

CITY OF PAHOKEE



AGENDA

City Commission Regular Meeting
Monday, November 07, 2022, 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, 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

- 1. Dr. Jinga Oglesby-Brihm - Update on Empower Healthcare
- [2.](#) Proclamation - Ethel Williams, Lucille Salvatore Heron, and Iris Salvatore Hodges Day
- [3.](#) Proclamation - Purple Heart Recipients
- [4.](#) Proclamation - Veterans Day
- [5.](#) Proclamation - Richard (Captain Tadpole) Brown

- F. CONSENT AGENDA**

- [1.](#) October 25, 2022 Regular Meeting Minutes

- G. OLD BUSINESS:**

discussion of existing activities or previously held events, if any

- 1. Update - City Projects

- H. PUBLIC HEARING(S)**

- [A.](#) ORDINANCE 2022 - 03 (Second 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 2022 - 53 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, APPOINTING FIVE (5) MEMBERS TO THE CHARTER REVIEW BOARD; PROVIDING FOR AN EFFECTIVE DATE.
- [B.](#) RESOLUTION 2022 - 55 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AUTHORIZING AND RATIFYING PAYMENT OF THE INVOICE FROM WASTE HAULER BIG DOG EXPRESS OF SOUTH FLORIDA, INC., ATTACHED HERETO AS EXHIBIT “A”, FOR STORM DEBRIS REMOVAL FROM SEPTEMBER 30, 2022 TO OCTOBER 14, 2022 PROVIDING FOR AN EFFECTIVE DATE.
- [C.](#) RESOLUTION 2022 - 56 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AUTHORIZING THE CITY MANAGER TO SPEND \$56,000.00 ON SPECIFIED WINTER SIGNATURE EVENTS AND

HOLIDAY DÉCOR FOR THE CITY OF PAHOKEE; AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY ACTION; PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

D. RESOLUTION 2022 - 57 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, APPROVING THE REPAIR OF THE PORT MAYACA CEMETERY BACKHOE ATTACHED HERETO AS EXHIBIT "A" IN THE AMOUNT OF \$21,916.03 TO KELLY TRACTOR CO.; AUTHORIZING THE CITY MANAGER TO TAKE NECESSARY ACTION; PROVIDING FOR ADOPTION OF REPRESENTATIONS; 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. FOR THE GOOD OF THE ORDER

community events, feel good announcements

P. ADJOURN (BY MOTION AND APPROVAL OF MAJORITY PRESENT)

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).

Proclamation

Whereas, the Okeechobee Hurricane or San Felipe Segundo Hurricane, also known as the Storm of 1928, was one of the most devastating hurricanes in the recorded history of the North Atlantic basin and greatly affected the Glades community; and

Whereas, over 2,500 lives were lost. Of which, 1,600 of those victims were buried in mass graves, and many other victims were found on September 30, 1928; and

Whereas, annually, the City of Pahokee pays tribute to those who lost their lives during this catastrophic event and honors the three known surviving citizens who weathered the storm: Ethel Williams, Lucille Salvatore Heron, and Iris Salvatore Hodges; and

Whereas, Ethel Williams, who was born in Tyty, Georgia, moved to Pahokee, Florida, where she lived before moving to Indiantown, Florida. She kept her deep connection to the City of Pahokee as a long-standing and faithful member of the New Macedonia Missionary Baptist Church in Pahokee; and

Whereas, Lucille Salvatore Heron, a proud resident of Pahokee for several decades, has been a productive member of society. Her bravery and courage to tell her family's story will forever be an inspiration for generations to come; and

Whereas, Iris Salvatore Hodges, a life-long resident of Pahokee, has been an inspiration to survivors and women alike. She has contributed in more ways than one, while sharing her story and serving as an inspiration to many.

NOW, ~~THEREFORE~~, I, Keith W. Babb, Jr., Mayor of the City of Pahokee, Florida, on behalf of the City Commission, hereby proclaim September 16th as:

“Ethel Williams, Lucille Salvatore Heron, and Iris Salvatore Hodges Day”

In official recognition whereof, I hereunto set my hand and caused the seal of Pahokee to be affixed this 7th day of November 2022.

Keith W. Babb, Jr.

Mayor Keith W. Babb, Jr.

Clara Murvin

Vice Mayor Clara Murvin

Juan Gonzalez

Commissioner Juan Gonzalez

Derrick Boldin

Commissioner Derrick Boldin

Sara Perez

Commissioner Sara Perez

Proclamation Purple Heart Recipients



Whereas, the City of Pahokee, Florida, has always supported its military veteran population; and

Whereas, the Purple Heart is the oldest military decoration in present use and was initially created as the Badge of Military Merit by General George Washington in 1782; and

Whereas, the Purple Heart was the first American service award or decoration made available to the common soldier and is specifically awarded to members of the United States Armed Forces who have been wounded or paid the ultimate sacrifice in combat with a declared enemy of the United States of America; and

Whereas, the mission of the military Order of the Purple Heart is to foster an environment of goodwill among the combat-wounded veteran members and their families, promote patriotism, support legislative initiatives, and most importantly, make sure we never forget; and

Whereas, the City of Pahokee appreciates the sacrifices our Purple Heart recipients made in defending our freedom and believe it is important that we acknowledge them for their courage and show them the honor and support they have earned.

***NOW, THEREFORE,** I, Keith W. Babb, Jr., Mayor of the City of Pahokee, Florida, on behalf of the City Commission, hereby encourage the residents of the City of Pahokee to show their appreciation for the sacrifices the Purple Heart recipients made in defending our freedom, to acknowledge their courage, and to show them the honor and support they have earned.*

In official recognition whereof, I hereunto set my hand and caused the seal of Pahokee to be affixed this 7th day of November 2022.

Keith W. Babb, Jr.

Mayor Keith W. Babb, Jr.

