



Town of Highland Beach Notice of Public Meeting Protocol

The Town of Highland Beach is committed to serving the needs of the public while also working to ensure the safety and health of the town's staff, the community, and visitors alike.

The following information is guidance for preregistration for Zoom or telephone participation, and for viewing and providing public comments at the meeting:

ZOOM PARTICIPATION:

Online or Telephone Access – Access to the meeting will begin on the date and time of the meeting.

- To Join Meeting: All interested persons **must preregister** to participate by contacting Town Clerk Lanelda Gaskins at publiccomments@highlandbeach.us or by calling (561) 278-4548 no later than one (1) business day prior to the meeting date (**e.g. by 4:30 P.M. on a Monday if the meeting is scheduled for that Tuesday; and by 4:30 P.M.**).
- Meeting access information and instructions will be provided to those persons two hours prior to the meeting.
- The video camera display feature will only be enabled for Public Hearing Quasi-Judicial matters and during public comments only. The video camera display feature will be disabled for public use.

For additional information on using Zoom, please visit Zoom Support by click on the following link: <https://support.zoom.us/hc/en-us>.

Viewing Only - To view the meeting, preregistration is not required. The public can view the meeting on the following:

- Highland Beach TV Channel 99 online streaming on the Town's website and via Highland Beach YouTube at <https://www.youtube.com/channel/UCTAGr8WCa44Y3Q2Bb6UN2mw>.

PROVIDING PUBLIC COMMENT:

Persons desiring to provide public comments must do so by one of the methods listed below. Public comments will be limited to five minutes (three minutes for special Commission meeting items only) per person during the designated section of the agenda. If an interested person desires to provide written public comment, all comments must be directed to Lanelda Gaskins, Town Clerk as follows:

TO SEND COMMENTS IN ADVANCE VIA EMAIL:

- To submit public comments, click on the link <https://mmportal6.teamunicode.com//> to go to the Agendas and Meeting webpage. At the top of the page click on "Public Comments" to submit your comments, or
- Submit your comments to publiccomments@highlandbeach.us.
- The Town will receive such public comments no later than two (2) hours prior to the meeting. If timely received, Town staff will read the public comment at the meeting.

- Live Zoom Video Participation - If attending via Zoom online, please follow Zoom instructions above. Once the meeting gets to the applicable public comment period, the host of the meeting will allow public participants (audio only) into the meeting from the waiting room, to provide live public comment.
- Live Zoom Telephone Participation - If attending via Zoom by telephone, please follow the instructions above. Once the meeting gets to the appropriate public comment period, the host of the meeting will allow public participants into the meeting from the waiting room, to provide live public comment.

Should you have any questions, please feel free to contact the Town Clerk's Office at (561) 278-4548.



TOWN OF HIGHLAND BEACH TOWN COMMISSION SPECIAL FIRST PUBLIC HEARING BUDGET MEETING AGENDA

Tuesday, September 06, 2022 AT 5:01 PM

TOWN HALL COMMISSION CHAMBERS

3614 S. OCEAN BOULEVARD
HIGHLAND BEACH, FL 33487

Town Commission

Douglas Hillman	Mayor
Natasha Moore	Vice Mayor
Peggy Gossett-Seidman	Commissioner
Evalyn David	Commissioner
John Shoemaker	Commissioner
Marshall Labadie	Town Manager
Lanelda Gaskins	Town Clerk
Glen J. Torcivia	Town Attorney

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1. **CALL TO ORDER**
 2. **ROLL CALL**
 3. **PLEDGE OF ALLEGIANCE**
 4. **ADDITIONS, DELETIONS, AND APPROVAL OF THE AGENDA**
 5. **FIRST READINGS / PUBLIC HEARINGS:**

A. Resolution No. 2022-020

A Resolution of the Town Commission of the Town of Highland Beach, Florida, adopting a Final Budget for the Fiscal Year beginning October 1, 2022, and ending September 30, 2023; determining and fixing the amounts necessary to carry on the government of the Town for the ensuing year; providing for severability, conflicts, and an effective date.

B. Resolution No. 2022-021

A Resolution of the Town Commission of the Town of Highland Beach, Florida, adopting a Final Millage Rate of 3.2294 Mils for the Town's General Operating Funds for the Fiscal Year beginning October 1, 2022, and ending September 30, 2023; providing that the Final Millage Rate of 3.2294 mils is 12.6404 percent greater than the computed rolled back rate of 2.8670 Mils; providing for severability, conflicts, and an effective date.

