

TOWN OF LOXAHATCHEE GROVES
TOWN HALL COUNCIL CHAMBERS
TOWN COUNCIL REGULAR MEETING AGENDA

JUNE 6, 2023

Community Discussion Meeting 6:00-6:30 PM (Non-Agenda Items Workshop)



Laura Danowski, Mayor (Seat 2)

Phillis Maniglia, Councilmember (Seat 1)

Robert Shorr, Vice Mayor (Seat 4)

Marianne Miles, Councilmember (Seat 3)

Margaret Herzog, Councilmember (Seat 5)

Administration

Town Manager, Francine L. Ramaglia

Town Attorney, Elizabeth Lenihan, Esq.

Town Clerk, Lakisha Q. Burch

Public Works Director, Larry A. Peters, P.E.

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 the 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. An 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 on the 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 live-streamed and close-captioned for the general public via our website, instructions are posted there.

PRESENTATION AND DISCUSSION

1. Presentation of proclamation to Palm Beach State College recognizing 90 years.

CONSENT AGENDA

2. Consideration of approval of Meeting Minutes.
 - a. August 17, 2021 Community Resident Workshop Meeting Minutes
 - b. August 16, 2022 Community Resident Workshop Meeting Minutes
 - c. August 16, 2022 Town Council Regular Meeting Minutes
 - d. April 17, 2023 Attorney Client Closed Session Meeting Minutes
 - e. April 18, 2023 Community Resident Workshop Meeting Minutes
 - f. April 18, 2023 Town Council Regular Meeting Minutes
 - g. May 1, 2023 Town Council Agenda Review Meeting Minutes
 - h. May 2, 2023 Community Resident Workshop Meeting Minutes
 - i. May 2, 2023 Town Council Regular Meeting Minutes
3. Consideration of **Resolution No. 2023-45** approving first amendment to addendum for CivicEngage Town's website host.
4. Consideration of **Resolution No. 2023-47** authorizing Interlocal Agreement with Indian Trail Improvement District for Emergency Response.

RECESS TOWN COUNCIL MEETING

CALL TO ORDER DEPENDENT WATER CONTROL DISTRICT

5. Consideration by District Board of Settlement of Litigation Pata et. al v. Town of Loxahatchee Groves.
6. Consideration of **Resolution No. 2023-DD03** establishing the district's preliminary Road & Drainage non-ad valorem assessment rate for the fiscal year 2024 beginning October 1, 2023, proposed at \$200/unit which is the same rate as for FY 2023, the current year.

RECONVENE TOWN COUNCIL MEETING

REGULAR AGENDA

7. Consideration by Town Council of Settlement of Litigation Pata et. al v. Town of Loxahatchee Groves.
8. Consideration of **Resolution No. 2023-42** authorizing the rental of equipment through cooperative purchase with Sourcewell Contract #062320-URI; authorizing the issuance of purchase orders pursuant to the cooperative purchasing orders pursuant to the cooperative purchasing contract to implement the intent of this resolution.
9. Consideration of **Resolution No.2023-40** establishing the Town’s preliminary non-ad valorem assessment rate for Solid Waste Collection and Recycling Services for the fiscal year 2024 beginning October 1, 2023, proposed at \$400/unit for residential curbside service which is the same rate as for FY 2023, the current year.
10. Consideration of **Resolution No. 2023-41** establishing the Town’s preliminary ad valorem millage rate of 3 mills for Truth-in-Millage (“TRIM”) purposes for the fiscal year 2024 beginning October 1, 2023, proposed at 3 mills which is the same rate as for FY 2023, the current year.

DISCUSSION

11. Discussion of **Ordinance No. 2023-01** regarding uniform requirements for Town Advisory Boards.
12. Discussion of **Ordinance No. 2023-03** regarding amendments to the code enforcement lien reduction and release ordinance; consideration of **Resolution No. 2023-43** adopting an interim code enforcement lien reduction and release policy and consideration of **Resolution No. 2023-44** establishing petition fees.
13. Discussion of Council Priorities.

TOWN STAFF COMMENTS

Town Manager

Town Attorney

Public Works Director

Town Clerk

TOWN COUNCILMEMBER COMMENTS

Councilmember Margaret Herzog (Seat 5)

Councilmember Phillis Maniglia (Seat 1)

Councilmember Marianne Miles (Seat 3)

Vice Mayor Robert Shorr (Seat 4)

Mayor Laura Danowski (Seat 2)

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 it out completely with your full name and address so that your comments can be entered correctly in the minutes and given 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 comments. 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 accommodation in order to participate should contact the Town Clerk's Office (561-793-2418), at least 48 hours in advance to request such accommodation.



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 1

TO: Town Council of Town of Loxahatchee Groves

FROM: Francine L. Ramaglia, Town Manager

DATE: June 6, 2023

**SUBJECT: Presentation of proclamation to Palm Beach County State College
recognizing 90 years.**

Presentation from Palm Beach State College and Town Council will present a proclamation.

Before the Council of the
Town of Loxahatchee Groves, Florida
A Proclamation
Recognizing

Palm Beach State College

on their 90th Anniversary

WHEREAS, Palm Beach State College was founded in 1933 as Florida’s first public two-year college and has continuously served the educational needs of Palm Beach County residents for 90 years, first as a junior college, then as a community college, and today as a state college; and

WHEREAS, Palm Beach State College, since opening its doors on November 14, 1933, as Palm Beach Junior College, has grown from 41 local students in three classrooms to 40,000 students from 151 countries and territories, studying on five campuses located in Boca Raton, Belle Glade, Lake Worth, Loxahatchee Groves, and Palm Beach Gardens, and online; and

WHEREAS, Palm Beach State College, established during the Great Depression when there was no institute of higher learning in Palm Beach County, is now an economic engine, pumping \$1.1 billion into the county’s economy each year; and

WHEREAS, Palm Beach Junior College merged with Roosevelt Junior College, in 1965, which was established in 1958 to serve African American students.

WHEREAS, Palm Beach State College has been integral to the remarkable growth and prosperity of Palm Beach County. Our graduates—community and business leaders for generations—have impacted every industry and continue to do so today; and

WHEREAS, Palm Beach State College, one of the top producers of associate degree graduates in the United States, also offers baccalaureate degrees, professional certificates, career training, and corporate and continuing education; and

WHEREAS, with more than 130 programs of study, Palm Beach State College is the county’s leading educator of skilled professionals. Career programs span fields such as health care, computer science, business, biotechnology, creative arts, childcare, human services, teacher education, environmental science, landscape management, a wide variety of skilled trades, engineering, electrical power, and public safety; and

WHEREAS, Palm Beach State College’s mission of providing accessible, student-centered teaching and learning experiences in academic, technical, and lifelong learning to transform lives and strengthen our community is crucial to the vitality of Town of Loxahatchee Groves; and

WHEREAS, Town of Loxahatchee Groves, Florida, commemorates the 90th Anniversary of Palm Beach State College with appreciation for its vital role as a provider of excellence in education and career training, and as a driver of economic mobility in partnership with our community, Palm Beach County and State of Florida.

BE IT FURTHERMORE PROCLAIMED BY the Town Council of the Town of Loxahatchee Groves, Florida, that this proclamation is duly sealed and executed by the members of the Council.

Duly Adopted this 6th of June 2023

Mayor Laura Danowski

Councilmember Phillis Maniglia

Vice Mayor Robert Shorr

Councilmember Marianne Miles

Councilmember Margaret Herzog

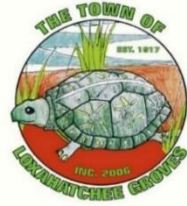


155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 2

TO: Town Council of Town of Loxahatchee Groves
FROM: Lakisha Burch, Town Clerk
VIA: Francine Ramaglia, Town Manager
DATE: June 6, 2023
SUBJECT: Meeting Minutes

Staff recommends approval of the attached meeting minutes.



**TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL MINUTES OF COMMUNITY RESIDENT WORKSHOP
AUGUST 17, 2021**

Meeting audio available in Town Clerk's Office

CALLED TO ORDER

Mayor Shorr called the meeting to order at 6:00 p.m.

COMMENTS FROM THE PUBLIC

There were public comments from Ken Johnson and Katie Lakeman.

Mr. Johnson made the following statement:

- Spoke about landowners on Collecting Canal receiving a map but it didn't include all of the properties. Mayor Shorr responded to Mr. Johnson stating that the flyer didn't come from the Town.
- Spoke about canals are in horrible shape-company only spray on one side and didn't spray the last 50 ft of Collecting Canal.
- Intersection at ALDI, the traffic is horrific.

Councilmember Maniglia asked could a conversation be had regarding the spraying of the canals-would like to re-evaluate (could staff re-evaluate the canals)

Ms. Katie Lakeman made the following statement:

- Spoke about the canals.
- Asked what is going on with the trails behind the ALDI-nothing has changed.

ADJOURNMENT:

There being no further business the meeting adjourned at 7:00 p.m.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Mayor Robert Shorr

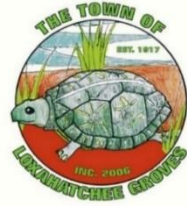
Lakisha Burch, Town Clerk

Vice Mayor Laura Danowski

Councilmember Margaret Herzog

Councilmember Marianne Miles

Councilmember Phillis Maniglia



**TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL MINUTES OF COMMUNITY RESIDENT WORKSHOP
AUGUST 16, 2022**

Meeting audio available in Town Clerk's Office

PRESENT

Mayor Robert Shorr, Vice Mayor Laura Danowski, Councilmembers Margaret Herzog Phillis Maniglia, and Marianne Miles, Town Manager Francine L. Ramaglia, Town Attorney Elizabeth Lenihan, Public Works Director Larry Peters, Assistant Public Works Director Mario Matos, and Town Clerk Lakisha Burch.

COMMENTS FROM THE PUBLIC

There were public comments from Virginia Standish.

Ms. Standish made the following statement:

- She inquired about if the Town was offered any discount on license plate readers from Palm Beach Sheriff Office (PBSO). Councilmember Maniglia commented on the tag readers. She stated that they had gone to the Sheriff. She also stated that Capt. Turner stated because we boarder Royal Palm Beach could share cost.
- She asked about the status of the Noise ordinance. Councilmember Maniglia asked about is there a way for this issue to be addressed in resolution or ordinance.
- Are there limit on the hours for that multi wheeled trucks can run within the Town.
- She also spoke about code violators profiting.

Town Council addressed Ms. Standish concerns.

Councilmember Maniglia spoke about invasive grass growing into the canal and asked had the spraying company spoke about this grass. There was discussion among Town Council and Staff.

Councilmember Herzog stated that A Road/Okeechobee is getting congested. Councilmember Maniglia stated that on Town property there is overgrow. Mr. Matos responded that Public Works would take care of it. Mr. Matos explained that we are short staff and addressed the issue. Mayor Shorr asked what is being done about getting employee.

Councilmember Herzog spoke about dog breeding-Town Manager Ramaglia responded stating that it is a little more complicated. Ms. Herzog stated that kennels are not allowed in the County- Ms. Ramaglia responded.

ADJOURNMENT:

There being no further business the meeting adjourned at 6:29 p.m.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakisha Burch, Town Clerk

Mayor Robert Shorr

Vice Mayor Laura Danowski

Councilmember Margaret Herzog

Councilmember Marianne Miles

Councilmember Phillis Maniglia



**TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL WORKSHOP/SPECIAL WORKSHOP
AUGUST 16, 2022**

Meeting audio available in Town Clerk's Office

CALL TO ORDER

Mayor Shorr called the meeting to order at 6:32 p.m.

PLEDGE OF ALLEGIANCE

Mayor Shorr led the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Shorr led a prayer.

ROLL CALL

Mayor Robert Shorr, Vice Mayor Laura Danowski, Councilmembers Margaret Herzog, Phillis Maniglia, and Marianne Miles, Town Manager Francine L. Ramaglia, Town Attorney Elizabeth Lenihan, Public Works Director Larry Peters, Assistant Public Works Director Mario Matos, and Town Clerk Lakisha Burch.

ADDITIONS, DELETIONS AND MODIFICATIONS

Town Manager Ramaglia stated that item #6 documents that were asked for yesterday has been placed on the outside stand and item # 5 Exhibit "B" has been replaced with a corrected one, that only consist of page 65.

Motion was made by Vice Mayor Danowski seconded by Councilmember Herzog to approve the agenda with the modifications that have been made; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

There was no public comment.

PRESENTATION

1. Presentation from Florida Power & Light (FPL) updating of the underground project and information on the Real Zero Program.

Don Keyslesky from Florida Power Light and his team consisting of Leslie Cleaver, Jessica Penmetale, and Alan Coffey gave a PowerPoint presentation regarding the underground program and zero program. There were discussions among the Town Council, FPL team, and Town Staff.

There was a public comment by Virginia Standish.

2. Presentation from the Gehring Group updating of Town's insurance for employees.

Melissa Morley, Benefits Consultant of the Gehring Group, the Town's health, and insurance benefits manager agency presented a PowerPoint presentation to update on health insurance and related products. There was a discussion among the Town Council, Ms. Morley, and Town Staff.

CONSENT AGENDA

Vice Mayor Danowski asked if item # 6 could be pulled from the Consent Agenda.

3. Approval of Meeting Minutes.
 - a. July 6, 2021, Town Council Workshop/Special Meeting Minutes
 - b. June 21, 2022, Community Resident Workshop Meeting Minutes
 - c. July 5, 2022, Community Resident Workshop Meeting Minutes
 - d. August 2, 2022, Community Resident Workshop Meeting Minutes
4. Consideration of **Resolution No. 2022-45** vendors payments in FY 2022 over \$25,000.
5. Consideration of **Resolution No. 2022-46** emergency culvert for Johnson-Davis.

Motion was made by Vice Mayor Danowski seconded by Councilmember Miles to approve the Consent Agenda items 3,4, and 5; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

6. Consideration of **Resolution No. 2022-48** regarding reconciliation of Employee Paid Time Off (PTO). **PULLED FROM CONSENT AGENDA**

Lara Donlon from Torcivia, Donlon, G presented the item to the Town Council giving the background of why this item.

Vice Mayor Danowski had a question regarding this item. Town Attorney Lenihan answered her question. Town Manager Ramaglia continued to address her question and gave an update. There was discussion among the Town Council and Town Staff.

Motion was made by Councilmember Maniglia seconded by Councilmember Herzog to approve Resolution No. 2022-48 authorizing payment(s) as stated therein, ratifying past actions, and ending inconsistent Employment Letters; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

William J. Rowley, District Chief of the Palm Beach County Fire Rescue, presented the monthly report to the Town Council. There was a discussion between the Town Council and District Chief Rowley.

DISCUSSION

7. Discussion of Code Red.

Carlos Perez of CGP, presented the item to the Town Council by explaining that CodeRed is a Public Safety and Government Alerting Solution designed to enable local government and public safety officials to record, send, and track personalized voice, email, and text messages to residents and staff in minutes, CodeRED® serves as a critical part of emergency management preparedness plans and how residents can sign up to receive CodeRed. There was a discussion between the Town Council, Mr. Perez, and Town Staff.

8. Budget Calendar/Workshop.

Town Manager Ramaglia presented the item stating that as the approval of the FY 2022/2023 Budget is approaching, staff would like to discuss and get Council feedback on:

- Timing and approach to the budget review and workshops
- Staffing model
- Capital projects including allocation of ARPA funding.
- Other budget considerations as time permits.

The preliminary detailed budget worksheets have been distributed to both the Council and to the FAAC (who held its first meeting on August 10th) and staff is working on refining revenue projections, operating costs, and capital project timing/cost estimates. There was a discussion between the Town Council and Town Staff.

The Town Council recessed for a five-minute break and reconvened.

Lora Donlon, from Torcivia, Donlon, Goddeau & Ansay, P.A. presented the HR Policy Manual changes and update. There was a discussion between the Town Council, Ms. Donlon, and Town Staff.

There was consensus by the Town Council to meet on Monday, August 22nd, to discuss the remainder of the Human Resources Policy.

TOWN COUNCILMEMBER COMMENTS

Phillis Maniglia (Seat 1)

No comment.

Marianne Miles (Seat 3)

No comment.

Marge Herzog (Seat 5)

- An emergency call out was made on an elderly woman. Please let's just be very careful with our elderly neighbors.

- A resident called regarding trash pickup/community piles. Town Manager Ramaglia responded to her questions.

Laura Danowski (Seat 2)

- Spoke about CodeRed, thanked CPG and Town staff.
- Love that Merchant Services is helping with collection of easements.
- Appropriations for the Town of Loxahatchee Groves. Town Manager Ramaglia commented that her question.

Mayor Robert Shorr (Seat 4)

- Thanked everyone and spoke about the HR Manual.

ADJOURNMENT

There being no further business the meeting was at 10:30 p.m.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakisha Burch, Town Clerk

Mayor Robert Shorr

Vice Mayor Laura Danowski

Councilmember Margaret Herzog

Councilmember Marianne Miles

Councilmember Phillis Maniglia



**TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL MINUTES OF ATTORNEY-CLIENT CLOSED DOOR SESSION
APRIL 17, 2023, 4:00 p.m.**

CALL TO ORDER

Mayor Danowski called the meeting to order at 4:09 p.m.

PLEDGE OF ALLEGIANCE

Mayor Danowski led the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Danowski led a prayer.

ROLL CALL

Mayor Laura Danowski, Vice Mayor Robert Shorr, Councilmembers Margaret Herzog, Phillis Maniglia, and Marianne Miles (absent), Town Manager Francine L. Ramaglia, Town Attorney Elizabeth Lenihan, Outside Counsel Jeff Hockman, and Town Clerk Lakisha Burch.

Town Attorney Elizabeth Lenihan read the below caption:

ATTORNEY-CLIENT SESSION

MONDAY, APRIL 17, 2023, 4:00 PM

Attorney-Client Closed Door Session

Pursuant to section 286.011(8), Florida Statutes, the Town Attorney announced her desire for advice from the Town Council concerning pending litigation, specifically regarding settlement negotiations and strategy related to litigation expenditures in the case of John Pata, Regina Maria Christina Burgio as Trustee of the Torchia Family Trust u/a/d July 6, 2016, Vanessa A. Montoya and Andrew Somar, PBCL, LLC, Brian McNeil and Judy L. Westlake, and Ramachandra Bhat and Nagalaxmi R. Bhat v. Town of Loxahatchee Groves, Florida, Case No. 502021-CA-011838, in the circuit court of the 15th Judicial Circuit, in and for Palm Beach County, Florida and she requested an attorney-client session to be scheduled for

April 17, 2023, at 4:00 p.m.

