

TOWN OF LOXAHATCHEE GROVES
TOWN HALL COUNCIL CHAMBERS
TOWN COUNCIL WORKSHOP/SPECIAL MEETING

AGENDA

APRIL 16, 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)

**Laura Danowski, Councilmember (Seat 2); Marg Herzog, Vice Mayor (Seat 5);
Phillis Maniglia, Councilmember (Seat 1); and Robert Shorr, Councilmember (Seat 4)**

Administration

Town Manager Francine L. Ramaglia
Town Attorney - Torcivia, Donlon, Goddeau and Rubin, P.A.
Town Clerk - The Valiant Management Team, LLC.
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 6:00 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.

PRESENTATIONS

None

Consent Agenda

None

REGULAR AGENDA

- [1.](#) Discussion on FY24 CIP and Roadway Improvement Program
- [2.](#) Discussion on Easement Policy
- [3.](#) Discussion on Ordinance No. 2024-03 regarding Uniform Requirements for Town Advisory Boards and Committees
- [4.](#) Discussion and Approval of Rules of Procedure for Town Council (Resolution No. 2019-65) and Boards and Committees (Resolution No. 2015-18)
- [5.](#) Discussion and Approval of Resolution No. 2024-16 regrading Scholarship Committee

TOWN STAFF COMMENTS

Town Manager Francine L. Ramaglia

Town Attorney - Torcivia, Donlon, Goddeau and Rubin, P.A.

Town Clerk - The Valiant Management Team, LLC

Public Works Director Richard Gallant

TOWN COUNCILMEMBER COMMENTS

Councilmember Laura Danowski (Seat 2)

Councilmember Phillis Maniglia (Seat 1)

Councilmember Robert Shorr (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

155 F Road Loxahatchee Groves, FL 33470



AGENDA MEMO

TO: Mayor and Council

FROM: Richard Gallant, Public Works Director and Jeff Kurtz, Project Coordinator

VIA: Francine Ramaglia, Town Manager

DATE: April 16, 2024

SUBJECT: 2024 CIP and Road Improvement Program

Background: The 2024 CIP plan consists of two basic elements, roadway asphalt overlay and the establishment or reestablishment of drainage to roads to be overlaid, and canal bank restoration.

ROADWAY PLAN

The roadway asphalt overlay project is broken into three components asphalt overlay, installation of road rock, and reestablishment of drainage swales. The Council awarded a contract in the amount of 1,696,994 to Atlantic Southern Paving and Sealcoating, LLC for the paving program. The road rock plan which is primarily implemented by staff and principally involves the same roads that are in the paving program. The road rock plan has a budget of \$403,550. Additionally, prior to paving, staff is removing debris from the drainage components within the paving project to improve drainage conditions in those areas. Within the 105 fund, the Town has contracted to remove 90 exotic trees that are interfering with the proposed work at a cost of \$62,500. The total investment in the capital plan for roadways for FY 24 is \$2,100,544.

CHARACTERISTICS OF THE ROADS IN FY 24 CIP

The roadways being worked on this year are primarily referred to as subdivision roads. Subdivision roads typically will have a grant of easement for the roadway in the title record of the properties adjacent to the roadway. The easements were generally based on the unrecorded plat that was the foundation of the subdivision. The easements did not provide for a maintenance entity. Most of the subdivisions were developed in the 1960's and 70's. The logical maintenance entities for the roads, including the drainage, at that time would have either been the County, the water control district or a homeowner's association. In the absence of such an entity being mentioned in the deeds the roads were probably initially constructed and maintained by the developer and over time as the developer ceded their interest in the lots the landowners themselves came together to maintain the roads.

HISTORY OF MAINTENANCE BY DISTRICT AND TOWN

The district provided courtesy grading of the subdivision roads as early as the late 60's as documented in meeting minutes of the Loxahatchee Groves Sub-Drainage District as their budget allowed. It does not appear the district developed a regular maintenance program for these roadways until later. There is limited information when the Town developed a program to become the maintenance entity or an assessment program for the subdivision roadways.

Following the Town's incorporation the Town assumed maintenance responsibility for the subdivision roads as evidenced by their inclusion on the Town's gas tax map. All of these roads have been on the Town's gas tax map since 2008. At least since 2013, the Town contracted with the District to provide maintenance for these roadways. The full maintenance records from the pre-merger time frame are not readily available to us and would require considerable research to unearth and there is no guarantee the records exist or if they do exist whether they are complete.

Following the merger of the Town and the District it is clear that these subdivision roads have been maintained on a regular and consistent basis. So, some previous council either by specific action or acquiescence decided the Town would be the maintenance entity for the subdivision roads. This decision is not necessarily an obligation and could potentially be reversed by action of this or a future Council. There has been no recommendation, by any Council member, members of the public or staff that the Town cease its maintenance efforts on these subdivision roads.

Inclusion of the roads on the gas tax map is important, because by such inclusion, the Town is and was affirmatively asserting it maintains the roads on the map. In accordance with section 336.025 F.S., county and municipal governments shall utilize moneys received from the tax only for transportation expenditures. For the purposes section 336.025 F.S., "transportation expenditures" means expenditures by the local government from local or state shared revenue sources, excluding expenditures of bond proceeds, for the following programs:

- (a) Public transportation operations and maintenance.
- (b) Roadway and right-of-way maintenance and equipment and structures used primarily for the storage and maintenance of such equipment.
- (c) Roadway and right-of-way drainage.
- (d) Street lighting installation, operation, maintenance, and repair.
- (e) Traffic signs, traffic engineering, signalization, and pavement markings, installation, operation, maintenance, and repair.
- (f) Bridge maintenance and operation.
- (g) Debt service and current expenditures for transportation capital projects in the foregoing program areas, including construction or reconstruction of roads and sidewalks.

The Town has in fact used the gas tax revenues it received for roadway maintenance, equipment, roadway drainage, bridge maintenance and traffic signs. The statute recognizes that roadway drainage and maintenance of that drainage is an integral part of roadway maintenance and an appropriate transportation expense and use of the gas tax monies. If the Town were to cease the maintenance of certain roads, those roads would be removed from the gas tax map and there would be a reduction in gas tax revenues.

Having decided to maintain the roads, the question then becomes the means and methods of maintenance. Up to this point these particular roadways have been unpaved, with the exception of portions of North Road, have been graded on a regular and ongoing basis. The previous Council decided to pave the roads included in the 2024 paving program subject to certain funding contingencies. The contract provided that segments would be paved only after a notice to proceed had been issued for that particular segment and there was no guarantee that all segments would be issued a notice to proceed.

The order in which the segments are to be paved has not yet been finalized, but the PWD is proposing the following order for the segments to be paved.

1. 161st Terrace North - 161st Terrace North includes Lakeside Drive and is approximately 2 miles in length and abuts 58 lots. The unrecorded plat shows a 60-foot easement road bisecting the 58 lots. The warranty deed history reflects the existence of the easements with the exception of 2 lots. The existing roadway does not encroach onto those two lots. This roadway, as with all of these roadways other than 24th Court N west of F Road, was originally laid out as a straight road. The town staff is reestablishing and repairing the drainage swale on the south and west of the road prior to paving taking place. All work will take place within the 60-foot easement area and at no point will the area being improved exceed the boundaries of the original roadway. The paved area is to be 18 feet and the swale is generally located within 10 feet of paving. The section between the edge of pavement and the beginning of the swale will remain dirt for horse riders who do not desire to ride on eh asphalt. The 161st Terrace North subdivision was created by Leelan C Jewell and lot sales began in 1972. Proposed to be 18 feet of paving mono-sloped to the West and striped.
2. Casey Road – Casey Road is derived from a subdivision created by Loxahatchee Investments, Ltd., in 1969. The subdivision proposed 28 lots bordering what is now known as Casey Road. The easement for the road was to be 60 feet with 30 feet coming from each of the lots to the north and south. The subdivision plan shows a typical cross section of the road consisting of a 20-foot travel way with drainage on either side of the travel way. The proposed paving for Casey Road is 20 feet in width crowned in the middle.
3. Kerry Lane - Kerry Lane was part of a subdivision created for William V Hoecherl in October of 1972 and included 30 lots on Edith Road, Fox Trail, and Farley Road. Kerry Lane was formed from a 25-foot road easement connecting the 3 roads on which the lots front and being immediately adjacent to the F road Canal right of way. The plan for Kerry is to pave 16 feet mono sloped to the west.
4. E Citrus - E Citrus Drive comes from a subdivision initially created by Loxahatchee Investment Corporation in 1966. The park to the south was acquired by the County. E Citrus was supposed to be a 60-foot easement road. The easements exist on the

properties to the north. It is unclear whether the park was burdened with the 30-foot easement which would have been the southern half of E Citrus. East Citrus is to be paved 20 feet wide, striped and sloped to the north.

5. 147th Ave. N - 147th Ave North was apparently created as a part of a subdivision called Laurie Acres, however, we have not located a copy of the original subdivision plan. There are easements on some of the adjacent lots and a portion of the road is owned by the Town, having been transferred from the County after incorporation. The County had received title to that portion of the road that had been acquired by a tax deed. The Town will be seeking an easement for road and drainage purposes from the corner property as we have not located an easement in the deed history. The paving on the road is going to be 16 feet wide and crowned in the middle.
6. West C - West C is part of a subdivision created by William Hoecherl in 1972. The subdivision laid out 32 lots along Scott Place, Williams Drive and Scott Way. West C was the connecting road between those other roads and was based on 25-foot road easement on the east side of adjacent lots. The paved area of West C is scheduled to be 16 feet wide and sloped to the west.
7. 24th Ct East of F - 24th Court east of F Road was laid out in a subdivision for William Hoecherl as a 60-foot easement road with 30 feet of easement coming from the 20 lots located to the north and south of the road. The paving on this road is scheduled to be crowned and 16 feet wide. (Both 24th Courts would be contingent on the completion of the culvert repairs)
8. 24th Ct West of F - The derivation of 24th Court west of F Road is unclear as we have not found a record of the original subdivision plan. It is unusual, in that it is the one road of those included in the FY24 paving plan that is not intended to be completely straight as there is a bow in the middle of the road to the north. The properties on which the roadway sits generally have 20-foot road easements in the deed history. The paving on 24th Court West is scheduled to be 16 feet wide and crowned in the middle of the road.(Both 24th Courts would be contingent on the completion of the culvert repairs)
9. Gruber - Gruber Road is a 60-foot road easement, with 30-foot easements coming from the lots located to the North and South. The subdivision was created by Arthur Murray in 1970. The paved road is currently scheduled to be 18 feet wide and crowned. In the center of the road so it would drain of both sides.
10. West D - West D Road paving is intended to be located within the D Road Canal right of way. The paving is scheduled to be 16 feet wide sloped to the west.
11. Global Trail - Global Trail is part of the Global Acres subdivision consisting of 30 lots. It is unclear from the unrecorded plat, upon which the development is based, as to who the developer was or when the development began. The road easement for Global Trail was intended to be 60 feet wide, with lots on the roads east and west sides each contributing 30 foot of easement area. The paved area of the road is scheduled to be crowned and 16 feet wide. The public works director is suggesting to hold off

on issuing a notice to proceed, until the three roads within the development that cross Global Trail can also be paved.

