

TOWN OF LOXAHATCHEE GROVES

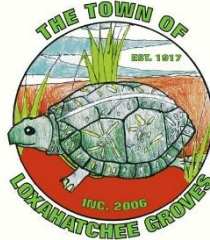
TOWN HALL COUNCIL CHAMBERS

155 F. ROAD, LOXAHATCHEE GROVES, FL 33470

TOWN COUNCIL REGULAR MEETING

AGENDA

NOVEMBER 18, 2025 – 5:30 PM



Anita Kane, Mayor (Seat 3)

Marge Herzog, Vice Mayor (Seat 5)

Todd McLendon, Councilmember (Seat 1)

Lisa El-Ramey, Councilmember (Seat 2)

Paul T. Coleman II, Councilmember (Seat 4)

Administration

Town Manager, Francine L. Ramaglia

Town Attorney, Jeffrey S. Kurtz, Esq.

Town Clerk, Valerie Oakes

Community Standards Director, Caryn Gardner-Young

Chief Finance Officer, David DiLena of Projected Point

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

PRESENTATION

- [1.](#) Presentation on Health Insurance Renewal by the Gehring Group

CONSENT AGENDA

- [2.](#) Consideration of Approval on **Resolution No. 2025-83** regarding the Approval of Contracts from the RFQ for General Planning, Development Engineering and Building Service.
- [3.](#) Consideration of Approval on **Resolution No. 2025-84** regarding the approval of the amendment to Keshavarz & Associates, Inc. contract.

REGULAR AGENDA

- [4.](#) Consideration of Approval on **Ordinance No. 2025-09** on Second Reading: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, REORGANIZING AND AMENDING CHAPTER 14 “CODE ENFORCEMENT”, BY ADDING ARTICLE I “IN GENERAL” AND ARTICLE II “LIEN REDUCTIONS AND RELEASES”; AMENDING SECTION 14-4 “APPLICATION FOR RELIEF FROM CODE ENFORCEMENT LIEN” TO PROVIDE GENERAL PROVISIONS APPLICABLE TO LIEN REDUCTIONS AND RELEASES; TO ADOPT SECTION 14-5 “SPECIAL MAGISTRATE LIEN REDUCTIONS AND RELEASES” TO ADDRESS REDUCTIONS BY SPECIAL MAGISTRATE; TO ADOPT SECTION 14-6 “OTHER LIEN RELEASES” TO ADDRESS PARTIAL RELEASES OF LIENS AND RELEASES OF UNENFORCEABLE LIENS AND FOR OTHER PURPOSES; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.
- [5.](#) Consideration of Approval on **Ordinance No. 2025-19** on First 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 10, 2026, AS TO WHETHER THE TOWN OF LOXAHATCHEE GROVES CHARTER SHALL BE AMENDED IN THE FOLLOWING RESPECT: AMEND PARAGRAPH (2) “APPOINTMENT; REMOVAL; COMPENSATION; FILLING OF VACANCIES” OF SECTION 4 “ADMINISTRATIVE” OF THE CHARTER TO PROVIDE FOR CHARTER OFFICERS TO BE REMOVED FROM OFFICE BY A MAJORITY RATHER THAN A SUPER MAJORITY VOTE OF

THE FULL COUNCIL AND PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION AND AN EFFECTIVE DATE.

- [6.](#) Consideration of Approval on **Ordinance No. 2025-20** on First 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 10, 2026, AS TO WHETHER THE TOWN OF LOXAHATCHEE GROVES CHARTER SHALL BE AMENDED IN THE FOLLOWING RESPECT: AMEND PARAGRAPH (4) “TOWN ATTORNEY” OF SECTION 4 “ADMINISTRATIVE” OF THE CHARTER TO PROVIDE THE ATTORNEY’S REQUIRED REVIEW OF CONTRACTS, BONDS AND OTHER INSTRUMENTS SHALL BE AS FURTHER DEFINED BY ORDINANCE OR RESOLUTION; AND PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION AND AN EFFECTIVE DATE.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

*Public Comments for the meetings may be received by email, or in writing to the Town Clerk’s Office until 12:00 PM (Noon) day of the meeting. Comments will be forwarded to the Town Council for informational purposes, however, they will not be read into the record. **This portion of the meeting is intended to be interactive and public participation is welcomed.***

Town Council meetings are livestreamed and close-captioned for the general public via our website, instructions are posted there. Town Council meetings are livestreamed and close-captioned for the general public via our website, instructions are posted there.

DISCUSSION

- [7.](#) Discussion and Direction on Items from the Town Council Workshop Meeting on October 21, 2025.

TOWN COUNCILMEMBER COMMENTS

Councilmember Todd McLendon (Seat 1)

Councilmember Lisa El-Ramey (Seat 2)

Councilmember Paul T. Coleman II (Seat 4)

Vice Mayor Marge Herzog (Seat 5)

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 TOWN COUNCIL MEETING AGENDA ITEM MEMORANDUM

Item 1.

TO: Mayor and Town Council of the Town of Loxahatchee Groves
FROM: Francine L. Ramaglia, Town Manager
DATE: November 18, 2025
SUBJECT: Presentation on Health Insurance Renewal

Legal Sufficiency:	☐ Reviewed	☐ Not Reviewed
	☐ Approved	☐ Not Approved

Background:

Staff has been actively working with the Gehring Group regarding the Town's upcoming health insurance renewal. We are currently awaiting updated information and final plan details from the Gehring Group. Once received, staff will review the materials and provide to the Town Council.

The Gehring Group is scheduled to present the renewal options to the Town Council at the November 18, 2025 meeting. Following this presentation, the health insurance renewal item will be placed on the December 2, 2025, Regular Town Council Meeting agenda for consideration of approval.

Staff will continue to coordinate with the Gehring Group and will distribute additional information as it becomes available.



TOWN OF LOXAHATCHEE GROVES

TOWN COUNCIL MEETING

AGENDA ITEM MEMORANDUM

Item 2.