The Town Attorney made this request at the Town Council's public meeting held on April 11, 2023. The session will be attended by the members of the Town Council Mayor Laura Danowski; Vice Mayor Robert Shorr; Council Members Phillis Maniglia, Marge Herzog, and Marianne Miles; Town Manager Francine Ramaglia; Town Attorney, Elizabeth Lenihan; and outside counsel Jeffrey Hochman. A certified court reporter will be present to ensure that the session is fully transcribed and the transcript will be made public upon the conclusion of the above-cited, ongoing litigation. The estimated length of the attorney-client session will be approximately 60 minutes.

RECESS

Motion was made by Vice Mayor Shorr seconded by Councilmember Maniglia to recess the meeting at 4:13 p.m.; it was voted as follows: Ayes: Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog, and Maniglia. Motion passed unanimously.

RECONVENE

The meeting was reconvened at 5:18 p.m.

ADJOURNMENT

There being no further business the meeting was adjourned at 5:20 p.m.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakisha Burch, Town Clerk

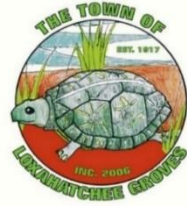
Mayor Laura Danowski

Vice Mayor Robert Shorr

Councilmember Marge Herzog

Council Member Phillis Maniglia

Council Member Marianne Miles



**TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL MINUTES OF COMMUNITY RESIDENT WORKSHOP
APRIL 18, 2023**

Meeting audio available in Town Clerk's Office

CALLED TO ORDER

Mayor Danowski called the meeting to order at 6:06 p.m.

COMMENTS FROM THE PUBLIC

There were public comments from Breana Bethel, Ken Johnson, and Cassie Suchy.

Mr. Johnson made the following statement:

- Spoke about the canal/pond doesn't understand how water will be transferred from the canal to pond. He also asked who would pay for this. Councilmember Maniglia responded to Mr. Johnson's concern.

Ms. Breana Bethel made the following statement:

- Asked about POD F- asked about traffic (What are we doing regarding this matter?) Town Manager Ramaglia addressed Ms. Bethel's concern regarding new projects coming to Town.

Ms. Cassie Suchy made the following statement:

- Spoke about E Road-look at the intersection.
- Hotel that is being proposed (make sure it fits in the community) apply same rule as storage facility.
- Big Dog Ranch- staff coaching developers on how to get things through Council.

ADJOURNMENT:

There being no further business the meeting adjourned at 6:30 p.m.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Mayor Laura Danowski

Lakisha Burch, Town Clerk

Vice Mayor Robert Shorr

Councilmember Margaret Herzog

Councilmember Marianne Miles

Councilmember Phillis Maniglia



**TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL MINUTES WORKSHOP MEETING
APRIL 18, 2023**

Meeting audio available in Town Clerk's Office

CALL TO ORDER

Mayor Danowski called the meeting to order at 6:36 p.m.

PLEDGE OF ALLEGIANCE

Mayor Danowski led the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Danowski led a prayer.

ROLL CALL

Mayor Laura Danowski, Vice Mayor Robert Shorr, Councilmembers Margaret Herzog, Phillis Maniglia, and Marianne Miles, Town Manager Francine L. Ramaglia, Town Attorney Elizabeth Lenihan, Public Works Director Larry Peters, Town Planning Consultant James Fleischman, and Town Clerk Lakisha Burch.

ADDITIONS, DELETIONS AND MODIFICATIONS

PRESENTATION AND DISCUSSION

1. Presentation by John Archambo formerly of the Solid Waste Authority.

Town Manager Ramaglia presented the item to the Town Council regarding Solid Waste.

John Archambo introduced himself and then presented his view on the Town's solid waste. He also spoke about the solid waste contract. He stated that there was no success in any interest in recycling. He explained the pros and cons of going out to bid for solid waste.

There were public comments by Ken Johnson, Cassie Suchy, and Virginia Standish.

There was a consensus for staff to speak with Coastal and bring back anything that will lower the price.

2. Presentation by Town's lobbyist Ronald L. Book from Pittman Law Group (7:30 p.m.).

Ronald L. Book, P.A., Town Lobbyist, and his lobbying team via Zoom addressed the Town Council by giving funding request update and the four-week report for the 2023 Session. There was a discussion among the Town Council, Mr. Book, and Town Staff.

There was a public comment by Virginia Standish.

3. Discussion on Regulation of Agricultural Related Uses.

As the Town Council is considering amendments to its Comprehensive Plan regarding future land use categories, it is important to understand the regulation of agricultural uses and uses that may be related to agriculture.

Ruth Holmes, attorney from Torcivia, Donlon, Goddeau, Ansay, P.A. addressed the Town Council on the following areas: Right to Farm, Agritourism, and Livestock Waste. There was discussion among the Town Council, Ms. Holmes, and Town Staff.

There were public comments made by Nina Corning and Virginia Standish.

4. Discuss and give staff direction related to committees, standing or ad hoc, to include:

Town Attorney Lenihan presented the items.

- a. Changes to the Code
- b. Changes to the Rules of Procedure

Town Attorney Lenihan addressed 4a and 4b to the Town Council stating she would have something for the May 2nd meeting.

There was a discussion between the Town Council and Town Staff.

- c. Establishing any new committees (Housing/RV)

There was discussion among the Town Council and Town Staff.

There was consensus by the Town Council to have a workshop meeting before a meeting at 5:00 p.m. or on a Saturday, copy of RV ordinance.

There were public comments made by Robert Austin and Jodi Jansen (via email).

- d. Whether to continue with appointments under current code/resolution provisions or wait until the new code provisions are adopted.

Town Attorney Lenihan stated that is planned to bring back the Finance Audit and Advisory Committee (FAAC) and Planning and Zoning Board (PZB) committee members for approval of the Town Council. There was a discussion between the Town Council and Town Staff.

Town Council stated that they would all contact their committee representatives to make sure they are willing to continue to serve.

5. Update on Road Paving Project.

Public Works Director Peters addressed the Town Council with an update on the upcoming road paving project and the status of gathering easements. There was discussion among the Town Council and Town Staff. Town Manager Ramaglia stated that a paving plan meeting could be done, and everyone can come.

There was a public comment by Nina Corning.

6. Discussion of Council Priorities.

Town Manager Ramaglia presented the item and stated what is currently on the upcoming agenda and changes that will need to be made. There was a discussion between the Town Council and Town Staff.

TOWN STAFF COMMENTS

Town Manager

- Stated that there would be a meet and greet for District 6 Commissioner Sara Baxter.

Town Attorney

No comment.

Public Works Director

No Comment.

Town Clerk

No comment.

TOWN COUNCILMEMBER COMMENTS

Phillis Maniglia (Seat 1)

- Thanked Councilmember Herzog for mentioning the crossing.
- Asked about the Grading Schedule and how are the residents that live on dirt roads coming along.

Marianne Miles (Seat 3)

No comment.

Margaret Herzog (Seat 5)

- Asked Public Works Director Peters about the safety signs for the horses.
- Asked the status of employees in the Public Works department (Dependent Water District).
- Announced the LGLA (Loxahatchee Groves Landowners Association) will have a meeting on April 27th and the former Town of Loxahatchee Groves Mayor David Browning will be speaking.
- Asked if Big Dog Zoning can be challenged.

Robert Shorr (Seat 4)

- Asked how his fellow Councilmember feels about Code Compliance- Is it proactive or reactive.
- Work Order Program (Brightly)
- Stop signs on Okeechobee Blvd.
- Culverts

Laura Danowski (Seat 2)

- Microphones
- Upcoming meetings
 - April 27, 2023, Planning and Zoning Board Meeting
 - May 9, 2023, Finance Audit and Advisory Committee Meeting
- Annexation

ADJOURNMENT

There being no further business meeting adjourned at 10:37 p.m.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakisha Burch, Town Clerk

Mayor Laura Danowski

Vice Mayor Robert Shorr

Councilmember Margaret Herzog

Councilmember Marianne Miles

Councilmember Phillis Maniglia



**TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL MINUTES OF AGENDA REVIEW WORKSHOP
MAY 1, 2023**

Meeting audio available in Town Clerk's Office

CALLED TO ORDER

Mayor Danowski called the meeting to order at 5:01 p.m.

PRESENT

Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog, Maniglia, and Miles. Town Manager Ramaglia, Town Attorney Lenihan, Public Works Director Peters, Town Planning Consultant Fleischman, and Town Clerk Burch.

Town Manager Ramaglia stated that staff is planning to move items # 14 and 15 to be presented after Presentation. There was discussion regarding outside Counsel. Councilmember Miles announced her conflict and will be recusing herself from the conversation. There was continued discussion among the Town Council and Town Staff regarding the settlement. Mayor Danowski stated that she would like to review the final offer.

PRESENTATION

- 1. Presentation by Palm Beach County District 6, Commissioner Sara Baxter.

There was no comment or discussion regarding this item.

QUASI-JUDICIAL PUBLIC HEARING

- 2. Consideration of **Resolution No. 2023-22** approving the proposed Big Dog Ranch Site Plan.

Town Planning Consultant presented the item regarding the site plan review for Big Dog Ranch. Councilmember Herzog asked about the 92% is it only the 8% they can request. Mr. Fleischman responded to Councilmember Herzog. Councilmember Herzog also asked about monitoring and parking lot space.

Councilmember Miles spoke about Code Compliance, overflow of dogs, and conflicts.

Vice Mayor Shorr stated this is an opportunity to change-rules can be changed, flood plan application (go through process of the flood plan and how to commit the remaining acres as a preserve.

CONSENT AGENDA

- 3. Consideration of approval of Meeting Minutes.
 - a. September 8, 2022 Community Resident Workshop Meeting Minutes
 - b. September 20, 2022 Community Resident Workshop Meeting Minutes

- c. September 20, 2022 Town Council Final Budget Hearing Meeting Minutes
 - d. April 4, 2023 Community Resident Workshop Meeting Minutes
 - e. April 4, 2023 Town Council Regular Meeting Minutes
 - f. April 11, 2023 Town Council Special Meeting Minutes
4. Consideration of **Resolution No. 2023-13** extending the Interlocal Cooperation Agreement with Board of County Commissioner regarding Urban County Qualification Process FYs 2024-2026.

Councilmember Herzog asked about Block Housing. Town Ramaglia responded to Councilmember Herzog's question.

5. Consideration of **Resolution No. 2023-16** authorization expenditure to Great Southern Equipment in excess of \$ 25,000.000.

Councilmember Maniglia asked why the Public Works department needs this large equipment. There was discussion among the Town Council and Town Staff.

6. Consideration of **Resolution No. 2023-25** approval of Finance Audit and Advisory Committee (FAAC).

Councilmember Miles asked if both of the committees were being run effectively. There was discussion among the Town Council and Town Staff.

7. Consideration of **Resolution No. 2023-26** approval of Planning and Zoning Board (PZB).
There was no discussion regarding this item.

REGULAR AGENDA

8. Consideration of **Resolution No. 2023-36** reconciliation of Paid Time Off (PTO) accrual.
It was stated that this item would be pulled off the agenda.

9. Consideration of **Resolution No. 2023-38** Scholarship Fund Donation Policy.
There was no discussion regarding this item.

10. Consideration of **Resolution No. 2023-39** adopting Volunteer Policy and Procedures.
It was stated that Lora Donlon would be presenting this item. Vice Mayor Shorr asked what volunteers would be able to do.

DISCUSSION

11. Discussion of Council Participation and Communication with Surrounding Communities, and Other Agencies and Local Organizations.

There was discussion among the Town Council and Town Staff.

12. Update on Road Paving Project.

Councilmember Maniglia asked about easement. There was discussion among the Town Council and Town Staff.

13. Discussion of Council Priorities.

No comment.

14. Consideration by Town Council of Settlement of Litigation Pata, et. al v. Town of Loxahatchee Groves.

Town Attorney Lenihan gave Town Council an update on the settlement of litigation stating that there was additional information that staff is waiting for and that at tomorrow's meeting would be asking if items 14 and 15 can be moved to the beginning of the agenda.

**RECESS TOWN COUNCIL MEETING
CALL TO ORDER DEPENDENT WATER CONTROL DISTRICT**

15. Consideration by District Board of Settlement of Litigation Pata et. al v. Town of Loxahatchee Groves.

This item was discussed along with item 14.

RECONVENE TOWN COUNCIL MEETING

Town Manager Ramaglia announced the groundbreaking at Palm Beach State College will be May 16, 2023, at 5:30 p.m.

ADJOURNMENT

There being no further business meeting adjourned at 6:54 p.m.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakisha Burch, Town Clerk

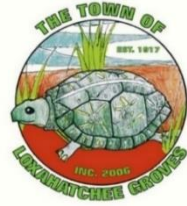
Mayor Laura Danowski

Vice Mayor Robert Shorr

Councilmember Margaret Herzog

Councilmember Marianne Miles

Councilmember Phillis Maniglia



**TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL MINUTES OF COMMUNITY RESIDENT WORKSHOP
MAY 2, 2023**

Meeting audio available in Town Clerk's Office

CALLED TO ORDER

Mayor Danowski called the meeting to order at 6:02 p.m.

COMMENTS FROM THE PUBLIC

There were public comments from Susan Clubb, Nina Corning, Lauree Simmons, Virginia Standish, Frank Standish, and Cassie Suchy.

Ms. Cassie Suchy made the following statement:

- Spoke about Code Enforcement (wanted to know the process of Code Enforcement) Town Manager Ramaglia responded to Ms. Suchy by explaining the process.
- Spoke about RVs- Mayor Danowski and Town Manager Ramaglia responded to Ms. Suchy's question. Vice Mayor Shorr also commented stating that Code Enforcement is pro active not reactive. Town Manager Ramaglia also commented.

Ms. Clubb made the following statement:

- Inquired about easements. Vice Mayor Shorr responded to Ms. Clubb's question.

Mr. Frank Standish made the following statement:

- Spoke about the SOD Farm dumping water in canal. There was discussion among the Town Council.

Ms. Lauree Simmons made the following statement:

- Asked who is responsible to maintain the drainage ditch on Okeechobee Blvd.

Ms. Nina Corning made the following statement:

- Spoke about regulation (SOD Farm)

Mayor Danowski addressed last-minute comments regarding concerns of resident's concerns.

ADJOURNMENT:

There being no further business the meeting adjourned at 6:29 p.m.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Mayor Laura Danowski

Lakisha Burch, Town Clerk

Vice Mayor Robert Shorr

Councilmember Margaret Herzog

Councilmember Marianne Miles

Councilmember Phillis Maniglia



**TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL MINUTES WORKSHOP MEETING**

MAY 2, 2023

Meeting audio available in Town Clerk's Office

CALL TO ORDER

Mayor Danowski called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

Mayor Danowski led the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Danowski led a prayer.

ROLL CALL

Mayor Laura Danowski, Vice Mayor Robert Shorr, Councilmembers Margaret Herzog, Phillis Maniglia, and Marianne Miles, Town Manager Francine L. Ramaglia, Town Attorney Elizabeth Lenihan, Public Works Director Larry Peters, Town Planning Consultant James Fleischman, and Town Clerk Lakisha Burch.

ADDITIONS, DELETIONS AND MODIFICATIONS

Town Manager Ramaglia asked that the following items be removed from the agenda; items 8, 14, and 15.

Motion was made by Councilmember Maniglia seconded by Councilmember Herzog to approve the agenda with the removal of items 8, 14, and 15; it was voted as follows: Ayes: Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

There were no public comments.

PRESENTATION

1. Presentation by Palm Beach County District 6, Commissioner Sara Baxter.

Palm Beach County District 6 Commissioner Sara Baxter gave a brief summary of her personal and professional background and presented a PowerPoint presentation. She also stated that she has a sign in sheet out in the entry that residents can sign up to receive her newsletter.

Commissioner Baxter introduced Mr. Ed Chase, Director of Intergovernmental Relations, and Community Engagement at Palm Beach County. Mr. Chase addressed the Town Council by giving

an update on Palm Beach County legislative. Mr. Chase stated what were the ten big ticket items that have gone through the legislative and congratulated the Town of Loxahatchee for the 750,000.00 in appropriations.

Ms. Baxter introduced her staff. There was a discussion between Commissioner Baxter and the Town Council.

QUASI-JUDICIAL PUBLIC HEARING

2. Consideration of **Resolution No. 2023-22** approving the proposed Big Dog Ranch Site Plan.

Town Attorney Lenihan explained the Quasi-Judicial procedures. Town Attorney Lenihan also swore in all parties involved.

There was public comment made by Sasha Borona, Sheriff Ric Bradshaw, Terry Braun, Nina Corning, Evan Fried, James Himmel, Todd McLendon, Chase Scott, and Cassie Suchy (in person). Email public comments read into the record by Town Clerk Burch were the following: Margaret Bauer, Melissa Bilodeau, David Browning, James Hatcher, Leonna Hatcher, Jorge Perez, Joey Quinn, and Julie Williams.

Ms. Cassie Suchy asked if she could enter a document in record.

