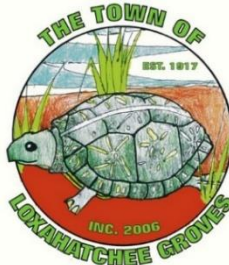


TOWN OF LOXAHATCHEE GROVES
Town Hall Council Chambers
**TOWN COUNCIL FIRST BUDGET HEARING AND REGULAR
MEETING**
AGENDA

September 8, 2020 - 7:00-10:30 P.M.

As Palm Beach County Covid-19 Phase-1 public protocols are in effect, a very limited public audience may be accommodated onsite (max 10-persons w/mandatory masks, social distancing, first come/first serve seating, etc.). Public comment will also be accepted by email or in writing to the Clerk's office.



Lisa El-Ramey, Mayor (Seat 3)

Phillis Maniglia, Councilmember (Seat 1)

Laura Danowski, Councilmember (Seat 2)

Robert Shorr, Councilmember (Seat 4)

Marge Herzog, Vice Mayor (Seat 5)

Administration

Town Manager, James S. Titcomb

Assistant Town Manager, Francine L. Ramaglia

Town Attorney, R. Brian Shutt, Esq.

Town Clerk, Lakisha Q. Burch

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

Civility: Being "civil" is not a restraint on the First Amendment right to speak out, but it is more than just being polite. Civility is stating your opinions and beliefs, without degrading someone else in the process. Civility requires a person to respect other people's opinions and beliefs even if he or she strongly disagrees. It is finding a common ground for dialogue with others. It is being patient, graceful, and having a strong character. That's why we say "Character Counts" in Town of Loxahatchee Groves. Civility is practiced at all Town meetings.

Special Needs: In accordance with the provisions of the American with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall within three business days prior to any proceeding, contact the Town Clerk's Office, 155 F Road, Loxahatchee Groves, Florida, (561) 793-2418.

Quasi-Judicial Hearings: Some of the matters on the Agenda may be "quasi-judicial" in nature. Town Council Members are required to disclose all ex-parte communications regarding these items and are subject to voir dire (a preliminary examination of a witness or a juror by a judge or council) by any affected party regarding those communications. All witnesses testifying will be "sworn" prior to their testimony. However, the public is permitted to comment, without being sworn. Unsworn comment will be given its appropriate weight by the Town Council.

Appeal of Decision: If a person decides to appeal any decision made by the Town Council with respect to any matter considered at this meeting, he or she will need a record of the proceeding, and for that purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes any testimony and evidence upon which the appeal will be based.

Consent Calendar: Those matters included under the Consent Calendar are typically self-explanatory, non-controversial, and are not expected to require review or discussion. All items will be enacted by a single motion. If discussion on an item is desired, any Town Council Member, without a motion, may "pull" or remove the item to be considered separately. If any item is quasi-judicial, it may be removed from the Consent Calendar to be heard separately, by a Town Council Member, or by any member of the public desiring it to be heard, without a motion.

TOWN COUNCIL AGENDA ITEMS

CALL TO ORDER

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

ROLL CALL

ADDITIONS/DELETIONS/MODIFICATIONS TO THE AGENDA

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

Palm Beach County Covid-19 Phase-1 public protocols are in effect; thus, a very limited public audience can be accommodated in our Council Chambers (max 10-persons w/mandatory masks, social distancing, first come/first serve seats, etc.). In-person attendance above 10-persons is currently reserved for Councilmembers and town staff. Public Comments for all meetings may be received by email, or in writing to the Town Clerk's Office until 6:00 PM day of the meeting. Comments received will be received, filed and acknowledged as part of the official public record for indicated meeting. The Town Council meeting will be live-streamed and close-captioned for the public via our website.

CONSENT AGENDA

1. Approval of Meeting Minutes
 - a. March 3, 2020 Community Resident Workshop
 - b. August 4, 2020 Town Council Regular Meeting
2. Approval of Resolution No. 2020-13 selection of Mayor of the Town of Loxahatchee Groves.
3. Approval of Resolution No. 2020-14 selection of Vice Mayor of the Town of Loxahatchee Groves.
4. Approval of third addendum to the Law Enforcement Service Agreement (LESA).

FIRST BUDGET AND PUBLIC HEARING

5. Discussion of proposed tentative millage rate and proposed FY21 Budget.
6. Comments from Public regarding the proposed tentative millage rate and budget
7. Resolution No. 2020-15 adopting the tentative millage rate for FY 2020-2021
8. Town Manager announcement of the percentage by which the adopted tentative millage rate exceeds the roll back rate.
9. Resolution No. 2020-16 adopting the tentative budget for FY 2020-2021
10. Resolution No. 2020-17 Solid Waste Assessment
11. Resolution No. 2020-DD05 Road and Drainage Acreage Assessment
12. Resolution No. 2020-DD06 OGEM Debt Service

REGULAR AGENDA

13. Approval of First Reading of Ordinance No. 2020-05 amending its code of ordinances by creating Chapter 27 "Fireworks" to provide for regarding the use and sale of fireworks.
14. Approval of First Reading of Ordinance No. 2020-06 amending its Code of Ordinances by enacting Chapter 7 "Animals" to provide for regulations regarding animals.

15. Approval of First Reading of Ordinance No. 2020-07 amending its Unified Land Development Code by amending Part II “Zoning Districts”, Article 20 “Residential Zoning Districts” by enacting Section 20-050 “Recreational Vehicles” to provide regulations regarding recreational vehicles.
16. Approval of First Reading of Ordinance No. 2020-08 amending Nuisance Abatement.
17. Approval of Town of Loxahatchee Groves Planning Consultant- James Fleishmann
18. Approval of Brett Rflowitz as a member of the Planning & Zoning Board.
19. Approval of leased Water Truck purchase finance option.

TOWN COUNCILMEMBERS COMMENTS

Phillis Maniglia, Councilmember (Seat 1)

Laura Danowski, Councilmember (Seat 2)

Lisa El-Ramey, Mayor (Seat 3)

Robert Shorr, Councilmember (Seat 4)

Marge Herzog, Vice Mayor (Seat 5)

TOWN STAFF COMMENTS

Town Manager/ ATM

Town Attorney

Public Works

ADJOURNMENT

Comment Cards: Note public comment rules are modified during the COVID-19 pandemic, see above.

Anyone from the public wishing to address the Town Council, it is requested that you complete a Comment Card before speaking. Please fill out completely with your full name and address so that your comments can be entered correctly in the minutes and give to the Town Clerk. During the agenda item portion of the meeting, you may only address the item on the agenda being discussed at the time of your comment. During public comments, you may address any item you desire. Please remember that there is a three (3) minute time limit on all public comment. Any person who decides to appeal any decision of the Council with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made which included testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate should contact the Town Clerk’s Office (561-793-2418), at least 48 hours in advance to request such accommodation.

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155 F Road Loxahatchee Groves, FL 33470

Agenda # 1

TO: Town Council of Town of Loxahatchee Groves
FROM: Lakisha Burch, Town Clerk
DATE: September 1, 2020
VIA: James Titcomb, Town Manager
SUBJECT: Meeting Minutes for the month of March, April, May and August.

Staff recommends approval of the attached meeting minutes.



**TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL MINUTES OF COMMUNITY WORKSHOP
MARCH 3, 2020**

Meeting audio available in Town Clerk's Office

CALL TO ORDER

Mayor Shorr called the Community Workshop to order at 6:01p.m.

This Community Conversation Workshop was scheduled for Town Residents to address the Town Council with their concerns and questions regarding the governing of the Town of Loxahatchee Groves.

ROLL CALL

Mayor Robert Shorr, Vice Mayor David DeMarios, Councilmembers Laura Danowski, Lisa El-Ramey (arrived at 6:04 p.m.) and Phillis Maniglia (arrived at 6:14 p.m.), Town Manager James Titcomb, Town Attorney R. Brian Shutt and Town Clerk Lakisha Burch.

PUBLIC COMMENTS

There were public comments made by the following: Todd McLendon- Asked what the status of the bond. **After discussion among Town Council is was tasked to Town Staff to bring the ordinance bond back for discussion-50/50 split.**

Marianne Miles- Asked are the roads a part of the Roadway, Equestrian Trails, Greenway Advisory Committee.

Jo Siciliano- Charter Review

Marge Herzog- Sign board at D Road and building a bearer

Nina Corning- RETGAC not doing roads and commented on a few things on E Road

ADJOURNMENT

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

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Mayor Robert Shorr

Lakisha Burch, Town Clerk

Vice Mayor David DeMarios

Councilmember Laura Danowski

APPROVED AS TO LEGAL FORM:

Councilmember Lisa El-Ramey

R. Brian Shutt, Town Attorney

Councilmember Phillis Maniglia



**TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL MINUTES OF WORKSHOP MEETING
AUGUST 4, 2020**

Meeting audio available in Town Clerk's Office

CALL TO ORDER

Mayor El-Ramey called meeting to order at 7:04 p.m.

PLEDGE OF ALLEGIANCE

Mayor El-Ramey led the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor El-Ramey gave a prayer.

ROLL CALL

Mayor Lisa El-Ramey, Vice Mayor Marge Herzog, Councilmembers Laura Danowski, Phillis Maniglia and Robert Shorr, Town Manager James Titcomb, Town Attorney Brian Shutt (call-in) and Town Clerk Lakisha Burch.

ADDITIONS/DELETIONS/MODIFICATIONS TO THE AGENDA

Mayor El-Ramey announced the procedure of public commenting at tonight's meeting. Town Clerk Burch stated that there were two numbering errors which were item 2 approval of Town Council Meeting Schedule resolution should have been Resolution No. 2020-12 instead of Resolution No. 2020-07 and item 5 approval of Big Dog site plan amendment Resolution No. 2020-06 should have been Resolution No. 2020-11. Councilmember Danowski asked if item 2 could be pulled for discussion as well as Councilmember Maniglia asking the same for item 3.

Motion was made by Councilmember Shorr seconded by Councilmember Danowski to pull items 2 and 3 for discussion and accept changing made by the Town Clerk; it was voted as follows: Ayes: Mayor El-Ramey, Vice Mayor Herzog, Councilmembers Danowski, Maniglia and Shorr. Motion passed unanimously.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

Town Clerk Burch stated that she missed receiving and reading into the record at the July 21st Town Council Workshop two public records from Ms. Cassie Suchy and Mr. Todd McLendon. She asked Madame Mayor could she please read the public comments received for the previous Town Council Workshop Meeting into the record. The request was granted by Mayor El-Ramey.

CONSENT AGENDA

1. Approval of Meeting Minutes
 - a. June 2, 2020 Town Council Regular Meeting Minutes
 - b. June 16, 2020 Town Council Workshop Meeting Minutes

- c. July 7, 2020 Town Council Regular Meeting Minutes
- d. July 21, 2020 Town Council Workshop Meeting Minutes

4. IT-Systems Support Services with Node0-IT Contract (continuation)

Motion was made by Councilmember Maniglia seconded by Vice Mayor Herzog to approve the Consent Agenda which consist of items 1 and 4; it was voted as follows; Ayes: Mayor El-Ramey, Vice Mayor Herzog, Councilmembers Danowski, Maniglia and Shorr. Motion passed unanimously.

DISCUSSION

2. Approval of Resolution No. 2020-12 Town Council Meeting Schedule from August 2020 to April 2021-**PULLED FROM CONSENT FOR DISCUSSION**

Councilmember Danowski asked that this item be pulled from the Consent Agenda for discussion to confirm that the October dates were not in conflict with Rosh Hashanah and Yom Kippur. Councilmember Shorr asked that the March 2nd meeting date be changed due to him wanted to attend session in Tallahassee. There was discussion among the Town Council regarding the March's dates. It was determined that March would only have one meeting which would be on March 16th as a Regular Meeting.

Motion was made by Vice Mayor Herzog seconded by Councilmember Shorr to approve Resolution No. 2020-12 and change the March 16th date to a Regular Meeting and accept the remaining calendar as stated; it was voted as follows: Ayes: Mayor El-Ramey, Vice Mayor Herzog, Councilmembers Danowski, Maniglia and Shorr. Motion passed unanimously.

3. Approval of Interlocal Agreement with Board of County Commissioner regarding Urban County Qualification Process-FYs 2021-2023-**PULLED FROM CONSENT FOR DISCUSSION**

Councilmember Maniglia asked that this item be pulled from the Consent Agenda for discussion. She then asked how it got on the Consent Agenda and expressed her thoughts on the item. Town Manager Titcomb responded to Councilmember Maniglia's concern. There was discussion among Town Council with Vice Mayor Herzog stating that if it is not costing the Town anything then leave it as is and Councilmember Shorr expressed his thoughts on the matter.

Motion was made by Vice Mayor Herzog seconded by Councilmember Danowski to approve to re-enter Amendment 001 to the agreement with Town of Loxahatchee Groves and Palm Beach County; it was voted as follows: Ayes: Mayor El-Ramey, Vice Mayor Herzog, Councilmembers Danowski, Maniglia and Shorr. Motion passed unanimously.

PUBLIC HEARING- QUASI JUDICIAL

5. Approval of Resolution No. 2020-11 approving Big Dog site plan amendment.

Town Attorney Shutt explained procedures regarding Public Hearing Quasi -Judicial and swore in all participants who will speak on this matter and read Resolution No. 2020-11.

James Fleishmann, Town Planning Consultant presented the item to Town Council Resolution No. 2020-11 and Big Dog Ranch Site Plan Amendment SP (A) 2020-02.

Vice Mayor Herzog asked about the three buildings that was on the site plan.

Linzy Leslie from WBI responded to Vice Mayor Herzog question regarding the three building. Ms. Leslie stated that total building footage on the site plan is not being changed at all, what is being done is for staff to have their own facilities.

Councilmember Maniglia asked how many beds would be in the facility.

Lori Simmons responded to Councilmember Maniglia's question by stating that there will be no beds in the support staff facility. She did state that the caretaker's house would not be built and but there are sometimes that overnight care will need to be had but during the day staff need to have a place to take their lunch, shower and just get away from the public.

Councilmember Danowski asked with the increase of parking spaces does this impact drainage of flood water.

Ms. Simmons responded no, stating that all underground drainage/floodwater is in place and was completed before starting any buildings. Mr. Fleishmann also responded to Councilmember Danowski's question.

Councilmember Shorr asked about the plus building (boarding dog building) has it been built yet. Ms. Simmons responded.

There was no public comment.

Ms. Simmons stated they did not shut down during COVID-19, but precaution has been made.

Motion was made by Councilmember Maniglia seconded by Vice Mayor Herzog to approve Resolution No. 2020-11 Big Dog site plan; it was voted as follows: Ayes: Mayor El-Ramey, Vice Mayor Herzog, Councilmembers Danowski, Maniglia and Shorr. Motion passed unanimously.

PUBLIC HEARING

6. Approval of First Reading of Ordinance No. 2020-03 to amend the Town of Loxahatchee Groves Comprehensive Plan to; (1) amend map #FLU 1.10 future land use of the future land use element to add to the Okeechobee Rural 5 overlay; (2) amend table 1-8 future land uses of the future land use element to increase the intensity of the commercial low (CL) land use category and add the Okeechobee Rural 5 (or 5) land use overlay.

Town Attorney Shutt read Ordinance No. 2020-03 into the record.

Councilmember Maniglia stated she found an old article from 2014 on Okeechobee Blvd. Town did injustice by doing nothing on Okeechobee regarding overlay. She stated our opportunity to make a real town. She also stated move forward and Town Council can make adjustments as we proceed.

Councilmember Danowski asked Mr. Fleishman to explain commercial low. Mr. Fleishman responded to Councilmember Danowski stating that commercial low is not permitted on Okeechobee. She then asked if the overlay goes into effect-does overlay give the Town anymore foothold for its future. Mr. Fleishman stated that the basic recommendation is to sit down with individual owners and try to work out. There was further discussion among Councilmember Danowski and Mr. Fleishman.

Councilmember Shorr stated if this was in place-Okeechobee could look a lot different-opportunity to change Okeechobee to rural parkway to create the buffer on Okeechobee for the 40 ft set back and use certain trees. If implement there will be incentive for people to come. He stated that he wants certain criteria stating what can and can't be on Okeechobee. Mr. Fleishman addressed

Councilmember Shorr's comments. Mr. Fleishman also explained the process of approval takes about 7 months. Councilmember Shorr asked what the State approving is. Mr. Fleishman responded.

Vice Mayor Herzog asked if this is a rural collector now and is changed to a rural parkway does anything change. Mr. Fleishman responded no, then explained what rural collector and rural parkway was. Vice Mayor also asked about left turn lanes. Mr. Fleishman responded. There was continuing conversation among Vice Mayor Herzog and Mr. Fleishman. Vice Mayor Herzog stated she agree with Councilmember Shorr that this should have been broken into smaller lots and privacy on five acres.

Councilmember Maniglia stated that this is the first step in this process and the residents should be asked what should go onto Okeechobee.

Mayor El-Ramey stated that this can has been kicked down the road for a long time-should look at financial impact study- what is Okeechobee going to benefit the Town-important step but one step in a broader scope- 10 year plan for 50 year vision-Green belt on north and south side of properties -define width of road. She stated we have some heavy lifting and eyes wide open to what is being created.

Motion was made by Councilmember Maniglia seconded by Councilmember Danowski to approve Ordinance No. 2020-03 on first reading to amend the Town of Loxahatchee Groves Comprehensive Plan to; (1) amend map #FLU 1.10 future land use of the future land use element to add to the Okeechobee Rural 5 overlay; (2) amend table 1-8 future land uses of the future land use element to increase the intensity of the commercial low (CL) land use category and add the Okeechobee Rural 5 (or 5) land use overlay; it was voted as follows; Ayes: Vice Mayor Herzog, Councilmembers Danowski, Maniglia and Shorr. Nye: Mayor El-Ramey. Motion passed 4 to 1.

The Town Council came to consensus that the Unified Land Development Code (ULDC) and Planning & Zoning Board/Local Planning Agency review this ordinance and fine tune.

7. Approval of First Reading of Ordinance No. 2020-04 to (1) add section 80-075 Open Storage to Article 80 Conditional Uses; and (2) amend Article 20 Residential Zoning Districts Section 20-015 Permitted uses to add open storage as a permitted use with Category "A" Special Exception approval subject to Section 80-075 Open Storage.

Town Attorney Shutt read Ordinance No. 2020-04 into the record.

Councilmember Maniglia stated that she lives near this property site but has not financial gain.

Councilmember Shorr asked about item changes and Mr. Fleishman responded to Councilmember Shorr's concern. Councilmember Shorr made comment on the open storage. He stated that he does not support this item.

Vice Mayor Herzog stated that this doesn't fit within image of the Town.

Councilmember Danowski asked was this the same applicant that wanted to build storage/where is property is located. Mr. Fleishman responded to Councilmember Danowski.

Mayor El-Ramey stated her views and concerns regarding this item.

There were public comments made by the following: Casey Suchy, Steve Braswell and Marty Perry.

Motion was made by Councilmember Shorr seconded by Vice Mayor Herzog to deny first reading of Ordinance 2020-04 to (1) add section 80-075 Open Storage to Article 80 Conditional Uses; and (2) amend Article 20 Residential Zoning Districts Section 20-015 Permitted uses to add open storage as a permitted use with Category “A” Special Exception approval subject to Section 80-075 Open Storage; it was voted as follows: Ayes: Mayor El-Ramey, Vice Mayor Herzog, Councilmembers Danowski, Maniglia and Shorr. Motion passed unanimously.

DISCUSSION

8. Keshavarz Town “Footprint Project” combination of main maintenance maps for array of streets and Letter roads to establish official ROW grid.

Town Manager Titcomb gave an overview of the item.

Vice Mayor Herzog stated she received communication from residents concerning the way the roads had drifted to the east and was concern that the maps did not reflect the actual properties dimensions on the survey-easement and right a-way could affect the properties lot size (then therefore affect the way a property could be sold due to the reduction in property size). She also asked if the setbacks would be affected any of the easements, also the filing of the maps.

Randy Wertepny, Town Engineering Consultant from Keshavarz & Associates gave the history of House Bill 3530 and gave the purpose of the item. Mr. Wertepny spoke about the maps and stated that he had them available at Town Hall or could be placed on the website. There was discussion among Town Council and Mr. Wertepny and Town Attorney Shutt. Councilmember Shorr asked was the task completed. Mr. Wertepny responded.

There was consensus from the Town Council to receive and file the maps. It was also asked that Mr. Wertepny email the 1953 University of Florida study to Jamie to distribute to the Town Council.

Vice Mayor Herzog stated that she had spoken with Town Attorney Shutt to write a resolution regarding easement or right a-way for residents to feel more comfortable. Mr. Wertepny responded to Vice Mayor Herzog.

Mayor El-Ramey asked Councilmember Danowski about the survey during her tenure on the Loxahatchee Groves Water Control District. Councilmember Danowski responded.

Vice Mayor Herzog asked Mr. Wertepny were any of the maps ready to be presented. Mr. Wertepny responded.

There continued to be discussion among the Town Council and Mr. Wertepny and Town Staff.

Mayor El-Ramey expressed her thoughts and concerns regarding the matter. There

There was public comment from Casey Suchy.

Motion was made by Councilmember Shorr seconded by Vice Mayor Herzog to move forward with Keshavarz completing the task that was assigned and bring back finding to Town Council; it was voted as follows: Ayes: Councilmember Shorr. Nye: Mayor El-Ramey, Vice Mayor Herzog, Councilmembers Danowski and Maniglia. Motion failed 4 to 1.

Town Manager Titcomb stated that the true intent of this discussion is to determine where the Public footprint is and asked what direction Council as how-to advice the wants the engineer. Mayor El-Ramey stated she would have 1991 survey and staff reach out to Mr. Painter. Mr. Wertepny stated that easements were not taken with the process that occurred with the grading. A grader who graded beyond the easement line, so it is not restoring easements but restoring the land

that was misshaped in the past and has nothing to do with the easements that are discussed today. He stated that he just wanted to make that clarification.

Vice Mayor Herzog stated she needed clarification on what is being done on Perkins. Town Manager Titcomb responded to her question.

9. Public Works B Road Drainage Project.

Councilmember Maniglia asked why backup was not given with the item. Town Manager Titcomb responded to her concern and presented this item.

Councilmember Maniglia stated that she has been discussing this matter because staff did not negotiate this but WBI did and continued to express her concern. Town Manager Titcomb addressed her concerns. There continued to be a discussion among Town Manager Titcomb, Town Attorney and Town Council.

The consensus from Town Council was to continue with the work that has been done thus far regarding the fence on B Road.

Mayor El-Ramey addressed Councilmember Maniglia concerns regarding how to handle this type of situation in the future.

Motion was made by Councilmember Shorr seconded by Councilmember Danowski to extend the Regular Meeting 30 minutes until 11:00 p.m.; it was voted as follows: Ayes: Mayor El-Ramey, Vice Mayor Herzog, Councilmembers Danowski, Maniglia and Shorr. Motion passed unanimously.

TOWN COUNCILMEMBERS COMMENTS

Motion was made by Councilmember Shorr seconded by Councilmember Danowski to extend the Regular Meeting 30 minutes until 11:30 p.m.; it was voted as follows: Ayes: Mayor El-Ramey, Vice Mayor Herzog, Councilmembers Danowski, Maniglia and Shorr. Motion passed unanimously.

Phillis Maniglia, Councilmember (Seat 1)

- FAAC
- ULDC
- Revisit meeting with Johnson-Davis
- OGEM roads
- Slaughterhouses

Laura Danowski, Councilmember (Seat 2)

- Public meetings
- Town Committees
- Budget
- PSG

Lisa El-Ramey, Mayor (Seat 3)

- Fireworks resolution
- Mr. Fleishman's contract
- Letter from Indian Town Improvement District

Robert Shorr, Councilmember (Seat 4)

- Water truck purchase
- Letter regarding

- Cost Sharing resolution

Marge Herzog, Vice Mayor (Seat 5)

- Announced the passing of Mr. Odom
- Florida City Statistics
- News on canals

TOWN STAFF COMMENTS

Town Manager/ ATM

- Letter from Indian Town Improvement District
- General Waiver for volunteers
- Code Enforcement

Town Attorney

No comment

Public Works

Larry Peters, Public Works Director address Town Council and gave update and thanked Mike Capocefalo for his work. Rock being kept on premises for emergencies and purchasing to do repairs.

