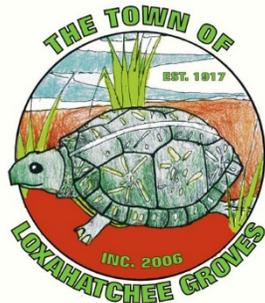


**TOWN OF LOXAHATCHEE GROVES  
TOWN HALL COUNCIL CHAMBERS  
TOWN CHARTER REVIEW BOARD MEETING**

**AGENDA**

**January 15, 2020 – 6:00 P.M.**



**Dennis Lipp  
Maryanne Miles  
Todd McLendon  
William Ford**

**Casey Suchy  
Neil O'Neil  
Don Widing  
Virginia Standish**

**Ron Jarriel  
Deborah Marshall  
John Ryan  
Jo Siciliano**

**Administration**

Town Manager, James S. Titcomb  
Town Attorney, R. Brian Shutt  
Town Clerk, Lakisha Q. Burch

**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.

**Call to Order**

**Roll Call**

**Comments from The Public**

The public is encouraged to offer comments on any non-agenda item. Generally, remarks by an individual will be limited to one time, up to three minutes or less. The Mayor or presiding officer has discretion to adjust the amount of time allocated.

**REGULAR AGENDA**

1. Review changes to Town Charter

**Adjournment**

**Comment Cards:** 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.

Part I. Charter

**Section 1. Charter; creation; form of government; boundaries and powers.--**

(1) CHARTER; CREATION.--

(a) This act, together with any future amendments thereto, may be known as the "Charter of the Town of Loxahatchee Groves" (the "charter"), and the Town of Loxahatchee Groves (the "town") is hereby created.

(b) The Loxahatchee Groves area in Palm Beach County includes a compact and contiguous rural community of approximately 3,120 persons who are experiencing certain impacts, such as the destruction of rural habitats and the threat to equestrian, farming, and nursery businesses, resulting from urbanization in the surrounding areas. The residents within the town would like to control the effects of those impacts through the incorporation of the town and its continued existence as a historic, rural community with the benefits of self-determination.

(c) It is in the best interests of the public health, safety, and welfare of the residents of the Loxahatchee Groves area to form a separate municipality for the Loxahatchee Groves area with all the powers and authority necessary to provide adequate and efficient municipal services to its residents.

(d) It is intended that this charter and the incorporation of the Loxahatchee Groves area will serve to preserve and protect the distinctive rural characteristics of the community, such as low density, minimal lot coverage, substantial open spaces, agricultural and nursery interests, tree canopy, water resources (aquifer), traffic, light and noise pollution and rural habitats, and to acknowledge its close ties to the agriculture and equestrian industries within the boundaries of the town. **CONSENSUS TO ADD 10/2/19, APPROVED CHANGES BY MOTION 10/16/19**

(e) It is the intent of this charter and the incorporation of the town to secure the benefits of self-determination and affirm the values of representative democracy, citizen participation, strong community leadership, professional management, and regional cooperation.

(f) It is the intent of this charter and the incorporation of the town that the unique characteristics of individual communities be recognized and preserved. Further acknowledging, endorsing, encouraging and promoting the importance of the Loxahatchee Groves' agricultural communities to the vitality and longevity of Loxahatchee Groves. It shall be a town priority to preserve and protect these agrarian communities as outlined in the Town's comprehensive plan. **CONSENSUS TO ADD 10/2/19, APPROVED BY MOTION 10/16/19**

(2) FORM OF GOVERNMENT.--The town shall have a council-manager form of government.

(3)(a) CORPORATE BOUNDARIES.--The corporate boundaries of the Town of Loxahatchee Groves shall be as described as follows:

That portion of Loxahatchee Sub-Drainage District, Township 43 South, Range 41 East and Range 40 East, Palm Beach County, Florida, being more particularly described as follows:

Beginning at the Northwest corner of Section Eighteen (18) in Township Forty-three (43) South, Range Forty-one (41) East, Palm Beach County, Florida, and run thence along the North line of Section Eighteen (18) and Seventeen (17) of said Township to the Northeast corner of Section Seventeen (17) in said Township and Range; thence run South along the Eastern boundary of Section Seventeen (17) to the Southeast corner of said Section;

Thence run East along the Northern boundary of Section Twenty-one (21) and of Section Twenty-two (22) to the Northeast corner of the North-west quarter of the said Section Twenty-two (22); Thence run South along the East line of the Northwest quarter of said Section Twenty-two (22) to the Southeast corner of said Northwest quarter of said Section; Thence run West along the South line of the Southeast quarter of North-west quarter of said Section Twenty-two (22) to the Southwest corner of said Southeast quarter of Northwest quarter of said Section; Thence run South along the East line of the West half of the Southwest quarter of Section Twenty-two (22) and of

the West half of West half of Section Twenty-seven (27) and of the West half of West half of Section Thirty-four (34) to the North Right of Way line of State Road 80, in Section Thirty-four (34); Thence West along the Northern edge of the North Right of Way line of State Road 80, across the West half of West half of Section Thirty-four (34) and across Section Thirty-three (33), Thirty-two (32), and Thirty-one (31) in said Township to the point where the range line dividing ranges Forty (40) and Forty-one (41) East intersects said North Right of Way line of State Road 80;

Thence North along the West line of Sections Thirty-one (31), Thirty (30), Nineteen (19) and Eighteen (18) to the Point of Beginning, embracing approximately Six Thousand Nine Hundred Thirty five and  $\frac{56}{100}$  (6,935.56) acres.

Said lands lying within the above described boundary lines are described more particularly as follow, to wit:

All of Section Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20), and Twenty-one (21) and the Northwest quarter and West half of South-west quarter of Section Twenty-two (22); and West half of West half of Section Twenty-seven (27); and all Section Twenty-eight (28), Twenty-nine (29) and Thirty (30) and all of Section Thirty-one (31) North of North Right of Way line of State Road 80; and all of Section Thirty-three (32) North of North Right of Way line of State Road 80; and all of Section Thirty-three (33) North of North Right of Way line of State Road 80; and all of the West half of West half of Section Thirty-four (34) North of North Right of Way line of State Road 80; all in Township Forty-three (43) South Range Forty-one (41) East, all of said lands being situate in Palm Beach County, State of Florida, according to the United States official surveys of said lands.

TOGETHER WITH

The South  $\frac{1}{2}$  of Sections 7 and 8, T43S, R41E.

The South  $\frac{1}{2}$  of the East  $\frac{1}{4}$  of Section 12, The East  $\frac{1}{4}$  of Sections 13, 24, 25, T43S, R40E, and that part of the East  $\frac{1}{4}$  of Section 36, T43S, R40E, lying North of the North Right of Way of S.R. 80, all in Palm Beach County, Florida, containing 1320 acres, more or less.

