agency
 - U.S. v. Michigan Dept. of Comm. Health, WI, 2412602 (W.D. Mich.) unreported

Amendment v. Legislation

Existing State Law:

- Provides a much narrower framework for growing, selling, and using
- Limits the type of marijuana that can be grown and who may grow it
- Prohibits smoking as a method of consumption
- Integrates the use into research studies
- Greatly limits the qualifying conditions for use of the marijuana

Interaction with Federal Law

- The Federal Controlled Substances Act (CSA) prohibits the production, distribution and use of marijuana, for medical or recreational purposes
- CSA and Federal Government still have regulatory and enforcement standing throughout the Country – regardless of State regulations allowing the use of marijuana
- All organizations and states point out that everyone who uses, produces, or distributes marijuana – whether for medical or recreational use – is subject to federal law

Can We Say "NO"?

- Most states specifically allow local governments the ability to regulate and prohibit
- Florida's Constitutional Amendment is silent
- Florida Statutes are silent
- The *current* proposed rules from the Department of Health, require an applicant for a license to comply with "all local and state building codes, fire codes, electric codes and other laws."

Can We Say "NO"?

- The general rule in Florida:
 - When state law is silent, municipalities can regulate in any manner not inconsistent with state law
 - Municipalities cannot do anything that is inconsistent with federal law
- Federal Supremacy supports local government conformance to Federal Law (Controlled Substances Act)
- Reliance on Federal Supremacy isn't a guarantee
 - *Ter Beek v. City of Wyoming (Mich.)*

Potential Local Impacts

- Increase in marijuana use among youth and young adults.
- Increase in marijuana-impaired driving fatalities.
- Rise in number of marijuana-addicted users in treatment
- Diversion of marijuana for unintended purposes
- Will the use cause a blighting influence?



Concerns & Conditions

- Are current notification standards in code sufficient?
 - 300 feet to 1,000 feet
- Do you have any area in your community that you would consider for cultivation?
 - Agricultural, industrial or vacant big box commercial properties?



Concerns & Conditions

- Separation Standards
 - Separation of prescription services
 - No on-site prescriptions
- Special Uses
 - Parks, elementary or secondary schools, child daycare centers or churches
 - Residential properties
 - Gateway Corridors/Major Roadways
 - 500 - 1,500 feet
- Other dispensaries
 - 500-2,000 feet



Zoning/Conditional Uses

- Adult Activity
 - No persons under the age of 18 shall be permitted in the dispensary at any time.
- Security
 - Record keeping, proper identification for patients, storage of marijuana on the site, on-site cultivation, delivery and maximum amount dispensed in any single transaction;
 - Require alarm system and/or panic buttons to be installed in the interior of the building.
 - A security guard shall be on the premises at all times the dispensary is open for business.
 - Loitering
 - Only qualifying individuals, employees of the business, or other qualified individuals, including City and state staff members shall be permitted inside the proposed business
 - Right of entry

