

TOWN OF LOXAHATCHEE GROVES

TOWN HALL COUNCIL CHAMBERS

TOWN COUNCIL REGULAR MEETING

AGENDA

OCTOBER 01, 2024 – 6:00 PM



**Community Open Discussion Meeting Precedes Meeting from 6:00-6:30 PM
(on Non-Agenda Items)**

Anita Kane, Mayor (Seat 3)

Phillis Maniglia, Councilmember (Seat 1)

Laura Danowski, Councilmember (Seat 2)

Robert Shorr, Councilmember (Seat 4)

Marge Herzog, Vice Mayor (Seat 5)

Administration

Town Manager, Francine L. Ramaglia

Town Attorney, Torcivia, Donlon, Goddeau, & Rubin, P.E.

Town Clerk, Valerie Oakes

Public Works Director, Richard Gallant

Civility: Being "civil" is not a restraint on the First Amendment right to speak out, but it is more than just being polite. Civility is stating your opinions and beliefs, without degrading someone else in the process. Civility requires a person to respect other people's opinions and beliefs even if he or she strongly disagrees. It is finding a common ground for dialogue with others. It is being patient, graceful, and having a strong character. That is why we say "Character Counts" in Town of Loxahatchee. Civility is practiced at all Town meetings.

Special Needs: In accordance with the provisions of the American with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall within three business days prior to any proceeding, contact the Town Clerk's Office, 155 F Road, Loxahatchee Groves, Florida, (561) 793-2418.

Quasi-Judicial Hearings: Some of the matters on the agenda may be "quasi-judicial" in nature. Town Council Members are required to disclose all ex-parte communications regarding these items and are subject to voir dire (a preliminary examination of a witness or a juror by a judge or council) by any affected party regarding those communications. All witnesses testifying will be "sworn" prior to their testimony. However, the public is permitted to comment, without being sworn. Unsworn comment will be given its appropriate weight by the Town Council.

Appeal of Decision: If a person decides to appeal any decision made by the Town Council with respect to any matter considered at this meeting, he or she will need a record of the proceeding, and for that purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes any testimony and evidence upon which the appeal will be based.

Consent Calendar: Those matters included under the Consent Calendar are typically self-explanatory, non controversial, and are not expected to require review or discussion. All items will be enacted by a single motion. If discussion on an item is desired, any Town Council Member, without a motion, may "pull" or remove the item to be considered separately. If any item is quasi-judicial, it may be removed from the Consent Calendar to be heard separately, by a Town Council Member, or by any member of the public desiring it to be heard, without a motion.

TOWN COUNCIL AGENDA ITEMS

CALL TO ORDER

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

ROLL CALL

ADDITIONS, DELETIONS AND MODIFICATIONS

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

Public Comments for all meetings may be received by email, or in writing to the Town Clerk's Office until 12:00 PM day of the meeting. Comments will be "received and filed" to be acknowledged as part of the official public record of the meeting. Town Council meetings are livestreamed and close-captioned for the general public via our website, instructions are posted there.

CONSENT AGENDA

1. Approval of **Resolution No. 2024-76**: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RATIFYING EXPENDITURES IN EXCESS OF \$25,000, AS SHOWN ON THE ATTACHED COMPOSITE EXHIBIT "A" AND AUTHORIZING THE PAYMENT FOR SUCH; AND PROVIDING FOR AN EFFECTIVE DATE.
2. Receive & File: Vendor Payments in FY 2024 between \$10,000 and \$25,000

PRESENTATIONS

3. Presentation on Resilient Florida Project Work Plan Status and Update

REGULAR AGENDA

4. Consideration of Approval on **Resolution No. 2024-74**: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA AUTHORIZING THE FIFTH AMENDMENT TO SOLID WASTE AND RECYCLING COLLECTION SERVICES AGREEMENT WITH COASTAL WASTE & RECYCLING OF PALM BEACH COUNTY, LLC; PROVIDING FOR AN EFFECTIVE DATE.

DISCUSSION

5. Discussion of Proposed Culvert Ordinance (Revised)

6. Discussion on Town Council Priorities:

- Review of the Legislative Calendar
- Review of Agenda Item Schedules (forthcoming)
- Review of Annual Special Events & Approval of **Resolution No. 2024-67:**
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RECOGNIZING CERTAIN DATES SUPPORTING LOCAL GOVERNMENT AND APPROVING ANNUAL SPONSORSHIPS AND EVENTS; AND PROVIDING FOR AN EFFECTIVE DATE.
- Review Annual Proclamations & Approval of **Resolution No. 2024-68:**
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE DESIGNATION OF CERTAIN DAYS, WEEKS, AND MONTHS FOR ANNUAL PROCLAMATIONS TO BE ISSUED BY THE TOWN COUNCIL; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE
- Review of the Florida City Government Week Schedule & Approval of **Resolution No. 2024-75:**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, PALM BEACH COUNTY, FLORIDA, RECOGNIZING FLORIDA CITY GOVERNMENT WEEK, OCTOBER 21 THROUGH 27, AND ENCOURAGING ALL CITIZENS TO SUPPORT THE CELEBRATION AND CORRESPONDING ACTIVITIES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

7. Discussion on Roadway, Drainage and Emergency Management

PUBLIC HEARING

8. Approval of **Ordinance No. 2024-11** on Second Reading: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING THE ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN CONSISTENT WITH CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

9. Approval of **Ordinance No. 2024-12** on Second Reading: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING CHAPTER 2 “ADMINISTRATION”, ARTICLE II “TOWN COUNCIL” BY ADDING A NEW SECTION 2-20 “ELECTION QUALIFYING” OF THE LOXAHATCHEE GROVES CODE PROVIDING FOR THE CANDIDATE QUALIFYING PERIOD; AND PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION AND AN EFFECTIVE DATE.

10. Approval of **Ordinance No. 2024-13** on Second Reading: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, CALLING FOR A REFERENDUM OF THE QUALIFIED ELECTORS OF THE TOWN OF LOXAHATCHEE GROVES TO BE HELD ON MARCH 11, 2025 AS TO WHETHER THE TOWN OF LOXAHATCHEE GROVES CHARTER SHALL BE AMENDED IN THE FOLLOWING RESPECT: AMEND PARAGRAPH (5) OF SECTION 7 “ELECTIONS” OF THE CHARTER FOR THE PALM BEACH COUNTY CANVASSING BOARD TO BE THE TOWN CANVASSING BOARD FOR ALL UNIFORM MUNICIPAL ELECTIONS FOR THE TOWN; PROVIDING FOR NOTICE AND ADVERTISING OF THE REFERENDUM; PROVIDING FOR REFERENDUM CANVASSING; AND PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE.

11. Approval of **Ordinance No. 2024-14** on First Reading: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING SECTION 130-035 “ADEQUACY OF DRAINAGE FACILITIES,” OF ARTICLE 130 “CONCURRENCY REVIEWS” of Part V “Development Review Procedures and Requirements,” OF THE UNIFIED LAND DEVELOPMENT CODE TO UPDATE STANDARDS FOR DRAINAGE SYSTEMS; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

QUASI-JUDICIAL PUBLIC HEARING

None.

TOWN STAFF COMMENTS

Town Manager

Town Attorney

Public Works Director

Town Clerk

TOWN COUNCILMEMBER COMMENTS

Phillis Maniglia (Seat 1)

Laura Danowski (Seat 2)

Robert Shorr (Seat 4)

Vice Mayor Marge Herzog (Seat 3)

Mayor Anita Kane (Seat 3)

ADJOURNMENT

Comment Cards:

Anyone from the public wishing to address the Town Council, it is requested that you complete a Comment Card before speaking. Please fill out completely with your full name and address so that your comments can be entered correctly in the minutes and give to the Town Clerk. During the agenda item portion of the meeting, you may only address the item on the agenda being discussed at the time of your comment. During public comments, you may address any item you desire. Please remember that there is a three (3) minute time limit on all public comment. Any person who decides to appeal any decision of the Council with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made which included testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate should contact the Town Clerk's Office (561-793-2418), at least 48 hours in advance to request such accommodation.

TOWN OF LOXAHATCHEE GROVES

155 F Road Loxahatchee Groves, FL 33470



AGENDA MEMO

TO: Town Council of Town of Loxahatchee Groves

FROM: Francine Ramaglia, Town Manager

DATE: October 1, 2024

SUBJECT: Vendor Payments in FY 2024 over \$25,000 Resolution 2024-76

Background:

Section 2-134(c), Loxahatchee Groves Code requires Town Council approval of expenditures in excess of \$25,000 within a fiscal year. The cumulative annual spending for the following vendors exceeds the \$25,000 threshold in total during FY 2024 to date. The listing below does not include payments under contracts or that have been previously approved by Council.

Vendor	Purpose	Total Spending
		YTD Actual
Palmdale Oil Company, Inc	Gas and oil for Public Works Fleet	\$41,870.99

Recommendations:

Move to approve **Resolution No. 2024-76** ratifying the purchase of goods and services in excess of \$25,000 for FY24 and to direct staff to work with the Town Attorney to prepare and execute any necessary agreements and/or other supporting documents.

RESOLUTION NO. 2024-76

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RATIFYING EXPENDITURES IN EXCESS OF \$25,000, AS SHOWN ON THE ATTACHED COMPOSITE EXHIBIT "A" AND AUTHORIZING THE PAYMENT FOR SUCH; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town has purchased goods services from various vendors; and

WHEREAS, the Town Manager has authorized the purchase of the goods and services as such has been necessary for the operations of the Town; and

WHEREAS, the goods and services from various vendors, as reflected on Exhibit "A", attached hereto, have or are anticipated to exceed \$25,000, per project, per vendor, during the fiscal year; and

WHEREAS, pursuant to Section 2-134(c), Loxahatchee Groves Code, such expenditures require approval of Town Council; and

WHEREAS, the Town Council finds it is in the best interest of the Town to ratify the expenditures, and finds that authorizing the purchase of the goods and services from various vendors in an amount exceeding \$25,000, as reflected on Exhibit "A" is in the best interest of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THAT:

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

Section 2. The Town Council hereby ratifies the purchase of goods and services in excess of \$25,000, from various vendors as listed below and reflected in the attached Exhibit "A" to this Resolution.

Vendor	Purpose	Total Spending
		YTD Actual
Palmdale Oil Company, Inc	Gas and oil for Public Works Fleet	\$41,870.99

Section 3. This Resolution shall become effective immediately upon its passage and adoption.

Council Member _____ offered the foregoing resolution. Council Member seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ANITA KANE, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGE HERZOG, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LAURA DANOWSKI, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBERT SHORR, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS ___ DAY OF _____ 2024.

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

ATTEST:

Anita Kane, Mayor

Valerie Oakes, Town Clerk

Marge Herzog, Vice Mayor

Laura Danowski, Council Member

APPROVED AS TO LEGAL FORM:

Robert Shorr, Council Member

Office of the Town Attorney

Phillis Maniglia, Council Member

TOWN OF LOXAHATCHEE GROVES

155 F Road Loxahatchee Groves, FL 33470



AGENDA MEMO

TO: Town Council of Town of Loxahatchee Groves

FROM: Francine Ramaglia, Town Manager

DATE: October 1, 2024

SUBJECT: Vendor Payments in FY 2024 between \$10,000 and \$25,000

Background:

Pursuant to Ordinance 2020-02, attached is a listing of all transactions in FY 2024 YTD between \$10,000 to \$25,000 approved by Town Manager as provided under the ordinance. The listing below does not include payments under contracts or that have been previously approved by Council.

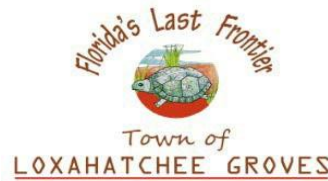
Vendor	Total Spending
The Valiant Management Team LLC	\$23,700.00
FPL	\$18,934.36
Amazon	\$17,017.38
Anago Cleaning Systems	\$16,115.00
Ferguson	\$15,131.28
Vulcan Inc.	\$14,983.00
Debris Dog Inc	\$13,300.00
The Hartford	\$12,074.30
Kelly Tractor Company	\$11,787.94
Humana	\$11,641.87
Comcast	\$11,073.20
Dobbs Equipment, LLC	\$10,906.12

*break down of Amazon purchases below:

Account Summary		
Account Number	Description	Net Amount
001-10-51-511-58200	Special Events/ Contributions	\$1,991.89
001-12-51-512-54900	Other Operating Expenses (Misc.-Recording Fees)	\$14.90
001-12-51-512-55100	Office Supplies	\$3,130.09
001-32-51-519-54600	Repair and Maintenance - Building	\$379.39
105-50-53-538-54100	Communication Services	\$38.98
105-50-53-538-54600	Building Maintenance	\$25.68
105-50-53-538-54910	Computer hardware & Software	\$244.73
105-50-53-538-54980	Uniforms	\$174.12
105-50-53-538-55100	Office Supplies	\$4,184.24
105-50-53-538-55400	Books, Publications, Subscriptions	\$60.50
105-50-53-538-55500	Education & Training	\$76.98
105-50-54-541-54670	Traffic Control Signs	\$419.98
105-50-54-541-54680	Repair and Maintenance - Machinery	\$1,284.77
105-50-54-541-55200	Operating Supplies	\$3,569.01
105-50-54-541-55300	Road Materials & Supplies	\$1,947.79
	GRAND TOTAL:	\$17,543.05

Recommendations:

Receive and file.



155 F Road Loxahatchee Groves, FL 33470

TO: Town Council of Town of Loxahatchee Groves

FROM: Francine Ramaglia, Town Manager

DATE: October 1, 2024

SUBJECT: Resilient Florida Project Work Plan Status and Update

Background:

In August 2023, the Town entered an agreement between the Town and the State of Florida Department of Environmental Protection and is required by the State to use the \$350,000 in the Resilient Florida Planning Grant for a Resiliency Vulnerability Assessment. Randy Wertepny of Keshavarz & Associates provided details of the Resilient Florida Grant and associated Work Plan which has been implemented this year by Keshavarz & Associates and by Engenuity Group.

It's a collaborative effort from local through state levels for storm preparation, response, and recovery planning and system improvements. A Steering Committee from local agencies has been assembled to assist with the guidance conducting the assessment and implementation of the recommendations. Public input will solicited within two sets of public outreach meetings, the first of which will occur on October 17 and 19, 2024 for input on critical assets, focus areas and historical drainage concerns.

In addition to collecting long-needed system and infrastructure information, the project's deliverables provide the backbone data for outlining our current conditions and challenges and provides a practical, functional framework for establishing plans, programs and projects to address them.

For instance, this project will:

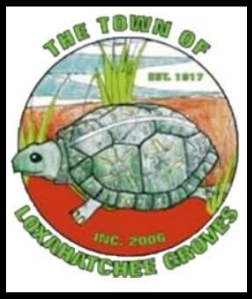
- Provide hydraulic modeling results for existing pipes and channels and identify restrictions leading to washouts, probable locations of overflows, or other drainage system failure. A field assessment of each pipe will help log its condition, amount of blockage, and immediate repair needs and set the baseline for future inspection cycles.
- Create a template that for a maintenance activity log, scheduling inspections and cleanings, and planning replacements. The stormwater model is a scientific tool that can be used to mathematically evaluate upgrades and replacements before the money is spent to install them, preventing fixes that don't generate the wanted result and reducing duplication of expenses.
- Demonstrate the need for and support applications for future funding through Resilient Florida and other grant programs.

As part of this project

Our engineers and staff will provide an update on activities to date as well as upcoming milestones and target dates.

Recommendation:

Receive and file



Town of Loxahatchee Groves

Resilient Florida

Progress Update for the Town Council:

Anita Kane	—	Mayor
Margaret Herzog	—	Vice Mayor
Phillis Maniglia	—	Councilmember
Laura Donowski	—	Councilmember
Robert Shorr	—	Councilmember

October 1, 2024



Program Tasks & Timeline

Major Milestone

Completion Date

-
- Project Kickoff
December 2023
 - Data Collection
June 2024
 - Steering Committee Meeting No. 1
July 2024
 - **Public Outreach Meeting No. 1**
October 2024
 - Steering Committee Meeting No. 2
November 2024
 - Exposure Analysis
December 2024
 - Impact Analysis
February 2025
 - Public Outreach Meeting No. 2
March 2025
 - Steering Committee Meeting No. 3
March 2025
 - Final Report DRAFT
July 2025
 - Steering Committee Meeting No. 4
September 2025
 - **Final Report Submittal**
October 2025



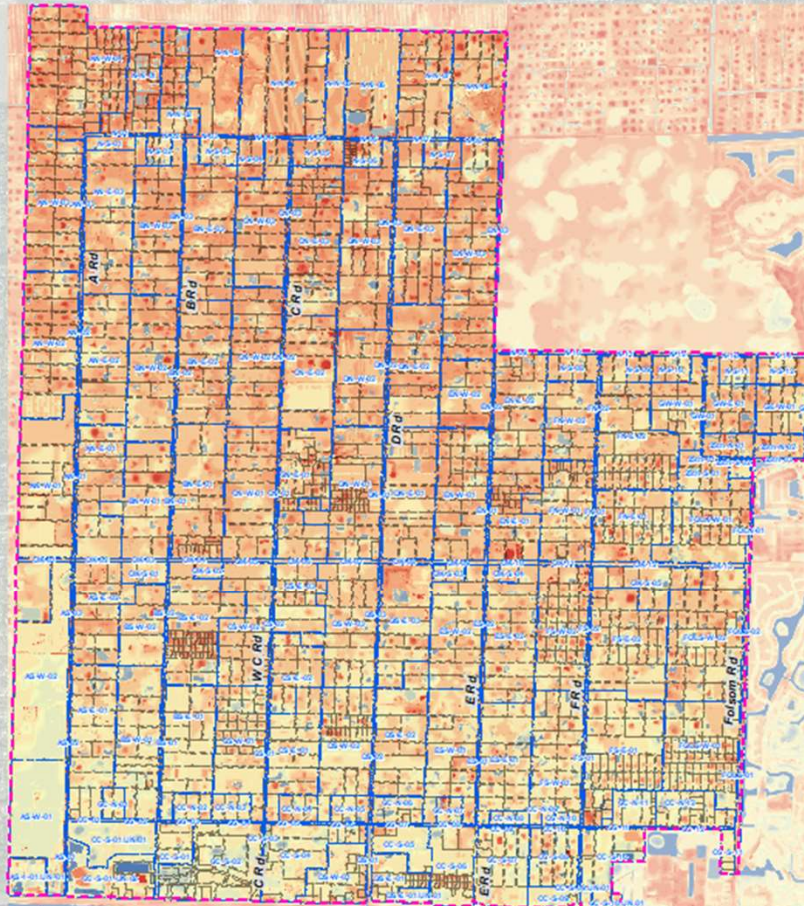
Town of Loxahatchee Groves Resilient Florida Surface Water Management System Assessment

September 2024



1400 Feet

LiDAR Topography and Basin Boundaries



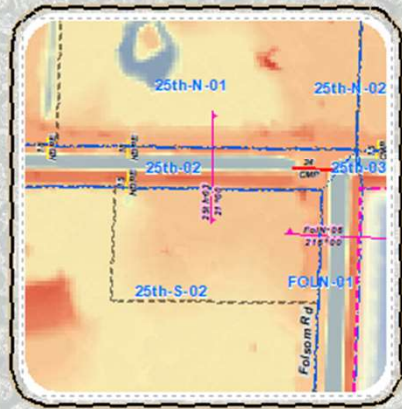
LiDAR

High

Low

Legend

- Municipal Boundary
- Parcels in City
- Drainage Basin Boundary

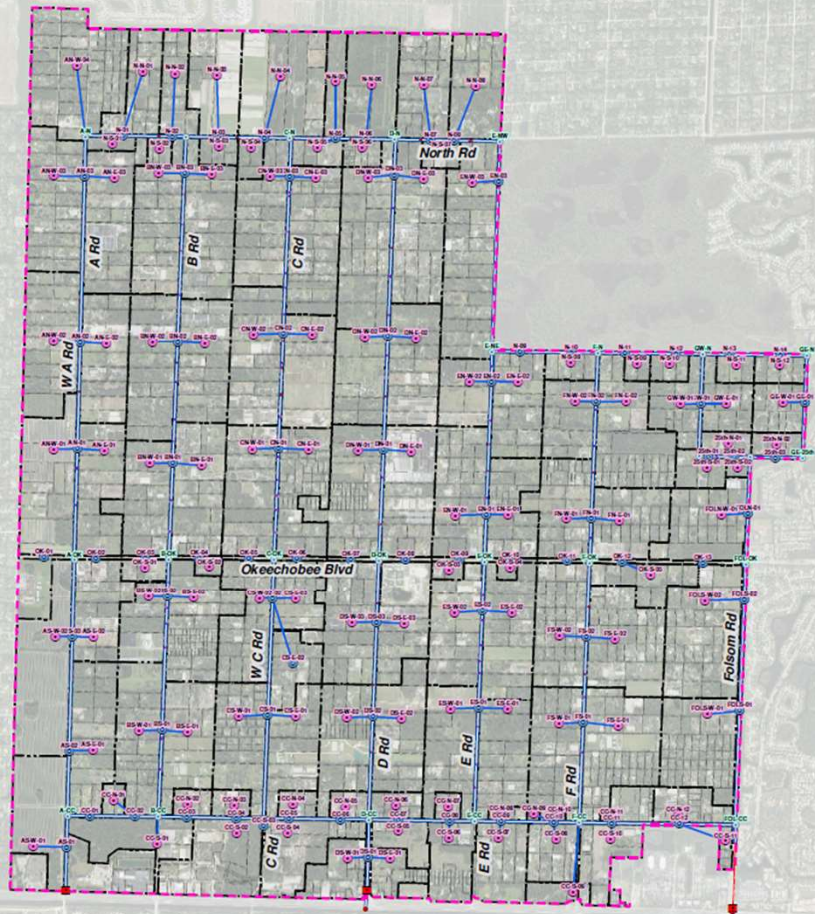


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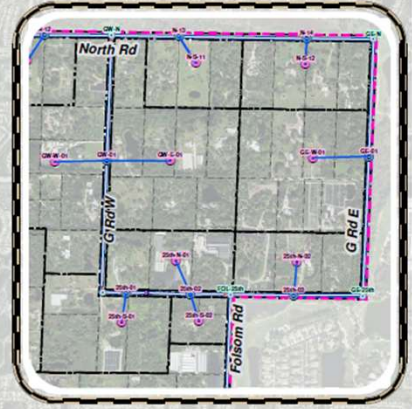
Town of Loxahatchee Groves Resilient Florida Surface Water Management System Assessment Node Diagram

September 2024



Legend

- Municipal Boundary
- Parcels In City
- Drainage Basin Boundary
- Channels
- Node Types**
 - Drainage Basin Stage-Storage
 - Canal Stage-Storage
 - Confluence
 - Pipe Entrance
 - Pipe Exit
 - Outfall
 - Outfall Control Structure
- Pipes Main Channels**
 - Roadway Culvert
 - Driveway Culvert
 - Connection
 - Connection (Okeechobee Blvd)
 - Outfall Culvert



5

Looking Ahead...