LESS AND EXCEPT The All or Nothing Legislation Parcel as described in Senate Bill No. 2616, Laws of Florida, Chapter 99-425, formerly known as The Palms West Hospital property

A parcel bounded by Southern Boulevard (S.R. 80) on the South, the Southern boundary of the drainage/road Right of Way known as collecting canal on the North, Folsom/Crestwood of the East, and the Western boundary of The All or Nothing Legislation Parcel as described in Senate Bill No. 2616, Laws of Florida, Chapter 99-425 on the west, said parcel being more particularly described as follows:

A parcel of land located in the County of Palm Beach, State of Florida, to wit:

The point of beginning being the intersection of the Easterly line of Lot 4, Block K, Loxahatchee District, according to the plat thereof on file in the Office of the Clerk of the Circuit Court recorded in Plat Book 7, Page 81, of the Public Records of Palm Beach County, Florida, and the Southerly boundary of the "Collecting Canal" as shown on the Replat of Loxahatchee Groves Subdivision according to the Plat thereof, recorded in Plat Book 12, Page 29, of the Public Records of Palm Beach County, Florida; Thence Easterly along said Southerly boundary of the "Collecting Canal" to the Easterly boundary of said Replat of Loxahatchee Groves; Thence South along said Easterly boundary line of the Replat of Loxahatchee Groves to the North Right of Way line of State Road 80; Thence Westerly along said Northerly Right of Way line of State Road 80 to the Easterly line of Lot 4, Block K, Loxahatchee District;

Thence Northerly along said Easterly line of Lot 4 to the Point of Beginning, and

Also less a portion of Lot 4, Block "K," Loxahatchee District subdivision, according to the map or plat thereof as

recorded in Plat Book 7, page 81, public records, Palm Beach County, Florida, being more particularly described as follows:

Commencing at the northeast corner of said lot 4; thence, south 02°16'42" west, along the east line of said lot 4, a distance of 834.00 feet for a point of beginning.

Thence, continue south 02°16'42" west along said east line, a distance of 1221.92 feet, more or less, to the intersection thereof with the north right-of-way line of State Road No. 80 as recorded in official records book 12372, page 468, said public records; thence, north 88°08'61" west, departing said east line and along said north right-of-way line, a distance of 260.20 feet; thence, north 02°16'46" east, departing said right-of-way line, a distance of 80.00 feet; thence, north 88°08'51" west, a distance of 248.59 feet; thence, north 02°16'46" east, a distance of 321.11; thence, north 88°08'51" west, a distance of 275.01 feet, more or less, to the intersection thereof with the west line of said lot 4; thence, north 02°16'46" east, along said west line, a distance of 806.33 feet; thence, south 89°12'21" east, departing said west line and along the south line of the north 834.00 feet of said lot 4, as measured along the east and west lines of said lot 4, a distance of 784.02 feet to the point of beginning.

Containing: 18.867 acres, more or less.

~~(b) — The town shall not annex that area now known as Gallery Judge Groves, generally described as that area of land bounded on the north by M canal, on the south by the northern border of the town, on the east by 140th, and on the west by M canal.~~ **CONSENSUS TO REMOVE 9/25/19 Ord. 2019-09**

(4) MUNICIPAL POWERS.--The town shall be a body corporate and politic and shall have all available governmental, corporate, and proprietary powers of a municipality under the State Constitution and laws of the state, as fully and completely as though such powers were specifically enumerated in this charter, and may exercise them, except when prohibited by law. Through the adoption of this charter, it is the intent of the electors of the town that the municipal government established herein have the broadest exercise of home rule powers permitted under the State Constitution and laws of the state. This charter and the powers of the town shall be construed liberally in favor of the town. It is recognized that certain services within the municipal boundaries are provided by independent special districts created by special acts of the Legislature and by Palm Beach County.

## **Section 2. Council; mayor and vice mayor.--**

(1) TOWN COUNCIL.--There shall be a five-member town council ("council") vested with all legislative powers of the town, consisting of five members ("council members"), each elected from and representing the town at large. Unless otherwise stated within this charter, all charter powers shall be exercised by the council.

(2) THE MAYOR; POWERS AND DUTIES.--

(a) The council, at its first regular meeting after the fourth Tuesday of each March, shall elect from its members a mayor who shall serve for a period of 1 year and who shall have the same legislative powers and duties as any other council member, except as provided herein. No council member may serve more than two consecutive annual appointments as mayor, without an annual break (one regular election cycle) between appointments. Partial year appointments shall not be considered as an annual appointment. This restriction on appointments shall commence with the council member selected as mayor after the March 2020 election. **DIRECTED TO ADD IN 10/16/19 MEETING. Ord. 2019-10**

(b) In addition to carrying out the regular duties of a council member, the mayor shall preside at the meetings of the council and shall be recognized as the head of town government for service of process, ceremonial matters, and the signature or execution of ordinances, contracts, deeds, bonds, and other instruments and documents and

for purposes of military law. The mayor shall also serve as the ceremonial head of the town and the town official designated to represent the town when dealing with other entities. The mayor shall have no administrative duties other than those necessary to accomplish these actions, or such other actions as may be authorized by the town council, consistent with general or special law.

(3) THE VICE MAYOR.--

(a) The council, at its first regular meeting after the fourth Tuesday of each March, shall elect from its members a vice mayor who shall serve for a period of 1 year and who shall have the same legislative powers and duties while serving as any other council member.

(b) The vice mayor shall serve as acting mayor during the absence or disability of the mayor. In the absence of the mayor and the vice mayor, the remaining council members shall select a council member to serve as acting mayor.

**Section 3. Election and terms of office.--**

(1) TERM OF OFFICE AND TERM LIMITS.— **Ord. 2019-11**

(a) Each council member shall be elected at large for a 3-year term by the electors of the town in the manner provided herein. Council members shall be sworn into office at the first regularly scheduled meeting following their election. Each council member shall remain in office until his or her successor is elected and assumes the duties of the position.

(b) Term limit.

1. Individual council members shall be prohibited from holding office for more than two (2) consecutive terms. This term limit shall commence with terms beginning with the March 2020 municipal election. The term "holding office" shall be defined as serving as a council member. The term "consecutive terms" shall not include any time served as a result of an appointment or having been elected to a partial term to fill a vacancy.

2. A person who has served the maximum amount of consecutive terms allowed by this charter as a council member shall not assume office again until a regular election cycle has expired following the completion of his/her last term of office. The resignation from, or forfeiture of, the office of a council member during any part of the three (3) year elective term shall be deemed to constitute a full and complete term under this section. **Ord. 2019-11**

(2) SEATS.--The town council shall be divided into five separate council seats to be designated as seats 1, 2, 3, 4, and 5, to be voted on townwide, with each qualified elector entitled to vote for one candidate for each seat.

