



**TOWN OF LOXAHATCHEE GROVES**

**TOWN COUNCIL MEETING**

**AGENDA**

**TUESDAY, September 1, 2015**

*Mayor David Browning (Seat 4)*

*Vice-Mayor Ronald D. Jarriel (Seat 1)*

*Councilman Tom Goltzené (Seat 5)*

*Councilman Ryan Liang (Seat 3)*

*Councilman Jim Rockett (Seat 2)*



Town of Loxahatchee Groves  
Town Council Meeting

Tuesday, September 1, 2015 - 7:00 p.m. to 10:30 p.m.

*(Times established by Resolution No. 2014-08... commencing at 7:00 p.m., and ending no later than 10:30 p.m., which can be extended by motion of the Council.)*

TOWN HALL  
155 F Road

Mayor David Browning (Seat 4)  
Vice-Mayor Ronald D. Jarriel (Seat 1)  
Councilman Tom Goltzené (Seat 5)  
Councilman Ryan Liang (Seat 3)  
Councilman Jim Rockett (Seat 2)

Town Manager William F. Underwood, II  
Town Clerk  
Town Attorney Michael D. Cirullo, Jr.

Tentative  
Subject to Revision

**PUBLIC NOTICE/AGENDA**

**1. OPENING**

- a. Call to Order & Roll Call
- b. Pledge of Allegiance & Invocation – Mayor Browning
- c. Approval of Agenda

**2. CONSENT AGENDA**

- a. Minutes: August 8, 2015
- b. Invoice from Goren, Cherof, Doody & Ezrol, P.A.
- c. Set Special Town Council Meeting for September 29, 2015 (Adopting of Final Millage and Budget)

3. **PUBLIC COMMENTS**

4. **PRESENTATIONS**

5. **COMMITTEE REPORTS** - *None*

6. **RESOLUTIONS**

- a. **Resolution No. 2015-26** (*Final Hearing Establishing Residential Solid Waste Fees*)
- b. **Resolution No. 2015-29** (*Amending Budget for FY2015*)

7. **ORDINANCES** – *None*

8. **MANAGER’S REPORT** – *Town Manager Underwood*

- a. Agenda Item Report (AIR) - Updates on various activities and issues concerning the Town.

9. **OLD BUSINESS** –

- a. Discussion and direction for Town Management – Severn Trent Letter of Withdrawal Dated: August 25, 2015
- b. Discussion and direction for selecting Town Attorney

10. **NEW BUSINESS**

- a. Discussion and direction regarding performing code enforcement services
- b. Authorization to terminate Agreement with Palm Beach County – Land Development Review

11. **COUNCIL REPORTS**

Vice-Mayor Jarriel:

- 1. Discussion and direction on payment due to the LGWCD for services rendered on grading Town road Outstanding Bills
- 2. Maintenance easement Red Clover Nursery (B Road and 6<sup>th</sup> Court North)
- 3. Town Attorney Extension from 30 to 60 days

**12. CLOSING COMMENTS**

- a. Public
- b. Town Attorney
- c. Town Council Members

**13. ADJOURNMENT**

*The next regular Town Council Meeting is tentatively scheduled for September 15, 2015.*

**Comment Cards:** Anyone from the public wishing to address the Town Council must complete a Comment Card before speaking. This must be filled out completely with your full name and address and given to the Town Clerk. During the meeting, before public comments, you may only address the item on the agenda in which is 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.



**Item 2.a.**

**CONSENT AGENDA**

**Minutes**



Town of Loxahatchee Groves  
Town Council Meeting  
Tuesday, August 4, 2015 - 7:00 p.m. to 10:30 p.m.  
TOWN HALL  
155 F Road, Loxahatchee Groves, Florida 33470

Mayor David Browning (Seat 4)  
Vice-Mayor Ronald D. Jarriel (Seat 1)  
Councilman Tom Goltzené (Seat 5)  
Councilman Ryan Liang (Seat 3)  
Councilman Jim Rockett (Seat 2)

Town Manager William F. Underwood, II  
Town Clerk  
Town Planning Consultant Jim Fleischmann  
Town Attorney Michael D. Cirullo, Jr.

**MINUTES**

**1. OPENING**

a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 7:00 PM. Upon roll call the following members were present: Tom Goltzene, Ron Jarriel, Jim Rockett, and Mayor David Browning. Councilman Ryan Liang was absent from the meeting. Also in attendance were Town Manager Bill Underwood, Town Attorney Jacob Horowitz, Planning Consultant Jim Fleischmann, and Acting Town Clerk Perla Underwood.

b. Pledge of Allegiance & Invocation – Mayor Browning

c. Approval of Agenda

Town Manager Underwood requested the Council move item 10.b. “Discussion and direction regarding implementation of Speed Hump Distance Policy retroactively on existing roads or forward on newly improved roads.” to Item 4.b

Councilman Rockett Moved, Seconded by Councilman Jarriel to amend the Agenda as recommended. The vote on the motion was unanimous, 5/0.

**2. CONSENT AGENDA**

- a. Invoice from Goren, Cherof, Doody & Ezrol, P.A.

Councilman Jarriel Moved, Seconded by Councilman Rockett to approve the Consent Agenda. The vote on the motion was unanimous, 5/0.

**3. PUBLIC COMMENTS**

Virginia Standish, 15410 North Road - made comments in regards to RFP for Town management services

Todd McClendon, 3481 D Road - made comments in regards to RFP for Town management services and inquired if the Town Council will be bidding the ILA included in the Agenda.

**4. PRESENTATIONS –**

- a. Engineering and Construction Schedule for B Road Improvements –  
Randy Wertepny, Keshavarz and Associates

Town Manager Underwood introduced Randy Wertepny to discuss the Schedule for B Road Improvements. Mr. Wertepny reviewed the time frame for the project. He advised that there was a delay with respect to the surveying, but feels that the project will be still be on schedule as planned.

Mr. Wertepny also discussed with the Council the idea of approaching the landowners on B Road with respect to dedicating a ten (10) foot easement for drainage to provide catch basins to pipe across the road to the canal.

With respect to the bid phase and contract award, Mr. Wertepny advised that bid advertising will be done for two (2) consecutive Sundays. Time frame for the bid process and approval by Town Council is anticipated to take 2 ½ months. Additionally, he advised that a 6 month construction period is anticipated that will provide a two (2) month window before the deadline as per the Contract with the three entities. Finally he advised the Town Council the schedule is based on business day rather than calendar days.

**Councilman Ryan Liang entered meeting at 7:15 pm.**

Upon question from Councilman Rockett, Mr. Wertepny advised that he feels they will be able to meet the schedule. He advised that there is fluff in the construction phase portion of the schedule, but in the bid phase the only concern is if the matter would need to go to the Town Council on more than one occasion.

Vice Mayor Jarriel advised that he is concerned that construction is scheduled to begin during hurricane season, and he would hope that the project would be moved up to complete the job before the season begins. Upon question, Mr. Wertepny advised that he was working with the LGWCD Administrator and their attorney.

Mayor Browning advised that he thought the residents would be receptive. Vice Mayor Jarriel Moved, and Seconded by Councilman Liang to authorize the Engineers to contact property owners with respect to drainage easements.

- b. Discussion and direction regarding implementation of Speed Hump Distance Policy retroactively on existing roads or forward on newly improved roads.

Upon question from Vice Mayor Jarriel, Randy Wertepny advised that the Town's engineers recommended the placement of speed tables at a distance of 500 feet. Vice Mayor Jarriel stated that the Town Council preferred speed tables, Speed Limit of 30 miles per hour, but would prefer the distance between tables from 800 to 1000 feet.

With respect to the distance requested between speed tables, Mr. Wertepny advised that there are factors to weigh when making a decision. Councilman Rockett advised that he feels the Town has added safety to the roadway by going from dirt to OGEM.

Councilman Rockett Moved, Seconded by Vice Mayor Jarriel to approve the use of speed tables (specifically like those on the Sycamore). Mayor Browning stated that he would prefer the distance between the speed tables at 500 feet. He also expressed concerns for residents living on B Road when exiting their driveways onto B Road.

Joe Lelonek, Atlantic Land Sales thanked the Town Manager and Engineer for the update and encouraged monthly basis to which helps accelerate the project.

Ken Johnson, 15409 Collecting Canal Road recommended that the Town Council keep the current distance of 500 feet.

Dennis Lipp – 13402 North Road reminded the Town Council that one of the selling points for OGEM was that water would not settle on the road, and that was not true.

Jo Sciliano, B Road and Laura Danoskwi, E Road had questions with respect to road width, easement and catch basin placement how that may affect horses.

Jorge Perez – B Road

Expressed his concerns about the speed limit for the road and prefers speed humps, and pointed out that on Los Angeles near his home there is a bus stop and would like to see slow down the traffic in that area.

