



AGENDA
CITY OF LAKE WORTH BEACH
REGULAR CITY COMMISSION MEETING
CITY HALL COMMISSION CHAMBER
TUESDAY, APRIL 19, 2022 - 6:00 PM

ROLL CALL:

INVOCATION OR MOMENT OF SILENCE: led by Commissioner Kimberly Stokes

PLEDGE OF ALLEGIANCE: led by Vice Mayor Christopher McVoy

AGENDA - Additions / Deletions / Reordering:

PRESENTATIONS: (there is no public comment on Presentation items)

- A. Presentation by Richard Pinsky regarding the recent legislative session
- B. Presentation of Certificates to Suits For Seniors Graduates
- C. Presentation of Certificates of Appreciation to the Charter Review Committee
- D. PBSO quarterly presentation by Captain Todd Baer
- E. Proclamation declaring April 22, 2022 as Earth Day

COMMISSION LIAISON REPORTS AND COMMENTS:

CITY MANAGER'S REPORT:

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:

APPROVAL OF MINUTES:

- A. [Pre-agenda work session - March 23, 2022](#)
- B. [Special Meeting - March 28, 2022](#)
- C. [Regular Meeting - April 5, 2022](#)

CONSENT AGENDA: (public comment allowed during Public Participation of Non-Agendaed items)

- A. [Proclamation declaring April 2022 as Sexually Transmitted Disease Awareness Month](#)

PUBLIC HEARINGS:

- A. [Ordinance No. 07-2022 – Second Reading -- Notice Requirements for Rental Increases and Termination of Monthly Tenancies Without a Specific Duration](#)

NEW BUSINESS:

- A. [Resolution No. 01-2022 – Establishment of a City Travel Policy](#)

- B. [Resolution No. 24-2022 – Authorizing the Issuance of Series 2022 Consolidated Utility Bonds](#)
- C. [Resolution No. 28-2022 – Fourth Capital Budget Amendment for FY 2022 to amend the appropriated Electric Utility CIP.](#)
- D. [Resolution No. 25-2022 – Eighth Operating Budget Amendment for FY 2022 to appropriate \\$70,900 from Fund Balance to support the addition of a new Assistant Building Official](#)
- E. [Resolution No. 26-2022 – Third Capital Budget Amendment for FY 2022 to appropriate \\$150,000 from Fund Balance to support the Nitrification Action Plan/Water Age Study.](#)
- F. [Resolution No. 27-2022 – Electing the Standard Allowance under the State and Local Fiscal Recovery Fund of the American Rescue Plan Act \(ARPA\)](#)

CITY ATTORNEY'S REPORT:

UPCOMING MEETINGS AND WORK SESSIONS:

April 25 - work session @ 5 PM
April 26 - utility meeting
April 27 - pre-agenda work session @ 9 AM
May 2 - budget work session #1 @ 5 PM

[Draft Agenda - May 3, 2022](#)

ADJOURNMENT:

The City Commission has adopted Rules of Decorum for Citizen Participation (See Resolution No. 25-2021). The Rules of Decorum are posted within the City Hall Chambers, City Hall Conference Room, posted online at: <https://lakeworthbeachfl.gov/government/virtual-meetings/>, and available through the City Clerk's office. Compliance with the Rules of Decorum is expected and appreciated.

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or 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. (F.S. 286.0105)

**MINUTES
CITY OF LAKE WORTH BEACH
CITY COMMISSION PRE-AGENDA WORK SESSION
CITY HALL COMMISSION CHAMBER
WEDNESDAY, MARCH 23, 2022 - 9:00 AM**

The meeting was called to order by Mayor Resch on the above date at 9:03 AM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL: (00:26) Present were Mayor Betty Resch; Commissioners Christopher McVoy and Kimberly Stokes. Also present were City Manager Carmen Davis, City Attorney Christy L. Goddeau and City Clerk Melissa Ann Coyne. **ABSENT:** Vice Mayor Robinson and Commissioner Sarah Malega.

UPDATES / FUTURE ACTION / DIRECTION (1:19)

Action: Consensus to participate in the Mayors' Monarch Pledge with Mayor Resch sending in the pledge and the city completing three action items.

Action: Consensus to move forward with an ordinance regarding rent increase notification at a future meeting.

ADJOURNMENT: (1:08:54)

The meeting adjourned at 10:12 AM.

Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

Minutes Approved: April 19, 2022

Item time stamps refer to the recording of the meeting which is available on YouTube.

**MINUTES
CITY OF LAKE WORTH BEACH
SPECIAL CITY COMMISSION MEETING – SWEARING IN CEREMONY
BRYANT PARK
TUESDAY, MARCH 28, 2022 - 6:00 PM**

The meeting was called to order by Mayor Resch on the above date at 6:05 PM in Bryant Park located at Lake Avenue and South Golfview Road on the Intracoastal Waterway, Lake Worth Beach, Florida.

ROLL CALL: (7:13) Present were Mayor Betty Resch, Vice Mayor Herman Robinson and Commissioners Sarah Malega, Christopher McVoy and Kimberly Stokes. Also present were City Manager Carmen Davis and City Clerk Melissa Ann Coyne.

PLEDGE OF ALLEGIANCE: (7:25) led by Commissioner Kimberly Stokes.

NEW BUSINESS: (7:45)

- A. Resolution No. 22-2022 - certifying the results of the March 22, 2022 Municipal Run-Off Election

The resolution was not read.

RESOLUTION NO. 22-2022 OF THE CITY OF LAKE WORTH BEACH, FLORIDA,
CERTIFYING THE OFFICIAL RESULTS OF THE MUNICIPAL RUN-OFF
ELECTION HELD MARCH 22, 2022; AND PROVIDE FOR AN EFFECTIVE DATE

Action: Motion made by Vice Mayor Robinson and seconded by Commissioner Malega to approve Resolution No. 22-2022 of the City of Lake Worth Beach, Florida, certifying the official results of the municipal run-off election held March 22, 2022.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor Robinson, Commissioners Malega, McVoy and Stokes. NAYS: None.

COMMENTS FROM OUTGOING VICE MAYOR: (8:25)

SWEARING IN OF NEWLY ELECTED OFFICIALS: (12:07)

- A. District 2 Commissioner - Christopher McVoy by Pastor Tony Cato, lead pastor of New Hope Missionary Baptist (12:55)
- B. District 4 Commissioner - Reinaldo Diaz by Robert N. Hartsell, Esq. of the Law Firm of Robert N Hartsell, PA (15:07)

COMMENTS BY ELECTED OFFICIALS: (16:41)

A. District 2 Commissioner - Christopher McVoy (17:01)

B. District 4 Commissioner - Reinaldo Diaz (21:46)

ADJOURNMENT: (25:20)

Action: Motion made by Commissioner Malega and seconded by Commissioner Diaz to adjourn the meeting at 6:24 PM.

Vote: Voice vote showed: AYES: Mayor Resch and Commissioners Malega, McVoy, Stokes and Diaz. NAYS: None.

Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

Minutes approved April 19, 2022.

Item time stamps refer to the recording of the meeting which is available on YouTube.

**MINUTES
CITY OF LAKE WORTH BEACH
REGULAR CITY COMMISSION MEETING
CITY HALL COMMISSION CHAMBER
TUESDAY, APRIL 5, 2022 – 6:00 PM**

The meeting was called to order by Mayor Resch on the above date at 6:02 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL: (0:10) Present were Mayor Betty Resch, and Commissioners Sarah Malega, Christopher McVoy, Kimberly Stokes and Reinaldo Diaz. Also present were City Manager Carmen Davis, City Attorney Glen Torcivia and City Clerk Melissa Ann Coyne.

INVOCATION OR MOMENT OF SILENCE: (00:41) led by Mayor Betty Resch.

PLEDGE OF ALLEGIANCE: (01:20) led by Commissioner Reinaldo Diaz.

ADDITIONS/DELETIONS/REORDERING (0:38)

State Rep. Silvers was unable to attend for the legislature update due to a death in his family. Public Hearing B, Resolution 23-2022 declaring the intention to change the name of Ocean Breeze to South Ocean Breeze was deleted from the agenda.

Action: Motion made by Commissioner McVoy and seconded by Commissioner Stokes to approve the agenda as amended.

Vote: Voice vote showed: AYES: Mayor Resch, and Commissioners Malega, McVoy, Stokes and Diaz. NAYS: None.