(3) QUALIFICATION.--Candidates for each council seat must qualify for council elections by seat in accordance with applicable general law, and the council members elected to those seats shall hold the seats 1 through 5, respectively. To qualify for office:

(a) Filing.--Each candidate for council member shall file a written notice of candidacy with the town clerk at such time and in such manner as may be prescribed by ordinance and shall make payment to the town of any fees required by general law as a qualifying fee.

(b) Registered elector.--Each candidate for council member shall be a registered elector in the state.

(c) Residency.--Each candidate for council member shall have maintained his or her domicile within the

boundaries of the town for a period of 1 year prior to qualifying for election and, if elected, shall maintain such residency throughout his or her term of office.

(d) ~~Deadline.--Any resident of the town who wishes to become a candidate for a council member seat shall qualify with the town clerk during the qualifying period as set forth by town ordinance. ~~no sooner than noon on the first Tuesday of January, nor later than noon on the second Tuesday in January, of the year in which the election is to be held except for those years in which the first Tuesday in January is January 1, and in those years any resident of the town who wishes to become a candidate for a council member seat shall qualify with the town clerk no sooner than noon on the first Wednesday of January, nor later than noon on the second Wednesday in January in those years in which the election is to be held.~~ **CONSENSUS TO REMOVE 9/25/19 Ord. 2019-09**~~

(4) VACANCIES IN OFFICE; FORFEITURE; SUSPENSION; FILLING OF VACANCIES.--

(a) Vacancies.--A vacancy in the office of mayor, vice mayor, or any council member shall occur upon the death of the incumbent, removal from office as authorized by law, resignation, appointment to other public office which creates dual office holding, judicially determined incompetence, or forfeiture of office as described in paragraph (b).

(b) Forfeiture of office.--Any council member shall forfeit his or her office upon determination by the council, acting as a body, at a duly noticed public meeting that he or she:

1. Lacks at any time, or fails to maintain during his or her term of office, any qualification for the office prescribed by this charter or otherwise required by law;
2. Is convicted of a felony or enters a plea of guilty or nolo contendere to a crime punishable as a felony, even if adjudication is withheld;
3. Is convicted of a first degree misdemeanor arising directly out of his or her official conduct or duties, or enters a plea of guilty or nolo contendere thereto, even if adjudication of guilt has been withheld;
4. Is found to have violated any standard of conduct or code of ethics established by law for public officials and has been suspended from office by the Governor, unless subsequently reinstated as provided by law; or
5. Is absent from three consecutive regular council meetings without good cause, or for any other reason established in this charter.

The council shall be the sole judge of the qualifications of its members and shall hear all questions relating to forfeiture of a council member's office, including whether good cause for absence has been or may be established. The burden of establishing good cause shall be on the council member in question; however, any council member may at any time during any duly held meeting move to establish good cause for his or her absence or the absence of any other commission member from any past, present, or future meeting or meetings, which motion, if carried, shall be conclusive. A council member whose qualifications are in question or who is otherwise subject to forfeiture of his or her office shall not vote on any such matters. The council member in question shall be entitled to a public hearing on request regarding an alleged forfeiture of office. If a public hearing is requested, notice thereof shall be published in one or more newspapers of general circulation in the town at least 1 week in advance of the hearing. Any final determination by the council that a council member has forfeited his or her office shall be made by resolution. All votes and other acts of the council member in question prior to the effective date of such resolution shall be valid regardless of the grounds of forfeiture.

(c) Suspension from office.--Any council member shall be suspended from office upon return of an indictment

or issuance of any information charging the council member with any crime which is punishable as a felony or with any crime arising out of his or her official duties which is punishable as a first degree misdemeanor. Pursuant thereto:

1. During a period of suspension, a council member shall not perform any official act, duty, or function or receive any pay, allowance, emolument, or privilege of office.
2. If the council member is subsequently found not guilty of the charge, or if the charge is otherwise dismissed, reduced, or altered in such a manner that suspension would no longer be required as provided herein, the suspension shall be lifted and the council member shall be entitled to receive full back pay and such other emoluments or allowances as he or she would have been entitled to had the suspension not occurred.

(d) Filling of vacancies.--

1. If any vacancy occurs in the office of any council member and the remainder of the council member's unexpired term is less than 1 year and 81 days, the remaining council members shall, within 30 days following the occurrence of such vacancy, by majority vote, appoint a person to fill the vacancy for the remainder of the unexpired term.
2. If any vacancy occurs in the office of any council member and the remainder of the unexpired term is equal to or exceeds 1 year and 81 days, the remaining council members shall, within 30 days following the occurrence of such vacancy, by majority vote, appoint a person to fill the vacancy until the next regularly scheduled town election, at which time an election shall be held to fill the vacancy.
3. If a vacancy occurs in the office of mayor and fewer than 120 days remain in the term of the council member who was elected mayor, the vice mayor shall serve as mayor until a new mayor is elected by the council and assumes the duties of his or her office. If a vacancy occurs in the office of mayor and 120 days or more remain in the term of the mayor, the vice mayor shall serve as mayor until a new council member is elected and the council elects a new mayor and vice mayor as provided by this charter.
4. Any person appointed to fill a vacancy on the council shall be required to meet the qualifications of the seat to which he or she is appointed.
5. Notwithstanding any quorum requirements established herein, if at any time the full membership of the council is reduced to less than a quorum, the remaining members may, by majority vote, appoint additional members to the extent otherwise permitted or required under this subsection.
6. In the event that all the members of the council are removed by death, disability, recall, forfeiture of office, or resignation, or any combination thereof, the Governor shall appoint interim council members who shall call a special election within not fewer than 30 days or more than 60 days after such appointment. Such election shall be held in the same manner as the initial elections under this charter. However, if there are fewer than 6 months remaining in any unexpired terms, the interim council appointed by the Governor shall serve out the unexpired terms. Appointees must meet all requirements for candidates as provided in this charter.

(e) Compensation and expenses.--

1. Town council members shall be entitled to receive reimbursement in accordance with general law for authorized travel and per diem expenses incurred in the performance of their official duties.
2. The town council, by not fewer than four affirmative votes, may elect to provide for compensation and

any increase in such compensation by ordinance. However, no such ordinance establishing or increasing compensation shall take effect until the date of commencement of the terms of council members elected at the next regular election which follows the adoption of such ordinance.

**Section 4. Administrative.--**

(1) DESIGNATION OF CHARTER OFFICERS.--The town manager and the town attorney are designated as charter officers, except that the office of town attorney may be contracted to an attorney or law firm.

(2) APPOINTMENT; REMOVAL; COMPENSATION; FILLING OF VACANCIES.--

(a) The charter officers shall be appointed by a majority vote of the full council and shall serve at the pleasure of the council.

~~(b) The charter officers shall be removed from office only by a super majority vote of the full council. Upon demand by a charter officer, a public hearing shall be held prior to such removal.~~ **CONSENSUS TO REMOVE 9/25/19**

(c) The compensation of the charter officers shall be fixed by the town council through the approval of an acceptable employment contract.