Clara Murvin

Vice Mayor Clara Murvin

Juan Gonzalez

Commissioner Juan Gonzalez

Derrick Boldin

Commissioner Derrick Boldin

Sara Perez

Commissioner Sara Perez

Proclamation



Whereas, the freedoms we enjoy in the United States of America have been purchased and maintained at a high price throughout our history; and

Whereas, since the establishment of the original 13 states, many have been willing to fight and die to preserve their individual rights as guaranteed in the United States Constitution and the Bill of Rights; and

Whereas, throughout the generations, the sacrifices of those in our armed forces have preserved our unique form of government dedicated to human rights and respect for the individual; and

Whereas, for many, that sacrifice ended in permanent injury or death, and we owe a great debt to those who have served in defense of this nation; and

Whereas, our community has a continuing sense of gratitude to those who have given so much in the defense of the freedoms which we all continue to enjoy, and believe it is important that we acknowledge them for their courage, and show them the honor and support they have earned.

NOW, THEREFORE, I, Keith W. Babb, Jr., Mayor of the City of Pahokee, Florida, on behalf of the City Commission, hereby encourage the residents to honor our veterans by showing appreciation for the sacrifices they made in defending our freedom.

In official recognition whereof, I hereunto set my hand and caused the seal of Pahokee to be affixed this 7th day of November 2022.

Keith W. Babb, Jr.

Mayor Keith W. Babb, Jr.

Clara Murvin

Vice Mayor Clara Murvin

Juan Gonzalez

Commissioner Juan Gonzalez

Derrick Boldin

Commissioner Derrick Boldin

Sara Perez

Commissioner Sara Perez

Proclamation

Richard "Captain Tadpole" Brown



WHEREAS, Richard A. Brown, endearingly known as "Tadpole", is a lifelong resident of Pahokee, Florida; and

WHEREAS, he served in the United States Coast Guard, where he received his endorsement for assistance towing on January 22, 2004; and

WHEREAS, on April 26, 2004, Richard became a licensed U.S. Merchant Marine Officer, which granted authorization for him to operate uninspected passenger vessels upon inland waters and to engage in commercial assistance towing; and

WHEREAS, Richard worked as the Operations Manager for Everglades Adventure RV and Sailing Resort, and was the first certified African American Captain on Lake Okeechobee. He was known professionally as "Captain Tadpole" and as a resident expert; and

WHEREAS, our community has a continuing sense of gratitude for his service and knowledge.

NOW, THEREFORE, I, Keith W. Babb, Jr., Mayor of the City of Pahokee, Florida, on behalf of the City Commission, hereby honor Richards A. Brown for his service and encourage the residents to show their appreciation.

In official recognition whereof, I hereunto set my hand and caused the seal of Pahokee to be affixed this 7th day of November 2022.

Keith W. Babb, Jr.

Mayor Keith W. Babb, Jr.

Clara Murvin

Vice Mayor Clara Murvin

Juan Gonzalez

Commissioner Juan Gonzalez

Derrick Boldin

Commissioner Derrick Boldin

Sara Perez

Commissioner Sara Perez

CITY OF PAHOKEE



MINUTES

City Commission Regular Meeting
Tuesday, October 25, 2022, 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 6:08 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
Commissioner Sara Perez

Rodney D. Lucas, City Manager
Burnadette Norris-Weeks, City Attorney
Nylene Clarke, Executive Assistant (Acting City Clerk)

D. ADDITIONS, DELETIONS, AND APPROVAL OF AGENDA ITEMS:

Motion made by Vice Mayor Murvin to approve the agenda with the two additions:
Proclamation for Lynda Hendrix Moss and Resolution 2022 - 54. Duly seconded by
Commissioner Gonzalez 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)

Sam McKinstry posed questions regarding City business and contracts.

Jennifer Showalter commented regarding Palm Beach County educational concerns that directly affect Pahokee.

1. Proclamation - Expression of Sympathy - Lynda Hendrix Moss

Attorney Norris-Weeks read the proclamation into the record.

Motion made by Vice Mayor Murvin to approve the proclamation for Lynda Hendrix Moss.
Duly seconded by Commissioner Gonzalez and passed unanimously.

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

F. CONSENT AGENDA

1. October 11, 2022 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

Later in the meeting, Peggy Boule-Washington, Community & Economic Development Director, provided an update on City projects, beatification projects, and upcoming City events. Discussion ensued.

H. PUBLIC HEARING(S)

1. ORDINANCE 2022 - 03 (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.

The ordinance was read into the record by Attorney Norris-Weeks and explained by Mr. Lucas.

Public Hearing opened at 6:31 PM for public comment. Hearing none, it closed at 6:31 PM.

It was the consensus of the City Commission to revise the language to begin the meetings no later than 6:30 PM, with comments not being accepted after five minutes from the start of the meeting. Discussion ensued.

Motion made by Commissioner Boldin to approve Ordinance 2022 - 03 (First Reading). 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

I. RESOLUTION(S)

1. RESOLUTION 2022 - 51 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE FLORIDA, FOR APPROVAL OF CHANGE ORDER NO. 13 TO RESOLUTION #2016-20 PERTAINING TO PALM BEACH COUNTY’S INTERLOCAL AGREEMENT WITH THE CITY OF PAHOKEE AND EXHIBIT “A” OF THE COORDINATION OF ROAD AND UTILITY CONSTRUCTION FOR BARFIELD HIGHWAY RECONSTRUCTION PROJECT AS SET FORTH IN EXHIBIT “A”; PROVIDING FOR AN EFFECTIVE DATE.

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

Motion made by Vice Mayor Murvin to approve Resolution 2022 - 51. Duly seconded by Commissioner Boldin and passed unanimously.

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

2. RESOLUTION 2022 - 52 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AUTHORIZING THE CITY OF PAHOKEE, TO ENTER INTO, A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AGREEMENT WITH PALM BEACH COUNTY FOR CODE ENFORCEMENT SERVICES, AS MORE SPECIFICALLY SET FORTH IN EXHIBIT “A” HERETO; PROVIDING FOR AN EFFECTIVE DATE.

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

Motion made by Commissioner Boldin to approve Resolution 2022 - 52. Duly seconded by Vice Mayor Murvin and passed unanimously.

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

3. RESOLUTION 2022 - 53 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, APPOINTING FIVE (5) MEMBERS TO THE CHARTER REVIEW BOARD; PROVIDING FOR AN EFFECTIVE DATE.

