



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

**CITY OF SOUTH BAY**  
**CITY COMMISSION MEETING AGENDA**  
**CITY HALL CHAMBER**  
**TUESDAY, MAY 18, 2021**

335 SW 2<sup>ND</sup> Avenue

South Bay, FL 33493

[www.southbaycity.com](http://www.southbaycity.com)

Phone: 561-996-6751 Fax: 561-996-7950

Mayor:

Joe Kyles Sr.

Vice Mayor:

Betty Barnard

Commissioner:

Esther Berry

Commissioner:

Taranza McKelvin

Commissioner:

John Wilson

City Manager:

Leondrae D. Camel

City Attorney:

Burnadette Norris-Weeks

City Clerk:

Natalie Malone

# **RULES OF PROCEDURE**

## **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**

- I. **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.
- II. **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.
- III. **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.

CITY OF SOUTH BAY  
**CITY WORKSHOP AGENDA**

CITY HALL CHAMBER  
TUESDAY, MAY 18, 2021  
6:30PM

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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.

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1. **CALL TO ORDER**
2. **ROLL CALL**
3. **DISCUSSION**
  - 3a. **Agenda Items**
4. **ADJOURNMENT**

**CITY OF SOUTH BAY**  
**REGULAR CITY MEETING AGENDA**  
**CITY HALL CHAMBER**  
**TUESDAY, MAY 18, 2021**  
**7:00PM**

.....  
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; PRAYER, PLEDGE OF ALLEGIANCE**

**2. DISCLOSURE OF VOTING CONFLICTS**

**3. PRESENTATIONS AND PROCLAMATIONS (*Up to 5 minutes*)**

**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 - May 04, 2021**  
(Regular City Workshop and City Meeting)

**5b. Regular City Meeting Agenda- May 18, 2021**

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

**6a. RESOLUTION NO. 16-2021**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA, ADOPTING THE CITY OF SOUTH BAY'S INTERNAL REVENUE SERVICE SECTION 125 CAFETERIA PLAN UNDER THE INTERNAL REVENUE CODE OF 1986; PROVIDING FOR AN EFFECTIVE**

**6b. RESOLUTION NO. 17-2021**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA APPROVING AMENDMENT 007 TO THE INTERLOCAL AGREEMENT BETWEEN PALM BEACH COUNTY AND CITY OF SOUTH BAY FOR AN EXTENSION REQUEST TO COMPLETE A CLOSE OUT FOR REPORTING REQUIREMENTS DUE TO COVID-19; AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE EXHIBIT "A"; PROVIDING FOR AN EFFECTIVE DATE**

**7. ORDINANCE**

**8. ROSENWALD ELEMENTARY SCHOOL**

**9. FINANCE REPORT**

**9a. Accounts Payable Report**

**10. CITY CLERK REPORT**

**11. CITY MANAGER REPORT**

**11a. 2021 State Legislative Update**

**11b. Coronavirus State and Local Fiscal**

**12. CITY ATTORNEY REPORT**

**13. FUTURE AGENDA ITEMS**

**14. COMMISSIONER COMMENTS: FOR THE GOOD OF THE ORDER**

**15. ADJOURNMENT**

CITY OF SOUTH BAY, FL  
**CITY WORKSHOP**  
CITY HALL CHAMBER  
TUESDAY, MAY 04, 2021  
6:30PM

**Quorum not met**

**Present:**

Mayor Joe Kyles

Vice-Mayor Betty Barnard

**Staff:**

Leondrae Camel, City Manager

Natalie Malone, City Clerk

Vicky Del Bosquez, Human Resources

Caroline Larris, Code Enforcement Asst.

Massih Saadatmand, Finance Director *via telephone*

Samour Suckram, Esq., City Attorney

*(Full recording/discussion available through the City Clerk/City website)*

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **DISCUSSION**
4. **ADJOURNMENT**

CITY OF SOUTH BAY, FL  
**REGULAR CITY MEETING**

CITY HALL CHAMBER  
TUESDAY, MAY 04, 2021  
7:00PM

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. 2<sup>nd</sup> Avenue, South Bay, Florida on May 04, 2021 at 7:06 p.m.

*(Full recording/discussion available through the City Clerk/City website)*

**Present:**

Mayor Joe Kyles  
Vice-Mayor Betty Barnard  
Commissioner John Wilson  
Commissioner Taranza McKelvin *at 7:10pm*

**Staff:**

Leondrae Camel, City Manager  
Natalie Malone, City Clerk  
Vicky Del Bosquez, Human Resources  
Caroline Larris, Code Enforcement Asst.  
Massih Saadatmand, Finance Director *via telephone*  
Samour Suckram, Esq., City Attorney

1. **CALL TO ORDER, ROLL CALL; PRAYER, PLEDGE OF ALLEGIANCE**
2. **DISCLOSURE OF VOTING CONFLICTS: NONE**
3. **PRESENTATIONS AND PROCLAMATIONS *(Up to 5 minutes)***
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 - April 20, 2021  
(Regular City Workshop and City Meeting)**
- 5b. **Regular City & Workshop Meeting Agenda- May 04, 2021**



