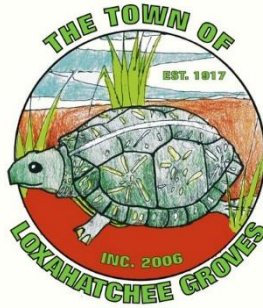


**TOWN OF LOXAHATCHEE GROVES
TOWN HALL COUNCIL CHAMBERS
TOWN COUNCIL WORKSHOP/SPECIAL MEETING**

AGENDA

December 17, 2019 - 6:00 P.M.



Robert Shorr, Mayor (Seat 4)

Phillis Maniglia, Councilmember (Seat 1)

Laura Danowski, Councilmember (Seat 2)

Lisa El-Ramey, Councilmember (Seat 3)

Dave DeMarois, Vice Mayor (Seat 5)

Administration

Town Manager, James S. Titcomb

Assistant Town Manager, Francine L. Ramaglia

Town Attorney, R. Brian Shutt, Esq.

Town Clerk, Lakisha Q. Burch

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

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

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

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

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

TOWN COUNCIL AGENDA ITEMS

Call to Order

Pledge of Allegiance

Moment of Silence

Roll Call

Additions/Deletions/Modifications of Agenda

Comments from The Public on Non-Agenda Items

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.

PUBLIC HEARING-QUASI JUDICIAL

1. Groves Town Center PUD/Site Plan Requested Modifications
2. 444/556 B Road (Briar Project)

PUBLIC HEARING

3. Approval of Resolutions of Intent to Use Uniform Method of Collection for Non-Ad Valorem Assessments under Florida Statutes Chapter 197.3632
 - a. Resolution 2019-68
 - b. Resolution 2019-DD13

REGULAR AGENDA

4. Approval of Resolution No. 2019-70 repayment of OGEM Loan

DISCUSSION/WORKSHOP

5. Discussion of Draft copy of HR Personnel Manual
6. Discussion of Draft copy of Purchasing Policy

Town Councilmembers Comments

Town Staff Comments

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.

Town of Loxahatchee Groves, Florida

Town Council Agenda Item Report

Groves Town Center PUD Amendment: Ordinance 2019-08

PREPARED BY: Jim Fleischmann

December 17, 2019

SUBJECT: Groves Town Center Planned Unit Development (PUD) Amendment Application (REZ 2019-01).

1. BACKGROUND

History: The 90 +/- acre Groves Town Center PUD, including a Statement of Use, Conceptual Master Plan and Conditions of Approval was approved by the Town Council (Ordinance 2013-010). Revisions to the PUD were approved by the Town Council (Ordinance 2018-08).

Additional revisions to the PUD (i.e. PUD Amendment) must be approved by the Town Council. The Applicant is proposing a PUD amendment to: (1) Relocate and reconfigure the circular Town Center Commons Pod; (2) create smaller, more marketable Development Pods within Parcel 1 (commercial parcel); and (3) add one equestrian trail connector to the relocated Town Center Commons parcel.

Problem Statement: The Town Council is to hear and approve, approve with conditions, or deny rezoning applications. The proposed PUD Amendment is classified as a rezoning.

Problem Solution: The Town Council will conduct a public hearing on the proposed REZ 2019-01 (i.e. Ordinance 2019-08) and consider a motion to approve, approve with conditions on First Reading, or deny the PUD amendment application.

2. CURRENT ACTIVITY

The Applicant, Loxahatchee Equestrian Partners LLC has submitted a PUD amendment application (REZ 2019-01) to request revisions to the currently effective Conceptual Master Plan and Conditions of Approval (Ordinance 2018-08).

REZ 2019-01 was presented at a Planning and Zoning Board (PZB) meeting on September 16, 2019. The PZB recommended approval of REZ 2019-01 subject to Conditions of Approval, as follows.

1. The Town Commons (Pod TC) shown on the Conceptual Master Plan will remain owned by the Applicant and their successors and assigns and maintenance of the Town Commons is the responsibility of the Applicant.

2. The trail spur shown on the Conceptual Master Plan does not convey approval by the PZB of an equestrian trail on the adjacent private property nor should it be construed as a PZB endorsement of such a trail on the adjacent private property. **(NOTE: The proposed trail spur to the neighboring property to the west has been removed from the Conceptual Master Plan per direction of the Town Council.)**

Following feedback from the Town Council at its October 15, 2019 meeting, the Applicant shifted the Town Commons Pod eastward from the previous proposal to its current location so that it is more centrally located and visible from the main driveway off of Southern Boulevard.

3. ATTACHMENTS

1. Groves Town Center Conceptual Master Plan in color
2. Proposed Ordinance 2019-08

4. FINANCIAL IMPACT

Work on this project is funded by the Applicant's cost recovery deposit.

- 5. RECOMMENDED ACTION:** Recommend that the Town Council approve Ordinance 2019-08, on First Reading, including the Conceptual Master Plan dated November 26, 2019 and Conditions of Approval, as presented in Attachment 2.



BOHLER
ENGINEERING
3020 NORTHALE BLVD., SUITE 3000 TAMPA, FL 33624
PHONE: (813) 812-4100 FAX: (813) 812-4101
FLORIDA BUSINESS CERT. OF AUTH. No. 30780

GROVES TOWN CENTER
STATE ROAD 80 & "B" ROAD
LOXAHATCHEE GROVES, FL 33470 | PALM BEACH COUNTY

2019-12-04 | SKK | FLT180150 | REV 0

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2019-08

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR AN AMENDMENT TO THE MULTIPLE LAND USE PLANNED UNIT DEVELOPMENT (MLU/PUD) APPROVAL ON A PARCEL OF LAND CONSISTING OF APPROXIMATELY 89.95 ACRES, MORE OR LESS, LOCATED AT THE NORTHEAST CORNER OF SOUTHERN BOULEVARD AND “B” ROAD, LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED AND AS DESIGNATED ON THE MAP ATTACHED AS EXHIBIT “A” TO THIS ORDINANCE; PROVIDING FOR THE APPROPRIATE REVISIONS OF THE MLU/PUD CONCEPTUAL MASTER PLAN AND CONDITIONS OF APPROVAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 16, 2010, the Town adopted Ordinance 2010-009, which adopted the Town’s Unified Land Development Code (ULDC), including the designation of zoning districts in the Town, consistent with the Town’s Comprehensive Plan; and,

WHEREAS, on November 20, 2012, the Town adopted Ordinance 2012-08 which created a new zoning category, entitled Planned Unit Development (“PUD”), to facilitate development on properties that exceed expectations of standard zoning districts, implements the Town’s Comprehensive Plan, and to allows for creative use of land and quality development; and,

WHEREAS, on February 17, 2013, the Town adopted Ordinance 2013-010 which assigned a Multiple Land Use Planned Unit Development (“MLU/PUD”) zoning designation to certain property located at the northeast corner of Southern Boulevard, and “B” Road, Loxahatchee Groves, Florida, totaling approximately 89.95 acres, more or less, legally described and as designated on the map in Exhibit “A”, attached hereto (the “Property”); and

WHEREAS, on November 6, 2018, the Town adopted Ordinance 2018-08 which amended the Multiple Land Use Planned Unit Development (“MLU/PUD”) zoning designation on the property previously granted by Ordinance 2013-010; and

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2019-08

WHEREAS, the Property Owners, Solar Sportsystems, Inc. and Loxahatchee Equestrian Partners, LLC, submitted on August 15, 2019 and subsequently revised on December 3, 2019, petition REZ 2019-01 to amend the previous MLU/PUD Approval on Property granted by Town Ordinance 2018-08; and

WHEREAS, at its meeting of September 16, 2019, the Town's Planning and Zoning Board (PZB), considered petition REZ 2019-01 to amend the MLU/PUD Approval on the Property, and recommended approval to the Town Council subject to certain conditions stated in the Staff Report dated October 15, 2019 and incorporated by reference herein; and

WHEREAS, the notice and hearing requirements for adoption of rezoning ordinances contained in the Florida Statutes and the Town's Code of Ordinances have been satisfied; and

WHEREAS, the Town Council of the Town of Loxahatchee Groves has conducted a quasi-judicial hearing and considered petition REZ 2019-01 for amending the MLU/PUD, the recommendations of the PZB and Town Staff, and comments from the public; and

WHEREAS, the Town Council, as the governing body of the Town of Loxahatchee Groves, Florida ("Town"), pursuant to the authority vested in Chapter 166, Florida Statutes, is authorized and empowered to consider petitions relating to the rezoning of property, including PUD Amendments, within the Town; and

WHEREAS, the Council, pursuant to Section 160-020 (Review criteria; Town Council action) of the Town of Loxahatchee Groves Unified Land Development Code and Town Ordinance 2012-08 (Planned Unit Development) is authorized and empowered to consider, approve, approve with conditions PUD amendment petitions.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2019-08

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF LOXAHATCHEE GROVES, FLORIDA, AS FOLLOWS:**

Section 1. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct, and are hereby made a specific part of this Ordinance.

Section 2. The Town Council has considered the Staff Report dated October 15, 2019 and the Town PZB and Town staff recommendations and makes the following findings of fact:

1. The Town Council finds petition REZ 2019-01 to be generally consistent with the intent and direction of the Comprehensive Plan, the rezoning criteria, as depicted in Section 160-020(A) (1) – (6) of the Town of Loxahatchee Groves Unified Land Development Regulations, and the objectives and standards of a Planned Unit Development, as depicted in Town of Loxahatchee Groves Ordinance 2012-08.

2. To insure consistency with the Comprehensive Plan and land development regulations, and the results of the various studies and analysis completed in the review of PUD Amendment petition REZ 2019-01, certain conditions of approval are necessary.

Section 3. PUD Amendment REZ 2019-01 of the Town MLU/PUD Approval pertaining to the property located at the northeast corner of Southern Boulevard, and “B” Road, Loxahatchee Groves, Florida, totaling approximately 89.95 acres, more or less, legally described, and as designated on the map, in Exhibit “A”, attached hereto, is hereby approved subject to the Conceptual Master Plan and Conditions of Approval in Exhibit “B”, attached hereto.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2019-08

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

Section 5. All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are to the extent of such conflicts hereby repealed.

Section 6. This Ordinance shall take effect as provided by law.

[Signature page to follow]

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2019-08

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 15th DAY OF OCTOBER 2019.

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

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ROBERT SHORR, MAYOR	☐	☐	☐
DAVE DEMAROIS, VICE MAYOR	☐	☐	☐
PHYLLIS MANIGLIA, COUNCIL MEMBER	☐	☐	☐
LISA EL-RAMEY, COUNCIL MEMBER	☐	☐	☐
LAURA DANOWSKI, COUNCIL MEMBER	☐	☐	☐

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS ____ DAY OF _____ 2019.

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

Mayor

Vice Mayor

Council Member

APPROVED AS T LEGAL FORM:

Town Attorney

Council Member

Council Member

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2019-08

EXHIBIT A

LEGAL DESCRIPTION:

THE SOUTH 1000 FEET OF TRACT 4, BLOCK "I", LOXAHATCHEE GROVES, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 12, PAGE 29; SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA AND LYING NORTH OF THE NORTH RIGHT-OF-WAY LINE OF SOUTHERN BOULEVARD (STATE ROAD 80) AS ESTABLISHED BY RIGHT-OF-WAY DEED RECORDED IN OFFICIAL RECORD BOOK 1005, PAGE 577, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

LOT 5, BLOCK "I" LOXAHATCHEE GROVES, LYING NORTH OF STATE ROAD 80, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 12, PAGE 29, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA LESS AND EXCEPT THAT PORTION FOR STATE ROAD 80, AS DESCRIBED IN THE ORDER OF TAKING IN O.R. BOOK 5463, PAGE 1126, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

TRACT 6, BLOCK "I", OF LOXAHATCHEE GROVES, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 12, PAGE 29, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT:

THAT PORTION FOR STATE ROAD 80, AS DESCRIBED IN ORDER OF TAKING RECORDED IN OFFICIAL RECORD BOOK 5463, PAGE 1126, AND THAT PORTION OF THE RIGHT-OF-WAY DEED RECORDED IN DEED BOOK 1005, PAGE 577, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
AND

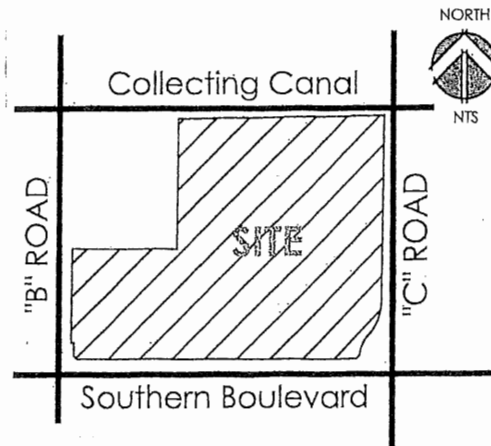
THAT PORTION OF TRACT 6, BLOCK "I" RE-CONVEYED TO GASPAR MORELLO AND ELIZABETH MORELLO, HUSBAND AND WIFE, IN QUIT-CLAIM DEED RECORDED JANUARY 25, 2002, IN OFFICIAL RECORD BOOK 13344, PAGE 953, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE INTERSECTION OF THE PLATTED EAST LINE OF TRACT 6, BLOCK "I" ACCORDING TO THE PLAT OF LOXAHATCHEE GROVES, AS RECORDED IN PLAT BOOK 12, PAGE 29, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THE NORTHERLY RIGHT-OF-WAY LINE OF SOUTHERN BOULEVARD (STATE ROAD 80) ACCORDING TO THE FDOT RIGHT-OF-WAY MAP, SECTION 93120-3528, SHEET 5 OF 13, DATED 1986, THENCE, NORTH 88 DEGREES 26 MINUTES 32 SECONDS WEST ALONG THE NORTHERLY RIGHT-OF-WAY OF SOUTHERN BOULEVARD, 66.16 FEET; THENCE, NORTH 39 DEGREES 58 MINUTES 31 SECONDS WEST, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF "C" ROAD, ACCORDING TO THE FDOT RIGHT-OF-WAY MAP, 33.14 FEET, TO A POINT OF CURVATURE; THENCE, NORTHERLY ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 202.00 FEET AND A CENTRAL ANGLE OF 46 DEGREES 54 MINUTES 52 SECONDS, AN ARC LENGTH OF 165.40 FEET TO THE PLATTED EASTERLY LINE OF TRACT 6, BLOCK "I"; THENCE, SOUTH 02 DEGREES 09 MINUTES 47 SECONDS WEST, ALONG THE PLATTED EAST LINE OF TRACT 6, BLOCK "I", 158.23 FEET TO THE POINT OF BEGINNING.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2019-08

LOCATION MAP:



TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2019-08

EXHIBIT B

GROVES TOWN CENTER

CONCEPTUAL MASTER PLAN – November 26, 2019

(Refer to the following page)

NOTES

PLU 100-5
Zone NR
Eas. Easement, Single-family



TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2019-08

GROVES TOWN CENTER CONDITIONS OF APPROVAL

The conditions of approval included in Ordinance 2018-08 are hereby rescinded and replaced by the following conditions of approval. Text underlined is additions to Ordinance 2018-08 and text ~~struck through~~ are deletions to Ordinance 2018-08.

A. GENERAL

1. The conditions of approval herein shall apply to the Owner, Applicant and their successors and assigns.

2. Final site plans shall conform to the Conceptual Master Plan dated September 12, 2018 November 26, 2019 and the Statement of Use dated 5/25/2018, PUD Justification Narrative included as in Attachment J2-9 of the MLU/PUD Rezoning General Application REZ 2018-01, 2019-01 included by reference herein. Any modifications to the approved Conceptual Master Plan or Statement of Use must be approved by the Town Council unless the proposed changes are required to meet conditions of approval or are required for compliance with the ULDC.

3. Any subdivision by fee title conveyance of an internal lot which is subject to a final site plan approval shall have received prior written approval by the Town Manager based upon the application of criteria contained in Section 41.1.E.4.b of the Town Unified Land Development Code. Provided, however, that any subdivision by fee title conveyance of an internal lot shall reflect the Pod uses and boundaries depicted on the Conceptual Master Plan dated September 12, 2018 November 26, 2019. Any revision of a Pod use and/or boundary, as depicted on the Conceptual Master Plan dated September 12, 2018 November 26, 2019, shall require a PUD Amendment prior to subdivision by fee title conveyance.

4. Prior to submitting the initial site plan approval application and all subsequent site plan applications, the Applicant shall contact Palm Tran to obtain written confirmation regarding the need for a bus stop on Southern Boulevard. Palm Tran's response shall be included in the site plan application.

B. LAND USE AND SITE PLANNING

1. Development of the site shall be limited to a maximum of 103,000 sq. ft. of commercial low uses, 44,000 sq. ft. of commercial low professional office and medical office uses, and a 128-bed assisted living facility, consistent with the Conceptual Master Plan dated September 12, 2018 November 26, 2019.

2 A separate site plan pursuant to ULDC Article 155 for the 100-foot and 300-foot wide buffer areas along the northern and eastern property boundaries, including the location of

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2019-08

equestrian trails, shall be submitted concurrently with, or a component of, the site plan for the first phase of development, was approved by the Town Council via Resolution 2018-84.

3. A Perpetual Conservation Easement, to be approved by the Town Council, limiting the use of the 300-foot wide buffer areas along the northern and eastern property lines and 100-foot wide buffer areas along the western and northern property lines, as indicated on the Conceptual Master Plan dated July 5, 2018, to conservation and equestrian trail uses and recorded with the Palm Beach County Clerk of Courts on or before the time of approval of the first building permit application by the Town. The Perpetual Conservation Easement shall include but is not limited to an approved landscape plan and buffer management plan. The Restrictive Covenant and Limited Access Easement, recorded with the Palm Beach County Clerk of Courts in Official Records Book 30616, Page 1289 shall limit the use and management of the 300-foot wide buffer areas along the northern and eastern property lines and the 100-foot wide buffer areas along the western and northern property lines, as described therein.

4. A boundary plat depicting, at a minimum, the following four geographies shall be approved by the Town and recorded with the Palm Beach County Clerk of Courts on or before the time of the approval of the first building permit application by the Town: (1) The 90.34 acre Groves Town Center; (2) the area included within the 300 foot and 100 foot buffer areas, as indicated on the Conceptual Master Plan dated July 5, 2018, (3) the area included within Commercial Pod A1, as indicated on the Conceptual Master Plan dated July 5, 2018; and (4) the area included within that portion of Groves Town Center not included within areas (2) and (3). A boundary plat was recorded in Plat Book 128, Page 66 of the Official Records of Palm Beach County depicting the following four geographies: (1) The entirety of the Groves Town Center property; (2) the area included within the 300-foot and 100-foot buffer areas, (3) the area included within Commercial Pod A; and (4) the area included within that portion of Groves Town Center not included within areas (2) and (3). Another plat depicting the remainder of the Pods and all road tracts and/or easements shall be recorded prior to the issuance of the first building permit for any development in a Pod other than Pod A.

5. Potentially objectionable features (e.g. mechanical equipment, loading/delivery areas, storage areas, dumpsters, and compactors, etc.) shall be indicated on project site plans and screened from public view.

6. All on-site deliveries during construction shall be made from project entrances off of Southern Boulevard.

7. An Improvement Agreement, pursuant to ULDC Section 100-060 (C), to address all required roadway, drainage and equestrian trail improvements lying within or adjacent to the Groves Town Center PUD shall be approved by the Town Council prior to issuance of the initial building permit of the first phase of development.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2019-08

8. The following perimeter landscaped buffers shall be provided: a 25-foot buffer, including a berm, along Southern Boulevard; a 25-foot buffer, including a berm, along “C” Road south of Tangerine Drive; and a 25-foot buffer, including a berm, along “B” Road.

9. The Town Commons (Pod TC) shown on the Conceptual Master Plan dated November 26, 2019 will remain owned by the Applicant and their successors and assigns and maintenance of the Town Commons is the responsibility of the Applicant. Scheduling uses for the Town Commons is the responsibility of the Town. The Town may use the Town Commons at any time the Town sees fit, subject to compliance with the ULDC. The Town Commons may be rented or leased to any individual person(s) and/or business (es) for temporary uses, subject to compliance with the ULDC and any Town permitting requirements. Any party that uses the Town Commons is responsible for cleaning up after the event and returning the Town Commons to the same condition the Town Commons was in before the party used the Town Commons.

C. ENGINEERING

1. In order to comply with the Mandatory Traffic Performance Standards in place at the time of this approval, no building permits for the site shall be issued after December 31, 2022. Additional time extensions for this condition may be approved by the Palm Beach County Engineer based upon an approved traffic study which complies with Mandatory Traffic Performance Standards in place at the time of the request, or upon a request based upon a Declaration of Emergency by the Governor of Florida.

2. In order to comply with the Mandatory Traffic Performance Standards Review dated August 30, 2018, no building permits for development generating more than 282 peak hour directional trips shall be issued until the developer provides an additional southbound left-turn lane [has been built and only needs to be un-stripped] and an additional eastbound left-turn lane [under construction with widening of Southern Blvd] and appropriate receiving lane [already built] at the intersection of Southern Boulevard and Binks Forest Drive/B Road. Any signal modifications required to accommodate these changes will also be the responsibility of the property owner, including, but not limited to design plans, any required utility relocation, right-of-way or easement acquisition, etc. Note these changes will also require FDOT consent.

3. Any future modification of Condition C.2 shall be based upon a Traffic Study approved by the Palm Beach County Traffic Division which complies with Mandatory TPS in place at the time of the modification. Modifications to Conditions of Approval based upon such future TPS Review shall be submitted to the Town pursuant to ULDC Section 155-025 *Site plan modification*.

4. The property owner shall obtain a conceptual approval letter from FDOT for any proposed driveway on Southern Boulevard when submitting a site plan to the Town. Obtain FDOT approval of driveways onto Southern Boulevard shall be obtained when individual site plan applications are made to the Town.

TOWN OF LOXAHATCHEE GROVES

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5. Acceptable surety for the design, right of way acquisition, construction engineering and inspection costs, as well as the construction for the offsite road improvements as outlined in Condition No. 2 shall be posted with the County Traffic Division prior to or within six months of Development Order Approval. Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Developer's Engineer and approved by the County Engineer. At any time during the duration of the surety the County Engineer shall have the authority to determine that sufficient progress has not been made for any and all required work. In the event such a determination is made, Palm Beach County shall have the right to request funds be drawn for the surety (surety drawn) and Palm Beach County may then complete all required work. The County Engineer shall also have the authority to require that the surety amount be updated to reflect current anticipated costs at any time during the duration of the surety.

6. As per the expected turning movement volumes at the driveways, the following exclusive turn lanes are required:

a. Northbound right-turn lane at the southern driveway on B Road. This improvement has been completed.

b. Southbound left-turn lane at the northern driveway on B Road. This improvement has been completed.

c. Westbound right-turn lanes at all driveways on Southern Boulevard. Though the amount of turning volumes by itself may not meet the threshold for a right-turn lane on Southern Boulevard driveways, they must be provided due to high speed of traffic at this location.

7. C Road shall be constructed as a continuous 2-lane paved roadway between Southern Boulevard and Tangerine Drive in conjunction with the development of Pod D or F, whichever occurs first. Stormwater attenuation and water quality treatment shall be provided for C Road (Adjacent to the project site) and Tangerine Drive (Within the site) within the onsite stormwater management system. The Town shall be given the right, but not the obligation, to maintain Tangerine Drive and associated drainage facilities.

8. Any future realignment of either or both of the "B" Road access drives, as indicated on the Conceptual Master Plan dated September 12, 2018 November 26, 2019, shall require approval by the Town's Consulting and Transportation Engineers.

9. A conceptual drainage plan for the entirety of the Groves Town Center PUD, including the provision of legal positive outfall for the Phase 1 Pod A development and the existing temporary drainage pond shall be prepared and approved by the Town Engineer prior to the first certificate of occupancy for Phase 1 Pod A. Legal positive outfall for future phases or

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2019-08

Pods of development shall be provided prior to the first certificate of occupancy for each future phase or pod.

10. Prior to issuance of the first building permit, the necessary easements and agreements for legal positive outfall and stormwater attenuation (temporary or permanent) shall be recorded.

11. Prior to the first CO for any building, legal positive outfall shall be constructed and certified by the engineer of record allowing discharge from the previously installed temporary drainage area for B Road, as well as all future development.

12. All drainage improvements shall be completed and certified by the engineer of record.

D. LAND CLEARING AND LANDSCAPING

1. Prior to any land clearing activities within any phase or pod, the property owner shall comply with the permit requirements of the Loxahatchee Groves Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal regulations (ULDC Article 87).

2. In conjunction with an initial site plan application for any development phase or pod, the property owner shall submit a Landscape Plan application to the Town for review and approval pursuant to ULDC Article 85 for that phase or pod.

3. Prior to any land clearing activities for any phase or pod, a wetlands determination shall be procured from the South Florida Water Management District and/or U.S. Army Corps of Engineers for that phase or pod. Any proposed impacts upon jurisdictional wetlands shall require permits or authorizations from the South Florida Water Management district or U.S. Army Corps of Engineers.

4. Prior to the permitting of any land clearing, development or earthmoving activities for any phase or pod, a Phase 1 Archaeological Survey of the property shall be completed for that phase or pod.

5. Native plants shall be identified, pursuant to the requirements of the Loxahatchee Groves Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal regulations (ULDC Article 87), and retained to the extent possible.

6. Clearing of Collecting Canal Easement – The Owner shall clear 20 feet along the south side of Collecting Canal in conjunction with construction of the equestrian trail per Condition E.4.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2019-08

E. ROADWAY EQUESTRIAN TRAILS AND GREENWAYS

1. The equestrian trails depicted on the Conceptual Master Plan dated ~~September 12, 2018~~ November 26, 2019 are conceptual. Final trail locations ~~shall be~~ are determined ~~during by~~ the site plan ~~approval process required~~ referenced in Condition B.2, and shall include a trail segment parallel to Collecting Canal to facilitate Town-wide east-west connectivity.

2. Existing fencing on the west side of “C” Road shall be removed to allow access to the trail within the 300 foot buffer areas depicted on the Conceptual Master Plan dated ~~September 12, 2018~~ November 26, 2019.

3. The equestrian trail depicted on the Conceptual Master Plan dated ~~September 12, 2018~~ November 26, 2019 shall include an equestrian bridge over Collecting Canal at “C” Road to facilitate Town-wide north-south connectivity. Bridge details shall be determined during the site plan approval process required in Condition B.2. This condition has been complied with.

3. Construction of the equestrian trail shall be completed prior to the issuance of the initial Certificate of Occupancy of the first phase of development of Groves Town Center. Construction of the equestrian bridge or culvert over Collecting Canal shall be completed by December 31, 2020.

5. ~~Coincident with construction of the equestrian trail, detailed in the site plan approval required in Condition B.2, equestrian traffic control devices shall be installed at points where trails cross “B” Road, “C” Road and Collecting Canal. The type and locations of such devices shall be addressed by Conditions of Approval in the site plan required in Condition B.2.~~ Coincident with construction of the equestrian trail equestrian traffic control devices shall be installed at points where trails cross “B” Road, “C” Road and Collecting Canal.

6. Fencing shall be incorporated on the site plan for any phase of development necessary to separate the equestrian trail from assisted living facility buildings and/or parking areas of any other phase of development, as necessary.

7. Equestrian trails shall comply with the Town design and sign guidelines.

8. “Local traffic only” signage, as shall be placed on “B” Road north of the Palm Beach State College entrance. The type and locations of such signage shall be addressed by Conditions of Approval in the site plan for the initial phase of development.

9. The equestrian trail spur shown on the Conceptual Master Plan dated November 26, 2019 connecting to the private property to the west of the PUD property shall only be constructed if the adjacent private property receives site plan approval for an equestrian trail on said property.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2019-08

F. ARCHITECTURAL

Architectural elevations for buildings included in a particular phase or pod shall be submitted with the application for site plan approval for that particular phase or pod. A theme from the Town's Rural Vista Guidelines for the entire Groves Town Center development shall be provided with the application for site plan approval for the initial phase or pod. Elevations shall be designed to be consistent with the Town's Rural Vista Guidelines. Architecture in all development phases or pods shall be consistent with the Town's Rural Vista Guidelines.

G. SIGNAGE

The initial site plan submittal for any development parcel or pod shall include a master sign program detailing the location, number, colors and size of proposed signage.

H. PUD WAIVERS

The Applicant may propose, and the Town Council may consider the following waivers during the site plan approval process for a specific development parcel or pod:

1. Relief from ULDC Section 50-030(D) *Outdoor lighting standards*, Section (5) to allow well-planned outdoor lighting, which meets the intent of the ULDC, between 11:00 p.m. and dawn to help prevent accidents, deter crime and maintain an attractive community environment.

2. Relief from ULDC Section 95-100(E) *Wheel stops and curbing* to allow the use of bollards in lieu of wheel stops and/or continuous curbing in certain parking areas to help prevent accidental human injury or property damage.

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155 F Road Loxahatchee Groves, FL 33470

TO: Town Council of Town of Loxahatchee Groves
FROM: James Fleishmann, Planning Consultant
VIA: James Titcomb, Town Manager
SUBJECT: 444/556 B Road – Briar Project

Background:

The following proposed Comprehensive Plan Amendment Application CPA 2019-02 (444/556 B Road):

COMPREHENSIVE PLAN AMENDMENT PROPOSED BY THE OWNERS OF THE PROPERTY, 444 B ROAD LLC AND 556 B ROAD LLC, TO: (1) ADD SPECIAL POLICIES 1.15.8, 1.15.9, and 1.15.10 TO THE TEXT OF THE FUTURE LAND USE ELEMENT; AND (2) CHANGE THE DESIGNATION OF THE USE OF THE PROPERTY FROM RURAL RESIDENTIAL 5 (1 DWELLING UNIT PER 5 ACRES) IN THE TOWN'S COMPREHENSIVE PLAN, TO MLU (MULTIPLE LAND USE) ON 14.74 ACRES OF LAND LOCATED ON THE EAST SIDE OF "B" ROAD, NORTH OF SOUTHERN BOULEVARD, LOXAHATCHEE GROVES, FLORIDA.

was bought before the Local Planning Agency on December 10, 2019 for recommendation to go before the Town Council.

Recommendations:

For the Town Council to review Local Planning Agency's recommendation and make final decision.

Town of Loxahatchee Groves, Florida
Town Council Agenda Item Report
CPA Amendment 2019-02: Ordinance 2019-12

PREPARED BY: Jim Fleischmann

December 17, 2019

SUBJECT: 444 B Road/556 B Road Comprehensive Plan Amendment Application (CPA Amendment 2019-02).

1. BACKGROUND

History: The owners of the property, 444 B Road LLC and 556 B Road LLC, submitted CPA Amendment application for the following Comprehensive Plan amendments.

1. The assignment of a Multiple Land Use (MLU) future land use designation to the 14.74 acre property; and

2. The addition of the following three Special Policies to the Future Land Use Element of the Comprehensive Plan:

“Special Policy 1.15.8

Land use and density/intensity of development on the property delineated as “Special Policy 1.15.8” on the Future Land Use Map, Map # FLU – 1.10, shall be regulated by the application of the Multiple Land Use (MLU) land use category, and the following criteria: Commercial Low (CL) – Maximum of 7.20 acres at 0.10 F.A.R.; Commercial Low - Office (CL-O) – Maximum of 4.04 acres at 0.20 F.A.R.; Institutional (INST) – Maximum of 2.50 acres at 0.10 F.A.R.; and Conservation – Minimum of 1.0 acres at 0.05 F.A.R.”

“Special Policy 1.15.9

The following nonconforming and conforming uses, existing as of December 21, 2018, on the property delineated as “Special Policy 1.15.8” on the Future Land Use Map, Map # FLU-1.10, may remain subject to Sections 20-015 Permitted Uses (Agricultural Residential zoning district), 75-020: Nonconforming uses and 75-025: Nonconforming Structures of the Loxahatchee Groves Unified Land Development Code (ULDC):

1. Nonconforming Existing uses: Agricultural Equestrian Retail, Retail Nursery as identified within Attachment H, as included with the amendment.
2. Conforming/Permitted: Residential Dwellings (2 residences), Grooms Quarters (3), Equestrian Riding/Sand Rings and Paddocks, Commercial Stables/Barns.

3. All existing conforming and nonconforming uses listed within Special Policy 1.15.9 along with their associated gross floor area (GFA) and/or floor-to-area (FAR) ratio shall not be deducted from the GFA and/or FAR granted by way of the development order”.

“Special Policy 1.15.10

The Town may from time to time approve increases to the permissible gross floor area and/or floor-to-area ratios within specific Future Land Use designations and/or Zoning districts. The subject property may benefit from these modifications without the need to retroactively modify the development order”.

Problem Statement: The Town Council is to hear and approve, approve with conditions, or deny Comprehensive Plan amendment applications.

Problem Solution: The Town Council will conduct a public hearing on the proposed CPA 2019-02 (i.e. Ordinance 2019-12) and consider a motion to approve, approve with conditions on First Reading, or deny the amendment application.

2. CURRENT ACTIVITY

The Local Planning Agency (LPA), at its meeting on December 10, 2019, reviewed the Staff Report, which recommended approval subject to modification of the Applicant’s proposed Special Policies (Refer to the attached Staff Report). However, following a lengthy discussion, the LPA took no action on the Applicant’s request, or Staff’s recommended revisions. Rather, the LPA crafted, and recommended approval by a 4 – 1 vote, the following alternative amendment:

A. Future Land Use Map Amendment:

1. Deletion of the Rural Residential 5 (RR 5) future land use designation currently assigned to the Subject Site on Future Land Use Map FLU-1.10 and the assignment of the Multiple Land Use (MLU) future land use designation in its place.
2. Amendment of the Future Land Use Map FLU-1.10 to add the specific reference to Special Policy 1.15.8, which limits the development of the Subject Site.

B. Addition of the following Special Policy to the text of the Future Land Use Element:

Special Policy 1.15.8

Land use and density/intensity of development on the property delineated as “Special Policy 1.15.8” on the Future Land Use Map, Map # FLU – 1.10, shall be regulated by the application of the Multiple Land Use (MLU) land use category, and the following criteria: Commercial Low (CL) – Maximum of 3.74 acres; Rural Residential 5 (RR 5) – Minimum of 10.0 acres; and Conservation – Minimum of 1.0 acres. Further, the Commercial Low (CL) designation is limited to a maximum of 30,000 sq. ft. to include a maximum of 7,500 sq. ft. of retail space with the balance used for storage accessory to the retail space.

3. ATTACHMENTS

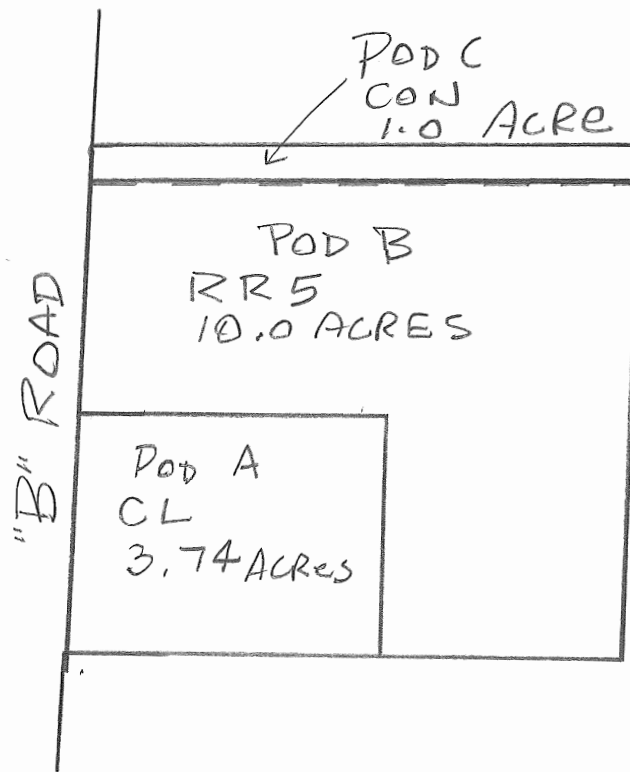
1. Conceptual Plan of LPA recommendation
3. Proposed Ordinance 2019-12
3. Updated Staff Report highlighting the initial proposal, initial staff recommendation, LPA recommendation and final staff recommendation.