Motion was made by Councilmember Maniglia seconded by Councilmember Herzog to receive and file; it was voted as follows; Ayes: Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

Motion was made by Vice Mayor Shorr seconded by Councilmember Maniglia to approve Resolution No. 2023-22 with these conditions of approval 1. Under Exterior Lighting: proposed paragraph 3.A. in the supplemental revisions as modified to include “in occupied areas” after “for security purposes”. This should also be renumbered appropriately to fit the section. 2. Under Use Limitations and Requirements: proposed paragraph 4 in the supplemental revisions as modified to change the number of dogs from 400 to 500 and to amend the proposed sentence addition to read “An exception to exceed these numbers may be made for the temporary emergency sheltering for dogs during a federal or state declared disaster situation for a maximum of 45 days.” 3. Under Engineering: proposed paragraph 16 in the supplemental revisions, renumbered appropriately to fit the section. 4. Under General: proposed paragraph 7 in the supplemental revisions, unchanged; and proposed paragraph 8 in the supplemental revisions modified to add “monthly” prior to “intervals”, delete the sentence after “intervals”, and add a second sentence to read “This provision may be amended administratively.” 5. Under General: amending paragraph 5 to change the preserved area from 1.0 acres to 3.0 acres. 6. Under Use Limitations and Requirements: Adding a provision that “Events over 100 people may be held on the site up to twelve (12) times per year with appropriate Town special event permits.” it was voted as follows: Ayes: Vice Mayor Shorr, Councilmembers Herzog, Maniglia, and Miles. Nay: Mayor Danowski. Motion passed 4-1.

CONSENT AGENDA

3. Consideration of approval of Meeting Minutes.
 - a. September 8, 2022 Community Resident Workshop Meeting Minutes
 - b. September 20, 2022 Community Resident Workshop Meeting Minutes

- c. September 20, 2022 Town Council Final Budget Hearing Meeting Minutes
 - d. April 4, 2023 Community Resident Workshop Meeting Minutes
 - e. April 4, 2023 Town Council Regular Meeting Minutes
 - f. April 11, 2023 Town Council Special Meeting Minutes
4. Consideration of **Resolution No. 2023-13** extending the Interlocal Cooperation Agreement with Board of County Commissioner regarding Urban County Qualification Process FYs 2024-2026.
6. Consideration of **Resolution No. 2023-25** approval of Finance Audit and Advisory Committee (FAAC).
7. Consideration of **Resolution No. 2023-26** approval of Planning and Zoning Board (PZB).

Motion was made by Councilmember Maniglia seconded by Councilmember Herzog to approve the Consent Agenda; it was voted as follows: Ayes: Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

REGULAR AGENDA

5. Consideration of **Resolution No. 2023-16** authorization expenditure to Great Southern Equipment in excess of \$ 25,000.000. **PULLED FROM THE CONSENT AGENDA**

There was discussion among the Town Council and Town Staff regarding this item.

Motion was made by Vice Mayor Shorr seconded by Councilmember Miles to approve Resolution No. 2023-16 authorizing expenditure to Great Southern Equipment in excess of \$ 25,000.00; it was voted as follows: Ayes: Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

8. Consideration of **Resolution No. 2023-36** reconciliation of Paid Time Off (PTO) accrual. **PULLED FROM THE AGENDA**

9. Consideration of **Resolution No. 2023-38** Scholarship Fund Donation Policy.

Town Attorney Lenihan presented the item to the Town Council.

Motion was made by Councilmember Maniglia seconded by Vice Mayor Shorr to approve Resolution No. 2023-38 adopting a Scholarship Fund Donation Policy; it was voted as follows: Ayes: Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

10. Consideration of **Resolution No. 2023-39** adopting Volunteer Policy and Procedures.

Lora Donlon from Torcivia, Donlon, Goddeau & Ansay, P.A. presented the item to the Town Council. There was discussion among the Town Council, Ms. Donlon, and Town Staff.

Motion was made by Councilmember Maniglia seconded by Vice Mayor Shorr to approve Resolution No. 2023-39 adopting the Volunteer Policy and Procedures; it was voted as follows: Ayes: Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

DISCUSSION

11. Discussion of Council Participation and Communication with Surrounding Communities, and Other Agencies and Local Organizations.

There was discussion among the Town Council and Town Staff.

12. Update on Road Paving Project.

Larry Peters, Public Works Director presented the item to the Town Council by giving an update on the road project. There was a discussion among the Town Council, Mr. Peters, and Town Staff.

Motion was made by Councilmember Maniglia seconded by Vice Mayor Shorr to extend the meeting to 11:00 p.m.; it was voted as follows: Ayes: Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

There were public comments made by the following: Vance Carpenter, Nina Corning, Manish Suod, and Cassie Suchy.

Motion was made by Vice Mayor Shorr seconded by Councilmember Miles to extend the meeting to 11:30 p.m.; it was voted as follows: Ayes: Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

13. Discussion of Council Priorities.

Town Manager Ramaglia presented the item stating that Council Priorities will be an item on each agenda.

14. Consideration by Town Council of Settlement of Litigation Pata, et. al v. Town of Loxahatchee Groves. **PULLED FROM THE AGENDA**

RECESS TOWN COUNCIL MEETING CALL TO ORDER DEPENDENT WATER CONTROL DISTRICT

15. Consideration by District Board of Settlement of Litigation Pata et. al v. Town of Loxahatchee Groves. **PULLED FROM THE AGENDA**

RECONVENE TOWN COUNCIL MEETING

TOWN STAFF COMMENTS

Town Manager

- Announced that Palm Beach State College will be having their groundbreaking ceremony on May 16, 2023, at 5:00 p.m.
- There are two damaged fences that will be replaced.
- Next Comprehensive Plan (EAR) will be Monday, May 8, 2023, at 5:00 p.m.

There was consensus by Town Council to have the Town Council's May 16, 2023, Community Resident Workshop at 6:30 p.m. and Workshop at 7:00 p.m.

Town Attorney

No comment.

Public Works Director

No comment.

Town Clerk

No comment.

TOWN COUNCILMEMBER COMMENTS

Councilmember Phillis Maniglia (Seat 1)

- It should be known when replacing fences.

Councilmember Marianne Miles (Seat 3)

No comment.

Councilmember Margaret Herzog (Seat 5)

No comment.

Vice Mayor Robert Shorr (Seat 4)

- Presented Mayor Danowski with Florida League of Cities (FLC) mayor’s pin.

Mayor Laura Danowski (Seat 2)

- Good job for landing Big Dog.
- Would like staff to have more discussion regarding large repair bills.

ADJOURNMENT

There being no further business meeting adjourned at 11:15 p.m.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakisha Burch, Town Clerk

Mayor Laura Danowski

Vice Mayor Robert Shorr

Councilmember Margaret Herzog

Councilmember Marianne Miles

Councilmember Phillis Maniglia



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 3

TO: Town Council of Town of Loxahatchee Groves

FROM: Francine L. Ramaglia, Town Manager

DATE: June 6, 2023

SUBJECT: Consideration of *Resolution No. 2023-48* authorizing first amendment to addendum to Master Service Agreement and Statement of Work Addendum with CivicPlus, LLC.

Background:

In May of 2019, the Town Council was presented with three quotes from three vendors for website and agenda management software to comply with Section 508 and current ADA laws. The town received quotes from MuniCode, CiviPlus, and Gracious. On May 7, 2019, the Town Council approved a Master Service Agreement, including a Master Service Agreement and Statement of Work Addendum, with Contractor that allows for various Statements of Work to be added from time to time that include a term and price specific to that Statement of Work.

Recommendation:

Move to approve *Resolution No. 2023-43* authorizing the first amendment to Master Service Agreement and Statement of Work Addendum with CivicPlus, LLC. adding CivicEngage.

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2023-48

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA AUTHORIZING THE FIRST AMENDMENT TO MASTER SERVICE AGREEMENT AND STATEMENT OF WORK ADDENDUM WITH CIVICPLUS, LLC. FOR COMMUNITY ENGAGEMENT AND GOVERNMENT MANAGEMENT PLATFORMS AND SERVICES; AUTHORIZING EXTENSION OF SERVICES FOR CIVICENGAGE THROUGH THE ADDITION OF A NEW STATEMENT OF WORK; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, CivicPlus, LLC. (“Contractor”) develops, markets, and sells custom community engagement and government management platforms and services that include, but are not limited to, web sites, web interfaces and portals, proprietary software systems and associated modules, project development, design and implementation, and support and hosting services; and

WHEREAS, on May 7, 2019, the Town Council of the Town of Loxahatchee Groves (“Town”) approved a Master Service Agreement, including a Master Service Agreement and Statement of Work Addendum, with Contractor that allows for various Statements of Work to be added from time to time that include a term and price specific to that Statement of Work (“Agreement”); and

WHEREAS, the Town desires to amend the Agreement to comply with changes in law; and

WHEREAS, the Town desires to extend the services for CivicEngage by adding a new Statement of Work to the Agreement; and

WHEREAS, the Town and the Contractor desire to amend the Agreement to comply with changes in law and to include the new Statement of Work and associated pricing; and

WHEREAS, the Town has determined the amendments to the Agreement serve a public purpose.

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

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

Section 2. The Town Council of the Town of Loxahatchee Groves, Florida hereby approves the First Amendment to Master Service Agreement and Statement of Work Addendum

and the Statement of Work for CivicEngage services to be added to the Agreement with CivicPlus, LLC.; and authorizes the Town Manager to execute the documents, as provided.

Section 3. This Resolution shall take effect immediately upon 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>
LAURA DANOWSKI, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBERT SHORR, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARIANNE MILES, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, 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 _____, 2023.

**TOWN OF LOXAHATCHEE GROVES
FLORIDA**

ATTEST:

Mayor Laura Danowski

Town Clerk

Vice Mayor Robert Shorr

APPROVED AS TO LEGAL FORM:

Councilmember Margaret Herzog

Councilmember Marianne Miles

Office of the Town Attorney

Councilmember Phillis Maniglia

**FIRST AMENDMENT TO MASTER SERVICE AGREEMENT
AND STATEMENT OF WORK ADDENDUM
BETWEEN CIVICPLUS, LLC AND TOWN OF LOXAHATCHEE GROVES**

This First Amendment is made as of the 26th day of April, 2023, by and between the **Town of Loxahatchee Groves**, located at 155 F Road, Loxahatchee Groves, FL 33470, a Florida Municipal Corporation (“Client”) and **CivicPlus, LLC., d/b/a CivicPlus**, a Kansas limited liability company authorized to do business in the State of Florida, located at 302 S. 4th Street, Suite 500, Manhattan, KS 66502 (“CivicPlus”).

This First Amendment sets forth additional terms and conditions to or amendments to the terms and conditions of the Master Services Agreement and Statement of Work Addendum (“Addendum”). The terms of this First Amendment shall be deemed to amend, modify, supplement, replace, and/or supersede (as applicable) any inconsistent provisions in the Addendum, to the extent of inconsistency. The parties agree as follows:

1. Section 1 “Additional Terms” of the Addendum is hereby amended by adding thereto a new paragraph 43, to read as follows:

43. Pursuant to Section 448.095(2), Florida Statutes, CivicPlus shall:

- a. Register with and use the E-Verify system to verify the work authorization status of all newly hired employees and require all subcontractors (providing services or receiving funding under the Contract Documents) to register with and use the E-Verify system to verify the work authorization status of all the subcontractors’ newly hired employees;
- b. Secure an affidavit from all subcontractors (providing services or receiving funding under this Agreement) stating that the subcontractor does not employ, contract with, or subcontract with an “unauthorized alien” as defined in Section 448.095(1)(k), Florida Statutes;
- c. Maintain copies of all subcontractor affidavits for the duration of the Agreements and provide the same to Client upon request;
- d. Comply fully, and ensure all of its subcontractors comply fully, with Section 448.095, Florida Statutes;
- e. Be aware that a violation of Section 448.09, Florida Statutes (Unauthorized aliens; employment prohibited) shall be grounds for termination of the Agreements; and
- f. Be aware that if Town terminates the Agreements under Section 448.095(2)(e), Florida Statutes, CivicPlus may not be awarded a contract for at least one (1) year after the date on which the Agreements are terminated and will be liable for any additional costs incurred by Client as a result of termination of the Agreements.

2. Section 1 “Additional Terms” of the Addendum is hereby amended by adding thereto a new paragraph 44, to read as follows:

44. CivicPlus will defend or settle at its expense a claim or suit brought by a third party against the Client arising out of a claim asserting that the work, services, software, repair, materials or other deliverables (“deliverables” hereafter) provided by CivicPlus under the Agreements (if any) infringes any U.S. copyright or any U.S. patent or misappropriates a trade secret. CivicPlus will indemnify and hold harmless the Client against and from damages, costs, and reasonable attorneys’ fees, if any and at all levels of trial and appeal or mediation or arbitration, finally awarded in such suit or the amount of the settlement thereof; provided that (i) CivicPlus is promptly notified in writing of such claim or suit, (ii) CivicPlus will have the sole control of the defense and settlement thereof, and (iii) Client furnishes CivicPlus, on reasonable request, information available to Client for such defense. The Client will not admit any such claim without prior consent of CivicPlus.

- a. In the event of a claim of infringement, CivicPlus shall, at its option:
 1. procure for Client the right to continue using the deliverables provided under the Agreements; or
 2. replace or modify the deliverables so that the same becomes non-infringing but substantially equivalent in functionality and performance.
 3. If neither of the above actions is reasonably feasible, CivicPlus will refund to Client the fee actually paid by Client under the Agreements (as amortized on a straight-line basis over the time in which the Client was able to use the deliverables.
- b. CivicPlus will have no obligation under this section for infringement if and to the extent that such claim arises from:
 1. modification of the deliverables other than by CivicPlus or by its recommendation; or
 2. combination of the deliverables with products other than those supplied by CivicPlus;
 3. the alleged infringement or misappropriation relates to such modification or combination; and/or
 4. the specifications or written direction of the Client directs CivicPlus to construct, fabricate or otherwise provide the infringing deliverables, design, apparatus or, article, with CivicPlus’ products, services, or work product.
- c. CivicPlus will also not have any indemnification obligation with respect to a claim: (i) if it has provided Client with reasonable changes that would have avoided the problem and the reasonable changes are not fully implemented by Client within a reasonable time or (ii) arising out use of the deliverables not in accordance with the Agreements.
- d. CivicPlus’ obligation to indemnify, defend and hold harmless shall remain in effect and shall be binding upon CivicPlus whether such injury or damage shall

accrue, or may be discovered, before or after termination or expiration of the Agreements.

3. Section 1 “Additional Terms” of the Addendum is hereby amended by adding thereto a new paragraph 45, to read as follows:

45. CivicPlus shall procure and maintain and shall cause any subcontractor of CivicPlus to procure and maintain, the minimum insurance coverages listed below throughout the term of the Agreements. Such coverage shall be procured and maintained with forms and insurers acceptable to Client. In the case of any claims-made policy, the necessary retroactive dates and extended reporting periods shall be procured to maintain such continuous coverage.

- a. Cyber Liability with limits of not less than \$1,000,000 per occurrence or claim, \$2,000,000 aggregate. Coverage shall be sufficiently broad to respond to the duties and obligations as set forth in the Agreements and shall include, but not be limited to, claims involving data breach, media content, infringement of intellectual property, invasion of privacy violations, information theft, damage to or destruction of electronic information, release of private information, alteration of electronic information, extortion and network security. The policy shall provide coverage for breach response costs as well as regulatory fines and penalties as well as credit monitoring expenses with sufficient limits to respond to these obligations.
- b. CivicPlus shall insure that sub-consultant used under the Agreements, maintain adequate levels of the above-required Insurance.
- c. Client shall be named as an additional insured on the required insurance coverage.
- d. CivicPlus’ policy shall contribute as primary and non-contributory and shall include a waiver of subrogation.
- e. Within thirty (30) days of the date of this First Amendment, CivicPlus shall submit to Client a certificate of insurance evidencing the required insurance as stated herein.

4. Section 2 “Amendments” of the Addendum is hereby amended as follows:

- A. MSA #7 is further amended to include the following: “Invoices and payments shall be in accordance with the Local Government Prompt Payment Act.”
- B. MSA #22 is deleted in its entirety and amended to read as follows: “The liability of either party arising out of or related to this Agreement, or any associated SOW, will not exceed the Annual Service Fees under contract between the parties in the year prior to such claim of liability.”
- C. MSA #23 is deleted in its entirety and amended to read as follows: “ In no event will either party be liable to the other party for any consequential, indirect,

special, incidental, or punitive damages arising out of or related to this Agreement.”

D. MSA #24 is amended to replace “Client” and “CivicPlus” with “either party”.

ALL TERMS AND CONDITIONS OF THE ADDENDUM NOT EXPRESSLY MODIFIED HEREIN SHALL REMAIN IN FULL FORCE AND EFFECT.

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to be executed as of the day and year set forth above.

TOWN OF LOXAHATCHEE GROVES

ATTEST:

By: _____
Lakisha Burch, Clerk

By: _____
Francine L. Ramaglia, Town Manager

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: _____
Office of the Town Attorney

CIVICPLUS, LLC.

By: Amy Vikander

Print Name: Amy Vikander

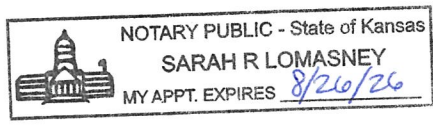
Print Position: SrVP of Customer Success

[CORPORATE SEAL]

STATE OF Kansas)
COUNTY OF Riley)

The foregoing instrument was acknowledged before me by means of physical presence this 26th day of April, 2023, by Amy Vikander, as SVP of CivicPlus, LLC., a company authorized to do business in the State of Florida, and who is personally known to me or who has produced the following driver's license as identification.

[SEAL]



Notary Public:

Sarah Lomasney


CivicPlus

302 South 4th St. Suite 500
Manhattan, KS 66502
US

Quote #:

Q-03274-1

Date:

5/20/2019 1:44 PM

Expires On:

8/8/2019

Product:

CivicEngage

Ship To

Steve Murray
Loxahatchee Groves FL - CivicEngage
155 F Road
Loxahatchee, Florida 33470

Bill To

Loxahatchee Groves FL - CivicEngage
155 F Rd
Loxahatchee, Florida 33470
United States

SALESPERSON	Phone	EMAIL	DELIVERY METHOD	PAYMENT METHOD
William Velasco-Rivera	x	velasco@civicplus.com		Net 30

Exhibit A.1 - Statement of Work

QTY	PRODUCT NAME	PRODUCT TYPE
3.00	Basic User Training	One-time
1.00	SSL Management – CP Provided Only	Renewable
1.00	4yr Redesign Ultimate Annual	Renewable
1.00	GCMS	Renewable
1.00	Hosting & Security	Renewable
1.00	CRT System	Renewable
1.00	Forms	Renewable
1.00	Messaging Add-on	Renewable
1.00	Ultimate Implementation	One-time
100.00	Content Development - 1 Page	One-time
3.00	Agendas & Minutes Migration - PDF - 100 Meetings	One-time

Total Days of Quote:365

One Time Costs	\$13,775.00
Recurring Costs	\$4,000.00

* Recurring Costs stated herein are based upon the number of days stated above.
Upon renewal of this SOW, the Recurring Costs will reflect a 365 day calendar year.