12. B North – Primarily within the right of way and enhanced by easements. The paving is proposed to be 18 feet in width and sloped to the east. (Segments 12 & 13 would move up in priority once funding is received)

13. North B to C – The paving is scheduled to be 18 feet wide and sloped to the south. (Segments 12 & 13 would move up in priority once funding is received)

GENERAL NOTES ON ROADWAY PLAN

1. With the singular exception of 24th Court North west of F, all of the roads were intended to be straight roads. Any meandering on the roads which existed was the result of improper maintenance. The roadway beds do exist and prior to paving the Town staff is re-establishing the proper configuration of the road and cutting back interfering vegetation where necessary.
2. The width of the paving does not exceed the area currently being maintained by the Town and is considerably less than the area contained within the original easements associated with the roads.
3. The only way to get to the properties on these roads is by use of these roadways.
4. All of these roads have been maintained by the Town for over 10 years.
5. Reversion of maintenance of the roadways to the property owners, would create chaos.
6. Trees will only be removed when necessary to clear the travel way or allow for the proper drainage of the roadway and adjacent properties.
7. Thus far the only trees that the Town has removed from the swales or travel way have been invasive non- native species, primarily Australian Pines and Brazilian Pepper.
8. There has been confusion about the trees to be removed because of the publication of preliminary notes on the proposed work plan for the paving project. Those notes were meant to be preliminary and not final and were produced by former staff. We continue to prepare the roads for paving and evaluate the need to cut back vegetation and remove dead and hazardous trees which could impact the roadways.

Drainage and Canal Program

The drainage/canal program for FY 24 consists of canal restoration and culvert replacement. It was originally contemplated that \$1,559,794 would be spent on swales, catch basins, control structures and miscellaneous culverts, the 11th Ter & D Rd culvert, canal bank restoration, and the resiliency grant program. As it turns out those monies were needed to help fund the emergency collecting canal bank stabilization contract and specific culverts and therefore the swale and catch basin program which had \$500,000 originally allocated will have to be postponed.

The proposed drainage/canal FY 24 CIP program now includes:

1. B Road Bridge Culvert	\$125,700
2. 11 th Ter & D Rd Bridge Culvert	126,000
3. F Rd & Collecting Canal Bridge Culverts	436,300
4. 12 th Place North Bridge Culvert	136,700
5. Canal Bank Collecting Canal	198,000
6. General Bank Restoration (materials)	205,794
7. Resiliency Grant Program	<u>350,000</u>
Total of reallocated projects	\$1,578,494

The additional \$18,700 is proposed to be funded from FEMA reimbursement funds.

In addition to the above projects the Public Works Director has identified another culvert bridge at 24th & F that is in need of replacement at an estimated cost of \$140,000. It is proposed that project be funded by a transfer of a portion of the carry over, of road and drainage funds from 2023. The Town will also incur approximately \$40,000 in design and permitting costs associated with culvert bridges it has or will install this year. Those costs will also be funded by a transfer from the FY23 road and drainage carry over. With that additional \$180,000 the total drainage/canal portion of the CIP would increase to \$1,758,494. There was a component of the CIP canal restoration project that was and is funded within the road and drainage fund. The personnel related expenses for the canal crew are found in the road and drainage fund and have a budget of 151,339.

FUNDING OF CIP

As shown on the attached proposed Exhibit A, to Ordinance No. 2024-02, total capital funds available for FY 2024 including carryover of capital funds from 2023 was \$3,733,643 and the recommended use of capital funds, as described above, with the addition of FY2023 carry forward projects is \$4,435,437. The shortfall of \$701,794 is proposed to be made up from FEMA reimbursement monies, potential funding from the Sod Farm and a transfer of funds from the road and drainage FY2023 carry forward.

Because of the contingent nature of a donation from the Sod Farm, it is recommended that the paving of B North and North Road from B to C, not commence, until and unless those donated funds are assured.

Recommendations: Council discussion and direction with respect to FY 2024 CIP and Road Improvement Program.

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TOWN OF LOXAHATCHEE GROVES
Ordinance No. 2024-02

Exhibit A

			Estimated Timeframe	2024 Proposed	2025	2026	2027	2028
Road Paving Plan (overlay program)								
West C (Gruber to Forest Lane)	0.3 miles	2024		\$ 77,673				
West D (Gruber to Bunny Lane)	0.3 miles	2024		\$ 89,865				
Global Trail	0.4 miles	2024		\$ 107,064	\$ -	\$ -	\$ -	\$ -
Kerry Lane	0.3 miles	2024		\$ 79,563	\$ -			
24th Court (E & W of F Rd)	0.6 miles	2024		\$ 171,581	\$ -			
161st Ter N	2 miles	2024		\$ 473,965	\$ -	\$ -	\$ -	\$ -
Gruber	0.5 miles	2024		\$ 120,133	\$ -	\$ -	\$ -	\$ -
E Citrus	0.5 miles	2024		\$ 132,037	\$ -	\$ -	\$ -	\$ -
147th	.125 miles	2024		\$ 26,594	\$ -	\$ -	\$ -	\$ -
A South	1.25 miles	2025		\$ -	\$ 316,250	\$ -	\$ -	\$ -
B North + North from B to C	1.0 miles	2024		\$ 230,641	\$ -	\$ -	\$ -	\$ -
Casey Rd	0.75 miles	2024		\$ 187,878	\$ -	\$ -	\$ -	\$ -
N North	1.5 miles	2025		\$ -	\$ 351,175	\$ -	\$ -	\$ -
Collect Canal	3.25 miles	2023&2025		\$ -	\$ 126,500	\$ -	\$ -	\$ -
E Southern to Citrus (Loxahatchee Ave)	0.15 miles	2025			\$ -	\$ 37,950		
Citrus	0.25 miles	2025			\$ -	\$ -		
Lox Ave Tangerine to Citrus	0.1 miles	2025			\$ -	\$ -		
Tangerine	0.5 miles	2025		\$ -	\$ 126,500	\$ -	\$ -	\$ -
G Road (E)	0.5 miles	2025			\$ 126,500			
25th St East of Folsom	0.25 miles	2025			\$ 63,250			
S North	1.5 miles	2026			\$ -	\$ 379,500		
6th Ct E Rd to Vinceremos)	0.75 miles	2026		\$ -	\$ -	\$ 189,750	\$ -	\$ -
Compton	0.75 miles	2026		\$ -	\$ -	\$ 189,750	\$ -	\$ -
Bryan	0.75 miles	2026		\$ -	\$ -	\$ 189,750	\$ -	\$ -
Marcella	0.75 miles	2026		\$ -	\$ -	\$ 189,750	\$ -	\$ -
				\$ 1,696,994	\$ 1,110,175	\$ 1,176,450	\$ -	\$ -

TOWN OF LOXAHATCHEE GROVES
Ordinance No. 2024-02

Exhibit A

			Estimated Timeframe	2024 Proposed	2025	2026	2027	2028
Road Rock Plan (rebuilding of road beds)								
Collect Canal	3.25 miles	2024	\$ -	\$ 12,000	\$ -	\$ -	\$ -	\$ -
South 'E' and Citrus	0.5 miles	2024	\$ 35,000	\$ -	\$ -	\$ -	\$ -	\$ -
West C (Gruber to Forest Lane)	0.3 miles	2024	\$ 21,000					
West D (Gruber to Bunny Lane)	0.3 miles	2024	\$ 21,000					
Global Trail	0.4 miles	2024	\$ 28,000	\$ -	\$ -	\$ -	\$ -	\$ -
Kerry Lane	0.3 miles	2024	\$ 10,500					
24th Court (E & W of F Rd)	0.6 miles	2024	\$ 21,000					
6th Ct (E Rd to Vinceremmos)	0.75 miles	2024	\$ -	\$ 52,500	\$ -	\$ -	\$ -	\$ -
Tangerine	0.5 miles	2024	\$ 35,000	\$ -	\$ -	\$ -	\$ -	\$ -
E Citrus	0.5 miles	2024	\$ 35,000	\$ -	\$ -	\$ -	\$ -	\$ -
147th	0.125 miles	2024	\$ 8,500	\$ -	\$ -	\$ -	\$ -	\$ -
161st Ter N	2 miles	2024	\$ 105,000	\$ -	\$ -	\$ -	\$ -	\$ -
Casey Rd	0.75 miles	2024	\$ 25,000	\$ -	\$ -	\$ -	\$ -	\$ -
Gruber	0.5 miles	2024	\$ 35,000	\$ -	\$ -	\$ -	\$ -	\$ -
B North	0.5 miles	2025	\$ 23,550	\$ -	\$ -	\$ -	\$ -	\$ -
A South	1.25 miles	2025	\$ -	\$ 75,000	\$ -	\$ -	\$ -	\$ -
N North	2 miles	2025	\$ -	\$ 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	2026	\$ -	\$ -	\$ 105,000	\$ -	\$ -	\$ -
Lox Ave Tangerine to Citrus	0.1 miles	2026			\$ 6,000			
22nd N/F/P	0.6 miles	2026	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
			\$ 403,550	\$ 267,000	\$ 111,000	\$ -	\$ -	\$ -

Stormwater/Roadway Drainage Improvements

SWM System Improvements-Resilient Florida

TOWN OF LOXAHATCHEE GROVES
Ordinance No. 2024-02

Exhibit A

	Estimated Timeframe	2024 Proposed	2025	2026	2027	2028
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	\$ -	\$ 10,000	\$ -	\$ -	\$ -
Gate Repairs at 'A'	2025	\$ -	\$ 10,000	\$ -	\$ -	\$ -
Gate Repairs at 'Folsom'	2025	\$ -	\$ 15,000	\$ -	\$ -	\$ -
Gate Repairs at 'D'		\$ -	\$ -	\$ -	\$ -	\$ -
		\$ -	\$ 35,000	\$ -	\$ -	\$ -