4. FINANCIAL IMPACT

Work on this project is funded by the Applicant's cost recovery deposit.

5. **RECOMMENDED ACTION:** Recommend that the Town Council deny CPA 2019-02, as initially proposed by the Applicant and approve Ordinance 2019-12, on First Reading, as proposed by the Local Planning Agency

444/556 "B" ROAD
TOTAL 14.74



SKETCH OF LPA
RECOMMENDATION

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2019-12

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING AN AMENDMENT TO THE TOWN OF LOXAHATCHEE GROVES ADOPTED COMPREHENSIVE PLAN IN ACCORDANCE WITH CHAPTER 163, SPECIFICALLY SECTION 163.3184, FLORIDA STATUTES, CONCERNING A LARGE-SCALE LAND USE PLAN AMENDMENT APPLICATION PROPOSED BY THE OWNERS OF THE PROPERTY, 444 B ROAD LLC AND 556 B RPAD LLC TO CHANGE THE DESIGNATION OF THE SUBJECT USE OF LAND FROM RURAL RESIDENTIAL (1 DU PER 5 ACRES) IN THE TOWN'S ADOPTED PLAN, TO MULTIPLE LAND USE (MLU) FOR THE PURPOSE OF INCORPORATING COMMERCIAL LOW (CL), RURAL RESIDENTIAL 5 (RR 5) AND CONSERVATION (CON) USES WITHIN A UNIFIED DEVELOPMENT CONCEPT FOR FUTURE DEVELOPMENT OF PROPERTY ON 14.74 ACRES MORE OR LESS LOCATED ON THE EAST SIDE OF "B" ROAD APPROXIMATELY 0.2 MILES NORTH OF SOUTHERN BOULEVARD, LOXAHATCHEE GROVES, FLORIDA (AMENDMENT CPA 2019-02); PROVIDING FOR AMENDMENT TO THE COMPREHENSIVE PLAN TO REFLECT SUCH CHANGES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, provisions of the Local Government Comprehensive Planning and Land Development Regulation Act of 1985 require adoption of a comprehensive plan; and,

WHEREAS, the Town of Loxahatchee Groves, Florida, pursuant to the Local Government Comprehensive Planning Act, and in accordance with all of its terms and provisions, has prepared and adopted a Comprehensive Plan which has been submitted to, and found to be "in compliance" by the State Department of Community Affairs (DCA); and,

WHEREAS, the Applicant has requested that the Town review its land use amendment at this time, and has agreed to comply with the Town comprehensive plan, and with any DCA review requirements necessary to effectuate compliance; and,

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2019-12

WHEREAS, the Town Council believes that approving the application is in the best interest of the Town and the Applicant since the Applicant has committed to comply with the Town's comprehensive plan, as amended; and,

WHEREAS, the Town's Planning Consultant recommends approval of the Land Use Amendment Application, from the Rural Residential 5 Land Use Category to the Multiple Land Use Category, which would incorporate land uses, for Commercial Low (CL), Rural Residential 5 (RR 5) and Conservation (CON) within a Unified Development Plan, as set forth in a report to the Town Council and the Local Planning Agency dated December 17, 2019 setting forth recommendations and conditions, which is incorporated herein; and,

WHEREAS, the Town's Planning Consultant recommends the transmittal of this Land Use Plan Amendment consistent with his recommendations to the Florida Department of Economic Opportunity (FDEO) and all other agencies having jurisdiction over the Amendment for their review; and

WHEREAS, the Local Planning Agency of the Town of Loxahatchee Groves has also reviewed this Land Use Plan Amendment on December 10, 2019, and recommended that the Town Council approve their recommendation of approval, as included herein; and

WHEREAS, the Town Council of the Town of Loxahatchee Groves has conducted a public hearing on this Amendment to the Town of Loxahatchee Groves Comprehensive Land Use Plan; and

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2019-12

WHEREAS, the Town Council of the Town of Loxahatchee Groves has deemed it to be in the best interest of the citizens and residents of the Town of Loxahatchee Groves to adopt an Amendment to the Town's Comprehensive Plan in accordance with Chapter 163, specifically Section 163.3184, Florida Statutes, concerning a Large-Scale Land Use Plan Amendment proposed by the property owners 444 B Road LLC and 556 B Road LLC to change the designation of the subject use from Rural Residential 5 (RR 5) in the Town's adopted Comprehensive Plan to Multiple Land Use Category, as recommended by the Town's Planning Consultant and Local Planning Agency, to incorporate Commercial Low (CL), Rural Residential 5 (RR 5) and Conservation (CON) uses within a Unified Development Plan to accommodate the future development on 14.74 acres of land, for the property located on the east side of "B" Road, approximately 0.2 miles north of Southern Boulevard, Loxahatchee Groves, Florida.

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

SECTION 1: That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of the Ordinance upon adoption hereof; all exhibits attached hereto or referenced herein are incorporated herein and made a specific part of this Ordinance.

SECTION 2: The Town Council and the Local Planning Agency have reviewed the application, and find the following:

1. The Amendment, as approved herein, is consistent with the goals, objectives and

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2019-12

policies of the Town of Loxahatchee Groves Comprehensive Plan;

2. The characteristics of the surrounding area and the characteristics included in the proposed development are compatible;

3. The Town of Loxahatchee Groves has the ability or will have the ability to provide necessary services for the additional demand for public facilities.

SECTION 3: That the Town Council approves and adopts the recommendations of the Town's Planning Consultant and Local Planning Agency, which are incorporated herein.

SECTION 4: That the Land Use Plan Amendment to the Comprehensive Plan of the Town of Loxahatchee Groves (Amendment CPA 2019-02) reviewed by the Town's Planning Consultant, Local Planning Agency and approved by the Town Council, from Rural Residential 5 (RR 5) in the Town's Comprehensive Plan to the Multiple Land Use Category, to include Commercial Low (CL), Rural Residential 5 (RR 5) and Conservation (CON), within a Unified Development Plan, is hereby adopted, subject to the conducting of a Second and Final Public Hearing, and which shall become effective upon the expiration of a twenty-one (21) day appeal period.

SECTION 5: That the Town's Planning Consultant is further authorized and directed to make the necessary textual changes to the Future Land Use Element of and the Town's Comprehensive Plan, as well as the changes to the Future Land Use Map in the plan, in order to reflect the above-stated changes consistent with the recommendations of the Planning Consultant Report dated December 17, 2019

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2019-12

SECTION 6: All Ordinances or parts of Ordinances, and all Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7: If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 8: This Ordinance shall become effective immediately upon the Town's adopted comprehensive plan becoming effective, and the expiration of a twenty-one (21) day appeal period subsequent to the publishing of a Notice of Intent to find in compliance by the State of Florida Department of Community Affairs (DCA).

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 17th DAY OF DECEMBER 2019.

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

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ROBERT SHORR, MAYOR	☐	☐	☐
DAVE DEMAROIS, VICE MAYOR	☐	☐	☐
PHYLLIS MANIGLIA, COUNCIL MEMBER	☐	☐	☐
LISA EL-RAMEY, COUNCIL MEMBER	☐	☐	☐
LAURA DANOWSKI, COUNCIL MEMBER	☐	☐	☐

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2019-12

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF
LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS
____ DAY OF _____ 2019.**

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

Mayor

Vice Mayor

Council Member

APPROVED AS T LEGAL FORM:

Town Attorney

Council Member

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2019-12

ATTACHMENT 1 – LEGAL DESCRIPTION AND MAP

FUTURE LAND USE ELEMENT TEXT AMENDMENT CPA 2019-01

PROPERTY CONTROL NUMBERS

41-41-43-17-01-804-0010; 41-41-43-17-01-804-0040

LEGAL DESCRIPTION

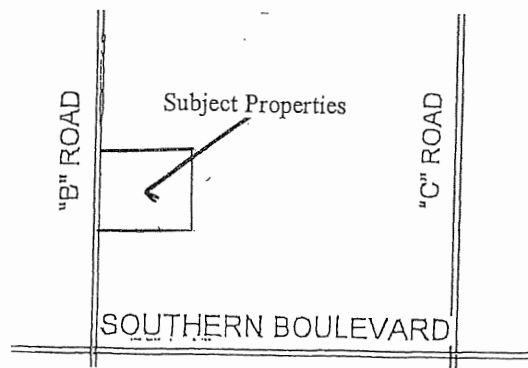
LOT 4, BLOCK "I", LESS THE SOUTH 1387.70 FEET AND LESS THE NORTH 260 FEET THEROF, LOXAHATCHEE GROVES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 12, PAGE 29, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND

THE NORTH 387.70 FEET OF THE SOUTH 1387.70 FEET OF LOT 4 (ALSO CALLED TRACT 4), BLOCK "I", LOXAHATCHEE GROVES, A SUBDIVISION IN PALM BEACH COUNTY, FLORIDA ACCORDING TO THE PLAT THEREOF RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 12, PAGE 29.

TOTAL ACREAGE

+/-14.74 Acres



TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2019-12

**ATTACHMENT 2
FUTURE LAND USE ELEMENT TEXT AMENDMENT CPA 2019-01**

Words underlined are proposed to one three Special Policy to the current text of the Future Land Use Element of the Loxahatchee Groves Comprehensive Plan.

Special Policy 1.15.8

Land use and density/intensity of development on the property delineated as "Special Policy 1.15.8" on the Future Land Use Map, Map # FLU – 1.10, shall be regulated by the application of the Multiple Land Use (MLU) land use category, and the following criteria: Commercial Low (CL) – Maximum of 3.74 acres; Rural Residential 5 (RR 5) – Maximum of 10.0 acres; and Conservation – Minimum of 1.0 acres. Further, the Commercial Low (CL) designation is limited to a maximum of 30,000 sq. ft. to include a maximum of 7,500 sq. ft. of retail space with the balance used for storage accessory to the retail space.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2019-12

ATTACHMENT 3 FUTURE LAND USE MAP #FLU-1.10 AMENDMENT CPA 2019-02

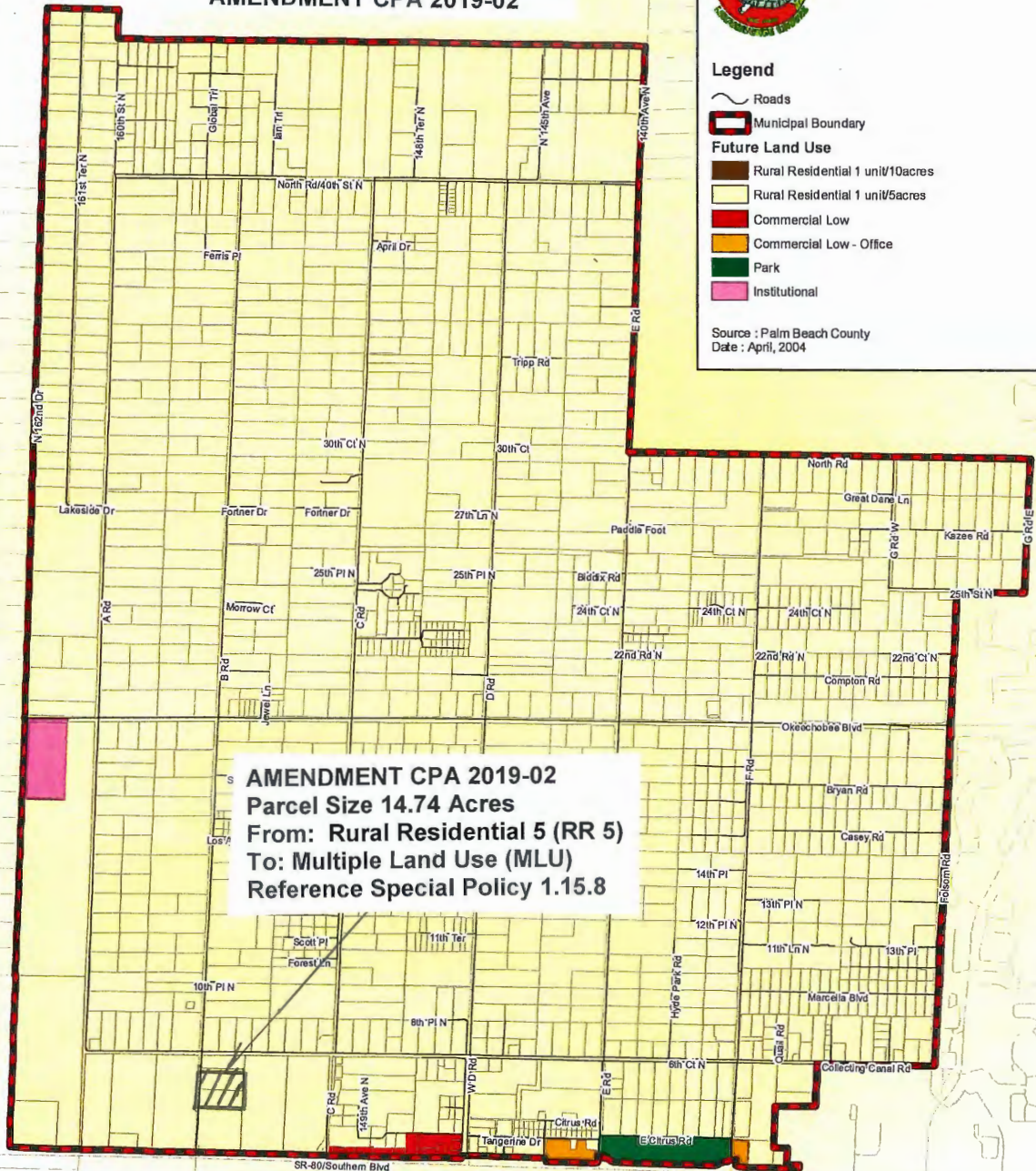


Future Land Use

Legend

- Roads
- Municipal Boundary
- Future Land Use**
 - Rural Residential 1 unit/10 acres
 - Rural Residential 1 unit/5 acres
 - Commercial Low
 - Commercial Low - Office
 - Park
 - Institutional

Source : Palm Beach County
Date : April, 2004



**TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL MEETING
December 17, 2019**

**AGENDA ITEM STAFF SUMMARY: ORDINANCE 2019-12
444/556 "B" ROAD LLC
LARGE-SCALE FUTURE LAND USE MAP AMENDMENT**

(NOTE: Sections highlighted in yellow are pertinent to understanding the initial Comprehensive Plan amendment submittal and the alternate recommendation made by the Town Local Planning Agency)

I. General Information

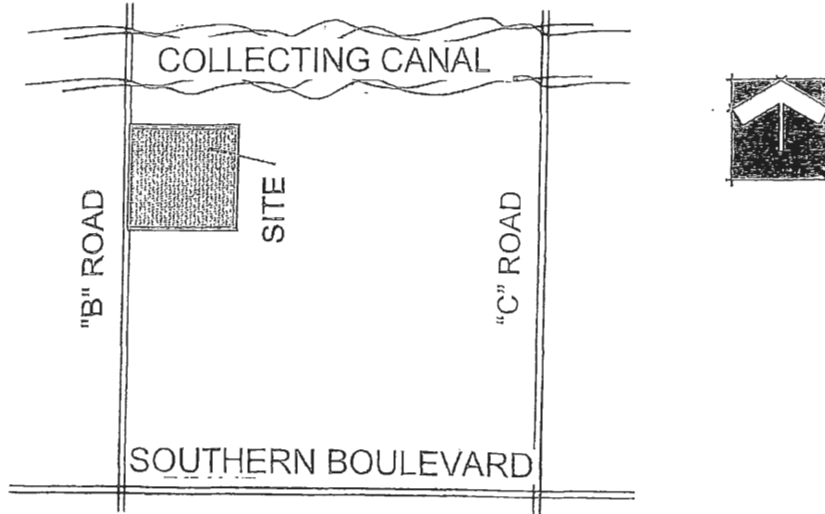
- A. Project Name:** 444/556 B Road LLC (Subject Site).
- B. Agent:** Schmidt Nichols
- C. Applicants:** 444 B Road LLC and 556 B Road LLC
- D. Owners:** 444 B Road LLC (Seth Brier, Authorized Person) and 556 B Road LLC (Seth Brier, Authorized Person)
- E. Parcel Control Numbers (PCN):** 41-41-43-17-01-804-0010 and 41-41-43- 17-0 804-0040.
- F. Project Location:** 444 "B" Road and 556 "B" Road, Loxahatchee Groves. East side of "B" Road, approximately 0.2 miles north of Southern Boulevard (Ref: Map 1).
- G. Size of Property:** 14.74 acres.
- H. Existing FLU Map Designation:** Rural Residential 5 (RR 5).
- I. Existing Zoning Map Designation:** Agricultural Residential (AR)
- J. Existing Uses:**

1. 556 "B" Road (south 7.40 acres): Single-family residence (2,282 sq. ft.); Single-family residence (2,704 sq. ft.); Commercial Stables/Barns (13,200 sq. ft.); Wholesale/Retail Nursery; Nursery office trailer (664 sq. ft.); Country Corner Variety store (4,400 sq. ft./2 stories); and Equestrian riding/sand rings and paddock. In addition, there are 13 trailers used for storage.

2. 444 "B" Road (north 7.34 acres): Single-family residence (2,648 sq. ft.); Caretaker residence (794 sq. ft.); Commercial barn/stables (2,940 sq. ft.); and Equestrian riding/sand rings and paddock.

3. 556/444 "B" Road Summary: Four residential units (8,428 sq. ft.); two barn/stables (16,140 sq. ft., 40 stalls); variety store (4,400 sq. ft.); and office trailer (664 sq. ft.). Total structures = 29,632 sq. ft. Additional facilities: Wholesale/retail nursery and equestrian riding/sand rings and paddocks.

Map 1 – Site Location



II. Adjacent Land Uses

The property is bordered on its east and south by the approved 90.32 acre Groves Town Center Multiple Land Use Planned Unit Development (MLU/PUD), which consists of the following uses: Commercial Low (34.34 acres/103,000 sq. ft. of retail commercial space); Commercial Low Office (16.0 acres/44,000 sq. ft. of office space); and Institutional (40 acres/128 assisted living beds).

To the north is a 5.03-acre property assigned a wholesale nursery Use Code (6900). The property is owned by Red Clover Lawn Service, Inc.

The property is bordered by "B" Road on the west followed by the Palm Beach State College Campus. "B" Road was recently paved from Southern Boulevard north to Okeechobee Boulevard.

III. Proposed Comprehensive Plan Amendments

Proposed CPA 2019-02 consists of a revision of the Future Land Use Map (FLUM) designation assigned to the 14.74-acre property and the addition of Special Policy text amendments of the Future Land Use Element.

A. Future Land Use Element Text Amendments

The current future land Use category assigned to the subject property is Rural Residential 5. The applicant has requested the assignment of a Multiple Land Use (MLU) FLUM designation consisting of Commercial Low (CL), Commercial Low Office (CLO) Institutional (INST) and Conservation (CON) uses.

Uses permitted under the proposed MLU FLU category are described in Table 1-8 of the Future Land Use Element of the Comprehensive Plan, as follows:

“Parcels planned to incorporate multiple Town land use categories, as defined herein, within a unified development concept. Uses may vary from parcel to parcel, depending upon the approved mix of Town land use categories incorporated therein, consistent with Policy 1.1.B14 and site-specific policies, per Objective 1.15.”

Future Land Use Element Policy 1.1.B14 reads as follows:

“The Multiple Land Use (MLU) land use designation may be assigned to parcels which are planned to incorporate more than one land use category within a unified plan of development in order to implement Comprehensive Plan directives, including: promotion of sustainable living concepts, preservation of the natural environment, joint traffic impacts assessment; encouragement of alternative transportation modes and economic growth, and mitigation of potential adverse impacts to surrounding areas. In order to be approved by the Town for an MLU designation, a parcel of land shall meet the following criteria:

- a. Minimum Parcel Size: 50 acres.
- b. Road Frontage and Primary Access: A minimum of 1,000 linear feet on an arterial roadway, as defined on Map TRN – 2.3 of the Comprehensive Plan.
- c. Maximum Parcel Depth from Road Frontage: 2,000 linear feet.
- d. Mix of Land Uses: Each parcel assigned an MLU land use designation shall contain a combination of three (3) or more land uses from those listed in Table 1-8.
- e. Development Intensity: The maximum aggregate development potential for an MLU-designated parcel shall be determined by multiplying the acreage of each included land use category by its intensity, as defined in Table 1-8, and summing the result. However, based upon the infrastructure impact assessments performed during the approval process, or voluntarily by an applicant, development potential may be limited by the Town Council.
- f. Conditions of Approval: Any conditions of approval limiting development intensity of an MLU, or other conditions deemed necessary to implement Comprehensive Plan directives shall be stated in the form of Special Policies under Objective 1.15 of the Future Land Use Element of the Comprehensive Plan.
- g. Future Land Use Map: Each parcel of land with an approved MLU land use designation shall be so indicated on the Future Land Use Map, along with notes referring to conditions of approval enacted by special policy under Objective 1.15 of the Future Land Use Element.

Future Land Use Element Objective 1.15 reads as follows:

“Special land use policies may be adopted by Loxahatchee Groves when necessary to address site-specific issues related to implementing the Loxahatchee Groves Comprehensive Plan and its special planning studies.”

Future Land Use Element Special Policy 1.15.7 (Town Ordinance 2016-09), which reads as follows, allows the owners of certain properties, including the subject site, to apply for the assignment of an MLU FLUM designation:

“Properties within the area defined by the following features, where a planned mixture of non-residential land use designations currently predominates, may apply for a change in land use to a MLU, CL, CLO, INST or CON Future Land Use designation: Collecting Canal (north), Southern Boulevard (south), “C” Road (east), and “B” Road (west).”

Future Land Use Element Policy 1.1B.14.d *Mix of Land Uses* requires each parcel assigned an MLU land use designation to contain a combination of 3 or more land uses from those listed in Table 1-8. Further, Future Land Use Element Policy 1.1B14.e *Development Intensity* states:

“The maximum aggregate development potential for an MLU-designated parcel shall be determined by multiplying the acreage of each included land use category by its intensity, as defined in Table 1-8, and summing the result. However, based upon the infrastructure impact assessments performed during the approval process, or voluntarily by an applicant, development potential may be limited by the Town Council.”

Based upon the above Future Land Use Element directives, the following land use mix and development intensities (i.e. Floor Area) were initially proposed by the Applicant:

TABLE 1 – Proposed Future Land Use Mix and Development Intensity

Land Use	Acres	Maximum F.A.R. (1)	Maximum Building (sq. ft.)
Commercial Low	7.20	0.10	31,363
Commercial Low Office	4.04	0.20	35,196
Institutional	2.50	0.10	10,890
Conservation	1.00	0.05	2,178
Totals	14.74	0.124 (2)	79,627

(1) – F.A.R. (Floor Area Ratio) = The total gross horizontal area of all of the floors within the external perimeter of the exterior enclosing walls of buildings. Maximums per Table 1-8 of the Future Land Use Element.

(2) – Maximum building area (79,627 sq. ft.)/site area (642,074 sq. ft.).

Future Land Use Element Policy 1.1B.14.f *Conditions of Approval* states any limitations on the development intensity of an MLU, or other conditions deemed necessary to implement Comprehensive Plan directives shall be stated in the form of Special Policies under Objective 1.15 of the Future Land Use Element of the Comprehensive Plan. As a result, the following Future Land Use Element Special Policy is proposed:

“Special Policy 1.15.8

Land use and density/intensity of development on the property delineated as “Special Policy 1.15.8” on the Future Land Use Map, Map # FLU – 1.10, shall be regulated by the application of the Multiple Land Use (MLU) land use category, and the following criteria: Commercial Low (CL) – Maximum of 7.20 acres at 0.10 F.A.R.; Commercial Low - Office (CL-O) – Maximum of 4.04 acres at 0.20 F.A.R.; Institutional (INST) – Maximum of 2.50 acres at 0.10 F.A.R.; and Conservation – Minimum of 1.0 acres at 0.05 F.A.R.”

In addition to Special Policy 1.15.8, the CPA 2019-02 text amendment includes two additional Special Policies to: (1) allow existing uses on the Subject Site to remain until such time that the uses permitted by Special Policy 1.15.8 and regulated by a MLU Planned Unit Development (MLU/PUD) zoning designation and a regulated site plan are approved and implemented; and (2) allow future development intensity increases in the Town's land use categories approved by the Town Council to be automatically granted to Subject Site MLU land uses without the necessity of a development order amendment. Proposed additional Special Policies are as follows:

"Special Policy 1.15.9

The following nonconforming and conforming uses, existing as of December 21, 2018, on the property delineated as "Special Policy 1.15.8" on the Future Land Use Map, Map # FLU-1.10, may remain subject to Sections 20-015 Permitted Uses (Agricultural Residential zoning district), 75-020: Nonconforming uses and 75-025: Nonconforming Structures of the Loxahatchee Groves Unified Land Development Code (ULDC):

1. Nonconforming Existing uses: Agricultural Equestrian Retail, Retail Nursery as identified within Attachment H, as included with the amendment.
2. Conforming/Permitted: Residential Dwellings (2 residences), Grooms Quarters (3), Equestrian Riding/Sand Rings and Paddocks, Commercial Stables/Barns.
3. All existing conforming and nonconforming uses listed within Special Policy 1.15.9 along with their associated gross floor area (GFA) and/or floor-to-area (FAR) ratio shall not be deducted from the GFA and/or FAR granted by way of the development order".

(NOTE: Added by Staff: Uses to be retained under Special Policy 1.15.9 include: (1) four residential units (8,428 sq. ft.); (2) two barn/stables (16,140 sq. ft., 40 stalls), riding rings and paddocks; (3) variety store (4,400 sq. ft.); (4) retail and wholesale nursery (1.38 acres and 664 sq. ft. office trailer (664 sq. ft.); (5) riding programs and equestrian lessons; (6) special event programs; and (7) accessory recreational vehicle parking.. Total structures = 29,632 sq. ft.)

"Special Policy 1.15.10

The Town may from time to time approve increases to the permissible gross floor area and/or floor-to-area ratios within specific Future Land Use designations and/or Zoning districts. The subject property may benefit from these modifications without the need to retroactively modify the development order".

B. Proposed Conceptual Master Plan

The Applicant has requested the assignment of an MLU FLU designation to the 14.72-acres. Maximum acreage and building square footage under the initially requested MLU designation are presented in Table 1. An illustration of the locations of the initially proposed the MLU land use mix (i.e. Proposed Conceptual Master Plan) is presented on Map 2. A specific plan of development has not been submitted at this point. Detailed plans will be submitted with the Multiple Land Use Planned Unit Development (MLU/PUD) rezoning and site plan approval applications; however, the land use mix and intensities stated in Special Policy 1.15.8 must be utilized in future applications.

Location Map

Site Data

Notes

Legal Description

Pod "A" Commercial Low 7.20 Ac.

Pod "B" Commercial Low-Office 4.04 Ac.

Pod "C" Institutional 2.50 Ac.

Pod "D" Conservation 1.00 Ac.

444/556 B Road LLC

Town of Loxahatchee Groves, Florida

MP-1.0

IV. Applicant's Support Data and Analysis for the Initial Proposal

The applicant has submitted the following documents in support of proposed Amendment CPA 2019-02: (1) Justification statement; (2) Inventory of existing uses; (3) traffic analysis; (4) drainage statement; (5) natural features inventory and analysis; and (6) service provider (Fire Rescue and water and sewer) letters. Each support item is discussed below.

A. Justification Statement: The Justification Statement presents the Applicant's rationale for proposed CPA 2019-02, its consistency with the Comprehensive Plan, and a Needs Analysis.

1. Applicant's Approval Rationale: The subject 14.74-acre subject amendment includes two parcels (PCNs 41-41-43-17-01-804-0010; 0040; the property) located on the east side of B Road approximately 900 feet north of Southern Boulevard. Currently the subject property supports a Future Land Use Map (FLUM) designation of Rural Residential 5 (RR 5). The property also currently supports an Agricultural Residential (AR) zoning designation. These existing FLU and zoning designations have been carried over from unincorporated Palm Beach County. The property has not been subject to any previous Future Land Use Map amendments or rezoning action.

The property is currently developed as a mixture of residential, agricultural, and equestrian uses. These existing uses have been issued valid Business Tax Receipts and the applicant intends for these uses to remain in operation on the property until redevelopment occurs. The existing facilities are all issued through PBC. BTRs provided and up to date.

The applicant is requesting a Future Land Use Map (FLUM) and Text Amendment to temporarily allow and ultimately replace the existing operations on the site. The proposed FLUM and Text Amendment will complement surrounding properties which have undergone land use and/or zoning amendments to allow state college, commercial or mixed-use developments.

Subsequent applications for rezoning and site plan approvals to establish a development program for the property will be forthcoming following Town approval of the FLUM and Text Amendments.

The proposed Text Amendment consists of three Future Land Use Element Special Policies. Special Policy 1.15.8 specifically describes the land use mix and associated maximum development intensities as a means of establishing the uses, densities, and intensities of the Conceptual Master Plan to be included in the rezoning and site plan applications. Special Policy 1.15.9 preserves the existing uses on the subject property until such time that building permits are issued implementing Special Policy 1.15.8. Special Policy 1.15.10 allows the applicant to benefit from potential future development intensity modifications without the need to retroactively modify the development order.

The proposed FLU designation of MLU (CL, CL-O, CON, and INST) is more appropriate than the existing RR 5 designation based on the overarching theme of the properties which supports existing agricultural, residential and equestrian related commercial uses on the property. These existing uses complement the intent of the neighborhood commercial uses permitted within the proposed MLU (CL, CL-O, CON, and INST) FLU designation.

The subject site is situated directly adjacent to the main entrance on B Road for the newly constructed Palm Beach State College. The improvements necessitated with the development of the commercial shopping center at the corner of Southern and B Road as well as the college have changed the make-up of the immediate area from what was a dirt road just a few years ago to a major north/south collector through the Town. The properties are also surrounded to the east and south by the Town's only Mixed Land Use development.

The existing uses on the property make the FLUMA the appropriate change to ensure the development pattern avoids the creation of a residential enclave surrounded by MLU, INST, and Commercial land uses. The properties also serve as a transition moving north from Southern Boulevard which is to be developed with more intense commercial uses. The proposed MLU (CL, CL-O, CON, and INST) will provide a neighborhood commercial transition as we have situated the CON land use adjacent to the AR property to the north.

2. Consistency with the Comprehensive Plan: The following goals, objectives and policies (GOPs) have been identified to identify specific points of consistency with the Town's Comprehensive Plan. The proposed FLUMA seeks to further many of the Town's GOPs by encouraging the preservation of equestrian uses and providing neighborhood commercial services and uses to the surrounding community.

Future Land Use Goal I, Objective 1.1, Policy 1.1.3: *The Town shall ensure that future land use designations are compatible with adjacent land uses within and outside of the Town boundary.*

Applicant's Response: The surrounding properties to the east, south, and west have recently received approvals for large scale commercial developments, mixed use, and institutional land uses. The proposed amendment is contiguous to these developments and the proposed Multiple Land Use (Commercial Low, Commercial Low-Office, Conservation, and Institutional) FLUM designation provides a transition moving north from Southern Boulevard to the agricultural and residential properties.

Future Land Use Goal I, Objective 1.1, Policy 1.1.11: *The Town shall regulate in the land development code accessory dwelling units, caretaker quarters, and groom's quarters.*

Applicant's Response: The subject properties currently support three caretaker/groom's quarters which are directly related to the agricultural and equestrian facilities actively operating on site.

Future Land Use Goal I, Objective 1.1, Table 1-8: *Future Land Use density/Intensity (Floor Area Ratio).*

Applicant's Response: The proposed FLUMA to the MLU allows for the following maximum Floor Area Ratios (FAR).

The proposed Commercial Low designation allows for the maximum Floor Area Ratio (FAR) of 0.10. Based on the site acreage, the CL designation could support up to 31,363 s.f. of commercial development for Pod "A".

The proposed Commercial Low-Office designation allows for the maximum Floor Area Ratio (FAR) of 0.20. Based on the site acreage, the CL-O designation could support up to 35,196 s.f. of commercial development for Pod "B".

The proposed Institutional designation allows for the maximum Floor Area Ratio (FAR) of 0.10. Based on the site acreage, the INST designation could support up to 10,890 s.f. of commercial development for Pod "C".

The proposed Conservation designation allows for the maximum Floor Area Ratio (FAR) of 0.05. Based on the site acreage, the CON designation could support up to 2,178 s.f. of conservation type development for Pod "D".

The use of the MLU land use designation allows flexibility to provide transitions within the planned development for commercial and commercial low as well as provide conservation lands to buffer existing lower intensity adjacent properties. The use of the conservation land use along the north boundary of the property provides a 50' open space buffer along with connecting the existing bridal trail path from the east to B Road.

Future Land Use Goal I, Objective 1.2, Policy 1.11.2: *The Town shall adopt and maintain land development regulations which protect the rights of property owners to continue non-conforming uses, but which, at a minimum, provide for the termination of such rights upon the abandonment of a non-conforming use for an extended period of time.*

Applicant's Response: The proposed amendment will render the residential structures and nursery uses on the site as legal non-conforming uses. These uses pursuant to the aforementioned Policy shall remain in existence until such time they are abandoned for an extended period of time. The Town's Comprehensive Plan further indicates that those uses legally established prior to the adoption of the Town's Comprehensive Plan may remain.

Future Land Use Policy 5B.1.2: *The Town shall identify new connections to existing trails, which if acquired would greatly enhance pedestrian, bicycle, and equestrian circulation throughout the Town.*

Applicant's Response: The conceptual Master Plan (Ref: Map 2) provided with the application designates the north 50' of the property as open space with a 12' meandering equestrian trail with future connections to adjacent properties identified. The use of the MLU FLU designation memorializes the intent of this policy by allocating land area for open space and equestrian trail preservation.

3. Demonstration of Need: The Applicant's needs analysis for addressed the following concerns required in the Comprehensive Plan Amendment application:

- **Compatibility** – *A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.*

Applicant's Response: The existing agricultural, equestrian, and residential uses which exist on the property currently will continue to remain.

The property to the north supports an Agricultural Residential (AR) zoning designation and supports a Rural Residential 5 (RR 5) Future Land Use (FLU) Designation.

The property to the south supports an MLU/PUD Zoning Designation and supports an MLU-2 FLU Designation per Amendment 11-1.3B.

The property directly to the east of the subject property is currently transitioning to an MLU/PUD zoning designation and supports an MLU-2 FLU Designation per Amendment 11-1.3B.

The property to the west (Palm Beach State College & Commercial Shopping Center) supports a Commercial Low/Planned Unit Development (CL/PUD) & Agricultural Residential (AR) zoning designation and supports a Commercial Low and RR 5 FLU designation.

In the last two-three years, B Road has undergone significant road improvements, such as transitioning from a dirt road to a paved road and providing a left turn lane directly into the adjacent Palm Beach State College and commercial shopping center. The subject property is immediately adjacent to the College's main entrance from B Road. Further, the B Road thoroughfare has undergone an expanded intersection and is further transitioning into a localized commercial hub. That said, there has been no conflict in the past with coexisting with adjacent land uses. The applicant does not anticipate any negative impacts as a result of the proposed amendment.

• **Suitability** – *The degree to which the existing characteristics and limitations of land and water support the proposed FLUA designation.*

Applicant's Response: The existing characteristics of the land and water on the site enhance and will continue to be woven into the development pattern within the site. The site is suitable for commercial development and currently supports retail, commercial equestrian uses, as well as residential all in harmony due to the existing site layout. Future build out of the site in compliance with the FAR/Building Coverage limitations can be accomplished while maintaining harmony with the existing site conditions.

• **Functional Relationship** – A complementary and interactive relationship among land uses, including at a minimum a substantial and positive exchange of human interaction, goods, resources, institutions, services, jobs, or workers.

Applicant's Response: The agricultural, equestrian, and residential uses on the site complement the surrounding equestrian community and provide much needed goods, resources, and services. The nursery component also provides goods to members of the community.

• **Land use combinations** – *The appropriate balance of land uses necessary for service provision, employment (commercial, institutional and industrial) and housing needs in the area.*

Applicant's Response: The approved commercial, institutional, and assisted living uses in the vicinity in concert with the subject properties provide a well-balanced mix of uses to serve the residents as well as bring business and activity to the Town. The uses existing and proposed on the subject properties will not be found within the surrounding properties and each of these developments will play a role in positively shaping the Southern/Collector Canal corridor.