Town Attorney Horowitz requested authorization to prepare a Resolution for Council consideration to include the schedule for the B Road improvements. Councilman Rockett Moved, and Seconded by Vice Mayor Jarriel to authorize the preparation of a Resolution

for Council consideration at the August 18, 2015 meeting. The vote on the motion was unanimous, 5/0.

Upon question from Vice Mayor Jarriel, Mr. Wertepny advised that the bidding process will include all aspects of the project.

Councilman Rockett advised that he feels that all speed humps already in place should be addressed and that the Town should pay to have them removed.

Councilman Goltzene expressed his concerns with respect to removal and the problems associated with the removal. Feels we need more information before the Town Council can make any decisions. Vice Mayor Jarriel stated that before the Town Council starts taking speed humps out, we should first know what the distance will be on B Road.

Mayor Browning advised that the residents along Folsom have urged the County to consider installation of speed controlling devices to slow traffic. He has concerned about B Road if the Town makes it to smooth and too nice and there will be speeders using the road. He suggested that the Town inquire into cost to convert the existing speed humps into tables.

Dennis Lipp, North Road questioned the Town Attorney about the national standards for speed humps on the distance especially when a canal is next to the road. Attorney Horowitz stated he would prefer not to comment, but advised that when there are deviations from the standard that would be taken into consideration if a problem was to occur.

## 5. COMMITTEE REPORTS

- a. Financial Report – June 2015 - Lung Chiu, Chair of the Finance Advisory and Audit Committee (FAAC)

Town Council reviewed report provided by Chair Chiu that included a recap of the July 27, 2015 FAAC Meeting including approval of the June 2015 Financial Reports as presented.

Doreen Baxter, North Road had questions several over budgeted items in Legislative department and election expenses, and also inquired about several Code Enforcement open cases that have HOLDS on Town Council direction.

Todd McClendon, D Road questioned Election overruns.

## 6. ORDINANCES - *None*

## 7. RESOLUTIONS

### RESOLUTIONS: QUASI-JUDICIAL

a. **RESOLUTION NO. 2015-22** (*Loxahatchee Groves Commons Site Plan*)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE LOXAHATCHEE GROVES COMMONS SITE PLAN AMENDMENT, FOR LAND OWNED BY ERNEST G. SIMON, AS TRUSTEE OF TRUSTS "A" AND "B" U/W/O ALEXANDER ABRAHAM SIMON, CONSISTING OF 21.73 ACRES MORE OR LESS, LOCATED AT THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND "B" ROAD LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT "A" TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Horowitz read the title to Resolution 2015-22, and reviewed the procedures for for the Quasi-judicial proceedings. Planning Consultant Fleischmann advised that the item was properly advertised as required. Town Attorney Horowitz sworn in individuals that would be addressing Town Council on this matter.

Joe Lelonek, Atlantic Land Sales advised the Council that this is a site plan amendment with some small changes to include landscaping, a change on one of the out parcel from a bank to another fast food restaurants, and LED outside lighting. He also advised that the Town has a policy that requires all parking lot lighting must be turned off at 11 pm. He requested that there is a need for some security lighting in the parking area over night to provide security, and would like the Town Council to consider this code provision.

Planning Consultant Jim Fleischmann advised notice was advertised in the Palm Beach Post on July 24, 2015, notices were posted on the property, and property owners received correspondence on this item. He further advised that the Town's Planning & Zoning Board approved the amendment unanimously to include additional conditions that have been submitted by the developer with respect to improving traffic flow around Building G on the site plan, and signage around parcel 3 to improve flow.

Mayor Browning questioned the traffic backing up into the area may cause congestion.

Mr. Fleishman reviewed the information on the Site Plan Amendment starting on page 36 of the Agenda that detail Site Plan Changes, Landscape Plan Changes, Photometric Plan Changes, and Civil Engineering.

Mr. Fleishmann also reviewed the Conditions of Approval in Attachment C on page 41 of the Agenda with the Town Council that included general, land use and site planning, architectural, engineering, land clearing and landscaping, exterior lighting, Palm Tran, parking and loading, signs, and utilities and services.

Mr. Fleishmann concluded by providing the Town Council with staff finding and recommendation as outlined on page 29 of the Agenda that recommends approval of Resolution No. 2015-22 subject to the Conditions of Approval presented in Attachment C.

Bill Louda questioned the gas station convenience store, fast food, alcohol sales, and low lighting in the plan. Stated that he feels the Town will need a dedicated police officer. Questioned what Everglades Farm Equipment and Palms West Plaza do for lighting.

Ken Johnson addressed his concerns with a gas station/convenient store operation, drive through restaurant, Dunkin Donuts, and questioned limiting the hours of operation as many convenient stores are open 24 hours.

Pat Johnson inquired if Mr. Lelonek could trace the traffic flow on the Site Plan tracing the traffic flow. Mr. Lelonek advised that the traffic flow was selected to ensure no bottleneck for the College and their Project. He also addressed the hours of operation or the gas station/convenience store. While he did advised it would be open 24 hours, he also informed the Town that a supervisor is required on duty at the store. With respect to the lighting, he advised that down turned lighting, shoebox type of lights would be used to keep the site safer and would have no adverse effect on surrounding properties.

Mayor Browning suggested the Town Council should consider reviewing this in the ULDCs for the future projects and making appropriate changes to code. Mr. Fleishmann reminded the Town Council that the adjacent parcel is also commercial, and would have no direct impact to residential areas.

Todd McClendon asked about an additional outlet onto Southern Boulevard, and the floor/area ratio.

Councilman Rockett Moved, and Seconded by Vice Mayor Jarriel to approve Resolution No. 2015-22. The vote on the motion was unanimous, 5/0.

**8. MANAGER'S REPORT – *Town Manager Underwood***

- a. Agenda Item Report (AIR) - Updates on various activities and issues concerning the Town.**
- Town Council should begin discussions with the Palm Beach County Commission relative to traffic calming devices for Folsom Road for FY2017.
  - Town reimbursed Waste Pro a total of \$14,900.

- Has been unable to touch base with Mr. Carter relating to the Okeechobee and D Road Traffic Control Sign.
- Lien filed with Palm Beach County on the property located at 1666 C Road.
- Special Events extension for property at 2650 has been placed on the next Planning and Zoning Board Meeting Agenda.

Councilman Rockett questioned the Manager's authorization to refund Waste Pro without Town Council approval. Councilman Rockett advised that he would like an opportunity to provide some information about the items that were not correct.

Councilman Goltzene and Mayor Browning both stated that there is a problem when addresses reflected are incorrect, and fines assessed for properties that do not pay for residential garbage.

Doreen Baxter commented on the Waste Monitor and his contract.

**9. OLD BUSINESS – NONE**

**10. NEW BUSINESS –**

- a.** Approval of Town-District Funding ILA for District Road Maintenance – Fiscal Year 2016

Vice Mayor Jarriel Moved, and Seconded by Councilman Rockett to approve the ILA for District Road Maintenance for FY2016. The vote on the motion was 4/1, with Councilman Goltzene voting no.

Doreen Baxter requested that the Town ensure that invoicing is accurate and proper.

Mayor Browning advised that he has received comments from the public about District billing not being accurate.

Councilman Goltzene also questioned the accuracy of the district billing for Town Road Maintenance.

Todd McClendon advised that no RFP was issued for the approved ILA with the District.

**11. COUNCIL REPORTS**

**12. CLOSING COMMENTS**

a. Public

Ken Johnson, Collecting Canal Road advised that all traffic signs between B and C Roads on Collecting Canal Road have been removed and asked when signs would be replaced. Vice Mayor Jarriel questioned when signs could be ordered and if the LGWCD be allowed to install signs.

Bill Louda, E Road requested Vice Mayor Jarriel, and Councilmen Rockett, and Liang explain the reason for not extending the Management's contract.

Todd McClendon, D Road addressed the 24/hr. gas/convenient store, and advised that the floor/area ratio approved tonight was at a higher level than allowed.

b. Town Attorney

c. Town Council Members

**13. ADJOURNMENT**

There being no further business to come before the Town Council, Mayor Browning adjourned the meeting at 9:50 pm.

