

**TOWN OF OCEAN RIDGE**

**AGENDA**



**December 1, 2014**

**6:00 P.M.**

**TOWN HALL – MEETING CHAMBERS**

**TOWN COMMISSION**

Mayor Geoffrey A. Pugh

Commissioner Gail Adams Aaskov

Commissioner Lynn A. Allison

Commissioner James A. Bonfiglio

Commissioner Richard J. Lucibella

**ADMINISTRATION**

Town Manager Kenneth N. Schenck, Jr.

Town Attorney Kenneth G. Spillias

Town Clerk Karen E. Hancsak

Police Chief Chris Yannuzzi

**RULES FOR PUBLIC PARTICIPATION**

1. **PUBLIC COMMENT:** The public is encouraged to offer comments with the order of presentation being as follows: Town Staff, public comments, Commission discussion and official action. Town Commission meetings are business meetings and the right to limit discussion rests with the Commission. **Generally, remarks by an individual will be limited to three minutes or less.** The Mayor or presiding officer has discretion to adjust the amount of time allocated.
  - A. Public Hearings: Any citizen is entitled to speak on items under this section.
  - B. Public Comments: Any citizen is entitled to be heard concerning any matter within the scope of jurisdiction of the commission under this section. The Commission may withhold comment or direct the Town Manager to take action on requests or comments. The Commission meetings are held for the purpose of discussing and establishing policy and to review such other issues that affect the general welfare of the Town and its residents. Where possible individual grievances should first be taken up with the Town Staff.
  - C. Regular Agenda and First Reading Items: When extraordinary circumstances or reasons exist and at the discretion of the Commission, citizens may speak on any official agenda item under these sections.
  
2. **ADDRESSING THE COMMISSION:** At the appropriate time, please step up to the podium and state your name and address for the record. All comments must be addressed to the Commission as a body and not to individuals. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the Commission shall be barred by the presiding officer from speaking further, unless permission to continue or again address the Commission is granted by a majority vote of the Commission members present.

**APPELLATE PROCEDURES**

Please be advised that if a person decides to appeal any decision made by the Town Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is based. The Town neither provides nor prepares such record.

Persons who need an accommodation in order to attend or participate in this meeting should contact the Town Clerk at 732-2635 at least 2 days prior to the meeting in order to request such assistance.

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA**

**CONSENT AGENDA**

1. **Minutes of Regular Town Commission Meeting of November 3, 2014**
2. **Ocean Ridge Resolution No. 2014-16; Authorizing the Town to Approve and Adopt the 2015 Revised Palm Beach County Local Mitigation Strategy Plan**

MOTION	SECOND	DISCUSSION	VOTE
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**ANNOUNCEMENTS AND PROCLAMATIONS**

3. **The Administrative Offices will be closed on Thursday, Dec. 25, 2014 (and Friday, Dec. 26<sup>th</sup> if approved tonight) and Thursday, Jan. 1, 2015 (and Friday, Jan. 2<sup>nd</sup> if approved) for the Official Holidays**
4. **The Annual "Holiday Celebration" date (from 5:30 PM to 7:30 PM) - will be held on Friday, Dec. 12<sup>th</sup>, 2014 from 5:30 PM – 7:30 PM. Light Snacks and Beverages will be served and Children can expect a visit from Santa and some added fun**

**PUBLIC COMMENT** – (15 minute maximum with 3 minute individual limit)

**PUBLIC HEARINGS**

**None**

**REGULAR AGENDA**

**(Items Which Require Town Commission Action That Must Be Filed With Town Clerk 1 Week prior to Meeting – Public comment Permitted)**

**REPORTS**

5. **Town Manager**
6. **Town Attorney**
7. **Police Chief**
8. **Town Engineer**

**ACTION ITEMS**

9. **Continued Discussion on Document Titled Guidance for Enforcing Ordinances and Trespass Violations on Beaches Within the Town of Ocean Ridge and also Approval of Beach Access Signage By: Kenneth Schenck, Town Manager**
10. **Authorizing Closing the Administrative Office on Friday, Dec. 26, 2014 and Friday, Jan. 2, 2015 with Staff Utilizing a Vacation Day for Each By: Kenneth Schenck, Town Manager**

**RESOLUTIONS**

11. **Resolution No. 2014-14; Designating the Supervisor of Elections and the Town Clerk as the Canvassing Board, to be in Attendance for the Testing of the Computer Electronic Systems Tabulating Equipment to be Used for the General Election Scheduled for March 11, 2014 and to Canvass Returns of Such Election Including the Absentee Ballots; Assigning Supervisor of Elections to handle the Absentee Ballots**

12. **Resolution No. 2014-15; Authorizing the Mayor and Town Clerk to Execute the Agreement for Vote Processing Equipment Use and Election Services by and Between the Palm Beach County Supervisor of Elections (SOE) and the Town of Ocean Ridge**

**FIRST READING OF ORDINANCES**

13. **Ordinance No. 610; Amending its Code of Ordinances, at Chapter 63, General and Administrative Provisions, by Amending Article VII, Nonconforming and Grandfathered Uses Section 63-117, Grandfathered Uses, Lots, and Structures, to permit the Continuation of Existing Non-Residential Uses and Section 63-118, Nonconforming Signs and Uses, to Strike the Expired Provisions Concerning Amortization of Non-Residential Uses; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; and Providing for an Effective Date (TABLED UNTIL THE DEC. 1, 2014 MEETING)**

**SECOND READING AND ADOPTION OF ORDINANCES**

None

**TOWN COMMISSION ITEMS**

(Information Items Only – 3 minute limit per item)

**ADJOURNMENT**

**NEXT SCHEDULED TOWN MEETING(S):  
REGULAR TOWN COMMISSION MEETING JAN. 5, 2015 AT 6:00 PM**

## REGULAR TOWN COMMISSION MEETING HELD NOVEMBER 3, 2014

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, November 3, 2014, at 6:00PM in the Town Hall Meeting Chambers.