TO: Mayor and Town Council of the Town of Loxahatchee Groves

FROM: Caryn Gardner-Young, Community Standards Director

DATE: November 18, 2025

SUBJECT: Approval of *Resolution No. 2025-83* for approval of contracts to the shortlisted companies from the RFQ for General Planning, Development Engineering and Building Service

Legal Sufficiency:	☐ Reviewed	☐ Not Reviewed
	☐ Approved	☐ Not Approved

Background:

On July 23, 2025, a Request for Qualifications (RFQ) was posted on Demand Star and the Town's website for General Planning, Development Engineering and Building Services. An RFQ is a procurement document where an organization solicits potential suppliers, professionals or contractors to demonstrate their qualifications, capabilities, and experience for a project or services, rather than directly asking for prices or proposals. This approach helps the Town to pre-qualify a pool of capable vendors with specialized expertise and is required by State and Federal Statutes for certain professionals such as engineers.

On August 28, 2025, the RFQ proposals were open, and the following companies submitted a proposal:

1. WGI – Planning Services
2. Canopy Mapping Co. – Planning Services
3. Florida Technical Consultants LLC – Development Engineering Services
4. J Morton Planning & Landscaping Architecture – Planning Services
5. Tew & Taylor Holdings Group – Building Services
6. CAP – Building Services
7. Engenuity Group Inc. – Development Engineering Services

An Evaluation Committee was created to review the proposals and provide a recommendation to the Town Council. The Evaluation Committee included: Caryn Gardner-Young, Community Standards Director, Jacek Tomasik, Building Official and Burgess Hanson, Executive Director of Indian Trails Improvement District. The Evaluation Committee met on September 9, 2025; to

discuss and rank the proposals so a proposer shortlist can be presented to the Town Council for consideration. After deliberation, the Evaluation Committee decided that all proposals should be brought to the Town Council for consideration except for Canopy Mapping Co. The Evaluation Committee felt that the proposal was not sufficient and did not meet the needs of the Town.

At its October 7, 2025, meeting, the Town Council authorized Staff to proceed with contract negotiations with the following companies:

1. WGI – Planning Services
2. Florida Technical Consultants LLC – Development Engineering Services
3. J Morton Planning & Landscaping Architecture – Planning Services
4. Tew & Taylor Holdings Group – Building Services
5. CAP – Building Services

The Town Attorney drafted the contract that each company signed. The only difference is the Fee Schedule proposed by each company. Please see attached a comparison of the Fee Schedules based upon the services proposed to be provided.

Should the contract be approved by the Town Council, the proposers' names will then be placed on a list for future solicitation opportunities as they arise during the next five (5) years. All staff would be permitted to select any of the pre-qualified providers for contract award without the delay of a competitive sourcing process. Only those pre-qualified proposers can be used for work described in the original solicitation notice. A subsequent request for similar work does not have to be posted for competition, thus saving the Town time, effort, and expense.

The RFQ was clear that there is no guarantee of work to a particular proposer. By moving forward, the Town can consider proposers for a particular project or services based upon their knowledge and experience as well as availability. Please note that two of the companies (WGI and J Morton) do have conflicts since they represent Loxahatchee Groves property owners. However, Town Staff has been clear to these companies that their work may be limited based upon the conflict.

On a Motion by Council Member McLendon and seconded by Council Member Coleman, this matter was pulled off consent at the November 4, 2025 Town Council meeting.

Fiscal Impact:

Any use of the companies will be limited based upon the approved budget.

Recommendation/Motion:

Discussion and approval of the **Resolution No. 2025-83** to approve contracts for General Planning, development Engineering and Building Inspections and Review Services for the following companies: WGI – Planning Services , Florida Technical Consultants LLC – Development Engineering Services, J Morton Planning & Landscaping Architecture – Planning Services, Tew & Taylor Holdings Group – Building Services and CAP – Building Services

SLECTED AAND CURRENT PLANNING SERVICES PROVIDERS

Position	Complete Cities	WGI	J Morton
Planning			
Principal Planner	\$186.76	\$225	\$400
Senior Project Manager	\$183.15	\$215	\$300
Project Manager	\$244.01	\$190	\$250
Planner	\$127.47	\$120	\$150
Landscape			
Principal Architect		\$280	\$400
Senior Project Manager		\$225	\$300
Project Manager		\$190	\$250
Senior Designer		\$160	\$175
Designer	\$96	\$120	\$150
Traffic Engineering			
Traffic Engineer	\$191.28	\$350	\$175

Selected and Current Building Department Services Providers			
Provider / Role / Service	Tew & Taylor	CAP Government	Hy-Byrd - Currently utilized
Inspector (All Trades)	\$150 / hour	92.5 / hour	\$100 / hour
Remote Plans Examiner (All Trades)	\$140 / hour	100 / hour	\$125 / hour
Building Official (On-Call / Substitute)	\$175 / hour	115 / hour	\$100 / hour
Permit Technician	\$95 / hour	55 / hour	Not Provided
	Inspections We provide inspectors licensed/qualified in all major disciplines (Building, Mechanical, Electrical, Plumbing). You will not need to schedule separate trade-by-trade inspections.	No Additional Information	Inspections Inspections will be done at a cost of \$500 a day with a maximum of 5 inspections per day, number of 15 inspections per week, typically for a minimum of 3 days a week. There will be weeks when Town holidays occur and inspections may be scheduled for less than three days during that week. Additional inspections over maximum number of 5 in a day can be done for \$100 per inspection.
	Plan Review All-discipline plan review performed remotely: structural, mechanical, electrical, plumbing, etc.	No Additional Information	Plan Review Plan Reviews - Plan Reviews will be done at a cost of \$125 per hour, per discipline.
	Building Official Serves as interim or supplemental Building Official as needed (e.g. staff absence, overflow, special projects).	No Additional Information	Building Official Duties - Building Official duties when necessary to fill in for the Chief Building Official shall be cost \$100 per hour with a minimum charge of 2 hours.
	Permit tech Permit processing, administrative support, intake, routing, records management, plan distribution,	No Additional Information	Miscellaneous phone call regarding inspections and or plan review will cost \$75 per hour.



TOWN OF LOXAHATCHEE GROVES TOWN COUNCIL MEETING AGENDA ITEM MEMORANDUM

Item 3.

TO: Mayor and Town Council of the Town of Loxahatchee Groves

FROM: Francine Ramaglia, Town Manager

DATE: November 18, 2025

SUBJECT: Consideration of Approval on *Resolution No. 2025-84* regarding the approval of the amendment to Keshavarz & Associates, Inc. contract.

Legal Sufficiency:	☐ Reviewed	☐ Not Reviewed
	☐ Approved	☐ Not Approved

Background:

Staff is preparing an item for Town Council consideration regarding an amendment to the Keshavarz & Associates, Inc. contract to ensure full compliance with the mandates and requirements of the Resilient Florida Grant program. This amendment will formalize the necessary scope adjustments and documentation standards required by the grant.