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

Motion made by Vice Mayor Murvin to table Resolution 2022 - 53 until the November 7, 2022 Commission Meeting. Duly seconded by Commissioner Gonzalez and passed unanimously.

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

4. RESOLUTION 2022 - 54 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA AUTHORIZING THE MAYOR TO ENTER INTO AND EXECUTE GRANT AGREEMENT NO. L2104 BETWEEN THE CITY OF PAHOKEE AND THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AGENCY, EFFECTIVE UPON FINAL EXECUTION BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

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

Motion made by Commissioner Boldin to approve Resolution 2022 - 54. Duly seconded by Commissioner Gonzalez 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. Discussion and direction from the City Commission on the outstanding bill with Big Dog Express of South Florida, Inc. related to storm-related debris pickup from Hurricane Ian (September 28, 2022)

Commissioner Perez recused herself from this item, announced the conflict of interest (see attached Form 8B), and voluntarily exited the meeting for the discussion of this item.

Carlos Mangual discussed SWA Emergency Hurricane and Disaster Debris Removal, in conjunction with this item.

H. REPORT OF THE MAYOR

Mayor Babb expressed gratitude toward the Centennial Committee for their services this year and suggested that there be a permanent board. He discussed a wish list of items pertaining to the City.

I. REPORT OF THE CITY MANAGER

Mr. Lucas sought consensus on using funds for large scale events, bringing an expanded beautification program, and sought direction on ARPA spending. He provided a status report on outstanding items.

By consensus of the City Commission, the December 27, 2022 Commission Meeting was cancelled.

J. REPORT OF THE CITY ATTORNEY

None.

K. COMMISSIONER COMMENTS

Commissioner Gonzalez commented regarding an amphitheater.

Andrew Toussaint, Public Affairs Specialist for SBA, discussed disaster loans that are being offered and respective deadlines.

Commissioner Boldin discussed possible allocations for the ARPA funds.

Vice Mayor Murvin inquired about the East Lake Village project. Discussion ensued.

L. FOR THE GOOD OF THE ORDER

(Community events, feel good announcements)

Commissioner Gonzalez expressed gratitude toward the Centennial Committee.

Motion made by Mayor Babb to have the City Attorney draft a resolution to create a Special Events Board. Duly seconded by Vice Mayor Murvin and passed unanimously.

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

Motion made by Mayor Babb to do a proclamation for Veterans Day and Purple Heart Recipients. Duly seconded by Commissioner Gonzalez and passed unanimously.

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

M. ADJOURN (BY MOTION AND APPROVAL OF MAJORITY PRESENT)

Motion made by Vice Mayor Murvin to adjourn the meeting. Duly seconded by Commissioner Perez 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 9:06 PM.

Keith W. Babb, Jr., Mayor

ATTEST: Nylene Clarke, Acting City Clerk

ORDINANCE NO. 2022 - 03

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 and Scope.*

(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.

(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 ~~6:00~~ 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 ~~6:05 PM~~ **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 activity or event upcoming, if any);
- k. Report of the mayor;
- l. Report of the city manager;
- m. Report of the city attorney;
- n. Commissioners 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.

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 25th day of October 2022.

PASSED SECOND READING this ___ day of _____ 2022.

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 2022 - 53

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, APPOINTING FIVE (5) MEMBERS TO THE CHARTER REVIEW BOARD; 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”) desires to appoint five (5) members to the Charter Review Board pursuant to Article V, Section 5.01 of the City of Pahokee’s Charter; and

WHEREAS, applicable provisions of the City Charter provide that: “five (5) electors of the city holding no other office, appointment or employment in the government of the city, except on advisory bodies of the city shall be appointed”; and

WHEREAS, the Charter further provides that such board shall review the Charter, and within ninety (90) days after such appointment, recommend to the commission such alterations, revisions, and amendments, if any, to the Charter, as in its judgment are desirable; and

WHEREAS, the City Commission desires that the Mayor and each commissioner appoint one person to the Charter Review Board as set forth herein.

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

Section 1. Adoption of Representations. The foregoing “Whereas” clauses are hereby true and correct and incorporated by reference.

Section 2. Appointment of Members. The City Commission hereby appoints the following members to the Charter Review Board:

- (1) James Scott (Appointed by Mayor Babb)
- (2) Allie Biggs (Appointed by Vice-Mayor Murvin)
- (3) Telica Cunningham (Appointed by Commissioner Boldin)
- (4) Mary Dobrow (Appointed by Commissioner Gonzalez)
- (5) Regina Bohlen (Appointed by Commissioner Perez)

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

PASSED and ADOPTED this 7th day November 2022.

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)



AGENDA
MEMORANDUM

TO: HONORABLE MAYOR & CITY COMMISSIONERS
VIA: RODNEY LUCAS, CITY MANAGER
FROM: Carlos Mangual, Operations Manager
SUBJECT: Big Dog Express of South Florida Inc.
DATE: November 7, 2022

GENERAL SUMMARY/BACKGROUND:

The City of Pahokee was in need of storm debris removal from the passing of Hurricane IAN that occurred on September 28, 2022. The City Manager approved emergency storm debris removal services by our regular hauler Big Dog Express and is now seeking ratification from the City Commission for the services rendered from September 30, 2022 to October 14, 2022 costs.

BUDGET IMPACT: Yes

LEGAL NOTE: N/A

STAFF RECOMMENDATION:

The Department of Public Works recommends approval of Big Dog Express of South Florida Inc storm debris removal invoices \$48,982.24 (original invoice of \$58,982.24 minus \$10,000.00 reduction from owner Emilio Perez to make it \$48,982.24) and Resolution 2022 - 55.