The meeting was called to order by Mayor Pugh. The roll call was answered by the following:

Commissioner Aaskov                      Commissioner Bonfiglio  
Commissioner Allison                  Commissioner Lucibella  
Mayor Pugh

Pledge of Allegiance

### ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

There were no additions or changes to the agenda.

### CONSENT AGENDA

1. Minutes of Regular Town Commission Meeting of October 6, 2014

Comm. Allison motioned to approve the Agenda as presented. Comm. Bonfiglio seconded the motion.

Motion Carried – yea (5).

### ANNOUNCEMENTS AND PROCLAMATIONS

2. The Administrative Offices will be closed on Tuesday, November 11, 2014 and Thursday, Nov. 27<sup>th</sup> and Friday, Nov. 28<sup>th</sup>, 2014 for the Official Holidays
3. The Annual “Holiday Celebration” date (from 5:30 PM to 7:30 PM) - will be selected at this meeting. Light Snacks and Beverages will be served and Children can expect a visit from Santa and some added fun

There was a consensus made by the Commission to schedule the Annual “Holiday Celebration” date for December 12<sup>th</sup>, 2014 from 5:30 PM to 7:30 PM.

### PUBLIC COMMENT

Justus Brown, 39 Coconut Ln, thanked the Commission for having Clarke Environmental change the no-seeum spray from a fog to a liquid spray. It seemed to be much more effective.

Christine DeHaseth, 29 Sabal Island Drive, thanked the staff for the Annual Summary Letter insert that was distributed with the Garbage/Trash billing.

### PUBLIC HEARINGS

None

### REPORTS

4. Town Manager

Manager Schenck reported the following: 1) Inlet Cay Island – The red valve has been installed and seems to be working well. Eleuthera Dr repaving has started. Several problems have arisen with the lines in the cul-de-sac being higher than were supposed to be, and held up the construction until we could get them moved. 2) FEMA Flood Maps – FEMA is still reviewing our maps. 3) Old Ocean Right of Way – The signed documents are being recorded at the County 4) Beach Crossovers – the beach usage and signage will be discussed later in the agenda 5) Town Hall Utility and Access Easement – Mr. Swaim is still working with the regulatory agencies. 6) PBA Contract Negotiations – staff met with the PBA and the representatives have declined the Commission’s latest proposal and have chosen to go to Impasse. A

REGULAR TOWN COMMISSION MEETING HELD NOVEMBER 3, 2014

mediator was selected, however; a January meeting date did not work for the PBA so staff feels that a new list will be forthcoming.

5. Town Attorney  
Atty. Spillias was absent with notice.

6. Police Chief  
Chief Yannuzzi summarized the contents of his report and reported that 3 officers had received letters of commendations. He also announced that there were currently 2 young men being held in custody who had been found trespassing in the Ocean Ridge Yacht Club. The young men had been discovered by one of our officers before any other potential violations had occurred.

Chief Yannuzzi presented an update of the proposed automated license plate recognition cameras update. For more than 2 years, he had been meeting with other municipalities regarding a joint effort. Chief Yannuzzi would like to have Chief Ross Licata, Lighthouse Point, make a presentation at a workshop meeting for our residents and Commission regarding the camera system and answer any questions. If Ocean Ridge had the system installed, this would mean that A1A would have cameras from Boca up through Manalapan. Delray Beach currently has set aside \$150,000 towards the system. At this time Ocean Ridge does not have any monies set aside for this system, and any funds would have to be drawn from reserves. He also announced that he had been selected as Chairman for this project. The Coastal Star recently had an article posted in their paper stating that FDOT was requesting the cameras be removed from A1A and the Palm Beach Chiefs Association had been in contact with Tallahassee stating that the cameras are a proven crime deterrent. Comm. Aaskov stated that she was in favor of Ocean Ridge having a workshop for our residents.

Bob Merkel, 118 Marlin Drive, stated that he and Gerald Goray polled the neighbors on their island and 100% in favor of cameras, and they had confirmed a contribution of \$20,000 toward the purchase of the camera system. There was a consensus from the Commission for Ocean Ridge to host a workshop regarding the purchase of the cameras system.

Chief Yannuzzi reported that he had attended meetings regarding the concern of the Ebola outbreaks. If someone you know has recently traveled to Africa and appears to have symptoms of Ebola, immediate action needs to be taken. He assured that there is a readiness to respond if it occurs in Palm Beach County.

7. Town Engineer  
Engineer Tropepe was absent with notice.

8. Continued Discussion on Document Titled Guidance for Enforcing Ordinances and Trespass Violations on Beaches Within the Town of Ocean Ridge and also Approval of Beach Access Signage

Manager Schenck presented to the Commission for approval a revised draft guidance for the police officers when patrolling the Town's beaches. It divides the beach into 2 areas rather than 3, and the distances from the mean high water mark remain constant south of Corrine. There is also a proposed sign for the crossovers. Eight signs would be needed, at a cost between \$2500 and \$3000. The staff's recommendation is that the Town Engineer research with the FDEP the Mean High Water Mark Line and the Erosion Control Line south of Corrine St. for the purposes of determining private vs public lands.

Mayor Pugh noted that many residents were present in regards to this item, but with the absence of Atty. Spillias a final decision should not be made without legal guidance. He opened the discussion to public.

## REGULAR TOWN COMMISSION MEETING HELD NOVEMBER 3, 2014

Gary Kosinski, 6000 Old Ocean, urged for the officers to move people to water's edge, and he was concerned that any incorrect violations could be fought. He questioned Chief Yannuzzi regarding the 2 men currently in custody for trespassing and why that is different from trespass on the beach. Chief Yannuzzi stated that it was a gated community, and it was clear that they were trespassing on private property. The president of the association stated that he would prosecute.