A corresponding resolution, along with all supporting materials, is currently being finalized and will be provided to the Town Council upon completion. Additional information will be forthcoming ahead of the scheduled meeting to allow for adequate review.

This item will be placed on an upcoming agenda for Council's consideration of approval.

Please let us know if you have any questions or need further clarification.



155 F Road Loxahatchee Groves, FL 33470

TO: Mayor and Town Council

FROM: Caryn Gardner-Young, Community Standards Director

THRU: Francine L. Ramaglia, Town Manager

DATE: November 18, 2025

SUBJECT: Discussion of Ordinance No. 2025-09 regarding amendments to the code enforcement lien reduction and release ordinance

Background:

Code enforcement liens are statutory liens created by Ch. 162, Part I, Florida Statutes. If a violation is not corrected within the timeframe provided by the Special Magistrate, a daily fine begins to accrue until the violation is corrected. These types of fines are intended to provide local governments with leverage to ensure compliance with the applicable code of ordinances and are not meant to be revenue sources. Further, as these liens do not have super priority status and are not equal in dignity to taxes, if the Town were to foreclose a code enforcement lien, it would be required to pay off any existing mortgage(s) or other judgments and liens that were recorded prior to the Town's lien. This lack of priority renders many foreclosures of code enforcement liens an ineffective remedy. Therefore, situations will arise when a reduction of a lien will be in the best interests of the Town, and it is imperative that the Town have proper processes and criteria in place to reduce such liens in an equitable and lawful manner. Such processes and criteria will ensure that all parties who come before the Town for a lien reduction or lien release will be subject to the same treatment, and the Town will reduce and release such liens in a consistent and lawful manner.

On July 14, 2025, the Town Council reviewed documentation which was provided by the Town Attorneys in June of 2023. Since no decision on the documents was made in 2023, Town Staff brought forth the documents again for consideration by the Town Council. At a recent Town Council meeting, the Town Council decided to immediately adopt a lien reduction and release Ordinance rather than considering an Interim Resolution and Policy. Therefore, attached is the proposed Ordinance with the following changes based upon comments at the last Town Council meeting:



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1. Section 14-5 Paragraph (b) (5) was added which provides for a limitation of 25% reduction in the lien amount and states:

The special magistrate may make one of the following determinations: (i) grant the application and reduce the fine/lien to a specified amount, which shall not exceed seventy-five (75%) percent of the fine/lien amount; or (ii) deny the application for a reduction.

2. Section 14-5 Paragraph (d) was added to allow only one opportunity to reapply for the fine/lien reduction which states:

Subsequent to the denial of an application for a fine/lien reduction and following the expiration of the one-year within period from the date of such denial, an Applicant shall be permitted only one opportunity to reapply for a fine/lien reduction.

However, the previous Town Attorney did not provide any language to address the request to have a unanimous Town Council vote before proceeding with “public health, safety, and welfare” matters since he felt that this should be analyzed and considered by the new Town Attorney as that issue requires legal research and additional information from the Town Council.

At first reading on August 5, 2025, by a Motion by Council Member Paul Coleman and seconded by Council Member Todd McLendon, the Ordinance was approved (4-1 with Council member Lisa El-Ramey dissenting). The new Town Attorney was asked to review the request to have a unanimous Town Council vote before proceeding with “public health, safety, and welfare” matters. However, during the discussion it was not evident as to the process for fine/lien reductions as is referred to in the ordinance. Part of the confusion may stem from the unification of the terms fine and lien. Under Chapter 162 Florida Statutes the special magistrate, after a finding of violation and the violation remaining beyond the time for correction, may impose fines that can become liens on property. While the timing may be very short between the imposition of the fine and its recording in the public records turning the order into a fine, they are different.

Section 162.09(2(c) Florida Statutes, grants a code enforcement board or special magistrate the authority to reduce fines. The Town Attorney was uncertain whether the Town Council has the ability to limit that authority while the penalty remains just a fine. He requested the Torcivia law firm to provide him with their files and research on the development of the ordinance and whether they had discovered any authority on whether the authority of a special magistrate to reduce or eliminate fines can be limited.



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There are several Florida Attorney General opinions and consistent language in Chapter 162 Florida Statutes, that once a fine imposition order is recorded and becomes a lien the lien runs to the Town and therefore the power to reduce or release such lien is within the Town Council's authority. The Town Council may designate a process and authority other than themselves directly to exercise that authority and that is the primary purpose of the proposed ordinance. It is because the authority lies within the Council that the Council can dictate terms, conditions and limitations on the exercise of the lien reduction authority.

As set forth, in the ordinance the authority within the defined limits is to be exercised by the special magistrate. As the Town Attorney reads the current version of the ordinance there is not a clear reference to the ability of the Town Council to make a further reduction beyond the 25% limitation. The ordinance indicates the decisions of the Special Magistrate are non-appealable. Also, the discussion seemed to suggest that the Town (Town Council) would consider certain relief such as the determination regarding "unenforceable liens". The Town Attorney's reading of the ordinance as drafted leaves those determinations within the purview of the Special Magistrate.

There was also discussion as to whether certain types of liens would be subject to Council consideration and a supermajority or unanimous vote of the Council before being considered for release or reduction. Since the liens do run to the Town, the Town Attorney thinks such additional criteria and limitation could be part of the process, but he thought further discussion and direction was necessary before he could draft the conditions and limitations. As a result, at the September 3rd meeting, the Town Attorney asked for a motion to open the public hearing after second reading on Ordinance 2025-09 and continue same to the October 7, 2025, Town Council meeting. Such a motion was made by Council Member McLendon and seconded by Council Member Coleman. The motion passed unanimously.

On October 7, 2025, the Town Attorney requested that the Ordinance be continued to the next Town Council meeting. On a Motion by Council member McLendon and second by Vice Mayor Herzog, the motion passed unanimously.

On November 4, 2025, on a Motion by Council member McLendon and second by Council member Coleman, the motion passed (4-1) to approve the Ordinance on first reading ,

Recommendation:

Discussion and Adoption on second reading of Ordinance 2025-9 to outline the fine/lien reduction and release procedures.