TOWN OF LOXAHATCHEE GROVES
Ordinance No. 2024-02

Exhibit A

	Estimated Timeframe	2024 Proposed	2025	2026	2027	2028
Swales & Culverts						
Swales, Catch Basins and Other Control Structures	2024	\$ -	\$ 350,000	\$ 350,000	\$ 350,000	\$ 350,000
South E and Citrus Drainage System (Without tree removal)	2024	\$ -	\$ 200,000	\$ -	\$ -	\$ -
Tangerine and Citrus Drainage System (Without tree removal)	2024	\$ -	\$ 300,000			
Miscellaneous culvert failures/emergency repairs (5-7 culverts)		\$ -	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000
		\$ -	\$ 1,050,000	\$ 550,000	\$ 550,000	\$ 550,000
Specific Culvert Locations						
B Rd Culvert	2024	\$ 125,700				
11th Ter and D Rd Bridge Culvert	2024	\$ 126,000	\$ -	\$ -	\$ -	\$ -
Miscellaneous culvert failures/emergency repairs (5-7 culverts)	2023-2026				\$ -	\$ -
F Rd + Collecting Canal Culvert	2024	\$ 436,300				
12th Place North		\$ 136,700				
24th + F Rd		\$ 140,000	<i>To be funded by 2023 carryover from R + D operating fund</i>			
Culvert Design + Permitting		\$ 40,000	<i>To be funded by 2023 carryover from R + D operating fund</i>			
		\$ 1,004,700	\$ -	\$ -	\$ -	\$ -
Repair and Maintenance Canals						
Canal Bank Maintenance/Emergency Bank Stabilization Collecting Canal		\$ 198,000				
Cost to restore banks to 1.5:1 slope (30 Miles at 5% annually over 20 years) = 1.5 Miles at \$150.00 /LF	2024-2040	\$ 205,794	\$ -	\$ -	\$ -	\$ -
Seven Locks/Weirs at \$150,000 each location	2024-2040	\$ -	\$ 300,000	\$ 300,000	\$ 450,000	\$ -
		\$ 403,794	\$ 300,000	\$ 300,000	\$ 450,000	\$ -
Trails System						
Connectivity improvements and trail maintenance/upgrades to ensure safety and usefulness of the Town trails system.						
North Road Trail	TBD		\$ 20,000	\$ -	\$ -	\$ -

TOWN OF LOXAHATCHEE GROVES
Ordinance No. 2024-02

Exhibit A

	Estimated Timeframe	2024 Proposed	2025	2026	2027	2028
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	TBD	\$ -	\$ -	\$ -	\$ -	\$ -
Other Trails Improvements	TBD	\$ -	\$ -	\$ -	\$ -	\$ -
		\$ -	\$ 20,000	\$ -	\$ -	\$ -
Resiliency Grant Program	2024	\$ 350,000		\$ -		
Other Capital Projects				\$ -		
Paving & drainage improvements on Town roads:						
Refurbish edges and resurface all 2 miles of OGEM (North road)	TBD	\$ -	\$ -	\$ -	\$ -	\$ -
Collecting Canal System Rehab (<i>estimate from prior years RETGAC</i>)	TBD	\$ -	\$ -	\$ -	\$ -	\$ -
Public Footprint (surveys, mapping & title searches)	TBD	\$ -	\$ -	\$ -	\$ -	\$ -
Intersection Signals						
Okeechobee at D road, F & Folsom	TBD	\$ -	\$ -	\$ -	\$ -	\$ -
Public Works Equipment Storage Building (<i>estimate from prior years F</i>)	TBD	\$ -	\$ -	\$ -	\$ -	\$ -
School Bus Stops Shelters \$25,000 each	TBD	\$ -	\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -	\$ -
Totals		\$ 3,859,038	\$ 2,782,175	\$ 2,137,450	\$ 1,000,000	\$ 550,000
Other Road Materials and Supplies (Budgeted in Public Works)						
Road Maintenance						
Miscellaneous Annual Rock Replenishment	2024-2028	\$ 172,500	\$ 172,500	\$ 172,500	\$ 172,500	\$ 172,500
Road Rehabilitation						
North Road (millings--see paving estimate above)	2025	\$ -	\$ 69,000	\$ -	\$ -	\$ -
		\$ 172,500	\$ 241,500	\$ 172,500	\$ 172,500	\$ 172,500

TOWN OF LOXAHATCHEE GROVES
Ordinance No. 2024-02

Exhibit A

	Estimated Timeframe	2024 Proposed	2025	2026	2027	2028
Canal Reconstruction Crew		\$ 164,206				
Rental/Lease Option Machinery & Equipment <i>(Budgeted in Public Works)</i>						
	<i>annually</i>					\$ 37,000
Tractor Mower	2024-2026	\$ 83,000	\$ 83,000	\$ 83,000		
Mower (Kubota)	2022-2024	\$ 56,000	\$ -			
Grader (John Deere)	2023-2025	\$ 50,000	\$ 50,000	\$ 123,000		
Dump Truck	2024-2026	\$ 40,000	\$ 40,000	\$ 40,000	\$ -	
2015 Field Truck (used)	2023					
PW Director Vehicle (used)	2024	\$ 12,333				
Code Vehicle (used)	2024	\$ 10,125				
Rental of equipment on as needed basis such as roller, pump vac, road plates & sweeper	2022-2026	\$ 74,000	\$ 60,000	\$ 60,000		
		\$ 325,458	\$ 233,000	\$ 306,000	\$ -	\$ 37,000
		\$ 4,356,996	\$ 3,256,675	\$ 2,615,950	\$ 1,172,500	\$ 759,500

TOWN OF LOXAHATCHEE GROVES
Ordinance No. 2024-02

Exhibit A

	Estimated Timeframe	2024 Proposed	2025	2026	2027	2028
Capital Funds Available For FY2024:						
State Grant		\$ 750,000				
Resiliency Grant		\$ 350,000				
General Fund		\$ 1,202,853				
Gas Tax Funds		\$ 127,550				
Surtax Funds		\$ 334,000				
Road and Drainage Funds		\$ 304,691				
Carryover of Capital Funds From 2023		\$ 664,549				
Total Capital Funds Available		\$ 3,733,643				

Recommended Use of Capital Funds in FY2024:

Resiliency Grant	\$ 350,000
Road Paving Plan (<i>overlay program</i>)	\$ 1,696,994
Road Rock Plan (<i>rebuilding of road beds</i>)	\$ 403,550
<i>Stormwater/Roadway Drainage Improvements Plan:</i>	
Swales and Culverts	\$ -
Specific Culvert Locations	\$ 1,004,700
Repair and Maintenance of Canals	\$ 403,794
Trails System	
FY23 Carry Forwards	\$ 576,399
Total Recommended Use of Capital Funds FY24	\$ 4,435,437
Shortfall in FY24 Project Funds	\$ (701,794)

Potential Funding for Short Fall

TOWN OF LOXAHATCHEE GROVES
Ordinance No. 2024-02

Exhibit A

		Estimated Timeframe	2024 Proposed	2025	2026	2027	2028
Capital Projects subject to FEMA Reimbursement							
B Road Culvert	\$ 125,700						
24th and E culvert Repair	\$ 126,000						
Total FEMA Capital Reimbursement Projects	\$ 251,700						
Additional FEMA monies to be transferred from 105 Fund upon receipt	\$ 20,094						
Potential Funding for B North and North paving is do Sod Farm. Sod Farm has discussed \$250,000 donation but matter is under review by their corporate offices.	\$ 250,000						
Transfer of Funds from FY23 Road and Drainage carry forward	\$ 180,000						
Total potential funds	\$ 701,794						



155 F Road Loxahatchee Groves, FL 33470

Item #

TO: Town Council of Town of Loxahatchee Groves

FROM: Francine Ramaglia, Town Manager

DATE: April 16, 2024

SUBJECT: Review of the Easement Policy

Background:

At the regular meeting on April 2, 2024, the Town Council requested to review the Easement Policy. The policy was approved via Resolution 2024-08 at the February 6, 2024 regular meeting.

Recommendation:

Review the Easement Policy and provide direction on the item.

RESOLUTION NO. 2024-08

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ITS EASEMENT PROTOCOL POLICY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on June 1, 2021, Town Council adopted a policy establishing easement protocol for obtaining and approving multi-use trail, roadway, drainage and utility easements throughout the Town; and

WHEREAS, Town Council desires to update its policy; and

WHEREAS, the Town Council has determined that the easement protocol policy 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; and

Section 2. The Town Council of the Town of Loxahatchee Groves hereby adopts the amended easement protocol policy attached hereto as Exhibit "A".

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

Councilmember Shorr offered the foregoing Resolution. Councilmember Danowski seconded the Motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
LAURA DANOWSKI, MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBERT SHORR, VICE MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Resolution No. 2024-08

MARIANNE MILES, COUNCIL MEMBER

PHILLIS MANIGLIA, COUNCIL MEMBER

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS 16 DAY OF February 2024.

TOWN OF LOXAHATCHEE GROVES, FLORIDA

Laura J. Danowski
Mayor Laura Danowski

Robert Shorr
Vice Mayor Robert Shorr

Margaret Herzog
Councilmember Margaret Herzog

Marianne Miles
Councilmember Marianne Miles

Phyllis Maniglia
Councilmember Phillis Maniglia

ATTEST:

Valerie Dabos
Town Clerk

APPROVED AS TO LEGAL FORM:

[Signature]
Office of the Town Attorney



155 F Road Loxahatchee Groves, FL 33470

Easement (Multi-Use Trail/Roadway Drainage & Utility) Protocols

1. The Town is seeking, and may request from property owners within the Town, the following:
 - a. Easements for additional right-of-way outside the currently maintained roadway “footprint” to be used for roadway, drainage, and/or utility purposes. Such Easements will be addressed on a case-by-case basis in relation to a proposed project.
 - b. Easements for multi-use trails.
2. The Town’s Public Works Director is responsible for obtaining, perfecting, requesting approval, and recording Easements to the Town.
3. The Town’s Public Works Director may procure the services of a surveyor for preparation of sketches and legal descriptions in accordance with the Town’s purchasing code and manual.
4. The Town’s Public Works Director will work with the Town Attorney to revise any Easement documents as necessary.
5. In addition to the Town’s Public Works Director, Town Administration, Town Engineer and Town Lobbyist may request Easements for Town purposes as described in this protocol.
6. The Town’s Public Works Director, Town Administration, Town Engineer and/or Town Attorney will prepare for consideration by the Town Council any variance to the terms of an Easement.
7. All Easements must be approved by the Town Council prior to recording with the exception of temporary and/or construction easements. The Council may also approve in advance a single or list of multiple locations for which staff should seek to obtain and record easements.
8. Easements must be collected prior to the Town beginning any work within the Easement, unless directed by the Town Manager.



155 F Road Loxahatchee Groves, FL 33470

TO: Town Council of Town of Loxahatchee Groves

FROM: Francine L. Ramaglia, Town Manager

DATE: April 16, 2024

SUBJECT: Discussion of Ordinance No. 2024-03 regarding uniform requirements for Town Advisory Boards and Committees

Background:

Over the years, the Town Council has adopted several resolutions dealing with various Town advisory boards, including, but not limited to, the Scholarship Fund Committee, Charter Review Committee, Unified Land Development Code Review Committee, Finance Advisory and Audit Committee, and the Roadway, Equestrian Trails and Greenway Advisory Committee. Each resolution provides for the composition, term, appointment procedure, removal, etc. To ensure consistency and a more efficient procedure, the Town Attorney has drafted Ordinance No. 2024-03, an advisory board ordinance that applies to all Town advisory boards, committees, and commissions unless otherwise set forth in the Code.