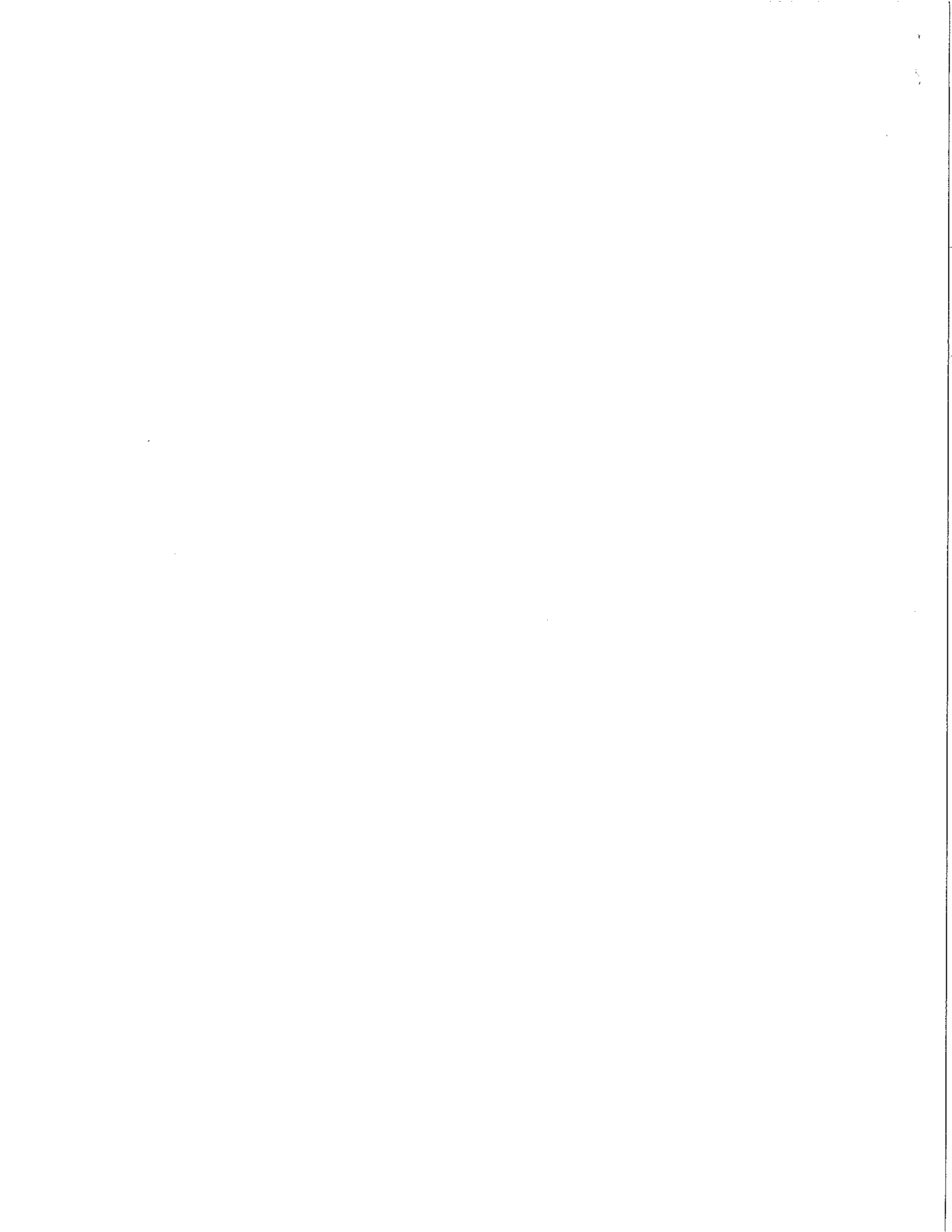
Zoning/Conditional Uses

- Other Issues
 - Home Occupations
 - No retail sales of any products other than medical marijuana are permitted at the dispensary.
 - No consumption of alcohol or medical marijuana on site
 - Additional Sign Standards
 - No personal advertising
 - Regulate signage – Size?
 - Regulate/specify building color



Questions?





Medical Marijuana

Municipality	Provisions	Ord. No.	Date
Cape Canaveral Brevard County	Ordinance being revised by City Attorney; will be presented to P&Z in July and presented to City Council in August.		<i>August 25, 2014</i>
Cocoa Brevard County	Sheriff Wayne Ivey: Presented Florida Constitutional Amendment on Use of Marijuana for Certain Medical Conditions.		June 10, 2014
Cocoa Beach Brevard County	Dispensaries allowed as Special Exception Use in the General Commercial (CG) zoning; 1,000' from any school or church; 200' from residential; prohibited in CRA; no onsite marijuana cultivation; no loitering; no drive-through service; no on-site consumption of marijuana and/or alcohol; 200' from arterial roads; operating hours	1581*	June 19, 2014 (4-1)
Grant-Valkaria Brevard County	Dispensaries as a Conditional Use Permit in Industrial Light (IU) and Industrial Heavy (IU-1) zoning; siting standards and requirements	2014-04	<i>August 13, 2014</i> <i>2nd reading</i>
Indian Harbour Beach Brevard County	<i>City Attorney advised Council to begin thinking about an ordinance or a moratorium</i>		April 8, 2014
Indialantic Brevard County	<i>No Action</i>		
Malabar Brevard County	City Attorney recommended council discussion to prepare for referendum passage		April 21, 2014
Melbourne Brevard County	<i>No Action</i>		
Palm Bay Brevard County	<i>No Action</i>		
Palm Shores Brevard County	Dispensaries only with Conditional Use Permit in Light Industrial (M-1); no loitering; no drive through service; no outside display; no alcohol; 2,500' from any school, park, or another dispensary; no delivery; no vending machines; signage; security; permit revocation terms	2014-06	May 27, 2014 (5-0)
Rockledge Brevard County	<i>No Action</i>		
Satellite Beach Brevard County	<i>No Action</i>		
West Melbourne Brevard County	<i>No Action</i>		
Brevard County	Citizen requested Dispensary zoning regulation discussion; Commission requested a staff report		July 8, 2014
Edgewood	Prohibits dispensaries, cannabis farms and non-	2014-04	June 17, 2014

