

# CITY OF TAMPA



Pam Iorio, Mayor

## EXECUTIVE ORDER NO. 2007 - 2

WHEREAS, previously enacted Executive Order No. 98-02 provided that the City of Tampa and all its Departments voluntarily continue to comply with the provisions of the Women and Minority Business ("WMBE") Ordinance (as formerly set forth in City of Tampa Code Chapter 26.5, Part 1.) as said Ordinance existed on February 27, 1998; and

WHEREAS, the provisions within said Ordinance, as authorized by Executive Order 98-02, provided the City of Tampa with a program to encourage WMBE participation in subcontracting; and

WHEREAS, the City of Tampa subsequently commissioned and obtained a final disparity study, which was reviewed, revised and ultimately accepted as final in December of 2006 ("Disparity Study"); and

WHEREAS, since the Disparity Study established that there is no disparity in the City of Tampa's subcontracting program, the City of Tampa immediately ceased all applications of Executive Order No. 98-02 that were inconsistent with the Disparity Study findings; and

WHEREAS, although the Disparity Study did not find a disparity with regard to the City's utilization of women and minorities in subcontracting, the City wants to encourage its citizens, partners, contractors and the larger community to continue their efforts to maintain such parity and retain the diversity among subcontractors within the City of Tampa; and

WHEREAS, in furtherance thereof the City of Tampa will continue to document and identify subcontracting opportunities on all contracts and maintain lists of certified WMBEs in order to continue to monitor the degree of diversity in its subcontracting programs and to facilitate new and continued relationships; and

WHEREAS, the Disparity Study found deficiencies for women and minority owned businesses in selected areas of City of Tampa prime contracts; and

WHEREAS, a citizens task force has been formed to review the Disparity Study findings and recommendations in order to assist the City in developing a comprehensive

program to be enacted pursuant to City ordinance addressing the prime contracting deficiencies; and

WHEREAS, it is in the interest of the citizens of Tampa to enact an ordinance to remedy these deficiencies and to address the issue on an interim basis before final approval of such an ordinance ("Transition Period"); and

WHEREAS, in furtherance thereof it is in the best interest of the City of Tampa to amend and restate Executive Order No. 2002-48, the City's Small Business Enterprise Program, to pursue race and gender neutral solutions to the disparity relative to prime contractors during the Transition Period.

NOW, THEREFORE, by virtue of the authority vested in me pursuant to Section 4.01 of the Charter of the City of Tampa as Mayor of the City of Tampa, and the laws of the State of Florida, I do hereby prescribe and promulgate the following to be applicable during the Transition Period:

1. The City desires to continue to encourage the use of a diverse and balanced work force on City projects, including those utilizing subcontractors, in order to maintain a diverse workforce, but there shall be no mandatory goals for the utilization of subcontractors as formerly set forth in City of Tampa Code of Ordinances Chapter 26.5, Part 1, as it existed on February 27, 1998.
2. It is the City's intent that the amendments to former City of Tampa Code of Ordinances Chapter 26.5 comport with the requirements as set forth within the Disparity Study and relevant jurisprudence. Consequently, Executive Order No. 98-02 is hereby superseded, except for those provisions within former City of Tampa Code of Ordinances Chapter 26.5, which are hereby amended in order to require bidders to identify and report to the City their utilization of certified minority and women-owned businesses for subcontract work in order to assist the City in monitoring, evaluating and encouraging the maximum utilization of a diverse workforce. Except as provided to the contrary in the City of Tampa Charter, those provisions which shall remain in force are as follows:
  - (a) § 26.5-1;
  - (b) § 26.5-3 thru § 26.5-5; except the term "official" shall mean the Chief of Staff or designee;
  - (c) § 26.5-6, however, certifications shall be effective for a period of two (2) years from the date of notification of certification;
  - (d) § 26.5-41(a) and (b); however, the goals shall be informational not mandatory;
  - (e) § 26.5-42;
  - (f) § 26.5-56;
  - (g) § 26.5-71;
  - (h) § 26.5-74(a) and (b)(1);

- (i) § 26.5-86(a) thru (c), however, the “requirements” are no longer mandatory;
- (j) § 26.5-103, however, “efforts” are no longer mandatory; and
- (k) § 26.5-104, however, “reports” shall be required relative to all subcontractors.