155 F Road Loxahatchee Groves, FL 33470

TO: Town Council of Town of Loxahatchee Groves

FROM: Jeffrey S. Kurtz, Esq., Town Attorney

DATE: November 4, 2025

SUBJECT: Consideration of Ordinance 2025-09 concerning lien reduction process

Background: The Council approved Ordinance 2025-09 after first reading at their August 5, 2025 meeting. The public hearing following second reading was opened and continued at both the September 3rd / 4th and October 7th meetings. The Torcivia law firm provided me with copies of their files on October 27, 2025. My review of the records they provided did not reveal any research into the question on whether the Town Council has the authority to limit the special magistrate's discretion when dealing with a fine that has not become a lien. As we have previously discussed, it is my opinion absent any authority to the contrary, that fines are within the special magistrate's purview and therefore I have revised Ordinance 2025-09 to delete reference to fines. Liens, on the other hand are within the purview of the Town Council as the lien rights are vested in the Town itself and therefore what issues the Town would consider with respect to any lien reduction resides in the Town Council's authority.

In addition, to deleting reference to fines, the revised ordinance deletes references to unenforceable liens, as was discussed at the September 3rd / 4th meeting. If liens are non-enforceable there is no reason or obligation on the Town's part to execute a release.

The ordinance was clarified to specifically reference cost recovery accounts, in addition to taxes and permit fees having to be paid up to date in order for the petition to be considered. The language related to lien reduction hearings was expanded to reflect that a lien reduction hearing is dealing with a lien on the property on which the violation took place as opposed to a partial release of lien, which deals with property that was not the subject of the violation, but to which the lien has attached.

The special magistrate may hear petitions for lien reductions or partial releases of lien. The criteria the special magistrate is to consider remains the same. The special magistrate cannot reduce the lien below 25% of the face amount of the lien or \$5,000 whichever is greater. For partial releases of lien, the amount to be collected is at least \$5,000 or 10% of the lien amount whichever is greater.

On any petition an initial determination is made as to whether the underlying violation on the property endangered a person's health, life, or safety. That determination is made by the Town



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Manager or their designee. If the determination is made that the violation did endanger a person's health, life, or safety, that petition cannot be considered by the Special Magistrate.

Under proposed Section 14-6 – “Other lien releases”, a new subsection is created setting up a hearing process before the Town Council. Any lien reduction or partial release of lien that could not be heard by the Special Magistrate or was denied by the Special Magistrate can be presented to the Town Council. There is established a petition fee of \$5,000 to go to the Town Council on these issues. The length of the presentation is limited to 20 minutes, including Council questions, unless extended by the Town Council. This is consistent with the time given to appellants for oral argument on appeal. The criteria for Council's decision are the same as the special magistrate. Under this draft of the ordinance, it takes a unanimous vote of the Town Council with a minimum of 4 members present and voting to grant a lien reduction of partial release.

Although the title of the ordinance remains the same the Council may want to consider this hearing first reading and readvertise the ordinance for second reading given the proposal with respect to Town Council consideration and involvement in the hearing process.

The changes in the draft ordinance from first reading are shown in red.

Recommendation:

Consideration and direction on second reading and public hearing.

ORDINANCE NO. 2025-09

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, REORGANIZING AND AMENDING CHAPTER 14 “CODE ENFORCEMENT”, BY ADDING ARTICLE I “IN GENERAL” AND ARTICLE II “LIEN REDUCTIONS AND RELEASES”; AMENDING SECTION 14-4 “APPLICATION FOR RELIEF FROM CODE ENFORCEMENT LIEN” TO PROVIDE GENERAL PROVISIONS APPLICABLE TO LIEN REDUCTIONS AND RELEASES; TO ADOPT SECTION 14-5 “SPECIAL MAGISTRATE LIEN REDUCTIONS AND RELEASES” TO ADDRESS REDUCTIONS BY SPECIAL MAGISTRATE; TO ADOPT SECTION 14-6 “OTHER LIEN RELEASES” TO ADDRESS PARTIAL RELEASES OF LIENS AND RELEASES OF UNENFORCEABLE LIENS AND FOR OTHER PURPOSES; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Loxahatchee Groves wishes to adopt an ordinance to address the criteria for the reduction and release of code enforcement liens and to clarify the reduction and release processes to ensure any and all lien reductions and releases are processed and decided in a reasonable, lawful, consistent, and equitable manner; and,

WHEREAS, the Town Council finds the adoption of the Ordinance serves a public purpose and is in the best interest of the Town.

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

Section 1: That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

Section 2. The Town Council for the Town of Loxahatchee Groves hereby amends Chapter 14 “Code Enforcement” as follows:

Chapter 14 – CODE ENFORCEMENT

ARTICLE I. – IN GENERAL

Sec. 14-1. - Town code enforcement process.

* * *

Sec. 14-2. – Special magistrate.

* * *

Section 14-3. – Supplemental municipal code enforcement procedures.

ARTICLE II. – LIEN/FINE REDUCTIONS AND RELEASES

Sec. 14-4. – ~~Application for relief from code enforcement lien~~ Generally.

(a) Petition. Once a code compliance lien has been imposed under this chapter, the property owner (“petitioner”) may submit a written petition to the code compliance division to request one or more of the following:

1. Lien reduction hearing relating to the property on which the violation occurred before the special magistrate;
2. Partial release of a lien, relating to a property on which the violation did not occur, but the lien has attached.

(b) Petition fee. Each petition must be submitted to the code compliance division on the form provided by the town along with the non-refundable petition fee. Petition fees shall be set and amended by resolution of the town council and shall be in an amount that reflects the costs incurred by the town to accept and process the petition.

(c) Recording fees. If a release is entered pursuant to this article, the petitioner shall be responsible for the costs of recording the release in the official records of Palm Beach County.

(d) Policies. The town council is authorized to adopt policies, by resolution, that further address criteria to be used by the special magistrate for the reduction of liens; that establish maximum percentages for reductions to be recommended by town administration based on the age of the lien/fine or other equitable basis; and any other reasonable policy.

~~(a) Special magistrate to consider applications for lien relief.~~ All applications for lien reductions, satisfactions and releases, or other matters relating to

~~relief from liens, shall be directed to the special magistrate. The special magistrate shall consider the written request, the statements of the applicant or an authorized agent for the applicant, the recommendation of town administration, and any other information deemed relevant, and render a decision on the application.~~

~~(b) *Payment.* The applicant shall make payment to the town within the timeframe ordered by the special magistrate, which shall be no longer than 30 calendar days from the date of the order. Upon receipt of the required payment, the town manager or his designee shall execute a satisfaction and release on behalf of the town. Should the applicant fail to make payment in a timely manner, the full amount of the lien shall be reinstated as due and payable to the town.~~

Sec. 14-5. – Special Magistrate lien reductions and releases.