Orange County	medical marijuana sales; Dispensaries only with Conditional Use Permit in Industrial (I) as Special Exception Use; no loitering; no drive through service; no alcohol; 2,500' from any school, day care, public park, or another dispensary; no delivery; no vending machines; signage; security; permit revocation terms		(4-0)
Maitland Orange County	Prohibits dispensaries, cannabis farms and non-medical marijuana sales; Conditional Use Permit in Commercial Dist. 3 (OC-3); no loitering; no drive through service; no alcohol; 2,500' from any school, day care, public park, or another dispensary		<i>August or September</i>
Lady Lake Lake County	Prohibits dispensaries, cannabis farms and non-medical marijuana sales; Dispensaries permitted as a Special Exception Use in the Heavy Commercial (HC) zoning district; no loitering; no drive through service; no alcohol; 2,500' from another dispensary; 1,500' from any school, religious facility, day care, or public park; hours of operation	2014-05	August 4, 2014 (5-0)
Mount Dora Lake County	Prohibits dispensaries, cannabis farms and non-medical marijuana sales; Dispensaries only with Conditional Use Permit in Workplace District (WP-2) as Special Exception Use; no loitering; no drive through service; no alcohol; 2,500' from any school, day care, public park, or another dispensary	2014-05	May 20, 2014 (7-0)
Flagler Beach Volusia County	Prohibits dispensaries, cannabis farms and non-medical marijuana sales; Dispensaries only with Conditional Use Permit in Highway Commercial (HC) as Special Exception Use; no loitering; no drive through service; no alcohol; 2,500' from any school, church, day care, public park, or another dispensary	2014-12	May 22, 2014 (5-0)
Ponce Inlet Volusia County	Prohibits dispensaries, cannabis farms and non-medical marijuana sales; Dispensaries only with Conditional Use Permit in General Retail (B-1) as Special Exception Use; no loitering; no drive through service; no alcohol; 2,500' from any school, church, day care, public park, or another dispensary	2014-05	July 17, 2014 (5-0)

*This ordinance provides comparable zoning and conditional requirements for Medical Marijuana Dispensaries as to the existing regulations for Pain Management Clinics.

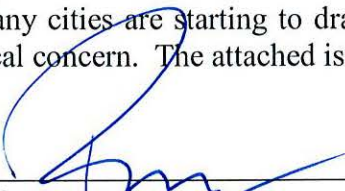
THIS MEMORANDUM IS A COMMUNICATION FROM COUNSEL TO AGENTS AND REPRESENTATIVES OF THE CITY OF FORT PIERCE IN AN ATTORNEY/CLIENT RELATIONSHIP AND IS THEREFORE CONFIDENTIAL AND IS FURTHER PROTECTED BY FLORIDA STATUTE SECTION 119.07 AS IT CONTAINS WORK PRODUCT OF THE ATTORNEY PREPARED IN ANTICIPATION OF, OR IN CONNECTION WITH, POTENTIAL OR PENDING ADVERSARIAL ADMINISTRATIVE PROCEEDINGS AND/OR CIVIL LITIGATION.

CITY OF FORT PIERCE - OFFICE OF THE CITY ATTORNEY

M E M O R A N D U M

TO: Robert J. Bradshaw, City Manager (*via email*)
FROM: Robert V. Schwerer, City Attorney
SUBJECT: Medical Marijuana
DATE: August 26, 2014

Attached is an updated outline of various issues presented by the Medical Marijuana legislation and Amendment 2 initiative which should be of interest to all municipalities. Many cities are starting to draft local legislation in anticipation of the various issues of local concern. The attached is being circulated solely for informational purposes.