Moved By: Commissioner Wilson  
Second By: Vice-Mayor Barnard

COMMISSION	VOTE
Mayor Kyles	YES
Vice Mayor Barnard	YES
Commissioner Berry	
Commissioner McKelvin	
Commissioner Wilson	YES

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

6a. RESOLUTION NO. 14-2021

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA, AUTHORIZING THE SALE OF A PARCEL OF CITY-OWNED LAND TO CONSUELA GREEN, AS MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" AND IN THE AMOUNT OF \$1,500.00; AUTHORIZING THE CONDITIONS FOR SALE; AUTHORIZING THE CITY MANAGER AND THE MAYOR TO EXECUTE ALL NECESSARY DOCUMENTS; AUTHORIZING THE CITY CLERK TO RECORD ALL NECESSARY DOCUMENTS FOR THE SALE OF THE PROPERTY; AND PROVIDING FOR AN EFFECTIVE

Moved By: Commissioner Wilson  
Second By: Vice-Mayor Barnard

COMMISSION	VOTE
Mayor Kyles	YES
Vice Mayor Barnard	YES
Commissioner Berry	
Commissioner McKelvin	YES
Commissioner Wilson	YES

## 6b. RESOLUTION NO. 15-2021

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA AUTHORIZING THE CITY MANAGER TO ESTABLISH A PARKS AND RECREATIONAL ADVISORY COMMITTEE; PROVIDING FOR APPOINTMENT OF MEMBERS; PROVIDING FOR DUTIES; PROVIDING FOR REMOVAL FROM MEMBERSHIP; PROVIDING FOR ADVISORY NATURE OF COMMITTEE; PROVIDING FOR AN EFFECTIVE DATE

Moved By: Commissioner Wilson  
Second By: Vice-Mayor Barnard

COMMISSION	VOTE
Mayor Kyles	YES
Vice Mayor Barnard	YES
Commissioner Berry	
Commissioner McKelvin	YES
Commissioner Wilson	YES

7. ORDINANCE8. ROSENWALD ELEMENTARY SCHOOL-Bruce Hightower, Principal

- 8a. COVID-19-School District mask policy
- 8b. Bomb threat incident-Last week
- 8c. May 03-07, 2021- Teacher's Appreciation Week
- 8d. Testing- 4<sup>th</sup> and 5<sup>th</sup> grade FSA Reading Assessment
- 8e. Testing- 3<sup>rd</sup>- 5<sup>th</sup> grade Math Assessment
- 8f. Testing-Science Assessment
- 8g. Summer School

9. FINANCE REPORT

- 9a. Accounts Payable Report

10. CITY MANAGER REPORT

- 10a. Executive Order from Governor- Executive Order Number 21-102
- 10b. Framers Market-June 5, 2021

10c. Return of Movie Night-*Dates TBA*

10d. Boys and Girls Club

10e. Tanner Park-*Budget*

11. **CITY ATTORNEY REPORT**

12. **FUTURE AGENDA ITEMS**

13. **COMMISSIONER COMMENTS FOR THE GOOD OF THE ORDER**

13a. **Commissioner John Wilson**

- Job positions
- Thank you for coming out

13b. **Commissioner Taranza McKelvin**

- Thanks to everyone for coming out
- God Bless

13d. **Vice Mayor Betty Barnard:**

- Thanks to everyone who came out
- Drive safe

13e. **Mayor Joe Kyles:**

- Thank you
- Condolences to the family of Commissioner Wilson
- God Bless

14. **ADJOURNMENT**

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Joe Kyles, Mayor

**ATTESTED BY:**

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Natalie Malone, City Clerk

RESOLUTION 16-2021

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA, ADOPTING THE CITY OF SOUTH BAY'S INTERNAL REVENUE SERVICE SECTION 125 CAFETERIA PLAN UNDER THE INTERNAL REVENUE CODE OF 1986; PROVIDING FOR AN EFFECTIVE

WHEREAS, the City of South Bay ("City") is adopting the Internal Revenue Service ("IRS") Section 125 Cafeteria Plan authorized under the Internal Revenue Code of 1986; and

WHEREAS, the City is required to maintain a separate written plan in order to comply with the Internal Revenue Code Section 125 Cafeteria Plan; and

WHEREAS, the effective date for the City of South Bay Section 125 Cafeteria Plan is June 1, 2021; and

WHEREAS, the summary Plan description and adoption agreement are attached hereto as Exhibit "A".

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

**Section 1.** Adoption of Representations. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are incorporated herein by reference.

**Section 2.** Adoption of IRS Section 125 Cafeteria Plan. The City Commission for the City of South Bay, Florida hereby adopts the City of South Bay's IRS Section 125 Cafeteria Plan under the Internal Revenue Code of 1986. The City and its employees shall contribute to the Plan, sufficient amounts to meet their obligations und the Plan's terms and conditions.

**Section 3.** Authorization of City Manager. The City Manager is authorized to take all necessary and expedient action to effectuate the intent of this Resolution.

**Section 4.** Effective Date. This Resolutions shall be effective immediately upon its passage and adoption.

PASSED and ADOPTED this 18th day of May 2021.