C. Resolution No. 2022-022

A Resolution of the Town Commission of the Town of Highland Beach, Florida, amending the Fiscal Year 2021-2022 Schedule of Fees for the purpose of increasing Water and Sewer Rates; providing for conflicts; and providing an effective date.

6. NEW BUSINESS

- A. Consideration to approve the Third Amendment to Town Manager's Employment Agreement.

7. TOWN MANAGER REPORTS

8. COMMISSION MEETINGS

September 21, 2022 - 5:01 P.M. Town Commission Special Second Public Hearing
Budget Meeting

9. ADJOURNMENT

NOTE: Any person, firm or corporation decides to appeal any decision made by the Town Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record including testimony and evidence upon which the appeal is to be based. (State Law requires the above Notice. Any person desiring a verbatim transcript shall have the responsibility, at his/her own cost, to arrange for the transcript.) The Town neither provides nor prepares such record.

In accordance with the Americans with Disabilities Act, persons who need accommodation in order to attend or participate in this meeting should contact Town Hall 561-278-4548 within a reasonable time prior to this meeting in order to request such assistance

File Attachments for Item:

A. Resolution No. 2022-020

A Resolution of the Town Commission of the Town of Highland Beach, Florida, adopting a Final Budget for the Fiscal Year beginning October 1, 2022, and ending September 30, 2023; determining and fixing the amounts necessary to carry on the government of the Town for the ensuing year; providing for severability, conflicts, and an effective date.



RESOLUTION NO. 2022-020

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, ADOPTING A FINAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023; DETERMINING AND FIXING THE AMOUNTS NECESSARY TO CARRY ON THE GOVERNMENT OF THE TOWN FOR THE ENSUING YEAR; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, a final budget has been prepared by the Town Manager estimating expenditures and revenues of the Town for the ensuing year, with detailed information, including revenues to be derived from sources other than the ad valorem levy, and the Town Manager has made recommendations as to the amount necessary to be appropriated for the ensuing year; and

WHEREAS, the Town Commission has met and considered the recommendations, the suggested budget, and the proposed millage necessary to be levied to carry on the government of the Town for the ensuing year.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA:

Section 1. That the final budget of the Town of Highland Beach, for the fiscal year beginning October 1, 2022, and ending September 30, 2023, is hereby adopted and the appropriations set out therein are hereby made to maintain and carry on the government of the Town of Highland Beach, Florida. There is hereby appropriated the sum of \$23,224,265 in new revenue, for the payment of operating expenditures for the Town Government pursuant to the terms of the above budget as summarized in Exhibit A.

Section 2. All delinquent taxes collected during the ensuing fiscal year as proceeds from levies of operating millages of prior years are hereby specifically appropriated for the use of the General Fund.

Section 3. All funds appropriated for the 2021/2022 fiscal year, which are encumbered, but unexpended as of the last day of the fiscal year, shall be deemed re-appropriated for the same purposes for the 2022/2023 fiscal year.

Section 4. If any clause, section, or other parts 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 eliminated and shall in no way affect the validity of the remaining portions of this Resolution.

Section 5. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent to such conflict.

Section 6. This Resolution shall become effective immediately upon its passage.

DONE AND ADOPTED by the Town Commission of the Town of Highland Beach, Florida, this **6th** day of **September 2022**.

ATTEST:

Douglas Hillman, Mayor

**REVIEWED FOR LEGAL
SUFFICIENCY**

Lanelda Gaskins, MMC
Town Clerk

Glen Torcivia, Town Attorney
Town of Highland Beach

VOTES:

YES NO

Mayor Douglas Hillman
Vice Mayor Natasha Moore
Commissioner Peggy Gossett-Seidman
Commissioner Evalyn David
Commissioner John Shoemaker