Terry Brown, Harbour Dr So, noted that our legal fees were over budget last year because of a lawsuit against the town for a dog on the beach violation. He warned the Commission that approving these guidelines may increase the Town's legal costs because some beach areas have multiple owners and the Town also can't prevent people from using property they are allowed to use.

Comm. Lucibella stated that this guideline was to recognize private property lines. Per FDEP the erosion control line is under water, and that this is the first step to guide our law enforcement.

Betty Bingham, 1 Ocean Avenue was concerned they needed to put the groin out further with the pumping station to make that the sand transfer more effective. She noted that Manalapan beaches had increased while Ocean Ridge's had not.

Dan Marantz, 6285 N Ocean Blvd, commented that each Warranty Deed indicates the property lines and his deed reflects the waters edge. He also thought the beach renourishment agreement provided for maintenance only.

Elizabeth Ackerly, 31 Coconut Lane, stated that the beach renourishment did increase all of the beaches and the public has the right to access it.

Sandy Foster, 5900 Old Ocean Blvd, and Don Magruder, 9 Ridge Lane agreed that this issue started because of bad behavior. The police should be stopping behavior whether on beach or private land, and ask them to move on down.

It was discussed that the Town was not trying to take away any private rights, but wanted to define public rights. This issue was initiated because of bad behavior on the private lands along the beach. The police has increased their patrol on the beach crossovers and with the ATV. There was a consensus of the Commission for the Town Engineer to review the guidelines and property demarcation and to present it at the December meeting.

### 9. Authorize Budget Amendment to the FY 2013/14 Budget By: Kenneth Schenck, Town Manager

Clerk Hancsak summarized that during the process of FY 2013/14 Year End Closing a preliminary review of the General Fund departments reflected that there will be 3 departments that will be over budget. 1) Inspection Dept. – In November 2013, the Commission had approved a budget amendment to add \$36,774 for a Building Permit Refund. The additional funding came from utilizing \$20,000 in the Restricted Fund Balance and \$15,775 from the Unassigned Fund Balance. In addition to this amendment it was over budget because we generated more Building permit revenue (192%) which in turn generated additional inspections and review by our contractor, HyByrd Inspections, Inc. Town Manager Schenck explained that 2) Other Physical Environment – We had 100+ more building permits than anticipated which increased the cost of their reviews from an estimated \$10,000 to \$43,320. 3) Legal Dept – This department is also over due to the increase of building permit reviews. The Special Counsel is over by \$10,724 as a result of the Malchuski dog violation, the Sivitilli property, and Old Ocean's Right of Way Abandonment. The property owners on Old Ocean will reimburse the Town.

REGULAR TOWN COMMISSION MEETING HELD NOVEMBER 3, 2014

Clerk Hancsak concluded that the State Statute permits municipal governments to amend their budget any time during the fiscal year or within 60 days of fiscal year end provided the amendment is for appropriation for expenditures within the same fund and is completed by motion and the fund is not changed. We have remaining funds in the Contingency Account (\$19,000) and the Law Enforcement Regular Salary Account (\$25,000) and request that those funds be transferred to the Inspection Professional Services Account (\$27,000), Physical Environment Town Engineer Account (\$4000) and the Legal Professional Services Account (\$7000) and the Special Counsel Account (\$6000) as budget amendments. Transfers would be strictly internal and not affect the overall budget. These amendments will total \$44,000.

Comm. Allison motioned to authorize the Internal Budget Amendments for FY 13/14 and also approve amending the budget to reflect the approved contingency expenditures during the FY 2013/14. Seconded by Comm. Aaskov.

Motion Carried – yea (5).

RESOLUTIONS

10. Resolution No. 2014-13; Strongly Objecting to Recent Action Taken by the Palm Beach County Board of County Commissioners to Withdraw Palm Beach County from the Treasure Coast Regional Planning Council and the Request Membership in the South Florida Regional Planning Council Instead; and Strongly Supporting the County's Continued Membership in the Treasure Coast Regional Planning Council

Manager Schenck stated that Palm Beach County had voted to leave the Treasure Coast Regional Planning Council and join the South Florida Regional Planning Council. The Palm Beach County League of Cities is opposed to this change as they believe we have more in common with the Treasure Coast than we do with Miami and Broward County. The league has requested that the municipalities adopt a resolution opposing the change.

Comm. Lucibella motioned to approve Resolution #2014-13. Seconded by Comm. Allison.

Motion Carried – yea (5).

FIRST READING OF ORDINANCES

11. Ordinance No. 610; Amending its Code of Ordinances, at Chapter 63, General and Administrative Provisions, by Amending Article VII, Nonconforming and Grandfathered Uses Section 63-117, Grandfathered Uses, Lots, and Structures, to permit the Continuation of Existing Non-Residential Uses and Section 63-118, Nonconforming Signs and Uses, to Strike the Expired Provisions Concerning Amortization of Non-Residential Uses; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; and Providing for an Effective Date

Mayor Pugh read the Title of the Ordinance. Comm Aaskov recused herself from the discussion (she is currently a tenant at the 5011 Building) and advised that she would complete the Voter Conflict Form.

Manager Schenck summarized that this was a result of the Sivitilli's request to the Commission to allow them to continue the mixed use of the 5011 Building. Once adopted, this Ordinance would modify the existing grandfather code. A development agreement regarding restriction of use and a time frame to complete the needed modifications of the property could be completed separately and executed prior to the 2<sup>nd</sup> reading and adoption.