\_\_\_\_\_  
Joe Kyles, Mayor

**ATTEST:**

By: \_\_\_\_\_  
Natalie Malone, City Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

\_\_\_\_\_  
Burnadette Norris-Week, P.A.  
City Attorney

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

**VOTE:**

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

**A RESOLUTION OF THE CITY COMMISSION OF THE  
CITY OF SOUTH BAY, FLORIDA ADOPTION OF  
THE CITY OF SOUTH BAY CAFETERIA PLAN  
UNDER SECTION 125 PLAN, INTERNAL REVENUE  
CODE OF 1986**

**WHEREAS**, the City of South Bay (“City”) is adopting Cafeteria Plan authorized under Section 125 Plan Internal Revenue Code of 1986; and

**WHEREAS**, the City is required to maintain a separate written plan in order to comply with Internal Revenue Code Section 125; and

**WHEREAS**, the City of South Bay implementing Section 125 Plan to be effective June 1, 2021; and

**WHEREAS**, the summary Plan description and adoption agreement are attached hereto as Exhibit “A”.

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

**Section 1.** The City and its employees shall contribute to the Plan(s) sufficient amounts to meet their obligations under Plans’ terms and documents.

**Section 2.** Effective Date. This Resolutions shall be effective immediately upon its passage and adoption.

\_\_\_\_\_  
Joe Kyles, Mayor

Attested

By: \_\_\_\_\_  
Natalie Malone, City Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

\_\_\_\_\_  
Burnadette Norris-Week, Esquire  
City Attorney

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

**VOTE:**

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

# Section 125 Plan

## Summary Plan Description and Plan Document

### Introduction

The City of South Bay (“the City”) (“the Employer”) hereby establishes the Cafeteria Plan under Section 125 Plan (“Plan”) that is authorized and governed by Section 125 of the Internal Revenue Code of 1986, as amended, and other related Sections of the Internal Revenue Code.

The Section 125 Plan is a program that permits eligible employees to use tax-free income, rather than after-tax income, to pay his or her share premiums for certain Qualified Benefits Program (Insurance Plans). The purpose is to reduce the actual cost of participating in the Qualified Benefit Programs. The Section 125 Plan consists of the Summary Plan Description and Plan Document in addition to the accompanying Adoption Agreement, which is incorporated by reference into this document.

### Definitions

- a. Adoption Agreement- A document containing specific information about the Section 125 Plan as it applies to the Employer and its employees. The Adoption Agreement along with this Summary Plan Description and Plan Document make up the Section 125 Plan.
- b. Employee- A person engaged in the conduct of business for the Employer; excluding sole proprietors, partners, and 2% or greater shareholders in a S-corporation, independent contractors and other classes of individuals specified in the Adoption Agreement such as members of collective bargaining units, if any.
- c. Key Employee- Any Employee defined as such by Section 416(i)(1) of the Internal Revenue Code.
- d. Insurance Plan(s)- A plan or plans offering benefits through group insurance policy or policies
- e. Open Enrollment- A period of time during which an eligible employee may select benefits for the coming Plan Year.
- f. Participant- An eligible employee paying for Qualified Benefits Programs with tax-free income under the Section 125 Plan.
- g. Payroll Deduction- The process of withholding premiums or employee contributions for Qualified Benefit Programs from Employees’ paychecks. Payroll Deductions cannot occur if the Employee is not actively receiving income from the Employer that would otherwise be taxable.
- h. Plan- The Section 125 Plan as defined by this document and the Adoption Agreement incorporated into the Plan by reference.



- i. Plan Administrator- The City of South Bay that makes decisions regarding the operation of the Section 125 Plan.
- j. Plan Sponsor- The City of South Bay that makes the Section 125 Plan available to employees.
- k. Plan Year- The Plan Year is fixed period of time, usually twelve months, during which employees may not change benefits unless a qualifying event occurs. The Plan Year is defined in the Adoption Agreement. See “Changing Benefits” for more information about Qualifying Events.
- l. Qualified Benefits Programs- Employer-sponsored insurance policies and/or self-insurance programs that Section 125 allows employees to fund with tax-free income.
- m. Qualifying Event- An event which results in a change in eligibility in a Qualified Benefit Plan or an external plan, as defined by Section 125 of the Internal Revenue Code, that creates an opportunity for employees to change participation in the Section 125 Plan and the underlying Qualified Benefits Programs. See the section on Qualifying Events for more information.
- n. Tax-free- Exempt from federal income taxes, FICA taxes (Medicare and Social Security), and state and local income taxes where permissible.

### **Eligibility**

Employees eligible to participate in any or all of the Qualified Benefit Programs and pay their share of qualified insurance premiums via payroll deduction are eligible to participate in the Section 125 Plan.

### **Qualified Benefit Programs**

The Qualified Benefits Programs are the insurance plans selected by the City of South Bay in the Adoption Agreement. The premiums for each Qualified Benefit Program will be paid with tax-free income up to the lesser of the actual premium or the maximum allowed by the Internal Revenue Code.

Qualified Benefit Programs are those listed the Adoption Agreement and may include any or all of the following:

- Employer-provided accident and sickness coverage such as medical, dental, vision, accidental death and dismemberment, disability, and certain cancer, dread disease, hospital indemnity, hospital sickness, critical illness and intensive care policies under Section 105 and 106 of the Internal Revenue Code.

