

Town of Loxahatchee Groves
Special Town Council Meeting
Tuesday, December 18, 2018 at 5:00 p.m.
Town of Loxahatchee Groves Town Offices, 155 F Road,
Loxahatchee Groves, Florida 33470

Mayor David Browning (Seat 4)
Vice Mayor Todd McLendon (Seat 2)
Council Member David DeMarois (Seat 5)
Council Member Phillis Maniglia (Seat 1)
Council Member Anita Kane (Seat 3)

Town Manager William F. Underwood, II
Town Attorney Michael D. Cirullo, Jr.
Asst. Town Manager Francine Ramaglia
Acting Town Clerk Perla Underwood

PUBLIC NOTICE/AGENDA

1. OPENING OF PUBLIC MEETING

- a. Call to Order & Roll Call
- b. Approval of Agenda

MOTION	SECOND	VOTE
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2. PUBLIC HEARINGS

- 1. Final Reading of Ordinance No. 2018-14 Relative to Special Election to fill vacancy for Balance of Term of Seat 3.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SCHEDULING A SPECIAL ELECTION TO FILL THE REMAINING TERM FOR TOWN COUNCIL SEAT 3, AND CONFIRMING THE SUBMITTAL TO THE TOWN'S ELECTORATE OF A CHARTER AMENDMENT REFERENDUM AND BOND REFERENDUM FOR THE SAME ELECTION, TO OCCUR IN CONJUNCTION WITH THE TOWN'S GENERAL MUNICIPAL ELECTION FOR COUNCILMEMBER SEATS 2 AND 4 ON MARCH 12, 2019; SETTING THE QUALIFYING PERIOD FOR SEAT 3; PROVIDING THAT THE TOWN MANAGER AND TOWN ATTORNEY SHALL TAKE ALL ACTIONS NECESSARY AND REQUIRED FOR THE SPECIAL ELECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION	SECOND	VOTE
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2. Final Reading of Ordinance No. 2018-15 Amending Election Qualifying Dates for March 2019 Election

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ORDINANCE 2017-17 REGARDING QUALIFYING DATES SET FORTH IN SECTION 3(3)(D) OF THE TOWN'S CHARTER ELECTIONS PURSUANT TO SECTIONS 100.3605 AND 166.021, FLORIDA STATUTES, RELATIVE TO QUALIFYING PERIODS IN YEARS IN WHICH THE FIRST TUESDAY IN JANUARY IS JANUARY 1; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION	SECOND	VOTE
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3. RESOLUTIONS

1. Adoption of Resolution No. 2018-89 Announcing Election and Qualifying for March 2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, DESIGNATING THE DATE, TIME AND PLACE TO QUALIFY AND FILE FOR THE OFFICE OF TOWN COUNCIL MEMBER FOR SEAT 2, SEAT 3, AND SEAT 4, PRIOR TO THE MUNICIPAL GENERAL ELECTION TO BE HELD ON TUESDAY, MARCH 12, 2019, PURSUANT TO THE TOWN CHARTER AND CHAPTERS 97 – 106, FLORIDA STATUTES; THE ELECTION FILING PERIOD OPENS PROMPTLY AT 12:00 NOON ON JANUARY 2, 2019 AND CLOSSES PROMPTLY AT 12:00 NOON ON JANUARY 9, 2019; SETTING FILING FEES; AUTHORIZING THE TOWN CLERK TO APPOINT ELECTION BOARDS FOR ELECTION PRECINCT 6094; AUTHORIZING THE SUPERVISOR OF ELECTIONS TO CONDUCT THE TOWN ELECTION AND APPROVING THE AGREEMENT BETWEEN THE TOWN AND THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS FOR ELECTION SERVICES; AUTHORIZING THE TOWN CLERK OR DESIGNEE TO HANDLE CERTAIN ELECTION MATTERS; OPTING OUT OF EARLY VOTING; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

MOTION	SECOND	VOTE
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2. Adoption of Resolution No. 2018-90 Appointment of Canvassing Board for March 2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, DESIGNATING THE SUPERVISOR OF ELECTIONS, OR HER DESIGNEE, ALONG WITH THE TOWN CLERK, AND A TOWN RESIDENT, TO SERVE AS THE TOWN'S

CANVASSING BOARD, INCLUDING ATTENDANCE FOR THE TESTING OF THE ELECTRONIC SYSTEMS AUTOMATIC TABULATION EQUIPMENT, TO CANVASS THE MUNICIPAL ELECTION, AND TO CERTIFY THE ELECTION RESULTS FOR THE TOWN'S MARCH 12, 2019 MUNICIPAL ELECTION, AND ANY RUN-OFF ELECTION, PURSUANT TO THE TOWN CHARTER AND STATE LAW; PROVIDING FOR MATTERS RELATING TO THE ELECTION; AND PROVIDING AN EFFECTIVE DATE.

MOTION	SECOND	VOTE
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3. Adoption of Resolution No. 2018- 95 Transmitting Ballot Language to Supervisor of Elections

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, TO PROVIDE THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS WITH THE BALLOT LANGUAGE FOR TWO QUESTIONS TO BE PLACED ON THE BALLOT FOR THE MARCH 12, 2019 MUNICIPAL GENERAL ELECTION; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

MOTION	SECOND	VOTE
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4. Adoption of Resolution No. 2018-96 –Approval of Intake Pump Soft Start Repair

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE PROPOSAL OF SULLIVAN ELECTRIC & PUMP, INC., TO REPAIR THE SOUTHERN BOULEVARD TRANSFER PUMP IN THE AMOUNT OF \$8,723.04 AND AUTHORIZING THE TOWN MANAGER TO ACCEPT THE PROPOSAL FOR THE REPAIRS; PROVIDING FOR AN EFFECTIVE DATE.

MOTION	SECOND	VOTE
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4. NEW BUSINESS

1. Discussion and Action on Legislative Appropriation Requests

MOTION	SECOND	VOTE
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5. PUBLIC COMMENTS

6. ADJOURNMENT

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

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2018-14

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SCHEDULING A SPECIAL ELECTION TO FILL THE REMAINING TERM FOR TOWN COUNCIL SEAT 3, AND CONFIRMING THE SUBMITTAL TO THE TOWN'S ELECTORATE OF A CHARTER AMENDMENT REFERENDUM AND BOND REFERENDUM FOR THE SAME ELECTION, TO OCCUR IN CONJUNCTION WITH THE TOWN'S GENERAL MUNICIPAL ELECTION FOR COUNCILMEMBER SEATS 2 AND 4 ON MARCH 12, 2019; SETTING THE QUALIFYING PERIOD FOR SEAT 3; PROVIDING THAT THE TOWN MANAGER AND TOWN ATTORNEY SHALL TAKE ALL ACTIONS NECESSARY AND REQUIRED FOR THE SPECIAL ELECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, due to the resignation of Councilmember Batcheler, a vacancy in office has occurred for Seat 3 of the Town Council for which the remaining term exceeds one (1) year and eighty-one (81) days; and,

WHEREAS, the Town Charter provides that in the event of a vacancy where the remaining term is more than one (1) year and eighty-one (81) days, a special election shall be held at the next regularly scheduled town election to fill the vacancy; and,

WHEREAS, the next regularly scheduled election in the Town is March 12, 2019; and,

WHEREAS, the Town Charter requires the time for holding the special election to be set by ordinance.

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 specific part of this Ordinance upon adoption hereof.