\_\_\_\_\_  
Perla D. Underwood, Acting City Clerk

\_\_\_\_\_  
David Browning, Mayor

*(These minutes were approved at the September 1, 2015 Meeting)*



**Item 2.b.**

**CONSENT AGENDA**

**Attorney Invoice**

GOREN, CHEROF, DOODY & EZROL, P.A.  
Attorneys at Law  
3099 East Commercial Boulevard  
Suite 200  
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Telephone (954) 771-4500

TOWN OF LOXAHATCHEE GROVES  
155 F Road  
Loxahatchee Groves FL 33470

Page: 1  
08/27/2015  
ACCOUNT NO: 1574-1107592R  
STATEMENT NO: 5351

Attn: William F. Underwood, II - Town Manager

2015 Town Manager RFP & Contract

		HOURS
07/27/2015	MDC Review correspondence on RFP process.	0.30
07/28/2015	MDC Review draft memo; review questions received from potential bidders, begin preparing responses to questions.	0.60
07/29/2015	MDC Continue reviewing questions, prepare responses and addendum.	0.60
07/31/2015	MDC Revise and finalize addendum materials.	0.40
08/03/2015	MDC Review RFP process with JGH.	0.50
08/06/2015	JGH Attend Town Manager RFP Bid Opening, telephone conference with counsel members.	3.00
08/07/2015	MDC Review emails on Town Manager RFP.	0.30
08/10/2015	JGH Telephone conference with B. Underwood, review background check inquiry.	0.60
08/11/2015	JGH Review town manager procurement matters, telephone conference with K. Bressner, telephone conference with B. Underwood, telephone conference with applicants regarding presentations.	1.50
	MDC Review emails on status of RFP review; including emails re: background checks and status of Deming & Associates investigations; exchange emails with JGH.	0.60
08/13/2015	MDC Review emails on status of background checks, coordinate distribution to Council.	0.30
	JGH Review Phil Deming report.	0.70
08/14/2015	JGH Review background check public records matters.	0.70
08/17/2015	MDC Review responses for RFP; review Demming materials; miscellaneous telephone conference on process.	1.60
08/18/2015	MDC Review materials for meeting.	1.20

			HOURS	
08/24/2015	MDC	Review status of proposed agreement with ST attorney; update Council members.	1.00	
08/25/2015	MDC	Review letter from Severn Trent, forward to Town Council; miscellaneous telephone calls on status of Town Management Services.	0.90	
FOR CURRENT SERVICES RENDERED			14.80	<u>2,738.00</u>

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
MICHAEL D. CIRULLO	8.30	\$185.00	\$1,535.50
JACOB G. HOROWITZ	6.50	185.00	1,202.50

Color photocopies	230.30
Photocopies	<u>82.95</u>
TOTAL EXPENSES THRU 08/26/2015	313.25
 TOTAL CURRENT WORK	 3,051.25
 BALANCE DUE	 <u><u>\$3,051.25</u></u>

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE

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LOXAHATACHEE GROVES/TOWN OF  
155 F Road  
Loxahatchee Groves FL 33470

Page: 1  
08/27/2015  
ACCOUNT NO: 1574-0702400R  
STATEMENT NO: 5344

Attn: William F. Underwood, II - Town Manager

General Matters

*MDC*

			HOURS
07/27/2015	MDC	Review emails on pending matters.	0.30
07/29/2015	MDC	Review correspondence on code matters; email BU on status of pending items, telephone conference with BU on pending items.	0.70
07/30/2015	MDC	Phone conference with B. Bentz on B Road schedule, review agenda for 8/04/15 meeting.	0.50
	JGH	Review 8/4/15 agenda and Town Manager procurement matters.	0.90
07/31/2015	MDC	Review agenda items, miscellaneous telephone calls with Council members, confer with JGH.	0.50
	JGH	Review 8/4/15 agenda.	0.40
08/03/2015	JGH	Meeting with M. Cirullo, prepare for 8/4/15 Council meeting.	0.60
	MDC	Review agenda with JGH, discuss pending Town items; telephone conference with Council.	0.90
08/04/2015	JGH	Telephone conference with B. Underwood, review agenda and preparation for meeting, Town Council meeting, telephone conference with J. Rockett, review Waste Production contract matters.	6.00
	MDC	Miscellaneous telephone calls on agenda; meet with JGH re: Council meeting.	0.60
08/06/2015	JGH	Review POA, draft resolution regarding broad schedule.	1.10
08/07/2015	MDC	Review emails on Town Council meeting.	0.30
	JGH	Telephone conference with J. Fleischman, review restrictive covenant inquiry.	0.60
08/09/2015	MDC	Review and comment on B Road resolution.	0.30
08/11/2015	MDC	Review emails on plat reviews, county ILA, and pending matters.	0.20
08/17/2015	MDC	Review agenda materials for 8/18 meeting, correspond with Bill Underwood on supplemental materials; telephone conference call with Bill Underwood on pending matters.	1.20

General Matters

			HOURS		
08/18/2015	MDC	Review materials, review addendum; miscellaneous telephone conference with council on pending matters; prepare for attend council meeting.	5.90		
08/19/2015	MDC	Review and follow up on items from 8/18 meeting; preparing resolutions for approval of agreement and Town Manager; telephone conference with BU, PU on budget assessment items for 9/1 meeting.	2.00		
08/21/2015	MDC	Review and revise resolutions for 9/01 meeting; miscellaneous telephone calls on pending items.	1.30		
08/22/2015	MDC	Review emails on pending items; continue revising resolutions for 9/01 meeting.	0.30		
08/24/2015	MDC	Phone conference with BU on 9/01 agenda, miscellaneous items.	0.30		
08/25/2015	MDC	Phone conference with BU on pending items, agenda for 9/01; review correspondence on ILA with WCD.	0.40		
		FOR CURRENT SERVICES RENDERED	25.30	<u>4,680.50</u>	

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
MICHAEL D. CIRULLO	15.70	\$185.00	\$2,904.50
JACOB G. HOROWITZ	9.60	185.00	1,776.00

Photocopies	<u>56.70</u>
TOTAL EXPENSES THRU 08/26/2015	56.70
TOTAL CURRENT WORK	4,737.20
BALANCE DUE	<u>\$4,737.20</u>

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE

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TOWN OF LOXAHATCHEE GROVES  
 155 F Road  
 Loxahatchee Groves FL 33470

Page: 1  
 08/27/2015  
 ACCOUNT NO: 1574-0706600R  
 STATEMENT NO: 5345

Attn: William F. Underwood, II - Town Manager

Solid Waste Special Assessment

*MDC*

			HOURS	
08/21/2015	MDC	Review materials, begin drafting annual assessment resolution.	1.00	
08/24/2015	MDC	Revise and final resolution for 9/01 meeting.	<u>0.30</u>	
		FOR CURRENT SERVICES RENDERED	1.30	<u>240.50</u>

RECAPITULATION			
<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
MICHAEL D. CIRULLO	1.30	\$185.00	\$240.50

TOTAL CURRENT WORK 240.50

BALANCE DUE \$240.50

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE

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TOWN OF LOXAHATCHEE GROVES  
 155 F Road  
 Loxahatchee Groves FL 33470

Page: 1  
 08/27/2015  
 ACCOUNT NO: 1574-1004840R  
 STATEMENT NO: 5347

Attn: William F. Underwood, II - Town Manager

Loxahatchee Groves Commons

08/25/2015	MDC Review materials, attend conference call re: plat.			HOURS	
				0.90	
	FOR CURRENT SERVICES RENDERED			0.90	166.50
		RECAPITULATION			
	<u>TIMEKEEPER</u>		<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
	MICHAEL D. CIRULLO		0.90	\$185.00	\$166.50
	TOTAL CURRENT WORK				166.50
	BALANCE DUE				<u>\$166.50</u>

*MDC*

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE

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TOWN OF LOXAHATCHEE GROVES  
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Page: 1  
 08/27/2015  
 ACCOUNT NO: 1574-1107590R  
 STATEMENT NO: 5350

Attn: William F. Underwood, II - Town Manager

vs. Tufano (Code Enforcement)

		HOURS		
08/19/2015	SRW Review of file and case status. Summarize case status and preparation of file for transition.	0.30		
08/20/2015	SRW Meet w/ MDC re: case status and file transition.	0.30		
	FOR CURRENT SERVICES RENDERED	0.60	111.00	
RECAPITULATION				
	<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
	STACEY R WEINGER	0.60	\$185.00	\$111.00
	TOTAL CURRENT WORK			111.00
	BALANCE DUE			<u>\$111.00</u>

*MDC*

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE

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LOXAHATACHEE GROVES/TOWN OF  
155 F Road  
Loxahatchee Groves FL 33470

Page: 1  
08/27/2015  
ACCOUNT NO: 1574-1107587R  
STATEMENT NO: 5352

Attn: William F. Underwood, II - Town Manager

Cherney (1666 C Road - RV Park)

			HOURS	
08/19/2015	SRW	Review of file and case status. Summarize case status and preparation of file for transition.	0.30	
08/20/2015	SRW	Meet w/ MDC re: case status and file transition.	0.30	
		FOR CURRENT SERVICES RENDERED	0.60	111.00
RECAPITULATION				
	<u>TIMEKEEPER</u>		<u>HOURS</u>	<u>HOURLY RATE</u>
	STACEY R WEINGER		0.60	\$185.00
				<u>TOTAL</u>
				\$111.00
		TOTAL CURRENT WORK		111.00
		BALANCE DUE		<u>\$111.00</u>

*MDC*

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE



**Item 6.a**

**RESOLUTION N. 2015-26**

**Final Hearing Establishing Residential Solid Waste Fees**

**TOWN OF LOXAHATCHEE GROVES**

**RESOLUTION NO. 2015-026**

**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 2015-2016; 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, 2015; 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, 2015 using the tax bill collection method; and

**WHEREAS**, the Town Council, on July 21, 2015, adopted Resolution No. 2015-23 (the "2015 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, 2015, 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 as required by the Ordinance, as evidenced by the Affidavit of Mailing, attached hereto as Exhibit "A", and the proof of publication attached hereto as Exhibit "B"; and

**WHEREAS**, a public hearing was held on September 1, 2015, 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 2015 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 2015 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 2015 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 2015 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 2015 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 2015 Preliminary Assessment Resolution.