- Employee contributions to a Health Savings Account (HSA) authorized under Section 223 of the Internal Revenue Code.
- Employee group term life insurance in amounts up to \$50,000 of coverage, including any employer-provided coverage under Section 79 of the Internal Revenue Code. (Dependent life insurance is not eligible.)

This Plan does not offer any benefit that defers the receipt of compensation. Participants may not use one Plan Year's contributions to purchase benefits in a subsequent Plan Year, or to carry over unused benefits from year to year.

The Qualified Benefit Programs included in the Section 125 Plan are listed in the Adoption Agreement. The benefits, rules and limitations of the Qualified Benefit Program(s) are described in separate insurance policies, certificates, or other appropriate documents. Copies of such documents can be obtained from the Employer. This document is not intended to provide specific information about the Qualified Benefit Programs.

Except as expressly provided herein, nothing contained in the Plan shall be construed to alter the terms of the Qualified Benefit Programs or policies of the vendors of those programs or to provide any benefits other than those provided by the Qualified Insurance Plans and the policies of the vendor.

The City may add, change or cancel Qualified Benefit Programs at any time without prior notice.

### **Enrolling in Benefits, Changing Benefits, Canceling Benefits**

Section 125 of the Internal Revenue Code allows employees to elect to participate in Qualified Benefits Programs and change or cancel this election only:

- During the open enrollment immediately preceding each Plan Year; or
- When an employee experiences a Qualifying Event.

The City may establish a reasonable deadline for submission of request during the annual open enrollment period. Benefit changes requested during the Open Enrollment Period will take effect on the first day of the coming Plan Year.

If a benefit change is requested at a time other than the Open Enrollment Period, the employee must have experienced one or more of the Qualifying Events. The requested change must be submitted within 30 days of the Qualifying Event and must be consistent with the event. Benefit changes must take effect after such choices are communicated to the City using a properly completed form, on the date specified by the employer in the Adoption Agreement. Changes in the benefits may never be retroactive.

### **Qualifying Events**

The Qualifying Events are as follows:

- Marriage or Divorce;
- Gaining a Dependent due to Birth, Attaining Minimum Age, Court Order, Decree or Judgement;
- Losing a Dependent due to Death, Attaining Maximum Age, Court Order, Decree or Judgement;
- Becoming eligible for Medicare or Medicaid, or losing eligibility for Medicare or Medicaid;
- Beginning or Ending an Unpaid Leave of Absence, including a leave under the Family Medical Leave Act (FLMA);
- Changes in eligibility due to changes in employment of the employee, spouse or dependents;
- Open enrollment for spouse's benefit plan(s);
- Special enrollment rights under the Health Insurance Portability and Accountability Act (HIPPA) following the loss of other health coverage or if the person becomes the spouse or dependent of an employee through birth, marriage, adoption or placement for adoption;
- The annual Affordable Care Act open enrollment period, or
- Other Qualifying Events permitted by Section 125, as amended, if any.

The Qualifying Event must result in the employee, spouse or dependent becoming eligible or losing eligibility for insurance coverage.

Requested changes in Qualified Benefit Programs must be "on account of" the event and consistent with the event.

### **Ceasing Participation**

Employees will cease participation in the Section 125 Plan when:

- Participation in the Qualified Benefit Programs ceases;
- The employee ceases paying the premiums via payroll deduction;
- Eligibility to participate in the Section 125 Plan ceases; or
- The Section 125 Plan terminates.

No action is required of the employee.

Ceasing participation in the Section 125 Plan does not prevent participation in the Qualified Benefit Programs as permitted under the Family Medical Leave Act (FMLA) or the Consolidated Omnibus Budget Reconciliation Act (COBRA).

### **Plan Funding**

Employee tax-free premium contributions for Qualified Benefits Programs will be treated as employer funds for the purpose of the Section 125 Plan. The employee's taxable salary is reduced by the amount of the qualified premiums and the City uses this money to pay the premiums. This is the mechanism that allows the employee to avoid paying taxes on the premiums. Participants may not contribute more than 100% the total compensation derived from the employer. If the

employee elects to waive participation in one or more of the Qualified Benefits Plans in accordance with the applicable rules stated herein, the employee may retain the corresponding portion of his/her income (cash). The City may also contribute toward the cost of the Qualified Benefit Programs, but such contribution is **not** required.

### **Nondiscrimination Rules**

The Section 125 Plan shall not discriminate in favor of Highly Compensated or Key employees in its benefits or its operation.

No more than 25% of the aggregate (total) tax-free premiums paid under the Section 125 Plan may be paid by Key Employees.

The City may amend the Plan, terminate the Plan, or modify the participation levels of Highly Compensated or Key employees to bring the Plan into compliance with the nondiscrimination rules.

### **Plan Administration**

The City of South Bay serves in the role of both Plan Sponsor and Plan Administrator. The City may establish reasonable rules and procedure affecting the operation of the plan as long as such rules are consistent with all laws and regulations and are applied consistently.

The City may change the Section 125 Plan at any time, including administrative rules and procedures, without prior notice.

The City may suspend or terminate the Section 125 Plan at any time, without prior notice.

