



***The Crossroads of South Florida,
We envision a sustainable economy, Let Us Grow
Together***

**CITY OF SOUTH BAY
CITY COMMISSION MEETING AGENDA
COMMISSION CHAMBER
335 SW 2ND AVENUE, SOUTH BAY FL 33493**

**TUESDAY, APRIL 18, 2017
7:00 P.M.**

**www.southbaycity.com
Phone: 561-996-6751 Fax: 561-996-7950**

Mayor:	Joe Kyles Sr.
Vice Mayor:	John Wilson
Commissioner:	Esther Berry
Commissioner:	Taranza McKelvin
Commissioner:	Shanique Scott
City Manager:	Leondrae D. Camel
City Attorney:	Burnadette Norris-Weeks
City Clerk:	Jessica Figueroa

RULES OF ROCEDURE

WHO MAY SPEAK

Meetings of the City Commission are open to the public. They are not; however, public forums. Any resident who wishes to address the commission on any subject within the scope of the Commission's authority may do so, providing it is accomplished in an orderly manner and in accordance with the procedures outlined below.

SPEAKING ON AGENDA ITEM

- **Consent Agenda Item** – These are items, which the Commission does not need to discuss individually, and which are voted on as a group. Any Commissioner who wishes to discuss any individual item on the consent agenda may request the Mayor to pull such item from the consent agenda. Those items pulled will be discussed and voted upon individually.
- **Regular Agenda Items** – These are items, which the Commission will discuss individually in the order listed on the agenda. By majority vote, the City Commission may permit any person to be heard on an item at a non-public hearing.
- **Public Hearing Items** – This portion of the agenda is to obtain input from the public on some ordinances, resolutions and zoning applications. The chair will permit any person to be heard on the item during formal public hearings.

SPEAKING ON SUBJECTS NOT ON THE AGENDA

Any resident may address the Commission on any items pertaining to City business during the Opportunity For The Public To Address the Commission portion of the agenda. Persons wishing to speak must sign in with the City Clerk before the start of the meeting.

ADDRESSING THE COMMISSION, MANNER AND TIME

By majority vote the City Commission may invite citizen discussion on any agenda item. In every case where a citizen is recognized by the Mayor to discuss an agenda item, the citizen shall step to the podium/microphone, state his or her name and address for the benefit of the city clerk, identify any group or organization he or she represents and shall then succinctly state his or her position regarding the item before the city commission. Any question, shall be related to the business of the City and deemed appropriate by the Mayor, shall be directed to the Mayor and the Mayor shall then re-direct the question to the appropriate Commissioner or City Staff to answer the citizen question which shall be related to the business of the City.

All comments or questions of the public are to be directed to the Mayor as presiding officer only. There shall be no cross conversations or questions of any other persons. The length of time each individual may speak should be limited in the interest or order and conduct of the business at hand. Comments to the Commission by individual citizens shall be limited to three (3) minutes during the citizens request period. The City clerk shall be charged with the responsibility of

notifying each citizen thirty (30) seconds before said time shall elapse and when said time limit has expired.

APPEALS

If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

DECORUM

If a member of the audience becomes unruly, the Mayor has the right to require the person to leave the room. If a crowd becomes unruly, the Mayor may recess or adjourn the meeting. Please silence all cell phones and pagers.

CONTACT INFORMATION

If anyone has questions or comments about anything on the meeting agenda, please contact the City Manager at 561-996-6751.

AMERICANS WITH DISABILITY ACT

In accordance with the Americans with Disability Act and Florida Statute 286.26, persons with disabilities needing special accommodations to participate in this proceeding should contact the city clerk no later than three (3) days prior to the meeting at 561-996-6751 for assistance.

**AGENDA
CITY OF SOUTH BAY
CITY WORKSHOP
CITY COMMISSION CHAMBERS
APRIL 18, 2017 @ 6:30 P.M.**

*South Bay, the Crossroads of South Florida,
We envision a sustainable economy, Let Us Grow Together*

NOTICE: If any person decides to appeal any decision of the City Commission at this meeting, he/she will need a record of the proceedings and for that purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based, pursuant to F.S. 286.01055. The City of South Bay does not prepare or provide such records.

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **DISCUSSION**
 - 3a. Agenda – April 18, 2017
4. **ADJOURNMENT**

AGENDA
CITY OF SOUTH BAY, FLORIDA
REGULAR CITY MEETING
CITY COMMISSION CHAMBERS
APRIL 18, 2017 @ 7:00 P.M.

*South Bay, the Crossroads of South Florida,
We envision a sustainable economy, Let Us Grow Together*

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NOTICE: If any person decides to appeal any decision of the City Commission at this meeting, he/she will need a record of the proceedings and for that purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based, pursuant to F.S. 286.01055. The City of South Bay does not prepare or provide such records.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations in order to participate in this proceeding are entitled to the provision of certain assistance at no cost. Please call the City Clerk's Office at 561-996-6751 no later than 2 days prior to the hearing if this assistance is required. For hearing impaired assistance, please call the Florida Relay Service Numbers: 800-955-8771 (TDD) or 800-955-8770 (VOICE).

Any citizen of the audience wishing to appear before the City Commission to speak with reference to any agenda item must complete their "Request for Appearance and Comment" card and present completed form to the City Clerk.
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1. CALL TO ORDER, ROLL CALL; MOMENT OF SILENCE, PLEDGE OF ALLEGIANCE

2. DISCLOSURE OF VOTING CONFLICTS

3. PRESENTATIONS/PROCLAMATIONS

- 3a.** Approval of Proclamation – National Children's Mental Health Awareness Day
- 3b.** Signal Warrant Analysis – David Mendez
- 3c.** Palm Beach County Farm Worker Career Development Project – Diana Colunga

4. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE COMMISSION

5. CONSENT AGENDA

All matters listed under this item are considered routine and action will be taken by one motion. There will be no separate discussion of these items unless a Commissioner or person so requests, in which the item will be removed from the general order of business and considered in its normal sequence on the Agenda.

- 5a.** Approval of City Minutes
 - March 21, 2017 City Workshop
 - March 21, 2017 Regular City Meeting
 - April 04, 2017 City Workshop
 - April 04, 2017 Regular City Meeting

6. RESOLUTIONS – (Non- Consent) and Quasi-Judicial Hearing, if applicable)

6a. RESOLUTION 75-2017

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA RELATING TO FINANCES, PROVIDING FOR AMENDMENTS TO THE FISCAL YEAR BUDGET BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017; APPROVING ASSOCIATED BUDGET AMENDMENTS; PROVIDING AN EFFECTIVE DATE.

6b. RESOLUTION 78-2017

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA, AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE THE ATTACHED INTERLOCAL AGREEMENT BETWEEN PALM BEACH COUNTY AND CITY OF SOUTH BAY; PROVIDING FOR AN EFFECTIVE DATE

7. ORDINANCE

8. ROSENWALD ELEMENTARY SCHOOL

9. FINANCE REPORT

9a. Accounts Payable Report

10. CITY CLERK REPORT

10a. Next City Commission Meeting – April 18, 2017

11. CITY MANAGER REPORT

11a. Update on Senate Bill 10

12. CITY ATTORNEY REPORT

13. FUTURE AGENDA ITEMS

14. COMMISSIONER COMMENTS/FOR THE GOOD OF THE ORDER

15. ADJOURNMENT

PROCLAMATION

NATIONAL CHILDREN'S MENTAL HEALTH AWARENESS DAY

WHEREAS, addressing the complex mental health needs of children, youth, and families today is fundamental to the future of the State of Florida; and

WHEREAS, the need for comprehensive, coordinated systems of care for children and youth with mental health challenges and their families places upon our Community a critical responsibility; and

WHEREAS, research and experience informs us that early intervention and access to behavioral health care approaches and services such as Wraparound, early childhood mental health consultation, respite care, and mobile crisis units yield positive outcomes for children, youth, and families; and

WHEREAS, stigma and fear of discrimination may keep many who would benefit from mental health services from seeking help; and

WHEREAS, it is appropriate that a day should be set apart each year to recognize the importance of our children's mental health and well-being and our responsibility to promote them; and

WHEREAS, Florida's family driven and youth guided, community based, and culturally and linguistically competent approach to serving children and adolescents is enhancing care for the mental health needs of children, youth, and families in our community; and

WHEREAS, on this day, all citizens, agencies, and organization interested in advancing innovative approaches to care for children with mental health needs can unite to promote effective services and supports for children, youth, and their families;

NOW, THEREFORE, I, Joe Kyles, Mayor of the City of South Bay, do hereby extend greetings and best wishes to all observing May 4th, 2017 as Children's Mental Health Awareness Day.

PROCLAIMED this 18th day of April, 2017.

Joe Kyles, Mayor

ATTESTED BY:

Jessica Figueroa, City Clerk

City of South Bay
City Workshop
March 21, 2017

A City Workshop of the City Commission of the City of South Bay, Florida was called to order by Mayor Joe Kyles in the Commission Chambers at 335 S.W. 2nd Avenue, South Bay, Florida on March 21, 2017 at 6:30 p.m.

Present:

Mayor Joe Kyles
Vice-Mayor John Wilson
Commissioner Esther E. Berry
Commissioner Taranza McKelvin

Staff:

Burnadette Norris-Weeks, City Attorney
Leondrae Camel, City Manager
Jessica Figueroa, City Clerk
Edgar Kerr, Public Works Director

Mayor Kyles mentioned discussion of item 3a. McKinley Financial - health insurance renewal options for the City of South Bay. Representative Steve Gude with McKinley Financial gave a brief overview on the health insurance options for city employees. *(recording/discussion not clear, however available through the city clerk's office)*

Commissioner Berry requested to add Senate Bill 10 for discussion on the City Workshop agenda. The Commission gave consensus to add discussion of Senate Bill 10 on the city workshop agenda as item 3c.

Vice-Mayor Wilson requested that Tammy Jackson give an update on Senate Bill 10, due to her spearheading the discussion with the Glades Community.

Commissioner Scott recommended reordering item 3f. Discussion/take action on Park of Commerce 98 acres, and placing the item after public comments. Mayor Kyles stated that the Commission will request a motion for reorder in the regular meeting.

Mayor Kyles mentioned discussion of item 3b. March 21, 2017 regular agenda.

Mayor Kyles mentioned item 3a. Resolution 74-2017.

The City Manager read Resolution 74-2017 for the record.

A Resolution of the City Commission of the City of South Bay, Florida adopting the certified results of the March 14, 2017 municipal election related to the City of South Bay; providing for an effective date.

Commissioner Scott and Mayor Kyles congratulated the returning elected commissioners.

Mayor Kyles mentioned discussion of "status of city park modernization". The City Manager stated that Colome and Associates would be presenting tonight relating to the scope of work and utilization of the \$400,000.00.

Mayor Kyles mentioned discussion of American Red Cross. The City Clerk read the proclamation for the record.

Mayor Kyles mentioned discussion of the consent agenda approval of city minutes.

Commissioner Scott mentioned city minutes for February 21, 2017 page 3399. She mentioned a correction on Mayor Kyles vote for Bridge Solutions Inc. and stated that he voted no, not yes.

Mayor Kyles mentioned a correction on city minutes for February 21, 2017 page 3400, fifth paragraph, changing "Mayor Wilson" to "Mayor Kyles".

Mayor Kyles mentioned discussion of second and final reading for Ordinance 07-2017. The City Clerk read Ordinance 07-2017 for the record.

An Ordinance of the City Commission of the City of South Bay, Florida, imposing a moratorium on the acceptance of new application and on the issuance of city permits or approvals for pending applications, for the installation of above-ground "wireless communications facilities" within any city right-of-way or within any easements adjacent to city right-of-way; providing that said moratorium shall be in effect until July 31, 2017, unless otherwise modified or extended by the City Commission; further directing city staff to undertake a comprehensive review of the City's existing communication facilities registration, permitting and installation codes with an emphasis on ensuring the protection of vehicular and pedestrian traffic within and along city rights-of-way, ensuring the protection of residential properties along city right-of-way, and compliance with federal and state requirements including but not limited to the telecommunications act of 1996, and secs. 337.401 and 365.172, Florida Statutes; providing for continuation, extension or termination or said moratorium; providing for conflicts clause and a severability clause; providing an effective date; and for other purposes.

The City Manager stated that Ordinance 07-2017 would assist the staff in drafting an Ordinance that would assist with "these" issues moving forward, due to not having anything in place for wireless telecommunication being added to city right-of-way.

Finance Report

Commissioner Berry stated that she asked the Finance Director to provide her with a copy of the general fund for capital improvement and any adjustments to the budget. The City Manager said "as stated in that meeting, for that request, staff has some of the items and will be bringing that full budget amendment back at the first meeting in April, including a full budget amendment and all capital expenditures".

Commissioner Scott stated that she also requested information in regards to the budget and a detail outline of the City Clerk's department on why the assistant couldn't be funded. The City Manager stated that item would come before the commission during the budget discussion in April.

Mayor Kyles mentioned discussion of future agenda items.

Commissioner Berry mentioned placing Senate Bill 10 as part of the future agenda items.

Commissioner Scott mentioned a report regarding the city marquee. The City Manager stated that he would discuss that under his report.

Commissioner Berry gave the City Manager a letter from Palm Beach County League of Cities relating to a map of the City of South Bay road ways, and requested that he discuss "that" letter during his report.

Mayor Kyles adjourned the workshop at 6:58 p.m.

Joe Kyles, Mayor

ATTESTED BY:

Jessica Figueroa, City Clerk

City of South Bay
Regular City Meeting
March 21, 2017

A Regular City Meeting of the City Commission of the City of South Bay, Florida was called to order by Mayor Joe Kyles in the Commission Chambers at 335 S.W. 2nd Avenue, South Bay, Florida on March 21, 2017 at 7:00 p.m.

Present:

Mayor Joe Kyles
Vice-Mayor Wilson
Commissioner Esther E. Berry
Commissioner Shanique Scott
Commissioner Taranza McKelvin

Staff:

Burnadette Norris-Weeks, City Attorney
Leondrae Camel, City Manager
Jessica Figueroa, City Clerk
Edgar Kerr, Public Works Director

Mayor Kyles called for voting conflicts. Vice-Mayor Wilson stated that he had a voting conflict relating to the action that would take place, relating to the park of commerce. He stated that he would submit a conflict of interest form to the City Clerk.

Presentations/Proclamations

The City Clerk read Resolution 74-2017 for the record.

Commissioner Scott made a motion to approve Resolution 74-2017, a resolution of the City Commission of the City of South Bay, Florida adopting the certified results of the March 14, 2017 municipal election related to the City of South Bay; providing for an effective date. The motion was seconded by Vice-Mayor Wilson. The vote was unanimously approved.

Mayor Kyles called for the oath to office for the following seats/elected; conducted by the City Clerk.

- Seat #1 - Esther Berry
- Seat #3 - Taranza McKelvin
- Seat #5 - John Wilson

Mayor Kyles called for a motion for the following appointments of South Bay Officials:

- Mayor

- Vice-Mayor
- City Treasurer
- City Attorney
- City Clerk

Mayor Kyles called for the appointment of "Mayor" for the City of South Bay.

Commissioner Berry nominated Joe Kyles to remain the Mayor of the City of South Bay. The nomination was seconded by Vice-Mayor Wilson.

Commissioner Scott nominated Esther Berry as Mayor of the City of South Bay. The nomination was seconded by Commissioner McKelvin.

Mayor Kyles requested a vote for both nominations.

A vote was called for the nomination of Joe Kyles for Mayor of the City of South Bay. The vote was Commissioner McKelvin, no; Commissioner Scott, no; Commissioner Berry, yes; Vice-Mayor Wilson, yes; and Mayor Kyles, yes.

A vote was called for the nomination of Esther Berry as Mayor of the City of South Bay. The vote was Commissioner McKelvin, yes; Commissioner Scott, yes; Commissioner Berry, no; Vice-Mayor Wilson, no; and Mayor Kyles, no.

Joe Kyles was officially re-appointed as Mayor of the City of South Bay.

Mayor Kyles called for the appointment of Vice-Mayor of the City of South Bay.

Commissioner Berry made a motion to nominate John Wilson as Vice Mayor of the City of South Bay. The motion was seconded by Vice-Mayor Wilson. The commission unanimously approved.

John Wilson was officially re-appointed as Vice-Mayor of the City of South Bay.

Vice-Mayor Wilson made a motion to appoint Commissioner Berry as City Treasurer. The motion was seconded by Commissioner Scott. The vote was unanimously approved.

Commissioner Berry was officially re-appointed as City Treasurer for the City of South Bay.

Commissioner Scott made a motion to appoint Burnadette Norris-Weeks as City Attorney. The motion was seconded by Vice-Mayor Wilson. The vote was unanimously approved.

Burnadette Norris-Weeks was officially re-appointed as City Attorney for the City of South Bay.