(a) *Preliminary conditions.* If the following conditions are met, the petition for a reduction of a lien by the special magistrate will be set for a hearing:

1. The underlying violation, which resulted in the order of violation and ultimate lien imposition, did not endanger any person's health, life or safety. The determination of whether the underlying violation endangered violation any person's health, life or safety will be made by the Town Manager or their designee.
2. An affidavit of compliance has been issued and mailed to the petitioner for the real property that confirms the property is in compliance with the violations addressed in the special magistrate's order.
3. The subject property and all other real property owned by the petitioner within the town must be in compliance with the town's code of ordinances.
4. All outstanding code enforcement administrative costs and the petition fee have been paid in full.

5. The petitioner has no overdue or delinquent accounts with the town, including but not limited to, town taxes, permit fees, and cost recovery accounts.

If the above conditions are not satisfied, the petition will be denied, and the town will mail a copy of the notice of denial to the petitioner by regular U.S. Mail to the address provided in the petition.

(b) Lien reduction hearing.

(1) If the preliminary conditions above are met, a hearing will be set, and the town will mail a notice of hearing to the petitioner at least five calendar (5) days prior to the hearing date by regular U.S. Mail to the address provided in the petition.

(2) Failure of the petitioner to attend the hearing will result in the Town requesting that the petition be denied, unless otherwise agreed to in writing by the town.

(3) The lien reduction hearing will be limited to the issue of whether the lien assessed should be reduced, and the hearing shall not be a hearing de novo of the original case. The burden of proof will be on the petitioner to show cause for reducing the lien.

(4) At the hearing, the special magistrate shall consider one or more of the following factors:

1. The gravity of the violation;
2. Any action(s) taken by the petitioner to correct the violation(s);
3. Any previous violations committed by the petitioner;
4. Any recommendation of the town administration;
5. Whether the Petitioner or managing member of the Petitioner owns other properties in the town, and how many had other code cases or other liens;
6. Whether the Petitioner owned or was the managing member or the property for which the lien was placed at the time the lien was placed;

7. Any other factor which may show a hardship on the Petitioner requesting the release or which may provide a reasonable basis for the requested relief;

8. The length of time between the ordered compliance date and the date the violation was eliminated;

9. Any actual costs expended by the owner to cure the violation as provided by supporting documentation, including payment of town licensing or permit fees;

10. Any other matter suggesting that the lien reduction is or is not equitable and/or in the best interests of the town.

(5) The special magistrate may make one of the following determinations:

(i) grant the application and reduce the lien to a specified amount, which shall not be less than twenty-five (25%) percent of the lien amount, provided, however that the lien amount shall not be reduced to less than \$5,000 under any circumstances.

(ii) deny the application for a reduction.

If the reduction is granted, the special magistrate's order shall include a date certain for the payment of the reduced fine/lien and shall include a statement that if the reduced lien is not paid in full on the date provided, the lien amount shall automatically revert back to the original amount.

(c) Lien releases. When a lien or reduced lien has been paid in full in accordance with the order of the special magistrate, the town manager, with the town clerk attesting, may execute a release of lien on behalf of the town.

(d) Effect of denial on application for subsequent lien reduction or forgiveness.

1. If the application is denied after a hearing before the Special Magistrate or if the application is automatically denied due to the failure of the petitioner to the preliminary conditions required by section 14.5.a, the petitioner shall thereafter be barred from applying for a subsequent reduction or forgiveness of the lien from the special magistrate for a period of one (1) year from the date of denial. During the one-year period, the lien may only be satisfied and released upon

full payment of the fine or penalty imposed in accordance with this policy.

2. Subsequent to the denial of an application for a lien reduction, and following the expiration of the one-year within period from the date of such denial, a Petitioner shall be permitted only one opportunity to reapply for a lien reduction, before the special magistrate.

Sec. 14-6. – Other lien releases.

(a) Partial lien release. A property owner may petition the town for a partial release of lien where the lien on the violating property has attached to a separate parcel. The following conditions and procedures will apply to such request before the special magistrate:

- (1) The subject property, if located within the town, must be free of all outstanding debts (including past due taxes, permit fees, and cost recovery accounts) due to the town and must be in compliance with the town's code of ordinances.
- (2) A partial release of lien cannot be sought for the property where the lien originated.
- (3) All property owned by the petitioner that is located in the town must be in compliance with all town codes prior to the granting of the partial release of lien. This condition may be waived if the subject property is scheduled to be sold within sixty (60) days of the petition.
- (4) Failure of the petitioner to attend the hearing will result in the Town requesting that the petition be denied, unless otherwise agreed to in writing by the town.
- (5) The hearing will be limited to the issue of whether the partial release of lien assessed should be granted, and the hearing shall not be a hearing de novo of the original case. The burden of proof will be on the petitioner to show cause for partial release.
- (6) At the hearing, the special magistrate shall consider one or more of

the following factors:

1. The gravity of the violation;
2. Any action(s) taken by the petitioner to correct the violation(s);
3. Any previous violations committed by the petitioner;
4. Any recommendation of the town administration;
5. Whether the Petitioner or managing member of the Petitioner owns other properties in the town, and how many had other code cases or other liens;
6. Whether the Petitioner owned or was the managing member or the property for which the lien was placed at the time the lien was placed;
7. Any other factor which may show a hardship on the Petitioner requesting the release or which may provide a reasonable basis for the requested relief;
8. The length of time between the ordered compliance date and the date the violation was eliminated;
9. Any actual costs expended by the owner to cure the violation as provided by supporting documentation, including payment of town licensing or permit fees;
10. Any other matter suggesting that the lien reduction is or is not equitable and/or in the best interests of the town.

(7) The special magistrate may make one of the following determinations:

(i) grant the application and authorizes a partial release of lien based on the payment of a specified amount, which shall not be less than ten (10%) percent of the lien amount, provided, however that the amount shall not be less than \$5,000 under any circumstances.

(ii) deny the application for a partial release.