• **Facility description** – *Describe, in general terms, the type of commercial facility that the FLUA Amendment is intended to support, including anticipated general tenant types.*

Applicant's Response: The subject properties subject to the proposed FLUA will continue to support the following uses under the Commercial Low FLU:

- Feed and Hay Retail Facility
- Commercial Barns/Stables (Retail Services)
- Caretakers/Grooms Quarters (Total of 3 on the site)
- Equestrian Riding Lessons and Programs (Commercial Recreation)
- Special Events Programs (Outdoor Events)
- Accessory Recreational Vehicle Parking (Support to Equestrian uses)
- Wholesale & Retail Nursery with accessory office
- Residential Dwellings (4 dwelling units)

The uses mentioned above which don't fall specifically within the proposed MLU (Commercial Low, Commercial Low-Office, Conservation, Institutional) FLU were legally established prior to incorporation of the Town and pursuant to the Town's Comprehensive Plan are permitted to remain unless the use is abandoned for an extended period of time. The concurrent rezoning application will provide conditions of approval relating to the legal non-conforming uses on the property.

B. Inventory of Existing Uses: A list of existing uses is presented in Section I. J *Existing Uses*, above. The locations of existing uses are presented on Map 3.

Map 3 – Existing Uses



C. Traffic Analysis: A Traffic Analysis was prepared by Pinder Troutman Consulting, Inc. (PTC) and reviewed by Simmons and White, Town Traffic Consultant. The Analysis assumed the following CPA 2019-02 land use mix: Commercial Low – 31,363 sq. ft.; Commercial Low Office – 35,196 sq. ft.; and Institutional (Hospital) – 10,890 sq. ft.

Both daily and peak hour, less pass-by trips, traffic generation projections were prepared. New external daily trips were projected at 2,808 vehicles. New peak hour trips were projected at 246 vehicles.

The distribution of trips on Town roads was also projected. Of the total trips generated by the land use mix, 90% was projected to use the B Road link south of Collecting Canal. The balance was projected as follows: 8% on B Road, north of Collecting Canal; and 2% on Collecting Canal Road, east of B Road.

Two analyses were performed; a 2023 analysis of peak hour traffic volumes and a 2040 analysis of daily traffic volumes. PTC concluded, based upon the results of the analyses, that the land use mix in the proposed CPA 2019-02 is consistent with the Transportation Element of the Town of Loxahatchee Groves Comprehensive Plan, which requires five-year (2023) and long-range (2040) analyses.

The PTC Analysis was reviewed by the Town's Consulting Traffic Engineer. Based upon the review, Simmons and White determined that the proposed amendment meets the requirements of Policy 3.5-d of the Palm Beach Comprehensive Plan, and recommended approval of the proposed Amendment.

D. Drainage Statement: A Drainage Statement was prepared by Engenuity Group, Inc. A small swale exists adjacent to B Road which serves to collect a small amount of roadway runoff which is conveyed to Collecting Canal. It does not appear that any on site drainage runoff is conveyed via s this swale to Collecting Canal. All rainfall is retained on site, with some runoff directed to the two small on site ponds. The ponds do not have a positive outfall connection.

There are no proposed improvements for the site at the current time. All drainage features described above ill remain as exiting. All rainfall and associated runoff will remain on site. Due to the largely pervious nature of the site, percolation and soil storage of runoff, along with retention in the two ponds, will be the drainage system features.

E. Natural Features Inventory and Analysis: The Subject Site, with the exception of a small area around one of the single-family residences, is located in the AE Flood Zone with a determined elevation of 17.6 feet. The AE Zone is susceptible to flooding by the 100-year storm.

A pedestrian survey of the Subject Site was performed by Schmidt Nichols to identify existing vegetative communities and the occurrence of any existing listed species. No plants listed as protected by Federal, State or local environmental regulatory agencies, or any sign of such plants were observed. Further, no animals listed as protected by Federal, State or local environmental regulatory agencies, or any sign of such animals were observed.

Non-listed wildlife and wildlife signs observed include Eastern Cottontail Rabbit Mourning dove, small mammal tracts, scat and burrows.

Service Provider Letters: All existing buildings are currently being served by individual water wells and septic tanks. A Water and Sewer Statement was provided by Engenuity Group, Inc. for CPA 2019-02. According to the Statement, a 12" water main and a 10" sanitary sewer force main exist on the north side of Southern Boulevard at its intersection with B Road. These facilities are approximately 1,000 linear feet from the Subject Property. Recent development of the State College and Loxahatchee Groves Commons shopping center have required a 12" water main extension 1,100 feet north on B Road. The 12" water main is now adjacent to the Subject Property. There are no on-site potable water or sewer improvements proposed at this time.

A Fire Rescue service letter was provided by Palm Beach County Fire Rescue. The Subject Site is currently served by Fire-Rescue Station #20, located at 1000 Greenview Shores Blvd. in Wellington, approximately 2 miles distant. The average Station response time is 7 minutes 8 seconds. Estimated response time to the Subject Site is 6 minutes 30 seconds. Changing the land use will have minimal impact on Fire Rescue.

V. Staff Analysis of the Initial Proposal

A. Analysis of the Current RR 5 Future Land Use Map Designation

It is the Applicant's conclusion that the current RR 5 (Rural Residential 5) Future Land Use designation of Subject Site is no longer appropriate due to the following recent approval and development activity in the immediately surrounding area: Palm Beach State College, Loxahatchee Groves Commons (shopping center), and Groves Town Center Multiple Land Use Planned Unit Development. The three projects are summarized as follows:

1. Palm Beach State College (PBSC): The campus is located on 75 acres northwest of the northwest corner of Southern Boulevard and "B" Road. To date, 54,293 sq. ft. of administration and class rooms has been built; a floor-area-ratio (F.A.R.) of 0.017. Building plans for an additional 60,000 sq. ft. of class room space have been prepared and proposed for funding in the upcoming Florida legislative session. Approval will increase the F.A.R. to 0.36. Additional to be determined construction will be proposed in the future.

The Palm Beach State College campus is assigned an RR 5 Future Land Use designation. However, Town Ordinance 2018-01 revised the Future Land Use Element of the Comprehensive Plan to allow public schools as a permitted use subject to special exception approval only within the Institutional Future Land Use category.

2. Loxahatchee Groves Commons: The Publix-anchored shopping center, assigned a Commercial Low Future Land Use designation, is located at the northwest corner of Southern Boulevard and "B" Road. The 94,655 sq. ft. facility is situated on a 21.73 acre parcel; an F.A.R. of 1.0.

3. Groves Town Center, assigned a Multiple Land Use Future Land Use designation, is a 90 acre mixed-use development located at the northeast corner of Southern Boulevard and "B" Road. The approved Conceptual Plan consists of the following approved uses: Commercial Low – 103,000 sq. ft. on 34.34 acres (0.069 F.A.R.); Commercial Low Office – 44,000 sq. ft. on 16 acres (0.063 F.A.R.); a 128-bed assisted living facility on 22.2 acres; and 18.61 acres of Conservation Area/Buffer. The 128-bed facility does not have an assigned building area or FAR. The composite F.A.R. of the Commercial and Commercial Low components is 0.067.

Prior to the above approvals, all of the properties, extending from the west boundary of PBSC to “C” Road and Southern Boulevard to Collecting Canal (i.e. a total of 208 acres) were assigned the Town’s RR 5 Future Land Use designation.

An inventory of the recent approvals in the vicinity in Table 2 illustrates how the character of the vicinity has changed;

TABLE 2 – Summary of Existing and Approved Uses

Area	Acres (rounded)					
	Commercial Low	Commercial Low Office	Institutional	Conservation	RR 5	Total
Palm Beach State College	0	0	75	0	0	75
Loxahatchee Groves Commons	22	0	0	0	0	22
Groves Town Center	34	16	22	19	0	91
Subject Site	0	0	0	0	15	15
Red Clover Nursery	0	0	0	0	5	5
Total	56	16	97	19	20	208

From Table 2, and based upon approved uses in the vicinity, RR 5 land use has declined from 208 acres (100% of the area) to 20 acres (9.6% of the area) as a result of recent approvals.

Recognizing the change in character of the vicinity created by the above approvals, the Town passed Ordinance 2016-09 which added the following Special Policy to the Future Land Use Element of the Comprehensive Plan:

“1.15.7: Special Policy:

Properties within the area defined by the following features, where a planned mixture of non-residential land use designations currently predominates, may apply for a change in land use to a MLU, CL, CLO, INST or CON Future Land Use designation: Collecting Canal (north), Southern Boulevard (south), “C” Road (east), and “B” Road (west)”.

Special Policy 1.15.7 does not grant a Future Land Use Map amendment to any of the covered properties; rather, it allows property owners of the Subject Site and Red Clover Nursery the opportunity to request a change in land use for consideration by the Town.

The Applicant, based upon the changed character of the vicinity and Future Land Use Element Special policy 1.15.7, has proposed a Future Land Use Map and Future Land Use Element text amendment to allow a mixed use development concept.

B. Analysis of the Initial Proposed Amendment

The Applicant’s amendment (CPA 2019-02) proposed the addition of three Special Policy additions to the Future Land Use Element of the Comprehensive Plan (i.e. text amendment) Each

Special Policy is individually reviewed in the following paragraphs:

1. Proposed Special Policy 1.15.8

Land use and density/intensity of development on the property delineated as "Special Policy 1.15.8" on the Future Land Use Map, Map # FLU – 1.10, shall be regulated by the application of the Multiple Land Use (MLU) land use category, and the following criteria: Commercial Low (CL) – Maximum of 7.20 acres at 0.10 F.A.R.; Commercial Low - Office (CL-O) – Maximum of 4.04 acres at 0.20 F.A.R.; Institutional (INST) – Maximum of 2.50 acres at 0.10 F.A.R.; and Conservation (CON) – Minimum of 1.0 acres at 0.05 F.A.R.

Special Policy 1.15.8 proposes a Multiple Land Use designation consisting of the following four Future Land Use categories: CL (7.20 acres), CLO (4.04 acres), INST (2.5 acres) and CON (1.0 acre). Each of the proposed categories includes a Floor-Area- Ratio (F.A.R.) which determines the associated maximum development potential, as illustrated in Table 1. Per Future Land Use Element Policy 1.1.B.14.e *Development Intensity*, the maximum aggregate development potential of an MLU-designated parcel is determined by multiplying the acreage of each included land use category by its intensity, and summing the result. From Table 1, the maximum building potential of the proposed development concept is 79,627 sq. ft., or an aggregate F.A.R. of 0.124.

The proposed F.A.R. substantially exceeds the existing or approved F.A.R. of each of the three approved vicinity developments (PBSC, Loxahatchee Groves Commons, and Groves Town Center) described above.

2. Special Policy 1.15.9

The following nonconforming and conforming uses, existing as of December 21, 2018, on the property delineated as "Special Policy 1.15.8" on the Future Land Use Map, Map # FLU-1.10, may remain subject to Sections 20-015 Permitted Uses (Agricultural Residential zoning district), 75-020: Nonconforming uses and 75-025: Nonconforming Structures of the Loxahatchee Groves Unified Land Development Code (ULDC):

1. Nonconforming Existing uses: Agricultural Equestrian Retail, Retail Nursery as identified within Attachment H (**Ref: Map 3**), as included with the amendment.
2. Conforming/Permitted: Residential Dwellings (2 residences), Grooms Quarters (3), Equestrian Riding/Sand Rings and Paddocks, Commercial Stables/Barns.
3. All existing conforming and nonconforming uses listed within Special Policy 1.15.9 along with their associated gross floor area (GFA) and/or floor-to-area (FAR) ratio shall not be deducted from the GFA and/or FAR granted by way of the development order".

Special Policy 1.15.9 allows Subject Site existing uses as of December 21, 2018, listed in Sections 1 and 2, to remain until replaced by those permitted by Special policy 1.15.8. In addition, Section 3 proposes that the floor area of the uses not be counted toward the maximum floor area allowed by Special Policy 1.15.8.

Per Future Land Use Element Policy 1.1.B.14.e *Development Intensity*, the maximum aggregate development potential of an MLU-designated parcel is determined by multiplying the acreage of each included land use category by its intensity, and summing the result. As a result, the total allowable floor area on Subject Site at any given time, including existing and proposed uses, cannot exceed the maximum determined by Special Policy 1.15.8.

3. Special Policy 1.15.10

The Town may from time to time approve increases to the permissible gross floor area and/or floor-to-area ratios within specific Future Land Use designations and/or Zoning districts. The subject property may benefit from these modifications without the need to retroactively modify the development order.

The Town may, or may not, increase floor area standards in its zoning districts in the future. However, development intensities of Multiple Land Use (MLU) approvals are fixed in the Comprehensive Plan. Any upward adjustments of MLU development intensities must be approved through the Comprehensive Plan amendment process.

4. Multiple Land Use Future Land Use Map Amendment

CPA 2019-02 proposes to change the designation of the Subject Site from Rural Residential 5 (RR 5) to Multiple Land Use (MLU). Provided that Special Policy 1.15.8 or a revised revision is approved, the proposed Future Land Use Map amendment is appropriate.

VI. Local Planning Agency (LPA) Recommendation

After a lengthy discussion, the LPA did not make a recommendation on the initial application. However, the LPA voted to approve the following motion by a 4 – 1 vote:

1. Approve a Multiple Land Use (MLU) designation consisting of the following three Town Future Land Use Categories: Rural Residential 5 (RR 5), Commercial Low (CL) and Conservation (CON); and

2. Restrict the Commercial Low (CL) designation to the southwest quadrant to allow 30,000 sq. ft. to include a maximum of 7,500 sq. ft. of retail space with the balance used for storage accessory to the retail.

VII.A. Staff Findings and Recommendation of the Initial Submittal

Planning staff found the initial Comprehensive Plan Amendment application CPA 20019-02 to be allowed by Future Land Use Element Special Policy 1.15.7 of the Comprehensive Plan. Further, in order to remain consistent with development trends in the vicinity and Future Land Use Element Policy 1.1.B.14.e, staff recommends the following:

1. Approval of Special Policy 1.15.8 subject to being revised to limit the maximum MLU development potential to an F.A.R. of 0.067, consistent with the CL and CLO components of the Groves Town Center MLU/PUD.

2. Approval of Special Policy 1.15.9, Sections 1 and 2.

3. Denial of Special Policy 1.15.10

4. Approval of the MLU Future Land Use Map designation subject to approval of Staff's Special Policy 1.15.8 recommendation.

VII.B. Alternative Staff Findings and Recommendation

A motion to approve the initial submittal was not made at the LPA meeting on December 10, 2019, and based upon the lengthy discussion, it is staff's opinion that a vote for approval would not have passed. As a result, planning staff finds the recommendation of the Local Planning Agency to be allowed by Future Land Use Element Special Policy 1.15.7 of the Comprehensive Plan, and recommends approval thereof.

Staff will incorporate the LPA recommendation to ordinance form for consideration by the Town Council at the December 17, 2019 meeting.

ATTACHMENT 1

PROPOSED FUTURE LAND USE ELEMENT TEXT AMENDMENT CPA 2019-01

Words underlined are proposed to one three Special Policy to the current text of the Future Land Use Element of the Loxahatchee Groves Comprehensive Plan.

Special Policy 1.15.8

Land use and density/intensity of development on the property delineated as "Special Policy 1.15.8" on the Future Land Use Map, Map # FLU – 1.10, shall be regulated by the application of the Multiple Land Use (MLU) land use category, and the following criteria: Commercial Low (CL) – Maximum of 7.20 acres; Rural Residential 5 (RR 5) – Maximum of 4.04 acres; and Conservation – Minimum of 1.0 acres. Further, the Commercial Low (CL) designation is limited to a maximum of 30,000 sq. ft. to include a maximum of 7,500 sq. ft. of retail space with the balance used for storage accessory to the retail space.

ATTACHMENT 2
PROPOSED FUTURE LAND USE MAP #FLU-1.10 AMENDMENT CPA 2019-02

1. Deletion of the Rural Residential 5 (RR 5) future land use designation currently assigned to the Subject Site on Future Land Use Map FLU-1.10 and the assignment of the Multiple Land Use (MLU) future land use designation in its place.
2. Amendment of the Future Land Use Map FLU-1.10 to add the specific reference to Special Policy 1.15.8, which limits the development of the Subject Site.

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155 F Road Loxahatchee Groves, FL 33470

TO: Town Council of Town of Loxahatchee Groves

FROM: Francine Ramaglia, Assistant Town Manager

VIA: James Titcomb, Town Manager

SUBJECT: Resolutions of Intent to Use Uniform Method of Collection for Non-Ad Valorem Assessments under Florida Statutes Chapter 197.3632

Background:

Section 197.3632 of the Florida Statutes requires that a local government which is authorized to impose a Non-Ad Valorem Assessment, and which elects to use the Uniform Non-Ad Valorem Method of collecting such assessments, following a public hearing, must adopt a Resolution expressing their intent to use the Uniform Method of Collecting Non-Ad Valorem. Since the Town and the District utilize this method of collecting assessments, Resolutions No. 2019-68 and No. DD2019-__ have been prepared which express the intent of the Town and the District to continue to utilize that method of collecting Non-Ad Valorem assessments. ***There are no new assessments or changes in assessments being proposed by these resolutions*** proposed by these resolutions. A public hearing for these resolutions is required to establish the assessments. These items have been advertised in accordance with the requirements of the State Statute.

- a. Resolution No. 2019-68 authorizes the Town to collect Non-Ad Valorem assessments for, but not limited to, provision of improvements including construction, maintenance and resurfacing of public roads/trails and associated drainage, acquisition/maintenance of right of way, drainage/erosion control, maintenance and restoration of canals and canal banks, stormwater management, and such other lawful purposes which the Town is empowered to provide.
- b. Resolution No2019-DD12 authorizes the District to collect Non-Ad Valorem assessments for, but not limited to, providing maintenance and restoration of canals and canal banks, drainage and erosion control, improvements including public roads/trails construction, maintenance and resurfacing and associated drainage, and of right of way acquisition and maintenance, stormwater management and other lawful purposes, and such other lawful purposes which the District is empowered to provide.

Recommendations:

Staff recommends Council approval of Resolution No. 2019-68 for the Town, and Resolution No 2019-DD13 for the District confirming Intent to Continue to Use the Uniform Method of Collecting Non-Ad Valorem Assessments pursuant to Section 197.3632, Florida Statutes.

RESOLUTION NO. 2019-68

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, EXPRESSING THE TOWN'S INTENT TO USE AND CONTINUE TO USE THE UNIFORM METHOD FOR THE LEVY AND COLLECTION OF NON-AD VALOREM SPECIAL ASSESSMENTS AS AUTHORIZED AND PERMITTED BY SECTION 197.3632, FLORIDA STATUTES; EXPRESSING THE NEED FOR THE LEVY OF NON-AD VALOREM ASSESSMENTS FOR PURPOSES INCLUDING THE PROVISION OF IMPROVEMENTS INCLUDING CONSTRUCTION, MAINTENANCE AND RESURFACING OF PUBLIC ROADS/TRAILS AND ASSOCIATED DRAINAGE, ACQUISITION/MAINTENANCE OF RIGHT OF WAY, DRAINAGE/EROSION CONTROL, MAINTENANCE AND RESTORATION OF CANALS AND CANAL BANKS, STORMWATER MANAGEMENT AND OTHER LAWFUL PURPOSES; SETTING FORTH THE LEGAL DESCRIPTION OF THE REAL PROPERTY WITHIN THE TOWN THAT MAY BE SUBJECT TO THE LEVY OF NON-AD VALOREM ASSESSMENTS; PROVIDING THAT A COPY OF THIS RESOLUTION SHALL BE FORWARDED TO THE PROPERTY APPRAISER, TAX COLLECTOR AND THE FLORIDA DEPARTMENT OF REVENUE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Loxahatchee Groves, Florida (the "Town") intends to utilize and continue to utilize the Uniform Method for the levy, collection, and enforcement of non-ad valorem special assessments ("Uniform Method") within the Town, more particularly described in Exhibit "A", attached hereto and incorporated herein, for the purpose of providing for improvements including construction, maintenance and resurfacing of public roads/trails and associated drainage, acquisition and maintenance of right-of-way, drainage/erosion control, maintenance/restoration of canals and canal banks, stormwater management, and such other lawful purposes of the Town; and

WHEREAS, in accordance with Section 197.3632(3)(a), Florida Statutes, the Town advertised its intent to use and continue to use the Uniform Method for the collection of non-ad valorem assessments weekly in a newspaper of general circulation for four (4) consecutive weeks preceding the public hearing held the day hereof; and

WHEREAS, the Town Council held a duly advertised public hearing prior to the adoption of this Resolution; and

WHEREAS, the Town Council directs the Town Clerk to provide copies of this Resolution to the Tax Collector, the Property Appraiser, and the Florida Department of Revenue on or prior to January 10, 2020; and

WHEREAS, the Town Council determines that utilizing non-ad valorem special assessments is in the best interests of the citizens and residents of the Town.

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

Section 1. The foregoing "WHEREAS" clauses are true and correct and hereby ratified and confirmed by the Town Council.

Section 2. The Town Council intends to use and continue to use the Uniform Method, authorized in Section 197.3632, Florida Statutes, as amended, for levying, collecting and enforcing non-ad valorem special assessments imposed within the municipal boundaries of the Town, more particularly described in Exhibit "A," attached hereto and made a part hereof.

Section 3. The Town advertised its intent to use and continue to use the Uniform Method weekly in a newspaper of general circulation for four (4) consecutive weeks preceding the public hearing held the day hereof with Proof of Publication of such hearing being attached hereto as Exhibit "B".

Section 4. The Town hereby determines that the levy of non-ad valorem assessments as have been or may be levied within the Town are authorized by law and are needed to provide for improvements including construction, maintenance and resurfacing of public roads/trails and associated drainage, acquisition and maintenance of right-of-way, drainage/erosion control, maintenance/restoration of canals and canal banks, stormwater management, and such other lawful purposes of the Town. The Uniform Method provides an efficient method of collecting the special

assessments. This Resolution does not limit the Town from using other lawful methods of imposing and collecting non-ad valorem assessments.

Section 5. Upon adoption, the Town Clerk is hereby directed to send a copy of this Resolution by United States mail, certified return receipt requested, to the Florida Department of Revenue, the Palm Beach County Tax Collector, and the Palm Beach County Property Appraiser on or before January 10, 2020.

Section 6. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution. This Resolution is intended to supplement any previous resolutions of the Town related to the matters addressed herein.

Section 7. This Resolution shall become effective immediately upon its passage and adoption.

[Remainder of this page intentionally left blank.]

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

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

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS _____ DAY OF _____ 2019.

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

Mayor Robert Shorr

Lakesha Q. Burch, Town Clerk

Vice Mayor David DeMarois

Council Member Laura Danowski

APPROVED AS TO LEGAL FORM:

Council Member Lisa El-Ramey

Office of the Town Attorney

Council Member Phillis Maniglia

EXHIBIT "A"

MAP/LEGAL DESCRIPTION OF BOUNDARIES OF THE TOWN OF LOXAHATCHEE GROVES

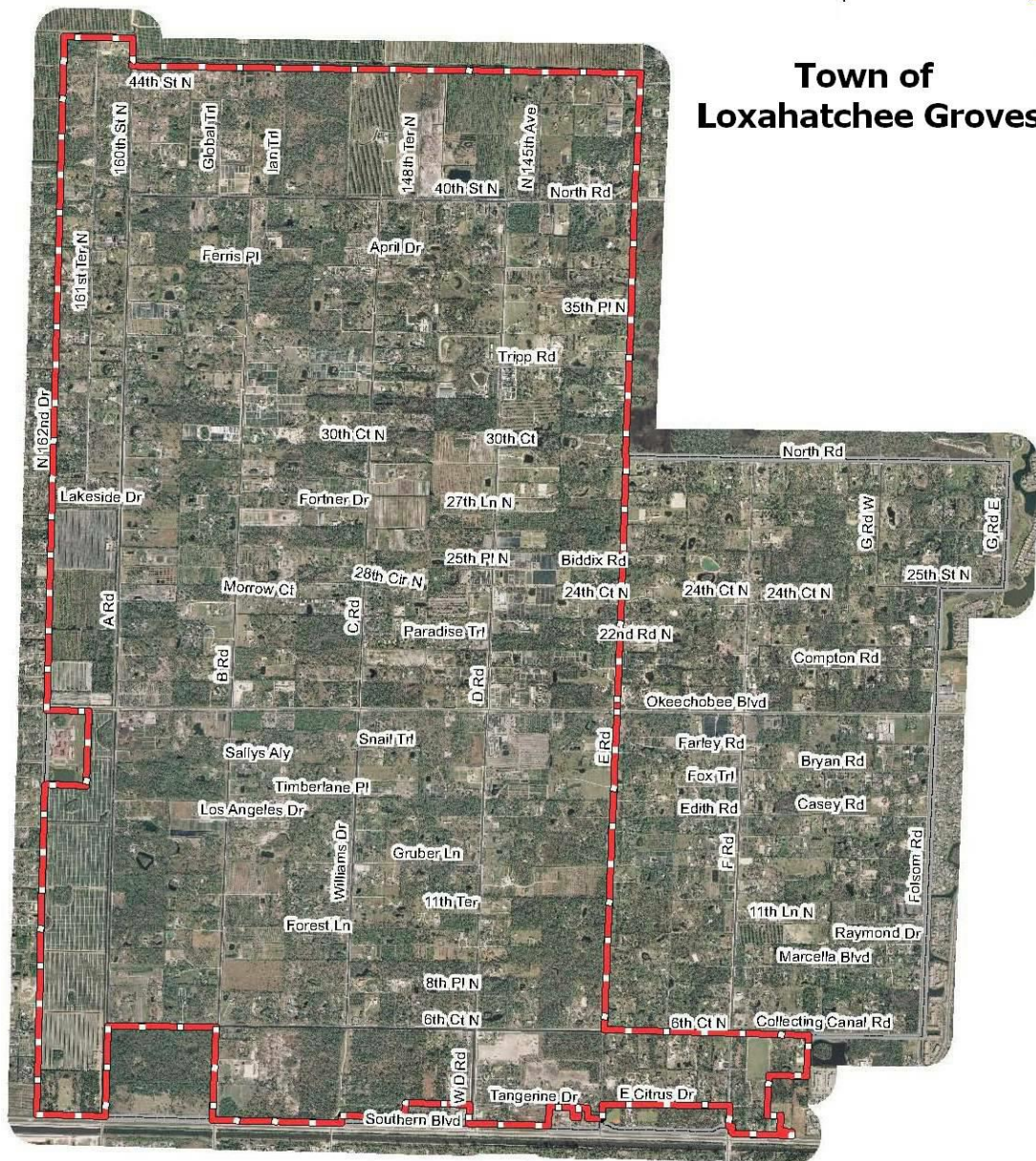


EXHIBIT "B"
PROOF OF PUBLICATION

ADVERTISING INVOICE

BILLED ACCOUNT NUMBER	BILLING DATE	TOTAL AMOUNT DUE	STATEMENT #
35961	12/06/2019	\$821.92	
BILLING PERIOD	TERMS OF PAYMENT		PAGE #
12/06/2019	Upon Receipt		1 of 1
ADVERTISER CLIENT #	ADVERTISER/CLIENT NAME		
35961	LOXAHATCHEE GROVES TOWN OF		

LOXAHATCHEE GROVES TOWN OF
155 F RD
LOXAHATCHEE GROVES, FL 33470-4949

For questions concerning this bill call 866-470-7133. Option 2
If paid, please disregard. Thank You.

Start/Stop	Newspaper Reference	Product	Description - Other Comments/Charges	Ad Size Billed Units	Times Run	Gross Amount	Net Amount
11/18/2019 12/17/2019	100530743-11182019	The Palm Beach Post	TOWN OF LOXAHATCHEE GROVES NOTICE OF INTENT TO CONTINUE TO USE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS The Town of Loxahatchee Groves, Florida Legals Page D 5	1 x 67 L 67	4	\$921.92	\$921.92
12/6/2019		Total Amount Due					\$921.92

PLEASE DETACH AND RETURN LOWER PORTION WITH YOUR REMITTANCE

PAYMENT COUPON

STATEMENT #	BILLING DATE	TERMS OF PAYMENT	ADVERTISER CLIENT #	ADVERTISER/CLIENT NAME
	12/06/2019	Upon Receipt	35961	LOXAHATCHEE GROVES TOWN OF

Please send your payment to:

PBN Remittance Address
GateHouse West Palm Beach - Adv
Dept. 0688
PO Box 120688
Dallas, TX 75312-0688

35961
LOXAHATCHEE GROVES TOWN OF
155 F RD
LOXAHATCHEE GROVES, FL 33470-4949

TOTAL AMOUNT	AMOUNT ENCLOSED
\$921.92	

PROOF OF PUBLICATION STATE OF FLORIDA

PUBLIC NOTICE

Before the undersigned authority, personally appeared Teal Pontarelli, who on oath, says that he/she is a Legal Advertising Representative of The Palm Beach Post, a daily and Sunday newspaper, published in West Palm Beach and distributed in Palm Beach County, Martin County, and St. Lucie County, Florida; that the attached copy of advertising for a Legal - PublicNotice was published in said newspaper on: first date of Publication 11/18/2019 and last date of Publication 12/08/2019. Affiant further says that the said The Palm Beach Post is a newspaper published in West Palm Beach, in said Palm Beach County, Florida and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

LOXAHATCHEE GROVES TOWN OF
155 F RD
LOXAHATCHEE GROVES, FL 33470-4949

Invoice/Order Number: 0000530743

Ad Cost: \$921.92

Paid: \$0.00

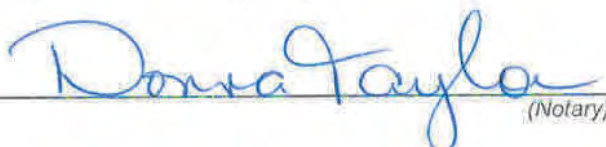
Balance Due: \$921.92

Signed


(Legal Advertising Agent)

Sworn or affirmed to, and subscribed before me, this 9th day of December, 2019 in Testimony whereof, I have hereunto set my hand and affixed my official seal, the day and year aforesaid.

Signed


(Notary)



DONNA S. TAYLOR
MY COMMISSION # 0610365
EXPIRES: September 10, 2020
www.flcourts.org

Please see Ad on following page(s).

Invoice/Order Number:	0000530743
Ad Cost:	\$921.92
Paid:	\$0.00
Balance Due:	\$921.92

**TOWN OF LOXAHATCHEE GROVES
NOTICE OF INTENT TO
CONTINUE TO USE
UNIFORM METHOD OF COLLECTING
NON-AD VALOREM ASSESSMENTS**

The Town of Loxahatchee Groves, Florida hereby provides notice, pursuant to section 197.3632(3)(a), Florida Statutes, of its intent to continue to use the uniform method of collecting non-ad valorem special assessments that may be levied within the Town of Loxahatchee Groves, for the provision of, but not limited to, drainage and erosion control, maintenance/restoration of canals and canal banks, improvements including public road/trail construction, maintenance and resurfacing, acquisition/maintenance of right-of-way, storm water management, and such other lawful purposes of the Town as authorized by law continuing with the Fiscal Year beginning October 1, 2020. The Loxahatchee Groves Town Council will consider the adoption of a resolution electing to continue to use the uniform method of collecting such assessments authorized by section 197.3632, Florida Statutes, at a public hearing to be held at 6:00 p.m. on December 17, 2019 in the Council Chambers at Town Hall, 155 F Road, Loxahatchee Groves, Florida. Such resolution will state the need for the levy and will contain a legal description of the boundaries of the real property subject to the levy. Copies of the proposed form of resolution, which contains the legal description of the real property subject to the levy, are on file at the Office of the Clerk of the Town of Loxahatchee Groves, Florida. All interested persons are invited to attend.

In the event any person decides to appeal any decision by the Town Council with respect to any matter relating to the consideration of the resolution at the above-referenced public hearing, a record of the proceeding may be needed and in such an event, such person may need to ensure that a verbatim record of the public hearing is made, which record includes the testimony and evidence on which the appeal is to be based (FS 286.0105). 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 at (954) 435-6501 at least five (5) days prior to the date of the hearing.

Lakesha Q. Burch, Town Clerk
11-18, 11-24, 12-1, 12-8/19

0000530743.01

RESOLUTION NO. 2019-DD12

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SITTING AS THE BOARD SUPERVISORS OF THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT, A DEPENDENT DISTRICT TO THE TOWN, EXPRESSING THE TOWN'S AND DISTRICT'S INTENT TO USE AND CONTINUE TO USE THE UNIFORM METHOD FOR THE LEVY AND COLLECTION OF NON-AD VALOREM SPECIAL ASSESSMENTS AS AUTHORIZED AND PERMITTED BY SECTION 197.3632, FLORIDA STATUTES, WITHIN THE BOUNDARIES OF THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT; EXPRESSING THE NEED FOR THE LEVY OF NON-AD VALOREM ASSESSMENTS FOR PURPOSES INCLUDING PROVISION OF MAINTENANCE AND RESTORATION OF CANALS AND CANAL BANKS, DRAINAGE AND EROSION CONTROL, IMPROVEMENTS INCLUDING PUBLIC ROADS/TRAILS CONSTRUCTION, MAINTENANCE AND RESURFACING AND ASSOCIATED DRAINAGE, AND OF RIGHT OF WAY ACQUISITION AND MAINTENANCE, STORMWATER MANAGEMENT AND OTHER LAWFUL PURPOSES; SETTING FORTH THE LEGAL DESCRIPTION OF THE BOUNDARIES OF THE DISTRICT WITHIN WHICH REAL PROPERTY THAT MAY BE SUBJECT TO THE LEVY OF DISTRICT NON-AD VALOREM ASSESSMENTS; PROVIDING THAT A COPY OF THIS RESOLUTION SHALL BE FORWARDED TO THE PROPERTY APPRAISER, TAX COLLECTOR AND THE FLORIDA DEPARTMENT OF REVENUE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council ("Town Council") of the Town of Loxahatchee Groves, Florida (the "Town") serves and sits as the Board of Supervisors of the Loxahatchee Groves Water Control District, a dependent district to the Town pursuant to Chapter No. 2018-175, Florida Laws; and

WHEREAS, pursuant to Chapter 2018-175, Florida Laws, the previous independent special district known as the Loxahatchee Groves Water Control District ("Independent District") became a dependent district to the Town, known as the Loxahatchee Groves Water Control District ("Dependent District"), and all rights, obligations, duties, and relationships of the Independent

District were transferred in full force and effect to the Dependent District under the terms of and upon the effective date of Chapter 2018-175; and

WHEREAS, the Independent District, the Dependent District and the Town have previously utilized the Uniform Method for the levy, collection and enforcement of non-ad valorem special assessments, and the Town, as the Board of Supervisors of the Dependent District, intends to continue to utilize the Uniform Method for the levy, collection, and enforcement of non-ad valorem special assessments within the Dependent District related to the provision of drainage and erosion control, maintenance/restoration of canals and canal banks, improvements including road/trail construction, maintenance and resurfacing, acquisition/maintenance of right-of-way, associated drainage and storm water management, and such other lawful purposes of the Dependent District; and

WHEREAS, in accordance with Section 197.3632(3)(a), Florida Statutes, the Town advertised its and the District's intent to continue using the Uniform Method weekly in a newspaper of general circulation for four (4) consecutive weeks preceding the public hearing held the day hereof; and

WHEREAS, the Town Council, sitting as the Board of Supervisors of the Dependent District, held a duly advertised public hearing prior to the adoption of this Resolution; and

WHEREAS, the Town Council of the Town of Loxahatchee Groves, Florida, directs the Town Clerk to provide certified copies of this Resolution, including all exhibits, to the Tax Collector, the Property Appraiser, and the Florida Department of Revenue on or prior to January 10, 2020; and

WHEREAS, the Town Council determines that utilizing the Uniform Method, as detailed herein, is in the best interests of the citizens and residents of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SITTING AS THE BOARD OF SUPERVISORS OF THE LOXAHATCHEE GROVES DRAINAGE CONTROL DISTRICT, AS FOLLOWS:

Section 1. The foregoing "WHEREAS" clauses are true and correct and hereby ratified and confirmed by the Town Council.