The City may amend the Section 125 Plan retroactively to enable the Plan to qualify under Section 125 of the Internal Revenue Code. No such amendment shall deprive any Participant of any benefit to which he or she is entitled under this Plan with respect to previously paid premiums for Qualified Benefit Programs, except as provided under the nondiscrimination rules.

Neither the City nor any agent of the City or the Plan represent or guarantee that the Plan will qualify under the Internal Revenue Code at any time, nor is the Employer obligated to amend any aspect of the Plan which results in failure to meet the requirements of the Internal Revenue Code.

### **Specific Plan Information**

Information specific to the Section 125 Plan provided by the City is included in the Adoption Agreement that is part of this document.

### **Other Important Information**

Participation in the Section 125 Plan does not create an employment contract between the City and the Employee, nor does the Section 125 Plan serve as an inducement or consideration for the

employment of any Employee or Participant. The Section 125 Plan does not give the Employee or Participant, upon dismissal or voluntary termination shall have no rights or interest in the Plan unless such right is expressly stated by the Plan.

Any Employee may request a copy of the Section 125 Plan.

No benefit under the Section 125 Plan may be assigned to another party.

**Indemnification of Persons Acting on Behalf of the Employer**

The City agrees to indemnify and reimburse, to the fullest extent permitted by law, its current and former governing board (if any), management and/or other employees acting for the City, for any and all expenses, liabilities or losses arising out of any act or omission relating to the performance or services for or for the management and administration of the Plan.

**Headings**

The headings in the Plan have been included for convenience or reference only and are to be ignored in any construction of the provisions herein.

**Gender and Number**

In the construction of the Plan, the masculine shall include the feminine or neuter, and the singular shall include the plural and vice versa in all cases where such meaning would be appropriate.

**Governing Law**

This Plan shall be construed, enforced and administered according to the laws of the state specified in the Adoption Agreement.

IN WITNESS WHEREOF, the Employer has caused this Plan to be executed on this \_\_\_\_\_  
Day of \_\_\_\_\_, 20 \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

ATTEST:  
By: \_\_\_\_\_

Title: \_\_\_\_\_

**SECTION 125 PLAN**  
**ADOPTION AGREEMENT**  
**Plan Sponsor: City of South Bay**  
**Federal Tax ID: 596000429**

City of South Bay hereby adopts the City of South Bay Section 125 Plan (“Plan”) on \_\_\_\_\_ . This Section 125 Plan Adoption Agreement along with Summary Plan Description and Plan Document are intended to satisfy the ‘written plan’ requirement of Section 125 of the Internal Revenue Code.

This Adoption Agreement represents an amendment and restatement of the City of South Bay Premium Conversion Plan sponsored by the City of South Bay with the effective date June 1, 2021.

**Effective Date**

The Original Effective Date of the Plan is June 1, 2021. The Effective Date of this Adoption Agreement is June 1, 2021.

**Plan Number**

The Plan Number is 502.

**Plan Year**

The Plan Year shall be twelve-month periods beginning each October 1.

**Participation Rules**

Eligible employees must enroll to participate in the Premium Conversion Plan. A properly completed form must be submitted to the Plan Sponsor within the designated time periods. Participation begins with participation in the medical insurance plan following the submission to the Plan Sponsor of a properly completed form, if such form is required by the Plan Sponsor. Additional participation rules are included in the Summary Plan Description and Plan Document.

**Qualified Benefit Programs**

Qualified Benefit Programs shall include:

- Medical Insurance
- Dental Insurance
- Vision Insurance
- Cancer/Dread Disease Insurance
- Hospital Indemnity
- Hospital Sickness
- Critical Care

- Intensive Car
- Health Care Flexible Spending Accounts
- Dependent Care Flexible Spending Accounts

**Agent for Service of Legal Process**

The Mayor of City of South Bay  
City of South Bay  
335 SW 2<sup>nd</sup> Ave  
South Bay, Fl 33493  
561-996-6751

Governing Law

This Plan shall be construed, enforced and administered according to the laws of the State of Florida.

\_\_\_\_\_  
Signature of Authorized Representative of City of South Bay

\_\_\_\_\_  
Typed or Printed name of Authorized Representative

\_\_\_\_\_  
Title of Authorized Representative

\_\_\_\_\_  
Date of Signature



## RESOLUTION 17-2021

### A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA APPROVING AMENDMENT 007 TO THE INTERLOCAL AGREEMENT BETWEEN PALM BEACH COUNTY AND CITY OF SOUTH BAY FOR AN EXTENSION REQUEST TO COMPLETE A CLOSE OUT FOR REPORTING REQUIREMENTS DUE TO COVID-19; AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE EXHIBIT "A"; PROVIDING FOR AN EFFECTIVE DATE

**WHEREAS**, Palm Beach County entered into an Agreement (R2016-0567) on May 3, 2016, with the City of South Bay ("City"), as amended by Amendment 001 (R2017-1816) on December 5, 2017, Amendment 002 (R2018-1573) on October 1, 2018, Amendment 003 (R2019-0962) on May 7, 2019, Amendment 004 (R2019-1772) on September 27, 2019, Amendment 005 (R2020-0373) on January 15, 2020 and by Amendment 006 on April 1, 2020, to provide Nine Hundred Three Thousand Six Hundred One Dollars (\$903,601.00) of Community Development Block Grant (CDBG) funds for the design and construction of improvements to Cox Park and Tanner Park; and