3. Executive Order No. 2002-48, as amended by Executive Orders Nos. 2004-01 and 2004-06, is hereby deleted in its entirety, and replaced as follows:

## CITY OF TAMPA

### SMALL BUSINESS ENTERPRISE PROGRAM

#### ARTICLE I. IN GENERAL

##### SEC. 1. TITLE

This Program shall be known and may be cited as the City of Tampa Small Business Enterprise Program.

##### SEC. 2. PURPOSE AND DECLARATION OF POLICY

The City of Tampa Small Business Enterprise Program is based on opportunity, diversity, and equity in contracting and procurement activities. In a race and gender neutral manner, the Program will assure fair and equal opportunities for all small business enterprises. The City has a compelling interest in implementing small business enterprise participation in City contracting and procurement activities.

##### SEC. 3. APPLICABILITY

Unless precluded by applicable law, the provisions of the Program shall apply to the procurement of construction services, construction-related services, goods, non-professional services and professional services by the City awarded by bid request for proposal (RFP) request for qualifications (RFQ) or job order contracting services (JOCS). Such work shall be referred to herein as "Eligible Contracts." Any emergency contracts or procurements shall not be considered Eligible Contracts."

##### SEC. 4. DEFINITIONS

As used herein, certain abbreviations, terms, phrases, words and their derivatives shall have the following meanings:

**Bid** means and includes a quotation, proposal, solicitation or offer by a bidder or contractor to perform or provide labor, materials, supplies or services to the City for a price.

**Bidder** means any business that submits a quotation, bid, proposal or offer to provide labor, materials, supplies or services to the City.

**Certified Small Business Enterprise** means an SBE certified as an SBE by the City of Tampa pursuant to the Program.

**Contract** means and includes any agreement or bid award, and all requirements of the City associated therewith, regardless of what it may be called, between the City and a person to provide or procure labor, materials, supplies or services to, for or on behalf of the City.

**Director** means the managing director of the City of Tampa Minority Business Development Program or his or her designee.

**Small Business Enterprise (SBE)** means a business that

- (a) Is domiciled in the county of Hillsborough, Pasco, Pinellas, Manatee or Polk;
- (b) Is independently owned and operated;
- (c) Employs Twenty-Five (25) or fewer permanent, full-time employees; and
- (d) Whose average gross annual sales over the previous three-year period was Three Million Dollars (\$3,000,000.00) or less.

**Sheltered market procurement** means that only City-certified SBEs are eligible to participate in and respond to the specific procurement.

## **SEC. 5. ADMINISTRATIVE AUTHORITY, POWERS AND DUTIES**

- (a) The provisions of the Program shall be administered and enforced by the Manager.
- (b) The Manager's powers and duties include the following:
  - (1) Establish written procedures to implement the Program;
  - (2) Establish procedures for certification of businesses as SBEs;
  - (3) Provide information and assistance to SBEs and increase their ability to compete effectively for the award of City solicitations for procurements;
  - (4) Keep SBEs apprised of opportunities for technical assistance and training;
  - (5) Monitor the progress of the Program to ensure that SBEs have opportunities to participate in the City's procurement of goods and services.

- (c) All department heads/directors shall recommend goods and services procurements for SBE sheltered markets, and shall monitor their procurement data to ensure that SBEs are provided opportunities to participate in the City's procurement of goods and services.

## **SEC. 6. CERTIFICATION**

- (a) Any SBE, operating as such for at least six (6) months prior to application, wishing to qualify to participate in City contracting and procurement activities as an SBE under the Program must be certified as an SBE by the Manager. All certifications shall be effective for a period of two (2) years from the date of notification of certification. If, during the certification period, an SBE experiences changes in ownership, employment, control or location, it shall be the SBE's responsibility to report said changes to the Manager. Failure to report said changes may result in revocation of certification, or denial of re-certification for a period not to exceed one (1) year.
- (b) If the Manager denies or revokes certification as an SBE because the business is not qualified, or the business fails to maintain the qualifying characteristics upon which it was certified by the Manager as an SBE, the business may reapply to the Manager one (1) year after receipt of the notice of denial or revocation.
- (c) Any applicant for SBE certification which makes any willful misstatement, deceptive or fraudulent statement or misrepresentation to the Manager may, in addition to any other penalties, have its certification revoked, or be denied certification or re-certification for a period not to exceed one (1) year.
- (d) All SBEs are expected to perform all contract requirements as directed by the City. If an SBE fails to perform as required, the Manager shall revoke the SBE's certification for one (1) year or until such time as the SBE can demonstrate the capacity to perform similar contracts.
- (e) All applicants for SBE certification shall be required to attend an SBE orientation. The purpose of this orientation is to familiarize applicants with the policies and procedures for doing business with the City.