Adjournment

There being no further business the meeting was adjourned at 11:27 p.m.

TOWN OF LOXAHATCHEE GROVES

ATTEST:

Mayor Lisa El-Ramey

Lakisha Burch, Town Clerk

Vice Mayor Marge Herzog

Councilmember Laura Danowski

APPROVED AS TO LEGAL FORM:

Councilmember Phillis Maniglia

R. Brian Shutt, Town Attorney

Councilmember Robert Shorr

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155 F Road Loxahatchee Groves, FL 33470

Agenda # 2

TO: Town Council of Town of Loxahatchee Groves
FROM: Lakisha Burch, Town Clerk
DATE: September 1, 2020
VIA: James Titcomb, Town Manager
SUBJECT: Housekeeping- Approval of Resolution No. 2020-13 selection of Mayor for the Town of Loxahatchee Groves

Background:

Section 2 (2)(a) of the Charter of the Town of Loxahatchee Groves requires the Council to elect from among its members a Mayor, who shall serve for a period of one year; these same sections of the Charter require this election of a Mayor to be done annually at the first Regular Council Meeting after the fourth Tuesday of each March.

Recommendation:

Staff recommends that a motion be made to approve Resolution No. 2020-13 approving Lisa El-Ramey as Mayor.

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2020-13

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA ELECTING A MAYOR FOR THE ENSUING YEAR 2020-2021, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 2 (2)(a) of the Charter of the Town of Loxahatchee Groves requires the Council to elect from among its members a Mayor, who shall serve for a period of one year; and

WHEREAS, these same sections of the Charter require this election of a Mayor to be done annually at the first Regular Council Meeting after the fourth Tuesday of each March; and

WHEREAS, all candidates have been certified as elected effective March 17, 2020 and

WHEREAS, newly elected officials have taken the Oath of Office.

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

Section 1: Lisa El-Ramey is hereby elected Mayor of the Town of Loxahatchee Groves, Florida; and shall forthwith enter upon and assume the duties of said office for the ensuing year.

Section 2: This Resolution shall become effective immediately upon adoption.

Councilmember Maniglia offered for foregoing Resolution. Councilmember Herzog seconded the motion and upon being put to vote was as follows:

	Aye	Nay	Absent
Lisa El-Ramey, Mayor	☐	☐	☐
Marge Herzog, Vice Mayor	☐	☐	☐
Laura Danowski, Councilmember	☐	☐	☐
Phillis Maniglia, Councilmember	☐	☐	☐
Robert Shorr, Councilmember	☐	☐	☐

ADOPTED BY THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS 8th DAY OF September, 2020.

TOWN OF LOXAHATCHEE GROVES

ATTEST:

Mayor Lisa El-Ramey

Lakisha Burch, Town Clerk

Vice Mayor Marge Herzog

Councilmember Laura Danowski

APPROVED AS TO LEGAL FORM:

Councilmember Phillis Maniglia

R. Brian Shutt, Town Attorney

Councilmember Robert Shorr



155 F Road Loxahatchee Groves, FL 33470

Agenda # 3

TO: Town Council of Town of Loxahatchee Groves

FROM: Lakisha Burch, Town Clerk

DATE: September 1, 2020

VIA: James Titcomb, Town Manager

SUBJECT: Housekeeping- Approval of Resolution No. 2020-14 selection of Vice Mayor for the Town of Loxahatchee Groves

Background:

Section 2 (2)(a) of the Charter of the Town of Loxahatchee Groves requires the Council to elect from among its members a Vice Mayor, who shall serve for a period of one year; these same sections of the Charter require this election of a Mayor to be done annually at the first Regular Council Meeting after the fourth Tuesday of each March.

Recommendation:

Staff recommends that a motion be made to approve Resolution No. 2020-14 approving Marge Herzog as Vice Mayor.

TOWN OF LOXAHATCEE GROVES

RESOLUTION NO. 2020-14

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCEE GROVES, FLORIDA ELECTING A VICE MAYOR FOR THE ENSUING YEAR 2020-2021 AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 2 (2)(a) of the Charter of the Town of Loxahatchee Groves requires the Council to elect from among its members a Vice Mayor, who shall serve for a period of one year; and

WHEREAS, these same sections of the Charter require this election of a Mayor to be done annually at the first Regular Council Meeting after the fourth Tuesday of each March; and

WHEREAS, all candidates have been certified as elected effective March 17, 2020 and

WHEREAS, newly elected officials have taken the Oath of Office.

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

Section 1: Margaret Herzog is hereby elected Vice Mayor of the Town of Loxahatchee Groves, Florida; and shall forthwith enter upon and assume the duties of said office for the ensuing year.

Section 2: This Resolution shall become effective immediately upon adoption.

Councilmember Maniglia offered for foregoing Resolution. Councilmember Herzog seconded the motion and upon being put to vote was as follows:

	Aye	Nay	Absent
Lisa El-Ramey, Mayor	☐	☐	☐
Marge Herzog, Vice Mayor	☐	☐	☐
Laura Danowski, Councilmember	☐	☐	☐
Phillis Maniglia, Councilmember	☐	☐	☐
Robert Shorr, Councilmember	☐	☐	☐

ADOPTED BY THE TOWN OF LOXAHATCEE GROVES, FLORIDA, THIS 8th DAY OF September, 2020.

TOWN OF LOXAHATCEE GROVES

ATTEST:

Mayor Lisa El-Ramey

Lakisha Burch, Town Clerk

Vice Mayor Marge Herzog

Councilmember Laura Danowski

APPROVED AS TO LEGAL FORM:

Councilmember Phillis Maniglia

R. Brian Shutt, Town Attorney

Councilmember Robert Shorr

R 2020-14

THIRD ADDENDUM TO THE LAW ENFORCEMENT SERVICE AGREEMENT
SHERIFF RIC L. BRADSHAW AND TOWN OF LOXAHATCHEE GROVES

This Third Addendum to the Law Enforcement Service Agreement is made by and between Town of Loxahatchee Groves (hereinafter referred to as “Loxahatchee Groves”) located in Palm Beach County, and Ric L. Bradshaw, Sheriff of Palm Beach County, Florida (hereinafter referred to as “Sheriff”). Loxahatchee Groves and the Sheriff shall hereinafter be referred to as the “Parties.”

WHEREAS, the Parties executed a Law Enforcement Service Agreement effective October 01, 2017, a First Addendum effective October 01, 2018, and a Second Addendum effective October 01, 2019, (the “Agreement”), by which the Sheriff agreed to perform law enforcement services; and

WHEREAS, the Parties wish to renew said Agreement for an additional twelve (12) months, effective October 01, 2020.

NOW, THEREFORE, in consideration of the mutual covenants herein contained the receipt and sufficiency of which are hereby acknowledged, it is agreed upon as follows:

1. Article 5, Section 5.1. of the Law Enforcement Service Agreement is amended as to the total amount due for services for the period beginning October 01, 2020 through September 30, 2021, as follows: The total cost of personnel and equipment shall be \$622,200.00. Monthly payments shall be \$51,850.00.
2. In all other respects and unless otherwise stated, the terms and conditions of the Agreement, which includes prior Addendums, shall continue unchanged and in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have executed the Addendum to this Agreement as of the last date all signatures below are affixed.

PALM BEACH COUNTY SHERIFF’S OFFICE

TOWN OF LOXAHATCHEE GROVES

BY: _____
Ric L. Bradshaw

BY: _____
Lisa El-Ramey

Title: Sheriff

Title: Mayor

Witness: _____
Eric Coleman, Major

Witness: _____
Lakisha Burch, Town Clerk

DATE: _____

DATE: _____

Reviewed and approved
for execution:

BY: _____
James S. Titcomb
Town Manager

Approved as to form and
legal sufficiency:

BY: _____
R. Brian Shutt
Town Attorney



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 5

TO: Town Council of Town of Loxahatchee Groves

FROM: James Titcomb, Town Manager

DATE: September 1, 2020

SUBJECT: Discussion of proposed tentative millage rate and budget



Town of Loxahatchee Groves

155 F Road • Loxahatchee Groves, Florida 33470 • (561) 793-2418 www.loxahatcheegrovesfl.gov

September 8, 2020

The Honorable Mayor and Members of the
Town Council of the Town of Loxahatchee Groves, Florida

In accordance with the requirements of State Statutes and the Town Charter, the proposed budget for the fiscal year beginning October 1, 2020 and ending September 30, 2021 is submitted for your review, consideration and action.

The budget preparation process is one of the most important activities of the Town and receives careful consideration, thought and planning. The primary objective in preparing the budget document is to present to Town Council a plan within the legal framework established by State Law and Town Charter & Code that addresses operational and general needs of the community for the coming fiscal year efficiently and effectively. This Fiscal Year 2020-2021 (FY 2021) Budget is framed by legislative direction and priorities of the Town Council, guided by sound management procedures and policies, and premised upon pursuit of best practices as we move forward.

Balancing competing needs drives the budget process which is a continuous cycle of predicting both long and short-term needs. Budgetary needs are constantly prioritized with choices made within the framework of established policies and resources. Necessities like delivery of basic operational and maintenance services, personnel costs, insurance coverage, and debt service usually take initial priority whether provided in-house, inter-governmentally, and/or contractually. The Town strives to constantly address issues critical to serving our residents, maintaining or improving quality of life and preserving richness of community character.

At the first budget workshop in July, Council agreed that the priority is to create a “back to basics” maintenance plan within the constraints of both staffing and equipment, to not add more equipment if we can possibly use other agencies’ contracts. The general maintenance framework includes leveraging contracts with operating staff assignment for:

- canal bank mowing & aquatic vegetation,
- road grading & pavement repairs (for the 10 miles of OGEM potholes, etc. along with edging and resealing),
- equestrian trails including clearing as well as signage,
- nuisance abatement (clearing right of ways, swale repair, removing illegal dumping & retrieving giant tires from canals, etc.),
- towing (for tractor/trailers, cars and other things that end up in canals—even oversized boats),
- environmental clean-up (the oil etc. that ends up in canals from the things we need to pull out)

In addition, Council has stated the Town's intention is to complete rebuilding the road beds or restoring the road base for the remaining 4 to 5 miles of roads not completed in the past two fiscal years, either by utilizing a turnkey contract or by continuing the in-house effort. The total estimated cost is currently funded at \$265,000; however, based on work performed in FY 2019 and FY 2021, the cost per mile has ranged from between \$50,000 to \$100,000. Therefore, it is likely that the project may span the next two fiscal years. This road rock project is in addition to the annual replenishment of \$100,000 which is part of the maintenance budget to protect the unpaved roads that have been reconstructed in the past two years.

With respect to capital maintenance and investments, Council's discussion has remained true to the results of the Visioning sessions with residents held earlier this year placing top priority on infrastructure, particularly with respect to roads, canals and drainage. Although *all need defined scoping, more detailed cost estimates--* and as with maintenance programs-- to see if existing contracts are in place at other agencies that we can use if possible, the specific projects considered by Council for FY 2020-2021 are as follows:

- Core borings, surface repair, edging (no drainage) for sections of OGEM roads \$ 90,000 to \$350,000+
- Culvert replacements at Collecting Canal & E Roads \$500,000 to \$700,000

A portion of the funds for the culvert replacements are being carried forward from prior year capital project allocations. Including these carry forward funds, the Town has approximately \$700,000 to allocate to its three identified major capital projects noted above—road reconstruction, OGEM repair/resurfacing, and culvert replacements.

Another project considered but not funded for FY 2021 was for installing weirs at the northern end of each lettered road along with a manual pump station at a possible cost of at least \$300,000. While canals and other drainage projects are as critical as roads, the Town is looking to grant funding as a solution.

The Town's share of the County's Local Option Sales Tax revenues is earmarked for specific infrastructure though consensus appropriation at time of necessity. The Surtax funds average collections of approximately \$200,000 annually and, to date, nearly \$825,000 has been accumulated and can be allocated to projects specified by the Town with approval from the Palm Beach County Surtax Oversight Committee. Council at their workshops designated the Town's surtax funds to be applied as matching funds for grants for enhancements along Okeechobee Boulevard to be completed in conjunction with the County Transportation Authority beginning as early as FY 2021:

- Okeechobee Multi-use Trail System (FY 2021) \$493,000
- Okeechobee and Folsom Roundabout (FY 2024) \$646,000

Additionally, the staff and the Town's consultant continue to work on securing grant funding at all levels. Currently, we intend to submit applications for the Rebuild Florida grants totaling approximately \$1.5 million.

At the visioning sessions earlier this year, the Town heard from the residents and staff and committed to funding numerous other priority capital improvement projects as described on the capital items listing or "wish list" included in this document. In addition to the surtax funds, the Town also has other financing mechanisms to consider as it moves forward with building a complete capital plan including:

- Borrowing options (either pursuant to previous referendums or through new borrowing as permitted under the charter)

- Modifying cost sharing policies to add an option where requesting landowners may pay 100% of the costs for desired improvements
- Project specific capital assessments (for instance, as noted in the Munitytics draft report for a Town imposed road assessment in addition to the existing maintenance assessment)

The Town's continued focus in FY2021 is to develop and implement a comprehensive Capital Improvements Program (CIP), including funding mechanisms, building upon the recommendations of the joint committee of the Town's Roads, Equestrian Trails, Greenways Committee (RETGAC) and the Town's Financial Audit Advisory Committee (FAAC) also included in this document as a companion to the capital items listing noted above.

The proposed budget was reviewed by FAAC prior to Council's second budget workshop in August with the following recommendations:

- | | |
|--|--|
| – Reserves first | Replenish reserves to 25% levels as recommended by FGFOA guidelines. This is to demonstrate us as a "financially healthy town" as well as for potential future borrowing. All funds are currently well below this level with more depletions scheduled for 2021. |
| – No more double counting of expenses | You can't write the same check twice and dedicate the same monies to multiple projects. (Almost \$2 million of projects proposed for 2021 with \$500K to \$750K available to fund) |
| – Maximize fees/revenue opportunities already existing within the Town | Including but not limited to business tax receipts (still at 50% not collected after 3 years), potential "road user fees", and potential payments in lieu of taxes from not for profits |
| – Use of performance-based contracts | Allows town to incentivize and penalize |

It should be noted that there are wide ranging estimates and predictions as to the impact of COVID 19 on local government budgets, for the upcoming fiscal year and in future years. In an effort to be fiscally responsible in these uncertain times while still providing expected levels of public service, the proposed budget estimates anticipated revenue shortfalls related to COVID 19 and includes:

- Reductions to all economically driven revenues while holding all tax rates constant
- Alternate Service Delivery Models, including reduced staffing at Town Hall & Public Works
- "Back to Basics" maintenance with limited capital investment
- No issuance of debt previously approved by referendum

We are hopeful that we have conservatively estimated revenues and that actual revenue collections in FY 2021 exceed budget. To the extent these revenues are not restricted to use (such as the gas tax and the surtax), we recommend any such positive variances be used in whole or in part to restore reserves as recommended by FAAC.

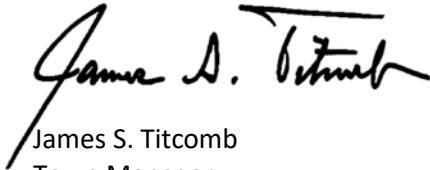
Additionally, we anticipate increases to items such as health and risk insurance rates; however, the final estimates have not been received yet. Once available, the budget estimates will be adjusted accordingly.

Staff is also researching possible changes to the Town's residential waste collection policy to limit the number of residential units to be assessed via the tax roll with additional carts requested billed by the hauler. In

addition to enforcing the use of commercial accounts for all non-residential properties, the proposed policy changes will likely include an increased commercial franchise fee.

In closing, it is an honor to serve the Town, its residents and landowners. The FY 2021 Budget represents our commitment to making significant improvements to transparency and reporting. We are grateful for the Council's leadership and support and believe the decisions and direction framing this budget provide a strong foundation for the path forward.

Respectfully Submitted,



James S. Titcomb
Town Manager

FY 2021 BUDGET MESSAGE & HIGHLIGHTS SUMMARY

Final Town Budget Adoption Scheduled for September 22, 2020

This FY 2021 Budget will be preliminarily adopted September 8th, 2020 by the Town Council is balanced at a millage of 3.00 mils which is the same rate as in FY 2020 and 2019. The ad valorem revenue increase is 6.49% over the rolled back rate for the previous fiscal year and allows the Town to continue the “catch up” on certain maintenance activities while developing a long-term plan for capital investment and funding mechanisms. The budget also contemplates updating and streamlining a variety of administrative and operational functions and systems.

All unexpended funds identified as audited at the end of each fiscal year return to Town reserve balances (assets) and can be expended/appropriated to specific allowed purposes per Town Council actions. At a 3.00 mil rate, this year’s budget proposes utilizing \$300,000 to 400,000 from previously accumulated capital project fund reserves to balance the budget in order to fund three critical capital projects for the Town.

FY 2020-2021 SUMMARY BUDGET BY FUND

	FY 2021 PROPOSED	FY 2020 PROJECTED	FY 2020 BUDGET	FY 2019 ACTUAL	FY 2018 AUDITED
GENERAL	\$2,188,798	\$2,222,528	\$2,185,753	\$2,533,165	\$1,758,233
TRANSPORTATION (GAS TAXES) *	\$307,500	\$317,438	\$410,000	\$406,820	\$401,194
LOCAL OPTION SURTAX (LOST)	\$195,000	\$197,343	\$260,000	\$244,284	\$234,417
ROADS & DRAINAGE (DISTRICT)	\$2,000,865	\$2,106,872	\$2,000,865	\$2,025,779	\$1,522,803
SOLID WASTE	\$691,700	\$649,447	\$580,000	\$549,854	\$770,863
CAPITAL IMPROVEMENT PROJECTS *	<u>___\$457,500</u>	<u>\$390,683</u>	<u>\$390,683</u>	<u>\$673,485</u>	<u>\$298,231</u>
TOTAL ALL FUNDS	\$5,841,363	\$5,884,311	\$5,827,281	\$6,433,387	\$4,985,741

(above reflects amounts budgeted less borrowings, capital and related interfund transfers/charges)

BUDGET CALENDAR

DATE	DESCRIPTION
July 7 th	Adopt Preliminary Ad Valorem & Non-Ad Valorem Assessment Rates
July 21 st	Council Workshop
July 24 th	Tax Rolls and Preliminary Rates due to County
August 10 th	FAAC Committee meeting
August 24 th	Council Budget Workshop
September 8 th	1 st Budget Public Hearing & Adoption of Final Non-Ad Valorem Assessment Rates
September 11 th	Final Non-Ad Valorem Assessment Rates & Tax Roll to County
September 22 nd	2 nd Budget Public Hearing & Adoption of Final Ad Valorem Millage Rate

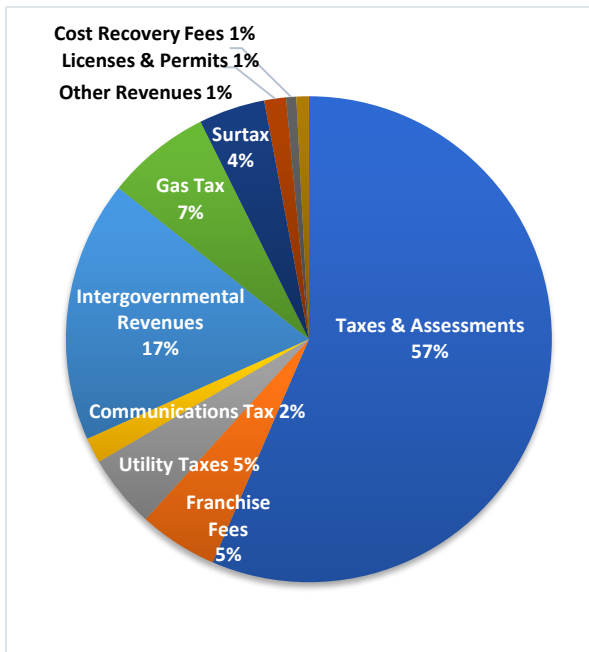
AD VALOREM MILLAGE CALCULATION

The County issued the certified taxable value for FY 2021 with an 8.7% increase in property value for Loxahatchee Groves. The Town's certified total taxable value is **\$362 million** and generates rates and revenues (at the statutory 95% collection) as follows:

MILLAGE RATE	BUDGETED AD VALOREM TAXES	REVENUE CHANGE	DESCRIPTION
3.0000	\$ 962,348	\$ -	Prior Year Adopted Rate
3.0000	\$ 1,031,798	\$ 69,450	Preliminary Proposed Rate
2.8172	\$ 947,748	\$84,050↓	Adjusted Rollback Rate: The tax proceeds with the prior year Majority Rate divided by the new year taxable value; used to calculate the new year Majority Rate
2.9079	\$ 935,177	\$96,641↓	Majority Rate: Prior year Majority Max Rate plus the annual estimated income growth factor of 1.0339, requires majority vote
3.1987	\$ 1,100,138	\$68,339↑	2/3 Vote Maximum Rate: 110% of the Majority Maximum rate, requires 2/3 vote

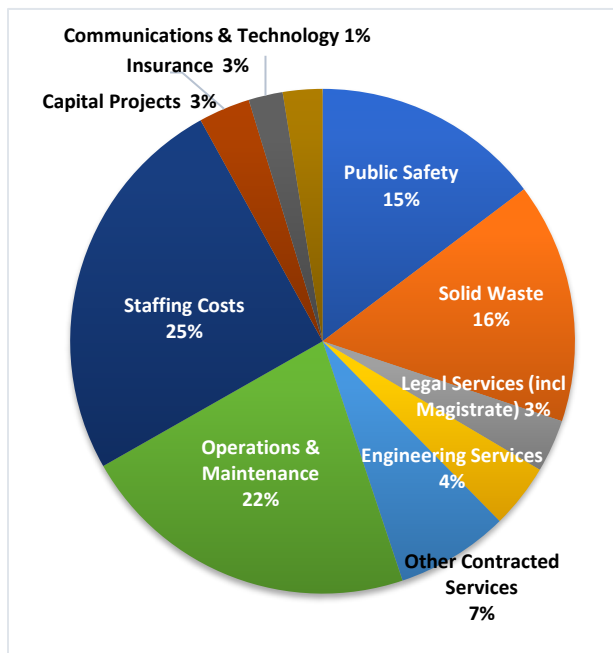
- A Rollback Rate of 2.8172 mills, providing the same ad valorem revenues as the prior year plus new construction
- A Majority Maximum Rate of 2.9079 mills, allowing for a rate equal to the prior year Majority Maximum rate plus the state income growth percentage (1.0322%) adopted by a simple majority vote
- A 2/3 Vote Maximum Rate of 3.1987 mills, equal to 110% of the Majority Maximum Rate
- Each 1/10 of a mill equals approximately \$34,400 in additional tax revenue

WHERE THE MONEY COMES FROM...



	FY 2021 PROPOSED	FY 2020 BUDGET
Taxes & Assessments	\$3,442,553	\$3,332,398
Franchise Fees	282,000	309,500
Utility Taxes	287,000	287,000
Communications Tax	100,000	100,000
Intergovernmental	287,000	1,027,000
Gas Tax	307,500	410,000
Surtax	195,000	260,000
Licenses & Permits	85,000	85,000
Cost Recovery Fees	80,000	40,000
Other Revenues	66,700	49,000
Total All Funds	\$5,112,753	\$5,236,598

WHERE THE MONEY GOES...



