



CITY COUNCIL MEETING

City of Greenacres, Florida

Monday, August 02, 2021 at 6:00 PM

City Hall Council Chambers | 5800 Melaleuca Lane

AGENDA

Mayor and City Council

Joel Flores, Mayor

John Tharp, Deputy Mayor

Peter A. Noble, Councilmember, District II

Judith Dugo, Councilmember District III

Jonathan G. Pearce, Councilmember, District IV

Paula Bousquet, Councilmember, District V

Administration

Andrea McCue, City Manager

Glen J. Torcivia, City Attorney

Quintella Moorer, City Clerk

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

COMMENTS FROM THE PUBLIC FOR AGENDA ITEMS ONLY

CONSENT AGENDA

1. **Proclamation:** Light it Up Green for Muscular Dystrophy, August 5, 2021 - Chief Brian Fuller, Fire Rescue.
2. **Official Minutes:** City Council Meeting Minutes, July 19, 2021. - Quintella L. Moorer, City Clerk.
3. **EMS Write-Off:** Pursuant to Staff Item Summary and July 2021 List. - Teri Beiriger, Finance Director.
4. **Resolution 2021-33:** Relating to the provision of Residential Solid Waste Collection Services in the City of Greenacres, Florida; approving the assessment rate for Residential Solid Waste Collection Services for the fiscal year beginning on October 1, 2021; imposing a Residential Solid Waste Collection Services assessment against assessed property located within the City of Greenacres for the fiscal year beginning on October 1, 2021; providing for severability; providing for conflicts; and providing an effective date. - Teri Beiriger, Finance Director.
5. **Resolution 2021-36:** Authorizing the submittal of the FY2021 Justice Assistance Grant (JAG) Program Application to the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, and authorizing the City Manager to sign all grant documents and accept award of the grant, and authorizing the City Manager with signature authority responsible for implementing equipment and technology to be used by Law Enforcement; and providing for effective date. - Teri Beiriger, Finance Director.

- 6. Resolution 2021-37:** Authorizing the execution of the First Amendment to the Interlocal Agreement for Fire Protection and Emergency Medical Services by and between the City of Greenacres and the City of Atlantis effective October 1, 2021; and providing for an effective date. - Brian Fuller, Fire Rescue Chief.

REGULAR AGENDA

- 7. Ordinance 2021-11:** First Reading; Amending the City's Charter without Referendum as authorized by Florida Statute to adjust the qualifying dates to accommodate the Supervisor of Elections; providing for severability, the repeal of Laws in conflict, codification and an effective date. - Quintella L. Moorer, City Clerk.
- 8. Board Appointment to the Planning Commission/Local Planning Agency:** Appointing Sydelle Neustein to serve a three year term as a Regular Member. - Andrea McCue, City Manager.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

MAYOR AND CITY COUNCIL REPORT

ADJOURNMENT

Meeting Records Request

Any person requesting the appeal of a decision of the City Council will require a verbatim record of the proceedings and for that purpose will need to ensure that such verbatim record is made. Pursuant to FS. 286.0105, the record must include the testimony and evidence upon which the appeal is to be based. The City of Greenacres does not prepare or provide such verbatim record.

Notice of Council Meetings and Agendas

The first and third Monday of each month are regular meeting dates for the City Council; special or workshop meetings may be called, whenever necessary. Council Agendas are posted on the City's website on the Friday prior to each Council meeting. A copy of the meeting audio and the complete agenda may be requested at CityClerk@greenacresfl.gov or 561-642-2006.

Americans with Disabilities Act

In accordance with the provisions of the Americans with Disabilities Act (ADA), this document can be made available in an alternate format upon request. Special accommodations can be provided upon request with three (3) days advance notice of any meeting, by contacting City Clerk Quintella Moorer at Greenacres City Hall, 5800 Melaleuca Lane, Greenacres, Florida. Phone No. 561-642-2006. Hearing Assistance: If any person wishes to use a Listen Aid Hearing Device, please contact the City Clerk prior to any meeting held in the Council Chambers.



CITY COUNCIL MEETING

City of Greenacres, Florida

Monday, July 19, 2021 at 6:00 PM

City Hall Council Chambers | 5800 Melaleuca Lane

MINUTES

Mayor and City Council

Joel Flores, Mayor

John Tharp, Deputy Mayor

Peter A. Noble, Councilmember, District II

Judith Dugo, Councilmember District III

Jonathan G. Pearce, Councilmember, District IV

Paula Bousquet, Councilmember, District V

Administration

Andrea McCue, City Manager

Christy L. Goddeau, Acting City Attorney

Quintella Moorer, City Clerk

CALL TO ORDER AND ROLL CALL

PRESENT

Mayor Joel Flores

Deputy Mayor John Tharp

Councilmember Peter Noble

Councilmember Judith Dugo

Councilmember Johnathan Pearce

Councilmember Paula Bousquet

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

Motion made by Councilmember Dugo, Seconded by Councilmember Noble to approve the agenda. Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Pearce, and Councilmember Bousquet.

COMMENTS FROM THE PUBLIC FOR AGENDA ITEMS ONLY

None.

SPECIAL BUSINESS

- 1. Presentation:** Service at Surfside Condo Building Collapse. - Brian Fuller, Fire Rescue Chief.

Chief Fuller stated an email was sent from the Southeast Region Response Coordinator of Palm Beach County Fire Rescue asking Firefighters to volunteer at the Surfside Condo collapse site. Chief Fuller stated dozens of Greenacres Firefighters volunteered to assist, the site was limited, and a total of twenty-six Firefighters from Palm Beach County were deployed. Twelve were selected from Greenacres. Chief Fuller showed photos and commended them on their hard work, commitment, willingness and pride. Five of the twelve members were present at the meeting, Captain Jeff Bast, Alessandra Bouschet, Firefighter/Paramedic, Caitlin Bouschet, Firefighter/EMT/Driver-Engineer, Tyler Wallwork, Firefighter/Paramedic, and Ralph Varela, Firefighter/EMT. Captain Stephen Papia, Christopher Nault, Firefighter/Paramedic, Diana Albert, Firefighter/Paramedic, Dion Ambrogio, Firefighter/Paramedic, Carson Kinser, Firefighter/Paramedic, Daniel Delahunty, Firefighter/EMT, and Connor Klotz, Firefighter/EMT, were not present.

Ms. Christy L. Goddeau, Acting City Attorney mentioned the County and a Subcommittee of Building Officials were reviewing the issue with the Surfside Condo and trying to decide if new structural requirements would be enforced moving forward. Depending on the outcome of the County and or the Subcommittee's further discussion from Council may be required.

Council discussed possibly updating the City's structural inspections process. Mrs. Andrea McCue, City Manager stated it would be important to see feedback from the County before making any updates. She also thanked the Firefighters for volunteering.

The Mayor and Council thanked the Firefighters for volunteering and making the City proud.