**ARTICLE 2 - SMALL BUSINESS ENTERPRISE  
OUTREACH AND SHELTERED MARKETS**

**SEC. 7. OUTREACH; NOTIFICATION**

For all procurements subject to an SBE sheltered markets, the user or soliciting department shall send written notification promptly to all certified SBEs that perform the type of services or provide the type of goods to be solicited. The notification, a copy of which shall be sent to the Manager, shall advise the SBEs:

- (a) Of the specific services or goods the City is soliciting;
- (b) That their interest is being solicited; and
- (c) How to obtain requests for proposals, invitations to bid, or information or specifications for the solicitation.

**SEC. 8. SMALL BUSINESS ENTERPRISE COMMITTEE**

- (a) Scope of Responsibility-An SBE Committee is established to: identify and designate projects appropriate for the SBE's sheltered markets for Eligible Contracts; identify and designate larger procurements which lend themselves to downsizing into smaller procurements; identify and designate procurements for waiver of payment and/or performance bonds; and approve and issue routine, periodic reports that are prepared by the Manager utilizing information provided by the user or soliciting departments of the City. The Committee shall meet as often as is necessary to satisfy such responsibilities. The meeting place, time and date for each meeting of the Committee shall be arranged by the Chairperson of the Committee.
- (b) The SBE Committee shall be composed of six (6) members:
  - 1) Chief of Staff
  - 2) Minority Business Development Manager
  - 3) Purchasing Director
  - 4) City Attorney
  - 5) Public Works Administrator
  - 6) Contract Administration Director

In the event one or more of the above officials is unable to perform his or her duties in connection with any meeting of the SBE Committee, he or she shall name a designee to represent him or her.

## **SEC. 9. SHELTERED MARKETS FOR CONSTRUCTION**

- (a) The SBE Committee may shelter construction projects and construction management services with an estimated cost of \$200,000.00 or less for bid only by certified SBEs. Such procurements shall be economically feasible contracts that SBEs are capable of performing. In order to assure necessary competition, at least three (3) certified SBEs must be available and capable of performing the type of work within the scope of the respective construction project to be solicited or the construction project cannot be sheltered.
- (b) By November 1 of each year, all user or soliciting departments that undertake construction projects shall submit a report to the SBE Committee and the Manager containing all proposed construction projects with an estimated cost of \$200,000.00 or less. The report shall also indicate which proposed construction projects are recommended for shelter, together with the justifications for such recommendations and, when applicable, recommend which proposed construction projects should be subject to payment and/or performance bond requirements or a waiver from such requirements, together with the justifications for such recommendations.
- (c) The Manager shall determine and advise the SBE Committee whether at least three (3) certified SBEs are available and capable of performing the type of work within the scope of each proposed construction project contained in such reports.
- (d) Following a review of such reports, the Manager's determinations regarding the availability and capability of at least three (3) certified SBEs and the nature, scope and complexity of each construction project contained in such reports, the SBE Committee shall determine which construction projects will be sheltered for certified SBEs, and, in accordance with the procedures provided for herein, whether the construction projects so sheltered will be subject to payment and/or performance bond requirements.
- (e) If, in the judgment of the SBE Committee, or the user or soliciting department, bids received in response to an invitation for bids for a construction project sheltered pursuant hereto are deemed to be non-responsive, excessive or unreasonable, based upon the nature or cost of similar construction projects in the market area, all bids shall be rejected and a new invitation for bids open to all bidders will be issued by the City.