Section 2. Pursuant to Section 7(6) of the Town Charter, the Town Council of the Town of Loxahatchee Groves hereby calls a special election to be conducted in conjunction with the Town's general municipal election on March 12, 2019, for the purpose of filling the vacancy in office for Council Seat 3. The election shall occur at the same times, at the same locations, and under the same terms and conditions as the Town's regular March 12, 2019, election. The Town's proposed charter amendment relating to law enforcement services and a proposed referendum relating to authority to issue bonds for certain roadway improvements shall be on the same special election.

Section 3. Qualifying for the special election for Seat 3 shall be at the same time as qualifying for the town's regular election for Seats 2 and 4, which pursuant to the Town Charter shall be from noon on Tuesday, January 29, 2019, to noon on Tuesday, February 5, 2019; provided that if the qualifying period for the March 12, 2019 election changes to accommodate the Supervisor of Elections, the qualifying period for Seat 3 shall change to the same date.

Section 4. The Town Manager and Town Attorney are to take all actions necessary to implement the special election scheduled herein.

Section 5. **Severability.** If any clause, section, or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

Section 6. **Conflicts.** 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 7. **Effective Date.** This Ordinance shall take effect immediately upon its adoption.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING AND PUBLIC HEARING, THIS ____ DAY OF _____, 2018.

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>
DAVID BROWNING, MAYOR	☐	☐	☐
TODD MCLENDON, VICE MAYOR	☐	☐	☐
DAVID DEMAROIS, COUNCIL MEMBER	☐	☐	☐
PHILLIS MANIGLIA, COUNCIL MEMBER	☐	☐	☐
_____, COUNCIL MEMBER	☐	☐	☐

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN
LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS
____ DAY OF _____, 2018.**

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>
DAVID BROWNING, MAYOR	☐	☐	☐
TODD MCLENDON, VICE MAYOR	☐	☐	☐
DAVID DEMAROIS, COUNCIL MEMBER	☐	☐	☐
PHILLIS MANIGLIA, COUNCIL MEMBER	☐	☐	☐
_____, COUNCIL MEMBER	☐	☐	☐

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Town Clerk

Mayor David Browning

Vice Mayor Todd McLendon

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

Council Member David DeMarois

Council Member Phillis Maniglia

Council Member _____

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2018-15

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ORDINANCE 2017-17 REGARDING QUALIFYING DATES SET FORTH IN SECTION 3(3)(D) OF THE TOWN'S CHARTER ELECTIONS PURSUANT TO SECTIONS 100.3605 AND 166.021, FLORIDA STATUTES, RELATIVE TO QUALIFYING PERIODS IN YEARS IN WHICH THE FIRST TUESDAY IN JANUARY IS JANUARY 1; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 3(3)(d) of the Town' Charter provides for a qualifying period for the Town's General Municipal Elections to be from the last Tuesday in January to the First Tuesday in February of the year in which the election is to be held; and,

WHEREAS, the Palm Beach County Supervisor of Elections has advised all municipalities in Palm Beach County that in order for her to comply with legal timelines for ballots for the statewide elections, all municipal qualifying periods must occur earlier than the dates set forth in the Town's Charter; and,

WHEREAS, although Ordinance 2017-17 addressed qualifying periods in years in which the first Tuesday in January is January 1 (as is the case for 2019), the qualifying period for such years in Ordinance 2017-17 will not meet the deadline set by the Palm Beach County Supervisor of Elections; and,

WHEREAS, Section 100.3605, Florida Statutes, provides authority for municipalities to move their election and qualifying dates without referendum; and,

WHEREAS, Section 166.021(4), Florida Statutes, exempts changes to qualifying dates from the referendum requirement for amending a municipal charter; and,

WHEREAS, the Town Council finds it in the best interest of the Town to amend Ordinance 2017-17 to provide that when the first Tuesday in January falls on January 1, then in those years the qualifying period for the Town's General Municipal Election shall be from noon on the first Wednesday in January to noon on the second Wednesday in January of the year in which the election is held; and,

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

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

Section 2. Ordinance 2017-17 is hereby amended to establish the qualifying period for the Town's General Elections as follows:

Any resident of the town who wishes to become a candidate for a council member seat shall qualify with the town clerk no sooner than noon on the first Tuesday of January, nor later than noon on the second Tuesday in January, of the year in which the election is to be held except for those years in which the first Tuesday in January is January 1, and in those years any resident of the town who wishes to become a candidate for a council member seat shall qualify with the town clerk no sooner than noon on the ~~second Tuesday~~ first Wednesday of January, nor later than noon on the ~~third Tuesday~~ second Wednesday in January in those years in which the election is to be held.

Section 3. Section 3, entitled "Election and terms of office," Subsection 3 entitled ""Deadline," paragraph (d) entitled "Deadline" of the Town Charter is hereby deemed amended as provided in Section 2 herein above.

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

Section 5. If any clause, section or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

Section 6. This Ordinance shall take effect immediately upon its adoption.

[Signature page to follow]

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING AND PUBLIC HEARING, THIS ____ DAY OF _____, 2018.

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>
DAVID BROWNING, MAYOR	☐	☐	☐
TODD MCLENDON, VICE MAYOR	☐	☐	☐
DAVID DEMAROIS, COUNCIL MEMBER	☐	☐	☐
PHILLIS MANIGLIA, COUNCIL MEMBER	☐	☐	☐
_____, COUNCIL MEMBER	☐	☐	☐

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS ____ DAY OF _____, 2018.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Acting Town Clerk

Mayor David Browning

Vice Mayor Todd McLendon

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

Council Member David DeMarois

Council Member Phillis Maniglia

Council Member _____

RESOLUTION NO. 2018-89

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, DESIGNATING THE DATE, TIME AND PLACE TO QUALIFY AND FILE FOR THE OFFICE OF TOWN COUNCIL MEMBER FOR SEAT 2, SEAT 3, AND SEAT 4, PRIOR TO THE MUNICIPAL GENERAL ELECTION TO BE HELD ON TUESDAY, MARCH 12, 2019, PURSUANT TO THE TOWN CHARTER AND CHAPTERS 97 – 106, FLORIDA STATUTES; THE ELECTION FILING PERIOD OPENS PROMPTLY AT 12:00 NOON ON JANUARY 2, 2019 AND CLOSSES PROMPTLY AT 12:00 NOON ON JANUARY 9, 2019; SETTING FILING FEES; AUTHORIZING THE TOWN CLERK TO APPOINT ELECTION BOARDS FOR ELECTION PRECINCT 6094; AUTHORIZING THE SUPERVISOR OF ELECTIONS TO CONDUCT THE TOWN ELECTION AND APPROVING THE AGREEMENT BETWEEN THE TOWN AND THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS FOR ELECTION SERVICES; AUTHORIZING THE TOWN CLERK OR DESIGNEE TO HANDLE CERTAIN ELECTION MATTERS; OPTING OUT OF EARLY VOTING; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Town of Loxahatchee Groves shall conduct its annual Municipal General Election on Tuesday, March 12, 2019, pursuant to the Town Charter, the Florida Constitution and Chapter 97 – Chapter 106, Florida Statutes.

WHEREAS, one polling place is provided for the Town, Precinct 6094, and shall be open between the hours of 7:00 a.m. - 7:00 p.m. on Election Day, March 12, 2019; and

WHEREAS, registered voters shall have the opportunity to cast their vote for candidates who have filed and qualified for the Office Town Council Member Seat 2 and Council Member Seat 4, as well as a Special Election for Seat 3 and for referenda questions, pursuant to the Town Charter of the Town of Loxahatchee Groves, Palm Beach County, Florida.