Commissioner McKelvin made a motion to appoint Jessica Figueroa as City Clerk. The motion was seconded by Vice-Mayor Wilson. The vote was unanimously approved.

Jessica Figueroa was officially re-appointed as City Clerk for the City of South Bay.

Mayor Kyles mentioned the status update on the City Parks Modernization. The City Manager introduced Ms. Colome with Colome and Associates Inc. He stated that she would give a status report on Tanner and Cox Park. He stated that the scope of work had been shared with the County and all of items that had been presented to the Commission "tonight" are eligible improvements under the CDBG Program. The City Manager stated that the presentation highlights were focused on life safety & ADA Compliance for Cox and Tanner Park.

Colome and Associates gave a presentation on the scope of work for city parks. *(Full recording/discussion available through the City Clerk's Office)*

The City Manager stated that Tanner Park would be receiving an estimated \$101,820.00 and Cox Park would receiving \$196,100.00, a total of \$297,000.00. He stated that the \$59,398.00 would be towards professional fees, totaling \$357,318.00.

Commissioner Scott made a motion to approve scope of work and include and look into having playground equipment at Tanner Park. The motion was seconded by Vice-Mayor Wilson. The vote was unanimously approved.

The City Manager mentioned the following improvements that was including in that motion:

Tanner Park:

- Repairing the sidewalk at the tennis court
- Repair sidewalk and raise grade at racket ball court
- Renovation to restroom building
- Raise grade and provide rails at recreation building & ramp to the building

Cox Park:

- Raise grade at playground 6 feet
- new fence at playground
- modify existing sidewalk at playground
- provide new pavilion at existing slab
- re-walk for accessibility
- provide new doors on bathroom and repaint building
- three new pieces of equipment

The City Manager said "included in that motion was playground equipment at Tanner Park.

Mayor Kyles mentioned approval of a proclamation, proclaiming the month of March as American Red Cross month. The City Clerk read the proclamation for the record. The motion to approve was made by Commissioner McKelvin and seconded by Commissioner Berry. The vote was unanimously approved.

Mayor Kyles mentioned moving public comments after 3e. before going into discussion and taking action on the park of commerce "tonight".

Mayor Kyles called for public comments.

Commissioner said before the public comments, he would like for the City Manager to announce the two finalist that were asked to return tonight, in regards to the 98 acres.

The City Manager mentioned Kestrel Logistics Incorporated and Bridge Solutions Incorporated. Commissioner McKelvin asked the City Manager if Kestrel Logistics was an active entity. The City Manager stated at the time of the research they were an active company. Commissioner McKelvin stated "as of April 1, 2016 "they" were no longer active as Kestrel, they were under another name". The City Attorney said that she didn't think that the code speaks directly to that issue, however generally speaking the corporate entity that bid on the project would remain the corporate entity. The City Attorney asked for time to look online during public comments, relating to Kestrel Logistics name change.

Public Comments: *(includes summation of what was provided on comment form, full recording and/or discussion is available through the City Clerk's Office)*

Sean Mitchell representing Palm Coast Building Trades made a comment relating to the park of commerce - In support of building and presenting men and woman the opportunity to lean a skilled profession. *(as stated on comment form)*

Jeffery R. Meldrim representing Biochar Technologies, Inc. requested to relinquish his time to Ira Cor, President of Biochar Technology, Inc.

Mayor Kyles stated that the commission received a letter from Biochar requesting to do a presentation "tonight". He said "they had an opportunity to present to the commission and gave up that time at that particular meeting date". He stated that the commission would not allow a presentation from Biochar "tonight". He said that they could make a public comment, however not a presentation.

Mr. Cor stated requested to present his proposal before the commission makes their decision, relating to the 98 acres.

Mayor Kyles clarified, when the other companies came before the commission, Biochar was the first one to present, and it was stated that Biochar had already spoke to one of the companies relating to partnership. Mayor Kyles stated that Biochar then turned his time over to another company. He said that there were only two companies that were asked to come back tonight, and Biochar was not one of them. Mr. Cor said "at the end of that meeting in January the companies were asked to go out for the next 30 days and describe a joint venture agreement and if "we" could not, the companies would come to the meeting in February to present their individual plans". Mr. Cor stated "that never happened". Mayor Kyles said "that information was told by whom, the commission". Mr. Cor said "the commission at the time".

The City Attorney said "that was not her recollection, that there would had to be direction from the commission by vote to do anything in particular, as it relates to a joint venture agreement between the companies. She said she was pretty sure there wasn't a vote "at the time" for the companies to put together a joint proposal.

Mr. Cor said that he was proposing to bring in 1,100 jobs. He said that he acted in good faith at the time he gave up his time to speak to the commission, and he was wrong. He said that he represented three different manufactures, one was the second largest fibrotic manufactures, which was from China.

Commissioner Scott requested to hear what Biochar had to say. She made a motion to allow 5 minutes to Biochar to present to the Commission. The motion was seconded by Commissioner McKelvin. The vote was Commissioner McKelvin, yes; Commissioner Scott, yes; Commissioner Berry, no; Vice-Mayor Wilson, yes; and Mayor Kyles, no.

Mayor Kyles said to the Commissioners, "what you are doing tonight is not right, it was already stated that the two companies come back tonight and you voted to alleviate that particular company". He said that it was not fair to the other companies for the presentation take place. He said that he had asked "the" individual, if there was anything else to say after bridge solution had spoken and they gave up their time and that the individual said no.

Ira Cor with Biochar Technologies gave a brief presentation to the commission on what he wanted to propose, relating to the 98 acres. He stated that he was proposing to bring in a 250,000 square foot manufactory for pure carbon, which would allow citrus fruits to self heel their selves from citrus gangrene. He mentioned a second company that was the second largest fibrotic manufactory in the world, that was proposing to come from China. He also mentioned a third company "Rollway" that was looking to put over 1000 employees "here" in South Bay. *(full recording/discussion available through the City Clerk's Office)*

William Kellerher representing Biochar Technologies, Inc made a comment relating to the park of commerce - in favor of Biochar Technology which contain the opportunity to bring approximately 1,000 jobs in South Bay *(as stated on comment form)* -

Steve Weil representing Biochar Technology made a comment on the park of commerce and read a letter from Alcee Hastings requesting that the commissioners hear the presentation from Biochar Technologies. He also made a comment on the finances relating to securing the 98 acres. *(as stated on comment form)*

John Giliberti Jr. representing Bridge Solutions made a comment relating to the park of commerce. *(as stated on comment form)*

Debie Isaccs representing Bridge Solutions, Inc. made a comment relating to the park of commerce. She mentioned the benefits of Bridge Solutions acquiring the city's 98 acres industrial site for economic development in south bay versus any other competitors proposing use of the project. *(as stated on comment form)*

Pastor Kim Buckner representing the community made a comment relating for the need for jobs and companies that offer ex-felon's "career opportunity". *(as stated on comment form)*

Andrew Rolle representing his self, made a comment relating to Kestrel Logistics and them not being a legitimate company within the State of Florida. *(as stated on comment form)*

Muhammad Syed representing Bridge Solutions, Inc. made a comment relating to the park of commerce and spoke on financial capabilities for Bridge Solutions. *(as stated on comment form)*

Ralbert Brooks representing Bridge Solutions, Inc. made a comment relating to the park of commerce and mentioned the financial resources "being there" for Bridge Solutions. *(as stated on comment form)*

Ralph Butts a resident of the City of South Bay made a comment in reference to the City Manager report on Bridge Solution and staff. *(as stated on comment form)* He also asked Vice-Mayor what was his conflict was with Bridge Solutions, Inc.

Vice-Mayor Wilson read a letter for the record, the letter mentioned his longstanding relationship with Bridge Solutions, 2SBW, the Walker Family and its entities, and also mentions that Vice-Mayor Wilson should excuse himself from voting, relating to the park of commerce. *(full recording available through the City Clerk's Office)*

Vice-Mayor Wilson stated that since have lived in the City of South Bay, he has been a friend of the Walkers. He said "in the past years, when doing sub-contracting, he had help build approximately 10 houses within the City with WeHelp Development and he stated that he did work with 2SBW, which now he is longer employed with. He said that he had decided to excuse himself because he did not want to take a chance, as it relates to the commission on ethics.

Ralph Walker asked "why wouldn't Mayor Kyles excuse himself". Mayor Kyles mentioned going before the ethic commission relating to his involvement with Florida Crystals, which stated that there was not a violation, as it relates to the park of commerce. *(full recording available through the City Clerk's Office)*

Shirley Walker-Turner, representing residents made a comment relating to her involvement with Vice-Mayor Wilson. She said that he lived across the street from her and they had a family relationship not a commission relationship. She asked Vice-Mayor Wilson who gave him the letter, which he previously read for the record. Vice-Mayor Wilson named Ira Cor, president of Biochar. *(Full recording/discussion available through the City Clerk's Office)*

Remar Harvin made a comment relating to the park of commerce and the appreciation of the opportunity that the land will generate. *(as stated on comment form)*

Anthony Thompson made a comment relating to training of athletes and the proposal from Bridge Solutions offering the city. *(did not complete a comment form, time was yield from Paster Lee Sapp)*

Ketisha McKelvin representing the concerned citizens of south bay Florida. She made a comment relating to area of concerns regarding Kestrel Logistics/Florida Crystals. *(as stated on comment form)*

Allen Davis resident of South Bay, made a comment relating to the Glades area and city parks. *(as stated on comment form)*

Melvin Weston Jr. made a comment relating to the Wild Bay event that took place "this" past weekend. He said that this year there was a lot of loop holes to go through this year from the city. He said that they had filled out a special event application, which in previous years didn't have to. He also mentioned asking the City to pay for the portal potty's, due the restrooms not working outside tanner park. He stated that they had to pay for the portal potty's themselves. *(full recording available through the City Clerk's Office)*

Mayor Kyles stated, in reference to the special event application, the commission decided to change the protocol in order to be more responsible for the events.

Commissioner Scott mentioned that the commission did not go over a special event form, they had gone over only the tanner park application. She also mentioned if the restrooms inside tanner park facility were available. Mayor Kyles stated that they had requested their deposit back relating to tanner park facility. Mr. Weston stated that they had requested their deposit back for tanner park facility rental because Mayor Kyles said that he did not want that many people in the facility. Commissioner Scott asked if Mr. Weston had to pay for portal potty's that the city should have provided, due to the public park not having public restrooms. Commissioner Scott stated that the city had to have accommodations for a restroom. Mayor Kyles stated that the city did assist them with \$1,400.00, relating to hiring deputies. Commissioner Scott asked the City Manager if the city spent out \$1,400.00 for security. The City Manager said it was asked but the City did not.

Commissioner Scott asked how much was for the portal potty's. Mr. Weston replied that the it was like \$200. Commissioner Scott asked if he had the receipt, to give to the commissioners.

Kina Phillips resident of South Bay made a comment relating to the wild bay event. *(as stated on comment form)*

Commissioner Scott made a motion that the City reimburse the group that spent the \$200 on the portal potty's. The motion was seconded by Vice-Mayor Wilson. The vote was unanimously approved.

The City Clerk stated that there were four comments forms left and three comment forms turned in after 7:30 p.m. She also mentioned that according to the city ordinance, city meetings should be no longer than 10:00 p.m.

Javin Walker resident of South Bay made a comment relating to the park of commerce. *(as stated on comment form)*. He said "how long does the citizens have to live like this", in reference to city parks, and having something for the children.

Larry Dennard citizen of South Bay made a comment relating to "what's coming to the city" *(as stated on comment form)* . He stated that Bridge Solutions had the best solution for the city.

The City Clerk stated that there were five additional comments turned in after 7:30 p.m. The Commission gave consensus to allow speakers who submitted comment cards after 7:30 p.m., two minutes each comment.

The City Clerk announced a comment from Delsia Brooks. The commission gave consensus from Ms. Brooks to speak for two minutes.

Delsia Brooks representing Bridge Solutions Inc. made a comment relating to the park of commerce. She mentioned a letter from the Governor in reference to Dr. Walker & Bridge Solutions. *(as stated on comment form)*

The City Clerk announced a public comment from Dr. DM Walker. The Commission gave consensus for Dr. Walker to speak for two minutes.

Dr. Walker made a comment relating to the letter from Ira Cor to Vice-Mayor Wilson regarding his voting conflict. She also made a comment relating to the City Attorney being involved with Biochar. The City

Attorney stated "that was no true". She also made a comment relating to having the funding for the park of commerce. *(full recording available through the City Clerk's office)*

Dwight Stephenson made a comment relating to his support for the project and Biochar Technologies. *(as stated on comment form)*

Michael Jackson resident and lobbyist for Florida Crystals made a comment relating to the park of commerce. *(as stated on comment form)*.

The City Attorney stated that the entity was formed as Kestrel Logisitcs 1/16/2014 and changed its name on 04/01/2015 to South Florida Logistical Holdings LLC. She said that the bid document was put out on February 2016 and the entity bid as Kestrel Logisitcs LLC. She said that she would like to here from their Attorney as it related to the name changes.

Attorney Clifford, representing Florida Crystals stated "it does not mean that the entity does not exist". He said that the name changed in 2015, he said that Kestrel started bidding on the property in 2013. He said that the entity and officers were the same. He said that by saying that the entity did not exist, was misleading.

Mayor Kyles stated that the park of commerce was discussed and mentioned taking action on the 98 acres.

The City Attorney said that the Commission chose to consider an addendum relating to the two bidders.

Vice-Mayor Wilson said that he understood that there was a possibility that he could vote and should not vote. He excused himself from voting on the matter.

Commissioner McKelvin asked the City Attorney "how can we move forward with Kestrel Logistics", due to them not existing as Kestrel Logistics. The City Attorney stated that technically when Kestrel responded in 2016, they had already changed their name the year before, technically they did not exist. The City Attorney said technically the commission could to vote to exclude them.

Commissioner Scott suggested that the commission reconsider the item and send it out for bid or brainstorm as to what the commission is actually wanting, as it relates to the 98 acres. She also asked "how many publications did the RFP go through. The City Manager said that there was national and local publications, including demand star for about 2-3 months, the sun, palm beach post, construction journal and sun-sentinel.

Commissioner Berry stated that she was in a position to ask for another opportunity to review the documents with discussion with the City Attorney, for the purpose of clarification of names and specific items to assure that she understood the information correctly. She suggested to bring the item back in April.

Commissioner Scott stated that at the last meeting the majority of the commission agreed to move forward. She said that the commission said "we will make a decision and that will be the final answer". She said "if that decision is not made tonight, then these companies will no longer be considered"

Mayor Kyles made a comment to Mr. Brooks relating to his company to credit Bridge Solutions Inc. with 2 million dollars and mentioned his company being established in 01/18/2017. *(full recording/discussion available through the City Clerk's Office)*

McKelvin made a motion to exclude kestrel logistics, due to the non existence of their corporation. The motion was seconded by Commissioner Scott. Commissioner Scott resent her second, due to voting on each company individually.

The City Attorney asked the Commission to vote on extending the agenda, due to the city code stating that the city meeting shall not be longer than 10:00 p.m.

Commissioner Scott made a motion to extend the commission till 10:30 p.m. The motion was seconded by Commissioner McKelvin. The vote was unanimously approved.

Commissioner Scott made a motion that the commission vote on a company tonight if the city wanted to move forward, in regards to Bridge Solutions or Kestrel Logistics tonight. The motion was seconded by Commissioner Berry.

Commissioner McKelvin asked again "how can the commission vote if Kestrel is non-existent".

The City Attorney said the company was a corporate entity that had taken a name change. She said the commission can decide to exclude them, due to them not existing as the company that was being considered "tonight".

The City Attorney said that the commission could vote to reject all bids and workshop to decided what they wanted to see, relating to considerations that the commission had decided, and then see who can give them "that" product and the financial capacity to do it. She said that the commission could reject all bids, and put out something that was a lot more clearer.

Commissioner Scott made a motion to reject all bids, look at the information that was provided "tonight", workshop, and then put out for bid. The motion was seconded by Commissioner Berry.

Commissioner McKelvin mentioned the city work shopped the item for 2 years now. Commissioner Scott stated "we can't just go with anybody". Commissioner Scott apologized for saying just anybody. She said she was not referring to a certain entity or business. She said that she was referring to the information that they had just received. She said that the commission cannot make a decision based on something they just received "tonight". She said that her comment was not personal.

Mayor Kyles called for the vote from the motion made by Commissioner Scott. The vote was Commissioner McKelvin, no; Commissioner Scott, yes, Commissioner Berry, yes; Mayor Kyles, no; Vice-Mayor Wilson abstained from voting.

Mayor Kyles called for a vote to move forward with Bridge Solutions Inc. The vote was Commissioner McKelvin, no; Commissioner Scott, no; Commissioner Berry, no; Mayor Kyles, no; and Vice-Mayor Wilson abstained from voting.