**WHEREAS**, the Agreement (R2016-0567), as amended, has expired and a balance remains in the project account to be reimbursed; and

**WHEREAS**, construction activity is complete with project close-out and punch list items to be addressed by the Contractor; and

**WHEREAS**, the activities remaining to bring the project to final completion have been interrupted by COVID-19 and will occur subsequent to the Agreement end date; and

**WHEREAS**, both parties desire to reinstate the original Agreement (R2016-0567), as amended and further amend said Agreement in accordance with the terms and conditions set forth herein; and

**WHEREAS**, the City has requested to extend the project completion date One Hundred Twenty (120) days, in accordance with the terms and conditions set forth in attached Exhibit "A"; and



**WHEREAS**, the City Commission of the City South Bay finds that an extension of the project completion date is in the best interest of the residents of the City.

**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.** Approval of Amendment 007. The City Commission of the City of South Bay hereby grants approval for the terms and conditions found in Amendment 007 to the Interlocal Agreement between Palm Beach County and the City of South Bay for an extension request in the form attached hereto as Exhibit "A."

**Section 3.** Authorization of the Mayor and City Manager. The Mayor and City Manager are authorized to execute Amendment 007. The City Manager is further authorized to take all necessary and expedient action to effectuate the intent of this Resolution.

**Section 4.** Effective Date. This Resolution shall be effective immediately upon its passage and adoption.

**PASSED and ADOPTED** this 18th day of May 2021.

\_\_\_\_\_  
Joe Kyles, Mayor

**ATTEST:**

By: \_\_\_\_\_  
Natalie Malone, City Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

\_\_\_\_\_  
Burnadette Norris-Weeks P.A.  
City Attorney

**REINSTATEMENT OF AGREEMENT  
AND  
AMENDMENT 007 TO THE AGREEMENT  
WITH  
CITY OF SOUTH BAY**

Reinstatement of Agreement and Amendment 007, with an effective date of June 30, 2020, by and between Palm Beach County and the City of South Bay.

**WITNESSETH:**

**WHEREAS**, Palm Beach County entered into an Agreement (R2016-0567) on May 3, 2016, with the City of South Bay, as amended by Amendment 001 (R2017-1816) on December 5, 2017, Amendment 002 (R2018-1573) on October 1, 2018, Amendment 003 (R2019-0962) on May 7, 2019, Amendment 004 (R2019-1772) on September 27, 2019, Amendment 005 (R2020-0373) on January 15, 2020 and by Amendment 006 on April 1, 2020, to provide \$903,601 of Community Development Block Grant (CDBG) funds for the design and construction of improvements to Cox Park and Tanner Park; and

**WHEREAS**, the Agreement (R2016-0567), as amended, has expired and a balance remains in the project account to be reimbursed; and

**WHEREAS**, construction activity is complete with project close-out and punch list items to be addressed by the contractor; and

**WHEREAS**, the activities remaining to bring the project to final completion have been interrupted by COVID-19 and will occur subsequent to the Agreement end date; and

**WHEREAS**, both parties desire to reinstate the original Agreement (R2016-0567), as amended, and further amend said Agreement in accordance with the terms and conditions set forth herein.

**NOW, THEREFORE**, in consideration of the mutual promises and covenants hereinafter set forth, and various other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

- A. **INCORPORATION OF RECITALS**  
The foregoing recitals are true and correct and incorporated herein by reference. Terms not defined herein shall have the same meaning as ascribed to them in the Agreement.
- B. **SECTION 6: MAXIMUM COMPENSATION**  
Replace "June 30, 2020" with "August 31, 2021".
- C. **SECTION 7: TIME OF PERFORMANCE**  
Replace "June 30, 2020" with "August 31, 2021"
- D. **EXHIBIT A-1: SECTION 1-G: MONTHLY PERFORMANCE REQUIREMENTS**  
Replace "June 30, 2020" with "August 31, 2021", and revise the performance requirements below to read as follows:

Complete Punch items and Submit Final Reimbursement by: August 31, 2021

Except as modified by this Amendment 007, the Agreement, as previously amended, and hereby reinstated, remains unmodified and in full force and effect in accordance with the terms thereof. This Amendment 007 is expressly contingent upon the approval of the County and shall become effective only when signed by all parties.

IN WITNESS WHEREOF, the Municipality and the County have caused this Reinstatement of Agreement and Amendment 007 to be executed on the date first above written.

(MUNICIPALITY SEAL BELOW)

**CITY OF SOUTH BAY**

By: \_\_\_\_\_  
Joe Kyles, Mayor

By: \_\_\_\_\_  
Leondrae Camel, City Manager

By: \_\_\_\_\_  
Attorney for Municipality (Optional)

**PALM BEACH COUNTY, FLORIDA, a  
Political Subdivision of the State of Florida  
For its BOARD OF COUNTY COMMISSIONERS**

By: \_\_\_\_\_  
Jonathan B. Brown, Director  
Dept. of Housing & Economic Sustainability

Approved as to Form and  
Legal Sufficiency

Approved as to Terms and Conditions  
Department of Housing & Economic Sustainability

By: \_\_\_\_\_  
Howard J. Falcon III  
Assistant County Attorney

By: \_\_\_\_\_  
Sherry Howard  
Deputy Director

Z:\CDBG\FY 2015-16\SouthBay\_CoxandTannerPark\Amend 007\_5\_4\_21.docx



*Office of the City  
Manager*

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

[www.southbaycity.com](http://www.southbaycity.com)

**Commission**

Joe Kyles Sr.  
Mayor

Betty H. Barnard  
Vice Mayor

Esther E. Berry

Taranza L. McKelvin

John Wilson Sr.