Civic Payment Agreement Terms & Conditions

Client Agreement

- 1. Performance and payment under this SOW shall be subject to the terms & conditions of the Agreement by and between Client and CivicPlus, to which this SOW is hereby attached.
- 2. This SOW shall remain in effect for an initial term of 3 years (“the Initial Term”) from signing. In the event that neither party gives 60 days’ notice to terminate prior to the end of the initial or any subsequent renewal term, this Agreement will automatically renew for an additional 1-year Renewal Term.
- 3. Invoicing shall begin upon the date of signing of this SOW as detailed in CivicPlus Advantage Annual Investment Payments. Subsequent Annual Investment Payments shall be invoiced on the dates of signature of their respective calendar years.
- 4. Renewal Term Annual Services shall be invoiced on the date of signature of relevant calendar years. Annual services, including but not limited to hosting, support and maintenance services, shall be subject to a 5% annual increase beginning in Year 4 of service.
- 5. Client allows CivicPlus to display a “Government Websites by CivicPlus” insignia, and web link at the bottom of their web pages. Client understands that the pricing and any related discount structure provided under this SOW assumes such perpetual permission.
- 6. The Client will be invoiced electronically through email. Upon request CivicPlus will mail invoices and the Client will be charged a \$5.00 convenience fee.


Chart of Payments

	Annual Subscription Charges	CPA Yearly Charge	Total Annual Billing
Year One	\$4,000.00	\$4,591.67	\$8,591.67
Year Two	\$4,000.00	\$4,591.67	\$8,591.67
Year Three	\$4,000.00	\$4,591.67	\$8,591.67
Year Four	\$4,200.00	\$0.00	\$4,200.00


Acceptance


We, the undersigned, agreeing to the conditions specified in this document, understand and authorize the provision of services outlined in this Agreement.

Client

By: 
Name: JAMES TITCOMB
Title: TOWN MANAGER
Date: 6-13-19

CivicPlus

By: 
Name: Jeff Logan
Title: Vice President of Sales
Date: 6/13/2019

Approved as to form: 
Town Attorney

Contact Information

*all documents must be returned: Master Service Agreement, Statement of Work, and Contact Information Sheet.

Organization Town of Loxahatchee Groves ^{URL} www.loxahatcheegrovesfl.gov
Street Address 155 F Rd.
Address 2 _____

City Loxahatchee Groves State Fl. Postal Code 33470

CivicPlus provides telephone support for all trained clients from 7am -7pm Central Time, Monday-Friday (excluding holidays).
Emergency Support is provided on a 24/7/365 basis for representatives named by the Client. Client is responsible for ensuring CivicPlus has current updates.

Emergency Contact & Mobile Phone Steven Murray (561) 427-9939

Emergency Contact & Mobile Phone James Titcomb (561) 267-6133

Emergency Contact & Mobile Phone _____

Billing Contact Cheryl Miller E-Mail cmiller@loxahatcheegrovesfl.gov
Phone (561) 793-2418 Ext. _____ Fax (561) 793-2420
Billing Address 155 F Rd.
Address 2 _____

City Loxahatchee Groves State Fl. Postal Code 33470

Tax ID # 33-1150227 Sales Tax Exempt # 85-8013836013C-8

Billing Terms _____ Account Rep _____

Info Required on Invoice (PO or Job #) _____

Contract Contact Steven Murray Email smurray@munitech.org
Phone (561) 427-9939 Ext. _____ Fax _____

Project Contact Steven Murray Email smurray@munitech.org
Phone (561) 427-9939 Ext. _____ Fax _____

Phase 1 – Initiate				
CivicPlus Deliverables: Project Timeline				
Client Deliverables: Project Timeline Approval Form				
Task	Responsibility			Details
	Client	CivicPlus	Shared	
Project Initiation & Review		X		Project Manager will review the contract, Statement of Work (SOW) and any other documentation from the sales process. Project Manager will send initial project kickoff information to the client.
Project Kickoff (Meeting)			X	Project Manager will set the expectations for the website implementation process, assign client deliverables, due dates and collaborate with the client to understand goals for the project.
Consulting Engagement Coordination			X	Consultant will review project documentation and connect with client to discuss consulting schedule, logistics and technology requirements to prepare for engagement.
Planning & Scheduling			X	Project Timeline will be coordinated by the Project Manager and approved by the client. Internal resources needed for the website production will be scheduled.
Project Timeline Preparation		X		Project Manager will coordinate the complete project timeline based on the agreed due date of the client deliverables established during the Project Kickoff Meeting and available internal resources. Project Manager will provide this timeline for the client to review and approve.
Project Timeline Review & Approval (MILESTONE)	X			Client will review the Project Timeline Proposal and request any changes necessary due to scheduling conflicts.

Phase 2 – Analyze				
CivicPlus Deliverables: Design & Configure Strategy Recommendations				
Client Deliverables: Design Discovery Form; Website Analytics; Photos for Design; DNS Information; Layout approval Form; Design & Content Strategy Approval Form				
Task	Responsibility			Details
	Client	CivicPlus	Shared	
Client Deliverables	X			Client will submit deliverables as outlined (Design Discovery Form; Website Analytics; Photos for Design; DNS information)
Design Discovery Form	X			Client will complete the Design Discovery Form indicating design preferences to be discussed during the Design Discovery Meeting. http://civicplusedemo.com/designdiscovery
Website Analytics	X			If available, client will share analytics from their current website to help guide the development of the new website.
Photos for Design	X			Client will submit 10-20 high-resolution images for possible use in the homepage website design. These may be used in the website background, homepage slideshow, etc.
Logo & Branding Materials	X			Client will provide any branding guidelines and / or imagery that should be used in the website design - logo, seal, color palette, branding guide, etc.
DNS Worksheet	X			Client will complete the DNS Worksheet to provide details needed to complete setup of website domain. http://civicplusedemo.com/dnsform
Website Content Review		X		Project Manager will coordinate the complete project timeline based on the agreed due date of the client deliverables established during the Project Kickoff Meeting and available internal resources. Project Manager will provide this timeline for the client to review and approve.
DNS Configuration		X		DNS Coordinator will prepare domain name transfer or setup according to the specifications in the submitted DNS Worksheet.

Site Map Creation		X		Content Analyst will create a site map documenting the client's existing website and note any questions requiring client feedback.
Design & Configure Consulting Engagement			X	Consultant will perform stakeholder alignment and deliver need-based recommendations for the project regarding website goals, design, content and best practices.
Design & Configure Strategy Meeting			X	Consultant, Project Manager, Art Director and Content Specialist will meet with you to present findings from your current state analysis, as well as our recommended website design and content build strategy for your team.
Project Workbook: Content Preparation & Updates	X			Client will review and update existing website in preparation for content development. All updates must be made prior to the due date to ensure they are included in the Content Migration & Optimization.
Mood Board & Layout			X	CivicEngage team will create a mood board and layout proposal to confirm website color palette and style and wireframe structure of home and interior page
Mood Board & Layout Creation		X		Art Director will provide the completed Mood Board and Layout.
Mood Board & Layout Review and Approval	X			Client will provide written approval of website mood board.

Phase 3 – Design & Configure				
CivicPlus Deliverables: Design Templates & Tools; Production Website				
Client Deliverables: Design Concept Review & Feedback; Design Concept Approval; Content Cut-off Approval; Production Website Feedback				
Task	Responsibility			Details
	Client	CivicPlus	Shared	
Website Design*		X		Graphic Design will prepare a functioning design to present during the Design Concept Meeting. (*Client will choose up to 3 unique design components.)
Design Creation		X		Creative Services team will create the Design Concept.
Design Preparation		X		Graphic Designer will prepare the website design files for design setup.
Quality Control - Design		X		Art Director will review, provide feedback and approve the website design before it is prepared for website development.
Quality Control - Design Revisions		X		If needed, Graphic Designer will make adjustments requested by Art Director.
Design Setup		X		Web Developer will convert the prepared design into a functioning production website to be shared during the Design Concept Meeting.
Quality Control - Design Setup		X		Art Director will review the design setup prior to the Design Concept Meeting.
Quality Control - Design Setup Revisions		X		If needed, Web Developer will make adjustments requested by Art Director.
Design Concept (Meeting)			X	CivicEngage team will present the initial design concept on a functional production website environment.
Design Concept Review & Approval	X			If necessary, client will provide feedback on the Design Concept. Client will submit the Design Concept Approval Form to indicate approval of final Design Concept. http://civicplusedemo.com/designapproval
Design Concept Revisions		X		If applicable, CivicEngage team will make requested changes to the Design Concept. Completed changes will be returned to client for any additional feedback or approval.
Training Engagement Coordination			X	Trainer will review project documentation and connect with client to discuss training schedule, logistics and technology requirements to prepare for engagement.
Project Workbook: Change Tracking	X			Client will keep a record of all changes made to their existing website during Content Development. Client will have access to make updates and changes recorded during / after training in preparation for Website Launch. All updates must be made prior to the Content Preparation & Updates due date to ensure they are included in Content Migration & Optimization.
Content Development		X		Content Team will migrate and optimize the content from the client's existing website to the production website and complete a quality check.
Site Map Creation		X		Content Analyst will create a site map documenting the client's existing website and note any questions requiring client feedback.

Content Migration Setup		X		Web Content Specialist will prepare project for migration process.
Content Migration & Optimization		X		Content Team will migrate content from client's existing website to the production website and optimize using best practices for usability and accessibility.
Quality Control - Content		X		Content Analyst will review production website to ensure usability and consistency.
Quality Control - Content Revisions		X		If needed, content will be updated as requested by the Content Analyst.
Final Content Report Creation		X		Web Content Specialist will create final content report to be shared with client.
Design Templates & Tools		X		Graphic Design will create templates and other design tools for website maintenance.
Quality Control - Production Website		X		CivicEngage team will execute a thorough review of the production website in preparation for the Website Reveal Meeting.
Website Reveal Meeting			X	CivicEngage team will present the completed website, including finished design and content.

Phase 4 – Optimize				
<i>CivicPlus Deliverables:</i> None				
<i>Client Deliverables:</i> Website Evaluation				
Task	Responsibility			Details
	Client	CivicPlus	Shared	
Website Finalization	X			Client will evaluate the production website and confirm all expectations were met in accordance with the Statement of Work / project contract.
Project Workbook: Finalization Planning Worksheet	X			Client completes Finalization Planning Worksheet in the workbook. Project Manager coordinates resources and remaining items.
Website Corrections		X		CivicEngage team completes outstanding items from the Finalization Planning Worksheet.

Phase 5 – Educate				
<i>CivicPlus Deliverables:</i> Instructor Led Training				
<i>Client Deliverables:</i> None				
Task	Responsibility			Details
	Client	CivicPlus	Shared	
Training Engagement			X	Trainer delivers product training.

Phase 6 – Launch				
<i>CivicPlus Deliverables:</i> None				
<i>Client Deliverables:</i> Website Approval				
Task	Responsibility			Details
	Client	CivicPlus	Shared	
Website Launch Confirmation Meeting			X	Project Manager will review the launch process.
Project Workbook: Pre-Launch Checklist	X			Client will complete the Pre-Launch Checklist from the Project Workbook.
Website Approval	X			Client will submit the Website Approval Form to indicate statement of work has been fulfilled. http://civicplusdemo.com/websiteapproval
Website Launch			X	The new website is made available to the public with live domain name.
Project Close Procedures			X	Project Manager will complete the administrative tasks related to transitioning project from implementation to client care.



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 4

TO: Mayor and Councilmembers

FROM: Francine Ramaglia, Town Manager

DATE: June 6, 2022

SUBJECT: Approval of *Resolution No. 2023-47* Authorizing Interlocal Agreement with Indian Trails Improvement District for Emergency Response

Background:

The Indian Trails Improvement District (ITID) agreed to provide emergency response and assistance to the Town due to its location and greater resources such as heavy equipment, skilled and experience staffing with extensive knowledge of drainage facilities and ability to perform emergency repair and replacement as needed. ITID will provide such assistance during and after storm events and other declared local and state emergencies to include, but not be limited to, the following:

- Clearing debris from roads and canals for safe travel and flow of water;
- Assisting with damage assessment;
- Repairing washouts;
- Repairing and replacing culverts;
- Responding to calls from Palm Beach County Fire Rescue.

Recommendations: Move to approve *Resolution No. 2023-47* authorizing Interlocal Agreement with Indian Trails Improvement District for Emergency Response

RESOLUTION NO. 2023-47

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AUTHORIZING THE ENTRY BY THE TOWN INTO AN INTERLOCAL AGREEMENT WITH INDIAN TRAIL IMPROVEMENT DISTRICT FOR EMERGENCY AID AND ASSISTANCE; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE INTERLOCAL AGREEMENT; AUTHORIZING THE TOWN MANAGER AND THE TOWN ATTORNEY TO TAKE SUCH ACTIONS AS ARE NECESSARY TO IMPLEMENT THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, Indian Trail Improvement District (District) is close in proximity and employs staff that is skilled and knowledgeable in the operation of heavy equipment and the repair and replacement of drainage facilities; and

WHEREAS, the Town and the District desire to enter into an Interlocal Agreement for the emergency aid and assistance; and

WHEREAS, in anticipation of Hurricane Season, the Town Manager and Executive Director are authorized to execute such Interlocal Agreement; and

WHEREAS, the Town Council finds it is in the best interest of the Town of Loxahatchee Groves to enter into the Interlocal Agreement with Indian Trail Improvement District.

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 confirmed as being true and correct and are hereby made a specific part of this Resolution.

Section 2. The Town Council of the Town of Loxahatchee Groves hereby authorize the Interlocal Agreement with Indian Trail Improvement District, attached hereto as Exhibit "A". The Town Manager is authorized to execute the Interlocal Agreement. The Town Manager and Town Attorney are authorized to take such actions as are necessary to implement this Resolution.

Section 3. This Resolution shall become effective immediately upon its passage and 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>
ROBERT SHORR, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LAURA DANOWSKI, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARIANNE MILES, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCILMEMEBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS _____ DAY OF _____, 2023.

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

ATTEST:

Mayor Laura Danowski

Lakisha Burch, Town Clerk

Vice Mayor Robert Shorr

APPROVED AS TO LEGAL FORM:

Councilmember Margaret Herzog

Office of the Town Attorney

Councilmember Marianne Miles

Councilmember Phillis Maniglia

**TOWN OF LOXAHATCHEE GROVES, FLORIDA
AND
INDIAN TRAIL IMPROVEMENT DISTRICT
EMERGENCY AID AND ASSISTANCE
INTERLOCAL AGREEMENT**

WHEREAS, the Town of Loxahatchee Groves, Florida (Town), a municipality of the State of Florida, and Indian Trail Improvement District (District), an independent special district organized under the laws of the State of Florida, are public bodies authorized to enter into interlocal agreements pursuant to Section 163.01, F.S.; and

WHEREAS, the Town and the District are so located in relation to each other that it is to the advantage of each to receive and extend mutual aid to adequately respond to storm events and other declared emergencies pursuant to Section 252.38, F.S.; and

WHEREAS, the Town and the District have staff that is skilled and knowledgeable in the operation of heavy equipment and repair and replacement of drainage facilities; and

WHEREAS, the Town and the District desire to provide mutual aid, voluntary cooperation and assistance in storm events and other declared emergencies.

NOW, THEREFORE, THE TOWN AND THE DISTRICT AGREE AS FOLLOWS:

1. The Town and the District agree to provide mutual aid, voluntary cooperation and assistance during and after storm events and other declared local and state emergencies to include, but not be limited to, the following:
 - a. Clearing debris from roads and canals for safe travel and flow of water;
 - b. Assisting with damage assessment;
 - c. Repairing washouts;
 - d. Repairing and replacing culverts;
 - e. Responding to calls from Palm Beach County Fire Rescue.

2. Neither party shall be responsible for nor shall they provide aid or assistance as follows:
 - a. In the adjustment, repair, or operation of the other party’s pumps or drainage gates;
 - b. In unsafe conditions (where wind gusts are 50mph or higher).

3. In the event that either party is in need of assistance as set forth herein, such party shall notify the other party. Notification may be verbal or in writing. Notification of a potential need is desirable prior to the storm event or impact of any other designated emergency. Notice of the actual need for assistance shall be coordinated with the other party prior to the employee crews receiving assignments and sent into the field for the day. The Manager of the entity providing assistance shall evaluate the situation and available resources and

will respond in a manner he or she deems appropriate. Neither party shall be required to deplete unreasonably its own personnel, equipment, resources, facilities, and services in furnishing such assistance.

4. The Manager of the requesting party may determine who is authorized to lend assistance within his or her jurisdiction, for how long such assistance is authorized and for what purpose such authority is granted. This authority may be granted either verbally or in writing as the particular situation dictates.
5. The personnel and equipment that are assigned by the assisting party shall be under the immediate command of a designated supervisor of the assisting party, who shall be under the direct supervision and command of the Manager of the requesting party.
6. When providing assistance, the assisting party shall keep records related to the assistance provided in the manner required by FEMA for emergency response reimbursement and will provide such records to the requesting party at the end of each day assistance is provided.
7. Whenever an employee is rendering assistance pursuant to this Agreement, the employee shall abide by and be subject to the rules and regulations, personnel policies, and standard operating procedures of his or her own employer. If any such rule, regulation, policy or procedure is contradicted, contravened or otherwise in conflict with direction from the Manager of the party requesting assistance, then such rule, regulation, policy or procedure shall control and shall supersede the direction.
8. In the event of any storm event and other declared local and state emergency, the District agrees to unlock the access gate between the Town and the District located at 40th and 140th.
9. Whenever there is cause to believe that a complaint has arisen as a result of a cooperative effort as it may pertain to this Agreement, the Manager of the requesting party shall be responsible for the documentation and investigation of said complaint. If it is determined the accused is an employee of the assisting party, the documentation gathered shall be forwarded to the Manager of the assisting party.
10. Each party agrees to be responsible for the acts, omissions, or conduct of its employees while engaged in rendering assistance under this Agreement, subject to the limitations of Section 768.28, F.S.
11. If equipment is furnished by the assisting party, the assisting party will bear the cost of loss or damage to that equipment and pay any expense incurred in the operation and maintenance of that equipment.