Mayor Kyles called for a vote to move forward with Kestrel Logistics. The vote was Commissioner McKelvin, no; Commissioner Scott, no; Commissioner Berry, no; Mayor Kyles, yes; Vice-Mayor Wilson, abstained from voting.

Commissioner Scott made a motion to reject all bids. The motion was seconded by Commissioner Berry. The vote was Commissioner McKelvin, no; Commissioner Scott, yes; Commissioner Berry, yes; Mayor Kyles, yes; and Vice-Mayor Wilson, abstained from voting.

Consent Agenda

Mayor Kyles called for approval of the consent agenda. Commissioner McKelvin made a motion to approve the consent agenda. The motion was seconded by Commissioner Scott. The motion was unanimously approved.

Mayor Kyles called for the approval of the revised regular agenda. The motion to approve was made by Commissioner McKelvin and seconded by Vice-Mayor Wilson. The vote was unanimously approved.

Ordinance

Mayor Kyles called for the seconded and final reading of Ordinance 07-2017. The City Clerk read Ordinance 07-2017 for the record.

Ordinance 07-2017 an ordinance of the City Commission of the City of South Bay, Florida, imposing a moratorium on the acceptance of new applications and on the issuance of the city permits or approvals for pending applications, for the installation of above-ground "wireless communications facilities" within any city rights-of-way; providing that said moratorium shall be in effect until July 31, 2017, unless otherwise modified or extended by the city commission; further directing city staff to undertake a comprehensive review of the City's existing communications facilities registration, permitting and installation codes with an emphasis on ensuring the protection of vehicular and pedestrian traffic within and along city right-of-way, ensuring the protection or residential properties along city right-of-way, and compliance with federal and state requirements including but not limited to the telecommunications act of 1996, and sec. 337.401 and 365.172, Florida Statutes; providing for continuation extension or termination of said moratorium; providing a conflicts clause and a severability clause; providing an effective date.

Mayor Kyles called for public comments. There were none.

Mayor Kyles called for a motion to approve Ordinance 07-2017. The motion was made by Commissioner McKelvin and seconded by Vice-Mayor Wilson. The vote was unanimously approved.

Commissioner Berry made a motion to table the financial register until the first meeting in April. The motion was seconded by Vice-Mayor Wilson. The vote was unanimously approved.

Commissioner Scott made a motion to extend the meeting till 10:35 p.m., per city code. The motion was seconded by Commissioner McKelvin. The vote was unanimously approved.

City Clerk

The City Clerk mentioned a community meeting at Tanner Park relating to Glades jobs, on Thursday at 6:00 p.m.

The City Clerk stated that the next meeting would be held on April 04, 2017.

City Manager

The City Manager gave an update on the city marquee, relating to Pilot reconfiguring the city marquee to work inside the triangle, as it relates to the set back.

Commissioners Meeting

The City Commission thanked all who attended the meeting.

Mayor Kyles adjourned the regular city meeting at 10:34 p.m.

Joe Kyles, Mayor

ATTESTED BY:

Jessica Figueroa, City Clerk

City of South Bay
City Workshop
April 04, 2017

A City Workshop of the City Commission of the City of South Bay, Florida was called to order by Mayor Joe Kyles in the Commission Chambers at 335 S.W. 2nd Avenue, South Bay, Florida on April 04, 2017 at 6:30 p.m.

Present:

Mayor Joe Kyles
Commissioner Esther E. Berry
Commissioner Taranza McKelvin
Commissioner Shanique Scott

Staff:

Burnadette Norris-Weeks, City Attorney
Leondrae Camel, City Manager
Jessica Figueroa, City Clerk
Massih Saadatmand, Finance Director

Mayor Kyles mentioned discussion of agenda items for the regular meeting.

Mayor Kyles mentioned discussion of Presentations/Proclamation.

The City Manager mentioned a standard proclamation for Florida Water Professional Month. He recommended approval.

The City Manager also mentioned that retired Sergeant Garten would be at the regular meeting to present his proclamation to the commission.

Mayor Kyles mentioned discussion of resolutions.

The City Clerk read Resolution 75-2017 for the record.

Resolution 75-2017 a Resolution of the City Commission of the City of South Bay, Florida relating to finances, providing for amendments to the fiscal year budget beginning October 01, 2016 and ending September 30, 2017; Approving associated budget amendments; providing an effective date.

The City Manager stated that on September 27, 2016 the City Commission adopted Resolution 50-2016 setting forth the appropriations for General Fund Budget estimated for the Fiscal Year 2016-2017 in the amount of \$1,943,329.00, a Capital Project Fund estimated total sum of \$2,389,808. He stated that it was necessary to amend the fiscal year 2016-2017 General Fund Budget to recognize an increase in revenue by \$438,868.00, which would represent increases in the following areas: State Sale Tax of \$21,150.00, FP&L Electric Utility Tax of \$17,000.00, Building Permits fees of \$145,000.00, Sale of Real Estate of \$249,893.00 and carnival fee of \$5,825.00. The City Manager said in amending the budget, it was further necessary to recognize additional expenses as follows: a decrease of \$4,060.00 in (101) Legislative Department; an

increase of \$7,875.00 in (111) City Manager Department; an increase of \$15,070 in (121) City Clerk Department; an increase of \$5,920.00 in (131) Finance Department; an increase of \$70,000.00 for Professional Services in (151) Planning and Zoning Department; an increase of \$1,345.00 in Human Resources Department; an increase of \$18,250.00 in (191) Non-Department; and transfer of \$322,468.00 to (900) Capital Project Fund. He recommended approval of Resolution 75-2017.

Commissioner McKelvin mentioned the carnival fund. The City Manager clarified that the carnival fund related to the carnival that took place in November 2016.

Commissioner Berry mentioned a clarification "capital project fund or capital improvement fund". She asked for the language to be consistent. The City Manager clarified that the language should read "Capital Improvement Project Fund".

Commissioner Berry stated that she asked the City Manager to aggregate the Capital Improvement Fund, which isolated those funds. She asked if it would appear on the budget for Mr. Saadatmand, as the Capital Improvement Fund/Aggregated Fund. The City Manager said yes, in the upcoming accounts payable report, all capital improvements will be identified.

Commissioner Berry said that she did not have an opportunity to review the amendments with the Finance Director, and requested to review the items this Friday.

Mayor Kyles mentioned discussion of Resolution 76-2017, the City Clerk read Resolution 76-2017 for the record.

Resolution 76-2017, a resolution of the City Commission of the City of South Bay, Florida, authorizing the City Manager to execute the attached work order from Colome and Associates, Inc., pertaining to the modernization of parks and recreational facilities at Tanner Park and Cox Park within the City of South Bay; providing for an effective date.

The City Manager mentioned the scope of work being presented to the Commission for Tanner and Cox Park. He mentioned the following scope of work:

- 2 Gazebos
- 2 walk paths
- perimeter fences
- repair sidewalks
- renovations to restrooms
- resurfacing existing tennis courts
- outdoor grills
- playground equipment at both parks

Mayor Kyles stated that the language for the basketball courts was not in the Resolution however they were stated in the presentation. He said that he wanted to make sure that the basketball courts were included. The City Manager stated that the basketball courts would be in the construction documents, drafted by Colome and Associates for Tanner and Cox Park. Commissioner Scott asked "what was the budgeted amount for the

additional playground equipment for Tanner Park". The City Manager said that there was not a budgeted amount for Tanner Park, however Colome would be putting the draft documents and give someone the opportunity to bid on it.

Commissioner McKelvin asked if there would be a fence around both parks and asked if there would be a fence around the basketball court. The City Manager mentioned a proposed perimeter fencing around Tanner Park and fencing at playground on Cox Park.

Mayor Kyles mentioned discussion of Resolution 77-2017, the City Clerk read Resolution 77-2017 for the record.

Resolution 77-2017, a resolution of the City Commission of the City of South Bay, Florida, authorizing the Mayor and City Manager to execute the attached community back to school bash, putting kids first agency responsibility agreement; providing an effective date.

The City Manager mentioned, in previous years the city had received locate support and donations from businesses and organizations for putting together the back to school bash. He said this year the city did not receive any support for the back to school bash. He said that the item was coming before the commission for consideration at a cost of about \$5,400.00, for the event to occur in the city.

Mayor Kyles mentioned the last page of the agreement, which stated that the agreement should be received no later than Monday, March 27, 2017 for the 2017 back to participation. The City Manager stated that "they" knew that the item was going before the commission for consideration "tonight". He clarified that the city was not off schedule.

Commissioner Scott asked if the "putting kids first agency" were going to match the numbers of the city. The City Manager said no, they were asking, for \$6.75 for each of our participants which was approximately 508 kids from K-12.

Commissioner Scott asked "what was the process last year to get interested businesses to donate and did we do the same thing this year, relating to letters sent out". The City Manager said "all of that occurred, and "we" didn't get back any support". Commissioner Scott asked for a list of those that usually give donations. The City Manager mentioned H.E. Hill Foundations, Florida Crystals, Commissioner Berry, and said that there was a longer list of supporters.

Commissioner Berry said that she supported the city being the primary sponsor of the event. She also suggested that the event be located at Rosenwald Elementary School instead of Tanner Park. The City Manager stated that the scheduled day for the back to school bash was July 29th. Mayor Kyles asked for the City Manager to get a letter out with the school board relating to the particular event. The City Manager said that he would have a conversation with Rosenwald Principal.

Mayor Kyles mentioned discussion of the City Manager's report.

City Manager Report: (mentioned the following updates) *(full recording available through*

The City Manager stated that Senate Bill 10 was going before the appropriations sub-committee on the environmental natural resources "tomorrow" at 10:00 a.m. relating to 3.3 billion dollars.

Mayor Kyles mentioned something on the television about Senator Negron changing the direction of the particular bill. He said that the Senator was speaking on the 14,000 acres that they already own, to build a small reservoir in that particular area, and getting private owners to buy the other 10,000 acres of land. He requested that the City Manager follow up on the information that was stated on channel 5 news.

The City Manager mentioned the community development block grant application that was submitted in the amount of \$30,372.00 for the funding of the city's Code Enforcement Officer.

He also mentioned the Florida Department of Transportation SCOP Funding application that was submitted for NW/SW 10th all the way around to 2nd/US HWY 27 for 3.3 million dollars.

The City Manager mentioned that at the previous meeting the commission requested to have a planning workshop relating to the park of commerce. He recommended that the commission look for a date and time for that workshop.

The City Manager stated that he received a special event application for an Easter Family Event to take place at Cox Park. He said the city has supported the event in past, which was held at Cox Park.

He said that staff would be meeting on Thursday to discuss the special event application process in detail relating to special events happening with the city.

Mayor Kyles ajourned the City Workshop at 6:59 p.m.

Joe Kyles, Mayor

ATTESTED BY:

Jessica Figueroa, City Clerk

City of South Bay
Regular City Meeting
April 04, 2017

A Regular City Meeting of the City Commission of the City of South Bay, Florida was called to order by Mayor Joe Kyles in the Commission Chambers at 335 S.W. 2nd Avenue, South Bay, Florida on April 04, 2017 at 7:00 p.m.

Present:

Mayor Joe Kyles
Commissioner Esther E. Berry
Commissioner Shanique Scott
Commissioner Taranza McKelvin

Staff:

Burnadette Norris-Weeks, City Attorney
Leondrae Camel, City Manager
Jessica Figueroa, City Clerk
Edgar Kerr, Public Works Director

Mayor Kyles called for voting conflicts. There were none.

Presentation/Proclamations

Mayor Kyles mentioned a proclamation for Florida Water Professional Month. The City Manager read the proclamation for the record.

Mayor Kyles mentioned a proclamation from Retired Sergeant Jeff Garten. Mr. Garten presented a plaque with the past patches from the City of South Bay Police Departments.

Public Comments *(summary - full recording and/or discussion available through the City Clerk's Office)*

Ira Cor representing Biochar Technology, Inc. made a public comment relating to the City giving an updated current appraisal of the park of commerce and completing a soil test and analysis, and mentioned digitizing the existing survey. He also recommended that the city include in their advertisement relating to the RFP of Park of Commerce, discloser that the property is in US Army Corp of Engineers designated flood zone.

Ralph Walker made a comment relating to robert rules of order relating to the public yielding their time, during public comments. Commissioner Scott mentioned the Commissioners Procedures that is in our code of ordinances, which mentions the way city meetings should be conducted.

Mayor Kyles called for approval of the regular agenda. Commissioner Berry made a motion to approve the regular agenda, the motion was seconded by Commissioner McKelvin. The vote was unanimously approved.

Resolutions

Commissioner Berry made a motion to table Resolution 75-2017, a Resolution of the City Commission of the City of South Bay, Florida relating to finances, providing for amendments to the fiscal year budget beginning October 01, 2016 and ending September 30, 2017, to discuss adjustment items. The motion was seconded by Commissioner Scott. The vote was unanimously approved.

The City Clerk read Resolution 76-2017 for the record.

Commissioner Berry made a motion to approve resolution 76-2017, a resolution of the City Commission of the City of South Bay, Florida, authorizing the City Manager to execute the attached work order from Colome and Associates, Inc., pertaining to the modernization of parks and recreational facilities at Tanner Park and Cox Park within the City of South Bay; providing for an effective date. The motion was seconded by Commissioner McKelvin. The vote was unanimously approved.

The City Clerk read Resolution 77-2017 for the record.

Commissioner Scott made a motion to approve resolution 77-2017, a resolution of the City Commission of the City of South Bay, Florida, authorizing the Mayor and City Manager to execute the attached community back to school bash, putting kids first agency responsibility agreement; providing an effective date, and approved, to add the difference of the location, from Tanner Park to Rosenwald Elementary School. The motion was seconded by Commissioner McKelvin. The vote was unanimously approved.

Rosenwald Elementary School

Mayor Kyles introduced Rosenwald Elementary School Principal Napier.

Ms. Napier mentioned the following items: *(full discussion/recording is available through the City Clerk office)*

- FSA for 4th and 5th graders
- FSA 3rd grade
- STEAM Night on April 12, 2017
- Kindergarten Round-up - May 08, 2017
- Summer School Tutorial Program from June 19th - July 13th (no school Friday or 4th of July)
- Marshall Heights update relating to transfer of students

Commissioner Scott asked the City Manager if there was a timeline for completion for Marshall Heights. The City Manager said that early 2019 the entire project should be completed.

City Clerk Report

The City Clerk said that the next meeting was scheduled for April 18, 2017.

City Manager Report

The City Manager mentioned the following updates: *(full discussion/recording available through the City Clerk's Office)*

- Senate Bill 10 going before the appropriations committee
- Community Development Block Grant 2017-2018 (\$30,372.00 allocated from the county, covers a portion of code enforcement activities)
- An application was also submitted to the FDOT for reconstruction project for NW/SW 10th Avenue and NW 2nd Street to US Hwt 27, which is an MPO recognized evacuation route for the city, in the amount of \$3,611,734.53.
- Park of Commerce planning workshop and mentioned the commission providing a time frame for discussion

Commissioner Berry made a motion that the commission conduct a strategic planning park of commerce workshop on May 06, 2017 at 10:00 a.m. in the City Chamber. The motion was seconded by Commissioner Scott. The vote was unanimously approved.

- Recommending support from the commission relating to William Bland's request for an Easter Extravaganza to be held on April 15th at Cox Park from 11-2 p.m. The Commission gave consensus to support an Easter event at Cox Park.

Commissioner Scott said that she was in support of the different events going on in the city. She made a comment relating to the music during the events and recommended that music was family friendly and the sound was at a level that was acceptable for the public.

Future Agenda Items

Commissioner McKelvin made a comment relating to the traffic light and requested information on whether the city can get a turning signal, due to a couple of accidents that has already happened in that area. The City Manager said "that item had come up with the FDOT and it was stated that the area did not support a turning signal, however he would further the conversation with FDOT".

Commissioner Berry requested that the city add a turn signal or better warning at the Pilot "turning into the gas station". She said "it appears as you yield from the South going North, that it is difficult for traffic going into Pilot". The City Manager stated that he would ask FDOT to do a signalization study along US HWY 27.

Commissioner Berry also made a comment relating to a splash park to be included at the park of commerce, for the children and senior citizens within the city.

Commissioner Scott requested that a representative from FDOT to before the commission relating to a signalization study within the City.

Vice-Mayor Wilson mentioned a multi-purpose community center and asked if there was any feedback relating to the city's request to Tallahassee in reference to building a community center. The City Manager replied yes and that he received information relating to the senate budget stating that there was \$100,000.00 for the multi-purpose community center and 1.3 million dollars relating to storm water installation for the SE section. The City Manager stated that the funds were appropriations until approved by the Governor.