(B) The method of computing the Residential Solid Waste Collection Assessment described in the 2015 Preliminary Assessment Resolution, as modified, amended, and supplemented herein, is hereby approved.

(C) For the Fiscal Year beginning October 1, 2015, the estimated Residential Solid Waste Collection Assessed Cost to be assessed is \$394,800.00, 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 2015-2016 Fiscal Year, commencing October 1, 2015, is hereby established at \$300.00 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 21, 2015, 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. 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 8. CONFLICTS.** That all prior Resolutions or parts of resolutions in conflict herewith, are hereby repealed to the extent of such conflict.

**SECTION 9. EFFECTIVE DATE.** This Annual Assessment Resolution shall take effect immediately upon its passage and adoption.

**RESOLVED AND ADOPTED** by the Town Council of the TOWN OF LOXAHATCHEE GROVES, Florida, this 1<sup>st</sup> day of September, 2015.

ATTEST:

TOWN OF LOXAHATCHEE GROVES,  
FLORIDA

\_\_\_\_\_  
TOWN CLERK

\_\_\_\_\_  
Mayor David Browning

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Vice Mayor Ron Jarriel

\_\_\_\_\_  
Office of the Town Attorney

\_\_\_\_\_  
Council Member Tom Goltzene

\_\_\_\_\_  
Council Member Ryan Liang

\_\_\_\_\_  
Council Member Jim Rockett

**EXHIBIT "A"**  
**AFFIDAVIT OF MAILING**

AFFIDAVIT OF MAILING

BEFORE ME, the undersigned authority, personally appeared PERLA D. UNDERWOOD, who, after being duly sworn, deposes and say:

1. Pursuant to the authority and direction received from the Town Council, I directed the preparation and timely mailing of notices for the September 1, 2015, public hearing in accordance with the Preliminary Rate Resolution adopted by the Town Council on July 21, 2015. FURTHER AFFIANT SAYETH NOT.

Perla D. Underwood

\_\_\_\_\_, Affiant

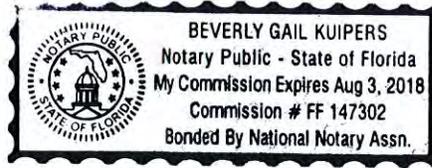
STATE OF FLORIDA  
COUNTY OF PALM BEACH COUNTY

The foregoing Affidavit of Mailing was SWORN TO and subscribed before me this 27th day of August, 2015 by PERLA D. UNDERWOOD

Beverly Gail Kuipers  
NOTARY PUBLIC

Personally known to me *or*  
 Produced Identification

\_\_\_\_\_  
Type of identification produced



**EXHIBIT "B"**  
**PROOF OF PUBLICATION**

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

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

The hearing will be held at 7:00 p.m., on September 1, 2015, at Loxahatchee Groves Town Hall, 155 F Road, Loxahatchee Groves, Florida, for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at the hearing and to file written objections with the Town Council within 20 days of this notice. If a person decides to appeal any decision made by the Town Council with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Town Clerk's Office at (561) 793-2418, at least seven days prior to the date of the hearing.

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

### **\$300.00 PER DWELLING UNIT**

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

The assessments will be collected on the ad valorem tax bill to be mailed in November 2015, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property, which may result in a loss of title.

If you have any questions, please contact the Town Clerk at (561) 793-2418, Monday through Friday between 9:00 a.m. and 4:00 p.m.

Pub: The Palm Beach Post Friday, August 7, 2015  
Janet K. Whipple, MMC  
Town Clerk  
Town Of Loxahatchee Groves

Date Printed 07/27/2015  
Time Printed 10:57 AM

**The Palm Beach Post**  
Real News Starts Here

Order 456976  
Page 1 of 2

**RECEIPT**

Account: G792  
Name: TOWN OF LOXAHATCHEE GROVES  
Address: 14579 SOUTHERN BLVD  
STE 2  
LOXAHATCHEE FL 33470-9226

Phone: 561-793-2418  
E-mail:

Order Name: NOTICE OF HEARING TO IMPOSE  
Order Id: 456976  
Original Order Id:  
Copy Line: NOTICE OF HEARING TO IMPOSE  
Sales Rep: PB116 R Hindmarch (P)  
Purchase Order: NOTICE OF HEARING TO IMPOSE  
Pay Type: Credit Card  
Account Group:  
Caller: Janet Whipple  
Section: LEGL Legal Display Ads  
Reply Request:  
Tear Sheets:

**Order Summary**

Base:	\$700.00
Other Charges:	\$0.00
Discounts:	\$0.00
Agency Commission:	\$0.00
Sales Tax:	\$0.00
<b>Total Order</b>	<b>\$700.00</b>

**Payment Summary**

*No payment information available.*



**Item 6.b**

**RESOLUTION No. 2015-29**

**Amending Budget for FY2015**

**TOWN OF LOXAHATCHEE GROVES**

**RESOLUTION NO. 2015-29**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING A BUDGET AMENDMENT FOR THE TOWN'S BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Section 166.241(4), Florida Statutes, the Town may amend its adopted budget for the Fiscal Year beginning October 1, 2014 and ending September 30, 2015, at any time within a fiscal year, and

**WHEREAS**, the Town Management has concluded a review of the budget and expenditures during the Fiscal Year beginning October 1, 2014 and ending September 30, 2015, and is recommending amendments to the Town's budget as set forth in Exhibit A" hereto.

**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 Town's adopted budget for the Fiscal Year beginning October 1, 2014, and ending September 30, 2015, is hereby amended as set forth in Exhibit "A", attached hereto and expressly made a part hereof.

**Section 3.** 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 4.** All resolutions or parts of resolutions in conflict herewith are hereby repealed

to the extent of such conflict.

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

**PASSED AND ADOPTED BY THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS \_\_\_\_\_ DAY OF SEPTEMBER 1, 2015.**

ATTEST:

TOWN OF LOXAHATCHEE GROVES,  
FLORIDA

\_\_\_\_\_  
Perla D. Underwood, Acting  
Town Clerk

\_\_\_\_\_  
Mayor David Browning

\_\_\_\_\_  
Vice Mayor Ron Jarriel

\_\_\_\_\_  
Council Member Tom Goltzene

\_\_\_\_\_  
APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Council Member Ryan Liang

\_\_\_\_\_  
Office of the Town Attorney

\_\_\_\_\_  
Council Member Jim Rockett

**EXHIBIT "A"**

**(BUDGET AMENDMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014  
AND ENDING ON SEPTEMBER 30, 2015)**

**GENERAL FUND:  
Fiscal Year 2014-15**

Account Number		FY14-15 ADOPTED BUDGET	FY14-15 CHANGE	FY14-15 AMENDED BUDGET
<b>ESTIMATED REVENUES</b>				
<b>TAXES</b>				
001-311-100-000	AD VALOREM TAXES @ 1.2000	217,931	12,500	230,431
	<b>TAXES SUBTOTAL</b>	<b>217,931</b>	<b>12,500</b>	<b>230,431</b>
001-314-100-000	ELECTRIC UTILITY TAX	203,000	20,000	223,000
001-314-510-000	COMMUNICATION SERVICES TAX	103,352	(11,052)	92,300
001-316-200-000	COUNTY OCCUPATIONAL LICENSES	5,000	1,500	6,500
	<b>TAXES SUBTOTAL</b>	<b>311,352</b>	<b>10,448</b>	<b>321,800</b>
001-323-100-000	FPL FRANCHISE FEE	185,000	6,500	191,500
001-323-125-000	HAULER LICENSING FEE	-	1,525	1,525
001-323-300-000	PBC WATER UTILITY FRANCHISE FEE	5,050	1,450	6,500
001-329-100-000	PLANNING & ZONING PERMIT	2,000	6,700	8,700
	<b>PERMITS, FRANCHISE FEES &amp; SPECIAL SUBTOTAL</b>	<b>192,050</b>	<b>16,175</b>	<b>208,225</b>
001-335-120-000	STATE REVENUE SHARING	90,689	(1,000)	89,689
001-335-180-000	HALF CENT SALES TAX	243,375	8,600	251,975
	<b>INTERGOVERNMENTAL REVENUE SUBTOTAL</b>	<b>334,064</b>	<b>7,600</b>	<b>341,664</b>
001-341-000-000	GENERAL GOVERNMENT CHARGES	4,000	0	4,000
001-343-349-000	COST RECOVERY FEES	60,000	20,000	80,000
	<b>CHARGES FOR SERVICES</b>	<b>64,000</b>	<b>20,000</b>	<b>84,000</b>
001-351-100-000	COURT FINES	-	0	-
001-354-100-000	CODE ENFORCEMENT FINES	300	6,100	6,400
	<b>JUDGEMENTS, FINES &amp; FORFEITS SUBTOTAL</b>	<b>300</b>	<b>6,100</b>	<b>6,400</b>
<b>MISCELLANEOUS</b>				
001-361-100-000	INTEREST	200	45	245
001-369-000-000	OTHER MISC INCOME	1,000	(800)	200
	<b>OTHER MISC. REVENUE SUBTOTAL</b>	<b>1,200</b>	<b>(755)</b>	<b>445</b>
001-381-305-000	INTER-FUND TRANSFER IN CIP	1,000,000	0	1,000,000
001-385-100-000	TRANSFER FROM SANITATION FUND	-		
001-399-000-000	TRANSFER FROM FUND BALANCE	(25,000)	25,000	-
	<b>OTHER NON-OPERATING SOURCES TOTAL</b>	<b>975,000</b>	<b>25,000</b>	<b>1,000,000</b>
	<b>GRAND TOTAL REVENUE</b>	<b>2,095,897</b>	<b>97,068</b>	<b>2,192,965</b>