Section 2. The Town Council, sitting as the Board of Supervisors of the Dependent District, intends to use and continue to use the Uniform Method, authorized in Section 197.3632, Florida Statutes, as amended, for levying, collecting, and enforcing non-ad valorem special assessments imposed within the boundaries of the Dependent District, more particularly described in Exhibit "A," attached hereto and made a part hereof.

Section 3. The Town advertised its and the District's intent to use and continue using the Uniform Method weekly in a newspaper of general circulation for four (4) consecutive weeks preceding the public hearing held the day hereof with Proof of Publication of such hearing being attached hereto as Exhibit "B".

Section 4. The Town Council, sitting as the Board of Supervisors of the Dependent District, hereby determines that non-ad valorem assessments as have been or may be levied within the District, are authorized by law and are needed to provide for improvements related to drainage and erosion control, maintenance/restoration of canals and canal banks, road/trail construction, maintenance and resurfacing, acquisition/maintenance of right-of-way, associated drainage and storm water management, and such other lawful purposes of the District. The Uniform Method provides an efficient method of collecting the special assessments. This Resolution does not limit the Town or District from using other lawful methods of imposing and collecting non-ad valorem assessments.

Section 5. Upon adoption, the Town Clerk is hereby directed to send a copy of this Resolution by United States mail, certified return receipt requested, to the Florida Department of Revenue, the Palm Beach County Tax Collector, and the Palm Beach County Property Appraiser on or before January 10, 2020.

Section 6. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution. This Resolution is intended to supplement any previous resolutions of the Town, the Independent District or the Dependent District related to the matters addressed herein.

Section 7. This Resolution shall become effective immediately upon its passage and adoption.

[Remainder of this page intentionally left blank.]

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

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

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SITTING AS THE BOARD OF SUPERVISORS OF THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT, THIS _____ DAY OF _____ 2019.

BOARD OF SUPERVISORS OF LOXAHATCHEE GROVES WATER CONTROL DISTRICT, TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:	_____ Mayor Robert Shorr
_____ Lakesha Q. Burch, Town Clerk	_____ Vice Mayor David DeMarois
	_____ Council Member Laura Danowski
APPROVED AS TO LEGAL FORM:	_____ Council Member Lisa El-Ramey
_____ Office of the Town Attorney	_____ Council Member Phillis Maniglia

EXHIBIT "A"

MAP/LEGAL DESCRIPTION OF BOUNDARIES OF THE TOWN OF LOXAHATCHEE GROVES WATER CONTROL DISTRICT

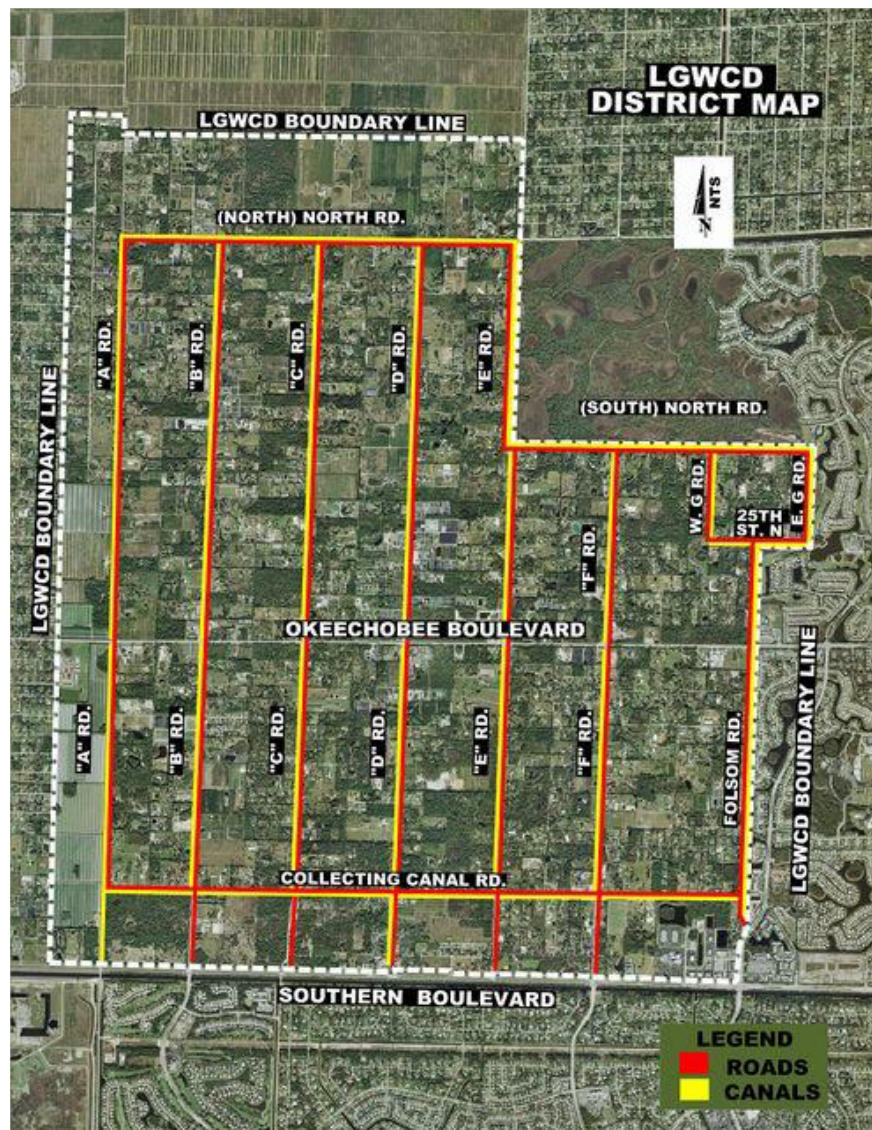


EXHIBIT “B”

PROOF OF PUBLICATION

ADVERTISING INVOICE

ADVERTISING ORDER			
BILLED ACCOUNT NUMBER	BILLING DATE	TOTAL AMOUNT DUE	STATEMENT #
35961	12/06/2019	\$1,059.52	
BILLING PERIOD	TERMS OF PAYMENT		PAGE #
12/06/2019	Upon Receipt		1 of 1
ADVERTISER CLIENT #	ADVERTISER/CLIENT NAME		
35961	LOXAHATCHEE GROVES TOWN OF		

LOXAHATCHEE GROVES TOWN OF
155 FRD
LOXAHATCHEE GROVES, FL 33470-4949

For questions concerning this bill call 866-470-7133, Option 2
If paid, please disregard. Thank You

Start/Stop	Newspaper Reference	Product	Description - Other Comments/Charges	Ad Size Billed Units	Times Run	Gross Amount	Net Amount
11/18/2019 12/17/2019	100530739-11182019	The Palm Beach Post	TOWN OF LOXAHATCHEE GROVES LOXAHATCHEE GROVES WATER CONTROL DISTRICT NOTICE OF INTENT TO CONTINUE TO USE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS Legals Page D 5	1 x 77 L 77	4	\$1,059.52	\$1,059.52
12/6/2019		Total Amount Due					\$1,059.52

PLEASE DETACH AND RETURN LOWER PORTION WITH YOUR REMITTANCE

PAYMENT COUPON

STATEMENT #	BILLING DATE	TERMS OF PAYMENT	ADVERTISER CLIENT #	ADVERTISER/CLIENT NAME
	12/06/2019	Upon Receipt	35961	LOXAHATCHEE GROVES TOWN OF

Please send your payment to:

PBN Remittance Address
GateHouse West Palm Beach - Adv
Dept. 0688
PO Box 120688
Dallas, TX 75312-0688

35961
LOXAHATCHEE GROVES TOWN OF
155 F RD
LOXAHATCHEE GROVES, FL 33470-4949

TOTAL AMOUNT	AMOUNT ENCLOSED
\$1,059.52	

PROOF OF PUBLICATION STATE OF FLORIDA

PUBLIC NOTICE

Before the undersigned authority, personally appeared Teal Pontarelli, who on oath, says that he/she is a Legal Advertising Representative of The Palm Beach Post, a daily and Sunday newspaper, published in West Palm Beach and distributed in Palm Beach County, Martin County, and St. Lucie County, Florida; that the attached copy of advertising for a Legal - Public Notice was published in said newspaper on: first date of Publication 11/18/2019 and last date of Publication 12/08/2019. Affiant further says that the said The Palm Beach Post is a newspaper published in West Palm Beach, in said Palm Beach County, Florida and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

LOXAHATCHEE GROVES TOWN OF
155 F RD
LOXAHATCHEE GROVES, FL 33470-4949

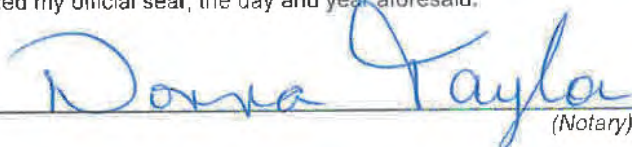
Invoice/Order Number:	0000530739
Ad Cost:	\$1,059.52
Paid:	\$0.00
Balance Due:	\$1,059.52

Signed


(Legal Advertising Agent)

Sworn or affirmed to, and subscribed before me, this 9th day of December, 2019 in Testimony whereof, I have hereunto set my hand and affixed my official seal, the day and year aforesaid.

Signed


(Notary)



DONNA S. TAYLOR
MY COMMISSION # CG 031838
EXPIRES September 19, 2024
Bonded Third Budget Notary Services

Please see Ad on following page(s)

Invoice/Order Number:	0000530739
Ad Cost:	\$1,059.52
Paid:	\$0.00
Balance Due:	\$1,059.52

**TOWN OF LOXAHATCHEE GROVES
LOXAHATCHEE GROVES
WATER CONTROL DISTRICT
NOTICE OF INTENT TO
CONTINUE TO USE UNIFORM METHOD
OF COLLECTING NON-AD VALOREM
ASSESSMENTS WITHIN THE
LOXAHATCHEE GROVES
WATER CONTROL DISTRICT**

The Town of Loxahatchee Groves, Florida hereby provides notice, pursuant to section 197.3632(3)(a), Florida Statutes, of its intent to continue to use the uniform method of collecting non-ad valorem special assessments that may be levied within the Loxahatchee Groves Water Control District, a dependent district to the Town, for the provision of, but not limited to, drainage and erosion control, maintenance/restoration of canals and canal banks, improvements including road/trail construction, maintenance and resurfacing, acquisition/maintenance of right-of-way, storm water management, and such other lawful purposes of the Loxahatchee Groves Water Control District as authorized by law continuing with the Fiscal Year beginning October 1, 2020. The Loxahatchee Groves Town Council, sitting as the Board of Supervisors of the Loxahatchee Water Control District, a dependent district to the Town, will consider the adoption of a resolution electing to continue to use the uniform method of collecting such assessments authorized by section 197.3632, Florida Statutes, at a public hearing to be held at 6:00 p.m. on December 17, 2019 in the Council Chambers at Town Hall, 155 F Road, Loxahatchee Groves, Florida. Such resolution will state the need for the levy and will contain a legal description of the boundaries of the real property subject to the levy. Copies of the proposed form of resolution, which contains the legal description of the real property subject to the levy, are on file at the Office of the Clerk of the Town of Loxahatchee Groves, Florida. All interested persons are invited to attend.

In the event any person decides to appeal any decision by the Town Council with respect to any matter relating to the consideration of the resolution at the above-referenced public hearing, a record of the proceeding may be needed and in such an event, such person may need to ensure that a verbatim record of the public hearing is made, which record includes the testimony and evidence on which the appeal is to be based (FS 286.0105). 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 at (561) 793-2418 at least five (5) days prior to the date of the hearing.

Lakesha Q. Burch, Town Clerk
11-18, 11-24, 12-1, 12-8/2019

0000530739-01



155 F Road Loxahatchee Groves, FL 33470

TO: Town Council of Town of Loxahatchee Groves
FROM: Francine Ramaglia, Assistant Town Manager
VIA: James Titcomb, Town Manager
SUBJECT: Resolution No. 2019- DD13 Early Retirement of OGEM Loan

Background:

Town Council requested Staff inquire regarding options for early repayment of the District's loan with BankUnited which matures on August 1, 2022. This loan was taken out approximately 7 years ago when the District entered into a \$2.7 million 10-year bank loan to surface certain roads with OGEM. The loan documents contained a provision that certain funds be held for resurfacing of the funded road projects in the 7th year following the original surfacing (which would be this year).

Rather than resurfacing (as the amount set aside is not enough to actually resurface and because the Town is revisiting its road maintenance and construction improvement plan on a global basis), Council seeks to use the funds originally set aside for resurfacing to reduce the principal amount of the loan in advance of the debt service schedule. Both the District Board and a previous Town Council had voted to pay down the debt by the amount in held in the resurfacing account.

Of the recommended options provided by the Bank, their recommendation is that we apply all available funds in resurfacing to reduce principal immediately because it provides the greatest savings in interest costs over the remaining life of the loan. The total estimated savings from reduced interest over the remaining term of the loan will be between \$27,000 to \$30,000.

Recommendations:

Staff recommends Council approval of Resolution No.2019- DD13 authorizing early retirement of OGEM principal with available resurfacing funds.

**LOXAHATCHEE GROVES WATER CONTROL DISTRICT
RESOLUTION NO. 2019-DD13**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
LOXAHATCHEE GROVES WATER CONTROL DISTRICT, A
DEPENDENT DISTRICT OF THE TOWN OF LOXAHATCHEE
GROVES, FLORIDA, RELATING TO THE PREPAYMENT OF
PRINCIPAL OF THE LOAN WITH BANK UNITED MATURING
ON AUGUST 1, 2022 TO SURFACE CERTAIN ROADS WITH
OGEM; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the District entered into a \$2.7 million 10-year loan with Bank United to surface certain roads with OGEM in 2012 which matures on August 1, 2022 containing a provision that certain funds be held for resurfacing of the funded road projects in the 7th year following the original OGEM surfacing project; and,

WHEREAS, the amount set aside in accordance with the loan provisions is not enough to resurface such roads and because the road maintenance and construction improvement plan is being revisited, the Board seeks to use the funds originally set aside for resurfacing to reduce the principal amount of the loan in advance of the debt service schedule; and,

WHEREAS, the there is no prepayment penalty charged by Bank United; and,

WHEREAS, the total estimated savings from reduced interest payments over the remaining term of the loan will be between \$27,000 to \$30,000.

NOW THEREFORE, in consideration of the mutual promises set forth herein, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

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

Section 2. The Board of Supervisors hereby finds that it is in the best interest of the District to use the available balance of OGEM resurfacing funds held at Bank United to reduce by prepayment the outstanding principal of the loan with Bank United maturing on August 1, 2022.

Section 3. This Resolution shall become effective immediately upon its passage and adoption.

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

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ROBERT SHORR, CHAIR	☐	☐	☐
DAVID DEMAROIS, BOARD SUPERVISOR	☐	☐	☐
LAURA DANOWSKI, TREASURER	☐	☐	☐
LISA EL-RAMEY, BOARD SUPERVISOR	☐	☐	☐
PHILLIS MANIGLIA, BOARD SUPERVISOR	☐	☐	☐

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SITTING AS THE BOARD OF SUPERVISORS OF THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT, THIS _____ DAY OF _____ 2019.

BOARD OF SUPERVISORS OF LOXAHATCHEE GROVES WATER CONTROL DISTRICT, TOWN OF LOXAHATCHEE GROVES, FLORIDA

**TOWN OF LOXAHATCHEE
GROVES, FLORIDA**

ATTEST:

Lakisha Q. Burch, Town Clerk

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

Robert Shorr Chair

David DeMarios Board Supervisor

Laura Danowski Board Supervisor

Lisa El-Ramey Board Supervisor

Phillis Maniglia Board Supervisor



Credit Relationship

<u>Accounts</u>	<u>Current Outstanding Balance</u>	<u>Interest Rate</u>	<u>Maturity</u>
xxxxxx5028 (Term)	\$853,375	3.06%	08/01/22

Account Highlights

- Interest payments are due semi-annually on Feb 1 & Aug 1
- Principal payments are due Aug 1
- If payments are made as agreed on each respective due date, the total interest expense is approximately \$52,706

Pay down Scenario

- If Town decided to apply \$315,000 towards principal balance of loan as of 11-26-19 (approximate per diem is \$72.53), the following schedule of payments would be:

<u>Pymt Date</u>	<u>Total Payment</u>	<u>Interest paid</u>	<u>Principal Balance</u>
02/01/20	\$11,569.66	\$11,569.66	\$538,375.29
08/01/20	\$287,237.14	\$8,237.14	\$259,375.29
02/01/21	\$3,968.44	\$3,968.44	\$259,375.29
08/01/20	\$263,343.73	\$3,968.44	\$0
• Total Interest payments of \$27,744 with \$315k pay down			

This slide is for discussion purposes only. The exact amount is subject to change based on the date of principal pay down and per diem.



155 F Road Loxahatchee Groves, FL 33470

Agenda Item #5

TO: Town Council of Town of Loxahatchee Groves
FROM: R. Brian Shutt, Town Attorney (Matthew Ransdell, Esq.)
VIA: James Titcomb, Town Manager
SUBJECT: Town Personnel Policies & Procedures Manual (PPM) 2020 Draft

Background:

The Town of Loxahatchee Groves has been undergoing full management transformation since May 2019 from the privately held management company (final expiration of UMC contract) model to a “small town government entity” under the newly hired Town Manager, who started working under town employ mid-March 2019.

The Town’s employees and employment practices (policies and procedures) are in place and have been governed by council direction under the LGWCD PPPM (2014 Version).

In order to comply with the latest in labor law, best practices and an attractive package of rules and amenities for employees, the administration deployed a rewrite of the town’s existing PPPM utilizing the town’s law firm/labor attorneys. The resulting document was then reviewed by senior staff members for adjust for town conditions and scale.

This a legally sufficient document that covers a multitude of issues and policies A to Z. The council should plan to take and read the document carefully and return substantive comments and document corrections to Town Administration for further finalization and preparation for a final adoption process, likely at a January council meeting.

Recommendations:

Review the draft documents and return comments, proposed modifications and corrections to the Town Manager or Clerk’s office.

LOXAHATCHEE GROVES WATER CONTROL DISTRICT



PERSONNEL POLICIES AND PROCEDURES

**ADOPTED JANUARY 11, 1999
LAST REVISED OCTOBER 2014**

LOXAHATCHEE GROVES WATER CONTROL DISTRICT
PERSONNEL POLICIES AND PROCEDURES

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LOXAHATCHEE GROVES WATER CONTROL DISTRICT
PERSONNEL POLICIES AND PROCEDURES

I. SCOPE AND PURPOSE

This policy sets forth employment standards and regulations applicable to all employees of the Loxahatchee Groves Water Control District (District). Its purpose is to provide standards by which the District may effectively conduct personnel management.

Nothing in these Policies creates any contractual rights or property interests with respect to any aspect of employment. These policies may be changed at any time with or without notice.

II. GENERAL

The Board of Supervisors of the Loxahatchee Groves Water Control District (District Board) is responsible for the establishment, amendment and/or repeal of personnel policies and shall review such policies from time to time as necessary.

- A. All employees serve at the pleasure of the District Board. The District Administrator is responsible for the implementation of personnel policies as established and amended by the District Board. Unless otherwise stated, the District Administrator has the authority to execute all personnel actions authorized in these policies subject to budgetary constraints and applicable Federal and State laws or administrative regulations.
- B. These personnel policies are applicable to regular full-time, regular part-time, temporary term and probationary employees.
- C. It is the policy of the District not to exclude from participation in, deny benefits or discriminate in any other way against any employee or applicant for employment on the basis of race, age, sex, religion, color, national origin, political belief, disability, sexual preference, marital status, pregnancy or any other characteristic protected by law.
- D. These policies and procedures shall be effective immediately upon adoption by the District Board.
- E. All current employees of the District shall receive a copy of these policies upon adoption. Thereafter, each new employee shall receive a copy at the time of his/her employment. Copies of revisions to these policies shall be provided to all employees. Employees are responsible for familiarizing themselves with all personnel policies as well as any and all revisions.

- F. The District is a “drug-free workplace” as defined by Florida law.
- G. Personnel Records: Pursuant to Florida statutes, personnel records of District employees are subject to disclosure and copying under the Public Records Law, Chapter 119, Florida Statutes (with the exception of social security numbers, confidential health records or other information specifically exempt by law). Request for employee personnel records are to be forwarded to the District Administrator or his/her designee for an appropriate response.

III. **EMPLOYEE STATUS**

- A. Regular Full-time Employee: one who works regularly scheduled periods of 40 hours per week.
- B. Regular Part-time Employee: one who works regularly scheduled periods of less than 40 hours per week. Except as otherwise stated, employees working less than 30 hours per week are not eligible for benefits except participation in the State Retirement System and employees working 30 hours or more per week shall receive pro-rata benefits in proportion to the hours worked.
- C. Temporary Term Employee: One whose services are engaged on a part-time or full-time basis for a specific period of time or for the duration of a project. Temporary Term Employees are not eligible for benefits under these personnel policies.
- D. Probationary Employee: A new or re-hired employee must serve an initial probationary period of ninety (90) calendar days after his/her date of hire. At the end of the initial probationary period, a determination will be made by the District Administrator concerning regular full-time or regular part-time status or dismissal. As during the entire relationship, a probationary employee may be terminated at any time during the initial probationary period, without notice, for any reason or no reason.
- E. Immediate Supervisor: one who is officially designated as responsible for assignment, direction, and evaluation of another employee. This individual may also make recommendations to hire, promote, discipline or terminate employees under his/her supervision.
- F. Safety Sensitive Position: a position in which a drug impairment constitutes an immediate and direct threat to public health or safety, such as a position that requires the employee to carry a firearm, perform life-threatening procedures, work with confidential information or documents pertaining to criminal investigations, or work with controlled substances; a position subject

to §110.1127; or a position in which a momentary lapse in attention could result in injury or death to another person.

- G. Special Risk Position: a position that is required to be filled by a person who is certified under chapter 633 or chapter 943, Florida Statutes.

IV. **EMPLOYMENT PRACTICES**

A. **HIRING PROCESS**

1. District Administrator: The District Administrator is appointed by and serves at the pleasure of the District Board.
2. The District Administrator shall recruit, screen and interview applicants for all other positions within the District. Final applicant selection and appointment for each vacant position is made by the District Administrator and reported to the District Board via the District Administrator's report.
3. No representations or assurances regarding terms of employment made by any person other than the District Administrator are enforceable. Any representation or assurance made by the District Administrator regarding employment, starting date, salary or termination will be subject to these policies. All employees are required to sign a receipt acknowledging that he/she has received a copy of the District Personnel Policies and Procedures and agreeing to abide by the terms and conditions of employment. The signed receipt shall be placed in the employee's personnel file and a copy retained by the District Administrator.
4. Prior to the end of the initial probationary period, all new employees must undergo a medical examination at the District's expense. For employees employed in safety sensitive or special risk positions, this examination may include, but is not limited to, a test to determine illegal use of controlled substances, administered by a certified medical review officer.

B. **EMPLOYMENT CONDITIONS**

1. Terms of Employment. All employment is at the discretion of the District Board. Employment is expressly recognized to be employment at will that may be terminated at any time for any reason or no reason by the employee or the District Administrator. Employees shall not have a property interest in their employment.

2. Conflict of Interest. District employees cannot serve on the District Board or have any business relationship with any agency that is an applicant or recipient of funding from or any entity contracting with the District. Any such service or relationship will be cause for immediate termination.
3. Code of Ethics. District employees are responsible for following all applicable provisions of the Code of Ethics for public officers and employees, Chapter 112, Part III, Florida Statutes [while the entire Code is applicable, the following provisions are most likely to raise issues for District employees, i.e, standards of conduct - §112.313; restrictions on employment of relatives - §112.3135 and disclosure of financial interest - §§112.3144 and 112.3145]. A copy of the Code of Ethics is available for review in the District's business office and a copy will be given to every employee. All employees are required to sign a receipt acknowledging that he/she has received a copy of the Code of Ethics and agreeing to abide by its terms and conditions. The signed receipt shall be placed in the employee's personnel file and a copy retained by the District Administrator.

C. JOB DESCRIPTIONS

Each employee shall receive and sign a copy of his/her job description at the time of employment. The signed job description shall be placed in the employee's personnel file and a copy retained by the District Administrator. Job descriptions may change from time to time at the discretion of the District and additional duties not specified in a written job description may be required.

D. ORIENTATION

New employees shall receive an orientation that will include an overview of the District Personnel Policies and Procedures.

E. RESIGNATION

Employees resigning from employment with the District are requested to submit a letter of resignation to the District Administrator. Employees should provide a minimum of two (2) weeks notice to the District when resigning from employment.

F. DISCIPLINARY GUIDELINES

1. Corrective Discipline Process

- a. The sequence of disciplinary actions will be:

1st step - verbal warning;

2nd step - written warning and/or suspension without pay;

3rd step - dismissal; except that disciplinary action may start with the second or third step where it shall be within the discretion of the District Administrator that such action is warranted.

- b. It is not necessary that each, or any, step in the corrective discipline process be followed. It is within the discretion of the District Administrator as to whether the aforementioned sequence of disciplinary actions will be followed.

2. Written Warning

The District Administrator may issue a written warning to an employee on the form provided stating the deficiencies or infractions and the expected corrective action. The employee is required to sign the form acknowledging that he/she has received a warning and agrees to comply with the expected corrective action as a condition of employment with the District. The signed form shall be placed in the employee's personnel file and a copy retained by the District Administrator. One copy of the form will be provided to the employee upon request.

3. Demotion

- a. The District Administrator may demote an employee when such employee's work is unsatisfactory and such demotion shall be termed and recorded as involuntary.
- b. An employee may be granted a demotion upon his/her request and such demotion shall be termed and recorded as voluntary.
- c. The reason or reasons for any demotion, involuntary or voluntary, and the date notice of the demotion was issued shall be documented in writing on the form provided. The employee is required to sign the form acknowledging that he/she has received a demotion. The signed form shall be placed in the employee's personnel file and a copy retained by the District Administrator. The District Administrator shall individually inform each Supervisor of such demotion. The demotion shall

become effective immediately upon notice, whether verbally or in writing. One copy of the form will be provided to the employee upon request.

- d. The rate of compensation of a demoted employee shall be fixed at the discretion of the District Administrator and within the pay range for the new position.
- e. At the discretion of the District Administrator, the demoted employee shall be required to serve an initial probationary period of ninety (90) days in the new position. An employee taking a voluntary demotion or a demotion as an alternative to a layoff shall not be required to serve an initial probationary period in the new position.

4. Dismissal

- a. The District Administrator may dismiss an employee at any time, for any reason or no reason.
- b. Dismissals are permanent terminations of employment. The reason or reasons for any dismissal shall be documented in writing on the form provided. A copy of such form will be placed in the employee's personnel file and a copy retained by the District Administrator. The dismissal shall become effective immediately upon notice, whether verbally or in writing.
- c. Reasons for dismissal, whether on duty or off, include, but are not restricted to:
 - 1. Revealing of privileged or confidential information to unauthorized persons.
 - 2. Use, possession, sale or disbursement of alcohol or non-prescription controlled substances during the work day.
 - 3. Failure to meet the responsibility to protect and safeguard District property and the person and property of residents and other employees. No employee shall be in unauthorized possession of any property of the District, its employees or the public, regardless of value, or attempt to remove or remove such property from the premises.

4. Unauthorized possession, use or threatened use of weapons or firearms on District property or at any other place while on duty.
5. Failure to comply with all Safety and Workers' Compensation rules, regulations and procedures, disregarding or violating safety rules such as speeding, unsafe operation of a vehicle, involvement in an accident while operating a District vehicle or equipment, and operating a District vehicle without a proper license. Any injury, illness or accident must be reported in accordance with the procedures specified by the District.
6. Incompetency; wanting in adequate strength, capacity, or physical and/or mental qualifications.
7. Inefficiency.
8. Neglect of duty.
9. Absence from duty without leave for two (2) consecutive working days.
10. Excessive absenteeism or tardiness.
11. Sleeping while on duty.
12. Commission of an act which would bring discredit on the District.
13. Violation of any law, rule or regulation pertaining to or affecting employment in the District.
14. Offensive, indecent, or abusive conduct.
15. Insubordination.
16. Theft, or wilful neglect, or misuse of District funds, property, equipment, material or supplies.
17. Discourteous treatment of the public.
18. Violation of the District's policy prohibiting sexual harassment.

19. Violation of the District's policy prohibiting harassment based on race, color, religion, sex, sexual orientation, national origin, age, disability, pregnancy, marital status or any other characteristic protected by law.

20. Violation of the District's Drug-Free Workplace Policy.

d. A terminated employee may file a written request with the Chair of the Board of Supervisors for review by the Board of Supervisors within five (5) working days after notice of termination. Failure to timely file such a request shall constitute a waiver of review by the Board. The Board of Supervisors, after consultation with its attorney, will render its decision regarding the termination at the next regularly scheduled meeting occurring not less than five (5) days after timely receipt of written request for review. The employee, at his/her discretion, may appear before the Board at that meeting. Any written material that the employee wishes the Board to consider must be provided to the Chair of the Board of Supervisors at least five (5) working days prior to said meeting. The decision of the Board of Supervisors is final.

5. Layoff

a. The District Administrator may initiate the layoff of one or more employees in the District when it is deemed necessary by reason of shortage of work or funds, the abolition of position(s), material change in District organization, or for other related reasons.

b. The reason or reasons for any layoff and the date the layoff becomes effective shall be provided in writing to the affected employee(s). The District will attempt to give the affected employee(s) fourteen (14) calendar days notice of such layoff commencing from the date of issuing notice, whether verbally or in writing.

6. Employees may be suspended in accordance with the provisions of the District's Drug-Free Workplace Policy.

G. ANTI-HARASSMENT POLICY

All District employees have a right to work in an environment free from all forms of discrimination and conduct which can be considered harassing, coercive or disruptive. Consistent with the District's respect for the rights and dignity of each employee, harassment based on race, age, sex, religion,

color, national origin, political belief, disability, sexual preference, marital status, pregnancy or any other characteristic protected by law, will not be sanctioned nor tolerated. All employees should therefore be aware of the following:

1. Sexual harassment is strictly prohibited. Sexual harassment has been defined by government regulation as “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature...when submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual’s employment; ... [when] submission to or rejection of such conduct...is used as the basis for employment decisions affecting such individual or...such conduct has the purpose or effect of unreasonably interfering with the individual’s work performance or creating an intimidating, hostile, or offensive work environment.”
2. Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of race, age, sex, religion, color, national origin, political belief, disability, sexual preference, marital status, pregnancy or any other characteristic protected by law of an individual or that of relatives, friends or associates, and: (i) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual’s work performance; or (iii) otherwise adversely affects an individual’s employment.

Harassing conduct includes, but is not limited to, epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; and written or graphic material that denigrates or shows hostility or aversion toward an individual or a group and that is placed on walls or elsewhere on the employer’s premises or circulated in the workplace.

3. Supervisors are responsible for taking reasonable measures to ensure that no employee is subjected to conduct that constitutes sexual or any other form of harassment.
4. Any individual found to have engaged in sexual or any other form of harassment will be disciplined as appropriate, up to and including termination.
5. An employee who believes that he or she has been the subject of sexual harassment, or any other form of harassment defined above, by any person employed by the District, any person who does business with the District, or any member of the public with whom

District employees may come into contact, shall report such conduct at once to the District Administrator. If, for whatever reason, the employee cannot report the matter to the District Administrator, then the employee shall register his/her complaint with the Chairman of the District Board.

Complaints received by the District Administrator shall be promptly investigated and a report shall be filed with the Chairman of the District Board. If, for whatever reason, such a report cannot be directed to the Chairman, the District Administrator shall forward the report to the Vice Chairman of the District Board. Complaints received by the Vice Chairman and which have not been reported to the District Administrator shall be promptly investigated and a report shall be filed with the Chairman or, if forwarding the report to the Chairman is not practicable, to the Secretary/Treasurer of the District Board.

The District strongly encourages the reporting of all incidents of sexual harassment or any form of harassment, regardless of who the offender may be, or the nature of the offender's relationship to the District.

6. A prompt and thorough investigation of the alleged incident will be conducted to the fullest extent possible, and appropriate corrective action will be taken if warranted. To the extent allowable by law and consistent with adequate investigation and appropriate corrective action, any complaints of harassment will be treated as confidential.
7. The District will not in any way retaliate against an employee, potential employee, or former employee who, in good faith, makes a complaint or report of harassment, or who participates in the investigation of such a complaint or report. Retaliation against any individual for the good faith reporting of a claim of harassment or cooperating in the investigation of same will not be tolerated and will itself be subject to appropriate discipline.
8. These policies prohibiting sexual harassment and other harassment shall be distributed to all newly-hired employees and, upon adoption by the District Board, to all employees employed at the time of adoption. In addition, any changes made to these policies shall be distributed to all newly-hired employees and current employees employed at the District at the time of adoption. A written acknowledgment form shall be signed by each employee who receives a copy of these policies or any amendments to these policies.

The District shall take all appropriate steps to enforce this Policy.

H. ON-THE-JOB INJURY

Employees are required to notify the District Administrator of any on-the-job injury immediately, and no later than thirty (30) days after the date of or initial manifestation of the injury.

I. ELECTRONIC MAIL

Any employee of the District that utilizes electronic mail (i.e., "e-mail") using District equipment, shall limit the use to District-related business; electronic mail using District equipment for personal reasons is strictly prohibited.

J. MEDICAL RECORDS

All medical information about an employee, including doctor's excuse for sick leave, will be kept confidential and separate from an employee's personnel file. The separate file will be marked "CONFIDENTIAL" and may only be viewed under the following circumstances:

1. Supervisors and managers may be informed about necessary restrictions on the work or duties of an employee and necessary accommodations; or
2. First aid and safety personnel may be informed, when appropriate, if an employee's disability might require emergency treatment or if any specific procedures are needed in the case of fire or other evacuation; or
3. Government officials investigating compliance with the Americans With Disabilities Act and other Federal and State laws prohibiting discrimination on the basis of disability or handicap may be provided relevant information on request; or
4. Relevant information may be provided to State workers' compensation offices or "second injury" funds, in accordance with state workers' compensation laws; or
5. Relevant information may be provided to insurance companies where the company requires a medical examination to provide health or life insurance or other types of insurance for employees; or
6. Where disclosing such records is required to respond to a subpoena or comply with an order from a court or administrative tribunal of competent jurisdiction.

K. DRUG-FREE WORKPLACE POLICY

The District has adopted a Drug-Free Workplace Policy to which its employees must adhere, and which is incorporated into these Policies by reference. In the event of any conflict between the provisions of these Policies and the Drug-Free Workplace Policy, then the terms of the Drug-Free Workplace Policy shall control.

L. CELL PHONE POLICY – REGARDING CELL PHONE USE WHILE OPERATING DISTRICT EQUIPMENT (JUNE 9, 2014)

This policy outlines the use of cell phones, media devices (i.e., iPad, iPod), electronic devices (i.e., Nook, Palm, Kindle), associated accessories (i.e., Bluetooth, ear buds, headphones), personal communications at work (i.e., talking, texting, emails, social media, videos), the personal use of business devices and the safe use of cell phones, media devices, and electronic devices by employees while driving, while operating equipment or machinery, or performing duties at a worksite.

SCOPE:

All employees.

PROVISIONS:

Where job or business needs demand immediate access to an employee, the District may communicate by cell phone or other electronic device to an employee for work-related communications.

RESTRICTIONS:

Employees whose job responsibilities require a CDL or include regular or occasional driving are prohibited from using hand held cell phones, media devices, electronic devices, and associated accessories while driving, while stationary at traffic lights, stop signs, or in heavy traffic, or while operating equipment or machinery. If you are driving and you must accept a call, you can only answer the call if the driver is able to operate the device by pushing a single button which is within his or her reach, such as a two-way radio. Safety must come before all other concerns. Employees are expected to pull off to the side of the road and safely stop the vehicle before placing or accepting a call or other communication with a hand held device.

Employees whose job responsibilities do not specifically include driving or operating equipment or machinery as an essential function are also expected

to abide by the provisions above and must refrain from using hand held cell phones, media devices for business purposes and other electronic devices while operating a vehicle. Under no circumstances are employees allowed to place themselves at risk to fulfill business needs.

Employees who are charged with traffic violations resulting from the use of their cell phones, media devices, electronic devices, and associated accessories while driving will be solely responsible for all liabilities that result from such actions.

Violations of this policy will be subject to the highest form of discipline, including termination.