## REGULAR TOWN COMMISSION MEETING HELD NOVEMBER 3, 2014

Betty Bingham, 1 Ocean Avenue, gave a background history of the commercial business in the Blue Ocean Subdivision, which was not originally a part of Ocean Ridge. There was a problem with the size of the lots, setbacks, etc. so the Commission decided to make Ocean Ridge completely residential. Sundek had sued the Town and a final judgment was granted to retain their ability for vacation rentals due to misinformation being provided to a potential purchaser of the property. She felt the best use for the Sivitilli property would be to continue the mixed use, and require a bond for the work completion date. The following individuals were also in favor of continuing the mixed use: Pam Schudlik (25 Oceanview Dr), Randall Stofft (6665 N Ocean), Sandy Foster (5900 Old Ocean), citing that if rebuilt they might be low budget rentals, new construction would be a hard sell with the location being across the street from Texaco, other towns has specific zoning that allows mixed use.

The following individuals spoke in opposition of continuing the mixed use: Terry Brown (23 Harbour Dr South), Bruce Gimmy (12 Ocean Avenue), Gary Kosner (6000 Old Ocean Blvd), Steve Coz (2 Osprey Ct), Ken Kaleel (86 Island Drive South), and Kristine DeHaseth (29 Sabal Island Dr), citing exposing the Town to potential lawsuits for extending something that had expired, exhausting the Town's resources and time over the many years, and the appearance of spot zoning.

Steve Goindoo, Henri's Apts, 1 Tropical Drive, stated that their property had complied with the Town's wishes to change from commercial use to residential use. However now that the Commission was considering keeping the mixed use by grandfathering it with a selective approach to just one location, that it could be legally challenged. He would be in favor however of developing a zoned area for commercial use to extend out from the 5011 Building.

Mr. Sivitilli stated that they had in the past requested to be de-annexed from Ocean Ridge, and Ocean Ridge denied it. He did not feel that to keep the mixed use would expose the Town to potential lawsuits as the 5011 Building is unique and the only property with a mixed use in Ocean Ridge and the other commercial buildings were still residential in nature.

Public Comment was closed.

Comm. Bonfiglio stated that if this Ordinance was approved it would create Spot Zoning, which would set a bad policy. He suggested that they apply for a Variance, but was not sure if it would meet all the areas of criteria. He would prefer a Comprehensive Plan Change through an application process in lieu of Spot Zoning if the residents of Ocean Ridge wanted to see a change to the Town's current zoning.

Comm Allison stated that converting the building into townhouse units was not commercially viable and keeping the current use will not change the Town. The Sivitilli's made promises for improvements and she was in favor of an Agreement that would hold them to a deadline, and she wanted the improvements to make a big difference. She would vote for the continued use.

Comm Lucibella commented that he had had a volume of feedback from the residents since the last meeting, and he has very concerned with potential legal challenges that the Town would face if the mixed use continued. He felt this is a selective choice for 1 property. He was not in favor of the continued use.

Mayor Pugh felt it would be short sighted of the Commission to approve/not approve this Ordinance without the direction of the Town Attorney (Atty. Spillias was absent with notice).

Comm Allison moved to approve Ordinance No. 610. There was no second. Mayor Pugh passed the gavel to Vice Mayor Allison. Mayor Pugh seconded the motion. There was a brief discussion and both agreed to rescind the motion so continued discussion could take place at the next meeting when the Town Attorney's would be present at the next meeting.

REGULAR TOWN COMMISSION MEETING HELD NOVEMBER 3, 2014

Comm. Allison motioned to table Ordinance No. 610 to the December 2014 meeting. Comm. Lucibella seconded.

Motion Carried -- yea (3); Comm. Bonfiglio -- nae (1)

Meeting Adjourned at 7:40 pm.

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Mayor Pugh

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Commissioner Aaskov

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Commissioner Allison

\_\_\_\_\_  
Commissioner Bonfiglio

\_\_\_\_\_  
Commissioner Lucibella

Attest By:

\_\_\_\_\_  
Town Clerk

# Memorandum

**Date:** November 6, 2014  
**To:** Mayor & Commissioners  
**From:** Ken Schenck, Town Manager  
**Re:** Resolution Adopting LMS Plan

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The County Emergency Management Division, in conjunction with the local communities, has completed an update to the County's Local Mitigation Strategy Plan (LMS). The Plan is a Federal requirement. The Plan has been submitted to the State and approved. The Plan outlines emergency operations in case of a disaster such as a hurricane and affects all of the communities. Therefore, the State requires that the local communities adopt the approved plan. This resolution satisfies that requirement and staff recommends adoption.

## **RESOLUTION NO. 2014-16**

### **A RESOLUTION OF THE TOWN OF OCEAN RIDGE, FLORIDA, AUTHORIZING THE TOWN OF OCEAN RIDGE, FLORIDA TO APPROVE AND ADOPT THE 2015 REVISED PALM BEACH COUNTY LOCAL MITIGATION STRATEGY PLAN; AND PROVIDE AN EFFECTIVE DATE.**

**WHEREAS**, Palm Beach County is susceptible to a variety of natural, technological, and human-caused disasters, including but not limited to, severe weather, hazardous materials incidents, nuclear power plant emergencies, communicable diseases, and domestic security incidents as well as climate change impacts and sea level rise that causes increased inundation, shoreline erosion, flooding from severe weather events, accelerated saltwater contamination of ground water and surface water supplies, and expedited loss of critical habitats, and

**WHEREAS**, the Disaster Mitigation Act of 2000, was enacted to establish a national disaster hazard mitigation program to reduce the loss of life and property, human suffering, economic disruption, and disaster assistance costs resulting from disasters, and to assist state, local, and tribal governments in implementing effective hazard mitigation measures to ensure the continuation of critical services and facilities after a natural disaster, and

**WHEREAS**, the Disaster Mitigation Act of 2000, as a condition for qualifying for and receiving future Federal mitigation assistance funding as well as reimbursement for Presidentially Declared Disasters, requires such governments to have Federal Emergency Management Agency approved hazard mitigation plans in place that identify the hazards that could impact their jurisdictions, identify actions and activities to mitigate the effects of those hazards, and establish a coordinated process to implement plans; and

**WHEREAS**, Palm Beach County's Local Mitigation Strategy, in coordination with governmental and non-governmental stakeholders having an interest in reducing the impact of disasters, and with input from the private sector and other members of the public, developed and revised the Palm Beach County Local Mitigation Strategy; and

**WHEREAS**, the 2015 revised Local Mitigation Strategy has been approved by the Florida Division of Emergency Management and the Federal Emergency Management Agency subject to adoption by the County Board of County Commissioners; and

**WHEREAS**, the LMS Steering Committee recommends the formal adoption of the 2015 Revised Local Mitigation Strategy, including planned future enhancements described therein, by the County and all 38 participating municipalities.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF OCEAN RIDGE, 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 upon adoption hereof.