	FY 2021 PROPOSED	FY 2020 BUDGET
Public Safety	\$624,000	\$ 624,000
Solid Waste	654,000	580,000
Legal Services (incl Magistrate)	143,000	143,000
Engineering Services	175,000	175,000
Other Contracted Services	307,000	301,000
Operations & Maintenance	928,865	930,615
Staffing Costs	1,069,000	847,250
Insurance	140,000	140,000
Communications & Technology	93,000	139,000
Capital Projects	107,500	390,683
Debt Service	306,000	306,000
All Other	291,498	500,050
Total All Funds	\$4,839,363	\$5,076,598

(above reflects amounts budgeted less borrowings, capital and interfund transfers/charges)

AVAILABLE RESERVES OR FUND BALANCE BY FUND

	FY 2018 AUDITED	FY 2019 CHANGE	FY 2020 CHANGE	FY 2020 PROJECTED	FY 2020 REQUIRED	OVER/UNDER 25% TARGET
GENERAL	\$485,224	\$100,000	(\$215,000)	\$370,000	\$564,000	\$194,000
TRANSPORTATION (GAS TAXES)	\$126,093	\$ 8,000	(\$84,000)	\$50,093	\$50,093	NA
LOCAL OPTION SURTAX (LOST)	\$380,356	\$244,684	\$197,343	\$822,383	\$822,383	NA
ROADS & DRAINAGE (DISTRICT)	\$241,257	(\$107,977)	\$110,881	\$244,161	\$425,000	\$180,839
SOLID WASTE	(\$8,655)	\$93,606	(\$37,872)	\$47,079	\$173,000	\$125,921
TOTAL ALL FUNDS	\$1,224,275	\$338,313	(\$27,074)	\$1,533,716	\$2,034,476	\$500,760

All amounts above are range of magnitude estimates and, as they are unaudited except where noted, they are subject to change at any time.

The above table reflects the Town's progress towards meeting the target reserve balances of 25% of the operating budgets. In order to meet these targets, each of the funds would require the following millage and/or assessment rate increases:

General Fund	.5640 mills	(exceeds maximum millage rate and requires 2/3 Council majority vote if levied single year)
Roads & Drainage Fund	\$ 25/unit	
Solid Waste Fund	\$ 85/unit	

It is of note that prior to becoming a dependent district, approximately \$100,000 was consider the minimum fund balance necessary in the Roads & Drainage Fund to fund expenses during the months of October through December when tax assessment revenue is not available.

The following is the trend of available reserves or fund balance for the last five fiscal years:

	FY 2016 AUDITED	FY 2017 AUDITED	FY 2018 AUDITED	FY 2019 ESTIMATED	FY 2020 PROJECTED	FY 2020 TARGETED
GENERAL	\$335,706 24%	\$428,975 24%	\$485,224 19%	\$585,224 26%	\$370,000 17%	\$564,000 26%
TRANSPORTATION (GAS TAXES)	\$935,067 -	\$902,564 -	\$126,093 -	\$134,093 -	\$50,093 -	\$50,093 -
LOCAL OPTION SURTAX (LOST)	- -	\$160,446 -	\$380,356 -	\$625,040 -	\$822,383 -	\$822,383 -
ROADS & DRAINAGE (DISTRICT)	\$186,356 13%	\$138,703 9%	\$241,257 12%	\$133,280 6%	\$244,161 14%	\$450,000 25%
SOLID WASTE	\$28,097 6%	(\$20,435) -7%	(\$8,655) -2%	\$84,951 15%	\$47,079 7%	\$173,000 25%
TOTAL ALL FUNDS	\$1,485,226	\$1,610,253	\$1,224,275	\$1,562,588	\$1,533,716	\$2,059,476

BUDGET IMPACT OF COVID-19

The budget process is overshadowed by the uncertain and unexpected impact of the novel coronavirus disease (COVID-19) on our local economy. The first positive cases in Florida were reported as March began. Since that time, federal, state, and local governments have been working to prevent the spread of this disease by educating people, encouraging social distancing, restricting or closing non-essential businesses, cancelling large gatherings, and finally, developing a statewide plan for a phased reopening. The impact on our region, which is heavily dependent on tourism, and the loss of revenue to the State & County, and accordingly to the Town, remains difficult to forecast.

ANTICIPATED REDUCTIONS IN REVENUES AS RESULT OF COVID-19

	FY 2020			FY 2021		TOTAL ANTICIPATED IMPACT
	BUDGET	PROJECTED	REDUCTION	PROJECTED	REDUCTION	
GENERAL	\$600,000	\$481,000	\$119,000	\$520,000	\$80,000	\$218,500
TRANSPORTATION (GAS TAX)	\$410,000	\$317,500	\$92,500	\$307,500	\$102,500	\$195,000
LOCAL OPTION SURTAX (LOST)	\$260,000	\$197,300	\$62,700	\$195,000	\$65,000	\$127,700
TOTAL ALL FUNDS	\$1,270,000	\$995,800	\$274,200	\$1,022,500	\$247,500	\$541,200

There is no one COVID economic benchmark to use to determine impact of lost revenues; ranges vary from 10% to as much as 50% and the other great unknown is the timeframe for which the impact will be experienced.

The above estimates are based on actual and estimated reduced collections for last half of FY 2020 of approximately 25% and anticipated reduced collections for the first half of FY 2021 resulting in overall lost revenues of between 20 to 25%.

Based on the above assumptions, the Town can expect lost revenues of ½ million dollars if COVID vaccine and/or herd immunity is achieved by calendar year end.

We intend to closely monitor revenues and expenditures in FY2021, and to present any changes to the projected economic outlook to the Council on a regular basis throughout the year. As the impacts of COVID-19 continue to evolve, we will recommend additional adjustments to this budget as needed. As noted above, there is no tax rate or maintenance assessment rate change recommended in this budget.

PUBLIC WORKS

The budget workshops were clear that the Council's priority is to put together a "back to basics" maintenance plan given that we do not have much equipment. Our current plan for Town maintenance and capital projects in the next year includes:

- Evaluating and formalizing the Town's existing and desired

- Standardized Maintenance Procedures
- Design Standards, including drainage and water quality
- Establishing a formalized integrated maintenance program for roads and drainage as well as for community “housekeeping”
- Identifying and evaluating piggyback contracts for road construction materials and, if advantageous, a turnkey project for rebuilding roadbeds as well as annual rock replenishment
- Utilization of piggyback contract as well as the possibility of local mowing agreements for maintenance including Rights of Way, multipurpose trails and canal bank landscaping as well as nuisance abatement
- Identifying and evaluating options for either resurfacing the most deteriorated portions of road under a best interest contract with original vendor or for cutting & patching roads built with Open-Graded Emulsified Mix (OGEM), including piggyback maintenance contracts or agreements for maintenance with other communities
- Developing scope and approach to replacement and/or rehabilitation of two culverts that are in significant distress

KEY CONTRACTUAL SERVICES

	2021	2020	2019	2018
	PROPOSED BUDGET	PROJECTED ACTUAL	BUDGET	ACTUAL
PUBLIC SAFETY (PBSO)	\$ 624,000	\$ 622,200	\$ 624,000	\$ 620,840
SOLID WASTE	\$ 654,500	\$ 649,448	\$ 580,000	\$ 549,854
MANAGEMENT SERVICES		\$ 97,200		\$ 448,498
LEGAL SERVICES (+MAGISTRATES)	\$ 143,000	\$ 143,890	\$ 143,000	\$ 217,722
ENGINEERING (KESHAVARZ)	\$ 175,000	\$ 210,031	\$ 175,000	\$ 64,387
LOBBYING (SLUGGETT)	\$ 60,000	\$ 75,000	\$ 25,000	\$ 96,000
PLANNING SERVICES (LRM)	\$ 45,000	\$ 90,957	\$ 45,000	\$ 60,280
IT SERVICES	\$ 70,000	\$ 54,698	\$ 70,000	\$ 123,293
INTERNAL AUDIT & ACCOUNTING	\$ 45,000	\$ 50,000	\$ 45,000	\$ 69,300
CODE ENFORCEMENT	\$ 60,000	\$ 33,300	\$ 100,000	\$ 33,618
TOTAL	\$ 1,903,500	\$ 2,048,724	\$ 1,823,000	\$ 2,331,190

PERSONNEL & HUMAN RESOURCES (HR)

The personnel and human resources (HR) costs in the budget include salaries and benefits of all employees which is currently a headcount of 14 positions, one of which has been part-time. The FY 2021 budget includes the same headcount for budgeting purposes; however, the staffing will likely be reconfigured based on opportunities for enhanced service delivery. For instance, we are evaluating a model where the Town would have an in-house Building Official with responsibility for all community services including code compliance and other operations. This would enable the Town to consolidate external contracts with the County and with outside vendors while at the same time bringing revenues back to the community to be reinvested in greater and more efficient services to residents and businesses.

The Town's total staffing costs are budgeted for FY 2021 and have been accounted for in prior years as shown in the table below. It is important to note that the table below does not include legal, engineering or planning consultant although it does include the previous management contract which included both a planning, zoning & building function as well as a code enforcement function for which staffing and an outside contract were added upon termination of the management contract. Additionally, FY 2019 includes both the management contract as well as salaries for staff previously provided under contract.

	FY 2021	FY 2020		FY 2019	FY 2018
	PROPOSED BUDGET	PROJECTED ACTUAL	BUDGET	ACTUAL	ACTUAL
REGULAR SALARIES	\$ 460,000	\$ 401,217	\$ 260,000	\$ 290,814	\$ -
FICA & MEDICARE	\$ 35,000	\$ 31,718	\$ 22,000	\$ 18,561	\$ -
FRS	\$ 50,000	\$ 48,682	\$ 50,000	\$ 66,236	\$ -
HEALTH, LIFE & DISABILITY	\$ 40,000	\$ 39,980	\$ 26,000	\$ 56,411	\$ -
WORKERS' COMPENSATION	\$ 1,500	\$ 188	\$ 1,500	\$ (3,885)	\$ -
GENERAL FUND	\$ 586,500	\$ 521,784	\$ 359,500	\$ 428,138	\$ -
REGULAR SALARIES	\$ 352,500	\$ 289,884	\$ 365,750	\$ 279,918	\$ 388,209
FICA & MEDICARE	\$ 25,000	\$ 21,143	\$ 30,000	\$ 14,430	\$ 30,456
FRS	\$ 45,000	\$ 44,801	\$ 32,000	\$ 44,093	\$ 35,386
HEALTH, LIFE & DISABILITY	\$ 50,000	\$ 24,526	\$ 50,000	\$ 44,932	\$ 56,260
WORKERS' COMPENSATION	\$ 10,000	\$ 10,000	\$ 10,000	\$ (7,567)	\$ 18,284
ROADS & DRAINAGE FUND	\$ 482,500	\$ 390,353	\$ 487,750	\$ 375,806	\$ 528,594
TOTAL ALL FUNDS	\$ 1,069,000	\$ 912,137	\$ 847,250	\$ 803,944	\$ 528,594
CONTRACTED SERVICES	\$ 110,000	\$ 147,000	\$ 350,000	\$ 253,591	\$ 495,737
COMBINED TOTAL	\$ 1,179,000	\$ 1,059,137	\$ 1,197,250	\$ 1,057,535	\$ 1,024,331

The current positions included in both the FY 2020 and proposed FY 2021 budget currently include:

- Town Manager
- Assistant Town Manager
- Town Clerk
- Accounting Technician
- Administrative Assistant
- 2 Office Coordinators
- Community Services/Permitting Technician
- Public Works Director
- Heavy Equipment Operator/Supervisor
- 2 Heavy Equipment Operator III
- 2 Heavy Equipment Operator I

As noted above, these positions may be subject to re-organization and title changes dependent upon evaluation of enhanced service model opportunities.

BUDGET SUMMARY**TOWN OF LOXAHATCHEE GROVES - FISCAL YEAR 2020-2021**

THE PROPOSED OPERATING BUDGET EXPENDITURES OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA ARE 6.49% MORE THAN LAST YEAR'S TOTAL OPERATING EXPENDITURES.

General Fund: at 3.0 MILLS							
ESTIMATED REVENUES	GENERAL	TRANSPORTATION	SURTAX	ROADS & DRAINAGE	CAPITAL PROJECTS	SOLID WASTE	TOTAL ALL FUNDS
Taxes: Millage Per \$1,000							
Ad Valorem Taxes: 3.0 MILLS	\$1,031,798						\$1,031,798
Assessments per Unit							\$0
Roads & Drainage: \$200 per unit				\$1,793,165			\$1,793,165
Solid Waste: \$450 per unit						\$617,590	\$617,590
Licenses & Permits	\$85,000						\$85,000
Utility Taxes	\$387,000						\$387,000
Franchise Fees	\$282,000						\$282,000
Charges For Services	\$86,500						\$86,500
Intergovernmental Rev	\$284,500	\$307,500	\$195,000			\$2,500	\$789,500
Fines & Forfeitures	\$17,000						\$17,000
Investment Income	\$5,000			\$5,700		\$500	\$11,200
Miscellaneous Revenues	\$10,000			\$2,000			\$12,000
TOTAL SOURCES	\$2,188,798	\$307,500	\$195,000	\$1,800,865	\$0	\$620,590	\$5,112,753
Transfers In				\$200,000	\$107,500	\$71,110	\$378,610
Fund Balances/Reserves/Net Assets					\$350,000		\$350,000
TOTAL REVENUE, TRANSFERS & BALANCES	\$2,188,798	\$307,500	\$195,000	\$2,000,865	\$457,500	\$691,700	\$5,841,363
ESTIMATED EXPENDITURES							
General Government	\$1,060,050						\$1,060,050
Public Safety							
Law Enforcement	\$624,000						\$624,000
PZB & Code	\$155,000						\$155,000
Physical Environment	\$78,000						\$78,000
Public Works		\$0		\$1,620,865			\$1,620,865
Solid Waste Services						\$682,200	\$682,200
Other Physical Environment							\$0
Non-departmental	\$122,000			\$74,000		\$9,500	\$205,500
Capital Outlay					\$457,500		\$457,500
Debt Service				\$306,000			\$306,000
Contingency						\$0	\$0
TOTAL EXPENDITURES	\$2,039,050	\$0	\$0	\$2,000,865	\$457,500	\$691,700	\$5,189,115
Non-Expenditures/Other Uses							\$0
Transfers Out	\$71,110	\$307,500					\$378,610
Fund Balances/Reserves/Net Assets	\$78,638		\$195,000				\$273,638
TOTAL APPROPRIATED EXPENDITURES TRANSFERS, RESERVES & BALANCES	\$2,188,798	\$307,500	\$195,000	\$2,000,865	\$457,500	\$691,700	\$5,841,363
THE TENTATIVE, ADOPTED, AND/OR FINAL BUDGETS ARE ON FILE IN THE OFFICE OF THE ABOVE-MENTIONED TAXING AUTHORITY AS A PUBLIC RECORD							

SUMMARY

The primary objective of the manager and staff in the preparation of this budget document is to present to the Council a budget plan which is within the legal framework established by state law and Town Charter/Code and to address the operational and general needs of the community for the coming fiscal year.

The tentative FY 2021 Budget with a 3.0 millage rate will be adopted by the Town Council at its first Public Hearing scheduled September 8th; and the process will be finalized through adoption September 22nd the second, final Public Hearing.

FUND STRUCTURE & FISCAL POLICIES

The accounts of the Town are organized based on funds, each of which is a separate accounting entity. The operations of each fund are accounted for with a separate set of self-balancing accounts, which is comprised of assets, liabilities, fund equity, revenues and expenditures or expenses. Government resources are allocated to and for individual funds based upon the purposes for which they are to be spent and the means by which spending activities are controlled.

The various funds are reported by classification in the accounting system and on the financial statements as follows:

Governmental Fund Types:

General Fund

Special Revenue Fund – used to account for the proceeds of specific revenue sources that are legally restricted to expenditures for specified purposes. General maintenance assessments are distributed into the Units of Development based on the services to be provided to that unit. Expenditures are also allocated to each Unit of Development within this fund as monies are spent on these services.

The Town has adopted a comprehensive series of fiscal policies which embody recognized sound financial management concepts. It is anticipated that these policies will be amended as necessary as part of the Town's annual budget process and reconfirmed each year as a part of budget development.

The fiscal policies are organized under four subject headings:

- General Fiscal Policy presents the overall guidelines for financial and accounting practices, including the basic framework for preparing the Town's operating and capital budgets, maintaining accounting records, and funding services on a non-discriminatory basis.
- Fiscal Policy for Operating Revenue, Expenditures, and Fund Balance/Net Assets outlines the policies for budgeting and accounting for revenue and expenditure requirements and providing adequate fund balance and net assets in the Town's various operating funds. This section includes several references to capital project funding in relation to the amount and type of support to be provided by the operating funds.
- Fiscal Policy for Investments provides guidelines for investing operating and capital balances.
- Fiscal Policy for Capital Revenue and Expenditures, and Debt Financing directly relates to the resources and requirements of the Capital Improvement Program. Included are overall policies on issuance of debt, as well as specific guidelines applicable to specific fund types.

The Town will normally adhere to these fiscal policies in the conduct of its operations. However, it must be noted that these policies are guidelines and not statutory limitations. Some of the policies, particularly regarding unassigned fund balance or unrestricted net assets, are designed as goals to be pursued, not necessarily achieved on an annual or ongoing basis. The Town reserves the right to deviate from any or all the fiscal policies if such action is determined by Town Council to be in the best interest of the Town.

GENERAL FISCAL POLICY

GENERAL GUIDELINES

1. The Annual Operating Budget of the Town of Loxahatchee Groves, Florida, shall balance the public service needs of the community with the fiscal capabilities of the Town. It is intended to achieve those goals and objectives established by the Council for the next fiscal year. Service programs will represent a balance of services, but with special emphasis on the Town's public safety, environmental health, and economic development. Services shall be provided on a most cost-effective basis.
2. New programs, services, or facilities shall be based on general citizen demand, need, or legislative mandate, and ability of funding.
3. The Town shall provide funding for public services on a fair and equitable basis and shall not discriminate in providing such services based on race, color, national origin, religion, sex, sexual preference, marital status, age, or disability.

SPECIFIC GUIDELINES

1. The Town recognizes that its citizens deserve a commitment from the Town for fiscal responsibility, and that a balanced operating budget is the cornerstone of fiscal responsibility. Operating expenditures will be fiscally balanced with revenues that can be expected to be received during the fiscal year. New programs or changes in policies that would require the expenditure of additional operating funds will be funded either through a reduction in programs of lower priority or through adjustments to rates, service charges or taxes. Requests for new or changes to programs or policy will be accompanied by an analysis of the short and long-term impact on the operational budget caused by such change or new program or policy.
2. The Town will maintain adequate minimum fund balance/net assets in the Town's various operating funds to provide the capacity to: a) provide sufficient cash flow for daily financial needs, b) secure and maintain investment grade bond ratings, c) provide funds for unforeseen expenditures related to emergencies. General fund will maintain fund balance categories in accordance with GASB Statement 54 Fund Balance Reporting and Governmental Fund Type Definitions. Within the governmental funds of the Town, fund balance shall be composed of Non-spendable, Restricted, Committed, Assigned, and Unassigned amounts.
 - Non-spendable fund balance consists of amounts that are not in spendable form such as inventory and prepaid items.
 - Restricted fund balance consists of amounts which can be spent only for the specific purposes stipulated by external resource providers such as creditors and grantors or imposed by law through constitutional provisions or enabling legislation.
 - Committed fund balance consists of amounts that can be used only for specific purposes determined by formal action of the Council, the Town's highest level of decision-making authority, and may be changed only by the same formal action.

- Assigned fund balance consists of amounts that the Town intends to use for specific purposes that are neither restricted nor committed; the intent shall be expressed by the Town Manager.
- Unassigned fund balance is the residual amounts available for any purpose for the General fund and includes amounts that are not contained in the other classifications.

With regard to the spending order of the fund balances, the Town uses restricted amounts to be spent first when both restricted and unrestricted fund balance is available unless there are legal documents/contracts that prohibit doing so, such as in grant agreements requiring dollar for dollar spending. Additionally, the Town would first use committed fund balance, followed by assigned fund balance and then unassigned fund balance when expenditures are incurred for purposes for which amounts in any of the unrestricted fund balance classifications could be used.

3. The Town shall prepare and implement a Capital Improvement Program (CIP), consistent with State requirements, which shall schedule the funding and construction of projects for a five-year period, including a one-year CIP Budget. The Capital Improvement Program shall balance the needs for improved public facilities and infrastructure, consistent with the Town's Comprehensive Plan, within the fiscal capabilities of the Town.
4. The Town shall maintain its accounting records in accordance with generally accepted accounting principles (GAAP), applied to governmental units as promulgated by the Governmental Accounting Standards Board (GASB) and the Financial Accounting Standards Board (FASB).
5. The Town shall maintain its capital and non-capital asset records in accordance with the policy and procedures set forth by the Town Manager. Individual asset costing \$5,000 or more shall be capitalized. However, non-capital mobile assets costing \$1,000 or more and electronic equipment shall be tracked for inventory purposes. Asset inventory shall be performed annually to ensure the accountability of Town assets. Missing assets shall be reported to appropriate law enforcement and Town Council.
6. Budgets and expenditures for the Town shall be under Council appropriation control at the departmental level.
7. Inter-fund loans must be supported by a fiscally sound source of funds available for repayment.
8. Preparation of the Town's Budget shall be in such format as to allow correlation with the costs reported in the Town's Comprehensive Annual Financial Report, with content of said Budget to include that required by Town Charter, Florida Statute, or as later revised by Resolution of the Town Council. Detailed estimates shall be by account at the division or program level and summarized and adopted at departmental level.
9. An analysis shall be made to determine the project life cycle cost of ownership where it is proposed that facilities be leased or rented, and if such cost will commit the Town to \$50,000 or more in any one year.

FISCAL POLICY FOR OPERATING REVENUE, EXPENDITURES & FUND BALANCE/NET ASSETS

GENERAL GUIDELINES

1. Revenue

- a. Revenue projections will be based on an analysis of historical trends and reasonable assumptions made on a conservative basis of future conditions to ensure that estimates are realized.
- b. The Town will not use long-term debt to finance expenditures required for current operations.
- c. As a rule, operating budgets will be balanced using current year revenues to finance current year expenditures. Unassigned fund balance shall not normally be budgeted as a resource to support routine annual operating expenses. However, balances exceeding the policy targets may be budgeted as a resource to support capital, debt, or extraordinary major maintenance needs on a non-recurring basis, or for specific purposes, as designated.

2. Expenditures

- a. Normal maintenance requirements necessary to sustain the basic asset value will be included in the expenditure budget of the proper operating fund.
- b. Funding will be provided for major improvements and automation of services based on multiple-year planning, appropriate cost-benefit analysis, and life cycle costing.
- c. Future capital improvement requirements and equipment replacement will be included in operating budget plans or in the CIP. The annual amount set aside to provide reserves for future capital requirements, will be tailored to the needs of the specific operation, if not established by bond resolution, and will be above the specified fund balance or net assets.

3. Unassigned Fund Balance/ Unrestricted Net Assets

- a. Maintaining an adequate fund balance or net assets is essential to the Town's financial health. The unassigned fund balance for fiscal reserve and unrestricted net assets will be considered adequate between a minimum of 25% and a maximum of 30% of the current year's operating appropriations, including transfers, for the General Fund; a minimum of 0% and a maximum of 25% of the current year's operating appropriations, including transfers, will be considered adequate unrestricted net assets for the Enterprise Operating Funds.
- b. Amounts above those indicated in paragraph 3.a. may be assigned or committed within unassigned fund balance or unrestricted net assets for non-recurring purposes.
- c. The balances of each fund will be maintained by using a conservative approach in estimating revenues and by ensuring expenditures do not exceed appropriations.
- d. Any anticipated deficit of operating expenditures over revenues at year-end will be provided for in the current year's budget amendment process through fund balance/net asset appropriations.
- e. In the event that sufficient unassigned fund balance/unrestricted net asset targets are not met, a proposed revenue enhancement and/or service level reduction plan to achieve the target shall be submitted to the Council for the subsequent year budget consideration. The replenishment to the expected minimum level shall be completed within five years.

SPECIFIC GUIDELINES

1. General Fund

- a. The General Fund is the principal operating fund of the Town and will account for activities not reported in another type of fund for legal or managerial reasons.
- b. The operating budget of the General Fund will be prepared based on 95% of the certified taxable value of the property tax roll and conservative estimates of other sources of General Fund revenue.
- c. Service charges and user fees for all General Fund services will be analyzed to ensure an appropriate proportional recovery of direct costs and overhead.

2. Special Revenue Funds

- a. Special revenue funds will be used to account for specific revenue sources that are restricted to expenditures for specific purposes. Dedicated operations that cover only a substantial portion of their costs by user fees and charges, and therefore require ongoing operating subsidies, will be classified as special revenue funds.