- Public Outreach Meeting No. 1 – October 17 & 19
- Steering Committee Meeting No. 2 – November

Benefits

- Supports funding requests under Resilient Florida Implementation Grants
- Provides crucial technical background required for many other drainage and agency grants
- Informs future SFWMD permitting of updates and upgrades
- Accounts for floodplain impacts in proposed designs
- Compliance with Federal NPDES requirements
- Potential to simplify permitting for residents

Operational Savings

- Capital Improvement Planning/ Budgetary forecasting
- Inventory for scheduling inspections, cleanings and replacements
- Evaluate performance of improvements before buying
- Future rate adjustments
- Area-specific improvements
- Intelligent mapping of easements and works of the Town and District



155 F Road Loxahatchee Groves, FL 33470

TO: Town Council of Town of Loxahatchee Groves

FROM: Office of the Town Attorney

VIA: Francine Ramaglia, Town Manager

SUBJECT: Consideration of Resolution No. 2024-74 Approving the Fifth Amendment to Solid Waste and Recycling Collection Services Agreement

Background:

The Town Council adopted Resolution 2021-40 approving the Third Amendment to the Solid Waste and Recycling Collection Services Agreement (Agreement) with Coastal Waste & Recycling of Palm Beach County, LLC (Coastal), which added a separate franchise fee for Commercial Collection services of 25% and for Special Services of 15%. Town Council adopted Resolution No. 2022-30 approving the Fourth Amendment to the Agreement with Coastal which provided for fuel surcharge fees for Residential Collection, Commercial Collection, and Special Services. A Fifth Amendment to the Agreement with Coastal is proposed to remove all fuel surcharge fees, increase the commercial franchise fee to 30%, set residential and commercial rates for 2025 and 2026 in Exhibit I, delete Exhibit II, change the termination date of the Agreement to coordinate better with the Town's fiscal year and setting of assessment rates, include an option to extend the Agreement to provide for transition of services, and add contract provisions required by law.

Recommendation:

Move that Town Council adopt Resolution No. 2024-74 approving the Fifth Amendment to the Agreement with Coastal Waste & Recycling of Palm Beach County, LLC.

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2024-74

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA AUTHORIZING THE FIFTH AMENDMENT TO SOLID WASTE AND RECYCLING COLLECTION SERVICES AGREEMENT WITH COASTAL WASTE & RECYCLING OF PALM BEACH COUNTY, LLC; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Loxahatchee Groves (“Town”) issued a request for proposals for solid waste and recycling collection services; and

WHEREAS, Coastal Waste & Recycling of Palm Beach County, LLC (“Coastal”) responded to the request for proposals and was selected as the awarded vendor; and

WHEREAS, the Town and Coastal entered into a Solid Waste and Recycling Collection Services Agreement which was amended by the First Amendment and Second Amendment on November 5, 2019, a Third Amendment on August 17, 2021, and a Fourth Amendment on August 2, 2022 (collectively, the “Agreement”); and

WHEREAS, the Town and Coastal have agreed to remove fuel surcharge fees, to increase the commercial franchise fee to thirty percent (30%), set residential and commercial rates for 2025 and 2026 in Exhibit I, delete Exhibit II, change the termination date of the Agreement to coordinate better with the Town’s fiscal year and setting of assessment rates, include an option to extend the Agreement to provide for transition of services, and amend the Agreement to be consistent with changes in Florida law; and

WHEREAS, the Town has determined the attached Fifth Amendment to the Agreement with Coastal serves a valid public purpose.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are hereby adopted as if fully set forth herein.

Section 2. The Town Council of the Town of Loxahatchee Groves, Florida hereby approves the Fifth Amendment to Solid Waste and Recycling Collection Services Agreement with Coastal Waste and Recycling of Palm Beach County, LLC attached hereto as Exhibit “A.”

Section 3. This Resolution shall take effect immediately upon adoption.

Councilmember _____ offered the foregoing resolution. Councilmember

_____ seconded the motion.

**ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES,
FLORIDA, THIS 1st DAY OF OCTOBER, 2024.**

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Voted:
Mayor Anita Kane, Seat 3

Town Clerk

Voted:
Vice Mayor Margaret Herzog, Seat 5

APPROVED AS TO LEGAL FORM:

Voted:
Councilmember Phillis Maniglia, Seat 1

Office of the Town Attorney

Voted:
Councilmember Laura Danowski, Seat 2

Voted:
Councilmember Robert Shorr, Seat 4

FIFTH AMENDMENT TO SOLID WASTE AND RECYCLING COLLECTION SERVICES AGREEMENT

This Fifth Amendment (“Fifth Amendment” hereafter) is made as of the ___ day of _____, 2024, by and between the **Town of Loxahatchee Groves**, a municipal corporation organized and existing under the laws of the State of Florida, (“Town”), and **Coastal Waste & Recycling of Palm Beach County, LLC**, a company authorized to do business in the State of Florida (“Coastal”).

RECITALS

WHEREAS, the parties entered into a Solid Waste and Recycling Collection Services Agreement which was amended by the First Amendment and Second Amendment on November 5, 2019, a Third Amendment on August 17, 2021, and a Fourth Amendment on August 2, 2022 (collectively, the “Agreement”); and

WHEREAS, the Agreement provides that Coastal will charge specific rates to customers within the Town and provides that Coastal shall pay the Town a franchise fee; and

WHEREAS, the Agreement provides a fuel surcharge fee for Residential Collection, Commercial Collection, and Special Service Rates; and

WHEREAS, the Town and Coastal have agreed to remove all fuel surcharge fees and increase the franchise fee to be more consistent with the current market and business practices; and

WHEREAS, the Town and Coastal have agreed to amend the Agreement to comply with recent changes in Florida law; and

WHEREAS, the Town has determined that the amendments serve a valid public purpose.

NOW, THEREAFORE, in consideration of the mutual promises set forth herein, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Recitals. The parties agree that the recitals set forth above are true and correct and are fully incorporated herein by reference.
2. Term. The parties agree that the Agreement shall terminate on September 30, 2026. The parties may extend the Agreement, by written agreement, for up to six (6) months to effectuate the transition of services.
3. Amendment to Paragraph 6 A, “Solid Waste and Recycling Collection Rate Adjustments”. Paragraph 6A, “Solid Waste and Recycling Collection Rate Adjustments,” of the Agreement is hereby deleted in its entirety and replaced with the following:

A. Solid Waste and Recycling Collection Rate Adjustments: All collection service charges shall be based on the rates established in Exhibit I.

No change in rates shall be made without the approval of the Town.

4. Amendment to Paragraph 47, "Public Records". Paragraph 47, "Public Records," of the Agreement is hereby amended to replace the custodian of public records email with the following:

townclerk@loxahatcheegrovesfl.gov

5. Amendment to Paragraph 49, "Franchise Fee". Paragraph 49, "Franchise Fee," of the Agreement is hereby deleted in its entirety and replaced with the following:

49. FRANCHISE FEE: To compensate the Town for the privilege of conducting and operating Collection Services on the public streets, roads, alleys, and other thoroughfares of the Town and for the cost of administration, supervision and inspection rendered for the effective performance of this Agreement, as well as other costs related to Collection, the Contractor shall pay to the Town a franchise fee of three percent (3%) for Residential Collection Service, thirty percent (30%) for Commercial Collection Service, and fifteen percent (15%) for Special Services. The franchise fee shall be calculated based on all gross revenues charged for services or operations conducted in the Service Area in accordance with Exhibit I. Solid Waste disposal costs paid by the Contractor to the Authority under this Agreement shall be deducted from the gross revenue total prior to calculation of the franchise fee due to the Town. Franchise fees shall be payable within forty-five (45) days of the last day of each calendar quarter. A late charge of 1.5% of the monies due for the franchise fee shall be calculated monthly until payment is received. Misrepresentation of revenues by Contractor shall result in the following: 1) Contractor must pay the Town the calculated difference determined from the misrepresentation within five (5) Business Days; 2) Contractor must pay an additional twenty percent (20%) assessment based on the misrepresented amount; and 3) Contractor shall submit a Certified Financial Statement on a quarterly basis for the remainder of the Agreement. Such Certified Financial Statement must include the opinion of a Florida Certified Public Accountant who has conducted an audit of the Contractor's books and records in accordance with generally accepted auditing standards which include tests and other procedures necessary, that the Financial Statements are fairly presented, in all material respects, in conformity with generally accepted accounting practices.

6. Addition of Paragraph 55 "E-Verify". Paragraph 55, "E-Verify," of the Agreement is hereby added to read as follows:

55. E-VERIFY: Pursuant to Section 448.095(5), Florida Statutes, Contractor shall:

- a. Register with and use the E-Verify system to verify the work authorization status of all newly hired employees and require all subcontractors (providing services or receiving funding under this Agreement) to register with and use the E-Verify system to verify the work authorization status of all the subcontractors' newly hired employees;

- b. Secure an affidavit from all subcontractors (providing services or receiving funding under this Agreement) stating that the subcontractor does not employ, contract with, or subcontract with unauthorized aliens;
 - c. Maintain copies of all subcontractor affidavits for the duration of this Agreement and provide the same to Town upon request;
 - d. Comply fully, and ensure all of its subcontractors comply fully, with Section 448.095, Florida Statutes;
 - e. Be aware that a violation of Section 448.09, Florida Statutes (Unauthorized aliens; employment prohibited) shall be grounds for termination of this Agreement; and
 - f. Be aware that if Town terminates this Agreement under Section 448.095(5)(c), Florida Statutes, Contractor may not be awarded a contract for at least one (1) year after the date on which this Agreement is terminated and will be liable for any additional costs incurred by Town as a result of termination of this Agreement.
7. Addition of Paragraph 56 “Human Trafficking”. Paragraph 56, “Human Trafficking,” of the Agreement is hereby added to read as follows:
- 56. HUMAN TRAFFICKING:** Contractor attests that it does not use coercion for labor or services as defined in section 787.06, Florida Statutes.
8. Amendment to Exhibit I, “Residential Collection,” “Commercial Collection,” “Special Services Rates,” and “Monthly Container Maintenance Fees.” Exhibit I of the Agreement is hereby deleted in its entirety and replaced with Exhibit I as attached to this Fifth Amendment, effective January 1, 2025.
9. Amendment to Exhibit II, “Payment adjustment schedule.” Exhibit II of the Agreement is hereby deleted in its entirety.
10. Entire Agreement. The Town and Coastal agree that this Fifth Amendment, and the Agreement, as defined above, 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 the Agreement including the First, Second, Third, Fourth and Fifth Amendments may be amended, modified, superseded or otherwise altered, except by written instrument executed by the parties hereto.
11. Legal Effect. This Fifth Amendment shall not become binding and effective until approved by the Town Council.
12. Counterparts. This Fifth Amendment may be executed in one or more counterparts, each of which shall be deemed an original, and will become effective and binding upon the parties as of the effective date at such time as all the signatories hereto have signed a counterpart of this Fifth Amendment.
13. Amendment. Except for the provisions of the Agreement specifically modified by this Fifth Amendment, all other terms and conditions of the Agreement as amended shall remain in full force and effect.

IN WITNESS WHEREOF, the Town and Coastal have caused this Fifth Amendment to be executed the day and year shown above.

COASTAL WASTE & RECYCLING OF PALM BEACH COUNTY, LLC

By: *[Signature]*

Print Name: Brendon Pantano

Title: Chief Executive Officer

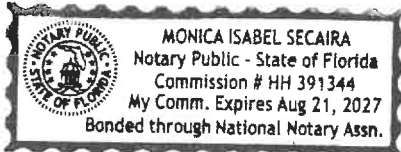
[Corporate Seal]

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me by means of physical presence or ___ online notarization this 19th day of September, 2024 by Brendon Pantano, as Chief Executive Officer of Coastal Waste & Recycling of Palm Beach County, LLC, a company authorized to do business in the State of Florida, and who is personally known to me or who has produced the following _____ as identification, and who did take an oath that the facts stated in the foregoing instrument are true and he or she is duly authorized to execute the foregoing instrument and bind Coastal Waste & Recycling of Palm Beach County, LLC, to the same.

Notary Public

[Signature]
Print Name: Monica J. Secaira
My commission expires: 08/21/2027



TOWN OF LOXAHATCHEE GROVES, FLORIDA

By: _____
Anita Kane, Mayor

ATTEST

Valerie Oakes, Town Clerk

Approved as to form and legal sufficiency:

Office of the Town Attorney

EXHIBIT I

RESIDENTIAL COLLECTION

The rates are as set forth as follows:

- Year One beginning January 1, 2020 - \$37.50 per month/dwelling unit
- Year Two beginning January 1, 2021- \$38.62 per month/dwelling unit
- Year Three beginning January 1, 2022 - \$35.42 per month/dwelling unit
- Year Four beginning January 1, 2023 - \$36.48 per month/dwelling unit
- Year Five beginning January 1, 2024 - \$37.50 per month/dwelling unit
- Year Six beginning January 1, 2025 - \$38.63 per month/dwelling unit
- Year Seven beginning January 1, 2026 - \$39.79 per month/dwelling unit

Residential Solid Waste Collection Services: Residential Solid Waste Collection shall be performed on one of the following two collection cycles. Monday and Thursday or Tuesday and Friday

Vegetative Waste Collection Services: Vegetative Waste Collection shall be performed one time per week on either a Monday, Tuesday, Thursday, or Friday.

Residential Recycling Collection Services: Residential Recycling Collection shall be performed on Wednesday.

Residential Collection Equipment: Contractor will provide the following equipment:
 Two (2) 25-yard Rear Load type trucks with cart tippers
 One (1) F350 or similar type Satellite Vehicle with cart tipper collection equipment.

COMMERCIAL COLLECTION

	Effective Jan. 1, 2025	Effective Jan. 1, 2026
Container Solid Waste Collection Rate	\$11.22 per cubic yard	\$11.56 per cubic yard
Compactor Collection Rate (8 cubic yards or less)	\$14.01 (1 .25x the container collection rate)	\$14.43 (1 .25x the container collection rate)
Commercial Collection Rate	\$11.22 per cubic yard	\$11.56 per cubic yard
Small Business Generator (less than 1 cubic yard per week, additional Cart maintenance fee)	\$32.96 per month (\$16.00 collection and \$16.00 disposal)	\$33.95 per month (\$16.00 collection and \$16.00 disposal)
96 Gallon Recycling Container (1 time per week)	\$16.48	\$16.97
Compactor Collection Rate (greater than 8 cubic yards Roll-off Compactors)	\$257.50	\$265.225
Roll-off Collection Rate	\$206.00	\$212.18

SPECIAL SERVICES RATES

(Not to be Adjusted during the Term of the Agreement)

SERVICE	RATE PER SERVICE
Rolling Out Commercial 95-or 101-Gallon Container with 10 or more feet per direction	\$1.00 (No charge for Residential regardless of distance, no charge for commercial less than 10 feet per direction)
Rolling Out Container (and returning it to original location)	\$1.84 per Service per Container
Back Door Service (Residential Curbside Only) *	\$22.00 per Dwelling Unit
Opening (and closing) Doors or Gates	No Charge
Locks for Containers	\$9.00 (one time) Charge for Replacements based on cost +10%
Unlocking Containers	\$1.35
Supplying (and retrofitting) locking mechanism on Container per customer request only	\$55.00
Adding wheels to or changing wheels on Containers	No Charge
Adding lids to or changing lids on Containers	No Charge
Moving Container Location Per Customer Request	No Charge
Changing Out Sizes {above one time per year residential only}	\$55.00
Changing Out Sizes (Commercial)	\$55.00
Additional Scheduled Pick-ups for Residential Containerized Customers	Same as Applicable Commercial Collection Rates (No Disposal Charges)
Additional Unscheduled (picked up by end of business the following day but not including "on-call") Pick-ups for Commercial and Residential Containerized Customers	\$25.00 Special Service Fee Plus Applicable Commercial Collection and Disposal Rates Per Dumpster (No Disposal Charges for Residential)
Special Service or Special Equipment required because of impaired accessibility	Negotiable
Turn around Compactors (commercial customer only)	\$20.00 (No Charge for Multi-family)
Stump/Land Clearing Collection	Negotiable
Residential Vegetation Collection	\$8.00 Per CY**
Residential Mixed Collection (Vegetation with C&D and/or bulk)	\$22.00 Per CY**

* No charge for residents medically unable to bring Solid Waste or Recovered Materials to curbside as delineated in Section 4

MONTHLY CONTAINER MAINTENANCE FEES

(Not to be Adjusted during the Term of the Agreement)

CONTAINERS (NON-COMPACTING)	
SIZE (cubic yards)	RATE w/out locking
CART	\$2.10
2YD	\$24.00
3 YD	\$26.00
4YD	\$28.00
6YD	\$30.00
8YD	\$32.00
10-40 YD ROLL-OFF	\$50.00

Capacities in between these values can be obtained by interpolation. Capacities outside of these values can be obtained by extrapolation

TOWN OF LOXAHATCHEE GROVES

155 F Road Loxahatchee Groves, FL 33470



AGENDA MEMO

TO: Town Council of Town of Loxahatchee Groves

FROM: Glen J. Torcivia, Town Attorney

DATE: October 1, 2024

SUBJECT: Discussion Item: Review of Proposed Culvert Ordinance (revised)

Background: As the Council is aware, the special acts that provided for the duties and other provisions governing the Loxahatchee Groves Water Control District (“District”) became an ordinance of the Town when the District became a dependent district and are set forth in the Town’s Code of Ordinances as Chapter 46 “Special Districts”. To ensure proper drainage in the Town, the safety of its residents, and the protection of both public and private property, the Town must have the ability to address substandard and failing private culverts, to repair, replace, or remove the same if the responsible property owner(s) fails to correct such deficiencies, and to charge the costs of this abatement to the owner. Chapter 46 includes these powers, but is lacking procedures to accomplish the same. Revisions to Chapter 46 include the following: (1) reorganize Chapter 46 to be user friendly; (2) ensure that its procedures and protections for property owners are legally sufficient; (3) include a voluntary culvert special assessment assistance program for residents; and (4) add other updates (collectively “Culvert Ordinance”). The revised Ordinance attempts to strike a fair balance between (1) providing the Town with adequate tools to address the multitude of situations that may arise that affect drainage and public safety within the Town and (2) protecting private property rights through reasonable regulations and due process protections.