(d) The town council shall begin the process to fill a vacancy in a charter office within 90 days after the vacancy. An acting town manager or an acting town attorney may be appointed by the council during a vacancy in such charter office.

(e) A charter officer shall not be a member of the town council or a candidate for town council while holding a charter officer position.

(3) TOWN MANAGER.--The town manager shall be the chief administrative officer of the town.

(a) The town council shall appoint a town manager who shall be the administrative head of the municipal government under the direction and supervision of the town council. The town manager shall hold office at the pleasure of the town council. The town manager shall be appointed by resolution approving an employment contract or contract for services between the town and the town manager or through a town management firm, which contract shall provide for compensation to the town manager or town management firm.

(b) ) The qualifications of the town manager may be established by ordinance.

(c) During the absence or disability of the town manager the town council may by resolution designate some properly qualified person to temporarily execute the functions of the town manager. The person thus designated shall have the same powers and duties as the town manager and shall be known while serving as acting town manager. The town manager or acting town manager may be removed by the town council at any time.

(d) As the chief administrative officer. the town manager shall:

1. Direct and supervise the administration of all departments, offices and agencies of the town. except the office of town attorney. and except as otherwise provided by this charter or by law.

2. Appoint, suspend, or remove any employee of the town or appointive administrative officer provided for, by, or under this charter, except the office of town attorney, and except as may otherwise be provided by law, this charter, or personnel rules adopted pursuant to the charter. The town manager may authorize any administrative officer who is subject to his or her direction and supervision to exercise these powers with respect to subordinates in that

officer's department, office, or agency.

3. Ensure that all laws, provisions of this charter, and acts of the council are faithfully executed consistent with the direction of the Town Council.
4. Prepare and submit the annual budget and capital program to the council.
5. Attend meetings of the town council.
6. Draw and sign vouchers upon depositories ordinance, if directed by Town Council, and keep or cause to be kept a true and accurate account of same.
7. Sign all licenses issued by the town, issue receipts for all moneys paid to the town, and deposit such moneys in the proper depositories. The town manager may delegate the responsibilities of this subparagraph to an appropriate staff member who shall be bonded.
8. Provide administrative services in support of the official duties of the mayor and the council.
9. Keep the council advised as to the financial condition and future needs of the town and make recommendations to the council concerning the affairs of the town.
10. Submit to the council, and make available to the public, a complete report on finances and administrative activities of the town as of the end of each fiscal year.
11. Sign contracts on behalf of the town to the extent authorized by Town Council. .
12. Perform such other duties as are specified in this charter or as may be required by the council.

(4) TOWN ATTORNEY.--

- (a) The town attorney shall be employed under terms and conditions deemed advisable by the town council, which may include the appointment of a law firm.
- (b) The town attorney shall be a member in good standing with The Florida Bar, have been admitted to practice in the state for at least 5 years, and have not less than 2 years' experience in the practice of local government law.
- (c) The town attorney has sole discretion to appoint, promote, suspend, demote, remove, or terminate deputy and assistant town attorneys, subject to the town's annual budget.
- (d) The town attorney shall perform the following functions in addition to other functions as designated by the town council:
  1. Serve as chief legal advisor to the town council, the charter officers, and all town departments, offices, and agencies.
  2. Attend all regular and special town council meetings, unless excused by the town council, and perform such professional duties as may be required by law or by the council in furtherance of the law.
  3. Approve all contracts, bonds, and other instruments in which the town is concerned and shall endorse on each his or her approval of the form and correctness thereof. No contract with the town shall take effect until his or her approval is so endorsed thereon.
  4. When requested to do so by the council, prosecute and defend on behalf of the town all complaints, suits,

and controversies in which the town is a party.

5. Perform such other professional duties as required of him or her by resolution of the council or as prescribed for municipal attorneys in the general laws of the state which are not inconsistent with this charter.

6. Prepare an annual budget for the operation of the office of the town attorney and submit this budget to the town manager for inclusion in the annual town budget, in accordance with uniform town procedures.

(5) TOWN CLERK.--The town manager shall appoint a town clerk or management firm to serve as town clerk (the "clerk"). The clerk shall give notice of council meetings to its members and the public, keep minutes of its proceedings, and perform such other duties as the council or town manager may prescribe from time to time. The clerk shall report to the town manager.

(6) EXPENDITURE OF TOWN FUNDS.--No funds of the town shall be expended except pursuant to duly approved appropriations or for the payment of bonds, notes, or other indebtedness duly authorized by the council and only from such funds so authorized.

(7) TOWN BOARDS AND AGENCIES.--Except as otherwise provided by law, the council may establish or terminate such boards and agencies as it may deem advisable from time to time. The boards and agencies shall report to the council. Members of boards and agencies shall be appointed by the council by resolution.

**Section 5. Legislative.--**

(1) REGULAR MEETINGS.--The council shall conduct regular meetings at such times and places as the council shall prescribe by resolution. Such meetings shall be public meetings within the meaning of state law and shall be subject to notice and other requirements of law applicable to public meetings.

(2) SPECIAL MEETINGS.--Special meetings may be held at the call of the mayor or, in his or her absence, at the call of the vice mayor. Special meetings may also be called upon the request of a majority of the council members. Unless the meeting is of an emergency nature, the person or persons calling such a meeting shall provide not less than 72 hours' prior notice of the meeting to the public.

(3) COMMENCEMENT.--All meetings shall be scheduled to commence no earlier than 7 a.m. nor later than 10 p.m.

(4) RULES; ORDER OF BUSINESS.--The council shall determine its own rules and order of business.

(5) QUORUM.--A majority of the full council shall constitute a quorum.

(6) VALIDITY OF ACTION.--No action of the council shall be valid unless adopted by an affirmative vote of the majority of the full council, unless otherwise provided by law.

(7) LEGISLATIVE POWERS.--Except as otherwise prescribed herein or as provided by law, the legislative powers of the town shall be vested in the council. The council shall provide for the exercise of its powers and for the performance of all duties and obligations imposed on the town by law.

(8) DEPARTMENTS.--The council may establish such other departments as it determines necessary for the efficient administration and operation of the town. Such departments, offices, or agencies shall be established by ordinance.

(9) CODE.--The council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance and may amend the code in the adopting ordinance or later amendatory ordinance. The procedures and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally, except that:

(a) Requirements regarding distribution and filing of copies of the ordinance shall not be construed to require distribution and filing of copies of the adopted code of technical regulations.

(b) A copy of each adopted code of technical regulations, as well as of the adopting ordinance, shall be authenticated and recorded by the town clerk.