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

Section 1. Any qualified elector [registered voter] of the Town of Loxahatchee Groves, Florida, who is qualified to hold an elective office under the Charter and Code of Ordinances of the Town of Loxahatchee Groves, Florida, and who desires to become a candidate for the Office of Town Council Member for Seat 2, Seat 3, or Seat 4 shall file with the Municipal Filing Officer

[Acting Town Clerk], a fully executed Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates [DS-DE 9] form; provide a Notice of Intent that his/her name be placed upon the ballot for election to declare themselves a bona fide candidate for such office; and file other forms necessary to be declared a candidate for the Office of Town Council Member for Seat 5.

Section 2. The Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates [DS-DE 9] that has been executed and signed by the candidate and accepted and signed by the Campaign Treasurer); the written Notice of Intent to Seek Election for Office of Town Council Member for Seat 1 or Seat 3; and other required documents must be provided by the candidate to the Municipal Filing Officer [Acting Town Clerk] during the Filing and Qualifying Period that opens promptly at 12:00 Noon, Wednesday, January 2, 2019 and closes promptly at 12:00 Noon, Wednesday, January 9, 2018.

Section 3. Each person seeking to qualify for nomination or election to a municipal office shall pay, at the time of qualifying for office, an election assessment. The election assessment shall be an amount equal to 1 percent (1%) of the annual salary of the office sought. There is not a local filing fee for the Town of Loxahatchee Groves.

Section 4. Pursuant to Section 3 of the Town Charter, each candidate for the Office of Town Council Member for Seat 2, Seat 3, or Seat 4 shall be a qualified elector [registered voter]. All candidates for the Office of Town Council Member for Seat 2, Seat 3, or Seat 4 must be a resident of the Town of Loxahatchee Groves for at least one (1) year prior to qualifying.

Section 5. Precinct 6094 is hereby authorized for the Municipal Election to be held on Tuesday, March 12, 2019, for the Office of Town Council Member for Seat 2, Council Member for Seat 3, Council Member for Seat 4, and Town referenda questions, which is within the Town of Loxahatchee Groves, Florida.

Section 6. The Town Council requests and authorizes the Palm Beach County Supervisor of Elections to conduct its municipal election consistent with the Town Charter, Florida law, the Agreement between the Town and the Palm Beach County Supervisor of Elections, attached hereto as **Exhibit "A"** and hereby approved, and this resolution.

Section 7. The Acting Town Clerk, or her designee, is authorized to attend, and to the extent necessary represent, the Town and its Canvassing Board at all Logic and Accuracy Tests and on election night at the offices of the Palm Beach County Supervisor of Elections' Office.

Section 8. Upon closing the polls at 7:00 p.m. on Tuesday, March 12, 2019, the Acting Town Clerk shall ensure the secure transport of the paper ballots cast and appropriate cartridges to the Palm Beach County Supervisor of Election's Office, and the electronic transmission of election information as necessary or required by the Palm Beach County Supervisor of Elections. Upon the receipt of all optical scanned voting ballots and cartridges and provisional ballots, the Palm Beach County Supervisor of Elections shall count all the ballots, including the absentee ballots, optical scanned paper ballots, and provisional ballots for all Precincts located within the Town of Loxahatchee Groves.

Section 9. Upon the Acting Town Clerk's receipt of the Municipal Election Results from the Palm Beach County Supervisor of Elections, the Town's Canvassing Board shall meet as soon as practicable to canvass and certify the election results. The candidate(s) for the Office of Town Council Member for Seat 2, Seat 3, or Seat 4, receiving the highest number of votes validly cast, shall be declared elected. In the event of a tie vote, a runoff election shall be held pursuant to Town Charter, Section 7(c). Following the Canvassing Board's certification, each newly elected Town Council Member shall be administered the Oath of Office and assume the duties of the office with a ceremonial induction occurring at the next regular meeting of the Town Council following the General Election held in accordance with Section 7(e) of the Town Charter.

Section 10. That for purposes of this election and any future municipal election, the Town Council hereby determines that due to the ability of registered voters to cast absentee ballots for a municipal election that early voting is not necessary for a municipal election, and that it is in the best interest of the Town to opt out of early voting for municipal elections.

Section 11. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 12. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 13. This Resolution shall become effective immediately upon its passage and adoption.

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

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
DAVID BROWNING, MAYOR	☐	☐	☐
TODD MCLENDON, VICE MAYOR	☐	☐	☐
DAVE DEMAROIS, COUNCIL MEMBER	☐	☐	☐
PHILLIS MANIGLIA, COUNCIL MEMBER	☐	☐	☐
ANITA KANE, COUNCIL MEMBER	☐	☐	☐

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS 18TH DAY OF DECEMBER 2018.

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

ATTEST:

Mayor David Browning

Acting Town Clerk

Vice Mayor Todd McLendon

Council Member Dave DeMarois

APPROVED AS TO LEGAL FORM:

Council Member Phillis Maniglia

Office of the Town Attorney

Council Member Anita Kane

EXHIBIT "A"

AGREEMENT FOR VOTE PROCESSING EQUIPMENT AND ELECTION SERVICES
BY AND BETWEEN THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS
AND THE TOWN OF LOXAHATCHEE GROVES

**AGREEMENT FOR VOTE PROCESSING EQUIPMENT USE AND ELECTION SERVICES
BY AND BETWEEN
THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS AND THE “INSERT
MUNICIPALITY NAME”**

THIS AGREEMENT, is made and entered into this _____ day of _____, 2018, effective January 1, 2019, by and between the Palm Beach County Supervisor of Elections, an elected county officer pursuant to Article VIII, Sec.1(d) of the *Florida Constitution*, hereinafter referred to as the “**SOE**”, and the Town of Loxahatchee Groves, a municipal corporation, chartered and organized in accordance with the laws of the State of Florida, hereinafter referred to as the “Municipality”.

WITNESSETH:

WHEREAS, Chapters 97 to 106, *Florida Statutes*, constitute the Florida Election Code (the “Code”) which applies to municipalities where expressly so stated; and

WHEREAS, Sec 100.3605, *Florida Statutes*, states that “[T]he Florida Election Code, chapters 97-106 shall govern the conduct of a municipality’s election in the absence of an applicable special act, charter, or ordinance provision”; and

WHEREAS, the Municipality and the SOE desire to work together to provide for municipal elections and to allocate certain responsibilities and expenses between the two parties to ensure that the provisions of the Code are followed during municipal elections; and

WHEREAS, the SOE and the Municipality wish to enter into this Agreement to set out the terms of this coordinated program.

NOW, THEREFORE, in consideration of the mutual covenants and promises hereinafter contained to be kept and performed by the parties hereto, and for the mutual benefit of the Municipality, its constituents and the SOE, it is agreed as follows:

1. PURPOSE:

The purpose of this Agreement is to set forth the terms and conditions under which services will be provided by the SOE and staff to the Municipality for municipal elections and to set forth the responsibilities of both parties so that there is a clear understanding of the rights and responsibilities of all parties. Such rights and responsibilities shall apply to the General, Run-Off, ~~Special~~ and Recount elections as necessary as well as the Post Election Audit, unless otherwise stated herein below.

2. DATE OF GENERAL MUNICIPAL ELECTION:

The date of [Name of Municipality’s] General Municipal election is March 12, 2019. It is hereby acknowledged and agreed that if the date listed is the same as most other municipalities in March or November, there will be a cost sharing among municipalities for costs incurred by the SOE. Such costs shall be allocated on a pro-rata share basis; otherwise, it is hereby acknowledged and agreed upon by the municipality that it is responsible for all costs of the election, incurred by the office of the SOE.