An employee that is observed not complying with this policy will receive an initial warning. A second act of non-compliance of this policy will result in five (5) days off work without pay. A third act of non-compliance of this policy will result in employee termination.

PERSONAL USE:

While at work, employees are expected to exercise discretion in using personal cell phones, media devices, electronic devices, and associated accessories as is expected for the use of District devices. Excessive personal calls, texts, or media use during the workday, regardless of the device used, can interfere with employee productivity and be distracting to others. A reasonable standard is to limit personal communication during work time to no more than one (1-3 minutes) per day as needed. Employees are therefore asked to make any other personal communication on non-work time and to ensure that friends and family member are aware of the District's policy. Flexibility will be provided in circumstances demanding immediate attention. Accessories for personal devices such as bluetooth, ear phones and head sets are prohibited while driving, while operating equipment or machinery, or performing duties at a worksite.

The District will not be liable for the loss of personal cellular phones, media devices, or other electronic device brought into the workplace.

V. COMPENSATION

A. SALARY

Each position shall have a salary range either monthly, weekly or hourly established by the District Board.

B. PAY PERIODS

Employees shall be paid weekly or on such other basis as may be determined by the District Administrator or District Board. Pay periods normally begin on Thursday and end on the Wednesday of the following week subject to such other basis as may be determined by the District Administrator or District Board. Pay checks will normally be issued within seven (7) days after the pay period ends.

C. SALARY REQUIREMENTS

1. The District Board may adopt cost of living adjustments, which will be applicable to all employees. Unless otherwise acted upon by the District Board, any such cost of living adjustment shall become effective at the beginning of the District's fiscal year (i.e., October 1).
2. The District Board may adopt from time to time a total merit increase amount, which will be based upon the District Administrator's recommendations and budgetary constraints. Upon adoption of a total merit increase amount, the District Administrator is authorized to establish and disburse each employee's increase amount based upon meritorious service or such other admirable performance criteria established by the District. All merit increases (if awarded) shall become effective on the date established by the District Board at the time of adoption.
3. The performance and compensation of all employees will be evaluated annually by the District Administrator.

D. WORK HOURS

The work week consists of 40 hours for regular full-time employees. Normal office hours are 8:00 a.m. to 4:00 p.m. Monday through Friday. Field operations personnel hours are 7:30 a.m. to 4:00 p.m. Monday through Friday inclusive of one-half hour lunch break. Work hours for regular part-time and temporary employees are to be established on an individual basis by their supervisor. All exempt employees must utilize time cards or such other time record forms required by their supervisor to indicate hours worked.

E. OVERTIME

1. The District Administrator and Superintendent of Plant and Operations should anticipate working outside of and in excess of his/her normal working hours without compensation for overtime hours worked. The District Administrator and Superintendent of Plant and Operations

shall be on 24 hour emergency call 7 days a week, unless prior arrangements have been made to have another employee take such calls.

2. All other employees will be compensated for any time worked in excess of 40 hours per week. Only actual time worked is counted for computing overtime. Paid holidays, vacation, sick leave or leaves of absence are not considered actual time worked.
3. Compensation for each overtime hour will be equal to 1.5 times the employee's regular hourly rate, except for Sundays and District holidays, when the compensation will be equal to 2.0 times the employee's regular hourly rate. All overtime must have the prior approval of the District Administrator.
4. On-Call Pay: Hourly employees who are assigned to be on-call for emergencies and subject to being called out during their off-duty time will be entitled to per diem pay for those days that the employee is on-call. The amount of per diem pay shall be established and adjusted from time to time at the discretion of the District Administrator. Any employee called back (required to report at a work location) shall be paid for actual time worked at the rate of time and one-half (1.5) the employee's straight time rate of pay (in one-quarter (1/4) hour increments), Monday through Saturday with a minimum of two (2) hours call-back pay per day (12:00 A.M. to 11:59 P.M.). On Sunday and Holidays the call-back rate of pay will be a double time rate of normal hourly pay (in one-quarter (1/4) hour increments) with a two (2) hour minimum call-back pay per day (12:00 A.M. to 11:59 P.M.).

Employees who are on call shall be free to engage in personal pursuits while on call. In order to be eligible for on-call pay, the employee must:

- a. Be designated on-call by their supervisor.
- b. Be assigned and remain in possession of a beeper and other communication device (e.g., mobile phone or radio) provided by the District.
- c. Be able to be in contact either by telephone or in person with the District Administrator within thirty (30) minutes and be at the location designated by their supervisor within sixty (60) minutes thereafter.
- d. Not be impaired by the consumption of any alcohol or drugs.

On-call assignments will be rotated between all full-time field operations employees on a weekly basis.

Employees who are notified to be on-call will be paid in accordance with this on-call policy of the District.

An employee who is on-call may request a waiver from the on-call responsibility for specific personal activity, when the specific personal activity will cause them to be unavailable for emergency calls. It is the responsibility of the employee to contact his/her supervisor in sufficient time to allow for other on-call coverage to be arranged.

On-call hours must be approved by the District Administrator.

F. EMPLOYEE INCENTIVE PAY

The District Administrator shall have the discretion to award any District employee incentive pay, which incentive pay shall not exceed four percent (4%) of that employee's base salary for the applicable year. The District Administrator is eligible for incentive pay, with the same limitation, but such incentive pay may be awarded to the District Administrator as follows: along with the annual evaluation of the District Administrator by the Board of Supervisors, each Supervisor shall include a suggested incentive pay percentage (up to the maximum of 4%) and the District Administrator will receive an incentive award equal to the average percentage set forth in said evaluations. The District Administrator shall also have the discretion to utilize District funds, not to exceed \$500.00 in any single fiscal year, for incentive awards, employee recognition events, and similar types of incentive and recognition items that, in the District Administrator's opinion, act as an incentive to and encourage superior performance by the District's employees.

VI. BENEFITS

Benefits listed below are applicable only to Regular Full-time and Regular Part-time Employees of the District unless otherwise noted. Temporary Employees DO NOT RECEIVE ANY BENEFITS.

A. HOLIDAYS

District employees will observe the following holidays:

New Year's Day
Martin Luther King, Jr. Day
President's Day
Memorial Day
Independence Day

Labor Day
Veterans Day
Thanksgiving Day
Friday after Thanksgiving
Christmas Eve
Christmas Day
One Floating Holiday, subject to the District Administrator's approval (with reasonable notice to be given by the employee).

If any of these holidays fall on Saturday, the preceding Friday will be observed as a holiday; or if any of these holidays fall on a Sunday, the following Monday will be observed as a holiday.

B. SICK LEAVE

1. Regular part-time employees are not eligible for sick leave.
2. Effective the date of their employment, regular full-time employees will begin accruing sick leave at the rate of two (2) hours per week. Sick leave may be used after ninety (90) days of continuous employment for non-job related illness or injury, disability, visits to doctors or dentists, maternity/paternity leave, or for personal reasons such as the illness or death of a family member being a spouse, parent, child, step/foster child, brother, sister, grandparent or grandchild of either the employee or his/her spouse.
3. No more than 32 hours per calendar year of accumulated sick leave may be used for personal reasons other than those specified in Paragraph 2. Thereafter, additional leave required for personal reasons will be charged to accumulated annual leave or will be treated as leave without pay if annual hours have been fully consumed.
4. An employee may accrue no more than 260 hours of sick leave as of the conclusion of any fiscal year. To the extent that an employee has accrued sick leave in excess of 260 hours at the conclusion of any fiscal year, the employee will receive monetary compensation equal to 100% of his/her rate of pay as of the end of said fiscal year, multiplied by the number of hours in excess of 260. The disbursement would be issued to the employee within 30 days after the Board accepts the audit for the applicable fiscal year. Such disbursement shall be subject to any applicable withholding.
5. For accumulated sick leave, the District has established a long-term disability "bank" under which the District will match an equal amount up to a maximum of 520 hours (260 hours by the employee, and 260 hours by the District). The purpose of the bank is to provide

compensation to a disabled employee during the 90 day "elimination period" required before payments will be made under the long-term disability insurance policy. Employee will be eligible to receive compensation from this "bank" upon the occurrence of a "qualifying disability event", as defined in the long-term disability policy in effect for the District at the time such event occurs. To the extent that the time is utilized by an employee for normal sick leave pay, the result would be a deduction from the long-term disability "bank" from both the employee's and the District's contributed portion (e.g. 8 hours of sick leave used by an employee other than with respect to a long-term disability event results in a deduction of 16 hours [8 hours from the employee and 8 hours from the District] from the long-term disability "bank"). Each hour used with respect to a qualifying disability event shall be deducted from the "bank" on the basis of one-half hour being deducted from the employee's portion and one-half hour being deducted from the District's portion. Thus any time remaining in the "bank" will be deemed to be 50% employee's time and 50% time contributed by the District.

In the event that no long-term disability insurance is in effect for District employees, the "bank" will be dissolved. The employee's portion shall continue to be available to the employee pursuant to the provisions of this Section B, but the District portion shall be forfeited and the employee shall have no claim to such portion.

When an employee separates from the District, he/she shall be paid 100% of the employee's share of the long-term disability bank, based on his/her rate of pay at the time of separation. The District portion, however, shall be forfeited and the employee shall have no right to be reimbursed for the District portion of the long-term disability "bank."

6. All sick leave must be reported to the District Administrator prior to the normal starting time of the workday the sick leave is to commence. Proof of illness for all sick leave in excess of two (2) consecutive days is mandatory.
7. Family and Medical Leave Act (FMLA) is available under the following conditions:
 - a. Covered Condition - The FMLA covers the birth, placement or adoption of a child and any "serious health condition" of an employee or the employee's spouse, child or parent.
 - b. Qualifying Limitations - The employee must have worked for the employer for the preceding twelve months and for a least

1,250 hours in the preceding year before being entitled to FMLA leave.

- c. Basic Entitlement - Twelve weeks of unpaid leave (paid leave may be substituted); reinstatement to substantially equivalent position; continued coverage under any group health plan.
- d. Notice Requirements - Employee must give reasonable notice to the employer prior to taking FMLA leave.
- e. Medical Examination Requirement - An employer is entitled to require certification of the "serious health condition."
- f. Intermittent Leave Requirement - Intermittent leave is available to an employee to be counted against the twelve-week entitlement.
- g. Concurrent Leave - FMLA leave may run concurrent with other leave benefit provided by the District.

C. ANNUAL LEAVE

1. Effective the date of their employment, employees will begin earning annual leave. Annual leave may be used after one hundred eighty (180) days of continuous employment and only with prior approval of the District Administrator. All regular full-time employees will accrue annual leave as follows:

<u>Length of Employment</u>	<u>Hours Earned</u>
1st thru 4th year	1.538 per week
5th thru 9th year	2.308 per week
10 years and over	3.077 per week

2. Regular part-time employees working more than 30 hours per week earn annual leave at an accrual rate proportionate to the hours worked versus a full-time 40 hours.
3. Earned annual leave should be used on a current yearly basis to allow for the employee's proper rest and relaxation without adversely impacting District operations.
4. An employee may accumulate and retain up to 320 hours of annual leave. Annual leave hours accumulated in excess of 320 hours will be lost by the employee if not used by September 30 of the year the excess hours were accumulated.

5. When an employee separates from the District, he/she will be paid for unused annual leave not to exceed 320 hours at the same hourly rate being earned at the date of separation. New employees separating from the District prior to completing 180 days of continuous employment shall forfeit all accrued annual leave.

D. COMPENSATORY TIME

An employee otherwise entitled to overtime pay as specified in subsection V.E. may request compensatory time in lieu of overtime pay for hours worked over and above the regular 40 hour work week. In such cases compensatory time may be granted at 1.5 times the actual overtime hours worked (2.0 times for work on Sundays or District observed holidays) i.e., four (4) hours regular overtime equals six (6) hours compensatory time. Compensatory time must be used in the same or following pay period it was earned.

Compensatory time must be approved prior to extra time being worked. Approval for compensatory time is at the discretion of the District Administrator.

E. RETIREMENT BENEFITS

Regular full-time and regular part-time employees of the District will be enrolled in the Florida Retirement System.

F. HEALTH BENEFITS

Regular full-time and regular part-time employees will receive group health insurance benefits after ninety (90) days of continuous employment and as determined applicable by the District Board at the time of employment. The District Board reserves the right to substitute a health insurance allowance for group health insurance benefits at its discretion.

G. JURY DUTY AND SUBPOENAS

Employees summoned for jury duty or subpoenaed by the courts will be paid at their regular rate of pay with the proviso that all fees and per diem paid them for such summonses exclusive of reimbursements for expenses incurred will be returned to the District.

Employees are required to inform the District Administrator immediately upon receipt of summons.

H. TERMINAL ILLNESS BENEFIT

An employee who is unable to work because of a terminal illness, as diagnosed by a licensed physician, shall be continued to be paid his/her

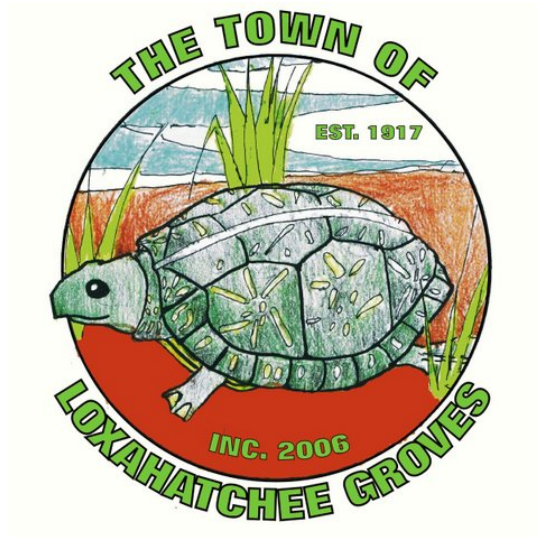
regular compensation and benefits for a period of the lesser of: (i) ninety (90) days from the date that said employee has exhausted all annual and sick leave (except that the District's portion of the long-term disability "bank" may not be utilized for this purpose) or (ii) the date of death of said employee.

I. LONG-TERM DISABILITY INSURANCE BENEFIT

1. Regular part-time employees are not eligible for the long-term disability insurance benefit.
2. Regular full-time employees of the District will receive a group long-term disability insurance benefit after ninety (90) days of continuous employment, with said benefit having a ninety (90) day "elimination period" between the qualifying "disability event" (as defined in the then current long-term disability policy) and the time benefits are received. The District Board reserves the right to discontinue this benefit at any time.

Adopted: January 11, 1999

**Revised: April 2000
November 2001
October 2003
May 2005
August 2014
October 2014**



TOWN OF LOXAHATCHEE GROVES

HUMAN RESOURCES POLICY MANUAL

2020 HRPM

Revised and presented for review/adoption for
Town Council Workshop & Special Meeting
Scheduled December 17, 2019

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SECTION 1 - GENERAL PROVISIONS

1.1 PURPOSE

The purpose of this Human Resources Policy Manual (HRPM) is to communicate the Town's personnel policies which shall serve as a guide to administrative actions covering most human resources issues which shall arise. These procedures are intended to indicate the customary methods of carrying out the aims of the Town's policies as set forth herein by this manual. Any actions not specifically covered shall be interpreted by the Town Manager with such interpretations to be in keeping with the intent and purposes of this HR Policy Manual, all within the Town Manager's sole discretion.

The Human Resources Policy Manual is not an employment contract and should not be considered as such; the Manual is a summary and a guideline regarding certain Town benefits, policies and procedures, which are subject to change as the Town deems appropriate with or without notice. This Human Resources Policy Manual supersedes all previously issued policies, procedures, Human Resources Policy Manuals and verbal or written policy statements.

All Town employees are at-will employees. Accordingly, either the employee or the Town may terminate the relationship at will, with or without cause or notice, at any time, for any reason or no reason.

The responsibility for modification and/or interpretation of this Manual is delegated to the Town Manager in accordance with the provisions of the Town Charter and Town Ordinances. Material modifications shall require the approval of the Town Council.

1.2 CODE OF ETHICS OF TOWN EMPLOYEES

It is the policy of the Town that no officer or employee will have any interest, financial or otherwise, direct or indirect; or engages in any business transaction or professional activity; or incurs any obligation of any nature which conflicts with the proper discharge of his or her duties in the public interest. All Town employees are bound to observe, in their official acts, the highest standards of ethics consistent with Chapter 112 of the Florida Statutes and the advisory opinions rendered by the Florida Commission on Ethics regardless of personal considerations, recognizing that promoting the public interest and maintaining the respect of the people in their government must be of foremost concern. All applicable provisions of Palm Beach County ordinances regulating behaviors under jurisdiction of the Commission of Ethics (COE) and Office of the Inspector General (OIG) shall apply.

1.3 POSITIONS COVERED

This "HR Policy Manual" covers all the Town positions that are paid employees, independent contractors working under direction of the Town, and contract firm employees of the Town.

1.4 ADMINISTRATION

The Town Manager shall be responsible for the overall administration of the Rules and Regulations as set forth herein by this Human Resources Policy Manual and may make minor exceptions when in the best interests of the Town. Department Directors shall be responsible for overall administration of these Human Resources Rules and Regulations within their respective departments. Routine matters pertaining to enforcement may be delegated.

1.5 DEPARTMENTAL POLICIES

Departmental policies and procedures shall serve as supplements to this Human Resources Policy Manual and all written policies and procedures shall be kept on file in the Town Clerk's Office. In the event of conflict, the Town Rules and Regulations contained herein shall take precedence.

SECTION 2 – EMPLOYMENT POLICIES

2.1 APPOINTMENT AND REMOVAL

The Town Manager has the authority to appoint, transfer, discipline, demote, and remove all Town employees. No representations or assurances regarding terms of employment made by any person other than the Town Manager are enforceable. Any representation or assurance made by the Town Manager regarding employment, starting date, salary or termination will be subject to these policies. All employees are required to sign a receipt acknowledging that he/she has received a copy of this policy manual and agreeing to abide by the terms and conditions of employment. The signed receipt shall be placed in the employee's personnel file.

2.2 POSITION CONTROL

All positions in the Town are funded through budget appropriations each fiscal year, except as may be otherwise noted below. The Town Manager shall define to present anticipated town workforce needs and positions each year for inclusion in the budget approval and adoption process.

2.3 TYPES OF APPOINTMENTS

1. Probationary – All employees must successfully complete a probationary period of ninety (90) from their date of hire. The Town Manager, in his or her sole discretion, may extend any probationary period for an additional ninety (90) days. Employees may be terminated from employment with the Town during their probationary period at any time, for any reason, or no reason. At the end of the initial probationary period, a determination will be made by the Town Manager concerning regular full-time or part-time status or dismissal. For unemployment compensation purposes, delivery of this policy manual shall serve as notice that the Town is not liable for unemployment benefits upon termination for failure to meet performance standards within the first ninety (90) days of employment.
2. Regular Full Time - Employees are scheduled to work between a minimum of 35 hours per week to a regular forty (40) or more hours per work week normally.
3. Student or Intern - Appointments which have the purpose of affording students of public administration and other professional areas an opportunity to gain actual work experience. Such appointments are for a definite period and require the approval of the Town Manager.
4. Emergency - In order to provide a continuum of public business, or prevent loss or serious inconvenience to the public, appointment of employees on a temporary basis may be authorized by the Town Manager up to one hundred eighty (180) days, unless the time period is extended by the Town Manager for unique circumstances.
5. Part-time - Employees who work fewer than thirty (30) hours per week on a continuous basis throughout the year. Except as otherwise stated, employees working

less than 30 hours per week are not eligible for benefits except participation in the State Retirement System and employees working 30 hours or more per week shall receive pro-rata benefits in proportion to the hours worked.

6. Temporary – (Seasonal, Supplemental) Positions, whether part-time, full-time, hourly, or contractual are anticipated to be of comparatively short or limited duration up to 180 days per calendar year unless extended by the Town Manager, for special projects, grants, or programs.

7. Trainee - Employees who do not meet the minimum qualifications of the position, and who work full or part-time on a continuous basis. The length of training is at the discretion of the Department Director, submitted in writing and approved by the Town Manager.

8. Safety Sensitive Position – A position in which a drug impairment constitutes an immediate and direct threat to public health or safety, such as a position that requires the employee to carry a firearm, perform life-threatening procedures, work with confidential information or documents pertaining to criminal investigations, or work with controlled substances; a position subject to §110.1127; or a position in which a momentary lapse in attention could result in injury or death to another person.

9. Special Risk Position - A position that is required to be filled by a person who is certified under chapter 633 or chapter 943, Florida Statutes

2.4 TRANSFERS

An employee may be transferred from a classification to a different classification in the same pay grade with the same or similar job duties in the same department or another department at the discretion of the Town Manager. Employees that are transferred undergo a new probationary period, as defined herein, for the new position unless the probationary period for the transfer is waived by the Town Manager in his or her sole discretion.

2.5 DEMOTIONS

An involuntary or voluntary demotion is the assignment of an employee from one classification to another classification in a lower pay grade. An employee may be demoted at the discretion of the Town Manager.

2.6 RE-HIRES

All rehired employees are considered new employees, including without limitation, for purposes of any and all required background checks, screenings, and testing, and for all benefit purposes such as insurance, leave time, salary increases, if any, and other benefits. Exceptions to this policy can be made at the discretion of the Town Manager and in the best interests of the Town; provided however, that no exception can be made to background checks or similar requirements.

2.7 HOURS OF WORK

The Town Manager, in consultation with Department Directors, shall establish the hours of work, which as far as possible shall be uniform within occupational groups, shall be determined in accordance with the needs of the Town, and shall consider the needs of the public served by the Department. Employees' scheduled hours may include lunch and other break periods and are scheduled at the discretion of the Department Director within the guidelines as established by the Town Manager.

At the Town Manager, or his / her designee's discretion, Town employees may be allowed to utilize flexible scheduled work hours. This benefit is intended to maximize employee productivity and permits town flexibility for staffing extended hours and meeting requirements as may be scheduled. Attendance and reporting to work on assigned times are essential elements of the Town's operations.

2.8 OVERTIME, COMPENSATORY, AND DISCRETIONARY TIME

1. Overtime and On-Call Pay

Overtime

Overtime shall be authorized or directed for overtime eligible employees only when it is in the best interest of the Town. All overtime shall be authorized by the Town Manager or his or her designee.

Employees who are overtime eligible classifications shall be paid overtime at the rate of one and one-half of their regular rate of pay for all time worked in excess of forty (40) hours actually worked in that work week. Department Directors may grant an employee's request to change their shift schedule. A change in schedule will not result in overtime, unless it is provided for under the Fair Labor Standards Act (FLSA).

On-Call Pay

Hourly employees who are assigned to be on-call for emergencies and subject to being called out during their off-duty time will be entitled to per diem pay for those days that the employee is on-call. The amount of per diem pay shall be established and adjusted from time to time at the discretion of the Town Manager.

Employees who are on call shall be free to engage in personal pursuits while on call. In order to be eligible for on-call pay, the employee must:

- a. Be designated on-call by their supervisor.
- b. Be assigned and remain in possession of a beeper and other communication device (e.g., mobile phone or radio) provided by the Town.
- c. Be able to be in contact either by telephone or in person with the Town Manager within thirty (30) minutes and be at the location designated by their supervisor within sixty (60) minutes thereafter.
- d. Not be impaired by the consumption of any alcohol or drugs.

On-call assignments will be rotated between all full-time or field operations employees that are qualified for the assignment on a weekly basis. Employees who are notified to be on-call will be paid in accordance with this on-call policy of the Town.

An employee who is on-call may request a waiver from the on-call responsibility for specific personal activity, when the specific personal activity will cause them to be unavailable for emergency calls. It is the responsibility of the employee to contact his/her supervisor in sufficient time to allow for another on-call coverage to be arranged.

On-call hours, and or significant overtime assignments must be approved by the Town Manager.

2. Compensatory & Discretionary Time

Compensatory time off may be granted by the Town in lieu of overtime cash payments as agreed

to by the employee upon receipt of this HR Policy Manual and continuing employment thereafter. Compensatory time off will be computed in the same manner as financial compensation would otherwise have been computed, at the rate of time and a half for each overtime hour worked. Such accumulation of compensatory time cannot exceed more than forty (40) hours. A record of earned compensatory time shall be maintained by the Town Clerk. Upon separation, the employee will be paid for any unused compensatory time up to the maximum forty (40) hours.

If compensatory time is to be taken, the employee must request such time off at least five (5) work days in advance, unless a more restrictive policy is imposed by the Town Manager. A department supervisor may grant an employee's request for compensatory time off with less notice at his/her discretion and with the approval of the Town Manager. The Town will honor such request unless to do so would be unduly disruptive to the Town's operations. Compensatory time off shall be taken under this article as provided by the Fair Labor Standards Act if such continues to be applicable to local government employees.

Exempt employees do not receive overtime pay or compensatory time for any hours worked in excess of forty (40) hours because they are compensated on a salary basis which is designed to compensate them for all hours worked, including working more than 40 hours in any given workweek. However, the Town Manager may grant discretionary time off. No payment will be made for any unused discretionary time at the time of separation.

3. Declared Emergency

The purpose of this policy is to establish Emergency Pay guidelines for Town employees.

The Town Manager will have the authority to declare a state of emergency for the Town and the Emergency Management Director (EMD) will determine who will work during periods of declared emergency. The Town Manager or his or her designee will act as the EMD.

Employees are required to report and/or remain at work when directed by the EMD (or designee) during a declared state of emergency.

A. Authority

The Town Manager shall have the authority to declare a state of emergency for the Town. Paid time off (PTO) may be cancelled at the EMD's (or designee's) sole discretion. If the employee is already on vacation or using PTO when the emergency is declared, the employee must make every effort to check in with his or her supervisor for further instructions and may be required to report back to work. The EMD must approve all regular and overtime hours once the state of emergency has been declared. The EMD will determine actual lockdown hours for purposes of this policy.

B. FEMA Requirements

For purposes of reporting and or possible restitution by the Federal Emergency Management Agency (FEMA), all hours compensated during a declared emergency will be tracked both electronically and on designated timesheets as directed by the Emergency Management Director or designee. Other requirements apply, as determined by the EMD.

C. Requirements

1. All Employees must fulfill their PTO usage requirements prior to August 1st of each year due to potential emergency activation.

2. Based on the type of activation, the Town may need staff before, during, and after the actual emergency event. Typically, those who are required to report during the actual event are notified prior to its start. All employees must report back to work as instructed by their supervisors and/or via the designated system. If an employee does not report as expected, the employee may be subject to disciplinary action, up to and including termination of employment.

D. Emergency Pay for Non-Exempt Staff

1. Non-exempt employees who are required to work during a declared emergency and are scheduled to be in "lock-down" at the direction of the EMD shall be compensated with regular pay for their regularly scheduled hours. In addition, for the time worked during lock-down within the declared emergency time frame, non-exempt employees shall receive time and one-half their regular rate of pay for actual time worked. There will be no duplication or pyramiding of overtime or premium pay for the same hours worked, including, but not limited to call back and standby pay.

Non-exempt full-time employees who are regularly scheduled to work but are not required to work during the declared emergency, may be released from duty and will be paid regular pay for the declared emergency time frame.

2. If an employee has a normal scheduled day off during the emergency declared time frame, he/she will not be paid for those hours. Employees with previously scheduled and approved PTO who are not required to work will be paid according to the applicable leave time policy. Emergency hours paid for time not worked will not count toward overtime calculations.

3. Non-exempt part time employees who are scheduled to work but are not required to work during the declared emergency may be released from duty and will be paid regular pay for the declared emergency time frame, based on their standard schedule.

4. Seasonal and temporary part time employees and interns will only be paid for hours worked during a declared emergency.

E. Emergency Pay for Exempt Staff

1. Exempt employees who are required to work during the declared emergency and scheduled to be in "lock-down" shall, in addition to receiving the same compensation as other exempt employees who are not required to work during the declared emergency, be compensated one (1) hour of straight time for each hour of time worked within the same pay week. "Straight time" for exempt employees is defined as the annual salary divided by 2080, even though such salary is designed to cover all hours worked, including hours worked over 40.

2. Exempt employees will also receive compensation of one and half hours of pay for each hour of time worked within the same pay week when they perform duties that are directly related to emergency preparation and recovery efforts outside the Emergency Operations Period and outside their normally-scheduled work shift (which includes all hours over 40 worked within the same pay week). The Town Manager or designee will determine the emergency preparation and post-emergency recovery periods for purposes of this policy.

3. Exempt employees who are scheduled to work but are not required to work during the declared emergency may be released from duty and shall be paid regular pay for the declared emergency time frame for the remainder of the work week in which the

emergency was declared. Thereafter, exempt employees may be paid up to a maximum of 40 hours during the following work week, if the emergency continues.

- a. Exempt employees who have a normal scheduled day off during the emergency declared time frame, will not be paid additional hours for their normal day off. Employees with previously scheduled and approved PTO who are not required to work shall be paid according to the applicable leave time policy.

4. Exempt employees who participate in emergency related activities remotely will not be additionally compensated.

F. Holidays

If the declared emergency occurs on a Town-observed holiday and the employee is required to work, the employee will receive emergency pay as indicated in section C. or D. as applicable; and in lieu of the holiday, the employee shall receive 1 PTO day per Town-observed holiday worked.

G. Payroll Adjustments

During a state of emergency, the Town may process payroll based on estimated scheduled hours. Any adjustments in pay, if required, may be made in a subsequent pay period. Full time employees may be paid for their regularly scheduled hours based on their standard workweek. Regular part time employees may be paid based on their standard schedule. Seasonal and temporary part time employees and interns will only be paid for the hours worked.

2.9 ATTENDANCE

All employees are expected to report for duty at the scheduled time and each Department Director shall be responsible for the punctual attendance of all persons in the department. If an employee is unable to work for any reason, he/she must notify the department as indicated by departmental policy. Insufficient notice shall constitute leave without pay for non-exempt employees or deduction from an employee's leave bank for exempt employees and, in either case, is cause for disciplinary action.

Excessive absenteeism or lateness is sufficient cause for disciplinary action, up to and including dismissal from employment. Other continuing patterns of absences, early departures, tardiness, regardless of the exact number of days, may warrant disciplinary action.

2.10 EMPLOYEE TRAINING

Within its discretion and as it sees fit, the Town may establish and develop various educational and training programs for Town employees. Generally, the purpose of any such program is to provide general, educational job-related training, mandatory certification training to increase the operational efficiency of such employees, or to assist employees in preparing themselves for positions of increasing difficulty and responsibility. Attendance at any training program, does not guarantee advancement.

Generally, when the Town requires or permits a non-exempt employee to attend training during the employee's regular work hours, the time is compensable time. Therefore, non-exempt employee training time is typically paid unless all four of the following criteria are met: (a) attendance is outside of the employee's regular working hours; (b) attendance is in fact voluntary; (c) the course, lecture, or meeting is not directly related to the employee's job; and (d)

the employee does not perform any productive work during such attendance. Records of satisfactory training completion shall be placed in the employee's personnel file.

2.11 EMPLOYEE PERFORMANCE APPRAISAL

Appraisal of performance is a continuous process. Each employee's supervisor frequently reviews performance in an informal way. As part of the continual review process, when an employee's performance or conduct warrant positive or negative feedback, supervisors will do so and report such instances to their Department Director and the Town Manager for any additional necessary action. The Town Manager, in his or her sole discretion, can require a formal employee appraisal/evaluation at any time and for any reason.

In the event a performance appraisal/evaluation is performed, a satisfactory or higher performance review does not mean that there will be an automatic increase in pay. Salary increases are at the discretion of the Town, and if paid, will be based on merit, market and economic conditions, and the annual budget.

SECTION 3 – POSITION CLASSIFICATION AND COMPENSATION POLICY

3.1 PURPOSE

The Position Classification and Compensation Policy provides the mission statement of the Town as it relates to compensation for the employees. The Town will strive to have a market driven compensation evaluation system that is subject to the Town's budgetary process and Council approval. The policy is designed to support the following objectives:

1. Correlates pay to the duties and responsibilities of the position.
2. Provides competitive pay in a relative labor market.
3. Attracts and retain competent personnel.
4. Is consistent with the economic conditions of the area.
5. Standardizes pay for the various classifications of work.
6. Establishes lines of promotion and career objectives.
7. Meets financial, budgetary, and economic realities of the Town.

3.2 ADOPTION AND AMENDMENT

After study, analysis, and consultation, the Town Manager shall annually review the Position Classification and Compensation Policy objectives and review the various classifications of work. The Town Manager will evaluate the responsibilities of work, availability of labor, prevailing rates of pay, the Town's financial condition and policies, or other pertinent economic considerations that warrant consideration as determined in the sole discretion of the Town. The compensation determinations will be submitted annually to the Town Council for approval during the budgetary process.

3.3 APPOINTMENT AND STARTING RATES

The pay established for a position for new or re-hired employees will be set by the Town Manager with approval from the Council.

3.4 SALARY INCREASES

Salary increases are not intended to be automatic. Salary increases are based upon many factors, including job performance, market and economic conditions, and the annual budget.

Employees shall become eligible for consideration for a salary increase to their base rate of pay annually during the budget evaluation process in the sole discretion of the Town Manager.

Approved salary increases shall be effective at the beginning of the next pay period following the merit increase effective date. The Town Manager, with Council approval, may implement a merit salary increase at less than one-year intervals, to reward extraordinary performance.

3.5 PROMOTION

An employee can be promoted in accordance with the approval of the Town Manager. Upon promotion, the employee shall receive an increase to the minimum of the pay-grade into which she/he is being promoted. An increase greater than provided above may be approved in writing by the Town Manager, not to exceed the maximum of the pay-grade.

3.6 RECLASSIFICATION

Within the limits of the budget approved by the Town Council, the Town Manager may reclassify a position to an appropriate classification and pay grade when it determined that the duties and responsibilities of a position have materially changed or as part of a reorganization. When an employee's position is reclassified, the employee shall be placed in the new classification, unless the employee does not meet the minimum qualifications of the new classification. When the employee is placed in a classification in a higher pay grade as a result of a reclassification, the employee will remain at the current rate of pay or, if the employee's current rate of pay is below the minimum for the pay grade, will be adjusted to the minimum of the new pay grade. If an employee's current rate of pay is above the maximum of the new pay grade, the Town Manager may authorize an employee to remain at their current rate of pay. In certain circumstances, an employee who is reclassified may receive a pay rate higher than the minimum of the pay grade or a five percent increase, if it is approved in writing by the Town Manager. Reclassification to a lower pay grade shall result in reduction of pay to the maximum of the new pay grade or a five percent decrease in the rate of pay, whichever is less.

3.7 DEMOTION

The effect of demotion on pay shall be a reduction of pay to the new pay grade or at least a five percent decrease in the rate of pay, whichever reduction is greater.

3.8 TRANSFERS

Transfers from a classification in a pay grade to another classification in the same pay grade will not result in a change in the rate of pay or classification date.

3.9 ACTING APPOINTMENTS AND TEMPORARY ASSIGNMENTS

An employee assigned or appointed to work in a higher classification for more than thirty (30) consecutive calendar days or such shorter period as determined by the Town Manager, will receive at least the minimum rate of pay for the higher classification. The assignment shall be effective on the 31st day or at such earlier date as the Town Manager designates. If the employee's present salary is above the minimum for the higher-level position, the employee shall receive at least a five (5%) percent temporary pay increase.

SECTION 4- HOLIDAYS

4.1 PURPOSE AND INTENT

It is the Policy of the Town Council to recognize, encourage and support multicultural diversity in our workforce, recognize the pluralism of American culture and allow employees to choose the day they would refrain from working based upon their individual background and beliefs.

Therefore, employees will celebrate thirteen (13) holidays per calendar year, eleven (11) of which are shown on the schedule below, and two (2) of which are personal days intended to be used for any purpose including a *Diversity Day* if an employee wishes to observe a holiday based upon their individual background and beliefs. Both days are personal holidays that must be taken as a full day with pay that cannot be carried into the following calendar year, compensated as holiday pay, or paid out upon separation.