Exhibit A
Resolution No. 2022-020
FY2023 Final Budget
Summary

DEPARTMENT	DESCRIPTION	2021-22 AMENDED BUDGET	2021-22 ACTIVITY THRU 07/31/22	2022-23 MANAGER REVIEW BUDGET	2022-23 TOWN COMM. REVIEW BUDGET
310.000	REVENUES	13,243,373	12,164,018	14,075,566	14,344,999
511.000	TOWN COMMISSION	197,525	142,901	190,367	198,646
512.000	TOWN MANAGER	642,250	433,202	544,887	563,537
512.100	TOWN CLERK	480,216	308,681	414,457	431,582
513.000	FINANCE	569,333	415,314	600,142	624,754
514.000	LEGAL COUNSEL	185,000	92,524	200,000	200,000
519.000	PUBLIC WORKS	334,913	233,869	376,208	383,438
519.100	POST OFFICE	133,050	92,519	149,186	156,972
519.300	SHARED SUPPORT SERVICES	443,690	355,724	613,668	628,459
521.000	POLICE DEPARTMENT	2,897,992	2,173,527	2,890,131	3,016,529
522.000	FIRE RESCUE	5,425,325	4,504,339	6,138,157	6,163,370
534.000	SOLID WASTE	488,180	373,108	492,235	492,235
571.000	LIBRARY	424,800	328,269	440,609	459,958
581.000	INTERFUND TRANSFERS	1,094,445	912,030	1,000,519	1,000,519
590.000	RESERVE FOR CONTINGENCY	14,000		25,000	25,000
NET OF REVENUES/APPROPRIATIONS - FUND 001		(87,346)	1,798,011		
Fund 103 - DISCRETIONARY SALES TAX FUND					
310.000	REVENUES	525,000	254,972	430,000	430,000
360.000	MISCELLANEOUS		1,062		
574.000	DISCRETIONARY SALES TAX- IST	595,119	219,197	430,000	430,000
NET OF REVENUES/APPROPRIATIONS - FUND 103		(70,119)	36,837		
Fund 106 - Building Department Fund					
310.000	REVENUES	1,241,204	1,374,268	1,788,400	1,823,434
524.000	BUILDING DEPARTMENT	1,256,159	1,047,303	1,788,400	1,823,434
NET OF REVENUES/APPROPRIATIONS - FUND 106		(14,955)	326,965		
Fund 401 - WATER SYSTEM					
	WATER SYSTEM REVENUES	4,757,635	3,377,930	4,784,807	4,843,140
533.000	WATER SYSTEM OPERATIONS	4,926,197	3,450,071	4,784,807	4,843,140
NET OF REVENUES/APPROPRIATIONS - FUND 401		(168,562)	(72,141)		
Fund 402 - SEWER SYSTEM					
	SEWER SYSTEM REVENUES	2,139,675	1,723,783	1,757,374	1,782,692
535.000	SEWER SYSTEM OPERATIONS	2,206,523	1,268,814	1,757,374	1,782,692
NET OF REVENUES/APPROPRIATIONS - FUND 402		(66,848)	454,969		
ESTIMATED REVENUES - ALL FUNDS		21,906,887	18,896,033	22,836,147	23,224,265
APPROPRIATIONS - ALL FUNDS		22,314,717	16,351,392	22,836,147	23,224,265
NET OF REVENUES/APPROPRIATIONS - ALL FUNDS		(407,830)	2,544,641		

File Attachments for Item:

B. Resolution No. 2022-021

A Resolution of the Town Commission of the Town of Highland Beach, Florida, adopting a Final Millage Rate of 3.2294 Mils for the Town's General Operating Funds for the fiscal year beginning October 1, 2022, and ending September 30, 2023; providing that the Final Millage Rate of 3.2294 mills is 12.6404 percent greater than the computed rolled back rate of 2.8670 Mils; providing for severability, conflicts, and an effective date.



RESOLUTION NO. 2022-021

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, ADOPTING A FINAL MILLAGE RATE OF 3.2294 MILS FOR THE TOWN'S GENERAL OPERATING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023; PROVIDING THAT THE FINAL MILLAGE RATE OF 3.2294 MILS IS 12.6404 PERCENT GREATER THAN THE COMPUTED ROLLED BACK RATE OF 2.8670 MILS; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, a final budget has been reviewed and considered by the Town Commission of the Town of Highland Beach, Florida, for the ensuing year, with detailed information, including revenues to be derived from sources other than ad valorem levy, and the Town Manager has made recommendations as to the amount necessary to be appropriated for the ensuing year;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA:

Section 1. That the final millage rate necessary to be levied against ad valorem valuation of property subject to taxation in the Town of Highland Beach, Florida, to produce a sufficient sum which together with departmental and other revenues will be sufficient to pay for appropriations made in the budget for the fiscal year beginning October 1, 2022 and ending September 30, 2023, is hereby set at 3.2294 Mils, plus 0.3581 for voted debt service, for a final millage rate of 3.5875.

Section 2. The final millage rate of 3.2294 is 12.6404 percent greater than the computed rolled-back rate of 2.8670.

Section 3. If any clause, section, or other parts 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 shall in no way affect the validity of the remaining portions of this Resolution.