Vice-Mayor Wilson requested an update relating to the guardrails heading towards Villa Lago. The City Manager said "on Thursday" he received a design from Palm Beach County, whom stated that they finally got a permit from the US Army Core of Engineers in order to move forward with that project.

Commissioner Berry mentioned that she had a city smart phone, which she will be returning to the city. She also stated that she would be paying the next phone bill that would be invoiced to the finance department.

Commissioners Comments

Commissioner McKelvin thanked everyone who attended the meeting and also mentioned that Rosenwald drum line and step team came first place at afro arts.

Commissioner Scott thanked all who attended the meeting.

Commissioner Berry thanked all who attended the meeting.

Vice-Mayor Wilson requested a list of all the individuals that received the \$10,000.00 scholarship from GEO and the method used to give out to the kids. The City Manager stated that he would request that information for Vice-Mayor Wilson, from GEO.

Vice-Mayor Wilson also thanked Public Works for the work that they have done at the "shop" and said that the area was beautiful. He also thanked everyone who attended the meeting.

Mayor Kyles thanked everyone who attended the meeting. He made a comment relating to the SE section of the City. He recognized the SE section of the city and said "once we get the storm water drainage taken care of, the city would be able to do those streets in that section".

Mayor Kyles adjourned the regular city meeting at 8:15 p.m.

Joe Kyles, Mayor

ATTESTED BY:

Jessica Figueroa, City Clerk

RESOLUTION NO. 75-2017

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA RELATING TO FINANCES, PROVIDING FOR AMENDMENTS TO THE FISCAL YEAR BUDGET BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017; APPROVING ASSOCIATED BUDGET AMENDMENTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, as required by Section 200.065, Florida Statutes, the City Commission of the City of South Bay held a public hearing on September 27, 2016 to adopt the annual budget for fiscal year 2016-2017; and

WHEREAS, on September 27, 2016, the City Commission adopted Resolution 50-2016 setting forth the appropriations for General Fund Budget estimated for the Fiscal Year 2016-2017 in the amount of One Million Nine Hundred Forty-Three Thousand Three Hundred Twenty-Nine Dollars (\$1,943,329.00); and Capital Project Fund estimated total sum of two million, three thousand eighty nine, eight hundred and eight dollars (\$2,389,808); and

WHEREAS, it is necessary to amend the fiscal year 2016-2017 General Fund Budget to recognize an increase in revenue by Four Hundred Thirty Eight Thousand Eight Hundred Sixty-Eight Dollars (\$438,868.00), which would represent increases in the following areas: State Sale Tax of \$21,150.00; FP&L Electric Utility Tax of \$17,000.00; Building Permits fees of \$145,000.00; Sale of Real Estate of \$249,893 and carnival fee of \$5,825.00; and

WHEREAS, in amending the budget, it is further necessary to recognize additional expenses as follows: a decrease of \$4,060.00 in (101) Legislative Department; and increase of \$7,875.00 in (111) City Manager Department; an increase of \$15,070.00 in (121) City Clerk Department; an increase of \$5,920.00 in (131) Finance Department; an increase of \$70,000.00 for Professional Services in (151) Planning and Zoning Department; an increase of \$1,345.00 in Human Resources Department; an increase of \$18,250.00 in (191) Non-Department; an increase of \$2,000.00 in (711) Parks and Recreation Department; and transfer of \$322,468.00 to (900) Capital Project Fund.

WHEREAS, it is necessary to amend the fiscal year 2016-2017 Capital Project Fund Budget by One Hundred Ninety Three Thousand Seven Hundred Sixty Eight Dollars (\$193,768) due to new additional one cent sales tax of \$125,000; and additional transfer

in from General Fund in amount of \$68,768; to be used for Local Street Improvement Projects.

WHEREAS, the budget amendment is an effective increase of Four Hundred Thirty Eight Thousand Eight Hundred and Sixty - Eight Dollars (\$438,868.00) in General Fund and One Hundred Ninety Three Thousand Seven Hundred Sixty Eight Dollars (\$193,768) in Capital Project Fund

NOW THEREFORE, BE IT RESOLVED by the City Commission of the City of South Bay, Florida that:

Section 1. Adoption of Representations. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2. Amendment of Budget. The City of South Bay, Florida hereby amends fiscal year Budget beginning October 1, 2016 and ending September 30, 2017 as set forth herein to recognize a supplemental appropriation to the General Fund budget in the amount of Four Hundred Thirty-Eight Thousand Eight Hundred Sixty-Eight Dollars (\$438,868.00) to the General Fund Budget bringing the total amount to Two Million Three Hundred Eighty-Two One Hundred Ninety-Seven Dollars (\$2,382,197.00) and One Hundred Ninety Three Thousand Seven Hundred Sixty Eight Dollars (\$193,768) to Capital Project Fund Budget bringing the total budget to Two Million Five Hundred Eighty Three Thousand Five Hundred Seventy Six Dollars (\$2,583,576). The appropriations are described in amendments to the budget worksheet attached hereto as Exhibit "A".

Section 3. Effective Date. This Resolution shall be effective immediately upon its passage and adoption.

PASSED and ADOPTED this 18th day of April, 2017.

Joe Kyles, Mayor

Moved by: _____

Seconded by: _____

Attested

By: _____
Jessica Figueroa, City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Burnadette Norris-Week, Esquire
City Attorney

VOTE:

Commissioner Berry	_____ (Yes)	_____ (No)
Commissioner McKelvin	_____ (Yes)	_____ (No)
Commissioner Scott	_____ (Yes)	_____ (No)
Vice-Mayor Wilson	_____ (Yes)	_____ (No)
Mayor Kyles	_____ (Yes)	_____ (No)

City of South Bay

Budget Adj. # 1

Budget Adjustment - GF 001

Type of Budget Adjustment

Various Departments	Intra-Department Transfer	Inter-Department Transfer	Supplemental Appropriation
			X

Account Description Expenses	Fund	Dept.	Account	Adopted Budget	Total Current Fiscal to Date	Available Budget	Increase (Decrease)	Adjusted Budget
Salaries	001	101	512100	28,500	16,750	11,750	2,500	31,000
FICA Tax	001	101	521100	2,180	1,177	1,003	190	2,370
Group Health Insurance	001	101	523100	17,250	4,486	12,764	(10,000)	7,250
Travel	001	101	540100	7,750	7,918	(168)	3,250	11,000
Salaries	001	111	512100	139,419	72,517	66,902	5,000	144,419
FICA Tax	001	111	521100	10,665	5,425	5,240	375	11,040
Travel	001	111	540100	6,500	4,331	2,169	2,500	9,000
Salaries	001	121	512100	40,974	20,150	20,824	14,000	54,974
FICA Tax	001	121	521100	3,100	1,445	1,655	1,070	4,170
Salaries	001	131	512100	116,725	57,641	59,084	5,500	122,225
FICA Tax	001	131	521100	8,900	4,004	4,896	420	9,320
Professional Services	001	151	531300	30,000	11,096	18,904	70,000	100,000
Salaries	001	161	512100	10,643	-	10,643	1,250	11,893
FICA Tax	001	161	521100	815	-	815	95	910
Professional Services	001	191	531300	14,245	12,222	2,023	14,000	28,245
Repair & maint. Building	001	191	546200	9,800	7,809	1,991	4,250	14,050
Repair & maint. Building	001	711	546200	5,150	4,081	1,069	2,000	7,150
Transfer out to Capital Project Fund	001	900	581318	67,500	600	66,900	322,468	389,968
Total Increase				520,116	231,652	288,464	438,868	958,984

To amend the personnel and travel expenses in Legislative, City Manager, City Clerk, Finance and Human resources Departments, professional services in Code enforcement due to Palm Beach Housing Authority renovation projects, and non departmental for IT services, building maintenance in non departmental and Parks & Recreational, and transfer of fund to Capital project due to sales of 845 Palm Beach Road property.

Approval Request

Department Head

Approved as to Availability of Funds

Finance Director

Approved

City Manager

Date

Date

Date

Approved by City Commission
Meeting of

Budget Adj. # 1

Type of Budget Adjustment

Intra-Department Transfer	
Inter-Department Transfer	
Supplemental Appropriation	X

[illegible]

To amend the Capital Project Fund 318 for fiscal year 2016-17 for additional one cent sales tax approved in November 2016 and excess of additional amended budget in GF to be transferred to Capital project Fund.

Department Head

Date _____

Date _____

Approved by City Commission

Date	Meeting of
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RESOLUTION NO. 78- 2017

**A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF SOUTH BAY, FLORIDA, AUTHORIZING THE
MAYOR AND CITY MANAGER TO EXECUTE THE
ATTACHED INTERLOCAL AGREEMENT BETWEEN
PALM BEACH COUNTY AND CITY OF SOUTH BAY;
PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the City of South Bay ("City") has a road construction project to provide improvements to SW 1st Street from US HWY 27 to SW 7th Avenue; includes SW 7th from MLK Blvd to terminus. ("Project"); and

WHEREAS, the Project is within City-owned and maintained roadway rights-of-way; and

WHEREAS, City has produced or caused to be produced plans and specifications for the Project; and

WHEREAS, City desires to bid the Project and procure the services of a construction firm ("Contractor"); and

WHEREAS, City desires Palm Beach County ("County") to provide Construction Inspection services ("CI"); and

WHEREAS, City is receiving a federal grant administered through the Florida Department of Transportation ("FDOT") for construction and inspection; and

WHEREAS, City will reimburse the County for providing CI services; and

WHEREAS, Section 163.01, Florida Statutes, allows governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby provide services and facilities that will harmonize; and

WHEREAS, it is in the best interest of the City to enter into an agreement with Palm Beach County for CI services.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF
THE CITY OF SOUTH BAY, FLORIDA, AS FOLLOWS:**

Section 1. Adoption of Representations. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and the same are hereby made a specific part of this Resolution.

Section 2. Authorization of Mayor and City Manager. The City Commission of the City of South Bay hereby authorizes the Mayor and City Manager to execute the Interlocal Agreement between Palm Beach County and the City of South Bay, attached hereto as Exhibit "A", and further authorizes the City Manager to take all necessary and expedient action to effectuate the intent of this Resolution.

Section 3. Effective Date. This Resolution shall be effective immediately upon its passage and adoption.

PASSED and ADOPTED this 18th day of April 2017.

Joe Kyles, Mayor

Moved by: _____

Seconded by: _____

Attested

By: _____
Jessica Figueroa, City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Burnadette Norris-Week, Esquire
City Attorney

VOTE:

Commissioner Berry	_____ (Yes)	_____ (No)
Commissioner McKelvin	_____ (Yes)	_____ (No)
Commissioner Scott	_____ (Yes)	_____ (No)
Vice-Mayor Wilson	_____ (Yes)	_____ (No)
Mayor Kyles	_____ (Yes)	_____ (No)



Florida Department of Transportation

RICK SCOTT
GOVERNOR

3400 West Commercial Blvd.
Fort Lauderdale, FL 33309

JIM BONOLD
SECRETARY

October 24, 2016

Leondrae Camel
City Manager
City of South Bay
335 SW 2nd Avenue
South Bay, FL 33493

Subject : Small County Outreach Program Municipalities
Limits: SW 1st Street from US-27 to SW 7th Avenue; includes SW 7th Ave from MLK to terminus

Congratulations! This letter is to notify the City of South Bay for the successful Small County Outreach Program application for FY2017 Funding.

Funding Breakdown for FM#440390-1-54-01:

\$ 1,874,538.00 for Design, Construction and CEI

Scheduling milestones include:

Kick Off meeting	: 11/04/2016
Scope and Cost Estimate Submittal	: 11/04/2016
Agreement Execution Date	: 04/18/2017
Agency submits Production Package	: 11/07/2017
Production	: 12/04/2017
Agency Administrative Project Construction	: 12/05/2017
Agreement Expiration Date	: 12/31/2018

The District is here to help the City of South Bay to have a successful project and we look forward to partnering together. Sunshine Cayubit will be the project coordinator; her contact information is (954)-777-4691 or sunshine.cayubit@dot.state.fl.us. Sunshine will contact the City to schedule a project kick-off meeting.

Sincerely,


Sabrina Aubery, PE
Program Administration Engineer
Program Management Office - District 4

Cc: File

**INTERLOCAL AGREEMENT BETWEEN
PALM BEACH COUNTY, FLORIDA
AND
THE CITY OF SOUTH BAY
FOR
CONSTRUCTION INSPECTION SERVICES ON
SW 1ST ST FROM US-27 TO SW 7TH AVE (FPID#440390-1)

PALM BEACH COUNTY, FLORIDA**

THIS INTERLOCAL AGREEMENT, is made and entered into this _____ day of _____, 20____, by and between Palm Beach County, a political subdivision in the State of Florida, (the "COUNTY") and the City of South Bay, a municipal corporation of the State of Florida (the "CITY").

W I T N E S S E T H :

WHEREAS, the CITY has a road construction project to provide improvements to SW 1st Street from US-27 to SW 7th Avenue (PROJECT); and

WHEREAS, the PROJECT is within CITY owned and maintained roadway rights-of-way; and

WHEREAS, the CITY has produced or caused to be produced plans and specifications for the PROJECT; and

WHEREAS, the CITY desires to bid the PROJECT and procure the services of a construction firm (CONTRACTOR); and

WHEREAS, the CITY desires the COUNTY to provide the Construction Inspection services (CI); and

WHEREAS, the CITY is receiving a federal grant administered through the Florida Department of Transportation (FDOT) for construction and inspection; and

WHEREAS, the CITY will reimburse the COUNTY for providing CI services; and

WHEREAS, Section 163.01 of the Florida Statutes allows governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby provide services and facilities that will harmonize

geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, both the COUNTY and the CITY (collectively, the PARTIES) declare it to be in the public interest for the PROJECT to be constructed.

NOW, THEREFORE, for and in consideration of the mutual covenants contained herein, the PARTIES agree as follows:

Section 1. Recitals.

The above recitals are true and correct and are incorporated herein.

Section 2. COUNTY & CITY Responsibilities:

A. The COUNTY agrees to provide CI services as described in Exhibit A – Part 1. CI includes construction inspection but neither Equal Employment Opportunity (EEO) required monitoring or documentation services nor professional engineering services. CI services shall be for a maximum of 180 calendar days. Upon written request by the CITY, the time may be extended as an optional service at a rate shown in Exhibit A – Part 2.

B. The CITY agrees to fund and reimburse the COUNTY for all costs attributable to the CI. The cost for the CI is estimated in Exhibit A – Part 2. Any costs exceeding this amount shall be paid by the CITY. The CITY agrees to remit payment within thirty (30) days of receiving written notice/invoice from the COUNTY that payment is required.

C. The costs assessed under this Agreement shall be adjusted based upon actual costs and staff time expended for the CI using manhour records maintained by the COUNTY.

D. The COUNTY shall obtain the CITY's approval for any increases to the CI beyond the estimates stated in Exhibit A - Part 2. The CITY shall notify the COUNTY of its intent to approve or deny the increases within ten (10) working days of receiving the COUNTY's notice. CITY approval is not to be unduly withheld. Any delay cost associated with the CITY's failure to respond in writing, within the prescribed number of days set forth above, shall be the responsibility of the CITY. The CITY shall be responsible for any costs caused by its own delays. If request for increases is denied by the CITY, the COUNTY shall cease CI and will have no further obligation under this Interlocal Agreement.

E. In the event additional CI and/or funding is required for the PROJECT, beyond what was originally anticipated, the CITY shall be responsible for the additional costs.

F. The CITY shall notify the COUNTY, in writing, when CI is scheduled to start and finish. The CITY shall schedule and invite the COUNTY to all pre-construction and construction progress meetings. In the event the COUNTY ceases the CI for any reason, the CITY will reimburse the COUNTY for the CI completed as of the date the COUNTY ceased the CI. Any remaining unpaid portion of this Agreement shall be retained by the CITY and the CITY shall have no further obligation to honor reimbursement requests submitted by the COUNTY.

G. The CITY shall draft and execute all change orders associated with the PROJECT.

H. The CITY will continue to be responsible for the operation and maintenance of SW 1st Street upon completion of the PROJECT.

I. The CITY will be responsible for all coordination with Florida Department of Transportation

J. The CITY will be responsible for submitting invoices to the Florida Department of Transportation

K. The CITY will be responsible for directing the CONTRACTOR and deciding any construction issues

L. The CITY will communicate directly with the CONTRACTOR and inform the COUNTY of any decisions

M. The CITY will be responsible for hiring a testing lab to perform required testing services. However, upon written request by the CITY the COUNTY will hire a testing lab to be reimbursed at actual costs as shown in Exhibit A – Part 2. The COUNTY will request CITY approval of the testing lab's scope and fee prior to executing an agreement with the lab. Any delays resulting from this procedure will be borne by the CITY.

