

CITY OF PAHOKEE



AGENDA

City Commission Regular Meeting
Tuesday, February 14, 2023, at 6:00 PM

Pahokee Commission Chambers
360 East Main Street
Pahokee, Florida 33476

CITY COMMISSION:

Keith W. Babb, Jr., Mayor
Clara Murvin, Vice Mayor
Derrick Boldin, Commissioner
Juan Gonzalez, Commissioner
Sara Perez, Commissioner

CITY STAFF:

Rodney D. Lucas, City Manager
Jongelene Adams, Deputy City Manager
Tijauna Warner, City Clerk
Burnadette Norris-Weeks, Esq., City Attorney
Vacant, Finance/Human Resources Director

[TENTATIVE: SUBJECT TO REVISION]

AGENDA

- A. CALL TO ORDER**
- B. INVOCATION AND PLEDGE OF ALLEGIANCE**
- C. ROLL CALL**
- D. ADDITIONS OF EMERGENCY BASIS FROM CITY MANAGER, DELETIONS AND APPROVAL OF AGENDA ITEMS**
- E. PUBLIC COMMENTS / PUBLIC SERVICE ANNOUNCEMENTS / PRESENTATIONS / PROCLAMATIONS**

(This section of the agenda allows for comments from the public to speak. Each speaker will be given a total of three (3) minutes to comment. A public comment card should be completed and returned to the City Clerk. When you are called to speak, please go to the podium or unmute your device, and prior to addressing the Commission, state your name and address for the record)

- F. CONSENT AGENDA**

- 1. January 24, 2023 Regular Meeting Minutes

- G. OLD BUSINESS** *(discussion of existing activities or previously held events, if any)*

- 1. Update - City Projects

- H. PUBLIC HEARINGS AND/OR ORDINANCES**

- A. ORDINANCE 2023 - 01 (First Reading) AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CITY CHARTER; AMENDING SECTION 3.01, ENTITLED “DESIGNATION” TO ADD THE CITY ATTORNEY AS AN ADDITIONAL CHARTER OFFICER; PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.

- B. ORDINANCE 2023 - 02 (First Reading) AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CITY CHARTER; AMENDING SECTION 4.02, ENTITLED, “QUALIFYING” TO ESTABLISH A REQUIREMENT THAT ALL CANDIDATES FOR MAYOR AND CITY COMMISSIONER SHALL RESIDE WITHIN THE CITY LIMITS OF THE CITY OF PAHOKEE FOR AT LEAST ONE YEAR PRIOR TO QUALIFYING; ESTABLISHING REQUIREMENTS FOR THE PRESENTATION OF CERTAIN OFFICIAL DOCUMENTS AS PROOF OF RESIDENCY; ESTABLISHING REQUIREMENTS FOR REASONABLE TRAINING STANDARDS PRIOR TO THE QUALIFYING; PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.

- C. ORDINANCE 2023 - 03 (First Reading) AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CITY CHARTER; AMENDING SECTION 5.02, ENTITLED, “OATH OF OFFICERS; TAKING OFFICE” TO ESTABLISH A REQUIREMENT THAT NEWLY ELECTED OFFICIALS BE SWORN INTO OFFICE AT THE BEGINNING OF THE NEXT PROPERLY

NOTICED CITY COMMISSION MEETING; PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.

- D. ORDINANCE 2023 - 04 (First Reading) AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, REPEALING AND REPLACING ARTICLE II, SECTION 2-26 ENTITLED “CITY COMMISSION MEETINGS GENERALLY” AND 2-29 ENTITLED “ORDER OF BUSINESS”; RENUMBERING AND REORDERING AS NECESSARY; PROVIDING FOR AN EFFECTIVE DATE.

I. RESOLUTION(S)

- A. RESOLUTION 2023 - 03 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AUTHORIZING THE EXPENDITURE OF ARPA FUNDING IN ACCORDANCE WITH THE APPROVED BUDGET, ATTACHED HERETO AS EXHIBIT “A”; PROVIDING FOR AN EFFECTIVE DATE.
- B. RESOLUTION 2023 - 04 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, APPROVING A MINOR HOME REPAIR PROGRAM IN CONNECTION WITH AMERICAN RESCUE ACT FUNDS UP TO AN AMOUNT OF TWO HUNDRED THOUSAND DOLLARS (\$200,000); PROVIDING FOR AN EFFECTIVE DATE.
- C. RESOLUTION 2023 - 05 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AUTHORIZING AN EMERGENCY AGREEMENT WITH RESOURCE GROUP OF NORTH AMERICA, INC. FOR LEGISLATIVE LOBBYING SERVICES; PROVIDING FOR AN EFFECTIVE DATE.
- D. RESOLUTION 2023 - 06 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, ADOPTING THE CITY OF PAHOKEE’S 2023 STATE LEGISLATIVE PRIORITY LIST, ATTACHED HERETO AS EXHIBIT “A”; AUTHORIZING THE CITY MANAGER TO TAKE NECESSARY ACTION TO CARRY OUT THE AIMS OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.
- E. RESOLUTION 2023 - 07 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AUTHORIZING A SPECIAL COUNSEL AGREEMENT WITH TG LAW PLLC FOR SPECIAL COUNSEL SERVICES IN CONNECTION ARPA LEGAL CONSULTING SERVICES AND WORK INVOLVING A CENTRAL BUSINESS DISTRICT OVERLAY FOR THE CITY OF PAHOKEE; PROVIDING FOR AN EFFECTIVE DATE.

J. NEW BUSINESS (*conversation about an activity or event upcoming, if any*)

K. REPORT OF THE MAYOR

L. REPORT OF THE CITY MANAGER

M. REPORT OF THE CITY ATTORNEY

N. COMMISSIONER COMMENTS

O. FUTURE AGENDA ITEMS OF COMMISSIONERS, IF ANY

P. FOR THE GOOD OF THE ORDER (*community events, feel good announcements, if any*)

Q. ADJOURN

Any citizen of the audience wishing to appear before the City Commission to speak with reference to any agenda or non-agenda item must complete the “Request for Appearance and Comment” form and present completed form to the City Clerk prior to commencement of the meeting.

Should any person seek to appeal any decision made by the City Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Reference: Florida Statutes 286.0105)

In accordance with the provisions of the Americans with Disabilities Act (ADA), this document can be made available in an alternate format upon request. Special accommodations can be provided upon request with three (3) days advance notice of any meeting, by contacting City Clerk Tijauna Warner at Pahokee City Hall, 207 Begonia Dr. Pahokee, FL 33476 Phone: (561) 924-5534. If hearing impaired, telephone the Florida Relay Service Number, 800-955-8771 (TDD) or 800-955-8770 (Voice), for assistance. (Reference: Florida Statutes 286.26).

CITY OF PAHOKEE



MINUTES

City Commission Regular Meeting
Tuesday, January 24, 2023, at 6:00 PM

Pahokee Commission Chambers
360 East Main Street
Pahokee, Florida 33476

CITY COMMISSION:

Keith W. Babb, Jr., Mayor
Clara Murvin, Vice Mayor
Derrick Boldin, Commissioner
Juan Gonzalez, Commissioner
Sara Perez, Commissioner

CITY STAFF:

Rodney D. Lucas, City Manager
Jongelene Adams, Deputy City Manager
Tijauna Warner, City Clerk
Burnadette Norris-Weeks, Esq., City Attorney
Vacant, Finance/Human Resources Director

[TENTATIVE: SUBJECT TO REVISION]

MINUTES

A. CALL TO ORDER

The meeting was called to order by Mayor Babb at 6:09 PM.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Vice Mayor Murvin led the Invocation, followed by the Pledge of Allegiance.

C. ROLL CALL

PRESENT

Mayor Keith W. Babb, Jr.

Vice Mayor Clara Murvin

Commissioner Derrick Boldin

Commissioner Juan Gonzalez at 6:11 PM

Commissioner Sara Perez

Rodney D. Lucas, City Manager at 6:11 PM

Jongelene Adams, Deputy City Manager (Acting City Manager)

Burnadette Norris-Weeks, City Attorney via telephone (later in person)

Nylene Clarke, Executive Assistant (Acting City Clerk)

D. ADDITIONS OF EMERGENCY BASIS FROM CITY MANAGER, DELETIONS AND APPROVAL OF AGENDA ITEMS

Motion made by Vice Mayor Murvin to approve the agenda with the deletion of the two presentations by Palm Beach County Victim Services and The Brewer Group. Duly seconded by Commissioner Boldin and passed unanimously.

Voting Yea: Mayor Babb, Vice Mayor Murvin, Commissioner Boldin, Commissioner Gonzalez, Commissioner Perez

E. PUBLIC COMMENTS / PUBLIC SERVICE ANNOUNCEMENTS / PRESENTATIONS / PROCLAMATIONS

(This section of the agenda allows for comments from the public to speak. Each speaker will be given a total of three (3) minutes to comment. A public comment card should be completed and returned to the City Clerk. When you are called to speak, please go to the podium or unmute your device, and prior to addressing the Commission, state your name and address for the record)

Sharon Robinson yielded her time to Robert Love, who commented regarding the agenda.

James Scott inquired as to when there will be Finance Reports.

Carlyle Nelson expressed concern regarding the proposed transitional home.

Anita Flores expressed concern regarding the proposed transitional home. Discussion ensued.

Robert Love continued his comments.

Bobby Colvin commented regarding the gate entrance and ARPA funding.

Loletha Kimes requested for the cane field to be cut, behind McClure project, and discussed a board walk.

Antoinette Kelly expressed concern regarding the reentry center and the lack of respect for the City. Discussion ensued.

1. Palm Beach County Victim Services - Jacqueline Jackson, Project Coordinator

Not present.

2. The Brewer Group - Jack Brewer, CEO
Not present.

F. CONSENT AGENDA

1. January 10, 2023 Regular Meeting Minutes
Motion made by Vice Mayor Murvin to approve the Consent Agenda. Duly seconded by Commissioner Boldin and passed unanimously.
Voting Yea: Mayor Babb, Vice Mayor Murvin, Commissioner Boldin, Commissioner Gonzalez, Commissioner Perez

G. OLD BUSINESS (*discussion of existing activities or previously held events, if any*)

1. Update - City Projects
Jongelene Adams, Deputy City Manager, provided the update on City Projects.
Discussion ensued.
2. Discussion and direction to hold a workshop to discuss pros and cons of annexation
Mr. Lucas provided an overview of the item and sought direction. Discussion ensued.
By consensus of the City Commission, a workshop will be held.

H. PUBLIC HEARINGS AND/OR ORDINANCES

None.

I. RESOLUTION(S)

1. RESOLUTION 2023 - 03 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AUTHORIZING THE EXPENDITURE OF ARPA FUNDING IN ACCORDANCE WITH THE APPROVED BUDGET ATTACHED AS EXHIBIT "A"; AUTHORIZING FURTHER ACTIONS FOR IMPLEMENTATION BY THE CITY MANAGER; PROVIDING FOR AN EFFECTIVE DATE.

The resolution was read into the record by the City Attorney and explained by Mr. Lucas.
Discussion ensued.

Motion made by Commissioner Perez to table Resolution 2023 - 03 until the next meeting, to get proper wording and proper documentation. Duly seconded by Commissioner Boldin and passed unanimously.

Voting Yea: Mayor Babb, Vice Mayor Murvin, Commissioner Boldin, Commissioner Gonzalez, Commissioner Perez

J. NEW BUSINESS (*conversation about an activity or event upcoming, if any*)

1. Introduction, discussion, and direction of City Manager performance evaluation form and timeline
Carlos Mangual, Interim HR Director/Operations Manager, provided an overview of the item and requested that the Commission provide the forms back to him by February 28, 2023. Discussion ensued.

K. REPORT OF THE MAYOR

Mayor Babb provided follow up from Citizen's Comments and discussed the City's achievements thus far.

L. REPORT OF THE CITY MANAGER

Mr. Lucas announced upcoming events.

M. REPORT OF THE CITY ATTORNEY

Attorney Norris-Weeks announced that the Charter Review Board has completed its work, discussed a resolution for legislative priorities, and followed up on the request for litigations. Discussion ensued.