3. Proprietary or enterprise Funds

- a. Proprietary funds will be used to account for those activities where the costs are expected to be funded by user fees and charges.
- b. Proprietary Funds will pay the General Fund their proportionate share of the cost of general administrative departments. Solid Waste is able to produce sufficient revenue from service charges to fully recover all direct operating costs and overhead. Initial startup of operations or specific circumstances may require an individual enterprise to be subsidized for a limited period of time; however, it is fully expected that these operations will be totally self-supporting over time and will repay any subsidy to the General Fund as revenues permit.
- c. Service charges rent and fee structures will be established to ensure recovery of all costs.
- d. The expenditure requirements of the Proprietary Funds will include all expenses of the operations, as well as any transfers to capital project funds and debt service funds.
- e. A review of service cost and rate structures for Solid Waste charges will be performed on an annual basis. The adopted budget will set forth the cost requirements to be recovered by the service charges, which will be based on the cost of services provided.

FISCAL POLICY FOR INVESTMENTS

GENERAL GUIDELINES

1. The investment of Town funds shall be controlled by the Town's "Investment Policy" and shall conform to Florida Statutes Chapters 166.261 and 218.415.
2. Sufficient operating funds are to be deposited with a Qualified Florida Public Depository. The balance of investible cash may be deposited with the investment pools of the State or the Florida League of Cities,

or be invested in authorized money market funds and other investment vehicles held at other asset management firms as defined in the Town investment policy, if applicable.

3. Bond or loan proceeds for construction and reserve funds are to be held in a qualified financial institution or LGIP type of pool, separate from the Town's operating accounts, if applicable. The proceeds temporarily invested are excluded from the investment portfolio for the purpose of calculating maximum exposure per investment service provider.

FISCAL POLICY FOR CAPITAL REVENUE AND EXPENDITURES AND DEBT FINANCING

GENERAL GUIDELINES

1. Revenue
 - a. Revenue projections for the one-year Capital Improvement Program Budget and five-year Capital Improvement Program Plan shall be based on conservative assumptions of dedicated revenue sources.
2. Expenditures
 - a. Capital projects shall be justified in relation to the Town's Comprehensive Plan.
 - b. Estimated requirements for capital projects shall include all costs reasonably associated with the completion of the project.
 - c. The impact of each project on the operating revenues and expenditures of the Town shall be analyzed as required by the General Fiscal Policy stated above.
 - d. Consistent with IRS regulations, debt repayment will not exceed the average life of improvements.
3. Debt Financing

The Town can only enter into Debt obligations of any form through a Referendum of the Electorate pursuant to Town of Loxahatchee Groves Charter Section 6. Budget and Appropriations. (5) Bonds; Indebtedness (a).

- a. Long Term Debt: Annual debt service payments may be structured to provide level cost over the life of a bond issue, unless fiscal or other constraints dictate an alternative approach. A policy of full disclosure will be followed in all financial reports and official statements for debt.
- b. Medium Term Debt: Lease-purchase agreements, bonds, loans, or other debt instruments may be used as a medium-term (3 to 10 years) method of borrowing for the financing of vehicles, other specialized types of equipment, or other capital improvements. The equipment or improvement must have an expected life of more than three years. The Town will determine and utilize the least costly financing methods available. Such debt arrangements will be repaid within the expected life of the equipment or improvement acquired.
- c. Short Term Debt: Short-Term borrowing may be utilized for temporary funding of anticipated tax revenues; anticipated grant payments, anticipated bond proceeds, or other expected revenues. Anticipated funding is defined as an assured revenue source with the anticipated amount based on conservative estimates. Such borrowing may utilize a short-term note maturing before the end of the

current appropriation period. Other short-term debt, such as tax-exempt commercial paper, bond anticipation notes, tax anticipation notes, or grant anticipation notes, may be used when it provides immediate financing and an interest advantage, or delays long-term debt until market conditions are more favorable. The Town will determine and utilize the least costly method for short-term borrowing. Short-term debt may be refunded in accordance with applicable Federal laws.

SPECIFIC GUIDELINES

1. General Capital Improvements: General capital improvements, or those improvements not related to Town-owned enterprises, may be funded from General Fund revenues or fund balances, the sale of revenue bonds or general obligation bonds/loans, and from special revenues, special assessments and grants.
 - a. Pay-As-You-Go Capital Improvements: Pay-as-you-go capital improvements may be funded from General Fund revenues or fund balances, state and federal grants, special assessments, or other sources of revenue which may become available to the Town. Major capital projects related to the delivery of general public services shall be paid from general purpose revenues. It is recognized that the allocation of funds in any given year of the program may vary significantly from these parameters due to prioritization and scheduling of projects.
 - b. Special Assessments: When special assessments are used, the interest rate charged will be established by Town Council consistent with State law.
 - c. Revenue Bond Debt Limit: Sale of revenue bonds for capital improvements will be limited to that amount which can be supported from the pledge of the specific revenue.
2. Enterprise Capital Improvements: Enterprise funds improvements may be funded from operating revenue or unrestricted net assets, the sale of revenue bonds, loans, special assessments and grants.
 - a. Pay-As-You-Go Capital Improvements: Enterprise funds may support needed capital improvements on a pay-as-you-go basis from operating revenues or from unrestricted net assets, assessments, and grants. Major capital projects related to the delivery of Town owned enterprises will be paid from the revenue of that enterprise fund.
 - b. Special Assessments: When special assessments are used for enterprise-related improvements, the interest rate charged will be established by Town Council consistent with State law.
 - c. Revenue bond Debt Limit: Sale of revenue bonds will be limited to that amount which can be supported from user fees generated, or combination of other revenues.

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155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 6

TO: Town Council of Town of Loxahatchee Groves

FROM: James Titcomb, Town Manager

DATE: September 1, 2020

SUBJECT: Comments from Public regarding the Proposed Tentative Millage Rate and Budget

Public comment is invited on the proposed tentative millage rate and budget.

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155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 7

TO: Town Council of Town of Loxahatchee Groves

FROM: Francine Ramaglia, Assistant Town Manager

VIA: James Titcomb, Town Manager

DATE: September 1, 2020

SUBJECT: First Public Hearing for Proposed Fiscal Year 2020/2021 Millage Rate and Adoption of the Fiscal Year 2020/2021 Budget including related Fiscal Policies

Background:

Florida Statutes Chapter 200.065 sets forth the procedures to follow for each local government in adoption of the annual property tax millage, levy, and budget. In accordance with these regulations, the millage rate is applied to the June 25, 2020 certified total taxable value of \$354,121,204 to calculate the ad valorem revenue for the Fiscal Year 2020/2021 budget. The proposed millage rate of 3.0 mills is the same as it was in Fiscal Year 2019/2020 as well as the same as the preliminary TRIM rate adopted on July 7, 2020. Although the same rate as in the prior year, this same proposed millage rate is 6.49% above the rollback rate of 2.8172 mills. The proposed millage rate generates property tax revenues of \$1,086,103 which is an increase of \$73,105 from Fiscal Year 2019/2020 property tax revenues (these amounts are at 100% without consideration to discounts and collection fees. As budgeted by law at 95%, revenues are \$1,031,798 representing an increase of \$69,450).

The proposed budget for all funds totaling \$5.8 million maintains funding for existing levels of service. Council held budget workshops on July 21st and August 18th to discuss the proposed operating and capital budgets. The FAAC also provided recommendations which were included in the workshop discussion

This is the first public hearing on the proposed budget and the corresponding ad valorem millage rate in accordance with Florida Statutes Chapter 200.065. The second public hearing and adoption is to be held on September 22, 2020.

Recommendations:

Staff recommends Council approval of:

- Resolution No. 2020-15 adopting the tentative millage rate for Fiscal Year 2020/2021, directing the advertisement for the second Public Hearing on September 22, 2020
- Resolution No. 2020-16 adopting the proposed Fiscal Year 2020/2021 budget, including balances brought forward, and related fiscal policies.

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RESOLUTION NO. 2020-15

A RESOLUTION OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ESTABLISHING THE TENTATIVE MILLAGE FOR THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PURSUANT TO THE BUDGET SUMMARY FOR THE FISCAL YEAR 2020-2021, IN ACCORDANCE WITH CHAPTER 200, FLORIDA STATUTES, AS AMENDED; SETTING FORTH THE DATE, TIME AND PLACE FOR THE SECOND AND FINAL PUBLIC HEARING TO ADOPT THE TOWN'S MILLAGE RATE FOR THE FISCAL YEAR 2020-2021 AND DIRECTING PUBLICATION OF NOTICE THEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the tentative budget has been prepared, estimating the expenses and revenues for the Town of Loxahatchee Groves, Florida (the "Town"), for the ensuing year, with detailed information, including revenues to be derived from sources other than ad valorem levy, and also containing certain recommendations as to the amounts necessary to be appropriate for funding the activities of the Town for the ensuing year; and

WHEREAS, pursuant to Chapter 200, Florida Statutes, as amended (the "Statute"), a method is prescribed for fixing the millage for the purpose of establishing the basis for the collection of said funds; and

WHEREAS, the Town, pursuant to Florida law, desires to set its tentative millage rate for the Fiscal Year 2020-2021 General Fund Budget at 3.00 mills, a decrease/increase of 6.49% from the 2019-2020 rolled-back millage rate of 2.8172 mills, and to set the second public hearing for adoption of the Town's millage rate for the Fiscal Year 2020-2021 for September 22, 2020.

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

Section 1. Each "WHEREAS" clause set forth above is true and correct and herein incorporated by this reference.

Section 2. The Town Council, pursuant to Florida law, conducted its first duly noticed public hearing to establish its proposed annual millage for the Fiscal Year 2020/2021 on July 7, 2020 at 7:00 p.m. at the Town Hall, in the Town of Loxahatchee Groves, Florida.

Section 3. The Town Council hereby sets its tentative millage rate for the Fiscal Year 2020/2021 at 3.00 mills, a decrease/increase of 6.49% from the 2019/2020 rolled-back millage rate of 2.8172 mills.

Section 4. Pursuant to the Statute, the Town Council shall conduct its second and final public hearing to adopt its annual millage rate for the Fiscal Year 2020/2021 on September 22, 2020, at 7:00 p.m., at the Town Hall, 155 "F" Road, and Town of Loxahatchee Groves, Florida.

Section 5. The Town Manager and the Town Clerk are herein authorized and directed to prepare and publish the necessary advertisements for the public hearing scheduled in Section 4 herein.

Section 6. If any clause, section, or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and shall in no way affect the validity of the remaining portions of this Resolution.

Section 7. All resolutions or parts of resolutions may conflict herewith are hereby repealed to the extent of such conflict.

Section 8. This Resolution shall become effective immediately upon its adoption.

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

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
Lisa El-Ramey, Mayor	☐	☐	☐
Marge Herzog, Vice Mayor	☐	☐	☐
Laura Danowski, Councilmember	☐	☐	☐
Phillis Maniglia, Councilmember	☐	☐	☐
Robert Shorr, Councilmember	☐	☐	☐

**PASSED AND ADOPTED BY THE TOWN OF LOXAHATCHEE GROVES, FLORIDA,
THIS 8th DAY OF September 2020.**

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakisha Burch, Town Clerk

Mayor Lisa El-Ramey

Vice Mayor Marge Herzog

APPROVED AS TO LEGAL FORM:

R. Brian Shutt, Office of the Town Attorney

Council Member Laura Danowski

Council Member Phillis Maniglia

Council Member Robert Shorr



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 8

TO: Town Council of Town of Loxahatchee Groves
FROM: Lakisha Burch, Town Clerk
VIA: James Titcomb, Town Manager
DATE: September 1, 2020
SUBJECT: Rolled Back Millage Announcement Town Council Meeting, September 8, 2020

The FY 2020/2021 operating millage rate of 3.0000 mills is greater than the rolled-back rate of 2.8172 mills by 6.49%.

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TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2020-16

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING A TENTATIVE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021; SETTING FORTH THE DATE, TIME AND PLACE FOR THE SECOND PUBLIC HEARING FOR THE ADOPTION OF THE TOWN'S BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020, ADOPTING THE FISCAL POLICIES; AND DIRECTING PUBLICATION OF NOTICE THEREOF; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, a tentative budget has been prepared by the Town, estimating expenditures and revenues of the Town for the ensuing year, with detailed information, including revenues to be derived from sources other than ad valorem levy, and recommendations have been made as to the amount necessary to be appropriated for the ensuing year; and

WHEREAS, the preliminary millage and budget estimates, in conformity with the Town Charter, and applicable requirements of Florida law, have been filed with the Office of the Town Clerk and Palm Beach County Property Appraiser's Office, and have been open for inspection by the public, and

WHEREAS, a duly noticed public hearing for the approval of a tentative budget for the Fiscal Year beginning October 1, 2020, will be held on September 8, 2020, and the Town Council desires to set the date, time and place for the second public hearing for adoption of the Town's final budget for the Fiscal Year beginning October 1, 2020.

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

Section 1. Each "WHEREAS" clause set forth above is true and correct and herein incorporated by this reference.

Section 2. The budget estimates, a copy of which are attached hereto and expressly made a part hereof as Exhibit "A", are hereby adopted as the Town's tentative Budget for the Fiscal Year beginning October 1, 2020.

Section 3. The second public hearing for the adoption of the Town's budget for the Fiscal Year beginning October 1, 2020, shall be conducted on September 22, 2020, at 7:00 p.m., at the Town of Loxahatchee Groves Town Hall, 155 F Road, Loxahatchee Groves, Florida.

Section 4. The Fiscal Policies, a copy of which are attached hereto and expressly made a part hereof as Exhibit "B," are hereby adopted.

Section 5. The Town Manager and the Town Clerk are herein authorized and directed to prepare and publish the necessary advertisements for the public hearing scheduled in Section 3 herein.

Section 6. If any clause, section, or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and shall in no way affect the validity of the remaining portions of this Resolution.

Section 7. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 8. This Resolution shall become effective immediately upon its passage and adoption.

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

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
Lisa El-Ramey, Mayor	☐	☐	☐
Marge Herzog, Vice Mayor	☐	☐	☐
Laura Danowski, Councilmember	☐	☐	☐
Phillis Maniglia, Councilmember	☐	☐	☐
Robert Shorr, Councilmember	☐	☐	☐

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, UPON FIRST PUBLIC HEARING THIS 8th DAY OF September 2020.

ATTEST:

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

Lakisha Burch, Town Clerk

Mayor Lisa El-Ramey

Vice-Mayor Marge Herzog

APPROVED AS TO LEGAL FORM:

Council Member Laura Danowski

R. Brian Shutt, Office of the Town Attorney

Council Member Phillis Maniglia

Council Member Robert Shorr

EXHIBIT "A"

TOWN OF LOXAHATCHEE GROVES - Fiscal Year 2020 - 2021

THE PROPOSED OPERATING BUDGET EXPENDITURES OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA ARE 6.49% MORE THAN LAST YEAR'S TOTAL OPERATING EXPENDITURES.

General Fund: at 3.0 MILLS							
ESTIMATED REVENUES	GENERAL	TRANSPORTATION	SURTAX	ROADS & DRAINAGE	CAPITAL PROJECTS	SOLID WASTE	TOTAL ALL FUNDS
Taxes: Millage Per \$1,000							
Ad Valorem Taxes: 3.0 MILLS	\$1,031,798						\$1,031,798
Assessments per Unit							\$0
Roads & Drainage: \$200 per unit				\$1,793,165			\$1,793,165
Solid Waste: \$450 per unit						\$617,590	\$617,590
Licenses & Permits	\$85,000						\$85,000
Utility Taxes	\$387,000						\$387,000
Franchise Fees	\$282,000						\$282,000
Charges For Services	\$86,500						\$86,500
Intergovernmental Rev	\$284,500	\$307,500	\$195,000			\$2,500	\$789,500
Fines & Forfeitures	\$17,000						\$17,000
Investment Income	\$5,000			\$5,700		\$500	\$11,200
Miscellaneous Revenues	\$10,000			\$2,000			\$12,000
TOTAL SOURCES	\$2,188,798	\$307,500	\$195,000	\$1,800,865	\$0	\$620,590	\$5,112,753
Transfers In				\$200,000	\$107,500	\$71,110	\$378,610
Fund Balances/Reserves/Net Assets					\$350,000		\$350,000
TOTAL REVENUE, TRANSFERS & BALANCES	\$2,188,798	\$307,500	\$195,000	\$2,000,865	\$457,500	\$691,700	\$5,841,363
ESTIMATED EXPENDITURES							
General Government	\$1,060,050						\$1,060,050
Public Safety							
Law Enforcement	\$624,000						\$624,000
PZB & Code	\$155,000						\$155,000
Physical Environment	\$78,000						\$78,000
Public Works		\$0		\$1,620,865			\$1,620,865
Solid Waste Services						\$682,200	\$682,200
Other Physical Environment							\$0
Non-departmental	\$122,000			\$74,000		\$9,500	\$205,500
Capital Outlay					\$457,500		\$457,500
Debt Service				\$306,000			\$306,000
Contingency						\$0	\$0
TOTAL EXPENDITURES	\$2,039,050	\$0	\$0	\$2,000,865	\$457,500	\$691,700	\$5,189,115
Non-Expenditures/Other Uses							\$0
Transfers Out	\$71,110	\$307,500					\$378,610
Fund Balances/Reserves/Net Assets	\$78,638		\$195,000				\$273,638
TOTAL APPROPRIATED EXPENDITURES TRANSFERS, RESERVES & BALANCES	\$2,188,798	\$307,500	\$195,000	\$2,000,865	\$457,500	\$691,700	\$5,841,363

THE TENTATIVE, ADOPTED, AND/OR FINAL BUDGETS ARE ON FILE IN THE OFFICE OF THE ABOVE MENTIONED TAXING AUTHORITY AS A PUBLIC RECORD

EXHIBIT “B”

Fiscal Policies

The Town of Loxahatchee Groves has adopted a comprehensive series of fiscal policies which embody recognized sound financial management concepts. It is anticipated that these policies will be amended as necessary as part of the Town’s annual budget process and reconfirmed each year as a part of budget development.

The fiscal policies are organized under four subject headings:

- General Fiscal Policy presents the overall guidelines for financial and accounting practices, including the basic framework for preparing the Town’s operating and capital budgets, maintaining accounting records, and funding services on a non-discriminatory basis.
- Fiscal Policy for Operating Revenue, Expenditures, and Fund Balance/Net Assets outlines the policies for budgeting and accounting for revenue and expenditure requirements and providing adequate fund balance and net assets in the Town’s various operating funds. This section includes several references to capital project funding in relation to the amount and type of support to be provided by the operating funds.
- Fiscal Policy for Investments provides guidelines for investing operating and capital balances.
- Fiscal Policy for Capital Revenue and Expenditures, and Debt Financing directly relates to the resources and requirements of the Capital Improvement Program. Included are overall policies on issuance of debt, as well as specific guidelines applicable to specific fund types.

The Town will normally adhere to these fiscal policies in the conduct of its operations. However, it must be noted that these policies are guidelines and not statutory limitations. Some of the policies, particularly with regard to unassigned fund balance or unrestricted net assets, are designed as goals to be pursued, not necessarily achieved on an annual or ongoing basis. The Town reserves the right to deviate from any or all of the fiscal policies if such action is determined by Town Council to be in the best interest of the Town.

I. GENERAL FISCAL POLICY

A. GENERAL GUIDELINES

1. The Annual Operating Budget of the Town of Loxahatchee Groves, Florida, shall balance the public service needs of the community with the fiscal capabilities of the Town. It is intended to achieve those goals and objectives established by the Council for the next fiscal year. Service programs will represent a balance of services, but with special emphasis on the Town’s public safety, environmental health, and economic development. Services shall be provided on a most cost-effective basis.

2. New programs, services, or facilities shall be based on general citizen demand, need, or legislative mandate, and ability of funding.
3. The Town shall provide funding for public services on a fair and equitable basis and shall not discriminate in providing such services on the basis of race, color, national origin, religion, sex, sexual preference, marital status, age, or disability.

B. SPECIFIC GUIDELINES

1. The Town recognizes that its citizens deserve a commitment from the Town for fiscal responsibility, and that a balanced operating budget is the cornerstone of fiscal responsibility. Operating expenditures will be fiscally balanced with revenues that can be expected to be received during the fiscal year. New programs or changes in policies that would require the expenditure of additional operating funds will be funded either through a reduction in programs of lower priority or through adjustments to rates, service charges or taxes. Requests for new or changes to programs or policy will be accompanied by an analysis of the short and long-term impact on the operational budget caused by such change or new program or policy.
2. The Town will maintain adequate minimum fund balance/net assets in the Town's various operating funds to provide the capacity to: a) provide sufficient cash flow for daily financial needs, b) secure and maintain investment grade bond ratings, c) provide funds for unforeseen expenditures related to emergencies. General fund will maintain fund balance categories in accordance with GASB Statement 54 Fund Balance Reporting and Governmental Fund Type Definitions. Within the governmental funds of the Town, fund balance shall be composed of Non-spendable, Restricted, Committed, Assigned, and Unassigned amounts.
 - Non-spendable fund balance consists of amounts that are not in spendable form such as inventory and prepaid items.
 - Restricted fund balance consists of amounts which can be spent only for the specific purposes stipulated by external resource providers such as creditors and grantors or imposed by law through constitutional provisions or enabling legislation.
 - Committed fund balance consists of amounts that can be used only for specific purposes determined by formal action of the Council, the Town's highest level of decision-making authority, and may be changed only by the same formal action.
 - Assigned fund balance consists of amounts that the Town intends to use for specific purposes that are neither restricted nor committed; the intent shall be expressed by the Town Manager.
 - Unassigned fund balance is the residual amounts available for any purpose for the General fund and includes amounts that are not contained in the other classifications.

With regard to the spending order of the fund balances, the Town uses restricted amounts to be spent first when both restricted and unrestricted fund balance is available unless there are legal documents/contracts that prohibit doing so, such as in grant agreements requiring dollar for dollar spending. Additionally, the Town would first use committed fund balance, followed by assigned fund balance and then unassigned fund balance when expenditures are incurred for purposes for which amounts in any of the unrestricted fund balance classifications could be used.

3. The Town shall prepare and implement a Capital Improvement Program (CIP), consistent with State requirements, which shall schedule the funding and construction of projects for a five-year period, including a one-year CIP Budget. The Capital Improvement Program shall balance the needs for improved public facilities and infrastructure, consistent with the Town's Comprehensive Plan, within the fiscal capabilities of the Town.
4. The Town shall maintain its accounting records in accordance with generally accepted accounting principles (GAAP), applied to governmental units as promulgated by the Governmental Accounting Standards Board (GASB) and the Financial Accounting Standards Board (FASB).
5. The Town shall maintain its capital and non-capital asset records in accordance with the policy and procedures set forth by the Town Manager. Individual asset costing \$5,000 or more shall be capitalized. However, non-capital mobile assets costing \$1,000 or more and electronic equipment shall be tracked for inventory purposes. Asset inventory shall be performed annually to ensure the accountability of Town assets. Missing assets shall be reported to appropriate law enforcement and Town Council.
6. Budgets and expenditures for the Town shall be under Council appropriation control at the departmental level.
7. Inter-fund loans must be supported by a fiscally sound source of funds available for repayment.
8. Preparation of the Town's Budget shall be in such format as to allow correlation with the costs reported in the Town's Comprehensive Annual Financial Report, with content of said Budget to include that required by Town Charter, Florida Statute, or as later revised by Resolution of the Town Council. Detailed estimates shall be by account at the division or program level and summarized and adopted at departmental level.
9. An analysis shall be made to determine the project life cycle cost of ownership where it is proposed that facilities be leased or rented, and if such cost will commit the Town to \$50,000 or more in any one year.