Leondrae D. Camel  
City Manager

Natalie Malone  
City Clerk

Burnadette Norms-Weeks  
City Attorney

"An equal Opportunity  
Affirmative Action Employer"

April 30, 2021

Mr. Jonathan Brown, Director  
Department of Housing and Economic Sustainability  
100 Australian Avenue  
Suite 500  
West Palm Beach, FL 33406

Dear Mr. Brown,

The City of South Bay (City) respectfully requests a modification to Subgrant Agreement R2016-0567 which provides the City financial support through the Community Development Block Grant funds for project design and construction improvements to Cox Park and Tanner Park (Property).

The City kindly requests an extension to the funding section of our existing agreement that would allow the Contractor to complete the punch list as prescribed by the City's architect and would allow full payment of all services rendered for an additional one hundred and twenty (120) days due to COVID-19 and being in compliance with the Governor's Executive Orders.

Thank you for your consideration in this matter and should you have any questions, please do not hesitate to contact me.

Sincerely,

Leondrae D. Camel  
City Manager  
City of South Bay

**AMENDMENT 006 TO THE AGREEMENT  
WITH  
CITY OF SOUTH BAY**

**Amendment 006**, with an effective date of April 1, 2020, by and between **Palm Beach County** and the **City of South Bay**.

**WITNESSETH:**

**WHEREAS**, Palm Beach County entered into an Agreement (R2016-0567) on May 3, 2016, with the City of South Bay, as amended by Amendment 001 (R2017-1816) on December 5, 2017, Amendment 002 (R2018-1573) on October 1, 2018, Amendment 003 (R2019-0962) on May 7, 2019, Amendment 004 (R2019-1772) on September 27, 2019 and Amendment 005 (R2020-0373) on January 15, 2020, to provide \$903,601 of Community Development Block Grant (CDBG) funds for the design and construction of improvements to Cox Park and Tanner Park; and

**WHEREAS**, construction activity is complete with project close-out and punch list items to be addressed by the contractor; and

**WHEREAS**, the activities remaining to bring the project to final completion have been interrupted by COVID-19 and will occur subsequent to the Agreement end date; and

**WHEREAS**, the Municipality has requested to extend the project completion date in accordance with the terms and conditions set forth herein.

**NOW, THEREFORE**, in consideration of the mutual covenants and agreements hereinafter set forth, and various other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

- A. **INCORPORATION OF RECITALS**  
The foregoing recitals are true and correct and incorporated herein by reference. Terms not defined herein shall have the same meaning as ascribed to them in the Agreement.
- B. **SECTION 6: MAXIMUM COMPENSATION**  
Replace "April 30, 2020" with "June 30, 2020".
- C. **SECTION 7: TIME OF PERFORMANCE**  
Replace "April 30, 2020" with "June 30, 2020".
- D. **EXHIBIT A-1: SECTION 1-G: MONTHLY PERFORMANCE REQUIREMENTS**  
Replace "April 30, 2020" with "June 30, 2020", and revise the performance requirements below to read as follows:

Submit Final Reimbursement by:                      June 30, 2020

Except as modified by this Amendment 006, the Agreement, as previously amended, remains unmodified and in full force and effect in accordance with the terms thereof. This Amendment 006 is expressly contingent upon the approval of the County and shall become effective only when signed by all parties.

IN WITNESS WHEREOF, the Municipality and the County have caused this Amendment 006 to be executed on the date first above written.

(MUNICIPALITY SEAL BELOW)

CITY OF SOUTH BAY

By:   
Joe Kyles, Mayor

By:   
Leondrae Camel, City Manager

By: \_\_\_\_\_  
Attorney for Municipality (Optional)

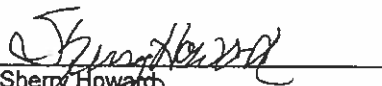
PALM BEACH COUNTY, FLORIDA, a  
Political Subdivision of the State of Florida  
For its BOARD OF COUNTY COMMISSIONERS

By:   
Jonathan B. Brown, Director  
Department of Housing & Economic Sustainability

Approved as to Form and  
Legal Sufficiency

Approved as to Terms and Conditions  
Department of Housing & Economic Sustainability

By:   
Howard J. Falcon III  
Assistant County Attorney

By:   
Sherry Howard  
Deputy Director

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**City of South Bay**

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

[www.southbaycity.com](http://www.southbaycity.com)

**Commission**

Joe Kyles Sr.  
Mayor

Betty Barnard  
Vice Mayor

Esther E. Berry

John Wilson

Taranza McKelvin

Leondrae Camel  
City Manager

City Clerk  
Natalie Malone

Burnadette Norris-Weeks  
City Attorney

To: Honorable Mayor and Commissioners  
From: Massih Saadatmand, Finance Director  
Thru: Mr. Leondrae Camel, City Manager  
Date: May 14, 2021  
Ref: Weekly check register