Some of the substantial revisions are highlighted below:

1. Section 46-1 “In general”:
 - a. Subsection (d) - For legal and other purposes, **new** language clarifies the relationship between the Town and the District as it relates to the implementation and enforcement of the Ordinance.
 - b. Subsection (e) - The current ordinance uses certain key words, but does not define those words. **New** language has been added to provide residents clear guidance regarding how these key words are defined.
2. Section 46-2 “General powers of the district”:

- a. Chapter 46 currently allows for a single entity to represent all property owners who use the same culvert, but it does not address all owners' responsibilities to maintain the culvert. **New** language requires a maintenance agreement which puts all affected property owners on notice of their responsibilities so the maintenance of the private culvert does not fall on the Town or an unsuspecting property owner.
 - b. **New** language clarifies the district's authority to require and issue permits for any connections to district works. This authority is pursuant to section 298.28, Florida Statutes.
3. Section 46-3 "Enforcement of drainage work violations":
- a. Chapter 46 currently authorizes the District to (1) notify a property owner of a violating culvert (i.e., restricting drainage, not in accordance with uniform standards, not permitted as required by uniform standards); (2) give the owner a set number of days to fix the issue (e.g. 30 days, 60 days); (3) enter the property, if not timely fixed by the owner, and perform the work; and (4) assess the a lien against the property for the costs of the work. **New** language addresses due process protections for property owners, including but not limited to, proper notice of the violation, the right to appeal the violation before the special magistrate, proper procedures/protections for such appeal, a requirement that owners be given a reasonable amount of time to comply the violation, etc.
 - b. Chapter 46 currently authorizes the District to assess properties when the Town abates a private culvert violation. **New** language provides a more detailed legal basis for such assessments. See subsection (c).
 - c. Chapter 46 currently authorizes the District to address emergency situations but does not include detailed procedures. **New** language provides needed procedures and protections for property owners.
4. Section 46-4 "Financial and additional assessment powers of district": Subsection (d) of this section provides the Town with a **New** voluntary culvert special assessment assistance program. This program provides a process whereby a property owner may secure financing through the Town via special assessments to help make a culvert replacement financially possible for the owner.

Recommendation: Receive and File

ORDINANCE NO. 2024-___

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ITS CODE OF ORDINANCES BY AMENDING CHAPTER 46 “SPECIAL DISTRICTS” TO REORGANIZE AND UPDATE ITS PROVISIONS, TO PROVIDE ADDITIONAL DUE PROCESS PROTECTIONS FOR PROPERTY OWNERS CITED FOR DRAINAGE WORKS VIOLATIONS, TO PROVIDE LEGAL PROCEDURES FOR THE ASSESSMENT OF ABATEMENT COSTS, TO PROVIDE A VOLUNTARY CULVERT SPECIAL ASSESSMENT ASSISTANCE PROGRAM FOR THE REPAIR, REPLACEMENT, CONSTRUCTION AND/OR MAINTENANCE OF PRIVATELY OWNED CULVERTS, CULVERT CROSSINGS, AND/OR CULVERT BRIDGES, TO REMOVE HAULING PERMITTING PROVISIONS, AND FOR OTHER PURPOSES; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Town of Loxahatchee Groves, Florida (“Town”), is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Loxahatchee Groves Water Control District (“District”) was an independent special district of the State of Florida until it was dissolved in 2018 and transferred to the Town as a dependent special district; and

WHEREAS, the District provides surface water management, road maintenance, and related services for the Town; and

WHEREAS, the special acts that provided for the duties and other provisions governing the District became ordinances of the Town when the District became dependent and are set forth in the Town’s Code of Ordinances as Chapter 46; and

WHEREAS, such ordinances require reorganization to allow for easier access to the District’s procedures and responsibilities and a more efficient and practical structure for the same; and

WHEREAS, drainage works include culverts, culvert crossings, culvert bridges, bridges, swales, drainage ditches, canals, or other drainage systems that connect with or cross over any of the works of the district, or lie within the rights-of-way of the town; and

WHEREAS, the Town continues to be concerned with privately owned and maintained drainage works that are deteriorating, improperly constructed, or otherwise adversely impacting the District, its operations, or any of its works; and

Ordinance No. 2024- __

WHEREAS, drainage works play a crucial role in managing the flow of water around and beneath private property and public roadways and other rights-of-way and draining runoff and stormwater out of the town’s residential properties; and

WHEREAS, failing drainage works create poor drainage, flooding issues and water quality problems for the Town’s agricultural, residential and commercial properties; and

WHEREAS, often times, the cost for repairs and/or replacements of drainage works is too expensive for individual landowners to undertake and, as a result, such drainage works remain in disrepair and continue to cause problems to the District’s operations; and

WHEREAS, when a drainage works is adversely impacting the District, its operations, or any of its works, the District requires an efficient and effective process to quickly address and correct the deficiencies causing the impact; and

WHEREAS, the District has the power to levy assessments pursuant to Chapter 298, Florida Statutes and as otherwise authorized by other laws including but not limited to its existing ordinances; and

WHEREAS, the Town wishes to amend Chapter 46 “Special Districts” to include a process whereby private landowners may engage the District to manage payments to the contractor procured by the landowner(s) to repair and/or replace privately owned culverts that are adversely impacting the District and to charge the affected landowner(s) a special assessment(s) to pay for such work, including an administrative fee (the “Culvert Special Assessment Assistance Program”); and

WHEREAS, the Town wishes to amend Chapter 46 to also provide additional due process protections for property owners cited for drainage works violations and to include additional legal and procedural support for special assessments for the abatement of violations; and

WHEREAS, in accordance with Florida law, special assessments will only be assessed if the services performed by the District confer a special benefit on the property assessed and the assessment is fairly and reasonably apportioned among the properties that receive the special benefit; and

WHEREAS, the District’s Board of Supervisors reviewed and considered this ordinance on the ___ day of _____, 2024 and recommended the Town Council’s approval of the ordinance as herein written; and

WHEREAS, the Town Council has determined that the enactment of this ordinance is for a proper municipal purpose and in the best interests of the residents of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THAT:

Section 1. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and incorporated herein by this reference.

Section 2. The Town of Loxahatchee Groves hereby amends Chapter 46 “Special Districts” by reorganizing and amending the Chapter to read as follows:

Ordinance No. 2024- __

Chapter 46 – SPECIAL DISTRICTS

ARTICLE I. – LOXAHATCHEE GROVES WATER CONTROL DISTRICT

DIVISION 1. – GENERAL PROVISIONS.

Sec. 46-1. – In general Loxahatchee Groves Water Control District.

- (a) *Name and duration of district.* The district is a dependent district of the town. The name of the district shall be Loxahatchee Groves Water Control District, hereinafter referred to as the “district.” The corporate life of the district is extended perpetually.
- (b) *Board of supervisors.* The town council shall serve as the board of supervisors for the district.
- (c) *Levy of assessments of land less than one acre.* In the levying and assessing of all assessments by the district, created under F.S. ch. 298, each tract or parcel of land less than one acre in area shall be assessed as a full acre.

(d) Coordination with town. In accordance with F.S. ch. 298 and to make the most efficient use of its powers, the district will cooperate and coordinate its activities with the town. Based on this premise and for mutual advantage, the district may coordinate with the town to administer the district’s programs and responsibilities set forth in this chapter. Such coordination shall be in the form of a written agreement signed by both parties. When a valid agreement exists, and the town is charged with enforcing or administering any provision of this chapter, the term “district” shall also include “town” where applicable to perform such agreement. The district shall retain ultimate control and supervision over matters of the district.

Commented [J1]: **New:** For legal and other purposes, this subsection (d) is needed to clarify the relationship between the Town and the District in the implementation and enforcement of the ordinance.

(e) Definitions. As used in this division, the following terms shall have the meanings ascribed thereto by this section unless the context clearly requires otherwise:

Commented [J2]: **New:** These new definitions provide residents with clear guidance regarding how these words or phrases are to be understood and used in the ordinance.

“Adversely impacts” means having a negative effect on, including but not limited to, restricting the normal conveyance of water, increasing flooding, erosion and/or sedimentation, increasing the cost of public services, or other negative effect, as determined in the reasonable discretion of the district.

Commented [J3]: **New:** The term “adversely impacts” is used in the current ordinance but it is not defined. A definition was added so residents have a better understanding of when a culvert or other drainage work is in violation.

“Culvert” means a capital improvement comprised of a pipe, channel, tunnel, or other drainage feature or structure and related facilities including baffles, drainage structures, endwalls, etc. intended to direct the flow of stormwater under, around, or through driveways, roads, trails, or other obstructions.

“Drainage Works” means culverts, culvert crossings, culvert bridges, bridges, swales, drainage ditches, canals, or other drainage systems that connect with or cross over any of the works of the district, or lie within the rights-of-way of the town.

Ordinance No. 2024-__

“Property Owner” means, collectively, all of the record owners of the subject property.

Sec. 46-2. – General powers of the district.

Commented [J4]: The general powers of the district which are in the current ordinance have been reorganized and titled for easy reference.

(a) ~~(4)~~ Exercise of powers. To the extent permitted by law, ~~the~~ powers granted in this ~~division~~section may be exercised without the necessity of modifying or amending the water control plan for the district. ~~(5)~~ Unless otherwise required by law or this chapter, ~~the~~ powers set forth in this ~~division~~section shall be exercised by resolution adopted by a majority of the membership of the board of supervisors.

(b) ~~(d)~~ Powers of the district-Roads.

(1) Road maintenance, etc.

- a. In addition to the powers provided for in F.S. ch. 298, the district shall have the power to maintain roadways and roads necessary and convenient for the exercise of the powers or duties of the district or the supervisors thereof in coordination with the town; and in furtherance of the purpose and intent of this ~~division~~section and F.S. ch. 298, in coordination with the town, to maintain roadways and roads necessary and convenient to provide access to and efficient development of areas made suitable and available for cultivation, settlement, and other beneficial use and development as a result of the reclamation operations of the district, including all the roads shown on the replat of the town, as recorded in Plat Book 12, Page 29, Palm Beach County Public Records; and to provide funds for this purpose in its annual levy of district assessments.
- b. ~~(3)~~ In addition to the powers of the district, elsewhere provided by general or special law, or ordinance or resolution, the district shall have the power, in coordination with the town, to construct, maintain, improve, and repair roadways and roads necessary and convenient for the exercise of any of the powers or duties of the district or the board of supervisors thereof, including, but not limited to, all the roads shown on the replat of the town, as recorded in Plat Book 12, Page 29, Palm Beach County Public Records, or to provide access to and development of areas within the district, or both; to provide funds for such construction, maintenance, improvement, or repair through the levying of assessments pursuant to F.S. ch. 298, or this ~~division~~section, or both; and to acquire land, including any interest therein, by purchase, gift, exchange, or eminent domain, for such construction, maintenance, improvement, or repair. Notwithstanding anything contained herein, the district's ability, under F.S. ch. 298, to create and assess units of development shall be unaffected.

(2) Road improvement program.—The board of supervisors of the district is hereby authorized, empowered, and permitted, in coordination with the town, to expend funds of the district to pay for surveying, engineering studies, and plans and other related services in preparation of construction documents for the purpose of developing a road improvement program for the construction, maintenance, improvement, and repair of dedicated roads and road rights-of-way, including the swales thereof, within the district.

Ordinance No. 2024-__

~~(c)(8)~~Drainage works. The district shall have the power to require maintenance and/or repairs, including replacement, of any Drainage Worksswale, drainage ditch, culvert, or canal connecting to any of the works of the district where lack of such maintenance such Drainage Works adversely impacts the district, its operations, or any of its works. The board of supervisors shall cause notice to be given to any person owning land on which any such a Drainage Worksswale, drainage ditch, culvert, or canal is located in the event such maintenance is required, and, if the requested maintenance is not performed within 30 days of said notice, unless extended by the board of supervisors, the district may go upon such property and perform said maintenance and assess the owner of the property for the district's cost thereof.

~~(d)(7)~~Uniform standards. The district shall have the power to adopt, by resolution, a uniform standard for Drainage Worksculvert crossings, bridges, culverts, or other drainage systems that connect with or cross over any of the works of, or lie within the rights of way of, the district. The uniform standards adopted by the district shall be consistent with the Town's adopted standards for access. If the district so establishes a uniform standard, the district shall by resolution adopt procedures:

~~(1)a.~~Which shall require notice of such uniform standards to be given to persons owning lands upon which, adjacent to, or, to the best of the district's knowledge, using any Drainage Workculvert crossings, bridges, culverts, or other drainage systems that connect with or cross over any of the works of, or lie within the rights of way of, the district and to such other persons as the board of supervisors shall deem to be necessary or desirable, or both. The uniform standards and any subsequent changes to the uniform standards shall be available for inspection and copying at Town Hall and provided upon request.

~~(2)b.~~Which shall authorize granting permits for Drainage Workculvert crossings, bridges, culverts, or other drainage systems, or pursuant to such uniform standards, ~~and the~~ The district may allow for permits to be applied for by a single landowner, ~~or by multiple landowners, or provided that,~~ in the case of multiple landowners, such landowners may establish a single entity to represent all such landowners to apply for and obtain the permit and construct and maintain the Drainage Works culvert crossings, bridges, culverts, or other drainage systems. Any such single entity applying for a permit shall be subject to review by the district to ensure that said entity has and shall have the legal authority to assess such landowners for the cost of construction and maintenance of such Drainage Works. All permittees shall enter into a maintenance agreement with the district for the permitted Drainage Works. Such maintenance agreement shall, at a minimum, provide for the landowner's maintenance of the Drainage Works in accordance with this chapter and all other applicable laws, rules and regulations. culverts, drainage systems, culvert crossings, or bridges, that such The single entity's power to assess the landowners shall run with the land of the landowners creating the entity, and that the district can enforce such assessment power if necessary. Each required maintenance agreement shall be signed by all affected landowners or a person with the legal authority to bind the single entity and shall be recorded in the official records of Palm Beach County, Florida. Such agreement shall run with the land. The form of the maintenance agreement shall be pre-approved by the district's attorney.

Commented [J5]: The current ordinance allows for a single entity to represent all landowners who use a culvert, but it doesn't address all owners' responsibilities in maintaining the culvert. **New:** The new language requiring the maintenance agreement puts all affected owners on notice of their responsibilities so the maintenance of the culvert does not fall on one or more unsuspecting owners or the Town.

Ordinance No. 2024-__

~~e. Which shall, except as hereinafter provided, require as to culverts or other drainage systems not less than 60 days' written notice to be given to persons owning lands upon which any culverts or other drainage systems exist in violation of any such uniform standards prior to the taking of any enforcement action by the district. Less than 30 days' notice, in writing or otherwise, of violations of the uniform standards may be provided in emergency situations. If, after such notice pursuant to this subsection, any landowner shall fail to conform to such uniform standards, the district may enter upon such lands and take such action as necessary to cause such violation to be corrected and may assess the owner of such land for the district's costs in connection therewith. Upon the failure of any property owner to pay any assessment levied by the board of supervisors pursuant to subsection (d)(7)d of this section within 30 days of receipt by such owner of notice of said assessment, the district shall have a lien on all lands and premises affected thereby. To the extent permitted by law, such lien shall be superior and paramount to the interest in such land and premises of any owner, lessee, tenant, mortgagee, or other person except the lien of state, county, or district taxes and shall be on a parity with the lien of any such state, county, or district taxes. Such lien shall bear interest at an annual rate equal to the interest rate due on judgments, pursuant to F.S. § 55.03, per year, and shall, until paid, remain in effect in perpetuity.~~

Commented [J6]: This language (with strikethroughs) was removed and replaced with proper procedures and protections for property owners (e.g., notices, reasonable times to comply, right to appeal, etc.). See section 46-3 for these changes.

~~d. Which shall provide that in the event any culvert crossing or bridge, whether or not permitted by the district, is determined by the district to be restricting the normal conveyance of water in a district canal, the district shall notify the permit holder of said structure, or if there is no permit on file with the district for said structure, the district shall notify the landowners using such structure that the following options are available regarding the structure:~~

Notwithstanding any provisions contained in this subsection (d7), the ability of the district's board of supervisors under F.S. ch. 298 to create and assess units of development shall be unaffected.

(e) District works permits. The district shall have the authority to require and issue permits for all works within the district and any connections to any district works.

Commented [J7]: **New** language clarifies the District's authority to require and issue permits for connections to any district works. This authority comes from section 298.28, Florida Statutes.

Sec. 46-3. – Enforcement of drainage works violations.

(a) Violations. Any Drainage Works that (1) is not constructed or maintained in accordance with an adopted uniform standard; (2) is not properly permitted; or (3) restricts the normal conveyance of water or otherwise adversely impacts the district, its operations, or any of its works, is declared a nuisance and a violation of this division.

Commented [J8]: The ordinance currently authorizes the District to (1) notify a property owner of a violating culvert; (2) give the owner a set number of days to fix the issue; (3) enter the property, if not timely fixed by the owner, and perform the work; and (4) assess a lien against the property for the costs of the work. **New:** This section includes new language that addresses due process protections for property owners, including but not limited to, proper notice of the violation, the right to appeal the violation before the special magistrate, proper procedures/protections for such appeal, a requirement that owners be given a reasonable amount of time to comply the violation, etc.

(b) Options for compliance. The Property Owner may comply the violation, as applicable, as follows:

~~(1) The Drainage Worksstructure may be repaired, by the permit holder or the landowners using the structure, in conformance with current district standards (as determined by a licensed engineer), including obtaining a permit from the district pursuant to its uniform standards and procedures.~~

~~(2) The Drainage Worksstructure may be abandoned and removed by the permit holder at its expense after prior written notice is provided to the district, or, if the structure has not been permitted, the district may shall remove the Drainage Worksstructure only if~~

Commented [J9]: The ordinance currently authorizes the District to enforce existing drainage works (e.g., culverts) that are restricting drainage, are in violation of the uniform standards or were constructed without a permit (as required by uniform standards) (see the current code Sec. 46-1(d)(7)c. and d.).

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the district secures an affidavit acknowledging abandonment and executed by all interested parties, and the district shall not be liable to any person or entity that uses such structure for its removal.

~~(3)3-~~ The landowners using ~~such the Drainage Works structure~~ may apply for a permit to construct a conforming replacement structure. This process shall require obtaining a permit issued by the district pursuant to its uniform standards and procedures, said permit to be contingent upon the removal of the nonconforming ~~Drainage Works structure~~ and the construction of a replacement structure at the sole expense of said landowners.

~~(4)4-~~ With respect to subsections ~~(b)(7)d-~~ (1) and (3) of this section, in the event that there are multiple landowners involved, the landowners may establish a single entity as set forth in subsection ~~46-2(d)(2)(7)b-~~ of this section to represent all such landowners. Prior to a permit being issued, the single entity or all affected landowners shall enter into a maintenance agreement for the Drainage Works. Such maintenance agreement shall, at a minimum, provide for the landowner's maintenance of the Drainage Works in accordance with this chapter and all other applicable laws, rules and regulations. Such agreement shall be signed by all affected landowners or a person with the legal authority to bind the single entity and shall be recorded in the official records of Palm Beach County, Florida. Maintenance agreements shall run with the land. The form of the maintenance agreement must be pre-approved by the district's attorney.

~~(5)5-~~ Alternatively, the affected landowners may pursue the voluntary culvert assessment program set forth in this chapter. ~~request the district, via referendum of the landowners utilizing the structure, upon a majority vote of such landowners, on a per-acre basis, to establish a special taxing unit of all such landowners to pay a special assessment to cover the initial costs, including, but not limited to, engineering fees, removal costs, repair or replacement construction costs, dedication of adjoining road, and permit fees and the structure shall thereafter be a district-owned structure maintained by the district.~~

~~(6)6-~~ The special magistrate for the town may order any other reasonable requirements to comply the violation(s). ~~The permit holder of a structure restricting the normal conveyance of water in a district canal, or if said structure is unpermitted, the landowners as reasonably determined by the district to be using such structure, shall have 60 days after notice is sent to respond to the district regarding which option set forth in this subsection (7) has been chosen and an additional 120 days to repair or remove said structure.~~

- (c) *Establishment of nuisance abatement special assessment district.* The district, in its entirety, as its boundaries exist on the date of enactment of this section and as they may be expanded or contracted from time to time, is hereby declared a drainage works abatement special assessment district for the purposes of repairing or replacing existing Drainage Works. Individual properties, within the district's boundaries, will be assessed for the costs incurred by the district in repairing or replacing any Drainage Works that serve such individual properties. The repair or replacement of Drainage Works that adversely impact the district, its operations or any of its works constitutes a municipal service which specifically benefits the property(ies) upon which the Drainage Works attaches, benefits, or otherwise affects, and the assessment of the costs incurred by the district in repairing or replacing such Drainage Works against any such property(ies) is deemed fair and reasonable. The costs incurred by the district in repairing or

Commented [J10]: **New:** See the note at section 46-2(d)(2) above regarding the need for a maintenance agreement when multiple landowners are involved.

Commented [J11]: The current ordinance authorizes the District to assess properties when the Town abates a culvert violation. **New:** This new language provides a more detailed legal basis for such assessments.

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replacing Drainage Works shall be levied as a special assessment. The enforcement of this division is supplemental to and outside of Chapter 162, Part I, Florida Statutes.

(d) Enforcement procedure.

(1) Violation found. If a violation is found, the district will notify the Property Owner, as stated upon the last records of the county tax collector or property appraiser, that a nuisance exists which is a violation of this division. The notice shall be provided to the Property Owner by regular and certified mail, return receipt requested, or by hand delivery which shall be effective and complete when delivered. In the event that the mailed notice is returned by the postal authorities or the return receipt is not received by the district within ten (10) days after mailing, the notice shall be given by physical posting of the notice on the subject property. Notice by posting shall be considered delivered on the date posted. When there is more than one owner, service as herein provided on any one owner shall be sufficient notice.