**GENERAL FUND:  
Fiscal Year 2014-15**

Account Number		FY14-15 ADOPTED BUDGET	FY14-15 CHANGE	FY14-15 AMENDED BUDGET
<b>APPROPRIATIONS</b>				
<b>LEGISLATIVE</b>				
001-511-310-000	PROFESSIONAL SERVICES	650	2,000	2,650
001-511-400-000	TRAVEL	3,000	-	3,000
001-511-490-000	POSTAGE & FREIGHT - (Was legal advertising)	-	-	-
001-511-492-000	OTHER OPERATING EXPENSES	1,500	1,800	3,300
001-511-499-000	OTHER CURRENT CHARGES - New Town Counsel Compensaton	30,000	-	30,000
001-511-500-000	EDUCATION AND TRAINING	1,000	100	1,100
001-511-510-000	OFFICE SUPPLIES	300	100	400
001-511-520-000	OPERATING SUPPLIES	300	500	800
001-511-540-000	BOOKS, PUBLICATIONS AND DUES	1,935	1,500	3,435
001-511-820-000	SPECIAL EVENTS/CONTRIBUTIONS	10,000	550	10,550
<b>LEGISLATIVE TOTAL</b>		<b>48,685</b>	<b>6,550</b>	<b>55,235</b>
<b>EXECUTIVE</b>				
001-512-340-000	OTHER SERVICES	269,653	-	269,653
001-512-400-000	TRAVEL	1,500	-	1,500
001-512-410-000	COMMUNICATION SERVICES - (Moved to Gen Govt)	-	-	-
001-512-420-000	POSTAGE & FREIGHT	1,000	-	1,000
001-512-490-000	LEGAL ADVERTISING - (New)	500	-	500
001-512-492-000	OTHER OPERATING EXPENSES	944	-	944
001-512-493-000	ELECTION EXPENSE	8,010	15,000	23,010
001-512-510-000	OFFICE SUPPLIES	12,000	20,000	32,000
001-512-521-000	LOXAHATCHEE GROVES C.E.R.T. - (Moved to Gen Govt)	-	-	-
001-512-540-000	BOOKS, PUBLICATIONS AND DUES	570	-	570
<b>EXECUTIVE TOTAL</b>		<b>294,177</b>	<b>35,000</b>	<b>329,177</b>
<b>FINANICAL AND ADMINSTRATIVE</b>				
001-513-320-000	ACCOUNTING AND AUDITING	18,000	-	18,000
001-513-470-000	PRINTING AND BINDING	1,751	-	1,751
001-513-490-000	LEGAL ADVERTISING	2,000	-	2,000
001-513-493-000	ELECTION EXPENSE - (Moved to Executive)	11,919	-	11,919
<b>FINANICAL AND ADMINSTRATIVE TOTAL</b>		<b>33,670</b>	<b>20,000</b>	<b>33,670</b>
<b>LEGAL COUNSEL</b>				
001-514-310-000	PROFESSIONAL SERVICES	90,000	-	90,000
001-514-312-000	LEGAL -COMP PLAN	-	-	-
<b>LEGAL SERVICES TOTAL</b>		<b>90,000</b>	<b>-</b>	<b>90,000</b>
<b>PLANNING &amp; ZONING</b>				
001-515-310-000	PROFESSIONAL SERVICES	40,000	37,150	77,150
001-515-340-000	OTHER SERVICES	80,702	(10,000)	70,702
001-515-343-000	PLANNING & ZONING CONTRACT	20,000	-	20,000
001-515-347-000	COMPREHENSIVE PLAN	-	-	-
001-515-349-000	COST RECOVERY EXPENDITURES	60,000	25,000	85,000
001-515-490-000	LEGAL ADVERTISING - (New)	10,000	-	10,000
<b>COMPREHENSIVE PLANNING AND ZONING TOTAL</b>		<b>210,702</b>	<b>-</b>	<b>262,852</b>

**GENERAL FUND:  
Fiscal Year 2014-15**

<b>Account Number</b>		<b>FY14-15 ADOPTED BUDGET</b>	<b>FY14-15 CHANGE</b>	<b>FY14-15 AMENDED BUDGET</b>
<b>OTHER GENERAL GOVERNMENT</b>				
001-519-315-000	SPECIAL MAGISTRATE	16,000	(9,000)	7,000
001-519-340-000	OTHER SERVICES	3,000	(1,000)	2,000
001-519-354-000	CODE COMPLIANCE	36,000	-	36,000
001-519-410-000	COMMUNICATION SERVICES	6,100	2,000	8,100
001-519-420-000	UTILITIES	-	2,400	2,400
001-519-440-000	RENTALS AND LEASES	34,783	(14,000)	20,783
001-519-450-000	INSURANCE	18,000	4,000	22,000
001-519-460-000	R & M BUILDINGS	2,100	16,000	18,100
001-519-470-000	PRINTING AND BINDING	-	-	-
001-519-480-000	PROMOTIONAL ACTIVITIES	-	-	-
001-519-490-000	COMPUTER EQUIP SOFTWARE & HARDWARE REPAIR	5,500	-	5,500
001-519-491-000	COMPUTER SERVICES	7,292	26,000	33,292
001-519-494-000	INSPECTOR GENERAL OFFICE FEE	5,280	-	5,280
001-519-610-000	LAND ACQUISITION	27,000	500	27,500
001-519-620-000	BUILDINGS	465,000	18,010	483,010
001-519-820-000	LOXAHATCHEE GROVES CERT	-	-	-
001-519-900-000	TRANSFER TO TRANSPORTATION FUND	2,000	-	2,000
001-519-910-000	TRANSFER TO SANITATION FUND	-	-	-
001-519-920-000	TRANSFER TO CAPITAL PROJECTS FUND	-	-	-
001-519-990-000	CONTINGENCY	15,524	438,958	454,482
001-519-998-000	TRANSFER TO GENERAL FUND-FUND BALANCE	480,500	(480,500)	-
	<b>OTHER GENERAL GOVERNMENT SERVICES TOTAL</b>	<b>1,124,079</b>	<b>3,368</b>	<b>1,127,447</b>
<b>LAW ENFORCEMENT</b>				
001-521-341-000	PROFESSIONAL SERVICES-PBSO	283,084		283,084
001-521-342-000	CONTRACTUAL-ADDL PBSO	10,500		10,500
	<b>LAW ENFORCEMENT TOTAL</b>	<b>293,584</b>	<b>-</b>	<b>293,584</b>
<b>PUBLIC WORKS</b>				
001-539-340-000	OTHER SERVICES	1,000	-	1,000
001-539-310-000	PROFESSIONAL SERVICES	-	-	-
	<b>PUBLIC WORKS TOTAL</b>	<b>1,000</b>	<b>0</b>	<b>1,000</b>
	<b>GRAND TOTAL EXPENDITURES</b>	<b>2,095,897</b>	<b>97,068</b>	<b>2,192,965</b>

**Transportation Fund  
Fiscal Year 2014-15**

Account Number		FY14-15 ADOPTED BUDGET	FY14-15 CHANGE	FY14-15 AMENDED BUDGET
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<b>ESTIMATED REVENUES</b>
---------------------------

101-312-410-000	FIRST LOCAL OPTION FUEL TAX (6 CENT)	250,858		250,858
101-312-420-000	SECOND LOCAL OPTION FUEL (5 CENT)	117,768	-	117,768
101-363-990-000	CONTRIBUTION FROM GENERAL FUNE	-		-
101-399-000-000	TRANSFER FROM FUND BALANCE (6 CT)	412,423	(412,423)	-
<b>Total Revenue</b>		<b>781,049</b>	<b>(412,423)</b>	<b>368,626</b>