The ordinance provides uniformity for its advisory boards in composition, quorums, eligibility, appointment, terms, removal, vacancies, officers, procedures, and meetings. The ordinance also provides the Town Council with the authority to adopt other resolutions (or ordinances) that address the particular qualifications for members of each board and the time and frequency of meetings. It provides for an application process for potential board members, and the Town Council will review the applications and vote on the members and alternates for each board. Board members will serve two year staggered terms and will continue to serve until successors are appointed.

Recommendation:

Review and discuss proposed Ordinance No. 2024-03 regarding Town Advisory Boards and to make any changes to prepare the ordinance for first reading.

ORDINANCE NO. 2024-03

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA ADOPTING CHAPTER 2 “ADMINISTRATION”, ARTICLE VII “TOWN ADVISORY BOARDS” TO PROVIDE FOR APPLICABILITY, COMPOSITION, QUORUM, ELIGIBILITY, QUALIFICATIONS, APPOINTMENT, TERMS, REMOVAL, VACANCIES, OFFICERS, COMPENSATION, AND PROCEDURES REGARDING TOWN ADVISORY BOARDS; REORGANIZATION AND REVISIONS TO CHAPTER 34 PLANNING AND DEVELOPMENT TO ENSURE COMPLIANCE WITH NEW TOWN ADVISORY BOARD ARTICLE 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 its advisory boards, including but not limited to their composition, qualifications, appointment, terms, removal, and vacancies; and,

WHEREAS, the Town wishes to ensure that all Town advisory boards comply with the new ordinance and that advisory board provisions throughout the Town’s Code of Ordinances and Unified Land Development Regulations are consistent with the same; and

WHEREAS, the Town Council finds it is in the best interest of the Town to adopt this Ordinance and that said Ordinance serves a public purpose.

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 adopts Chapter 2 “Administration”, Article VII “Town Advisory Boards” as follows:

ARTICLE VII. – TOWN ADVISORY BOARDS

Sec. 2-180. - Applicability.

(a) Unless otherwise provided for in this Code, all town advisory boards, committees and commissions (collectively, hereinafter “advisory board” or “board”) shall comply with the provisions set forth in this Article. To the extent permitted by law, this Article shall also apply to the planning and zoning board.

(b) All meetings, records, and files of advisory boards shall be open and available to the public, as required by Chapter 119, Florida Statutes, Chapter 286, Florida Statutes, and any other applicable law.

(c) Pursuant to section 120-005 of the town’s Unified Land Development Code, Article 120 “Quasi-Judicial Hearings” shall apply to all town advisory boards which hold quasi-judicial hearings.

(d) All advisory board members shall be subject to applicable sections of Chapter 112, Florida Statutes, Palm Beach County Code of Ethics, and Town of Loxahatchee Groves Code of Ethics for Public Officers set forth in Chapter 2 “Administration,” Article III “Officers and Employees,” Division 2 “Code of Ethics.”

Sec. 2-181. - Composition; quorum.

(a) Town advisory boards shall be comprised of five members. All members shall be appointed in accordance with the procedures set forth in section 2-183.

(b) Three members in attendance at a meeting shall constitute a quorum of the advisory board, and official action shall be taken by the board by a majority vote of the members present.

(c) In its discretion, the town council may provide, by resolution or ordinance, that a particular advisory board will be composed of fewer than five members. A quorum for such a board shall be equal to the majority of the members of the board.

Sec. 2-182. - Eligibility and qualifications of town advisory board members.

Unless otherwise provided for in this Code or the Florida Statutes, as may be amended from time to time, all members of the advisory boards shall be residents and registered voters of the Town of Loxahatchee Groves. The town council may, by resolution or ordinance, adopt qualifications specific to the particular board. The town council shall be the sole judge of the qualifications of its advisory board members and may delegate to staff the verification of each proposed appointee’s qualifications.

Sec. 2-183. - Appointment process.

Each member of the town council shall nominate a qualified individual to each advisory board, and staff shall prepare a resolution to appoint all such nominees as required by Section 4, subsection (7) of the charter.

Sec. 2-184. - Terms of appointees; removal; vacancy.

(a) Each member appointed to an advisory board shall serve an unspecified term but no longer than concurrent with the term of the appointing member of the town council.

(b) Advisory board members shall serve at the pleasure of the appointing member of town council and the town council. Advisory board members may be removed without cause by the appointing member of town council. Advisory board members may also be removed with cause by a majority vote of the members of the town council present at any publicly noticed meeting for inefficiency, neglect of duty or misconduct in office only after a hearing before town council and only if the advisory board member has been given a copy of the charges at least ten (10) days prior to the hearing and has had an opportunity to be heard in person or by counsel. Staff will notify applicable town council members regarding their respective appointee's absence from any advisory board meetings.

(c) An advisory board member will automatically forfeit his or her position: (i) if convicted of a felony while a member of the board; (ii) if he or she has three consecutive absences; or (iii) he or she is no longer a resident of the town.

(d) In the event of a vacancy on an advisory board, the member of town council whose appointment is vacant shall appoint a replacement for the unexpired term in the same manner as provided in section 2-183.

Sec. 2-185. - Officers.

Each advisory board shall have a chairperson and vice-chairperson and such other officers as the board shall deem necessary. Unless otherwise provided for herein, officers of the board shall be elected by a majority vote of the membership of the board at its first meeting after the members' initial appointments, and annually thereafter. A member of the board may be elected to serve as an officer without restriction as to the number of terms served.

Sec. 2-186. - Compensation.

Advisory board members shall serve without compensation. If authorized by the town council, reasonable expenses which are incurred in the performance of their duties may be reimbursed to the members. The payment of such expenses shall be in accordance with Chapter 112, Florida Statutes and any applicable town policy.

Section 2-187. - Procedures; meetings; agendas; decisions; staff; attorney.

(a) Each board shall conduct its business in accordance with Robert’s Rules of Order and any applicable rules of procedure adopted by resolution of the town council. The actions, decisions, and recommendations of each board shall be advisory only.

(b) Each board shall meet on an as-needed basis, as determined by the town council or the town manager.

(c) Each board shall have an official agenda for its regular meetings which shall determine the matters of business to be considered at each meeting and the order in which such items shall be presented. Preparation of the agenda shall be the responsibility of the town manager.

(d) Decisions of the board shall be determined by motions duly made and seconded and carried by a majority vote of the members present. Minutes shall be kept of all meetings and proceedings and shall include and state the vote of each member on each question. The motion shall state the reason upon which it is made, and such reason shall be based upon the prescribed guides and standards applicable to the subject matter and/or the particular advisory board. Copies of the agenda, together with copies of documents and papers relative thereto, shall be made available for review by board members in the town hall as far in advance of the meeting as time for preparation will permit.

(e) The town council or the town manager shall determine on a case-by-case basis whether a board requires the services of a secretary to perform such tasks as recording the meeting, taking minutes, and preparing the agenda. Otherwise, the board will select one of its members to perform such duties.

(f) The town attorney will provide legal representation to an advisory board at the request of the town manager.

Section 2-188. - Advisory board resolutions, ordinances.

Resolutions regarding advisory boards that remain in effect as of the date of the adoption of this ordinance shall remain valid but only as to those provisions not in conflict with this article. The town council may adopt resolutions or ordinances from time to time to address specific qualifications, duties, or other desired provisions for individual town advisory boards as long as such resolutions do not conflict with this article.

Section 3. The Town Council for the Town of Loxahatchee Groves hereby reorganizes, and amends Chapter 34 “Planning and Development” as follows:

Chapter 34 – PLANNING AND DEVELOPMENT

ARTICLE I. – IN GENERAL

~~Sec. 34-1. – Reserved. Designation of the planning and zoning board the as local planning agency and the town council as the land development regulation commission.~~

~~(a) — The Town Council of the Town of Loxahatchee Groves hereby designates the planning and zoning board as the local planning agency for the Town of Loxahatchee Groves pursuant to F.S. § 163.3174(1). A nonvoting representative of the School District of Palm Beach County shall also be included in the town's land planning agency for the purpose of reviewing applications that would increase the residential density of the subject property pursuant to F.S. § 163.3174(1).~~

~~(b) — The town council will continue to serve as the land development regulation commission, as defined in F.S. § 163.3164, for the town.~~

~~(c) — The planning and zoning board shall have the authority to hear and make recommendations on rezoning applications.~~

~~(d) — The planning and zoning board shall have the authority to hear and make recommendations on Unified Land Development Code amendments but, as of the effective date of this ordinance, only upon referral of such proposed amendments by the town council.~~

* * *

ARTICLE II. – LOCAL PLANNING AGENCY; LAND DEVELOPMENT REGULATION COMMISSION; AND PLANNING AND ZONING BOARD

Sec. 34-25. – Designations and general authority.

(a) As of October 13, 2019, the Town Council of the Town of Loxahatchee Groves designated the planning and zoning board as the local planning agency for the Town of Loxahatchee Groves pursuant to F.S. § 163.3174(1). A nonvoting representative of the School District of Palm Beach County shall also be included in the town's local planning agency for the purpose of reviewing applications that would increase the residential density of the subject property pursuant to F.S. § 163.3174(1). Failure of the School District to make such appointment after notice from the Town and/or the failure of the appointed School District representative to

attend agency meetings shall not be deemed a failure of the Town to comply with this requirement nor shall it delay the agency's authority to take official action. Pursuant to F.S. § 163.3174(1), the Town will provide opportunities for involvement by applicable community college boards by inviting each board to send a representative to attend agency meetings and make comments on appropriate items.

(b) The town council will continue to serve as the land development regulation commission, as defined in F.S. § 163.3164.

Sec. 34-25. Composition and term of office.

- ~~(a) — The planning and zoning board shall be composed of five members, and two alternate members placed in office in accordance with the following procedure:~~
- ~~(1) Each member of the town council shall nominate a qualified person for appointment to the planning and zoning board by the town council, to serve one-year terms.~~
- ~~(2) Two alternate members, designated as Alternate No. 1 and Alternate No. 2, shall be appointed by the town council each year to serve one year terms. Alternate members may participate in all matters that come before the board at meetings at which they attend. However, alternate members may only vote as members of the board, in their designated order, whenever any regular member of the board is absent.~~
- ~~(b) — Members of the planning and zoning board shall be appointed from the residents of the town who shall be knowledgeable concerning the functions of municipal government, planning and zoning matters and municipal development, as well as, from professions associated with development, including, without limitation, architects, planners, attorneys, engineers, and contractors, however, the town council may appoint one member, including alternates, who is a non-resident landowner. Board members shall hold no other town office or position.~~
- ~~(c) — Three members of the planning and zoning board who are in attendance shall constitute a quorum for purposes of convening a meeting and transacting the business at hand.~~
- ~~(d) — Vacancies on the planning and zoning board shall be filled by appointment by the town council for the unexpired term of the membership vacated. Nomination for~~

~~such appointment shall be made by the council member who nominated the vacating board member; except that if an alternate member should vacate his position, any member of the town council may nominate a qualified person for appointment to such position, which must be approved by the town council.~~

- ~~(e) — The town council shall have the authority to remove any member of the planning and zoning board from his office for cause whenever, after due notice of hearing at a regular or special meeting of the town council, a majority of the council votes for such removal. Causes for removal shall include absence from two consecutive board meetings without valid excuse as determined by the planning and zoning board.~~
- ~~(f) — Compensation. The members of the planning board shall serve without compensation but shall be reimbursed for any expenses authorized by the town council, which may be incurred in the performance of their duties.~~
- ~~(g) — Organizational meeting. The initial organizational meeting of the board shall occur at the first meeting of the board following the appointment of board members by the town council. Thereafter, the board meeting in May of each year shall be designated an organizational meeting for the purpose of electing a chairman and vice chair, who shall be elected for terms of one year by the board from its membership.~~

Sec. 34-26. — Provisions particular to the planning and zoning board. Business meetings and procedures.