Section 2. The Town of Ocean Ridge, Florida hereby approves and adopts the 2015 Revised Local Mitigation Strategy Plan (attached hereto as Exhibit A) in its entirety, as revised by the LMS Steering Committee and approved by the Palm Beach County Board of County Commissioners, the Florida Division of Emergency Management and the Federal Emergency Management Agency.

Section 3. The Town of Ocean Ridge, Florida authorizes the appropriate Town of Ocean Ridge Officials to pursue available funding opportunities for implementation of proposed mitigation initiatives described in the Local Mitigation Strategy, and upon receipt of such funding or other necessary resources, seek to implement the actions in accordance with the mitigation strategies set out by the Local Mitigation Strategy.

Section 4. The Town of Ocean Ridge, Florida will continue to support and participate in the Local Mitigation Strategy planning and implementation process as required by Federal Emergency Management Agency, the Florida Division of Emergency Management, and the Palm Beach County Local Mitigation Strategy Steering Committee.

Section 5. The Town of Ocean Ridge, Florida will consider incorporating climate change concerns, sea level rise and natural hazards into the local comprehensive plan and into future reviews of flood prevention regulations and zoning codes.

Section 6. The Town of Ocean Ridge, Florida directs the Town Clerk to transmit an original of the executed Resolution to the Palm Beach County Division of Emergency Management, attention Local Mitigation Strategy Coordinator (712-6481), for filing in the Office of the Clerk & Comptroller.

Section 7. This Resolution shall become effective immediately upon passage.

**PASSED AND ADOPTED THE \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.**

**TOWN OF OCEAN RIDGE, FLORIDA**

**ATTEST:**

**GEOFFREY A. PUGH, MAYOR**

**KAREN E. HANCSAK, TOWN CLERK**

## Memorandum

Date: **November 24, 2014**  
To: **Mayor & Commissioners**  
From: **Ken Schenck, Town Manager**  
Re: **Town Update, December, 2014**

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**I am providing you with brief updates on some of the Town's continuing projects and events.**

### **Inlet Cay Island**

The red valve has been replaced on Bimini Cove and so far is working very well. There has been no flooding during the recent high tides.

The Eleuthera Drive drainage improvements are well under way. We've run into several problems in the cul-de-sac with utility lines being higher than they're supposed to be which held up the construction until we could get them moved. This created an additional expense. The road has been raised and repaved. Matching the road with the driveways and lawns is requiring more fill and work than anticipated and will also require some additional expense. We expect to be finished before Christmas.

### **FEMA Flood Maps**

We've met with FEMA and are still reviewing their maps.

### **Old Ocean Blvd. Right of Way**

The signed documents have been recorded at the County.

### **Beach Crossovers**

The proposed Town stance on the beach usage and beach signs will be discussed later in the meeting.

### **Town Hall Utility and Access Easement**

Mr. Swaim is still working with the regulatory agencies.

### **PBA Contract Negotiations**

A mediator has been selected. We are waiting for a date to meet with the mediator to discuss the PBA contract.

**LPR Cameras**

The presentation on the cameras by the Lighthouse Point Police Department has been set for Tuesday December 16<sup>th</sup> at 6PM. It's expected to last between 1 and 2 hours. It's designed to be a presentation for the residents and interested neighboring communities. It will not be a Commission meeting or workshop although the Commissioners are certainly invited to attend.

**Calendar of Events**

Commission Meeting----- January 5, 2015 @ 6:00 PM

Code Enforcement Meeting-----January 6, 2015 @ 10:00 AM

Cc: Chris Yannuzzi, Police Chief  
Karen Hancsak, Town Clerk  
Employees

**Agenda: Dec. 1, 2014**  
**Memo: Item #\_\_7\_\_**

**Town of Ocean Ridge, Florida**  
**Agenda Memorandum**

**Office of Police Chief Christopher T. Yannuzzi**

- Subject:**
- 1. Monthly Activity Report (October 2014)**
  - 2. Monthly Boynton Beach Fire/EMS Activity Report**
  - 3. Letters of Commendations (2 Events)**

Mayor and Town Commissioners:

Attached please find the October 2014 Monthly Activity Report; including the monthly Boynton Beach Fire/EMS Activity Report and other attachments. All of these are on the Town's website under Police Department/Monthly Reports.

I'm available to answer any questions either prior to or at the meeting.

Item #9

**Town of Ocean Ridge**

# Memorandum

**Date: November 26, 2014**  
**To: Mayor & Commissioners**  
**From: Ken Schenck, Town Manager**  
**Re: Beach Demarcation Line**

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Attached is a description of the Erosion Control Line (ECL) and the Mean High Water Line (MHWL) as established by the State. There is also a map enclosed which may be difficult to read. I have a larger map in my office which will be available for the meeting. There are 2 separate Erosion Control Lines. The Line north of Anna St was established in 1997 and the Line south of Anna St. was established in 1978. Neither of these lines have been revised by the State. The southern line was the same as the Mean High Water Line when it was done. However the Mean High Water Line is not permanent whereas the ECL is. An additional problem is that the private property lines are not uniform in their eastern boundaries and vary considerably.