N. COMMISSIONER COMMENTS

Commissioner Boldin encouraged all to continue working together to move forward, and answered a question regarding the splash pad. Discussion ensued.

Commissioner Perez thanked all for their love and support during her recent loss, encouraged the residents to hold the Commission accountable, commented regarding ARPA funding, and provided a recap of City accomplishments. Discussion ensued.

Commissioner Gonzalez commented in regard to the East Lake property, funding for City projects, and inquired about the demolition of the old house on Bacom Point Road. Discussion ensued.

Vice Mayor Murvin encouraged all to distribute accurate information and commented regarding East Lake project. Discussion ensued.

O. FUTURE AGENDA ITEMS OF COMMISSIONERS, IF ANY

Motion made by Mayor Babb to have the City Attorney draft an amended Rules of Procedure to include and address disruptive behavior from the audience and Commissioners. Duly seconded by Vice Mayor Murvin and passed 3-2.

Voting Yea: Mayor Babb, Vice Mayor Murvin, Commissioner Boldin

Voting Nay: Commissioner Gonzalez, Commissioner Perez

P. FOR THE GOOD OF THE ORDER (*community events, feel good announcements, if any*)

None.

Q. ADJOURN

Motion made by Commissioner Perez to adjourn the meeting. Duly seconded by Commissioner Gonzalez and passed unanimously.

Voting Yea: Mayor Babb, Vice Mayor Murvin, Commissioner Boldin, Commissioner Gonzalez, Commissioner Perez

There being no further business to discuss, Mayor Babb adjourned the meeting at 9:00 PM.

Keith W. Babb, Jr., Mayor

ATTEST: Nylene Clarke, Acting City Clerk

ORDINANCE NO. 2023 - 01

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CITY CHARTER; AMENDING SECTION 3.01, ENTITLED "DESIGNATION" TO ADD THE CITY ATTORNEY AS AN ADDITIONAL CHARTER OFFICER; PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Charter of the City of Pahokee requires the establishment of a Charter Review Board once every five years; and

WHEREAS, the City Commission of the City of Pahokee ("City Commission") appointed five (5) members to the Charter Review Board pursuant to Article V, Section 3.01 of the City of Pahokee's Charter; and

WHEREAS, the Charter Review Board has fulfilled its responsibilities by making certain recommendations to the City Commission on certain alterations, revisions, and amendments to the City Charter; and

WHEREAS, pursuant to Article VIII, Section 2 of the Florida Constitution and Chapter 166 of Florida Statutes, the City of Pahokee ("City") has been granted a broad exercise of home rule powers granted by the constitution which includes the power and authority to enact regulations for valid governmental purposes that are not prohibited by general or special law; and

WHEREAS, the City Commission desires to amend Section 3.01 of the City of Pahokee's Charter entitled, "Designation" to add the City Attorney as an additional Charter Officer; and

WHEREAS, the City Commission is also desirous of codifying an amendment to the City Charter consistent with the recommendation of the Charter Review Board and as otherwise set forth in this Ordinance; and

WHEREAS, the City Commission has publicly reviewed, considered and directed that this Ordinance be prepared and that the appropriate Charter Referendum question be included herein and submitted to the qualified electors of the City of Pahokee, Florida, at the next General Election.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF
THE CITY OF PAHOKEE, FLORIDA, AS FOLLOWS:**

Section 1. Adoption of Representations.

The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and the same are hereby made a specific part of this Ordinance.

Section 2. Submission of Proposed Charter Language.

Attached hereto and incorporated herein as Exhibit “A”, is a proposed amended section of the charter of the City of Pahokee. The amended charter is done in strike through/underscore format. All language shown as being struck through is language of the existing City of Pahokee charter which will be deleted from the current charter if the amendment is approved. All language shown as underscored in the proposed charter is language which will be added to the charter if the amendment is approved.

Section 3. Approval of the Ballot Statement.

The following statement is hereby approved as the explanatory statement to be placed upon the ballot as required by Section 101.161, Florida Statutes:

Shall Section 3.01 of the City of Pahokee’s Charter be amended to add the City Attorney as an additional Charter Officer?

Section 4. Ballot Title.

The following is hereby approved as the ballot title as required by Section 101.161, Florida Statutes:

Amending Charter Section 3.01 adding the City Attorney as an additional charter officer.

Section 5. Ballot Summary.

Shall Section 3.01 of the City of Pahokee’s Charter be amended to add the City Attorney as an additional Charter Officer?

YES, for Approval _____

NO, for Rejection _____

Section 6. Submission to Qualified Electors.

The proposed amendment to the Charter of the City of Pahokee (hereafter City Charter) set forth herein shall be submitted to the vote of the qualified electors of the City for approval at a referendum to be held at the City of Pahokee’s next General Election.

Section 7. Coordination.

The City Administrator and City Clerk are hereby authorized to coordinate with the office of the Supervisor of Elections in order to do those things necessary to have this proposal placed on the ballot for the City of Pahokee election scheduled for the next General Election following passage of this Ordinance.

Section 8. Proposed Amendments.

The proposed amendments to the City Charter which have been recommended to the City Commission by the Charter Review Board is set forth in Exhibit “A,” attached

hereto and by this reference made a part hereof. (Proposed new text is shown in underline and proposed deleted text shown in strike through.)

Section 9. Conflict & Repealer.

All ordinances, parts of ordinances or code provisions in conflict herewith ordinance are hereby repealed.

Section 10. Severability.

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

Section 11. Inclusion in Code.

It is the intention of the City Commission of the City of Pahokee that the provisions of this Ordinance shall at some time in the future become and be made a part of the Code of Ordinances of the City of Pahokee and that the sections of this Ordinance may be renumbered or re-lettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed; provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified.

Section 12. Effective Date.

This Ordinance shall take effect immediately upon final passage and adoption and as required by Florida law and applicable provisions of the City's Charter and Code of Ordinances. Typographical errors which do not affect the intent may be

authorized by the City Attorney or designee, without need of public hearing by filing a corrected copy of the same with the City Clerk.

PASSED FIRST READING this ____ day of _____ 2023.

PASSED SECOND READING this ____ day of _____ 2023.

EXHIBIT "A"

Designation.

The city manager, ~~and~~ city clerk and city attorney are designated as Charter officers.

ORDINANCE NO. 2023 - 02

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CITY CHARTER; AMENDING SECTION 4.02, ENTITLED, "QUALIFYING" TO ESTABLISH A REQUIREMENT THAT ALL CANDIDATES FOR MAYOR AND CITY COMMISSIONER SHALL RESIDE WITHIN THE CITY LIMITS OF THE CITY OF PAHOKEE FOR AT LEAST ONE YEAR PRIOR TO QUALIFYING; ESTABLISHING REQUIREMENTS FOR THE PRESENTATION OF CERTAIN OFFICIAL DOCUMENTS AS PROOF OF RESIDENCY; ESTABLISHING REQUIREMENTS FOR REASONABLE TRAINING STANDARDS PRIOR TO THE QUALIFYING; PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Charter of the City of Pahokee requires the establishment of a Charter Review Board once every five years; and

WHEREAS, the City Commission of the City of Pahokee ("City Commission") appointed five (5) members to the Charter Review Board pursuant to Article V, Section 5.01 of the City of Pahokee's Charter; and

WHEREAS, the Charter Review Board has fulfilled its responsibilities by making certain recommendations to the City Commission on certain alterations, revisions, and amendments to the City Charter; and

WHEREAS, pursuant to Article VIII, Section 2 of the Florida Constitution and Chapter 166 of Florida Statutes, the City of Pahokee ("City") has been granted a broad exercise of home rule powers granted by the constitution which includes the power and authority to enact regulations for valid governmental purposes that are not prohibited by general or special law; and

WHEREAS, the City Commission desires to amend Section 4.02 of the City of Pahokee's Charter entitled, "Qualifying" to establish a requirement that all candidates for Mayor and City Commissioner shall reside within the City limits of the City of Pahokee for at least one year prior to qualifying; and

WHEREAS, the City Commission also desires to amend Section 4.02 of the City of Pahokee’s Charter to establish minimum requirements for presentation of certain official documents as proof of residency prior to qualifying for elected office within the City of Pahokee to include a Florida Driver’s License or a Florida Identification Card (ID Card); any utility bill showing the address of residency and a voter’s registration card showing Plaintiff’s address. The same addresses shall be shown on all official documents in order to verify proof of residency; and

WHEREAS, the City Commission further desires to amend Section 4.02 of the City of Pahokee’s Charter to establish reasonable training standards prior to qualifying pursuant to guidelines established by City Ordinance; and

WHEREAS, the City Commission is also desirous of codifying an amendment to the City Charter consistent with the recommendation of the Charter Review Board and as otherwise set forth in this Ordinance; and

WHEREAS, the City Commission has publicly reviewed, considered and directed that this Ordinance be prepared and that the appropriate Charter Referendum questions be included herein and submitted to the qualified electors of the City of Pahokee, Florida, at the next General Election.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AS FOLLOWS:

Section 1. Adoption of Representations.

The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and the same are hereby made a specific part of this Ordinance.

Section 2. Submission of Proposed Charter Language.

Attached hereto and incorporated herein as Exhibit “A”, is a proposed amended section of the charter of the City of Pahokee. The amended charter is done in strike through/underscore format. All language shown as being struck through is language of the existing City of Pahokee charter which will be deleted from the current charter if the

amendment is approved. All language shown as underscored in the proposed charter is language which will be added to the charter if the amendment is approved.

Section 3. Approval of the Ballot Statement.

The following statement is hereby approved as the explanatory statement to be placed upon the ballot as required by Section 101.161, Florida Statutes:

Shall Section 4.02 of the City of Pahokee’s Charter be amended to require that all candidates for Mayor and City Commissioner reside within the City limits of the City of Pahokee for at least one (1) year prior to qualifying; shall the City require the presentation of certain official documents as proof of residency and shall the City establish reasonable training standards prior to qualifying?

Section 4. Ballot Title.

The following is hereby approved as the ballot title as required by Section 101.161, Florida Statutes:

Amending Charter Section 4.02 requiring one year residency, proof, and reasonable training standards before qualifying.

Section 5. Ballot Summary.

Shall Section 4.02 of the City of Pahokee’s Charter be amended to require that all candidates for Mayor and City Commissioner reside within the City limits of the City of Pahokee for at least one (1) year prior to qualifying; require the presentation of certain official documents as proof of residency and establish reasonable training standards prior to qualifying?

YES, for Approval _____

NO, for Rejection _____

Section 6. Submission to Qualified Electors.

The proposed amendment to the Charter of the City of Pahokee (hereafter City Charter) set forth herein shall be submitted to the vote of the qualified electors of the City for approval at a referendum to be held at the City of Pahokee’s next General Election.

Section 7. Coordination.

The City Administrator and City Clerk are hereby authorized to coordinate with the office of the Supervisor of Elections in order to do those things necessary to have this proposal placed on the ballot for the City of Pahokee election scheduled for the next General Election following passage of this Ordinance.

Section 8. Proposed Amendments.

The proposed amendments to the City Charter which have been recommended to the City Commission by the Charter Review Board is set forth in Exhibit “A,” attached hereto and by this reference made a part hereof. (Proposed new text is shown in underline and proposed deleted text shown in strike through.)

Section 9. Conflict & Repealer.

All ordinances, parts of ordinances or code provisions in conflict herewith ordinance are hereby repealed.

Section 10. Severability.

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

Section 11. Inclusion in Code.

It is the intention of the City Commission of the City of Pahokee that the provisions of this Ordinance shall at some time in the future become and be made a part of the Code of Ordinances of the City of Pahokee and that the sections of this Ordinance may be renumbered or re-lettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed; provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified.

Section 12. Effective Date.

This Ordinance shall take effect immediately upon final passage and adoption and as required by Florida law and applicable provisions of the City’s Charter and Code of Ordinances. Typographical errors which do not affect the intent may be authorized by the City Attorney or designee, without need of public hearing by filing a corrected copy of the same with the City Clerk.

PASSED FIRST READING this ___ day of _____ 2023.

PASSED SECOND READING this ___ day of _____ 2023.

EXHIBIT "A"

Section 4.02. - Qualifying.