- (a) ~~The conduct of planning and zoning board business and holding of hearings shall be governed by Robert's Rules of Order and such other rules of procedure as the town council may determine to be necessary. Qualifications. Members of the planning and zoning board shall be knowledgeable concerning the functions of municipal government, planning and zoning matters and municipal development, as well as have professions associated with development, including, without limitation, architects, planners, attorneys, engineers, and contractors. Board members shall hold no other town office or position; however, this does not preclude the board member from participating on another Town advisory board.~~
- (b) Meetings. The board shall meet once each month for the transaction of its business, provided that a meeting may be cancelled by the town manager when no business is pending.

Special meetings may be called by the town manager when, in the opinion of the town manager, there are conditions of such urgency as to justify a special meeting, provided that at least 48 hours' notice shall be given each member prior to the time set for such special meeting and that any statutory or town code notice timeframes are met. The board may schedule additional meetings as it deems necessary to conduct its business, training and other related matters.

(c) Staff. The town's planner shall advise and assist the board in all of its presentations, hearings, and deliberations on matters pertinent and relative thereto. The board, through its chairman, may call upon any department, agency, or officer of the town for information or advice in the promotion of its work.

Sec. 34-27. - Administrative assistance.

- ~~(a) The town manager shall provide such staff and clerical assistance as the planning and zoning board may require for the reasonable performance of its duties, including a recording secretary. The town's planner shall advise and assist the board in all of its presentations, hearings, and deliberations on matters pertinent and relative thereto.~~
- ~~(b) The board, through its chairman, may call upon any department, agency, or officer of the town for information or advice in the promotion of its work.~~
- ~~(c) The town attorney shall provide legal representation to the board at the request of the town manager.~~

Sec. 34-278. - Powers and duties.

- (a) The planning and zoning board shall hear and make recommendations to the town council as to findings of fact on applications for:
 - (1) Rezoning applicants.
 - (2) Zoning ordinance amendments.
 - (3) Site plans.
 - (4) Conditional uses.
 - (5) Special exceptions permitted within each zoning district.
 - (6) Variances.
 - (7) Administrative appeals.
 - (8) Special permits and nonconforming uses.

- (9) Any other planning or zoning related matter referred to it by the town council.
- (b) After hearing any of the above applications, the board may recommend appropriate conditions, restrictions, limitations and safeguards it deems necessary, consistent with applicable law.
- (c) The planning and zoning board shall have the authority to hear and make recommendations on Unified Land Development Code amendments but, as of October 13, 2019, only upon referral of such proposed amendments by the town council.
- ~~(e)~~(d) The board shall perform such other duties and special assignments as may be directed by the town council.

Sec. 34-29. - Planning and zoning board advisory only.

The actions, decisions and recommendations of the planning and zoning board shall not be final or binding on the town council but shall be advisory only.

Section 4: 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 5: 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 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, 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 in order to accomplish such intention.

Section 7: Effective Date. This ordinance shall take effect immediately upon adoption.

Councilmember _____ offered the foregoing ordinance on first reading.

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>
_____, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

_____	, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	, 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 on second reading.

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>
_____	, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST: _____
Mayor

Town Clerk Vice Mayor

APPROVED AS TO LEGAL FORM: _____
Councilmember

Office of the Town Attorney Councilmember

Councilmember



155 F Road Loxahatchee Groves, FL 33470

TO: Town Council of Town of Loxahatchee Groves

FROM: Town Attorney's Office

VIA: Francine L. Ramaglia, Town Manager

DATE: April 16, 2024

SUBJECT: Discussion and Direction on Rules of Procedure for Council Meetings and Boards and Committee Meetings

Background:

At its regular meeting on March 5, 2024, Town Council directed staff to bring back proposed changes to its Rules of Procedure. The Town's adopted Rules of Procedure are in Sections 2-22 and 2-23 of the Town's Code of Ordinances (adopted in 2008) and supplemented by the Town Council Rules of Order and Procedure that were adopted by Resolution No. 2019-65. Town Council also adopted Resolution No. 2015-18, which sets out the Rules of Procedure for Advisory Boards.

The proposed revisions to Sections 2-22 and 2-23 of the Code are presented in Ordinance format and include:

- Moving language related to special meetings from Section 2-23(l) to Section 2-22(c)
- Modifying Section 2-23(b) to acknowledge rules of procedure adopted by Resolution of Town Council
- Modifying Section 2-23(e) to allow the time of Town Council meetings to be set by Resolution of Town Council
- Modifying Section 2-23(g) to change "citizen requests" to "public comment" and provide for the rules related to public comment to be adopted by Resolution of Town Council
- Modifying Section 2-23(k) to clarify how the Code applies to advisory boards

The proposed revisions to Town Council's Rules of Order and Procedure are presented using strikethrough and underline where the struck-through language is proposed for deletion and the underlined language is proposed for addition and include:

- Modifying Rule 2 regarding the time of meetings, correcting the time meetings start, deleting inconsistent language regarding continuation of meetings, and adding language deleted from Section 2-23(e) of the Code regarding items not considered during a meeting due to time constraints



155 F Road Loxahatchee Groves, FL 33470

- Modifying Rule 7 regarding public comment, requiring a comment card be submitted, stating that written comments will not be read into the record, adding a prohibition on politicking, a portion of paragraph 7.5 was moved to 7.7 to accommodate this addition
- Modifying Rule 16 regarding Council Member comments, allowing for official action to be taken upon consent of Council, adding a prohibition on politicking

The Rules of Procedure for Advisory Boards are amended to add a prohibition on politicking.

Recommendation:

Move that Town Council review the proposed revisions and give staff direction.

ORDINANCE NO. 2024-02

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA AMENDING CHAPTER 2 “ADMINISTRATION”, ARTICLE II “TOWN COUNCIL” TO REORGANIZE ITS PROVISIONS, TO PROVIDE FOR ADOPTION BY RESOLUTION OF SUPPLEMENTAL RULES OF PROCEDURE, DECORUM, AND ORDER FOR MEETINGS OF THE TOWN COUNCIL AND TOWN BOARDS, AND TO REPLACE REFERENCES TO CITIZEN REQUESTS WITH REFERENCES TO PUBLIC COMMENTS; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Section 5 of Charter of the Town of Loxahatchee Groves, Florida, authorizes the Town Council to determine times and places and its own rules and order of business for the conduct of meetings of the Town Council; and

WHEREAS, Chapter 2, Article II of the Code of Ordinances provides rules of procedure, decorum, and order for meetings of the Town Council and Town boards; and

WHEREAS, the Town Council wishes to amend Chapter 2, Article II, to remove outdated provisions and provide for the adoption by resolution of supplemental rules of procedure, decorum, and order; and

WHEREAS, the Town Council finds it is in the best interest of the Town to adopt this Ordinance and that said Ordinance serves a public purpose.

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 2 “Administration”, Article II “Town Council” as follows:

Sec. 2-22. - Special meetings of town council.

- (a) The town clerk shall, at the request of the mayor or on written request of three or more council members, call special meetings of the town council by notifying, in writing, or otherwise, all of the members of the town council that a special meeting has been called and supplying said members with the time, date and place thereof.
- (b) Except in cases of an emergency meeting, notification supplied to each town council member and the public, pursuant to this section, whether in writing or otherwise, must be received at least 72 hours prior to the scheduled time of said special meeting.
- (c) Special meetings of the town council shall be called solely for specific and stated purposes only. It is the intention of the town council that no items shall be added to a special meeting agenda other than those items for which the meeting was called.

Sec. 2-23. Town council meetings generally.

- (a) *Ground rules for behavior of members of the town council.* The following shall constitute the guidelines for behavior to be adhered to by members of the town council in their respective roles as elected public officers of the town:
 - (1) Members of the town council shall:
 - a. Forgive each other;
 - b. Each conduct themselves with dignity;
 - c. Agree to disagree with each other; and
 - d. Show respect for the points of view of other members of the town council.
 - (2) Members of the town council shall not:
 - a. Falsely accuse another member of the town council of wrongdoing;
 - b. Criticize each other in a rancorous or unprofessional manner;
 - c. Make personal attacks on another member of the town council; or
 - d. Individually act without the support of the town council.
- (b) *Procedures and scope.*
 - (1) The Charter of the town provides that the town council may determine its own rules of procedure. All other municipal meetings shall be conducted in accordance with the procedural requirements as established by resolution of the town council or, if no resolution exists or it is silent on a matter of procedure, Roberts Rules of Order shall apply, said rules of order being incorporated into this section by reference.
 - (2) The town council, the town manager, the town clerk, and the public shall be governed by the terms, conditions, and provisions of this section as the basis and framework for procedures of the town council as well as any supplemental rules of procedure, decorum, and order adopted by resolution of town council.

- (3) Members of the town council and other public officers attending or participating in any regular or special meeting of the town council shall abide by the standards of conduct and values set forth in the Town of Loxahatchee Groves Code of Ethics for Public Officers.
- (c) *Agenda.* The town clerk shall prepare the agenda for each town council meeting. Citizens requesting to address the town council may be scheduled on the agenda by giving to the town clerk's office their name, address, phone number and subject on which they wish to address the town council pursuant to subsection (f) of this section.
- (d) *Duties and responsibilities of mayor.*
 - (1) The mayor or presiding officer at any regular or special meeting of the town council shall only introduce agenda items by the agenda item number and the brief title as listed on the agenda with no further explanation or comment. Thereafter, the mayor or presiding officer may call on the town manager, and the town manager or his designee shall furnish a brief explanation of the item under consideration. The item shall then be opened for public hearing or discussion by the town council as required for the particular item under the time limits imposed by this section.
 - (2) Any comments or questions by the attending public shall be directed to the mayor or presiding officer. Members of the town council shall direct all comments and questions on the subject matter being discussed to the mayor or presiding officer only and shall not engage in cross conversations with other members of the public or direct any questions to other members of the town council or to the public. The mayor or presiding officer shall not unreasonably withhold or delay recognition of any member of the town council desiring to speak. The mayor or presiding officer shall recognize other members of the town council in rotation and not call on any member a second and subsequent time until such time as all members of the town council shall have had the opportunity to speak.
 - (3) If the mayor or presiding officer desires to participate in a discussion, he shall do so only when the speaking member of the town council has relinquished the floor. The mayor or presiding officer shall not interrupt a speaking member of the town council for the purpose of comment.
 - (4) The mayor or presiding officer shall not use his power as chair to dominate debate or discussion, nor shall the mayor or presiding officer unreasonably cut short or prolong any debate, discussion, or taking of a vote.
 - (5) Motions to change the order of business shall require a majority vote of the town council.
 - (6) A member of the town council may not reintroduce any discussion item that has failed due to lack of second for at least six months after the motion failed, unless either an emergency exists and the public business requires reconsideration of the item, or a member of the town council who was on the prevailing side of the prior vote, introduces the discussion item for reconsideration.
 - (7) The mayor or presiding officer, in consultation with the town attorney, shall make rulings on parliamentary procedure. At least three votes of members of the town council are required to overrule the mayor or presiding officer on rulings of parliamentary procedure.