(2) Notice of violation contents. The notice will notify the Property Owner of the following:

- a. A public nuisance exists on the land and a brief description of the location and the nuisance;
- b. A reasonable time to comply the violation;
- c. The owner has ten (10) days from the date the notice is delivered to file with the district a written request for a hearing before a special magistrate;
- d. If the owner fails to timely comply the violation and a hearing is not timely requested, the district may have the violation abated at the expense of the owner, including all costs of inspection and administration.
- e. If the district has the violation abated, the costs of the work, together with all costs of inspection, administration, and all other related costs shall be a special assessment lien against the property and shall be equal in dignity to taxes.

(3) Right to appeal; abatement. The Property Owner shall have ten (10) days from the date the notice is delivered to file with the district a written request for an appeal of the finding of a violation by the district. Failure to timely file a request for an appeal with the district or to appear before the special magistrate shall be deemed a waiver of the Property Owner's rights to appeal the finding of a violation and the district's right to perform the maintenance, repairs, and/or replacement and charge the owner for the same. If an appeal is not timely requested, the district, may, upon the expiration of the time given to comply the violation, reinspect the property to determine whether the nuisance has been abated. If the Property Owner fails to timely abate the nuisance, the district may cause its abatement and charge the Property Owner the costs of such abatement. The costs of the abatement, including the costs of inspection, administration, and all other related costs, will be assessed against the property as set forth in this section for nuisance assessments.

Commented [J12]: **New:** As mentioned above, this language ensures property owners are provided proper notice of a violation involving a drainage work such as a culvert.

Commented [J13]: **New:** As mentioned above, this language gives property owners the right to appeal a notice of violation involving a drainage work such as a culvert.

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(4) Appeal. If an appeal is timely requested, enforcement action shall proceed as follows:

- a. Generally. The district will coordinate with the town to use the town's special magistrate to hear these matters on a regularly scheduled agenda. The district shall send a written notice of the hearing date, time, and location to the Property Owner by regular U.S. mail at the mailing address provided by the owner in its request for a hearing.
- b. Procedures. Upon request of the district, a special magistrate hearing shall be scheduled. Minutes shall be kept of all special magistrate hearings. The case shall be presented to the special magistrate, and if the district prevails in prosecuting a case before the special magistrate, it shall be entitled to recover all costs in prosecuting the case before the magistrate and such costs will be included in the lien authorized hereunder. The magistrate shall take testimony from the appropriate staff and alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. At the conclusion of the hearing or a reasonable time thereafter, the special magistrate shall issue an order that includes findings of fact, based on evidence of record, conclusions of law, and proper relief. The order may also include a time to comply as described in this subsection and a fine may be imposed along with the costs of repairs if the order is not complied with. The decision of the special magistrate will be final.
- c. Time to comply. If after hearing testimony and reviewing evidence, the special magistrate determines that the Drainage Works requires maintenance, repairs, and/or replacement and is in violation of this division, administrative costs will be assessed against the owner, and the owner shall have a reasonable time, as determined by the special magistrate, to perform the maintenance, repairs, and/or replacement. After the time to perform the maintenance, repairs, and/or replacement has expired, the district will be authorized to perform the maintenance, repairs, and/or replacement at the expense of the Property Owner. The costs of the abatement including the costs of inspection, administration, and all other related costs will be assessed against the property as set forth in this section for nuisance assessments. After the time to perform the maintenance, repairs, and/or replacement has expired, in the alternative to performing the abatement, the district will have the right to impose a daily fine (up to \$250.00 per day) for each day the violation continues after the time set for compliance. A certified copy of an order imposing a daily fine may be recorded in the public records and thereafter shall be a lien against the property.

(5) Emergencies. If the district finds that a violation poses an immediate hazard to life, property or public safety, the violation may be deemed an emergency. In emergency

Commented [J14]: The current ordinance provides for emergencies, but does not include the detailed procedures or enhanced protections for property owners (e.g., notice, appeal, etc.).
New: This new language provides these procedures/protections for property owners.

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situations, the time periods for notice and response may be shortened by the district as is reasonable under the circumstances. Emergencies shall be handled as follows:

- a. Notice and hearing. The district will make a reasonable effort to notify the Property Owner and may immediately request a hearing before the special magistrate. The notice shall include a brief description of the violation, time to comply the violation, if appropriate under the circumstances, and the date, time, and location of the hearing. The special magistrate will determine if a violation has occurred, provide a reasonable time to comply (if appropriate), allow the district to abate the violation if the owner fails to timely comply the violation, and charge the Property Owner the costs for such abatement. If the Property Owner fails to attend the hearing or the special magistrate otherwise finds that the situation does not or should not allow for an opportunity for the Property Owner to comply the property, the special magistrate may provide for the district's authority to immediately abate the violation. If the district does not intend to abate the violation, the special magistrate may provide the Property Owner a time to comply the violation and impose a daily fine for each day the property remains in violation past the date set for compliance. The hearing shall be conducted in accordance with the hearing procedures set forth in section 46-3(c)(4) of this Code, and the decision of the special magistrate will be final.
 - b. District responsibilities. The district shall not be required to abate any violation, but may voluntarily undertake abatement if authorized to do so by the special magistrate or as authorized elsewhere in this chapter. If the district abates a violation, there is no continuing obligation on the part of the district to make further repairs or to maintain the property or the Drainage Works, and the abatement does not create any liability against the district for any damages to the property.
 - c. Costs of abatement. The costs of abatement, including the costs of inspection, administration, and all other related costs, will be assessed against the property as set forth in this section for nuisance assessments.
 - d. Notices. Notices under this subsection shall be provided to the Property Owner at the mailing address provided for on the tax collector's or property appraiser's website. Notices shall be delivered either by hand-delivery or by posting and mailing by regular U.S. mail and certified mail, return receipt requested. The notice shall be deemed to have been received on the date of hand-delivery or the earlier of the date the return receipt was signed or ten (10) days after the notice was first posted.
- (6) Abatement costs. Abatement costs may include but are not limited to any costs, fees or other expenses reasonably related to the abatement of the conditions which violate this chapter and shall include but not be limited to enforcement, investigation, inspection, reinspection, removal, repair and/or correction of Drainage Works, permitting, surveying, securing easements, legal advice, engineering consultations, other professional consulting fees, and administrative costs. Administrative costs may include the cost of town staff time reasonably related to enforcement (e.g., site inspections, travel time, investigations,

Commented [J15]: The current ordinance authorizes the District to assess the property owner for all costs involved in the abatement of violations but it does not define what costs may be included.
New: This new language gives residents notice of what abatement costs may include.

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telephone contacts, preparation of reports, notices, correspondence, hearing packets, etc.), mailing costs, copies, and any other reasonable costs incurred in connection with the abatement of the nuisance.

(e) Special Assessments.

(1) Nuisance assessments. Upon the failure of any ~~p~~Property ~~o~~Owner to pay any ~~such~~ abatement assessment within 30 days of receipt by such owner of notice of the assessment, the district shall have a special assessment lien on all lands and premises affected thereby. The costs of the work, together with all costs of inspection, administration and all other related costs shall be a special assessment lien against the affected property(ies). The board of supervisors may, by the adoption of a resolution levying such charges, document such lien(s) in the amount of the charges outstanding, or such greater or lesser amount as the board of supervisors shall decide is just and fair. Assessment of liens levied in this manner may be recorded in the public records of the county. Such lien shall be superior and paramount to the interest in such land and premises of any owner, lessee, tenant, mortgagee, or other person except the lien of state, county, town, or district taxes and shall be on a parity with the lien of any such state, county, town, or district taxes. Such lien shall bear interest at an annual rate equal to the interest rate due on judgments, pursuant to F.S. § 55.03, per year and shall, until paid, remain in effect in perpetuity.

(2) Collection. Assessments may be certified to the tax collector for collection pursuant to the uniform method provided in F.S. § 197.3632, as more specifically set forth in ch. 42 of the Code and section 46-4(b) of this division. In the alternative, the board of supervisors may elect to collect assessments by any other method which is authorized by law.

(3) Daily fines. In the event the special magistrate imposes a daily fine instead of authorizing abatement, any daily fines imposed under this section, together with all costs of inspection, administration, and all other related costs shall be recorded as a lien against the real property. Such lien shall be in lieu of and not be part of the special assessment.

(f) Appeal to circuit court. Any person adversely affected by a final order of the special magistrate pursuant to this section may file an appeal to the Circuit Court of Palm Beach County. Such appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the special magistrate. The appeal shall be filed within thirty (30) days of the execution of the order to be appealed. The filing of an appeal shall not automatically constitute a stay of the proceedings without further action by the court.

Sec. 46-4. – Financial and additional assessment powers of district.

Commented [J16]: As mentioned, the ordinance currently authorizes the District to make assessments for violations abated by the District/Town. **New:** This new language provides more details in how these assessments are made, what they include, and how they are collected so residents are fully aware of the process.

Commented [J17]: Standard code enforcement procedures allow for daily fines on violations that are not timely complied. **New:** This new language puts residents on notice of the possibility of daily fines.

Commented [J18]: **New:** This new provision gives property owners notice of the right to appeal the special magistrate's decision (i.e., order) to the circuit court and the timeline for such appeal.

Commented [J19]: The financial and other assessment powers of the District which are in the current ordinance have been reorganized and titled for easy reference.

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- (a) ~~(6)~~ Generally. The board of supervisors, in the exercise of powers pursuant to this division section, may establish different special assessment areas within the district according to the benefits received, and may revise such areas according to the benefits received from time to time, so as to most equitably provide for the levying of special assessments according to benefits as are deemed desirable by the board of supervisors.
- (b) Uniform Method; collection alternatives. ~~(4)~~ All special assessments levied pursuant to this division section may, in the discretion of the board, be collected pursuant to the Uniform Method set forth in section 197.3632, Florida Statutes, as amended from time to time. The board may follow the procedures for the Uniform Method set forth in chapter 42 of this Code. Using the Uniform Method will allow the special assessments to be collected by the tax collector of the county at the same time as the general county taxes are collected by the tax collector of the county, and the board shall in such event certify to the county tax collector a list of all such special assessments and a description of the lands and names of the owners of the properties against which such special assessments have been levied and the amounts to become due therefrom in the next succeeding year, including any interest thereon for any deficiencies for prior years. The board may in lieu of providing for the collection of said special assessments by the tax collector of the county, provide for the collection of the special assessments by the district under such terms and conditions as the board shall determine. In such event, the bills or statements for the amounts due at any time and from time to time shall be mailed to the owners of all properties affected by such special assessments at such time as the board shall determine. Special assessments may also be collected pursuant to any other available remedy at law or in equity. All charges of the county tax collector or of the district, and the fees, costs, and expenses of any paying agents, trustees, or other fiduciaries for assessment bonds issued under this division section, shall be deemed to be costs of the operation and maintenance of any improvements in connection with which such special assessments were levied and the board shall be authorized and directed to provide for the payment each year of such costs of collection, fees, and other expenses from additional special assessments or from the maintenance tax as provided by general law. Unless otherwise prohibited by law, ordinance, rule or policy, Property Owners who are subject to any special assessment set forth in this division may, at their option, prepay the assessment plus interest, if applicable, in full at any time.
- (c) ~~(9)~~ Formal special assessment district procedures. The board of supervisors of the district, in order to carry out any of ~~the its~~ powers set forth in ~~subsections (d)(3) through (6) of this division section~~, may levy and impose special assessments against any or all of the real property within the district upon a determination that the construction, maintenance, improvement, repair, or operation of said improvements or services provided to existing improvements provide a benefit to such real property. The assessments shall be imposed upon the property specially benefited by such construction, maintenance, improvement, repair, or operation in proportion to the benefits to be derived therefrom, and the special benefits shall be determined and prorated by a method prescribed by the board of supervisors. The district may use the following procedure to levy special assessments that will apply to more than one (1) parcel:

~~(1)~~ a. The board of supervisors, if it elects to assess a special benefit, shall declare by a resolution the nature of the proposed improvement or the services provided to existing improvements, shall designate the location of the improvement or the service provided

Commented [J20]: The current ordinance allows for the District's collection of special assessment through the tax collector.
New: This new language simply provides the statutory reference and procedures for the District to collect these assessments.

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to existing improvements, and shall state the part or portion of the expense thereof to be paid by special assessments, the manner in which said assessments shall be made, when said assessments are to be paid, and what part, if any, shall be apportioned to and paid from the funds of the district. The resolution shall also identify the lands upon which the special assessments shall be levied. The resolution shall state the total estimated cost of the improvement or service to be provided to existing improvements.

~~(2)b.~~ Within 30 days after the adoption of the resolution, the board of supervisors shall cause said resolution to be published one time in a newspaper of general circulation in the county.

~~(3)e.~~ Upon the adoption of the resolution, the board of supervisors shall cause to be made an assessment roll in accordance with the method of assessment provided for in said resolution, which assessment roll shall be promptly completed and filed with the records of the board of supervisors. The lands assessed, the amount of the assessment against such lands, and, if said assessment is to be paid in installments, the number of annual installments in which the assessment is divided shall be entered and shown on said assessment roll.

~~(4)d.~~ On the completion of said assessment roll, the board of supervisors shall by resolution fix a time and place at which the owners of the property to be assessed, or any other persons interested therein, may appear before said board of supervisors and be heard as to the propriety and advisability of making such improvements or providing said services, as to the cost thereof, and as to the amount thereof to be assessed against each property so improved. Notice in writing of such time and place shall be given to the ~~p~~Property ~~o~~Owners.

~~(5)e.~~ At a time and place named in the notice provided for in this subsection (c) ~~(d)(9)d~~ ~~of this section~~, the board of supervisors of the district shall meet as an adjustment board to hear and consider any and all complaints as to the special assessments and shall adjust the assessments on an equitable basis. After the special assessments are so adjusted and approved by resolution, such assessments shall stand confirmed and, until paid, shall remain legal, valid, and binding liens upon the property against which such assessments are made of equal dignity with the lien for county taxes. However, upon completion of the improvement, or provision of service to existing improvements, the board of supervisors shall credit to each of the assessments the difference in the assessment as originally made, approved, and confirmed and the proportionate part of the actual cost of the improvement or service to be paid by special assessments as finally determined on the completion of the improvement or service, but in no event shall the final assessments exceed the amount of benefits originally assessed. Promptly after confirmation, the assessments shall be recorded in the public records of the county and the record of the lien shall constitute prima facie evidence of its validity.

~~(6)f.~~ The special assessments shall be payable at the time and in the manner stipulated in the resolution authorizing the improvement or service. Such assessments shall remain liens, coequal in priority with the lien of county taxes, until paid. Assessments not paid

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when due shall bear interest at such rates, not in excess of the maximum legal rate, prescribed by the board of supervisors in the resolution.

~~(7)g.~~ Each annual installment of special assessments provided for shall be paid upon the date specified in said resolution, until the entire amount of said assessment has been paid, and, on the failure of any ~~p~~Property ~~o~~Owner to pay any annual installment due or any part thereof, or any interest on any delinquent payment, the district shall have a lien on all lands and premises affected thereby. Such lien shall be superior and paramount to the interest in such land and premises of any owner, lessee, tenant, mortgagee, or other person except the lien of state, county, or district taxes and shall be on a parity with the lien of any state, county, or district taxes. Such lien shall, until paid, remain in effect in perpetuity.

~~(8)h.~~ If any special assessment made under the provisions of this subsection (c) to defray the whole or any part of the expense of any improvement or provision of any service is either in whole or in part annulled, vacated, or set aside by the judgment of any court, or if the board of supervisors of the district is satisfied that any assessment is so irregular or defective that the same cannot be enforced or collected, or if the board of supervisors omitted to make such assessment when it might have done so, the board shall take all necessary steps to cause a new assessment to be made for the whole or any part of any improvement or service provided or against any property benefited by any improvement or service provided, following as nearly as possible the provisions of this subsection (c), and, in case such second assessment shall be annulled, the board of supervisors may obtain and make other assessments until a valid assessment is made.

~~(9)i.~~ An informality or any irregularity in the proceedings in connection with the levy of any special assessment under this subsection (c) shall not affect the validity of the same where the assessment roll has been confirmed by the board of supervisors, and the assessment roll as finally approved and confirmed shall be competent and sufficient evidence that the assessment was duly levied, the assessment was duly made and adopted, and that all other proceedings adequate to the adoption of the assessment roll were duly had, taken, and performed as required by this section; no variance from the directions hereunder shall be held material unless it is clearly shown that the party objecting was materially injured thereby.

~~(10)j.~~ The district may levy assessments using the Uniform Method for the Levy, Collection, and Enforcement of Non-Ad Valorem Assessments set forth in state statutes. Compliance by the district with the requirements of the statutory Uniform Method shall be deemed to satisfy the procedural requirements in this subsection ~~(c9)~~.

(d) Voluntary Culvert Special Assessment Assistance Program.

(1) Purpose. This subsection (d) sets forth a procedure wherein residents may seek financial assistance from the district for the repair or replacement of culverts located on private property.

Commented [J21]: **New:** This new Voluntary Culvert Special Assessment Assistance Program provides a process whereby a property owner may secure financing through the Town to help make a culvert replacement possible for the owner.

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(2) Definitions.-Powers of the district. As used in this subsection (d), the following terms shall have the meanings ascribed thereto unless the context clearly requires otherwise:

“Assessed Parcel” means a parcel of real property subject to an assessment under this subsection.

“Assessment Coordinator” means the chief administrative officer of the district, or such person’s designee responsible for coordinating calculation and collection of assessments as provided for in this subsection.

“Assessment Roll” means the list of Assessed Parcels subject to the assessments imposed under this subsection. References to the term “Assessment Roll” shall include, as the context requires, any electronic spreadsheet or database maintained by the district containing a list of Assessed Parcels and the current principal balance imposed against such parcels, as well as the “non-ad valorem assessment roll” contemplated by the Uniform Assessment Collection Act which is certified to the Tax Collector for collection of annual installments of the assessments levied under this subsection.

“Culvert Assessment” means a non-ad valorem special assessment imposed by the board pursuant to this subsection to fund Culvert Improvements. The term “assessment” and the reference to non-ad valorem assessments herein means those assessments which are not based upon millage and which can become a lien against a homestead as permitted by Article X, Section 4 of the State Constitution.

“Culvert Improvements” means the capital facilities surveyed, designed, permitted and constructed, demolished or installed to improve and/or repair Culverts.

“Financing Agreement” means an agreement between the board and the Property Owner providing for the financing of Culvert Improvements and the imposition of a Culvert Assessment against an Assessed Parcel.

“Uniform Assessment Collection Act” means sections 197.3632 and 197.3635, Florida Statutes, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

(3) Initiation of services. A Property Owner who has been notified by the district that his or her culvert is in violation of this division or otherwise has a culvert in disrepair, may apply to the district using a form approved by the district.

(4) Application. The application shall include, at a minimum:

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- a. A copy of the deed or other instrument showing the applicant's current ownership of the property.
 - b. An estimate for the costs of the Culvert Improvements proposed for the property, prepared by one of the district's competitively procured contractors, which estimate must be valid for a period of not less than ninety (90) days from the date the application is submitted.
 - c. The most recent statements for any mortgages encumbering the property.
 - d. The district may allow for an application by multiple landowners if such landowners either establish a single entity to represent all such landowners and have a person with the legal authority to bind the single entity or if all the landowners execute the application and all other required documents.
- (5) Approval criteria for applications. The Assessment Coordinator shall utilize the following criteria in determining whether an application for financing of Culvert Improvements shall be approved by the district:
- a. The funding program established herein shall only be available for the improvement and/or repair of existing Culvert facilities. Culvert Improvements shall not be financed hereunder for property or facilities under new construction or construction for which a certificate of occupancy or similar evidence of substantial completion of new construction or improvement has not been issued.
 - b. All property taxes and any other assessments levied on the same bill as property taxes for the Assessed Parcel are paid and have not been delinquent for the preceding three (3) years or the Property's Owner's period of ownership, whichever is less.
 - c. The Assessed Parcel(s) must be located in the Town of Loxahatchee Groves, Florida, and the culvert must be for a connection to a roadway maintained by the town or district.
 - d. The Property Owner(s) must have fee simple title to the Assessed Parcel(s).
- (6) Application approval or denial. The Assessment Coordinator shall review the application and provide written notice of approval or denial within forty-five (45) days of receipt. If the application is denied, the written notice shall specify the reason(s) for denial. A written notice of approval shall include direction to the Property Owner

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regarding the deadline for returning an executed Financing Agreement and maintenance agreement to the Assessment Coordinator. Such maintenance agreement shall, at a minimum, provide for the Property Owner's maintenance of the Culvert Improvements in accordance with this chapter and all other applicable laws, rules and regulations. If required, the Property Owner shall obtain a residential driveway permit from the town for the proposed Culvert Improvements prior to commencement of work.