CONSENT AGENDA

- 2. Official Minutes:** City Council Budget Workshop Meeting Minutes June 7, 2021 and the City Council Meeting Minutes, June 21, 2021. - Quintella L. Moorer, City Clerk.
- 3. Proclamation:** Parks and Recreation Month. - Michele Thompson, Community Recreation Services Director.
- 4. Resolution 2021-32:** Satisfying certain liens imposed against residential property, pursuant to Section 15-31, City of Greenacres Code. - Teri Beiriger, Finance Director.
- 5. Resolution 2021-34:** Authorizing the execution of a Hazard Mitigation Grant Program (HMGP) Grant Agreement to the State of Florida Executive Office of the Governor, Division of Emergency Management, for the Gladiator Lake Drainage Enhancement Project, and authorizing the appropriate City Officials to execute the associated application documents and to administer. - Carlos Cedeno, Public Works Director.
- 6. Resolution 2021-35:** Authorizing the execution of a Hazard Mitigation Grant Program (HMGP) Grant Agreement to the State of Florida Executive Office of the Governor, Division of Emergency Management, for the Public Works Facility Generator Project, and authorizing the appropriate City Officials to administer the Grant. - Carlos Cedeno, Public Works Director.

Motion made by Deputy Mayor Tharp, Seconded by Councilmember Noble to approve the Consent agenda. Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Pearce, and Councilmember Bousquet.

REGULAR AGENDA**7. City Manager Andrea McCue Annual Evaluation - Joel Flores, Mayor.**

Mayor Flores reviewed the rating process for the City Manager's Evaluation. Councilmember Dugo praised Ms. McCue on another great year. Councilmember Noble expressed his gratitude and thanked Ms. McCue on her success. Deputy Mayor Tharp stated he could not thank Ms. McCue enough for her hard work especially during the pandemic. Councilmember Bousquet shared the same expressions as Deputy Mayor Tharp and highlighted that Ms. McCue elevated the City to a higher level. Councilmember Bousquet also mentioned she placed a City Manager income survey on the dais for the Council's reference. Councilmember Pearce thanked Councilmember Bousquet for the survey. He also stated Ms. McCue accomplished the impossible and the outcome was brilliant. Mayor Flores read from his evaluation comments highlighting Ms. McCue exceeded his expectations, especially during the pandemic. Mayor Flores suggested Ms. McCue continue to find more ways to increase the City's revenue at no cost to the Residents.

Councilmember Bousquet suggested Ms. McCue receive a six percent exceed expectations merit increase and an additional fourteen percent to catch her up to the neighboring municipalities as her starting salary was below average. Councilmember Pearce suggested a rounded salary of \$215,000. The Council agreed on an annual salary of \$215,000, as of October 1, 2021.

Motion made by Councilmember Bousquet, Seconded by Councilmember Pearce to increase the City Manager's annual salary to \$215,000 as of October 1, 2021. Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Pearce, and Councilmember Bousquet.

8. City Attorney Glen Torcivia Annual Evaluation. - Joel Flores, Mayor.

Mayor Flores suggested the Council request feedback from the City Manager or Directors regarding the City Attorney evaluation since the Council have limited interactions with the Attorney. Mayor Flores was satisfied with the Attorney's performance.

Councilmember Pearce was satisfied with the Attorney's performance and suggested adding in-house legal services 3-4 hours weekly. Councilmember Bousquet felt the Attorney's performance was satisfactory and hiring the firm was a great decision. She also suggested a raise, which had not been done since 2018. Deputy Mayor Tharp and Councilmember Noble felt the firm's performance was satisfactory. Councilmember Noble suggested a two percent increase. Councilmember Dugo felt the Attorney's service was satisfactory and agreed on issuing an increase.

Ms. McCue mentioned it was a pleasure working with the Attorney's firm and the work they produce always exceeded expectations. The City Attorney suggested an increase of an additional \$5.00 an hour. She felt it was deserving.

Councilmember Pearce suggested an additional \$10.00 an hour increase for the City Attorney. After further discussion the Council agreed on an additional \$5.00 an hour.

Motion made by Councilmember Bousquet, Seconded by Councilmember Dugo to increase the City Attorney's hourly rate an additional \$5.00. Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Pearce, and Councilmember Bousquet.

DISCUSSION ITEM

9. Art in Public Places. - Andrea McCue, City Manager.

Ms. McCue stated there was no place she would rather be than Greenacres. She was grateful for her team and promised to continue to work hard for the City.

She mentioned the three categories for art. The first was the wall at Samuel J. Ferrier Community Park. The bid was awarded to Anthony Hernandez, Artist. The second was the wall at Haverhill and Melaleuca Lane and lastly the Monument signs.

Ms. McCue showed examples of art completed by Mr. Hernandez. She highlighted the concept and thoughts behind the interactive idea especially keeping in mind the kids, work and play vision. Most of Council agreed and liked the interactive art concept presented. Councilmember Noble liked the art and Artist but was not in favor of painting murals on buildings and walls and felt it would lead to something dangerous and or misused. He felt murals should not be in the City anywhere.

Ms. McCue mentioned the wall space at Haverhill and Melaleuca Lane was smaller and the concept would be abstract, garden or nature. She presented sample concepts from student artists and also mentioned ACE Hardware would be supplying all materials used to complete the project. Teachers would map out the design and students would fill in with paint.

After further discussion most of Council agreed to an abstract design with Greenacres listed on the wall with live, learn, work, and play on the sides. Ms. McCue will return with details to help narrow the concept idea.

Ms. McCue showed a variety of concept ideas for the median monument signs. The Council agreed to a stone style, with color and no logo.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

Mr. Chuck Shaw thanked the City for their efforts and mentioned he was proud to be a resident of Greenacres.

CITY MANAGER'S REPORT

10. June Department Reports.

Ms. McCue stated Greenacres had the largest attendance of summer camps in Palm Beach County. The Sierra Club sponsored five students for summer camp. She also mentioned the September Budget meetings would be held on Tuesday September 7 and Thursday September 22 not to conflict with the County's meetings.

CITY ATTORNEY'S REPORT

Ms. Goddeau advised the Council of an upcoming change to the City's Charter relating to a mandatory change to the Election qualifying period, which was requested by the Palm Beach County Supervisor of Elections.

MAYOR AND CITY COUNCIL REPORT

Deputy Mayor Tharp: Invited everyone to attend the Greenacres Fire Rescue Spaghetti Fundraiser, Saturday, August 14, 2021.

Councilmember Pearce: Thanked the City Staff for the great Fourth of July event.

Mayor Flores: Attended a roundtable regarding the rising cost of homes. Concerned with the workforce housing, child care cost, and small businesses cyber security.

ADJOURNMENT at 7:49pm.

Joel Flores
Mayor

Quintella Moorer, CMC
City Clerk

Date Approved: _____



ITEM SUMMARY

MEETING DATE: August 02 2021

FROM: Teri Beiriger, Finance Director, Finance Department

SUBJECT: Accounts Receivable Write-offs for EMS

BACKGROUND

The City of Greenacres bills residents for ambulance transport and emergency life support services. Upon death of the patient the remaining balance is to be written off. Section 2196 City of Greenacres Code, provides for the discharging of uncollected debts. The Director of Finance shall have the authority to write off minor, uncollectible debts to the City, not to exceed two hundred dollars (\$200.00) per account per fiscal year. Prior city council approval shall be required for discharging debt greater than two hundred dollars (\$200) per account per fiscal year.