Section 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. This Resolution shall become effective immediately upon passage.

DONE AND ADOPTED by the Town Commission of the Town of Highland Beach, Florida, this **6th** day of **September 2022**.

ATTEST:

Douglas Hillman, Mayor

**REVIEWED FOR LEGAL
SUFFICIENCY**

Lanelda Gaskins, MMC
Town Clerk

Glen Torcivia, Town Attorney
Town of Highland Beach

VOTES:

YES NO

Mayor Douglas Hillman
Vice Mayor Natasha Moore
Commissioner Peggy Gossett-Seidman
Commissioner Evalyn David
Commissioner John Shoemaker

File Attachments for Item:

C. Resolution No. 2022-022

A Resolution of the Town Commission of the Town of Highland Beach, Florida, amending the Fiscal Year 2021-2022 Schedule of Fees for the purpose of increasing Water and Sewer Rates; providing for conflicts; and providing an effective date.



TOWN OF HIGHLAND BEACH

AGENDA MEMORANDUM

MEETING TYPE: Town Commission

MEETING DATE 08/23/2022

SUBMITTED BY: David M. DiLena, Finance Director

SUBJECT: Water & Sewer Rate Increase

For your review and consideration, Resolution No. 2022-022 adjusts the water and sewer rates according to the approved Revenue Sufficiency Study dated March 2, 2021. This resolution will adjust the Water Flat and Usage Rates by 10% and the Sewer Flat and Usage Rates by 12% as follows:

<u>Class/Type</u>	<u>Old Rate</u>	<u>New Rate</u>
Water Flat	\$ 44.40	\$ 48.84
0 - 10K	2.36	2.60
10K-20K	3.20	3.52
20K-55K	4.96	5.46
55K-80K	7.22	7.94
Over 80K	9.44	10.38
 Irrig Flat	 \$ 44.40	 \$ 48.84
0-55K	4.96	5.46
55K-80K	7.22	7.94
Over 80K	9.44	10.38
 Sewer Flat	 \$ 33.39	 \$ 37.40
0-20K	2.72	3.05
 Commercial		
All	2.72	3.05

Staff recommends approval of the rate increase to meet the Water and Sewer Funds budget needs for Fiscal Year 2023 as outlined during the budget presentation.



RESOLUTION NO. 2022-022

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AMENDING THE FISCAL YEAR 2021-2022 SCHEDULE OF FEES FOR THE PURPOSE OF INCREASING WATER AND SEWER RATES; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Highland Beach (“Town”) maintains and desires to promote the safety, health, and welfare of its residents by providing for enforcement of its Code of Ordinances as well as setting forth fees for providing certain utilities and administrative services; and

WHEREAS, the Town Commission approved an agreement with Raftelis Financial Consultants, Inc., on July 10, 2019, for the purpose of completing a Utility Revenue Sufficiency Study.

WHEREAS, on March 2, 2021, the Town Commission approved the 2021 Revenue Sufficiency and Rate Study – Water and Wastewater Systems.

WHEREAS, the Town Commission finds that an amendment to the adopted 2021-001 schedule of fees is necessary to modify water and wastewater fees pursuant to the approved study.

WHEREAS, amendments adopted for water and wastewater fees will take effect as of October 1st, 2022.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

Section 2. The “Town of Highland Beach Schedule of Fees,” which is attached as **Exhibit “A”** and incorporated herein, is hereby adopted.

Section 3. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

Section 4. If any provision of this Resolution or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application and to this end, the provisions of this Resolution are declared severable.

Section 5. This Resolution shall become effective upon approval by Town Commission.

DONE AND ADOPTED by the Town Commission of the Town of Highland Beach, Florida, this **6th** day of **September 2022**.

ATTEST:

Douglas Hillman, Mayor

**REVIEWED FOR LEGAL
SUFFICIENCY**

Lanelda Gaskins, MMC
Town Clerk

Glen Torcivia, Town Attorney
Town of Highland Beach

VOTES:

YES NO

Mayor Douglas Hillman

Vice Mayor Greg Babij

Commissioner Peggy Gossett-Seidman

Commissioner Evalyn David

Commissioner John Shoemaker

EXHIBIT “A”