- (f) When necessary, all user or soliciting departments that undertake construction projects shall submit a report to the SBE Committee and the Manager containing any proposed modifications to previously approved sheltered construction projects, together with the justifications for such modifications. The SBE Committee shall determine whether any proposed modifications to previously approved sheltered construction projects are appropriate, and make any necessary modifications to such previously approved action.
- (g) When necessary, all user or soliciting departments that undertake construction projects shall submit a report to the SBE Committee and the Manager containing all proposed construction projects with an estimated cost of \$200,000.00 or less that were proposed after the preceding November 1. The procedures set forth in this Section 9 shall be applied to such projects to determine which projects from such report, if any, will be sheltered.
- (h) Pursuant to Section 255.05(1)(a) Florida Statutes, payment and performance bonds for City construction projects of \$200,000.00 or less may be waived. The following procedures shall be followed to determine whether payment and performance bonds should be waived for a sheltered construction project. The SBE Committee shall review the nature, scope and complexity of each construction project to determine the appropriateness of waiving payment and performance bond requirements. The factors to be considered include, but are not limited to:
  - (1) Complexity of the construction project;
  - (2) City experience with the type of construction project under review;
  - (3) Exceptional risk factors; and
  - (4) The recommendations of the user or soliciting departments.
- (i) The following procedures shall apply to construction projects for which payment and performance bond requirements have been waived:
  - (1) Ten percent (10%) of each approved request for payment by the SBE shall be retained by the City until fifty percent (50%) completion of the construction project, after which the retained amount may be reduced to five percent (5%) of each approved request for payment until the construction project has been completed;

- (2) The SBE shall provide a written, verified statement, in a form acceptable to the Manager and the user or soliciting department, showing in detail all amounts then due and unpaid by the SBE, or its subcontractors, to all laborers, workmen and mechanics employed by the SBE under the Contract, for daily or weekly wages, or to other persons for materials, equipment or supplies delivered to the site of the work, during the period covered by the payment under consideration;
  - (3) Prior to final payment, the SBE shall submit to the City a sworn affidavit that all of its bills for labor, services, materials and subcontractors have been paid and that there are no suits pending in connection with the work provided under the Contract, and waivers from all material suppliers and subcontractors as defined in Section 713.01 Florida Statutes, attesting that they have no claims against the SBE resulting from completion of the work provided under the contract for the construction project; and
  - (4) Bid Bond - The waiver of payment and/or performance bonds does not waive the requirement of a bid bond. All City requirements regarding the posting of a bid bond or other acceptable bid security shall remain in force.
- (j) SBEs selected for sheltered market projects shall perform at least fifty-one percent (51%) of the contract, including the cost of materials, goods, and supplies, with their own manpower, resources and equipment.

## **SEC. 10. SHELTERED MARKETS FOR CONSTRUCTION-RELATED SERVICES**

- (a) Unless precluded by applicable law, the SBE Committee may shelter procurements of Eligible Contracts for construction-related services, including, but not limited to, architectural and engineering services with an estimated fee of \$25,000.00 or less for certified SBEs. Such procurements shall be economically feasible contracts that SBEs are capable of performing. In order to assure necessary competition, at least three (3) certified SBEs must be available and capable of providing the professional services to be solicited or the procurement cannot be sheltered.
- (b) The Manager shall determine and advise the SBE Committee whether at least three (3) certified SBEs are available and capable of providing the respective construction related services for each proposed procurement contained in such reports.
- (c) Following a review of such reports and the Manager's determinations regarding the availability and capability of at least three (3) certified SBEs,

the SBE Committee shall determine which procurements will be sheltered for certified SBEs, and whether the procurements sheltered will be subject to payment and/or performance bond requirements. The SBE Committee shall also determine whether any proposed modifications to previously approved sheltering of procurements for such construction related services are appropriate, and make any necessary modifications to such previously approved action.

- (d) If, in the judgment of the SBE Committee, or the user or soliciting department, proposals received in response to a request for proposals for sheltered market procurement pursuant hereto are deemed to be non-responsive, excessive or unreasonable, based upon the nature or cost of similar procurements in the market area, all proposals shall be rejected and a new request for proposals open to all proposers will be issued by the City.

#### **SEC. 11. SHELTERED MARKETS FOR GOODS AND NON-PROFESSIONAL SERVICES**

- (a) The SBE Committee may shelter procurements of goods and non-professional services relating to Eligible Contracts with an estimated cost of \$25,000.00 to \$200,000.00 for certified SBEs. Such procurements shall be economically feasible contracts that SBEs are capable of performing. In order to assure necessary competition, at least three (3) certified SBEs must be available and capable of providing the goods or non-professional services to be solicited or the procurement cannot be sheltered.
- (b) The Manager shall determine and advise the SBE Committee whether at least three (3) certified SBEs are available and capable of providing the respective goods or non-professional services for each proposed procurement contained in such reports.
- (c) Following a review of such reports and the Manager's determinations regarding the availability and capability of at least three (3) certified SBEs, the SBE Committee shall determine which procurements will be sheltered for certified SBEs, and whether the sheltered procurements will be subject to payment and/or performance bond requirements. The SBE Committee shall also determine whether any proposed modifications to previously approved sheltering of procurements of goods and non-professional services are appropriate, and make any necessary modifications to such previously approved action.
- (d) If, in the judgment of the SBE Committee, or the user or soliciting department, bids received in response to an invitation for bids for a sheltered procurement pursuant hereto are deemed to be non-responsive, excessive or unreasonable, based upon the nature or purchase price of