<b>APPROPRIATIONS</b>
-----------------------

101-541-467-000	TRAFFIC CONTROL SIGNS - 6 c	10,000	(4,000)	6,000
101-541-468-000	TOWN ROADS MAINT. - 6 c	102,059	(60,000)	42,059
101-541-469-000	ROAD MAINTENANCE DISTRICT - 6 c	93,738	-	93,738
101-541-631-000	ROAD AND STREETS - NEW CONSTRUCTION -	-	-	-
101-541-632-000	SPECIAL PROJECTS	60,000	(60,000)	-
101-541-633-000	22nd ROAD DITCH	-	-	-
101-541-634-000	148th TERR BRIDGE(5)/CULVERT	-	-	-
101-541-920-000	TRANSFER TO CAPITAL PROJECTS	515,252	(515,252)	-
101-541-990-000	TRANSFER TO FUND BALANCE (5 CT)	-	117,768	117,768
101-541-996-000	TRANSFER TO FUND BALANCE (6 CT)	-	109,061	109,061
<b>Total Expenditure</b>		<b>781,049</b>	<b>(412,423)</b>	<b>368,626</b>

# CAPITAL IMPROVEMENT FUND

## Fiscal Year 2014-15

Account Number		FY14-15 ADOPTED BUDGET	FY14-15 CHANGE	FY14-15 AMENDED BUDGET
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ESTIMATED REVENUES				
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305-363-990-000	CONTRIBUTION FROM GENERAL FUND	-	-	-
305-363-991-000	CONTRIBUTION FROM TRANSPORTATION FUN.	555,252	(555,252)	-
305-366-305-000	CONTRIBUTIONS AND DONATIONS	-	40,000	40,000
305-399-000-000	TRANSFER FROM FUND BALANCE	1,000,000	28,934	1,028,934
<b>Total Revenue</b>		<b>1,555,252</b>	<b>(486,318)</b>	<b>1,068,934</b>

APPROPRIATIONS				
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305-519-600-000	"B" Road OGEM Improvements		40,000	40,000
305-541-610-000	SURVEYING TOWN ROADS	90,374	(90,374)	-
305-541-620-000	OGEM Collecting Canal Road	-	-	-
305-541-630-000	Okeechobee and D Road Traffic Light	290,944	(290,944)	-
305-541-640-000	Town Roads OGEM Projects	25,000	(25,000)	-
305-541-650-000	Trails	120,000	(120,000)	-
305-541-652-000	D Road to Southern Boulevard	-		-
305-541-654-000	Purchase Roads from LGWCD	28,934		28,934
305-581-001-000	Inter-fund Transfer Out Gen. Fund	1,000,000		1,000,000
<b>Total Expenditure</b>		<b>1,555,252</b>	<b>(486,318)</b>	<b>1,068,934</b>

**Solid Waste Fund  
Fiscal Year 2014-15**

Account Number		FY14-15 ADOPTED BUDGET	FY14-15 CHANGE	FY14-15 AMENDED BUDGET
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**ESTIMATED REVENUES**

405-325-205-000	SOLID WASTE ASSESSMENTS (1,260 units)	431,846	4,800	436,646
405-325-206-000	DISCOUNT FEES	(11,660)	(1,890)	(13,550)
405-343-120-000	SWA RECYCLING INCOME	6,700	-	6,700
405-361-100-000	INTEREST		2,260	2,260
405-363-990-000	CONTRIBUTION FROM GENERAL FUND	-		-
405-399-000-000	TRANSFER FROM FUND BALANCE	14,382	3,640	18,022
<b>Total Revenue</b>		<b>441,268</b>	<b>8,810</b>	<b>450,078</b>

**APPROPRIATIONS**

405-534-345-000	CONTRACTUAL-WASTE OVERSIGHT	15,000	(2,400)	12,600
405-534-346-000	PBC ADMINISTRATION FEE 1%	4,318	-	4,318
405-534-420-000	POSTAGE & FREIGHT	300	810	1,110
405-534-434-000	SOLID WASTE CONTRACTOR	410,150	18,300	428,450
405-534-436-000	OTHER SANITATION SERVICES	11,000	(7,900)	3,100
405-534-490-000	LEGAL ADVERTISING	500	-	500
405-534-595-000	TOLG MANAGEMENT FEES	-	-	-
<b>Total Expenditure</b>		<b>441,268</b>	<b>8,810</b>	<b>450,078</b>

**All Funds  
Fiscal Year 2014-15**

Fund #		FY14-15 ADOPTED BUDGET	FY14-15 CHANGE	FY14-15 AMENDED BUDGET
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<b>ESTIMATED REVENUES</b>				
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<b>001</b>	GENERAL FUND	2,095,897	97,068	2,192,965
<b>101</b>	TRANSPORTATION FUND	781,049	(412,423)	368,626
<b>305</b>	CAPITAL IMPROVEMENT FUND	1,555,252	(486,318)	1,068,934
<b>405</b>	SOLID WASTE FUND	441,268	8,810	450,078
<b>Total Estimated Revenue</b>		<b>4,873,466</b>	<b>(792,863)</b>	<b>4,080,603</b>

<b>APPROPRIATIONS</b>				
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<b>001</b>	GENERAL FUND	2,095,897	97,068	2,192,965
<b>101</b>	TRANSPORTATION FUND	781,049	(412,423)	368,626
<b>305</b>	CAPITAL IMPROVEMENT FUND	1,555,252	(486,318)	1,068,934
<b>405</b>	SOLID WASTE FUND	441,268	8,810	450,078
<b>Total Appropriations</b>		<b>4,873,466</b>	<b>(792,863)</b>	<b>4,080,603</b>

**Statement of Estimated Changes in Fund Balances**

**General Fund**

**CAFR UNASSIGNED FUND BALANCE**

9/30/14 Fund Balance	\$882,923
FY 2015 Estimated Change	<u>\$441,632</u>
<b>FY 2015 Est. Total Fund Balance</b>	<b>\$1,324,555</b>

**Transportation Fund**

**CAFR UNASSIGNED FUND BALANCE**

<u>5 cent Fund Balance</u>		<u>6 cent Fund Balance</u>	
9/30/14 Fund Balance	<u>\$432,695</u>	9/30/14 Fund Balance	<u>\$464,191</u>
FY 2015 Estimated Change	<u>\$117,768</u>	FY 2015 Estimated Change	<u>\$109,061</u>
<b>FY 2015 Est. Total Fund Balance</b>	<b>\$550,463</b>	<b>FY 2015 Est. Total Fund Balance</b>	<b>\$573,252</b>

**Solid Waste Fund**

**CAFR UNASSIGNED FUND BALANCE**

9/30/14 Fund Balance	\$38,959
FY 2015 Estimated Change	<u>(18,020)</u>
<b>FY 2015 Est. Total Fund Balance</b>	<b>\$20,939</b>

**Capital Improvement Program**

**CAFR ASSIGNED FUND BALANCE**

9/30/14 Fund Balance	\$1,220,013
FY 2015 Estimated Change	<u>(\$1,028,934)</u>
<b>FY 2015 Est. Total ASSIGNED Fund Balance</b>	<b>\$191,079</b>



**Item 8.a.**

**MANAGER'S REPORT**

**Town of Loxahatchee Groves, Florida**  
**Town Council**  
**AGENDA ITEM REPORT AGENDA**  
**MANAGER'S REPORT ITEM NO.8.a.**  
**MEETING DATE: 09/01/2015**

**Traffic:** Staff is working with Minto to draft an agreement between Minto and the Town for the funding of the traffic light at Okeechobee Boulevard and D Road.

August 25, 2015	Received email and will look to analyzing potential cost to implement light at D Road and Okeechobee. Transmitted information to Town Engineer for very preliminary estimates of cost.
August 12, 2015	No activity on this item
July 15, 2015	No activity on this item
June 30, 2015	No activity on this item
May 11, 2015	No activity on this item
April 15, 2015	This office met with representatives from Minto. Discussion points were covered regarding the proposed funding of the traffic control appurtenances for D Road and Okeechobee. Staff will review the information and report progress at the June 16 Town Council meeting.
April 1, 2015	No activity on this item
March 1, 2015	This office has received communication and we are trying to establish a date and time during the week of March 9 <sup>th</sup> .
February 10, 2015	No activity on this item
January 26, 2015	No activity on this item
January 14, 2015	No activity on this item
December 29, 2014	A discussion with Minto's attorney indicated Palm Beach County would agree for the Town and Minto to enter into a funding agreement which may exclude the County.

**Roads:** This office met with Angela Hendrichsen Sandoval, P. E., PMP, Section Leader, and Ken Mudd, Resource Professional IV, representing South Florida Water Management District (SFWMD) in reference to a permit the SFWMD issued in 1982 for a road and swale improvement on 43rd. As I understand the purpose of the meeting, SFWMD was looking to determine whether or not the Town would assist them in correcting a deficiency in the road and swale drainage system on the road. The Town will be contacted in the future regarding the next step to be taken to correct the problem.