12. The assisting party shall compensate its employees during the provision of assistance under this Agreement shall compensate its employees, including benefits including any amounts due or pain for compensation due to personal injury or death sustained by such employee while rendering assistance.
13. Nothing herein is intended to nor shall create an agency relationship between the parties.
14. Either party may terminate this Agreement upon thirty (30) days prior written notice to the other party.
15. The preparation of this Agreement has been a joint effort of the parties, and the resulting document shall not be construed more severely against one of the parties than the other.
16. If any term or provision of this Agreement, or the application thereof to any person or circumstances shall, to any extent, be held invalid or unenforceable, the remainder of this Agreement, or the application of such terms or provision, to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected, and every other term and provision of this Agreement shall be deemed valid and enforceable to the extent permitted by law.
17. As provided in F.S. 287.132-133, as may be amended from time to time, by entering into this Agreement or performing any work in furtherance hereof, each party shall have its consultants and contractors certify that they and their affiliates, suppliers and sub consultants who will perform hereunder, have not been placed on the convicted vendor list maintained by the State of Florida Department of Management Services within thirty-six (36) months immediately preceding the date hereof. This notice is required by F.S. 287.133 (3) (a).
18. As provided in F.S. 287.135, as may be amended from time to time, by entering into this Agreement or performing any work in furtherance hereof, each party shall have its consultants and contractors certify that they are not on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, that they do not have business operations in Cuba or Syria, and that they are not participating in a boycott of Israel.
19. By entering into this Agreement or performing any work in furtherance hereof, each party shall notify its consultants and contractors of the obligations to register with and use E-Verify pursuant to, and the consequences of violating, F.S. 448.095, as may be amended from time to time.
20. A copy of this Agreement shall be filed by the Town with the Clerk of the Circuit Court in and for Palm Beach County, Florida.

IN WITNESS WHEREOF, the parties hereto cause these presents to be signed on the date specified.

TOWN:

DISTRICT:

Francine Ramaglia

Burgess Hanson

Town Manager

District Manager

Date: _____

Date: _____

Approved as to form and legal
sufficiency:

Approved as to form and legal
sufficiency:

Office of the Town Attorney

District Attorney



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 5

TO: Town Council of Town of Loxahatchee Groves
FROM: Town Attorney's Office
VIA: Francine L. Ramaglia, Town Manager
DATE: June 6, 2023
SUBJECT: Consideration by District Board of Supervisors of Settlement of Litigation Pata, et. al v. Town of Loxahatchee Groves

Background:

In February, 2022, the Town was served in the case of John Pata, Regina Maria Christina Burgio as Trustee of the Torchia Family Trust u/a/d July 6, 2016, Vanessa A. Montoya and Andrew Somar, PBCL, LLC, Brian McNeil and Judy L. Westlake, and Ramachandra Bhat and Nagalaxmi R. Bhat v. Town of Loxahatchee Groves, Florida, Case No. 502021-CA-011838, in the circuit court of the 15th Judicial Circuit, in and for Palm Beach County, Florida. The District was added as a named Defendant in the case in June 2022.

The premise of the case is that the Town and/or District have taken private property for road purposes.

The parties to the case, as required by the Court, participated in mediation on October 4, 2022, and have continued to negotiate towards settlement of the case.

Recommendation:

Move that approve settlement as presented.



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 6

TO: Board of Supervisors of Loxahatchee Groves Dependent Water Control District

FROM: Francine Ramaglia, District Manager

DATE: June 6, 2023

SUBJECT: Consideration of *Resolution No. 2023-DD03* establishing the District's preliminary Road and Drainage non-ad valorem assessment rate of for purposes for the fiscal year 2024 beginning October 1, 2023.

Background:

Truth-in-Millage (TRIM) rates will be due to the Palm Beach County Property Appraiser's office to facilitate preparation of TRIM notices which will be sent out by their office. The accompanying Resolution 2023- DD03 specifies the preliminary assessment rate of \$200 per unit for the Water Control District which is the same as current year FY 2023.

The Board may adopt final rates at or below the preliminary TRIM rates.

The District's final rate will be adopted following the public hearing in September currently scheduled for September 5th.

Recommendation:

Staff recommends the Board of Supervisors approves Resolution No. 2023-DD03 establishing the District's preliminary Road and Drainage no-ad valorem rate of \$200 per unit for Truth-in-Millage ("Trim") purposes for the fiscal year 2024 beginning on October 1, 2023.

**LOXAHATCHEE GROVES WATER CONTROL DISTRICT
RESOLUTION NO. 2023-DD03**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT, A DEPENDENT DISTRICT OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE PROVISION OF DISTRICT SERVICES, INCLUDING WATER CONTROL MAINTENANCE AND REPAIR OF DRAINAGE AND ROADWAYS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR DISTRICT SPECIAL ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Loxahatchee Groves Water Control District (“District”), a former Independent Special District, has become a Dependent District of the Town of Loxahatchee Groves; and

WHEREAS, the District has been authorized by the Florida Statutes to construct, improve, manage and maintain water control and drainage facilities, and by the Florida Legislature to construct, improve, maintain and repair roadways, within the geographical boundaries of the District; and

WHEREAS, the District is authorized to impose non-ad valorem special assessments pursuant to section 189.05, Florida Statutes, and the Special Act; and

WHEREAS, it is fair and reasonable to impose a non-ad valorem special assessment upon specially benefited property to fund the costs of the District Services; and

WHEREAS, the Board of Supervisors determines that such operations, repairs and maintenance of the District works are uniformly required within all Units of the District and properties receiving District Services, as each is connected and receive equal benefit through the operations and maintenance of the District’s Services; and

WHEREAS, the Board of Supervisors for the District finds that there are 7,801.48 Assessable Units (acres) that receive the benefits of District and being assessed for such services through this Resolution; and

WHEREAS, the Board of Supervisors finds it in the best interest of the landowners and the District to levy and collect the special assessment to fund District Services.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT, THAT:

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

SECTION 2. AUTHORITY. This Resolution is adopted pursuant to the provisions of Chapter 2018-175, Laws of Florida, (the "Special Act"), Chapters 99-425 and 2004-410, Laws of Florida, which by virtue of the approval of the dependency referendum on June 25, 2018, became ordinances of the Town, Chapters 189 and 298, Florida Statutes, and other applicable provisions of law.

SECTION 3. PURPOSE AND DEFINITIONS.

- (a) Purpose. This Resolution constitutes the Preliminary Rate Resolution which initiates the annual process for imposing the annual special assessments, as authorized Chapter 189, Florida Statutes, creates the Assessment Roll and directs the imposition of Loxahatchee Groves Water Control District Special Assessments for the Fiscal Year beginning October 1, 2023.
- (b) Definitions. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Special Act and Chapters 189 and 197, Florida Statutes. Unless the context indicates otherwise, words imparting the singular number include the plural number, and vice versa.
1. *Assessed Costs* shall include all costs of providing District Services to and for Assessed Properties that receive benefits from District Services, including water control and drainage services, and as well as road construction, improvement, repair and maintenance services associated with the District's responsibilities of providing water control and drainage services to Assessed Properties within the Town. These costs shall include, but not be limited to, the following components: (A) the cost of physical construction, reconstruction, or completion of any required facility or improvement; (B) the costs incurred in any required acquisition or purchase; (C) the cost of all labor, materials, machinery, and equipment; (D) the cost of fuel, parts, supplies, maintenance, repairs, and utilities; (E) the cost of computer services, data processing, and communications; (F) the cost of all lands

and interest therein, leases, property rights, easements, and franchises of any nature whatsoever, (G) the cost of any indemnity or surety bonds and premiums for insurance; (H) the cost of salaries, volunteer pay, workers' compensation insurance, or other employment benefits; (I) the cost of uniforms, training, travel, and per diem; (J) the cost of construction plans and specifications, surveys and estimates of costs; (K) the cost of engineering, financial legal, and other professional services; (L) the costs of compliance with any contracts or agreements entered into by the District, or the Town as authorized by the Interlocal Agreement between the Town and District, to provide District Services; (M) all costs associated with the structure, implementation, collection, and enforcement of the special assessment, including any service charges of the Tax Collector, or Property Appraiser and amounts necessary to off-set discounts received for early payment of special assessment pursuant to the Uniform Assessment Collection Act and Florida law; (N) all other costs and expenses necessary or incidental to the provision of District Service or construction of District facilities, or programs, and such other expenses as may be necessary or incidental to any related financing authorized by the District Board of Supervisors by subsequent resolution; (O) a reasonable amount for contingency and anticipated delinquencies and uncollectible special assessments; and (P) reimbursement to the Town or any other Person for any moneys advanced for any costs incurred by the Town or such Person in connection with any of the foregoing components of Assessed Cost or the provision of District Services.

2. *Assessed Properties* shall mean all properties that are provided a special benefit by the District's provision of District Services.
3. *District Services* are all services (including those items described above in the definition of Assessed Costs) provided by the District relating to water control and drainage services, and road construction, improvement, repair and maintenance services associated with the District's responsibilities.

SECTION 4. PROVISION AND FUNDING OF THE DISTRICT'S WATER MANAGEMENT SYSTEM.

- (a) Upon the imposition of District Special Assessment, the District shall provide District Services to such Assessed Property.

(b) It is hereby ascertained, determined and declared that each Assessed Property will be benefited by the District's provision of District Services in an amount not less than the special assessment imposed upon such Assessed Properties, computed in the manner set forth herein.

SECTION 5. IMPOSITION AND COMPUTATION OF WATER MANAGEMENT

SYSTEM ASSESSMENTS. The special assessment for District Services shall be imposed upon all Assessable Units that receive District Services.

SECTION 6. LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT, FAIR APPORTIONMENT, AND PARCEL APPORTIONMENT METHODOLOGIES.

(a) Special Benefit: The District is authorized to levy and collect the special assessment pursuant to the Special Act, Town Ordinances and Chapters 189 and 298, Florida Statutes. Assessed Properties are benefitted by the provision of District Services:

1. Water control and drainage services enable the use of lands, including the development thereof;
2. The unique nature of the roads and water control and drainage facilities, including the canal networks, has resulted in an interconnection of the two types of facilities, such that the proper repair and maintenance of one directly affects the use and functionality of the other. Roadway drainage facilities, including culverts, must be so constructed, improved, repaired and maintained so as not to damage or threaten the integrity of the water control system, including the canals. The canals and related drainage facilities must be so constructed, improved, repaired and maintained so as not to damage or threaten the integrity of the roadways, including avoidance of washouts and roadway collapses, which affects the usability and safety of roadways and impairs access to Assessed Properties.
3. The importance of roadway construction, improvement maintenance and repair to the ability of the District to provide water control and drainage services was recognized by the Florida Legislature in 1999, as evidenced by Chapter 99-425, Florida Statutes, which expressly provided the power to the previously independent water control district "to maintain roadways and roads necessary and convenient for the exercise of the powers and duties" of the district, and "to maintain roadways and roads necessary and convenient to provide access to and efficient development of areas made suitable and available for cultivation, settlement, and other beneficial use and development as a result of the

reclamation operations of the district.” The Florida Legislature, further recognizing the importance of roads and roadways to the ability of the District to provide water control and maintenance services, authorized the formerly independent special district to “construct, maintain, improve and repair roadways and roads necessary and convenient for the exercise of any of the powers or duties of the district or board of supervisors thereof.”

4. The special benefits provided by the District Services to Assessed Property include, but are not limited to: (A) the ability to use and develop property; (B) enhancing safety and access to Assessed Property; (C) improved appearance; (D) rendering Assessed Property more adaptable to a current or reasonably foreseeable use; (E) alleviation of the burdens caused by drainage and accumulation attendant with the use of Assessed Property; and (F) ensuring that the interaction between the drainage and roadway facilities is facilitated so that both functions work in a coordinated fashion to ensure proper water control and drainage, and safety of travel and use of roads and roadways within the Town.

These findings provide the requisite special benefit and logical relationship between the District Services and real property so as to permit the District Services to be funded by non-ad valorem special assessment.

- (b) Fair and Reasonable Apportionment: It is fair and reasonable to equally apportion the Assessed Costs of the Water Management System upon the assessed units, on a per acre basis, as the size of the Assessed Property corresponds with its impact with water control and drainage facilities, as well as the potential for use of roadways reliant on proper drainage, and the amount of the assessment on each of the assessed units does not exceed the benefits received by each assessed unit from the District’s Services.
- (c) Units: Assessable Units shall be calculated on a per acre basis. Each tract or parcel of land that is less than one acre shall be assessed as one full acre (one unit). Each tract or parcel of land of more than one (1) acre, which contains a fraction of an acre, shall be assessed at the actual number of acres rounded to a fraction of four digits.

SECTION 7. DETERMINATION OF WATER MANAGEMENT SYSTEM ASSESSED COSTS; ESTABLISHMENT OF ANNUAL WATER MANAGEMENT SYSTEM ASSESSMENT RATES.

- (a) The District Services Assessed Costs to be assessed and apportioned among Assessed Properties for the Fiscal Year commencing October 1, 2023, is preliminarily \$2 million. The Assessable Unit Apportionment for the Fiscal Year commencing October 1, 2023, is \$200 per Unit. The adoption of this Preliminary Rate Resolution determines the amount of the District Services Assessed Costs. The remainder of such Fiscal Year budget for District Services shall be funded from available District revenue other than assessment proceeds.
- (b) The estimated special assessment specified herein are hereby established to fund the costs of the District Services to be assessed in the Fiscal Year commencing October 1, 2023.
- (c) The estimated special assessment established in this Preliminary Rate Resolution shall be the estimated assessment rates applied by the Palm Beach County Property Appraiser in the preparation of the Assessment Roll for the Fiscal Year commencing October 1, 2023 as provided in this Preliminary Rate Resolution.

SECTION 8. ANNUAL ASSESSMENT ROLL.

- (a) The Palm Beach County Property Appraiser is hereby directed to prepare, or cause to be prepared, an Assessment Roll for the Fiscal Year commencing October 1, 2022, in the manner provided herein and Section 197.3632, Florida Statutes. The Assessment Roll shall include all units being assessed herein. The Palm Beach County Property Appraiser shall apportion the estimated Assessed Costs in the manner set forth in this Preliminary Rate Resolution. A copy of this Preliminary Rate Resolution, the Special Act, Town Ordinances, and the updated Assessment Roll shall be maintained on file in the office of the Secretary of the District and open to public inspection. The foregoing shall not be construed to require that the Assessment Roll proposed for the Fiscal Year beginning October 1, 2023, be in printed form if the amount of the special assessment for each parcel of property can be determined by the use of a computer terminal available to the public.
- (b) It is hereby ascertained, determined, and declared that the method of determining the special assessments for District Services as set forth herein is a fair and reasonable method of apportioning the Assessed Cost among units of Assessed Property.

SECTION 9. AUTHORIZATION OF PUBLIC HEARING. There is hereby established a public hearing to be held on September 5, 2023, at 6:30 pm in the Loxahatchee Groves Town Hall, 155 F Road, Town of Loxahatchee Groves, Florida, at which time the Board of Supervisors of the

District will receive and consider any comments on the special assessment from the public and affected property owners and consider imposing District Services Assessments for the Fiscal Year beginning October 1, 2023, and collecting the assessments on the same bill as non-ad valorem taxes.

SECTION 10. APPLICATION OF ASSESSMENT PROCEEDS. Proceeds derived by the District from the special assessment will be utilized for the District Services. In the event there is any fund balance remaining at the end of the Fiscal Year, such balance shall be carried forward and used only to fund District Services.

SECTION 11. CONFLICTS. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 12. SEVERABILITY. 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 13. EFFECTIVE DATE. This Preliminary Rate Resolution shall take effect immediately upon its passage and adoption.

Supervisor _____ offered the foregoing resolution. Supervisor _____ 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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Robert Shorr	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marge Herzog	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Phillis Maniglia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marianne Miles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ADOPTED BY THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT, A DEPENDENT DISTRICT OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA,

LOXAHATCHEE GROVES WATER
CONTROL DISTRICT

ATTEST:

Chairperson/President Shorr

Clerk for the Loxahatchee Groves
Water Control District

Supervisor/Treasurer Herzog

Supervisor Maniglia

APPROVED AS TO LEGAL FORM:

Supervisor Miles

Attorney for the Loxahatchee Groves Water
Control District

Supervisor Danowski



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 7

TO: Town Council of Town of Loxahatchee Groves

FROM: Town Attorney's Office

VIA: Francine L. Ramaglia, Town Manager

DATE: June 6, 2023

SUBJECT: Consideration by Town Council of Settlement of Litigation Pata, et. al v. Town of Loxahatchee Groves

Background:

In February, 2022, the Town was served in the case of John Pata, Regina Maria Christina Burgio as Trustee of the Torchia Family Trust u/a/d July 6, 2016, Vanessa A. Montoya and Andrew Somar, PBCL, LLC, Brian McNeil and Judy L. Westlake, and Ramachandra Bhat and Nagalaxmi R. Bhat v. Town of Loxahatchee Groves, Florida, Case No. 502021-CA-011838, in the circuit court of the 15th Judicial Circuit, in and for Palm Beach County, Florida. The District was added as a named Defendant in the case in June 2022.

The premise of the case is that the Town and/or District have taken private property for road purposes.

The parties to the case, as required by the Court, participated in mediation on October 4, 2022, and have continued to negotiate towards settlement of the case.

Recommendation:

Move that approve settlement as presented.



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 8

TO: Mayor and Councilmembers

FROM: France Ramaglia, Town Manager

VIA: Amber Schneider

DATE: June 6, 2023

SUBJECT: *Resolution No. 2023- 42 Authorizing the rental of equipment through cooperative purchase with Sourcewell Contract #062320-URI*

Background:

In relation to the Capital Improvement Plan, Public Works has been leasing equipment from United Rentals. On March 21, 2023, the Town Council was provided information on the spending with United Rentals. Since then, expenditure for the leased equipment has exceeded the Town Manager's approval authority of \$25,000.