similar procurements in the market area, all bids shall be rejected and a new invitation for bids open to all bidders will be issued by the City.

- (e) The following procedures shall apply to procurements of goods and non-professional services with an estimated cost of \$2,000.00 to \$24,999.00:
  - (1) Upon receipt of requests for procurements of goods and non-professional services with an estimated cost of \$2,000.00 to \$24,999.00 from user departments, the Director of Purchasing shall cause copies thereof to be provided to the Manager for review and outreach;
  - (2) On a monthly basis, the Director of Purchasing shall submit a report to the SBE Committee and the Manager of all potential procurements for such month within commodity codes containing three (3) or more certified SBEs. Upon concurrence by the SBE Committee, the Director of Purchasing shall shelter all such procurements, whether conducted by a user department or the Purchasing Department, for certified SBEs. For each procurement awarded to a certified SBE, the user department shall submit proper documentation to the Purchasing Department in order for a requisition to be released as a purchase order to the certified SBE that has received the procurement award; and
  - (3) If, in the judgment of the Director of Purchasing, bids received in response to an invitation for bids for a sheltered procurement pursuant hereto are deemed to be non-responsive, excessive or unreasonable, based upon the nature or purchase price of similar procurements in the market area, all bids shall be rejected and a new invitation for bids open to all bidders will be issued by the City.

In the event all such bids are rejected pursuant hereto, the Director of Purchasing shall cause the Manager to be notified of such rejection.

## **SEC. 12. SHELTERED MARKETS FOR PROFESSIONAL SERVICES**

- (a) Unless precluded by applicable law, the SBE Committee may shelter procurements of professional services, relating to Eligible Contracts, including, but not limited to, consulting services, with an estimated cost of \$100,000.00 or less for certified SBEs. Such set-asides shall be economically feasible contracts that SBEs are capable of performing. In order to assure necessary competition, at least three (3) certified SBEs must be available and capable of providing the professional services to be solicited or the procurement cannot be sheltered.

- (b) The Manager shall determine and advise the SBE Committee whether at least three (3) certified SBEs are available and capable of providing the respective professional services for each proposed procurement contained in such reports.
- (c) Following a review of such reports and the Manager's determinations regarding the availability and capability of at least three (3) certified SBEs, the SBE Committee shall determine which procurements will be sheltered for certified SBEs, and whether the sheltered market procurements will be subject to payment and/or performance bond requirements. The SBE Committee shall also determine whether any proposed modifications to previously approved sheltered market procurements of professional services are appropriate, and make any necessary modifications to such previously approved action.
- (d) If, in the judgment of the SBE Committee, or the user or soliciting department, proposals received in response to a request for proposals for a sheltered market procurement pursuant hereto are deemed to be non-responsive, excessive or unreasonable, based upon the nature or cost of similar procurements in the market area, all proposals shall be rejected and a new request for proposals open to all proposers will be issued by the City.

### **ARTICLE 3. SMALL BUSINESS ENTERPRISE PARTICIPATION IN GENERAL BIDDING AND PROCUREMENT**

#### **SEC. 13. GENERAL BIDDING AND PROCUREMENT (NON-SHELTERED MARKET)**

- (a) **Bid Evaluation.** For bid evaluation and quote evaluation purposes only, in a non-sheltered market, the department procuring service or goods may include in invitations to bid requests for proposals (both written and verbal), objectively measurable discounts for bids and quotes submitted by small business enterprises, as defined in this chapter. When establishing such documents, the procuring department shall apply a 5% discount to bids submitted by certified small business enterprises. The bid discount shall be used for evaluation and quote purposes only. In no event shall any such discount exceed \$10,000.00.
- (b) **Proposal Evaluation.** The City shall grant a rating preference of five (5) additional/bonus points to City-certified SBEs when evaluative and rating bids subject to Request for Proposal or Request for Qualifications.
- (c) **Revision of Insurance Requirements.** The City shall consider the reduction or waiver of insurance requirements to the maximum extent possible to ensure the limitation of liability to the City and completion of the service being procured in a professional and/or workmanlike manner.