- (8) The mayor or presiding officer may, during town council proceedings, request that the town council move on to the next item on the meeting agenda by voting or otherwise.
- (e) *Time of meetings.* All regularly scheduled meetings of the town council shall begin at such time as is established by resolution of the town council, no later than 7:00 p.m. and shall end on or about 11:00 p.m. ~~By majority vote of those present, the town council may extend the length of the council meeting. Agenda items scheduled but not considered during a meeting shall be automatically set over by the town clerk to the next town council meeting or may be considered at a special meeting called for that purpose in the manner provided herein. In setting matters over to the next meeting or a special meeting, the town clerk is directed to take into consideration all notice provisions relative to municipal ordinances and, specifically, F.S. § 166.041.~~
- (f) *Town council discussion.*
- (1) Discussion by a member of the town council shall not be limited, unless a motion to limit debate is made and adopted. Each member of the town council shall be afforded the opportunity to offer rebuttal to each item discussed. A motion to limit debate shall take precedence over all motions, except a motion to adjourn, a point of order, or a motion to table. The motion to limit debate shall not be debated and, to be adopted, shall require an affirmative vote of at least supermajority of the members of the town council present.
 - (2) Each member of the town council and the public who desires to speak shall address the mayor or presiding officer, and upon recognition by the mayor or presiding officer, shall confine himself to the issues under debate, avoiding all personalities and indecorous language.
 - (3) Members of the town council shall not interrupt anyone who has the floor, unless it is to call the meeting to order, or as otherwise provided in this section. If a member of the town council desires to direct questions to another member of the town council or the public, the questions shall be directed to the mayor or presiding officer who in turn will recognize the individual who wishes to answer the specific question. If a member of the town council wishes to direct a question to town staff, the question shall be directed to the town manager, through the mayor, who will, in turn, recognize such member of town staff.
 - (4) While the town council is in session, members of the town council and the public present at the meeting shall not, by conversation or otherwise, delay or interrupt the proceedings, nor the peace of the town council.
 - (5) Members of the town council may request that the mayor or presiding officer recess the public meeting.
- (g) *~~Citizen requests~~ Public Comments.*
- (1) ~~The town council, on each night that a regularly scheduled meeting is to be held, shall convene at 7:00 p.m. Citizens requests shall be entertained on or about 8:45 p.m. Any citizen desiring to address the town council during this time interval must submit a written request to the town clerk prior to 8:45 p.m., but subject nonetheless to the discretion of the mayor or presiding officer. Citizen requests will be held in the priority order in which they are received by the town clerk.~~

- (2) ~~Each request shall succinctly detail the matter to be brought before the town council, and shall contain the name, address, and phone number where the citizen can be reached if the need arises; and shall be dated and signed by the citizen.~~
- (3) ~~Subject to the waiver rule contained within this section, public discussion comments by individual citizens shall be limited to three minutes during the citizens request period. The town clerk shall be charged with the responsibility of notifying each citizen 30 seconds before said time shall elapse and when said time limit has expired.~~
- (h) *Waiver of rules.* By majority vote, the town council may ~~invite citizen discussion on any agenda item and thereby~~ waive the proscriptions otherwise outlined in the section or in any resolution adopted pursuant to subsection 2-23(g)(2). ~~In every case where a citizen is recognized by the mayor to discuss an agenda item, the citizen shall step to the podium, state his name and address for the benefit of the town clerk, and identify any group or organization he represents. The citizen shall then succinctly state his position regarding the item before the town council.~~
- (i) *Decorum to be maintained.* Order shall be maintained at each town council meeting and the mayor is hereby empowered to order from the room any citizen who refuses to comply with the rules and regulations outlined in this section.
- (1) It shall be unlawful for any individual or member of the town council to disturb or disrupt a meeting of the town council or refuse to obey the orders of the mayor or presiding officer in the conduct of the meeting. Any individual or member of the town council who causes a disturbance of the meeting shall be warned by the mayor or presiding officer or, alternatively, by a majority vote of the town council, with dispatch, that the conduct is interfering or disturbing the order of the meeting and shall be given the opportunity to cease the conduct constituting an interruption or disturbance. If, after sufficient warning, the individual or member of the town council fails to cease the offending conduct and continues to interrupt or disturb the meeting, the individual or member of the town council shall be removed from the meeting by an authorized law enforcement officer or his authorized agent in attendance at the meeting if so directed by the mayor or presiding officer. Once removed, the individual or member of the town council shall be barred from further audience for the remainder of the meeting.
- (2) In the event the mayor or presiding officer shall fail to act, any member of the town council may move to require the mayor or presiding officer to act to enforce the rules of this section, and the affirmative vote of a majority of the members of the town council present at that time shall require the mayor or presiding officer to act.
- (3) If the audience or a part thereof becomes unruly, the mayor is empowered to either recess or adjourn the meeting.
- (4) Any individual or member of the town council who, at a town council or board meeting, willfully interrupts or disturbs such meeting in violation of F.S. § 871.01, entitled "Disturbing Schools and Religious and Other Assemblies," is subject to arrest by those law enforcement officers present. No action by the mayor or presiding officer is required for a law enforcement officer to enforce F.S. § 871.01. The mayor and town council shall be guided by the following definitions/elements of disturbance under the aforementioned statute:

- a. To commit an offense under F.S. § 871.01, a person must have deliberately acted to create a disturbance. That is, he must act with the intention that his behavior impede the successful functioning of the assembly in which he has intervened, or with reckless disregard of the effect of his behavior;
 - b. The acts complained of must be such that a reasonable person would expect them to be disruptive; and
 - c. The acts must, in fact, significantly disturb the assembly.
- (5) In addition to any other remedy provided by law, a violation of this subsection (i) may be prosecuted as a municipal ordinance violation through the issuance of a notice to appear, served on the violator as set forth in Rule 3.125, Florida Rules of Civil Procedure, as amended from time to time.
- (j) *Expression of opinion.* Nothing herein shall be construed to limit any member of the public from expressing their opinions outside of a public meeting or by expressing their opinions in written form to the town council.
 - (k) *Application to town boards.* ~~All references in this section to "town council" shall also mean the~~ The provisions of this section also apply to the various town boards provided for in this Code or created by the town council. Town council may adopt by resolution supplemental rules of procedure, decorum and order that apply to town boards.
 - ~~(l) *Special meetings.* Special meetings of the town council shall be called solely for specific and stated purposes only. It is the intention of the town council that no items shall be added to a special meeting agenda other than those items for which the meeting was called.~~

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 in order to accomplish such intention.

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

Councilmember _____ offered the foregoing ordinance on first reading.

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"/>
MARG 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 on second reading.

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"/>
MARG 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, ON SECOND READING AND PUBLIC HEARING, THIS ___ DAY OF _____ 2024.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Mayor Anita Kane

Town Clerk

Vice Mayor Marg Herzog

APPROVED AS TO LEGAL FORM:

Councilmember Phillis Maniglia

Office of the Town Attorney

Councilmember Laura Danowski

Councilmember Robert Shorr

**TOWN OF LOXAHATCHEE GROVES
RESOLUTION NO. 2024-20**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING REVISIONS TO THE TOWN COUNCIL RULES OF ORDER AND PROCEDURE; PROVIDING FOR SEVERABILITY, CONFLICT, AND AN EFFECTIVE DATE.

WHEREAS, Section 5 of Charter of the Town of Loxahatchee Groves, Florida, authorizes the Town Council to determine times and places and its own rules and order of business for the conduct of meetings of the Town Council; and

WHEREAS, by Ordinance No. 2008-04, the Town Council adopted, in pertinent part, Sec. 2-22, Special meetings of Town Council and Sec. 2-23, Town Council meetings generally into its Code of Ordinances setting forth some time, place, rules, and order provisions for meetings of the Town Council; and

WHEREAS, in Resolution No. 2019-65, the Town Council repealed Administrative Policy 3-13 and adopted in its place certain rules of order and procedure for meetings of the Town Council; and

WHEREAS, the Town Council has determined that the aforementioned rules of order and procedure should be revised to promote the orderly and efficient conduct of meetings; and

WHEREAS, the Town Council has determined that the Town Council Rules of Order and Procedure adopted by Resolution No. 2019-65 should be repealed and replaced with those in the attached Exhibit "A."

NOW, THEREFORE, be it resolved by the Town Council of the Town of Loxahatchee Groves, Florida, as follows:

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

Section 2. The Town Council hereby adopts the Town Council Rules of Order and Procedure attached hereto as Exhibit “A”, as supplemental to the rules and procedures in Sec. 2-22 and 2-23 of the Code of Ordinances.

Section 3. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

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

Section 5. This Resolution shall take effect upon its adoption.

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

[Remainder of the page intentionally blank.]

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ANITA KANE, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARG 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"/>

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

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

ATTEST:

Town Clerk

Mayor Anita Kane

Vice Mayor Marg Herzog

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

Councilmember Phillis Maniglia

Councilmember Laura Danowski

Councilmember Robert Shorr

Exhibit "A"
to Resolution No. 2024-

[Remainder of the page intentionally blank.]

TOWN OF LOXAHATCHEE GROVES

TOWN COUNCIL RULES OF ORDER AND PROCEDURE Adopted _____

Rule 1. Public Meetings.

- 1.1 All Town Council meetings shall be open to the public except as otherwise provided by law.

Rule 2. Regular Meetings.

- 2.1 The Town Council shall meet the first Tuesday of each month at 7 6:30 p.m. in Town Hall. ~~The meeting shall not be continued to the next day except due to special circumstances or an emergency.~~ This date may be changed from time to time as needed by a majority vote of the Town Council. In order to continue a meeting beyond 10:30 p.m., ~~a majority of the Council must approve by vote and to continue the meeting for each ½ hour thereafter must be approved by a majority of the Council.~~ Agenda items scheduled but not considered during a meeting shall be automatically set over by the town clerk to the next town council meeting or may be considered at a special meeting called for that purpose in the manner provided herein. In setting matters over to the next meeting or a special meeting, the town clerk is directed to take into consideration all notice provisions relative to municipal ordinances and, specifically, F.S. § 166.041.
- 2.2 The Town Clerk or designee shall prepare the agenda, notices, and package materials for the meetings as required by Florida law.