Sourcewell is a local government agency and service cooperative. The Town's procurement ordinance provides for an exemption from competitive bidding when the Town makes purchases off of a contract that was competitively bid on by a purchasing cooperative. Sourcewell has awarded a contract to United Rentals for equipment leasing. Adoption of Resolution 2023-42 will allow the Town to continue renting equipment from United Rentals through cooperative purchase with Sourcewell Contract.

Town Council has previously approved the use of United Rentals under the Sourcewell cooperative purchasing agreement in November of 2021. Prior to that they were approved as best interest vendors as well.

The Capital Improvement Plan has budgeted line items for the lease of rental equipment. These funds will cover the spending to date and future expenditures up to a proposed not to exceed total of \$100,000.

Recommendations:

Move Approval of *Resolution No. 2023-42* authorizing the rental of equipment through cooperative purchase with Sourcewell Contract #062320-URI.

RESOLUTION NO. 2023-42

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AUTHORIZING THE RENTAL OF EQUIPMENT THROUGH COOPERATIVE PURCHASE WITH SOURCEWELL CONTRACT #062320-URI; AUTHORIZING THE ISSUANCE OF PURCHASE ORDERS PURSUANT TO THE COOPERATIVE PURCHASING CONTRACT TO IMPLEMENT THE INTENT OF THIS RESOLUTION; AUTHORIZING THE TOWN MANAGER TO EXECUTE NECESSARY DOCUMENTS IN FORMS ACCEPTABLE TO THE TOWN MANAGER AND TOWN ATTORNEY TO IMPLEMENT THE INTENT OF THIS RESOLUTION; AUTHORIZING THE TOWN MANAGER AND THE TOWN ATTORNEY TO TAKE SUCH ACTIONS AS ARE NECESSARY TO IMPLEMENT THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 2-134(6) of the Town’s Purchasing Code provides an exemption from competitive bidding or proposals when the Town is purchasing goods and services from cooperative purchasing plans; and

WHEREAS, Sourcewell, a local government agency and service cooperative, offers cooperative purchasing contracts on a variety of goods and services; and

WHEREAS, the Town is in need of rental equipment from time to time; and

WHEREAS, Sourcewell has competitively procured contract #062320-URI with United Rentals for this purpose; and

WHEREAS, Section 2-134(6) of the Town’s Purchasing Code permits the Town to purchase from the cooperative purchasing contract without competitive bidding or proposals; and

WHEREAS, the cooperative purchasing contract #062320-URI provides for purchase through the program by issuance of a purchase order for the desired goods and services; and

WHEREAS, the Town Council finds use of the cooperative purchasing contract serves a public purpose and is consistent with the Town’s Purchasing Code; and

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

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

Section 2. The Town Council of the Town of Loxahatchee Groves hereby authorizes the Town to rent equipment through the Sourcewell cooperative purchasing contract #062320-URI by issuance of purchase orders under the terms of that cooperative purchasing contract. The Town Manager is authorized to execute any and all documents to implement the purchase, in forms acceptable to the Town Manager and Town Attorney.

Section 3. The Town Manager and Town Attorney are authorized to take such actions as are necessary to implement this Resolution.

Section 4. This Resolution shall become effective immediately upon its passage and 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>
LAURA DANOWSKI, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBERT SHORR, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARIANNE MILES, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, 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 JUNE, 2023.

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

ATTEST:

Mayor Laura Danowski

Lakisha Burch, Town Clerk

Vice Mayor Robert Shorr

APPROVED AS TO LEGAL FORM:

Councilmember Margaret Herzog

Office of the Town Attorney

Councilmember Marianne Miles

Councilmember Phillis Maniglia



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 9

TO: Town Council of Town of Loxahatchee Groves

FROM: Francine Ramaglia, Town Manager

DATE: June 6, 2023

SUBJECT: Consideration of Resolution 2023-40 establishing the Town's preliminary non-ad valorem assessment rate for Solid Waste Collection and Recycling Services for the fiscal year 2024 beginning October 1, 2023.

Background:

Truth-in-Millage (TRIM) rates are due to the Palm Beach County Property Appraiser's office to facilitate preparation of TRIM notices which will be sent out by their office. The accompanying Resolution 2023-40 specifies the preliminary non-ad valorem assessment rate for Solid Waste Collection and Recycling Services to be included on the annual TRIM notice for all taxable property within the Town of Loxahatchee Groves.

The proposed rate of \$400 per unit is set at the same rate at the same rate as in FY 2022-2023. The Council may adopt final rates at or below the preliminary TRIM rates.

The Town's final non-ad valorem assessment rate for Solid Waste Collection and Recycling Services will be adopted following the required public hearing in September currently scheduled for September 5th.

Recommendation:

Staff recommends that Town Council approves Resolution No. 2023-40.

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2023 - 40

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE PROVISION OF RESIDENTIAL SOLID WASTE COLLECTION SERVICES AND FACILITIES AND PROGRAMS ("SOLID WASTE COLLECTION SERVICES") IN THE TOWN OF LOXAHATCHEE GROVES, FLORIDA; PROVIDING FOR PURPOSE AND DEFINITIONS; PROVIDING FOR LEGISLATIVE DETERMINATIONS; ESTABLISHING THE ESTIMATED RATE FOR THE SOLID WASTE COLLECTION SERVICES ASSESSMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Chapter 42 “Special Assessments,” of the Code of Ordinances of the Town of Loxahatchee Groves, provides for the home rule authority of the Town Council to levy and collect special assessments; and

WHEREAS, Chapter 42, authorizes the Town to “create, install, improve, maintain and fund any and all costs associated with the Town establishing and operating a Town system of providing a solid waste collection services program (Solid Waste Collection Program) for residential and/or commercial service to the property owners, residents and citizens of the Town,” and provides findings of special benefit to real property as a result of such services; and

WHEREAS, the Town has in place a Collection Agreement, pursuant to which the Town provides Solid Waste Collection Services to, among others, all residential properties that receive residential solid waste collection services within the Town; and

WHEREAS, the Town believes it is in the best interests of the residents and residential property owners to collect funds for the costs of the Town’s Solid Waste Collection Services to all residential dwelling units that receive Solid Waste Collection Services provided by the Town, through its Collection Agreement, through the levy and collection of a special assessment, as

such will permit the payment for the services on an annual basis along with property taxes and other special assessments and reduce the costs of the Solid Waste Collection Program to the Town; and

WHEREAS, the Town’s Collection Agreement with Contractor provides for the levy and collection of a Solid Waste Collection Services Special Assessment by the Town, and remittance of payment to Contractor; and

WHEREAS, Solid Waste Collection Services provided by the Town through its Collection Agreement as defined hereinafter provide the requisite special benefit to Assessed Property such that they may be funded through a special assessment; and

WHEREAS, Town staff has reviewed the budget for Solid Waste Collection Services for residential dwelling units that receive residential Solid Waste Collection Services provided by the Town through the Collection Agreement to ensure that the Solid Waste Collection Services Special Assessment meets the legal requirements for special benefit and fair apportionment; and

WHEREAS, the Town Council determines that it is fair and equitable to levy and collect a non-ad valorem special assessment to fund the Solid Waste Collection Services provided by the Town through its Collection Agreement, consistent with the methodology and allocation as provided hereinafter.

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

SECTION 1. RECITALS. The foregoing "WHEREAS" clauses are hereby ratified and confirmed by the Town Council and incorporated herein by this reference.

SECTION 2. AUTHORITY. This Resolution is adopted pursuant to the provisions of Chapter 42 “Special Assessments” of the Town’s Code of Ordinances (the “Ordinance”), Sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 3. PURPOSE. This Resolution constitutes the Preliminary Assessment Resolution which initiates the process for developing the annual Assessment Roll and directs the imposition of a Solid Waste Collection Services Assessment as described hereinafter, for the Fiscal Year beginning October 1, 2023. Its purpose is to provide procedures and standards for the imposition of a Solid Waste Collection Services Assessment for all Dwelling Units that receive solid waste collection services within the Town under the general home rule powers of a municipality to impose special assessments, and to authorize a procedure for the funding of Solid Waste Collection Services for these residential properties, facilities, or programs providing special benefits to Assessed Properties within the Town.

SECTION 4. DEFINITIONS. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance. Unless the context indicates otherwise, words imparting the singular number, include the plural number, and vice versa. As used in this Resolution, the following terms shall have the following meanings unless the context hereof otherwise requires:

"Assessed Property" means all Residential Property that receive a special benefit from the delivery by the Town of the Solid Waste Collection Services, programs or facilities described herein.

"Assessment Coordinator" means the Town Manager or such other person designated by the Town Council to administer the Town's Solid Waste Collection Services, facility, or program, or such person's designee.

"Assessment Roll" means the special assessment roll relating to the residential Solid Waste Collection Services Assessment approved herein, or an Annual Rate Resolution pursuant to the Final Resolution.

“Billing Unit” means each Dwelling Unit receiving residential Solid Waste Collection Services.

"Cost Apportionment" means the apportionment of the residential Solid Waste Collection Services Assessed Cost among all Residential Properties that receive residential Solid Waste Collection Services pursuant to the apportionment methodology described in Section 8 of this Preliminary Assessment Resolution.

“Dwelling Unit” means (1) a Building, or a portion thereof, available to be used for residential purposes, consisting of one or more rooms arranged, designed, used, or intended to be used as living quarters for one family only, or (2) the use of mobile homes, travel trailers, or the like for residential purposes, with each mobile home, travel trailer, or the like used for residential purposes being a single Dwelling Unit.

"Estimated Solid Waste Collection Services Assessment Rate Schedule" means that rate schedule attached hereto as Appendix “A” and hereby incorporated herein by reference, specifying the Solid Waste Collection Services Assessed Costs determined in Section 9 of this Preliminary Assessment Resolution and the estimated Solid Waste Collection Services Assessments established in Section 9 of this Preliminary Assessment Resolution.

“Improvement Codes” mean the building use codes (also known as DOR codes) assigned by the Property Appraiser to Tax Parcels within the Town.

"Residential Property" means those Tax Parcels with a Code Description designated as Single-Family "Residential" within the Improvement Codes and those otherwise designated as “Residential” within the Improvement Codes that receive residential Solid Waste Collection Services by the Town through the Collection Agreement.

“Solid Waste Collection Services” shall mean the collection of solid waste as described in Section 42-9 of Town’s Code of Ordinances, and as provided pursuant to the Collection Agreement with Contractor.

“Solid Waste Collection Services Assessment” means a special assessment lawfully imposed by the Town against Assessed Property to fund all or any portion of the cost for Town’s Solid Waste Collection Services for residential properties, facilities, or programs providing a special benefit to property as a consequence of a logical relationship to the value, use, or characteristics of property. Solid Waste Collection Services funded by this Solid Waste Collection Services Assessment include those services provided pursuant to the Town’s Collection Agreement for residential Solid Waste Collection Services.

“Solid Waste Collection Services Cost” means the amount necessary in any Calendar Year to fund the provision of the Town’s Solid Waste Collection Services for residential properties, facilities, or programs that provide a special benefit to Assessable Property, through the Collection Agreement. In addition, Solid Waste Collection Services Cost shall include all costs associated with the structure, implementation, collection, and enforcement of the Solid Waste Collection Services Assessment, including costs for providing required notice, legal and management staff costs, any service charges of the Tax Collector or Property Appraiser, and amounts necessary to off-set discounts received for early payment of Solid Waste Collection Services Assessments pursuant to the Uniform Assessment Collection Act.

“Tax Collector” shall mean the Tax Collector of Palm Beach County.

“Tax Parcel” means a parcel of property located within the Town to which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

“**Uniform Assessment Collection Act**” means Sections 197.3632 and 197.3635, Florida Statutes, as amended, and any successor statutes authorizing the collection of non-ad valorem special assessments on the same bill as ad valorem taxes, and any regulations pertaining thereto.

SECTION 5. PROVISION AND FUNDING OF SOLID WASTE COLLECTION SERVICES.

(A) Upon the imposition of the Solid Waste Collection Services Assessment for Solid Waste Collection Services for residential properties, facilities, or programs against Assessed Property located within the Town, the Town shall provide Solid Waste Collection Services to such Assessed Property through the Collection Agreement. The cost to provide such Solid Waste Collection Services, facilities, or programs to residential properties, as described herein, shall be funded in whole or in part from proceeds of the Solid Waste Collection Services Assessments.

(B) It is hereby ascertained, determined, and declared that each parcel of Assessed Property located within the Town will be benefited by the Town's provision of Solid Waste Collection Services for properties, facilities, and programs in an amount not less than the Solid Waste Collection Services Assessment imposed against such parcel, computed in the manner set forth in this Preliminary Assessment Resolution.

SECTION 6. IMPOSITION AND COMPUTATION OF SOLID WASTE COLLECTION SERVICES ASSESSMENTS. Solid Waste Collection Services Assessments shall be imposed against all Residential Property Dwelling Units that receive residential Solid Waste Collection Services, as provided herein. The Cost Apportionment described herein is approved and adopted as the methodology to impose and compute the Solid Waste Collection Services Assessment.

SECTION 7. LEGISLATIVE DETERMINATIONS OF AUTHORITY, SPECIAL

BENEFIT AND FAIR APPORTIONMENT. The Town Council adopts the following legislative findings relating to the Solid Waste Collection Services special assessment:

AUTHORITY

7.1 Pursuant to Article VIII, Section 2(b) of the Florida Constitution, and Sections 166.021 and 166.041, Florida Statutes, the Town Council has all powers of local self-government to perform municipal functions and render municipal services except when prohibited by law and such power may be exercised by the enactment of Town ordinances or resolutions.

7.2 The Town Council may exercise any governmental, corporate, or proprietary power for a municipal purpose except when expressly prohibited by law, and the Town Council may legislate on any subject matter on which the Florida Legislature may act, except those subjects described in (a), (b), (c), and (d) of Section 166.021(3), Florida Statutes. The subject matter of paragraphs (a), (b), (c), and (d) of Section 166.021(3), Florida Statutes, are not relevant to the imposition of assessments related to Solid Waste Collection Services, facilities or programs.

7.3 Section 403.706(1), Florida Statutes, provides that the Town is responsible to collect and transport solid waste from within its boundaries to a solid waste disposal facility.

7.4 To fulfill its obligations, the Town entered into a Collection Agreement with a Contractor for the collection and transport of solid waste from residential properties that receive residential solid waste collection services within the Town.

SPECIAL BENEFIT

7.5 The Town provides Solid Waste Collection Services to the Assessed Properties through its Collection Agreement. All Assessed Properties receive residential Solid Waste

Collection Services, and therefore are required to receive the Town's Solid Waste Collection Services through the Town's Collection Agreement.

7.6 The special benefit provided to the Assessed Properties as a result of the provision of Solid Waste Collection Services by the Town through its Collection Agreement, and as a result of the Solid Waste Collection Services Assessment include, by way of example and not limitation, the availability and use of Solid Waste Collection Services by the owners and occupants of the Assessed Properties, the enhancement of environmentally responsible use and enjoyment of developed residential properties in the Town, the protection of public health and safety, ensuring sanitary collection and disposal of solid waste from Dwelling Units on Residential Property in the Town, a potential increase in value to property, and better service to landowners and tenants.

7.7 The Town's provision of Solid Waste Collection Services through its Collection Agreement possesses a logical relationship to the use and enjoyment of the Assessed Properties by:

7.7.1 protecting and potentially increasing the value of the Dwelling Units on Residential Property by providing solid waste services;

7.7.2 enhancing the environmentally responsible use of residential land in the Town;

7.7.3 protecting the health of intended occupants in the use and enjoyment of Dwelling Units on Residential Property by ensuring the proper collection and disposal of solid waste from the Assessed Properties;

7.8 Commercial properties, and multi-family residential properties in the Town that receive commercial solid waste collection services are not specially benefited by the Town's Solid Waste Collection Services funded by the Solid Waste Collection Special Assessment in

that those properties receive volume-based solid waste collection services. Commercial properties and multi-family residential properties in the Town that do not receive residential solid waste collection services are not benefited by the provision of the residential Solid Waste Collection Services provided by the Town through its Collection Agreement. Therefore, it is fair and reasonable not to levy a special assessment for the funding of residential solid waste collection services upon those properties. The cost of services provided to properties that are not assessed shall not be paid by any funds collected pursuant to the Town's Solid Waste Collection Special Assessment.

IMPOSITION AND COLLECTION

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

7.10 The Solid Waste Collection Services Assessment imposed pursuant to this Resolution is imposed by the Town of Loxahatchee Groves' Town Council, not the Palm Beach County Board of County Commissioners, Property Appraiser or Tax Collector. Any activity of the Property Appraiser or Tax Collector under the provisions of this Resolution shall be construed as ministerial.

7.11 So long as the Solid Waste Special Assessment is levied, the Assessed Properties will not be billed directly by the Town for the Solid Waste Collection Services they receive from the Town through the Collection Agreement.

APPORTIONMENT

7.12 The size or the value of the Residential Property does not determine the scope of the required solid waste services. The potential demand for Solid Waste Collection Services is

driven by the existence of a Dwelling Unit.

7.13 Apportioning the Solid Waste Assessed Costs for Solid Waste Collection Services attributable to Residential Property on a per Dwelling Unit basis (Billing Units) avoids cost inefficiency and unnecessary administration and is a fair and reasonable method.

7.14 Because commercial properties, and multi-family residential properties that receive commercial solid waste collection services, do not benefit from the provision of Solid Waste Collection Services by the Town through the Collection Agreement, the Solid Waste Collection Services Assessed Costs are not apportioned to those properties.

SECTION 8. COST APPORTIONMENT AND PARCEL APPORTIONMENT METHODOLOGIES. The Collection Agreement provides for an annual charge for the Solid Waste Collection Services provided by the Town through its Collection Agreement. The Solid Waste Collection Services Costs include other costs associated with the Solid Waste Collection Special Assessment, which are then allocated to the Assessed Properties in addition to the annual charge in the Collection Agreement to determine the Assessment Amount. The Assessment Amount is then multiplied by the number of Dwelling Units on such Tax Parcel. For the Fiscal Year commencing October 1, 2023, the annual charge per Dwelling Unit (Billing Units) in the Town is \$400.00.