N. The COUNTY will verify quantities on pay applications submitted by the CONTRACTOR to the CITY when requested by the CITY.

O. The CITY will be responsible for the Maintenance of Traffic plan review and approval.

P. The CITY will be responsible for shop drawing review and approval.

Q. The CITY shall provide copies of the plans and specifications to the COUNTY prior to issuing notice to proceed to the CONTRACTOR.

Section 3. Access and Audits:

COUNTY and CITY shall maintain books, records, and documents to justify all charges, expenses and costs incurred under this Agreement and in performing the CI, in accordance with Generally Accepted Accounting Principles (GAAP), as promulgated by the Government Finance Officers Association from time to time. The COUNTY and CITY shall have access to all books, records, and documents as required in this Agreement, and for at least three (3) years after completion of the CI. In the event any work is subcontracted by COUNTY, COUNTY shall similarly require each Contractor and subcontractor to maintain and allow access to such records for audit purposes.

Section 4. Independent Contractor:

COUNTY and the CITY are and shall be, in the performance of all work, services and activities under this Agreement Independent Contractors and not employees, agents or servants of the other party. All COUNTY employees engaged in the work or services performed pursuant to this Agreement shall at all times, and in all places, be subject to COUNTY'S sole direction, supervision, and control. All CITY employees engaged in the work or services performed pursuant to this Agreement shall at all times, and in all places, be subject to CITY's sole direction, supervision, and control. The Parties shall exercise control over the means and manner in which it and its employees perform the work, and in all respects the parties relationship and the relationship of its employees to the other party shall be that of an Independent Contractor and not as employees or agents of the other.

COUNTY does not have the power or authority to bind the CITY in any promise, Agreement or representation.

Section 5. Personnel:

COUNTY represents that it has, or will secure at its own expense, all necessary personnel required to perform the services under this Agreement. Such personnel shall not be employees of or have any contractual relationship with the CITY.

All of the services required hereunder shall be performed by COUNTY or its consultant, and personnel engaged in performing the services shall be fully qualified and, if required, authorized or permitted under state and local law to perform such services.

Section 6. Indemnification:

The CITY and COUNTY recognize its liability for certain tortious acts of its agents, officers, employees and invitees to the extent and limits provided in Section 768.28, Florida Statutes. To the extent permitted by law, the CITY and COUNTY shall indemnify, defend and hold the other harmless against any actions, claims and damages arising out of the CITY'S or COUNTY'S negligence in connection with the CI and the use of the funds provided under this Agreement. The foregoing indemnification shall not constitute a waiver of sovereign immunity beyond the limits set forth in Section 768.28, Florida Statutes, nor shall the same be construed to constitute an Agreement by the CITY or COUNTY to indemnify each other for sole negligence, or willful or intentional acts of the other. The foregoing indemnification shall survive termination of this Agreement.

No provision of this Agreement is intended to, or shall be construed to, create any third party beneficiary or to provide any rights to any person or entity not a party to this Agreement, including but not limited to any citizen or employees of the COUNTY and/or CITY.

INSURANCE BY CITY:

Without waiving the right to sovereign immunity as provided by *s.768.28 f.s.*, the City of South Bay acknowledges to be self-insured for General Liability and Automobile Liability under Florida sovereign immunity statutes with coverage limits of \$200,000 Per Person and \$300,000 Per Occurrence; or such monetary waiver limits that may change and be set forth by the legislature.

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

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

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

Compliance with the foregoing requirements shall not relieve the City of South Bay of its liability and obligations under this Agreement.

From the Contractor:

The CITY agrees to have their CONTRACTOR maintain, on a primary basis and at its sole expense, at all times during the life of this contract the following insurance coverages, limits, including endorsements described herein. The requirements contained herein, as well as COUNTY's review or acceptance of insurance maintained by CONTRACTOR is not intended to and shall not in any manner limit or qualify the liabilities or obligations assumed by CONTRACTOR under this contract. In addition, CONTRACTOR agrees to notify COUNTY of any cancellation, non-renewal or material change taking place during the life of this contract.

Commercial General Liability The CITY agrees to have their CONTRACTOR maintain Commercial General Liability at a limit of liability not less than \$1,000,000 Each Occurrence. Coverage shall not contain any endorsement(s) excluding nor limiting Premises/Operations, Personal Injury, Product/Completed Operations, Contractual Liability, Severability of Interests or Cross Liability. Coverage shall be provided on a primary basis

Business Automobile Liability The CITY agrees to have their CONTRACTOR maintain Business Automobile Liability at a limit of liability not less than \$1,000,000 Each Occurrence. Coverage shall include liability for Owned, Non-Owned & Hired automobiles. In the event CONTRACTOR does not own automobiles, the CITY agrees to have their CONTRACTOR maintain coverage for Hired & Non-Owned Auto Liability, which may be satisfied by way of endorsement to the Commercial General Liability policy or separate Business Auto Liability policy. Coverage shall be provided on a primary basis

Worker's Compensation Insurance & Employers Liability The CITY agrees to have their CONTRACTOR maintain Worker's Compensation Insurance & Employers Liability in accordance with Florida Statute Chapter 440. Coverage shall be provided on a primary basis

Additional Insured The CITY agrees to have their CONTRACTOR endorse COUNTY as an Additional Insured with

a CG2026 Additional Insured or it's equivalent – Designated Person or Organization endorsement to the Commercial General Liability. The additional insured shall read "Palm Beach County Board of County Commissioners, a Political Subdivision of the State of Florida, its Officers, Employees and Agents. Coverage shall be provided on a primary basis

Waiver of Subrogation The CITY agrees to have their CONTRACTOR waive any and all rights of Subrogation against the COUNTY, its officers, employees and agents for each required policy. When required by the insurer, or should a policy condition not permit an insured to enter into a pre-loss agreement to waive subrogation without an endorsement, then the CITY agrees to have their CONTRACTOR notify the insurer and request the policy be endorsed with a Waiver of Transfer of Rights of Recovery Against Others, or its equivalent. This Waiver of Subrogation

requirement shall not apply to any policy which includes a condition to the policy specifically prohibiting such an endorsement or voids coverage should CONTRACTOR enter into such an agreement on a pre-loss basis.

Certificate(s) of Insurance The CITY agrees to have their CONTRACTOR provide COUNTY a Certificate(s) of Insurance evidencing that all coverages, limits and endorsements required herein are maintained and in full force and effect. In addition, the CITY agrees to have their CONTRACTOR notify COUNTY of any cancellation, non-renewal or material change taking place during the life of this contract. The Certificate Holder address shall read:

PALM BEACH COUNTY
c/o Insurance Tracking Services, Inc. (ITS)
P.O. Box 20270
Long Beach, CA 90801

Umbrella or Excess Liability. CONTRACTOR may satisfy the minimum liability limits required above for Commercial General Liability and Business Auto Liability under an Umbrella or Excess Liability policy. There is no minimum Per Occurrence limit of liability under the Umbrella or Excess Liability; however, the Annual Aggregate limit shall not be less than the highest "Each Occurrence" limit for the Commercial General Liability and Business Auto Liability. The CITY agrees to have their CONTRACTOR endorse COUNTY as an "Additional Insured" on the Umbrella or Excess Liability, unless the Certificate of Insurance states the Umbrella or Excess Liability provides coverage on a pure/true "Follow-Form" basis.

Right to Review COUNTY reserves the right, but not the obligation, to review and revise any insurance requirement, not limited to limits, coverages and endorsements based on insurance market conditions affecting the availability or affordability of coverage; or changes in the scope of work / specifications affecting the applicability of coverage. Additionally, the COUNTY reserves the right, but not the obligation, to review and reject any insurance policies failing to meet the criteria stated herein or any insurer providing coverage due to its poor financial condition or failure to operating legally.

Section 7. Annual Appropriation:

All provisions of this Agreement calling for the expenditure of ad valorem tax money by either the COUNTY or the CITY are subject to annual budgetary funding and should either Party involuntarily fail to fund any of their respective obligations pursuant to the Agreement, this Agreement may be terminated. However, once the CI has been started, it shall be prosecuted to completion and this Agreement shall be binding upon the parties and neither party shall have

the right to terminate the subject Agreement for the reason that sufficient funds are not available.

Section 8. Breach and Opportunity to Cure:

The parties expressly covenant and agree that in the event either party is in default of its obligations under this Agreement, each party shall have thirty (30) days written notice before exercising any of its rights.

Section 9. Enforcement Costs:

Any costs or expenses (including reasonable attorney's fees) associated with the enforcement of the terms and conditions of this Agreement shall be borne by the respective parties.

Section 10: Notice:

All notices required to be given under this Agreement shall be in writing, and deemed sufficient to each party when sent by United States Mail, postage prepaid, to the following:

All notice to the CITY shall be sent to:
City of South Bay
Attn: Leondrae Camel, City Manager
335 SW 2nd Avenue
South Bay, FL 33493

All notice to the COUNTY shall be sent to:
Tanya N. McConnell, P.E., Deputy County Engineer
Palm Beach County
Engineering and Public Works Department
P.O. Box 21229
West Palm Beach, FL 33416-1229

Section 11. Modification and Amendment:

Except as expressly permitted herein to the contrary, no modification, amendment or alteration in the terms or conditions contained herein shall be effective unless contained in a written document executed with the same formality and equality of dignity herewith.

Section 12. Remedies:

This Agreement shall be governed by and in accordance with the laws of the State of Florida. Any legal action necessary to enforce this Agreement shall be held in Palm Beach County. No remedy herein conferred upon any party is intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity by statute or otherwise. No single or partial exercise by any party of any right, power or remedy hereunder shall preclude any other or further exercise thereof.

Section 13. No Waiver:

Any waiver by either Party of its rights with respect to a default under this Agreement, or with respect to any other matters arising in connection with this agreement, shall not be deemed a waiver with respect to any subsequent default or other matter. The failure of either Party to enforce strict performance by the other Party of any of the provisions of this Agreement or to exercise any rights under this Agreement shall not be construed as a waiver or relinquishment to any extent of such Party's right to assert or rely upon any such provisions or rights in that or any other instance.

Section 14. Joint Preparation:

The preparation of this Agreement has been a joint effort of the parties, and the resulting document shall not, solely as a matter of judicial constraint, be construed more severely against one of the parties than the other.

Section 15. Equal Opportunity:

COUNTY and CITY agree that no person shall, on the grounds of age, race, color, sex, national origin, disability, religion, ancestry, marital status, familial status, sexual orientation, gender identity and expression or genetic information, be excluded from the benefits of, or be subjected to any form of discrimination under any activity carried out by the performance of this Agreement. COUNTY will ensure that all contracts let for the Project pursuant to the terms of this Agreement will contain a similar non-discrimination and equal opportunity clause.

Section 16. Execution:

This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

Section 17. Filing:

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

Section 18. Termination:

This Agreement may be terminated by either party to this Agreement upon sixty (60) days written notice to the other party, except as otherwise addressed in this Agreement. However, once the PROJECT has commenced, it shall be prosecuted to completion and this Agreement shall be binding upon the parties and neither party shall have the right to terminate the subject Agreement.

Section 19. Compliance with Codes and Laws:

COUNTY and CITY shall abide by all applicable federal, state and local laws, orders, rules and regulations when performing under this Agreement. COUNTY and CITY further agrees to include this provision in all subcontracts issued as a result of this Agreement.

Section 20. Office of the Inspector General:

Palm Beach County has established the Office of the Inspector General, in Palm Beach County code section 2-421-2-440, as may be amended. The Inspector General's authority includes but is not limited to the power to review past, present and proposed County contracts, transactions, accounts and records, to require the production of records, and audit, investigate, monitor, and inspect the activities of the contractor, its officers, agents, employees, and lobbyists in order to ensure compliance with contract specifications and detect corruption and fraud. All contractors and parties doing business with the County and receiving County funds shall fully cooperate with the Inspector General including receiving access to records relating to Bid or any resulting contract.

Section 21. Public Entity Crime Certification:

As provided in F.S. 287.132-133, as may be amended from time to time, by entering into this Agreement or performing any work in furtherance hereof, COUNTY shall have its consultant certify that their affiliates, suppliers and sub consultants who will perform hereunder, have not been placed on the convicted vendor list maintained by the State of Florida Department of Management Services within thirty-six (36) months immediately preceding the date hereof. This notice is required by F.S. 287.133 (3) (a).

Section 22. Severability:

If any section, paragraph, sentence, clause or provision of this Agreement is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this Agreement.

Section 23. Entirety of Agreement:

COUNTY and CITY agree that this Agreement sets forth the entire Agreement between the parties, and there are no promises or understandings other than those stated herein.

Section 24. Survival:

The obligations, rights, and remedies of the Parties hereunder, which by their nature survive the termination of this Agreement or the completion of the Project, shall survive such termination or Project completion and inure to the benefit of the Parties.

Section 25. Term:

The term of this Agreement shall be effective on the date of execution of this Agreement by both parties.

AGREEMENT WITH THE CITY OF SOUTH BAY

IN WITNESS WHEREOF, the undersigned Parties have executed this Agreement on
the day and year first written above

CITY OF SOUTH BAY

PALM BEACH COUNTY, a political
Subdivision of the State of Florida,
BOARD OF COUNTY COMMISSIONERS

By: _____

By: _____
Mayor

ATTEST:

ATTEST:

CITY CLERK

SHARON R. BOCK
CLERK & COMPTROLLER

By: _____

By: _____
(Deputy Clerk)

(DATE)

(DATE)

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
City Attorney

By: _____
Assistant County Attorney

APPROVED AS TO TERMS
AND CONDITIONS

By: _____

Exhibit A

Part 1 **Scope of Construction Inspection (CI)**

Included in Scope:

1. Verify that the contractor constructs the Project in accordance with the Plans, permits, and Specifications provided by the CITY.
2. Maintain records of PROJECT CI
3. Verify quantities on Contractor pay applications.
4. Bring construction issues to the CITY's attention.

Optional Services:

1. Testing Lab
2. Additional Construction Inspection Days

**** - The County's responsibilities under this agreement shall be limited to the items in Part 1 of Exhibit A on this page only.*

Part 2 **Estimated Costs for CI**

<u>Description</u>	<u>Amount</u>
Construction Inspection (CI) Roadway (up to 220 calendar days)	Estimated to be \$110,000
Construction Inspection (CI) Landscaping (up to 60 calendar days)	Estimated to be \$25,000

Optional Services

Testing Lab	Actual Cost
Additional CI days over 220 calendar days Roadway Inspection	Not to Exceed \$680/Day
Additional CI days over 60 calendar days Landscape Inspection	Not to Exceed \$525/Day

Notes:

- *220 Days will begin when City of South Bay issues Notice to Proceed to the contractor they have acquired to construct the project or upon written notification from City of South Bay to Palm Beach County, whichever occurs first.*
- *Calendar days based on 5 working days per week at 8 hours per day for one inspector.*
- *Costs above are estimates only. Actual reimbursement to be for actual costs per section 2-C.*



City of South Bay

South Bay City Hall
335 SW 2nd Avenue
South Bay, FL 33493
Telephone: 561-996-6751
Facsimile: 561-996-7950

www.southbaycity.com

Commission

Joe Kyles Sr.
Mayor

John Wilson
Vice Mayor

Esther E. Berry

Shanique S. Scott

Taranza McKelvin

Leondrae Camel
City Manager

Jessica Figueroa, City Clerk

Bernadette Norris-Weeks
City Attorney

"An equal Opportunity
Affirmative Action Employer"

To: Honorable Mayor and Commissioners
From: Massih Saadatmand, Finance Director
Thru: Mr. Leondrae Camel, City Manager
Date: April 12, 2017
Ref: Weekly check register

Enclosed, please find the summary of check registers as of April 12, 2017:

General Fund

• Utility:

Comcast	\$	164.85
FPL		6,181.26
DetlaCom		1,255.71
PBC Water Utility		1,778.25

• Weekley	241,140.11	
• PBC Sheriff	14,782.33	
• Marathon	1,255.03	
• Norris-Weeks	5,094.25	
• Bank of America	805.51	
• Deposit Refund	450.00	*
• Purchased of supplies, materials and parts	2,707.98	A
• Payment for various services	1,743.02	C
• Payroll Deduction	3,810.33	B
• Other	2,889.21	D

Total \$ 284,057.84

Sanitation Fund

Waste Management \$ 22,580.93

W & S Fund

US Water \$ 3,942.43

AP Check Register Report

City Of South Bay (CSBFND)