II. FISCAL POLICY FOR OPERATING REVENUE, EXPENDITURES AND FUND BALANCE/NET ASSETS

A. GENERAL GUIDELINES

1. Revenue

- a. Revenue projections will be based on an analysis of historical trends and reasonable assumptions made on a conservative basis of future conditions to ensure that estimates are realized.
- b. The Town will not use long-term debt to finance expenditures required for current operations.
- c. As a general rule, operating budgets will be balanced using current year revenues to finance current year expenditures. Unassigned fund balance shall not normally be budgeted as a resource to support routine annual operating expenses. However, balances exceeding the policy targets may be budgeted as a resource to support capital, debt, or extraordinary major maintenance needs on a non-recurring basis, or for specific purposes, as designated.

2. Expenditures

- a. Normal maintenance requirements necessary to sustain the basic asset value will be included in the expenditure budget of the proper operating fund.
- b. Funding will be provided for major improvements and automation of services based on multiple-year planning, appropriate cost-benefit analysis, and life cycle costing.
- c. Future capital improvement requirements and equipment replacement will be included in operating budget plans or in the CIP. The annual amount set aside to provide reserves for future capital requirements, will be tailored to the needs of the specific operation, if not established by bond resolution, and will be above the specified fund balance or net assets.

3. Unassigned Fund Balance/ Unrestricted Net Assets

- a. Maintaining an adequate fund balance or net assets is essential to the Town's financial health. The unassigned fund balance for fiscal reserve and unrestricted net assets will be considered adequate between a minimum of 25% and a maximum of 30% of the current year's operating appropriations, including transfers, for the General Fund; a minimum of 25% and a maximum of 30% of the current year's operating appropriations, including transfers, for the Roads & Drainage Fund; a minimum of 25% and a maximum of 35%

of the current year's operating appropriations, including transfers, will be considered adequate unrestricted net assets for the Enterprise Operating Funds.

- b. Amounts above those indicated in paragraph 3.a. may be assigned or committed within unassigned fund balance or unrestricted net assets for non-recurring purposes.
- c. The balances of each fund will be maintained by using a conservative approach in estimating revenues and by ensuring expenditures do not exceed appropriations.
- d. Any anticipated deficit of operating expenditures over revenues at year-end will be provided for in the current year's budget amendment process through fund balance/net asset appropriations.
- e. In the event that sufficient unassigned fund balance/unrestricted net asset targets are not met, a proposed revenue enhancement and/or service level reduction plan to achieve the target shall be submitted to the Council for the subsequent year budget consideration. The replenishment to the expected minimum level shall be completed within five years.

B. SPECIFIC GUIDELINES

1. General Fund

- a. The General Fund is the principal operating fund of the Town and will account for activities not reported in another type of fund for legal or managerial reasons.
- b. The operating budget of the General Fund will be prepared based on 95% of the certified taxable value of the property tax roll and conservative estimates of other sources of General Fund revenue.
- c. Service charges and user fees for all General Fund services will be analyzed to ensure an appropriate proportional recovery of direct costs and overhead.

2. Special Revenue Funds

- a. Special revenue funds will be used to account for specific revenue sources that are restricted to expenditures for specific purposes. Dedicated operations that cover only a substantial portion of their costs by user fees and charges, and therefore require ongoing operating subsidies, will be classified as special revenue funds.

3. Proprietary or enterprise Funds

- a. Proprietary funds will be used to account for those activities where the costs are expected to be funded by user fees and charges.
- b. Proprietary Funds will pay the General Fund their proportionate share of the cost of general administrative departments. Solid Waste is able to produce sufficient revenue from service charges to fully recover all direct operating costs and overhead. Initial startup of operations or specific circumstances may require an individual enterprise to be subsidized for a limited period of time; however, it is fully expected that these operations will be totally self-supporting over time and will repay any subsidy to the General Fund as revenues permit.
- c. Service charges rent and fee structures will be established to ensure recovery of all costs.
- d. The expenditure requirements of the Proprietary Funds will include all expenses of the operations, as well as any transfers to capital project funds and debt service funds.
- e. A review of service cost and rate structures for Solid Waste charges will be performed on an annual basis. The adopted budget will set forth the cost requirements to be recovered by the service charges, which will be based on the cost of services provided.

III. FISCAL POLICY FOR INVESTMENTS

A. GENERAL GUIDELINES

1. The investment of Town funds shall be controlled by the Town's "Investment Policy" and shall conform to Florida Statutes Chapters 166.261 and 218.415.
2. Sufficient operating funds are to be deposited with a Qualified Florida Public Depository. The balance of investible cash may be deposited with the investment pools of the State or the Florida League of Cities, or be invested in authorized money market funds and other investment vehicles held at other asset management firms as defined in the Town investment policy, if applicable.
3. Bond or loan proceeds for construction and reserve funds are to be held in a qualified financial institution or LGIP type of pool, separate from the Town's operating accounts, if applicable. The proceeds temporarily invested are excluded from the investment portfolio for the purpose of calculating maximum exposure per investment service provider.

IV. FISCAL POLICY FOR CAPITAL REVENUE AND EXPENDITURES AND DEBT FINANCING

A. GENERAL GUIDELINES

1. Revenue

- a. Revenue projections for the one-year Capital Improvement Program Budget and five-year Capital Improvement Program Plan shall be based on conservative assumptions of dedicated revenue sources.

2. Expenditures

- a. Capital projects shall be justified in relation to the Town's Comprehensive Plan.
- b. Estimated requirements for capital projects shall include all costs reasonably associated with the completion of the project.
- c. The impact of each project on the operating revenues and expenditures of the Town shall be analyzed as required by the General Fiscal Policy stated above.
- d. Consistent with IRS regulations, debt repayment will not exceed the average life of improvements.

3. Debt Financing

The Town can only enter into Debt obligations of any form through a Referendum of the Electorate pursuant to Town of Loxahatchee Groves Charter Section Section 6. Budget and Appropriations. (5) Bonds; Indebtedness (a).

- a. Long Term Debt: Annual debt service payments may be structured to provide level cost over the life of a bond issue, unless fiscal or other constraints dictate an alternative approach. A policy of full disclosure will be followed in all financial reports and official statements for debt.
- b. Medium Term Debt: Lease-purchase agreements, bonds, loans, or other debt instruments may be used as a medium-term (3 to 10 years) method of borrowing for the financing of vehicles, other specialized types of equipment, or other capital improvements. The equipment or improvement must have an expected life of more than three years. The Town will determine and utilize the least costly financing methods available. Such debt arrangements will be repaid within the expected life of the equipment or improvement acquired.

- c. **Short Term Debt:** Short-Term borrowing may be utilized for temporary funding of anticipated tax revenues; anticipated grant payments, anticipated bond proceeds, or other expected revenues. Anticipated funding is defined as an assured revenue source with the anticipated amount based on conservative estimates. Such borrowing may utilize a short-term note maturing before the end of the current appropriation period. Other short-term debt, such as tax-exempt commercial paper, bond anticipation notes, tax anticipation notes, or grant anticipation notes, may be used when it provides immediate financing and an interest advantage, or delays long-term debt until market conditions are more favorable. The Town will determine and utilize the least costly method for short-term borrowing. Short-term debt may be refunded in accordance with applicable Federal laws.

B. SPECIFIC GUIDELINES

1. **General Capital Improvements:** General capital improvements, or those improvements not related to Town-owned enterprises, may be funded from General Fund revenues or fund balances, the sale of revenue bonds or general obligation bonds/loans, and from special revenues, special assessments and grants.
 - a. **Pay-As-You-Go Capital Improvements:** Pay-as-you-go capital improvements may be funded from General Fund revenues or fund balances, state and federal grants, special assessments, or other sources of revenue which may become available to the Town. Major capital projects related to the delivery of general public services shall be paid from general purpose revenues. It is recognized that the allocation of funds in any given year of the program may vary significantly from these parameters due to prioritization and scheduling of projects.
 - b. **Special Assessments:** When special assessments are used, the interest rate charged will be established by Town Council consistent with State law.
 - c. **Revenue Bond Debt Limit:** Sale of revenue bonds for capital improvements will be limited to that amount which can be supported from the pledge of the specific revenue.
2. **Enterprise Capital Improvements:** Enterprise funds improvements may be funded from operating revenue or unrestricted net assets, the sale of revenue bonds, loans, special assessments and grants.
 - a. **Pay-As-You-Go Capital Improvements:** Enterprise funds may support needed capital improvements on a pay-as-you-go basis from operating revenues or from unrestricted net assets, assessments, and grants. Major capital projects related to the delivery of Town owned enterprises will be paid from the revenue of that enterprise fund.

- b. Special Assessments: When special assessments are used for enterprise-related improvements, the interest rate charged will be established by Town Council consistent with State law.
- c. Revenue bond Debt Limit: Sale of revenue bonds will be limited to that amount which can be supported from user fees generated, or combination of other revenues.



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 10

TO: Town Council of Town of Loxahatchee Groves

FROM: Francine Ramaglia, Assistant Town

VIA: James Titcomb, Town Manager

DATE: September 1, 2020

SUBJECT: Resolutions Adopting the Fiscal Year 2020/2021 Non-Ad Valorem Assessment Rates, Budgets and Assessment Rolls for Roads & Drainage, Solid Waste Collections and OGEM Debt Service

Background:

Florida Statutes Chapters 2018-175 (the “Special Act”), Chapters 99-425 and 2004-410 -- which by virtue of the approval of the dependency referendum on June 25, 2018, became ordinances of the Town--and Florida Statutes Chapters 166, 189, 197 and 298 set forth the procedures to follow for local governments in adoption of the annual Non-Ad Valorem Assessment Rates, Budgets and Assessment Rolls.

The Town funds its Roads & Drainage functions, Solid Waste Collections and OGEM Debt Service through Non-Ad Valorem assessments. The Council held budget workshops on July 21st and August 18th to discuss the proposed non-ad valorem assessment rates and budgets. The final non-ad valorem assessments rates and budgets are as follows:

	<u>Proposed FY 2021</u>	<u>Adopted FY 2020</u>	<u>Change</u>
Solid Waste Collection	\$ 450.00	\$ 450.00	-
Roads & Drainage	\$ 200.00	\$ 200.00	-
OGEM Debt			
North “A” Road:	\$ 81.50	\$ 97.90	(\$ 16.40)
North “C” Road:	\$ 85.65	\$ 102.45	(\$ 16.80)
South “C” Road:	\$ 135.45	\$ 162.65	(\$ 27.20)
North “D” Road:	\$ 97.30	\$ 113.60	(\$ 16.30)
Unit 1 Development:	\$ 521.25	\$ 627.16	(\$105.91)



155 F Road Loxahatchee Groves, FL 33470

Recommendations:

Staff recommends Approval of the following resolutions as presented:

- Resolution No. 2020-17 adopting the final FY 2020/2021 non-ad valorem assessment rates, budgets and assessment rolls for Residential Solid Waste Collection Services – Item 12
- Resolution No. 2019-DD05 adopting the final FY 2020/2021 non-ad valorem assessment rates, budgets and assessment rolls for Roads and Drainage- Item 13
- Resolution No. 2019-DD06 adopting the final FY 2020/2021 non-ad valorem assessment rates, budgets and assessment rolls for Debt Service Payments for Capital Improvements for North “A” Road, North “C” Road, South “C” Road, North “D” Road and Unit 1 Development- Item 14

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2020-17

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE PROVISION OF RESIDENTIAL SOLID WASTE COLLECTION SERVICES IN THE TOWN OF LOXAHATCHEE GROVES, FLORIDA; APPROVING THE ASSESSMENT RATE FOR RESIDENTIAL SOLID WASTE COLLECTION SERVICES FOR FISCAL YEAR 2020-2021; IMPOSING A RESIDENTIAL SOLID WASTE COLLECTION ASSESSMENT AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN OF LOXAHATCHEE GROVES FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2020; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Loxahatchee Groves, Florida, enacted Ordinance No. 2008-05, on July 1, 2008, which authorized the imposition of a Residential Solid Waste Collection Assessment, pursuant to the procedures contained within the Town's Code of Ordinances (collectively, "the Ordinance") for the provision of Solid Waste Collection Services for single-family residential properties that receive residential solid waste collection services within the Town, and provided for findings of special benefit and the method of apportionment of the Residential Solid Waste Collection Assessment; and

WHEREAS, the imposition of a Solid Waste Collection Assessment for Solid Waste Collection Services for each Fiscal Year is an equitable and efficient method of allocating and apportioning Residential Solid Waste Collection Assessed Costs among parcels of Assessed Property; and,

WHEREAS, the Town Council desires to impose a Residential Solid Waste Collection Assessment within the Town for the Fiscal Year beginning on October 1, 2020 using the tax bill collection method; and

WHEREAS, the Town Council, on July 7, 2020, adopted Resolution No. 2020-05 (the "2020 Preliminary Assessment Resolution"), referencing the Residential Solid Waste Collection Services to be provided to Assessed Property, describing the method of apportioning the Residential Solid Waste Collection Assessed Cost to compute the Residential Solid Waste Collection Assessment for Solid Waste Collection Services against Assessed Property, estimating a rate of assessment, and directing the preparation of the Assessment Roll and provision of the notice to the affected landowners; and

WHEREAS, in order to impose the Residential Solid Waste Collection Special Assessment for the Fiscal Year beginning October 1, 2020, the Ordinance requires the Town Council to adopt an Annual Rate Resolution during its budget adoption process for each Fiscal Year, which establishes the rate of assessment and approves the Assessment Roll for the upcoming Fiscal Year, with such amendments as the Town Council deems appropriate, after hearing comments and objections of all interested parties; and

WHEREAS, the updated Assessment Roll has heretofore been made available for inspection by the public, as required by the Ordinance; and

WHEREAS, notice of public hearing has been provided by Palm Beach County on July 1, 2020 pursuant to Florida Statutes 197.3635; and

WHEREAS, the Fiscal Year 2020/2021 budget estimates for the expenditures of the Solid Waste Fund have been prepared and submitted; and

WHEREAS, a public hearing will be held on September 8, 2020, and comments and objections of all interested parties have been heard and considered.

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

SECTION 1. The aforementioned “WHEREAS” clauses are hereby ratified as true and correct and incorporated herein.

SECTION 2. AUTHORITY. This Resolution is adopted pursuant to the provisions of the Ordinance, the 2020 Preliminary Assessment Resolution, sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 3. DEFINITIONS AND INTERPRETATION. This Resolution constitutes the Annual Assessment Resolution as defined in the Ordinance. All capitalized terms in this Resolution shall have the meanings defined in the Ordinance and the 2020 Preliminary Assessment Resolution.

SECTION 4. IMPOSITION OF RESIDENTIAL SOLID WASTE COLLECTION ASSESSMENT.

(A) The parcels of Assessed Property described in the Assessment Roll, as updated and which is hereby approved, are hereby found to be specially benefitted by the provision of the Solid Waste Collection Services described in the 2020 Preliminary Assessment Resolution, in the amount of the Residential Solid Waste Collection Assessment set forth in the Assessment Roll, a copy of which was present or available for inspection at the above-referenced public hearing and is incorporated herein by reference. It is hereby ascertained, determined, and declared that each parcel of Assessed Property within the Town will be specifically benefitted by the Town's provision of Residential Solid Waste Collection, facilities and programs in an amount not less than the Residential Solid Waste Collection Assessment of such parcel, computed in the manner set forth in the 2020 Preliminary Assessment Resolution. Adoption of this Annual Assessment Resolution constitutes a legislative determination that all assessed parcels derive a special benefit, as set forth in the Ordinance and the 2020 Preliminary Assessment Resolution, from the Residential Solid Waste Collection Services to be provided, and a legislative determination that the Residential Solid Waste Collection Assessments are fairly and reasonably apportioned among the properties that receive the special benefit as set forth in the 2020 Preliminary Assessment Resolution.

RESOLUTION NO. 2020-17

(B) The method of computing the Residential Solid Waste Collection Assessment described in the 2020 Preliminary Assessment Resolution, as modified, amended, and supplemented herein, is hereby approved.

(C) For the Fiscal Year beginning October 1, 2020, the estimated Residential Solid Waste Collection Assessed Cost to be assessed is \$450 which amount may be corrected. The Residential Solid Waste Collection Assessment to be assessed and apportioned among benefitted parcels pursuant to the Cost Apportionment and Parcel Apportionment to generate the estimated Residential Solid Waste Collection Assessed Costs for the Fiscal Year 2020/2021, commencing October 1, 2020, is hereby established at \$450.00 annually, per Dwelling Unit/Billing Unit. This assessment rate is hereby approved. It is hereby determined that the assessed properties will receive a benefit from solid waste collection services in an amount not less than the amount they are assessed. Except as otherwise provided herein, the Residential Solid Waste Collection Assessment for Residential Solid Waste Collection Services in the amounts set forth in the Assessment Roll, as herein approved, are hereby levied and imposed on all parcels of Assessed Property described in the Assessment Roll.

(D) The Residential Solid Waste Collection Assessment shall constitute a lien upon the Assessed Property so assessed equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem Assessment. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles, and claims, until paid.

(E) The Assessment Roll as herein approved, together with the correction of any errors or omissions shall be delivered to the Tax Collector for collection using the tax bill collection method in the manner prescribed by the Ordinance.

SECTION 5. CONFIRMATION OF PRELIMINARY ASSESSMENT RESOLUTION. The Preliminary Assessment Resolution adopted July 7, 2020, except where in conflict herein, is confirmed.

SECTION 6. EFFECT ON ADOPTION OF RESOLUTION. The adoption of this Annual Assessment Resolution shall be the final adjudication of the issues presented (including, but not limited to, the determination of special benefit and fair apportionment to the Assessed Property, the method of apportionment and assessment, the rate of assessment, the Assessment Roll and the levy and lien of the Residential Solid Waste Collection Assessment), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 calendar days from the date of this Annual Assessment Resolution.

SECTION 7. APPROVAL OF SOLID WASTE BUDGET. The budget estimates, a copy of which are attached hereto and expressly made a part hereof as Exhibit "B," are hereby approved as the Fiscal Year 2020/2021 Budget and shall adopted as part of the Town's budget by the Town Council which time it will be in full force and effect for the fiscal year commencing on October 1, 2020, and terminating on September 30, 2021. From time-to-time, the Town may transfer from one fund, account, or department to another as the necessity for the same may occur without being required to amend the terms and provisions of this Resolution. The provisions of this Resolution shall not be deemed to be a limitation of the power granted to the Town by applicable law and which relate to the fiscal management of the Town's funds.

SECTION 8. CONFLICTS. That all prior Resolutions or parts of resolutions in conflict herewith, are hereby repealed to the extent of such conflict.

SECTION 9. SEVERABILITY. If any clause, section or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Resolution.

SECTION 10. EFFECTIVE DATE. This Annual Assessment Resolution shall take effect immediately upon its passage and adoption.

Council Member _____ offered the foregoing Resolution. Council Member _____ the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
Lisa El-Ramey, Mayor	☐	☐	☐
Marge Herzog, Vice Mayor	☐	☐	☐
Laura Danowski, Councilmember	☐	☐	☐
Phillis Maniglia, Councilmember	☐	☐	☐
Robert Shorr, Councilmember	☐	☐	☐

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS 8th DAY OF September 2020.

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

ATTEST:

Mayor Lisa El-Ramey

Lakisha Burch, Town Clerk

Vice Mayor Marge Herzog

Council Member Laura Danowski

APPROVED AS TO LEGAL FORM:

Council Member Phillis Maniglia

Office of the Town Attorney

Council Member Robert Shorr

BUDGET SUMMARY

TOWN OF LOXAHATCHEE GROVES - Fiscal Year 2020 - 2021

THE PROPOSED OPERATING BUDGET EXPENDITURES OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA ARE 6.49% MORE THAN LAST YEAR'S TOTAL OPERATING EXPENDITURES.

General Fund: at 3.0 MILLS							
ESTIMATED REVENUES	GENERAL	TRANSPORTATION	SURTAX	ROADS & DRAINAGE	CAPITAL PROJECTS	SOLID WASTE	TOTAL ALL FUNDS
Taxes: Millage Per \$1,000							
Ad Valorem Taxes: 3.0 MILLS	\$1,031,798						\$1,031,798
Assessments per Unit							\$0
Roads & Drainage: \$200 per unit				\$1,793,165			\$1,793,165
Solid Waste: \$450 per unit						\$617,590	\$617,590
Licenses & Permits	\$85,000						\$85,000
Utility Taxes	\$387,000						\$387,000
Franchise Fees	\$282,000						\$282,000
Charges For Services	\$86,500						\$86,500
Intergovernmental Rev	\$284,500	\$307,500	\$195,000			\$2,500	\$789,500
Fines & Forfeitures	\$17,000						\$17,000
Investment Income	\$5,000			\$5,700		\$500	\$11,200
Miscellaneous Revenues	\$10,000			\$2,000			\$12,000
TOTAL SOURCES	\$2,188,798	\$307,500	\$195,000	\$1,800,865	\$0	\$620,590	\$5,112,753
Transfers In				\$200,000	\$107,500	\$71,110	\$378,610
Fund Balances/Reserves/Net Assets					\$350,000		\$350,000
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ESTIMATED EXPENDITURES							
General Government	\$1,060,050						\$1,060,050
Public Safety							
Law Enforcement	\$624,000						\$624,000
PZB & Code	\$155,000						\$155,000
Physical Environment	\$78,000						\$78,000
Public Works		\$0		\$1,620,865			\$1,620,865
Solid Waste Services						\$682,200	\$682,200
Other Physical Environment							\$0
Non-departmental	\$122,000			\$74,000		\$9,500	\$205,500
Capital Outlay					\$457,500		\$457,500
Debt Service				\$306,000			\$306,000
Contingency						\$0	\$0
TOTAL EXPENDITURES	\$2,039,050	\$0	\$0	\$2,000,865	\$457,500	\$691,700	\$5,189,115
Non-Expenditures/Other Uses							\$0
Transfers Out	\$71,110	\$307,500					\$378,610
Fund Balances/Reserves/Net Assets	\$78,638		\$195,000				\$273,638
TOTAL APPROPRIATED EXPENDITURES TRANSFERS, RESERVES & BALANCES	\$2,188,798	\$307,500	\$195,000	\$2,000,865	\$457,500	\$691,700	\$5,841,363

THE TENTATIVE,ADOPTED,AND/OR FINAL BUDGETS ARE ON FILE IN THE OFFICE OF THE ABOVE MENTIONED TAXING AUTHORITY AS A PUBLIC RECORD

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**LOXAHATCHEE GROVES WATER CONTROL DISTRICT
RESOLUTION NO. 2020-DD05**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT, A DEPENDENT DISTRICT OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE PROVISION OF DISTRICT SERVICES, INCLUDING WATER CONTROL MAINTENANCE AND REPAIR OF DRAINAGE AND ROADWAYS; APPROVING THE ASSESSMENT RATE FOR DISTRICT SPECIAL ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020; IMPOSING A DISTRICT SPECIAL ASSESSMENT FOR THE PROVISION OF DISTRICT SERVICES; APPROVING THE ASSESSMENT ROLL; APPROVING THE DISTRICT BUDGET FOR FISCAL YEAR 2020/2021 TO BE ADOPTED AS PART OF THE TOWN'S BUDGET BY THE TOWN COUNCIL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on July 7, 2020, the Board of Supervisors of the Loxahatchee Groves Water Control District, a Dependent District of the Town of Loxahatchee Groves (the "Board") approved Resolution **2020-DD01** (the Preliminary Resolution"), which adopted the Preliminary Assessment Roll, provided for or referenced the findings of special benefit and fair apportionment, and set forth or referenced the methodology used to apportion the District Services Assessed Costs; and

WHEREAS, the Loxahatchee Groves Water Control District, a Dependent District of the Town of Loxahatchee Groves (the "District") will hold a public hearing on September 8, 2020, to adopt the non-ad valorem special assessment roll for funding all or a portion of the District Services; and,

WHEREAS, notice of public hearing has been provided by Palm Beach County on July 1, 2020 pursuant to Florida Statutes 197.3635; and

WHEREAS, affected property owners have had the right to file written objections to the non-ad valorem special assessment, and to appear at the public hearing; and

WHEREAS, the District has equalized or adjusted the non-ad valorem special assessment as dictated by fairness and right; and,

WHEREAS, the Fiscal Year 2020/2021 budget estimates for the expenditures of the District including all of its departments, divisions, funds, and offices, have been prepared and submitted to the District Board of Supervisors.