3. **FEES AND CHARGES TO BE PAID BY THE MUNICIPALITY:**

The SOE hereby agrees not to charge Municipalities for taxpayer purchased equipment and supplies; (i.e. voting machines, tables, chairs, etc.) and associated maintenance and contract fees related to such equipment in return for which the Municipality hereby agrees not to charge the SOE for polling places or poll worker training facilities and allow their use for any training, within its dominion and control. Examples of municipal elections charges related to certain services performed by the SOE to be passed through to the Municipality on a shared pro rata basis for all municipalities holding elections on a general election day (i.e. 2nd Tuesday in March or November) are attached hereto as Exhibit A. All items to be paid or reimbursed to the SOE will be paid by the Municipality within thirty (30) days of receipt of an invoice from the SOE with documentation verifying the charges.

Examples of total costs to small, medium and large municipalities are attached hereto as Exhibit B.

4. **RESPONSIBILITIES OF BOTH THE MUNICIPALITY AND THE SOE FOR MUNICIPAL ELECTIONS:**

A. Notice and Advertisement

(1) Municipality

- (a) Properly call and advertise the election according to statutes and charter at its own expense.
- (b) Issue a resolution or ordinance to the SOE requesting that the Supervisor of Elections conduct the municipality's election, provide ballot language for any ballot questions within the resolution if applicable and appoint at least 3 members of the Municipality's Canvassing Board, which may or may not include the SOE, at the SOE's discretion.
- (c) certify that the registered voter information provided by the SOE to the municipality reflects the proper boundaries of the city and notify the SOE of any changes.

(2) SOE

- (a) Publish legal notices for Logic & Accuracy testing, absentee ballot canvass, Post Election Audit and news releases on book closing.

B. Qualifying Candidates and Petition Initiatives

(1) Municipality

- (a) Provide qualifying packets to candidates and accept and process all qualifying papers and fees.
- (b) Collect Name and Pronunciation Guides from the candidates at the time of qualifying and submit to SOE.
- (c) Respond to all candidate inquiries and questions.
- (d) Respond to all legal inquiries and questions.
- (e) Respond to all media inquiries.
- (f) Provide all necessary information and materials for petition initiative process

(2) SOE

- (a) Verify signatures on any qualifying petitions submitted by candidates or for petition

initiatives and notify the municipality of such results upon the close of the candidate qualifying or petition initiative deadlines as applicable.

C. Ballots

(1) Municipality

- (a) Review, amend (if necessary) and approve ballot proof prepared by SOE.
- (b) Place an order with the SOE for a sufficient quantity of ballots as applicable.
- (c) Pay ballot design costs to the SOE as incurred.
- (d) Pay the ballot printer directly for the cost of said ballots.
- (e) Reimburse the SOE for costs incurred for translation and audio recording of ballot.
- (f) Reimburse SOE for preparation of Absentee Ballot, Edge layout and Sample Ballot.

(2) SOE

- (a) Layout, check, proof and deliver ballot layout to the printer.
- (b) Receive, securely store and account for all ballots until disbursed to polling places.
- (c) Contract to have audio recorded for Touch Screen ballot.
- (d) Control all access to un-voted ballots while in the possession of the SOE.

D. Equipment Testing

(1) Municipality

- (a) Provide that a representative will be present during the Logic and Accuracy testing as noticed by SOE.

(2) SOE

- (a) Develop a unique test script and manually mark ballots to be used in public Logic & Accuracy test.
- (b) Conduct public Logic & Accuracy test.

E. Early Voting – Optional

(1) Municipality

- (a) Reimburse the SOE for staff overtime hours due to weekend and/or evening hours for Early Voting.
- (b) Pay SOE for Early Voting supplies.
- (c) Contract with, schedule and pay poll workers directly.
- (d) Deliver voted ballots to SOE daily at a location designated by SOE.
- (e) Designate Early Voting sites 120 days prior to each Election and notify SOE in writing of the locations.

(2) SOE

- (a) Prepare and provide all supplies needed for each Early Voting site.
- (b) Provide the Municipality with a list of poll workers.
- (c) Train poll workers.
- (d) Provide staffing to accept voted ballots daily at a location designated by SOE.

F. Absentee Voting

(1) Municipality

- (a) Reimburse SOE for all postage costs incurred at the current postal rate.
- (b) Pay SOE for materials and handling of each absentee ballot.
- (c) Pay SOE \$.10 per absentee ballot for verifying signatures on returned voted ballot certificates.
- (d) Refer all requests for absentee ballots to SOE.

(2) SOE

- (a) Determine eligibility and compile Absentee Ballot file.
- (b) Accept all requests for Absentee Ballots by telephone, mail or in person.
- (c) Prepare and mail Absentee Ballots.
- (d) Deliver Absentee Ballots to the Post Office.
- (e) Receive voted Absentee Ballots.
- (f) Verify signatures on returned voted Absentee Ballot certificates.
- (g) Prepare and open Absentee Ballots for tabulation.
- (h) Account for all Absentee Ballots.
- (i) Notify Absentee Ballot voter and provisional voters of the disposition of the Canvassing Board as required by law.
- (j) Record Absentee Ballot returns to voter history.
- (k) Conduct public testing of Logic and Accuracy for Absentee Ballot tabulating equipment.
- (l) Provide qualified staff to operate tabulation equipment to count Absentee Ballots.

G. Polling Places

(1) Municipality

- (a) Arrange for the use of an adequate number of polling places.
- (b) Confirm polling place accessibility and ADA compliance.
- (c) Notify SOE in writing thirty (30) days prior to election of the need for tables and chairs if necessary.
- (d) Notify SOE of polling locations to be used no later than noon the Friday after the municipal candidate qualifying deadline.
- (e) Notify the SOE not less than 30 days prior to the election that a polling place will be moved to another site.
- (f) Notify voters, as required by law, if their regular polling place is to be temporarily relocated.

(2) SOE

- (a) Provide the Municipality with a list of polling places and SOE contract.
- (b) Provide tables and chairs upon written notice from the Municipality when required.
- (c) Provide polling place supplies, i.e. signs, cones, etc.
- (d) Notify voters and the Municipality of permanent polling place change(s).

H. Precinct Supplies

(1) Municipality

- (a) Pay SOE for precinct supplies provided.
- (b) Provide a secure place for precinct clerks to return supplies and voted ballots on election night.
- (c) Pay SOE for the production of Precinct Registers or for programming electronic poll books and related communication fees.
- (d) Pay directly to the SOE's contracted moving company to have voting equipment delivered and picked up from polling place no later than the day before the election and returned after the election.

(2) SOE

- (a) Provide Precinct Registers or electronic poll books for each polling place location.
- (b) Provide Master CD compilation of registered voters for precinct advisors or provide up to date electronic poll books.
- (c) Provide certification of registered voters after book closing.
- (d) Prepare equipment, cabinets and routing of voting equipment delivery.
- (e) Provide laptop computer at each polling place or electronic poll books.
- (f) Provide CD of voter file database for each polling place or up to date electronic poll books.
- (g) Provide poll worker Clerks with cell phones.
- (h) Provide Provisional Ballot envelopes and affidavit forms for each polling place.
- (i) Provide secrecy sleeves in a number and amount appropriate for each polling place.