- (7) Selection of contractor. The district will competitively solicit one or more qualified contractors to perform Culvert Improvements. Property Owners will be required to select a contractor from the district's list of qualified contractors and enter into a direct contract with the selected contractor to perform the work.
- (8) Financing agreement. A Property Owner approved for funding hereunder must enter into a Financing Agreement with the district. The Financing Agreement shall be in a form approved by the district attorney, shall be signed by each owner of record for the Assessed Parcel, and shall include, at a minimum, an acknowledgement by the Property Owner that a non-ad valorem special assessment will be imposed against the Assessed Parcel to fund the Culvert Improvements, and that the annual installments of the Culvert Assessment will be collected pursuant to the Uniform Assessment Collection Act. When the fully executed Financing Agreement is returned to the Assessment Coordinator, the agreement shall be signed by the board of supervisors or designee, on behalf of the district, and recorded in the public records.
- (9) Maintenance agreement. A Property Owner approved for funding hereunder must also enter into a maintenance agreement with the district for the permitted Culvert Improvements. The maintenance agreement shall be signed by the Property Owner or, in the case of multiple landowners, by all affected landowners or a person with the legal authority to bind the single entity established to represent the multiple landowners. Such agreement shall run with the land. The form of the maintenance agreement shall be pre-approved by the district's attorney.
- (10) Disbursement. Upon recording of the Financing Agreement and the maintenance agreement, funding for the Culvert Improvements shall be disbursed as follows:
- a. The district shall retain an amount not to exceed ten percent (10%) of the Culvert Assessment to cover overhead expenses including but not limited to recording fees, credit reports and title searches. The principal amount of the Culvert Assessment shall include the amount retained.
 - b. The balance will be disbursed by the district directly to the vendor engaged by the Property Owner to construct or install the Culvert Improvements; provided, however,

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that, the amount disbursed to the vendor shall not exceed the estimate provided by the vendor and submitted along with the Property Owner's application for funding.

- c. Construction or installation of Culvert Improvements shall be completed prior to disbursement of payment to the vendor. Prior to such payment, the Culvert Improvements and associated driveway shall have passed the pre-pour and final inspection for construction.

(11) *Procedure for collection of assessments pursuant to Uniform Method.* Assessments may be certified to the tax collector for collection pursuant to the uniform method provided in F.S. § 197.3632, as more specifically set forth in ch. 42 of the Code and section 46-4(b) of this division. In the alternative, the district may elect to collect assessments by any other method which is authorized by law.

(12) *Funding availability.* The board shall determine on an annual basis whether to dedicate funds for the Culvert improvement program in the forthcoming fiscal year. Funds dedicated for such purpose shall be made available to Property Owners on a first-come, first-served basis.

(13) *Policies.* The board may adopt policies and procedures for the implementation of the voluntary culvert assistance assessment program.

(e) ~~(40)~~ *Bonds.*—The district is authorized to provide from time to time for the issuance of special assessment bonds of the district to pay all or any part of the cost of improvements. Any bonds issued by the district are subject to the limitations and requirements of the town Charter. The principal of and interest on any bonds shall be payable from special assessments sufficient to pay the bonds in the manner provided in the bonds, in this subsection (e), and the resolution authorizing such bonds. The bonds shall be authorized by resolutions of the board of supervisors of the district, adopted by a majority of the supervisors present and voting at a meeting of the supervisors. The bonds shall bear interest at rates not in excess of the maximum rates permitted by general law, may be in one or more series, may bear such dates, and may mature at any time not exceeding 40 years from their respective dates, may be payable in such medium of payment, at such place or places within or without the state, may carry such registration privileges, may be subject to redemption prior to maturity, with or without premium, may be executed in such manner, may contain such terms, covenants, and conditions, and may be in such form otherwise as such resolution or subsequent resolutions shall provide. The bonds may be sold or exchanged for refunding bonds, or delivered to contractors in payment for any part of the work or improvements financed by such bonds, or delivered in exchange for any properties, either real, personal, or both, to be acquired for such works or improvements, in such manner as the district in its discretion shall determine. Pending the preparation of the definitive bonds, interim certificates or receipts or temporary bonds in such form and with such provisions as the district may determine may be issued to the purchasers of the bonds issued hereunder. The bonds and such interim certificates or receipts or temporary bonds shall be fully negotiable and shall be and

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constitute negotiable instruments within the meaning of and for all purposes of the law merchant and the Uniform Commercial Code of the State of Florida. ~~To the extent permitted by law, the~~ proceeds of the sale of any such bonds shall be used solely for the payment of the allowable costs of the district incurred or to be incurred in carrying out the powers set forth in subsections 46-2(a), 46-2(b)(1)b., and 46-4(a) and any other powers in this division relating to improvements to Drainage Works located on district/town property. ~~(3), (4), (5) or (6) of this section, and Such proceeds shall be disbursed in such manner and under such restrictions as the district may provide in the authorizing resolution. The district may also provide for the replacement of any bonds which become mutilated or are stolen, destroyed, or lost, upon proper indemnification. A resolution providing for the issuance of special assessment bonds may also contain such limitations upon the issuance of additional bonds secured on a parity with the bonds theretofore issued as the district may deem proper.~~

(f) *Borrowing authority to deal with disaster.* To allow the district to deal with the financial impact of the repair, replacement, or reconstruction of works of the district or other costs incurred by the district due to a “disaster,” as defined in F.S. § 252.34(1), the district is hereby authorized to borrow such funds as the district may reasonably determine are necessary to cope with the disaster. The district is also authorized to enter into a line of credit arrangement that will permit such borrowing, but funds can be drawn on the line of credit only after a state of emergency has been declared by the town, the county, the governor, or the President of the United States. The district may grant as security or collateral for borrowing under this subsection any local, state, or federal disaster relief payments (or similar type of payments) to be received by the district or maintenance assessments levied by the district pursuant to F.S. § 298.54, or both. This subsection is subject to the limitations and requirements of the Town Charter.

Sec. 46-5 – 46-159. – Reserved.

DIVISION 2. MISCELLANEOUS

~~(e) *Permitting of hauling operations.*~~

~~(1) *Definitions.* The following words, terms and phrases, when used in this subsection (e), shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:~~

~~*Excavate or excavation* means any act by which material is cut into, dug, quarried, uncovered, removed, displaced, relocated, or otherwise deliberately distributed. *Excavation* excludes agricultural plowing and site grading and de mucking in preparation for construction.~~

~~*Haul or hauling* means to cart, pull, carry, or transport in a motor vehicle.~~

~~(2) *Application for hauling permit.*~~

~~a. The town shall have the power to implement and enforce a permitting system necessary and convenient for the exercise of any of the powers or duties of the town thereof pertaining to all roads and roadways maintained by the town to provide access to or to restrict the use of roads or~~

Commented [J22]: The permitting of hauling operations was removed from the ordinance because it is no longer enforceable under current Florida law.

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~~roadways within the town for the hauling of excavated material where such hauling exceeds 250 cubic yards of excavated material within a one-year period to or from the property of any landowner.~~

~~b. In order to effect the regulation of hauling activities and the protection of the condition of district roads and roadways, the town:~~

~~1. May require the following information to be supplied in an application for a hauling permit made to the town:~~

- ~~(i) Name and address of proposed hauling operator.~~
- ~~(ii) Type and number of vehicles to be operated.~~
- ~~(iii) Origin and destinations of hauling load.~~
- ~~(iv) Description of routes upon which the hauling operation will be conducted.~~
- ~~(v) Dimensions and maximum total weight of hauling vehicles.~~
- ~~(vi) Requested hauling schedule, including times and dates of excavation and use of hauling route.~~
- ~~(vii) Verification of notice to all utility companies and municipalities along the proposed route and a copy of their reply.~~
- ~~(viii) Approval of the county's engineering department, if required.~~
- ~~(ix) Name and address of permit applicant, which shall be either the owner of the land within the town from which the material is excavated or transported to or the person or entity performing the excavation work in the town; if the latter, the landowner must also sign the permit application.~~

~~2. Shall require that the recipient of a hauling permit from the town coordinate with the town the hauling routes and the times during which hauling activities are permitted to take place.~~

~~3. Shall include, as a condition of the hauling permit, that the hauling operator, permit applicant and landowner (if not the permit applicant) not cause damage or loss from the undertaking of hauling activities to the property of the town or the district, including, but not limited to, town roads and roadways and adjacent private property. Notwithstanding the foregoing, the hauling operator, permit applicant, and landowner (if not the permit applicant) shall be liable for the repair of any such damage caused by hauling activities and shall reimburse the town and any adjacent private property owners for any loss or damage occasioned by hauling activities.~~

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~~4. Shall require, as a condition of the approval of a hauling permit, evidence of insurance by the hauling operator to remain in force for the duration of the permit.~~

~~5. Shall require a permit applicant, the landowner (if not the permit applicant) and the hauling operator, jointly and severally, to indemnify and hold harmless the town and its agents, employees, officers, and supervisors from and against all claims, damages, losses, and expenses, including, but not limited to, reasonable attorneys' fees, arising out of or resulting from the exercise of hauling activities pursuant to the permit, provided that any such claim, damage, loss, or expense arises or results, in whole or in part, from the hauling operator's activities in connection with the hauling permit, and to execute an indemnity agreement so stating.~~

~~6. May assess and collect reasonable fees in connection with reviewing permit applications and approving the hauling permit.~~

~~7. May adopt rules to implement the purposes of this section.~~

~~(3) Liability.~~

~~a. Any person who, willfully or otherwise, hauls material on town roads or roadways shall obtain a hauling permit as required under this section and shall not violate the conditions of any hauling permit that has been granted by the town pursuant to this section.~~

~~b. Any person who willfully hauls excavated material on town roads or roadways without a hauling permit as required under this section or who violates the conditions of a hauling permit granted pursuant to this section is liable to any person injured thereby for the full amount of the injury occasioned to any land or crops or other property by reason of such hauling activities, and shall be liable to the town for double the cost of repairing any resulting damage to the district's roads or roadways.~~

~~c. Any person who willfully hauls excavated material upon the town roads or roadways without a hauling permit as required under this section, or in contravention of the conditions of a hauling permit granted pursuant to this section, shall be subject to a civil fine of up to \$500.00 per occurrence, with each day that a violation occurs constituting a separate occurrence. Any violation of this section may be treated in the same manner as a noncriminal traffic infraction under F.S. ch. 318, and citations for such violations may be issued by traffic enforcement agencies in the same manner as traffic citations are issued under F.S. ch. 316.~~

~~d. If a hauling operator, permit applicant, or landowner (if not the permit applicant) upon notice, in writing or otherwise, fails to repair any damage occasioned by the hauling of materials on the road or roadways of the town within 24 hours of receiving said notice, the town may repair such damage and assess the owner of the land in the town from which the material was excavated or to which the material was hauled for the town's costs in connection with such repairs. Upon failure of any landowner to pay any assessments levied by the town pursuant to this section within 30 days of receipt of any owner of notice of the assessment, the town shall have a lien on all lands of such owner within the town. To the extent permitted by law, such shall be superior~~

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and paramount to the interest in such land and premises of any owner, lessee, tenant, mortgagee, or other person except the lien of state, county, or town or district taxes and any conservation easements and shall be on a parity with the lien of any such state, county, or town or district taxes and any conservation easements. Such liens shall bear interest at the annual rate equal to the interest rate due on judgments, pursuant to F.S. § 55.03, per year and shall, until paid, remain in effect in perpetuity.

~~(f) Borrowing authority to deal with disaster. To allow the district to deal with the financial impact of the repair, replacement, or reconstruction of works of the district or other costs incurred by the district due to a "disaster," as defined in F.S. § 252.34(1), the district is hereby authorized to borrow such funds as the district may reasonably determine are necessary to cope with the disaster. The district is also authorized to enter into a line of credit arrangement that will permit such borrowing, but funds can be drawn on the line of credit only after a state of emergency has been declared by the town, the county, the governor, or the President of the United States. The district may grant as security or collateral for borrowing under this section any local, state, or federal disaster relief payments (or similar type of payments) to be received by the district or maintenance assessments levied by the district pursuant to F.S. § 298.54, or both. This section is subject to the limitations and requirements of the town Charter.~~

Sec. 46-16. – Road dedication and maintenance.

~~(g)~~ *Dedication of width of certain roads within the district.*

(1) Improvement of four public roads identified in subsections ~~(g)~~(1)a through d of this section was approved at referendum pursuant to paragraph c. of section 4 of chapter 2004-410, Laws of Florida, after January 1, 2009, and before December 31, 2010. The width of these roads, to the extent that they have been actually constructed and maintained or repaired continuously and uninterruptedly by the district or town for seven years, shall be dedicated through easement rights to the public pursuant to Laws of Fla. ch. 2011-257 and F.S. § 95.361. The four public roads subject to this section are as follows:

- a. "A" Road to include the following description: "A" Road from Okeechobee Boulevard to North Road and North Road approximately one-quarter mile east from "A" Road intersection.
- b. "C" Road (South) to include the following description: "C" Road from Collecting Canal Road to Okeechobee Boulevard and Collecting Canal Road approximately one-quarter mile each way, east and west from "C" Road intersection.
- c. "C" Road (North) to include the following description: "C" Road from Okeechobee Boulevard to North Road and North Road approximately one-quarter mile each way, east and west from "C" Road intersection.
- d. "D" Road to include the following description: "D" Road from Okeechobee Boulevard to North Road and North Road approximately one-quarter mile each way, east and west from "D" Road intersection.

Commented [J23]: This section provides a separate section number for road dedication and maintenance for easier reference and rennumbers the provision of the existing ordinance.

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(2) The filing of a map in the office of the clerk of the circuit court of the county in which the road is located showing the lands and reciting on it that the road has been dedicated in accordance with subsection (ga)(1) of this section or by any other means of acquisition, duly certified by the chair and secretary of the district, shall be prima facie evidence of the public's easement rights.

(3) This section does not apply to any facility of an electric utility which is located on property otherwise subject to this section.

(4) The town shall have traffic control jurisdiction over all public roads located within the district.

(5) All rights and privileges to these roads have been transferred to the town. Nothing in this section shall affect the town's maintenance of these roads and their dedications pursuant to F.S. § 95.361.

~~(h)~~ Roads presumed to be dedicated.

(1) When a road within the district has been constructed by the district, and when such road has been maintained or repaired continuously and uninterruptedly for seven years by the district or the town, an easement for such road over, under, across, upon, through, and within the underlying real property for road right-of-way purposes shall be deemed to be dedicated to the public to the extent of the width that has been actually maintained or repaired for the prescribed period, whether or not the road has been formally established as a public road. The dedication shall vest such easement in and to the road in the public, whether or not there is a record of conveyance, dedication, or appropriation to the public use.

(2) The filing of a map in the office of the clerk of the circuit court of the county where the road is located showing the lands and reciting on it that the road has been dedicated in accordance with subsection (hb)(1) of this section, or by any other means of acquisition, duly certified by the chair and secretary of the district, shall be prima facie evidence of the public's easement rights.

(3) This section does not apply to any facility of an electric utility which is located on property otherwise subject to this section.

(4) The town shall continue to have traffic control jurisdiction over all public roads located within the district.

(5) All rights and privileges to these roads have been transferred to the town. Nothing in this section shall affect the town's maintenance of these roads and their dedications pursuant to F.S. § 95.361.

~~(i)~~ Maintenance easements and use for public trail purposes. To the extent permitted by state law:

(1) When land adjacent to canals has been used and maintained for district-related purposes by the district to access its canals continuously and uninterruptedly for seven years, a maintenance

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easement for such land over, under, across, upon, through, and within the underlying real property for maintenance purposes is deemed to be dedicated to the district to the extent of the width that has been actually used, maintained, or repaired for the prescribed period, regardless of whether the land has been formally established as an easement in favor of the district. The dedication shall vest such easement in and to the land to the district, regardless of whether there is a record of conveyance, dedication, or appropriation to the district.

(2) The filing of a map in the office of the clerk of the circuit court of the county where the maintenance easement is located showing the lands and reciting on it that the land has been dedicated in accordance with subsection (1) of this section, or by any other means of acquisition, duly certified by the chair and secretary of the district, shall be prima facie evidence of the district's easement rights.

(3) For any maintenance easement established pursuant to this section, the use by the public for recreational trail purposes, including, without limitation, equestrian trails, shall be authorized. The district is authorized to issue permits to the town to construct and maintain such recreational trails within the maintenance easements. Any permit issued by the district for perpetual use by the public for recreational trail purposes is deemed to satisfy any and all current or future state grant requirements for property control by the town.

(4) This section does not apply to any facility of an electric utility which is located on property otherwise subject to this section.

Section 4. Conflict. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be, and the same are hereby repealed to the extent of such conflict.

Section 5. Severability. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

Section 6. Codification. It is the intention of the Town Council of the Town of Loxahatchee Groves that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Loxahatchee Groves, Florida, that the Sections of this ordinance may be renumbered, re-lettered, and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

Section 7. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

Councilmember _____ offered the foregoing ordinance. Councilmember _____ seconded the motion, and upon being put to a vote, the vote was as follows:

Ordinance No. 2024- __

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ANITA KANE, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG , VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LAURA DANOWSKI, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBERT SHORR, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS ____ DAY OF _____, 2024.

Councilmember _____ offered the foregoing ordinance. Councilmember seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ANITA KANE, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG , VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LAURA DANOWSKI, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBERT SHORR, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS ____ DAY OF _____, 2024.

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

Mayor Anita Kane

Town Clerk

Vice Mayor Margaret Herzog

APPROVED AS TO LEGAL FORM:

Councilmember Phillis Maniglia

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Office of the Town Attorney

Councilmember Laura Danowski

Councilmember Robert Shorr

DRAFT



155 F Road Loxahatchee Groves, FL 33470

TO: Town Council of Town of Loxahatchee Groves

FROM: Francine Ramaglia, Town Manager

DATE: October 1, 2024

SUBJECT: Discussion on Town Council Priorities

Background:

For the FY 2024-2025, staff is requesting that the Town Council review, discuss and provide direction on the items below:

- Review of the Legislative Calendar
- Review of Agenda Item Schedules (forthcoming)
- Review of Annual Special Events & Approval of **Resolution No. 2024-67:**
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RECOGNIZING CERTAIN DATES SUPPORTING LOCAL GOVERNMENT AND APPROVING ANNUAL SPONSORSHIPS AND EVENTS; AND PROVIDING FOR AN EFFECTIVE DATE.
- Review Annual Proclamations & Approval of **Resolution No. 2024-68:**
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE DESIGNATION OF CERTAIN DAYS, WEEKS, AND MONTHS FOR ANNUAL PROCLAMATIONS TO BE ISSUED BY THE TOWN COUNCIL; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE
- Review of the Florida City Government Week Schedule & Approval of **Resolution No. 2024-75:**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, PALM BEACH COUNTY, FLORIDA, RECOGNIZING FLORIDA CITY GOVERNMENT WEEK, OCTOBER 21 THROUGH 27, AND ENCOURAGING ALL CITIZENS TO SUPPORT THE

CELEBRATION AND CORRESPONDING ACTIVITIES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

The above are lists that primarily drive the annual outlook of agenda items that will be presented to the Town Council for approval/adoption.

Recommendation:

Review, discuss and direct Staff.