If the reduction is granted, the special magistrate's order shall include a date certain for the payment of the reduced lien and shall include a statement that if the reduced lien is not paid in full on the date provided, the lien amount shall automatically revert back to the original amount.

(b) Lien releases. When a petition for release or partial release of a code enforcement lien has met the conditions under this section, the town manager, with the town clerk attesting, shall be authorized to execute the requested release or partial release of lien on behalf of the town.

(c) Petitions for lien reductions and partial releases to be considered by the Town Council:

(1) A request for a lien reduction or a partial release of lien which does not meet the criteria for consideration by the special magistrate, may be considered by the Town Council. The Petitioner shall submit a petition for the reasons the request does not meet the criteria for consideration by special magistrate. The petition shall be accompanied by a non-refundable petition fee of \$5,000.00 The petition will be considered at the next Town Council meeting occurring 30 days or more after the submittal of the petition and payment of the petition fee. The Petitioner may request one continuation of the scheduled hearing date. Such request may be received at least 7 days prior to the date of the originally scheduled hearing and may be granted by the Town Manager.

a. Conduct of the Hearing

1. The Petitioners presentation in support of the petition shall be limited to 20 minutes including the time for Town Council members to ask questions, unless addition time for presentation is granted by majority vote of the Town Council
2. Failure of the petitioner to attend the hearing will result in the Town requesting that the petition be denied, unless otherwise agreed to in writing by the town.
3. The lien reduction or partial release hearing will be limited to the issue of whether the lien assessed should be reduced or the partial release granted, and the hearing shall not be a hearing de novo of the original case. The burden of proof will be on the petitioner to show cause for reducing the lien or granting the partial release.
4. At the hearing, the Town Council shall consider one or more of the following factors:

- i. The gravity of the violation;
 - ii. Any action(s) taken by the petitioner to correct the violation(s);
 - iii. Any previous violations committed by the petitioner;
 - iv. Any recommendation of the town administration;
 - v. Whether the Petitioner or managing member of the Petitioner owns other properties in the town, and how many had other code cases or other liens;
 - vi. Whether the Petitioner owned or was the managing member or the property for which the lien was placed at the time the lien was placed;
 - vii. Any other factor which may show a hardship on the Petitioner requesting the release or which may provide a reasonable basis for the requested relief;
 - viii. The length of time between the ordered compliance date and the date the violation was eliminated;
 - ix. Any actual costs expended by the owner to cure the violation as provided by supporting documentation, including payment of town licensing or permit fees;
 - x. Any other matter suggesting that the lien reduction is or is not equitable and/or in the best interests of the town.
5. Any lien reduction or partial release granted by the Town Council requires the unanimous affirmative vote of all Council members in attendance at the meeting, provided that at least 4 members of the Town Council must be present and eligible to vote on the petition.
 6. If the petition is not granted, it is denied.
 7. If the petition is denied no further lien reduction or partial release on the property that is the subject of the petition can be heard for a period of 2 years from the date denial.
 8. The Town Council may impose time deadlines on the payment of any lien reduction or partial release of lien and have the lien revert to its original amount if it is not paid timely.

Section 3: Conflicts. 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 section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

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 Code of Ordinances of the Town of Loxahatchee Groves, Florida, and that the Sections of this ordinance may be re-numbered, re-lettered, and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase to accomplish such intention.

Section 6: Effective Date. This ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 4TH DAY OF NOVEMBER, 2025.

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

	<u>VOTE</u>
ANITA KANE, MAYOR	<u>Aye</u>
MARGARET HERZOG, VICE MAYOR	<u>Aye</u>
TODD MCLENDON, COUNCIL MEMBER	<u>Aye</u>
LISA EL-RAMEY, COUNCIL MEMBER	<u>Nay</u>
PAUL T. COLEMAN II, COUNCIL MEMBER	<u>Aye</u>

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS 18TH DAY OF NOVEMBER, 2025.

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

VOTE

ANITA KANE, MAYOR

MARGARET HERZOG, VICE MAYOR

TODD MCLENDON, COUNCIL MEMBER

LISA EL-RAMEY, COUNCIL MEMBER

PAUL T. COLEMAN II, COUNCIL MEMBER

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Mayor Anita Kane

Valerie Oaks, Town Clerk

Vice Mayor Margaret Herzog

APPROVED AS TO LEGAL FORM:

Councilmember Todd McLendon

Town Attorney

Councilmember Lisa El-Ramey

Councilmember Paul Coleman



155 F Road Loxahatchee Groves, FL 33470

TO: Town Council

FROM: Jeffrey S. Kurtz, Esq., Town Attorney

DATE: November 18, 2025

SUBJECT: Approving Ordinance No. 2025-19 proposing a Charter Amendment relating to the voting requirements relating to the removal of Charter officers

Background:

Pursuant to Council direction and the recommendation of the Charter Review Committee attached please find a proposed ordinance calling for a referendum vote of the electorate on the voting requirements for the removal of charter officers. The referendum election would take place at the March 10, 2026, regular municipal elections.

The ordinance's effective language concerning the amendment to paragraph 2 of Section 4 of the Town Charter is:

(2) Appointment; removal; compensation; filling of vacancies.

- (a) The charter officers shall be appointed by a majority vote of the full council and shall serve at the pleasure of the council.
- (b) The charter officers shall be removed from office ~~only~~ by a ~~super~~ majority vote of the full council. Upon demand by a charter officer, a public hearing shall be held prior to such removal.
- (c) The compensation of the charter officers shall be fixed by the town council through the approval of an acceptable employment contract.
- (d) The town council shall begin the process to fill a vacancy in a charter office within 90 days after the vacancy. An acting town manager or an acting town attorney may be appointed by the council during a vacancy in such charter office.
- (e) A charter officer shall not be a member of the town council or a candidate for town council while holding a charter officer position.

The proposed ballot language is:

REMOVAL OF CHARTER OFFICERS FROM OFFICE

The present Charter provides for charter officers to be removed from office only by a super majority vote of the full Town Council. The Town Council has proposed that



155 F Road Loxahatchee Groves, FL 33470

charter officers be able to be removed from office by a majority vote of the full Town Council.

Shall the above described amendment be adopted?

Yes ☐

No ☐

The ordinance is presented to Council on first reading. If approved the ordinance will be scheduled for second reading and adoption on December 2, 2025 and the ballot language will be placed on the March 10, 2026. If approved by the voters the Charter would be amended effective with the passage of the referendum.