I. Poll Workers

(1) Municipality

- (a) Contact, contract with and pay poll workers directly (using only poll workers who are currently on the SOE list, or individuals who have successfully completed required training).
- (b) Schedule and notify poll workers of training classes.
- (c) Reimburse SOE for expenses incurred for delivery and pick up of equipment to training locations.
- (d) Reimburse SOE for expenses incurred in printing training material.
- (e) Reimburse SOE for expenses incurred for trainers to train poll workers.
- (f) Reimburse SOE for expenses incurred for contracted training locations.

(2) SOE

- (a) Provide the Municipality with a list of current poll workers.
- (b) Develop poll worker training schedule.
- (c) Plan and contract for training classes and locations.
- (d) Contract with and pay trainers to train poll workers.
- (e) Provide printed training materials for poll workers.

J. Election Day Support

(1) Municipality

- (a) Verify that all polling places are available to poll workers no later than 6:00 a.m. and open for voting promptly at 7:00 a.m. on Election Day.

- (b) Ensure that all polling places remain open until 7:00 p.m. or until all voters who are in line to vote at 7:00 p.m. have completed voting.
- (c) Reimburse SOE for all phone bank costs.

(2) SOE

- (a) Provide an additional list of poll worker replacements if needed.
- (b) Provide technical support personnel as needed.
- (c) Provide phone bank support to respond to poll workers and voters on Election Day.

K. Ballot Tabulation/Counting of Election Results

(1) Municipality

- (a) Deliver all voted ballots and other necessary election related items to a place designated by the SOE after the polling places have closed on Election Day.
- (b) Deliver **all** voting machine cartridges to a place designated by the SOE after the polling places have closed on Election Day.
- (c) Reimburse the SOE for any staff overtime and other expenses in relation to the tabulation and processing of ballots on Election Day.
- (d) Act as member of Canvassing Board.

(2) SOE

- (a) Provide technical staff and required equipment to administer tabulation and election results.
- (b) Assist and act, or appoint a designee to assist and act on the SOE's behalf, as a member of the Municipality's Canvassing Board if desired by the municipality and approved by the SOE or act as a member of the County Canvassing Board if it canvasses the municipality's election, if allowed by law.
- (c) Post election results on SOE WEB site and provide the same to Channel 20.
- (d) Provide the Municipal Clerk with unofficial election results upon conclusion of tabulation and canvassing of ballots cast on Election Day.

L. Post Election Day

(1) Municipality

(2) SOE

- (a) Provide the Municipal Clerk with an official certification of election results if allowed by law.
- (b) Store all necessary election records and ballots until the expiration of retention period prescribed by statutes.
- (c) Process polling place affirmation forms.
- (d) Sort, inventory, pack and store all election materials for retention and disposition.
- (e) Notify voters of the disposition of their Absentee or Provisional Ballots after the determination by the Canvassing Board, as required by law.
- (f) Respond to public records requests regarding records kept on behalf of the Municipality.
- (g) Record voting history for each voter who voted on Election Day.

M. Audit

(1) **Municipality**

- (a) Provide that the Municipal Clerk will be responsible for the administration of the audit.
- (b) Reimburse SOE for any staff time or other related expenses as may result from conducting the manual audit.

(2) **SOE**

- (a) Organize precinct information to allow the Municipal Clerk to randomly select the race and precinct(s) that shall be audited.
- (b) Organize and prepare ballots for manual audit.
- (c) Provide SOE staff to conduct manual audit.
- (d) Ascertain and publically post manual audit result to SOE WEB site.

N. Recount

(1) **Municipality**

- (a) Provide that the Municipal Clerk will be responsible for the administration of the Recount, with support and guidance from the SOE.
- (b) Act as a member of the Canvassing Board.
- (c) Notify the candidates of the time and date of the Recount.
- (d) Post public notice(s) of the Recount with the time and location.
- (e) Cause to have the Recount recorded and minutes kept and approved by the Canvassing Board.
- (f) Review with the Canvassing Board and the counting teams the statutes and rules of the Division of Elections, specifically Rule 1S-2.031, Recount Procedures; and Rule 1S-2.027, Standards for Determining Voter's Choice on a Ballot.
- (g) Reimburse the SOE for all staff salaries/overtime, facility and other expenses required to conduct the Recount.

(2) **SOE**

- (a) Post public notice(s) of the Recount with the time and location.
- (b) Test tabulating equipment as required by Sec. 101.5612, *Florida Statutes*.
- (c) Provide counting teams for examining out stacked ballots.
- (d) Prepare and organize ballots for Recount processing.
- (e) Tabulate ballots and provide professional staff for equipment operations.
- (f) Provide official certification as determined by the Canvassing Board.

5. INDEMNITY:

Each party to this agreement shall be liable for its own actions and negligence. To the extent permitted by law, the Municipality shall indemnify, defend and hold harmless SOE against any actions, claims or damages arising out of the Municipality's negligence in connection with performance under this Agreement; and the SOE shall indemnify, defend and hold harmless the Municipality against any actions, claims or damages arising out of the negligence of SOE in connection with its performance under this Agreement. The foregoing indemnification shall not constitute a waiver of sovereign immunity beyond the limits set forth at Sec. 768.28, *Florida Statutes*. In no case shall such limits for the Municipality extend beyond \$200,000 for any one

person or beyond \$300,000 for any judgment which, when totaled with all other judgments, arises out of the same incident or occurrence. These provisions shall not be construed to constitute agreement by either party to indemnify the other for such other's negligent, willful or intentional acts or omissions. In the event of litigation, trial or appellate, between the Municipality and the SOE relating to a municipal election governed by this Agreement, or otherwise in connection with the interpretation or application of this Agreement, the prevailing party shall be entitled to recover its reasonable attorneys' fees and costs from the non-prevailing party. Notwithstanding the above, the municipality shall defend legal challenges relating to its municipal election and shall be fully responsible for all legal costs including attorneys' fees for such defense of the Municipality and the SOE. The municipality shall be responsible for damages, if any, assessed by virtue of such lawsuit, up to the monetary limits provided for hereinabove without recourse to the SOE.

6. In the event of a Special Election, the municipality shall enter into a separate contract and receive the approval of the Supervisor of Elections for the actual election date at least 90 days prior to a Special Election. The expense of any Special Election shall include all actual costs incurred by the Supervisor of Elections, including hourly and salaried staff costs and other related election expenses as documented.
7. Any municipal annexations must be submitted to the Supervisor of Elections Office in full on or before January 1, in order to be included within the municipal boundaries for the March elections or at least 90 days prior to any other election.

8. **TERM:**

This Agreement shall begin on the effective date January 1, 2019 and continue for a term of one year in order to cover the municipal election cycle of Municipal Election Day and a run-off election, and may be modified by mutual written agreement of the parties. Any proposed changes to this Agreement shall be provided to the municipalities no later than August 1 of the applicable year, or as soon as practicable. All other requested services to be provided by the Supervisor of Elections Office shall be by separate contract.

9. **CHANGE IN LAW:**

In the event any change in law abrogates or modifies any provisions or applications of this Agreement, the parties hereto agree to enter into good faith negotiations and use their best efforts to reach a mutually acceptable modification of this Agreement.

10. **NOTICES:**

All formal notices affecting the provisions of this Agreement may be delivered in person or be sent by facsimile, registered mail, or by a recognized overnight courier such as FedEx, to the individual designated below, until such time as either party furnishes the other party written instructions to contact another individual.