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

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

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

SECTION 3. PURPOSE AND DEFINITIONS. This Resolution constitutes the Assessment Resolution which imposes the annual special assessments, as authorized in the Special Act and Chapters 189 and 298, Florida Statutes; adopts and approves the Assessment Roll; directs the imposition of District Special Assessment for the Fiscal Year beginning October 1, 2020, and approves the District's budget for Fiscal Year 2020/2021. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Preliminary Assessment Resolution, Special Acts, and Chapters 189 and 197, Florida Statutes. Unless the context indicates otherwise, words imparting the singular number, include the plural number, and vice versa.

SECTION 4. PUBLIC PURPOSE. It is necessary, serves a public purpose consistent with the purposes of the District, and is in the best interests of the District to levy the non-ad valorem special assessment to fund a portion of the District's Service Costs for the provision of District Services.

SECTION 5. LEVY OF ASSESSMENT. The Loxahatchee Groves Water Control District shall levy the non-ad valorem special assessment to fund a portion of the District's Services Costs for the provision of District Services.

SECTION 6. APPROVAL OF METHOD OF COMPUTING ASSESSMENT. The method for computing the District Special Assessment provided for or referenced within the Preliminary Resolution is hereby approved, as supplemented and modified herein.

SECTION 7. FINDINGS OF SPECIAL BENEFIT AND FAIR APPORTIONMENT. The findings set forth or referenced within the Preliminary Resolution as to special benefit to Assessed Properties, and the fairness and reasonableness of the methodology for the Assessment, are hereby confirmed and ratified, and fully incorporated herein.

SECTION 8. ASSESSMENT AMOUNT. The District Services Assessed Costs to be assessed and apportioned among benefited parcels pursuant to the cost apportionment shall be \$ 1,545,865. The Assessable Unit Apportionment for the Fiscal Year commencing October 1, 2020, is \$200 per Unit. The approval of the rate schedule by the adoption of this Final Assessment Resolution determines the amount of the District Services Assessed Costs. The remainder of the Fiscal Year budget for District Services shall be funded from available District revenue other than District Special Assessment proceeds.

SECTION 9. LEVY AND IMPOSITION OF SPECIAL ASSESSMENT. The above rates are hereby approved, and the District Special Assessments set forth herein are hereby levied and imposed on all assessed parcels of Assessed Property described in the Assessment Roll.

SECTION 10. CONFIRMATION OF ASSESSMENT ROLL / LIENS. The Assessment Roll shall be filed with the District's Clerk, through the Office of the Town Clerk of the Town of Loxahatchee Groves, and such assessments shall stand confirmed. All District Special Assessments shall constitute legal, valid, and binding first liens, unless otherwise provided by law, upon property against which such assessments are made until paid.

SECTION 11. CERTIFICATION OF ASSESSMENT ROLL. The Assessment Roll, as adopted and approved herein, shall be certified by the Assessment Coordinator and delivered to the Palm Beach County Tax Collector.

SECTION 12. FINAL ADJUDICATION OF ISSUES. The adoption of this Resolution shall be the final adjudication of any and all issues relating to the District Special Assessment (including, but not limited to, the determinations of special benefit, the methods of apportionment and the assessment rates) unless proper steps are initiated in a court of competent jurisdiction within twenty (20) days of the adoption of this Assessment Resolution.

SECTION 13. APPROVAL OF DISTRICT BUDGET. The budget estimates, a copy of which are attached hereto and expressly made a part hereof as Exhibit "A," are hereby approved as the Fiscal Year 2020/2021 Budget and shall adopted as part of the Town's budget by the Town Council which time it will be in full force and effect for the fiscal year of the District, commencing on October 1, 2020, and terminating on September 30, 2021. From time-to-time, the District may transfer from one fund, account, or department to another as the necessity for the same may occur without being required to amend the terms and provisions of this Resolution. The provisions of this Resolution shall not be deemed to be a limitation of the power granted to the District by applicable law and which relate to the fiscal management of the District's funds.

SECTION 14. CONFLICTS. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 15. SEVERABILITY. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

SECTION 16. EFFECTIVE DATE. This Resolution shall take effect immediately upon its passage and adoption.

Supervisor _____ offered the foregoing resolution. Supervisor _____

seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
Lisa El-Ramey,	☐	☐	☐
Marge Herzog,	☐	☐	☐
Laura Danowski,	☐	☐	☐
Phillis Maniglia,	☐	☐	☐
Robert Shorr,	☐	☐	☐

**ADOPTED BY THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT, A
DEPENDENT DISTRICT OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA,
THIS 8th DAY OF September 2020.**

LOXAHATCHEE GROVES WATER
CONTROL DISTRICT

ATTEST:

Chairperson/President

Clerk for the Loxahatchee Groves
Water Control District

Supervisor

Supervisor

APPROVED AS TO LEGAL FORM:

Supervisor

Attorney for the Loxahatchee Groves
Water Control District

Supervisor

BUDGET SUMMARY

TOWN OF LOXAHATCHEE GROVES - Fiscal Year 2020 - 2021

THE PROPOSED OPERATING BUDGET EXPENDITURES OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA ARE 6.49% MORE THAN LAST YEAR'S TOTAL OPERATING EXPENDITURES.

General Fund: at 3.0 MILLS							
ESTIMATED REVENUES	GENERAL	TRANSPORTATION	SURTAX	ROADS & DRAINAGE	CAPITAL PROJECTS	SOLID WASTE	TOTAL ALL FUNDS
Taxes: Millage Per \$1,000							
Ad Valorem Taxes: 3.0 MILLS	\$1,031,798						\$1,031,798
Assessments per Unit							\$0
Roads & Drainage: \$200 per unit				\$1,793,165			\$1,793,165
Solid Waste: \$450 per unit						\$617,590	\$617,590
Licenses & Permits	\$85,000						\$85,000
Utility Taxes	\$387,000						\$387,000
Franchise Fees	\$282,000						\$282,000
Charges for Services	\$86,500						\$86,500
Intergovernmental Rev	\$284,500	\$307,500	\$195,000			\$2,500	\$789,500
Fines & Forfeitures	\$17,000						\$17,000
Investment Income	\$5,000			\$5,700		\$500	\$11,200
Miscellaneous Revenues	\$10,000			\$2,000			\$12,000
TOTAL SOURCES	\$2,188,798	\$307,500	\$195,000	\$1,800,865	\$0	\$620,590	\$5,112,753
Transfers In				\$200,000	\$107,500	\$71,110	\$378,610
Fund Balances/Reserves/Net Assets					\$350,000		\$350,000
TOTAL REVENUE, TRANSFERS & BALANCES	\$2,188,798	\$307,500	\$195,000	\$2,000,865	\$457,500	\$691,700	\$5,841,363
ESTIMATED EXPENDITURES							
General Government	\$1,060,050						\$1,060,050
Public Safety							
Law Enforcement	\$624,000						\$624,000
PZB & Code	\$155,000						\$155,000
Physical Environment	\$78,000						\$78,000
Public Works		\$0		\$1,620,865			\$1,620,865
Solid Waste Services						\$682,200	\$682,200
Other Physical Environment							\$0
Non-departmental	\$122,000			\$74,000		\$9,500	\$205,500
Capital Outlay					\$457,500		\$457,500
Debt Service				\$306,000			\$306,000
Contingency						\$0	\$0
TOTAL EXPENDITURES	\$2,039,050	\$0	\$0	\$2,000,865	\$457,500	\$691,700	\$5,189,115
Non-Expenditures/Other Uses							\$0
Transfers Out	\$71,110	\$307,500					\$378,610
Fund Balances/Reserves/Net Assets	\$78,638		\$195,000				\$273,638
TOTAL APPROPRIATED EXPENDITURES TRANSFERS, RESERVES & BALANCES	\$2,188,798	\$307,500	\$195,000	\$2,000,865	\$457,500	\$691,700	\$5,841,363
THE TENTATIVE, ADOPTED, AND/OR FINAL BUDGETS ARE ON FILE IN THE OFFICE OF THE ABOVE-MENTIONED TAXING AUTHORITY AS A PUBLIC RECORD							

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LOXAHATCHEE GROVES WATER CONTROL DEPENDENT DISTRICT

RESOLUTION NO. 2020-DD06

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT, A DEPENDENT DISTRICT OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE DEBT SERVICE PAYMENTS FOR CAPITAL IMPROVEMENTS FOR NORTH “A” ROAD, NORTH “C” ROAD, SOUTH “C” ROAD, NORTH “D” ROAD AND UNIT 1 DEVELOPMENT; CONFIRMING THE ASSESSMENT AMOUNTS TO BE LEVIED FOR EACH ASSESSMENT TO FUND CAPITAL IMPROVEMENTS FUNDED BY DISTRICT-ISSUED DEBT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ESTABLISHING THE MAXIMUM ASSESSMENT RATES FOR FUTURE YEARS; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; IMPOSING THE DEBT SERVICES SPECIAL ASSESSMENTS FOR FISCAL YEAR 2019/2020; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on July 7, 2020, the Board of Supervisors of the Loxahatchee Groves Water Control District, a Dependent District of the Town of Loxahatchee Groves (the “Board”) approved Resolution 2020-DD02 (the Preliminary Resolution”), which adopted the Preliminary Assessment Roll, provided for or referenced the findings of special benefit and fair apportionment, and set forth or referenced the methodology used to apportion the debt service costs to be specially assessed upon benefited property owners for the following projects: North “A” Road, North “C” Road, South “C” Road, North “D” Road and Unit 1 Development (collectively, the “Projects”), which were specially benefited by the capital improvements; and

WHEREAS, the Loxahatchee Groves Water Control District, a Dependent District of the Town of Loxahatchee Groves (the “District”) will hold a public hearing on September 8, 2020, to adopt the non-ad valorem special assessment roll for funding a debt service for the costs of the Projects; and,

WHEREAS, the District has provided proper notice of the hearing, through U.S. mail and publication in a newspaper generally circulated within Palm Beach County, Florida, to each person owning property subject to the non-ad valorem special assessment, as evidenced by the attached affidavit of mailing and proof of publication; and

WHEREAS, affected property owners have had the right to file written objections to the non-ad valorem special assessment, and to appear at the public hearing; and

WHEREAS, the District has equalized or adjusted the non-ad valorem special assessment as dictated by fairness and right.

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

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

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

SECTION 3. PURPOSE AND DEFINITIONS. This Resolution constitutes the Assessment Resolution which imposes the annual special assessments, as authorized in the Special Act and Chapters 189 and 298, Florida Statutes; adopts and approves the Assessment Roll; directs the imposition of special assessments for the benefitted properties for the Fiscal Year beginning October 1, 2020, for the following Projects: North "A" Road, North "C" Road, South "C" Road, North "D" Road, and Unit Development 1.

All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Preliminary Assessment Resolution, Special Acts, and Chapters 189 and 197, Florida Statutes. Unless the context indicates otherwise, words imparting the singular number, include the plural number, and vice versa.

SECTION 4. PUBLIC PURPOSE. It is necessary, serves a public purpose consistent with the purposes of the District, and is in the best interests of the District to levy the non-ad valorem special assessment to fund the debt service for the Projects.

SECTION 5. LEVY OF ASSESSMENT. The Loxahatchee Groves Water Control District shall levy the non-ad valorem special assessment to fund the debt service for the Projects.

SECTION 6. APPROVAL OF METHOD OF COMPUTING ASSESSMENT. The method for computing the Special Assessment to fund the debt service for the Projects provided for or referenced within the Preliminary Resolution is hereby approved, as supplemented and modified herein.

SECTION 7. FINDINGS OF SPECIAL BENEFIT AND FAIR APPORTIONMENT. The findings set forth or referenced within the Preliminary Resolution as to special benefit to Assessed Properties, and the fairness and reasonableness of the methodology for the Assessment, are hereby confirmed and ratified, and fully incorporated herein.

SECTION 8. ASSESSMENT AMOUNT. The Assessed Costs to be assessed and apportioned among Assessed Properties for the Fiscal Year commencing October 1, 2020, for the Projects is \$306,000. The Assessable Unit Apportionment for the Fiscal Year commencing October 1, 2020, for the assessed properties for each Project is as follows:

1. North "A" Road: \$ 81.50 per acre.
2. North "C" Road: \$ 85.65 per acre.
3. South "C" Road: \$135.45 per acre.
4. North "D" Road: \$ 97.30 per acre.
5. Unit 1 Development: \$521.25 per acre.

The adoption of this Preliminary Rate Resolution determines the amount of the Assessed Costs of the Projects and the Assessment Rates for FY 2020.

- (A) The maximum assessment in future years for each of the Projects is as follows:
1. North "A" Road: \$98.32 per acre.
 2. North "C" Road: \$102.94 per acre.
 3. South "C" Road: \$163.53 per acre.
 4. North "D" Road: \$114.19 per acre.
 5. Unit 1 Development: \$668.69 per acre.

SECTION 9. LEVY AND IMPOSITION OF SPECIAL ASSESSMENT. The above rates are hereby approved, and the Special Assessments set forth herein are hereby levied and imposed on all assessed parcels of Assessed Property described in the Assessment Roll.

SECTION 10. CONFIRMATION OF ASSESSMENT ROLL / LIENS. The Assessment Roll shall be filed with the District's Clerk, through the Office of the Town Clerk of the Town of Loxahatchee Groves, and such assessments shall stand confirmed. All Special Assessments imposed herein shall constitute legal, valid, and binding first liens, unless otherwise provided by law, upon property against which such assessments are made until paid.

SECTION 11. CERTIFICATION OF ASSESSMENT ROLL. The Assessment Roll, as adopted and approved herein, shall be certified by the Assessment Coordinator and delivered to the Palm Beach County Tax Collector.

SECTION 12. FINAL ADJUDICATION OF ISSUES. The adoption of this Resolution shall be the final adjudication of any and all issues relating to the Special Assessment to fund the debt service for the Projects (including, but not limited to, the determinations of special benefit, the methods of apportionment and the assessment rates) unless proper steps are initiated in a court of competent jurisdiction within twenty (20) days of the adoption of this Assessment Resolution.

SECTION 13. CONFLICTS. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 14. SEVERABILITY. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

SECTION 15. EFFECTIVE DATE. This Resolution shall take effect immediately upon its passage and adoption.

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

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
LISA EL-RAMEY, SUPERVISOR	☐	☐	☐
MARGE HERZOG, SUPERVISOR	☐	☐	☐
LAURA DANOWSKI, SUPERVISOR	☐	☐	☐
PHILLIS MANIGLIA, SUPERVISOR	☐	☐	☐
ROBERT SHORR, SUPERVISOR	☐	☐	☐

**ADOPTED BY THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT, A
DEPENDENT DISTRICT OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA,
THIS 8TH DAY OF September, 2020.**

LOXAHATCHEE GROVES WATER
CONTROL DISTRICT

ATTEST:

Supervisor Lisa El-Ramey

Clerk for the Loxahatchee Groves
Water Control District

Supervisor Marge Herzog

Supervisor Laura Danowski

APPROVED AS TO LEGAL FORM:

Supervisor Phillis Maniglia

Attorney for the Loxahatchee Groves
Water Control District

Supervisor Robert Shorr

Agenda Item # 13

TO: Town Council of Town of Loxahatchee Groves

FROM: R. Brian Shutt, Town Attorney

VIA: James Titcomb, Town Manager

DATE: August 21, 2020

SUBJECT: Proposed Ordinance Regarding Prohibiting Fireworks

The Town Council previously gave direction to prepare an ordinance prohibiting the discharge or sale of fireworks. This was in response to the enactment of Chapter 2020-11, Laws of Florida, by the Legislature where it allowed fireworks to be discharged over designated holidays. The designated holidays were July 4, New Year's Eve and New Year's Day.

The proposed ordinance prohibits the discharge of fireworks at all times, the retail sale of fireworks and provides that violations of the ordinance may be enforced through the Town's code enforcement process or as determined by PBSO and that PBSO would have the ability to confiscate the fireworks.

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TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2020-05

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ITS CODE OF ORDINANCES BY CREATING CHAPTER 27 “FIREWORKS” TO PROVIDE FOR REGULATIONS REGARDING THE USE AND SALE OF FIREWORKS; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Town Council believes it is necessary to enact regulations regarding fireworks; and,

WHEREAS, this proposed ordinance enacts regulations governing the use and sale of fireworks; and

WHEREAS, the Town Council has determined that the enactment of this ordinance is for a proper municipal purpose and in the best interests of the residents of the Town.

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

Section 1. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and incorporated herein by this reference.

Section 2. The Town of Loxahatchee Groves hereby creates Chapter 27 “Fireworks” to read as follows:

CHAPTER 27 - FIREWORKS

Sec. 27-1. – Discharge or use of fireworks, pyrotechnic devices and special effects.

The discharge, firing or use of firecrackers, rockets, torpedoes, roman candles or other fireworks or substances designed and intended for pyrotechnic display, and of pistols, canes, cannons or other appliances using blank cartridges or caps containing chlorate or potash mixture, is prohibited. The use of pyrotechnic special effects, flame effects and/or similar devices inside buildings, tents, structures and/or other enclosed spaces is prohibited. Flame effects include, but are not limited to, batons, and/or torches fueled by liquid, solid or gaseous fuels; flame projectors which produce heat effects and/or flames; flash powders composed of fuel(s) and oxidizer(s); flares and similar devices. Pyrotechnic special effects include, but are not limited to, chemical mixtures used in the entertainment industry to produce visible, audible or thermal effects by combustion, deflagration or detonation. However, this Chapter shall not prohibit public outdoor fireworks/pyrotechnic displays where the permission of the Town Manager has been obtained, and for which a permit has been obtained from the applicable governmental agency, all financial bond requirements established by the Town, if any, have been

satisfied, and other prescribed safety requirements have been met. Fireworks and sparklers shall have the same definition as set forth in Florida Statutes.

Sec. 27-2. – Sale of fireworks.

The sale of fireworks at retail is prohibited.

Sec. 27-3. – Enforcement and penalties.

(a) This chapter may be enforced by the Palm Beach County Sheriff's Office or by any law enforcement officer, Palm Beach County fire marshals or appropriate fire personnel, or Town code enforcement officers.

(b) *Penalties.* Violations may be enforced through the Town code enforcement process and pursuant F.S. chapter 162 or as determined by the Palm Beach County Sheriff's Office in accordance with state statutes.

(c) *Violation.* Fireworks and sparklers that are used or being used in violation of this chapter are subject to confiscation by law enforcement authorities in addition to the other enforcement measures provided in this chapter.

(d) *Injunction of public nuisance or threat of irreparable harm.* The Town, in addition to any other remedies provided by law, may seek in a court of competent jurisdiction an injunction against any person or entity who uses fireworks and sparklers in violation of this section. In the event the Town is required to file suit for injunction to enjoin a violation of this chapter, if the Town prevails it shall be entitled to recover reasonable attorney fees and court costs in addition to any other relief granted.

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

Section 4. Severability. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

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

Section 6. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

Council Member _____ offered the foregoing ordinance. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as follows:

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS __DAY OF ____, 2020.

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
LISA EL-RAMEY, MAYOR	☐	☐	☐
MARGE HERZOG, VICE MAYOR	☐	☐	☐
LAURA DANOWSKI, COUNCIL MEMBER	☐	☐	☐
PHILLIS MANIGLIA, COUNCIL MEMBER	☐	☐	☐
ROBERT SHORR, COUNCIL MEMBER	☐	☐	☐

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS ____ DAY OF _____, 2020.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakisha Q. Burch, Town Clerk

APPROVED AS TO LEGAL FORM:

R. Brian Shutt, Office of the Town Attorney

Mayor Lisa El-Ramey

Vice Mayor Marge Herzog

Council Member Laura Danowski

Council Member Phillis Maniglia

Council Member Robert Shorr

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Agenda Item # 14

TO: Town Council of Town of Loxahatchee Groves
FROM: R. Brian Shutt, Town Attorney
VIA: James Titcomb, Town Manager
DATE: August 21, 2020
SUBJECT: Proposed Ordinance Regarding Prohibition of Slaughtering of Animals

The Town Council previously gave direction to prepare an ordinance prohibiting the slaughtering of animals. While preparing this ordinance I noticed that other codes had language regarding animal cruelty which we do not appear to have. The proposed ordinance also has terms involving animal cruelty. The proposed ordinance also adopts all laws of the state regarding animal control, welfare and cruelty as there are certain state statutes that provide regulations regarding animals which may also provide more avenues for enforcement by PBSO.

The proposed ordinance provides for regulations regarding the treatment of animals as it relates to the feeding, unsanitary conditions, care and neglect. It also prevents the killing, unless for food purposes or hunting, however, there is language that provides that nothing in the ordinance shall interfere with the religious freedom of a person or group regarding the slaughter of livestock provided it is handled in a humane manner. Local governments are not allowed to enact ordinances that prohibit the slaughter of livestock, for religious purposes, as a result of Federal court opinions.

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TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2020-06

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ITS CODE OF ORDINANCES BY ENACTING CHAPTER 7 “ANIMALS” TO PROVIDE FOR REGULATIONS REGARDING ANIMALS; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Town Council believes it is necessary to enact regulations regarding animals; and,

WHEREAS, this proposed ordinance modifies the current code by enacting regulations governing animals and the treatment of animals; and

WHEREAS, the Town Council has determined that the enactment of this ordinance is for a proper municipal purpose and in the best interests of the residents of the Town.

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

Section 1. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and incorporated herein by this reference.

Section 2. The Town of Loxahatchee Groves hereby enacts Chapter 7 “Animals” to read as follows:

Chapter 7 – ANIMALS

Sec. 7-1. - State statutes adopted by reference.

The town hereby adopts by reference, as a part of this chapter, all laws of the state relating to animal control, animal welfare and animal cruelty.

Sec. 7-2. - Cruelty to animals.

(a) No owner, keeper or agent of an animal shall fail to provide the animal with adequate food, water, shelter or veterinary care, or restrain the animal by any means other than those defined in this chapter.

(b) No animal shall be kept in unsanitary conditions, or in areas where there is vermin-harboring debris or other material which can provide an opportunity for injury or a danger to the animal's health or welfare.

(c) No animal in the care, custody, or control of a person shall be neglected, beaten, cruelly treated, tormented, overworked, overloaded, abused, mutilated or killed.

(d) It shall be unlawful for any person or owner, or group of persons, to abuse, cause bloodletting or death of an animal.

(e) It shall be unlawful for any person to molest or penetrate an animal or use the body parts of an animal for sexual gratification.

(f) It shall be unlawful to procure an animal for the purposes set forth in subsections (d) and (e) of this section.

(g) No person other than a licensed veterinarian, or an owner certified competent by a licensed veterinarian, shall crop the ears or dock the tail of any dog.

(1) A person commits an offense if he crops or cuts off, or causes or procures to be cropped or cut off, the whole or part of the ear, ears or tail of a dog, except as provided in this subsection (g).

(2) The possession by any person of a dog with an ear cut off or cropped, or tail docked, and with the wound resulting therefrom unhealed, or any such dog being found in the charge or custody of any person, or confined upon the premises owned by or under the control of any person, shall be prima facie evidence of a violation of this section, unless the cropping or docking has been carried out by a licensed veterinarian or an owner trained by a licensed veterinarian.

(h) It shall be unlawful for any person to leave or deposit any poison or any substance containing poison in any common street, road, alley, lane or thoroughfare of any kind, or in any yard or enclosure other than that person's own yard or enclosure, for the purpose of inflicting injury or killing any animal.

(i) The humane slaughter of either domestic or wild animals for food purposes is exempt from the provisions of this section, including, but not limited to, all lawful hunting activities.

(j) Nothing in this section shall be construed to prohibit, abridge, or in any way hinder the religious freedom of any person or group. Slaughter and the handling or other preparation of livestock for ritual slaughter shall be carried out in a humane method. For the purpose of this section, the term "slaughter" is defined in accordance with F.S. 828.23(3), as may be amended.

(k) Abandonment prohibited.

(1) No owner or agent of an animal shall abandon any animal in any public or private place.

(2) If an animal control officer suspects that an animal has been abandoned, but such animal does not appear to be in immediate distress or danger, the officer may leave notices posted in a conspicuous place informing the owner or agent to contact said officer within 24 hours. Failure to do so will result in the animal being removed by the animal control officer. The animal will become the property of domestic animal services if not redeemed within three days. The officer may issue citations if the owner or agent is subsequently located.