Robert V. Schwerer, Esq.
City Attorney

/mlp

Attachment

cc: Fort Pierce Mayor and Commissioners (*via email*)
Nicholas Mimms, Deputy City Manager (*via email*)
R. Sean Baldwin, Chief of Police (*via email*)
Rebecca Grohall, Manager, Planning (*via email*)

MEDICAL MARIJUANA

Ryan G. Padgett
Assistant General Counsel
Florida League of Cities
(850) 701-3616
rpadgett@flcities.com

I. 2014 MEDICAL MARIJUANA LEGISLATION

“The Compassionate Medical Cannabis Act of 2014” (CS/CS/SB 1030) allows the use of low-THC cannabis to treat certain specified medical conditions such as epilepsy and ALS (Lou Gehrig’s disease). The strain of low-THC marijuana which has been legalized is popularly known as “Charlotte’s Web” and is administered in an oil or capsule form. This differs from Amendment 2, which would legalize all forms of cannabis to treat a wider variety of medical conditions. The legislation does not contain any provisions which preempt municipalities from enacting ordinances relating to medical marijuana.

The legislation provides the Florida Department of Health (DOH) rulemaking authority to establish the framework for the implementation and regulation of medical marijuana. DOH issued its most recent draft of proposed rules in mid-August. The draft rules still do not contain any provisions which preempt municipalities from enacting ordinances relating to medical marijuana. There are provisions in the draft rules which are of interest to municipalities.

- A marijuana dispensing organization facility (includes buildings where marijuana is grown as well as physically dispensed) may not be located within 1,000 feet, as measured from the primary dispensing organization structure to the nearest property line of an elementary, middle or secondary school, day care facility as defined in Section 402.302, F.S., county or municipal park, or place of worship which was in existence prior to the dispensing organization’s application to DOH.
- A marijuana dispensary must comply with current state and local building codes, fire codes, and electric codes. The previous draft included a catch-all phrase “...and other laws.” which was deleted from the most recent draft. Although the requirement only applies to the initial DOH application approval, the ambiguity may create uncertainty as to what other regulations municipalities can impose upon dispensaries.
- A marijuana dispensary must be open on a regular schedule approved by DOH. Specific weekly and daily operational time requirements have been removed.
- Allows law enforcement agencies to enter dispensing organization facilities and access to the “Compassionate Use Registry” of persons eligible for medical marijuana
- DOH will take public access, right-of-way, and parking needs into consideration when granting an application to become a dispensing organization

- The dispensary's medical director is required to respond to local municipalities regarding compliance with rules and regulations and community health and public safety concerns

During public comments at the rule hearing, questions regarding zoning and the ability of local governments to regulate medical marijuana were raised, with some advocating treating the dispensaries no different than drugstores. The concern of these advocates is local governments enacting restrictive ordinances which would effectively prohibit dispensaries from operating in city limits. DOH did not give any indication of its position on this issue. The next hearing will be on September 5.

II. AMENDMENT 2 – 2014 GENERAL ELECTION

In the 2014 general election, Florida voters will be asked to cast a “yes” or “no” vote on Amendment 2 which, per the ballot title, would allow for the “Use of Marijuana for Certain Medical Conditions.” Voters must approve the Amendment by a 60% majority. Several recent polls have shown support at or above the 60% threshold.

The Amendment does the following:

1. Authorizes use of medical marijuana
2. Specifies certain medical conditions which make a patient eligible for medical marijuana
3. Defines terms necessary for implementation and rulemaking by the Florida department of Health (DOH)
4. Requires DOH to promulgate implementing regulations within six months
5. Requires DOH to begin registering marijuana treatment centers and issuing identification cards to qualifying patients within nine months
6. Permits the Legislature to enact laws consistent with the Amendment

Absent from the text of the Amendment is any reference to the role of local government in its implementation and regulation. Since the Amendment leaves all discretion to the DOH and the Legislature on how the Amendment will be implemented, municipalities may wish to wait for guidance from the state. However, we do not recommend that approach.

Per the Amendment, two parties are involved in promulgating and implementing regulations, DOH and the Legislature. The regulatory framework provided by DOH will likely be based on the rules promulgated in implementing the 2014 “Charlotte’s Web” legislation. The Legislature’s involvement during the 2015 session will likely depend on the final rules adopted by DOH. Further clouding the issue is the 2014 gubernatorial race, with one candidate in favor of the Amendment and one candidate opposed. Depending on the outcome, the regulations promulgated by DOH could differ greatly.