For the SOE:	For the Municipality:
Supervisor of Elections 240 S. Military Trail West Palm Beach, Florida 33415 Attention: Susan Bucher	Town of Loxahatchee Groves 155 F Road Loxahatchee Groves, FL 33470 Attention: Manager

11. **SEVERABILITY:**

If any clause, section, or provision of this Agreement shall be declared to be unconstitutional, invalid or unenforceable for any cause or reason, or is abrogated or negated by a change in law,

the same shall be eliminated from this Agreement, and the remaining portion of this Agreement shall be in full force and effect and be valid as if such invalid portions thereof had not been incorporated herein.

12. By signing this contract, you and your municipality approve the contract as a form of legal sufficiency and certify that this contract has met all of the legal requirements of your Municipal Charter and all other related laws.

13. **NO MODIFICATION EXCEPT IN WRITING:**

This is the complete and final agreement between the parties. No representations other than those set forth herein shall be binding upon the parties. No modification of this agreement shall be effective unless submitted in writing and signed by both parties, or their duly authorized representatives.

IN WITNESS WHEREOF, the parties hereto have entered into this Agreement effective January 1, 2019.

As to the SOE:

WITNESSES:

SUPERVISOR OF ELECTIONS
PALM BEACH COUNTY

Susan Bucher

Date: _____

As to the MUNICIPALITY:

ATTEST:
MUNICIPALITY

TOWN OF LOXAHATCHEE GROVES

Perla D. Underwood, Acting Municipal Clerk

David Browning, Mayor

(Affix Municipal Seal)

Date: _____

TOWN OF LOXAHATCHEE GROVES
RESOLUTION NO. 2018-90

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, DESIGNATING THE SUPERVISOR OF ELECTIONS, OR HER DESIGNEE, ALONG WITH THE TOWN CLERK, AND A TOWN RESIDENT, TO SERVE AS THE TOWN'S CANVASSING BOARD, INCLUDING ATTENDANCE FOR THE TESTING OF THE ELECTRONIC SYSTEMS AUTOMATIC TABULATION EQUIPMENT, TO CANVASS THE MUNICIPAL ELECTION, AND TO CERTIFY THE ELECTION RESULTS FOR THE TOWN'S MARCH 12, 2019 MUNICIPAL ELECTION, AND ANY RUN-OFF ELECTION, PURSUANT TO THE TOWN CHARTER AND STATE LAW; PROVIDING FOR MATTERS RELATING TO THE ELECTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the term of office for Council Member Seat 2 and Council Member Seat 4 will expire in March, 2019, and a special election for Seat 3 and referenda will occur at the same election for Seats 2 and 4; and

WHEREAS, the Town of Loxahatchee Groves is subject to the uniform election date for Palm Beach County established by Chapter 83-498, Laws of Florida, which will be on March 12, 2019 and a run-off election on March 26, 2019, if necessary; and

WHEREAS, Section 7(5) of the Town Charter, as amended by Ordinance No. 2016-02, and approved by referendum question ballot on August 30, 2016, allows for the canvassing and certification of a Town election pursuant to the Florida Election Code by the Town Clerk, and two others, who shall this year be the Supervisor of Elections, or designee, and a Town resident, in conformance with any applicable agreement with the Supervisor of Elections; and,

WHEREAS, the Town Council of the Town of Loxahatchee Groves desires to appoint the Supervisor of Elections, or her designee, Acting Town Clerk, Virginia Walton, and Town Resident William Ford, Esquire, to serve as the Town's Canvassing Board, for the March 12, 2019 Town Election, including attendance for the testing of the electronic systems automatic tabulation equipment, to be held on March 1, 2019, at 10:00 am, to canvass the municipal election, and to certify the election results for the said municipal election, and any run-off election, pursuant to the town charter and state law.

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

Section 1. The Town Council of the Town of Loxahatchee Groves, hereby requests and designates Susan Bucher, Palm Beach County Supervisor of Elections, or her designee, Acting Town Clerk, Virginia Walton, and William Ford, Esquire, Town Resident, to serve as the Town's Canvassing Board, for the March 12, 2019 Town Election, including attendance for the testing of the electronic systems automatic tabulation equipment to be held on March 1, 2019, at 10:00 am, and to canvass the municipal election and to certify the election results for the said municipal election, and any run-off election, pursuant to the town charter and state law.

Section 2. The Acting Town Clerk is hereby authorized to submit a copy of this Resolution to Susan Bucher, Supervisor of Elections, and to do all other necessary things in order to accomplish the desire of the Council with regard to its Municipal Election, and any run-off election.

Section 3. This Resolution shall take effect immediately upon adoption.

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

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
DAVID BROWNING, MAYOR	☐	☐	☐
TODD MCLENDON, VICE MAYOR	☐	☐	☐
DAVE DEMAROIS, COUNCIL MEMBER	☐	☐	☐
PHILLIS MANIGLIA, COUNCIL MEMBER	☐	☐	☐
ANITA KANE, COUNCIL MEMBER	☐	☐	☐

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS ____ DAY OF DECEMBER 2018.

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

ATTEST:

Mayor David Browning

Acting Town Clerk

Vice Mayor Todd McLendon

Council Member Dave DeMarois

APPROVED AS TO LEGAL FORM:

Council Member Phillis Maniglia

Office of the Town Attorney

Council Member Anita Kane

RESOLUTION NO. 2018-95

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, TO PROVIDE THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS WITH THE BALLOT LANGUAGE FOR TWO QUESTIONS TO BE PLACED ON THE BALLOT FOR THE MARCH 12, 2019 MUNICIPAL GENERAL ELECTION; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Loxahatchee Groves has adopted Ordinance No. 2018-13, authorizing the placement of one charter amendment question on the ballot for the March 12, 2019 Municipal General Election, and Resolution 2018-82 which authorized one referendum question on the ballot for the March 12, 2019 Municipal General Election; and,

WHEREAS, paragraph 4(A)(1) of the SOE Agreement states that the Town shall provide ballot language for any ballot questions within a resolution; and,

WHEREAS, the Town Council hereby wishes to adopt this Resolution in order to provide the ballot language for the two (2) approved ballot questions for the March 12, 2019 Municipal General Election, and forward to the Palm Beach County Supervisor of Elections pursuant to the SOE Agreement.

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

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

Section 2. The Town Council has authorized two (2) referenda questions be placed on the ballot for the March 12, 2019 Municipal General Election. The ballot language for the ballot

questions are as follows:

The Town Charter currently requires a contract with the Palm Beach County Sheriff's Office for law enforcement services or other agencies until an ordinance is adopted and requires a referendum to establish a town police department. Eliminating this charter language would eliminate the charter requirements for an ordinance and referendum to establish a town police department. Should the Town Charter be amended to delete the language relating to law enforcement services?

This proposed amendment has no financial impact to the Town

YES ___
NO ___

May the Town of Loxahatchee Groves, Florida, issue bonds in a principal amount not exceeding \$4,000,000, bearing interest at not exceeding the legal rate, in one or more series with each series maturing within eleven years after issuance, to finance property owners' share of roadway improvements, including paving, approved by property owners along eligible roads, said bonds to be payable from special assessments levied by separate resolutions on property owners on roadways to be improved?

FOR BONDS
AGAINST BONDS

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

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

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

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>
DAVID BROWNING, MAYOR	☐	☐	☐
TODD MCLENDON, VICE MAYOR	☐	☐	☐
DAVE DEMAROIS, COUNCIL MEMBER	☐	☐	☐
PHILLIS MANIGLIA, COUNCIL MEMBER	☐	☐	☐
ANITA KANE, COUNCIL MEMBER	☐	☐	☐

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS ____ DAY OF _____ 2018.