August 12, 2015	No activity on this item
July 15, 2015	No meeting has been set by SFWMD and the Town to discuss the contents of the letter.
June 30, 2015	No meeting has been set by SFWMD and the Town to discuss the contents of the letter.
June 11, 2015	Staff received a proposed letter from SFWMD to the property owners on 43rd
May 27, 2015	Received a telephone call from Ken Mudd regarding a draft letter that will be sent and establishing a meeting date. It is believed the draft letter will be forthcoming in the next week or two.
May 11, 2015	No activity.
April 14, 2015	No activity on this item.
April 1, 2015	No activity.
February 23, 2015	Ms. Hendrichsen Sandoval stated that this office will be notified in advance of a letter will be drafted informing residents of a meeting to discuss the matter.
February 11, 2015	No activity.
January 15, 2015	This office received communication from SFWMD regarding their internal work to plan their path forward. Upon completing their planning effort, they will be in touch with staff.

**Town of Loxahatchee Groves, Florida  
Town Council  
AGENDA ITEM REPORT AGENDA  
MANAGER'S REPORT ITEM NO.8.a.  
MEETING DATE: 09/01/2015**

January 14, 2015      No activity from SFWMD representative  
December 16, 2015      No activity

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**3. ATTACHMENTS**

**4. FINANCIAL IMPACT**

Not applicable.

**5. RECOMMENDED ACTION**

Motion to receive and file report.



**Item 9.a.**

**OLD BUSINESS**

**Severn Trent Letter of Withdrawal**

SEVERN

TRENT

SERVICES

August 24, 2015

Michael D. Cirullo, Jr.  
Town Attorney  
The Town of Loxahatchee Groves  
GOREN, CHEROF, DOODY & EZROL, P.A.  
3099 East Commercial Boulevard, Suite 200  
Fort Lauderdale, Florida 33308

**RE: Town Management Services RFP**

Dear Mr. Cirullo:

We would like to thank the Town of Loxahatchee Groves for voting to enter into an Agreement for Town Management Services with Severn Trent. However, we have concerns which are significant enough for us to conclude that the Town would be best served by Severn Trent withdrawing from the process. Due to other contractual obligations in neighboring communities, we believe that there may be significant portions of the scope of work from which we would be precluded from performing due to ethical obligations and even perceived conflicts of interest. Additionally, given the public opinion presented through various residents at the Town's last Council meeting, we believe that it would be in the best interests of the Town for Severn Trent to withdraw so that the Town may pursue an agreement with another entity.

Please accept this letter as Severn Trent's formal withdrawal from the Town Management Services RFP process. Again, we thank you for consideration in this regard, but believe that this is the correct and beneficial decision for Severn Trent, the Council, and the citizens of the Town of Loxahatchee.

Sincerely,



Bob Koncar

General Manager – Severn Trent Management Services

Cc: The Honorable David Browning - Mayor



**Item 10.b.**

**NEW BUSINESS**

**Termination of Agreement with Palm Beach County –**

**Land Development Review**

**INTERLOCAL AGREEMENT BETWEEN PALM BEACH COUNTY AND THE TOWN OF LOXAHATCHEE GROVES PROVIDING FOR LAND DEVELOPMENT SERVICES, WITHIN THE MUNICIPAL LIMITS OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, BY THE PALM BEACH COUNTY DEPARTMENT OF ENGINEERING AND PUBLIC WORKS.**

This Agreement is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2007, by and between:

THE TOWN OF LOXAHATCHEE GROVES, a municipal corporation organized and existing under the laws of the State of Florida, whose permanent address is 14579 Southern Blvd., Suite 2, Loxahatchee Groves, FL 33470, hereinafter referred to as "Town"

AND

PALM BEACH COUNTY, a political subdivision of the State of Florida, hereinafter referred to as "County." The TOWN and COUNTY are jointly referred to as "parties."

WITNESSETH:

**WHEREAS**, Chapter 2006-328, Laws of Florida, set forth the Charter of the TOWN; and

**WHEREAS**, on October 10, 2006, Chapter 2006-328 was approved by a majority of the voters in a referendum election; and

**WHEREAS**, Chapter 2006-328 provided that the TOWN came into existence on November 1, 2006, and provided that the TOWN becomes operational on March 30, 2007; and

**WHEREAS**, the health, safety, and welfare of the residents of both the TOWN and COUNTY will best be served by COUNTY providing certain governmental services; and

**WHEREAS**, the TOWN is desirous of contracting with COUNTY to provide governmental services within the corporate limits of the TOWN; and

**WHEREAS**, TOWN is authorized to enter into this Agreement pursuant to Florida Statutes §163.01; and

**WHEREAS**, this agreement evidences the intentions of the respective parties to cooperate with each other in the furtherance of the public's interest; and

**NOW, THEREFORE**, in consideration of the mutual obligations and undertakings described below, the parties do hereby agree as follows.

## **ARTICLE 1**

### **GENERAL CONDITIONS**

#### **1. PURPOSE OF AGREEMENT**

This Agreement is for the purpose of the TOWN contracting with COUNTY to provide land development services for the TOWN, more particularly set forth in the Articles hereof.

#### **2. COOPERATION/LIAISON**

To facilitate this Agreement, COUNTY shall have the full cooperation and assistance of the TOWN's liaison to work with the COUNTY'S Department of Engineering and Public Works for the coordination of services and the handling of complaints.

COUNTY's representative/contract monitor during the term of this Agreement shall be K. S. Rogers, P.E., Land Development Director whose phone number is (561) 684-4091. TOWN's liaison during the term of this Agreement shall be Matthew Lippman, Town Clerk, whose phone number is (561) 793-2418.

#### **3. ADMINISTRATION/IMPLEMENTATION OF AGREEMENT**

Oversight of COUNTY's performance of these public services will be performed by the Town Manager or designee, in conformance with the policies of the Town Council. Rendition of services, standards of performance, discipline of officers and employees, and other matters incidental to performance of services and control of personnel shall remain with COUNTY. This Agreement does not make officers and employees of COUNTY agents, employees, or legal representatives of the TOWN, for any purpose whatsoever, and they are in no way authorized to make any contract, agreement, warranty, or representation on behalf of the TOWN, or to create any obligation on behalf of the TOWN.

#### **4. LIABILITY**

The parties to this Agreement and their respective officers and employees shall not be deemed to assume any liability for the acts, omissions, and negligence of the other party. Further, nothing herein shall be construed as a waiver of sovereign immunity by either party, pursuant to § 768.28, Florida Statutes.

## **5. INDEMNIFICATION**

The TOWN agrees to protect, defend, reimburse, indemnify and hold COUNTY, its agents, employees and elected officers, and each of them free and harmless at all times from and against any and all suits, actions, legal or administrative proceedings, claims, demands, damages, liabilities, interest, attorney's fees, costs and expenses of whatsoever kind or nature whether arising in any manner directly or indirectly caused, occasioned or contributed to in whole or in part, by reason of any act, omission or fault whether active or passive of the TOWN, or anyone acting under its direction or control, or on its behalf in connection with or incident to the performance of this Agreement. The TOWN's aforesaid indemnity and hold harmless agreement shall apply to the fullest extent permitted by law but in no event shall it apply to liability caused by negligence or willful misconduct of COUNTY, its respective agents, servants, employees or officers, nor shall the liability limits set forth in §768.28(5), Florida Statutes, be waived.

## **5. INSURANCE**

Without waiving the right to sovereign immunity as provided by s.768.28, F.S., the TOWN acknowledges to be self-insured for General Liability and Automobile Liability under Florida sovereign immunity statutes with coverage limits of \$100,000 per Person and \$200,000 per Occurrence; or such monetary waiver limits that may change and be set forth by the legislature.

In the event the Town maintains third-party Commercial General Liability and Business Auto Liability in lieu of exclusive reliance of self insurance under s.768.28 F.S., the Town shall agree to maintain said insurance policies at limits not less than \$500,000 combined single limit for bodily injury or property damage.

The Town agrees to maintain or be self-insured for Worker's Compensation & Employer's Liability insurance in accordance with Florida Statute 440.

When requested, the Town shall agree to provide an affidavit or Certificate of Insurance evidencing insurance, self-insurance and/or Sovereign immunity status, which COUNTY agrees to recognize as acceptable for the above mentioned coverages.

Compliance with the foregoing requirements shall not relieve the TOWN of its liability and obligations under this Interlocal Agreement.

The TOWN expressly understands and agrees that any insurance protection furnished by the TOWN in no way limits its responsibility to indemnify and hold harmless COUNTY under the provisions of this Agreement.

## **6. TERM OF AGREEMENT**

This Interlocal Agreement shall be in effect from the date it is executed by both parties to September 30, 2008, and shall be automatically renewed thereafter from fiscal year to fiscal year (October 1 to September 30), unless either party hereto shall notify the other in writing of the party's desire to terminate all or part of this Agreement six (6) months in advance, no later than April 1 of the previous fiscal year. This

Agreement shall not be terminated except at the expiration of the contract term, or at the expiration of any renewal, unless agreed upon in writing sixty (60) days in advance of both parties. If neither party gives notice of its intent to terminate, the parties shall negotiate the terms of any revisions to the renewal no later than May 15<sup>th</sup> of each fiscal year. In the event the terms of the renewal are not agreed to, the contract remains in force with the existing terms.