(10) EMERGENCY ORDINANCES.--

(a) To meet a public emergency affecting life, health, property, or the public peace, the council may adopt, in the manner provided by general law, one or more emergency ordinances, but such ordinances may not enact or amend a land use plan or rezone private property; levy taxes; grant, renew, or extend any municipal franchise; set service or user charges for any municipal services; or authorize the borrowing of money, except as provided under the emergency appropriations provisions of this charter, if applicable. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated in a preamble as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.

(b) Upon the affirmative vote of four council members, an emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced. After its adoption, the ordinance shall be advertised and printed as prescribed for other ordinances.

(c) Emergency ordinances shall become effective upon adoption or at such other date as may be specified in the ordinance.

(d) Every emergency ordinance, except emergency appropriation ordinances, shall automatically be repealed as of the 61st day following its effective date, but this shall not prevent reenactment of the ordinance under regular procedures or, if the emergency still exists, in the manner specified in this section. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

(11) EMERGENCY APPROPRIATIONS.--To meet a public emergency affecting life, health, property, or the public peace, the council, by resolution, may make emergency appropriations. To the extent that there are no unappropriated revenues to meet such appropriation, the council may by such emergency resolution authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals in any fiscal year shall be paid not later than the last day of the fiscal year succeeding that in which the emergency appropriations were made.

(12) RECORDKEEPING.--The council shall, in a properly indexed book kept for the purpose, provide for the authentication and recording in full of all minutes of meetings and all ordinances and resolutions adopted by the council, and the same shall at all times be a public record. The council shall further maintain a current codification of all ordinances. Such codification shall be printed and shall be made available for distribution to the public on a continuing basis. All ordinances or resolutions of the council shall be signed by all council members and attested

to by the town clerk.

(13) **DUAL OFFICE HOLDING.**--No present elected town official shall hold any compensated appointive office or employment of the town while in office, nor shall any former council member be employed by the town until after the expiration of 1 year from the time of leaving office.

(14) **NONINTERFERENCE BY TOWN COUNCIL.**--Except for the purposes of inquiry and information, council members are expressly prohibited from interfering with the performance of the duties of any employee of the town government who is under the direct or indirect supervision of the town manager or town attorney. Such action shall be malfeasance within the meaning of section 112.51, Florida Statutes [F.S. §112.51]. Recommendations for improvements in the town government operations shall come through the town manager, but each member of the council shall be free to discuss or recommend improvements to the town manager, and the council is free to direct the town manager to implement specific recommendations for improvement in town government operations.

**Section 6. Budget and appropriations.--**

(1) **FISCAL YEAR.**--The town shall have a fiscal year which shall begin on the first day of October and shall end on the last day of September of the following calendar year, unless otherwise defined by general law. Such fiscal year shall also constitute the annual budget and accounting year.

(2) **BUDGET ADOPTION.**--The council shall adopt a budget in accordance with applicable general law, following a minimum of two public hearings on the proposed budget. A resolution adopting the annual budget shall constitute appropriation of the amounts specified therein as expenditures from funds indicated.

(3) **EXPENDITURES.**--The budget shall not provide for expenditures in an amount greater than the revenues budgeted.

(4) **APPROPRIATIONS.**--

(a) If, during the fiscal year, revenues in excess of those estimated in the budget are available for appropriation, the council by resolution may make supplemental appropriations for the year in an amount not to exceed such excess.

(b) If, at any time during the fiscal year, it appears probable to the town manager that the revenues available will be insufficient to meet the amount appropriated, the town manager shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken, and recommendations as to any other steps that should be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and, for that purpose, the council may by resolution reduce one or more appropriations accordingly.

(c) No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated, or by more than the unencumbered balance thereof. Other provisions of law to the contrary notwithstanding, the supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

(5) **BONDS; INDEBTEDNESS.**--

(a) Subject to the referendum requirements of the State Constitution, if applicable, the town may from time to time borrow money and issue bonds or other obligations or evidence of indebtedness (collectively, "bonds") of any type or character for any of the purposes for which the town is now or hereafter authorized by law to borrow

money, including to finance the cost of any capital or other project and to refund any and all previous issues of bonds at or prior to maturity. Such bonds may be issued pursuant to one or more resolutions adopted by a majority of the council.

(b) The town may assume all outstanding indebtedness related to facilities it acquires from other units of local government and be liable for payment thereon in accordance with its terms.

(6) REVENUE BONDS; LEASE-PURCHASE CONTRACTS.--Unless authorized by the electors of the town at a duly held referendum election, the council shall not authorize or allow to be authorized the issuance of revenue bonds or enter into lease-purchase contracts or any other unfunded multiyear contracts for the purchase of real property or the construction of any capital improvement, the repayment of which extends in excess of eleven (11) years, unless mandated by state or federal governing agencies.

(7) ANNUAL AUDIT.--The council shall provide for an independent annual financial audit of all town accounts and may provide for more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or a firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the town government or in any of its officers. Residency in the town shall not be construed as a prohibited interest.

#### **Section 7. Elections.--**

(1) ELECTORS.--Any person who is a resident of the town, who has qualified as an elector of this state, and who registers in the manner prescribed by law shall be an elector of the town.

(2) NONPARTISAN ELECTIONS.--All elections for the town council members shall be conducted on a nonpartisan basis without any designation of political party affiliation.

(3) ELECTION DATES.--A special election shall be held on the second Tuesday in March 2007, and regular elections shall be held on the second Tuesday in March of each election year, provided as follows:

(a) For the two council member seats that received the highest number of votes in the March 2007 election, the next election to fill the council member seats shall be held on the second Tuesday in March after the first Monday in March in 2010, and every 3 years thereafter.

(b) For the two council member seats that received the next highest number of votes in the March 2007 election, the next election to fill the council member seats shall be held on the second Tuesday in March after the first Monday in March in 2009, and every 3 years thereafter.

(c) For the remaining council member seat, the next election to fill the council member seat shall be held on the second Tuesday in March after the first Monday in March in 2008, and every 3 years thereafter.

(d) Such town elections shall be general town elections.

(4) RUNOFF ELECTIONS.--In the event no candidate for an office receives a majority of the votes cast for such office, the person receiving the largest number of votes cast will be elected. In the event two candidates receive an equal number of votes, a runoff election shall be held on the fourth Tuesday in March.

(5) TOWN CANVASSING BOARD.-- The town canvassing board shall be composed of three members: the Town Clerk, and two members appointed by the Town Council by Resolution. No member of the town canvassing board shall be an active participant in the town election for which he or she is canvassing as the term "active participant"

is interpreted by the Florida Department of Elections. Where possible, the members of the town canvassing board shall be experienced as a judge or in the administration of elections. Should a vacancy occur on the canvassing board, the Town Council shall appoint a replacement member by resolution. The Town Canvassing Board shall canvass the election consistent with the requirements of Florida law and consistent with and pursuant to any agreement between the Town and the Palm Beach County Supervisor of Elections. The canvassing board shall certify the results of the election upon receipt of the certification from the Supervisor of Elections.