TOWN OF HIGHLAND BEACH
SCHEDULE OF FEES

EFFECTIVE 10/01/2022 – 09/30/2023

I. WATER USE RATES

- a. Water Flat Rate Charge (Bi-Monthly) \$48.84 per dwelling unit
- b. All Customers Bi-Monthly Usage Charges (per dwelling unit)
 - i. 0 to 10,000 gallons \$2.60 per 1,000 gallons
 - ii. 10,001 to 20,000 gallons \$3.52 per 1,000 gallons
 - iii. 20,001 to and 55,000 gallons \$5.46 per 1,000 gallons
 - iv. 55,001 gallons to 80,000 gallons \$7.94 per 1,000 gallons
 - v. Over 80,000 gallons \$10.38 per 1,000 gallons
- c. Irrigation Class Bi-Monthly Usage Charges (per meter) *
 - i. 0 to 55,000 gallons \$5.46 per 1,000 gallons
 - ii. 55,001 to 80,000 gallons \$7.94 per 1,000 gallons
 - iii. Over 80,000 gallons \$10.38 per 1,000 gallons

* Subject to flat charge plus usage charges

II. SEWER USE RATES

- a. Sewer Flat Rate Charge (Bi-Monthly) \$ 37.40 per dwelling unit
- b. Bi-Monthly Usage Charges (per dwelling unit)
 - i. \$3.05 per 1,000 gallons of water usage to a maximum of 20,000 gallons.
- c. Commercial customers*
 - i. \$3.05 per 1,000 gallons of water usage with no maximum.

* Subject to flat charge plus usage charges

III. PRIVATE FIRE PROTECTION

- a. Fire Hydrants \$22.00 each per month
- b. Standpipes/Sprinkler System \$22.00 each per month

IV. GENERAL CUSTOMER BILLING

- a. Water and Sewer usage charges will be billed bi-monthly
- b. Payment remittance is due within 30 days of the billing date
- c. Accounts more than 30 days are considered delinquent.
- d. Delinquent accounts will be subject to an additional 1.5% per month (18% annum) delinquency charge.
- e. Notice of such delinquency will be given by the Town; and if not corrected within 10 days of said notice, water service will be disconnected.
- f. Water service will not be reconnected until the delinquent bill and a fifty-dollar (\$50.00) reconnection fee is paid.

- g. Meters may be tested for accuracy upon written request from the customer. However, the customer will be subject to the expense of the test if the meter is found to be not more than 2% fast.
- h. In the event of a water leak occurring on the consumer's side of the meter, the Town Manager may offer a one-time courtesy adjustment to provide financial relief to a consumer who is experiencing a higher than usual water bill. To be considered for this courtesy adjustment:
 - i. the water bill in question must not be from the billing period more than two billing cycles prior.
 - ii. the consumer must not have used a courtesy adjustment in the past, and
 - iii. the consumer must demonstrate that they have repaired the water leak (i.e. plumber's invoice for repairs).

If a consumer is granted a courtesy adjustment, the Town will estimate (by comparing historical usage of the account) the amount of the water leak and deduct it from the consumer's total usage for the billing period. The difference between the total usage and the water leak portion will be considered the consumer's regular usage for the billing period and will be billed according to the rate structure provided in Section VI. The estimated water leak portion of usage for the billing period will be adjusted and billed at the lowest tiered rate provided in Section VI.

Notwithstanding the above, the town manager in his or her discretion will have the flexibility to allow up to four (4) installment payments of bills which are unusually high as measured by past bills for the property in question. The town manager's discretion will be on a case-by-case basis using his or her best judgment as each case arises.

V. WATER SYSTEM CONNECTION CHARGES (IMPACT FEES)

- a. New Dwellings
 - i. Connection Charge \$3,000 per dwelling unit
 - ii. Meter Installation Fees Time and Material plus 25%

VI. SEWER SYSTEM CONNECTION CHARGES (IMPACT FEES)

- a. New Dwellings
 - i. Connection Charge \$1,000 per dwelling unit

VII. FIELD VISIT CHARGE

The Town may charge a fee to each customer requesting a service to be performed by a Town employee at their premises with respect to the water or wastewater systems. The services to be performed shall include, but not be limited to, individual turn-on and turn-off of service, data-logging a meter, and meter re-reading. The Town will waive this fee in any instance where the meter is determined to be faulty. There shall be no charge for the first field visit.

Resolution No. 2022-022

a. During Normal Working Hours	\$27.50
b. Outside Normal Working Hours	\$55.00

File Attachments for Item:

A. Consideration to approve the Third Amendment to Town Manager's Employment Agreement.



TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

MEETING TYPE: Town Commission Special Meeting

MEETING DATE *September 6, 2022*

SUBMITTED BY: Marshall Labadie, Town Manager

SUBJECT: Third Amendment to Town Manager's Employment Agreement.