(3) It shall be unlawful for a person to willfully and knowingly provide false or misleading information to domestic animal services regarding animal ownership, licensing, rabies vaccination, medical treatment and condition and/or other matters pertaining to the enforcement of state law or this chapter.

(l) Tethering. No person shall under any circumstances tether or otherwise confine any animal in a manner that is injurious to the animal's health, safety and well-being. Proper and humane tethering includes, but is not limited to, the following:

(1) Collars used to attach an animal should be comfortable and properly fitted as to not choke the animal. The use of choke chains is prohibited.

(2) The tether shall not extend over an object or edge in such a manner that could result in strangulation of or injury to the animal. The length of the tether must be a minimum of ten feet, or at least three times the length of the animal measured from the animal's nose to the base of its tail, whichever is greater, unless the tether is being used to secure the animal to the bed of an open vehicle or pickup truck. Restraints should allow the animal to move about and lie down comfortably.

(3) Tethering of an animal is prohibited during natural disasters such as floods, fires, tornados or hurricanes.

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

Section 4. Severability. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

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

Section 6. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

Council Member _____ offered the foregoing ordinance. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as follows:

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS ____ DAY OF ____, 2020.

Council Member _____ offered the foregoing ordinance. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
LISA EL-RAMEY, MAYOR	☐	☐	☐
MARGE HERZOG, VICE MAYOR	☐	☐	☐
LAURA DANOWSKI, COUNCIL MEMBER	☐	☐	☐
PHILLIS MANIGLIA, COUNCIL MEMBER	☐	☐	☐
ROBERT SHORR, COUNCILMEMBER	☐	☐	☐

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakisha Q. Burch, Town Clerk

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

Mayor Lisa El-Ramey

Vice Mayor Marge Herzog

Council Member Laura Danowski

Council Member Phillis Maniglia

Council Member Robert Shorr

TO: Town Council of the Town of Loxahatchee Groves **Agenda Item # 15**
FROM: R. Brian Shutt, Town Attorney
VIA: James Titcomb, Town Manager
DATE: August 21, 2020
SUBJECT: Proposed Ordinance Regarding Recreational Vehicles

The Town Council previously gave direction to prepare an ordinance providing for regulations of recreational vehicles. The major points of the ordinance are as follows:

RV's shall only be allowed on a temporary basis, not to exceed 180 days

A registration permit shall be required for each recreational vehicle site

No recreational vehicle shall be allowed on a parcel less than one acre; a maximum of two (2) recreational vehicles shall be allowed on parcels one acre or greater up to five (5) acres; no more than four (4) recreational vehicles shall be allowed on a parcel greater than five (5) acres

The recreational vehicle shall be hooked up to or have access to appropriate electrical service, potable well and sanitary sewer facilities

An application for a new registration permit for that site may only occur after a minimum time period of 6 months has expired, unless the site was initially used for a period of less than 6 months, then a permit may be issued for the time period remaining on the initial 6 month time period

Unoccupied recreational vehicles shall not be used for storage or any other non-residential use.

This ordinance does not apply to caretaker's quarters, grooms' quarters and construction trailers nor does it change the current code of ordinances regulating such items.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2020-07

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ITS UNIFIED LAND DEVELOPMENT CODE BY AMENDING PART II “ZONING DISTRICTS”, ARTICLE 20 “RESIDENTIAL ZONING DISTRICTS” BY ENACTING SECTION 20-050 “RECREATIONAL VEHICLES” TO PROVIDE FOR REGULATIONS REGARDING RECREATIONAL VEHICLES; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Town Council believes it is necessary to enact regulations regarding recreational vehicles; and,

WHEREAS, this proposed ordinance modifies the current code by enacting regulations governing recreational vehicles; and

WHEREAS, the Town Council has determined that the enactment of this ordinance is for a proper municipal purpose and in the best interests of the residents of the Town.

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

Section 1. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and incorporated herein by this reference.

Section 2. The Town of Loxahatchee Groves hereby amends Part II “Zoning Districts”, Article 20 “Residential Zoning Districts” by enacting Section 20-050 “Recreational vehicles” to read as follows:

Sec. 20-050. – Recreational vehicles.

(a) Within the agricultural residential zoning district recreational vehicles shall be allowed on a temporary basis, provided there is a residential dwelling or agricultural structure on the parcel, for living, sleeping, or housekeeping purposes for a period not to exceed 180 consecutive days and are subject to the following conditions:

(1) A registration permit, (the fee for the registration permit shall be set by a resolution of the Town Council) which shall only be valid for a six (6) month period and shall be required for each recreational vehicle site on an annual basis and shall be placed on the recreational vehicle occupying the site where it can be seen from the exterior;

(2) No recreational vehicle shall be allowed on a parcel less than one acre; a maximum of two (2) recreational vehicles shall be allowed on parcels one acre or greater up to

five (5) acres; no more than four (4) recreational vehicles shall be allowed on a parcel greater than five (5) acres;

(3) The person or persons residing in the recreational vehicle must demonstrate a permanent residence in another location;

(4) The placement of the recreational vehicle must be setback from a property line by at least 25 feet;

(5) The recreational vehicle shall be hooked up to or have access to appropriate electrical service, potable well and sanitary sewer facilities (bathroom and septic tank) that have been installed pursuant to permits issued by, or approved by, the health department and applicable building and zoning codes, where required;

(6) Upon expiration of the registration permit the recreational vehicle shall not remain on property parked or stored and shall be removed from the and any application for a new registration permit for that site may only occur after a minimum time period of 6 months has expired, unless the site was initially used for a period of less than 6 months, then a permit may be issued for the time period remaining on the initial 6 month time period;

(7) The parcel owner, where the recreational vehicle(s) site is located, shall be required to allow town staff, or its agents, to inspect the recreational vehicle(s) in such a manner and time as determined by the town manager, upon at least 24 hours' notice.

(8) Recreational vehicles shall only be used for their designed and intended purpose as evidence by the manufacturer's certification.

(9) A recreational vehicle that is not occupied must be owned or leased by the property owner or tenant of the property.

(10) Unoccupied recreational vehicles shall not be used for storage or any other non-residential use for which it was not designed and manufactured as evidenced by the manufacturer's certification.

(11) No recreational vehicle shall be kept in an abandoned, inoperable, junked, disabled, wrecked, discarded or otherwise unused condition.

(b) This section shall not apply to caretaker's quarters, grooms quarters and construction trailers.

(c) Any violation of this section may subject the property owner and/or recreational vehicle user to code enforcement action or any other legal action as determined by the town.

(d) Requests for such a registration permit shall be submitted in writing to the town manager together with such fees, if any, as the town requires and is set forth in the town code.

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

Section 4. Severability. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

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

Section 6. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

Council Member _____ offered the foregoing ordinance. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as follows:

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS _____ DAY OF _____, 2020.

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
LISA EL-RAMEY, MAYOR	☐	☐	☐
MARGE HERZOG, VICE MAYOR	☐	☐	☐
LAURA DANOWSKI, COUNCIL MEMBER	☐	☐	☐
PHILLIS MANIGLIA, COUNCIL MEMBER	☐	☐	☐
ROBERT SHORR, COUNCILMEMBER	☐	☐	☐

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakisha Q. Burch, Town Clerk

Mayor Lisa El-Ramey

Vice Mayor Marge Herzog

APPROVED AS TO LEGAL FORM:

R. Brian Shutt, Office of the Town Attorney

Council Member Laura Danowski

Council Member Phillis Maniglia

Council Member Robert Shorr

Agenda Item # 16

TO: Town Council of Town of Loxahatchee Groves

FROM: R. Brian Shutt, Town Attorney

VIA: James Titcomb, Town Manager

DATE: September 1, 2020

SUBJECT: Proposed Ordinance Modifying/Clarifying Regulations Regarding Nuisances

The Town Council previously gave direction to prepare an ordinance as it relates to modifying/clarifying the Town's regulations regarding nuisances. The proposed ordinance modifies the current regulations by clarifying that the accumulation of vegetative material placed in a roadway, where it obstructs a roadway, is a nuisance and can also be declared an imminent public-health threat. A section of the garbage ordinance also needed to be modified to clarify that even if vegetative or bulk waste is placed for pickup it may not be placed in the public right of way or roadway. The period of time to abate a nuisance was also reduced from 20 to 10 calendar days.

ORDINANCE NO. 2020-08

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ITS CODE OF ORDINANCES BY AMENDING CHAPTER 30 “NUISANCES”, ARTICLE I “IN GENERAL”; AMENDING CHAPTER 38 “SOLID WASTE”, ARTICLE III “COLLECTION OF WASTE; FRANCHISES AND REGISTRATION OF CONTRACTORS AUTHORIZED”, SECTION 38.59 “COLLECTION OF WASTE; FRANCHISES AND REGISTRATION OF CONTRACTORS AUTHORIZED” TO MODIFY AND CLARIFY THE REGULATIONS REGARDING NUISANCES RELATED TO IMMIMENT PUBLIC HEALTH THREATS AND THE OBSTRUCTION OF ROADWAYS; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Town Council believes it is necessary to modify and clarify its regulations regarding nuisances; and,

WHEREAS, this proposed ordinance modifies and clarifies the current code more specifically as it relates to imminent public health threats and obstructing of the roadways as the Town has received increased complaints regarding these issues; and

WHEREAS, the Town Council has determined that the enactment of this ordinance is for a proper municipal purpose and in the best interests of the residents of the Town.

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

Section 1. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and incorporated herein by this reference.

Section 2. The Town of Loxahatchee Groves hereby amends Chapter 30 “Nuisances”, Article I “In General” to read as follows:

.....

Sec. 30-2. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

.....

Imminent public-health threat means the condition of a lot, tract, or parcel of land and the adjacent unpaved and ungraded portion of the right-of-way or roadways, whether such lot or tract or parcel is improved or unimproved that, because of the accumulation of trash, junk, garbage, living or non-living plant material, or debris, such as broken glass, rusted metal, automotive and appliance parts, some of

which may contain chemicals, such as Freon, oils, fluids, or the like, may cause injury or disease to humans or contaminate the environment, or the condition of a lot, tract, ~~or~~ parcel or adjacent right-of-way or roadway that, because of the excessive growth or accumulation of grass, weeds, or brush, can harbor criminal activity, vermin, or disease or obstruct the use of right-of-way/roadway.

.....

Property means a lot or tract or parcel of land and the adjacent unpaved and ungraded portion of the right-of-way or roadways, whether such lot or tract or parcel is improved or unimproved.

.....

Sec. 30-3. - Declaration of nuisance and menace.

The accumulation of trash, junk, or debris, living and nonliving plant material upon property, the excessive growth of grass, weeds, brush, branches, and other overgrowth, the keeping of fill in an unsafe and unsanitary manner, and the permitting vegetation to grow over public roadways are declared to be nuisances and menaces to the public health, safety, and welfare of the citizens of the town for the following reasons:

- (1) The aesthetic appearance of property preserves the value of other properties within the town.
- (2) The accumulation of trash, junk, or debris, living and nonliving plant material, the excessive growth of grass, weeds, brush, branches, and other overgrowth, the keeping of fill in an unsafe and unsanitary manner, and the permitting vegetation to grow over public roadways in violation of section 50-035 of the town ULDC, is dangerous, unhygienic, unhealthy, visually unpleasant to the reasonable person of average sensibilities, and a visual nuisance because it depreciates, or potentially can depreciate, the value of neighboring property, or could cause hazards to the use of public roadways, that, unless addressed properly in this Code, town taxpayers could be and would be required to pay the cost of remedying, and such clean-ups would have to be undertaken by the town several times a year, in some cases for the same properties.
- (3) The obstruction of or encroachment into any public right-of-way/roadway by permitting any living or non-living plant material to encroach upon the public right-of-way/roadway so as to hinder safe and convenient vehicular or pedestrian movement in the public right-of-way/roadway, or by the placement of, maintenance of or causing any other encroachment in or to such right-of-way/roadway, or any part thereof, is declared to be a public nuisance and may be abated as provided by law.

Except as provided in this article or as otherwise authorized by the town, the town shall have the right to remove any obstruction or encroachment from any right-of-way/roadway and to prohibit any use in a right-of-way/roadway.

Sec. 30-4. - Accumulation of trash, junk, or debris, living and nonliving plant material.

- (a) Every owner and, if applicable, every agent, custodian, lessee, or occupant of property shall reasonably regulate and effectively control accumulations of trash, junk, or debris, living and nonliving plant material:
 - (1) On the property; and
 - (2) On that portion of the adjoining public right-of-way/roadway between the property and the paved or graded street.
- (b) The following uses are permissible:
 - (1) Storage of trash, junk, debris, and living and nonliving plant material in garbage cans that comply with applicable ordinances relating to solid waste collection.
 - (2) The storage of nonliving plant material in compost bins.

.....

Sec. 30-7. - Imminent public-health threat.

- (a) The accumulation of trash, junk, debris, living and nonliving plant material, the excessive growth of grass, weeds, brush, or other overgrowth, the keeping of fill on property that presents an imminent public health threat, or the permitting vegetation to grow over ~~public~~ public right-of-way/roadways, may be remedied by the town immediately without notice to the owner or, if applicable, the agent, custodian, lessee, or occupant. The town manager, or his/her designee shall determine whether, under the provisions of this article, an imminent public health threat exists.
- (b) After-the-fact notice will be provided by the town to the owner and, if applicable, the agent, custodian, lessee, or occupant within a reasonable time after the abatement. After-the-fact notice shall be sent as set forth in section 30-8(d), and the owner and, if applicable, the agent, custodian, lessee, or occupant shall have 15 days from the date notice is received to:
 - (1) Reimburse the town; or
 - (2) Appeal the town manager's determination to the town council that an imminent public-health threat existed on the property.

Sec. 30-8. - Enforcement.

.....

- (b) *Notice of violation.*
 - (1) Whenever the town manager or his designee determines there is a violation of this article, the town manager shall serve, or cause to be served, a notice of violation on the owner and, if applicable, the agent, custodian, lessee, or occupant of the property. The notice of violation shall direct the owner and, if applicable, the agent, custodian, lessee, or occupant to terminate and abate the violation within ~~20~~ 10 calendar days of the date the notice is received. If the "notice of violation" pertains to an imminent public health threat abated by the town, the notice shall direct the owner and, if applicable, the agent, custodian, lessee, or occupant to pay to the town the cost of such abatement.

.....

Section 3. The Town of Loxahatchee Groves hereby amends Chapter 38 “Solid Waste”, Article III “Collection of Waste; Franchises and Registration of Contractors Authorized”, Section 38.59 “Pre-collection procedures generally” to read as follows:

Sec. 38-59. – Pre-collection procedures generally.

- (a) The placement of garbage in a loose and uncontained manner on the roadside, swale, other locations adjacent to the roadway, or in dumpster enclosures shall be strictly prohibited.
- (b) No person shall place for curbside collection any garbage, bulk waste, vegetative waste, or recyclable materials upon any property other than in the swale or area adjacent to and directly in front of the same property from which the garbage, bulk waste, vegetative waste, or recyclable materials was generated or accumulated, unless a predetermined location has been approved by the Town and the Town’s Contractor.
- (c) All garbage containers, when placed for curbside collection, shall be at ground level, not within the roadway, and immediately accessible to collection crews.
- (d) No person shall place any garbage containers, or any accumulation of garbage, bulk waste or vegetative waste ~~in any portion of a roadway, right-of-way or~~ upon private property in any part of a front yard or a side yard abutting a right-of-way except during the day scheduled for collection or during the day immediately preceding the day scheduled for collection, as provided herein. No person shall place any garbage containers, or any accumulation of garbage, bulk waste or vegetative waste in any portion of a roadway or right-of-way. No person in possession of real property shall allow any garbage containers or roll-out cart, or any accumulation of garbage, bulk waste or vegetative waste to remain in any portion of a roadway or right-of-way abutting his/her property to the centerline of the roadway or right-of-way, or in any part of the front yard or side yard abutting the roadway or right-of-way, except during the day scheduled for collection or during the day immediately preceding the day scheduled for collection.
- (e) Private roads shall be fully accessible to the Town’s contractor and equipment in order for collections to be made by the Town’s Contractor without delay.
- (f) Unacceptable materials shall be stored and properly disposed of by the person responsible for their generation or accumulation.
- (g) Hazardous wastes shall be stored and properly disposed of by the person responsible for their generation or accumulation.

Section 4. Conflict. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be, and the same are hereby repealed to the extent of such conflict.

Section 5. Severability. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

Section 6. Codification. It is the intention of the Town Council of the Town of Loxahatchee Groves that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Loxahatchee Groves, Florida, that the Sections of this ordinance may be renumbered, re-lettered, and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

Section 7. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

Council Member _____ offered the foregoing ordinance. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as follows:

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS ____ DAY OF _____, 2020.

Council Member _____ offered the foregoing ordinance. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
LISA EL-RAMEY, MAYOR	☐	☐	☐
MARGE HERZOG, VICE MAYOR	☐	☐	☐
LAURA DANOWSKI, COUNCIL MEMBER	☐	☐	☐
PHILLIS MANIGLIA, COUNCIL MEMBER	☐	☐	☐
ROBERT SHORR, COUNCILMEMBER	☐	☐	☐

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakisha Q. Burch, Town Clerk

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

Mayor Lisa El-Ramey

Vice Mayor Marge Herzog

Council Member Laura Danowski

Council Member Phillis Maniglia

Council Member Robert Shorr



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 17

TO: Town Council of Town of Loxahatchee Groves

FROM: R. Brian Shutt, Town Attorney and Lakisha Burch, Town Clerk

VIA: James Titcomb, Town Manager

DATE: September 1, 2020

SUBJECT: Extensions of planning services contract with LRM

Background:

This item requests continuation of our existing contract with LRM, Inc., the Town's contract planning services utilizing Jim Fleishman. The original agreement was executed October 3, 2017 with an initial term through September 30, 2018 and the ability to renew for two additional 2-year terms. In May 2020, the agreement was extended to keep current status through September 30, 2020 by Town Council action. The agreement provides the Town may cancel this agreement at any time without cause.

As we are transitioning through stated priorities in the areas of planning, regulation of commercial development applications, comprehensive plan updates, projected zoning and use overlays and transitions to town applied updates in code (ULDC) and community visioning projects.

Staff recommendation is to retain LRM for the final two-year contract extension, allowing for continuum of service in planning and cost recovery services (which are charged to applicants). LRM's institutional knowledge and practical management of applications in place remain valuable to the town until such time as council directs a search for new and additional, or modified scopes of services, or we deploy increased in-house staffing capabilities for these functions.

Recommendation:

Staff recommends the Town Council approve a final extension provision for our planning services contract for general town planning and cost-recovery services (billed to applicants) of the Southern Boulevard developments and other major siteworks applications.

**AGREEMENT BETWEEN THE TOWN OF LOXAHATCHEE GROVES
AND LAND RESEARCH MANAGEMENT, INC., FOR
PROFESSIONAL PLANNING SERVICES**

This Agreement made this 3rd day of OCTOBER, 2017 ("Effective Date") by and between the Town of Loxahatchee Groves, Florida, (herein referred to as the "TOWN"), a Florida municipal corporation, and Land Research Management, Inc. (hereinafter referred to as "LRM, INC."), a Florida corporation.

WITNESSETH:

WHEREAS, the TOWN desires to appoint a LRM, INC. to perform general planning and zoning services; and

WHEREAS, LRM, INC. has established itself as a qualified consulting firm capable of performing such services; and

WHEREAS, LRM, INC. wishes to provide services as Planning Consultant for the TOWN under the terms and conditions stated herein.

NOW, THEREFORE, the parties hereto do mutually agree as follows:

I. DUTIES.

The TOWN hereby enters into this Agreement with LRM, INC., to serve as its Planning Consultant to perform the duties as specified herein.

II. SCOPE OF SERVICES.

A. LRM, INC. shall provide the following general planning consulting services ("Services"), as directed by the TOWN Council, or Town Manager or either of their designee.

1. Assistance to the TOWN in reviewing and processing planning, zoning, comprehensive plan, and land development applications and requests.

2. Assistance to the Town in administering the Planning and Zoning Board and Unified Land Development Code (ULDC) Review Committee, and any other board or committee, as directed by the TOWN Council

3. Completion of special planning and zoning projects, including GIS mapping, authorized by TOWN Council or Town Manager or either of their designee direction or work authorization.

B. The TOWN shall:

1. Provide any and all TOWN data, records and information and materials necessary for completing the planning services provided by LRM, INC.

2. Be responsible for reproduction of the necessary copies of the documents prepared by LRM, INC. pursuant to the Scope of Services.

3. Submit to the Town Clerk for publication, any related public notices.

III. COMPENSATION AND METHOD OF PAYMENT

A. Unless a specific work authorization provides for a fixed fee, LRM, INC. shall be compensated for the completion of Services, at a rate of ONE HUNDRED TWENTY-FIVE DOLLARS per hour (\$125.00/hr.), including for projects subject to a cost recovery deposit or TOWN Council or TOWN Manager work authorization. For projects subject to a TOWN Council-approved fixed fee, LRM, INC. may be compensated an amount equivalent to the fixed fee or an agreed upon amount.

B. LRM, INC. shall invoice the TOWN on or before the 1st day of each month for services rendered by LRM, INC. during the previous month. Payments shall be issued by the TOWN to LRM, INC. within 30 days of receipt.

IV. TIME OF PERFORMANCE.

- A. The Initial Term of this Agreement shall commence on the Effective Date and continue through September 30, 2018. This Agreement may be renewed for two (2)____ additional two (2)_year_ terms upon the agreement of the parties.
- B. Work performed by LRM, INC. shall commence upon execution of this Agreement by both parties, and continue through approval by the TOWN of work products prepared hereunder.
- C. This Agreement may be terminated at any time by the TOWN Council, with or without cause, upon providing written notice to LRM, INC. This Agreement may be terminated by LRM, INC., upon thirty (30) days prior written notice to the TOWN. Upon any termination of this Agreement, LRM, INC. waives any claim for damages from such termination, including, but not limited to, loss of anticipated profits. Unless LRM, INC. is in breach of this Agreement, the TOWN shall pay LRM, INC. for services rendered through the date of termination in accordance with the terms of the Agreement.

V. GENERAL STATEMENTS.

- A. Subcontract of Services.
- LRM, INC. may subcontract professional services, upon prior written approval of the TOWN Manager, in order to perform services under this Agreement. The costs of all such work so subcontracted shall be the responsibility of LRM, Inc., and shall be included in the compensation payable to LRM, INC. LRM shall ensure that any and all contracts with subcontractors provide that under no circumstances shall the Town be liable or responsible for payment to them, other than through its payments to LRM, INC.
- B. Independent Contractor.
- This Agreement does not create an employee/employer relationship between the Parties. It is the intent of the Parties that LRM, INC. is an independent contractor under this Agreement and not

the TOWN's employee for any purposes, including but not limited to, the application of the Fair Labor Standards Act minimum wage and overtime payments, Federal Insurance Contribution Act, the Social Security Act, the Federal Unemployment Tax Act, the provisions of the Internal Revenue Code, the State Worker's Compensation Act, and the State Unemployment Insurance law. LRM, INC. shall retain sole and absolute discretion in the judgment of the manner and means of carrying out LRM, INC.'s activities and responsibilities hereunder provided, further that administrative procedures applicable to services rendered under this Agreement shall be those of LRM, INC., which policies of LRM, INC. shall not conflict with TOWN, State, or United States policies, rules or regulations relating to the use of LRM, INC.'s funds provided for herein. LRM, INC. agrees that it is a separate and independent enterprise from the TOWN, that it had full opportunity to find other business, that it has made its own investment in its business, and that it will utilize a high level of skill necessary to perform the work. This Agreement shall not be construed as creating any joint employment relationship between the LRM, INC. and the TOWN and the TOWN will not be liable for any obligation incurred by LRM, INC., including but not limited to unpaid minimum wages and/or overtime premiums.

C. General Insurance Requirements.

1. LRM, INC. shall not commence performance hereunder until it has obtained all insurance required under this paragraph and such insurance has been approved by the TOWN Manager.