We encourage the residents to call the Police Dept. whenever they see anything they feel is improper. THE POLICE WILL RESPOND TO EVERY CALL. Each call will be assessed depending on the problem.

When the Police are patrolling, they will address any violations they see. When addressing trespassing, the property owner or an authorized representative must make the complaint and request the individual move and the Police will document the notice. Unauthorized persons, especially between Anna St. and Beachway, will be asked to move to a public area near the water or to public areas north of Anna or south of Beachway. If they don't move appropriate action will be taken.

Anyone on the dune itself will be automatically told to move unless it's a property owner on their dune.

We hope these guidelines will address both the concerns of the private property owner while serving the general public. To make this work we encourage the residents to call the Police when they see a problem so they can respond immediately.

**Review of the Development of the Erosion Control Line  
Within the Town of Ocean Ridge, Palm Beach County, Florida**

**DEFINITIONS AND BACKGROUND INFORMATION:**

- “Erosion control line” means the line determined in accordance with the provisions of ss. 161.141-161.211 which represents the landward extent of the claims of the state in its capacity as sovereign titleholder of the submerged bottoms and shores of the Atlantic Ocean, the Gulf of Mexico, and the bays, lagoons and other tidal reaches thereof **on the date of the recording of the survey as authorized in s. 161.181.** § 161.151, *Florida Statutes* (2014) (emphasis added).
- Mean High Water: A tidal datum. The average of all the heights observed over the National Tidal Epoch.
- Mean High Water Line: The line on a chart or map which represents the intersection of the land with the water surface at the elevation of mean high water.

The Florida Constitution provides that “The title to lands under navigable waters, within the boundaries of the state, which have not been alienated, including beaches below mean high water lines, is held by the state, by virtue of its sovereignty, in trust for all the people.” Art 10., § 11, Fla. Const. Thus, the mean high water line acts as the boundary between state owned submerged lands and lands privately owned by adjoining upland owners.

Chapter 161, *Florida Statutes*, provides for the protection of beaches and shores and the control of beach restoration projects. The Erosion Control Line is used as the base for horizontal measurements.

**HISTORY:**

In 1977, Arthur V. Strock and Associates – Engineers and Surveyors – completed a survey of the Mean High Water Line of the Atlantic Ocean running through Sections 15, 27, 32 and 34 in Township 45 South, Range 43 East, and through Sections 3 and 10, Township 46 South Range 46 East, for a total length of approximately 5.5 miles, running from the South Lake Worth Inlet, south through Ocean Ridge, down to North Delray Beach. The metes and bounds description was labeled “Mean High Water Line & Proposed Erosion Control Line.” The term “proposed” was used because an Erosion Control Line (ECL) is considered “proposed” until it is approved by the local authority and approved and accepted by the Florida Department of Environmental Protection (FDEP), or, as in this case, FDEP’s predecessor in authority, the Department of Natural Resources (DNR).

In June of 1983, a map of the ECL was recorded in Miscellaneous Road Plat Book 6, at Pages 113-120 in Palm Beach County. A copy of this document is attached hereto as Exhibit A. This map was approved by DNR and the Palm Beach County Board of County Commissioners.

The location of this ECL coincided with the Mean High Water line of May 26, 1978, which was surveyed by George W. Wren of Arthur V. Strock & Associates. See Certificate of Approval, ORB 3978, p. 1956, attached hereto as Exhibit B.

The State of Florida Board of Trustees of the Internal Improvement Trust Fund executed the Certificate of Approval for the establishment of the ECL in May, 1982. The Certificate was recorded in ORB 3978 at page 1956 in the Public Records of Palm Beach County, Florida (Exhibit B). In the description attached thereto, this line was referred to as the OCEAN RIDGE /BRINY BREEZES BEACH RESTORATION PROJECT- EROSION CONTROL LINE. It extended southward from the South Lake Worth Inlet for approximately 2.5 miles.

In June, 1997, John R. Morgan PSM of the firm of Morgan & Eklund Inc. completed a survey of the Mean High Water Line and Proposed Erosion Control Line for the Ocean Ridge shore protection project. This line started at the South Lake Worth Inlet and continued southward for a distance of approximately 1.5 miles.

On July 8, 1997 the Board of Trustees of the Internal Improvement, through the Division of State Lands within FDEP, passed a resolution to approve, adopt, and certify the ECL as surveyed by Morgan and Eklund. In part, this resolution states:

Whereas, the Palm Beach Board of County Commissions now desires to establish a new erosion control line in the area for beach restoration, and in accordance with Section 161.211(1), Florida Statutes, has submitted written petitions for cancellation of a part of the original Ocean Ridge/Briny Breezes Erosion Control Line which will be replaced with a new line lying along the present line of mean high water; and

Whereas, it is the intent of this resolution to establish a new erosion control line to be called the Town of Ocean Ridge, Palm Beach County Erosion Control Line, retain a segment of the original Ocean Ridge/Briny Breezes Erosion Control Line and void a segment of the Ocean Ridge/Briny Breezes Erosion Control Line, each being described on the plat of survey of the Town of Ocean Ridge, Palm Beach County Erosion Control Line; ....

(Resolution recorded in ORB 9983, p. 1176, attached hereto as Exhibit C).

The Division of State Lands, which is within FDEP, is of the opinion that the North 1.5 miles of the ECL established by Strock in 1982 as recorded in Road Plat Book 6 Page 113 was thus voided and cancelled and was replaced by the ECL based on the survey by Morgan and Ecklund and described in the Exhibit titled "Town of Ocean Ridge Palm Beach County Erosion Control Line" of the Resolution recorded in ORB 9983, p. 1176.<sup>1,2</sup> They also opined that the remaining southern portion of ECL as determined by Strock remains the current ECL.