LEGISLATIVE CALENDAR 2024-25

EVENT	DATES	TIME	LOCATION
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PALM BEACH COUNTY LEGISLATIVE DELEGATION			
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PBC LEGISLATIVE DELEGATION FIRST PUBLIC HEARING	Official dates will be provided after November 5, 2024	Official dates will be provided after November 5, 2024		Location: TBD Palm Beach County, FL
LOCAL BILL DEADLINE TO PBC LEGISLATIVE DELEGATION	Official dates will be provided after November 5, 2024	Official dates will be provided after November 5, 2024		Location: TBD Palm Beach County, FL
PBC LEGISLATIVE DELEGATION LOCAL BILL & PUBLIC HEARING	Official dates will be provided after November 5, 2024	Official dates will be provided after November 5, 2024		Location: TBD Palm Beach County, FL
PBC LEGISLATIVE DELEGATION PUBLIC HEARING	Official dates will be provided after November 5, 2024	Official dates will be provided after November 5, 2024		Location: TBD Palm Beach County, FL
JOINT MEETING WITH THE PALM BEACH COUNTY LEAGUE OF CITIES	Official dates will be provided after November 5, 2024	Official dates will be provided after November 5, 2024		Location: TBD Palm Beach County, FL
JOINT MEETING WITH THE PALM BEACH COUNTY SCHOOL BOARD	Official dates will be provided after November 5, 2024	Official dates will be provided after November 5, 2024		Location: TBD Palm Beach County, FL
JOINT MEETING WITH THE PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS	Official dates will be provided after November 5, 2024	Official dates will be provided after November 5, 2024		Location: TBD Palm Beach County, FL

ADVOCACY OPPORTUNITIES			
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INTERIM COMMITTEE MEETINGS	01/13/2025	01/17/2025		State Capital Tallahassee, FL
INTERIM COMMITTEE MEETINGS	01/21/2025	01/24/2025		State Capital Tallahassee, FL
INTERIM COMMITTEE MEETINGS	02/03/2025	07/07/2024		State Capital Tallahassee, FL

FLORIDA LEGISLATIVE SCHEDULE			
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LEGISLATIVE SESSION – REGULAR SESSION	03/04/2025	05/02/2025		State Capital Tallahassee, FL
LEGISLATIVE SESSION – MOTION TO RECONSIDER DAY	04/19/2025	04/19/2024		State Capital Tallahassee, FL
LEGISLATIVE SESSION – LAST DAY FOR REGULAR SCHEDULED COMMITTEE MEETINGS	04/22/2025	04/22/2025		

ALL OF PALM BEACH COUNTY				
PALM BEACH COUNTY DAYS	03/04/2025	03/05/2025		State Capital Tallahassee, FL
INDIVIDUAL MEETINGS WITH LEGISLATORS	03/04/2025	03/05/2025		State Capital Tallahassee, FL
INDIVIDUAL MEETINGS WITH LEGISLATORS	03/04/2025	03/05/2025		State Capital Tallahassee, FL
INDIVIDUAL MEETINGS WITH LEGISLATORS	03/04/2025	03/05/2025		State Capital Tallahassee, FL

FLORIDA LEAGUE OF CITIES				
ADVOCACY COMMITTEE MEETING	10/04/2024	10/04/2024		Hilton Orlando, 6001 Destination Parkway, Orlando, FL, 32819
ADVOCACY COMMITTEE MEETING	11/08/2024	11/08/2024		Hilton Orlando, 6001 Destination Parkway, Orlando, FL, 32819
LEGISLATIVE CONFERENCE & ADVOCACY COMMITTEE MEETING	12/05/2024	12/06/2024		Hilton Orlando, 6001 Destination Parkway, Orlando, FL, 32819
2025 FLC LEGISLATIVE ACTION DAYS	03/24/2025	03/26/2025		Tallahassee, FL
FLC PRE-LEGISLATIVE SESSION WEBINAR	02/20/25	02/20/2025	2:00P.M.-3:00P.M.	VIRTUAL
FLC POST-LEGISLATIVE SESSION WEBINAR	05/15/2025	05/15/2025	2:00P.M.-3:00P.M.	VIRTUAL

ADDITIONAL DATES ADDED AS NEED BY LOBBYIST (TBD)

RESOLUTION NO. 2024-67

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RECOGNIZING CERTAIN DATES SUPPORTING LOCAL GOVERNMENT AND APPROVING ANNUAL SPONSORSHIPS AND EVENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 9(3) of the Charter of the Town of Loxahatchee Groves (“Town Charter”) requires the Town Council to approve any charitable contributions to be made by the Town; and

WHEREAS, the Town Council desires to make charitable contributions for the fiscal year; and

WHEREAS, the Town Council desires to celebrate certain recognized days in support of local government, sunshine laws, transparency, civility, and the volunteer spirit, which align with the values of the Town of Loxahatchee Groves.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THAT:

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

Section 2. The Town Council of the Town of Loxahatchee Groves hereby approves the following sponsorships for the 2024-2025 fiscal year:

- Loxahatchee Groves Elementary School PTO – for the carnival and other events
 - Amount: \$ 500.00
- Loxahatchee Groves Scholarship
 - Amount: \$1,000.00

Section 3. The Town Council of the Town of Loxahatchee Groves hereby recognizes and celebrates the following National and State dates of specific recognition:

- Sunshine Day – A Day dedicated to promoting transparency in government, recognizing the importance of open meetings and the right of the public to access government records and proceedings. **March 16, 2024**
- National Volunteer Appreciation Day – A time to honor and thank the volunteers who selflessly give their time and talents to improve the community and positively impact the Town of Loxahatchee Groves. **April TBD**
- National Civility Day - A day to encourage and promote civility, respect, and courtesy in public discourse, celebrating the positive effects of civil engagement and mutual respect in building a stronger and more unified community. **August TBD**
- Florida City Government Week - A week dedicated to increasing public awareness about the importance of municipal government and the critical role it plays in the lives of Floridians, fostering greater civic engagement and community involvement. **October 21-27, 2024**

Section 4. The Town Council of the Town of Loxahatchee Groves hereby approves the following Town Special Events for the 2024-2025 fiscal year

- Family Fun Day/Chili Cook-off **TBD**
- Veteran’s Day Celebration **November 11, 2024**
- Holiday Gratitude Basket **December TBD**

Section 5. The Town Council of the Town of Loxahatchee Groves hereby approves the participation by the Town Council in the following events for the 2024-2025 fiscal year:

- Loxahatchee Groves Elementary School PTO carnival and other events
- Western Communities Holiday Parade

Section 6. The Town Council of Loxahatchee Groves hereby approves a total not to exceed a budget of \$15,000.00 for all Town Special Events.

Section 7. This Resolution shall become effective immediately upon its adoption.

Councilmember (INSERT NAME) offered the foregoing resolution. Council Member (INSERT NAME) seconded the motion.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS 18th DAY OF SEPTEMBER 2024.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Town Clerk

Voted:
Mayor Anita Kane, Seat 3

Voted:
Vice Mayor Margaret Herzog, Seat 5

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

Voted:
Councilmember Phillis Maniglia, Seat 1

Voted:
Councilmember Laura Danowski, Seat 2

Voted:
Councilmember Robert Shorr, Seat 4

RESOLUTION NO. 2024-68

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE DESIGNATION OF CERTAIN DAYS, WEEKS, AND MONTHS FOR ANNUAL PROCLAMATIONS TO BE ISSUED BY THE TOWN COUNCIL; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE

WHEREAS, the Town Council of the Town of Loxahatchee Groves recognizes the importance of celebrating and raising awareness for various causes and contributions to the community; and

WHEREAS, the Town Council desires to designate specific days, weeks, and months to be recognized annually through proclamations issued by the Town Council; and

WHEREAS, the Town Council determined that scheduling and adopting such proclamations serves a valid public purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THAT:

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

Section 2. The Town Council hereby approves the following days, weeks, and months to be recognized and proclaimed annually by the Town Council:

JANUARY

- National Bird Day – January 5

FEBRUARY

- 2-1-1 Awareness Day – February 11-17
- National Future Farmers of America Week – February 15-22
- National Engineers Week – February 16-22

MARCH

- National Flood Awareness Week – March 6-10
- National Employee Appreciation Day – First Friday in March

- Sunshine Week – March 16-22

APRIL

- National Volunteer Appreciation Week – April 20-26
- Child Abuse Prevention Month – April
- National Arbor Day – Last Friday in April
- Earth Day – April 22

MAY

- Public Service Recognition Week – First Full Week of May
- Building Safety Month – May
- Older Americans Month – May
- Mental Health Awareness Month – May
- National Hurricane Preparedness Week – May 1-7
- Construction Safety Week – May 2-6
- National Municipal Clerks Week – May 4-10
- Agricultural Appreciation Day – May 18
- National Public Works Week – Third Week of May

JUNE

- National Homeownership Month – June
- Palm Beach County Veteran Services Officer Appreciation Month – June
- Code Enforcement Officer Appreciation Week – June 5-9

AUGUST

- Back to School Month – August
- National Civility Month – August

SEPTEMBER

- Emergency Preparedness Month – September
- Building and Code Staff Appreciation Day – September 1
- National Farm Safety and Health Week – September 15-21

OCTOBER

- Customer Service Week – October 7-11
- Fire Prevention Week – October 7-11
- Florida City Government Week – October 21-27
- Rural Education Day – October 31

NOVEMBER

- Hunger and Homelessness Awareness Week – November 12-20

DECEMBER

- National Safe Toys and Gifts Month – December
- National Farmers Day – December 23

Section 2. The Town Council authorizes the issuance of these proclamations annually for the approved days, weeks, and months as outlined in Section 1.

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. If any section, sentence, clause, or phrase of this resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this resolution.

Section 5. This resolution shall take effect immediately upon its adoption.

Councilmember _____ offered the foregoing resolution. Councilmember _____ seconded the motion.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS 18th DAY OF SEPTEMBER 2024.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Voted:
Mayor Anita Kane, Seat 3

Town Clerk

Voted:
Vice Mayor Margaret Herzog, Seat 5

APPROVED AS TO LEGAL FORM:

Voted:
Councilmember Phillis Maniglia, Seat 1

Office of the Town Attorney

Voted:
Councilmember Laura Danowski, Seat 2

Voted:
Councilmember Robert Shorr, Seat 4



TOWN OF LOXAHATCHEE GROVES CELEBRATES FLORIDA GOVERNMENT WEEK OCTOBER 21-27TH, 2024

PROPOSED FLORIDA GOVERNMENT WEEK CALENDAR

Monday, October 21st: Town of Loxahatchee Groves Spirit Day

- **Time:** TBD (during Town operating hours 8:30 AM – 4:30 PM)
 - **Location:** Town Hall and all Town facilities
 - **Details:** A day to show pride in our community by wearing Town of Loxahatchee Groves apparel!
 - **Activities:**
 - **Photo Wall:** Set up a photo area where staff and residents can take pictures in their apparel to share on social media.
 - **Friendly Competition:** Encourage departments to showcase their spirit, with prizes for the most creative outfits or department participation (Office or Door Decorating).
 - **Community Engagement:** Invite residents to stop by and share their favorite memories of the Town of Loxahatchee Groves (Historical photographs, items, maps and etc)
-

Tuesday, October 22nd: Open House

- **Time:** TBD (during Town operating hours 8:30 AM – 12:30 PM)
- **Location:** Town Hall
- **Details:** Join us for an Open House showcasing all Town Departments, including:
 - Office of the Town Clerk
 - Building (with Code Enforcement Division)
 - Town Manager’s Office
 - Public Works
 - Human Resources



TOWN OF LOXAHATCHEE GROVES CELEBRATES FLORIDA GOVERNMENT WEEK OCTOBER 21-27TH, 2024

○ And more!

- **Activities:** Meet staff, learn about each department's functions, and enjoy light refreshments.

Wednesday, October 23rd: Breakfast with Council and Staff

- **Time:** TBD (during Town operating hours 9:00 AM – 11:00 AM)
- **Location:** Town Hall Conference Room
- **Details:** A breakfast gathering for the Council and staff to foster relationships and collaboration.
- **Group Activity:** "Team Trivia Challenge" – A fun trivia game where teams of Council members and staff answer questions about the Town and local history.
- **Special Note: It's Selfie Day! Use fun props throughout the event to capture moments.** Share your photos on social media using #LoxahatcheeSelfie.

Wednesday, October 23rd: Town Expo

- **Time:** TBD (during Town operating hours 12:00 PM – 4:00 PM)
- **Location:** Town Hall
- **Details:** Expo of local agencies and organizations. (LGLA, Palm Beach State College, CERT, Palm Beach County, School Principals, Horseman Associations, etc.)
- **Special Note: It's Selfie Day! Use fun props throughout the event to capture moments.** Share your photos on social media using #LoxahatcheeSelfie.

Thursday, October 24th: Ice Cream Social Day at Town Hall

- **Time:** TBD (during Town operating hours 12:00 P.M. – 4:00 PM)
- **Location:** Town Hall



TOWN OF LOXAHATCHEE GROVES CELEBRATES FLORIDA GOVERNMENT WEEK OCTOBER 21-27TH, 2024

- **Details:** Join us for a delightful Ice Cream Social Day designed to engage with our community and promote important resources!
- **Purpose:** This event will focus on community outreach, encouraging residents to:
 - **Like and Follow:** Discover the Town’s social media platforms to stay informed and engaged with local news, events, and initiatives.
 - **Website Tours:** Staff will provide guided tours of the Town's website, showcasing features like event calendars, department information, and community resources.
 - **Civic Alert Sign-Up:** Residents will be encouraged to sign up for the Civic Alert Emergency Messaging System to receive timely updates on emergencies, events, and other critical information.
- **Activities:**
 - **Ice Cream Stations:** Enjoy a variety of ice cream flavors and toppings while mingling with Town officials and staff.
 - **Information Booths:** Set up booths for each Town’s social media channel, website navigation, and the Civic Alert system to assist residents in signing up and following.
 - **Q&A Sessions:** Residents can ask questions and provide feedback on what they’d like to see more of on social media and the website.

Friday, October 25th: Breakfast with the Building Department and Code Enforcement Division

Time: TBD (during Town operating hours 9:00 AM – 11:00 AM)

- **Location:** Town Hall
- **Details:** A breakfast meeting for builders and the Building/Code Enforcement team.
- **Purpose:** Discuss upcoming projects, code changes, and how the Town can better support the building community.
- **Activities:**
 - **Breakfast Networking:** Enjoy breakfast while networking with Town officials, builders, and residents.



TOWN OF LOXAHATCHEE GROVES CELEBRATES FLORIDA GOVERNMENT WEEK OCTOBER 21-27TH, 2024

-
- **Discussion Topics:** Review current building projects, discuss code updates, and gather feedback on community needs.
 - **Demonstration:** The Building and Code Enforcement department will provide a demonstration on how to submit a complaint for code enforcement. This session will **cover the process, required information, and best practices to ensure efficient handling of concerns.**
-

Friday, October 25th Evening: Halloween-themed Friday Family Fun Day

- **Time:** TBD (evening event)
- **Location:** Local Community Park or Town Hall
- **Details:** A spooktacular evening for families to enjoy Halloween-themed activities together.
- **Activities:**
 - **Costume Contest:** Encourage families to come dressed in their best Halloween costumes, with prizes for various categories (e.g., scariest, funniest, most creative).
 - **Halloween Games:** Set up games like pumpkin bowling, a spooky scavenger hunt, and “witch hat ring toss.”
 - **Trick-or-Treat Stations:** Create stations where families can collect treats and goodies.
 - **Food Trucks:** Invite local food trucks offering seasonal treats and Halloween-themed snacks.
 - **Photo Booth:** Set up a Halloween-themed photo booth with props like masks, pumpkins, and spooky backdrops for families to capture fun memories.



TOWN OF LOXAHATCHEE GROVES CELEBRATES FLORIDA GOVERNMENT WEEK OCTOBER 21-27TH, 2024

Saturday, October 26th: Community Clean Up Day

- **Time:** 9:00 AM – 12:00 PM
- **Location:** TBD
- **Details:** Join Public Works for a Community Clean-Up Day!
- **Activities:** Help beautify the community by picking up litter and sprucing up public spaces. Supplies will be provided.

RESOLUTION No. 2024-75

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, PALM BEACH COUNTY, FLORIDA, RECOGNIZING FLORIDA CITY GOVERNMENT WEEK, OCTOBER 21 THROUGH 27, AND ENCOURAGING ALL CITIZENS TO SUPPORT THE CELEBRATION AND CORRESPONDING ACTIVITIES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, municipal government is the government closest to most citizens and the one with the most direct daily impact upon its residents; and

WHEREAS, municipal government provides services and programs that enhance the quality of life for residents, making their town their home; and

WHEREAS, municipal government is administered for and by its citizens and is dependent upon public commitment to and understanding of its many responsibilities; and

WHEREAS, town government officials and employees share the responsibility to pass along the understanding of public services and their benefits; and

WHEREAS, Florida City Government Week offers an important opportunity for elected officials and city staff to spread the word to all citizens of Florida that they can shape and influence this branch of government; and

WHEREAS, the Florida League of Cities and its member cities have joined together to teach citizens about municipal government through a variety of activities.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AS FOLLOWS:

Section 1. The Town of Loxahatchee Groves encourages all citizens, city government officials, and employees to participate in events that recognize and celebrate Florida City Government Week.

Section 2. The Town of Loxahatchee Groves encourages educational partnerships between the city government and schools, as well as civic groups and other organizations.

Section 3. The Town of Loxahatchee Groves supports and encourages all Florida city governments to actively promote and sponsor Florida City Government Week.

Section 4. Effective Date. This Resolution shall become effective immediately upon its adoption.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS 1st DAY OF OCTOBER 2024.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Voted:
Mayor Anita Kane, Seat 3

Town Clerk

Voted:
Vice Mayor Margaret Herzog, Seat 5

APPROVED AS TO LEGAL FORM:

Voted:
Councilmember Phillis Maniglia, Seat 1

Office of the Town Attorney

Voted:
Councilmember Laura Danowski, Seat 2

Voted:
Councilmember Robert Shorr, Seat 4



155 F Road Loxahatchee Groves, FL 33470

TO: Town Council of Town of Loxahatchee Groves

FROM: Richard Gallant, Public Works Director

VIA: Francine Ramaglia, Town Manager

DATE: October 1, 2024

SUBJECT: Adoption of *Ordinance No. 2024-11* adopting the annual update to the Capital Improvements Element of the Comprehensive Plan consistent with Chapter 163, Florida Statutes.

Background:

Pursuant to Section 163.3177(3)(b) of Florida Statutes, local governments are required to undertake an annual review of the Capital Improvements Element to update the Five-Year Capital Improvements Plan (CIP) for Level of Service (LOS) projects. The update to the schedule is not considered an amendment to the Comprehensive Plan.

The capital program for FY 25 has been discussed extensively during the Town Council's budget process. The five-year capital program including FY25 is attached as Exhibit A to the ordinance. Based on direction given by the Town Council during the passage of the millage rate and budget adoption at their September 18, 2024 meeting the capital program has been revised to include a Community Cost Sharing Program in the amount of \$150,000. Details of the program will be presented to Council for adoption and implementation in the near future. The budget has been amended to reflect the change, so that the Capital Improvement Fund for FY 2025 is now funded at \$2,229,300 with the additional funds coming from additional contributions from the General Fund in the amount of \$35,000 and a contribution from the Road and Drainage Fund of \$115,000.

The CIP for the future years of the 5-year plan are as presented during the discussion of the program at the Council's September 18, 2024 meeting.

Recommendation:

Motion to approve *Ordinance 2024-11* Adopting the Capital Improvements Element of the Comprehensive Plan consistent with Chapter 163, Florida Statutes on second reading.

ORDINANCE NO. 2024-11

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING THE ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN CONSISTENT WITH CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Town Council, as the governing body of the Town of Loxahatchee Groves, Florida (“Town”), pursuant Section 163.3177(3)(b), Florida Statutes, is required to review the Capital Improvements Element of the Town’s Comprehensive Plan and update the 5-year capital improvement schedule annually; and

WHEREAS, pursuant Section 163.3177(3)(b), Florida Statutes, modifications to update the 5-year capital improvement schedule may be adopted by ordinance and need not be an amendment to the Comprehensive Plan; and

WHEREAS, the Town Council has reviewed the Capital Improvements Element of the Town’s Comprehensive Plan and has projected the 5-year capital improvement schedule for the years 2024-2028 to be financially feasible.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THAT:

Section 1. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and incorporated herein by this reference.

Section 2. The Town of Loxahatchee Groves hereby adopts the 2025-2029 Capital Improvement Schedule as the 2025 Annual Update to the Capital Improvements Element of the Comprehensive Plan, as set forth in Exhibit “A” attached hereto and incorporated herein by this reference.

Section 3. Conflict. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be, and the same are hereby repealed to the extent of such conflict.

Section 4. Severability. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

Section 5. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

Councilmember _____ offered the foregoing ordinance. Councilmember _____ seconded the motion, and upon being put to a vote, the vote was as follows:

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 3rd DAY OF SEPTEMBER, 2024.