2. Certificates of Insurance reflecting evidence of the required insurance shall be filed with the TOWN prior to the commencement of this Agreement. Policies shall be issued by companies authorized to do business under the laws of the State of Florida.

3. Insurance shall be in force until the obligations required to be fulfilled under the

terms of the Agreement are satisfied. In the event the insurance certificate provided indicates that the insurance shall terminate and lapse during the period of this Agreement, then in that event, the LRM, INC. shall furnish, at least forty-five (45) days prior to the expiration of the date of such insurance, a renewed certificate of insurance as proof that equal and like coverage for the balance of the period of the Agreement and extension thereunder is in effect.

4. Commercial General Liability Insurance to cover liability bodily injury and property damage. Exposures to be covered are: premises, operations, products/completed operations, and certain contracts. Coverage must be written on an occurrence basis, with the following limits of liability:

\$1,000,000	Combined Single Limit – each occurrence
\$1,000,000	Combined Single Limit – general aggregate
\$1,000,000	Personal Injury
\$1,000,000	Products/Completed Operations Aggregate

LRM, INC. shall have its insurer name TOWN as an additional insured on its General Liability policy.

5. Professional Liability Insurance of \$100,000.00 per occurrence for a period of at least three (3) years after the work performed hereunder is completed.

D. Indemnification.

1. LRM, INC. shall indemnify and save harmless and defend the TOWN, its trustees, elected and appointed officials, agents, servants and employees from and against any and all claims, demands, or causes of action of whatsoever kind or nature sustained by the TOWN or any third party arising out of, or by reason of, the production, exhibition, broadcasting or other use of the products produced pursuant to this Agreement or resulting from acts, error,

omission, or negligent act of LRM, INC., its agents, servants or employees in the performance under this Agreement, for all costs, losses and expenses, including but not limited to, damages to persons or property, judgments and attorneys' fees, including paralegal expenses, at both trial and appellate levels, arising out of or in connection with the performance by LRM, INC. pursuant to this Agreement.

2. The Parties recognize that various provisions of this Agreement, including but not limited to this Section, provide for indemnification by LRM, INC. and require a specific consideration be given therefore. The Parties therefore agree that the sum of Ten Dollars and 00/100 (\$10.00), receipt of which is hereby acknowledged, is the specific consideration for such indemnities, and the providing of such indemnities is deemed to be part of the specifications with respect to the services to be provided by LRM, INC. Furthermore, the Parties understand and agree that the covenants and representations relating to this indemnification provision shall serve the term of this Agreement and continue in full force and effect as to the Party's responsibility to indemnify.

E. Assignments.

This Agreement, or any interest herein, shall not be assigned, transferred or otherwise encumbered, under any circumstances, by LRM, INC. without the prior written consent of the TOWN Council. For purposes of this Agreement, any change of ownership of LRM, INC. shall constitute an assignment which requires TOWN approval. However, this Agreement shall run to the TOWN and its successors and assigns.

F. No Contingent Fees.

LRM, INC. warrants that it has not employed or retained any company or person, other than a

{00195848.3 1574-0702400}

bona fide employee working solely for LRM, INC. to solicit or secure this Agreement, and that it has not paid or agreed to pay any person, company, corporation, individual or firm, other than a bona fide employee working solely for LRM, INC. any fee, commission, percentage, gift, or other consideration contingent upon or resulting from the award or making of this Agreement. For the breach or violation of this provision, the TOWN shall have the right to terminate the Agreement without liability at its discretion, to deduct from the contract price, or otherwise recover the full amount of such fee, commission, percentage, gift or consideration.

G. Notice.

Whenever any party desires to give notice unto any other party, it must be given by written notice, sent by registered United States mail, with return receipt requested, addressed to the party for whom it is intended and the remaining party, at the places last specified, and that places for giving of notice shall remain such until they shall have been changed by written notice in compliance with the provisions of this section. For the present, LRM, INC. and the TOWN designate the following as the respective places for giving of notice:

TOWN: David Browning, Mayor
Town of Loxahatchee Groves
155 "F" Road
Loxahatchee, FL 33470
Telephone No. (561) 793-2418

Copy To: Michael D. Cirullo, Jr., Town Attorney
Goren, Cherof, Doody & Ezrol, P.A.
3099 East Commercial Boulevard, Suite 200
Fort Lauderdale, Florida 33308
Telephone No. (954) 771-4500

LRM, INC.: James P. Fleischmann

Land Research Management, Inc.
2240 Palm Beach Lakes Bld., Suite 103
West Palm Beach, Florida 33409
Telephone No. (561) 686-2481

H. Binding Authority.

Each person signing this Agreement on behalf of either party individually warrants that he or she has the full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

I. Severability.

If any provision of this Agreement or application thereof to any person or situation shall to any extent, be held invalid or unenforceable, the remainder of this Agreement, and the application of such provisions to persons or situations other than those as to which it shall have been held invalid or unenforceable shall not be affected thereby, and shall continue in full force and effect, and be enforced to the fullest extent permitted by law.

J. Attorney's Fees.

In the event that either party brings suit for enforcement of this Agreement, each party shall bear its own attorney's fees and costs.

K. Venue, Choice of Laws, and Waiver of Jury Trial.

for any litigation relating to this Agreement shall be in Palm Beach County, Florida. Florida law shall apply to this Agreement. Each party to this Agreement waives its right to trial by jury for any dispute relating to their performance under this Agreement.

L. Extent of Agreement.

This Agreement represents the entire and integrated agreement between the TOWN and LRM,

{00195848.3 1574-0702400}

INC. and supersedes all prior negotiations, representations or agreements, either written or oral.

M. Records.

LRM, INC. shall keep books and records and require any and all subcontractors to keep books and records as may be necessary in order to record complete and correct entries as to personnel hours charged to this engagement, and any expenses for which LRM, INC. expects to be reimbursed. Such books and records will be available at all reasonable times for examination and audit by TOWN and shall be kept for a period of three (3) years after the completion of all work to be performed pursuant to this Agreement. Incomplete or incorrect entries in such books and records will be grounds for disallowance by TOWN of any fees or expenses based upon such entries.

N. Abandonment by LRM, INC.

In the event that LRM, INC. abandons this Agreement or causes it to be terminated, it shall indemnify the TOWN against any loss pertaining to this termination.

O. CONFLICTS OF INTEREST

12.1 LRM, INC. shall not perform any services for any private sector clients (including, but not limited to, developers, corporations, real estate investors, etc.) on projects within the jurisdictional boundaries of the TOWN.

12.2 LRM, INC. acknowledges that, in the course of performing the services, it may originate, develop, receive or otherwise become aware of knowledge and information concerning the TOWN and its plans and that all such knowledge and information, whether oral or written which is developed or acquired by, or communicated or delivered to LRM, INC. or of which LRM, INC. may otherwise become aware are and shall be and remain the confidential information of the Town ("Confidential Information"), unless otherwise deemed "public" by law. The LRM, INC. will not use or disclose any information concerning a recipient of services under this Agreement for any purpose not in conformity with state statute and applicable federal regulations. LRM, INC. further acknowledges that, in the course of performing the services, it may have access to certain other information that relates, directly or indirectly, to the TOWN or its agents, statistical, business or technical research, development, trade secrets, processes, formulae, specifications, programs, software packages, technical know-how, methods and procedures of operation, business or confidential plans ("Proprietary Information"). LRM, INC. affirms that it will not disclose such information and that if it determines that there could be a conflict, or potential conflict of interest, LRM, INC. and/or its agents will immediately advise the Town Manager.

12.3 LRM, INC. shall not review or perform any services regarding any application made by any client of LRM, INC., even if the services LRM, INC. performs for such client are unrelated to the TOWN. In such instance, LRM, INC. shall disclose the relationship immediately to the Town Manager, who may retain an alternate LRM, INC. for those services. If the services relate to a fixed fee service, the fees for the alternate LRM, INC. shall be deducted from the fixed fee paid to LRM, INC.

12.4 Neither LRM, INC. nor any of its employees shall have or hold any employment or contractual relationship that is antagonistic or incompatible with LRM, INC.'s loyal and conscientious exercise of judgment related to its performance under this Agreement.

12.5 LRM, INC. shall immediately notify Town if any public records are requested of LRM, INC. and/or if issues are discovered by LRM, INC. that may adversely impact TOWN.

12.6 LRM, INC. further agrees to use best efforts to maintain open, honest and direct communication with the TOWN Manager and TOWN Attorney in the performance of services required pursuant to this Agreement.

P. Public Records

The Town is public agency subject to Chapter 119, Florida Statutes. LRM, INC. shall comply with Florida's Public Records Law. Specifically, LRM, INC. shall:

- 1 Keep and maintain public records required by the TOWN to perform the service;
2. Upon request from the TOWN's custodian of public records, provide the TOWN with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in chapter 119, Fla. Stat., or as otherwise provided by law;
- 3 Ensure that public records that are exempt or that are confidential and exempt from public record disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and, following completion of the contract, LRM, INC. shall destroy all copies of such confidential and exempt records remaining in its possession after the LRM, INC. transfers the records in its possession to the TOWN; and
- 4 Upon completion of the contract, LRM, INC. shall transfer to the TOWN, at no cost to the TOWN, all public records in LRM, INC.'s possession. All records stored electronically by the LRM, INC. must be provided to the TOWN, upon request from the TOWN's custodian of public records, in a format that is compatible with the information technology systems of the TOWN.
- 5 If the LRM, INC. keeps and maintains public records upon the completion of the contract, the LRM, INC. shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the TOWN upon

request from the TOWN's custodian of public records, in a format that is compatible with the information technology systems of the TOWN.

- 6 The failure of LRM, INC. to comply with the provisions set forth in this Article shall constitute a Default and Breach of this Agreement and the TOWN shall enforce the Default in accordance with the provisions set forth in Section 10.

IF LRM, INC HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO LRM, INC.'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT:

**TOWN CLERK
155 F ROAD
LOXAHATCHEE GROVES, FL 33470
(561) 793-2418
vwalton@loxahatcheegrovesfl.gov**

Q. Palm Beach County Office Of Inspector General

The Inspector General of Palm Beach County has the authority to investigate and audit matters relating to the negotiation and performance of this Agreement, and in furtherance thereof may demand and obtain records and testimony from LRM, INC. and, any, if applicable, subcontractors and lower tier subcontractors. LRM, INC. understands and agrees that in addition to all other remedies and consequences provided by law, failure of LRM, INC. or, if applicable, subcontractors and lower tier subcontractors to fully cooperate with the Inspector General when requested will be deemed to be a breach of this Agreement. LRM, INC. shall be responsible for all costs incurred by it as a result of any review involving it by the Inspector General; and, in the event of an adverse determination caused by LRM, INC., or if applicable, subcontractors and lower tier subcontractors. LRM, INC. shall be responsible for the TOWN'S costs of such Inspector General review.

R. Survival Of Provisions

Any terms or conditions of this Agreement that require acts beyond the date of its termination shall survive the termination of this Agreement, shall remain in full force and effect unless and until the terms of conditions are completed, and shall be fully enforceable by either party.

IN WITNESS WHEREOF, the Town of Loxahatchee Groves, Florida, and LRM, INC.

have executed this Agreement on this day and year first above written.

ATTEST:

Virginia M Walton
Town Clerk

Town of Loxahatchee Groves, Florida

By: David Browning
David Browning, Mayor

Approved as to Legal Form:

mal
Town Attorney

LAND RESEARCH MANAGEMENT, INC.

BY: James P. Fleischmann
James P. Fleischmann, Vice President

(CORPORATE SEAL)

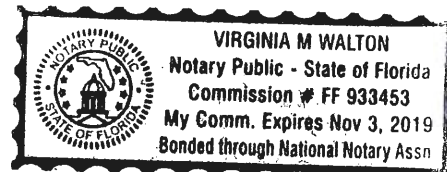
STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, an officer duly authorized by law to administer oaths and take acknowledgments, personally appeared James P. Fleischmann of Land Research Management, Inc. who is personally known and acknowledged execution of the foregoing Agreement as the proper official of Land Research Management, Inc. of for the use and purposes mentioned in it and that the instrument is the act and deed of the Corporation.

IN WITNESS OF THE FOREGOING, I have set my hand and official seal at in the State and County aforesaid on this 18th day of OCTOBER, 2017.

Virginia M Walton
NOTARY PUBLIC

My Commission Expires



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155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 18

TO: Town Council of Town of Loxahatchee Groves
FROM: Lakisha Burch, Town Clerk
VIA: James Titcomb, Town Manager
SUBJECT: Resolution No. 2020-18 appointment to Planning Zoning Board

Background:

Mr. Brett Raflowitz is being nominated as regular voting member of the Planning and Zoning Board replacing Mr. Dennis Lipp.

Recommendations:

Staff recommends that Town Council approves Resolution No. 2020-18 appointing Mr. Brett Raflowitz to the Planning and Zoning Board.

RESOLUTION NO. 2020-18

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING BRETT RALFOWITZ AS REGULAR MEMBERS OF THE TOWN'S PLANNING AND ZONING BOARD TO SERVE TERMS OF ONE (1) YEAR; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, regular and alternate members of the Planning and Zoning Board are appointed pursuant to Ordinance 2011-011, which was amended by Ordinance 2012-02, to allow alternate members of the Planning and Zoning Board to participate in any matter coming before the Board at a meeting at which the alternate member attends, and by Ordinance 2015-02, which was amended by Ordinance 2020-01 to amend the terms of regular members of the Planning and Zoning Board to be one (1) year terms; and,

WHEREAS, the Town Council finds it in the best interest to appoint members of the Planning and Zoning Board for terms of one (1) year, and to make such appointments for the upcoming year at this time and to appoint the alternate members in a separate resolution.

WHEREAS, the Town Council of the Town of Loxahatchee Groves wishes to amend its Code of Ordinances regarding the Planning and Zoning Board as it relates to board composition and determination of absences;

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

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

Section 2. The Town Council hereby appoints the following persons to serve as regular members of the Town's Planning and Zoning Board for a term of one (1) year:

Laura Danowski, Councilmember will replace Dennis Lipp with Brett Raflowitz.

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 5. This Resolution shall become effective immediately upon its passage and adoption.

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
Lisa El-Ramey, MAYOR	☐	☐	☐
Marge Herzog, VICE MAYOR	☐	☐	☐
Laura Danowski, COUNCIL MEMBER	☐	☐	☐
Phillis Maniglia, COUNCIL MEMBER	☐	☐	☐
Robert Shorr, COUNCIL MEMBER	☐	☐	☐

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS 8th DAY OF September, 2020.

**TOWN OF LOXAHATCHEE GROVES
FLORIDA**

ATTEST:

Lisa El-Ramey, Mayor

Lakisha Burch, Town Clerk

Marge Herzog, Vice Mayor

APPROVED AS TO LEGAL FORM:

Laura Danowski, Council Member

Phillis Maniglia, Council Member

R. Brian Shutt, Office of the Town Attorney

Robert Shorr, Council Member

Application for Appointment to Town Council Advisory Boards

Name: Brett Raflowitz Home phone (772) 221-0747

Address: 1261 F Rd, Loxahatchee FL 33470

Email: Brett@esifooting.com

Occupation: Entrepreneur / CEO

Business: Equestrian Services International Work phone: (772) 221-0707

Business address: _____

Brief education/experience description I have worked in countless states and towns assisting engineers with design and development of properties, especially ones that are dedicated to the Equestrian community.

I have expertise in understanding functionality and practicality of properties and what best suits each home owner.

Are you a registered voter? ✓ yes _____ no

Do you currently serve on a board/committee? _____ yes ✓ no

If yes, which one? _____

On which board are you being nominated, or number your preference 1-4, 1 being most wanted.

_____ Finance Advisory and Audit Committee

✓ _____ Planning & Zoning Board

_____ Roadways, Trails & Greenway Advisory

_____ Unified Land Development Committee

Why are you interested in this board? As someone who plays a large roll in the Equestrian Community,
I would love the opportunity to serve my town and be on a board where change and improvements
can take place.

Signature: _____ Date: _____



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 19

TO: Town Council of Town of Loxahatchee Groves
FROM: Larry A. Peters, P.E. Director of Public Works
VIA: James Titcomb, Town Manager
SUBJECT: 4000 Gallon Water Truck

Background:

The Town's has 42 Miles of Dirt Roads. The Town's "Public Works Crew", is responsible for maintaining these dirt roads. During "Drought" conditions, all dirt roads require "Watering" to keep the dust down. The Town is currently renting a water truck at \$4,000.00 each month. In addition to watering for dust control, the water truck is used to assist in watering road base material, for proper moisture content, during the compaction process, of road base reconstruction.

Our Town mechanics, along with United Rental mechanics, have modified the existing rental truck to function efficiently, and although during the wet season, we might not need a water truck, we were offered a reasonable purchase agreement, for this 2014 vehicle with 10,410 miles.

At the Town Council meeting of May 5, 2020, Council approved the purchase.

Town staff and the Town Attorney have since been negotiating the agreement.

At the Town Council meeting of August 4, 2020, the Town Council approved an additional 30 days for negotiation of crediting rental cost to the purchase.

Please see the attached United Rentals Equipment email of Tuesday August 18, 2020, stating the crediting of two months rental (July and August) toward the purchase price, and an updated quote for the new total of \$68,350.20 Sale Quote # 177836211.

Recommendations:

Staff seeks Council's approval to execute the agreement, and to approve purchase orders for the purchase of a water truck.

Staff recommends purchase orders be written to United Rentals, in the amount \$68,650.20, payable at \$5,720.83 per month, for twelve months, for the purchase of a 4000-4999 Gal. Model M2 106 Water Truck, United Rental Equipment No. 10283725, in accordance with Quote # 177836211.



EQUIPMENT SALE QUOTE

177836211

BRANCH 02F
1860 MARTIN LUTHER KING JR.BLV
RIVIERA BEACH FL 33404
561-881-7368
561-881-7004 FAX

Job Site

LOXAHATCHEE GROVES WATER
155 F RD
LOXAHATCHEE FL 33470-4949

Office: 561-807-6637 Cell: 561-335-6024

LOXAHATCHEE GROVES WATER
155 F RD
LXHTCHEE GRVS FL 33470-4949

Customer # : 3032709
Quote Date : 01/10/20

UR Job Loc : 155 F RD, LOXAHATCHEE
UR Job # : 9
Customer Job ID:
P.O. # : QUOTE
Ordered By : LARRY PETERS
Written By : RICHARD BERNARD
Salesperson : RICHARD BERNARD

This is not an invoice
Please do not pay from this document

Qty	Equipment #	Price	Amount
1	10283725 CC: 953-2227 TRUCK WATER 4000-4999 GAL Make: FREIGHTLNR Model: M2 106 WATER Serial #: 1FVHCYCY1FHGA5510 Model Year: 14 Lic: P511876 Wgt: 033001 MI OUT: 10510.300	68350.20	68350.20
			Sub-total: 68350.20
			Total: 68350.20
CONTACT: LARRY PETERS CELL#: 561-335-6024			

Note: This proposal may be withdrawn if not accepted within 30 days.

THIS IS NOT AN EQUIPMENT SALE AGREEMENT/INVOICE. THE SALE OF EQUIPMENT AND ANY OTHER ITEMS LISTED ABOVE IS SUBJECT TO AVAILABILITY AND ACCEPTANCE OF THE TERMS AND CONDITIONS OF UNITED'S EQUIPMENT SALE AGREEMENT/INVOICE, WHICH MUST BE SIGNED PRIOR TO OR UPON DELIVERY OF THE EQUIPMENT AND OTHER ITEMS.

TOWN OF LOXAHATCHEE GROVES

155 F ROAD
LOXAHATCHEE GROVES, FL 33470

PURCHASE ORDER

PURCHASE ORDER #	247
VENDOR ID	0681
6/10/2020	Page 1

VENDOR

SHIP TO

Attention:
Phone: (212) 333-6600 Ext 8489

Town of Loxahatchee
155 F Rd
Loxahatchee Groves, FL 33470

United Rentals North America, Inc
P.O. Box 100711
Atlanta, GA 30384-0711

Attention: Bev Kuipers
Phone: (561) 793-2418

SHIP VIA	F.O.B.	TERMS	PO DATE	BUYER
	destination	Due Upon Receipt	5/28/2020	Town of Loxahatchee Groves
			DEPARTMENT	CONFIRM TO
			Finance	

LINE #	OUR PRODUCT ID	VENDOR PART NUMBER	REQUIRED	UNIT	QUANTITY	EXTENDED PRICE
			PROMISED		UNIT PRICE	
1				Flat Rate	5	\$31,875.00
	Water truck payment					
	Purchase of a water truck of \$ 76,500.00. 5 months in 2020 and 7 months in 2021 monthly charge of \$ 6,375.00. Approved by the council May 2020					
					\$6,375.000	
TOTAL						\$31,875.00

Water truck approved by Town Council May 2020. 5 months left of 2020 and 7 month for 2021. Cost of \$76,500.00 at 12 months of \$6,375.00.


AUTHORIZED SIGNATURE



Town of
LOXAHATCHEE GROVES

155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 7

TO: Town Council of Town of Loxahatchee Groves
FROM: Larry A. Peters, P.E. Director of Public Works
VIA: James Titcomb, Town Manager
SUBJECT: 4000 Gallon Water Truck

18# 247

Background:

The Town's has 42 Miles of Dirt Roads. The Town's Public Works Crew", is responsible for maintaining these dirt roads. Recently we have experienced "Drought" conditions, and all dirt roads require "Watering" to keep the dust down. The Town is currently renting a water truck at \$4,000.00 each month. In addition to watering for dust control, the water truck is used to assist in watering road base material, for proper moisture content, during the compaction process.

Our Town mechanics, along with United Rental mechanics, have modified the existing rental truck to function efficiently, and although we are approaching the wet season, and might not need a water truck year around, we have been offered a reasonable purchase agreement, for this 2014 vehicle with 10,410 miles.

Please see the attached United Rentals Equipment Sale Quote # 177836211, along with quotes from two (2) additional quotes from companies for comparable equipment.

Recommendations:

Staff seeks Councils approval to execute a purchase order for the purchase of a water truck.

Staff recommends a purchase order be written to United Rentals, in the amount \$76,500.00, payable at \$6,375.00 per month, for twelve months, for the purchase of a 4000-4999 Gal. Model M2 1000 Water Truck, United Rental Equipment No. 10283725, in accordance with Quote # 177836211.

5 months left 5020

7 months 0021

[Signature]



BRANCH D/F
1850 MARTIN LUTHER KING JR. BLV
RIVIERA BEACH FL 33404
561-881-7358
561-881-7004 FAX



EQUIPMENT SALE QUOTE

177836211

Job Site

LOXAHATCHEE GROVES WATER
155 F RD
LOXAHATCHEE FL 33470-4949

Office: 561-807-6637 Cell: 561-335-6024

LOXAHATCHEE GROVES WATER
155 F RD
LXHTCHEE GRVS FL 33470-4949

Customer # : 3032709
Quote Date : 01/10/20
UR Job Loc : 155 F RD, LOXAHATCHEE
UR Job # : 9
Customer Job ID:
P.O. # : QUOTE
Ordered By : LARRY PETERS
Written By : RICHARD BERNARD
Salesperson : RICHARD BERNARD

This is not an invoice
Please do not pay from this document

Qty	Equipment #	Price	Amount
1	10283725 CC: 953-2227 TRUCK WATER 4000-4999 GAL Make: FREIGHTLINR Model: M2 106 WATER Serial #: 1FVHCYCY1FHGA5510 Model Year: 14 Lic: P511876 Wgt: 033001 MI OUT: 10410.300	76500.00	76500.00
Sub-total:			76500.00
Total:			76500.00

Note: This proposal may be withdrawn if not accepted within 30 days.

THIS IS NOT AN EQUIPMENT SALE AGREEMENT/INVOICE. THE SALE OF EQUIPMENT AND ANY OTHER ITEMS LISTED ABOVE IS SUBJECT TO AVAILABILITY AND ACCEPTANCE OF THE TERMS AND CONDITIONS OF UNITED'S EQUIPMENT SALE AGREEMENT/INVOICE, WHICH MUST BE SIGNED PRIOR TO OR UPON DELIVERY OF THE EQUIPMENT AND OTHER ITEMS.