3/31/2017 11:21:00 AM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount	
9822	AFLAC	AFLAC	3/31/2017	1,693.20	B
9823	ALLY	ALLY	3/31/2017	502.52	D
9824	ANTWAUN BROWN	ANTWAUN BROWN	3/31/2017	49.76	I
9825	BANK OF AMERICA, NA	BANK OF AMERICA	3/31/2017	805.51	
9826	BURNADETTE NORRIS-W	BURNADETTE NORRIS-WEEKS	3/31/2017	5,094.25	
9827	COLONIAL LIFE PROCES	COLONIAL LIFE PROCESSING CENTER	3/31/2017	113.50	B
9828	COMCAST	COMCAST	3/31/2017	164.85	
9829	DELTACOM 1058	EARTHLINK	3/31/2017	1,255.71	
9830	EVERGLADES FARM EQU	EVERGLADES FARM EQUIPMENT	3/31/2017	10.93	A
9831	EVERGLADES TRADING	EVERGLADES TRADING	3/31/2017	50.97	L
9832	IAMAW	IAMAW	3/31/2017	324.72	B
9833	LAKESHA EDWARDS	LAKESHA EDWARDS	3/31/2017	150.00	X
9834	LARRY'S AC APPLIANCE	LARRY'S AC & APPLIANCE	3/31/2017	560.00	C
9835	LAWNMOWER HEADQUAI	LAWNMOWER HEADQUARTER	3/31/2017	107.66	A
9836	LEGAL SHIELD	PRE PAID LEGAL SERVICES INC	3/31/2017	25.90	B
9837	MARIQUITA BILLINGS	MARQUITA BILLINGS	3/31/2017	39.66	D
9838	MY DOCTOR	MARTIN T. HARLAND DO	3/31/2017	300.00)
9839	PBC SHERIFF'S OFFICE	PALM BEACH COUNTY SHERIFF'S OFFICE	3/31/2017	14,782.33	
9840	PERFORMANCE NAPA	PERFORMANCE NAPA	3/31/2017	101.36	A
9841	QUEST DIAGNOSTICS	QUEST DIAGNOSTICS	3/31/2017	14.60	D
9842	ROBBIE TIRE	ROBBIE TIRE	3/31/2017	36.96	A
9843	SEASON TO SEASON, LLC	SEASON TO SEASON, LLC	3/31/2017	180.00	C
9844	SHERWIN WILLIAMS	Sherwin Williams	3/31/2017	4.07	A
9845	SOLSTICE BENEFITS IN	SOLSTICE MARKETPLACE	3/31/2017	518.78	B
9846	STITCH WORK PLUS	STITCH WORK PLUS	3/31/2017	322.14	D
9847	U & ME RECORDS MANAC	U & ME RECORDS MANAGEMENT	3/31/2017	303.02	C
9848	UNUM LIFE INS	UNUM LIFE INSURANCE COMPANY OF AMER	3/31/2017	163.69	D

Non-Electronic Transactions:	27,676.09
Total Transactions:	27,676.09

AP Check Register Report

City Of South Bay (CSBFND)

3/31/2017 3:49:54 PM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
19	JP ELECTRONIC	JEFF PAULO D/B/A JP ELECTRONICS &	3/31/2017	633.50
Non-Electronic Transactions:				633.50
Total Transactions:				633.50

AP Check Register Report

City Of South Bay (CSBFND)

4/7/2017 12:40:52 PM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount	
9850	BELLE GLADE WHOLESAL	BELLE GLADE WHOLESALE	4/7/2017	44.75	A
9851	COMMUNITY ASPHALT	OHL COMMUNITY ASPHALT	4/7/2017	920.28	L
9852	DARREYON THOMAS	DARREYON THOMAS	4/7/2017	150.00	*
9853	DENNIS HUBBARD	DENNIS HUBBARD	4/7/2017	300.00	D
9854	ESTHER BERRY	ESTHER BERRY	4/7/2017	350.74	L
9855	FLORIDA COMMISSION	FLORIDA COMMISSION ON ETHICS	4/7/2017	75.00	B
9857	FPL	FPL	4/7/2017	6,181.26	
9858	HOME DEPOT CREDIT SE	HOME DEPOT CREDIT SERVICES	4/7/2017	117.86	A
9859	LAWNMOWER HEADQUAI	LAWNMOWER HEADQUARTER	4/7/2017	109.64	L
9860	LIBERTY NATIONAL	LIBERTY NATIONAL	4/7/2017	752.95	B
9861	MARTHON FLEET	WEX BANK	4/7/2017	1,255.03	
9862	NEOFUNDS BY NEOPOST	NEOFUNDS BY NEOPOST	4/7/2017	400.00	C
9863	NEW YORK LIFE INS	NEW YORK LIFE INSURANCE COMPANY	4/7/2017	176.28	B
9864	OFFICE DEPOT CREDIT	OFFICE DEPOT CREDIT PLAN	4/7/2017	429.53	A
9865	PBC LEAGUE OF CITIES	PALM BEACH COUNTY LEAGUE OF CITIES	4/7/2017	500.00	D
9866	PBC WATER UTILITIES	PALM BEACH COUNTY WATER UTILITIES	4/7/2017	1,778.25	
9867	ROLFE & LOBELLO, P.A.	ROLFE & LOBELLO, P.A.	4/7/2017	130.00	B
9868	SYLVIA VILLANUEVA	SYLVIA VILLANUEVA	4/7/2017	150.00	A
9869	WOLFF'S LAWN	WOLFF LAWN MACHINE INC	4/7/2017	169.97	A
				Non-Electronic Transactions:	13,991.54
				Total Transactions:	13,991.54

AP Check Register Report

City Of South Bay (CSBFND)

4/11/2017 11:11:04 AM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
70	SHARON R. BOCK	SHARON R. BOCK, CLERK & COMPTROLLER	4/11/2017	12.60
Non-Electronic Transactions:				12.60
Total Transactions				12.60

AP Check Register Report
City Of South Bay (CSBFND)

4/12/2017 12:25:23 PM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount	
1	A1 RADIATOR	A1 RADIATOR	4/12/2017	604.00	A
Non-Electronic Transactions:				604.00	
Total Transactions:				604.00	

AP Check Register Report
City Of South Bay (CSBFND)

3/31/2017 11:36:48 AM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
		WEEKLY ASPHALT PAVIN WEEKLEY ASPHALT PAVING, INC.	3/31/2017	241,140.11
Non-Electronic Transactions:				241,140.11
Total Transactions				241,140.11

AP Check Register Report
City Of South Bay (CSBFND)

3/31/2017 11:46:04 AM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
139	WASTE MANAGEMENT	WASTE MANAGEMENT	3/31/2017	19,725.55
Non-Electronic Transactions:				19,725.55
Total Transactions:				19,725.55

AP Check Register Report

City Of South Bay (CSBFND)

4/10/2017 12:13:30 PM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
140	WASTE MANAGEMENT	WASTE MANAGEMENT	4/10/2017	2,855.38
Non-Electronic Transactions:				2,855.38
Total Transactions:				2,855.38

AP Immediate Check Register Report
City Of South Bay (CSBFND)

3/31/2017 11:52:06 AM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
16	US WATER	U.S. WATER SERVICES CORPORATION	3/31/2017	3,942.43
Totals:			Total Transactions	3,942.43

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1 A bill to be entitled
2 An act relating to water resources; amending s.
3 201.15, F.S.; revising the requirements under which
4 certain bonds may be issued; amending s. 215.618,
5 F.S.; providing an exception to the requirement that
6 bonds issued for acquisition and improvement of land,
7 water areas, and related property interests and
8 resources be deposited into the Florida Forever Trust
9 Fund and distributed in a specified manner; creating
10 s. 373.4598, F.S.; providing legislative findings and
11 intent; defining terms; authorizing the South Florida
12 Water Management District and the Board of Trustees of
13 the Internal Improvement Trust Fund to negotiate the
14 amendment and termination of leases on lands within
15 the Everglades Agricultural Area for exchange or use
16 for the reservoir project; requiring certain lease
17 agreements for agricultural work programs to be
18 terminated in accordance with the lease terms;
19 requiring the district to identify certain lands;
20 requiring that the district contact the lessors or
21 landowners of any land identified by a certain date;
22 requiring the board to provide certain land to the
23 district; authorizing the district to acquire land
24 from willing sellers under certain circumstances;
25 prohibiting the total acreage necessary for additional
26 water treatment from exceeding the amount reasonably
27 required to meet state and federal water quality
28 standards; requiring the district to request that the
29 United States Army Corps of Engineers jointly develop

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30 a post-authorization change report for the Central
31 Everglades Planning Project; providing requirements
32 for the report; requiring the district to report the
33 status of the report to the Legislature by a certain
34 date; requiring the district to terminate an option
35 agreement under certain circumstances; requiring the
36 district to request the corps to initiate the project
37 implementation report for the Everglades Agricultural
38 Area reservoir project by a certain date under
39 specified conditions; requiring the district to give
40 hiring preferences to certain displaced agricultural
41 workers; authorizing the district to negotiate with
42 the owners of the C-51 reservoir project; providing
43 requirements for the C-51 reservoir project if state
44 funds are appropriated for the project; authorizing
45 certain costs to be funded using Florida Forever bond
46 proceeds under certain circumstances; specifying how
47 such bond proceeds shall be deposited; authorizing the
48 use of state funds for the reservoir project;
49 requiring the district to seek additional sources of
50 funding; requiring the district to request the corps,
51 in the corps' review of the regulation schedule, to
52 consider any repairs to the Herbert Hoover Dike and
53 implementation of certain projects to optimally
54 utilize the added storage capacity; creating s.
55 373.475, F.S.; providing legislative findings and
56 intent; defining terms; requiring the state, through
57 the Department of Environmental Protection, to provide
58 certain funding assistance to local governments and

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59 water supply entities for the development and
60 construction of water storage facilities; requiring
61 the department to adopt rules; specifying required
62 documentation for local government or water supply
63 entities; specifying that recipients need not request
64 certain advance payment; authorizing technical
65 assistance from the department and water management
66 districts to local governments or water supply
67 entities for a certain purpose; specifying certain
68 loan funding minimums and term requirements; requiring
69 a report; authorizing certain audits and servicing
70 fees; providing that the Water Protection and
71 Sustainability Program Trust Fund must be used to
72 carry out the purposes of the water storage facility
73 revolving loan fund; specifying certain default and
74 compliance provisions; amending s. 375.041, F.S.;
75 requiring certain distributions to be made from the
76 Land Acquisition Trust Fund; amending s. 403.890,
77 F.S.; revising the purposes for which distributions
78 may be made from and to the Water Protection and
79 Sustainability Program Trust Fund; creating s. 446.71,
80 F.S.; requiring the Department of Economic
81 Opportunity, in cooperation with CareerSource Florida,
82 Inc., to establish the Everglades Restoration
83 Agricultural Community Employment Training Program
84 within the department; providing requirements for the
85 program; providing a legislative finding; specifying
86 award restrictions; requiring the department to adopt
87 rules; amending s. 946.511, F.S.; prohibiting the use

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88 of inmates for correctional work programs in the
89 agricultural industry in certain areas; providing a
90 directive to the Division of Law Revision and
91 Information; providing appropriations; providing an
92 effective date.
93

94 Be It Enacted by the Legislature of the State of Florida:
95

96 Section 1. Paragraph (a) of subsection (3) of section
97 201.15, Florida Statutes, is amended to read:

98 201.15 Distribution of taxes collected.—All taxes collected
99 under this chapter are hereby pledged and shall be first made
100 available to make payments when due on bonds issued pursuant to
101 s. 215.618 or s. 215.619, or any other bonds authorized to be
102 issued on a parity basis with such bonds. Such pledge and
103 availability for the payment of these bonds shall have priority
104 over any requirement for the payment of service charges or costs
105 of collection and enforcement under this section. All taxes
106 collected under this chapter, except taxes distributed to the
107 Land Acquisition Trust Fund pursuant to subsections (1) and (2),
108 are subject to the service charge imposed in s. 215.20(1).
109 Before distribution pursuant to this section, the Department of
110 Revenue shall deduct amounts necessary to pay the costs of the
111 collection and enforcement of the tax levied by this chapter.
112 The costs and service charge may not be levied against any
113 portion of taxes pledged to debt service on bonds to the extent
114 that the costs and service charge are required to pay any
115 amounts relating to the bonds. All of the costs of the
116 collection and enforcement of the tax levied by this chapter and

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the service charge shall be available and transferred to the extent necessary to pay debt service and any other amounts payable with respect to bonds authorized before January 1, 2017, secured by revenues distributed pursuant to this section. All taxes remaining after deduction of costs shall be distributed as follows:

(3) Amounts on deposit in the Land Acquisition Trust Fund shall be used in the following order:

(a) Payment of debt service or funding of debt service reserve funds, rebate obligations, or other amounts payable with respect to Florida Forever bonds issued pursuant to s. 215.618. The amount used for such purposes may not exceed \$300 million in each fiscal year. It is the intent of the Legislature that all bonds issued to fund the Florida Forever Act be retired by December 31, 2040. Except for bonds issued to refund previously issued bonds, no series of bonds may be issued pursuant to this paragraph unless such bonds are approved and the debt service for the remainder of the fiscal year in which the bonds are issued is specifically appropriated in the General Appropriations Act or other law with respect to bonds issued for the purposes of s. 373.4598.

Bonds issued pursuant to s. 215.618 or s. 215.619 are equally and ratably secured by moneys distributable to the Land Acquisition Trust Fund.

Section 2. Subsection (5) of section 215.618, Florida Statutes, is amended to read:

215.618 Bonds for acquisition and improvement of land, water areas, and related property interests and resources.—

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146 (5) The proceeds from the sale of bonds issued pursuant to
147 this section, less the costs of issuance, the costs of funding
148 reserve accounts, and other costs with respect to the bonds,
149 shall be deposited into the Florida Forever Trust Fund. The bond
150 proceeds deposited into the Florida Forever Trust Fund shall be
151 distributed by the Department of Environmental Protection as
152 provided in s. 259.105. This subsection does not apply to
153 proceeds from the sale of bonds issued for the purposes of s.
154 373.4598.

155 Section 3. Section 373.4598, Florida Statutes, is created
156 to read:

157 373.4598 Water storage reservoirs.-

158 (1) LEGISLATIVE FINDINGS AND INTENT.-

159 (a) The Legislature declares that an emergency exists
160 regarding the St. Lucie and Caloosahatchee estuaries due to the
161 high-volume freshwater discharges to the east and west of the
162 lake. Such discharges have manifested in widespread algae
163 blooms, public health impacts, and extensive environmental harm
164 to wildlife and the aquatic ecosystem. These conditions, as
165 outlined in the state of emergency declared by the Governor
166 under Executive Orders 16-59, 16-155, and 16-156, threaten the
167 ecological integrity of the estuaries and the economic viability
168 of the state and affected communities.

169 (b) The Legislature finds that increasing water storage is
170 necessary to reduce the high-volume freshwater discharges from
171 the lake to the estuaries and restore the hydrological
172 connection to the Everglades. CERP projects necessary to reduce
173 the discharges and improve the flows to the Everglades should
174 receive priority funding, such as the Lake Okeechobee Watershed

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175 project to the north of the lake; the Everglades Agricultural
176 Area reservoir project to the south of the lake; the C-43 West
177 Basin Reservoir Storage project to the west of the lake; and the
178 Indian River Lagoon-South project to the east of the lake.

179 (c) The Legislature finds that the rate of funding for CERP
180 must be increased if restoration will be achieved within the
181 timeframe originally envisioned and that the delay in
182 substantial progress toward completing critical elements of
183 restoration, such as southern storage, will cause irreparable
184 harm to natural systems and, ultimately, increase the cost of
185 restoration. A substantial commitment to the advancement of
186 projects identified as part of CERP will reduce ongoing
187 ecological damage to the St. Lucie and Caloosahatchee estuaries.

188 (d) The Legislature recognizes that the EAA reservoir
189 project was conditionally authorized in the Water Resources
190 Development Act of 2000 as a project component of CERP. Unless
191 other funding is available, the Legislature directs the
192 district, in the implementation of the reservoir project, to
193 abide by applicable state and federal law in order to do that
194 which is required to obtain federal credit under CERP. If the
195 district implements the EAA reservoir project as a project
196 component as defined in s. 373.1501, the district must abide by
197 all applicable state and federal law relating to such projects.

198 (e) This section is not intended to diminish the
199 commitments made by the state in chapter 2016-201, Laws of
200 Florida.

201 (2) DEFINITIONS.—As used in this section, the term:

202 (a) "A-1 parcel" means an area of district-owned land
203 located between the Miami Canal and North New River Canal

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204 consisting of approximately 17,000 acres which is bordered to
205 the north by private agricultural lands, to the east by U.S.
206 Highway 27, to the south by Stormwater Treatment Area 3/4, and
207 to the west by the Holey Land Wildlife Management Area and the
208 A-2 parcel.

209 (b) "A-2 parcel" means an area of district-owned land
210 located between the Miami Canal and the North New River Canal
211 consisting of approximately 14,000 acres of land to the east of
212 the Miami Canal which is bordered to the north by private
213 agricultural lands, to the east by the A-1 parcel, and to the
214 south by the Holey Land Wildlife Management Area.