ATTACHMENTS:

Resolution 2022 - 55
Big Dogs Express Storm Debris Analysis

RESOLUTION 2022 - 55

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AUTHORIZING AND RATIFYING PAYMENT OF THE INVOICE FROM WASTE HAULER BIG DOG EXPRESS OF SOUTH FLORIDA, INC., ATTACHED HERETO AS EXHIBIT "A", FOR STORM DEBRIS REMOVAL FROM SEPTEMBER 30, 2022 TO OCTOBER 14, 2022 PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Pahokee ("City") was in need of storm debris removal on September 30, 2022 due to the impact of Hurricane IAN; and

WHEREAS, the City Manager approved emergency removal of storm debris and is now seeking ratification from the City Commission for the following services and costs:

- 1) From September 30, 2022 to October 14, 2022 Big Dog Express of South Florida, Inc. removed storm debris throughout the City of Pahokee and specifically removed a total of 2800 yards of debris.
- 2) The cost of debris removal by Big Dog Express of South Florida, Inc. was \$48,982.24, as set forth in Exhibit "A" hereto; and

WHEREAS, the City Commission desires to ratify the City Manager's action and further authorize the payment of services not to exceed \$48,982.24.

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 and Ratification of City Manager. The City Commission of the City of Pahokee, Florida hereby authorizes and ratifies payment of \$48,982.24 to Big Dog Express of South Florida, Inc.

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

PASSED and ADOPTED this 7th day of November, 2022.

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"

STORM DEBRIS ANALYSIS

EXHIBIT A
**SWA Emergency
Hurricane and Disaster**

	Ashbritt	Crowder	DRC	Phillips and Jordan	None Cat A Declaration	Big Dog	Average Price
1.0							
	Public property and right of way Collection, Loading, hauling to designated TDMs						
	A. Vegetation	\$ 9.75	\$ 8.25	\$ 8.32	\$ 9.90	\$ 8.00	\$ 8.84
	B. Construction Debris	\$ 9.75	\$ 8.25	\$ 8.84	\$ 9.90	\$ 8.00	\$ 8.95
	TDMs Placement of Monitoring Towers						
	Portable Toilet Keeping onsite and adjacent roads area clean of trash and garbage acceptance pile management and phase 1 reclamation						
2.0							
	Processing of debris through Grinding and/ or chipping	\$ 2.25	\$ 0.25	\$ 1.12	\$ 2.35	\$ -	\$ 1.19
3.0							
	Loading hauling and disposing wood chips to final Destination	\$ 2.25	\$ 3.40	\$ 2.88	\$ 2.70	\$ 2.81	\$ 2.81
4.0							
	Vegetation Totals	\$ 23.20	\$ 20.65	\$ 17.20	\$ 24.55	\$ 18.86	\$ 21.40
	Construction Debris/Mixed Debris	\$ 23.20	\$ 20.65	\$ 17.72	\$ 24.55	\$ 18.86	\$ 21.53
		\$ 64,960.00	\$ 57,820.00	\$ 48,160.00	\$ 68,740.00	\$ 52,808.00	\$ 59,920.00

If Palm Beach County would had been declared a FEMA Category A Disaster then we would have received reimbursement for Debris Removal
Big Dog Express original invoicing 2800 \$ 58,982.24 \$ 21.07 Price Per Yard
Big Dog Express negotiated Invoicing 2800 \$ 48,982.24 \$ 17.49 Price Per Yard



AGENDA
MEMORANDUM

TO: HONORABLE MAYOR & CITY COMMISSIONERS
VIA: RODNEY LUCAS, CITY MANAGER
FROM: Jongelene Adams
SUBJECT: Community & Economic Development Department
DATE: 2 November 2022

GENERAL SUMMARY/BACKGROUND:

This staff report is for the approval of granting the City Manager the ability to purchase and spend funds for the holiday events and holiday decorations for the benefit of the city.

This request allows staff to adequately prepare for the upcoming holiday activities and events as well as the benefit of uplifting the City, expand upon the holiday traditions and help market our City.

Approval of these funds will be used for such activities as the Christmas Parade, Centennial Christmas Jubilee and the Christmas toy give-a-way.

BUDGET IMPACT: Spending not to exceed \$56,000.00.

LEGAL NOTE: N/A

STAFF RECOMMENDATION:

The Community & Economic Development Department recommends approving this request for funding.

ATTACHMENTS:
Resolution 2022 - 56

RESOLUTION 2022 - 56

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AUTHORIZING THE CITY MANAGER TO SPEND \$56,000.00 ON SPECIFIED WINTER SIGNATURE EVENTS AND HOLIDAY DÉCOR FOR THE CITY OF PAHOKEE; AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY ACTION; PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Pahokee (“City”) will host community-wide winter activities and events for the holidays; and

WHEREAS, the City Commission of the City of Pahokee authorizes the City Manager to expend funds in a total amount not to exceed \$56,000.00 on community-wide winter events for the City; and

WHEREAS, the City Commission of the City of Pahokee (“City Commission”) deems the expenditure of these funds as in the best interest of the City of Pahokee; and

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

Section 2. Authorization of Interim City Manager. The City Commission of the City of Pahokee hereby authorizes the City Manager to expend Fifty – Six Thousand Dollars for specified winter signature events and holiday décor for the City of Pahokee, attached as “Exhibit A”.

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

PASSED and ADOPTED this 7th day of November, 2022.

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

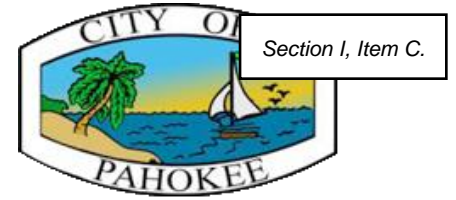
Moved by: _____

Seconded by: _____

VOTE:

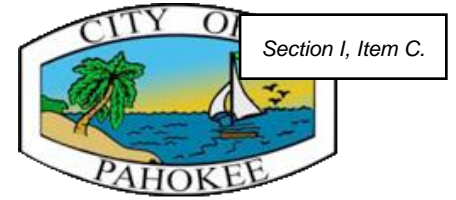
Commissioner Boldin	_____ (Yes)	_____ (No)
Commissioner Gonzalez	_____ (Yes)	_____ (No)
Commissioner Perez	_____ (Yes)	_____ (No)
Vice-Mayor Murvin	_____ (Yes)	_____ (No)
Mayor Babb	_____ (Yes)	_____ (No)

EXHIBIT "A"
WINTER SIGNATURE EVENTS AND HOLIDAY DÉCOR



WINTER SIGNATURE EVENTS AND HOLIDAY DÉCOR

Fall Festival	10/31	3,100
Veterans Day	11/11	2,400
Turkey Giveaway	11/21	1,500
Lighting Ceremony	12/01	25,000
Christmas Parade	12/05	4,500
Centennial Finale	12/17	7,500
Christmas Gift Giveaway	12/20	12,000
Total:		\$56,000



**WINTER SIGNATURE EVENTS AND HOLIDAY DÉCOR
BREAKDOWN OF THE HOLIDAY THEMES BY LOCATIONS - \$25,000**

City Hall: Color – White/ Reindeer theme	2,500
Marina Conference Area: Color - Green/Santa	2,000
Gym – Front: Color – Red/ Penguins	2,500
Roadside: Blue (Marina entry/E. Main St/N. Lake Ave):	5,000
By former Town Center: Tree	13,000
Total:	\$25,000



AGENDA
MEMORANDUM

TO: HONORABLE MAYOR & CITY COMMISSIONERS
VIA: RODNEY LUCAS, CITY MANAGER
FROM: Carlos Mangual, Operations Manager
SUBJECT: Kelly Tractor Backhoe repairs
DATE: November 7, 2022

GENERAL SUMMARY/BACKGROUND:

The City of Pahokee is in need of making repairs to the Port Mayaca Cemetery backhoe. The City Manager would like request authorization to move forward with the repairs to the backhoe and is seeking ratification from the City Commission for the services to be rendered by Kelly Tractor Co. in the amount of \$21,916.03.

BUDGET IMPACT: Yes

LEGAL NOTE: N/A

STAFF RECOMMENDATION:

The Department of Public Works recommends approval of the repairs of the Backhoe by Kelly Tractor Co. the dealer of the equipment to assure that all repairs are made per manufacture specification and assure the safety of the City of Pahokee employees and the public and Resolution 2022 - 57

ATTACHMENTS:

Resolution 2022 - 57
Kelly Tractor Repair Estimate

RESOLUTION 2022 - 57

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH KELLY TRACTOR CO. FOR REPAIR OF A BACKHOE USED FOR THE PORT MAYACA CEMETERY IN AN AMOUNT NOT TO EXCEED \$21,916.03; AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY ACTION; PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Pahokee, Florida ("City") finds that repairs to the backhoe used for the Port Mayaca Cemetery are necessary, as the backhoe is currently inoperable; and

WHEREAS, the City Manager recommends that the City contract with Kelly Tractor Co. for the needed repairs to the backhoe in an amount not to exceed Twenty One Thousand Nine Hundred Sixteen Dollars and three cents (\$21,916.03); and

WHEREAS, the City Commission of the City of Pahokee ("City Commission") deems the stated repairs to the backhoe for use at the Port Mayaca Cemetery would be in the best interest of the City.

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 hereby authorizes the City Manager to enter into an agreement for the repairs of the backhoe consistent with the estimate attached hereto as Exhibit "A." The City Manager is further authorized to take all necessary and expedient action to effectuate the intent of this Resolution.

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

PASSED and ADOPTED this 7th day of November, 2022.

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"

Kelly Tractor Co. Repair Estimate

(attached)



Kelly Tractor Co. Serving the Industry Since 1933
www.kellytractor.com

Miami 305-592-5360 Davie 954-581-8181 West Palm Bch 561-683-1231 Clewiston 863-983-8177 Ft. Myers 239-693-9233 Orlando 407-568-8055 Mulberry 863-354-9036

Estimate

Section I, Item D.

Estimate No.: SQ091507
WorkOrder: SC428219
Estimate Date: 9/8/2022
Customer No.....: 1741820
Expiry Date: 10/8/2022

Sold To: City Of Pahokee
171 N LAKE AVE
Pahokee FL 33476-1861

Ship To City Of Pahokee
Clewiston FL 33440

Kelly Tractor Contact	Phone No.	Division	Location
Irey, Michael T.		General Line	Clewiston

Model	Serial No.	ID No.	Customer Equipment No.	Service Meter
CAT416C	4ZN21905	00-16129		825.00

REPLACE - FUEL TANK CAP

Quantity	Unit	Part No.	Item Name	Unit price	Extended Price
1.00	pc	7X2644	Fuel Cap	25.53	25.53
Total parts on segment 02:					25.53
Segment 02 Total:					25.53

REPLACE - TIE ROD

Quantity	Unit	Part No.	Item Name	Unit price	Extended Price
2.00	pc	1284128	Rod Gp-Tie	364.01	728.02
Total parts on segment 03:					728.02
Total labor on segment 03:					480.00
Segment 03 Total:					1,208.02

remove and replace both tie rods on the unit

REPAIR - HOSES & LINES (auxilliary)

Quantity	Unit	Part No.	Item Name	Unit price	Extended Price
6.00	pc	6V8398	Seal O Ring	1.35	8.10
2.00	pc	9R9198	Hose A	81.01	162.02
Total parts on segment 04:					170.12
Total labor on segment 04:					240.00



Kelly Tractor Co Serving the Industry Since 1933
www.kellytractor.com

Miami Davie West Palm Bch Clewiston Ft. Myers Orlando Mulberry
305-592-5360 954-581-8181 561-683-1231 863-983-8177 239-693-9233 407-568-8055 863-354-9036

Estimate

Section I, Item D.

Estimate No.: SQ091507
WorkOrder: SC428219
Estimate Date: 9/8/2022
Customer No.....: 1741820
Expiry Date: 10/8/2022

Sold To: City Of Pahokee
171 N LAKE AVE
Pahokee FL 33476-1861

Ship To City Of Pahokee
Clewiston FL 33440

Kelly Tractor Contact	Phone No.	Division	Location
Irey, Michael T.		General Line	Clewiston

Model	Serial No.	ID No.	Customer Equipment No.	Service Meter
CAT416C	4ZN21905	00-16129		825.00

REPAIR - HOSES & LINES (auxilliary)

Quantity	Unit	Part No.	Item Name	Unit price	Extended Price
				Segment 04 Total:	410.12

to replace the auxzillery hose

REPAIR - BUCKET CYLINDER

Quantity	Unit	Part No.	Item Name	Unit price	Extended Price
1.00	pc	1488328	Adapter As	15.14	15.14
1.00	pc	1754940	Hose As	152.70	152.70
1.00	pc	1800929	Hose As.	155.42	155.42
1.00	pc	1864327	Seal Kit-Std	132.83	132.83
1.00	pc	2128944	Hose As.	130.83	130.83
2.00	pc	3D2824	Seal O Ring	2.02	4.04
4.00	pc	3S2093	Strap-Cable	0.26	1.04
1.00	pc	5K9090	Seal O Ring	1.43	1.43
2.00	pc	5P0599	Clamp	6.56	13.12
2.00	pc	6V8398	Seal O Ring	1.35	2.70
2.00	pc	6V9746	Seal-O-Ring-	1.50	3.00
1.00	pc	9R5948	Block	19.67	19.67
1.00	pc	9R9218	Hose A	199.02	199.02
				Total parts on segment 05:	830.94
				Total labor on segment 05:	1,440.00
				Segment 05 Total:	2,270.94

remove and reseal cylinder along with replacing all the hoses that run this function



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Estimate

Section I, Item D.

Estimate No.: SQ091507
WorkOrder: SC428219
Estimate Date: 9/8/2022
Customer No.....: 1741820
Expiry Date: 10/8/2022

Sold To: City Of Pahokee
171 N LAKE AVE
Pahokee FL 33476-1861

Ship To City Of Pahokee
Clewiston FL 33440

Kelly Tractor Contact	Phone No.	Division	Location
Irey, Michael T.		General Line	Clewiston

Model	Serial No.	ID No.	Customer Equipment No.	Service Meter
CAT416C	4ZN21905	00-16129		825.00

REPAIR - STICK CYLINDER

Quantity	Unit	Part No.	Item Name	Unit price	Extended Price
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REPAIR - STICK CYLINDER

Quantity	Unit	Part No.	Item Name	Unit price	Extended Price
1.00	pc	1217336	Hose As	194.43	194.43
1.00	pc	1757902	Seal-O-Ring	6.36	6.36
1.00	pc	1K7095	Ring	6.12	6.12
1.00	pc	2253281	Seal-Wiper	27.97	27.97
1.00	pc	2892937	Seal As	33.82	33.82
1.00	pc	2892948	Seal U	24.98	24.98
2.00	pc	3D2824	Seal O Ring	2.02	4.04
1.00	pc	4958197	Seal As	34.91	34.91
1.00	pc	4J3745	Ring-Wear	25.44	25.44
1.00	pc	5P0599	Clamp	6.56	6.56
1.00	pc	6V6718	Screw	0.30	0.30
1.00	pc	6V8398	Seal O Ring	1.35	1.35
1.00	pc	7J9108	Seal	1.24	1.24
1.00	pc	8T0785	Ring	10.03	10.03
1.00	pc	9R5948	Block	19.67	19.67
1.00	pc	9R9210	Hose A	160.71	160.71
Total parts on segment 06:					557.93
Total labor on segment 06:					1,680.00
Segment 06 Total:					2,237.93

remove and reseal cylinder along with replacing all the hoses that run this function

REPAIR - BOOM CYLINDER



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Estimate

Section I, Item D.

Estimate No.: SQ091567
WorkOrder: SC428219
Estimate Date: 9/8/2022
Customer No.....: 1741820
Expiry Date: 10/8/2022

Sold To: City Of Pahokee
171 N LAKE AVE
Pahokee FL 33476-1861

Ship To City Of Pahokee
Clewiston FL 33440

Kelly Tractor Contact	Phone No.	Division	Location
Irey, Michael T.		General Line	Clewiston

Model	Serial No.	ID No.	Customer Equipment No.	Service Meter
CAT416C	4ZN21905	00-16129		825.00

REPAIR - BOOM CYLINDER

Quantity	Unit	Part No.	Item Name	Unit price	Extended Price
1.00	pc	1308316	Hose As	207.90	207.90
1.00	pc	1682472	Tube As	219.74	219.74
1.00	pc	2350973	Kit-Seal-H.C	156.39	156.39
2.00	pc	3D2824	Seal O Ring	2.02	4.04
1.00	pc	5P0599	Clamp	6.56	6.56
2.00	pc	6V9746	Seal-O-Ring-	1.50	3.00
1.00	pc	7J9108	Seal	1.24	1.24
1.00	pc	8T1887	Clip	4.23	4.23
1.00	pc	8T1888	Clip	3.29	3.29
1.00	pc	8T4121	Washer-Hard	0.63	0.63
1.00	pc	8T4137	Bolt	0.60	0.60
1.00	pc	9R4619	Support A	46.56	46.56
1.00	pc	9R9165	Hose A	149.33	149.33
				Total parts on segment 07:	803.51
				Total labor on segment 07:	1,680.00
				Segment 07 Total:	2,483.51

remove and reseal cylinder along with replacing all the hoses that run this function

REPAIR - SWING CYLINDER

Quantity	Unit	Part No.	Item Name	Unit price	Extended Price
1.00	pc	1137872	Hose As	83.55	83.55
1.00	pc	1715367	Hose As	109.86	109.86
1.00	pc	3809482	Kit-Seal-H.C	129.20	129.20
8.00	pc	3K0360	Seal	1.47	11.76
8.00	pc	6V8398	Seal O Ring	1.35	10.80
2.00	pc	9R9005	Hose A	44.71	89.42



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Estimate

Section I, Item D.

Estimate No.: SQ091507
WorkOrder: SC428219
Estimate Date: 9/8/2022
Customer No.....: 1741820
Expiry Date: 10/8/2022

Sold To: City Of Pahokee
171 N LAKE AVE
Pahokee FL 33476-1861

Ship To City Of Pahokee
Clewiston FL 33440

Kelly Tractor Contact	Phone No.	Division	Location
Irey, Michael T.		General Line	Clewiston

Model	Serial No.	ID No.	Customer Equipment No.	Service Meter
CAT416C	4ZN21905	00-16129		825.00

REPAIR - SWING CYLINDER

Quantity	Unit	Part No.	Item Name	Unit price	Extended Price
				Total parts on segment 08:	434.59
				Total labor on segment 08:	1,920.00
				Segment 08 Total:	2,354.59

remove and reseal cylinder along with replacing all the hoses that run this function

REPAIR - STABILIZER CYLINDER

Quantity	Unit	Part No.	Item Name	Unit price	Extended Price
1.00	pc	1347323	Tube A	79.96	79.96
1.00	pc	1347324	Tube A	99.69	99.69
4.00	pc	1358273	Hose A	55.92	223.68
2.00	pc	1358276	Hose A	53.79	107.58
2.00	pc	1732492	Hose As	57.83	115.66
2.00	pc	2465928	Kit-Seal-H.C	140.34	280.68
8.00	pc	2M9780	Seal O Ring	1.61	12.88
2.00	pc	3J1907	Seal	1.30	2.60
6.00	pc	3K0360	Seal	1.47	8.82
4.00	pc	5P0599	Clamp	6.56	26.24
2.00	pc	6V8397	Seal	1.32	2.64
16.00	pc	6V8398	Seal O Ring	1.35	21.60
2.00	pc	9R2052	Block	14.13	28.26
2.00	pc	9R2053	Block	14.13	28.26
				Total parts on segment 09:	1,038.55
				Total labor on segment 09:	2,160.00



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Estimate

Section I, Item D.

Estimate No.: SQ091507
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Clewiston FL 33440

Kelly Tractor Contact	Phone No.	Division	Location
Irey, Michael T.		General Line	Clewiston

Model	Serial No.	ID No.	Customer Equipment No.	Service Meter
CAT416C	4ZN21905	00-16129		825.00

REPAIR - STABILIZER CYLINDER

Quantity	Unit	Part No.	Item Name	Unit price	Extended Price
				Segment 09 Total:	3,198.55

remove and reseal cylinder along with replacing all the hoses that run this function 2 each cylinders

REPAIR - STEERING CYLINDER

Quantity	Unit	Part No.	Item Name	Unit price	Extended Price
1.00	pc	1173242	Hose A	56.43	56.43
1.00	pc	1173259	Hose A	67.65	67.65
1.00	pc	2350351	Kit-Seal-H.C	184.22	184.22
1.00	pc	2350352	Kit-Seal-H.C	171.96	171.96
1.00	pc	3J1907	Seal	1.30	1.30
2.00	pc	3K0360	Seal	1.47	2.94
1.00	pc	4J5477	Seal O Ring	1.24	1.24
2.00	pc	6V8397	Seal	1.32	2.64
				Total parts on segment 10:	488.38
				Total labor on segment 10:	1,680.00
				Segment 10 Total:	2,168.38

remove and reseal cylinder along with replacing all the hoses that run this function

REPAIR - TILT CYLINDER

Quantity	Unit	Part No.	Item Name	Unit price	Extended Price
1.00	pc	1239173	Tube A	223.26	223.26
1.00	pc	1239174	Tube A	217.58	217.58



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Estimate

Section I, Item D.

Estimate No.: SQ091507
WorkOrder: SC428219
Estimate Date: 9/8/2022
Customer No.....: 1741820
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Kelly Tractor Contact	Phone No.	Division	Location
Irey, Michael T.		General Line	Clewiston

Model	Serial No.	ID No.	Customer Equipment No.	Service Meter
CAT416C	4ZN21905	00-16129		825.00

REPAIR - TILT CYLINDER

Quantity	Unit	Part No.	Item Name	Unit price	Extended Price
1.00	pc	1672192	Seal As-Buff	17.29	17.29
1.00	pc	1672302	Seal-U-Cup	14.20	14.20
1.00	pc	1757897	Seal-O-Ring	5.32	5.32
1.00	pc	1874329	Tube As	143.17	143.17
1.00	pc	2271143	Seal-Wiper	26.38	26.38
1.00	pc	2M9780	Seal O Ring	1.61	1.61
1.00	pc	4T6779	Ring-Wear	9.44	9.44
1.00	pc	6J0793	Seal A	20.22	20.22
1.00	pc	6J1381	Ring	2.81	2.81
8.00	pc	6V8398	Seal O Ring	1.35	10.80
1.00	pc	7J9108	Seal	1.24	1.24
1.00	pc	8J6371	Ring	21.03	21.03
1.00	pc	9R3505	Tube As	132.33	132.33
2.00	pc	9R9198	Hose A	81.01	162.02
Total parts on segment 11:					1,008.70
Total labor on segment 11:					1,440.00
Segment 11 Total:					2,448.70

remove and reseal cylinder along with replacing all the hoses that run this function

REPAIR - LIFT/HOIST CYLINDER

Quantity	Unit	Part No.	Item Name	Unit price	Extended Price
4.00	pc	1201324	Hose A	73.32	293.28
1.00	pc	1446256	Tube A	150.21	150.21
1.00	pc	1446258	Tube A	148.70	148.70
1.00	pc	2075479	Tube As.	166.05	166.05
1.00	pc	2075480	Tube As.	193.91	193.91
2.00	pc	2465926	Kit-Seal-H.C	111.98	223.96

Kelly Tractor Co. Service Estimate Terms and Conditions

Per Customer request, Kelly Tractor Co. ("KELLY") has estimated repairs on the equipment (includes all components, machines, or other miscellaneous items) listed herein. A repair description with labor and/or parts is stated herein. Upon disassembly of the equipment to be repaired, additional parts, labor, and miscellaneous items may be necessary. If so, an estimate for additional repairs will be forwarded to Customer for approval. Note: by accepting this Estimate in writing, verbally, or by signing a corresponding "AUTHORIZATION FOR SERVICE WORK", Customer agrees to all terms and conditions set forth herein. NOTE: TERMS AND CONDITIONS SET FORTH HEREIN PREVAIL OVER CUSTOMER PURCHASING TERMS.

