

ORDINANCE NO. 2017-20

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CLEWISTON, HENDRY COUNTY, FLORIDA, ENACTING A NEW CHAPTER 2, ARTICLE V., "EMPLOYMENT SCREENING" TO PROVIDE FOR CRIMINAL HISTORY RECORD CHECKS, INCLUDING ELECTRONIC FINGERPRINTING FOR MUNICIPAL EMPLOYEES, APPOINTEES, CONTRACTORS, AND VENDORS PURSUANT TO SECTION 166.0442, FLORIDA STATUTES; FINDING CERTAIN POSITIONS OF MUNICIPAL EMPLOYMENT OR APPOINTMENT, AS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, TO BE CRITICAL TO SECURITY OR PUBLIC SAFETY WITHIN THE CITY; FINDING CERTAIN PUBLIC FACILITIES AND PUBLICLY OPERATED FACILITIES AS DESCRIBED IN EXHIBIT "B" ATTACHED HERETO TO BE CRITICAL TO SECURITY OR PUBLIC SAFETY WITHIN THE CITY; PROVIDING FOR MODIFICATIONS TO POSITIONS OF MUNICIPAL EMPLOYMENT OR APPOINTMENT AND MODIFICATIONS TO PUBLIC FACILITIES AND PUBLICLY OPERATED FACILITIES TO BE MADE BY RESOLUTION ADOPTED BY THE CITY COMMISSION; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING FOR THE REPEAL OF ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 166.0442, Florida Statutes, provides the authority for a municipality to require employment screening, including fingerprinting for any private contractor, employee of a private contractor, vendor, repair person, or delivery person who has access to any public facility or publicly operated facility that the governing body of a municipality finds is critical to security or public safety; and

WHEREAS, the City Commission finds that certain positions of municipal employment or appointment as described in Exhibit "A", attached hereto, are critical to security or public safety, and should be subject to background screening and fingerprinting authorized by Section 166.0442, Florida Statutes; and

WHEREAS, the City Commission finds that certain public facilities and publicly operated facilities as described in Exhibit "B" attached hereto are critical to security and public safety, and those vendors, contractors, repair persons, and delivery persons who enter those facilities should be subject to the background screening and fingerprinting authorized by Section 166.0442, Florida Statutes; and

WHEREAS, the City Commission for the City of Clewiston finds that the enactment of this ordinance to provide for the type of employment screening, including fingerprinting, which is authorized

by Section 166.0442, Florida Statutes, is in the best interest of the health, safety, and welfare of the residents of the City of Clewiston.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CLEWISTON, HENDRY COUNTY, FLORIDA, as follows:

SECTION 1. Purpose and Intent.

A new Article V, Employment Screening of chapter 2, Administration, of the Code of City Ordinances of the City of Clewiston is hereby created and shall read as follows:

Article V, Employment Screening

Section 2-200

- (a) Any individual who is currently being employed, is seeking employment, or is to be appointed to a position of municipal employment or appointment which the City finds is critical to security or public safety shall be subject to employment screening. The employment screening process shall require that each person applying for, or continuing employment in any such position, or having access to any such facility, be fingerprinted. The City shall submit the fingerprints to the Florida Department of Law Enforcement for a state criminal history record check who will forward the fingerprints to the Federal Bureau of Investigation for a national criminal history record check. The information obtained from the criminal history record checks conducted pursuant to this section may be used to determine an applicant's eligibility for employment or appointment and to determine an employee's eligibility for continued employment. The fingerprinting and associated criminal history record checks shall be in addition to any other background screening which the City may lawfully undertake. The costs of such employment screening pursuant to this section shall be borne by the City.
- (b) Any private contractor, any employee of a private contractor, vendor, repair person, or delivery person who has access to any public facility or publicly operated facility that the City Commission finds is critical to security or public safety shall be subject to employment screening as described in paragraph (a) above. The employment screening process shall require that each person having access to any such facility be fingerprinted. The costs of such employment screening pursuant to this section shall be borne by the contractor, vendor, repair person or delivery person.
- (c) The positions of municipal employment and appointment that are critical to security or public safety are listed in Exhibit "A", attached hereto.
- (d) The public facilities and publicly operated facilities that are critical to security or public safety are listed in Exhibit "B", attached hereto.

SECTION 2.

That the City Commission hereby finds the positions of employment and appointment within the City, as listed in the attached Exhibit "A" are critical to security or public safety. Any changes to the positions of the City listed on Exhibit "A" may be modified by Resolution adopted by the City Commission.

SECTION 3.

That the City Commission hereby finds that the public facilities and/or publicly operated facilities, as listed in the attached Exhibit "B" are critical to the security or public safety. Any changes to the public facilities and/or publicly operated facilities as listed on Exhibit "B" may be modified by Resolution adopted by the City Commission.

SECTION 4.

Severability/Interpretation Clause. In the event that any term, provision, clause or section of this ordinance shall be held by a court of competent jurisdiction to be partially or wholly unenforceable or invalid for any reason whatsoever, and such invalidity, or illegality, or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences, or sections of this ordinance, and this ordinance shall be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence or section did not exist.

SECTION 5.

That all ordinances or resolutions or parts thereof that may be determined to be in conflict herewith are hereby repealed.

SECTION 6.

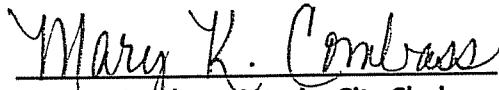
It is the intention of the City Commission of the City of Clewiston that the provisions of this ordinance shall be made a part of the City of Clewiston Code of Ordinances and the sections be renumbered to accomplish such intention.

SECTION 7.

That this ordinance shall become effective immediately upon its adoption.

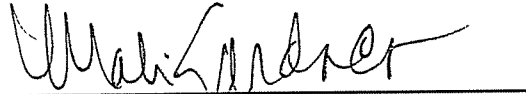
PASSED AND ADOPTED by the City Commission of the City of Clewiston, Hendry County, Florida, this 18th day of December, 2017.

ATTEST:



Mary K. Combass, Interim City Clerk

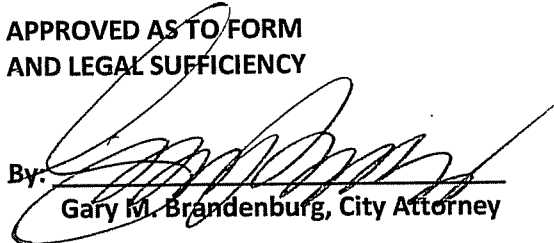
CITY OF CLEWISTON, FLORIDA



Mali Gardner, Mayor

(MUNICIPAL SEAL)

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

By: 

Gary M. Brandenburg, City Attorney

EXHIBIT "A"

Positions of Municipal Employment

Administration and Finance

City Manager
City Attorney
City Clerk
Finance Director
Finance Manager
Purchasing Agent
Finance Specialist
Accountant
Custodian

Planning

Building Official
Fire Marshal
Office Manager
Code Enforcement Officer
Planning Assistant

Police

Chief
Assistant Chief
Lieutenant
Sergeant
Detective
Police Officer
Crime Scene Technician
Records Supervisor
Animal Control Officer
Dispatcher/Uncertified
Dispatcher/Certified
Records Clerk

Library

Director
Sr. Library Aide
Library Aide

Recreation

Director
Program Director
Secretary
Recreation Attendant
Groundskeeper I
Lifeguard
Camp Counselor

Golf Course

Director
Superintendent
Grounds Supervisor
Asst. Grounds Supv./Mechanic
Groundskeeper II
Pro Shop Clerk
Bag Room Attendant
Groundskeeper

Public Works

Director
Superintendent
Mechanic II
Mechanic I
Maintenance Technician
Equipment Operator III
Truck Driver III
Equipment Operator II
Truck Driver II
Equipment Operator
Truck Driver I
Office Coordinator
Maintenance Worker II
Maintenance Worker I
Groundskeeper I
Sign Tech/Groundskeeper

Fire

Volunteer Fireman

Waste Water Treatment Plant

Superintendent
WWTP Lead Operator
WWTP "C" Operator
Serviceman
Equipment Operator III
Equipment Operator II
Equipment Operator
General Laborer

Water Treatment Plant

RO Water Plant Operator

Utilities

Director

Electrical Dept. Superintendent

Network Systems Administrator

Lead Lineman

Office Manager

Compliance Manager

Customer Service Supervisor

Lineman

Water/Wastewater Foreman

Apprentice Lineman III

Apprentice Lineman II

Apprentice Lineman I

Water Serviceman

Utility System Administrator

Computer Oper./Clerk III

Groundman

Administrative Assistant

Computer Oper./Clerk II

Meter Reader (electric)

Meter Reader (water)

Computer Oper./Clerk I

EXHIBIT "B"

Public and Public Operated Facilities

City Hall

115 West Ventura Avenue
Clewiston, FL 33440

Utilities

141 Central Avenue
Clewiston, FL 33440

Community Development

121 Central Avenue
Clewiston, FL 33440

Police Department

205 West Ventura Avenue
Clewiston, FL 33440

Fire Department

205 West Ventura Avenue
Clewiston, FL 33440

Public Works Shop

1200 South Olympia Street
Clewiston, FL 33440

Warehouse

1300 South Olympia Street
Clewiston, FL 33440

Golf Course

1201 San Luiz
Clewiston, FL 33440

Public Library

120 West Osceola Avenue
Clewiston, FL 33440

Youth Center

126 West Osceola Avenue
Clewiston, FL 33440

City Pool

113 West Osceola Avenue
Clewiston, FL 33440

Animal Control

1320 South Olympia Street
Clewiston, FL 33440

Water Treatment Plant

1340 South Olympia Street
Clewiston, FL 33440

Wastewater Treatment Plant

3025 USSC Gate B
Clewiston, FL 33440

Electric Garage

1300 South Olympia Street
Clewiston, FL 33440