ANALYSIS

It has been City's practice to write-off any remaining balance left on patient's account when the patient is deceased, and the insurance claim has been exhausted. It is Finance's practice based on prior direction of the City Council, not to balance bill the next of kin when a patient is deceased.

FINANCIAL INFORMATION

Attached is a request proposing the write-offs on thirteen (13) aged uncollectible and deceased patient accounts for a total of \$5,741.96 for date of service 3/1/2017 – 2/25/2020

LEGAL

The memo has been prepared in accordance with applicable City Code requirements.

STAFF RECOMMENDATION

Approval of EMS write-offs.

CITY OF GREENACRES

July 2021 EMS WRITEOFFS

Invoice	Service Date	DOD	Current	Writeoff Balance
GAC19004857	10/24/2019	2/25/2020	0	\$ 615.91
GAC20000118	1/8/2020	5/15/2020	0	\$ 817.15
GAC20000567	2/5/2020	8/14/2020	0	\$ 717.25
GAC19005479	12/3/2019	Cannot bill pt. filing time expired	0	\$ 718.60
GAC20000897	2/25/2020	Cannot bill pt. filing time expired	0	\$ 698.35
GAC18005673	12/27/2018	SSN Reported as Deceased	0	\$ 726.70
GAC19004842	10/23/2019	SSN Reported as Deceased	0	\$ 726.70
GAC19005428	11/29/2019	SSN Reported as Deceased	0	\$ 721.30
GAC17004414	10/12/2017	Time Limit for Filing Expired	0	\$ 586.46
GAC18002069	5/16/2018	Time Limit for Filing Expired	0	\$ 715.90
17 0886	3/1/2017	Bankruptcy Notice	0	\$ 716.30
17 2134	5/19/2017	Bankruptcy Notice	0	\$ 711.10
GAC18004891	11/9/2018	Bankruptcy Notice	0	\$ 250.00
13 PATIENTS			Total	\$ 8,721.72



ITEM SUMMARY

MEETING DATE: August 02, 2021

FROM: Teri Lea Beiriger, Director of Finance

SUBJECT: Resolution No. 2021-33 Annual Solid Waste Assessment Rate

BACKGROUND

On August 20, 2018, Ordinance 2018-15 Greenacres Solid Waste Collection Services Assessment was adopted on second reading, authoring the imposition of an assessment on the tax bill for solid waste collection and recycling charges. The assessment took the place of the semi-annual direct billing of solid waste and recycling charges by the City that was billed for more than 25 years

ANALYSIS

This resolution will formally adopt the solid waste assessment roll to be provided to the property appraiser as necessary for inclusion on the 2021 tax bill and set the assessment rates for the fiscal 2022 solid waste collection and recycling charges. The Greenacres solid waste assessment is billed in advance for solid waste collection and recycling services for the period of October 1, 2021 through September 30, 2022.

The Greenacres assessment for solid waste collection and recycling is distinguishable from the Solid Waste Authority's assessment on the tax bill from solid waste disposal costs at the County's landfills.

Greenacres solid waste assessment rates are designed to generate the revenues necessary to cover the contractual and administrative costs of providing the solid waste and recycling collection services. The City uses three (3) rate tiers based on the type of service provided and the frequency of collection. Curbside service rates are higher than containerized rates due to the increased number of individual stops at each individual residence to provide collection services. Multi-family developments using containerized services result in efficiencies and cost savings for the City's contracted waste hauler that are passed on to those property owners resulting in lower rates. The following annual residential rates are proposed:

Fiscal Year 2022 Annual Residential Collection Rates (Assessed on 2021 Tax Bill)	Proposed Rates	With 4% Tax Collector Discount
Curbside pickup	\$172.60	\$165.70
Containerized pickup (dumpsters) 2x/week	\$115.20	\$110.60
Containerized pickup (dumpsters) 3x/week	\$152.40	\$146.30

The total assessment for a residential duplex would be calculated by multiplying the number of residential units in the duplex by the Annual assessment rate, as shown in the example below:

Parcel #:	<u>18-42-43-27-01-001-0001</u>	Address:	<u>123 Greenacres Lane, Greenacres FL 33467</u>
Number of residential units	<u>2</u>	x Annual garbage rate \$	<u>\$172.60</u> = Total assessment \$ <u>\$345.20</u>

FINANCIAL INFORMATION

The estimated cost of residential solid waste collection and recycling services for the Fiscal Year 2022, including administrative and franchise fees, is \$2,448,889 to be covered by residential solid waste assessments totaling \$2,477,100. (See Exhibits A & B of Resolution 2021- 33).

The above proposed total assessment for 2021 includes a 3.5% increase in the annual garbage rate from the 2020 annual garbage rate. The 3.5% increase for 2021 is based on the City's solid waste franchise agreement, which allows for the annual garbage rate to change based on the annual Consumer Price Index (CPI) change for trash collection services. For years 2022 and 2023, the annual residential assessment rates will be adjusted to reflect the change in the City's annual garbage rate. If the City's annual garbage rate increases for years 2022 or 2023, the maximum allowable increase is 3.5%

LEGAL

Resolution 2021-33 has been prepared in accordance with applicable City regulations.

STAFF RECOMMENDATION

Council approval of Resolution 2021-33 to adopt the solid waste assessment roll and set the final assessment rates for the solid waste assessment on the 2021 tax bill that covers the solid waste collection and recycling services for the period beginning October 1, 2021 through September 30, 2022, the City's 2021-22 fiscal year.

Attachments:

Exhibit A - Greenacres FY2022 Solid Waste Rates for Tax Bill

Exhibit B - Greenacres Cost of Residential Solid Waste Collection and Recycling Services

RESOLUTION NO. 2021-33

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, RELATING TO THE PROVISION OF RESIDENTIAL SOLID WASTE COLLECTION SERVICES IN THE CITY OF GREENACRES, FLORIDA; APPROVING THE ASSESSMENT RATE FOR RESIDENTIAL SOLID WASTE COLLECTION SERVICES FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2021; IMPOSING A RESIDENTIAL SOLID WASTE COLLECTION SERVICES ASSESSMENT AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF GREENACRES FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2021; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, City of Greenacres Ordinance No. 2018-15, adopted on August 20, 2018, provides for the home rule authority of the City to impose Residential Solid Waste Collection Services Assessments against residential property located within the City, and provides findings of special benefit to real property as a result of such services; and,

WHEREAS, the City has in place a Solid Waste and Recycling Collection Contract with Advanced Disposal Services Solid Waste Southeast, Inc. (hereinafter "Advanced Disposal"), pursuant to which the City provides Residential Solid Waste Collection Services to; among others, all residential properties that receive Residential Solid Waste Collection Services within the City; and,

WHEREAS, the City Council desires to impose a Residential Solid Waste Collection Services Assessment within the City for the Fiscal Year beginning on October 1, 2021 using the tax bill collection method; and,

WHEREAS, Ordinance 2018-15 requires the City Council to adopt an Annual Assessment Resolution during its budget adoption process, which establishes the rate of assessment and approves the Assessment Roll for the upcoming Fiscal Year; and,

WHEREAS, the City Council has determined that the adoption of this Annual

Assessment Resolution and the Assessment Roll for the Fiscal Year beginning October 1, 2021 serves a valid public purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed by the City Council as true and correct statements and incorporated herein by this reference.