Candidates for the city commission shall qualify by filing a written notice of candidacy with the city clerk at such time and in such manner as may be prescribed by ordinance.

To be eligible to hold the office of Mayor and City Commissioner of the City of Pahokee, or to qualify for nomination or election as such, the candidate shall have resided in the city limits of the City of Pahokee for a minimum of one (1) year immediately preceding the date of qualifying and shall continuously reside in the City of Pahokee; shall present certain official documents as proof of residency to include, at a minimum, a Florida Driver's License or a Florida Identification Card (ID Card); any utility bill showing the address of residency and a voter's registration card. The same addresses shall be shown on all three (3) official documents and serve as verification of proof of residency. Candidates for nomination or election shall comply with reasonable training standards prior to qualification as established by City Ordinance.

ORDINANCE NO. 2023 - 03

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CITY CHARTER; AMENDING SECTION 5.02, ENTITLED, "OATH OF OFFICERS; TAKING OFFICE" TO ESTABLISH A REQUIREMENT THAT NEWLY ELECTED OFFICIALS BE SWORN INTO OFFICE AT THE BEGINNING OF THE NEXT PROPERLY NOTICED CITY COMMISSION MEETING; PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Charter of the City of Pahokee requires the establishment of a Charter Review Board once every five years; and

WHEREAS, the City Commission of the City of Pahokee ("City Commission") appointed five (5) members to the Charter Review Board pursuant to Article V, Section 5.01 of the City of Pahokee's Charter; and

WHEREAS, the Charter Review Board has fulfilled its responsibilities by making certain recommendations to the City Commission on certain alterations, revisions, and amendments to the City Charter; and

WHEREAS, pursuant to Article VIII, Section 2 of the Florida Constitution and Chapter 166 of Florida Statutes, the City of Pahokee ("City") has been granted a broad exercise of home rule powers granted by the constitution which includes the power and authority to enact regulations for valid governmental purposes that are not prohibited by general or special law; and

WHEREAS, the City Commission desires to amend Section 5.02 of the City of Pahokee's Charter entitled, "Oath of Officers; Taking Office" to require that newly elected officials of the City Commission be sworn into office at the beginning of the next properly noticed city commission meeting following the official certification of election results; and

WHEREAS, the City Commission is also desirous of codifying an amendment to the City Charter consistent with the recommendation of the Charter Review Board and as otherwise set forth in this Ordinance; and

WHEREAS, the City Commission has publicly reviewed, considered and directed that this Ordinance be prepared and that the appropriate Charter Referendum question be included herein and submitted to the qualified electors of the City of Pahokee, Florida, at the next General Election.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AS FOLLOWS:

Section 1. Adoption of Representations.

The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and the same are hereby made a specific part of this Ordinance.

Section 2. Submission of Proposed Charter Language.

Attached hereto and incorporated herein as Exhibit “A”, is a proposed amended section of the charter of the City of Pahokee. The amended charter is done in strike through/underscore format. All language shown as being struck through is language of the existing City of Pahokee charter which will be deleted from the current charter if the amendment is approved. All language shown as underscored in the proposed charter is language which will be added to the charter if the amendment is approved.

Section 3. Approval of the Ballot Statement.

The following statement is hereby approved as the explanatory statement to be placed upon the ballot as required by Section 101.161, Florida Statutes:

Shall Section 5.02 of the City of Pahokee’s Charter be amended to require newly elected officials to be sworn into office at the beginning of the next properly noticed city commission meeting following official certification of election results?

Section 4. Ballot Title.

The following is hereby approved as the ballot title as required by Section 101.161, Florida Statutes:

Amending Charter Section 5.02 requiring swearing-in at the beginning of a commission meeting following certification.

Section 5. Ballot Summary.

Shall Section 5.02 of the City of Pahokee’s Charter be amended to require newly elected officials of the City Commission to be sworn into office at the beginning of the next properly noticed city commission meeting following official certification of election results?

YES, for Approval _____

NO, for Rejection _____

Section 6. Submission to Qualified Electors.

The proposed amendment to the Charter of the City of Pahokee (hereafter City Charter) set forth herein shall be submitted to the vote of the qualified electors of the City for approval at a referendum to be held at the City of Pahokee’s next General Election.

Section 7. Coordination.

The City Administrator and City Clerk are hereby authorized to coordinate with the office of the Supervisor of Elections in order to do those things necessary to have this proposal placed on the ballot for the City of Pahokee election scheduled for the next General Election following passage of this Ordinance.

Section 8. Proposed Amendments.

The proposed amendments to the City Charter which have been recommended to the City Commission by the Charter Review Board is set forth in Exhibit "A," attached hereto and by this reference made a part hereof. (Proposed new text is shown in underline and proposed deleted text shown in strike through.)

Section 9. Conflict & Repealer.

All ordinances, parts of ordinances or code provisions in conflict herewith ordinance are hereby repealed.

Section 10. Severability.

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

Section 11. Inclusion in Code.

It is the intention of the City Commission of the City of Pahokee that the provisions of this Ordinance shall at some time in the future become and be made a part of the Code of Ordinances of the City of Pahokee and that the sections of this Ordinance may be renumbered or re-lettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed; provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified.

Section 12. Effective Date.

This Ordinance shall take effect immediately upon final passage and adoption and as required by Florida law and applicable provisions of the City’s Charter and Code of Ordinances. Typographical errors which do not affect the intent may be authorized by the City Attorney or designee, without need of public hearing by filing a corrected copy of the same with the City Clerk.

PASSED FIRST READING this ____ day of _____ 2023.

PASSED SECOND READING this ____ day of _____ 2023.

EXHIBIT "A"

Section 5.02. - Oath of officers; taking office.

After election or appointment and before taking office each commissioner or Charter officer of the city shall take the oath of office as prescribed by ordinance. Newly elected officials shall be sworn in and take office ~~the day following the election~~ at the beginning of a properly noticed city commission meeting following official certification of election results ~~, provided that the election results have been certified to the City by the Palm Beach County Supervisor of Elections.~~

ORDINANCE NO. 2023 - 04

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, REPEALING AND REPLACING ARTICLE II, SECTION 2-26 ENTITLED "CITY COMMISSION MEETINGS GENERALLY" AND 2-29 ENTITLED "ORDER OF BUSINESS"; RENUMBERING AND REORDERING AS NECESSARY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Pahokee ("City Commission") desires to revise its Rules of Procedure by revising Article II, Section 2-26, of the City of Pahokee's Code of Ordinances.

WHEREAS, the City Commission desires to revise its Rules of Procedure by revising Article II, Section 2-29, of the City of Pahokee's Code of Ordinances.

WHEREAS, the City Commission finds that it would operate more efficiently if revised Rules of Procedure were adopted and followed.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AS FOLLOWS:

Section 1. Amending Section 2-26 of the City of Pahokee Code of Ordinances entitled "City Commission Meetings Generally", which shall be replaced and shall read as follows

City commission meetings generally.

(a) *Ground rules for decorum regarding members of the city commission.* The following shall constitute the guidelines for decorum to be adhered to by members of the city commission in their respective roles as elected public officers of the city:

- (1) Members of the city commission shall:
 - A. Each conducts themselves with dignity;
 - B. Agree to disagree with each other; and
 - C. Show respect for the points of view of other members of the city commission.

- (2) Members of the city commission shall not:
 - A. Falsely accuse another member of the city commission of wrongdoing;
 - B. Criticize each other in a rancorous or unprofessional manner;
 - C. Make personal attacks on another member of the city commission; or
 - D. Individually act without the support of the city commission.

(b) *Procedures, Scope and Taking Action for Noncompliance.*

(1) The City of Pahokee city commission is permitted by Florida law to determine its own rules of procedure. Unless otherwise set forth herein, all municipal meetings shall be conducted in accordance with the procedural requirements as established by Robert's Rules of Order, said rules of order being incorporated into this section by reference.

(2) The City Commission, the City Manager, the City Clerk, and the public shall be governed by the terms, conditions, and provisions of this section as the basis and framework for procedures of the City Commission.

(3) Members of the city commission and other public officers attending or participating in any regular or special meeting of the city commission shall abide by the standards of conduct and values set forth by to Code of Ethics for Public Officers to be established by the Commission.

(4) Members of the City Commission are expected to ensure proper decorum during all meetings of the City. If, after a warning from the Mayor, a City Commissioner is found to be disruptive in such a manner whereby business cannot be conducted as determined by the Mayor, the Mayor shall instruct law enforcement to remove a disruptive City Commissioner from the commission chambers for that meeting. A decision made by the Mayor may be overridden by a vote of any three (3) members of the City Commission.

(5) If a member of the public, City staff or Charter Officer of the City is found to be disruptive in such a manner whereby business cannot be conducted as determined by the Mayor, the Mayor shall instruct law enforcement to remove said person from the commission chambers for that meeting. A decision made by the Mayor may be overridden by a vote of any three (3) members of the City Commission.

(c) *Agenda.* Unless otherwise set forth herein, City Commissioners shall agree by majority vote on items to be placed on a Commission agenda. Decisions regarding the placement of an agenda item shall be made by the Commission no later than the meeting immediately preceding the placement of the item to be discussed and voted upon. A portion of each regular commission agenda shall be set aside for discussion of future agenda items.

The City Manager and the City Attorney may agenda an item for discussion and vote, without Commission consideration, if the item involves the regular business and administration for smooth operations of the City.

(d) *Duties and responsibilities of mayor.*

(1) The mayor or presiding officer at any regular or special meeting of the city commission shall only introduce agenda items by the agenda item number and the brief title as listed on the agenda with no further explanation or comment. Thereafter, the mayor or presiding officer may call on the City Manager, and the City Manager or his or her designee shall furnish a brief explanation of the item under consideration. The item shall then be opened for public hearing, if applicable, or discussion by the city commission as required for the particular item under the time limits imposed by this section.

(2) Any comments or questions by the attending public shall be directed to the mayor or presiding officer. Members of the city commission shall direct all comments and questions on the subject matter being discussed to the mayor or presiding officer only and shall not engage in cross conversations with other members of the public or direct any questions to other members of the city commission or to the public. The mayor or presiding officer shall not unreasonably withhold or delay recognition of any member of the city commission desiring to speak. The mayor or presiding officer shall recognize other members of the city commission in rotation and not call on any member a second and subsequent time until such time as all members of the city commission shall have had the opportunity to speak.

(3) If the mayor or presiding officer desires to participate in a discussion, he or she shall do so only when the speaking member of the city commission has relinquished the floor. The mayor or presiding officer shall not interrupt a speaking member of the city commission for the purpose of comment other than to move the discussion forward.

(4) The mayor or presiding officer shall not use his or her power as chair to dominate debate or discussion, nor shall the mayor or presiding officer unreasonably cut short or prolong any debate, discussion, or taking of a vote.

(5) Motions to change the order of business shall require a majority vote of the city commission.

(7) The mayor or presiding officer, in consultation with the city attorney, shall make rulings on parliamentary procedure. At least three (3) votes of members of the city commission is required to overrule the mayor or presiding officer on rulings of parliamentary procedure.

(8) The mayor or presiding officer may, during city commission proceedings, request that the city commission move on to the next item on the meeting agenda by voting or otherwise.

(e) *Time of meetings.* All regularly scheduled meetings of the city commission shall begin not later than 6:30 p.m., and shall end no later than 9:00 p.m. Any items remaining on the agenda shall be placed under Old Business for the next commission agenda. In setting matters over to the next meeting or a special meeting, the city clerk is directed to take into consideration all notice provisions relative to municipal ordinances and, specifically, Florida Statutes, Section 166.041.

(f) *City commission discussion.*

(1) Discussion by a member of the city commission shall not be limited, unless a motion to limit debate is made and adopted. Each member of the city commission shall be afforded the opportunity to offer rebuttal to each item discussed. A motion to limit debate shall take precedence over all motions, except a motion to adjourn, a point of order, or a motion to table.

(2) Each member of the city commission and the public who desires to speak shall address the mayor or presiding officer, and upon recognition by the mayor or presiding officer, shall confine himself or herself to the issues under debate, avoiding all personalities and indecorous language.