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<sup>1</sup> Note: A fully executed and recorded copy of the plat by Morgan & Ecklund has not yet been located.

<sup>2</sup> The cancellation of resolutions is addressed in Chapter 161.211 (1)-(3), *Florida Statutes*.

In establishing their ECLs, both Morgan and Wren determined the elevation of Mean High Water and found where that elevation cut the beach on the seaward side of the shore. Those points were surveyed and the resulting lines were mapped as the ECL.

Based on the above information, it is clear that the Mean High Water Line and the ECL were the same line on the date of the recording of the survey. However, subsequently, upon accretion, the Mean high Water Line would move seaward, and upon reliction or avulsion, the Mean High Water Line would move landward. Conversely, the ECL is fixed and would not move unless it had been voided, cancelled, or replaced with new line, in accordance with Chapter 161, *Florida Statutes*. See § 161.211, *Florida Statutes*.

Gary Rayman

November 21, 2014

**Agenda: Dec. 1, 2014**  
**Memo: Item # 10**

**Town of Ocean Ridge, Florida**

**Agenda Memorandum**

**Office of the Town Manager**

**Subject: Authorize Closing Administrative Offices on  
Friday, Dec. 26, 2014 and Friday, Jan. 2, 2015  
with Staff Utilizing a Vacation Day for Each**

Mayor and Town Commissioners:

The administrative staff employees are requesting to take individual vacation days on Friday, Dec. 26, 2014, the day after Christmas and also Friday, Jan. 2, 2015, the day after New Years Day. Historically the Commission has permitted the extra day when the actual holiday falls on either a Thursday or Tuesday to allow for a four day weekend. In this case the staff are asking for both days. The office should be slow on both of these days as most of the contractors also take this time off.

Staff is proposing that the Town Hall portion of the Town operation be closed until Monday on both weekends.

The Police Department operation will be maintained as usual through this period.

**Agenda: Dec. 1, 2014**  
**Memo: Item # | |**

**Town of Ocean Ridge, Florida**  
**Agenda Memorandum**  
**Office of the Town Clerk**

**Subject: Resolution No. 2014-14; Canvassing Board and Absentee Ballots**

Mayor and Town Commissioners:

The 2014 election will be held on March 10, 2015.

Two Commission Seats – Three Year Term  
(currently held by Geoff Pugh and Gail Adams Aaskov)

The attached Resolution is to designate the Supervisor of Elections as a member of the Canvassing Board, along with the Town Clerk, and to authorize him/her to handle the absentee ballots as is done each year. This is to meet the guidelines mentioned and outlined in the agreement attached to Resolution No. 2014-15 (next agenda item).

This agreement between the Supervisor of Elections and the Town shift many of the election fees to the municipalities. The agreement essentially remains the same.

Staff recommends approval of same through the adoption of Resolution No. 2014-14.

**RESOLUTION NO. 2014-14**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA, DESIGNATING THE SUPERVISOR OF ELECTIONS AND THE TOWN CLERK AS THE CANVASSING BOARD, TO BE IN ATTENDANCE FOR THE TESTING OF THE COMPUTER ELECTRONIC SYSTEMS TABULATING EQUIPMENT TO BE USED FOR THE GENERAL ELECTION SCHEDULED FOR MARCH 10, 2015 AND TO CANVASS RETURNS OF SUCH ELECTION INCLUDING THE ABSENTEE BALLOTS; ASSIGNING SUPERVISOR OF ELECTIONS TO HANDLE THE ABSENTEE BALLOTS; PROVIDING FOR REPEAL OF PRIOR RESOLUTIONS IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Section 101.5612(1) of the Florida Statutes provides for the testing of automatic tabulation equipment; and

**WHEREAS**, Section 101.5612(1) further provides that the canvassing board shall convene and certify to the accuracy of the test or designate one member to represent it at the testing; and

**WHEREAS**, Chapter 2, Article V, Section 2-196 and Section 2-198 of the Town of Ocean Ridge Code of Ordinances provide for the Town Commission to designate a person or persons as a member of the Canvassing Board for the purpose of canvassing the returns and certifying the results of any election including all absentee ballots in the Town of Ocean Ridge, Florida and/or to attend the testing of the automatic tabulating equipment; and

**WHEREAS**, Chapter 101 of the Florida Statutes provides for the handling of absentee ballots;

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA THAT:**

**Section 1.** Pursuant to Chapter 2, Article V, Sections 2-196 and 2-198 of the Code of Ordinances of the Town of Ocean Ridge and Section 101-5612(1) and Section 101.68 of the Florida Statutes, Susan Bucher, Supervisor of Elections, in and for Palm Beach County, or her successor or designee and the Town Clerk or designee are hereby appointed to serve as the canvassing board of the Town of Ocean Ridge for the General Election to be held on March 10, 2014 and to serve as our representatives for the testing of the automatic tabulating equipment at the Palm Beach County Supervisor of Elections Tabulation Center, at 7835 Central Industrial Dr., Riviera Beach, Florida; and for the Supervisor of Elections, or her successor or designee and the Town Clerk or designee to further certify to the accuracy of the equipment on the evening of the General Election held March 10, 2015; and to canvass the election results including all absentee ballots; and to conduct all and such other post-election functions, including testing and audits, as is required by law.

**Section 2.** Pursuant to Chapter 101 of the Florida Statutes, Susan Bucher, Supervisor of Elections in and for Palm

Beach County, or her successor or designee is designated to distribute and certify absentee ballots for the municipal election.

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

**Section 4.** This Resolution shall take effect immediately upon adoption.

Commissioner \_\_\_\_\_, offered the foregoing Resolution, and moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_, and duly passed by the Commission.

The Mayor thereupon declared this Resolution approved and adopted effective December 1, 2014.