Voted:
Mayor Anita Kane, Seat 3

Voted:
Vice Mayor Margaret Herzog, Seat 5

Voted:
Councilmember Phillis Maniglia, Seat 1

Voted:
Councilmember Laura Danowski, Seat 2

Voted:
Councilmember Robert Shorr, Seat 4

Councilmember _____ offered the foregoing ordinance. Councilmember _____ seconded the motion, and upon being put to a vote, the vote was as follows:

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS 1ST DAY OF OCTOBER, 2024.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Town Clerk

Voted:
Mayor Anita Kane, Seat 3

Voted:
Vice Mayor Margaret Herzog, Seat 5

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

Voted:
Councilmember Phillis Maniglia, Seat 1

Voted:
Councilmember Laura Danowski, Seat 2

Voted:
Councilmember Robert Shorr, Seat 4

TOWN OF LOXAHATCHEE GROVES
 Ordinance No. 2024-11
 Exhibit A

		Estimated Timeframe	2025 Proposed	2026	2027	2028	2029	2030	2031	2032	2033	2034
Road Paving Plan (overlay program)												
A South	1.25 miles	2025	\$ 363,688	\$ -								
N North	1.5 miles	2026&2027		\$ 400,000	\$ 403,852							
Collect Canal (A to B)	.5 miles	2025	\$ 145,475	\$ -								
Loxahatchee Ave	0.15 miles	2028	\$ -			\$ 43,643						
Citrus	0.25 miles	2028	\$ -			\$ 72,738						
Tangerine	0.5 miles	2028				\$ 145,475						
Valencia / Orange	0.1 miles	2028				\$ 29,095						
G Road (E)	0.5 miles	2034										\$ 145,475
25th St East of Folsom	0.25 miles	2034										\$ 72,738
S North	1.5 miles	2029&2030	\$ -				\$ 379,500	\$ 379,500				
6th Ct E Rd to Vinceremos)	0.75 miles	2028	\$ -			\$ 218,213						
Compton	0.75 miles	TBD	\$ -									
Bryan	0.75 miles	TBD	\$ -									
Marcella	0.75 miles	TBD	\$ -									
E North (gap)	0.25 miles	2025	\$ 72,738									
Folsom (gap)	0.25 miles	2025	\$ 72,738									
West 25 Street (gap)	0.15 miles	2025	\$ 43,643									
G West (gap)	.1 miles	2025	\$ 29,020									
West C Neighborhood (West C, 17th Rd N, Timber lane, Scott Place, Williams, Dr., Robert Way, Forest Lane)	1.2 miles	2032								\$ 349,140		
Snail Trail												
The 40's & Global Trail (44th, 42 St. N, 43rd Rd N 42nd Rd N, 41st Ct. Ian Trail)	1.2 miles	2033									\$ 349,140	
West D Neighborhood(West D, Temple, 6th Ct N Tangerine)	.9 miles	2031						\$ 261,855				
March Circle	.15 miles	2034										\$ 43,643
Great Dane	.1 miles	2034										\$ 29,095
Kazee	.5 miles	2034										\$ 145,475
Kerry Lane Neighborhood (Kerry Lane, Edith, Fox Tra Farley)	.8 miles	2031						\$ 232,760				
11th Terrace	0.2	2032								\$ 58,190		
Bunny Lane	0.25	2033									\$ 72,738	
			\$ 727,300	\$ 400,000	\$ 403,852	\$ 509,163	\$ 379,500	\$ 379,500	\$ 494,615	\$ 407,330	\$ 421,878	\$ 436,426

Road Rock Plan (rebuilding of road beds)

Collect Canal	3.25 miles	2025	\$ 12,000	\$ -	\$ -	\$ -		
6th Ct (E Rd to Vincermemos)	0.75 miles	2026		\$ 52,500	\$ -	\$ -		
A South	1.25 miles	2025	\$ 75,000	\$ -	\$ -			
N North	2 miles	2027			\$ 75,000	\$ -		
Folsom	0.3 miles	2025		\$ -	\$ -	\$ -		
G Road (E)	0.5 miles	2025					\$ 35,000	
25th St East of Folsom	0.25 miles	2025					\$ 17,500	
S North	1.5 miles	2027	\$ -		\$ 105,000	\$ -		
Lox Ave Tangerine to Citrus	0.1 miles	2026		\$ 6,000				
22nd N/F/P	0.6 miles	2026	\$ -	\$ -	\$ -	\$ -		
			\$ 87,000	\$ 58,500	\$ 180,000	\$ -	\$ 52,500	

TPA Okeechobee Traffic Calming

2025-2030	\$ 100,000	\$ 5,000,000
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Stormwater/Roadway Drainage Improvements

SWM System Improvements-Resilient Florida

Surface water management infrastructure project to improve flood control, adherence to NPDES requirements and water quality, conveyance and drainage

TBD	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -

Specific Maintenance Projects

Pump House (including instrumentation and controls)	2025-2029	\$ 35,000	\$ 120,000	\$ 120,000	\$ 635,000	\$ 635,000
Gate Repairs at 'A' , Gate Repairs at 'D'			\$ -	\$ -	\$ -	
Gate Repairs at 'Folsom'			\$ -	\$ -	\$ -	
SCADA & Telemetry		\$ -	\$ 300,000	\$ -	\$ -	
		\$ 35,000	\$ 420,000	\$ 120,000	\$ 635,000	\$ 635,000

Swales & Culverts

Swales, Catch Basins and Other Control Structures	2025-2029	\$ 350,000	\$ 350,000	\$ 350,000	\$ 350,000	\$ 350,000
South E and Citrus Drainage System (Without tree removal)	2025-2026	\$ 25,000	\$ 200,000	\$ -	\$ -	
Tangerine and Citrus Drainage System (Without tree removal)	2025-2026	\$ 25,000	\$ 300,000			
Miscellaneous culvert failures/emergency repairs (5-7 culverts)	2025-2029	\$ 240,000	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000
		\$ 640,000	\$ 1,050,000	\$ 550,000	\$ 550,000	\$ 550,000

Specific Culvert Locations

			\$ -	\$ -
Folsum & 25th St Culvert	2025	\$ 80,000		
Bunny Ln & D Rd Culvert	2025	\$ 140,000		
	2025	\$ -		
Kerry Ln & F Rd Culvert	2025	\$ 140,000		

Survey Design + Permitting

	\$ 360,000	\$ -	\$ -	\$ -
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Repair and Maintenance Canals

North Pump and pumphouse	2026		\$ 400,000			
17 Segments of Bank Reinforcement @ \$100 LF	2027-2030			\$ 20,000,000	\$ 20,000,000	\$ 20,000,000
Canal Bank Stabilization	2024-2040	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000	
Seven Locks/Weirs at \$150,000 each location	2024-2040		\$ 300,000	\$ 300,000	\$ 450,000	
Dredging of Canals	-					
		\$ 200,000	\$ 900,000	\$ 20,500,000	\$ 20,650,000	\$ 20,000,000

Trails System

Connectivity improvements and trail maintenance/upgrades to ensure safety and usefulness of the Town trails system.

North Road Trail	2025	\$ 20,000	\$ -	\$ -	\$ -	\$ -	\$ -
Horse crossings at B, D and F Roads along canal heads	TBD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Hand pump and trail amenities at C	TBD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Development of a Linear Park from A Road to Folsom Road South of C	TBD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Other Trails Improvements	TBD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
		\$ 20,000	\$ -	\$ -	\$ -	\$ -	\$ -

Community Cost Sharing Program

2025	\$ 150,000
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Resiliency

Replacement of Public Works Building	2025-2027	\$ 10,000	\$ 750,000
Resiliency Grant Program	2024-30		
Conversion of Town Hall to EOC	2025	\$ 75,000	
Total Resiliency		\$ 10,000	\$ 750,000

Total Capital Spending (305)

\$ 2,229,300	\$ 7,903,500	\$ 22,503,852	\$ 22,344,163	\$ 21,617,000	\$ 20,379,500	\$ 494,615
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Recommended Use of Capital Funds in FY2025:

PW Building	\$ 10,000
Conversion of Town Hall to EOC	\$ -
Roadway Paving Plan (overlay program)	\$ 727,300
Roadway Rock Plan (rebuilding of road beds)	\$ 87,000
Specific Maintenance Projects	\$ 35,000
Swales and Culverts	\$ 640,000
Specific Culvert Locations	\$ 360,000
Repair and Maintenance of Canals	\$ 200,000
Trails System	\$ 20,000
Community Cost Sharing Program	\$ 150,000
Okeechobee Traffic Calming	\$ -

Total Recommended Use of Capital Funds

FY24	\$ 2,229,300
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Capital Funds Available For FY2025:

State Grant	\$ 750,000
Resiliency Grant	
General Fund	\$ 429,000
Gas Tax Funds	\$ 132,000
Surtax Funds	\$ 383,300
Road and Drainage Funds	\$ 115,000
Transfer fund balance carryover from 2024	\$ 420,000
FEMA Reimbursement*	
Private Contribution	
Total Capital Funds Available	\$ 2,229,300

Projected Shortfall	\$ -
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CAPITAL EXPENDITURES OUTSIDE OF FUND 305

Other Road Materials and Supplies (Budgeted in Public Works)

Road Maintenance

Miscellaneous Annual rock Replensihment	2024-2028	\$ 172,500	\$ 135,000	\$ 108,000	\$ 90,000
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Rental/Lease Option Machinery & Equipment (Budgeted in Public Works)

Tractor Mower	2024-2026	\$ 94,000	\$ 94,000					
Mower (Kubota)	2022-2024	\$ -						
Grader (John Deere)	2023-2025	\$ 50,000	\$ 123,000					
Dump Truck(purchased with auction proceeds)	2024-25	\$ -		\$ -				
Rental of equipment on as needed basis such as roller, pump vac, road plates, etc.	2025-2030	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	
Misc rentals and equipment	2025-2027	\$ 40,000	\$ -	\$ -				
Total Capital (105)		\$ 406,500	\$ 402,000	\$ 158,000	\$ 140,000			

Footnotes

¹ Projects on the plan may be accelerated or postponed depending on the availability of funds coming from private sources or governmental grants

² The Town has submitted Local Mitigation Strategy Grants related to capital projects as set forth in the attached memorandum dated May 21st, 2024 (Exhibit A)

³ The Town has applied for grants from the Florida Rural Infrastructure Fund Program as related to capital projects as set forth in the attached memorandum dated September 18th, 2024 (Exhibit B)

TOWN OF LOXAHATCHEE GROVES

155 F Road Loxahatchee Groves, FL 33470



AGENDA MEMO

TO: Town Council of Town of Loxahatchee Groves
FROM: Francine Ramaglia, Town Manager
VIA: Amber Schneider
DATE: May 21, 2024
SUBJECT: Discussion on Local Mitigation Strategy (LMS) Grant Submission

Background: Local Mitigation Strategy (LMS) is overseen by the Palm Beach County Public Safety-Emergency Management Division. LMS is a unified, coordinated effort among County and municipal governments to reduce the county's vulnerability to the impacts of identified natural and man-made hazards. Among its primary missions, the Strategy serves as a basis for comprehensive mitigation planning, project identification and prioritization, and provides assistance to project sponsors in securing and allocating available federal, state, local, and other disaster mitigation assistance funds.

Project submission is ongoing, however twice a year LMS projects are scored and officially added to the local Prioritized Project List (PPL). By virtue of being on the LMS PPL, each project potentially qualifies for funding assistance consideration through a variety of mitigation assistance programs.

The Town completed 7 submissions for the Spring 2024 PPL list on Friday, May 10th as shown below:

- Town Wide Canal Stabilization \$79,900,000
- Collecting Canal Rehabilitation & Restoration \$10,000,000
- Canal Gate (Control) Structure Upgrades \$300,000
- Town Wide SCADA & Telemetry \$300,000
- Installation of Pumps & Weirs \$750,000
- Modernization of Public Works Facilities \$750,000
- Town Hall Generator & Power Source Conversion \$75,000

The following pages consist of verbiage outlines for the projects submitted. We will continue to add projects as seen fit for the Fall 2024 PPL list that will be completed in October of 2024.

Recommendations: Receive and File

TOWN OF LOXAHATCHEE GROVES

155 F Road Loxahatchee Groves, FL 33470



AGENDA MEMO

TO: Town Council of Town of Loxahatchee Groves

FROM: Francine Ramaglia, Town Manager

VIA: Amber Schneider

DATE: September 18, 2024

SUBJECT: Rural Infrastructure Fund (RIF) Grant Submission

Background: The Town has been designated as a Rural Community by the State of Florida. This designation enables the Town to participate in the Rural Infrastructure Fund (RIF). The RIF plays a crucial role within rural communities by providing financial assistance for infrastructure projects and helps rural areas maximize their access to essential resources.

Construction grants from the RIF can cover up to 75% of total project costs, with the potential for 100% funding for projects located in specific economically constrained rural communities.

In line with these objectives, the Town has completed five submissions (Four Construction and one Planning) for the FY 2024-2025 RIF application cycle on September 16, 2024. These submissions reflect the Town's commitment to leveraging available funding opportunities to improve infrastructure and bolster the local economy. Application summaries follow.

Citrus Drainage (construction)

The proposed project is to improve drainage and transportation through the Town's primary commercial area, improve connectivity between residential parcels and the growing commercial properties, and reduce reliance on the nearby roadways to promote lower traffic density and shorter trip time. This effort will include full engineering design, permitting, construction, and closeout of roadway and swale improvements, potable water, and sanitary sewer facilities along Citrus Drive, East Citrus Drive, Tangerine Drive, Valencia Drive, and Orange Avenue to alleviate recurring issues with drainage and roadway safety as well as enhance access to potential commercial parcels south of Collecting Canal Road.

Collecting Canal Stabilization (construction)

The proposed project is to repair and stabilize canal banks along the Town's primary drainage collection canal which conveys runoff from flood hazard areas to the primary outfall structure at D Road for discharge to the South Florida Water Management District-operated C-51 Canal. Recent storm events and gradual increases in usage over time have weakened canal banks and resulted in washouts and slope failures,

creating a serious threat to public safety and hampering local traffic. The current phase of the project will cover about one-half mile of canal along both sides of the bank and is one of six phases intended for implementation on Collecting Canal.

Paving plan for A to Okeechobee, Collecting Canal from A to B, N North Road and S North Road (construction)

Town of Loxahatchee Groves CIP Paving project looks to address paving of 4 road segments in Town: Segment 1, which stretches from A Road at Collecting Canal Road to Okeechobee Blvd, Segment 2, along Collecting Canal Road from B Road to A Road, Segment 3 N North Road and Segment 4 S North Road. This project involves upgrading these roads to a 20-foot width with a durable 2.5-inch layer of SP-12.5, TL-C asphalt. It also includes the installation of features such as Seminole Style Speed Tables, thermoplastic striping, and aprons. In addition, we aim to address the drainage concerns, and the project will include essential stormwater management improvements.

Pump House, Control Gates and Telemetry (Construction)

The proposed project is to provide necessary repairs and updates to the Town's primarily inflow pump station and outflow control structure at D Rd, and repairs to secondary outfall structures located at A Rd and Folsom Rd all along Southern Boulevard. In addition to structural and material repairs, the control system, sensors, and electrical components are in need of replacement. These structures provide all surface water for use by commercial and agricultural users for irrigation, and flood protection for those properties during and following rainfall events and are a key component to the economic operations which occur in the Town.

Public Works Facility (Planning)

The Town of Loxahatchee Groves seeks funding to construct a new Town facility that will incorporate Town Hall and Public Works in one building. The proposed 7,500-square-foot facility will feature 5,500 square feet for vehicle storage and maintenance, 2,000 square feet for office. This modernization aims to improve service delivery, enhance safety, and increase resilience to natural disasters, while demonstrating leadership in sustainable infrastructure development and providing sustainable elements including solar panels and covered parking.

TOWN OF LOXAHATCHEE GROVES

155 F Road Loxahatchee Groves, FL 33470



AGENDA MEMO

TO: Town Council of Town of Loxahatchee Groves

FROM: Office of the Town Attorney

VIA: Francine Ramaglia, Town Manager

DATE: October 1, 2024

SUBJECT: Approval of *Ordinance No. 2024-12* on Second Reading – Regarding Qualifying Dates

Background:

Subsection 166.021(4), Florida Statutes, and subsection 100.3605(2), Florida Statutes, allow a municipality to change the dates for qualifying and the dates for the election of members of a governing body by ordinance. Election qualifying periods are based on the dates of the election and direction from the Palm Beach County Supervisor of Elections. To meet these timeframes, the election qualifying periods are during hurricane season. From time to time the qualifying periods need to be extended due to storm occurrences that require Town Hall be closed. The proposed Ordinance establishes the election qualifying period for the Town's municipal elections and authorizes the extension thereof in the event of a declared emergency.

At their September 3, 2024 regular meeting, the Town Council approved *Ordinance No. 2024-12* on first reading.

Recommendation:

Move that Town Council approve *Ordinance No. 2024-12* regarding election qualifying dates on second reading.

ORDINANCE NO. 2024-12

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING CHAPTER 2 “ADMINISTRATION”, ARTICLE II “TOWN COUNCIL” BY ADDING A NEW SECTION 2-20 “ELECTION QUALIFYING” OF THE LOXAHATCHEE GROVES CODE PROVIDING FOR THE CANDIDATE QUALIFYING PERIOD; AND PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Town of Loxahatchee Groves, 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 section 7 of the Town Charter, the Town’s general elections are held on the second Tuesday in March of each calendar year; and

WHEREAS, the Palm Beach County Supervisor of Elections (the “Supervisor”) has provided notice to all Palm Beach County municipalities whose elections are scheduled in March, 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, following the timing required by the Supervisor, the time frame for qualifying is during Florida’s hurricane season; and

WHEREAS, during a declared emergency for a storm event, such as a hurricane, the Town offices close and the Town would not be able to accept qualifying documentation from candidates; and

WHEREAS, subsection 166.021(4), Florida Statutes, and subsection 100.3605(2), Florida Statutes, allow a municipality to change the dates for qualifying and the dates for the election of members of a governing body by ordinance; and

WHEREAS, the Town Council wishes to adopt an ordinance setting the Town’s candidate qualifying period for municipal elections and providing for extension of the qualifying period during declared emergencies; and

WHEREAS, the Town Council has determined that this Ordinance is in the best interest of the Town of Loxahatchee Groves and serves a valid public purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, 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 Town Council.

Section 2: Chapter 2 “Administration”, Article II “Town Council” is hereby amended by adding thereto a new Section 2-20 “Election Qualifying” to read as follows:

Sec. 2-20. – Election qualifying.

- A. Any resident of the town who wishes to become a candidate for a council member seat shall qualify with the town clerk no sooner than noon on the second Tuesday of November, no later than noon on the third Tuesday in November, of the year preceding the calendar year in which the election is to be held.
- B. In the event of a declared emergency during the qualifying period, the town clerk shall extend the qualifying period for the same number of business days that town hall was closed for the declared emergency during the qualifying period.
- C. The names of all candidates shall be received by the supervisor of elections of the county from the town clerk by 5:00 p.m. on the first Monday after the close of qualifying or no later than 5:00 p.m. on the 95th day before the municipal election date.

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 4. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Codification. The sections of the ordinance may be made a part of the Town’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 6. Effective Date. This Ordinance shall be effective immediately upon approval by the electors of the referendum to be held _____ removing the qualifying period from the Town Charter.

Councilmember _____ offered the foregoing ordinance. Councilmember _____ seconded the motion, and upon being put to a vote, the vote was as follows:

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 3 DAY OF SEPTEMBER, 2024.

Voted:
Mayor Anita Kane, Seat 3

Voted:
Vice Mayor Margaret Herzog, Seat 5

Voted:
Councilmember Phillis Maniglia, Seat 1

Voted:
Councilmember Laura Danowski, Seat 2

Voted:
Councilmember Robert Shorr, Seat 4

Councilmember _____ offered the foregoing ordinance. Councilmember _____ seconded the motion, and upon being put to a vote, the vote was as follows:

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS 1 DAY OF OCTOBER, 2024.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Town Clerk

Voted:
Mayor Anita Kane, Seat 3

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

Voted:
Vice Mayor Margaret Herzog, Seat 5

Voted:
Councilmember Phillis Maniglia, Seat 1

Voted:
Councilmember Laura Danowski, Seat 2

Voted:
Councilmember Robert Shorr, Seat 4

TOWN OF LOXAHATCHEE GROVES

155 F Road Loxahatchee Groves, FL 33470



AGENDA MEMO

TO: Town Council of Town of Loxahatchee Groves

FROM: Office of the Town Attorney

VIA: Francine Ramaglia, Town Manager

DATE: September 3, 2024

SUBJECT: Approval of *Ordinance No. 2024-13* on Second Reading – Regarding Referendum to Amend the Canvassing Board in the Town Charter

Background:

In 2021, the Palm Beach County Supervisor of Elections (“Supervisor”) notified the Town that the Supervisor will no longer participate as a member of the Canvassing Board for each municipality. The Town, through referendum, amended its Charter to provide that the Supervisor would determine the composition of the Town canvassing board and designate the Supervisor as the official Supervisor of the uniform municipal elections for the Town. The Supervisor has since clarified that the Town Clerk should continue to be the supervisor of the Town’s elections, including publishing notices, as appropriate, and being responsible for qualifying. The Supervisor has requested that the Town designate the Palm Beach County Canvassing Board to serve as the Town’s canvassing board during Uniform Municipal Elections. This request is consistent with the opinion of the State of Florida Division of Elections that where a city and county election appear on the same ballot, the county canvassing board is the only appropriate canvassing and certifying authority.

At their September 3, 2024 regular meeting, the Town Council approved *Ordinance No. 2024-13* on first reading.

Recommendation:

Move that Town Council approve *Ordinance No. 2024-13* regarding referendum to amend the canvassing board in the Town Charter on second reading.

ORDINANCE NO. 2024-13

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, CALLING FOR A REFERENDUM OF THE QUALIFIED ELECTORS OF THE TOWN OF LOXAHATCHEE GROVES TO BE HELD ON MARCH 11, 2025 AS TO WHETHER THE TOWN OF LOXAHATCHEE GROVES CHARTER SHALL BE AMENDED IN THE FOLLOWING RESPECT: AMEND PARAGRAPH (5) OF SECTION 7 “ELECTIONS” OF THE CHARTER FOR THE PALM BEACH COUNTY CANVASSING BOARD TO BE THE TOWN CANVASSING BOARD FOR ALL UNIFORM MUNICIPAL ELECTIONS FOR THE TOWN; PROVIDING FOR NOTICE AND ADVERTISING OF THE REFERENDUM; PROVIDING FOR REFERENDUM CANVASSING; AND PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE.