(3) Members of the city commission shall not interrupt anyone who has the floor, unless it is to call the meeting to order, or as otherwise provided in this section. If a member of the city commission desires to direct questions to another member of the city commission or the public, the questions shall be directed to the mayor or presiding officer who in turn will recognize the individual who wishes to answer the specific question.

(4) While the city commission is in session, members of the city commission and the public present at the meeting shall not, by conversation or otherwise, delay or interrupt the proceedings or the peace of the city commission. There shall be no audience outburst and disruptive conversation from members of the public.

(g) *Citizen's Rights*

(1) *Right to be Heard:* Members of the public shall be given a reasonable opportunity to be heard on agenda items except as provided for below. Public input shall be limited to three (3) minutes. This right does not apply to:

i. An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the Commission to act.

- ii. An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
- iii. A meeting that is exempt from Section 286.011, Florida Statutes; or
- iv. A meeting during which the Commission is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law.

(h) *Manner of Addressing the Commission - Time Limit:* Each person addressing the Commission shall sign in with the City Clerk no later than five minutes from the start of the meeting. Persons shall step up to the microphone, shall give his/her name and address in an audible tone of voice for the record and, unless further time is granted by the Commission, shall limit his/her address to three (3) minutes. All remarks shall be addressed to the Commission as a body, and not to any member thereof. No person, other than members of the Commission and the person having the floor, shall be permitted to enter into any discussion, either directly or through the members of the Commission. When requested by any member of the Commission the City Manager, City Attorney, as well as staff members, may enter into any discussion. No questions shall be asked the Commissioners, except through the presiding officer. The City Manger and the City Attorney may ask the Chair for permission to speak at any time. Questions regarding day-to-day operations should be directed to the City Manager for an answer at a later time.

i) *Personal and Slanderous Remarks:* Any person making personal, impertinent or slanderous remarks, or who shall become boisterous, while addressing the Commission may be requested to leave the meeting and may be forthwith, by the presiding officer, barred from further audience before the Commission at the meeting from which ejected.

(j) *Freedom of Expression.* Nothing herein shall be construed to limit any member of the public from expressing their opinions outside of a public meeting.

(k) *Application to city boards.* All references in this section to "city commission" shall also mean the various city boards provided for in this code or created by the city commission.

(l) *Special meetings.* Special meetings of the governing body shall be called solely for specific and stated purposes only. It is the intention of the city commission that no items shall be added to a special meeting agenda other than those items for which the meeting was called.

(m) *Quorum and dismissal from City boards/committees.* The majority of the voting members present at any Board/Committee meeting shall constitute a quorum to conduct business. Board/ Committee members shall be removed from a board/committee for missing three (3) consecutive committee meetings or four (4) total meetings during any fiscal year, unless due to illness or excused by a vote of the City Commission.

Board/Committee members shall serve at the pleasure of the commission and may be suspended and removed for other just cause. Any committee/board member who

becomes a candidate for public elective office, or becomes an employee of city, shall automatically forfeit committee membership status.

Section 2. Amending Section 2-29 of the City of Pahokee’s Code of Ordinances entitled “Order of Business”, shall be replaced and shall read as follows:

Order of Business.

The following order of business shall be observed:

- a. Call to Order
- b. Invocation and Pledge of Allegiance;
- c. Roll call;
- d. Additions of emergency basis from City Manager, deletions and approval of agenda items;
- e. Public Comments/Public Service Announcements/Presentations/Proclamations
- f. Consent agenda;
- g. Old Business (discussion of existing activities or previously held events, if any)
- h. Public Hearings and/or Ordinances
- i. Resolution (s)
- j. New Business (conversation about an Presentation by city manager of activity or upcoming event, if any);
- k. Report of the mayor;
- l. Report of the city manager;
- m. Report of the city attorney;
- ~~n. Commissioners Comments~~
- n. Future Agenda Items of Commissioners, if any.
- p. For the Good Of The Order (community events, feel good announcements), if any
- q. Adjourn.

At all special meetings, the regular order shall be dispensed with after the roll call with the exception of public comment which shall be three (3) minutes per person.

Section 3. City commissioners' votes recorded on ordinances and resolutions.

Each city commissioner's vote shall be recorded on all ordinances and resolutions presented to the city commission.

Section 4. Votes required to pass resolutions.

A minimum of three (3) votes in favor of a resolution is required to effect passage of the resolution.

Section 5. Requests for readily available information; reporting citizen complaints.

When requesting readily available information or documents not requiring research or analysis, or relaying citizen complaints regarding code enforcement violations, members of the city commission may deal directly with department director under the direction and supervision of the City Manager for questions only. For all other inquiries, requests for action or assistance, or reports, including but not limited to complaints regarding, by, or about employees of the city, members of the city commission shall deal solely with the City Manager. All follow-up to inquiries by members of the city commission shall be made to the City Manager. No orders may be given to any City employee by any City Commissioner.

Nothing in this section shall be construed to permit any member of the city commission to suggest, direct, or instruct any city staff member to perform any duties or functions, not previously directed by the City Manager or to resolve citizen complaints in a specific manner.

Section 6. Clerk designated custodian, duties.

The City Clerk shall be the custodian of the public records of the city for all purposes consistent with Florida law. Any public record coming into the possession of any officer, official, employee, agent or servant of the city. All public records received by the city clerk shall have placed thereon an appropriate designation as to the time and date of receipt. Duplicates of any instruments or records of which the city clerk has the original, need not be filed with the city clerk.

Section 7. Inspection by citizens.

The public records of the city shall be open for inspection of any interested person or party during the customary business hours of the city clerk's office, subject however to the proper rules and regulations for the efficient conduct of the clerk's business and Florida law.

Section 8. Removing or withholding from custodian.

No person shall remove, conceal, withhold, retain or keep any public record from the lawful custody of the city clerk.

Section 9. Public hearings.

It is the intent of this provision to provide citizens of the City of Pahokee with the earliest opportunity to comment on proposed ordinances. Public hearings shall be held at the second reading of the ordinance, except as otherwise provided by law.

Section 10. Indemnification of municipal offices for losses and expenses incurred in defense of litigation instituted against official for actions in discharging municipal duties.

(a) *Definitions.*

- (1) "Official" shall mean the mayor, every city commissioner, officer, agent, or employee of the city, whether elected, appointed or employed, with or without compensation.
- (2) "Indemnification" shall include the payment of all expenses and losses, including reasonable counsel fees, paid, incurred or imposed upon an official as a result of any litigation or proceeding.
- (3) "Expense" shall include any monies paid by an official and incurred in the defense or settlement of any litigation or proceeding, including but not limited to, legal fees, costs of litigation, and the amount of any settlement, judgment or verdict.

(b) *Indemnification.*

(1) Whenever in the performance of, or in connection with the performance of, official duties in behalf of the city, an official has been involved or shall hereafter be involved in a dispute, proceeding or litigation, either in a representative or individual capacity, with or without the city as a co-party in the matter, the city shall promptly indemnify said official. The city shall promptly preserve, protect, defend, aid and assist said official, and exonerate, indemnify and hold harmless said official from and against any and all expenses, liabilities, claims, demands, proceedings, damages, losses, charges, advances, disbursements, payments, expenses, costs, including reasonable counsel fees following approval of commission, awards, settlements, judgments, decrees and mandates, paid, incurred by, or imposed upon said official in all disputes, proceedings, trials and appeals, by reason of said official being or having been a city official, even though he is no longer an official at the time the expenses are incurred or the claims are made against him. The protection herein guaranteed shall exist during and after the term of office or employment, for liabilities incurred during the term of office or employment if in the persons official capacity.

(2) Each official protected hereby shall promptly cooperate in his or her own defense, and shall:

- A. File a written notice with the City Manager requesting indemnification, which notice shall include all summons, writs and other documents pertaining to the claim made against said official;
- B. Attend hearings, trials, and depositions and furnish such evidence as shall be needed;
- C. Grant the city full rights of subrogation and the right to recover under any claims, offsets, or counterclaims of the protected official arising out of or in connection with the controversy involved in this section; provided, that if the protected official shall recover any sum, then the city shall deduct all

disbursements, costs, and expenses of litigation including attorneys' fees, and any award against the city, and the remainder shall belong to the protected official;

D. Execute and deliver to the city all assignments, papers, and documents needed to carry out the purposes of this section.

(3) If at any time it shall appear that the controversy has no connection with official duties, the city commission may require an investigation and report by the City Manager and/or City Attorney. The city may, for good cause, refuse to proceed with the indemnification or defense by use of the following procedure:

A. The official shall be given a written notice, at least twenty (20) days before a hearing, and a written complaint showing that the controversy has no connection with official duties. The notice shall state the particulars of the complaint with enough detail so that the person may prepare his defense;

B. At the hearing, which shall be before the city commission, the city and the official shall produce witnesses who shall give sworn testimony;

C. At the conclusion of the hearing, the commission shall make its findings of fact and conclusions on the evidence. If the commission shall find that the controversy has no connection with official duties, and involves only a private or personal matter, then the commission may refuse to proceed with the indemnification and defense.

(4) After final determination the city may, for good cause, refuse to pay any judgment or decree entered against any official by following this procedure after a final judgment or decree, including any appellate proceedings:

A. The official shall be given a written notice, at least twenty (20) days before a hearing, and a written complaint showing that he did not act in good faith and was guilty of a flagrant, willful, and intentional violation of a city ordinance or a law of Florida. The notice shall state the particulars of the complaint with enough detail so that the person may prepare his defense;

B. At the hearing, which shall be before the city commission, the city and the official shall produce witnesses who shall give sworn testimony;

C. At the conclusion of the hearing the commission shall make its findings of fact and conclusions on the evidence. If the commission shall conclude that the official did not act in good faith and was guilty of a flagrant, willful and intentional violation of a city ordinance or a law of Florida, then the commission may refuse to pay all or a part of said judgment or decree;

D. If the official shall willfully fail or refuse to cooperate in his defense, then the commission may, to the extent that the city was damaged thereby, reduce the protection and indemnification provided under this section.

(5) At all hearings hereunder the sole question shall be the obligation of the city to indemnify the official, and the merits of the claim made against the official shall not be an issue, so that the defense of the claim shall not be prejudiced.

Section 11. Settlement of claims; administrative procedure for expeditious processing of claims against and in favor of City.

(a) In those instances where municipal property has been damaged or municipal employees have been injured due to the actions of third parties, and municipal funds have been or will be expended for property repairs or medical costs, recovery shall be sought as follows:

(1) The City Manager shall evaluate all such claims and shall attempt to secure full reimbursement.

(2) To the extent that a specific fund is budgeted, whenever the municipal claim can be satisfied in full and the city completely indemnified, the City Manager shall be authorized to release the third party from liability upon payment in full. If the amount of the claim is more than five thousand dollars (\$5,000.00), the form of the release shall be reviewed and approved by the city attorney and approved by the City Commission before being executed and provided to the person/party being released.

(3) Whenever partial settlement of a municipal claim has been offered, the City Manager shall coordinate with the applicable insurance carrier and City Attorney and evaluate the settlement offer as follows:

A. If the total amount of the municipal claim involved is five thousand dollars (\$5,000.00) or less, the City Manager shall be authorized to settle the claim.

B. If the total amount of the municipal claim involved is more than five thousand dollars (\$5,000.00), the City Manager shall cause the proposed settlement to be placed upon the agenda of the next regularly scheduled meeting of the city commission. Upon recommendation by the City Manager, the city commission shall then determine whether or not to accept the proposed settlement offer.

(4) The City Attorney shall be available to advise the city commission and the City Manager at all stages of the above proceedings.

(5) In those instances where settlement of municipal claims cannot be effected within a reasonable time, the City Attorney, with an approving vote of the city commission, shall file the appropriate lawsuit to effect collection of the claim.

(6) The City Commission shall be notified by the City Manager at the next regular City Commission meeting of the amount of any claim settled by the City Manager.

Section 12. Severability.

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

Section 13. Effective Date.

This Ordinance shall take effect immediately upon final passage.

PASSED FIRST READING this 14th day of February 2023.

PASSED SECOND READING this ___ day of _____ 2023.