III. ISSUES FOR MUNICIPALITIES TO CONSIDER

The 2014 “Charlotte’s Web” legislation and the possible passage of Amendment 2 provide much uncertainty to municipalities as to how medical marijuana will be regulated on a statewide level and what role local governments will be able to play (or be preempted) in its regulation in the future. In the event a municipality wants enact any ordinances prior to the rules being issued by the Department of Health (DOH) or any further action by the Legislature, here are some concepts to consider:

- **Prohibition**: A complete prohibition on the operation of “medical marijuana treatment centers” as defined in Amendment 2 and “dispensing organizations” as defined in the 2014 legislation in s. 381.986, F.S.
- **Impacts**: The locations of marijuana cultivation and dispensaries may impact municipalities in several ways:
 - Increased traffic flow, interference with the adjacent right-of-way, and limited parking similar to past experiences with pain clinics.
 - The odor of marijuana is very strong. All buildings in the area surrounding the dispensary could be negatively affected.
 - Marijuana dispensaries in other states have been unable to deposit cash in banks due to the banks’ concerns over violating federal money laundering laws. Any business with a large amount of cash on hand risks criminal activity such as robberies and burglaries.
- **Zoning**: If a municipality does not change its zoning ordinances, marijuana dispensaries are likely to be located in areas where medical offices and pharmacies currently exist. Many cities in other states have restricted dispensaries to areas which have been zoned for industrial use. While DOH has promulgated a draft rule which restricts a marijuana dispensing organization from being located within 500 feet of a school, a municipality may want to go beyond this limitation and add additional setback requirements. Municipalities may want to review the zoning requirements in adult entertainment ordinances for guidance.
- **Security standards**: Although municipalities are preempted from adopting security standards for convenience stores pursuant to s. 812.1725, F.S., there are no such preemptions in Amendment 2, the 2014 legislation, or DOH draft rules. The state standards for convenience store security in s. 812.173, F.S. may be a useful template for any municipal ordinances regulating marijuana dispensaries
- **Permitting**: In addition to other restrictions, municipalities in other states have added a licensing requirement for medical marijuana dispensaries. The municipalities have then restricted the number of permits which may be issued at any one time. Municipalities may want to review the permitting requirements in adult entertainment ordinances for guidance.

- **Smoking bans:** As stated above, the smoke and strong odor of marijuana can be a nuisance. No law or draft rule prohibits municipalities from treating marijuana in the same manner as is currently allowed for tobacco products. In fact, the website of the group pushing Amendment 2 contains specific language that their intent is for the smoking medicinal marijuana to be treated in a manner identical to tobacco. While the opinion of this group are neither law nor rule, the stated intent of the group is positive for municipal regulation authority.
- **Utility impacts:** Other states have reported the amount of electricity needed to grow marijuana has, in some circumstances, significantly increased demand on the power grid. Municipalities which operate municipal utilities may want to consider reviewing current policies on the use of electricity. Municipalities may also want to consider the existing utility infrastructure in making a determination of where dispensaries may be located.
- **Fire:** The processing equipment and contents of marijuana dispensaries are extremely flammable. Municipalities may want to consider setback requirements and the impact on fire services when making decisions on where dispensaries can be located.
- **Licensing requirements / Fees:** In a manner similar to the establishment of security requirements, municipalities may want to consider any additional licensing requirements and fees required for dispensaries to operate in city limits. While cities may not levy sales taxes on marijuana as they have been permitted to do in Colorado, other fees and business taxes may be available for municipalities to pursue.
- **Drug testing of employees:** The Supreme Courts of several states have held because marijuana is still a banned substance under federal law, an employee may be discharged for a positive marijuana drug test even if the employee is permitted to use medicinal marijuana under state law. Florida courts have not had the opportunity to consider the matter. Although these decisions are not binding in Florida, they may be persuasive when such a case arises. Municipalities may want to amend their employment policies consistent with these decisions.
- **Law enforcement:** The initial draft of DOH rules allow law enforcement agencies to enter marijuana dispensaries and access the “Compassionate Use Registry.” Municipal law enforcement agencies may want to consider creating policies and procedures for when and how to enter a dispensary or access the Registry.

Several municipalities have already enacted ordinances related to medical marijuana dispensaries. Copies of these ordinances can be obtained by contacting Ryan Padgett, Assistant General Counsel, Florida League of Cities.