The procuring department, together with the Purchasing Department and as applicable, Contract Administration Department, and the City's Risk Management Department, shall establish the appropriate level of insurance required prior to solicitation.

#### **ARTICLE 4. NONCOMPLIANCE; APPEALS**

##### **SEC. 14. NOTIFICATION OF NONCOMPLIANCE, DENIAL OR REVOCATION OF CERTIFICATION**

Upon a determination of noncompliance with the provisions of the Program, any City procedures established pursuant hereto, or denial or revocation of certification as an SBE by the Manager, the Manager shall notify the affected party in writing by certified mail, return receipt requested, setting forth the reasons for the determination of noncompliance, or denial or revocation of certification.

##### **SEC. 15. FILING TIME LIMIT; APPOINTMENT OF HEARING OFFICERS**

- (a) Any aggrieved party that is the subject of a determination of noncompliance with the provisions of the Program or City procedures established pursuant thereto, or had its certification as an SBE denied or revoked may appeal the determination of noncompliance, or denial or revocation of certification by filing a notice of appeal with an SBE hearing officer in writing within seven (7) calendar days of receipt of the notice of the determination of noncompliance, or denial or revocation of certification.
- (b) Hearing officers shall be appointed by the Mayor and approved by the City Council for a term not to exceed two (2) years. Hearing officers shall not be entitled to compensation; however, all hearing officers shall receive reimbursement for parking in City garages and for mileage for any hearing-related business. Such reimbursement shall be consistent with City policy.
- (c) The Manager shall assign an SBE hearing officer or a panel of hearing officers to hear a particular case. The written decision of a panel must be concurred in by at least two (2) members. No hearing officer shall hear a matter if he or she has participated personally in the matter on appeal.

##### **SEC. 16. NOTICE OF HEARING DATE AND HEARING**

The duties of the SBE hearing officer shall be as follows:

- (a) The hearing officer shall set a hearing date not more than ten (10) calendar days from the date of receipt of the notice. The hearing officer shall cause notice of the hearing to be served upon all parties by certified mail, return receipt requested. Such notice shall set forth with particularity the actions appealed from by the aggrieved party and shall include the hearing date, time and place.
- (b) At the hearing, all parties shall be provided a fair and impartial hearing and shall be allowed to produce any and all evidence concerning the determination of noncompliance with the provisions of the Program or any City procedures established pursuant hereto, or the denial or revocation of certification as an SBE.
- (c) Strict rules of evidence shall not apply to these hearings. The parties and their counsel, if any, may submit witnesses and evidence as appropriate to the issue under review. The hearing officer shall conduct all examinations and cross examinations. The hearing officer may further direct production of documents as necessary.

#### **SEC. 17. DECISION AND NOTICE OF DECISION**

- (a) The hearing officer shall, within ten (10) calendar days of the hearing, make a written decision on the appeal, which decision shall affirm, alter or reverse the determination of noncompliance, or denial or revocation of certification by the Manager. The hearing officer shall decide whether the determination of noncompliance, or denial or revocation of certification being appealed was in accordance with the Program, relevant laws and the terms and conditions of the solicitation before the contract is awarded or penalties are imposed. If the hearing officer finds for the aggrieved party, as appropriate, the business shall be certified as an SBE and added to the list of certified SBEs maintained by the City or the business shall be found in compliance with the provisions of the Program and, among other things, permitted to have its bid or proposal considered by the City. If the hearing officer affirms the administrative decision of the Manager, the Manager shall make recommendations and findings of the final disposition to the Mayor.
- (b) The hearing officer shall issue written notice of the decision on the appeal to all parties within ten (10) calendar days of the hearing. The notice of the decision shall be sent to all parties by certified mail, return receipt requested, and shall set forth the reasons for the decision.

This EXECUTIVE ORDER shall take effect immediately.

IN WITNESS WHEREOF, this Executive Order has been promulgated by me this 3<sup>rd</sup> day of May, 2007.



---

**PAM IORIO**  
**MAYOR**

Approved by:



---

David L. Smith, City Attorney