SUMMARY:

Attached is the Third Amendment to the Town Manager Employment Agreement for Town Commission consideration. The original agreement executed in 2018 was last amended in September 2020 and is set to expire September 30, 2023. The Third Amendment was developed following the favorable annual Town Manager performance evaluations conducted individually by each Town Commissioner.

FISCAL IMPACT:

TBD

ATTACHMENTS:

Third Amendment to the Town Manager Employment Agreement.

RECOMMENDATION:

Approval of Third Amendment to the Town Manager Employment Agreement.

**THIRD AMENDMENT TO TOWN MANAGER EMPLOYMENT AGREEMENT
BETWEEN THE TOWN OF HIGHLAND BEACH
and MARSHALL LABADIE**

This third amendment to agreement is made and entered into this 6th day of September 6, 2022, by and between the Town of Highland Beach, (hereinafter referred to as “Town”) and Marshall Labadie (hereinafter referred to as “Employee”).

WHEREAS, on September 04, 2018, the parties entered into an Employment Agreement; and,

WHEREAS, on August 29, 2019, the parties approved the First Amendment to the Employment Agreement; and,

WHEREAS, on September 15, 2020, the parties approved the Second Amendment to the Employment Agreement; and,

WHEREAS, the parties have decided to amend said Agreement based upon the superior performance of the Town Manager as evaluated by the Town Commission.

NOW THEREFORE, the parties intending to be legally bound, for good and valuable consideration, the sufficiency of which is hereby acknowledged, do hereby agree as follows:

1. Section IV. Term, A. of the Agreement is amended to add the following provision, with the remainder of Section IV. Term, A. remaining in full force and effect:

Effective October 1, 2022, the Agreement shall remain in full force until September 30, 2026, or unless otherwise terminated by the EMPLOYER or Town Manager as provided in Section V of this Agreement.

2. *Section VI. Compensation, A. Base Salary* of the Agreement is amended to add the following provision, with the remainder of *Section VI. Compensation, A. Base Salary* remaining in full force and effect:

Effective October 1, 2022, and pursuant to *Section VI*, the Town agrees that the EMPLOYEE’S existing annual Base Salary shall be increased by ___% of EMPLOYEE’S annual Base Salary.

3. *Section VI. Compensation, C. 4. Retirement Contribution* of this Agreement is amended to add the following provision to modify the contribution amount with the remainder of *Section VI. Compensation, C. 4. Retirement Contribution* remaining in full force and effect:

Effective October 2, 2022, the Town shall contribute 20% of the Employees annual Base Salary, up to the maximum allowed by federal, state and/or local law, rule, regulation, and/or ordinance into the existing ICMA-RC 401 (a) Plan No. 100074.

4. *Section VI. Compensation, C. 5. Vehicle Allowance* of the Agreement is amended as follows:

~~In lieu of an official vehicle, EMPLOYER shall provide EMPLOYEE with a monthly car allowance of six hundred (\$600.00) in full payment of any expense arising from this employment, providing EMPLOYEE maintains personal comprehensive car insurance coverage for property damage and bodily injury consistent with the EMPLOYER's current automobile policy limits. EMPLOYEE shall be responsible for any tax consequences relating to such car allowance. EMPLOYER shall reimburse EMPLOYEE at the IRS standard mileage rate for any business use of the vehicle beyond Palm Beach County. EMPLOYEE shall be provided an automobile owned (or leased) in accordance with the Town's procurement process.~~

5. *Section VII. Performance Evaluation* the following:

Effective upon approval of this Amendment, Employee shall be eligible to fully participate in any Performance Bonus Program ("Program") implemented for all other employees and under the same terms and conditions as such other employees. Where the Employee has notified employees that a Performance Bonus will be awarded under the Program for an upcoming Evaluation Period, as defined by the Program, the Employee shall be eligible for same. If no written Performance Evaluation is provided to Employee in accordance with the Program, Employee shall be deemed to have met the minimum qualifications for receiving the Performance Bonus if employed by the Town at the time payment is made.

6. In all other respects, the provisions of the Employment Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Second Amendment to the Employment Agreement to be executed by their duly authorized officials.

Signed in the presence of:

TOWN OF HIGHLAND BEACH, FLORIDA

BY: _____
MAYOR, DOUG HILLMAN

EMPLOYEE

MARSHALL LABADIE

ATTEST:

LANELDA GASKINS, TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

GLEN J. TORCIVIA, TOWN ATTORNEY