The following eleven (11) holidays are observed by all employees:

1.	New Year's Day:	January 1
2.	Martin Luther King, Jr. Day:	Third Monday in January
3.	Presidents Day	Third Monday in February
4.	Memorial Day	May 25
5.	Independence Day	July 4
6.	Labor Day	September 7
7.	Veteran's Day	November 11
8.	Thanksgiving Day	Fourth Thursday in November
9.	Day after Thanksgiving	Fourth Friday in November
10.	Christmas Eve	December 24
11.	Christmas Day	December 25
12.	Diversity Holiday	Open Date*
13.	Diversity Holiday	Open Date*

When an eligible holiday falls on a Saturday, the preceding Friday (Public Works) or Thursday (Administration) shall be designated a substitute holiday and observed as the official holiday for that year. When a holiday falls on a Sunday, the following Monday shall be designated a substitute holiday and observed as the official holiday.

4.2 ELIGIBILITY FOR HOLIDAY PAY

All employees shall receive one (1) day off with pay for each of the eligible holidays earned. A holiday is earned when an employee is on active pay status or approved paid leave on the regularly scheduled working day immediately prior to a holiday and the regularly scheduled working day immediately following a holiday. Part-time employees who work 20 hours or more each workweek shall be paid for holidays on a pro-rata basis.

4.3 HOLIDAY ON SCHEDULED WORK DAY

Overtime eligible employees who are regularly scheduled to work on the observed holiday in order to maintain essential services to the public shall be paid time and a half for all hours worked on the holiday in addition to the regular pay granted for the holiday, or shall be given compensatory time off, at the discretion of the Town Manager or his or her designee.

4.4 HOLIDAY ON LEAVE DAY

Where employees are scheduled to work shifts and a holiday falls on their normal day off, they will be paid eight hours of holiday pay in lieu of taking time off. When a holiday falls on any employee's regularly scheduled workday during the employee's leave period, that day shall not be charged as a leave day but will be treated as though the employee was on paid holiday. When a holiday falls within a period of leave of absence without pay, the employee shall not be paid for the holiday.

SECTION 5 – PAID TIME OFF (PTO)

5.1 PURPOSE

Paid Time Off is defined as the entitlement to pay for time away from work based on the eligibility and accrual schedule herein. PTO may be used, for example, for vacation, personal time, appointments, illness, or to care for dependents. As with vacation or sick leave, PTO must be

scheduled in advance and approved by your supervisor in accordance with Town policy. Employees are expected to manage their PTO balance to ensure it is available to them for sudden illness or other unexpected matters.

5.2 ELIGIBILITY AND RATE OF ACCRUAL

Part-Time employees are not eligible for PTO. Each regular full-time employee shall earn PTO with pay computed from the date of hire on the following basis:

Years of Continuous Service With Town	Hours Accrued Per Fiscal Year
0 – 5	144
6 - 10	176
Over 10	216

PTO is banked in full on the first day of the Town's fiscal year. New employees will be provided a pro rata amount of PTO, calculated from the employee's first date of employment through the end of that fiscal year.

5.3 CHARGING LEAVE

PTO shall be charged in one (1) hour minimum increments. Holidays which occur during the period selected by the employee for PTO shall not be charged against PTO.

For purposes of determining overtime payments, authorized PTO hours shall not be counted as time worked. The Town will comply with all Fair Labor Standards Act, regulations for PTO. It should be noted that as a local government, the Town may reduce an exempt employee's pay for absences for personal reasons or because of illness or injury for less than one work day when accrued leave is not used by the employee because: (1) permission for its use has not been sought or has been sought and denied; (2) accrued leave had been exhausted; or (3) the employee chooses to use leave without pay.

5.4 REQUEST FOR LEAVE

Request to use PTO shall be made in advance, in accordance with department rules, and in writing, whenever possible, and must be approved by the Department Director. The Town may require doctor's certificate after any unscheduled absence of more than two days. Any PTO in excess of five (5) consecutive days must be approved by the Town Manager.

5.5 USE

After completing the first six (6) months of service, new employees are eligible to use PTO. The Town Manager is his or her sole discretion, may grant exceptions to this policy for extenuating circumstances of the employee.

Employees may carry over up to forty (40) hours of PTO from one fiscal year to the next. Any unused PTO in excess of forty (40) hours in an employee's PTO bank at the end of the fiscal year will be forfeited.

5.6 PAYMENT FOR UNUSED PTO

Employees separating from Town employment with at least five (5) years of continuous service with the Town shall receive any PTO credit accrued and unused as of the date of separation at their current rate of pay up to a maximum of 80 hours. PTO hours in excess of 80 at the time of

separation, whether voluntary or involuntary, are forfeited. Employees who are terminated from employment by the Town for disciplinary, performance, conduct, or other reasons, shall forfeit and not be eligible for payment of accrued and unused PTO hours.

5.7 MANAGEMENT LEAVE

Management level employees may be entitled to forty (40) hours of management leave per fiscal year. Said management leave must be approved in writing in advance of the leave by the Town Manager. Approval will be in the sole discretion of the Town Manager. Management leave is granted in recognition of extraordinary time worked and is intended to provide time off for recuperation. Accrual of management leave shall be in addition to earned PTO benefits and is not intended to be balanced hour for hour with extra time worked. Management leave does not carry over from one fiscal year to another. Any unused management leave during any fiscal year is forfeited by the employee. Additionally, upon separation from employment with the Town, the Town will not buy back any unused management leave hours.

Management level employees are the: Town Manager, Assistant Town Manager, Town Clerk and Public Works Director.

SECTION 6 – SERIOUS ILLNESS LEAVE BANK

6.1 PURPOSE

The Town does not have Family Medical Leave because the Town does not employ the required number of employees to qualify under the statute. However, the Town is providing major illness leave to employees under certain circumstances. This policy applies to full-time employees that have been employed with the Town for at least two (2) continuous years.

6.2 BANK AND ELIGIBILITY FOR USE

For serious illness or major disability, each full-time employee will be provided a bank of leave up to sixty (60) calendar days of paid leave in a fifty-two (52) week period. The applicable fifty-two (52) week period shall be measured forward from the date an employee's leave first begins.

For purposes of this policy, the following circumstances will be deemed to justify a leave for serious illness or major disability:

A serious health condition of the employee that prevents the employee from performing the essential functions of his or her job. A serious health condition is a serious illness or major disability of the employee that prevents the employee from performing the essential functions of his or her job. The policy requires certification of a serious illness/major disability by the employee's physician. Moreover, the sixty (60) calendar days provided herein coincides with the 60 day wait period needed to qualify for Short Term Disability benefits.

Employees granted leave under this policy are first required to use any and all PTO prior to using any Serious Illness Leave time.

The leave described in this policy shall not accumulate nor be carried forward from year to year, shall not be paid out when the employee leaves the Town's employment, and shall not be used to extend years of creditable state service for retirement benefit purposes.

6.3 CHARGING LEAVE

Serious Illness leave shall be charged in one (1) day minimum increments. Should holidays occur during Serious Illness leave, the holidays shall not be chargeable to the leave.

6.4 REQUEST FOR LEAVE

An employee who expects to require a leave provided by this policy shall notify in writing his or her Department Director and the Town Manager of the anticipated need for such leave at least thirty calendar days in advance of the requested leave or as soon as practicable after the need for such leave is foreseeable.

The award of leave provided by this policy is granted with the approval of the Town Manager. The Town Manager may approve or deny leave under this policy in his or her sole discretion. The decision shall be communicated in writing to the employee.

6.5 NOTICE OF RETURN FROM LEAVE

The employee shall notify his or her Department Director and the Town Manager in writing if he/she will not be returning from leave as planned. Failure to report back to work at the end of the scheduled leave may be considered a voluntary resignation by the employee.

6.6 MEDICAL VERIFICATION

In the case of leave for serious illness, the Town will request and require medical verification of the employee's illness or disability, including a physician's statement about the probable length of absence from normal duties. Any information provided to the Town to establish the illness or disability will be treated as confidential medical information and maintained as such by the Town.

SECTION 7 - OTHER LEAVES OF ABSENCE

7.1 BEREAVEMENT LEAVE

Regular full-time employees may be granted, upon signed request, and on approval of the Department Director, up to five (5) working days off with pay in the event of a death in their immediate family. If additional days off are necessary, sick leave may be requested in the sole discretion of the Town Manager. For purposes of this section, the employee's immediate family shall include the following for either the employee or their spouse/domestic partner: parent, sister, brother, spouse/domestic partner, children, nieces, nephews, step-parent, step-children, step-brother, step-sister, half-brother, half-sister, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, aunts, uncles, grandchildren, and grandparents.

The employee shall be required to provide the Department Director with proof of death of the immediate family member before compensation is approved.

If additional days off are necessary, or if the employee wishes to attend the funeral of someone outside his/her immediate family, PTO may be requested.

7.2 CONFERENCE LEAVE

When deemed in the best interest of the Town, an employee may be granted leave with pay to attend professional and technical institutes, conferences, or other such meetings which may

contribute to the effectiveness of the employee's representation of and service to the Town. All such leave and travel expenses shall be recommended by the Department Director, subject to the approval of the Town Manager.

7.3 MILITARY LEAVE

The Town will comply with the requirements of and grant leave in accordance with the Uniform Services Employment and Reemployment Rights Act (USERRA), Chapter 115 of the Florida Statutes, as amended from time to time, and Florida Statute § 250.48, as amended from time to time.

1. Training

All commissioned reserve officers or reserve enlisted personnel in the United States military or naval service or members of the National Guard shall receive a leave of absence without loss of vacation leave, pay, time or efficiency rating, on all days during which they are engaged in training ordered under the provisions of the United States military or naval training regulations when assigned to active or inactive duty. In any one annual period, leaves of absence shall not exceed 240 working hours provided that leaves of absence for additional or longer periods of time for assignment to duty functions of a military character shall be granted without pay and without loss of time or efficiency rating.

2. Active Duty Assignments

All officers or enlisted personnel in the National Guard or a reserve component of the Armed Forces of the United States who are granted leave to perform active military service will receive their full pay for the first 30 days of any such leave.

All members of the Florida National Guard who are granted leave to engage in active State duty for a named event, declared disaster, or operation pursuant to Florida Statute §§ 250.28 or 252.36, shall receive their full pay for the first 30 days. The leave of absence with full pay shall not exceed 30 days for each emergency or disaster. Additionally, under Florida law, National Guard Members called to active State duty may not be terminated from employment for a period of one (1) year after the date the employee returns to work, except for cause.

Employees and their dependents will continue to be eligible to participate in the Town's health and dental insurance in accordance with the requirements of USERRA.

3. Notice of Leave

Employees seeking to invoke military leave shall provide advance notice to the Town unless such notice is precluded by military necessity or otherwise impossible or unreasonable as interpreted under applicable law.

4. Documentation of Leave

Employees on military leave for periods of more than 30 days shall provide the Town with such documentation that can be used to establish the employee's basic eligibility for protection under USERRA. If the employee is unable to provide satisfactory documentation of military service in excess of 30 days, the Town reserves the right to contact the military unit with assistance from the employee to obtain such documentation.

5. Reinstatement after Leave

Employees on military leave will be reinstated with the Town in accordance with applicable State law and USERRA. Employees who take a military leave of absence are entitled to any seniority-based rights and benefits that they would have attained had the employee remained continuously employed. The period of military leave is not considered a break in employment unless the employee indicates that he or she will not return from military leave.

Upon the return of any employee from military leave, as described above, the temporary services of any employee filling his or her position shall be terminated or any such temporary employee moved elsewhere in the Town's service, at the Town's sole discretion. If an employee called to active duty is a probationary employee, the remaining number of days left on the probationary status will be added following the employee's return to work.

6. Failure to Return after Military Leave

Should the employee not return to employment with the Town following said military leave, any vacation or sick leave accrued while on military leave will be subtracted before any allowable payment of any benefits is made in accordance with other provisions of these policies regarding payment of leave balances upon separation from employment.

7.4 LEAVE WITHOUT PAY

Regular full-time employees may request a leave of absence for reasons of illness, injury, disability, family care, or valid personal reasons, not to exceed 12 months. All requests for leave must be made in writing and approved by the Department Director and the Town Manager. Employees must have exhausted all accrued paid leave before use of leave without pay.

A leave without pay (leave of absence) is an excused unpaid absence from work for an approved reason. The decision to grant a leave without pay is a matter of administrative discretion. Except as specifically provided herein, it shall be the responsibility of each Department Director to weigh each case on its own merits and make appropriate recommendations to the Town Manager for final approval. Any appointment made to a position vacated by an employee on leave without pay shall be conditional upon the return of the employee from leave.

The following provisions apply to leave without pay status:

1. An employee granted a leave of absence must keep the department informed every 30 days of his/her current status. In addition, the employee must always keep the department advised of his/her current address. Failure to comply with these requirements shall result in the employee being dropped from leave of absence status, in which case he/she must return to duty or be discharged.
2. An employee on a leave of absence may not hold other employment. A violation of this requirement may result in disciplinary action, up to and including dismissal from employment.
3. Any employee granted a leave of absence shall contact the Department Director at least two (2) weeks prior to the expiration of the leave in order to facilitate the reinstatement process.
4. Failure to return to work at the expiration of the leave shall be considered as a

voluntary resignation.

5. No PTO shall be earned by an employee for the time that the employee is on leave without pay. Previously accrued leave will not be forfeited as a result of the leave without pay.

Benefits During Leave Period - Insurance coverage under the Town's group benefit plans will be available to an employee during a leave period on the following basis:

1. During the leave of absence without pay for more than one month the employee and dependents may remain enrolled in the Town's medical insurance plans with the employee paying the entire cost of coverage for the month in which the leave commences.

During the leave of absence without pay after being on workers' compensation or being unable to perform the essential functions of his or her job, with or without reasonable accommodation for a period of six (6) consecutive months, the employee and dependents may remain enrolled in the Town's medical insurance plans with the employee paying the entire cost of coverage at the seventh month of being unable to work due to disability or on workers' compensation.

2. If the employee fails to pay the entire monthly premiums, the coverage will lapse.

At the end of a leave of absence of less than six (6) months, an employee may be returned to his/her former position or to one of comparable pay and status within the Town if such a position is available. However, re-employment need not be offered to an employee if s/he is not then qualified by reason of disability, injury, or illness to perform the essential functions of employee's former position or one of comparable pay and status within the department.

7.5 WORKERS' COMPENSATION LEAVE

Notwithstanding any provision of this policy, the Town and the employee/claimant shall retain all statutory rights under Florida's Workers' Compensation Statute.

A. Safe Work Habits

Each Town employee is required, as a condition of employment, to develop and exercise safe work habits in the course of their employment, to prevent injuries to themselves, their fellow employees, and to conserve Town property and equipment.

B. Reporting

Employees who are injured while performing their duties for the Town shall make an immediate report of the injury to their immediate supervisor. Every injury, including those not requiring medical attention, shall be reported in writing to the Department Director by the injured employee's supervisor within twenty-four (24) hours of the injury. Department Directors shall be responsible for notifying the Human Resources Department of all injuries reported by employees under their supervision and shall ensure that proper written reports are prepared and forwarded to appropriate officials.

C. Immediate Medical Attention/Care

If an employee is injured to such an extent that the employee requires immediate medical care, employees, supervisors, co-workers, or other witnesses to the accident should call

911 immediately for emergency assistance. If the need is not immediate, the employee should consult the Human Resources Department for additional information regarding the procedure for obtaining medical treatment.

D. Workers' Compensation Procedure

An employee who sustains a compensable workplace injury may be eligible to receive certain benefits depending on the nature of the injury. Such benefits may include full wages for the first forty (40) hours following injury, replacement of a percentage of weekly wages, permanent impairment benefits, medical treatment and medication, and reemployment services. In certain circumstances, employees may also be released and eligible for "light duty" work. Additional information and guidance regarding the procedure associated with workers' compensation should be obtained from the Human Resources Department.

E. Retaliation Prohibited

The Town will not terminate, discipline, or take any other adverse personnel action against any employee for filing a claim for workers' compensation benefits in good faith.

F. Temporary Light Duty

1. Work Related Injuries and Illnesses

If an employee suffers a work-related injury or illness and becomes physically able to perform some useful alternate or transitional duty work, the Town will consider temporary alternate or transitional duty work for the employee, if there is such work available and if such work is consistent with the employee's medical limitations. The Town is not required to create or provide alternate or transitional duty work. The availability and duration of alternate or transitional duty work is up to the sole and exclusive discretion of the Town.

2. Non-Job-Related Injuries or Illnesses

If an employee suffers a non-job-related injury or illness and becomes physically able to perform some useful alternate or transitional duty work, the Town will consider temporary alternate or transitional duty work for the employee, if there is such work available in the employee's department and if such work is consistent with the employee's medical limitations. The Town is not required to create or provide alternate or transitional duty work. The availability and duration of alternate or transitional duty work is up to the sole and exclusive discretion of the Town.

7.6 VOTING LEAVE

During a primary or general election, an employee who is registered to vote whose hours of work do not allow enough time for voting shall be allowed the necessary time off with pay for this purpose. When the polls are open two (2) hours before or two (2) hours after the regularly scheduled work period, it shall be considered enough time for voting.

SECTION 8 – RECORDS AND REPORTS

8.1 RESPONSIBILITY

The Town Clerk is responsible for establishing and maintaining comprehensive personnel records for all employee.

8.2 RECORDS

There shall be one official personnel file for each employee and maintained by the Town Clerk. Said file shall include the personnel records of employees and all official forms. All personnel records of employees shall be considered the property of the Town. The Town Clerk shall make all decisions relating to the use, maintenance and disposition of such records and material, and as to whether any information contained therein is exempt from disclosure or is confidential pursuant to Florida and Federal law.

Employees should be aware of the importance of keeping their personnel records current. This means immediately notifying the Town Clerk of any changes such as change of address (even if temporary), change of telephone number, driver's license status, change of beneficiary, number of dependents, divorce, marriage, or any change of previously provided information (not previously reported). This is the responsibility of the employee and failure to comply may result in employee discipline or delays in receiving employee benefits or even loss of such benefits.

SECTION 9 - SAFETY

9.1 ACCIDENT PREVENTION

The development of safe working conditions, practices, habits, and thinking are the objectives of the Town safety objectives. Reaching those objectives shall result in benefits to all employees and to the Town. Accidents, injuries, disabilities, damage, lost time and pay, claims and medical expenses are all problems, which can be improved by efforts of all employees.

All Department Directors, supervisors, and employees shall be responsible for following the provisions of the Town's Safety Manual and shall participate in the development, implementation, and improvement of this program.

9.2 ACCIDENT REPORTING

All employees are responsible to immediately report to their supervisor all injuries and accidents, no matter how minor, that occur on the job.

A written report of employee Injury/Incident must be submitted to the injured employee's supervisor within 24 hours after the date of the accident or the report of the injury. If the accident occurs over a holiday or weekend, the accident report should then be submitted within 24 hours from the time the work period starts after the weekend or holiday. This applies to industrial accidents and all other injuries, including those only requiring first aid injuries.

For traffic crashes involving Town vehicles, the crash must immediately be reported to the appropriate law enforcement agency. Immediately thereafter, the employee's supervisor and the Chief of Police should be notified. A written report of employee injury/incident shall be submitted within 24 hours. In the case of any vehicular accident occurring within the Town jurisdiction, the Chief of Police shall be notified immediately.

9.3 SAFETY EQUIPMENT

Town provided equipment must be used. Failure to utilize provided equipment shall be cause for disciplinary action.

9.4 DRUG-FREE WORKPLACE

The Town has a strong and legitimate interest in insuring that employees are fit to perform their duties and to promote a drug-free workplace. With a drug-free workplace, employees will be afforded the opportunity to maximize their levels of productivity and reach their desired levels of success without experiencing the costs, delays, and tragedies associated with work-related accidents resulting from drug abuse. It is the intent of the Town that the drug and alcohol testing conducted shall be in compliance with the Drug-Free Workplace Program contained in the Workers' Compensation Act, Florida Statutes Sections 440.101 and 440.102, the regulations adopted pursuant to the statute, and any amendments that may be made thereto.

It is further the intent of the Town that drug abuse be prohibited and those employees who choose to engage in drug abuse face the risk of unemployment and the forfeiture of workers' compensation benefits. The Town therefore strictly prohibits the illicit use, possession, sale, conveyance, distribution, or manufacture of illegal drugs, intoxicants, or controlled substances in any amount or in any manner. In addition, the Town strictly prohibits the abuse of alcohol or prescription drugs. Any violation of this policy will result in adverse employment action up to and including dismissal and referral for criminal prosecution.

The Town is committed to providing a safe work environment and to fostering the well-being and health of its employees. That commitment is jeopardized when any employee illegally uses drugs or alcohol on the job; reports to work under the influence of drugs or alcohol; possesses, distributes or sells drugs or alcohol in the workplace; or abuses alcohol on the job. Therefore, the Town has established the following policy:

1. **POLICY STATEMENT**

- a. It is a violation of this policy for any employee to use, possess, sell, trade, offer for sale, or offer to buy illegal drugs or otherwise engage in the illegal use of drugs on the job;
- b. It is a violation of this policy for anyone to report to work under the influence of illegal drugs or alcohol;
- c. It is a violation of this policy for anyone to use prescription drugs illegally. However, nothing in this policy precludes the appropriate use of legally prescribed medications;
- d. It is a violation of this policy to unlawfully manufacture, distribute, dispense, possess, or use controlled substances in the workplace;
- e. It is a condition of employment to abide by the Drug-Free Workplace Policy;
- f. Violations of this policy subject all employees to disciplinary action up to and including immediate termination.

The goal of this policy is to balance our respect for individuals with the need to maintain a safe, productive and drug-free environment. The intent of this policy is to send a clear message that the illegal use of drugs and the abuse of alcohol are incompatible with employment at the Town.

2. **AUTHORITY FOR DRUG TESTING:** The Town has implemented this policy in accordance with the program requirements outlined in Florida Statute Section 440.102.

3. **DEFINITIONS**

- a. Drug: alcohol, including a distilled spirit, wine, a malt beverage, or an intoxicating liquor; an amphetamine; a cannabinoid; cocaine; phencyclidine (PCP); a hallucinogen; methaqualone; an opiate; a barbiturate; a benzodiazepine; a synthetic narcotic; a designer drug; or a metabolite of any of the substances listed in this paragraph.
- b. Drug Test or Test: any chemical, biological, or physical instrumental analysis administered, by a laboratory certified by the United States Department of Health and Human Services or licensed by the Agency for Health Care Administration, for the purpose of determining the presence or absence of a drug or its metabolites.
- c. Job Applicant: a person who has applied for a Special-Risk or Mandatory Testing position with the Town and has been offered employment conditioned upon successfully passing a drug test and may have begun work pending the results of the drug test.
- d. Mandatory Testing Position: a job assignment that requires the employee to carry a firearm, work closely with an employee who carries a firearm, perform life-threatening procedures, work with heavy or dangerous machinery, work as a safety inspector, work with children, work with detainees in the correctional system, work with confidential information or documents pertaining to criminal investigations, work with controlled substances; or a job assignment that requires an employee security background check pursuant to Florida Statute Section

110.1127; or a job assignment in which a momentary lapse in attention could result in injury or death to another person.

- e. Medical Review Officer or MRO: a licensed physician, employed with or contracted with the Town, who has knowledge of substance abuse disorders, laboratory testing procedures, and chain of custody collection procedures; who verifies positive, confirmed test results; and who has the necessary medical training to interpret and evaluate an employee's positive test result in relation to the employee's medical history or any other relevant biomedical information.
- f. Prescription or Nonprescription Medication: a drug or medication obtained pursuant to a prescription as defined by Florida Statute Section 893.02 or a medication that is authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments, or injuries.
- g. Special-Risk Position: a position that is required to be filled by a person who is certified under Chapter 633 or 943 of the Florida Statutes (generally, police officers and firefighters).

4. TYPES OF TESTING REQUIRED

- a. Job Applicant Drug Testing: Job applicants for mandatory testing and special risk positions must submit to a drug test. Refusal to submit to a drug test, or a positive confirmed drug test, shall be used as a basis for declining to offer employment to the applicant. Job applicants for other positions shall not be tested as part of the background/employment screening process.
- b. Reasonable Suspicion Drug Testing: Employees will be tested following any observed behavior creating "reasonable suspicion." These behaviors may include the following:
 - i. Direct observation of drug/alcohol use, or the symptoms of being under the influence of a drug or alcohol;
 - ii. Abnormal behavior while at work or a significant deterioration in work performance;
 - iii. A report of drug use, provided by a reliable and credible source;
 - iv. Evidence that an individual has tampered with a drug test while working for the Town;
 - v. Information that an employee has caused, contributed to, or been involved in, an accident while at work;
 - vi. Evidence that an employee has used, possessed, sold, or solicited drugs while working or while on the Town's premises or while operating the Town's vehicles, machinery or equipment; and
 - vii. Post-Accident in Town-owned vehicles.

Where testing is based on reasonable suspicion, the Town shall promptly detail in writing the circumstances which formed the basis of the determination that reasonable suspicion existed. A copy shall be provided to the employee upon request. The Town shall retain the original as confidential for at least one year.

- c. Follow-Up Testing: If the Town requires an employee to enter an employee assistance program, or a drug rehabilitation program, as a condition of continued employment after a confirmed, positive drug test, the employee is required to

submit to a random drug test, at least once per year for a two-year period after completion of the program. Advance notice of the testing date will not be given to the employee being tested. If the employee voluntarily enters the program, the Town is not required by law to conduct follow-up testing but may do so in its discretion.

- d. Routine Fitness-For-Duty Testing: Employees who ordinarily must submit to annual physical fitness for duty examination must also submit to drug testing at that time.
- e. Random Testing of Mandatory Testing and Special Risk Positions: employees with job assignments designated as mandatory testing and employees in special risk positions are subject to testing through the use of an unbiased selection procedure.

5. **CONFIDENTIALITY**

All information, interviews, reports, statements, memoranda, drug test results, written or otherwise, received or produced as a result of a drug-testing program are confidential and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with Florida's Drug Free Workplace Act or in determining compensability under the workers' compensation or unemployment benefits laws.

The Town, the laboratories, medical review officers, employee assistance programs, drug rehabilitation programs and their agents shall not release any information concerning drug test results obtained under this policy without first obtaining a release from the affected individual in accordance with Florida's Drug Free Workplace Act and other applicable laws or regulations.

All information, interviews, reports, statements, memoranda and drug test results, written or otherwise, received or produced as a result of the drug testing program are confidential and exempt from disclosure under Florida's public records laws. Notwithstanding the foregoing, the Town may use such information and documents when consulting with legal counsel in connection with actions brought under the Florida Statute Section 440.102 or where the information is relevant to its defense in a civil or administrative matter.

6. **DRUGS TO BE TESTED**

The Town will test for the following drugs: Alcohol, Amphetamines, Cannabinoids (Marijuana), Cocaine, Opiates, Phencyclidine (PCP), Methaqualone, Barbiturates, Benzodiazepines, Methadone and Propoxyphene.

7. **TESTING LOCATION**

The Town only uses laboratories for drug testing that are licensed by the Florida Agency for Health Care Administration or that are certified by the U.S. Department of Health and Human Services.

You may be tested at the following laboratory:

Clear Medicine Inc. /dba/
AFC Urgent Care, 15689 Southern Blvd. #101, Loxahatchee Groves FL 33470

The Town's Medical Review Officer (MRO) is:

Clear Medicine Inc. /dba/
AFC Urgent Care, 15689 Southern Blvd. #101, Loxahatchee Groves FL 33470

8. TESTING PROCEDURES

Employees or job applicants may confidentially report the legitimate use of prescription or non-prescription medications both before and after being tested to the testing laboratory and the Medical Review Officer. Employees and job applicants have the right to consult the testing laboratory for technical information regarding prescription and non-prescription medication.

9. CHALLENGING TEST RESULTS

Within 5 working days after receiving notice of a positive confirmed test result, an employee or job applicant may contest or explain the result to the medical review officer who shall report a positive result to the Town if the explanation or challenge to the medical review officer is unsatisfactory.

Within 5 working days after the Town receives notice of the positive confirmed test result, the Town shall notify the employee in writing the results, the consequences of the results, and any options available to the employee. The employee may request a copy of the test result at this time.

Within 5 working days after the employee receives notice from the Town of the positive test result, the employee submits information to the Town explaining or contesting the test result and explaining why the result should not constitute a violation of this policy. If the employee's or job applicant's explanation or challenge is unsatisfactory to the Town, the employee will be notified by the Town in writing within 15 days of the date the challenge was received and will be subject to discipline under this policy. At that time, the employee will be provided with a copy of the confirmed positive test result and the name and address of the laboratory.

The foregoing documentation shall be kept confidential and retained by the Town for at least one year.

Any employee or job applicant may contest the drug test result pursuant to law or to rules adopted by the Agency for Health Care Administration. All employees or job applicants must notify the laboratory of any administrative or civil action brought pursuant Florida's Drug Free Workplace Act. Employees are solely responsible for all costs associated with any challenge.

10. CONSEQUENCES OF POSITIVE CONFIRMED TEST RESULT

Job applicants receiving a positive confirmed test result shall not be hired. Any employee receiving a positive confirmed test result shall be subject to immediate termination. Additionally, the employee may lose his or her right to workers' compensation, unemployment compensation benefits, medical and indemnity benefits.

An employee or job applicant has 180 days after receiving written notification of a positive confirmed test result to have the sample retested at his or her own expense at another licensed or certified laboratory chosen by the employee or job applicant.

11. CONSEQUENCES OF CONVICTION FOR VIOLATION OF CRIMINAL DRUG STATUTE OCCURRING IN THE WORKPLACE

All employees shall report any conviction for a violation of a criminal drug statute occurring in the workplace to the immediate supervisor in writing, no later than five calendar days after such conviction. Within 30 calendar days of receiving such notice from a convicted employee, the Town shall take one of the following actions:

- Take appropriate disciplinary action against the employee, up to and including termination;
- Require the employee to participate satisfactorily in a drug abuse or assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

12. CONSEQUENCES OF REFUSING TO SUBMIT TO DRUG TESTING

An employee who refuses to submit to drug testing shall be subject to immediate termination. Additionally, the employee may lose his or her right to workers' compensation, unemployment compensation, medical and indemnity benefits. A job applicant who refuses to submit to drug testing will not be hired.

Refuse to submit (to an alcohol or controlled substances test) means that an employee:

- Failed to appear for any test within two hours of being directed to report by the Town. This includes the failure of an employee to appear for a test when called by a consortium or third-party administrator;
- Failed to remain at the testing site until the testing process is complete;
- Failed to provide a urine specimen for any drug test, or failed to provide a blood specimen for alcohol testing;
- In the case of a directly observed or monitored collection in a drug test, failed to permit the observation or monitoring of the employee's provision of a specimen;
- Failed to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- Failed or declined to take a second test that the Town or collector has directed the employee to take;
- Failed to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the Town;
- Refused to allow collection of specimens for drug and/or alcohol testing by a treating medical facility during course of treatment following an "accident", or refused to allow the Town access to medical records containing the results of such tests, or any attempt by an employee to block the release of such specimens or medical records;
- Failed to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process); or
- Is reported by the MRO as having a submitted or attempted to submit a verified adulterated, diluted, or otherwise altered or substituted specimen.

13. MEDICATIONS THAT MAY ALTER OR AFFECT THE DRUG TEST

Some common medications may alter or affect a test result are listed below for your information. Due to the large number of obscure brand names and the marketing of new products, this list cannot, and is not intended to, be all-inclusive.

ALCOHOL	All liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. As an example, Vick's Nyquil is 25% (50 proof) ethyl alcohol, Comtrex is 20% (40 proof), Contact Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof)
AMPHETAMINES	Obetrol, Biphedamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastin
CANNABINOIDS	Marinol (Dronabinol, THC)

COCAINE	Cocaine HCl topical solution (Roxanne)
PHENCYCLIDINE	Not legal by prescription
METHAQUALONE	Not legal by prescription
OPIATES	Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guaiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Tussi-organidin
BARBITURATES	Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butalbital, Phrenilin, Triad.
BENZODIAZEPINES	Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax
METHADONE	Dolophine, Metadose
PROPOXYPHENE	Darvocet, Darvon N, Dolene

14. EMPLOYEE ASSISTANCE PROGRAMS (EAP)

Narcotics Anonymous Help-line: 561-848-6262

Drug Abuse Foundation of Palm Beach County: 561-278-0000

Palm Beach Al-Anon/Al-a-Teen Information Service: 561-882-0308

Alcoholics Anonymous (Palm Beach County): 561-655-5700

Comprehensive Alcoholism Rehabilitation Program: 561-844-6400

The Town does not promote or recommend any specific program or organization for treatment. Other options for treatment can be located online or through various social service organizations.

15. MANDATORY TESTING AND SPECIAL RISK EMPLOYEES ENTERING INTO EAP OR REHABILITATION PROGRAMS

Mandatory Testing and Special Risk employees who enter an EAP or drug rehabilitation program must be assigned to a position other than a position classified as Mandatory Testing or Special Risk. If no such position is available, the employee must be placed on leave where the employee must use accumulated paid leave before the leave becomes unpaid.

16. EFFECTIVE DATE OF DRUG FREE WORKPLACE POLICY

This Drug-Free Workplace Policy is effective sixty (60) days after adoption and supersedes any prior policies.

9.5 CLEAN INDOOR AIR/SMOKE-FREE AND TOBACCO-FREE WORKPLACE

The Town provides a comfortable, productive, and healthy work environment for its employees. As a further step to ensure conformity to Florida's Clean Indoor Air Act, all Town owned/leased buildings and vehicles are entirely smoke-free and tobacco-free. Smoking and tobacco use are

strictly prohibited in all areas including without limitation, vehicles, hallways, restrooms, private offices, open indoor work spaces, waiting/reception rooms, conference/meeting rooms, lobby, lunch rooms, and all indoor community areas under the Town's ownership or control. Under this policy, smoking means inhaling, exhaling, burning, carrying or possessing any lighted tobacco product or any simulated smoking device.

All individuals are prohibited from smoking or using tobacco products in any enclosed indoor workplace at the Town in accordance with Florida law. Enclosed indoor workplaces include any place that is predominantly or totally bounded on all sides and above by physical barriers. "Predominately" generally refers to coverage of more than 50%. Employees unsure of an acceptable location for smoking should consult their supervisor.

Employees who witness individuals smoking or using tobacco products in an enclosed indoor workplace must request the individual immediately extinguish the smoking device. If the employee is not comfortable confronting another employee or a citizen about the violation, he or she should immediately seek assistance from his or her supervisor or any member of management if the supervisor is unavailable.

To ensure a professional appearance, employees are also prohibited from smoking, using tobacco products, or using simulated smoking devices on Town property during working hours or while on paid time, as well as while using Town vehicles.

Employees who violate this policy may be subject to disciplinary action up to, and including, immediate termination.

The Town will not retaliate against any employee who makes good faith reports of suspected violations of this policy.

For purposes of this policy, "tobacco products" include, but are not limited to cigarettes, cigars, chewing tobacco, snuff, "dip", and pipe smoking. A "simulated smoking device" includes, but is not limited to, electronic cigarettes, electronic pipes, or other devices intended to resemble or having the appearance of a cigarette, cigar, pipe, or other tobacco product.

SECTION 10 - SEPARATIONS

10.1 TYPES OF SEPARATIONS

Separations from employment with the Town are designated as one of the following types, with, applicable Human Resource documents showing the reason for the separation, and the last day and hour worked as determined by the Department Director.

1. Resignation
2. Retirement
3. Death
4. Reduction in force
5. Dismissal
6. End of Temporary Assignment

10.2 RESIGNATION

Resignation is defined as an action whereby an employee voluntarily leaves the Town's employ with or without giving notice. An employee wishing to leave the Town in good standing shall file a written resignation, stating the date and reasons for leaving. Such notice must be given two weeks prior to the date of separation. Failure to comply with this courtesy may be cause for denying such employee re-employment with the Town. Unauthorized absences from work for a period of three consecutive days or more constitute the abandonment of a position and shall be considered a resignation.

10.3 RETIREMENT

Retirement is defined as a procedure whereby an employee separates from the Town for reasons of length of service or disability as defined by the Florida Retirement System.

10.4 DEATH

When an active employee is terminated due to death, the date of termination (date of separation) will be the date of death. All compensation and benefits due to the employee as of the effective date of separation shall be paid to the spouse and, if no spouse, to the adult child or children, and if no adult children over the age of 18, to the father or mother – or as otherwise required pursuant to Fla. Stat. Sec. 222.15. If there is no father or mother, then payment shall be made in accordance with orders or letters of administration received through the estate or probate process.