**7. LEVEL OF SERVICE**

The level of service provided by COUNTY pursuant to this Agreement shall be the same level of service provided by COUNTY for the unincorporated area for each service outlined in this Agreement. COUNTY staff will not attend the TOWN's public hearings or public meetings to carry out this Agreement.

**8. ADOPTION OF ORDINANCES**

The TOWN shall adopt all ordinances necessary to effectuate this Agreement.

**9. NOTICE**

All notices required to be given under this Agreement shall be deemed sufficient to each party when delivered by United States Mail to the following:

COUNTY	THE TOWN
Name: K. S. Rogers, P. E., Director Land Development Division	Name: Irv Rosenbaum Town Manager
Address: 2300 N. Jog Road	Address: 14579 Southern Blvd. Suite 2
City, State, Zip: West Palm Beach, Florida 33411-2745	City, State, Zip: Loxahatchee Groves, FL 33470

**10. DELEGATION OF DUTY**

Nothing contained herein shall be deemed to authorize the delegation of the constitutional or statutory duties of COUNTY or the TOWN officers.

**11. ANNUAL APPROPRIATION**

Each party's performance and obligation to pay under this agreement is contingent upon an annual budgetary appropriation by its respective governing body for subsequent fiscal years.

**12. PAYMENT FOR SERVICES**

COUNTY shall collect all Platting and Permit Fees and Surcharges from applicants. Such fees shall serve as payment for COUNTY's services.

**13. AMENDMENTS**

This Agreement may be amended only by formal action of the Board of County Commissioners of COUNTY and the Town Council of the TOWN.

**14. REMEDIES**

This Agreement shall be construed and governed by the laws of the State of Florida. Any and all legal action necessary to enforce this Agreement shall be filed in Palm Beach County, Florida.

**15. EFFECTIVE DATE**

The provisions of this Agreement shall become effective upon the execution of this agreement by both parties.

**16. EXECUTION OF AGREEMENT**

This Agreement may be executed in two (2) or more counterparts, each of which shall be deemed an original. All of which shall constitute one and the same instrument.

**17. FILING**

A copy of this Agreement shall be filed with the Clerk of the Circuit Court in and for Palm Beach County, Florida.

**18. ENFORCEMENT COSTS**

Any costs or expenses (including reasonable attorney's fees) associated with the enforcement of the terms and/or conditions of this Agreement shall be borne by the respective parties, provided, however, that this clause pertains only to the parties to this Agreement.

**19. ENTIRE AGREEMENT**

This Agreement represents the entire understanding and agreement to the parties to this Agreement.

**20. BINDING EFFECT**

All of the terms and provisions of this Agreement shall be binding upon, inure to the benefit of, and be enforceable by the parties and their respective legal representatives, successors and permitted assigns.

**21. ASSIGNABILITY**

The responsibility for carrying out any responsibility assumed by any party to this Agreement may not be assigned.

**22. SEVERABILITY**

If any part of this Agreement is contrary to, prohibited by or deemed invalid under applicable law or regulation, such provision shall be inapplicable and omitted to the extent so contrary, prohibited or invalid, but the remainder hereof shall not be invalidated thereby and shall be given full force and effect.

**ARTICLE II.**

**LAND DEVELOPMENT SERVICES**

**1. LAND DEVELOPMENT DIVISION**

A. Land Development Division of the Palm Beach County Department of Engineering and Public Works shall provide the following Services:

- (1) Review of plats and subdivisions;
- (2) Issuance of land development permits, including modifications to land development permits;
- (3) Administration of land development permits and surety requirements for construction of required improvements within the bounds of the TOWN;
- (4) Performance of inspections necessary to insure compliance with land development permits submitted to COUNTY through September 30, 2007;
- (5) Issuance of Right-of-Way Permits;
- (6) Drainage review for commercial and multi-family Building permit process;
- (7) Review of requests to the TOWN for abandonments and vacations of easements and rights-of-way; and
- (8) Variance application review services regarding Article 11 of the Unified Land Development Code (Subdivision, Platting and Required Improvements).

**B. Procedures.**

**(1) Applicants for plat and subdivision approval, land development permits and abandonments shall submit required plans to COUNTY.**

**(a) Plat and Subdivision Review:** The COUNTY Land Development Division shall receive all submittals and shall forward a copy of the plans to the TOWN for review and comment by the TOWN Engineer as part of Land Development's normal review process. The final revised set of plans submitted for technical compliance shall be forwarded to the TOWN Engineer for review and comment prior to issuance of technical compliance. The final plat shall be submitted to the Land Development Division for final review and it shall be forwarded to the TOWN for final approval and recordation. The TOWN will be responsible for preparing any ordinances, resolutions or other legal documents related to the TOWN Council's consideration of any item presented to the TOWN Council.

**(b) Land Development Permits:** The Land Development Division shall receive and process all requests for land development permits. Upon approval of the Land Development Permit by the Deputy County Engineer, a copy of the permit and approval construction plans will be forwarded to the Town Engineer. The TOWN shall be responsible for inspections regarding land development permits within the municipal boundaries of the TOWN submitted to the Land Development Division beginning October 1, 2007. The determination that a land development permit is finalized, and acknowledgment that the construction is complete is to be made by COUNTY Land Development Division.

**(c) Abandonments:** County Land Development Division shall receive and process all requests for abandonments. This process will consist of sufficiency and technical review of the application for compliance with the COUNTY'S Abandonment Ordinance No. 86-18 and Sections 336.09-336.12 and Section 177.101, Florida Statutes and preparation of a staff report with appropriate conditions of approval.

**(2) The TOWN will be responsible for setting the date for any public hearings on any matter which will be presented to the TOWN Council for final action. The COUNTY will advise the Town Manager or designee when an application is deemed as being complete, and of the need for any public hearing(s) before the TOWN Council, and the Town Manager will advise the COUNTY as to the date(s) for the TOWN Council public hearing(s). The TOWN will be responsible for the preparation of any notice(s) for any public hearing(s) and the necessary advertisement(s) for any public hearing(s). The COUNTY will advise any applicant of the need to submit sufficient stamped envelopes for the notice to be sent to any**

parties entitled to receive notice by mail. The TOWN will be responsible for preparing any ordinances, resolutions, or other legal documents related to the TOWN Council's consideration of any item presented to the TOWN Council.

C. Compensation.

COUNTY shall be entitled to collect all application fees regularly charged regarding items (1) through (8) above. For services outside those specified in items (1) through (8) above, the TOWN agrees to compensate COUNTY on a per hour basis, in an amount per hour to be determined utilizing a formula contained in Exhibit "A", attached hereto. Such payment shall be monthly, twenty (20) days from the date of invoice. In the event the agreement is terminated regarding the services outlined above, COUNTY shall complete all land development related work for projects whose applications have been delivered to COUNTY before the date of termination and COUNTY shall retain all fees. COUNTY shall complete all land development related work for projects whose applications have been delivered to COUNTY before the date of termination and COUNTY shall retain all fees.

**IN WITNESS THEREOF**, PALM BEACH COUNTY, FLORIDA, has caused this Interlocal Agreement to be executed by the Chair of its Board of County Commissioners and the seal of said Board to be affixed to and attested to by the Clerk of said Board, pursuant to authority granted by said Board; and the TOWN OF LOXAHATCHEE GROVES, FLORIDA, has caused this Interlocal Agreement to be executed in its corporate name by its Mayor and its corporate seal to be affixed hereto, attested by the TOWN's Clerk, the date and year first written above.

**(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)**

TOWN OF LOXAHATCHEE GROVES

Attest:

Matthew Lippman  
Town Clerk

By: David Browning  
Mayor

16<sup>th</sup> day of October, 2007 (date)

APPROVED AS TO FORM:

By: [Signature]  
Town Attorney

PALM BEACH COUNTY, FLORIDA,  
A Political Subdivision of the State of Florida  
BOARD OF COUNTY COMMISSIONERS

Attest:  
SHARON R. BOCK  
Clerk & Comptroller

By: \_\_\_\_\_  
Addie L. Greene, Chairperson

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

[Signature]  
Assistant County Attorney

APPROVED AS TO TERMS  
AND CONDITIONS:

[Signature]  
County Engineer

**EXHIBIT "A"**

**Hourly Charge Rate for:**

<b>Director</b>	<b>\$123.43</b>
<b>Senior Professional Engineer</b>	<b>\$ 95.99</b>
<b>Engineer II</b>	<b>\$ 70.38</b>
<b>Zoning Technician</b>	<b>\$ 42.13</b>
<b>Senior Secretary</b>	<b>\$ 37.20</b>