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

WHEREAS, the Town Council has determined that a provision of the Town Charter should be amended; and

WHEREAS, the Town’s Charter at subparagraph (5) “Town canvassing board” of section 7 “Elections,” provides in pertinent part that “The town canvassing board shall be composed as determined by the Palm Beach County Supervisor of Elections, who is designated as the official Supervisor of each Uniform Municipal Election for the Town...”; and

WHEREAS, the State of Florida Division of Elections has opined that where a city and county election appear on the same ballot, the county canvassing board is the only appropriate canvassing and certifying authority; and

WHEREAS, the Palm Beach County Supervisor of Elections has requested that the Town designate the Palm Beach County Canvassing Board to serve as the Town’s canvassing board during Uniform Municipal Elections, and the Town Council finds that such designation will

provide for more efficient and cost-effective Town elections and will be in the best interest of the Town and its residents; and

WHEREAS, the Town Council has further determined that the Town of Loxahatchee Groves electors should determine whether the Town Charter should be amended as provided in this Ordinance; and

WHEREAS, it is necessary and essential to call and hold a referendum submitting the issue of whether the Town of Loxahatchee Groves Charter shall be amended as provided in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AS FOLLOWS:

Section 1. Findings adopted. The foregoing recitals are hereby fully incorporated herein by reference as true and correct and as the legislative findings of the Town Council.

Section 2. Referendum ordered; charter amendment. That a referendum is hereby ordered to be held in the Town on the 11th day of March 2025, to determine whether or not the Town of Loxahatchee Groves Charter shall be amended at Paragraph (5) of Section 7. – Elections to read as follows:

(5) *Town canvassing board.* The Palm Beach County canvassing board shall be the town canvassing board ~~for all shall be composed as determined by the Palm Beach County Supervisor of Elections, who is designated as the official Supervisor of each Uniform Municipal Elections~~ for the Town. The ~~C~~canvassing ~~B~~board shall canvass ~~the~~ each election consistent with the requirements of Florida law and consistent with and pursuant to any agreement between the Town and the Palm Beach County Supervisor of Elections. The canvassing board shall certify the results of the election upon receipt of the certification from the Supervisor of Elections.

Section 3. Ballot title. The ballot title for this referendum, which the proposed Charter amendment is to be commonly referred to as, shall be “Canvassing Board for Elections”.

Section 4. Ballot summary. The form of the ballot for the Charter amendment provided for herein shall be as follows:

CANVASSING BOARD FOR ELECTIONS

At the request of the Palm Beach County Supervisor of Elections and for more efficient and cost-effective elections, shall the Town of Loxahatchee Groves amend its Charter at Paragraph (5) of Section 7 to provide that the Palm Beach County Canvassing Board shall serve as the Town’s canvassing board during Uniform Municipal Elections?

Shall the above described amendment be adopted?

Yes []

No []

Section 5. Conduct of Referendum. The Palm Beach County Supervisor of Elections shall determine the polling locations for such election, and all qualified electors of the Town of Loxahatchee Groves, Florida, who vote in the referendum shall vote at those designated polling places. The polls shall be opened on the date of the referendum from 7:00 a.m. to 7:00 p.m. on the same day.

Section 6. Notice and advertising of the Referendum. The Town Clerk shall prepare and give notice of the proposed Charter amendment by causing appropriate notice to be published in accordance with the provisions of Section 100.342, Florida Statutes, which provides for at least one publication each week during the third and fifth weeks preceding the week in which the referendum to consider the proposed Charter amendment is to be held. The publications shall be placed in a newspaper of general circulation within the Town. The Town Clerk shall secure from the publisher of the newspaper, an appropriate affidavit of proof that the statutorily required referendum notices have been duly published, as herein set forth and these two affidavits shall be part of the record of the Town Council.

Section 7. Canvassing. The election returns of the referendum shall be canvassed in the manner provided by law, and the returns shall be certified to the Town Council, which shall declare the result thereof. The result of the referendum shall be recorded in the minutes of the Town Council in the manner prescribed by law.

Section 8. 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 9. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 10. Codification. It is the intention of the Town Council of the Town of Loxahatchee Groves that the amendment set forth in Section 2 of this Ordinance shall become and be made part of the Charter of the Town of Loxahatchee Groves, Florida.

Section 11. Effective Date. This Ordinance shall be effective immediately upon adoption at second reading. The amendment of the Charter as set forth in Section 2 of this Ordinance shall be effective upon approval by the electorate of the Town at the election on March 11, 2025.

Councilmember _____ offered the foregoing ordinance. Councilmember _____ seconded the motion, and upon being put to a vote, the vote was as follows:

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 3 DAY OF SEPTEMBER, 2024.

Voted:
Mayor Anita Kane, Seat 3

Voted:
Vice Mayor Margaret Herzog, Seat 5

Voted:
Councilmember Phillis Maniglia, Seat 1

Voted:
Councilmember Laura Danowski, Seat 2

Voted:
Councilmember Robert Shorr, Seat 4

Councilmember _____ offered the foregoing ordinance. Councilmember _____ seconded the motion, and upon being put to a vote, the vote was as follows:

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS 1 DAY OF OCTOBER, 2024.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Town Clerk

Voted:
Mayor Anita Kane, Seat 3

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

Voted:
Vice Mayor Margaret Herzog, Seat 5

Voted:
Councilmember Phillis Maniglia, Seat 1

Voted:
Councilmember Laura Danowski, Seat 2

Voted:
Councilmember Robert Shorr, Seat 4

Memorandum

**To: Town Council Members
Francine Ramaglia, Town Manager
Town of Loxahatchee Groves**

**From: Lisa A Tropepe, P.E., Vice President
Engenuity Group, Inc.
Project No. 22138.41**

Date: September 18, 2024

Subject: Revision of Town's Unified Land Development Code Section 130-035. Adequacy of Drainage Facilities.

Overview

This memorandum is to explain the proposed changes to the Town's ULDC Section 130 regarding the stormwater drainage requirements and government mandates for certain improvements with the Town's jurisdiction.

Background

On July 16, 2024, a Town Council Workshop Meeting was held at the Town Hall Council Chambers. The purpose of this workshop was to present a Surface Water Policy Review & Land Development Permitting presentation. Explanations and mandates involving National, State and Town Rules and Regulations were discussed. Short Term and Long-Term Suggestions were made for the Council to consider. Since this was a workshop, only informal direction was given. One of the short-term suggestions that the entire Council appeared to be in agreement, was to pursue a re-write of the Town's Section 130-035. The Town Council directed staff to streamline codes, processes, and permitting while complying with mandated rules from FEMA, NFIP, FDEP and SFWMD.

At the September 3, 2024 Council Meeting, a re-write of Section 130-035 was presented. Council, by consensus, agreed to move forward to first reading with these changes. In addition, three streamlined processes were presented, "**Notification For Minor Fill Activity**", "**Application for Sand Ring Activity**", and an "**Application for Minor Engineering Project**". Modifications were suggested by Council for the "**Notification For Minor Fill Activity**" and have been revised for the next Council meeting.

Justification of Section 130-035 Adequacy of Drainage Facilities

Below is an explanation of each change by paragraph:

- (1) The standard for Private Drives is typically less than that for Public Roads. For example, SFWMD uses the 5-year, 1-day event for roadways that are not otherwise governed by higher storm event standards. This section is revised to distinguish that residential uses do not have to meet this standard.
- (2) Under the revised criteria a 10-year, three-day storm event is contained or detained consistent with South Florida Water Management District (SFWMD) criteria. Previously the code required containment or detention of the 25-year, 3-day storm event which is superfluous to SFWMD criteria. Recognizing that limiting discharge is acceptable under SFWMD criteria where neighboring property easements exist or are proposed, this section prohibits any such discharges that create adverse impacts on the neighboring property.
- (3) Replaced submittal requirements stated are the minimum that would be needed to evaluate the adequacy of the proposed drainage system. The last sentence references the FAC criteria for no net floodplain encroachment.
- (4) Finished floor criteria is stated to ensure applicants are aware that there are multiple governing criteria in setting the elevation of building structures. The revised section includes reference to the Florida Building Code criteria which is usually the driving criteria.
- (5) Off-site discharge criteria have been revised in this section to be based on the 10-year, 3-day storm event (versus previously based on the 25-year, 3-day storm event) consistent with SFWMD criteria.
- (6) It goes without saying that all roof runoff shall be detained on-site as the previous language in this section stated. This revised section now states the Town's encouragement to use side and rear lot line swales to meet the revised criteria stated in sections 1 through 5; without impeding established existing surface flows.
- (7) Pipe sizing is typically done using the revised methodology stated; as defined by the Florida Department of Transportation.
- (8) The purpose of this item is to ensure that the smaller lots within the unrecorded plats, such as the ones on San Diego drive and Los Angeles Drive, are providing the required drainage infrastructure that was shown on the original unrecorded plats. The original plats showed drainage canals/ditches that have been filled in or fallen into disrepair over time. This code section will ensure that the owners are required to either restore the portion of this infrastructure on their land or to provide an alternate design to ensure drainage can be accommodated.
- (9) This section is unchanged from current section 8.
- (10) This section is unchanged from current section 9.

Recommendations

Council shall review and comment on the changes that were made per their direction.

A second reading will be necessary to ultimately codify Section 130-035. Since permitting processes are ongoing and in accordance with the existing code, there is a sense of urgency to make these streamlined modifications as soon as possible.

Staff would recommend the following:

1. Approve the changes to Section 130-035 to move forward to second reading
2. Approve the streamlined forms and processes of the three initiatives, "Notification For Minor Fill Activity", "Application for Sand Ring Activity", and an "Application for Minor Engineering Project".

ORDINANCE NO. 2024-14

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING SECTION 130-035 “ADEQUACY OF DRAINAGE FACILITIES,” OF ARTICLE 130 “CONCURRENCY REVIEWS” OF PART V “DEVELOPMENT REVIEW PROCEDURES AND REQUIREMENTS,” OF THE UNIFIED LAND DEVELOPMENT CODE TO UPDATE STANDARDS FOR DRAINAGE SYSTEMS; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Town Council, as the governing body of the Town of Loxahatchee Groves, Florida (“Town”), pursuant to the authority vested in Chapter 166, Florida Statutes, is authorized and empowered to adopt land development regulations within the Town; and

WHEREAS, on July 16, 2024, the Town Council held a public workshop on the topics of surface water policy and permitting relative to stormwater drainage systems; and

WHEREAS, at its regular meeting on September 3, 2024, the Town Council determined the need for revisions to Section 130-035 of the Town’s Unified Land Development Code, to update and simplify the standards for stormwater drainage systems within the Town; and

WHEREAS, the Town Council has determined that the enactment of this ordinance is for a proper municipal purpose and in the best interests of the residents of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THAT:

Section 1. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and incorporated herein by this reference.

Section 2. Section 130-035 “Adequacy of drainage facilities” of Article 130 “Concurrent Review” of Part V “Development Review Procedures and Requirements” of the Unified Land Development Code is hereby amended as follows (words ~~stricken~~ are deletions; words underlined are additions):

Section 130-035. Adequacy of drainage facilities.

(A) Level of service. As consistent with the Loxahatchee Groves Comprehensive Plan, the minimum design criteria and the standard to assess adequacy of service for drainage systems in the Town are as follows:

(1) Minimum roadway and parking lot elevations for non-residential uses shall be at least at the highest elevation that may occur at the peak of the 10-year, one-day storm event;

(2) For storm events less than the 10-year, three-day storm event, site discharge may not overflow into any adjacent property, unless a permanent drainage easement is obtained. Adverse impacts to neighboring properties generated by post-development runoff is prohibited.

~~(2) Minimum site perimeter elevations shall be at least the 25-year, three-day stage. Site runoff up to such stage level may not overflow into any adjacent property, unless a permanent drainage easement is obtained;~~

(3) Runoff containment (dry or wet retention/detention), stage versus storage, stage versus discharge, water quality and flood routing calculations for the 10-year, three-day and 100-year, three-day storm events for the site shall be submitted with the site development plans. Calculations shall be prepared in accordance with FAC 62-330, per Florida Department of Environmental Protection (FDEP). Water quality criteria as defined by South Florida Water Management District (SFWMD)/FDEP shall be demonstrated in the plans and calculations. No net floodplain encroachment shall be allowed without compensating storage per FAC 40E-41.263.

~~(3) Dry or wet retention/detention, stage versus storage, stage versus discharge and flood routing calculations for the 10-year, one-day; 25-year, three-day; and 100-year, three-day storm events for the site shall be submitted with the site development plans;~~

(4) Building floor elevations shall be at or above the 100-year flood elevation as determined by calculations following the latest SFWMD methodology, or at least one foot above the flood elevation as determined by the Federal Flood Insurance Rate Maps applied to the Florida Building Code criteria, whichever is greater.

~~(4) Building floor elevations shall be at or above the 100-year flood elevation, as determined from the Federal Flood Insurance Rate Maps or calculations following the latest South Florida Water Management District (SFWMD) methodology, whichever is greater;~~

(5) Off-site discharge shall be limited to the allowable discharge for the C-51 Basin criteria (27 cubic feet per second per square mile) (CSM) for the 10-year, three-day storm event) established by SFWMD. Alternately, the allowable discharge rate may be determined by the minimum allowable bleeder criteria, or predevelopment versus post development criteria as defined by SFWMD.

~~(5) Off-site discharge shall be limited to pre-development runoff based on the 25-year, three day storm event calculated by SFWMD methods;~~

(6) The Town encourages the use of side and rear lot line swales to meet the above criteria. Any historically shared drainage swales or ditches with neighboring properties shall remain unaltered and must be documented by a recorded drainage easement. If proposed development impedes any historical drainage swale/ditch, redirection of flow shall be considered and approved at the discretion of the Town Engineer on a case-by-case basis.

~~(6) All roof runoff shall be detained on site.~~

(7) Storm sewers, for non-residential properties, shall be designed to convey the three-year, Zone 10 rainfall intensity defined by the Florida Department of Transportation.

~~(7) Storm sewers shall be designed to convey the five-year, one-day storm event.~~

(8) For any proposed development of land within unrecorded plats, the owner/developer shall either re-establish the required historical drainage infrastructure, or demonstrate that an alternate, equivalent drainage system is provided. Development of a primary residential structure on these lots shall provide compensating storage per Florida Administrative Code section 40E-41.263, but is exempt from state environmental resource permitting requirements per section 403.813(1), Florida Statutes.

~~(8)~~ (9) Prior to discharge to surface or groundwater, Best Management Practices (BMPS) of SFWMD shall be used to reduce pollutant loading from storm water runoff from non-agricultural uses.

~~(9)~~ (10) Prior to discharge to surface or groundwater, best management practices of the Department of Environmental Protection and United States Department of Agriculture shall be used to reduce pollutant loading from stormwater run-off from agricultural uses.

(B) All storm water management facilities in the Town shall be designed in accordance with the South Florida Water Management District criteria and with Loxahatchee Groves Water Control District criteria, when applicable.

Section 3. Conflict. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be, and the same are hereby repealed to the extent of such conflict.

Section 4. Severability. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such

unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

Section 5. Codification. It is the intention of the Town Council of the Town of Loxahatchee Groves that the provisions of this Ordinance shall become and be made a part of the Unified Land Development Code of the Town of Loxahatchee Groves, Florida, that the Sections of this ordinance may be renumbered, re-lettered, and the word “Ordinance” may be changed to “Section,” “Article” or such other word or phrase in order to accomplish such intention.

Section 6. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

Councilmember _____ offered the foregoing ordinance. Councilmember _____ seconded the motion, and upon being put to a vote, the vote was as follows:

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS __DAY OF _____, 2024.

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ANITA KANE, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LAURA DANOWSKI, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBERT SHORR, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Councilmember _____ offered the foregoing ordinance. Councilmember _____ seconded the motion, and upon being put to a vote, the vote was as follows:

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS ____ DAY OF _____, 2024.

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ANITA KANE, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LAURA DANOWSKI, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBERT SHORR, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

Town Clerk

Mayor Anita Kane

Vice Mayor Margaret Herzog

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

Councilmember Phillis Maniglia

Councilmember Laura Danowski

Councilmember Robert Shorr

Notification Processing Number: _____ Date Application Received: _____

Application Fee Paid: \$ _____

Supporting information only (Fee not required if the application is in conjunction with a Building Permit or Land Development permit application (# _____))

TOWN OF LOXAHATCHEE GROVES
NOTIFICATION FOR MINOR FILL ACTIVITY - FORM
(Not within the Floodplain)

GENERAL INFORMATION:

Applicant's Name: _____

Applicant's Address: _____

Phone: _____ Alternate Phone: _____

Email: _____

Site Activity Address: _____, Loxahatchee Groves, FL _____

Owner's Name(s): _____

Property Size: _____

Requested Fill Volume* (Cubic Yards): _____

Type of clean fill material to be used (Not allowed, e.g., food garbage, trash, hazardous materials): _____

Purpose of the activity, see Guide for definitions (Choose the following):

- Field Nursery
- Replenish eroded soils/ground cover
- Sepsic tank and drain field repair
- Other _____
- Tree planting/landscaping in private property
- Routine maintenance activities
- Installation of lawn sprinklers and repairs

Start date _____

Indicate duration to complete the activity _____ months. (Max time allowed is 24 months)

Will there be any clearing of vegetation, or removal/relocation of trees? (Please circle one): Yes / No
(Note: A permit for tree removal/relocation and land clearing may be needed.)

*Maximum requested fill volume = 20 c.y. per every 1.25 acre Example: 80 c.y. per 5 acre. See Notification of Fill Activity Guide

REQUIRED – ATTACH COPIES OF THE FOLLOWING:

- Map showing the proposed maintenance areas (Go to PBC MyGeoNav to find the map that shows the floodplain areas, and then identify the proposed maintenance areas on that map)

- Topographic Survey (only if applicable)

DRAFT

TOWN OF LOXAHATCHEE GROVES
NOTIFICATION FOR MINOR FILL ACTIVITY - AFFIDAVIT
(Not within the Floodplain)

AFFIDAVIT

I HEREBY CERTIFY THAT ALL THE INFORMATION IN THIS TOWN OF LOXAHATCHEE GROVES NOTIFICATION FOR MINOR FILL ACTIVITY ("Notification") IS TRUE AND CORRECT.

Before me, the undersigned authority, personally appeared _____ who being duly sworn says:

As witnessed by my signature, I hereby affirm that I am the owner or authorized agent of the owner of the property located at _____ (the "Property").

I hereby certify that all of the following are true with respect to the Property: (1) that the minor fill activity described in this Notification will be limited to maintenance, repair, and/or replenishment of existing fill; (2) that the described minor fill activity will not occur in a floodplain ~~or easement~~; (3) that the described minor fill activity will not adversely affect neighboring property; and (4); that the described minor fill activity will not alter the existing grade by more than one (1) inch.

I assume full responsibility as the owner of the Property (or the authorized agent) and will be personally responsible for ensuring compliance with this Affidavit.

Signature of Owner (or Authorized Agent)

Print Name

State of Florida

County of _____

Sworn to and subscribed before me by means of [] physical presence or [] online notarization, on this _____, by _____ who is personally known to me or who has produced a valid driver's license as identification and who did take an oath.

Notary Public

Print Name

My Commission Expires: _____

{Notarial Seal}

ENGINEERING/FLOODPLAIN ADMINISTRATOR REVIEW:

APPROVED: _____ DENIED: _____

Signature: _____ Date: _____

Town Engineer/Floodplain Mgr.

Exp. Date: _____

SUBMIT TO: Loxahatchee Groves Town Hall – 155 F Road, Loxahatchee Groves, FL 33470

Comments: **See Conditions of Approval.**

DRAFT

TOWN OF LOXAHATCHEE GROVES

NOTIFICATION FOR MINOR FILL ACTIVITY - GUIDE

(Not within the Floodplain)

FOR MAINTENANCE/REPAIR/REPLENISH ACTIVITY INVOLVING CLEAN FILL OUTSIDE OF A FLOODPLAIN REQUIRES A NOTIFICATION ~~IN ACCORDANCE WITH TOWN OF LOXAHATCHEE GROVES ORDINANCE NO. —~~.

THE FOLLOWING ARE EXAMPLES OF ACTIVITIES THAT REQUIRE A NOTIFICATION:

- Field Nursery: to replenish lost soil that was part of the root ball of trees sold and excavated in standard course of field nursey business.
- Septic tank and drain field repair.
- Tree planting/landscaping/gardening within private property.
- Routine maintenance activities such as:
 - Maintenance fill for an existing horse arena.
 - Maintenance fill for an existing stall for a farm animal.
 - Driveway/walkway maintenance.
- Installation of lawn sprinklers and repairs.
- Storing fill on property for future maintenance activity

DEFINITIONS:

Clean Fill – Dirt, topsoil, gravel, sand, rubble no larger than 3 inches in any dimension. (Food garbage, trash, hazardous materials not allowed)

Minor Fill Amount – 20 cubic yards of clean fill for every 1.25 acres of property that is:

- Not within a floodplain
- ~~Not within an easement~~
- Does not adversely impact adjacent properties
- Does not alter the existing grade by more than 1 inch

Minor Fill Duration – This notification is valid for 24 months and cannot be resubmitted until after that time period has passed.

Field Nursery – A nursery production practice in which plants are grown in the ground.

Example (using a 20cy truck only)

Property size (acres)	Maximum fill amount (cubic yards)
1.0	16
1.25	20 (1 truck)
5.0	80 (4 trucks)
10.0	160 (8 trucks)