10.5 REDUCTION IN FORCE

When it becomes necessary to reduce the number of employees within a department because of lack of funds, shortage of work, the abolishment of a position, reorganization, or other causes which do not reflect discredit on the service of the employees, the following steps will be considered:

1. First, consideration will be given to the Town budget and required staffing levels to meet the Town needs.
2. Once positions have been identified for reduction, employees within a position shall be separated from employment using the following criteria:
 - a. Individual performance (past and current performance, including any disciplinary issues)
 - b. Required skills and qualifications to meet future needs.

Any payouts for any accrued leave bank as discussed in this policy manual may or may not be paid out in the event a reduction in force is due to budgetary considerations as determined in the sole discretion of the Town Manager. Employees who have been laid-off may apply for future job openings.

10.6 EXIT INTERVIEWS

Upon the Town's request, an employee who resigns or retires shall complete an exit interview upon leaving Town employment. Such interviews allow the Town to understand the employee's reasons for leaving and to resolve any questions regarding compensation, insurance continuation, return of Town property, or other related matters.

10.7 RETURN OF PROPERTY AND FINANCIAL OBLIGATIONS

At the time of separation, all records, books, assets, uniforms, keys, tools, and other items of Town property in the employee's custody shall be returned to the department. Certification of such return shall be made by the employee's supervisor. Any monies due because of shortages shall be deducted from the final paycheck due or collected through appropriate action in accordance with applicable wage and hour laws.

Any outstanding debts incurred by an employee, such as shortages in leave accounts, deductions for the loss or abuse of Town property or other financial obligations which are due the Town may be deducted from the employee's final pay check and/or termination leave pay in accordance with applicable wage and hour laws. This rule shall be excepted only when other appropriate arrangements have been made and approved in writing by the Town Manager.

SECTION 11 – STANDARDS OF CONDUCT

11.1 POLICY ON ETHICS

To avoid misunderstandings and conflicts of interest which could arise, all employees are bound by the standards set forth in Florida Statutes Chapter 112, Code of Ethics for Public Officers and Employees.

11.2 CONFLICT OF INTEREST

Employees who may be in a position to influence actions and decisions of the Town shall refrain from relationships which may adversely affect the exercise of their independent judgment in dealing with suppliers of goods or services.

11.3 EMPLOYMENT OF FAMILY MEMBERS

Family members of a Town employee may not regularly work in a position where a direct or indirect reporting relationship exists, which could cause a conflict of interest.

Family members are defined as: parent, sister, brother, spouse, children, nieces, nephews, step-parent, step-children, step-brother, step-sister, half-brother, half-sister, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, aunts, uncles, first cousins, grandchildren, and grandparents of the employee or spouse.

No employee may participate in, either directly or indirectly, employment decisions that may involve a direct benefit (such as work assignments, performance reviews, job classifications, hiring, or discipline) to a domestic partner or a romantic partner.

11.4 OUTSIDE EMPLOYMENT

Employees are not prohibited from engaging in other employment during their off-duty hours. However, Town employment shall be considered the primary employment and no employee may engage in outside employment which would interfere with the interest of the Town.

Any employee who obtains full-time or part-time employment elsewhere while on authorized leave of absence without pay is subject to termination of his or her position with the Town unless the employee obtained prior approval from the Town Manager.

11.5 SOLICITATION AND DISTRIBUTION

Employee contributions to recognized charitable organizations are purely voluntary. No coercion of an employee to make contributions shall be permitted.

Employees of the Town are prohibited from engaging in selling merchandise or soliciting while the employee is on working time or the employee to be solicited is on working time. Work time does not include authorized break periods, meal times, or before or after work.

E-mail, facsimile machines, voice mail, and any other Town provided communication method may not be used to advertise or solicit employees for non-work related or non-official Town events.

11.6 DRESS AND APPEARANCE

Town employees are expected to maintain high personal standards. One of the most noticeable expressions of these personal standards is dress and appearance. No attempt is made to set specific standards. The important factor is the overall impression created. What is appropriate for

employees in one department may not be appropriate for another. Adopted Departmental policies must be adhered to. Any such departmental policies must be approved by the Town Manager.

11.7 GENERAL PROHIBITIONS

Employees are expected to be aware that they are public employees and to conduct themselves in a manner which shall in no way discredit the Town, public officials, fellow employees, or themselves.

No employee shall make any false statement, certificate, mark, rating or report concerning any test, certification, or appointment made under the provisions of these. Rules or in any manner commit or attempt to commit any fraud preventing the impartial execution of these rules.

No employee shall, directly or indirectly, give, pay, offer, solicit, or accept any money, service or other valuable consideration for any appointment, proposed appointment promotion, or proposed promotion to, or any advantage in, a position in the Town.

No employee shall deceive or obstruct any person in their right to examination, eligibility, certification, or appointment under these rules, or furnish to any person any special or confidential information for the purpose of affecting the rights or prospects of any person with respect to employment with the Town.

No employee whose duties involve the use of a badge, card, or clothing insignia as evidence of authority or for identification shall permit such badges, cards, or insignia to be used or worn by anyone who is not authorized to use or wear them nor permit them to be out of his/her possession without good cause or approval of the Department Director. Such badges, cards, and insignia shall be used only in the performance of the official duties of the positions to which they are related.

11.8 EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

It is the express policy of the Town to engage in a program of compliance with all applicable Federal, State, and local laws regarding recruitment, hiring, and promoting people on the basis of demonstrated ability, experience, and training without regard to race, color, religion, sex, age, national origin, ancestry, marital, veteran or military status, disability, genetic information, sexual orientation, gender identity or expression, pregnancy, or any other protected status in accordance with applicable law. This subject requires continuous action at all levels to assure legal and moral compliance with the spirit of the policy.

Any employee of the Town who feels that s/he or another employee has been the victim of discrimination must notify the Town Manager immediately. Employees may also notify their Department Director or supervisor regarding a complaint.

Employees have an obligation to bring complaints forward under the Equal Employment Opportunity policy and procedure, if they experience or witness conduct contrary to the policy. Employees will not be retaliated against for bringing a complaint forward in good faith. Every effort will be made to keep the employee names confidential, to the extent possible consistent with the need to conduct an adequate investigation and compliance with applicable laws and regulations. Any employee found to have violated this policy of EEO is subject to appropriate disciplinary action, up to and including dismissal from employment. In this manner, the Town strives to ensure a work environment that provides equal opportunity to all.

11.9 CIVILITY IN THE WORKPLACE

The Town encourages a workplace environment that respects the dignity of all employees. For this reason, all employees should maintain a high degree of civility and respect with co-workers,

subordinates, and superiors. Verbal, psychological, or physically abusive behavior or harassment is counterproductive to the desire for teamwork among all employees, levels of management, and in relationships with elected officials, and the public. Use of abusive language and behavior is disruptive to these goals and will be subject to disciplinary action and will not be tolerated by the Town.

11.10 POLICY AGAINST HARASSMENT

The Town does not tolerate unlawful harassment of any of our employees, customers, vendors, suppliers, or independent contractors. Any form of harassment which violates applicable federal, state, or local law, including, but not limited to harassment related to same sex harassment or an individual's race, color, religion, sex, age, national origin, ancestry, marital, veterans or military status, disability, genetic information, sexual orientation, gender identity or expression, pregnancy, or any other protected status in accordance with applicable law is a violation of this policy and will be treated as a disciplinary matter. For these purposes the term "harassment" is based upon a protected category and includes (without limitation) slurs and any other offensive remarks; jokes other verbal, graphic, or physical conduct; leering, making offensive gestures, displaying of sexually suggestive or other offensive objects or pictures, cartoons, or posters; sexual advances, propositions, or requests; verbal abuse, graphic verbal commentaries about an individual's body or other protected category, sexually degrading words used to describe an individual, suggestive or obscene letters, notes, or invitations; or physical conduct, such as touching, assault, battery, impeding, or blocking movements. Questions about what constitutes harassing behavior should be directed to a supervisor.

Violation of this policy will subject an employee to disciplinary action, up to and including discharge. If you feel that you are being harassed by another employee, you must immediately contact your Supervisor, the Department Director, or the Town Manager. You may be assured that you will not be penalized in any way for reporting a harassment problem in good faith.

All complaints of unlawful harassment which are reported to management will be investigated as promptly as possible and corrective action will be taken where warranted. The Town prohibits employees from hindering internal investigations and internal complaint procedure. All complaints of unlawful harassment which are reported as provided herein will be treated with as much confidentiality as possible, consistent with the need to conduct an adequate investigation.

Harassment of employees in connection with their work by non-employees may also be a violation of this policy. Any employee who experiences harassment by a non-employee, or who observes harassment of an employee by a non-employee must immediately report such harassment to their Supervisor, the Department Director, or the Town Manager. Appropriate action will be taken against violation of this policy by any non-employee.

Harassment of our customers or employees of our customers, vendors, suppliers, or independent contractors, by our employees is also strictly prohibited. Such harassment includes sexual advances, offensive verbal or physical conduct based on a protected category, inappropriate comments based on a protected category, and insults based on a protected category. Any such harassment will subject an employee to disciplinary action, up to and including immediate discharge.

Your notification of the problem is essential. The Town cannot resolve a harassment problem without becoming aware of the situation. Therefore, it is your responsibility to bring those kinds of problems to our attention immediately so that the Town can take appropriate steps to correct the problem.

If the Town finds that an employee has violated the Town policy, appropriate disciplinary action will be taken, up to and including termination of employment.

11.11 SEARCHES AND INSPECTIONS

Employees should understand that there is no expectation of privacy on Town premises. In order to protect the safety and property of all employees, the Town reserves the right to inspect all areas and all items brought into Town's physical premises including, but not limited to, work areas, desks, computers, cabinets, personal articles, clothes, lockers, packages, containers, bags, purses, briefcases, vehicles, and other items on Town property in furtherance of this policy except as explicitly prohibited by law. Refusal to cooperate with the Town in any lawful search or investigation may result in discipline, up to and including immediate dismissal.

SECTION 12 - DISCIPLINARY ACTION

It is the intent of the Town that effective supervision and employee relations shall avoid most matters which necessitate disciplinary action. Infractions of Town policies shall subject the employee to disciplinary actions, up to and including immediate dismissal. All disciplinary actions shall be documented in writing.

In all cases, the Department Director shall notify the employee of the action taken, and a copy of such notice shall be included in the employee's personnel folder, with a copy to the Town Manager and Town Clerk.

The Town Manager must approve a suspension or dismissal of an employee.

SECTION 13 – POST-TERMINATION NAME CLEARING

Employees may submit a written statement to be included in the employee's personnel file that will be considered the employee's name clearing opportunity in the event the employee was involuntarily terminated from his or her employment with the Town. The written statement is not an appeal of the termination decision. The written statement is designed to allow the employee to present information in the public record regarding the information forming the basis of the termination.

SECTION 14 - MISCELLANEOUS

14.1 TUITION REIMBURSEMENT

Employees employed by the Town for a minimum of twelve (12) continuous months prior to the date on which the member makes the request for participation are eligible for education reimbursement.

Reimbursement is applicable only to educational classes offered by a college, university, or community college that has been accredited by the Southern Association of Colleges and Schools, another regional accrediting agency, the Accrediting Council for Independent Colleges and Schools, or an accrediting agency or association that is recognized by the database created and maintained by the United States Department of Education.

Any employee with regular status, at the sole discretion of the Department Director and the Town Manager and with the prior written approval of the Department Director and the Town Manager, may receive leave and/or financial reimbursement to cover a portion of certain educational expenses provided that:

A) Adequate funds (\$2,500 per person, per fiscal year) are available in the budget of the department to which the employee is assigned or available for educational funds allocated for such purposes;

B) Completion of such educational classes will generally improve the employee's skills, knowledge and/or ability to carry out job assignments, and otherwise directly relates to the employee's employment with the Town;

C) Upon completion of a course in an approved class, an employee may apply for tuition reimbursement in an amount equivalent to a portion of the tuition cost according to the following schedule:

Course Grade "A"	100% Reimbursement
Course Grade "B"	75% Reimbursement
Course Grade "C"	50% Reimbursement
Pass (in a pass/fail course)	100% Reimbursement

D) Any person enrolling in an approved degree program shall be eligible for reimbursement at the rate per course established by the Florida Atlantic University for a Master's degree or Bachelor's degree program or Palm Beach State College for an Associate's degree program.

E) If the employee leaves the employ of the Town for any reason within two (2) years after completion of such educational course(s), the employee will reimburse the Town for all Town funds invested in such educational course(s).

14.2 SEVERE WEATHER/ EMERGENCY DECLARATION POLICY

In the event that a local Declaration of Emergency is declared, such as in the case of severe weather that affects the Town, the Town will make every effort to notify all staff regarding the Town's decision to close offices or to remain open. The Town will also make the determination as to which employees are required to report to work during the Declaration of Emergency. In the event that Town offices are closed, all employees who are not required to report to work shall be paid their normal rates of pay/salary for the day. Only personnel designated for

emergency status or receiving a specific request from their supervisors shall report for work. If Town offices remain open, a "liberal leave" policy shall be in effect, whereby those employees who choose not to report for work may utilize whatever options of paid leave are available to them for the day.

14.3 EMPLOYEE RESTITUTION

It is the policy of the Town to seek restitution for wage over payments and or shortfalls in benefit/premium payments in accordance with the Fair Labor Standards Act, and applicable state law. Employees will be notified of the correction and required deductions at the time restitution is determined. Payment arrangements may be established over a period of time unless lump sum wages are available. Additionally, employees may be required to reimburse the Town up to \$500 per incident for the damage or loss of Town property where the employee failed to follow established Town policies and procedures in accordance with applicable wage and hour law.

14.4 BENEFITS

Full-time employees will be eligible for certain benefits that the Town may offer from time to time, including, for example, health and dental insurance, retirement benefits (FRS), and PTO. Participation in such benefits plans is subject to applicable plan rules and requirements. Additionally, the Town reserves the right to amend or eliminate benefits in its discretion and judgment based on operating and financial needs, subject to any restrictions imposed by law or contract.

Please see the Town Clerk for additional information regarding benefits currently available to full-time employees.

Solely to allow the Town to calculate the appropriate insurance premiums and to provide COBRA notices, all employees shall promptly notify the Town Clerk and Town Manager of any changes to marital status, dependents or employment status.

14.5 JURY DUTY

An employee, regardless of temporary, full-time, or part-time status, may be granted a Leave of Absence with pay when called to jury duty. Employees called to jury duty on their regularly scheduled days, will receive their regular salary/pay and benefits for the day(s) in which they serve on jury duty, for up to five (5) days. All other jury duty will be unpaid, unless the employee elects to use vacation leave.

If an employee is released from jury duty more than two (2) hours before the end of their scheduled work shift, the employee must report to work that day.

14.6 E-MAIL, INTERNET AND SOCIAL MEDIA

A. Internet/E-Mail/Devices

The Town's Internet, Electronic Mail systems, and devices are intended to facilitate Town business objectives and communication among employees, customers, and other governmental and business associates for messages, memoranda, research, or other work-related tasks.

The internet, E-mail systems, and devices are Town property and are intended for Town business. The systems and devices are not to be used for employee personal reasons or personal gain or to access, support, or advocate non-Town related business or purposes. All data and/or electronic messages created, received, or transmitted within the system or device are the property of the

Town. E-mail messages may need to be retained as public records depending on their content if so, the Department of State Records retention schedules shall apply.

In addition, the Town, through its managers and supervisors will review the contents of any employee's Internet/E-mail communications when necessary for Town business purposes. However, employees may not intentionally intercept, eavesdrop, record, read, alter, or receive other persons' Internet/E-mail messages without proper authorization. Employees who misuse Internet/E-mail/Device privileges shall be subject to discipline up to and including termination.

All Department Directors are responsible for the implementation and adherence of this policy within their Department. Department Directors (or their designees) are encouraged to work with their entire staff toward that end. In the event that any Department policy contradicts this policy, this policy shall govern.

B. Confidentiality

Although confidential passwords are issued, users will be aware that this does not suggest that systems are for personal confidential communication, nor does it suggest that access to and use of Town Internet/E-mail/Device is the property right of the employee. Passwords should be changed every 6 months to ensure security of the E-Mail system. Users should not share their password with anyone else. The Internet/Email systems and devices are restricted to Town business related usage only.

C. Prohibited Uses

The Town's Internet/E-Mail systems and devices shall not be used to create, access, or transmit any offensive, inappropriate, or disruptive messages or data. Examples of messages or data which are considered offensive, inappropriate, or disruptive include any message, video, or data which contain sexual implications, pornography, racial slurs, gender specific content, or any other comment that offensively or inappropriately addresses someone's age, sexual orientation, religious or political beliefs, national origin, gender identity or expression, genetic information, or disability or any other category protected by federal, state, or local law. Employees are also prohibited from using the Town's Internet/E-Mail systems and/or devices to engage in inappropriate workplace behavior, such as online dating or gambling.

Incidental and occasional personal use of Town systems and devices is permitted, but information and messages stored in the Town's systems and devices will be treated as business-related and may be viewed by the Town at any time with or without prior notice.

All users of the Internet/E-Mail systems and devices are subject to discipline pursuant to the Town personnel policies handbook and all applicable state, federal, and local laws.

D. Social Networking, Social Media, and Blogging

The Town takes no position with respect to an employee's decision to engage in social networking, social media, or to start or maintain a blog. However, it is the right and duty of the Town to protect itself from unauthorized disclosure of information.

Unless specifically authorized by the Town to do so as part of employee's position (and with Town Manager approval), employees are not permitted to blog or use other forms of social networking, media, or technology on the Internet during working hours or at any time on Town computers or other Town-supplied devices. Blogging or other forms of social media or technology include, but are not limited to, video or wiki postings, chat rooms, personal blogs, or other similar forms of online journals, diaries or personal newsletters (e.g., Facebook, Myspace, twitter, LinkedIn,

YouTube, LiveJournal, SnapChat, Instagram, etc.) not affiliated with the Town.

Unless specifically instructed, employees are restricted from speaking on behalf of the Town. Employees may not publicly discuss employees, residents, or any work-related matters, whether confidential or not, outside Town-authorized communications, in accordance with applicable law. Employees must protect the privacy of the Town, its employees, and residents. Employees are prohibited from disclosing such information to which employees have access through their Town position. However, nothing herein shall limit an employee's right to express his or her opinions on matters of public concern related to a political, social, or other non-personal concerns in the community. Additionally, nothing herein shall be construed as an attempt to infringe upon an individual's rights under federal, state, or local law.

Bloggers and users of social media and networking sites are personally responsible for their commentary and may be held personally liable for commentary, media, or photography that is considered defamatory, obscene, proprietary, or libelous by any offended party.

Employees may not use Town-owned equipment, including computers, Town-licensed software or other electronic equipment, Town facilities or Town time, to conduct personal blogging, social networking, or to use other social media for non-Town business.

Employees may not use blogs or social media to harass, threaten, discriminate, or disparage against employees or anyone associated with or doing business with the Town.

If an employee chooses to identify himself or herself as an employee of the Town, some readers may view the employee as a spokesperson for the Town. Because of this possibility, employees must state that the views expressed in their blogs, postings, and other social media outlets are their own and not those of the Town, or of any person or organization affiliated or doing business with the Town.

Employees are prohibited from posting the name or trademark of the Town or any business with a connection to the Town on any blog or social media outlet. Employees are prohibited from posting recommendations of current or former employees, current or former vendors, or other persons related to Town business without written permission from the Town Manager.

Employees are prohibited from linking from a personal blog or social media site to the Town's internal or external web site.

If contacted by the media or press about a post that relates to the Town, employees are required to refer the inquiry to the Department Director. If the Town engages in social networking activities as an organization for a public purpose, all such communications by employees must maintain and reflect the Town's standards of professionalism. Communications must strictly adhere to the Town's policies regarding confidentiality and refrain from disclosure of information exempt and/or confidential under the public records laws.

E. Mobile Telephone Policy

The Town discourages the use of mobile telephone devices in certain situations, while prohibiting such use in others, to promote safety, efficiency, and productivity in the workplace. Employees who violate this policy may be subject to disciplinary action, up to and including, immediate termination.

1. Restrictions While Driving (Non-Commercial)

Employees driving motor vehicles for Town purposes should attempt to minimize the use

of hand-held mobile telephone devices. Employees are expected to assess all driving conditions before using a hand-held mobile telephone device while driving. Employees in the drivers' seat are prohibited from texting while the vehicle is in motion. If it is necessary to use the device while in transit and hands-free is not available, the driver should find an appropriate and safe place to park the vehicle before using the device. The vehicle should be in "park" for automatic transmission vehicles or "neutral" with the parking brake applied for manual transmission vehicles. However, using a hand-held mobile telephone device is permissible when necessary to communicate with law enforcement officials or other emergency services.

2. Restrictions While Driving (Drivers Operating Commercial Vehicles Regulated by DOT)

Drivers of Town vehicles qualifying as commercial motor vehicles are prohibited from texting while driving. Texting while driving is only permissible under DOT regulations when necessary to communicate with law enforcement officials or other emergency services.

Drivers of the Town's commercial motor vehicles are prohibited from using a hand-held mobile telephone device while driving a commercial motor vehicle. However, using a hand-held mobile telephone device is permissible when necessary to communicate with law enforcement officials or other emergency services.

3. Restrictions During Business Hours

All mobile telephone devices, whether personally owned or issued by the Town, should be placed in either vibrate or silent modes during meetings. During the meeting, employees should only utilize the mobile telephone device to obtain urgent information relating to the meeting or operations of the Town, or for emergency use. Emergency use is generally related to a threat to the health or safety of a colleague, family member or citizen.

Use of personal mobile telephone devices during business hours is generally prohibited, except when the employee is on an authorized break and away from his or her work station, customers or residents. Employees are prohibited from using a personal mobile telephone device when actively engaged with the citizens or the public. Employees are prohibited from using a personal mobile telephone device at any time during a customer interaction.

4. Town-Issued Devices

Employees who have been provided with a Town-issued mobile telephone device shall operate the device within the terms of the contract to avoid overage charges. Broken or unusable devices shall be returned to the Town Clerk for reorder or repair. Employees are prohibited from directly contacting the service provider. Employees should be aware that information sent, received, or stored on Town-issued devices relating to Town business is subject to Florida's Public Records law.

5. Using Personal Devices for Town Business

Employees should be aware that information sent, received, or stored on personal cell phone or other device which relates to Town business is subject to Florida's Public Records law, regardless of the fact that it is sent, received, or stored on such personal device.

Employee Acknowledgements

General Acknowledgement

This Policy Manual and related personnel policies and procedures describe important information about the Town of Loxahatchee Groves, and I understand that I should consult with my immediate supervisor or the Town Manager regarding any questions not answered in this Policy Manual or any Town personnel policies and procedures.

Provided I am not covered by an individual employment agreement, I have entered into my employment relationship with the Town of Loxahatchee Groves voluntarily and hereby acknowledge that my employment is at will and that there is no specified length of employment. Accordingly, either the Town of Loxahatchee Groves or I may terminate the employment relationship at will at any time, with or without cause, so long as there is no violation of applicable federal or state law.

Because the information, policies, procedures, and benefits described in this Policy Manual and elsewhere are subject to change as needed, I acknowledge that revisions to the foregoing may occur, except to the employment-at-will policy. Any such changes will be communicated as soon as possible after the change is instituted. I also understand that the revised information may supersede, modify or eliminate existing policies and procedures. I also understand that only the Town Council has the ability to adopt revisions to the rules, policies, and procedures in this Policy Manual.

_____ Employee Initials

Loyalty Oath

I also understand that as a condition of appointment and as required by State law, I must take the following Loyalty Oath as prescribed by Section 876.05(1), Florida Statutes:

I, _____, a citizen of the State of Florida and of the United States of America or a resident alien, and being employed by or an officer of the Town of Loxahatchee Groves, and a recipient of public funds as such employee or officer, do hereby solemnly swear or affirm that I will support the Constitution of the United States and of the State of Florida.

_____ Employee Initials

Drug Free Workplace Policy Acknowledgement

I acknowledge that I received a copy of the Drug-Free Workplace Policy. I understand it is my obligation to read and understand the policy and that failure to comply with the policy shall subject me to disciplinary action up to, and including, termination which may result in forfeiture of my workers' compensation and unemployment compensation benefits.

_____ Employee Initials

Equal Employment Opportunity and Anti-Discrimination and Anti-Harassment Acknowledgment

I acknowledge that I must always abide by these policies during my employment and that any failure to abide by them constitutes misconduct connected with employment, as defined by Florida Statute Chapter 443, and shall subject me to immediate termination.

I specifically acknowledge and agree that I will report any inappropriate or questionable behavior that I witness or experience to my immediate supervisor, Department Director, the Human Resources Director, the Town Manager, the Assistant Town Manager, or the Town Attorney immediately. I understand that failure to report such behavior immediately, may subject me to immediate termination for misconduct connected with employment.

_____ Employee Initials

E-Mail, Internet and Social Media Acknowledgment and Waiver

I acknowledge that I have received a copy of the E-Mail, Internet, and Social Media Policy contained in this Policy Manual. I understand that my use of the E-mail and Internet system constitutes my consent to all the terms and conditions of that policy.

In particular, I understand that (1) the E-mail system and all information transmitted by, received from, or stored in that system are the property of the Town, (2) the system is to be used only for business purposes and not for personal purposes, and (3) I have no expectation of privacy in connection with the use of the E-mail system, the Internet, or devices, or with the transmission, receipt, or storage of information in such systems or devices.

I agree not to use a code, access a file, or retrieve stored communications unless authorized. I acknowledge and consent to the Town monitoring my use of the E-mail system and the Internet at any time at its discretion, including printing and reading all E-mails or other electronic data entering, leaving, or stored in the system.

I further waive any and all rights and privileges with respect to any and all information, communications, files, and records transmitted through and residing on such systems.

_____ Employee Initials

Conflict of Interest and Code of Ethics Policy

I understand and agree that I must abide by the Conflict of Interest and Code of Ethics Policy. I have been provided training on my obligations and understand that I am subject to both the State of Florida Code of Ethics and the Palm Beach County Code of Ethics, as amended from time to time. Violation of this policy may lead to immediate termination and investigation or other penalties imposed by outside organizations.

_____ Employee Initials

Furthermore, I acknowledge that this manual of rules, policies and procedures is neither a contract of employment nor a legal document. I have received the manual and understand that it is my responsibility to read and comply with the policies contained herein and any revisions made hereafter.

Dated _____, 20____

Employee Signature

Witness Signature

Employee Printed Name

Witness Printed Name

APPLICATION FOR TUITION REIMBURSEMENT

Name (print): _____ Telephone: _____

Position: _____

I request approval to enroll in course: _____

***(Please attach course description)**

at (institution) _____

beginning ____/____/____ Ending ____/____/____

Number of Credits _____ @ amount per credit(s) _____ Time of class(es) _____

I am taking the course (check below):

_____ Toward a(n): ☐ Associate's ☐ Bachelor's ☐ Master's ☐ Doctorate in the following course of study (*be specific*): _____

_____ To enhance my skills for my present position. _____

_____ For career redirection or advancement.

Tuition for the Course \$ _____

Enrollment Fees \$ _____

Cost of Required Books \$ _____

1. Is the course required to meet minimum educational requirements for your current job?

_____ ☐ Yes ☐ No

2. Does the course provide with the capability of qualifying for a new job?

_____ ☐ Yes ☐ No

3. If you answered yes to either #1 or #2, briefly provide an explanation as to how the course is either required to meet minimum educational requirements for your current job or provides you with the capacity to qualify for a new job.

APPROVAL OF COURSEWORK

Department Head Signature _____ Date _____

Human Resources Director Signature _____ Date _____

Finance Director Signature _____ Date _____

Town Manager Signature _____ Date _____

By signing I agree to the following:

I have read, understand, and agree to comply with the provisions of the Town of Loxahatchee Groves' Tuition Reimbursement Policy. I will only receive reimbursement for approved coursework as outlined in the Town's Tuition Reimbursement Policy.

I also understand that if I voluntarily or involuntarily separate from the employment of the Town within two (2) years of satisfactory completion of the course work for which I have been reimbursed, the agreed amount of the cost of educational course will be considered only a loan. Accordingly, I will be required to reimburse the educational course expense in full prior to my last date of employment, or through such other collection means as the Town agrees.

As such, I hereby give the Town of Loxahatchee Groves an express lien on all salaries, wages and other sums payable to me by the Town of Loxahatchee Groves for the purpose of securing the Town for the payment of any amount which may become due from me. I hereby authorize the Town to deduct said amount from any sums payable to me for salaries, wages, expense reimbursements or otherwise. Moreover, I specifically authorize the Town to retain sums payable to me in the form of salaries, wages and other sums on or before issuance of my final paycheck, subject to any restrictions under Federal and State wage and hour laws.

Proof of registration, receipts for tuition, enrollment fees and required books as well as the official school grade report and documentation of outside financial assistance will be required before reimbursement can be approved (please attach).

Employee Signature _____ Date _____

APPROVAL FOR PAYMENT

Course completed. Grade attained _____ Education Reimbursement _____ %

Eligible for: \$ _____ ☐ Taxable
_____ ☐ Non-Taxable

Finance Director Signature _____ Date _____

HR Use Only

Tuition: _____

Enrollment: _____
Books: _____
Total: _____

Finance Use Only

Amount Paid Y-T-D: _____
Estimated Pending: _____
Total Pending: _____
Available: _____
Estimated Amount Available if 100% _____

Tuition Reimbursement Received for Pending: _____



155 F Road Loxahatchee Groves, FL 33470

TO: Town Council of Town of Loxahatchee Groves
FROM: Francine Ramaglia, Assistant Town Manager
VIA: James Titcomb, Town Manager
SUBJECT: Proposed Revisions to Procurement Code

Background:

The Town adopted its current procurement code in 2008 through Ordinance 2008-09 (attached). The attorney, staff and FAAC have worked on revisions to clarify and simplify the procurement process as reflected in the proposed revised ordinance. Based on input from Council, this proposed revised ordinance and corresponding policy document will be taken back to FAAC at its January 9th meeting for final review and approval prior to returning to Council for first reading.

Recommendations:

Staff seeks Council input on the proposed revisions to its procurement code.

ORDINANCE NO. 2019-12

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ITS CODE OF ORDINANCES BY REPEALING CHAPTER 2 “ADMINISTRATION, ARTICLE V “PROCUREMENT” AND ENACTING A NEW ARTICLE V “PROCUREMENT” REGARDING PROCUREMENT REQUIREMENTS; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Town Council believes it is necessary to modify its current regulations for the purchasing of goods and services; and,

WHEREAS, the procurement code is codified in Chapter 2, Article V of the Town Code of Ordinances; and,

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

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

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

Section 2. The Town of Loxahatchee Groves hereby repeals in its entirety Chapter 2 “Administration”, Article V “Procurement” and enacts the following Article V “Procurement” to read as follows:

ARTICLE V. PROCUREMENT

Sec. 2-132. Applicability.

This article applies to the acquisitions of property, goods and services by the town after _____, 2020, as provided for in this article. Any action taken or contracts entered contrary to the provisions of this article may, in the town's sole discretion, be declared null and void. The town has also adopted a purchasing policy whose regulations shall govern where not in conflict with this article.

Sec. 2-133. Competitive selection.

- (a) *Sealed competitive method.* Acquisitions of or contract for non-real property, goods or services where the expenditure by the town (including expenditures during renewal periods, but no expenditures relating to change orders) is estimated to be \$25,000.00 or greater shall be subject to a sealed competitive method, unless the town utilizes one of the methods that is exempt from the sealed competitive method or from obtaining quotes, as provided in this article or the purchasing policy.

- (1) *Competitive bids.* Sealed competitive bids are utilized where price, responsiveness, and responsibility are the sole determining factors.
 - (2) *Competitive Solicitations.* Requests for proposals, requests for qualifications, requests for letters of interest and other competitive solicitations are utilized where price, responsiveness, and responsibility are not the sole determining factors. The town manager may appoint a selection committee to review the submissions received by the town in response to requests for proposals, requests for qualifications, and requests for letters of interest and make a recommendation to the town council. The selection committee shall terminate upon the award of the contract, or such other time as determined by the town council.
 - (3) *Submissions.* It shall be the sole responsibility of the bidder, proposer or responder to have the bid, proposal or response delivered to the town clerk's office before the specified closing date and time. Bids, proposals or responses received after the closing date and time shall not be considered and shall be returned unopened. The clock in the town hall shall govern. All bids, proposals and responses submitted pursuant to a sealed competitive method shall remain sealed until they are opened publicly on the date and time and location stated in the notice to bidders, proposers or responders, or as may be amended by addendum. All bids, proposals or responses must be sealed. No faxed or emailed bids, proposals or responses shall be accepted.
 - (4) *Town's reservation of rights.* The town may utilize a sealed competitive method for any acquisition that the town deems appropriate regardless of the estimated cost of the acquisition. In all competitive selection purchases, the town reserves the following rights:
 - a. Rejection of bids, proposals or other responses. If the town manager/town council determines that it is in the best interests of the town to do so, the town manager/town council may reject any or all bids, proposals or other responses requested in whole or in part. Bids, proposals or other responses requested that are submitted after the due date and time will be disqualified from further consideration.
 - b. Waiver of irregularities. The town manager/town council shall have the authority to waive all nonmaterial irregularities on any and all bids, proposals or other responses requested. Nonmaterial irregularities are those irregularities which do not substantially affect price and/or competition.
 - c. A request for bid, RFP, ITN or other competitive selection procedure utilized by the town may be canceled, in whole or in part, by the town manager/town council when it is in the best interests of the town.
 - d. All costs and fees incurred by any party in preparing and responding to a request for bid, RFP, ITN or other competitive selection procedure used by the town are the sole responsibility of the responding party including all costs and fees related to a protest.
- (b) *Exemptions from purchasing by the sealed competitive method or by obtaining a written quote.*
- (1) *Professional services.* Except as otherwise provided for in Florida law, contracts for professional services (which include but is not limited to services provided by architects, engineers, surveyors, attorneys, accountants, actuaries, lobbyists and financial advisors) or a consultant with a distinctive field of expertise may be made or entered into by the town manager without utilizing a sealed competitive method or obtaining written quotes. Acquisitions of professional services where the expenditure by the town (including

expenditures during renewal periods, but not expenditures relating to change orders) is estimated to be \$25,000.00 or greater shall be subject to approval by the town council.

- (2) *Specialty goods and services.* Acquisitions of or contracts for specialty goods and services (including but not limited to performing artists, artwork, special events, entertainment, and food and beverage) may be made or entered into by the town manager without utilizing a sealed competitive method or obtaining written quotes. Acquisitions of specialty goods and services, where the expenditure by the town is estimated to be \$25,000.00 or greater, shall be subject to approval by the town council.
- (3) *Emergency acquisitions.* The town manager may acquire or contract for non-real property, goods, or services required in contemplation of, preparation for, or during an emergency without utilizing a sealed competitive method or obtaining written quotes regardless of the amount. Emergency acquisitions of non-real property, goods or services where the expenditure by the town is estimated to be \$25,000.00 or greater shall be subject to ratification by the town council as soon as practicable.
- (4) *Sole source and town standard.*
 - a. *Sole source.* The town may acquire or contract for non-real property, goods or services that are available to the town from only one source without utilizing the sealed competitive method or obtaining written quotes. Sole source acquisitions where the expenditure by the town (including expenditures during renewal periods, but not expenditures relating to change orders) is estimated to be \$25,000.00 or greater shall be subject to approval by the town council.
 - b. *Town standard.* Where the town has determined that a particular style, brand, make, or model is the only type that meets the town's requirements for performance, consistency, compatibility or other salient characteristics, and such determination has resulted in there being only one source available to the town, the town may acquire or contract for such goods without utilizing a sealed competitive method or obtaining written quotes. Town standard acquisitions where the expenditure by the town (including expenditures during renewal periods, but not expenditures relating to change orders) is estimated to be \$25,000.00 or greater shall be subject to approval by the town council.
- (5) *Utilization of other governmental entities' contracts.*
 - a. The town may acquire or contract for non-real property, goods or services without utilizing a sealed competitive method or obtaining written quotes where the desired goods or services are the subject of a contract with the state, its political subdivisions or other local governmental entities in the state, with associations in Florida affiliated with state and/or local governmental entities or departments (such as the Florida Sheriffs' Association and the Florida Fire Chiefs' Association) or with the United States government or national cooperatives, provided that the contract is based strictly on competitive bidding and not on any preference, and provided that the form of the contract is acceptable to the town attorney. Acquisitions utilizing other governmental entities' contracts where the expenditure by the town (including expenditures during renewal periods, but not expenditures relating to change orders) is estimated to be \$25,000.00 or greater shall be subject to approval by the town council.