215 (c) "Board" means the Board of Trustees of the Internal
216 Improvement Trust Fund.

217 (d) "Central Everglades Planning Project" or "CEPP" means
218 the suite of CERP projects authorized as the "Central
219 Everglades" project in the Water Infrastructure Improvements for
220 the Nation Act, Public Law No: 114-322.

221 (e) "Comprehensive Everglades Restoration Plan" or "CERP"
222 has the same meaning as the term "comprehensive plan" as defined
223 in s. 373.470.

224 (f) "Corps" means the United States Army Corps of
225 Engineers.

226 (g) "District" means the South Florida Water Management
227 District.

228 (h) "Everglades Agricultural Area" or "EAA" has the same
229 meaning as in s. 373.4592.

230 (i) "EAA reservoir project" means the Everglades
231 Agricultural Area storage reservoir, known as Component G of
232 CERP. The term includes any necessary water quality features

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233 that are required to meet state and federal water quality
234 standards.

235 (j) "Lake" means Lake Okeechobee.

236 (k) "Option agreement" means the Second Amended and
237 Restated Agreement for Sale and Purchase between the seller,
238 United States Sugar Corporation, SBG Farms, Inc., and Southern
239 Garden Groves Corporation, and the buyer, the South Florida
240 Water Management District, dated August 12, 2010.

241 (3) EAA LEASE AGREEMENTS.—

242 (a) The district and the board are authorized to negotiate
243 the amendment or termination of leases on lands within the EAA
244 for exchange or use for the EAA reservoir project. Any such
245 lease must be terminated in accordance with the lease terms or
246 upon the voluntary agreement of the lessor and lessee. In the
247 event of any such lease termination, the lessee must be
248 permitted to continue to farm on a field-by-field basis until
249 such time as the lessee's operations are incompatible with
250 implementation of the EAA reservoir project, as reasonably
251 determined by the lessor. The district and the board may include
252 the swapping of land, assignment of leases, and other methods of
253 providing valuable consideration in negotiating the amendments
254 to or termination of such lease agreements.

255 (b) Any lease agreement relating to land in the EAA leased
256 to the Prison Rehabilitative Industries and Diversified
257 Enterprises, Inc., (PRIDE Enterprises) for an agricultural work
258 program is required to be terminated in accordance with the
259 terms of the lease agreement. Any such land previously leased
260 may be made available by the board to the district for exchange
261 for lands suitable for the EAA reservoir project or may be

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262 leased for agricultural purposes. The terms of any such lease
263 must include provisions authorizing the lessor to terminate the
264 lease at any time during the lease term as to any portion, or
265 all of the premises, to be used for an environmental restoration
266 purpose. The terms of the lease may not require more than 1
267 year's notice in order for such termination to be effective. Any
268 agricultural owner managing lands subject to an agreement with
269 PRIDE shall be given the right of first refusal in leasing any
270 such lands.

271 (c) If, after any termination of an EAA lease agreement,
272 ratoon, stubble, or residual crop remaining on the lease
273 premises is harvested or otherwise used by the lessor or any
274 third party, the lessee is entitled to be compensated for any
275 documented, unamortized planting costs, and any unamortized
276 capital costs associated with the lease and incurred prior to
277 notice.

278 (4) LAND ACQUISITION.—The Legislature declares that
279 acquiring land to increase water storage south of the lake is in
280 the public interest and that the governing board of the district
281 may acquire land, if necessary, to implement the EAA reservoir
282 project with the goal of providing at least 240,000 acre-feet of
283 water storage south of the lake. The use of eminent domain in
284 the EAA for the purpose of implementing the EAA reservoir
285 project is prohibited.

286 (a) Upon the effective date of this act, the district shall
287 identify the lessees of the approximately 3,200 acres of land
288 owned by the state or the district west of the A-2 parcel and
289 east of the Miami Canal and the private property owners of the
290 approximately 500 acres of land surrounded by such lands.

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291 (b) By July 31, 2017, the district shall contact the
292 lessors and landowners of the land identified pursuant paragraph
293 (a) to express the district's interest in acquiring land through
294 the purchase or exchange of lands or by the amendment or
295 termination of lease agreements. If land swaps or purchases are
296 necessary to assemble the required acreage, the participation of
297 private landowners must be voluntary. The district shall contact
298 the board to request that any lease of land identified pursuant
299 to paragraph (a), the title to which is vested in the board, be
300 amended or terminated. All appraisal reports, offers, and
301 counteroffers in relation to this subsection are confidential
302 and exempt from s. 119.07(1), as provided in s. 373.139.

303 (c) The board shall provide to the district, through direct
304 acquisition in fee or by a supplemental agreement, any land, the
305 title to which is vested in the board, that the district
306 identifies as necessary to construct the EAA reservoir project.

307 (d) The total acreage necessary for additional water
308 treatment may not exceed the amount reasonably required to meet
309 state and federal water quality standards as determined using
310 the water quality modeling tools of the district. The district
311 shall use the latest version of the Dynamic Model for Stormwater
312 Treatment Areas Model modeling tool and other modeling tools
313 that will be required in the planning and design of the EAA
314 reservoir project. If additional land not identified in
315 paragraph (a) is necessary for the EAA reservoir project, the
316 district shall acquire that land from willing sellers of
317 property in conjunction with the development of the
318 post-authorization change report.

319 (5) POST-AUTHORIZATION CHANGE REPORT.-

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320 (a) The district is directed to request, by July 1, 2017,
321 that the corps jointly develop a post-authorization change
322 report with the district for CEPP to revise the project
323 component located on the A-2 parcel with the goal of increasing
324 water storage provided by the project component to a minimum of
325 240,000 acre-feet. Upon agreement with the corps, development of
326 the report must begin by August 1, 2017, and does not preclude
327 the implementation of the remaining CEPP project components.

328 (b) Using the A-2 parcel and the additional land identified
329 pursuant to paragraph (4) (a) and without modifying the A-1
330 parcel, the report must evaluate:

331 1. The optimal configuration of the EAA reservoir project
332 for providing at least 240,000 acre-feet of water storage; and

333 2. Any necessary increases in canal conveyance capacity to
334 reduce the discharges to the St. Lucie or Caloosahatchee
335 estuaries.

336 (c) If the district and the corps determine that an
337 alternate configuration of water storage and water quality
338 features providing for significantly more water storage, but no
339 less than 360,000 acre-feet of water storage, south of the lake
340 can be implemented on a footprint that includes modification to
341 the A-1 parcel, the district is authorized to recommend such an
342 alternative configuration in the report. Any such recommendation
343 must include sufficient water quality treatment capacity to meet
344 state and federal water quality standards.

345 (d) Pending congressional approval of the report, the
346 district may begin the preliminary planning or construction of,
347 or modification to, the project site to the extent appropriate,
348 subject to the availability of funding. Upon receipt of

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349 congressional approval of the report, construction of the EAA
350 reservoir project shall be completed parallel with construction
351 of the other CEPP project components, subject to the
352 availability of funding.

353 (e) The district must report the status of the post-
354 authorization change report to the Legislature by January 9,
355 2018. The report must include information on the district's
356 ability to obtain lease modifications and land acquisitions as
357 provided in subsection (4). If the district in good faith
358 believes that the post-authorization change report will receive
359 ultimate approval but that an extension of the deadline provided
360 in paragraph (7)(a) is needed, the district must include such a
361 request in its report and may be granted an extension by the
362 Legislature. Any such extension must include a corresponding
363 date by which the district, in coordination with the corps, must
364 begin the planning study for the EAA reservoir project and
365 proceed with the A-2 parcel project component of CEPP in
366 accordance with paragraph (7)(a).

367 (6) OPTION AGREEMENT.—The district must terminate the
368 option agreement at the request of the seller if:

369 (a) The post-authorization change report receives
370 congressional approval; or

371 (b) The district certifies to the board, the President of
372 the Senate, and the Speaker of the House of Representatives that
373 the acquisition of the land necessary for the EAA reservoir
374 project, as provided in subsection (4), has been completed.

375 (7) PLANNING STUDY.—

376 (a) If, for any reason, the post-authorization change
377 report is not approved by the corps and submitted for

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378 congressional approval by October 1, 2018, or the post-
379 authorization change report has not received congressional
380 approval by December 31, 2019, the district, unless granted an
381 extension by the Legislature, must request the corps to initiate
382 a project implementation report, as defined in s. 373.470, for
383 the EAA reservoir project and the district may proceed with the
384 implementation of CEPP project components in accordance with the
385 final project implementation report.

386 (b) The district, when developing the project
387 implementation report, must focus on the goals of the EAA
388 reservoir project as identified in CERP, which include providing
389 additional water storage and conveyance south of the lake to
390 reduce the volume of regulatory discharges of water from the
391 lake to the east and west.

392 (c) Upon completion of the planning study and the
393 finalization of the project implementation report, as defined in
394 s. 373.470, the district, in coordination with the corps, shall
395 seek congressional authorization for the EAA reservoir project.

396 (8) AGRICULTURAL WORKERS.—The district shall give
397 preferential consideration to the hiring of former agricultural
398 workers primarily employed during 36 of the past 60 months in
399 the Everglades Agricultural Area, consistent with their
400 qualifications and abilities, for the construction and operation
401 of the EAA reservoir project. Any contract or subcontract for
402 the construction and operation of the EAA reservoir project in
403 which 50 percent or more of the cost is paid from state-
404 appropriated funds must provide preference and priority in the
405 hiring of such agricultural workers. The district shall give
406 preferential consideration to contract proposals that include in

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407 the contractor's hiring practices training programs for such
408 workers.

409 (9) C-51 RESERVOIR PROJECT.—

410 (a) The C-51 reservoir project is a water storage facility
411 as defined in s. 373.475. The C-51 reservoir project is located
412 in western Palm Beach County south of the lake and consists of
413 in-ground reservoirs and conveyance structures that will provide
414 water supply and water management benefits to participating
415 water supply utilities and will also provide environmental
416 benefits by reducing freshwater discharges to tide and making
417 water available for natural systems.

418 (b) Phase I of the project will provide approximately
419 14,000 acre-feet of storage and will hydraulically connect to
420 the district's L-8 Flow Equalization Basin. Phase II of the
421 project will provide approximately 46,000 acre-feet of water
422 storage, for a total increase of 60,000 acre-feet of water
423 storage.

424 (c) For Phase II of the C-51 reservoir project, the
425 district may negotiate with the owners of the C-51 reservoir
426 project site for the acquisition of the project or to enter into
427 a public-private partnership. The district may acquire land near
428 the C-51 reservoir through the purchase or exchange of land that
429 is owned by the district or the state as necessary to implement
430 Phase II of the project. The state and the district may consider
431 potential swaps of land that is owned by the state or the
432 district to achieve an optimal combination of water quality and
433 water storage. The district may not exercise eminent domain for
434 the purpose of implementing the C-51 reservoir project.

435 (d) If state funds are appropriated for Phase I or Phase II

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436 of the C-51 reservoir project:

437 1. The district shall operate the reservoir to maximize the
438 reduction of high-volume Lake Okeechobee regulatory releases to
439 the St. Lucie or Caloosahatchee estuaries, in addition to
440 providing relief to the Lake Worth Lagoon;

441 2. Water made available by the reservoir shall be used for
442 natural systems in addition to any allocated amounts for water
443 supply; and

444 3. Any water received from Lake Okeechobee may not be
445 available to support consumptive use permits.

446 (e) Phase I of the C-51 reservoir project may be funded
447 through the water storage facility revolving loan fund as
448 provided in s. 373.475. Phase II of the C-51 reservoir project
449 may be funded pursuant to this section, pursuant to s. 373.475,
450 as a project component of CERP, or pursuant to s.
451 375.041(3)(b)4.

452 (10) FUNDING.—

453 (a) The Legislature determines that the authorization and
454 issuance of Florida Forever bonds for the purposes of this
455 section is in the best interest of the state and determines that
456 water storage reservoir projects should be implemented.

457 (b) Any cost related to this section, including, but not
458 limited to, the costs for land acquisition, planning,
459 construction, and operation and maintenance, may be funded using
460 proceeds from Florida Forever bonds issued under s. 215.618, in
461 an amount of up to 1.2 billion, as authorized under that
462 section. The bond proceeds from bonds issued for the purposes of
463 this section shall be deposited into the Everglades Trust Fund.

464 (c) Notwithstanding s. 373.026(8)(b) or any other provision

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465 of law, the use of state funds is authorized for the EAA
466 reservoir project.

467 (d) The district shall actively seek additional sources of
468 funding, including federal funding, for the reservoir project.

469 (11) LAKE OKEECHOBEE REGULATION SCHEDULE.—The district
470 shall request that the corps pursue the reevaluation of the Lake
471 Okeechobee Regulation Schedule as expeditiously as possible,
472 taking into consideration the repairs made to the Herbert Hoover
473 Dike and implementation of projects designed to reduce
474 high-volume freshwater discharges from the lake, in order to
475 optimally utilize the added water storage capacity to reduce the
476 high-volume freshwater discharges to the St. Lucie and
477 Caloosahatchee estuaries.

478 Section 4. Section 373.475, Florida Statutes, is created to
479 read:

480 373.475 Water storage facility revolving loan fund.—

481 (1) (a) In recognition that waters of the state are among
482 the state's most basic resources, the Legislature declares that
483 such waters should be managed to conserve and protect water
484 resources and to realize the full beneficial use of such
485 resources.

486 (b) As natural storage within the system has been lost due
487 to development, the Legislature finds that additional natural or
488 man-made water storage is required to capture and prevent water
489 from being discharged to tide or otherwise lost.

490 (c) The Legislature finds that establishing infrastructure
491 financing and providing technical assistance to local
492 governments or water supply entities for water storage
493 facilities is necessary to conserve and protect the waters of

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494 the state.

495 (2) For purposes of this section, the term:

496 (a) "Local governmental agency" means any municipality,
497 county, district, or authority, or any agency thereof, or a
498 combination of such, acting jointly in connection with a
499 project, which has jurisdiction over a water storage facility.

500 (b) "Water storage facility" or "facility" means all
501 facilities, including land, necessary for an above-ground or in-
502 ground reservoir. Such facilities may be publicly owned,
503 privately owned, investor-owned, or cooperatively held.

504 (3) The state, through the department, shall provide
505 funding assistance to local governments or water supply entities
506 for the development and construction of water storage facilities
507 to increase the availability of sufficient water for all
508 existing and future reasonable-beneficial uses and natural
509 systems.

510 (a) The department may make loans, provide loan guarantees,
511 purchase loan insurance, and refinance local debt through the
512 issue of new loans for water storage facilities approved by the
513 department. Local governments or water supply entities may
514 borrow funds made available pursuant to this section and may
515 pledge any revenues or other adequate security available to them
516 to repay any funds borrowed.

517 (b) The department may award loan amounts for up to 75
518 percent of the costs of planning, designing, constructing,
519 upgrading, or replacing water resource infrastructure or
520 facilities, whether natural or man-made, including the
521 acquisition of real property for water storage facilities.

522 (4) Subject to appropriation, the department shall adopt

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523 rules to carry out the purposes of this section. Such rules
524 must:

525 (a) Establish a priority system for loans based on
526 compliance with state requirements. The priority system must
527 give special consideration to:

528 1. Projects that provide for the development of alternative
529 water supply projects and management techniques in areas where
530 existing source waters are limited or threatened by saltwater
531 intrusion, excessive drawdowns, contamination, or other
532 problems;

533 2. Projects that contribute to the sustainability of
534 regional water sources;

535 3. Projects that produce additional water available for
536 consumptive uses or natural systems;

537 4. Projects that diversify water supply so that the needs
538 of consumptive uses and the natural system are met during wet
539 and dry conditions; or

540 5. Projects that provide flexibility in addressing the
541 unpredictability of water conditions from water year to water
542 year.

543 (b) Establish the requirements for the award and repayment
544 of financial assistance.

545 (c) Require evidence of credit worthiness and adequate
546 security, including an identification of revenues to be pledged
547 and documentation of their sufficiency for loan repayment and
548 pledged revenue coverage to ensure that each loan recipient can
549 meet its loan repayment requirements.

550 (d) Require each project receiving financial assistance to
551 be cost-effective, environmentally sound, and implementable.

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552 (e) Require each project to be self-supporting if the
553 project is primarily for the purpose of water supply for
554 consumptive use.

555 (5) Before approval of a loan, the local government or
556 water supply entity must, at a minimum, submit all of the
557 following to the department:

558 (a) A repayment schedule.

559 (b) Evidence of the permissibility or implementability of
560 the facility proposed for financial assistance.

561 (c) Plans and specifications, biddable contract documents,
562 or other documentation of appropriate procurement of goods and
563 services.