Recommendation:

.Motion to approve passage of **Ordinance No. 2025-19** on first reading.

ORDINANCE NO. 2025-19

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 10, 2026, AS TO WHETHER THE TOWN OF LOXAHATCHEE GROVES CHARTER SHALL BE AMENDED IN THE FOLLOWING RESPECT: AMEND PARAGRAPH (2) “APPOINTMENT; REMOVAL; COMPENSATION; FILLING OF VACANCIES” OF SECTION 4 “ADMINISTRATIVE” OF THE CHARTER CONCERNING THE VOTING REQUIREMENTS RELATING TO THE REMOVAL OF CHARTER OFFICERS FROM OFFICE 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 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. 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: That a referendum is hereby ordered to be held in the Town on the 10th day of March 2026, to determine whether or not the Town of Loxahatchee Groves Charter shall be

amended to amend Paragraph (2) “Appointment; removal; compensation; filling of vacancies.” of Section 4. “Administrative” to read as follows:

- (2) *Appointment; removal; compensation; filling of vacancies.*
- (a) The charter officers shall be appointed by a majority vote of the full council and shall serve at the pleasure of the council.
 - (b) The charter officers shall be removed from office ~~only~~ by a ~~super~~ majority vote of the full council. Upon demand by a charter officer, a public hearing shall be held prior to such removal.
 - (c) The compensation of the charter officers shall be fixed by the town council through the approval of an acceptable employment contract.
 - (d) The town council shall begin the process to fill a vacancy in a charter office within 90 days after the vacancy. An acting town manager or an acting town attorney may be appointed by the council during a vacancy in such charter office.
 - (e) A charter officer shall not be a member of the town council or a candidate for town council while holding a charter officer position.

Section 3: The form of the ballot for the Charter amendment provided for herein shall be as follows:

REMOVAL OF CHARTER OFFICERS FROM OFFICE

The present Charter provides for charter officers to be removed from office only by a super majority vote of the full Town Council. The Town Council has proposed that charter officers be able to be removed from office by a majority vote of the full Town Council.

Shall the above described amendment be adopted?

Yes []

No []

Section 4. 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 5. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. 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 7. 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 10, 2026.

Council Member _____ offered the foregoing ordinance. Council Member _____ 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 _____, 2025.

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

	<u>VOTE</u>
ANITA KANE, MAYOR	___
MARGARET HERZOG, VICE MAYOR	___
TODD MCLENDON, COUNCIL MEMBER	___
LISA EL-RAMEY, COUNCIL MEMBER	___
PAUL T. COLEMAN II, COUNCIL MEMBER	___

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS ____ DAY OF _____ 2025.

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

	<u>VOTE</u>
ANITA KANE, MAYOR	___
MARGARET HERZOG, VICE MAYOR	___
TODD MCLENDON, COUNCIL MEMBER	___
LISA EL-RAMEY, COUNCIL MEMBER	___
PAUL T. COLEMAN II, COUNCIL MEMBER	___

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**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Mayor Anita Kane

Valerie Oaks, Town Clerk

Vice Mayor Margaret Herzog

APPROVED AS TO LEGAL FORM:

Councilmember Todd McLendon

Town Attorney

Councilmember Lisa El-Ramey

Councilmember Paul T. Coleman II



155 F Road Loxahatchee Groves, FL 33470

TO: Town Council

FROM: Jeffrey S. Kurtz, Esq., Town Attorney

DATE: November 18, 2025

SUBJECT: Approving Ordinance No. 2025-20 proposing a Charter Amendment relating to the Town Attorney's review of contracts

Background:

Pursuant to Council direction and the recommendation of the Charter Review Committee attached please find a proposed ordinance calling for a referendum vote of the electorate on the attorney's required review of contracts. The referendum election would take place at the March 10, 2026, regular municipal elections.

The ordinance's effective language concerning the amendment to paragraph 4 of Section 4 of the Town Charter is:

. (4) Town attorney.

- (a) The town attorney shall be employed under terms and conditions deemed advisable by the town council, which may include the appointment of a law firm.
- (b) The town attorney shall be a member in good standing with The Florida Bar, have been admitted to practice in the state for at least 5 years, and have not less than 2 years' experience in the practice of local government law.
- (c) The town attorney has sole discretion to appoint, promote, suspend, demote, remove, or terminate deputy and assistant town attorneys, subject to the town's annual budget.
- (d) The town attorney shall perform the following functions in addition to other functions as designated by the town council:
 - 1. Serve as chief legal advisor to the town council, the charter officers, and all town departments, offices, and agencies.
 - 2. Attend all regular and special town council meetings, unless excused by the town council, and perform such professional duties as may be required by law or by the council in furtherance of the law.
 - 3. Approve ~~all~~ the form and legal sufficiency of contracts, bonds, and other instruments in which the town is concerned as further defined by ordinance or resolution adopted by the town council. ~~and shall endorse on each his or her approval of the form and correctness thereof. No contract with the town shall take effect until his or her approval is so endorsed thereon. Any ordinance or resolution implementing~~



155 F Road Loxahatchee Groves, FL 33470

this provision would have to be approved by an affirmative vote of no fewer than four members of the town council.

4. When requested to do so by the council, prosecute and defend on behalf of the town all complaints, suits, and controversies in which the town is a party.
5. Perform such other professional duties as required of him or her by resolution of the council or as prescribed for municipal attorneys in the general laws of the state which are not inconsistent with this charter.
6. Prepare an annual budget for the operation of the office of the town attorney and submit this budget to the town manager for inclusion in the annual town budget, in accordance with uniform town procedures.

The proposed ballot language is:

TOWN ATTORNEY'S REVIEW OF CONTRACTS

The present Charter requires the Town Attorney to review all contracts, bonds and other instruments and that no contract with the town shall take effect until the attorney has endorsed the document. This provision can be costly and burdensome. The Town Council has proposed the attorney's required review of contracts be defined and potentially limited by ordinance or resolution approved by town council.

Shall the above described amendment be adopted?

Yes []

No []

The ordinance is presented to Council on first reading. If approved the ordinance will be scheduled for second reading and adoption on December 2, 2025 and the ballot language will be placed on the March 10, 2026. If approved by the voters the Charter would be amended effective with the passage of the referendum.

Recommendation:

.Motion to approve passage of **Ordinance No. 2025-20** on first reading.