(6) SPECIAL ELECTIONS.--Special municipal elections, when required, shall be held in the same manner as regular elections, except that the town council, by ordinance, shall fix the time for holding such elections consistent with this charter and state law.

(7) GENERAL ELECTION.--

(a) The ballot for the general election shall contain the names of all qualified candidates for each respective council member seat and shall instruct electors to cast one vote for each council member seat, with a maximum of one vote per candidate. The candidate for each council member seat receiving the most votes shall be the duly elected council member for that designated council member seat.

(b) No election for any council member seat shall be required in any election if there is only one duly qualified candidate for the council member seat.

(c) If more than one candidate for a designated council member seat receives an equal and highest number of votes, the candidates for the office receiving the highest vote in the general election shall run again in the runoff election.

(d) The candidate receiving the highest number of votes cast for the designated council member seat in the runoff election shall be elected to the designated council member seat. If the vote at the runoff election results in a tie, the outcome shall be determined by lot.

(e) The term of office of any elected official shall commence immediately after the election.

(f) All elected officers, before entering upon their duties, shall take and subscribe to the following oath of office:

"I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the state, and the charter of the Town of Loxahatchee Groves; that I am duly qualified to hold office under the Constitution of the State and the charter of the Town of Loxahatchee Groves; and that I will well and faithfully perform the duties of council member upon which I am now about to enter."

(g) The election laws of the state shall apply to all elections.

(h) Any member of the town council may be removed from office by the electors of the town following the procedures for recall established by general law.

#### **Section 8. Initiative and referendum.--**

(1) POWER TO INITIATE AND RECONSIDER ORDINANCES.--

(a) The electors of the town shall have the power to propose ordinances to the town council and, if the town

council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a town election, provided that such power shall not extend to the annual budget or capital program or any ordinance appropriating money, levying taxes, or setting salaries of town officers or employees.

(b)1. The town council shall have the power, by resolution, to call for a referendum vote by the electors of the town at any time, provided that the purpose of such referendum is presented to the town at a public hearing at least 60 days prior to the adoption of such resolution. Any resolution calling for a referendum vote of the electors of the town must be passed by the affirmative vote of not less than four members of the council.

2. The electors of the town shall have the power to require reconsideration by the town council of any adopted ordinance and, if the town council fails to repeal an ordinance so reconsidered, to approve or reject it at a town election, provided that such power shall not extend to the annual budget or capital program or any ordinance appropriating money, levying taxes, or setting salaries of town officers or employees.

(2) COMMENCEMENT OF PROCEEDINGS.--Any 10 electors may commence initiative or referendum proceedings by filing with the town clerk an affidavit stating that they shall constitute the petitioner's committee and be responsible for circulating the petition and filing it in proper form stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. Promptly after the affidavit of the petitioner's committee is filed, the town clerk may, at the committee's request, issue the appropriate petition blanks to the petitioner's committee at the committee's expense.

(3) PETITIONS.--

(a) Initiative and referendum petitions must be signed by electors of the town equal in number to at least 10 percent of the total number of electors registered to vote in the last regular town election.

(b) All papers of a petition shall be assembled as one instrument of filing. Each signature shall be executed in ink and shall be followed by the printed name and address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

(c) Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he or she personally circulated the paper, the number of signatures thereon, that all signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

(d) Except as otherwise provided herein, all initiative and referendum petitions must be filed within 60 days of the date on which proceedings with respect to such initiative or referendum are commenced, and all requirements of the process, including, but not limited to, the submission of the signatures required, must be completed no later than 90 days following the date of filing such initiative or referendum petition.

(4) PROCEDURE FOR FILING.--

(a) Within 20 days after an initiative petition or a referendum petition is filed, the town clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective, and shall promptly send a copy of the certificate to the petitioner's committee by registered mail. Grounds for insufficiency are only those specified herein that are not met. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioner's committee files a notice of intent to amend it with the designated official within 2 business days after receiving the copy of the certificate and files a supplementary

petition upon additional papers within 10 days after receiving the copy of such certificate. Such supplementary petition shall comply with original petition requirements, and within 5 days after it is filed the town clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioner's committee by registered mail. If a petition or an amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioner's committee does not elect to amend or request the town council review within the time required, the town clerk shall promptly present a certificate to the town council and such certificate shall then be a final determination as to the sufficiency of the petition.

(b) If a petition has been certified insufficient and the petitioner's committee does not file notice of intent to amend it or if an amended petition has been certified insufficient, the committee may, within 2 business days after receiving the copy of such certificate, file a request that it be reviewed by the town council. The town council shall review the certificate at its next meeting following the town council's filing of such request and approve or disapprove it, and determination shall then be final as to the sufficiency of the petition.

(5) ACTION ON PETITIONS.--

(a) When an initiative or referendum petition has been determined sufficient, the town council shall promptly consider the proposed initiative ordinance or reconsider the referendum ordinance by voting its repeal. If the town council fails to adopt a proposed initiative ordinance without any change in substance within 45 days or fails to repeal the referendum ordinance within 30 days after the date on which the petition is determined to be sufficient, it shall submit the proposed initiative or referendum ordinance to the electors of the town. If the town council fails to act on a proposed initiative ordinance or a referendum ordinance within the time period specified, the town council shall be deemed to have failed to adopt the proposed initiative ordinance or failed to repeal the referendum ordinance on the last day that the town council was authorized to act on such matter.

(b) The vote of the town on a proposed initiative or referendum ordinance shall be held not fewer than 30 days or more than 60 days from the date the town council acted or was deemed to have acted pursuant to this charter. If no regular election is to be held within the period described in this paragraph, the town council shall provide for a special election, except that the town council may, in its discretion, provide for a special election at an earlier date within the described period. Copies of the proposed initiative or referendum ordinance shall be made available at the polls.

(c) An initiative or referendum petition may be withdrawn at any time prior to the 15th day preceding the day scheduled for a vote of the town by filing with the town clerk a request for withdrawal signed by at least eight members of the petitioner's committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

(6) RESULTS OF ELECTION.--

(a) If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(b) If a majority of the qualified electors voting on a referendum ordinance vote against it, it shall be considered repealed upon certification of the election results.

**Section 9. General provisions.--**

(1) SEVERABILITY.--If any section or part of any section of this charter shall be held invalid by a court of

competent jurisdiction, such holding shall not affect the remainder of this charter or the context in which such section or part of a section so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section or part of a section to which such holding shall directly apply.

(2) TOWN PERSONNEL SYSTEM.--All new employments, appointments, and promotions of town officers and employees shall be made pursuant to personnel procedures to be established by the town manager from time to time.

(3) CHARITABLE CONTRIBUTIONS.--The town shall not make any charitable contribution to any person or entity unless authorized by the council.