564 (d) Written assurance that records will be kept using
565 generally accepted accounting principles and that the department
566 or its agents and the Auditor General will have access to all
567 records pertaining to the loan.

568 (e) If the facility is required to be self-supporting
569 according to paragraph (4)(e), documentation that it will be
570 self-supporting.

571 (f) Documentation that the water management district within
572 whose boundaries the facility will be located has approved the
573 facility. If the facility crosses jurisdictional boundaries,
574 approval from each applicable district must be documented and
575 provided to the department.

576 (6) Recipients of financial assistance under this section
577 may receive disbursements based on invoiced costs and are not
578 required to request advance payment pursuant to s. 216.181(16).
579 Proof of payment of invoiced costs must be submitted before or
580 concurrent with the recipient's next disbursement request.

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581 (7) The department and water management districts are
582 authorized to provide technical assistance to local governments
583 or water supply entities for water storage facilities funded
584 pursuant to this section.

585 (8) The minimum amount of a loan is \$75,000. The term of
586 loans made pursuant to this section may not exceed 30 years.

587 (9) As part of the report required under s. 403.8532, the
588 department shall prepare a report at the end of each fiscal year
589 which details the financial assistance provided under this
590 section, service fees collected, interest earned, and loans
591 outstanding.

592 (10) The department may conduct an audit of the loan
593 project upon completion, or may require that a separate project
594 audit, prepared by an independent certified public accountant,
595 be submitted.

596 (11) The department may require reasonable service fees on
597 loans made to local governments or water supply entities to
598 ensure that the program will be operated in perpetuity and to
599 implement the purposes authorized under this section. Service
600 fees may not be less than 2 percent or greater than 4 percent of
601 the loan amount exclusive of the service fee. Service fee
602 revenues shall be deposited into the department's Grants and
603 Donations Trust Fund. The fee revenues, and interest earnings
604 thereon, shall be used exclusively for the purposes of this
605 section.

606 (12) The Water Protection and Sustainability Program Trust
607 Fund established under s. 403.891 shall be used for the purposes
608 of this section. Any funds that are not needed for immediate
609 financial assistance shall be invested pursuant to s. 215.49.

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610 State funds and investment earnings shall be deposited into the
611 fund. The principal and interest of all loans repaid, and
612 investment earnings thereon, shall be deposited into the fund.

613 (13) (a) If a local governmental agency defaults under the
614 terms of its loan agreement, the department shall so certify to
615 the Chief Financial Officer, who shall forward the amount
616 delinquent to the department from any unobligated funds due to
617 the local governmental agency under any revenue-sharing or tax-
618 sharing fund established by the state, except as otherwise
619 provided by the State Constitution. Certification of delinquency
620 does not preclude the department from pursuing other remedies
621 available for default on a loan, including accelerating loan
622 repayments, eliminating all or part of the interest rate subsidy
623 on the loan, and court appointment of a receiver to manage the
624 public water system.

625 (b) If a water storage facility owned by a person other
626 than a local governmental agency defaults under the terms of its
627 loan agreement, the department may take all actions available
628 under law to remedy the default.

629 (c) The department may impose a penalty for delinquent loan
630 payments in the amount of 6 percent of the amount due, in
631 addition to charging the cost to handle and process the debt.
632 Penalty interest accrues on any amount due and payable beginning
633 on the 30th day following the date that the payment was due.

634 (14) The department may terminate or rescind a financial
635 assistance agreement if the recipient fails to comply with the
636 terms and conditions of the agreement.

637 Section 5. Subsection (3) of section 375.041, Florida
638 Statutes, is amended to read:

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375.041 Land Acquisition Trust Fund.—

(3) Funds distributed into the Land Acquisition Trust Fund pursuant to s. 201.15 shall be applied:

(a) First, to pay debt service or to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to Florida Forever bonds issued under s. 215.618; and pay debt service, provide reserves, and pay rebate obligations and other amounts due with respect to Everglades restoration bonds issued under s. 215.619; and

(b) Of the funds remaining after the payments required under paragraph (a), but before funds may be appropriated, pledged, or dedicated for other uses:

1. A minimum of the lesser of 25 percent or \$200 million shall be appropriated annually for Everglades projects that implement the Comprehensive Everglades Restoration Plan as set forth in s. 373.470, including the Central Everglades Planning Project subject to Congressional authorization; the Long-Term Plan as defined in s. 373.4592(2); and the Northern Everglades and Estuaries Protection Program as set forth in s. 373.4595. From these funds, \$32 million shall be distributed each fiscal year through the 2023-2024 fiscal year to the South Florida Water Management District for the Long-Term Plan as defined in s. 373.4592(2). After deducting the \$32 million distributed under this subparagraph, from the funds remaining, a minimum of the lesser of 76.5 percent or \$100 million shall be appropriated each fiscal year through the 2025-2026 fiscal year for the planning, design, engineering, and construction of the Comprehensive Everglades Restoration Plan as set forth in s. 373.470, including the Central Everglades Planning Project, the

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668 Everglades Agricultural Area Storage Reservoir Project, the Lake
669 Okeechobee Watershed Project, the C-43 West Basin Storage
670 Reservoir Project, the Indian River Lagoon-South Project, the
671 Western Everglades Restoration Project, the C-111 South-Dade
672 Project, and the Picayune Strand Restoration Project ~~subject to~~
673 ~~Congressional authorization.~~ The Department of Environmental
674 Protection and the South Florida Water Management District shall
675 give preference to those Everglades restoration projects that
676 reduce harmful discharges of water from Lake Okeechobee to the
677 St. Lucie or Caloosahatchee estuaries in a timely manner. For
678 the purpose of performing the calculation provided in this
679 subparagraph, the amount of debt service paid pursuant to
680 paragraph (a) for bonds issued after July 1, 2016, for the
681 purposes set forth under paragraph (b) shall be added to the
682 amount remaining after the payments required under paragraph
683 (a). The amount of the distribution calculated shall then be
684 reduced by an amount equal to the debt service paid pursuant to
685 paragraph (a) on bonds issued after July 1, 2016, for the
686 purposes set forth under this subparagraph.

687 2. A minimum of the lesser of 7.6 percent or \$50 million
688 shall be appropriated annually for spring restoration,
689 protection, and management projects. For the purpose of
690 performing the calculation provided in this subparagraph, the
691 amount of debt service paid pursuant to paragraph (a) for bonds
692 issued after July 1, 2016, for the purposes set forth under
693 paragraph (b) shall be added to the amount remaining after the
694 payments required under paragraph (a). The amount of the
695 distribution calculated shall then be reduced by an amount equal
696 to the debt service paid pursuant to paragraph (a) on bonds

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697 issued after July 1, 2016, for the purposes set forth under this
698 subparagraph.

699 3. The sum of \$5 million shall be appropriated annually
700 each fiscal year through the 2025-2026 fiscal year to the St.
701 Johns River Water Management District for projects dedicated to
702 the restoration of Lake Apopka. This distribution shall be
703 reduced by an amount equal to the debt service paid pursuant to
704 paragraph (a) on bonds issued after July 1, 2016, for the
705 purposes set forth in this subparagraph.

706 4. The sum of \$100 million is appropriated and shall be
707 transferred to the Everglades Trust Fund for the 2018-2019
708 fiscal year, and each fiscal year thereafter, for reservoir
709 projects that implement s. 373.4598. Any funds remaining in any
710 fiscal year shall be made available only for projects identified
711 in subparagraph 1. and must be used in accordance with laws
712 relating to such projects. Any funds made available for such
713 purposes in a fiscal year is in addition to the amount
714 appropriated under that subparagraph. This distribution shall be
715 reduced by an amount equal to the debt service paid pursuant to
716 paragraph (a) on bonds issued after July 1, 2017, for the
717 purposes set forth in this subparagraph.

718 Section 6. Section 403.890, Florida Statutes, is amended to
719 read:

720 403.890 Water Protection and Sustainability Program.—

721 (1) Revenues deposited into or appropriated to the Water
722 Protection and Sustainability Program Trust Fund shall be
723 distributed by the Department of Environmental Protection for
724 the following purposes in the following manner:

725 (a) ~~(1) Sixty-five percent to the Department of~~

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726 ~~Environmental Protection for~~ The implementation of an
727 alternative water supply program as provided in s. 373.707.

728 (b) The water storage facility revolving loan fund as
729 provided in s. 373.475.

730 (2) Revenues deposited into or appropriated to the Water
731 Protection and Sustainability Program Trust Fund for purposes of
732 the water storage facility revolving loan fund may only be used
733 for such purposes.

734 ~~(2) Twenty-two and five-tenths percent for the~~
735 ~~implementation of best management practices and capital project~~
736 ~~expenditures necessary for the implementation of the goals of~~
737 ~~the total maximum daily load program established in s. 403.067.~~
738 ~~Of these funds, 83.33 percent shall be transferred to the credit~~
739 ~~of the Department of Environmental Protection Water Quality~~
740 ~~Assurance Trust Fund to address water quality impacts associated~~
741 ~~with nonagricultural nonpoint sources. Sixteen and sixty-seven~~
742 ~~hundredths percent of these funds shall be transferred to the~~
743 ~~Department of Agriculture and Consumer Services General~~
744 ~~Inspection Trust Fund to address water quality impacts~~
745 ~~associated with agricultural nonpoint sources. These funds shall~~
746 ~~be used for research, development, demonstration, and~~
747 ~~implementation of the total maximum daily load program under s.~~
748 ~~403.067, suitable best management practices or other measures~~
749 ~~used to achieve water quality standards in surface waters and~~
750 ~~water segments identified pursuant to s. 303(d) of the Clean~~
751 ~~Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.~~
752 ~~Implementation of best management practices and other measures~~
753 ~~may include cost share grants, technical assistance,~~
754 ~~implementation tracking, and conservation leases or other~~

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755 ~~agreements for water quality improvement. The Department of~~
756 ~~Environmental Protection and the Department of Agriculture and~~
757 ~~Consumer Services may adopt rules governing the distribution of~~
758 ~~funds for implementation of capital projects, best management~~
759 ~~practices, and other measures. These funds shall not be used to~~
760 ~~abrogate the financial responsibility of those point and~~
761 ~~nonpoint sources that have contributed to the degradation of~~
762 ~~water or land areas. Increased priority shall be given by the~~
763 ~~department and the water management district governing boards to~~
764 ~~those projects that have secured a cost sharing agreement~~
765 ~~allocating responsibility for the cleanup of point and nonpoint~~
766 ~~sources.~~

767 ~~(3) Twelve and five tenths percent to the Department of~~
768 ~~Environmental Protection for the Disadvantaged Small Community~~
769 ~~Wastewater Grant Program as provided in s. 403.1838.~~

770 ~~(3)(4)~~ On June 30, 2009, and every 24 months thereafter,
771 the Department of Environmental Protection shall request the
772 return of all unencumbered funds distributed for the purposes of
773 the alternative water supply program pursuant to this section.
774 These funds shall be deposited into the Water Protection and
775 Sustainability Program Trust Fund and redistributed for such
776 purposes pursuant to the provisions of this section.

777 Section 7. Section 446.71, Florida Statutes, is created to
778 read:

779 446.71 Everglades Restoration Agricultural Community
780 Employment Training Program.—

781 (1) The Department of Economic Opportunity, in cooperation
782 with CareerSource Florida, Inc., shall establish the Everglades
783 Restoration Agricultural Community Employment Training Program

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784 within the Department of Economic Opportunity. The Department of
785 Economic Opportunity shall use funds appropriated to the program
786 by the Legislature to provide grants to stimulate and support
787 training and employment programs that seek to match persons who
788 complete such training programs to nonagricultural employment
789 opportunities in areas of high agricultural unemployment, and to
790 provide other training, educational, and information services
791 necessary to stimulate the creation of jobs in the areas of high
792 agricultural unemployment. In determining whether to provide
793 funds to a particular program, the Department of Economic
794 Opportunity shall consider the location of the program in
795 proximity to the program's intended participants.

796 (2) The Legislature supports projects that improve the
797 economy in the Everglades Agricultural Area. In recognition of
798 the employment opportunities and economic development generated
799 by new and expanding industries in the area, such as the
800 Airglades Airport in Hendry County and the development of an
801 inland port in Palm Beach County, the Legislature finds that
802 training the citizens of the state to fill the needs of these
803 industries significantly enhances the economic viability of the
804 region.

805 (3) Funds may be used for grants for tuition for public or
806 private technical or vocational programs and matching grants to
807 employers to conduct employer-based training programs, or for
808 the purchase of equipment to be used for training purposes, the
809 hiring of instructors, or any other purpose directly associated
810 with the program.

811 (4) The Department of Economic Opportunity may not award a
812 grant to any given training program which exceeds 50 percent of

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813 the total cost of the program, unless the training program is
814 located within a rural area of opportunity, in which case the
815 grant may exceed 50 percent of the total cost of the program and
816 up to 100 percent. Matching contributions may include in-kind
817 services, including, but not limited to, the provision of
818 training instructors, equipment, and training facilities.

819 (5) Prior to granting a request for funds made in
820 accordance with this section, the Department of Economic
821 Opportunity shall enter into a grant agreement with the
822 requestor of funds and the institution receiving funding through
823 the program. Such agreement must include all of the following
824 information:

825 (a) An identification of the personnel necessary to conduct
826 the instructional program, the qualifications of such personnel,
827 and the respective responsibilities of the parties for paying
828 costs associated with the employment of such personnel.

829 (b) An identification of the estimated length of the
830 instructional program.

831 (c) An identification of all direct, training-related
832 costs, including tuition and fees, curriculum development, books
833 and classroom materials, and overhead or indirect costs.

834 (d) An identification of special program requirements that
835 are not otherwise addressed in the agreement.

836 (6) The Department of Economic Opportunity may grant up to
837 100 percent of the tuition for a training program participant
838 who currently resides, and has resided for at least three of the
839 five immediately preceding years within the Everglades
840 Agricultural Area as described in s. 373.4592 and in counties
841 that provide for water storage and dispersed water storage that

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842 is located in Rural Areas of Opportunity as described in s.
843 288.0656.

844 (7) Programs established in the Everglades Agricultural
845 Area must include opportunities to obtain the qualifications and
846 skills necessary for jobs related to federal and state
847 restoration projects, the Airglades Airport in Hendry County, an
848 inland port in Palm Beach County, or other industries with
849 verifiable, demonstrated interest in operating within the
850 Everglades Agricultural Area and in counties that provide for
851 water storage and dispersed water storage that is located in
852 Rural Areas of Opportunity as described in s. 288.0656.

853 (8) The Department of Economic Opportunity shall adopt
854 rules to implement this section.

855 Section 8. Subsection (3) is added to section 946.511,
856 Florida Statutes, to read:

857 946.511 Inmate labor to operate correctional work
858 programs.-

859 (3) Beginning July 1, 2017, the use of inmates for
860 correctional work programs in the agricultural industry in the
861 EAA or in any area experiencing high unemployment rates in the
862 agricultural sector is prohibited. Any lease agreement relating
863 to land in the EAA leased to the Prison Rehabilitative
864 Industries and Diversified Enterprises, Inc., (PRIDE
865 Enterprises) for an agricultural work program is required to be
866 terminated in accordance with the terms of the lease agreement.

867 Section 9. The Division of Law Revision and Information is
868 directed to replace the phrase "the effective date of this act"
869 wherever it occurs in this act with the date the act becomes a
870 law.

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871 Section 10. For the 2017-2018 fiscal year, the sum of \$30
872 million in nonrecurring funds from the Land Acquisition Trust
873 Fund is appropriated to the Everglades Trust Fund for the
874 purposes of acquiring land or negotiating leases pursuant to s.
875 373.4598(4), Florida Statutes, or for any cost related to the
876 planning or construction of the EAA reservoir project as defined
877 in s. 373.4598, Florida Statutes.

878 Section 11. For the 2017-2018 fiscal year, the sum of \$3
879 million in nonrecurring funds from the Land Acquisition Trust
880 Fund is appropriated to the Everglades Trust Fund for the
881 purposes of developing the post-authorization change report
882 pursuant to s. 373.4598, Florida Statutes, and the sum of \$1
883 million in nonrecurring funds from the Land Acquisition Trust
884 Fund is appropriated to the Everglades Trust Fund for the
885 purposes of negotiating Phase II of the C-51 reservoir project
886 pursuant to s. 373.4598, Florida Statutes.

887 Section 12. For the 2017-2018 fiscal year, the sum of \$30
888 million in nonrecurring funds from the Land Acquisition Trust
889 Fund is appropriated to the Water Resource Protection and
890 Sustainability Program Trust Fund for the purpose of
891 implementing Phase I of the C-51 reservoir project as a water
892 storage facility in accordance with ss. 373.4598 and 373.475,
893 Florida Statutes.

894 Section 13. This act shall take effect upon becoming a law.
895