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

ATTEST:

_____, Town Clerk

Mayor Dave Browning

APPROVED AS TO LEGAL FORM:

Vice Mayor Todd McLendon

Town Attorney

Council Member Dave DeMarois

Council Member Phillis Maniglia

Council Member Anita Kane

RESOLUTION NO. 2018-96

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE PROPOSAL OF SULLIVAN ELECTRIC & PUMP, INC., TO REPAIR THE SOUTHERN BOULEVARD TRANSFER PUMP IN THE AMOUNT OF \$8,723.04, AND AUTHORIZING THE TOWN MANAGER TO ACCEPT THE PROPOSAL FOR THE REPAIRS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, prior to the District becoming a dependent district of the Town, the District had sought and obtained three (3) quotes to repair the Southern Boulevard Transfer Pump; and,

WHEREAS, in May, 2018, Smith Engineer Consultants, Inc., recommended to the then-District Administrator that the proposal from Sullivan Electric and Pump, Inc. ("Sullivan"), be accepted by the District; and,

WHEREAS, the Director of Public Works has recently confirmed with Sullivan that its previously submitted proposal is still valid, and Sullivan has provided a quote dated October 10, 2018, a copy of which is attached hereto as Exhibit "A";

WHEREAS, the Town Council finds it is in the best interest of the Town to approve the proposal from Sullivan and authorize the Town Manager to accept the proposal in the amount of \$8,723.04.

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

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

Section 2. The Town Council of the Town of Loxahatchee Groves, Florida, hereby approves the proposal from Sullivan Electric & Pump, Inc. in the amount of \$7,643.04, attached hereto as Exhibit "A", and authorizes the Town Manager to accept the proposal.

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

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

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
DAVID BROWNING, MAYOR	☐	☐	☐
TODD MCLENDON, VICE MAYOR	☐	☐	☐
DAVE DEMAROIS, COUNCIL MEMBER	☐	☐	☐
PHILLIS MANIGLIA, COUNCIL MEMBER	☐	☐	☐
ANITA KANE, COUNCIL MEMBER	☐	☐	☐

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS 18TH DAY OF _____, 2018.

TOWN OF LOXAHATCHEE GROVES

ATTEST:

David Browning, Mayor

Acting Town Clerk

Todd McLendon, Vice Mayor

David DeMarois, Council Member

APPROVED AS TO LEGAL FORM:

Phillis Maniglia, Council Member

Town Attorney

Anita Kane, Council Member



1942 8th Ave North Lake Worth, FL 33461
Florida License #EC0001117
Voice (561) 586-5886 / (800) 991-2770 Fax (561) 582-9344
E Mail: Sales@sullivanelectric-pump.com

Quote

Date	Quote #
10/10/2018	12099

Billing Address
Loxahatchee Groves Water Control District PO Box 407 Loxahatchee, FL 33470

Ship Address
Southern Blvd Transfer Pmp Loxahatchee Groves Water Control District PO Box 407 Loxahatchee, FL 33470

Quote By	Due Date	P.O. No.
Gary	4/29/2018	

Description	Qty	U/M	Total
Electrician	28		2,240.00

Please be advised that all Service Calls are charge for a minimum of two hour minimum and hourly thereafter

Qualifications --

- Labor to date is not included unless itemized in the quotation above.
- Concealed or unforeseen needed repairs will be estimated after shop evaluation of the equipment.
- Repair or replacement of auxiliary equipment such as motor starters, fuses, circuit breakers, control components, valves, check valves, piping is not included unless itemized in the quotation above.
- Proper access to site without the use of special equipment is assumed unless otherwise itemized in the quotation above.

Installation will comply with the current approved editions of the National Electric Code and the Florida Building Code with all approved addendum.

Terms --

-Net 10 days from invoice date. All labor to date is due 20 days from the quote date if quote is not accepted.

Signature on this agreement constitutes contract between customer and Sullivan Electric & Pump, INC.

Warranty --

-1 Year on supplied parts, excluding lamps, and conditional upon the manufacturer's acceptance of the warranty claim that the parts failure was a defect in manufacturing and not to improper use, lack of maintenance or improper application not caused by Sullivan Electric & Pump, INC. 90 Days on Labor by Sullivan Electric & Pump, INC

-Warranty excludes consequential and acts of God damage

-The owner is responsible to properly use & maintain the product used in the installation according to all acceptable standards and practices including but not limited to NFPA publication 70B "Recommended Practice for Electrical Equipment Maintenance," current printed edition, NEMA MG2, current printed edition and manufacturer's product manuals

A deposit is required on manufactured or special order products.

Subtotal \$7,643.04

Sales Tax (6.0%) \$0.00

Total \$7,643.04

Signature: _____

Authorized By (Print Name) _____

Date Approved _____



1942 8th Ave North Lake Worth, FL 33461
 Florida License #EC0001117
 Voice (561) 586-5885 / (800) 991-2770 Fax (561) 582-9344
 E Mail: Sales@sullivanelectric-pump.com

Quote

Date	Quote #
10/10/2018	12099

Billing Address
Loxahatchee Groves Water Control District PO Box 407 Loxahatchee, FL 33470

Ship Address
Southern Blvd Transfer Pmp Loxahatchee Groves Water Control District PO Box 407 Loxahatchee, FL 33470

Quote By	Due Date	P.O. No.
Gary	4/29/2018	

Description	Qty	U/M	Total
WE ARE PLEASED TO PRESENT THIS PROPOSAL TO INCLUDE THE FOLLOWING:			0.00
- DEMO EXISTING MANUAL REDUCE VOLTAGE 150 HP MOTOR STARTER.			
- INSTALL 150 HP 480 VOLT 3 PHASE ELECTRONIC SOFT START MOTOR STARTER IN NEMA 3R ENCLOSURE WITH DIGITAL TIME CLOCK FOR OPERATING CONTROL FOR TIME OF USE..			
1 SSW070200T5SZ 150 HP 480 VOLT 3 PHASE SOFT START.	1		2,251.54
1 WEG REMOTE HMI AND CARD WEG HMI-SSW07-REM-RS485	1		60.00
N412202012CLG AUTO 20 X 20 X 12 NEMA 4 VENTED ENCLOSURE	1		255.29
WAVK0604 AUTO 4.37 X 6.25 VENT	1		361.00
WAFLT64 AUTO FILTER KIT	2		80.16
MISCEL CONDUIT AND WIRE	2		117.00
BILINGUAL ARC FALSH LABEL 3" X 5"	1		724.00
ETL PANEL LISTING WITH DIAGRAM	1		6.11
PANEL MOUNT DIGITAL TIMER	1		167.00
150 VA, 1 PHASE, 240/480 VAC PRIMARY - 120/240 VAC	1	ea	140.00
SECONDARY CONTROL X-FORMER	1	ea	112.34
1 AMP 600 VOLT TIME DELAY CLASS CC FUSE	3		48.60
Service Technician	12		1,080.00

Please be advised that all Service Calls are charge for a minimum of two hour minimum and hourly thereafter

Qualifications --

- Labor to date is not included unless itemized in the quotation above.
- Concealed or unforeseen needed repairs will be estimated after shop evaluation of the equipment.
- Repair or replacement of auxiliary equipment such as motor starters, fuses, circuit breakers, control components, valves, check valves, piping is not included unless itemized in the quotation above.
- Proper access to site without the use of special equipment is assumed unless otherwise itemized in the quotation above.

Installation will comply with the current approved editions of the National Electric Code and the Florida Building Code with all approved addendum.

Terms --

-Net 10 days from invoice date. All labor to date is due 20 days from the quote date if quote is not accepted.

Signature on this agreement constitutes contract between customer and Sullivan Electric & Pump, INC.