Section 2. This Resolution is adopted pursuant to the provisions of Ordinance 2018-15 and sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

Section 3. The rate schedule attached hereto as Exhibit "A" and hereby incorporated herein by reference, and also the schedule of costs attached hereto as Exhibit "B" specifying the Residential Solid Waste Collection Services Assessed Rates and Costs determined in Section 9 of this Final Assessment Resolution and the Residential Solid Waste Collection Services Assessments established in Section 9 of this Final Assessment Resolution.

Section 4. Upon the imposition of the Residential Solid Waste Collection Services Assessment for Residential Solid Waste Collection Services upon assessed property located within the City, the City shall provide Residential Solid Waste Collection Services to such assessed property through the Collection Contract. The cost to provide such Residential Solid Waste Collection Services to Assess Properties, as described herein, shall be funded from the proceeds of the Residential Solid Waste Collection Services Assessment. It is hereby ascertained, determined, and declared that each parcel of

assessed property located within the City will be benefited by the City's provision of Residential Solid Waste Collection Services in an amount not less than the Residential Solid Waste Collection Services Assessment imposed against such parcel, computed in the manner set forth in this Final Assessment Resolution.

Section 5. Residential Solid Waste Collection Services Assessments shall be imposed against all assessed properties that receive Residential Solid Waste Collection Services, as provided herein. The Cost Apportionment described herein is approved and adopted as the methodology to impose and compute the Residential Solid Waste Collection Services Assessment.

IMPOSITION AND COLLECTION

5.1 The Residential Solid Waste Collection Services Assessments to be imposed pursuant to this Resolution shall constitute non-ad valorem assessments within the meaning and intent of the Uniform Assessment Collection Act.

5.2 The Residential Solid Waste Collection Services Assessment imposed pursuant to this Resolution is imposed by the City Council of the City of Greenacres, not the Palm Beach County Board of County Commissioners, Property Appraiser or Tax Collector. Any activity of the Property Appraiser or Tax Collector under the provisions of this Resolution, and pursuant to the City's agreements with such entities, shall be construed as ministerial.

APPORTIONMENT

5.3 The size or the value of the Residential Property does not determine the scope of the required solid waste services. The potential demand for Residential Solid

Waste Collection Services is driven by the existence of a Residential unit and the type and frequency of collection provided.

5.4 Apportioning the Residential Solid Waste Assessed Costs for Residential Solid Waste Collection Services attributable to assessed properties on a per Residential unit basis according to the type and frequency of service provided is required to avoid cost inefficiency and unnecessary administration and is a fair and reasonable method.

5.5 There are two types of residential service provided:

5.5.1 Curbside solid waste collection and recycling services - the collection of solid waste and recyclable materials from all residential dwelling units that receive individualized solid waste and recycling collections services generally using individual containers for each residential dwelling unit ("Curbside"); or

5.5.2 Containerized solid waste collection and recycling services - the collection of solid waste and recyclable materials from all residential dwelling units that use central or shared containers, with or without a compactor, and not by means of individual containers ("Containerized").

5.6 The frequency of solid waste collection shall be 2 times per week for all Curbside solid waste collection and recycling services, and 2 or 3 times per week, as deemed necessary and upon request by the residential property owners, for all Containerized solid waste collection and recycling services.

5.7 Unoccupied Residential units in the City may not receive residential Solid Waste Collection Services during such time as the Residential unit is unoccupied, however, the City cannot know which Residential units are unoccupied at the time the

assessments are levied. Therefore, it is fair and reasonable to impose the assessment on all Residential units designated on the Solid Waste Assessment Roll and which are expected to or actually receive Residential Solid Waste Collection Services. Unoccupied Residential units also derive some benefit from the provision of Residential Solid Waste Collection Services to neighboring Residential units, which avoids blight and health and safety issues associated with the accumulation of solid waste in the surrounding areas and neighborhood.

Section 6. The Collection Contract provides for an annual charge to the assessed properties for the Residential Solid Waste Collection Services provided by the city through its Collection Contract. The Residential Solid Waste Collection Services Assessed Costs include other costs associated with the Residential Solid Waste Collection Assessment, which are then allocated to the assessed properties in addition to the annual charge in the Collection Contract to determine the Assessment Amount. The Assessment Amount is then multiplied by the number of Residential units on such Tax Parcel. For the Fiscal Year commencing October 1, 2021, the annual charge per residential unit for Solid Waste Collection services shall be assessed according to the following service types and frequencies:

- | | | |
|------------|--|-----------|
| 6.1 | Curbside service, Frequency 2 times per week
(\$165.70 with tax collector discount) | \$ 172.60 |
| 6.2 | Containerized pickup, Frequency 2 times per week
(\$110.60 with tax collector discount) | \$ 115.20 |
| 6.3 | Containerized pickup, Frequency 3 times per week
(\$146.30 with tax collector discount) | \$ 152.40 |

Section 7. The Residential Solid Waste Collection Service Assessed Costs to be assessed and apportioned among assessed properties pursuant to the cost Apportionment for the Fiscal Year commencing October 1, 2021, is the amount determined in the Residential Solid Waste Collections Services Cost Schedule, attached hereto as Exhibit B. The proposed Residential Solid Waste Collection Services Assessments specified in the Assessment Rate Schedule, attached hereto as Exhibit A, are hereby established to fund the Residential Solid Waste Collection Services Assessed Costs determined to be assessed in the Fiscal Year commencing October 1, 2021. The Residential Solid Waste Collection Services Assessments established in this Annual Assessment Resolution shall be the assessment rates applied by the Assessment Coordinator in the preparation of the updated Residential Solid Waste Collection Services Assessment Roll for the Fiscal Year commencing October 1, 2021.

SECTION 8. The adoption of this Final Assessment Resolution shall be the final adjudication of the issues presented (including, but not limited to, the determination of special benefit and fair apportionment to the assessed property, the method of apportionment and assessment, the rate of assessment, the Assessment Roll and the levy and lien of the Residential Solid Waste Collection Services Assessment).

SECTION 9. The Assessment Roll, as defined in Ordinance 2018-15, shall be filed with the City Clerk and the Residential Solid Waste Collection Services Assessments set forth therein shall stand confirmed. All Residential Solid Waste Collection Services Assessments shall constitute legal, valid, and binding first liens, unless otherwise provided by law, upon property against which such Assessments are made until paid.