- b. Utilization of other government entities' contracts shall only be permitted during the term of the other governmental entity's contract or for one year from the date the other governmental entity awards the bid, whichever is longer.
 - c. If the town desires to utilize another governmental entity's contract, the town shall require the vendor to certify that the price or rate represents the lowest price or rate for the non-real property, goods or services of any contract between the vendor and any other governmental entity within the state.
- (6) *Cooperative acquisitions.* The town may acquire or contract for non-real property, goods or services without utilizing a sealed competitive method or obtaining written quotes where the town participates in joint procurement of non-real property, goods or services with other public entities within the state, including, but not limited to acquisitions made pursuant to interlocal agreements entered into with other governmental entities in accordance with F.S. Ch. 163. Cooperative acquisitions where the expenditure by the town (including expenditures during renewal periods, but not expenditures relating to change orders) is estimated to be \$25,000.00 or greater shall be subject to approval by the town council.
- (7) *Utilities.* Water, sewer, gas, electrical, and other utility services may be acquired without utilizing a sealed competitive method or obtaining written quotes and without town council approval.
- (8) *Resale.* Food, beverages and merchandise purchased for resale, may be acquired without utilizing a sealed competitive method or obtaining written quotes and without town council approval.
- (9) *Employee benefits and health services.* Employee benefits, including payroll processing services, and health related services may be procured/renewed directly through a negotiating process conducted by town staff and/or an expert in the field, or to maintain continuity of employee-health records, and is not subject to competitive procurement methods.
- (10) *Property, casualty, workers compensation, liability, automobile insurance.* Insurances may be procured/renewed directly through a negotiating process conducted by town staff and/or an expert in the field, or to maintain continuity of insurance records, and is not subject to competitive procurement methods.
- (11) *The following goods and/or services are approved as exempt purchases when they are included in the adopted annual budget.* Exempt purchases are exempt from the competitive selection and written quotation purchase requirements set forth in this purchasing code.
- a. Utilities-water, sewer, electrical, telephone, solid waste disposal fees and any other utility service where competition is not available.
 - b. Postage and postage meter permits.
 - c. Recording fees.
 - d. Pension benefit payments.
 - e. Debt service payments.
 - f. Unemployment compensation.
 - g. Tax withholding payments (FICA, Medicare, Federal Tax Withholding).

- h. Payroll deduction liability payments-including but not limited to-voluntary insurance policies, credit union deductions, Section 457 (deferred compensation) contributions, Roth IRA contributions, union dues, flex medical and flex dependent contributions, and garnishments (IRS, child support, court orders).
 - i. Pension plan contributions.
 - j. Memberships, dues, subscriptions, publications.
 - k. Advertisements for legal, promotional or informative matters.
 - l. Abstracts of titles or appraisals for real property.
 - m. Court reporting services.
 - n. Expert witnesses.
 - o. Bank analysis fees.
 - p. Merchant fees (credit card processing charges).
 - q. Job related seminars, training and related travel and per diem expenses.
 - r. Tuition reimbursements in accordance with town employment regulations.
 - s. Vehicle tag, title and registration fees.
 - t. Licensed computer software and services where competition is not reasonably available.
 - u. Licensed computer software maintenance renewals.
 - v. Authorized payment of donations or scholarships.
 - w. Payments to service providers needed to maintain town operations such as plumbers, electricians, temporary employment services, computer consultants or air conditioning repair services (this does not include the replacement of capital equipment).
 - x. Goods and/or services provided by governmental agencies.
 - y. Services required by proprietary ownership such as FPL and original equipment manufacturers.
- (12) *Best interest acquisitions.* The town may acquire or contract for non-real property, goods or services without utilizing a sealed competitive method or obtaining written quotes, as set forth in this code or the town's purchasing policy, where the town council declares by at least a four-fifths affirmative vote that the sealed competitive method or obtaining written quotes is not in the best interest of the town. The town council shall make specific factual findings that support its determination, and such contracts shall be placed on the regular town council agenda. This provision may not be used when the purchasing or procurement method is prescribed by state law, such as F.S. § 287.055 or 255.20, as amended.

Sec. 2-134. Direct acquisitions.

- (a) [*Town manager contract approval.*] The town manager may approve all contracts for the acquisition of goods and services in an amount up to \$25,000.00 provided the funds are included in an adopted budget.

- (b) *Acquisitions of \$25,000.00 and greater.* Acquisitions of or contracts for non-real property, goods or services where the expenditure by the town (including expenditures during renewal periods, but not expenditures relating to change orders) is estimated to be \$25,000.00 or greater shall be subject to prior approval by the town council except for emergency acquisitions, which are subject to subsequent ratification by the town council pursuant to section 2-133(b)(3).
- (c) *Multiple acquisitions from a vendor exceeding \$25,000.00 in any fiscal year.* Acquisitions of or contracts for non-real property, goods or services from the same vendor equal to or exceeding the aggregate \$25,000.00, per project, shall not be permitted from the same vendor during any fiscal year, unless the acquisition is first approved by the town council.

Sec. 2-135. Cone of silence.

Any person participating in a competitive solicitation issued by the town shall comply with section 2-355 of the Palm Beach County Code of Ordinances, as amended.

Sec. 2-136. Authorization to dispose of surplus goods.

- (a) No department shall transfer, sell, trade-in, or otherwise dispose of goods owned by the town without written authorization of the town manager. Disposal of capital assets require the approval of the town manager.
- (b) Surplus goods shall be offered to the public or other persons or entities through public auction, established markets, posted prices or other appropriate methods as approved by the town manager in the best interests of the town. Surplus goods may be offered by donation to other governmental entities or to private nonprofit agencies. It is recognized, however, that some types and classes of goods may be sold or disposed of more readily and advantageously by other procedures, including barter. In such cases, the town manager may employ such other means, including appraisal, provided the finance department makes a written determination that such procedure is advantageous to the town.
- (c) Disposal of real property shall be approved by the town council as determined to be in the best interest of the town.

Sec. 2-137. Purchasing protests.

- (a) *Right to protest.* After posting of the recommended awardee, any bidder or proposer who is aggrieved in connection with the recommended award may protest in writing to the town clerk. The right to protest is limited to those procurements of goods or services solicited through an invitation for bid, request for proposals or other competitive solicitation procedures. Notwithstanding the above, the town manager may, in his or her sole discretion, include the right to protest in any solicitation process if in the best interests of the town.
- (b) *Notice of protest.* The protest shall be submitted within three (3) business days after posting of the award recommendation. The protest shall be in writing (which includes emails) and shall identify the protestor and the solicitation and shall include a factual summary of the basis of the protest and shall also include any protest bond, if required by the bid or solicitation. Such protest is considered filed when it is received by the town clerk. Received means that the protest documents must be delivered to the town clerk's office by the cut off time period. No protest shall be considered if not

submitted in writing within the time frame allowed for the filing of the notice of protest and including any applicable protest bond.

(c) *Authority to resolve.* Protests filed in accordance with paragraph (b) hereinabove shall be resolved under the provisions of this section.

(1) The town manager shall have the authority to:

- a. Uphold the protest. The protest may be upheld based upon a violation of the provisions of this purchasing code or of any other town ordinance, resolution, policy, or procedure, or upon discovery of an irregularity or procedural flaw that is so severe as to render the process invalid. If the upholding of the protest will result in a change of the recommended awardee, a new recommended award shall be posted in town hall. If the upholding of the protest will result in a cancellation of the protested solicitation, the town manager may then cancel the solicitation.
- b. Deny the protest. If the protest is denied, the protestor has the right to request that the protest be referred to a special magistrate as described herein below.
- c. Refer the protest directly to special magistrate with no determination made by the town manager, in accordance with paragraph (c)(3) herein below.

(2) The town manager shall issue a written statement of the determination within a reasonable period. The written statement shall provide the general rationale for said determination and shall be provided to the protestor and to any other party to the protest.

(3) Upon receipt of a denial of the protest, the protestor may request a hearing before the special magistrate. The request for a hearing shall be in writing to the town clerk and shall be made within three business days of issuance of the town manager's determination. The request for a hearing shall be accompanied by a protest bond of \$1,500.00 which shall be remitted only in the form of a money order, a certified check, a cashier's check, or a bank check payable to the town.

(4) At no time shall a protestor, party, or any other person, contact the special magistrate regarding any issue pertaining to or involving the protest. Contact between the town and the special magistrate shall be limited to scheduling and other administrative issues, including the provision and copying of public records pertinent to the protest.

(d) *Authority of special magistrate.* The special magistrate, appointed to hear the town's code enforcement cases, shall also hear bid protests and shall have the jurisdiction and authority to hear and decide protests.

(1) The special magistrate shall make a recommendation as to whether the protest should be upheld or denied.

(2) If the special magistrate upholds the protest, the special magistrate shall either make a recommendation to cancel the solicitation, or to cancel the award recommendation and post a new award recommendation after re-evaluation based on the special magistrate's determination of the facts in the case. In these instances, the town shall return the protestor's bond to the protester after deducting any out of pocket costs incurred by the town related to the appeal.

- (3) If the special magistrate denies the protest, the special magistrate shall recommend that the town manager proceed with the posted award recommendation. In these instances, the protestor's bond shall be forfeited.
- (4) The town manager may accept the special magistrate's recommendation or, if he/she determines the special magistrate's recommendation is not in the town's best interest, the original award recommendation may be referred to the council for approval. At that time, the council may accept or reject the recommendation of the special magistrate.
- (e) *Stay of procurement during protests.* Notwithstanding anything contained herein to the contrary, in the event of a timely protest, the town manager shall stay the award of the contract unless he/she, with the advice of the town attorney and after consultation with the applicable department head, makes a determination that the award of the contract without delay is necessary to protect substantial interests of the town.

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

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

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

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

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

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

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

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakisha Q. Burch, Town Clerk

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

Robert Shorr Chair

David Demarois Board Supervisor

Laura Danowski Board Supervisor

Lisa El-Ramey Board Supervisor

Phillis Maniglia Board Supervisor

ORDINANCE NO. 2008-09

AN ORDINANCE OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA ENACTING A NEW SECTION OF THE TOWN OF LOXAHATCHEE GROVES CODE OF ORDINANCES ENTITLED “BID PROCEDURES; PUBLIC FUNDS” ADOPTING PROCUREMENT REQUIREMENTS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, Town staff recommends the enactment of a new section of the Town of Loxahatchee Groves Code of Ordinances related to procurement procedures; and

WHEREAS, the Town Council deems it to be in the best interests of the citizens, residents and businesses within the Town of Loxahatchee Groves to enact a new section of the Town of Loxahatchee Groves Code of Ordinances as provided herein.

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

Section 1. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance upon adoption hereof.

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Section 2. The Town Council of the Town of Loxahatchee Groves hereby enacts a new section of the Code of Ordinances of the Town of Loxahatchee Groves, Florida, entitled “Bid Procedures; Public Funds”, to read as follows:

BID PROCEDURES; PUBLIC FUNDS.

A. Definitions.

For the purpose of this Division of the Code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADDENDA or ADDENDUM means written or graphic instruments issued prior to the opening of bids which clarify, correct or change the bidding documents or the contract documents.

BUSINESS LOCATION means a permanent office or other site where the vendor operates, conducts, engages in, or carries on all, or a portion of, its business. A post office box shall not be sufficient to constitute a "business location".

CHANGE ORDER means changes, due to unanticipated conditions or developments, made to an executory contract, which do not substantially alter the character of the work contracted for, and which do not vary so substantially from the original specifications as to constitute a new undertaking. Such changes must reasonably and conscientiously be viewed as being in fulfillment of the original scope of the contract rather than as departing therefrom. Further, such changes, when viewed against the background of the work described in the contract and the language used in the specifications, must clearly be directed either to the achievement of a more satisfactory result or the elimination of work not necessary to the satisfactory completion of the contract.

CHIEF PROCUREMENT OFFICER means the Town Manager, or his or her designee, who is responsible for the procurement of

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commodities and services as well as the management and disposal of commodities.

TOWN STANDARD COMMODITIES, refer to those situations where the Town has determined that a particular style, brand, make, or model is the only type that meets the Town's requirements for performance, compatibility or other salient characteristics.

COMMODITIES means personal property, including but not limited to, goods, supplies, apparatus, equipment, material and other forms of tangible personal property.

CONTRACTOR means any person or business entity having a contract with the Town.

COOPERATIVE PURCHASING refers to situations where the Town participates in joint procurement of commodities or services with other public entities within the state, in order to obtain lower prices through greater purchasing volume.

INVITATION FOR BID means a written solicitation for competitive sealed bids with the title, date and hour of the public bid opening designated therein and specifically defining the commodities or services for which bids are sought. The invitation for bid shall be used when the Town is capable of specifically defining the scope of work for which a service is required or when the Town is capable of establishing precise specifications defining the actual commodities required. The invitation for bid shall include instruction to bidders, plans, drawings and specifications, if any, bid form and other required forms and documents to be submitted with the bid.

QUOTATIONS means unsealed telephonic, facsimile or written bids for commodities or services.

REQUEST FOR LETTERS OF INTEREST means a written solicitation for offers with the title, date and hour of the submission deadline designated. A request for letters of interests shall include but is

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not limited to, general information and submission deadline. The town shall engage in competitive negotiations with responsible offerors determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of and conformance to the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion.

REQUEST FOR PROPOSALS means a written solicitation for competitive sealed proposals with the title, date and hour of the public opening designated. A request for proposals shall include but is not limited to general information, functional or general specifications, a statement of work, proposal instruction and evaluation criteria. All requests for proposals shall state the relative importance of price and any other evaluation criteria. The Town may engage in competitive negotiations with responsible proposers determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of and conformance to the solicitation requirements. Proposers shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals and such revisions may be permitted after submissions and prior to award for the purpose of obtaining the best and final offer.

REQUEST FOR QUALIFICATIONS means a written solicitation for competitive sealed offers with the title, date and hour of the public opening designated. A request for qualifications shall include but is not limited to, general information, functional or general specifications, statement of work, instructions for offer and evaluation criteria. All requests for qualifications shall state the relative importance of the evaluation criteria. The town may engage in competitive negotiations with responsible offerors determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of and conformance to the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of offers and such revisions may be permitted after submissions and prior to award for the purpose of obtaining the best and final offer.

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RESPONSIBLE BIDDER, RESPONSIBLE OFFEROR, RESPONSIBLE PROPOSER means a person or business entity having the capability in all respects to perform fully the contract requirements and sufficient experience, ability, reliability, capacity, facilities, equipment, financial resources and credit to give the Town a reasonable expectation of good faith performance, determined solely within the town's discretion.

RESPONSIVE BIDDER, RESPONSIVE OFFEROR, or RESPONSIVE PROPOSER means a person who has submitted a bid, offer, or proposal that conforms in all material respects to the Invitation for Bid, Request for Letters of Interests, Request for Qualifications, or Request for Proposals, determined solely within the Town's discretion.

SERVICES means the furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end-product other than reports that are merely incidental to the required performance. This term shall not include employment agreements or collective bargaining agreements.

SOLE SOURCE means that the commodities or services are available from only one (1) responsible vendor.

SURPLUS PROPERTY means any personal property belonging to the town, that is capable of being used but is in excess of the normal operating requirements of the Town, or which is no longer used or which has become obsolete, worn out or scrapped.

USING AGENCY means any department, agency, commission, bureau or other unit in the town government using commodities or procuring services as provided in this Division of the Town Code of Ordinances.

B. Compliance required.

It shall be unlawful for any town officer or employee to purchase any commodities or services or make any contract within the purview of this division unless there has been compliance with the requirements of

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this division. Any purchase made or contract executed contrary to the provisions hereof shall be null and void, and the Town shall not be bound thereby.

C. Competitive Bidding or Competitive Proposals Required; Exceptions.

(1) A purchase of or contract for commodities or services that is estimated by the Chief Procurement Officer to cost more than twenty-five thousand dollars (\$25,000), shall be based on competitive bids or competitive proposals as determined by the Chief Procurement Officer, except as specifically provided herein.

(2) Only the following situations are exempt from the competitive bid and competitive proposal requirements of this section:

(a) *Emergency purchases.* In urgent cases of compelling emergency that require the immediate purchase of commodities or services, the Town Manager is empowered to waive competitive bidding or competitive proposals and authorize the Chief Procurement Officer to secure by open market procedure any commodities or services, notwithstanding the estimated cost of the commodities or services.

(b) *Professional services.* Contracts for professional services involving peculiar skill, ability, experience or expertise, which are in their nature unique and not subject to competitive bidding or competitive proposals, are exempt from this section of the Code; however, state laws, such as the Consultants' Competitive Negotiation Act of the Florida Statutes, as may be amended from time to time, to the extent applicable, shall be followed.

(c) *Town standard, commodities, single-source and sole-source commodities or services.* Town standard, single-source and sole-source commodities or services are exempt from this section of the Code.

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(d) Disaster preparedness. Contracts for and purchases of commodities or services that are made in contemplation and preparation for and in response to the occurrence of a natural or man-made disaster or civil unrest, where time or availability rather than price is the controlling factor, are exempt from this section of the Code.

(e) Utilization of other governmental agencies' contracts. Commodities or services that are the subject of contracts with the state, its political subdivisions or other governmental entities, including the United States government, are exempt from this section, provided, however, that this subsection shall apply only if the contract expressly permits or if the awarding jurisdiction and/or the vendor agree to allow the Town to purchase therefrom, and if either: (i) the commodities or services are the subject of a price schedule negotiated by the state or federal government or by competitive bid by another governmental agency and not on any preference; or (ii) the price offered for the commodity or service exactly equals or is lower than the governmental contract from vendors awarded such governmental contract. Where an award is made pursuant to this paragraph, the terms and conditions agreeable to the town may be used in lieu of those terms and conditions of the contract with the other governmental agency.

(f) Cooperative purchasing. Cooperative purchasing plans are exempt from this section of the Code.

(g) The following contractual services are not subject to the competitive procurement requirement:

(i) Services involving special skill, ability, training or expertise which are in their nature unique, original or creative.

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(ii) Academic program reviews or lectures or seminars by individuals.

(iii) Health services involving examination, diagnosis, treatment, prevention, medical consultation or administration.

(iv) Artistic services which are original and creative in character and skill in a recognized field of artistic endeavor such as music, dance, drama, painting and sculpture, photography, culinary arts, fashion design and the like.

(v) Performing artists and entertainers hired to provide entertainment for the benefit of the citizens of Loxahatchee Groves and the general public at any Town facility.

(vi) Maintenance service of equipment. When considered to be in the best interest of the Town and recommended by the using department and the services to be performed are by the equipment manufacturer, manufacturer's service representative, or a distributor of the manufacturer's equipment the services may be procured without following the competitive sealed bid process.

(vii) Utilities including but not limited to electric, water and communications.

(viii) Goods and services provided by not-for-profit organizations.

(ix) The foregoing enumeration of services deemed to be exempt from the competitive procurement requirements is not intended to be an exhaustive or exclusive list. The Town Manager or his or her designee may determine if a contractual service must be procured

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through the competitive procurement process, if not expressly indicated herein.

(x) copyrighted materials, except computer software.

(xi) Food, clothing and other promotional items purchased for resale or distribution to the public.

(h) *Best interest of the Town.* Purchases of, and contracts for, commodities or services are exempt from this section of the Code when the Town Council declares by a four-fifths (4/5) affirmative vote that the process of competitive bidding and competitive proposals is not in the best interest of the Town. The Town Council shall make specific factual findings that support its determination, and such contracts shall not be placed on the Town Council's Consent Agenda.

(3) Any other provision of this section of the Code to the contrary notwithstanding, Town purchasing shall be conducted in accordance with applicable Florida law, including §§ 180.24 and 255.20, Florida Statutes, as may be amended from time to time.

D. Competitive Bidding Procedure.

Procedure. The competitive bidding procedures below shall be followed:

(1) *Advertisement for bids required.* Notice of the competitive bid shall be advertised at least one (1) time in a newspaper of general circulation within the Town, calling for sealed bids for the work to be done under the proposed contract, at least ten (10) days before the bids are due to be received.

(2) *Surety.*

(a) *Bid deposits.* When deemed necessary by the Chief Procurement Officer, bid deposits or sureties shall be prescribed in

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the public notice inviting bids. Unsuccessful bidders shall be entitled to return of such deposit or surety where the Chief Procurement Officer has required same. A successful bidder shall forfeit any deposit or surety required by the Chief Procurement Officer upon failure on its part to enter a contract within fifteen (15) days after the award.

(b) *Sureties on performance.* For all competitive bids seeking commodities or services in excess of two hundred thousand (\$200,000) dollars the Chief Procurement Officer or appropriate staff person, shall include as a requirement of such advertised bids a performance bond in the total contract amount. The Chief Procurement Office, in his or her discretion, may require such performance bonds for bids seeking commodities or services in an amount of two hundred thousand dollars (\$200,000) or less. The Town Manager shall have the discretion to waive the performance bond requirement in the event of an undue hardship or emergency. Any bonding company used must be listed on the United States Department of the Treasury's Circular 570. Additionally, the bonding company must be rated at least "A," Class VI, by "Best's Key Rating Guide," published by A.M. Best Company, and be authorized to do business in Florida.

(3) *Addenda.* Written addenda will be issued when changes, clarification or amendments to the invitation for bid are deemed necessary.

(4) *Bid opening procedure.*

(a) *Bids shall be submitted sealed to the Town Clerk and shall be identified as bids on the envelope.*

(b) *Bids shall be opened in public by the Town Clerk or designee at the time and place stated in the public notice.*

(c) *A tabulation of all bids received shall be posted for public inspection.*

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(d) No late bids shall be accepted or opened, and, if received after the date and time called for in the bid notice, shall be retained unopened by the Town Clerk.

(e) Failure to properly sign bids may invalidate them and they shall not be considered.

(f) The bids opened shall contain a copy to be filed in the Clerk's office.

(g) The Town reserves the right to waive any irregularities in the bids, as determined by the Chief Procurement Officer.

(5) *Rejection of bids.* The Town Manager and Town Council may reject any bids, parts of all bids or all bids for any one or more commodities or services included in the proposed contract when the public interest will be served thereby. The Chief Procurement Officer shall not accept a bid from a contractor who is in default on the payment of taxes, licenses or other moneys due the Town.

(6) Contracts shall be awarded to the lowest responsive, responsible bidder. In determining the "lowest responsive, responsible bidder," the Chief Procurement Officer shall consider:

(a) The prices contained in the bid.

(b) The ability, capacity and skill of the bidder to perform the contract or provide the service required.

(c) Whether the bidder can perform the contract or provide the service promptly or within the time specified, without delay or interference.

(d) The character, integrity, reputation, judgment, experience and efficiency of the bidder.

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(e) The quality of performance of previous contracts of services, including, but not limited to, Town contracts.

(f) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service.

(g) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service.

(h) The quality, availability and adaptability of the commodities, or services to the particular use required.

(i) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.

(j) The number and scope of conditions attached to the bid.

(k) The overall cost to the Town.

(l) The best interests of the Town.

(7) Determination and Findings Statement. When the award is not given to the most responsive, responsible bidder, a Determination & Findings statement shall be prepared by the Chief Procurement Officer and filed with the other papers relating to the transaction.

(8) Tie bids.

(a) If the determination of lowest responsive, responsible bidder results in a tie, the contract may be split when it is to the Town's advantage as determined by the Chief Procurement Officer.

(b) If the Chief Procurement Officer determines not to split the bid, the contract shall be awarded by first preference to

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businesses with drug free workplace programs as described in hereinbelow and then by publicly drawing lots.

(9) *Prohibition against subdivision.* No contract of purchase shall be subdivided to avoid the requirements of this section.

(10) *Inspection of bids.* Inspection of the Town's formal bids and proposals shall be conducted in accordance with applicable Florida law, including §119.07 and §120.53, Florida Statutes, as said sections may be amended from time to time.

E. Competitive Negotiations. When the use of competitive bidding is not in the best interest of the Town for a purchase of, or contract for, commodities and/or services estimated to cost in excess of twenty-five thousand dollars (\$25,000), such commodities and/or services may be purchased by competitive negotiations. A request for proposals, or a request for qualifications, or a request for letters of interest shall be issued. Adequate public notice of the solicitation shall be given in the same manner as provided in Section D above. Other procedural provisions applicable to the sealed bid process shall also apply. To assure full understanding of and responsiveness to the solicitation requirements and full understanding of qualified proposals or offers, discussions may be conducted with qualified proposers or offerors who submit responses determined to be reasonably acceptable of being selected for award for the purpose of clarification and to assure full understanding of, and responsiveness to, the solicitation requirements. The respondents shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of responses, and such revisions may be permitted through negotiations prior to award for the purpose of obtaining best and final proposals or offers. The award shall be made to the responsible proposer or offeror whose proposal or offer is determined to be the most advantageous to the Town taking into consideration price and the evaluation factors set forth in the solicitation. No other criteria shall be used in the evaluation. A summary of the basis on which the award is made shall be included in the contract file.

F. Award of Contract.

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(1) Town Council approval.

(a) An initial purchase of, or contract for, commodities or services, in excess of ten thousand dollars (\$10,000), shall require the approval of the Town Council, regardless of whether the competitive bidding or competitive proposal procedures were followed. However, emergency purchases as described in Section C, shall not require advance Town Council approval. In such emergency situations, the Town Manager may approve the purchase or contract, subject to later ratification by the Town Council. Emergency purchases are to be made only when the normal function and operation of the Town would be hampered to such an extent by submittal of a requisition in the usual manner that it may effect the life, health or convenience of citizens.

(b) Purchases exceeding the sum of thirty thousand dollars (\$30,000.00) in the aggregate shall not be purchased from the same person or entity during the course of any fiscal year, unless such purchases are first authorized by the Town Council. The above provision shall not apply to purchases of utilities or to ongoing contracts.

(2) Town Manager approval. A purchase of, or contract for, commodities or services in an amount of twenty-five thousand dollars (\$25,000) or less, shall require the approval of the Town Manager.

G. Town Attorney to review and approve form of purchasing contracts.

The Town Attorney shall review all contracts awarded under this Article of the Code and shall approve said contracts as to form prior to their execution by the appropriate Town officials. Notwithstanding the above, the Town Attorney, in his or her discretion, may approve form contracts bearing a pre-printed Town Attorney approval, provided that the provisions of the form contracts are not modified.

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H. Debarment and suspensions.

(1) Authority and requirement to debar and suspend. After reasonable notice to an actual or prospective contractual party, and after reasonable opportunity to such party to be heard, the Town Manager, after consultation with the Town Attorney, shall have the authority to debar a person or entity for the causes listed below from consideration for award of town contracts. The debarment shall be for a period of not fewer than three years. The Town Manager shall also have the authority to suspend a contractor from consideration for award of town contracts, if there is probable cause for debarment, pending the debarment determination. The authority to debar and suspend contractors shall be exercised in accordance with regulations that shall be issued by the Town Manager.

(2) Causes for debarment or suspension. Causes for debarment or suspension include the following:

(a) Conviction of a criminal offense incident to obtaining or attempting to obtain a public or private contract or subcontract, or incident to the performance of such contract or subcontract.

(b) Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty.

(c) Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals.

(d) Violation of the Town's contract provisions, which is regarded by the Chief Procurement Officer to be indicative of non-responsibility. Such violation may include failure without good cause to perform in accordance with the terms and conditions of a Town contract or to perform within the time limits provided in the town contract, provided that failure to perform caused by acts

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beyond the control of a party shall not be considered a basis for debarment or suspension.

(e) Debarment or suspension of the person or entity by any federal, state or other governmental entity.

(f) False certification pursuant to paragraph (3) below.

(g) Any other cause judged by the Town Manager to be so serious and compelling as to affect the responsibility of the person or entity performing town contracts.

(3) Debarment and suspension decisions. Subject to the provisions of paragraph (1), the Town Manager shall render a written decision stating the reasons for the debarment or suspension. A copy of the decision shall be provided promptly to the contractual party.

I. Availability of funds.

Except in cases of emergency, Town Manager or designee shall not issue any order for delivery on a contract or any open-market order unless and until the Town Manager, or his designee, certifies that there are unencumbered funds available in the using agency's budget, in excess of all unpaid obligations, to defray the cost of such commodities or services.

J. Open Market Procedure.

A purchase of, or contract for, commodities or services that is estimated by the Chief Procurement Officer to cost one thousand dollars (\$1,000) or less, may be purchased either in the open market, without newspaper advertisement and without observing the procedures prescribed by Section D above, or in accordance with the competitive bidding procedure prescribed by Section D above, as deemed appropriate by the Chief Procurement Officer. However, all such purchases of greater than the estimated cost of one thousand dollars (\$1,000.00) but less than or equal to five thousand dollars (\$5,000.00) shall require at least three (3) quotations by telephone. For purchases of an estimated cost greater than

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five thousand dollars (\$5,000.00) but less than twenty-five thousand dollars shall require at least three (3) quotations in written form.

(1) *Notice inviting quotations.* When using the open market procedure, the Chief Procurement Officer may solicit, or oversee the solicitation of quotations by:

(a) Direct mail requests to prospective vendors;

(b) Telephone;

(c) Public notice;

(d) Facsimile;

(e) Internet

(2) *Recording.* The Chief Procurement Officer shall keep a record of all open market orders and the bids submitted in competition thereon and such records shall also be open to public inspection.

K. Inspection, Testing of Purchased Items or Services.

The Chief Procurement Officer shall inspect, or supervise the inspection of, all deliveries of commodities or services to determine their conformance with the specifications set forth in the order or contract.

(1) *Inspection by using agency.* The Chief Procurement Officer shall have the authority to authorize using agencies having the staff and facilities for adequate inspection to inspect all deliveries made to such using agencies under rules and regulations prescribed by the Chief Procurement Officer.

(2) *Testing.* The Chief Procurement Officer shall have the authority to require chemical and physical test of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with the specifications. In the performance of such tests the Chief Procurement Officer shall have the authority to make

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use of laboratory facilities of any agency of the Town government or of any outside laboratory.

L. Disposal Of.

(1) Disposal of property. The disposal of property requires Town Council approval.

M. Change Orders.

(1) Town Manager's authority. Subject to the restrictions contained in paragraph (2) below, the Town Manager is authorized to approve and initial work on the following types of change orders determined in his/her judgment, to be in the public interest, as follows:

(a) All change orders decreasing the cost of the contract to the Town that do not materially alter the character of the work contemplated by the contract.

(b) A change order where the net change increases the cost of the contract to the Town by an amount less than or equal to five percent (5%).

(c) On a unit price contract, a change order consisting of unit quantity increases at the unit price bid, which do not exceed ten percent (10%) of the original unit quantity for each line item.

(2) Notwithstanding the provisions of paragraph (1) above, the Town Manager is not authorized to approve a change order without authorization of the Town Council where the sum of all change orders issued under the contract exceeds five percent (5%) of the original contract amount.

N. Term, Termination, Extension and Renewal of Contracts.

(1) Term.

CODING: Words in ~~strike-through~~ type are deletions from existing law;
Words in underlined type are additions.

ORDINANCE NO. 2008-09

(a) Unless otherwise provided by law, a contract for supplies or services may be entered into for any time period deemed to be in the best interests of the Town provided the extension, if any, are included in the solicitation and funds are available for the first fiscal period at the time of contracting. Payment and performance obligations for future fiscal periods shall be subject to the availability of funds.

(b) Price Adjustment. Contracts may be awarded with provisions of upward or downward price adjustments provided this allowance is part of the original bid solicitation and the adjustments are based on a nationally recognized or published index or other criteria acceptable to the Chief Procurement Officer.

(2) Termination. The Town Manager or his/her designee is authorized to terminate any contract entered into by the Town when (s)he determines that a party to the contract has breached or failed to perform one or more of its obligations under the contract. Except in the case of an emergency, where such advance notice is not possible, or where the contract was entered into without Town Council approval, the Town Manager or his/her designee must provide sufficient prior written notice to the Mayor and each Council Member so that they can make any necessary inquiries at the next Town Council meeting. When a contract is entered into by the Town pursuant to Town Council approval and is terminable by the town without cause, only the Town Council is authorized to terminate the contract without cause. If the Mayor or any Town Council Member desires that a contract be terminated without cause, he/she shall notify the Town Manager in writing and request that the item be placed on the next Town Council agenda.

(3) Extensions. The Town Manager or his/her designee is authorized to extend, for operational purposes only and for a maximum of one hundred eighty (180) days, any contract entered into by the Town pursuant to Town Council approval. Any further extensions of such contract require the approval of the Town Council.

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ORDINANCE NO. 2008-09

(4) Renewals.

(a) General. When a contract is entered into by the Town pursuant to Town Council approval and provides for one or more renewals by affirmative action of the Town, the Town Manager may approve such renewals only with the approval of the Town Council.

(b) Automatic. When a contract is entered into by the Town pursuant to Town Council approval and provides for one or more automatic renewals unless one party notifies the other of its intent not to renew, only the Town Council is authorized to decide not to renew the contract.

(5) Employment contracts. The provisions of this section shall not apply to the employment contract of the Town Manager.

(6) Application to existing and future contracts. The provisions of this section shall apply to every contract in existence on the effective date of this section and every contract entered into thereafter.

O. Preference to Businesses with Drug-Free Workplace Programs.

(1) The Town hereby adopts by reference §287.087, Florida Statutes, as amended, regarding bidding preferences for businesses with drug-free workplace programs.

(2) Whenever two (2) or more bids which are equal with respect to price, quality and service are received by the town for the procurement of commodities or services, a bid received from a business that certifies that it has implemented a drug-free workplace program shall be given a preference, provided that the drug-free workplace program complies with §287.087, Florida Statutes, and any other applicable state law. An announcement of this preference may be included in the bid documents.

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ORDINANCE NO. 2008-09

P. Non-Discrimination.

Vendor shall not discriminate against any person in its operations, activities or delivery of services. Vendor shall affirmatively comply with all applicable provisions of federal, state and local equal employment laws and shall not engage in or commit any discriminatory practice against any person based on race, age, religion, color, gender, sexual orientation, national origin, marital status, physical or mental disability, political affiliation or any other factor which cannot be lawfully used as a basis for service delivery.

Q. Non-Collusion.

A Bidder shall not collude, conspire, connive or agree, directly or indirectly, with any other Bidder, firm, or person to submit a collusive or sham Bid in connection with the Work for which the Bid has been submitted; or to refrain from bidding in connection with such work; or have in any manner, directly or indirectly, sought by person to fix the price or prices in the Bid or of any other Bidder, or to fix any overhead, profit, or cost elements of the Bid price or the Bid price of any other Bidder, or to secure through any collusion, conspiracy, connivance, or unlawful agreement any advantage against any other Bidder, or any person interested in the proposed work.

Section 3. It is the intention of the Town Council of the Town of Loxahatchee Groves, Florida that the provisions of this ordinance shall become and be made a part of the Town of Loxahatchee Groves Code of Ordinances. The sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

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ORDINANCE NO. 2008-09

Section 4. All ordinances inconsistent or in conflict herewith shall be and are hereby repealed insofar as there is conflict or inconsistency.

Section 5. If any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 6. This ordinance shall become effective upon its passage and adoption by the Town Council.

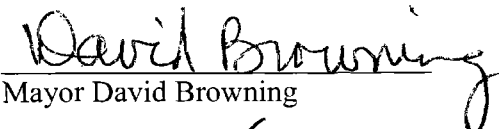
PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA ON THE FIRST READING THIS 18th DAY OF November, 2008.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA ON THE SECOND READING THIS 2nd DAY OF December, 2008.

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

ATTEST:


TOWN CLERK or Authorized Representative


Mayor David Browning

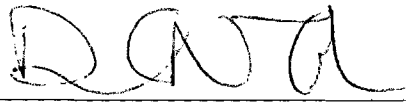

Vice Mayor Herzog

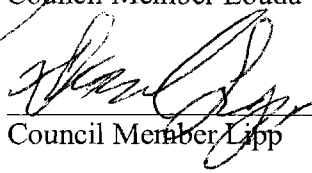

Council Member Autrey

APPROVED AS TO LEGAL FORM:

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ORDINANCE NO. 2008-09


Office of the Town Attorney


Council Member Louda

Council Member Lipp

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