Enclosed, please find the summary of check register as of May 14, 2021:

General Fund

• Utility:			
	Comcast	\$	1,102.88
	FPL		6,180.55
	T- Mobil		681.45
• CAP Government			1,220.00
• Marathon			1,619.03
• Ford			868.46
• Coastal network			1,500.00
• Cardno			12,399.97
• PBC Supervisor Election			6,730.43
• American Public Life			1,365.70
• Purchased of supplies, materials and parts			365.94 A
• Payment for various services			2,772.70 B
• Payroll deductions			40.00 C
• Other			1,070.13 D
	<b>Total</b>	<b>\$</b>	<b><u>37,917.24</u></b>

Sanitation Fund

Waste Management \$ 37,464.55

# AP Check Register Report

## City Of South Bay (CSBFND)

5/13/2021 1:17:33 PM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
13335	CARDNO	CARDNO	5/13/2021	12,399.97
13336	COASTAL NETWORK SOL	COASTAL NETWORK SOLUTIONS, LLC	5/13/2021	1,500.00
13337	COMCAST	COMCAST	5/13/2021	669.94
13338	EVERGLADES TRADING	EVERGLADES TRADING	5/13/2021	21.11 A
13339	FORD CREDIT DEPT 67-4:	FORD MOTOR CREDIT COMPANY LLC	5/13/2021	868.46
13340	HOME DEPOT CREDIT SE	HOME DEPOT CREDIT SERVICES	5/13/2021	171.83 A
13341	INDEPENDENT NEWSPAF	INDEPENDENT NEWSMEDIA INC.USA	5/13/2021	104.04
13342	LOUIS DESAMOUR	LOUIS DESAMOUR	5/13/2021	300.00 J
13343	MARATHON/MEX BANK	WEX BANK	5/13/2021	1,619.03
13344	PBC SUPERVISOR OF EL	PALM BEACH COUNTY SUPERVISOR OF ELECTIONS	5/13/2021	6,730.43
13345	PRIMESTAR DIGITAL NET	PRIMESTAR DIGITAL NETWORK	5/13/2021	410.00 J
13346	SEASON TO SEASON, LL	SEASON TO SEASON, LLC	5/13/2021	230.00 P
13347	TAX COLLECTOR CORRE	TAX COLLECTOR PALM BEACH COUNTY	5/13/2021	28.00 J
13348	T-MOBILE	T-MOBILE	5/13/2021	681.45
13349	VRC	VRC	5/13/2021	346.32 P
<b>Non-Electronic Transactions:</b>				26,080.58
<b>Total Transactions:</b>				26,080.58



# AP Check Register Report

## City Of South Bay (CSBFND)

5/6/2021 10:31:46 AM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
13319	ALLY	ALLY	5/6/2021	725 70
13320	AMERICAN PUBLIC LIFE I	AMERICAN PUBLIC LIFE INSURANCE COMPANY	5/6/2021	1,365 70
13321	BOARD OF COUNTY	BOARD OF COUNTY COMMISSIONERS	5/6/2021	75 00
13322	CAP GOVERNMENT	CAP GOVERNMENT	5/6/2021	1,220 00
13323	COMCAST	COMCAST	5/6/2021	432 94
13324	ECONOMY TRANSMISSIO	ECONOMY TRANSMISSION SERVICE	5/6/2021	45 00
13325	EVERGLADES FARM EQU	EVERGLADES EQUIPMENT GROUP	5/6/2021	5 00
13326	FDOT	FDOT	5/6/2021	3 82
13327	FLORIDA ELECTION COM	FLORIDA ELECTION COMMISSION	5/6/2021	340 00
13328	FPL	FPL	5/6/2021	6,180 55
13329	LYONS PRINTING	LYONS PRINTING	5/6/2021	146 64
13330	MUTUAL OF OMAHA	MUTUAL OF OMAHA	5/6/2021	323 31
13331	NOWDOCS INTERNATION	NOWDOCS INTERNATIONAL INC	5/6/2021	168 00
13332	QUADIENT FINANCE USA	QUADIENT LEASING USA, INC.	5/6/2021	500 00
13333	SEASON TO SEASON, LL	SEASON TO SEASON, LLC	5/6/2021	265 00
13334	ST. JUDE PLACE	ST. JUDE PLACE	5/6/2021	40 00
<b>Non-Electronic Transactions:</b>				11,836 66
<b>Total Transactions:</b>				11,836 66

# AP Check Register Report

City Of South Bay (CSBFND)

5/6/2021 12:06:56 PM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
247	WASTE MANAGEMENT	WASTE MANAGEMENT INC. OF FLORIDA	5/6/2021	22,360.80
Non-Electronic Transactions:				22,360.80
Total Transactions:				22,360.80

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

5/13/2021 2:59:09 PM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
248	WASTE MANAGEMENT	WASTE MANAGEMENT INC. OF FLORIDA	5/13/2021	15,103.75
<b>Non-Electronic Transactions :</b>				15,103.75
<b>Total Transactions :</b>				15,103.75