SECTION 10. The Assessment Roll, as adopted and approved herein, shall be certified by the Assessment Coordinator and delivered no later than September 15, 2021, to the Palm Beach County Property Appraiser.

SECTION 11. If any clause, section or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Resolution.

SECTION 12. That all prior Resolutions or parts of resolutions in conflict herewith, are hereby repealed to the extent of such conflict.

SECTION 13. This Annual Assessment Resolution shall take effect immediately upon its passage and adoption.

RESOLVED AND ADOPTED this 2nd of day of August 2021.

Joel Flores, Mayor

Attest:

Quintella Moorer, City Clerk

Voted:
John Tharp, Deputy Mayor

Voted:
Peter Noble, Council Member, *District II*

Voted:
Judith Dugo, Council Member, *District III*

Voted:
Jonathan Pearce, Council Member, *District IV*

Voted:
Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney

Exhibit B

Greenacres Cost of Residential Solid Waste Collection and Recycling Services

Calculate tax collector discount and estimated uncollectible:

Total Assessments	2,477,100
Estimated collection rate 96.6%	2,387,924
Discount, 3.4%	89,176
Estimated uncollectible, 3.4% of assessment*	89,176

* Based on Greenacres' average 96.6% collection rate of property taxes over last 10 years

Administrative costs

Greenacres administrative costs, personnel	\$ 80,224.17
Tax Collector, 1% of collections	23,879

Property Appraiser - postage cost	150
Palm Beach County Information Systems Services fee	3,850
Palm Beach Post - advertising cost - not needed this year	-
Printing and mailing services for rate hearing - not needed this year	-
Estimated uncollectable	89,176
Total additional costs	<u>117,055</u>

Total Administrative Costs	\$ 197,279.17
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Solid waste Collection and Recycling:

Contract costs:

Waste Hauler	2,138,767.80
Franchise Fees	<u>112,841.64</u>
Total waste hauler	\$ 2,251,609.44

Greenacres total solid waste costs	\$ 2,448,888.61
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Greenacres FY2022 Solid Waste Rates for 2021 Tax Bill

Estimate % of increase

3.5%

Greenacres FY2022 Solid Waste Rates for Tax Bill

Rates and Percentage Increases FY2018, 2019, 2020, 2021 & 2022 (Proposed)

	FY2018	FY2019	FY2020	4% Discount FY2020	FY2021	4% Discount FY2021	FY2022 Assessment	4% Discount FY2022
Residential Rates								
A Curbside pickup	98.76	104.40	161.90	155.40	166.80	160.10	172.60	165.70
B Containerized pickup (dumpsters) 2x/week	65.16	69.70	108.10	103.80	111.30	106.90	115.20	110.60
C Containerized pickup (dumpsters) 3x/week	87.12	92.20	142.90	137.20	147.20	141.30	152.40	146.30
				With 4% Discount		With 4% Discount		With 4% Discount
	FY2018	FY2019	FY2020	FY2020	FY2021	FY2021	FY2022	FY2022
Annual Increases in Dollars	\$ Increase	\$ Increase	\$ Increase	\$ Increase	\$ Increase	\$ Increase	\$ Increase	\$ Increase
A Curbside pickup	1.92	5.64	57.50	51.00	4.90	4.70	5.80	5.60
B Containerized pickup (dumpsters) 2x/week	1.32	4.54	38.40	34.10	3.20	3.10	3.90	3.70
C Containerized pickup (dumpsters) 3x/week	1.68	5.08	50.70	45.00	4.30	4.10	5.20	5.00
				After 4% Discount		After 4% Discount		After 4% Discount
	FY2018	FY2019	FY2020	FY2020	FY2021	FY2021	FY2022	FY2022
Annual Percentage Increase	% Increase	% Increase	% Increase	% Increase	% Increase	% Increase	% Increase	% Increase
A Curbside pickup	2.0%	5.7%	55.1%	48.9%	3.0%	3.0%	3.5%	3.5%
B Containerized pickup (dumpsters) 2x/week	2.1%	7.0%	55.1%	48.9%	3.0%	3.0%	3.5%	3.5%
C Containerized pickup (dumpsters) 3x/week	2.0%	5.8%	55.0%	48.8%	3.0%	3.0%	3.5%	3.5%

Total Assessment Calculation, at discounted rates:

<u>Rate Class</u>	<u>FY2022 Annual Rate</u>	x	<u>Residential Units</u>	=	<u>Total Assessment</u>
A Curbside pickup	165.70		8,916		1,477,381.20
B Containerized pickup (dumpsters) 2x/week	110.60		6,662		736,817.20
C Containerized pickup (dumpsters) 3x/week	146.30		1,797		262,901.10
Total FY2022 Solid Waste Assessment at Discounted Rates					\$ 2,477,099.50
FY2022 Calculated Solid Waste Costs					\$ 2,448,888.61
Net					<u>\$ 28,210.89</u>



ITEM SUMMARY

MEETING DATE: August 2, 2021
FROM: Teri Lea Beiriger, Director of Finance
SUBJECT: Resolution No. 2021-36
 2021 Justice Assistance Grant (JAG) Camera Project

BACKGROUND

The Justice Assistance Grant (JAG) Program provides funding to state and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system. Under the Memorial Edward Byrne Justice Assistance Grant Program, the City of Greenacres was allocated an amount of \$11,834 and in order to receive the allocation the City, needs to submit an application in compliance with the grant requirements.

ANALYSIS

Resolution No. 2021-36 authorizes the submittal of the FY2021 JAG application and authorizes the appropriate City Officials to sign the grant documents and administer the grant. The grant does not require a City match of funds. The grant requires the following administrative steps to be taken to obtain funding:

- A. Grant application must be made available to review by the governing body of the unit of local government not fewer than 30 days before the application is submitted to the Bureau of Justice Assistance.
- B. Provide assurance that the public had an opportunity to comment on the proposed grant.
- C. All grant applications must be submitted through JustGrants.

The FY2021 funds will be used to procure security cameras using \$11,478 of the funds, and the remaining \$356 will be utilized towards the required 3% NIBRS compliance, by applying the funds towards the purchase of one (1) laptop, to be used by the Palm Beach County Sheriff's Office, the City's contracted Law Enforcement Services.

FINANCIAL INFORMATION

The grant is 100% funded in the amount of \$11,834. The project will be included in the FY2022 Budget.

LEGAL

The resolution has been prepared in accordance with the City Code requirements.

STAFF RECOMMENDATION

Approval of Resolution No. 2021-36 authorizing the submittal of the JAG application.