Keith W. Babb, Jr., Mayor

ATTEST:

Nylene Clarke, Acting City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Burnadette Norris-Weeks, Esq.
City Attorney

Moved by: _____

Seconded by: _____

VOTE:

Commissioner Boldin	_____ (Yes)	_____ (No)
Commissioner Gonzalez	_____ (Yes)	_____ (No)
Commissioner Perez	_____ (Yes)	_____ (No)
Vice-Mayor Murvin	_____ (Yes)	_____ (No)
Mayor Babb	_____ (Yes)	_____ (No)

RESOLUTION NO. 2023 - 03

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AUTHORIZING THE EXPENDITURE OF ARPA FUNDING IN ACCORDANCE WITH THE APPROVED BUDGET, ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Pahokee (the "City") has received federal funding pursuant to the American Rescue Plan Act ("ARPA"); and,

WHEREAS, the total allocation of ARPA funding for the City is Three Million, One Hundred Sixty-Two Thousand, Eight Hundred Ninety Dollars (\$3,162,890.00) to be received in two (2) tranches; and

WHEREAS, the City has developed a budget (Exhibit "A") for expenditure of the ARPA funding for the City in accordance with the allowable expenditures for ARPA funding as determined by guidance from the U.S. Department of Treasury and in accordance with the Department of the Treasury Final Rule (31 CFR Part 35 RIN 1505-AC77 "Coronavirus State and Local Fiscal Recovery Funds"); and

WHEREAS, the City finds that approval of the budget expenditures set forth in Exhibit "A" is in the best interests of the City of Pahokee.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That each of the above stated recitals is hereby adopted and confirmed.

Section 2. Approval of Budget. The City Commission hereby approves the expenditure of ARPA funding in accordance with the approved budget attached hereto as Exhibit "A."

Section 3. Effective Date. That this Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this 14th day of February, 2023.

Keith W. Babb, Jr., Mayor

ATTEST:

Nylene Clarke, Acting City Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Burnadette Norris-Weeks, P.A.
City Attorney

Moved by: _____

Seconded by: _____

VOTE:

Commissioner Boldin	_____ (Yes)	_____ (No)
Commissioner Gonzalez	_____ (Yes)	_____ (No)
Commissioner Perez	_____ (Yes)	_____ (No)
Vice-Mayor Murvin	_____ (Yes)	_____ (No)
Mayor Babb	_____ (Yes)	_____ (No)

EXHIBIT "A"

Exhibit "A"

City of Pahokee - AMERICAN RESCUE PLAN ACT ALLOCATION

Allowable Expenditures for American Rescue Plan Act Funds	FY22-23 (Year 1)	Proposed		ARPA Expenditure
		FY22-23 (Year 1)	FY22-23 (Year 2)	
Category: Revenue Replacement/Administrative and Other	Revenue Replacement - Services from PBSO (Pre-Paid)	\$585,000.00	\$585,000.00	\$1,170,000.00
Category: Revenue Replacement	Marina (1YR Docks: DEF and 2YR Docks: ABC - pier, etc)	\$395,445.00	\$442,500.00	\$837,945.00
Category: Revenue Replacement	Campground	\$292,500.00	\$442,500.00	\$735,000.00
Category: Revenue Replacement	City Reimbursement Covid Related Revenue Shortfall	\$342,500.00	\$100,000.00	\$442,500.00
Category: Svcs. To Disproportionately Impacted Communities	Delivery of Eligible ARPA Services in conjunction with Non-Profits	\$50,000.00	\$50,000.00	\$100,000.00
Category: Svcs. To Disproportionately Impacted Communities	Minor Home Repair Program (Residences and Senior/Vet)	\$200,000.00	\$242,000.00	\$442,000.00
Category: Svcs. To Disproportionately Impacted Communities	First-time Homebuyers Down Payment Assistance		\$214,445.00	\$214,445.00
Category: Svcs. To Disproportionately Impacted Communities	Residential Utilities and Rental Assistance	\$225,000.00	\$0.00	\$225,000.00
Category: Public Health	Behavioral / Mental Health Assistance	\$30,000.00	\$30,000.00	\$60,000.00
Category: Negative Economic Impacts	Job Workforce Education Training and Development	\$30,000.00	\$60,000.00	\$90,000.00
Category: Premium Pay (Public Sector Employees)		\$16,000.00	\$0.00	\$16,000.00
	TOTAL	\$1,581,445.00	\$1,581,445.00	\$3,162,890.00
Total Available Funding American Rescue Plan				\$3,162,890.00
Balance after Eligible Expenditures				\$0.00



AGENDA
MEMORANDUM

TO: HONORABLE MAYOR & CITY COMMISSIONERS
VIA: RODNEY LUCAS, CITY MANAGER
FROM: Peggy Boule-Washington
SUBJECT: American Rescue Plan Act Fund Allocation
DATE: February 2, 2023

GENERAL SUMMARY/BACKGROUND:

The City of Pahokee has instituted a Minor Home Repair Program. The intent of the Program is to assist homeowners with home repairs to correct health and safety hazards, as well as address building or code deficiencies of owner-occupied properties.

The City of Pahokee has received an allocation of \$3,162,890. The funds were received in two transactions of \$1,581,445. We will start with the first year, FY2022-23, allocating \$200,000 to cover up to 40 residents at \$5,000 each.

In a combined effort to spend the City’s allocated funds responsibly, the City’s elected officials established an advisory committee, meetings, workshops and townhalls to share thoughts and suggestions as to what City ARPA funds should be allocated to. Thus, recommended utilize spending of funds in several categories: I. Revenue Replacement. II. Reimbursement for Covid Related Revenue Shortfall. III. Housing: Minor Home Repair, Utilities (water)/Rental Assistance and IV. Small Businesses.

BUDGET IMPACT: ARPA funds were received in the amount of \$3,162,890. \$200,000 will be allocated towards minor home repair up to \$5,000 per household.

LEGAL NOTE: N/A

STAFF RECOMMENDED MOTION:
Approve resolution.

ATTACHMENTS:
Resolution 2023 - 04

RESOLUTION NO. 2023 - 04

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, APPROVING A MINOR HOME REPAIR PROGRAM IN CONNECTION WITH AMERICAN RESCUE ACT FUNDS UP TO AN AMOUNT OF TWO HUNDRED THOUSAND DOLLARS (\$200,000); PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, On March 10, 2021, the United States Congress passed the American Rescue Plan Act of 2021 (“ARPA”) which was signed into law by President Joseph Biden on March 11, 2021; and

WHEREAS, ARPA established the Coronavirus State Fiscal Recovery Fund (“CSFRF”) and Coronavirus Local Fiscal Recovery Fund (“CLFRF”), together known as the Coronavirus State and Local Fiscal Recovery Funds (“SLFRF”) program, which provides a combined \$350 billion in assistance to eligible state, local, territorial, and Tribal governments to help turn the tide on the pandemic, address its economic fallout, and lay the foundation for a strong and equitable recovery; and

WHEREAS, The City received federal funding in the form of the SLFRF under ARPA in response to the coronavirus (“COVID-19”) pandemic. These funds may be used to carry out a wide range of community development activities, including those that benefit local communities; and

WHEREAS, ARPA provides that the City may grant awards to eligible beneficiaries for eligible ARPA expenditures; and

WHEREAS, the City desires to establish a Minor Home Repair Program to provide grants benefiting residents in need of assistance in order to complete approved home repairs for owner-occupied, single-family homes within the City; and

WHEREAS, grants will be made available to qualified City homeowners; and

WHEREAS, the City also desires to promote business opportunities for local contractors and other licensed tradesmen; and

WHEREAS, to carry out this purpose, the City desires to establish the City of Pahokee’s Minor Home Repair Program, attached hereto as Composite Exhibit “A”; and

WHEREAS, the City has budgeted funds to provide grants benefitting Pahokee residents who desire assistance to complete health, safety and welfare related home

repairs to owner-occupied, single-family homes within the City up to an amount of Two Hundred Thousand Dollars (\$200,000.00).

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AS FOLLOWS:

Section 1. Adoption of Representations. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2. Approval of Minor Home Repair Program. The City Commission of the City of Pahokee hereby grants approval and acceptance of the Minor Home Repair Program, as set forth in Composite Exhibit “A” attached hereto.

Section 3. Authorization of City Manager. The City Commission of the City of Pahokee hereby authorizes the City Manager to take all necessary and expedient action to carry out the intent of this Resolution.

Section 4. Effective Date. This Resolution shall be effective immediately upon its passage and adoption.

PASSED and ADOPTED this 14th day of February 2023.

ATTEST:

By: _____
Nylene Clarke, Acting City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Burnadette Norris-Week, P.A.
City Attorney

Moved by: _____

Seconded by: _____

VOTE:

Commissioner Boldin	_____ (Yes)	_____ (No)
Commissioner Gonzalez	_____ (Yes)	_____ (No)
Commissioner Perez	_____ (Yes)	_____ (No)
Vice-Mayor Murvin	_____ (Yes)	_____ (No)
Mayor Babb	_____ (Yes)	_____ (No)

COMPOSITE EXHIBIT “A”
MINOR HOME REPAIR PROGRAM

City of Pahokee
MINOR HOME REPAIR PROGRAM



207 Begonia Drive
Pahokee, FL 33493
561-924-5534

The City is accepting applications for single-family, owner-occupied homeowners that need minor repairs to their homes, and that reside within the city limits of Pahokee. Please pick up your application to apply at City Hall.

March 1, 2023, (Mon-Fri) 9AM-3PM
(Applications will be provided and accepted)

CITY OF PAHOKEE



**MINOR HOME REPAIR PROGRAM
REQUIREMENTS**

The City of Pahokee Minor Home Repair Program has been established to assist eligible residents in obtaining needed health, safety and welfare related home repairs. Funding is available to Pahokee residents only and on a limited, first-come, first-serve basis. The maximum program award per applicant is up to \$5,000.

Program Eligibility

- 1) Properties for which assistance is being requested must be located in the City of Pahokee;
- 2) Properties for which assistance is being requested must be owner-occupied. Residential rental units and or commercial properties are not eligible for funding assistance.
- 3) Applicant’s gross household income may not exceed the below listed Palm Beach County maximum “low income” levels:
 - Household Size of 1 - Maximum Eligible Income Level = \$40,600
 - Household Size of 2 - Maximum Eligible Income Level = \$46,400
 - Household Size of 3 - Maximum Eligible Income Level = \$52,200
 - Household Size of 4 - Maximum Eligible Income Level = \$58,000
 - Household Size of 5 - Maximum Eligible Income Level = \$62,650
 - Household Size of 6 - Maximum Eligible Income Level = \$67,300
 - Household Size of 7 - Maximum Eligible Income Level = \$71,950
 - Household Size of 8 - Maximum Eligible Income Level = \$76,600

Source: Palm Beach County and Florida Housing Finance Corporation

- 4) Assistance is available for the following types of home repair items:
 - Repair/replace roofing gutters and fascia;
 - Repair/replace damaged water heaters;
 - Repair/replace electrical work;
 - Install new insulation;
 - Repair/replace windows/doors;
 - Correction of building code compliance violations;
 - Removal of lead-based paint/asbestos hazards;
 - Removal of home barriers to the disabled and elderly;
 - Elimination of other specific conditions detrimental to public health and safety;
 - Installation of smoke alarms; and

- Repair or replace worn, damaged kitchen or bathroom flooring; repair or replace damaged kitchen or bathroom plumbing fixtures (non- cosmetic related improvement)
- 5) Financial assistance is not available for proposed home beautification or home remodeling projects.