Rule 3. Special Meetings

- 3.1 A Special Meeting may be called by the Mayor or a majority of the Town Council as necessary. The Town Clerk or designee shall prepare the agenda, notices, and package materials for the meetings as required by Florida law. Such notification shall be given no less than 72 hours before commencement of the special meeting and shall state the time, place, and subject of the meeting. **In the event a Council Member, preferable in writing, requests a special meeting, the Town Manager shall, as soon as practicable, confer with the Mayor and then Council members to determine if a special meeting should be scheduled.**
- 3.2 The Mayor, Town Manager, or a majority of the Council Members may call an Emergency Town Council meeting when a sudden, urgent event or situation arises necessitating immediate action and judgment. The Town Clerk or designee shall post the agenda and notify each Town Council Member, the Town Manager, and Town Attorney immediately. Such notification shall be given as soon as practicable before commencement of the meeting and shall state the time, place, and subject of the meeting. **In the event a Council**

Member, preferable in writing, requests an emergency meeting, the Town Manager shall, as soon as practicable, confer with the Mayor and then Council members to determine if an emergency meeting should be scheduled.

Rule 4. Adjourned Meeting A Town Council session may be adjourned or continued from day to day or for more than one day, but the adjournment shall not be extended beyond the next regular meeting.

Rule 5. Presiding Officer

- 5.1 The Mayor shall preside at Town Council meetings and shall be recognized as head of the Town government for ceremonial purposes and by the Governor for martial law purposes.
- 5.2 The Vice-Mayor shall act as Mayor during the absence or disability of the Mayor and if a vacancy in the office of the mayor occurs, shall become interim Mayor until a Mayor is selected by a majority vote of the Council at the next regular council meeting.
- 5.3 In the absence of the Mayor and Vice-Mayor the Council member with the most seniority shall act as the Presiding Officer. In the event there is more than one Council member with the most seniority the Council members shall select the Presiding Officer.

Rule 6. Corporate Seal The duly appointed Town Clerk shall keep in custody the Town's corporate seal and ensure its proper and lawful use on behalf of the Town. No person shall use the Town Seal for a purpose other than official Town business.

Rule 7. Presentations & Public Comment

- 7.1 Town Council meetings are business meetings of the Council and the right to limit discussion rests with the Council.
- 7.2 Except as otherwise set forth in these Rules, persons who make a presentation to the Town Council must limit the duration of their presentation to 15 minutes. Exceptions may be granted by the Presiding Officer.
- 7.3 Public Comments made by a member of the public will be limited to one time per subject matter for a total of three minutes. Exceptions may be granted by the Presiding Officer. Individuals addressing the Council on the same topic as an individual who has already spoken should attempt to provide new information and not repeat the comments of the previous speakers. Where possible, individual grievances should first be taken up with Town Staff before comments are made at a Town Council meeting. Persons desiring to speak on a topic shall submit a comment card to the Town Clerk. Public Comments received in writing will be made part of the record of the meeting but shall not be read aloud.

- 7.4 The Town Council may withhold comment or direct the Town Manager to take action on requests or comments.
- 7.5 Each person addressing the Council shall step up to the podium and state his/her name and address in an audible tone of voice for the record. All public comments must be addressed to the Council as a body and not to individuals. Personal verbal attacks upon Council members, staff, and/or members of the public will not be tolerated. ~~Any person making impertinent obscene, personally insulting, defamatory, or slanderous remarks or who becomes boisterous or disruptive while addressing the Council shall be barred by the presiding officer from speaking further, unless permission to continue or again address the Council is granted by a majority vote of the Council members present.~~
- 7.6 Each person addressing the Council should refrain from advocating the election or defeat of a candidate for public office, either partisan or non-partisan: (1.) through the use of words, dates, signs, props and/or wearing apparel that convey a message of express advocacy for a person or group of persons; or (2) through comments that, when taken as a whole, can only be interpreted as advocating the election or defeat of one or more identified candidates.
- 7.7 Any person making impertinent obscene, personally insulting, defamatory, or slanderous remarks, who is advocating the election or defeat of a candidate, or who becomes boisterous or disruptive while addressing the Council shall be barred by the presiding officer from speaking further, unless permission to continue or again address the Council is granted by a majority vote of the Council members present.

Rule 8. Decorum and Order

- 8.1 The presiding officer shall preserve decorum and order and decide all questions of order subject to the Council's appeal.
- 8.2 During all meetings of the Town Council, Council members must preserve order and decorum and a Council member shall neither by conversation or otherwise, delay or interrupt the proceeding or the peace of the Council nor disturb any Council member while speaking, or refuse to obey the rules of the Council or its Presiding Officer, except as otherwise provided herein.
- 8.3 No member of the public shall, during a Council meeting, make or cause to be made any disruptive noise or sound, or display any sign or graphic material of any kind in the Council Chambers, except in connection with a presentation made to the Council by a speaker at the podium.
- 8.4 The presiding officer shall have the authority to recess a meeting in order to re-establish the decorum of the meeting.
- 8.5 The Town Council is committed to maintaining civility in public and political

discourse and expects the public to do the same. All comments by members of the Council, advisory board members, staff, and/or the public shall respect the right of all citizens in our community to hold different opinions; avoid rhetoric intended to humiliate or question the wisdom of those whose opinions are different from ours; strive to understand differing perspectives; be truthful, not accusatory and avoid distortion; and avoid violence, prejudice and incivility towards citizens, employees, and officials of the Town of Loxahatchee Groves.

- 8.6 If it becomes necessary, the Presiding Officer may recuse the meeting in order to restore decorum and may request the Sheriff's Office assist in maintaining order and decorum at the meeting.

Rule 9. Rules of Debate

- 9.1 Sequence of Debate: With the exception of quasi-judicial matters, items before the Town Council shall be commenced by presentation of the item by a staff member, followed by public comment on the item. Once the presiding officer closes public comment, he or she shall call for a motion and a second on the item and then open debate by the Council. Once debate has concluded on the item, the presiding officer shall call for a vote on the item. A roll call vote may be requested by any Council member on any item.
- 9.2 Presiding Officer May Move, Second & Debate: The Presiding Officer may make a motion or second on any item subject only to such limitations of debate as are imposed by these rules on all Council members and shall not be deprived of any of the rights and privileges of a Council member by reason of the Council member acting as the Presiding Officer.
- 9.3 Responsibility of Presiding Officer: The Presiding Officer has the responsibility of controlling and expediting debate. A Council member who has been recognized to speak on a question has a right to the undivided attention of the Council. The Presiding Officer responsibility is to keep the subject clearly before the Council members, to rule out irrelevant discussion, and to restate the question whenever necessary.
- 9.4 All Members Shall Vote: No member of the Council who is present at any meeting of the Council at which an official decision, ruling or other official action is to be taken or adopted may abstain from voting in regard to such decision, ruling or act and a vote shall be recorded or counted for each such member present, except when, with respect to any such Council member, there is a conflict of interest under the provisions of Chapter 112, Florida Statutes. In such cases, such Council member shall comply with the disclosure requirements of Section 112.313, Florida Statutes.
- 9.5 Getting the Floor; Improper References to be Avoided: Every Council member desiring to speak shall address the Presiding Officer and upon recognition by

the Presiding Officer, shall confine comments to the item under debate, avoiding all personalities and indecorous language.

- 9.6 Interruptions: A Council member, once recognized, shall not be interrupted when speaking except to call the Council member to order or as herein otherwise provided. If a Council member while speaking is called to order, said Council member shall cease speaking until the question of order is determined, and if in order, the Council member shall be permitted to proceed.
- 9.7 Withdrawal of Motions: Any motion before the Council may be withdrawn at any time prior to a vote being taken thereon by the Council member making such motion, upon agreement by the Council member seconding said motion to withdraw the second.
- 9.8 Amending of Motions: At any time during discussion of a motion on the floor, a motion to amend said motion may be made. If the amending motion is seconded, the Council shall at the conclusion of discussion, first vote on the amending motion and then vote upon the original motion in its amended form. An amending motion may be withdrawn in the same manner as set forth in subparagraph 9.7 above.
- 9.9 Motion to Reconsider: A motion to reconsider any action taken by the Council may be made only during the meeting that such action was taken. Such motion must be made by one of the Council members on the prevailing side, but may be seconded by any Council member. The motion to reconsider may be made at any time and have precedence over all other motions. Nothing herein contained shall be construed to prevent any member of the Council from making or remaking the same or any other motion at a subsequent meeting of the Council. **If a meeting is continued to a second night, that is the next day, then this shall be deemed to be part of the initial meeting.**

Rule 10. Appointments to the Council and Boards & Committees

- 10.1 Vacancies on the Town Council or any Board or Committee of the Town of Loxahatchee Groves shall be announced on the Town Council agenda, and on the Town website. All interested persons shall submit a letter of interest and resume to the Town Clerk by the deadline stated in the announcement. The Town Clerk shall determine whether or not the interested person is a qualified elector of the Town and submit that information to the Town Council.
- 10.2 To fill a vacancy on the Town Council, the Town Council shall vote by ballot. The Town Clerk shall prepare the ballots, listing the qualified candidates that submitted a letter of interest and resume by the stated deadline. The Town Council may, by majority vote of the Council, change the voting process at any time.
- 10.3 To fill a vacancy on any Board or Committee of the Town other than the Town

Council, the Town Council shall vote on the appointment by motion and second.

Rule 11. Quorum A majority of the full Council shall constitute a quorum. No ordinance, resolution, or motion shall be adopted except by the affirmative vote of at least three members of the Town Council. If no quorum exists within fifteen(15) minutes after the time designated for the meeting of the Council to commence or if a quorum is lost, the Mayor or the Vice Mayor or, in their absence, the Council Member with the most seniority, shall adjourn the meeting. The names of the members present and the time of adjournment shall be recorded in the minutes by the Clerk.

Rule 12. Absent Member Participation by Telephone Conference

A member of the Town Council who is absent, with excuse, may participate and vote by telephone conference in a Council meeting where there is a physical quorum present at the physical meeting site and where the Council determines that extraordinary circumstances exist to justify the Council allowing the Member to participate by telephone. However, a Council member shall not be allowed to participate by phone in a quasi-judicial hearings.

Rule 13. Suspension and Amendment of these Rules

13.1 Suspension of Rules: Any provision of these rules not governed by the Town Charter or Town Code may be temporarily suspended by a vote of a majority of the Town Council.

13.2 Amendment of Rules: These rules may be amended, or new rules adopted, by a majority vote of the Town Council, provided that the proposed amendments or new rules shall have been introduced into the record.

Rule 14. Preparation/Delivery of Agenda The Town Manager, Town Clerk or designee shall prepare the agenda and make every effort to deliver a complete agenda kit to the Council Members no later than 5 :00 P.M. on the Wednesday prior to the regular meeting. Agenda kits for special and emergency meetings will be distributed in as timely a manner as possible. The agenda, as well as lengthy reports and standard contracts that are part of the agenda's back-up documentation, shall be available for review in Town Administration.