**TOWN OF OCEAN RIDGE, FLORIDA**

BY: \_\_\_\_\_  
Geoffrey A. Pugh, Mayor

ATTEST: \_\_\_\_\_  
Karen E. Hancsak, Town Clerk

**Agenda: Dec. 1, 2014**  
**Memo: Item # 12**

**Town of Ocean Ridge, Florida**

**Agenda Memorandum**

**Office of the Town Clerk**

**Subject: Resolution No. 2014-15; Approving the Agreement for  
Vote Processing Equipment Use and Election Services by  
between the Supervisor of Elections and the Town**

Mayor and Town Commissioners:

As you may recall the last few years the Commission approved an Agreement between the Supervisor of Elections and the Town shifting many of the election fees to the municipalities. The agreement primarily remains the same, however, the Town Clerk must attend the L & A Testing and be more involved with the canvassing of the ballots if necessary. This agreement provides a cost per municipality of \$2,563 for the municipal package which contains similar services for all and then an additional \$310 per precinct (we have only one). Additional fees to be paid by the municipality include their own ballot and absentee ballot costs and delivery costs. The Town already pays the pollworkers directly and several of the advertisement costs. Our last election produced an invoice from the SOE for \$3013 for the election and \$550 for the post manual audit.

Staff recommends approval of same through the adoption of Resolution No. 2014-15.

**RESOLUTION NO. 2014-15**

RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN CLERK TO EXECUTE THE AGREEMENT FOR VOTE PROCESSING EQUIPMENT USE AND ELECTION SERVICES BY AND BETWEEN THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS (SOE) AND THE TOWN OF OCEAN RIDGE; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, Sec 100.3605, Florida Statutes, stated that The 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 Town of Ocean Ridge 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, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA THAT:

Section 1. The Town of Ocean Ridge hereby authorizes the Mayor and Town Clerk to execute the Agreement (attached as Exhibit "A") between the SOE and the Town for the purpose of vote processing equipment use and election services.

Section 2. This Resolution shall become effective Dec. 1, 2014.

The foregoing resolution was offered by Commissioner \_\_\_\_\_ who moved its adoption. Commissioner \_\_\_\_\_ seconded the motion.

The Mayor thereupon declared the resolution duly passed and adopted this 1st day of December, 2014.

TOWN OF OCEAN RIDGE, FLORIDA

\_\_\_\_\_  
Geoffrey A. Pugh, Mayor

Attest:

\_\_\_\_\_  
Karen E. Hancsak, Town Clerk

**AGREEMENT FOR VOTE PROCESSING EQUIPMENT USE AND ELECTION SERVICES  
BY AND BETWEEN  
THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS AND  
THE TOWN OF OCEAN RIDGE**

**THIS AGREEMENT**, is made and entered into this day of \_\_\_\_\_, 2014, effective January 1, 2015, 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 the Town of Ocean Ridge, 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 hereinbelow.

2. **DATE OF GENERAL MUNICIPAL ELECTION:**

The date of the Town of Ocean Ridge’s General Municipal election is March 10, 2014. 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 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. 2<sup>nd</sup> 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 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 unvoted 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 thirty (30) days prior to each Election and notify SOE in writing of 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 \$1200,000 for any one person or beyond \$2300,000 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 receive the approval of the Supervisor of Elections for the actual election date no later than 90 days prior to a Special Election unless otherwise provided in law. 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. **TERM:**

This Agreement shall begin on the effective date January 1, 20145 and continue for a term of one year in order to cover Special Elections, if any, and may be modified by mutual 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.

8. **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.

9. **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.

<b>For the SOE:</b>	<b>For the Municipality:</b>
Supervisor of Elections 240 S. Military Trail West Palm Beach, Florida 33415 Attention: Susan Bucher	<u>Name</u> <u>Street Address</u> <u>Municipality, FL</u> <u>Attention: Manager</u>

10. **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.

11. 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.

12. **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, 2013.

As to the SOE:

WITNESSES:

SUPERVISOR OF ELECTIONS  
PALM BEACH COUNTY

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Susan Bucher

Date: \_\_\_\_\_

**As to the MUNICIPALITY:**

ATTEST:

INSERT NAME OF MUNICIPALITY

\_\_\_\_\_  
\_\_\_\_\_, Municipal Clerk

\_\_\_\_\_  
\_\_\_\_\_, Mayor

(Affix Municipal Seal)

Date: \_\_\_\_\_

**PALM BEACH COUNTY SUPERVISOR OF ELECTIONS  
2015 Municipal Elections Charges**

**Cost Examples - Small, Medium, Large Municipalities**

Uniform Election Costs *						
MUNICIPALITY	MUNICIPAL PACKAGE	# ballots	@5.31	# precincts	@ \$310.00	TOTAL COST
			ABSENTEE BALLOTS	PRECINCTS		
HAVERHILL	\$2,563	40	\$212	4	\$1,240	\$4,015
RIVIERA BEACH	\$2,563	1,209	\$6,420	17	\$5,270	\$14,252
BOCA RATON	\$2,563	3,304	\$17,544	47	\$14,570	\$34,677
<hr/>						
Single Election *						
MUNICIPALITY	MUNICIPAL PACKAGE	# ballots	@6.29	# precincts	@ \$318.61	TOTAL COST
			ABSENTEE BALLOTS	PRECINCTS		
HAVERHILL	\$5,812	40	\$252	4	\$1,274	\$7,338
RIVIERA BEACH	\$5,812	1,209	\$7,605	17	\$5,416	\$18,833
BOCA RATON	\$5,812	3,304	\$20,782	47	\$14,975	\$41,569

\* Costs exclude expenses absorbed by municipalities i.e.; pollworker payroll, precinct rentals, ballot translations, ballot printing, advertising, precinct security and election day equipment delivery