Application Submittal Requirements

- 1) Residents applying for financial assistance must submit a completed application to the City of Pahokee, 207 Begonia Drive, Pahokee, Florida 33476 (561) 924-5534.
- 2) In order to verify City of Pahokee residency, applicants must provide proof of residency in the form of Palm Beach County Homestead Exemption, a State of Florida driver’s license, a Florida identification card or other acceptable forms of proof of Pahokee residency.
- 3) In order to verify household income, applicants must submit a copy of their most recent federal income tax return or three (3) most recent pay stubs or social security payment verification statement for City review.
- 4) At least two (2) contractual service estimates must be included with each submitted application. Contractual service estimates must be provided by licensed handyman or contractual service company. **Note: The contract for minor home services will be entered into between the property owner and the selected handyman or contractual service company. It is the responsibility of the property owner to request proof of insurance from the selected contractual service company. The City of Pahokee does not enter into contract with the selected minor home repair company. However, immediately upon completion of minor home repair services, a copy of the final invoice must be provided to the City of Pahokee so the City may reimburse the homeowner..**
- 5) After submitting a written application to the City of Pahokee, City staff will schedule a site meeting with the applicant to review and inspect all requested home repair items. Photographs will be taken by City staff to formally document the need for home repairs. Within 3-5 business days, City personnel will provide notification to the applicant indicating whether the requested home repair services have been approved or disapproved.
- 6) If the requested minor home repair service project is determined to be eligible based on program guidelines, a copy of the minor home repair eligibility notification must be provided to the selected contractual service company to ensure home repairs are completed in accordance with all requirements of program.

After Completing Minor Home Repair Services:

- 1) Following completion of minor home repair services, the applicant is required to immediately inform the City regarding the completion of authorized repairs and must also provide the City with a copy of the final invoice for home repair services;
- 2) Following completion of minor home repair services, City personnel will re-inspect the property to ensure the minor home repairs were completed in accordance with all program requirements.
- 3) The City shall determine those Projects requiring an advance purchase of supplies prior to the commencement of work to be performed on a case-by-case basis. If the City determines that there is a financial need by Grantee requiring an advancement for supplies, an estimate shall be obtained from the Home Depot store located at 220 South State Road 7, West Palm Beach, Florida 33414, documenting the amount needed to begin work up to a limit of \$1,000.00. If the City agrees with the provided estimate, an authorized City staff person shall accompany Grantee's Contractor to the Home Depot store located at 220 South State Road 7, West Palm Beach, Florida 33414 where the supplies will be purchased by City directly from said Home Depot store. All advanced supply purchase amounts shall be deducted from the total grant award amount.
- 4) Following receipt of notification from the Grantee regarding completed home repairs and submission of a final invoice, the City will within 7-10 business days, reimburse the property owner for all eligible cost relating to the authorized home repairs (excluding sales tax). The city is a tax-exempt organization and is exempt from paying taxes. The Grantee will therefore will not be reimbursed for any sales tax associated with the transaction. Note: The Grantee shall also be responsible for any **unauthorized** work completed by the handyman or contractual service company. Note: The City will not be responsible for assisting in coordinating check disbursement to the selected minor home repair company.

If you have any questions or concerns regarding the City of Pahokee Minor Home Repair Program, please feel free to contact the City of Pahokee at (561) 924-5534



FAQ's (Frequently Asked Questions)
City of Pahokee Home Rehab Grants
(Pahokee Residents Only)

1. Question: Do I have to own my home?
Answer: Yes, you must own and occupy your home before October 1, 2020.
2. Question: If selected, will a lien be placed on my home or will there be any restrictions on selling my home in the future?
Answer: No liens and no restrictions on selling your home in the future as part of this grant. However, the Grant Agreement provides that Grantee shall not, for a period of two (2) years from the execution of the agreement, rent or otherwise convey or transfer title to the property or any portion of the property being repaired.
3. Question: If selected, will I receive the maximum grant amount?
Answer: The amount awarded will vary and will depend on your home's repair needs based on the evaluations of the City's Personnel.
4. Question: If I am selected, how long until my work begins?
Answer: The City has a multi-step process to ensure the validity of your home needs, quality of work, and administrative coordination. This process can take time and patience will be required. Once the home repairs or needs are verified/appraised, the timeline will depend on contractor availability along with scheduling.
5. Question: If selected, will I have to pay for anything out-of-pocket?
Answer: The grant will cover all home repair expenditures, labor, contractor fees and associated permitting fees up to \$5,000. Grantee will be responsible for any taxes associated with the cost of the work and materials.
6. Question: Should I pass away before the work is completed, will the repairs to my home continue?
Answer: Yes, the work will continue.
7. Question: If I am awarded City of Pahokee Home Rehabilitation grant funds, can I apply for more at a later date?
Answer: No. once you are selected and funds are awarded, you are no longer eligible for additional funds through the City.
8. Question: How will I be selected and what are my chances?
Answer: First come, First serve completed application.
9. Question: If I am selected and awarded a grant, will I need to sign paperwork?

Answer: Yes, once the grant amount is determined and awarded, you will be required to sign an agreement to enter the program with the City along with a binding contract directly with the contractor. The binding contract will include a proposed work schedule.



CITY OF PAHOKEE
MINOR HOME REPAIR PROGRAM APPLICATION

PLEASE RETURN COMPLETED APPLICATION INCLUDING ALL REQUIRED SUPPORTING DOCUMENTATION TO:

The City of Pahokee
207 Begonia Drive
Pahokee, Florida 33476
561-924-5534

APPLICATION NO. _____ (For Office Use)

NAME OF PROPERTY OWNER/APPLICANT _____

PROPERTY ADDRESS _____

CONTACT PHONE NUMBER _____

DESCRIPTION OF HOME REPAIRS _____

NAME OF CONTRACTOR AND ADDRESS OF QUOTES PROVIDED

IS THE REQUESTED REPAIRS HEALTH, SAFETY & WELFARE RELATED? YES ____ NO ____
HAVE AT LEAST TWO REPAIR ESTIMATES INCLUDING LICENSES BEEN SUBMITTED WITH APPLICATION? YES ____ NO ____

WILL YOU BE AVAILABLE DURING THE DAY FOR CITY STAFF TO REVIEW REQUEST? YES ____ NO ____



**CITY OF PAHOKEE
MINOR HOME REPAIR PROGRAM
NOTIFICATION OF ELIGIBILITY**

FOR OFFICE USE ONLY: (COMPLETED APPLICATION CHECKLIST)

- 1. Does the application include at least 2 estimates from a professional home repair company? YES NO
- 2. Are the professional home repair estimates prepared by a licensed repair company? YES NO
- 3. Are the requested home repairs health, safety and welfare related? YES NO
- 4. Are the requested repairs included on the eligible home repair list? YES NO
- 5. Has the requested home damage been documented with photographs? YES NO
- 6. Has the applicant provided proof of Pahokee residency? YES NO
- 7. Has the applicant provided a recent tax return or pay stubs verifying household income? YES NO
- 8. Has a completed signed and notarized application been submitted by the applicant? YES NO

APPLICATION ELIGIBILITY DETERMINATION

- 9. Provide total amount of residents residing in household _____
- 10. Provide total household income amount \$ _____
- 11. Is total household income within the eligible “low income” program threshold? YES NO
- 12. Is name on the application the same as property owner’s name listed on the BPA webpage YES NO
- 13. Indicate name of eligible home repair company(ies) _____
- 14. Indicate total funding amount recommended for approval \$ _____
- 15. Does selected repair estimates contain professional license verification? YES NO

Based on whether all responses to questions 1-15 are affirmative, please indicate below whether **APPLICATION NO.** _____ has been approved or disapproved. If application has been approved, in comment section below please indicate all eligible application home repairs. If the application has been disapproved, please indicate reason for disapproval. If application is incomplete, please clearly indicate what items are required from the applicant to complete the application.

APPLICATION APPROVED _____ **APPLICATION DISAPPROVED** _____

Reviewer Comments:

Reviewer's Signature

Date Reviewed

If all affirmative responses have been provided on Questions 1 thru 15, the attached minor home repair application should be recommended for approval. Written notification including the eligibility notification should be provided to the applicant indicating approved scope of work, the total amount of authorized funding; and a notice to proceed with authorized minor home repair services.

This instrument prepared by:
Burnadette Norris-Weeks
City Attorney
City of Pahokee
207 Begonia Dr.
Pahokee, FL 33476

GRANT AGREEMENT

City of Pahokee Minor Home Repair Program

THIS GRANT AGREEMENT is entered into on this _____ day of _____, **2023** between the “City of Pahokee, and _____ (“Grantee”) whose address is _____, Pahokee, FL 33023 containing property legal description as described in **Exhibit 1** (the “Property”).

WITNESSETH:

WHEREAS, On March 10, 2021, the United States Congress passed, and on March 11, 2021, President Joseph Biden signed into law, the American Rescue Plan Act (“ARPA”); and

WHEREAS, ARPA established the Coronavirus State Fiscal Recovery Fund (“CSFRF”) and Coronavirus Local Fiscal Recovery Fund (“CLFRF”), together known as the Coronavirus State and Local Fiscal Recovery Funds (“SLFRF”) program, which provides a combined \$350 billion in assistance to eligible state, local, territorial, and Tribal governments to help turn the tide on the pandemic, address its economic fallout, and lay the foundation for a strong and equitable recovery; and

WHEREAS, The City received federal funding in the form of the SLFRF under ARPA in response to the coronavirus (“COVID-19”) pandemic. These funds may be used to carry out a wide range of community development activities, including those that benefit local communities; and

WHEREAS, The Interim Final Rule on SLFRF issued by the Department of the Treasury (“Treasury”) effective May 17, 2021, and the Final Rule issued by the Department of the Treasury effective April 1, 2022, (together the Interim Final Rule and the Final Rule are hereinafter referred to as the “Rule”) provide the rules and guidelines for how the ARPA funds may specifically be spent. Further, the Rule allows for the City to transfer SLFRF funds to a beneficiary who experienced a negative economic impact due to the COVID-19 public health emergency; and

WHEREAS, ARPA states the City may grant awards to eligible beneficiaries for an eligible ARPA expenditure; and

WHEREAS, the City desires to provide grants benefiting residents in need of assistance to complete approved home repairs to owner-occupied, single-family homes in the City; and

WHEREAS, the grants will be made available to qualified City homeowners; and

WHEREAS, the City also desires to promote business opportunities for local contractors and other licensed tradesmen; and

WHEREAS, to carry out this purpose, the City has established the City of Pahokee Minor Home Repair Program (the “Program”); and

WHEREAS, the City has budgeted funds to provide grants benefitting Pahokee residents who desire assistance to complete health, safety and welfare related home repairs to owner-occupied, single-family homes within the City; and

WHEREAS, the Program Grantee agrees to have the home repair services for which their grant has been approved per the terms of the Program, Program Application, and this Agreement.

WHEREAS, in conjunction with a licensed home repair contractor, the Grantee shall complete the approved scope of services in accordance with the City of Pahokee Minor Home Repair Program.

NOW, THEREFORE, the Parties agree as follows:

ARTICLE I
SCOPE OF SERVICES

The Grantee in conjunction with a licensed contractor shall complete required home repairs as permitted by the City’s Building Department, and in accordance with the attached Scope of Repair Services (See **Exhibit 2**).

ARTICLE II
CONDITION OF SERVICES

The Grantee agrees to the following:

- a) Repairs shall be limited to owner-occupied, single-family homes in the City of Pahokee occupied by “low income” residents as defined by Palm Beach County.
- b) Maintenance of records including, but not be limited to, the following:
 - 1. Information identifying household income, head of household, ethnicity, race and gender, to the extent allowed by law;
 - 2. Other documentation that may be required by the City.
- c) The Grantee shall not, for a period of two (2) years from the execution of this agreement, rent or otherwise convey or transfer title to the property or any portion of the property.
- d) Allow City of Pahokee officials on the premises and give access to inspect the site to identify and confirm eligibility of requested home repairs. An appointment shall be scheduled in advance between the homeowner and the City to review existing conditions identified home repair item prior to approving the requested repairs.