SECTION 9. DETERMINATION OF SOLID WASTE COLLECTION ASSESSED COSTS; ESTABLISHMENT OF ANNUAL SOLID WASTE COLLECTION ASSESSMENT RATES.

(A) The Solid Waste Collection Service Assessed Costs to be assessed and apportioned among Assessed Properties pursuant to the Cost Apportionment for the Fiscal Year commencing October 1, 2023, is the amount determined in the manner described in Section 8 above, and within the Estimated Solid Waste Collection Services Assessment Rate Schedule, attached hereto as

Appendix “A”. The approval of the Estimated Solid Waste Collection Services Assessment Rate Schedule by the adoption of this Preliminary Assessment Resolution determines the amount of the Solid Waste Collection Services Assessed Costs.

(B) The estimated Solid Waste Collection Services Assessments specified in the Estimated Solid Waste Collection Services Assessment Rate Schedule are hereby established to fund the Solid Waste Collection Services Assessed Costs determined to be assessed in the Fiscal Year beginning October 1, 2023.

(C) The estimated Solid Waste Collection Services Assessments established in this Preliminary Assessment Resolution shall be the estimated assessment rates applied by the Assessment Coordinator in the preparation of the updated Assessment Roll for the Fiscal Year beginning October 1, 2023, as provided in Section 10 of this Preliminary Assessment Resolution.

SECTION 10. ANNUAL ASSESSMENT ROLL.

(A) The Assessment Coordinator is hereby directed to prepare, or cause to be prepared, an Assessment Roll for the Fiscal Year beginning October 1, 2023, in the manner provided in this Preliminary Assessment Resolution. The Assessment Coordinator shall apportion the estimated Solid Waste Collection Service Assessed Cost to be recovered through Solid Waste Collection Services Assessments in the manner set forth in this Preliminary Assessment Resolution. A copy of this Preliminary Assessment Resolution, the Ordinance, and the Assessment Roll shall be maintained on file in the office of the Town Clerk and open to public inspection. The foregoing shall not be construed to require that the Assessment Roll proposed for the Fiscal Year beginning October 1, 2023, be in printed form if the amount of the Solid Waste Collection Services Assessment for each parcel of property can be determined by the use of a computer terminal available to the public.

(B) It is hereby ascertained, determined, and declared that the method of determining the Solid Waste Collection Services Assessments for the Town's Solid Waste Collection Services as set forth in this Preliminary Assessment Resolution is a fair and reasonable method of apportioning the Solid Waste Collection Services Assessed Cost among parcels of Assessed Property located within the Town, as the methodology and apportionment assures that no property is assessed an amount greater than the benefit which it receives from the residential Solid Waste Collection Services provided by the Town through its Collection Agreement.

SECTION 11. AUTHORIZATION OF PUBLIC HEARING. There is hereby established a public hearing to be held on September 5, 2023, at 6:30pm in the Loxahatchee Groves Town Hall, 155 F Road, Town of Loxahatchee Groves, Florida, at which time the Town Council will receive and consider any comments on the Solid Waste Collection Services Assessment from the public and affected property owners and consider imposing the Solid Waste Collection Services Assessment and collecting such assessments on the same bill as ad valorem taxes.

SECTION 12. NOTICE BY PUBLICATION. The Town Manager, or his designee, shall publish notice of the public hearing authorized by Section 11 hereof, in the manner and time provided within the Ordinance. The notice shall be published no later than twenty (20) days prior to the date of the public hearing authorized in Section 11 above, in substantially the form attached hereto as Appendix "B".

SECTION 13. NOTICE BY MAIL. The Town Manager, or his designee, shall also ensure timely notice by use of the TRIM notice forwarded annually by the Property Appraiser's Office, or by U.S. Mail as may be required by law (including Chapter 2003-348 Laws of Florida, a special act relating to the annual TRIM notice in Palm Beach County), to the Owner of each

parcel of Assessed Property, at least twenty (20) days prior to the public hearing, as required by the Ordinance, and the Uniform Assessment Collection Act.

SECTION 14. PROOF OF NOTICE. The Town Manager, or his designee, may provide proof of such notice by affidavit, if any is required pursuant to the Ordinance or Resolution.

SECTION 15. APPLICATION OF ASSESSMENT PROCEEDS. Proceeds derived by the Town from the Solid Waste Collection Services Assessments will be utilized solely for the provision of Solid Waste Collection Services, facilities, and programs by the Town to Assessed Properties, through its Collection Agreement, as described herein.

SECTION 16. CONFLICT. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 17. SEVERABILITY. 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

SECTION 18. EFFECTIVE DATE. This Preliminary Assessment Resolution shall take effect immediately upon its passage and 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>
LAURA DANOWSKI, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBERT SHORR, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGE HERZOG, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARIANNE MILES, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS ___ DAY OF JUNE 2022.

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

Laura Danowski, Mayor

Lakisha Burch, Town Clerk

Robert Shorr, Vice Mayor

APPROVED AS T LEGAL FORM:

Marge Herzog, Council Member

Office of the Town Attorney

Phillis Maniglia, Council Member

Marianne Miles, Council Member

APPENDIX A

**ESTIMATED SOLID WASTE COLLECTION SERVICES
ASSESSMENT RATE SCHEDULE**

SECTION A-1 DETERMINATION OF SOLID WASTE COLLECTION SERVICES ASSESSED COSTS. The estimated Solid Waste Collection Services Assessed Costs to be assessed for the Fiscal Year commencing October 1, 2023, is **\$641,250.00**

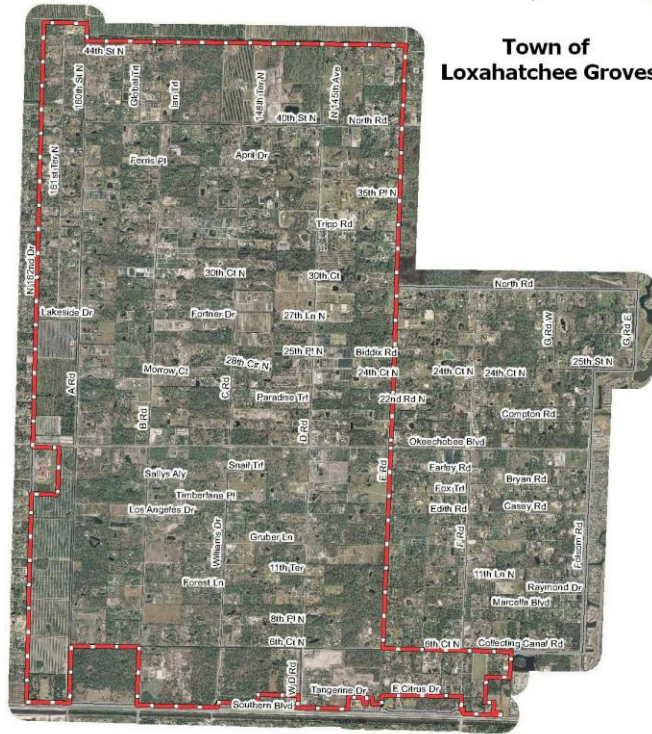
SECTION A-2 ESTIMATED SOLID WASTE COLLECTION SERVICES ASSESSMENTS. The estimated Solid Waste Collection Services Assessments to be assessed and apportioned among benefitted parcels pursuant to the Cost Apportionment and Parcel Apportionment to generate the estimated Solid Waste Collection Services Assessed Cost for the Fiscal Year commencing October 1, 2023, are hereby established as follows for the purpose of this Preliminary Assessment Resolution:

RESIDENTIAL DWELLING UNITS: **\$400.00 PER DWELLING UNIT (BILLING UNIT)**

APPENDIX B

FORM OF NOTICE TO BE PUBLISHED

To be published no later than August 15, 2023.



NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF SOLID WASTE COLLECTION SERVICES SPECIAL ASSESSMENTS

Notice is hereby given that the Town Council of the Town of Loxahatchee Groves will conduct a public hearing to consider imposing Solid Waste Collection Services Special Assessments upon residential dwelling units that receive residential solid waste collection services, for the Solid Waste Collection Services provided by the Town to such properties within the Town of Loxahatchee Groves.

The hearing will be held at 6:30pm on September 5, 2022, at Loxahatchee Groves Town Hall, 155 F Road, Loxahatchee Groves, Florida, for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at the hearing and

to file written objections with the Town Council within 20 days of this notice. If a person decides to appeal any decision made by the Town Council with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Town Clerk's Office at (561) 793-2418, at least seven days prior to the date of the hearing.

The assessment for each parcel of property will be based upon each parcel's classification and the total number of dwelling units attributed to that parcel. The proposed Solid Waste Collection Services Assessment is as follows:

\$400.00 PER DWELLING UNIT

Copies of the Assessment Ordinance, the Preliminary Assessment Resolution and the preliminary Assessment Roll are available for inspection at the Town Clerk's Office, 155 F Road, Loxahatchee Groves, Florida 33470.

The assessments will be collected on the ad valorem tax bill to be mailed in November 2023, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property, which may result in a loss of title.

If you have any questions, please contact the Town Clerk at (561) 793-2418, Monday through Friday between 8:30 am to 4:30 pm.

TOWN CLERK TOWN OF LOXAHATCHEE GROVES.



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 10

TO: Town Council of Town of Loxahatchee Groves

FROM: Francine Ramaglia, Town Manager

DATE: June 6, 2023

SUBJECT: Consideration of Resolution 2023-41 establishing the Town’s preliminary ad valorem millage rate of 3 mills for Truth-in-Millage (“Trim”) purposes for the fiscal year 2024 beginning October 1, 2023.

Background:

Truth-in-Millage (TRIM) rates will be due to the Palm Beach County Property Appraiser’s office to facilitate preparation of TRIM notices which will be sent out by their office. The accompanying Resolution 2023-41 specifies the preliminary ad valorem millage rate of 3 mills to be included on the annual TRIM notice for all taxable property within the Town of Loxahatchee Groves.

The proposed 3 mills is the same millage rate as in FY 2022-2023. The Council may adopt final rates at or below the preliminary TRIM rates. The estimated rolled back rate for the Town is 2.59 mills. The rolled back rate is an estimate at this time because it is based on the Property Appraiser’s June 1st estimate of taxable value. The current estimate for the Town is \$511,972,616 which represents an increase of 15.82% over last year’s valuation. The Property Appraiser’s actual certification of value should be published later this month and based on that information the actual rolled back rate will be calculated and be reflected in the TRIM notices sent to property owners.

The Town’s final ad valorem millage rate will be adopted following the required two public hearings in September currently scheduled for September 5th and September 19th.

Recommendation:

Staff recommends that Town Council approves Resolution No. 2023-41 establishing the Town’s preliminary ad valorem millage rate of 3 mills for Truth-in-Millage (“Trim”) purposes for the fiscal year 2024 beginning on October 1, 2023.

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2023-41

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA ADOPTING A PROPOSED OPERATING MILLAGE RATE OF 3.000 FOR GENERAL OPERATING BUDGET PURPOSES FOR FISCAL YEAR 2023/2024; RECOGNIZING THE ROLLED BACK MILLAGE RATE FOR FISCAL YEAR 2023/2024; APPROVING AND AUTHORIZING TRANSMITTAL OF THE FORM DR-420 TO THE PROPERTY APPRAISER; PROVIDING FOR THE ESTABLISHMENT OF AND SETTING FORTH THE DATE, TIME AND PLACE OF THE PUBLIC HEARING TO CONSIDER THE FISCAL YEAR 2023/2024 PROPOSED MILLAGE RATE AND TENTATIVE BUDGET; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Florida Statute 200.065 (TRIM), the Palm Beach County Property Appraiser has certified the taxable value within the jurisdiction of the Town of Loxahatchee Groves, including a copy of the Statement required to be submitted under Florida Statute Section 195.073(3) (a/k/a Form DR-420); and

WHEREAS, pursuant to Florida Statute Section 200.065(2)(b), the Town must advise the Palm Beach County Property Appraiser of its proposed millage rate, of it rolled back rate computed pursuant to Florida Statute Section 200.065(1), and of the date, time, and place at which a public hearing will be held to consider the proposed millage rate, proposed millage levy for voted debt service, and the tentative budget.

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

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

Section 2: The Town Manager, or his designee, is hereby authorized and instructed to complete and transmit the DR-420 to the Palm Beach County Property Appraiser, and to take

such further action as is reasonably required pursuant to Section 200.065, Florida Statutes.

Section 3: The Town Council hereby adopts a proposed operating millage rate of **3.000** for General Fund budget purposes for Fiscal Year 2023-2024.

Section 4: The Town Council hereby recognizes the rolled back millage rate based on the Palm Beach County Property Appraiser’s June 1, 2023 estimate of Taxable Value as 2.59 mills for General Fund budget purposes for Fiscal Year 2023-2024. The Town Manager is authorized to utilize the rolled back based on the Palm Beach County Property Appraiser’s actual determination of Taxable Value which is anticipated to be published on or before July 1, 2023, for purposes of completing and transmitting the DR-420 and otherwise complying with the provisions of Section 200.065, Florida Statutes.

Section 5: The Town Council of the Town of Loxahatchee Groves hereby sets September 5, 2023, at 6:30pm in the Town of Loxahatchee Groves Town Hall, 155 F Road Loxahatchee Groves, Florida 33470, as the date, time, and place of the Public Hearing to consider the proposed millage rate and the tentative budget.

Section 6: That if any clause, section, or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Resolution.

Section 7: That all Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 8: That this Resolution shall be effective immediately upon adoption.

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

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

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS ____ DAY OF JUNE 2023.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Laura Danowski, Mayor

Lakisha Burch, Town Clerk

Robert Shorr, Vice Mayor

APPROVED AS T LEGAL FORM:

Marge Herzog, Council Member

Office of the Town Attorney

Phillis Maniglia, Council Member

Marianne Miles, Council Member



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 11

TO: Town Council of Town of Loxahatchee Groves

FROM: Elizabeth Lenihan, Town Attorney

VIA: Francine L. Ramaglia, Town Manager

DATE: June 6, 2023

SUBJECT: Discussion of Ordinance No. 2023-01 regarding uniform requirements for Town Advisory Boards

Background:

On April 4, 2023, the Town Council discussed proposed Ordinance 2023-01 regarding uniform requirements for Town advisory boards. The Town Council gave staff direction regarding composition, appointment, terms, and removal and requested an additional opportunity to discuss the proposed Ordinance. The Ordinance provisions that were modified based on Town Council discussion at its April 4, 2023 meeting are highlighted for ease of reference.

Recommendation:

The Town Council review and discuss proposed Ordinance No. 2023-01 regarding Town Advisory Boards and to make any changes to prepare the ordinance for first reading.

ORDINANCE NO. 2023-01

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 THE APPLICABILITY, COMPOSITION, QUORUM, ELIGIBILITY AND QUALIFICATIONS, APPOINTMENT, TERMS, REMOVAL, AND VACANCIES, OFFICERS, COMPENSATION, AND PROCEDURES REGARDING TOWN ADVISORY BOARDS AND FOR OTHER PURPOSES, PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Loxahatchee Groves wishes to adopt an ordinance to address the composition, qualifications, appointment, terms, removal, vacancy of its advisory boards; 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.

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.

Sec. 2-181. Composition; quorum; alternative.

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

(b) Three voting 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 of the Town of Loxahatchee Groves. If approved by the town council, an advisory board may have one non-resident landowner as a member. 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.

Sec. 2-183. Appointment process.

Each member of town council shall appoint a qualified individual to each advisory board. Once all appointments are submitted, the town clerk will place a notice of appointment of advisory board members on the next available town council meeting agenda. At the town council meeting, the council shall acknowledge the appointees for each applicable advisory board.

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 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.

(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. 2-187. 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 2-188. Procedures; applicable laws; meetings; secretary.

(a) Each board shall conduct its business in accordance with Robert's Rules of Procedure, as supplemented by section 2-23 of this Code and the Town's adopted Rules of Order and Procedure. The actions, decisions, and recommendations of each board shall be advisory only.

(b) All meetings, records, and files of the 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. 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.

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

(d) 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.

Section 2-189 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: 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>
LAURA DANOWSKI, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBERT SHORR, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARIANNE MILES, 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 _____, 2023.

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>
LAURA DANOWSKI, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBERT SHORR, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARIANNE MILES, 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 _____ 2023.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Mayor Laura Danowski

Lakisha Q. Burch, Town Clerk

Vice Mayor Robert Shorr

APPROVED AS TO LEGAL FORM:

Councilmember Margaret Herzog

Office of the Town Attorney

Councilmember Phillis Maniglia

Councilmember Marianne Miles



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 12

TO: Town Council of Town of Loxahatchee Groves

FROM: Elizabeth Lenihan, Town Attorney

VIA: Francine L. Ramaglia, Town Manager

DATE: June 6, 2023

SUBJECT: Discussion of Ordinance No. 2023-03 regarding amendments to the code enforcement lien reduction and release ordinance; consideration of Resolution No. 2023-43 adopting an interim code enforcement lien reduction and release policy and consideration of Resolution No. 2023-44 establishing petition fees

Background:

Code enforcement liens are statutory liens created by Ch. 162, Part I, Florida Statutes. If a violation is not corrected within the timeframe provided by the special magistrate, a daily fine begins to accrue until the violation is corrected. These types of fines are intended to provide local governments with leverage to ensure compliance with the applicable code of ordinances and are not meant to be revenue sources. Further, as these liens do not have superpriority status and are not equal in dignity to taxes, if the Town were to foreclose a code enforcement lien, it would be required to pay off any existing mortgage(s) or other judgments and liens that were recorded prior to the Town’s lien. This lack of priority renders many foreclosures of code enforcement liens an ineffective remedy. Therefore, situations will arise when a reduction of a lien will be in the best interests of the Town, and it is imperative that the Town have proper processes and criteria in place to reduce such liens in an equitable and lawful manner. Such processes and criteria will ensure that all parties who come before the Town for a lien reduction or lien release will be subject to the same treatment and the Town will reduce and release such liens in a consistent and lawful manner. While the Town Council is discussing and considering the code enforcement lien reduction and release ordinance amendments, staff recommends that the Town Council adopt an interim Code Enforcement Lien Reduction and Release Policy to ensure consistent and lawful processes are in place. Such interim policy will automatically be repealed upon the effective date of the adoption of the ordinance amendments, if approved by the Town Council.