(4) VARIATION OF PRONOUNS.--All pronouns and any variations thereof used in this charter shall be deemed to refer to masculine, feminine, neutral, singular, or plural as the identity of the person or persons shall require and are not intended to describe, interpret, define, or limit the scope, extent, or intent of this charter.

(5) CALENDAR DAY.--For the purpose of this charter, a day shall mean a calendar day.

~~(6) CHARTER REVIEW COMMITTEE.~~ FURTHER DISCUSSION

~~(a) At its first regular meeting in March 2012, and every 10th year thereafter, the town council may appoint a charter review committee consisting of 15 individuals who are not members of the town council to serve in an advisory capacity to the town council.~~

~~(b) Each council member shall recommend and nominate three individuals to serve on the committee as regular members, which appointments shall be approved by a majority vote of the town council. Individuals appointed to the charter review committee shall be citizens of the town.~~

~~(c) The charter review committee shall appoint its own chair and vice chair and adopt its own rules and procedures.~~

~~(d) The town clerk and the town attorney shall advise the town council in advance of the date when such appointments may be made.~~

~~(e) If appointed, the charter review committee shall commence its proceedings within 30 days after the committee is appointed by the town council. The committee shall review the charter and provide input to the town council to modernize and improve the charter. The public shall be given an opportunity to speak and participate at charter review committee meetings in accordance with the rules of the charter review committee.~~

~~(f) All recommendations by the charter review committee shall be forwarded to the town council in ordinance form for consideration no later than the 1st day of March of the year following the appointment of the charter review committee, and in sufficient time for any recommendations to be considered by the town council as provided herein.~~

~~(g) The town council shall consider the recommendations of the charter review committee at the regular meeting in November and the regular meeting in December of the year following appointment of the charter review committee.~~

(7) CHARTER AMENDMENTS.--This charter may be amended in accordance with the provisions for charter

amendments as specified in general law or as may otherwise be provided by general law. The form, content, and certification of any petition to amend shall be established by ordinance.

(8) INITIATION BY PETITION.--The electors of the town may propose amendments to this charter by petition to be submitted to the council to be placed before the electors, as provided by general law.

(9) STANDARDS OF CONDUCT.--All elected officials and employees of the town shall be subject to the standards of conduct for public officers and employees set by general law and any applicable State, County or Town ethics rules or policies. ~~In addition, the town council shall, no later than 6 months from the effective date of incorporation, establish by ordinance a code of ethics for officials and employees of the town which may be supplemental to general law, but in no case may such an ordinance diminish the provisions of general law. The intent of this subsection is to require more stringent standards than those provided under general law.~~

**CONSENSUS TO APPROVE CHANGES 9/25/19 Ord. 2019-09**

(9) LAND USE, REZONING.--Any change to the town's future land use map, or any change to the zoning designation for any parcel within the town shall require the affirmative vote of no fewer than four members of the town council.

#### Section 10. Transition schedule.--

~~(1) REFERENDUM.--The Palm Beach County Commission shall hold the referendum election called for by this act on October 10, 2006, at which time the following question shall be placed upon the ballot:~~

~~"Shall the creation of the Town of Loxahatchee Groves and its charter be approved?"~~

~~Yes~~

~~No~~ **CONSENSUS TO REMOVE 9/25/19 Ord. 2019-09**

~~(2) INITIAL ELECTION OF COUNCIL MEMBERS; DATES.~~ **CONSENSUS TO REMOVE 9/25/19 Ord. 2019-09**

~~(a) Following the adoption of this charter, the Palm Beach County Commission shall call a special election for the election of the five town council members to be held on March 13, 2007. Candidates for the election shall qualify for seat 1, seat 2, seat 3, seat 4, and seat 5. The candidate receiving the highest number of votes for that seat shall be elected. If more than one candidate for a designated council member seat receives an equal and highest number of votes, then the candidates receiving the highest votes in the general election shall run again in the runoff election which shall be held on March 27, 2007.~~

~~(b) Any individual who wishes to run for one of the five initial seats on the council shall qualify as a candidate with the Palm Beach County Supervisor of Elections in accordance with the provisions of this charter and general law.~~

~~(c) The Palm Beach County Commission shall appoint a canvassing board which shall certify the results of the election.~~

~~(d) Those candidates who are elected on March 13, 2007, and March 27, 2007, shall take office at the initial town council meeting, which shall be held at 7 p.m. on March 29, 2007.~~

~~(3) CREATION AND ESTABLISHMENT OF THE TOWN.--For the purpose of compliance with section 200.066, Florida Statutes [F.S. § 200.066], relating to assessment and collection of ad valorem taxes, the town is hereby created and established effective November 1, 2006; notwithstanding anything to the contrary contained herein, the town, although created and established as of November 1, 2006, shall not be operational until March 30, 2007.~~

## FURTHER DISCUSSION

~~(4) — FIRST YEAR EXPENSES.—The town council, in order to provide moneys for the expenses and support of the town, shall have the power to borrow money necessary for the operation of town government until such time as a budget is adopted and revenues are raised in accordance with the provisions of this charter.~~ **CONSENSUS TO REMOVE 9/25/19 Ord. 2019-09**

(5) TRANSITIONAL ORDINANCES AND RESOLUTIONS.--All applicable county ordinances currently in place at the time of passage of the referendum, unless specifically referenced herein, shall remain in place until and unless rescinded by action of the town council, except as otherwise provided by the Palm Beach County Charter, as may be amended from time to time. Variances shall not be granted to any existing Palm Beach County ordinance, rule, or regulation in existence as of October 12, 2006 insofar as such action would affect the town without the approval of the town council, except as authorized by the Palm Beach County Charter, as may be amended from time to time.

~~(6) — TEMPORARY EMERGENCY ORDINANCES.—The town council shall adopt ordinances and resolutions required to effect the transition. Ordinances adopted within 60 days after the first council meeting may be passed as emergency ordinances. These transitional ordinances, passed as emergency ordinances, shall be effective for no longer than 90 days after adoption and thereafter may be readopted, renewed, or otherwise continued only in the manner normally prescribed for ordinances.~~ **CONSENSUS TO REMOVE 9/25/19 Ord. 2019-09**

(7) TRANSITIONAL COMPREHENSIVE PLAN AND LAND DEVELOPMENT REGULATIONS.--

(a) Until such time as the town adopts a comprehensive plan, the Palm Beach County Future Land Use Map, the Palm Beach County Zoning Map, and all other applicable provisions applicable to the town, of the Comprehensive Plan and Land Development Regulations of Palm Beach County, as the same exist on the day the town commences corporate existence, shall remain in effect as the town's transitional comprehensive plan and land development regulations. However, all planning functions, duties, and authority shall thereafter be vested in the Town Council of Loxahatchee Groves which shall also be deemed the local planning agency until the council establishes a separate local planning agency.