Warranty --

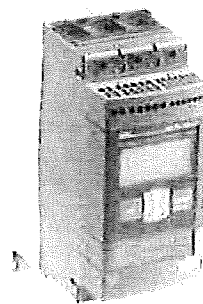
-1 Year on supplied parts, excluding lamps, and conditional upon the manufacturer's acceptance of the warranty claim that the parts failure was a defect in manufacturing and not to improper use, lack of maintenance or improper application not caused by Sullivan Electric & Pump, INC. 90 Days on Labor by Sullivan Electric & Pump, INC

-Warranty excludes consequential and acts of God damage

-The owner is responsible to properly use & maintain the product used in the installation according to all acceptable standards and practices including but not limited to NFPA publication 70B "Recommended Practice for Electrical Equipment Maintenance," current printed edition, NEMA MG2, current printed edition and manufacturer's product manuals

A deposit is required on manufactured or special order products.

ABB Softstarters Type PSE



Product description

- Wide rated operational voltage 208 – 600 V AC
- Wide rated control supply voltage 100 – 250 V, 50/60 Hz
- Rated operational current 18 to 370 A
- Wide ambient temperature range, -25 to +60 °C (-13 to 140 °F)
- Coated circuit boards for reliable operation in harsh environment
- Built-in by-pass on all sizes, saving energy and reducing installation time
- User friendly HMI with illuminated language neutral display and four button keypad
- Optional external keypad, IP66
- Torque control for excellent control of pumps
- Current limit, adjustable between $1.5 - 7 \times I_n$
- Motor overload protection with classes 10A, 10, 20 and 30
- Motor underload protection to detect pumps running dry
- Locked rotor protection, detecting jammed pumps
- Kick start to start jammed pumps or conveyor belts
- Analog output showing operational current, 4 – 20 mA
- Optional fieldbus communication using Profibus, Modbus, Devicenet or CANopen
- Sophisticated algorithm eliminating the DC-component and thereby providing excellent starting performance.

PSE – The efficient range

Description

The PSE softstarter range is the world's first compact softstarters with Torque Control. This makes the PSE range an excellent choice for pumping application where water hammering normally is a big problem. With its compact design and advanced functionality, the PSE is also a very efficient solution for other common applications such as compressors and fans.

Torque control

The most important function when stopping pumps is torque control. Since the PSE softstarter is optimized for controlling pumps, this feature is a must.

Built-in by-pass for energy saving

Using the built-in by-pass after reaching full voltage will greatly reduce the power loss and thereby save energy. In the PSE softstarter range, the by-pass is built-in on all sizes, which will give the most compact starting solution and reduce the need for wiring during installation.

Coated circuit boards

All circuit boards in the new PSE softstarter have a protective coating to ensure a reliable operation even in tough environments like wastewater plants, where corrosive gases and acids may exist.

Motor protection

The PSE softstarter is equipped with built-in electronic overload protection, protecting the motor from overheating. Since no additional overload device is needed, our efficient design saves both space, installation time, and ultimately money.

Analog output

The analog output terminals can be connected to an analog current meter to show the current during operation and thereby eliminating the need for an additional current transformer.

The analog output signal can also be used as an analog input to a PLC.

Display and keypad

The set-up of the PSE softstarter is done by using the four button keypad and the illuminated display, providing a quick and easy set-up. While operating, the display will also provide important status information such as current and voltage.

External keypad

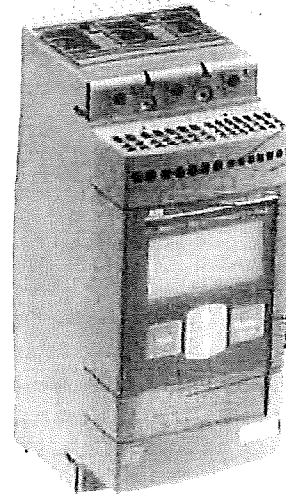
As an option the PSE softstarter can be equipped with an external keypad for easy set-up and monitoring of the unit without opening the enclosure door. The keypad can also be used to copy parameters between different softstarters.

PSE – The efficient range Description

Softstarters
Type PSE

The PSE Softstarter can be selected according to the rated motor power in normal duty applications like pumps, compressors, elevators, escalators, short conveyor belts and bow thrusters. See page 5.20.

For heavy duty applications like centrifugal fans, crushers, mixers, mills, stirrers and long conveyor belts, select a softstarter from page 5.21. The softstarter selection tool prosoft can also be used for a more optimized selection.



Screw mounting

Input for reset of faults

Analog output

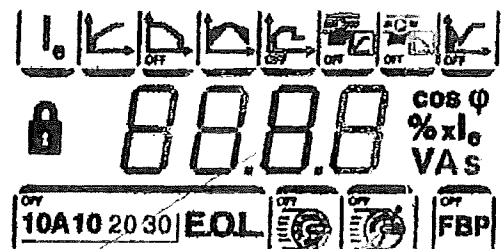
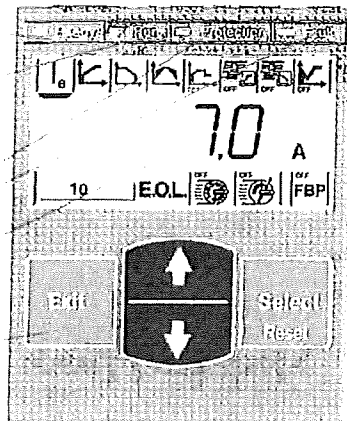
3 output signal relays
(RUN, TOR, Event)

Built-in by-pass

All data available
on the front

Settings

- Green ready LED
 - Flashing - Supply available
 - Steady - Main available
- Green run LED
 - Flashing - Ramping up/down
 - Steady - TOR
- Yellow protection LED
- Red fault LED
- Back-lit display
- User friendly keypad
Similar as for PST(B)



Four digits showing
values and messages

Icon's for showing functions.
Language neutral

RE: Legislative appropriations requests

Mary McNicholas <mem@sluggett.com>

Wed 12/12/2018 3:30 PM

To: William (Bill) Underwood, II <wunderwood@loxahatcheegrovesfl.gov>;

Cc: 'Michael D. Cirullo, Jr.' <MCirullo@gorencherof.com>; Perla Underwood <punderwood@loxahatcheegrovesfl.gov>; Geoffrey B. Sluggett <gbs@sluggett.com>;

Importance: High

Bill,

From my recollection the Council asked to add "Appropriations Requests" to a workshop to be added at the end of your Special Meeting on 12/18/18. That would include both Legislative, and public and private requests as I discussed in my update.

As far as items for the agenda, I would offer the following for purposes of "Input and Prioritization from the Council and the public":

- 1) Legislative Requests
 - a) Roads
 - b) Water
 - c) Equestrian
 - d) Other topics
- 2) Other Appropriation Requests
 - a) Roads
 - b) Equestrian
 - c) Other topics

As requested, we should ask Larry Peters, our Engineer to be there; please let me know if you need anything else from me, along with timeframes for the same.

Please note that you will also be receiving our lobbyists' registration approvals from Palm Beach County and the State and will be requested to approve them electronically; please verify as approvals are completed.

Thanks,
Mary

Mary McNicholas

Geoffrey B. Sluggett & Associates
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West Palm Beach, Florida 33401

561.662.1805
mem@sluggett.com

From: William (Bill) Underwood, II [mailto:wunderwood@loxahatcheegrovesfl.gov]

Sent: Tuesday, December 11, 2018 4:49 PM

To: mary@sluggett.com