Recommendation:

Town Council review and discuss proposed Ordinance No. 2023-03 regarding proposed amendments to Chapter 14 for code enforcement lien reductions and releases and to make any changes to prepare the ordinance for first reading.

Move Town Council adopt Resolution No. 2023- 43 regarding the interim Code Enforcement Lien Reduction and Release Policy.



155 F Road Loxahatchee Groves, FL 33470

Move Town Council adopt Resolution No. 2023- 44 regarding the establishment of code enforcement lien reduction petition fees and code enforcement lien release petition fees.

ORDINANCE NO. 2023-03

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING CHAPTER 14 “CODE ENFORCEMENT”, BY ADOPTING ARTICLE I “IN GENERAL” TO INCLUDE EXISTING SECTIONS 14-1 THROUGH 14-3; ADOPTING ARTICLE II “LIEN REDUCTIONS AND RELEASES” TO INCLUDE, RENUMBER AND AMEND SECTION 14-4 “GENERALLY” TO PROVIDE GENERAL PROVISIONS APPLICABLE TO LIEN/FINE REDUCTIONS AND RELEASES; TO ADOPT SECTION 14-16 “SPECIAL MAGISTRATE LIEN REDUCTIONS AND RELEASES” TO ADDRESS REDUCTIONS BY SPECIAL MAGISTRATES; AND TO ADOPT SECTION 14-17 “OTHER LIEN RELEASES” TO ADDRESS PARTIAL RELEASES OF LIENS AND RELEASES OF UNENFORCEABLE LIENS AND FOR OTHER PURPOSES; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

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

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

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

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

Section 2. The Town Council for the Town of Loxahatchee Groves hereby amends Chapter 14 “Code Enforcement” by adopting Article I “In General” to include existing sections 14-1, 14-2, and 14-3 and to adopt Article II “Lien/Fine Reductions and Releases” as follows:

Chapter 14 – CODE ENFORCEMENT

ARTICLE I. – IN GENERAL

* * *

ARTICLE II. – LIEN/FINE REDUCTIONS AND RELEASES

Sec. 14-415. – Application for relief from code enforcement lien Generally.

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

1. Fine/lien reduction hearing before the special magistrate;
2. Partial release of a lien; or
3. Release of an unenforceable lien.

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

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

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

Sec. 14-16. – Special Magistrate lien/fine reductions and releases.

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

1. An affidavit of compliance has been issued for the real property that confirms the property is in compliance with the violations addressed in the special magistrate’s order.
2. The subject property and all other real property owned by

the petitioner within the town must be in compliance with the town's code of ordinances.

3. All outstanding code enforcement administrative costs and the petition fee have been paid in full.

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

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

(b) Fine/lien reduction hearing.

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

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

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

(4) At the hearing, the special magistrate shall consider the following factors:

1. The gravity of the violation;
2. Any action(s) taken by the petitioner to correct the violation(s);
3. Any previous violations committed by the petitioner;
4. Any recommendation of the town administration; and
5. Any other matter suggesting that the lien reduction is or is not equitable and/or in the best interests of the town.

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

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

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

Sec. 14-17. – Other lien/fine releases.

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

- (1) The subject property, if located within the town, must be free of all outstanding debts (including past due taxes) due to the town and must be in compliance with the town's code of ordinances.
- (2) A partial release of lien cannot be sought for the property where the lien originated.
- (3) All property owned by the petitioner that is located in the town must be in compliance with all town codes prior to the granting of the partial release of lien. This condition may be waived if the subject property will be sold within thirty (30) days of the petition.
- (4) Payment must be made to the town of ten percent (10%) of the total lien amount or five thousand dollars (\$5,000.00), whichever is greater.

(b) Unenforceable lien releases. A property owner may petition the town for a release of a code enforcement lien as legally unenforceable or otherwise uncollectible. The following conditions and procedures will apply to such request:

- (1) The lien is more than twenty (20) years old or the statute of limitations associated with the collection of the lien has otherwise expired;
 - (2) The lien was properly foreclosed by court order;
 - (3) The lien was properly discharged in a bankruptcy proceeding;
 - (4) The property encumbered by the lien is currently owned by the town;
 - (5) Any other legal reason that establishes that a lien is legally unenforceable or otherwise uncollectible; and
 - (6) The town attorney has determined in writing that the lien is legally unenforceable or otherwise uncollectible based on the conditions herein.
- (c) Lien releases. When a petition for release or partial release of a code enforcement lien has met the conditions under this section, the town manager, with the town clerk attesting, shall be authorized to execute the requested release or partial release of lien on behalf of the town.

~~*Special magistrate to consider applications for lien relief.* All applications for lien reductions, satisfactions and releases, or other matters relating to relief from liens, shall be directed to the special magistrate. The special magistrate shall consider the written request, the statements of the applicant or an authorized agent for the applicant, the recommendation of town administration, and any other information deemed relevant, and render a decision on the application.~~

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

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

extent of such conflict.

Section 4: Severability. If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

Section 5: Codification. It is the intention of the Town Council of the Town of Loxahatchee Groves that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Loxahatchee Groves, Florida, and that the Sections of this ordinance may be re-numbered, re-lettered, and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase to accomplish such intention.

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

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS ___ DAY OF _____ 2023.

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

follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
LAURA DANOWSKI, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBERT SHORR, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, COUNCI MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARIANNE MILES, 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 _____ 2023.

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

follows:

Aye Nay Absent

LAURA DANOWSKI, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBERT SHORR, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, COUNCI MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARIANNE MILES, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Mayor Laura Danowski

Lakisha Q. Burch, Town Clerk

Vice Mayor Robert Shorr

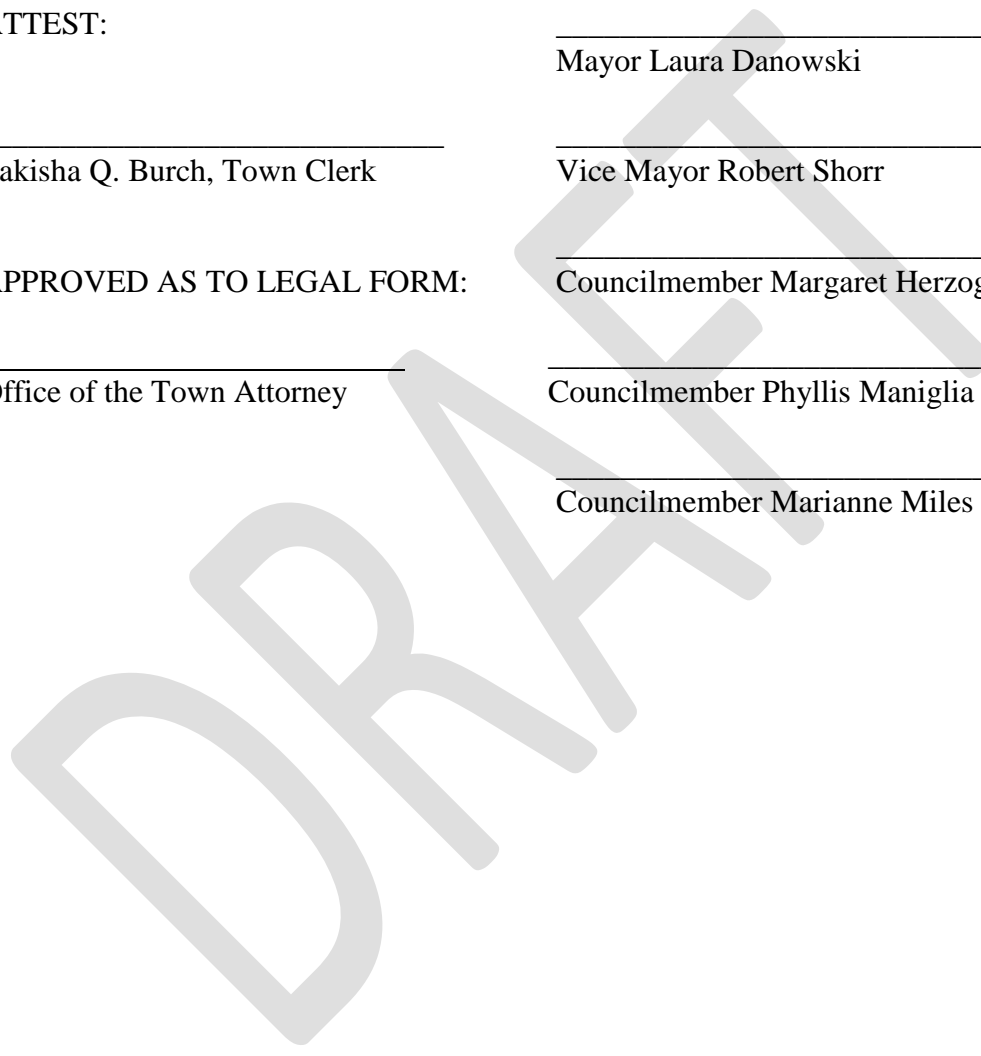
APPROVED AS TO LEGAL FORM:

Councilmember Margaret Herzog

Office of the Town Attorney

Councilmember Phyllis Maniglia

Councilmember Marianne Miles



RESOLUTION NO. 2023-43**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING THE INTERIM CODE ENFORCEMENT LIEN REDUCTION AND RELEASE POLICY; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, while the lien reduction and release ordinance amendments are being discussed and considered by the Town Council, the Council desires to establish an interim policy for the reduction and release of code enforcement fines/liens (“Interim Policy”) to ensure that all lien reductions and releases are processed and decided in a reasonable, lawful, consistent and equitable manner; and

WHEREAS, the Interim Policy will automatically be repealed on the effective date of the adoption of the lien reduction and release ordinance amendments, if approved by the Town Council; and

WHEREAS, the Town Council has reviewed the Code Enforcement Lien Reduction and Release Policy and has determined that adopting the Policy is in the best interest of the citizens of the Town of Loxahatchee Groves, Florida.

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 interim Code Enforcement Lien Reduction and Release Policy as attached hereto as **Exhibit A**. Said policy will automatically be repealed on the effective date of the adoption of the lien reduction and release ordinance amendments, if approved by the Town Council.

Section 3. This Resolution shall become effective immediately upon its passage and 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>
LAURA DANOWSKI, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBERT SHORR, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARIANNE MILES, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, 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 _____ 2023.

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

ATTEST:

Mayor Laura Danowski

Lakisha Q. Burch, Town Clerk

Vice Mayor Robert Shorr

APPROVED AS TO LEGAL FORM:

Councilmember Margaret Herzog

Office of the Town Attorney

Councilmember Marianne Miles

Councilmember Phillis Maniglia

TOWN OF LOXAHATCHEE GROVES

CODE ENFORCEMENT LIEN REDUCTION AND RELEASE POLICY

PURPOSE: The purpose of this policy is to provide procedures for the reduction and release of code enforcement liens to ensure that all lien reductions and releases are processed and decided in a reasonable, lawful, consistent, and equitable manner.

POLICY: It is the policy of the Town Council of the Town of Loxahatchee Groves that code enforcement fines/liens assessed through Chapter 14 of the Town's Code of Ordinances may be reduced and released in accordance with the procedures set forth in this Policy.

PROCEDURES: LIEN/FINE REDUCTIONS AND RELEASES

1. *Petition.* Once a code enforcement fine or lien has been imposed under Chapter 14, the property owner ("petitioner") may submit a written petition to the code enforcement department to request one of the following:
 1. Fine/lien reduction hearing before the special magistrate;
 2. Partial release of a lien; or
 3. Release of an unenforceable lien.
2. *Petition fee.* Each petition must be submitted to the code enforcement department on the form provided by the town along with the nonrefundable petition fee. Petition fees shall be set and amended by resolution of the town council and shall be in an amount that reflects the costs incurred by the town to accept and process the petition.
3. *Recording fees.* If a release is entered pursuant to this policy, the petitioner shall be responsible for the costs of recording the release in the official records of Palm Beach County.
4. *Policies.* The town council is authorized to adopt additional policies, by resolution, that further address criteria to be used by the special magistrate for the reduction of fines; that establish maximum percentages for reductions to be recommended by town administration based on the age of the lien/fine or other equitable basis; and any other reasonable policy.
5. *Special Magistrate lien/fine reductions and releases.*
 - (a) *Preliminary conditions.* If the following conditions are met, the petition for a reduction of a lien/fine by the special magistrate will be set for a hearing:
 1. An affidavit of compliance has been issued for the real property that confirms the property is in compliance with the violations addressed in the special magistrate's order.

2. The subject property and all other real property owned by the petitioner within the town must be in compliance with the town's code of ordinances.
3. All outstanding code enforcement administrative costs and the petition fee have been paid in full.
4. The petitioner has no overdue or delinquent accounts with the town, including but not limited to, town taxes or permit fees.

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

(b) *Fine/lien reduction hearing.*

- (1) If the preliminary conditions above are met, a hearing will be set, and the town will mail a notice of hearing to the petitioner at least five (5) days prior to the hearing date by regular U.S. Mail to the address provided in the petition.
- (2) Failure of the petitioner to attend the hearing will result in the petition being denied, unless otherwise agreed to in writing by the town.
- (3) The reduction hearing will be limited to the issue of whether the fine/lien assessed should be reduced, and the hearing shall not be a hearing de novo of the original case. The burden of proof will be on the petitioner to show cause for reducing the fine/lien.
- (4) At the hearing, the special magistrate shall consider the following factors:
 1. The gravity of the violation;
 2. Any action(s) taken by the petitioner to correct the violation(s);
 3. Any previous violations committed by the petitioner;
 4. Any recommendation of the town administration; and
 5. Any other matter suggesting that the lien reduction is or is not equitable and/or in the best interests of the town.
- (5) The special magistrate may make one of the following determinations: the lien is reduced to a specified amount or the request for the reduction is denied. If the reduction is granted, the special magistrate's order shall include a date certain for the

payment of the reduced fine/lien and shall include a statement that if the reduced fine/lien is not paid in full on the date provided, the lien/fine amount shall automatically revert back to the original amount.

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

6. *Other lien/fine releases.*

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

- (1) The subject property, if located within the town, must be free of all outstanding debts (including past due taxes) due to the town and must be in compliance with the town's code of ordinances.
- (2) A partial release of lien cannot be sought for the property where the lien originated.
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- (4) Payment must be made to the town of ten percent (10%) of the total lien amount or five thousand dollars (\$5,000.00), whichever is greater.

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- (1) The lien is more than twenty (20) years old or the statute of limitations associated with the collection of the lien has otherwise expired;
- (2) The lien was properly foreclosed by court order;
- (3) The lien was properly discharged in a bankruptcy proceeding;
- (4) The property encumbered by the lien is currently owned by the town;

(5) Any other legal reason that establishes that a lien is legally unenforceable or otherwise uncollectible; and

(6) The town attorney has determined in writing that the lien is legally unenforceable or otherwise uncollectible based on the conditions herein.

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



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 13

TO: Town Council of Town of Loxahatchee Groves

FROM: Francine Ramaglia, Town Manager

DATE: June 6, 2023

SUBJECT: Council Priorities Scheduled for Discussion

Background:

Below is a proposed schedule for discussions and action as noted for upcoming agenda workshops and regular council meetings in April through September:

June 20	<ul style="list-style-type: none"> -Commission on Ethics -Lobbyist update -Quarterly reports-code, bldg., PBSO, Fire, IT, Planning, PW, Finance, Atty -Resilient Florida Grant Scope -Capital Improvement Plan & Funding -Livestock waste/Solid waste/Ag (BMPs)
August 1	<ul style="list-style-type: none"> -Additional Road Work contract amendment (repairs) -Lease or Purchase of Emergency Generator -Gate Repairs -Resilient Florida Grant -Water Use Permits -Lobbyist Agreement -Historical Legacy -HR Manual, Travel Policy, PTO Changes, Pay Plan, Job Descriptions - Civic Plus and NextRequest -ITID Mutual Aid Agreement for Emergencies -1st Reading Fine reduction code amendments - 2nd Reading Committees -Rules of Procedure -Piggyback & contract renewals
August 15	<ul style="list-style-type: none"> -Budget Workshop -Assessments: <ul style="list-style-type: none"> -Methodology -Village of Royal Palm drainage assessment -Culvert replacement policy/assessment -Mobility fees and impact fees – possibilities and limitations -Cost sharing policy

	-Capital funding & borrowing
September 6	-1 st Budget Hearing -Assessment Resolutions -2 nd Reading Fine reduction code amendments -1 st Reading RVs -1 st reading livestock waste -1 st reading agritourism -1 st Reading unauthorized projections/signs (PBSO) -Publix turn on B Road -Piggyback & contract renewals
September 19	-2 nd Budget Hearing -Amendments to Article 87 (land clearing) -Tree mitigation receiver sites -Special Use permits
October 3	-2 nd Reading RVs -2 nd reading livestock waste/solid waste (BMPs) -2 nd reading agritourism -Publix turn on B Road -Piggyback & contract renewals
October 17	- Noise code amendments – remove dB measurements - Nuisance abatement amendments - Citation program for code enforcement - Sign code amendments
November 7	-1 st Reading Article 87 -1 st reading nuisance abatements -1 st reading noise code -1 st reading sign code -1 st reading citations
November 21	-Unrecorded plats -Nonconformities -ROW and easement corrections
December 5	-2 nd Reading Article 87 -2 nd reading nuisance abatement -2 nd reading citations -2 nd Reading Sign Code -2 nd reading noise code

The above is primarily an ordinance driven priority list and does not really account for any of the contracting and other work of the Town. Some of the other items not on the list include necessary follow up items from workshop discussions, NPDES Compliance, Assessment Methodology adoption, etc. We may need to space things out a bit more and we continue to implement a more complete agenda tracking system.

Recommendation:

Review, discuss and direct Staff.