(b) Upon this act becoming a law, no changes in the future land use map or the zoning districts within the boundaries of the town shall be considered for alteration, amendment, or other modification in any way until such time as the town adopts appropriate procedures as referenced in this act.

(c) All powers and duties of the planning commission, zoning authority, any boards of adjustment, and the County Commission of Palm Beach County, as set forth in these transitional zoning and land use regulations, shall be vested in the Town Council of Loxahatchee Groves until such time as the town council delegates all or a portion thereof to another entity.

(d) Subsequent to the passage of this act, no amendment of the comprehensive plan or land development regulations enacted by the Palm Beach County Commission shall be deemed as an amendment of the town's transitional comprehensive plan or land development regulations or otherwise take effect within the town's corporate limits except in accordance with the requirements, and upon adoption of the procedures specified in this act.

(e)1. The owner or assigns of the 97 acre property located at the northwest corner of B-Road and Southern Boulevard, commonly known as the "Simon property," have applied for a land use change through the Palm Beach County comprehensive plan amendment process (LGA 2004-00037). This parcel and it owners and assigns will remain subject to the Palm Beach County comprehensive plan and approval process until such time as the town

adopts its own comprehensive plan.

2. In the event that the town initiates a review and approval process in a timeframe that is faster than presently expected, the owner or assigns of the Simon property may elect, at their own option, to go through the town's zoning approval process.

~~(8) COMMUNICATIONS SERVICES TAX.--The communications services tax imposed under s. 202.19, F.S., by Palm Beach County will continue within the town boundaries during the period commencing with the date of incorporation through December 31, 2007. Revenues from the tax shall be shared by Palm Beach County with the town in proportion to the projected town population estimate of the Palm Beach County Planning Division compared with the unincorporated population of Palm Beach County before the incorporation of Loxahatchee Groves. CONSENSUS TO REMOVE 9/25/19 Ord. 2019-09~~

~~(9) STATE SHARED REVENUES.--The Town of Loxahatchee Groves shall be entitled to participate in all shared revenue programs of the state available to municipalities effective April 1, 2007. The provisions of section 218.23(1), Florida Statutes [F.S. § 218.23(1)], shall be waived for the purpose of eligibility to receive revenue sharing funds from the date of incorporation through the state fiscal year 2009-2010. Initial population estimates for calculating eligibility for shared revenues shall be determined by the University of Florida Bureau of Economic and Business Research. Should the bureau be unable to provide an appropriate population estimate, the Palm Beach County Planning Division estimate should be utilized. For the purposes of qualifying for revenue sharing, the following revenue sources shall be considered: municipal service taxing units, fire municipal service taxing units, water control district revenues, occupational license taxes, ad valorem taxes, public utility service taxes, communications services tax, and franchise fees. CONSENSUS TO REMOVE 9/25/19 Ord. 2019-09~~

(10) GAS TAX REVENUES.--Notwithstanding the requirements of section 336.025, Florida Statutes [F.S. § 336.025], to the contrary, the town shall be entitled to receive local option gas tax revenues beginning October 1, 2007. These revenues shall be distributed in accordance with the interlocal agreements with Palm Beach County.

~~(11) WAIVER.--The provisions of section 218.23(1), Florida Statutes [F.S. § 218.23(1)], shall be waived for the purpose of conducting audits and financial reporting through fiscal year 2007-2008. CONSENSUS TO REMOVE 9/25/19 Ord. 2019-09~~

#### **Section 11. Continuation, merger, and dissolution of existing districts and service providers.--**

(1) PALM BEACH COUNTY FIRE RESCUE MUNICIPAL SERVICE TAXING UNIT; CONTINUATION.--Notwithstanding the incorporation of the Town of Loxahatchee Groves, that portion of the Palm Beach County Fire Rescue Municipal Service Taxing Unit, a special taxing district created by the Palm Beach County Commission that lies within the boundaries of the Town of Loxahatchee Groves, is authorized to continue in existence until the town adopts an ordinance to the contrary. However, the town shall not establish a town fire department without a referendum.

~~(2) LAW ENFORCEMENT.--Law enforcement services will be provided by contract with the Palm Beach County Sheriff's Office, or contracted with other law enforcement agencies, until the town adopts an ordinance to the contrary, provided that the town shall not establish a town police department without a referendum. FURTHER DISCUSSION~~

(3) PALM BEACH COUNTY LIBRARY DISTRICT; CONTINUATION.--Notwithstanding the incorporation of the Town of Loxahatchee Groves, that portion of the Palm Beach County Library District, a dependent district of Palm Beach County created by chapter 2000-405, Laws of Florida, that lies within the boundaries of the Town of Loxahatchee Groves, is authorized but not required to continue in existence, provided that in order to be excluded from the library district the town shall establish a municipal-funded library.

~~(4) — PALM BEACH COUNTY MUNICIPAL SERVICE TAXING UNIT B.—That portion of Palm Beach County Municipal Service Taxing Unit B, a dependent district of Palm Beach County created by the Palm Beach Commission that lies within the boundaries of the Town of Loxahatchee Groves, shall cease to exist within the municipal boundaries of the Town of Loxahatchee Groves on October 10, 2006. ATTORNEY RESEARCH – CONSENSUS TO REMOVE 10/2/19 Ord. 2019-09~~

~~(5) — PALM BEACH COUNTY MUNICIPAL SERVICE TAXING UNIT F.—That portion of Palm Beach County Municipal Service Taxing Unit F, a dependent district of Palm Beach County created by the Palm Beach County Commission that lies within the boundaries of the Town of Loxahatchee Groves, shall cease to exist within the municipal boundaries of the Town of Loxahatchee Groves on October 10, 2006. ATTORNEY RESEARCH – CONSENSUS TO REMOVE 10/2/19 Ord. 2019-09~~

~~(6) — LOXAHATCHEE GROVES WATER CONTROL DISTRICT; CONTINUATION.—Notwithstanding the incorporation of the Town of Loxahatchee Groves, the Loxahatchee Groves Water Control District, an independent special district created pursuant to the laws of the state, is authorized to continue in existence. FURTHER DISCUSSION 9/25/19 Ord. 2019-09~~

~~(7) LOXAHATCHEE GROVES PARK; CONTINUATION.—Notwithstanding the incorporation of the Town of Loxahatchee Groves, the Loxahatchee Groves Park will continue to be operated by the Palm Beach County Department of Parks and Recreation, in accordance with existing Palm Beach County standards. All planned improvements to the park shall be subject to approval of the Town of Loxahatchee Groves but are the responsibility of Palm Beach County. Nothing contained herein shall prevent Palm Beach County and the Town of Loxahatchee Groves from entering into an interlocal agreement related to maintenance, planned improvements, sale, or transfer of the park. CONSENSUS TO REMOVE 9/25/19 Ord. 2019-09~~