- e) The Grantee shall, to the extent permitted by law, allow all necessary personal and financial background investigations to be conducted by the City. Grantee shall provide City with any consents or authorization required by any third party who has such information.
- f) The Grantee shall not use the Premises, or any portion thereof, or permit the same to be used for any illegal, immoral or improper purposes, nor to make, or permit to be made, any disturbance, noise or annoyance whatsoever detrimental to the premises or the comfort and peace of the inhabitants living within the vicinity of the demised premises. Any violation of this provision within three (3) years from the execution of this Agreement shall result in the entire grant becoming due and payable by the Grantee to the City notwithstanding the City's agreement to discharge a portion of the debt each year.
- g) The City's Program shall be performed by general contractors and other tradesmen licensed to perform construction work by the State of Florida who also possess valid local business licenses.
- h) As part of applying for funds from the Program, the Program Grantee provided satisfactory documentation to the City evidencing their eligibility, including, but not limited to, the following:
 - 1. Proof of residency.
 - 2. A Pahokee address and possession of a valid, current license;
 - 3. A description of the home repair services which the Program Grantee's contractor is qualified and willing to provide; and
 - 4. Other documentation required by the City as part of the application process.
- I) Once a homeowner has been deemed eligible to receive a grant, the City's Program inspector ("Inspector") will schedule an appointment to visit the Property to review existing conditions relating to the identified home repairs prior to approving the requested repairs. The Inspector will evaluate the need for repairs and the reasonable cost of such repairs, and will assist in noting specifications necessary to meet code requirements.
- J) The quote will set out in detail all repair services to be performed, the materials needed, the cost of labor and materials, and the proposed project schedule, including the proposed payment schedule. The Contractor shall also provide evidence of current licensure and insurance (general liability and worker's compensation).
- K) The Program Grantee will enter into a written repair agreement ("Repair Agreement") with the contractor based upon a quote (including scope of services, cost of labor and materials, and project schedule) approved by the City Building Department. The amount of the grant award shall be an amount equal to the Repair Agreement price. The Repair Agreement

shall not include any services or materials other than those specified in the approved quote. Any additional repairs the Program Grantee has performed by the Contractor, that are not part of the Program, are the sole responsibility of the Program Grantee.

- L) The Repair Agreement must state that the contractor will provide commercially acceptable materials that meet the specific material requirements in the Repair Agreement and repairs to the Property by the contractor shall conform to generally accepted standards of workmanship for similar repair work, with no waiver of express or implied warranties. In addition, the Repair Agreement must include the contractor’s standard warranty for similar residential projects or a one (1) year warranty, whichever length of time is greater.
- M) The Repair Agreement will be between the Program Grantee and the Contractor; payment to fulfill the Repair Agreement is pursuant to Article III of this Agreement the Program Grantee will not be reimbursed if the repairs do not meet local building codes.
- N) The Program Grantee and the Contractor shall give all the City officials and authorized City representatives’ reasonable access to the Property to inspect the repair work being performed for permitting purposes and to observe the progress of the work.

ARTICLE III
TERM OF AGREEMENT

This Agreement shall be deemed effective upon execution by both parties, and shall terminate immediately upon (1) the Program Grantee’s voluntary withdrawal from the Program, (2) completion of the repair to the Property and final payment to the Program Grantee in accordance with this Agreement, or (3) the City’s decision to remove the Program Grantee from the program for any reason, including loss of eligibility, unacceptable performance, or any other breach of this Agreement.

ARTICLE IV
AMOUNT OF GRANT

The City shall award the Grantee an amount not to exceed _____Dollars. Payment for work satisfactorily performed under a Repair Agreement reimbursed to Program Grantee upon proof of payment to Contractor . Funding shall be disbursed following the completion and acceptance of the work and following inspection(s) by the Inspector and/or other City representatives to verify the satisfactory completion of all authorized repairs. Payment shall be conditioned upon the Contractor providing satisfactory proof that any subcontractors and suppliers used for the project have been paid in full and have provided a waiver of liens. The City shall determine those Projects requiring an advance purchase of supplies prior to the commencement of work to be performed on a case-by-case basis. If the City determines that there is a financial need by Grantee requiring an advancement for supplies, an estimate shall be obtained from the Home Depot store located at 220 South State Road 7, West Palm Beach, Florida 33414, documenting the amount needed to begin

work up to a limit of \$1,000.00. If the City agrees with the provided estimate, an authorized City staff person shall accompany Grantee's Contractor to the Home Depot store located at 220 South State Road 7, West Palm Beach, Florida 33414 where the supplies will be purchased by City directly from said Home Depot store. All advanced supply purchase amounts shall be deducted from the total grant award amount. Any advanced payment shall be deducted from the total grant award.

ARTICLE V
DEFAULT

For purposes of this Agreement (and the documents referenced or incorporated), a default shall include without limitation the following acts or events of the Grantee, its agents and employees, as applicable and as further detailed below:

- (1) Failure to comply with applicable federal, state and local regulations and laws.
- (2) Breach regarding any of the terms and conditions of this Agreement including, but not limited to, false, inaccurate, or misleading information provided in the Application.

In the event of a breach, the Grantee shall pay to the City the entire amount of the Grant and may exercise any and all rights including the rights to bring any and all legal and/or equitable actions in Palm Beach County, Florida, in order to enforce the City's right and remedies against the Grantee. The City shall be entitled to recover all costs of such actions including a reasonable attorney's fees, at trial and appellate levels, to the extent allowed by law.

ARTICLE VI
ENTIRETY OF AGREEMENT

This Agreement contains all the terms and conditions agreed upon by the parties and the recitals set forth above, which are hereby incorporated herein by this reference. There are no promises or understandings other than those stated herein. None of the provisions, terms and conditions contained in this Agreement may be added to, modified, superseded or otherwise altered, unless reduced to writing and duly approved and signed by all parties.

ARTICLE VII
AMENDMENTS

Any alterations, variations, modifications or waivers of the provisions of this Agreement shall only be valid when they have been reduced to writing, duly approved and signed by both parties. This Agreement contains all the terms and conditions agreed upon by the parties. No other agreement, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or bind any of the parties.

ARTICLE VIII
TERMINATION

It is expressly understood and agreed that in the event of curtailment or non-availability of grant funds, the City’s obligation to make further payments under provisions of this Agreement will terminate effective as of the time that the City determines that funds are no longer available. In the event of such determination, the Grantee agrees that it will not look to nor seek to hold liable the City for the further performance of this Agreement and the City shall be released from further liability each to the other under the terms of this Agreement.

ARTICLE IX
INDEMNIFICATION

To the extent permitted by law, the Program Grantee shall indemnify, hold harmless and, at the City’s option, defend or pay for an attorney selected by the City to defend the City, its officers, employees and agents, against any claims, suits, actions, damages, proceedings, liabilities and costs (including attorney’s fees) arising from or in connection with this Agreement or any contracts the Program Grantee enters into with a contractor pursuant to this Agreement. The Program Grantee shall pay all claims and losses of any nature, and shall defend, as described above, all suits, on behalf of the City, its officers, employees or agents and shall pay all costs and judgements which may issue. Compliance with any insurance requirements shall not relieve the Program Grantee of its liability and obligation to defend, hold harmless and indemnify the City as set forth in this section. Nothing contained in this provision or elsewhere in this Agreement (including exhibits and attachments) shall be construed or interpreted as consent by the City to be sued, nor as a waiver of sovereign immunity beyond the waiver and limits provided in Section 768.28, Florida Statutes, as amended from time to time.

ARTICLE X
AUDIT AND INSPECTIONS

At any time during normal business hours and as often as the City may deem necessary, there shall be made available to the City the right to audit and examine all contracts, invoices, materials, payrolls, records of personnel, conditions of employment and other data relating to matters covered by this Agreement. It is further understood that all records and supporting documents pertaining to this Agreement shall be kept for a minimum period of three (3) years from the date of expiration of this Agreement and shall be, to the extent required by law, a public record available for inspection and copying. If any litigation, claim, negotiation, audit or other action involving the records has been started before the expiration of the three (3) year period, the records must be retained until completion of the action and resolution of all issues which arise. If during the course of an audit, the City determines that any payments made to the Grantee do not constitute an allowable expenditure, the City will have the right to deduct/reduce any unpaid invoices or require repayment of those amounts. The Grantee must maintain records necessary to document compliance with the provisions of the Agreement. All other requirements pertaining to

maintenance of records as required by Florida law or Palm Beach County are hereby incorporated and shall be considered a part of this Agreement.

ARTICLE XI
NOTICES

It is understood and agreed between the parties that all notices that are sent pursuant to and/or in connection with this Agreement shall be considered sufficient when made in writing and mailed by certified mail, return receipt requested, or delivered by electronic (including e-mail or facsimile transmission) or similar means, provided such means creates reasonable proof of delivery; or hand delivered to the appropriate address provided a copy is kept which is stamped with the official stamp of the recipient containing the time and date of delivery, or a copy is kept with the handwritten or stamped name of the receipt and the recipient’s signature, and with the time and date of delivery:

If to the City:

City of Pahokee
Attn: City Manager
207 Begonia Drive
Pahokee, FL 33476
E-mail: _____
Fax: (561) _____

If to the Grantee:

Pahokee, FL 33476
Phone: (754) 244-9841

ARTICLE XII
SUBCONTRACTS

The Grantee agrees that no assignment or subcontract will be made in connection with this Agreement without the express written consent of the City.

ARTICLE XIII
SEVERABILITY OF PROVISIONS

If any provision of this Agreement is held invalid, the remainder of this Agreement shall not be affected thereby if such remainder would then continue to conform to the terms and requirements of applicable law.

ARTICLE XIV
PROJECT PUBLICITY

The Grantee agrees that any news release or other type of publicity pertaining to the Program must recognize the City as an entity which provided funds for the project.

**ARTICLE XV
LIMITATION OF LIABILITY**

The City desires to enter into this Agreement only if in so doing the City can place a limit on the City’s liability for any cause of action arising out of the Agreement. The Program Grantee agrees that the City’s financial obligation in connection with the Program and this Agreement is limited to reimbursement of the Program Grantee in accordance with this Agreement. The Program Grantee waives and releases any and all claims against the City, its officials, employees, agents and representatives arising from or related to this Agreement, Repair Agreements or any third party arising out of this Agreement. Nothing contained in this paragraph or elsewhere in this Agreement is in any way intended to be a waiver of the limitation placed upon City’s liability as set forth in Chapter 768, Florida Statutes. Additionally, the City does not waive sovereign immunity, and no claim or award against the City shall include attorney’s fees, investigative costs or prejudgment interest.

**ARTICLE XVI
SEVERABILITY OF PROVISIONS**

If any provision of this agreement is held invalid, the remainder of this Agreement shall not be affected thereby if such remainder would then continue to conform to the terms and requirements of applicable law.

IN WITNESS WHEREOF, the parties have executed this Agreement by their respective proper officers duly authorized the day and year first above written.

Signed and Sealed in the presence of:

GRANTEE

By: _____

By: _____

Print Name: _____

Print Name (Resident): _____

ATTEST

CITY OF PAHOKEE

Secretary

By: _____
City of Pahokee, City Manager

APPROVED AS TO FORM

City Attorney

ATTEST:

City Clerk

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing Grant Agreement was acknowledged before me this _____ day of _____, 2023, by _____, who is/are personally known to me, or who has produced the following identification: _____ and who did take an oath.

By: _____

My Commission expires on: _____ Printed Name: _____
Title: Notary Public, State of Florida

GRANTEE

BY: _____

Print Name: _____

Exhibit "A"

City of Pahokee - AMERICAN RESCUE PLAN ACT ALLOCATION

Allowable Expenditures for American Rescue Plan Act Funds	FY22-23 (Year 1)	Proposed		ARPA Expenditure
		FY22-23 (Year 1)	FY22-23 (Year 2)	
Category: Revenue Replacement/Administrative and Other	Revenue Replacement - Services from PBSO (Pre-Paid)	\$585,000.00	\$585,000.00	\$1,170,000.00
Category: Revenue Replacement	Marina (1YR Docks: DEF and 2YR Docks: ABC - pier, etc)	\$395,445.00	\$442,500.00	\$837,945.00
Category: Revenue Replacement	Campground	\$292,500.00	\$442,500.00	\$735,000.00
Category: Revenue Replacement	City Reimbursement Covid Related Revenue Shortfall	\$342,500.00	\$100,000.00	\$442,500.00
Category: Svcs. To Disproportionately Impacted Communities	Delivery of Eligible ARPA Services in conjunction with Non-Profits	\$50,000.00	\$50,000.00	\$100,000.00
Category: Svcs. To Disproportionately Impacted Communities	Minor Home Repair Program (Residences and Senior/Vet)	\$200,000.00	\$242,000.00	\$442,000.00
Category: Svcs. To Disproportionately Impacted Communities	First-time Homebuyers Down Payment Assistance		\$214,445.00	\$214,445.00
Category: Svcs. To Disproportionately Impacted Communities	Residential Utilities and Rental Assistance	\$225,000.00	\$0.00	\$225,000.00
Category: Public Health	Behavioral / Mental Health Assistance	\$30,000.00	\$30,000.00	\$60,000.00
Category: Negative Economic Impacts	Job Workforce Education Training and Development	\$30,000.00	\$60,000.00	\$90,000.00
Category: Premium Pay (Public Sector Employees)		\$16,000.00	\$0.00	\$16,000.00
	TOTAL	\$1,581,445.00	\$1,581,445.00	\$3,162,890.00
Total Available Funding American Rescue Plan				\$3,162,890.00
Balance after Eligible Expenditures				\$0.00



AGENDA
MEMORANDUM

TO: HONORABLE MAYOR & CITY COMMISSIONERS
VIA: RODNEY D. LUCAS, CITY MANAGER
FROM: Rodney D. Lucas, City Manager
SUBJECT: Resource Group, N.A., Inc. - One-Year Agreement Extension
DATE: February 2, 2023

GENERAL SUMMARY/BACKGROUND:

Staff is seeking an emergency extension on behalf of the Resource Group, N.A., Inc. (“Resource Group”). Historically, the City of Pahokee (“City”) has used Resource Group for Governmental Consultant Services and extended the agreement with Resource Group last on August 13, 2021, effective for the period of July 27, 2021 through July 27, 2022.