ORDINANCE NO. 2025-20

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 10, 2026, AS TO WHETHER THE TOWN OF LOXAHATCHEE GROVES CHARTER SHALL BE AMENDED IN THE FOLLOWING RESPECT: AMEND PARAGRAPH (4) “TOWN ATTORNEY” OF SECTION 4 “ADMINISTRATIVE” OF THE CHARTER TO PROVIDE THE ATTORNEY’S REQUIRED REVIEW OF CONTRACTS, BONDS AND OTHER INSTRUMENTS SHALL BE AS FURTHER DEFINED BY ORDINANCE OR RESOLUTION; 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 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. 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: That a referendum is hereby ordered to be held in the Town on the 10th day of March 2026, to determine whether or not the Town of Loxahatchee Groves Charter shall be amended to amend Paragraph (4) “Town Attorney.” of Section 4. “Administrative” to read as follows:

(4) *Town attorney.*

- (a) The town attorney shall be employed under terms and conditions deemed advisable by the town council, which may include the appointment of a law firm.
- (b) The town attorney shall be a member in good standing with The Florida Bar, have been admitted to practice in the state for at least 5 years, and have not less than 2 years' experience in the practice of local government law.
- (c) The town attorney has sole discretion to appoint, promote, suspend, demote, remove, or terminate deputy and assistant town attorneys, subject to the town's annual budget.
- (d) The town attorney shall perform the following functions in addition to other functions as designated by the town council:
 - 1. Serve as chief legal advisor to the town council, the charter officers, and all town departments, offices, and agencies.
 - 2. Attend all regular and special town council meetings, unless excused by the town council, and perform such professional duties as may be required by law or by the council in furtherance of the law.
 - 3. Approve ~~all~~ the form and legal sufficiency of contracts, bonds, and other instruments in which the town is concerned as further defined by ordinance or resolution adopted by the town council. ~~and shall endorse on each his or her approval of the form and correctness thereof. No contract with the town shall take effect until his or her approval is so endorsed thereon. Any ordinance or resolution implementing this provision would have to be approved by an affirmative vote of no fewer than four members of the town council.~~
 - 4. When requested to do so by the council, prosecute and defend on behalf of the town all complaints, suits, and controversies in which the town is a party.
 - 5. Perform such other professional duties as required of him or her by resolution of the council or as prescribed for municipal attorneys in the general laws of the state which are not inconsistent with this charter.
 - 6. Prepare an annual budget for the operation of the office of the town attorney and submit this budget to the town manager for inclusion in the annual town budget, in accordance with uniform town procedures.

Section 3: The form of the ballot for the Charter amendment provided for herein shall be as follows:

TOWN ATTORNEY'S REVIEW OF CONTRACTS

The present Charter requires the Town Attorney to review all contracts, bonds and other instruments and that no contract with the town shall take effect until the attorney has endorsed the document. This provision can be costly and burdensome. The Town Council has proposed the attorney's required review of contracts be defined and potentially limited by ordinance or resolution approved by town council.

Shall the above described amendment be adopted?

Yes ☐

No []

Section 4. 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 5. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. 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 7. 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 10, 2026.

Council Member _____ offered the foregoing ordinance. Council Member _____ 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 _____, 2025.

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

	<u>VOTE</u>
ANITA KANE, MAYOR	___
MARGARET HERZOG, VICE MAYOR	___
TODD MCLENDON, COUNCIL MEMBER	___
LISA EL-RAMEY, COUNCIL MEMBER	___
PAUL T. COLEMAN II, COUNCIL MEMBER	___

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS ____ DAY OF _____ 2025.

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

	<u>VOTE</u>
ANITA KANE, MAYOR	___
MARGARET HERZOG, VICE MAYOR	___
TODD MCLENDON, COUNCIL MEMBER	___
LISA EL-RAMEY, COUNCIL MEMBER	___
PAUL T. COLEMAN II, COUNCIL MEMBER	___

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Mayor Anita Kane

Valerie Oakes, Town Clerk

Vice Mayor Margaret Herzog

APPROVED AS TO LEGAL FORM:

Councilmember Todd McLendon

Town Attorney

Councilmember Lisa El-Ramey

Councilmember Paul T. Coleman II



TOWN OF LOXAHATCHEE GROVES

TOWN COUNCIL MEETING

AGENDA ITEM MEMORANDUM

Item 7.

TO: Mayor and Town Council of the Town of Loxahatchee Groves

FROM: Francine L. Ramaglia, Town Manager

DATE: November 18, 2025

SUBJECT: Discussion of Council Workshop Items 10/21/25

Legal Sufficiency:	☐ Reviewed	☒ Not Reviewed
	☐ Approved	☐ Not Approved

Background:

Based upon discussion at the Council's workshop meeting the following items require Council to provide Staff with formal direction, and/or vote on proceeding with the items below:

A. Ordinances & Resolutions

- Resolution Amending Road Name: Okeechobee Boulevard to Middle Road:

Consideration and adoption of a Resolution formally changing the official name of the Palm Beach County road known as Okeechobee Boulevard (within Town limits) back to its historic name, Middle Road, to reinforce the Town's Comprehensive Plan for a two-lane main street.

B. New Business & Policy

- Adoption of Council Policy on Public Disclosure of Meeting Documents:

Consideration and adoption of a formal Council policy requiring all documents, written reports, or handouts distributed to the Town Council at any public meeting (including last-minute additions and supplemental materials) be immediately posted and linked to the corresponding online agenda for public access and transparency.

- Review and Potential Amendment of Town Council Rules and Procedures:

Review of the Town's Rules and Procedures, with specific attention to the clause allowing the Council majority to remove a Council member from the dais. Discussion and possible direction to staff/attorney for drafting amendments.

C. Discussion Items

- Clarification on Sunshine Law Communication:

A presentation by the Town Attorney on case law or Attorney General opinions regarding one-way communication (e.g., email with no reply) between individual Council members, and whether this method is permissible under Florida's Sunshine Law. The intent is to make sure there is compliance with State law during discussions on certain matters.

- Website Calendar Synchronization Status:

Update from staff on the status and steps being taken to synchronize the Town's homepage calendar with the agenda/municode calendar to avoid conflicting information.

- Committee Assignments:

Discussion on tasking committees.

Fiscal Impact:

Not applicable.

Recommendation/Motion:

Recommendation: Provide direction to Town staff.

Attachments: