



# CITY COMMISSION REGULAR MEETING

Meeting Streamed By YouTube - LIMITED CAPACITY  
Tuesday, March 22, 2022

## AGENDA

Keith W. Babb, Jr. **Mayor** | Regina Bohlen **Vice-Mayor**

Greg Thompson **City Manager** | Tijauna Warner **City Clerk** | Gemma Torcivia **Acting City Attorney**

**Commissioners:** Juan Gonzalez | Clara "Tasha" Murvin | Sara Perez

- A. INVOCATION AND PLEDGE OF ALLEGIANCE**
- B. ROLL CALL**
- C. ADDITIONS, DELETIONS, AND APPROVAL OF AGENDA ITEMS:**
- D. CITIZEN COMMENTS/PUBLIC SERVICE ANNOUNCEMENTS – All Items on Agenda (3 Minutes)**
- E. APPROVAL OF MINUTES**
  - [1.](#) February 22, 2022 City Commission Meeting
  - [2.](#) March 10, 2022 Special City Commission Meeting
- F. CONSENT AGENDA**
- G. REGULAR AGENDA**
  - 1. Swear In Mayor Keith W. Babb, Jr.**
  - 2. Swear In Commissioner Derrick Boldin**
  - 3. Swear In Commissioner Clara "Tasha" Murvin**
  - 1. ORDINANCE(S) & PUBLIC HEARING:**
    - [A.](#) ORDINANCE 2022 - 01 (first reading) AN ORDINANCE OF THE CITY OF PAHOKEE, FLORIDA, ESTABLISHING A CITY ADVISORY BOARD, BY CREATING A NEW SECTION 2-167 "AMERICAN RESCUE PLAN ACT (ARPA) ADVISORY COMMITTEE" OF ARTICLE V "BOARDS AND COMMISSIONS" OF DIVISION 4 "COMMUNITY RELATIONS BOARD" OF THE CITY CODE; PROVIDING FOR THE QUALIFICATION AND APPOINTMENT OF MEMBERS; ESTABLISHING TERMS OF OFFICE; PROVIDING FOR RULES OF PROCEDURE; PROVIDING FOR JURISDICTION; PROVIDING FOR STANDARDS OF CONDUCT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.**
  - 2. RESOLUTION(S):**
  - 3. OTHER AGENDA ITEMS PRESENTATION:**
    - [A.](#) City of Palm Beach Garden's Proclamation - City of Pahokee's Centennial Celebration Year (Silver Sponsorship)**
    - B. Second Chance - Mr. William Freeman**
- H. REPORT OF THE CITY MANAGER**
- I. REPORT OF THE CITY ATTORNEY**
  - [1.](#) FDOH Stipulated Agreement
  - [2.](#) ZAP Board
- J. OLD BUSINESS:**

**K. NEW BUSINESS:**

**1. City Attorney**

**L. COMMISSIONER COMMENTS**

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

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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)

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# CITY COMMISSION REGULAR MEETING

Meeting Streamed By YouTube - LIMITED CAPACITY  
Tuesday, February 22, 2022

## MINUTES

Keith W. Babb, Jr. **Mayor** | Regina Bohlen **Vice-Mayor**  
Greg Thompson **City Manager** | Tijauna Warner **City Clerk** | Gary Brandenburg **City Attorney**  
**Commissioners:** Juan Gonzalez | Clara “Tasha” Murvin | Sara Perez

Pursuant to due notice the regularly scheduled Commission meeting was held in the Commission Chambers at 360 East Main Street, Pahokee, Palm Beach County, Florida on February 22, 2022.

The meeting was called to order by Mayor Babb at 6:04 p.m.

### A. INVOCATION AND PLEDGE OF ALLEGIANCE

### B. ROLL CALL

PRESENT

Vice-Mayor Regina Bohlen  
Commissioner Juan Gonzalez  
Commissioner Clara Murvin  
Commissioner Sara Perez  
Mayor Keith Babb

City Manager Greg Thompson  
Acting City Attorney Gemma Torcivia  
City Clerk Tijauna Warner

### C. ADDITIONS, DELETIONS, AND APPROVAL OF AGENDA ITEMS:

Motion made by Vice-Mayor Bohlen to move Item G3(C) to the top of the agenda, Seconded by Commissioner Perez. Motion passed (5-0) Voting Yea: Vice-Mayor Bohlen, Commissioner Gonzalez, Commissioner Murvin, Commissioner Perez, Mayor Babb

Motion made by Commissioner Murvin to move Items G3 up on the agenda, Seconded by Commissioner Gonzalez. Motion passed (5-0) Voting Yea: Commissioner Gonzalez, Commissioner Murvin, Vice-Mayor Bohlen, Commissioner Perez, Mayor Babb

### G. OTHER AGENDA ITEMS PRESENTATION:

#### A. Proclamation - Isabel Teves McKinstry

*Attorney Gemma Torcivia read Isabel Teves McKinstry Proclamation into the record.*

Motion made by Vice-Mayor Bohlen to approve Isabel Teves McKinstry Proclamation, Seconded by Commissioner Gonzalez. Motion passed (5-0) Voting Yea: Vice-Mayor Bohlen, Commissioner Gonzalez, Commissioner Murvin, Commissioner Perez, Mayor Babb

Mayor Babb and the City Commission presented the proclamation to Isabel Teves McKinstry.

#### B. Palm Beach County Parks & Recreation

Jennifer Cirillo and Rob presented the upcoming Pahokee Area Project. Palm Beach County allocated the following amounts for Duncan Padgett Park, \$235,000 for Picnic Pavilion, \$750,000 for Multipurpose Field Conversion, \$270,000 for Restroom Replacement, and \$270,000 for Restroom Replacement at Triangle Park.

**C. Western Cities Athletic League - Ronald Osborne (*not present*)**

**D. Centennial Committee - Chair Dr. Patricia Wallace**

Ms. Ifill announced that the Centennial Parade will be held on March 4, 2022, starting at 5:00 pm, lining up in front of Pahokee High School. She gave a brief update on the Centennial Events and donations received as of today. She requested the City Clerk receive the names of anyone that needs to be recognized at the Centennial Event.

Ms. Cowan advised that the Centennial Gala is moving along very well. Yet, she's requesting that the City Commission assist with selling tickets for the Gala.

Ms. Ifill informed everyone that they're still looking for vendors, entertainment, and activities. She thanks Commissioner Gonzalez for taking lead in the car show.

Ms. Cowan advised that the T-Shirt Contest is being tallied up at this time.

Commissioner Murvin inquired why the City isn't funding the Centennial Events. She examples her concerns of not raising enough funds to fund the Centennial Event. Discussion ensued regarding funding for Centennial Events.

Motion made by Commissioner Murvin to increase the Centennial Budget up to \$50,000, Seconded by Mayor Babb. Motion failed (2-3) Voting Yea: Commissioner Murvin, Mayor Babb Voting Nay: Vice-Mayor Bohlen, Commissioner Gonzalez, Commissioner Perez

Motion made by Commissioner Gonzalez to increase the Centennial Budget up to \$35,000, Seconded by Mayor Babb. Motion passed (3-2) Voting Yea: Commissioner Gonzalez, Commissioner Murvin, Mayor Babb Voting Nay: Vice-Mayor Bohlen, Commissioner Perez

Motion made by Commissioner Murvin to approve payment of the \$2,340.00 invoice from Centennial Budget, Seconded by Commissioner Gonzalez. Motion passed (3-2) Voting Yea: Commissioner Gonzalez, Commissioner Murvin, Mayor Babb Voting Nay: Vice-Mayor Bohlen, Commissioner Perez

**E. Second Chance - Mr. William Freeman (*not present*)**

**D. CITIZEN COMMENTS/PUBLIC SERVICE ANNOUNCEMENTS – All Items on Agenda (3 Minutes)**

Richard Brown expressed concerns about City Manager's coffee mug being racist.

Otis Harvey, Jr. expressed concerns with the City Commission's decorum and professionalism.

Sanquetta Cowan had questions and concerns that she addressed towards the City Manager and City Commission.

**E. APPROVAL OF MINUTES:**

Motion made by Vice-Mayor Bohlen to approve E1-E7 Minutes, Seconded by Commissioner Perez. Motion passed (5-0) Voting Yea: Vice-Mayor Bohlen, Commissioner Gonzalez, Commissioner Murvin, Commissioner Perez, Mayor Babb

1. August 24, 2021 City Commission Minutes

2. September 15, 2021 City Commission Minutes

3. September 28, 2021 City Commission Minutes
4. October 12, 2021 City Commission Minutes
5. October 26, 2021 City Commission Minutes
6. November 10, 2021 City Commission Minutes
7. December 14, 2021 City Commission Minutes

**F. CONSENT AGENDA**

None.

**G. REGULAR AGENDA**

1. ORDINANCE(S) & PUBLIC HEARING: None.
2. RESOLUTION(S):

- A. **RESOLUTION 2022 -04** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF PAHOKEE AND THE SCHOOL BOARD OF PALM BEACH COUNTY FOR THE PURPOSE OF MUTUAL USE OF RECREATIONAL FACILITIES.

*Attorney Gemma Torcivia read Resolution 2022-04 into the record.*

Motion made by Commissioner Murvin to approve Item Resolution 2022-04, Seconded by Commissioner Gonzalez. Motion passed (5-0) Voting Yea: Vice-Mayor Bohlen, Commissioner Gonzalez, Commissioner Murvin, Commissioner Perez, Mayor Babb

**H. REPORT OF THE CITY MANAGER**

Mr. Greg Thompson gave a brief overview of upcoming projects in the City of Pahokee.

**I. REPORT OF THE CITY ATTORNEY**

Gemma Torcivia thanks the City Commission for allowing her to be here tonight.

Mayor Babb asked Ms. Gemma Torcivia if she'll be willing to be at the next meeting if we don't have legal representation. Ms. Torcivia agreed to be here.

**J. OLD BUSINESS:** None.

**K. NEW BUSINESS:**

**1. 4th of July Celebration**

Motion made by Vice-Mayor Bohlen to approve increasing the 4th of July Budget to \$25,000, Seconded by Commissioner Gonzalez. Motion passed (5-0) Voting Yea: Vice-Mayor Bohlen, Commissioner Gonzalez, Commissioner Murvin, Commissioner Perez, Mayor Babb

**2. ZAP Board**

Motion made by Vice-Mayor Bohlen to approve advertising the vacant position for the ZAP  
 Seconded by Commissioner Gonzalez. Motion passed (5-0) Voting Yea: Vice-Mayor Bohlen,  
 Commissioner Gonzalez, Commissioner Murvin, Commissioner Perez, Mayor Babb

## **L. COMMISSIONER COMMENTS**

Mayor Babb requested having an ARPA Citizen Advisory Committee to make recommendations to the City Commission. Discussion ensued regarding establishing the ARPA Citizen Advisory Committee.

Motion made by Mayor Babb to approve creating an ARPA Advisory Committee, Seconded by Commissioner Murvin. Motion passed (5-0) Voting Yea: Vice-Mayor Bohlen, Commissioner Gonzalez, Commissioner Murvin, Commissioner Perez, Mayor Babb

Mayor Babb requested grandfathering existing business without parking lots ordinance that was created a couple of years away. Discussion ensued.

Mayor Babb requested the City Manager move forward with getting information for the annexation of Doveland, Padgett Island, Sugarcane Villas, etc... Discussion ensued regarding annexation.

Motion made by Mayor Babb to begin the process of annexation of adjacent properties, Second by Commissioner Murvin. Vice-Mayor Bohlen motion to modify the motion to Phase 1 of gathering information on the annexation of adjacent properties and coming back for Phase 2, Seconded by Commissioner Perez. Motion passed (5-0) Voting Yea: Vice-Mayor Bohlen, Commissioner Gonzalez, Commissioner Murvin, Commissioner Perez, Mayor Babb

Commissioner Gonzalez thanks everyone for their professionalism.

Vice Mayor thanks everyone for coming out tonight.

Motion made by Vice-Mayor Bohlen to stream Commission Meetings in Spanish, Seconded by Commissioner Perez. Commissioner Gonzalez motion to modify the motion to stream Commission Meetings in Spanish and Creole. Second by Vice-Mayor Bohlen Motion passed (5-0) Voting Yea: Commissioner Gonzalez, Vice-Mayor Bohlen, Commissioner Murvin, Commissioner Perez, Mayor Babb

Motion made by Vice-Mayor Bohlen to conduct a quarterly business workshop, Seconded by Commissioner Gonzalez. Commissioner Murvin motion to modify the motion to add workshops back to the commission meeting, Seconded by Mayor Babb. Motion failed (2-3) Voting Yea: Commissioner Murvin, Mayor Babb Voting Nay: Vice-Mayor Bohlen, Commissioner Gonzalez, Commissioner Perez

Motion made by Vice-Mayor Bohlen to conduct a quarterly business workshop, Seconded by Commissioner Gonzalez. Motion passed (3-2)  
 Voting Yea: Vice-Mayor Bohlen, Commissioner Gonzalez, Commissioner Perez Voting Nay: Commissioner Murvin, Mayor Babb

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

Motion made by Vice-Mayor Bohlen to adjourn meeting, Seconded by Commissioner Perez. Motion passed (4-1) Voting Yea: Vice-Mayor Bohlen, Commissioner Murvin, Commissioner Perez, Mayor Babb Absent: Commissioner Gonzalez

There being no further business to discuss, the meeting was adjourned at approximately 9:20 p.m.

\_\_\_\_\_  
 Keith W. Babb, Jr., Mayor

\_\_\_\_\_  
 ATTEST: Tijauna Warner, City Clerk



# CITY COMMISSION SPECIAL MEETING

Meeting Streamed By YouTube - LIMITED CAPACITY  
Thursday, March 10, 2022

## MINUTES

### A. INVOCATION AND PLEDGE OF ALLEGIANCE

### B. ROLL CALL

PRESENT

Mayor Keith Babb

Vice-Mayor Regina Bohlen

Commissioner Juan Gonzalez

Commissioner Clara Murvin

Commissioner Sara Perez

City Manager Greg Thompson

Acting City Attorney Gemma Torcivia

City Clerk Tijauna Warner

### C. TOPIC

#### 1. Approval of Centennial expenditures and planning

Mayor Babb expressed concern with the special meeting being called and allowed Centennial Committee Chair (Dr. Wallace) to speak. Dr. Wallace explained the time and effort that was invested by the Centennial Committee and the process in which quotes were submitted to City staff. Discussion ensued regarding Centennial expenditures and planning.

Motion made by Vice-Mayor Bohlen to approve the Centennial Committee's original events only, Seconded by Commissioner Perez. Motion passed (3-2)

Voting Yea: Vice-Mayor Bohlen, Commissioner Gonzalez, Commissioner Perez

Voting Nay: Mayor Babb, Commissioner Murvin

Motion made by Commissioner Murvin to postpone the Centennial Gala until the new commissioners are sworn in, Seconded by Mayor Babb. Motion failed (2-3)

Voting Yea: Mayor Babb, Commissioner Murvin

Voting Nay: Vice-Mayor Bohlen, Commissioner Gonzalez, Commissioner Perez

Motion made by Vice-Mayor Bohlen for the Centennial Committee to be required to bring back their quotes to Commission for approval to spend money out of the budget, Seconded by Commissioner Perez. Motion passed (3-2)

Voting Yea: Vice-Mayor Bohlen, Commissioner Gonzalez, Commissioner Perez

Voting Nay: Mayor Babb, Commissioner Murvin

Motion made by Commissioner Murvin for Vice-Mayor Bohlen to sign the checks for vendors that were submitted, Seconded by Commissioner Gonzalez. Motion passed (5-0)

Voting Yea: Mayor Babb, Vice-Mayor Bohlen, Commissioner Gonzalez, Commissioner Murvin, Commissioner Perez

Motion made by Commissioner Murvin for the City Manager to be allowed to purchase up to tickets for staff to attend the Centennial Gala, Seconded by Commissioner Gonzalez. Motion passed (5-0)

Voting Yea: Mayor Babb, Vice-Mayor Bohlen, Commissioner Gonzalez, Commissioner Murvin, Commissioner Perez

#### **D. DISCUSSION, COMMENTS, CONCERNS**

Commissioner Gonzalez informed everyone that he want to make the Centennial Events happen and thanked everyone for coming out.

Mayor Babb thanked the Centennial Committee, those who have purchased a ticket to attend the Gala, and the Commission as a whole.

Vice-Mayor Bohlen advised she's glad that they clarified how this process is supposed to go, so that the next commission coming in will not have these issues to deal with.

Commissioner Perez had no comments.

Commissioner Murvin thanked the Centennial Committee and expressed concern with some of the commission not fully supporting these events.

#### **E. ADJOURN**

Motion made by Commissioner Perez to adjourn the meeting, Seconded by Commissioner Gonzalez. Motion passed (5-0)

Voting Yea: Mayor Babb, Vice-Mayor Bohlen, Commissioner Gonzalez, Commissioner Murvin, Commissioner Perez

There being no further business to discuss, the meeting was adjourned at approximately 4:22 p.m.

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Keith W. Babb, Jr., Mayor

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ATTEST: Tijauna Warner, City Clerk



ORDINANCE NO. 2022-01

AN ORDINANCE OF THE CITY OF PAHOKEE, FLORIDA, ESTABLISHING A CITY ADVISORY BOARD, BY CREATING A NEW SECTION 2-167 “AMERICAN RESCUE PLAN ACT (ARPA) ADVISORY COMMITTEE” OF ARTICLE V “BOARDS AND COMMISSIONS” OF DIVISION 4 “COMMUNITY RELATIONS BOARD” OF THE CITY CODE; PROVIDING FOR THE QUALIFICATION AND APPOINTMENT OF MEMBERS; ESTABLISHING TERMS OF OFFICE; PROVIDING FOR RULES OF PROCEDURE; PROVIDING FOR JURISDICTION; PROVIDING FOR STANDARDS OF CONDUCT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City Commission of the City of Pahokee desires to create the “American Rescue Plan Act Advisory Committee” (the “Board”) to formulate a strategic funding plan that establishes community priorities and aligns with eligible uses of both the direct allocations and potential funding from other federal agencies.

**WHEREAS**, the City Commission of the City of Pahokee finds that the creation of the Board is in the best interest of the City of Pahokee and its residents and businesses.

**IT IS HEREBY ORDANIED BY THE CITY COMMISSION OF THE CITY OF PAHOKEE OF PAHOKEE, FLORIDA, AS FOLLOWS:**

**Section 1.**     **Recitals.** That the above stated recitals are true and correct and are incorporated herein by this reference.

**Section 2.**     **Code Amended.** That Section 2-167 “American Rescue Plan Act (ARPA) Advisory Committee” of Article V “Boards and Commissions” of Division 4 “Community Relations Board” of the Code of Ordinances of the City of Pahokee, is hereby created to read, as follows:

**Sec. 2-167. American Rescue Plan Act (ARPA) Advisory Committee**

**Sec. 2-168. Creation, composition, term and qualifications.**

- (a) There is hereby created and established the American Rescue Plan Act (ARPA) Advisory Committee (the “Board”). Members of the Board shall serve without compensation and shall not be reimbursed for travel, mileage or per diem expenses.
- (b) The Board shall consist of five (5) members who shall be appointed by the Mayor and City Commission. The Mayor and each Commissioner shall have the right to appoint one (1) member to the Board.
- (c) All members shall be residents of the City. The membership of this Board shall reflect the diversity of the community in the City of Pahokee.
- (d) The term of office shall be time of appointment until December 31, 2024 when this Board will sunset.
- (e) In the event that a member of the Board shall be absent from a duly called meeting of the Board for three consecutive meetings or in the event that a member has three unexcused absences in a calendar year, then such member shall be subject to removal as a member of the Board by vote of a simple majority of the remaining members of the Board.

**Sec. 2-169. Advisory capacity.**

The powers and duties of the Board shall be solely of an advisory nature to the Mayor and Commission.

**Sec. 2-170. Rules of procedure.**

- (a) The Board may adopt rules of procedure not inconsistent with the ordinances of the city and the laws of the State of Florida and shall utilize Robert’s Rules of Order as a parliamentary procedure guideline for the conduct of meetings of the Board. The Board may create additional rules for the conduct of its internal proceedings. All rules of procedure or by-laws for the Board shall be approved by the City Attorney prior to their adoption and implementation by the Board. In the event of a conflict between the Board’s rules of procedure or by-laws and this section, the terms of this section shall prevail and take precedence.
- (b) The Chair of the Board shall be designated by the Mayor. During the first meeting of the Board, the members may elect a Vice-Chairperson.

- (c) A simple majority of the members shall constitute a quorum for the transaction of the business of the Board. Official action shall be taken by the Board only upon the concurring vote of a majority of the members present at an official meeting of the Board.

**Sec. 2-171. Jurisdiction.**

- (a) The jurisdiction of the Board shall be solely advisory. Action of the Board shall be in the form of a written recommendation to the Mayor and City Commission of the City of Pahokee. The following matters shall be within the advisory jurisdiction of the Board:
  - (1) To support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff.
  - (2) To address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector.
  - (3) To replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic.
  - (4) To provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors.
  - (5) To invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and storm water infrastructure, and to expand access to broadband internet.
  - (6) Any other matters from the U.S. Department of the Treasury’s Final Rule(s) (once released) related to the Coronavirus State and Local Fiscal Recovery Funds, established by the American Rescue Plan Act of 2021.

**Sec. 2-171. Standards of conduct for members.**

All members of the Board shall be subject to the applicable standards of conduct for public officers and employees set by federal, state, county, city or other applicable law.

**Sec. 2-172. Sunshine Law.**

The Board shall comply with the Sunshine Law. Reasonable public notice of all Board meetings shall be provided. All meetings of the Board, and any of its subcommittees, shall be open to the public at all times, duly advertised and otherwise comply with government-in-the-sunshine and public records laws of the State of Florida. Minutes shall be taken at each meeting.

**Sec. 2-173. Sunset of American Rescue Plan Act (ARPA) Advisory Committee.**

As the U.S. Department of Treasury Interim Final Rule related to the Coronavirus State and Local Fiscal Recovery Funds (established by the American Rescue Plan Act of 202) provides that American Rescue Plan Act Funds must be obligated by December 31, 2024, this Board will sunset on or before December 31, 2024.

**Section 3.**     **Severability.** That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they all remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 4.**     **Inclusion in the Code.** That it is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of Ordinances of the City of Pahokee; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word “Ordinance” shall be caused to “Section” or other appropriate word.

**Section 5.**     **Effective Date.** That this ordinance shall become effective immediately upon adoption at second reading and shall be applied retroactively to the date of the appointment of the members of the Board.

PASSED AND ADOPTED on First Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

PASSED AND ADOPTED on Second Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

ATTESTED:

\_\_\_\_\_  
Tijauna Warner, City Clerk

\_\_\_\_\_  
Keith J. Babb, Jr., Mayor

APPROVED AS TO  
LEGAL SUFFICIENCY:

Mayor Babb \_\_\_\_\_  
Commissioner Boldin \_\_\_\_\_  
Commissioner Gonzalez \_\_\_\_\_  
Commissioner Murvin \_\_\_\_\_  
Commissioner Perez \_\_\_\_\_

By: \_\_\_\_\_  
City Attorney



**CITY OF PALM BEACH GARDENS  
PALM BEACH COUNTY, FLORIDA  
PROCLAMATION**

Section 3, Item A.

**WHEREAS**, in March 1922, Pahokee was officially incorporated as a city and is celebrating its 100<sup>th</sup> Anniversary; and

**WHEREAS**, being first known as East Beach, and then Ridgeway Beach, Pahokee took the Seminole name for the Everglades, Pahokee, meaning “grassy waters”; and

**WHEREAS**, during the hurricane of 1928, hundreds of Pahokee residents survived by taking shelter in the Pahokee High School, which is now listed on the National Register of Historic Places; and

**WHEREAS**, the City of Pahokee is the birthplace of Rickey Jackson, former American football linebacker inducted into the Pro Football Hall of Fame, and the home of country music star, Mel Tillis, who was raised in Pahokee, and others who have been enriched by Pahokee’s leaders and neighbors; and

**WHEREAS**, the City of Pahokee is the only city that has direct access to Lake Okeechobee and the City’s marina is a destination location for tourists from around the country, environmentalists and fishing enthusiasts; and

**WHEREAS**, as of the 2020 United States census, there were 5,524 people and 1,860 households making the City their home residence; and

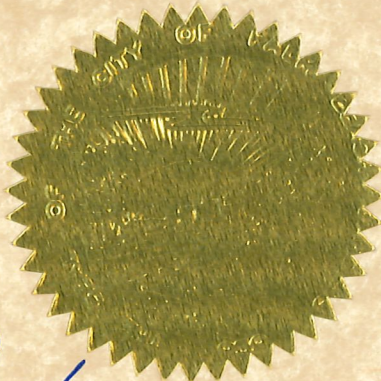
**WHEREAS**, the City of Pahokee is the first City in western Palm Beach County to have the privilege of celebrating 100 years to its citizens; and

**WHEREAS**, residents of Palm Beach Gardens and visitors to the Sunshine State celebrate Pahokee as a vital community in the State of Florida and recognize its opportunities for the future.

**NOW, THEREFORE**, I, Rachelle A. Litt, by virtue of the authority vested in me as Mayor of the City of Palm Beach Gardens, Florida, do hereby announce and honor the

**CITY OF PAHOKEE’S CENTENNIAL CELEBRATION YEAR**

and bestow congratulations as the City of Pahokee celebrates 100 years on March 26, 2022, embracing the past, celebrating the present, and building a future for the next generation.



Attest:

Patricia Snider, CMC, City Clerk

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of Palm Beach Gardens, Florida, to be affixed on this 3<sup>rd</sup> day of March in the year Two Thousand and Twenty-Two.

Rachelle A. Litt, Mayor



PALM BEACH COUNTY  
ENVIRONMENTAL CONTROL HEARING BOARD  
West Palm Beach, Florida

FLORIDA DEPARTMENT OF HEALTH  
IN PALM BEACH COUNTY,

Petitioner,

vs.

CITY OF PAHOKEE at the PAHOKEE MARINA,

Respondent.

Case No. WP-30-21

**AMENDED STIPULATION and ORDER**  
**STIPULATION**

Petitioner and Respondent stipulate as follows:

1. Respondent owns that certain Palm Beach County real property located at 190 N. Lake Avenue, Pahokee, FL 33476, and did own said property on July 2, 2021.
2. Respondent was alleged to have violated Chapter 77-616 Laws of Florida, as amended (the Environmental Control Act); Chapter 11 of the Palm Beach County Code, as amended (Ordinance 78-5, as amended); and more specifically, the following sections of the Florida Administrative Code governing Public Water Systems:

**62-604.130, F.A.C.** Prohibitions (6) The failure to maintain equipment in a condition which will enable the intended function; **to wit:** On July 2, 2021, the Department Inspector found a lift station located at the Pahokee Marina that had not been maintained in a condition which would enable its intended function. The lift station was not properly secured nor had it been connected to a sewer line.

**62-604.400 (2) (d )F.A.C.**, Design/Performance Considerations.- New pumping stations shall be enclosed with a fence or otherwise designed with appropriate features that discourage the entry of animals and unauthorized persons. An unobstructed sign made of durable weather resistant material shall be posted at a location visible to the public with a telephone number for a point of contact in case of emergency; **to wit:** On July 2, 2021, the Department Inspector found a lift station located at the Pahokee Marina that was not enclosed by a fence or otherwise designed with appropriate features to discourage entry; nor was an unobstructed sign made of durable weather resistant material posted at the location with a telephone number

for a point of contact in case of an emergency.

**62-604.500 (2) F.A.C.** Operation and Maintenance -All collection/transmission systems shall be operated and maintained so as to provide uninterrupted service as required by this rule; **to wit:** On July 2, 2021, the Department Inspector found a lift station located at the Pahokee Marina that was not enclosed by a fence or otherwise designed with appropriate features to discourage entry; nor was an unobstructed sign made of durable weather resistant material posted at the location with a telephone number for a point of contact in case of an emergency.

**62-604.500(3), F.A.C.** Operation and Maintenance -All equipment necessary for the collection/transmission of domestic wastewater, including equipment provided pursuant to subsection 62-604.400(2), F.A.C., shall be maintained so as to function as intended. In the event odor, noise or lighting adversely affect neighboring developed areas at levels prohibited by paragraph 62-604.400(2)(c), F.A.C, corrective action (which may include modifications of the collection/transmission system) shall be taken by the permittee. Other corrective action may be required to ensure compliance with rules of the Department; **to wit:** On July 2, 2021, the Department Inspector found a lift station located at the Pahokee Marina that was not enclosed by a fence or otherwise designed with appropriate features to discourage entry; nor was an unobstructed sign made of durable weather resistant material posted at the location with a telephone number for a point of contact in case of an emergency.

3. The Petitioner issued Respondent a Notice of the Violation on August 9, 2021.
4. Respondent admits the violation(s) and agrees to the entry of the Order below, and further agrees:
  - a) secure or surround lift station with protective fencing, post Emergency Contact number at lift station within thirty (30) days from Order; and
  - b) to pay a total civil penalty of **\$500.00** by check payable to the order of ***"Palm Beach County,"*** to be received on or before **April 10, 2022.**
5. Petitioner agrees to recommend that the Environmental Control Hearing Board enter an Order adopting this Stipulation. If approved, Petitioner shall seek no additional civil penalty for the above-referenced violation.



6. In the event this Stipulation is rejected by the Environmental Control Hearing Board, or if the stipulation is adopted and Respondent fails to comply with the terms of this Stipulation, this matter shall be heard by the Environmental Control Hearing Board on a date to be set. Respondent shall be notified of such hearing by regular U.S. mail.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Respondent:  
CITY OF PAHOKEE PAHOKEE MARINA

By: \_\_\_\_\_

Title: \_\_\_\_\_

\_\_\_\_\_  
Andrew Simler, Esq.  
Acting Environmental Control Officer  
FL Department of Health in Palm Beach County  
800 Clematis Street, Rm 546  
West Palm Beach, Florida 33401

### **ORDER**

This matter came before the Palm Beach County Environmental Control Hearing Board. The above terms stipulated to by the parties appearing to be fair and proper, the Hearing Board hereby adopts the terms as its Order. This Board finds the Respondent has committed the violation(s) and orders that the parties hereto shall comply with this Order.

\_\_\_\_\_  
Gary S. Betensky, Esq., Chair  
Palm Beach County Environmental  
Control Hearing Board

#### **Copies furnished to:**

Environmental Control Officer  
FL Department of Health in Palm Beach County  
800 Clematis Street, Rm 546  
West Palm Beach, Florida 33401

FL Department of Health in Palm Beach County  
Environmental Public Health  
800 Clematis Street  
West Palm Beach FL 33401

Greg Thompson, City Manager  
City of Pahokee at the Pahokee Marina  
207 Begonia Drive  
Pahokee, FL 33476

FILED: \_\_\_\_\_ WITH THE PALM BEACH COUNTY  
ENVIRONMENTAL CONTROL HEARING BOARD

BY: \_\_\_\_\_  
CLERK OF THE BOARD

## **AGREEMENT**

THIS AGREEMENT, is made and entered into this 21<sup>st</sup> day of February, 2022 by and between the CITY OF PAHOKEE, 207 Begonia Drive, Pahokee, Florida 33476, a Florida municipal corporation (hereinafter “CITY”) and the TG LAW PLLC, a Florida Limited Liability Company, 515 N. Flagler Drive, Suite P-300, West Palm Beach, Florida 33401 (hereinafter “FIRM”).

WHEREAS, the CITY has decided to utilize the service of the FIRM to provide legal services to the CITY and the FIRM agrees to serve in such capacity.

NOW THEREFORE, the parties, intending to be legally bound, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the CITY and the FIRM hereby agree as follows:

1. The FIRM hereby agrees to serve as Attorney for the CITY and to provide legal representation on all matters relating to the CITY. The responsibilities and duties of the FIRM include:

- A. Attend all meeting of the City Commission;
- B. Attend meetings of other City Boards, as requested by the City Commission or City Manager;
- C. To be available on call, at reasonable times, to communicate with the members of the City Commission, the City Manager and City Staff regarding legal matters;
- D. The prepare and/or review all resolutions, ordinances, charter amendments, referenda, contracts, agreements, policies, procedures, personnel matters and Commission agenda items;
- E. To provide appropriate training to staff, City Commission, and Advisory Boards, as needed, pertaining to legal issues such as Sunshine Law, parliamentary procedures, ethics, etc.;

- F. To give legal opinions and interpretations as requested (all requests for legal opinions, preparation of resolutions and ordinances and other items shall be directed to the FIRM from the City Commission, City Manager or Department Heads, upon approval of the City Manager);
- G. To undertake representation of the City in matters of general litigation at the request of and as authorized by the City Commission or City Manager;
- H. To represent the City at administrative and judicial hearings, depositions, mediations, and settlement conferences; and,
- I. To recommend, coordinate and oversee the retention of outside legal counsel, when appropriate.

3. The parties agree that the FIRM shall be compensated at the rate of \$250.00 an hour for services rendered by attorneys of the FIRM, and \$95.00 an hour for the services of paralegals of the FIRM. The FIRM's fee shall be increased by three percent (3%) annually, each October 1, commencing October 1, 2013. For all travel time related to the CITY, including travel to and from meetings of the CITY and travel time to and from other business of the CITY, the FIRM shall be compensated at a rate of one-half ( $\frac{1}{2}$ ) of the FIRM's hourly rate.

4. The parties agree that the CITY shall reimburse the FIRM for any reasonable and ordinary expenses and costs incurred during the course of providing legal services. The expenses and costs include, but are not limited to, out-of-pocket expenses for filing fees, recording, court reporters, photocopies, postage, research charges, mileage (at the IRS rate), long distance phone calls, and other usual and customary expenses. In the event of unusually large costs or expenses, the FIRM reserve the right to require a cost deposit from the CITY prior to undertaking the expenditure of funds on the CITY'S behalf.

5. The FIRM shall submit itemized invoices for services rendered on a monthly basis with payment to be made by the CITY within thirty (30) days of submission of the invoice.

6. This document contains all of the terms and conditions of this Agreement and shall only be subject to modification upon mutual agreement, in writing, of the parties to the Agreement.

7. Either the CITY or the FIRM may terminate this agreement after providing thirty (30) days' written notice to the other party.

**CITY OF PAHOKEE**

**TG LAW PLLC**

\_\_\_\_\_  
By: \_\_\_\_\_  
Mayor

\_\_\_\_\_  
By: Gemma Torcivia

**ATTEST:**

\_\_\_\_\_  
By: \_\_\_\_\_  
City Clerk