Past administration missed the renewal date to extend the agreement with Resource Group for one more year from July 27, 2022 through July 27, 2023 upon approval of the City Commission.

BUDGET IMPACT: \$5,000 a month contract

LEGAL NOTE: N/A

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

Resolution 2023 - 05

RESOLUTION 2022 – 05

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AUTHORIZING AN EMERGENCY AGREEMENT WITH RESOURCE GROUP OF NORTH AMERICA, INC. FOR LEGISLATIVE LOBBYING SERVICES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Pahokee (“City”) is in need of legislative lobbying services due to an upcoming Palm Beach County Days event to take place in Tallahassee Florida from March 7th through 8th, 2023; and

WHEREAS, emergency legislative lobbying services are needed for the month of March 2023 for the establishment of meetings and other lobbying services necessary for the City’s participation at the Palm Beach County Days; and

WHEREAS, the City Commission and City staff is familiar with the lobbying firm Resource Group of North America, Inc. and has been associated with the firm over a number of years. Further, said lobbying firm is familiar with the legislative priorities of the City; and

WHEREAS, the City Manager is recommending that the City Commission approve a contract with the lobbying firm, Resource Group of North America, Inc., on an emergency basis from March 1, 2023 through March 31, 2023 and on the same general terms and conditions as set forth in City of Pahokee Resolutions 2015-38 and 2017-35; and

WHEREAS, the City Commission desires engage Resource Group of North America, Inc. as in the best interest of the City of Pahokee in pursuing its legislative priorities and agenda.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA AS FOLLOWS:

Section 1. Adoption of Representations. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and the same are hereby made a specific part of this Resolution.

Section 2. Authorization of City Manager. The City Commission of the City of Pahokee, Florida hereby authorizes emergency legislative lobbying services from March 1, 2023 through March 31, 2023, for meetings and

other lobbying services necessary for the City’s participation at Palm Beach County Days on the same general terms and conditions as set forth in City of Pahokee Resolutions 2015-38 and 2017-35

Section 3. Effective Date. This Resolution shall be effective immediately upon its passage and adoption.

PASSED and **ADOPTED** this 14th day of February, 2023.

Keith W. Babb, Jr., Mayor

ATTEST:

Nylene Clarke, Acting City Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Burnadette Norris-Weeks, P.A.
City Attorney

Moved by: _____

Seconded by: _____

VOTE:

Commissioner Boldin	_____ (Yes)	_____ (No)
Commissioner Gonzalez	_____ (Yes)	_____ (No)
Commissioner Perez	_____ (Yes)	_____ (No)
Vice-Mayor Murvin	_____ (Yes)	_____ (No)
Mayor Babb	_____ (Yes)	_____ (No)

RESOLUTION NO. 2023 - 06

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, ADOPTING THE CITY OF PAHOKEE'S 2023 STATE LEGISLATIVE PRIORITY LIST, ATTACHED HERETO AS EXHIBIT "A"; AUTHORIZING THE CITY MANAGER TO TAKE NECESSARY ACTION TO CARRY OUT THE AIMS OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Pahokee desires to secure state funding in order to enhance and improve City Hall, Marina and Campground, demucking, street signs, streets, storm drains, entryway signs, digital boards, parks, infrastructure and programs; and

WHEREAS, the City Manager has recommended a state legislative priority list for the 2023 Florida legislative session; and

WHEREAS, the City Commission of the City of Pahokee, Florida desires to adopt the recommended state legislative priority list.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AS FOLLOWS:

Section 1. Adoption of Representations. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and the same are hereby made a specific part of this Resolution.

Section 2. Adoption of 2023 State Legislative Priority List. The City of Pahokee's 2023 State Legislative Priority List, attached hereto as Exhibit "A", is hereby adopted. The City Manager is authorized to take all action necessary to implement the purpose of this Resolution, including transmittal to the proper agencies.

Section 3. Effective Date. This Resolution shall be effective immediately upon adoption hereof.

PASSED and ADOPTED this ____ day of _____ 2023.

Keith W. Babb, Jr., Mayor

ATTEST

Nylene Clarke, Acting City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Burnadette Norris-Weeks, P.A.
City Attorney

Moved By: _____

Seconded By: _____

Vote:

Commissioner Boldin	_____ (Yes)	_____ (No)
Commissioner Gonzalez	_____ (Yes)	_____ (No)
Commission Perez	_____ (Yes)	_____ (No)
Vice Mayor Murvin	_____ (Yes)	_____ (No)
Mayor Babb	_____ (Yes)	_____ (No)

**City of Pahokee
2023 Legislative Requests
Priority Ranking**

City of Pahokee Marina Improvements - \$2,000,000

These improvements to the City Marina will generate tourism and jobs for the region. Boaters, campers and fishermen would have immediate benefit from having a first-class marina and facilities directly on Lake Okeechobee. Redesign marina: Removal of floating dock to access gas pumps. Upgrade gas facilities at the Pahokee City Marina including repairs to the entire floating docks A, B,C and D,E and F, plus the pier lighting (North and South) and parking lot lighting; and add boat dock entry and exit fencing and replace three campground gates. Add four new electric vehicle charging stations, Bait and tackle and gift shop, Install new water and sewer lines with backflow preventer meters at the North end pavilion.

City of Pahokee Campground Repairs and Acquisition of 3 Cabins - \$1,000,000

Redesign entire Campground site, install new irrigation, replace campground gating in two locations, upgrade electrically panels and 100 site amp and water connections along with backflow preventer meters. Purchase 3 cabins (\$100,000 each) to rent to the visitors or tourists. Add fiber optics around campground and marina to improve Wi-Fi public access to give residents/visitors access to Wi-Fi.

City of Pahokee Infrastructure - \$15,000,000

Resurface all the inner-city streets; replace all sidewalks, erect stop signs and street signs, install storm drainage, replace all damaged culverts and curbing, install new school zone signs, etc. Install new way finder signs throughout downtown.

City of Pahokee Clean out East Lake Village Canal Wall/Fencing - \$300,000

Remove illegal debris from the canal and place along the canal with a wall/fencing to prevent illegal dumping. Cut down the Maten cane to give access to board walk and beautify around board walk with landscaping and signage.

City of Pahokee Skate and BMX Bike Park and New Splash Pad at Commissioners Park - \$900,000

Construct a dual Skate and BMX bike park with fencing for tournament level competition. Upgrade LED lighting around the perimeter with surveillance cameras and bench style seating with media area for viewing and TV access. Remove and redesign the old splash pad. Replace waterline and drainage. Install a state-of-the-art new splash pad.

City of Pahokee Demucking Martin Luther King, Jr and Glades Citizen Villa Parks - \$2,000,000

Funding will be used to demuck Martin Luther King, Jr and Glades Citizen Villa Parks. A soccer field will be built at MLK park. An outdoor recreational/fitness will be built at Glades Citizen's Villas. Both parks will need proper storm drainage, LED lighting, and security cameras.

City of Pahokee Cemetery Beautification of Park and Software Update - \$80,000

Funding will be used to install a front gate and landscaping. Purchase new computers and cemetery software to the office. Repair and update cemetery home (Roof, HVAC, electrical, etc.).

City of Pahokee (3) Entranceway Signs and Digital Marquee, plus (4) Park Signage - \$150,000

Funding will be used to install 3 (E. Main, S. Lake, Muck City) new entryway monument signs that will be powered by solar LED lighting. Install a new digital pole sign in front of old high school. Install (4) unified park signs in front of all city parks with digital boards powered by solar.

City of Pahokee, City Hall/Museum renovation - \$4,500,000

The City has never replace it's original City Hall when it was lost due to an hurricane. The City would like to use our old high school for a combination of city hall with museum honoring all the great achievements from our locals.

RESOLUTION 2022 - 06

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AUTHORIZING A SPECIAL COUNSEL AGREEMENT WITH TG LAW PLLC FOR SPECIAL COUNSEL SERVICES IN CONNECTION ARPA LEGAL CONSULTING SERVICES AND WORK INVOLVING A CENTRAL BUSINESS DISTRICT OVERLAY FOR THE CITY OF PAHOKEE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 2-84 of the City of Pahokee’s Code of Ordinances governs the process for securing special counsel services when the City deems necessary and appropriate; and

WHEREAS, the City currently has a February 21, 2022 agreement with TG Law, PLLC which is in direct conflict with the duties and responsibilities of the current City Attorney; and

WHEREAS, the City desires to clarify and clearly delineate any future engagement with Special Counsel for the purposes of assisting as Special Counsel for the following work: 1) legal consulting work for the City’s ARPA program, and 2) work related to the creation of the City’s Central Business District Overlay; and

WHEREAS, the City Commission hereby terminates any agreements in conflict with this Resolution, not limited to the current Agreement dated February 21, 2022 between the City and TG Law, PLLC; and

WHEREAS, the City Commission hereby authorizes the City Attorney to create a Special Counsel Agreement in a form acceptable to the City Attorney, that does not conflict with the duties and responsibilities of the current City Attorney and further authorizes the execution thereof with the proper parties; and

WHEREAS, Special Counsel work to be performed shall not exceed an amount of \$ and billing for Special Counsel services shall be sent through the City Attorney for any legal work to be performed; and

WHEREAS, legal work shall be performed at the direction, knowledge and in conjunction with the City of Pahokee’s City Attorney.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA AS FOLLOWS:

Section 1. Adoption of Representations. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and the same are hereby made a specific part of this Resolution.

Section 2. Authorization of City Attorney and City Manager. The City Commission of the City of Pahokee, Florida hereby, in accordance with Section 2-84 of the City of Pahokee’s Code of Ordinances, engages TG Law, PLLC as Special Counsel for the purposes of: 1) legal consulting work for the City’s ARPA program, and 2) work related to the creation of the City’s Central Business District Overlay. By passage of this Resolution, the City further terminates and authorizes the termination of any agreements in conflict with this Resolution, not limited to termination of the current Agreement dated February 21, 2022 between the City and TG Law, PLLC. The City Commission further authorizes the City Attorney to create a Special Counsel contract document in a form acceptable to the City Attorney and upon terms as otherwise required by this Resolution.

Section 3. Effective Date. This Resolution shall be effective immediately upon its passage and adoption.

PASSED and ADOPTED this 14th day of February, 2023.

Keith W. Babb, Jr., Mayor

ATTEST:

Nylene Clarke, Acting City Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Burnadette Norris-Weeks, P.A.
City Attorney

Moved by: _____

Seconded by: _____

VOTE:

Commissioner Boldin

_____ (Yes)

_____ (No)

Commissioner Gonzalez

_____ (Yes)

_____ (No)

Commissioner Perez

_____ (Yes)

_____ (No)

Vice-Mayor Murvin

_____ (Yes)

_____ (No)

Mayor Babb

_____ (Yes)

_____ (No)