Rule 15. Special Presentations This is the segment of the meeting where positive recognition is expressed. Proclamations are typically presented at the beginning of the meeting. Should a Council Member desire a proclamation that will be delivered elsewhere, it should be brought up under their comments for Council authorization. A proclamation should always "proclaim" a day, week, or month as something specific. Certificates of Appreciation and Commendation should be done when honoring an individual or accomplishment. Whenever practical, the use of certificates is encouraged.

Rule 16. Council Member Comments

16.1: The purpose of Council Member Comments is to promote the public discussion of matters relating to Town business and to encourage the dissemination of information. Any Council Member may submit reports and information on items relating to Town business. When possible, the other Council Members, the Town Manager, and the Town Attorney should receive such materials in advance. Council Members may also request the preparation of proclamations, resolutions, ordinances, reports, and other actions of the Council during this portion of the agenda, subject to majority consensus. All such requests shall be referred to the Manager or the Attorney, as appropriate.

16.2: Official actions may be taken under Council Member Comments ~~comments in the case of an emergency or for other situations necessitating immediate action as may be determined by~~ upon consent by a majority of the Council.

16.3: Council Members should refrain from advocating the election or defeat of a candidate for public office, either partisan or non-partisan: (1.) through the use of words, dates, signs, props and/or wearing apparel that convey a message of express advocacy for a person or group of persons; or (2) through comments that, when taken as a whole, can only be interpreted as advocating the election or defeat of one or more identified candidates.

Adopted by Resolution ___ *on* _____.

**TOWN OF LOXAHATCHEE GROVES
RESOLUTION NO. 2024-19**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO PROCEDURES AND PUBLIC PARTICIPATION FOR MEETINGS OF TOWN BOARDS AND COMMITTEES; PROVIDING FOR SEVERABILITY, CONFLICT, AND AN EFFECTIVE DATE.

WHEREAS, by Resolution No. 2015-18, the Town Council adopted uniform rules of order and procedure for the conduct business and public participation at Town board and committee meetings; and

WHEREAS, the Town Council has determined that the aforementioned rules of order and procedure should be revised to promote the orderly and efficient conduct of board and committee meetings; and

WHEREAS, the Town Council has determined that the rules of order and procedure adopted by Resolution No. 2015-18 should be revised and that Resolution No. 2015-18 should be repealed in its entirety and replaced with this Resolution.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Loxahatchee Groves, Florida, as follows:

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

Section 2. All meetings of Town boards and committees shall be conducted in accordance with the following:

- A. All meetings or workshops shall be governed by the Rules of Procedure set forth herein, where applicable.
- B. Any board or committee member desiring to speak must be recognized by the Chair. If the Chair desires to participate in a discussion, he or she shall do so only when all members of the board or committee have spoken at least once (if so desired). No member of the board or committee shall

interrupt another member of the board or committee who has been recognized by the Chair and no member shall dominate the floor in excess of five (5) minutes without offering to yield to other members of the board or committee.

- C. The Chair shall not use that position to dominate debate or discussion, nor unreasonably cut short or prolong any debate, discussion or taking of any vote.
- D. Any matters not specifically addressed by this policy will be governed by Robert's Rules of Order to the extent possible.
- E. Except when abstaining from voting in accordance with Florida Statutes, each member who is present at a meeting must vote on each decision, ruling or other official act. A roll call vote may be had on any matter for which the Chair deems is appropriate; otherwise, all votes may be done by voice vote. For roll call votes, the order of each member vote will rotate after each roll call vote. The Chair shall announce the results after each vote.
- F. Public comments shall be placed on the agenda at the beginning of the meeting and at the end of the meeting. Public comments will also be entertained for each agenda item. Public Comment will be allowed prior to the vote on any item.
- G. Public comment is an opportunity for members of the public to make comment and shall not be a question/answer period conducted with the board or committee.
- H. Persons desiring to speak on an item shall submit a comment card to the board or committee clerk. Public comments made by a member of the public will be limited to one time per subject matter for a total of three minutes. Exceptions may be granted by the Chair.
- I. Public comments received in writing will be made part of the record of the meeting but shall not be read aloud.
- J. Each person addressing the board or committee shall step up to the podium and state his/her name and address in an audible tone of voice for the record. All public comments must be addressed to the board or committee as a body and not to individuals. Personal verbal attacks upon board or committee members, staff, and/or members of the public will not be tolerated.
- K. Each person addressing the board or committee should refrain from advocating the election or defeat of a candidate for public office, either

partisan or non-partisan: (1.) through the use of words, dates, signs, props and/or wearing apparel that convey a message of express advocacy for a person or group of persons; or (2) through comments that, when taken as a whole, can only be interpreted as advocating the election or defeat of one or more identified candidates.

- L. Any person making impertinent obscene, personally insulting, defamatory, or slanderous remarks, who is advocating the election or defeat of a candidate, or who becomes boisterous or disruptive while addressing the board or committee shall be barred by the Chair from speaking further, unless permission to continue or again address the board or committee is granted by a majority vote of the board or committee members present.

Section 3. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

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

Section 5. This Resolution shall take effect upon its adoption.

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

[Remainder of the page intentionally blank.]

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ANITA KANE, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARG 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"/>

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

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

ATTEST:

Town Clerk

Mayor Anita Kane

Vice Mayor Marg Herzog

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

Councilmember Phillis Maniglia

Councilmember Laura Danowski

Councilmember Robert Shorr



155 F Road Loxahatchee Groves, FL 33470

TO: Town Council of Town of Loxahatchee Groves
FROM: Francine Ramaglia, Town Manager
DATE: April 16, 2024
SUBJECT: Discussion and Approval of Resolution No. 2024-16 – Regarding Scholarship Committee

Background:

Pursuant to Resolution No. 2018-12, the Town Council of Loxahatchee Groves created a “Loxahatchee Groves Scholarship Fund Committee”, which was sunset in 2021. In 2021, the Committee was re-created and adopted via Resolution 2021-26.

Staff has prepared two Resolutions for your review and discussion:

Resolution - Option 1:

Town Council desires to appoint members of the Loxahatchee Groves Scholarship Fund Committee.

Resolution - Option 2.

Town Council desires to rescind Resolution 2021-26 and transfer the funds allocated to the Town Scholarship Fund to the LGLA specifically designated for use in the LGLA scholarship fund.

Recommendation:

Approve *Resolution No. 2024-16 – Option 1 or Option 2.*

RESOLUTION NO. 2024-16

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING THE MEMBERS OF THE LOXAHATCHEE GROVES SCHOLARSHIP FUND COMMITTEE; PROVIDING FOR SEVERABILITY, CONFLICT, AND AN EFFECTIVE DATE.

WHEREAS, at its March 20, 2018, meeting, the Town Council determined that surplus donations for the February 2018, Palm Beach League of Cities luncheon were to be used for awarding scholarships to Loxahatchee Groves students; and

WHEREAS, pursuant to Resolution No. 2018-12, the Town Council created the “Loxahatchee Groves Scholarship Fund Committee” (Committee) for this purpose; and

WHEREAS, pursuant to Resolution No. 2018-12, the Committee sunset; and

WHEREAS, in 2021, the Town Council of the Town of Loxahatchee Groves, Florida, adopted Resolution No. 2021-26 re-creating the Committee to advise the Town Council on a scholarship program for Loxahatchee Groves students, as set forth in more detail therein; and

WHEREAS, the Town Council has allocated funds to the Scholarship Fund; and

WHEREAS, the Town Council desires to appoint members to the Committee.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Loxahatchee Groves, Florida, as follows:

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

Section 2. In accordance with Resolution No. 2021-26, the following (3) individuals are appointed to be members of the Loxahatchee Groves Scholarship Fund Committee:

Section 3. Severability. If any clause, section, or other part or application of this Resolution 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 4. Conflicts. All Resolutions or parts of Resolutions in conflict herewith are to the extent of such conflicts hereby repealed.

Section 5. Effective Date. This Resolution shall take effective immediately upon its adoption.

Councilmember _____ offered the foregoing resolution. 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"/>
MARG 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"/>

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

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

ATTEST:

Mayor Anita Kane

Town Clerk

Vice Mayor Marg Herzog

APPROVED AS TO LEGAL FORM:

Councilmember Phillis Maniglia

Office of the Town Attorney

Councilmember Laura Danowski

Councilmember Robert Shorr

RESOLUTION NO. 2024-16**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RESCINDING RESOLUTION NO. 2021-26; PROVIDING FOR USE BY DONATION OF FUNDS HELD IN THE LOXAHATCHEE GROVES SCHOLARSHIP FUND; PROVIDING FOR SEVERABILITY, CONFLICT, AND AN EFFECTIVE DATE.**

WHEREAS, at its March 20, 2018, meeting, the Town Council determined that surplus donations for the February, 2018, Palm Beach League of Cities luncheon were to be used for awarding scholarships to Loxahatchee Groves students; and

WHEREAS, pursuant to Resolution No. 2018-12, the Town Council created the “Loxahatchee Groves Scholarship Fund Committee” (Committee) for this purpose; and

WHEREAS, pursuant to Resolution No. 2018-12, the Committee sunset; and

WHEREAS, in 2021, the Town Council of the Town of Loxahatchee Groves, Florida, adopted Resolution No. 2021-26 re-creating the Committee to advise the Town Council on a scholarship program for Loxahatchee Groves students, as set forth in more detail therein; and

WHEREAS, the Town Council has historically worked with the Loxahatchee Groves Landowner’s Association (LGLA) to raise funds for the Town’s Scholarship Fund; and

WHEREAS, the LGLA, not the Town, has been the provider of the scholarships within the Town; and

WHEREAS, the Town Council has allocated funds to the Town’s Scholarship Fund; and

WHEREAS, the Town Council desires to rescind Resolution No. 2021-26 related to the Committee; and

WHEREAS, the Town Council desires to provide for use of the funds in the Loxahatchee Groves Scholarship Fund by donating such funds to the LGLA with a designation for use in the LGLA scholarship fund.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Loxahatchee Groves, Florida, as follows:

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

Section 2. Resolution No. 2021-26 is hereby rescinded.

Section 3. The Town Manager is hereby directed to transfer the funds currently allocated to the Town Scholarship Fund to the LGLA specifically designated for use in the LGLA scholarship fund.

Section 4. Severability. If any clause, section, or other part or application of this Resolution 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. Conflicts. All Resolutions or parts of Resolutions in conflict herewith are to the extent of such conflicts hereby repealed.

Section 6. Effective Date. This Resolution shall take effective immediately upon its adoption.

Councilmember _____ offered the foregoing resolution. 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"/>
MARG 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"/>

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

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

ATTEST:

Town Clerk

Mayor Anita Kane

Vice Mayor Marg Herzog

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

Councilmember Phillis Maniglia

Councilmember Laura Danowski

Councilmember Robert Shorr