RESOLUTION NO. 2021-36

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AUTHORIZING THE SUBMITTAL OF THE FY2021 JUSTICE ASSISTANCE GRANT (JAG) PROGRAM APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE, AND AUTHORIZING THE CITY MANAGER TO SIGN ALL GRANT DOCUMENTS AND ACCEPT AWARD OF THE GRANT, AND AUTHORIZING THE CITY MANAGER WITH SIGNATURE AUTHORITY RESPONSIBLE FOR IMPLEMENTING EQUIPMENT AND TECHNOLOGY TO BE USED BY LAW ENFORCEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Department of Justice Appropriations Authorization Act, (Public Law 109-162), authorizes the Attorney General to make funds available to units of local government, under the Justice Assistance Grant (JAG) Program, for purposes of reducing crime and improving Public Safety; and

WHEREAS, the Bureau of Justice Assistance has allotted a proposed allocation for the City of Greenacres in the amount of \$11,834 to cover one hundred (100%) percent of the cost to procure security cameras using \$11,478 of the funds. The National Incident-Based Reporting System (NIBRS) 3% compliance will be accomplished by applying the remaining \$356 towards the cost of one (1) laptop to be used by the Palm Beach County Sheriff's Office, the City's contracted Law Enforcement Services; and

WHEREAS, the City of Greenacres held a Public Hearing on August 2, 2021, of such funds; and

WHEREAS, the Public Notice was duly posted at City Hall to inform the public of the meeting to consider the purpose for which this Justice Assistance Grant is sought,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

SECTION 1. The City Council hereby authorizes the submittal of the 2021 Justice Assistance Grant Camera Project application, and authorizes the City Manager to sign all grant

Resolution No. 2021-36 | JAG Camera Project
Page No. 2

documents and accept the award of the Grant.

SECTION 2. The City Council hereby authorizes the City Manager with signature authority responsible for implementing the grant.

SECTION 3. The City Council hereby approves the use of the grant to fund the cost of equipment once received.

RESOLVED AND ADOPTED this 2nd of day of August, 2021.

Joel Flores, Mayor

Attest:

Quintella Moorer, City Clerk

Voted:
John Tharp, Deputy Mayor

Voted:
Peter Noble, Council Member, *District II*

Voted:
Judith Dugo, Council Member, *District III*

Voted:
Jonathan Pearce, Council Member, *District IV*

Voted:
Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney



ITEM SUMMARY

MEETING DATE: August, 02, 2021
FROM: Brian Fuller, Fire Chief, Fire Rescue
SUBJECT: Atlantis Interlocal Agreement

BACKGROUND

The City of Greenacres currently provides fire protection and emergency medical services to the City of Atlantis through an Interlocal Agreement which has been in effect since October 1, 2002. The current agreement automatically renewed in 2012 and 2017 for five (5) year terms.

ANALYSIS

Section 163.01 Florida Statutes "Florida Interlocal Cooperation Act of 1969" formed the basis for negotiating a new agreement that was fair and equitable to both cities based on mutual benefits. The new agreement has been reformatted, compared to the existing one, to provide added clarity while basically maintaining the existing levels of service for the provision of fire protection and EMS services to the City of Atlantis. The agreement provides for Atlantis to pay an annual service fee to be paid monthly. The term of this Agreement shall be for an eleven (11) year period commencing at 12:01 a.m. on October 1, 2021 and expiring at 11:59 p.m. September 30, 2032. Thereafter, this Agreement shall automatically renew for an additional five (5) year period, without further action of the Parties, unless either Party shall notify the other in writing on or before March 1st of any year prior to the final year of its intent not to renew.

FINANCIAL INFORMATION

Atlantis agrees to pay Greenacres during the first year of the Agreement (October 1, 2021 through September 30, 2022) an annual service fee amount of: \$1,017,668.00 (the "Annual Service Fee"). The Parties agree that the amount of the Annual Service Fee will be adjusted annually effective October 1 of each succeeding year of this Agreement. The adjustment will be based on the percent change as reflected in the United States Department of Labor, Consumer Price Index (CPI), for All Urban Consumers, All Items, for the Miami-Fort Lauderdale area (the "Interlocal CPI"), from February of the prior year to February of the current year, or three percent (3%) whichever is greater. If due to unfunded mandates of Federal, State or county government and to address any unforeseen events or contingencies that increase Greenacres' cost for providing services under this Agreement, the annual service fee shall be adjusted by mutual agreement of the parties in addition to the annual adjustment set forth herein.

LEGAL

The Resolution has been prepared in accordance with applicable City Code requirements.

STAFF RECOMMENDATION

Staff recommends approval of Resolution No. 2021-37.

RESOLUTION NO. 2021-37

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT FOR FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES BY AND BETWEEN THE CITY OF GREENACRES AND THE CITY OF ATLANTIS EFFECTIVE OCTOBER 1, 2021; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 163.01, Florida Statutes, known as the “Florida Interlocal Cooperation Act of 1969” authorizes local governments to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities that will harmonize geographic, economic, population, and other factors, influencing the needs and development of local communities; and

WHEREAS, the City of Greenacres currently provides fire protection and emergency medical services to the City of Atlantis through an Interlocal Agreement which has been in effect since October 1, 2002; and

WHEREAS, the City of Atlantis and the City of Greenacres desire to amend the Interlocal Agreement to continue the provision of such services as of October 1, 2021; and

WHEREAS, the City of Greenacres has determined that amending the Interlocal Agreement with the City of Atlantis serves a valid public purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

SECTION 1. The City Council of the City of Greenacres does hereby authorize the execution of the First Amendment to the Interlocal Agreement with the City of Atlantis, which is attached hereto as Exhibit “A” and incorporated herein, for the provision of fire protection and emergency medical services effective October 1, 2021.

Resolution No. 2021-37 | First Amendment to Interlocal Agreement

Page No. 2

SECTION 2. This Resolution shall become effective upon its adoption.

Resolution No. 2021-37 | First Amendment to Interlocal Agreement

Page No. 3

RESOLVED AND ADOPTED this DD of day of Month 202Y

Joel Flores, Mayor

Attest:

Quintella Moorer, City Clerk

Voted:
John Tharp, Deputy Mayor

Voted:
Peter Noble, Council Member, *District II*

Voted:
Judith Dugo, Council Member, *District III*

Voted:
Jonathan Pearce, Council Member, *District IV*

Voted:
Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney

FIRST AMENDMENT TO INTERLOCAL AGREEMENT FOR
FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES BY AND BETWEEN
THE CITY OF GREENACRES AND THE CITY OF ATLANTIS

THIS FIRST AMENDMENT TO INTERLOCAL AGREEMENT, made and entered into this ____ day of _____, 2021, by and between the City of Greenacres (hereinafter "Greenacres"), a Florida municipal corporation, and the City of Atlantis (hereinafter "Atlantis"), a Florida municipal corporation, for fire protection and emergency medical services (collectively, the "Parties").

WHEREAS, on May 16, 2012, the Parties entered into an Interlocal Agreement for Fire Protection and Emergency Medical Services (hereinafter "Agreement"); and

WHEREAS, the Parties have decided to amend said Agreement.

NOW, THEREFORE, Atlantis and Greenacres, in consideration of the terms and conditions set forth herein and the benefits flowing from each to the other, do hereby agree as follows:

1. Section 6 of the Agreement is hereby deleted and replaced with the following:

SECTION 6. TERM

- a. The term of this Agreement shall be for an eleven (11) year period commencing at 12:01 a.m. on October 1, 2021 and expiring at 11:59 p.m. September 30, 2032. Thereafter, this Agreement shall automatically renew for an additional five (5) year period, without further action of the Parties, unless either Party shall notify the other in writing on or before March 1st of any year prior to the final year of its intent not to renew. This Agreement shall not be terminated by either Party, at any time during its term or any renewal thereof, unless either Party shall default on any of its material obligations and fail to cure said default in accordance with this Agreement.

2. Section 7(b) and (c) of the Agreement is hereby deleted and replaced with the following Section 7(b):

SECTION 7. COST FOR SERVICES

- b. Atlantis agrees to pay Greenacres during the first year of the Agreement (October 1, 2021 through September 30, 2022) an annual service fee amount of: \$1,017,668.00 (the "Annual Service Fee").

The Parties agree that the amount of the Annual Service Fee will be adjusted annually effective October 1 of each succeeding year of this

Agreement. The adjustment will be based on the percent change as reflected in the United States Department of Labor, Consumer Price Index (CPI), for All Urban Consumers, All Items, for the Miami-Fort Lauderdale area (the "Interlocal CPI"), from February of the prior year to February of the current year, or three percent (3%) whichever is greater.

If due to unfunded mandates of Federal, State or county government and to address any unforeseen events or contingencies that increase Greenacres' cost for providing services under this Agreement, the annual service fee shall be adjusted by mutual agreement of the parties in addition to the annual adjustment set forth herein.

3. Section 11 of the Agreement is hereby amended to read as follows:

SECTION 11. ENFORCEMENT COSTS; WAIVER OF JURY TRIAL.

Any cost or expenses (including reasonable attorney's fees) associated with the enforcement of the terms and conditions of this Agreement shall be borne by the parties hereto, regardless of which party prevails. **Each party also agrees to waive any and all rights to a trial by jury for any and all disputes or claims which may be related to or arise out of the Contract Documents.**

4. A new Section 17 is hereby added to the Agreement as follows:

SECTION 17. SURVIVABILITY.

Any provision of the Agreement which is of a continuing nature or imposes an obligation which extends beyond the term of the Agreement shall survive its expiration or earlier termination.

5. A new Section 18 is hereby added to the Agreement as follows:

SECTION 18. PALM BEACH COUNTY INSPECTOR GENERAL.

In accordance with Palm Beach County ordinance number 2011-009, this Agreement, as amended from time to time, may be subject to investigation and/or audit by the Palm Beach County Inspector General. The Parties should review Palm Beach County ordinance number 2011-009 in order to be aware of their rights and/or obligations under such ordinance and as applicable.

6. This First Amendment to Interlocal Agreement shall have an effective date of October 1, 2021.

7. ENTIRE AGREEMENT. The Parties agree that the Agreement and this First Amendment to Interlocal Agreement set forth the entire agreement between the Parties, and that there are no promises or understandings other than those stated herein. None of the provisions, terms and conditions contained in this First Amendment to Interlocal Agreement may be added to, modified, superseded or otherwise altered, except by written instrument executed by the parties

hereto. All other terms and conditions of the Agreement remain in full force and effect.

IN WITNESS WHEREOF, the Parties through their duly authorized representatives do hereby execute this First Amendment to the Interlocal Agreement on the date first written above.

CITY OF GREENACRES:

ATTEST:

BY: _____
Joel Flores, Mayor

BY: _____
Quintella Moorner, City Clerk

Approved as to form and legal
Sufficiency:

Glen J. Torcivia, Esquire
City Attorney

CITY OF ATLANTIS:

ATTEST:

BY: _____
Michael La Coursiere, Mayor

BY: _____
Kristen Puhalainen, City Clerk

Approved as to form and legal
Sufficiency:

Keith W. Davis, Esquire
City Attorney



ITEM SUMMARY

MEETING DATE: August 2, 2021

FROM: Quintella L. Moorer, CMC, City Clerk

SUBJECT: First Reading - **Ordinance 2021-11**; Qualifying date changes for Municipal Elections.

BACKGROUND

Pursuant to Greenacres Charter, Article IV, Elections, Section 4, Election Qualification of Candidates, in order to qualify a candidate would file with the City Clerk no earlier than noon on the first Tuesday in December and not later than noon on the third Tuesday in December.

ANALYSIS

To accommodate statutory vote-by-mail requirements, the Supervisor of Elections (SOE) strongly recommends that each municipality amend its qualifying period so that its qualifying period ends on or before the 95th day before Election day.

FINANCIAL INFORMATION

N/A.

LEGAL

The Attorney has reviewed the ordinance for legal sufficiency and compliance.

STAFF RECOMMENDATION

Staff recommends amending the City's Charter to accommodate statutory requirements. Staff recommends amending the qualifying dates as follows: no earlier than noon on the first Tuesday in November and not later than noon on the second Tuesday in November.

ORDINANCE NO. 2021-11

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING THE CITY'S CHARTER WITHOUT REFERENDUM AS AUTHORIZED BY FLORIDA STATUTE TO ADJUST THE QUALIFYING DATES TO ACCOMMODATE THE SUPERVISOR OF ELECTIONS; PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Greenacres is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, in accordance with Article IV, Section 4, of the City's Charter, the City's qualifying period is from noon on the first Tuesday in December until noon of the third Tuesday in December; and

WHEREAS, the City's next municipal election is scheduled to be held on March 8, 2022; and

WHEREAS, The Palm Beach County Supervisor of Elections ("Supervisor") has provided notice to all Palm Beach County municipalities whose elections are scheduled for March 8, 2022, that they will be required to move their candidate qualifying periods so that all municipal candidate names may be provided to the Supervisor on or before 95 days prior to the municipal election date; and

WHEREAS, subsections 166.021(4), Florida Statutes, and subsection 100.3605(2), Florida Statutes, allows a municipality to change the dates for qualifying by ordinance; and

WHEREAS, the City Council desires to adopt an ordinance setting the City's candidate qualifying period for municipal elections from noon on the first Tuesday in November through noon on the second Tuesday in November in the calendar year proceeding the municipal election; and

WHEREAS, the City Council believes that this ordinance is in the best interest of the City and serves a valid public purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AS FOLLOWS:

SECTION 1. The foregoing recitals are hereby fully incorporated herein by reference as true and correct and as the legislative findings of the City Council.

SECTION 2.

The Charter of the City of Greenacres, Article IV, "Elections", Section 4, "Elections, Qualification of Candidates", is amended to read as follows (underlined language is being added; strikethrough language is being deleted):

* * * * *

Section 4. – Elections, Qualification of Candidates.

Only an elector of the City may qualify as a candidate for elective City office. In order to qualify, he or she shall file with the City Clerk no earlier than noon on the first Tuesday in November ~~December~~; not later than noon on the second ~~third~~ Tuesday in November ~~December~~ a notice specifying the office to which he or she aspires and the voting district from which he or she is running. Candidates for the office of Mayor can be a resident of any district within the City. Voting for the office of Mayor shall be City-wide. No member of Council shall be eligible to qualify for a Council seat if that member has served three (3) consecutive four (4) year terms immediately prior to the term that member is seeking to run; however, such Councilmember is not prohibited from qualifying for the Mayor's office. The Mayor shall not be eligible to qualify for the Mayor's office if the Mayor has served three (3) consecutive four (4) year terms immediately prior to the term the Mayor is seeking to run; however, the Mayor is not prohibited from qualifying for a Council seat. The candidate shall submit a nonrefundable filing fee amounting to fifty dollars (\$50.00) plus the percentage of the annual salary for the election assessment to be deposited in the Elections Commission Trust Fund, in accordance with Chapter 99, Florida Statutes 99.092, for the office sought at the time of filing. Each candidate shall be a resident of the district seat to which he aspires.

* * * * *

SECTION 3. Severability

The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 3. Repeal of Laws in Conflict

All Charter provisions or parts of Charter provisions and all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 3. Codification

The sections of the ordinance may be made a part of the City's Charter and may be re-numbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section", "division", or any other appropriate word.

SECTION 4. Effective Date

This Ordinance shall be effective immediately upon adoption at second reading.

[The remainder of this page intentionally left blank]

Passed on the first reading this 2nd day of August 2021.

PASSED AND ADOPTED on the second reading this 16th day of August 2021.

Voted:

Joel Flores, Mayor

John Tharp, Deputy Mayor

Attest:

Voted:

Quintella Moorer, City Clerk

Peter Noble, Council Member, District II

Voted:

Judith Dugo, Council Member, District III

Voted:

Jonathan G. Pearce, Council Member, District IV

Voted:

Paula Bousquet, Council Member, District V

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney



Dear Municipal Clerks, Commissions, and Councils,

Congratulations to those of you who participated in a successful 2021 election cycle! The recent March Elections demonstrated the municipalities' commitment to democracy and to the voters of Palm Beach County. We were honored to work with you.

The Palm Beach County Supervisor of Elections office (SOE) is committed to facilitating secure, transparent, and accurate elections. To that end, due to updates in Florida Law in recent years, we have determined that certain changes in municipal charters and ordinances are necessary to ensure the efficient and cost-effective administration of future elections.

Qualifying Dates

To accommodate statutory vote-by-mail requirements, the SOE strongly recommends that each municipality who has not already done so amend its qualifying period so that its qualifying period ends on or before the 95th day before Election Day.

For example, qualifying for the March 8, 2022 election would end no later than Friday, December 3, 2021, allowing the SOE staff to program the necessary elections, create and proofread the ballot language, submit ballot templates to participating municipalities for approval, print vote-by-mail ballots, and prepare those ballots for mailing. We mail the military and overseas ballots 45 days before the election.

Failure to amend the qualifying period may result in the inability of the SOE to accommodate the elections of those municipalities. Our system does not allow us to "close" or move forward one city at a time, so any delay by one municipality results in our inability to move forward with the others.

Runoff Elections

While many municipalities no longer hold runoff elections, several still maintain provisions requiring a majority vote to win an election. Many municipalities have mentioned to us that the runoff elections are detrimental to their budgets because often the municipality has not budgeted for that expense. With so few holding runoff elections, the municipality does not benefit from the same degree of cost sharing as a Uniform Municipal Election that is held simultaneously with other municipalities. The county does not fund the municipal elections.

Please understand that we are happy to hold runoff elections, but are cognizant of the cost burden it places on municipalities. If you determine that you no longer wish to have runoff elections, please revise your charters or ordinances accordingly.



Polling Locations

It has come to our attention that some charters include provisions requiring specific polling locations or specifying that polling locations be within city or town limits. While this may not present an issue for stand-alone elections, when municipalities wish to participate in uniform or countywide elections, this becomes logistically problematic and expensive, if not impossible. The SOE urges municipalities to remove any provisions to this effect, as it will be impossible to guarantee specific polling locations in future elections if the municipality is joining a countywide election.

Single Canvassing Board for Uniform Municipal Elections

The final question presented for consideration by the municipalities is the designation of the Palm Beach County Supervisor of Elections as the official Supervisor of each Uniform Municipal Election, such that one single Canvassing Board may be empowered to canvass all of the municipal elections held simultaneously on a given day. The municipal clerks would still be qualifying officers for their municipality's candidates.

This is an optional service, and each municipality can make its own determination as to whether they want to designate the Palm Beach County Supervisor of Elections as the official Supervisor of their election. As required under the Florida election laws, at least one (1) member of the Canvassing Board is required to be present during activities such as the pre-election testing of tabulation equipment (the Logic and Accuracy test), opening, tabulation, duplication, and the canvassing of ballots. A municipality may choose to maintain its own Canvassing Board; however, if they choose to do so, the Supervisor of Elections may elect not to serve as a Canvassing Board member for that municipality.

In some municipalities, an election may be required in order to make these changes. The Secretary of State has called for a Special Primary Election on November 2, 2021, for the U.S. House of Representatives District 20 seat. While this district may not include a municipality that would be required to have an election, we will be happy to accommodate a municipality that wishes to do so. (If the municipality is within Congressional District 20, it would also result in a cost savings to that municipality.) Please let the Supervisor of Elections know by July 15, 2021, whether your municipality plans to participate in the November 2, 2021 election. We will not be able to hold an election outside of this date.



Wendy Sartory Link
Palm Beach County Supervisor of Elections
www.pbcelections.org

Item # 7.

Again, congratulations on a successful election season. The Palm Beach County Supervisor of Elections looks forward to many future elections in partnership with our local governments.

Sincerely,

Wendy Sartory Link
Supervisor of Elections Palm Beach County

240 South Military Trail, West Palm Beach, FL 33415 | Post Office Box 22309, West Palm Beach, FL 33416
Telephone: 561.656.6200 | Fax Number: 561.656.6287



ITEM SUMMARY

MEETING DATE: August 2, 2021

FROM: Andrea McCue, City Manager

SUBJECT: Planning Commission Board Appointment – Sydelle Neustein

BACKGROUND

Pursuant to City Code Chapter 16; Article II, Division 3, Section 16-81; states there is hereby established a Planning Commission which shall consist of seven (7) members, all of whom shall be appointed by the Mayor upon advice and consent of the City Council. The basic term of office for members of the Commission shall be three (3) years. Vacancies shall be filled by the Mayor upon advice and consent of the City Council for the unexpired term of any member whose seat has become vacant. All members of the Planning Commission shall be residents of the city except as authorized by Article VIII Section 5 of the City Charter in order to obtain members with technical and professional expertise from within Palm Beach County to serve on the Commission, and shall serve without compensation except for reimbursement of out-of-pocket expenses, if any.

ANALYSIS

There is currently one (1) vacant Regular Member on the Planning Commission Board as of July 1, 2021. Ms. Sydelle Neustein resident of Greenacres has expressed an interest in fulfilling the Regular Member vacancy.

FINANCIAL INFORMATION

N/A

LEGAL

N/A

STAFF RECOMMENDATION

Staff recommends appointing Ms. Neustein to serve a three-year term as a Regular Member of the Planning Commission.