1. **Authority to Perform Repairs:** It is understood that, "upon receipt" of any item of equipment for repair, maintenance or other work, KELLY may examine the item of equipment as to work which KELLY may suggest to be performed in addition to whatever work, if any, might have been requested by customer. All work (requested by customer or suggested by KELLY) to be noted on a form as supplied by KELLY.
 - a. **Time and Material Work:** KELLY will proceed with the work agreed upon as set forth herein.
 - b. **Firm Price:** If requested, a firm price in writing will be given to the customer for labor and/or parts to do a specific repair. Any agreed upon repair order not covered by a firm written proposal will be billed at current time and material prices.
 - c. **Unforeseen Problems or Additional Repairs:** PLEASE BE ADVISED: UNFORESEEN ISSUES/PROBLEMS AND UNANTICIPATED CONDITIONS MAY CAUSE REPAIR PRICE TO INCREASE. In the event that during the course of the work, additional repair work (due to continuous use, unknown problems, working conditions, dirty Equipment, waiting on Customer approved support, parts exchange cores that do not meet 100% core refund criteria, conditions out of KELLY's control, and items found in need of repair or replacement during disassembly that are not covered herein) is found to be necessary pursuant to KELLY's examination and inspection of the Machine, then in such event KELLY will attempt to communicate with the Customer as to the additional repair work; provided, however, that in the event KELLY is unable to communicate with the Customer, then KELLY, at its sole discretion, shall have the absolute right to cease any and all repairs on the Equipment until such time as the additional repairs are discussed with the Customer. In the event the Customer consents to the additional repairs, KELLY shall have the right to proceed with the repair of the same without further communication with the Customer and any and all additional repairs will be charged to the Customer at current time and material prices.
 - d. **Authority of Customer Personnel:** Unless Customer notifies KELLY in writing, any Customer personnel communicating with KELLY shall have the full authority to authorize repairs. All instructions to KELLY by Customer regarding authority of Customer's personnel to bind (authorize repairs) Customer shall be in writing (via e-mail, courier, or U.S. Mail).
 - e. **Purchase Order:** In the event that a purchase order number is required by Customer, Customer shall provide such purchase order number within (3) three business days of receiving a Proforma Invoice from KELLY. If Customer fails to provide such purchase order number within such time period (3 business days of Proforma Invoice), KELLY shall have the right to Invoice the Customer without a purchase order number, and Customer thereby additionally forfeits any rights to dispute such Invoice.
2. **Hold Harmless Agreement for Customer Participation in Service Work:** In the event Customer or Customers' personnel assists KELLY personnel in performing service work, Customer agrees to hold harmless and fully indemnify KELLY for injuries or damages to anyone arising out of Customer assisting KELLY personnel in servicing or repairing Customer's equipment.
3. **Corporate Discount:** No additional corporate discounts may be applied to the above estimated price.
4. **Warranty:** KELLY warrants the work performed to be free from defects in material and workmanship for a period of ninety days. KELLY's obligation under this warranty shall be limited to the repair or replacement at KELLY's premises of those new parts previously installed or labor previously performed demonstrated to be defective. SUCH REMEDY SHALL CONSTITUTE CUSTOMER'S SOLE AND EXCLUSIVE REMEDY AND CUSTOMER HEREBY AGREES THAT NO OTHER REMEDY (INCLUDING, BUT NOT LIMITED TO CLAIMS FOR INCIDENTAL, CONSEQUENTIAL OR SPECIAL DAMAGES, OR ANY CAUSE, LOSS, ACTION, CLAIM OR DAMAGE, INCLUDING LOSS OF TIME, WHATSOEVER, OR INJURY TO PERSON OR PROPERTY OR ANY OTHER CONSEQUENTIAL DAMAGE OR INCIDENTAL OR ECONOMIC LOSS) SHALL BE AVAILABLE TO CUSTOMER. THIS WARRANTY IS EXPRESSLY IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. SUBSTANDARD REPAIR WORK MAY BE PROVIDED UPON REQUEST OF CUSTOMER AND ACCORDING TO CUSTOMER'S INSTRUCTIONS BUT SUCH WORK WILL CARRY ABSOLUTELY NO WARRANTY WHATSOEVER. CUSTOMER FURTHER ACKNOWLEDGES AND AGREES THAT NO VERBAL CONTRACTS, AGREEMENTS OR WARRANTIES OTHER THAN WHAT IS SET FORTH HEREIN HAVE BEEN RECEIVED OR GIVEN.
5. **Cores:** Customer assumes liability for Lost or Damaged Cores. All Core charges shall be the responsibility of the Customer. KELLY assumes ownership of all take off items removed from Machine(s) not reinstalled during the repair process.
6. **Price Adjustments:** This proposal is based on current parts and labor pricing. Customer shall assume the price increases incurred.
7. **Miscellaneous:** This proposal is prepared with the most current information available to KELLY.
 - a. The following charges are not included unless stated in this proposal: (State, local, indigent care, Environmental, taxes, freight, etc.) All prices are subject to all federal, state, local sales, use, excise and other taxes on the production, sale, use, or shipment of the goods sold, now or subsequently becoming effective, and if not included in the invoice for the goods, that amount may be invoiced later.
 - b. This is the entire agreement between the parties and may not be modified or amended except by a written document signed by the party against whom enforcement is sought.
8. **Risk of Loss:** All risk of loss and damage not covered by insurance (including any deductibles) shall be borne solely by owner of equipment.
9. **Severability:** Any provisions herein found to be prohibited by law shall be immediately ineffective to the extent of such prohibition without invalidating the rest of this agreement.
10. **Statutory lien:** Customer hereby waives its rights to possession under Fla. Stat. 713.74, and agrees that KELLY is entitled to a possessory lien in connection with the equipment identified herein until it is paid in full for any and all parts, labor, and/or services.
11. **Choice of law, forum and expenses:** Customer shall pay KELLY for reasonable costs, fees and expenses (including attorney's fees and court costs incurred through appellate levels and any post judgment expenses and interest incurred), incurred by KELLY in the event of a controversy regarding this transaction, or in collecting monies due or to become due or incurred in replevying the equipment as a result of Customer ordering equipment and property from KELLY or as a result of a breach by Customer of any of its obligations hereunder. In the event litigation arises, the right of trial by jury is waived by both parties and Customer agrees that the suit may be brought only in Miami-Dade or Broward County. These terms and conditions shall be governed and construed in accordance with the laws of the State of Florida.