PRESENTATIONS: (02:56) (there is no public comment on Presentation items)

- A. Legislature Session Update by State Senator Lori Berman (3:15)
- B. Presentation regarding the City's Literacy Campaign by Cindy Ansell, Library Manager (15:40)
- C. Proclamation proclaiming April 28, 2022 as World Art Deco Day (28:55)

DESIGNATION OF APPOINTMENTS: (35:51)

- A. Appointment of Vice Mayor and Vice Mayor Pro Tem

Action: Motion made by Commissioner Stokes and seconded by Commissioner Diaz to appoint Commissioner McVoy as Vice Mayor.

Vote: Voice vote showed: AYES: Mayor Resch, and Commissioners Malega, McVoy, Stokes and Diaz. NAYS: None.

Action: Motion made by Mayor Resch (who passed the gavel) and seconded by Commissioner Malega to appoint Commissioner Stokes as Vice Mayor Pro Tem.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy and Commissioners Malega, Stokes and Diaz. NAYS: None.

B. Appointment of commissioners to various organizations: (38:50)

1. Transportation Planning Authority plus alternates

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Malega to appoint Commissioner Diaz to serve as liaison to the Transportation Planning Authority.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy and Commissioners Malega, Stokes and Diaz. NAYS: None.

Action: Motion made by Commissioner Stokes and seconded by Commissioner Malega to appoint Vice Mayor McVoy to serve as alternate liaison to the Transportation Planning Authority.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy and Commissioners Malega, Stokes and Diaz. NAYS: None.

2. Palm Beach County League of Cities

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Malega to appoint Mayor Resch to serve as liaison to the Palm Beach County League of Cities.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy and Commissioners Malega, Stokes and Diaz. NAYS: None.

3. Community Redevelopment Agency

Action: Motion made by Mayor Resch (who passed the gavel) and seconded by Commissioner Diaz to appoint Commissioner Malega to serve as liaison to the Community Redevelopment Agency.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy and Commissioners Malega, Stokes and Diaz. NAYS: None.

4. Neighborhood Association Presidents' Council

Action: Motion made by Commissioner Stokes and seconded by Vice Mayor McVoy to appoint Commissioner Malega to serve as liaison to the Neighborhood Association Presidents' Council.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy and Commissioners Malega, Stokes and Diaz. NAYS: None.

5. Education Task Force

Action: Motion made by Commissioner Malega and seconded by Vice Mayor McVoy to appoint Commissioner Stokes to serve as liaison to the Education Task Force.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy and Commissioners Malega, Stokes and Diaz. NAYS: None.

COMMISSION LIAISON REPORTS AND COMMENTS: (57:00)

CITY MANAGER'S REPORT: (57:44)

provided the following report:

- attended the PBSO Sheriff's State of the County where mental health challenges were discussed
- spoke about the Taco Fiesta on April 9 at 3 PM and the Easter Egg Hunt on April 16 at 10 AM, both at Bryant Park
- said that the organization of advisory board appointment meeting would be tentatively scheduled for Saturday, June 11; board openings and the meeting time would be advertised
- reported that the quarterly district forum meetings would begin on June 30 with District 1
- listed the upcoming work sessions on April 11 on LDRs and April 25 visioning session
- stated that a contractor had been secured to evaluate the condition of the properties on L & M Streets with a discussion to follow in June; staff would schedule tours of the properties with each commissioner prior to the charrette on May 30
- declared that projects would be submitted for federal funding under the 2023 community funding program from Sen. Frankel
- gave an update about the Gulfstream Hotel; the complete application was submitted on April 1 and HRPB would review the project at its April 27 meeting
- city employees were concerned about the amount of homelessness in the local schools and were collecting personal grooming items to distribute

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA: (1:10:43)

APPROVAL OF MINUTES: (1:33:54)

Action: Motion made by Commissioner Malega and seconded by Commissioner Stokes to approve the following minutes:

- A. Regular Meeting - March 1, 2022
- B. Pre-Agenda work session - March 9, 2022
- C. Regular Meeting - March 15, 2022

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy and Commissioners Malega, Stokes and Diaz. NAYS: None.

PUBLIC HEARINGS: (1:34:03)

- A. Ordinance No. 2022-04 – Second Reading - amending Chapter 2 Administration regarding the sale of city-owned Properties to allow for exchange of property (1:34:10)

City Attorney Torcivia read the ordinance by title only.

ORDINANCE NO. 2022-04 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 2 "ADMINISTRATION," ARTICLE I "IN GENERAL," SECTION 2-1 "SALE OF CITY-OWNED PROPERTY," PROVIDING FOR EXCHANGE OF PROPERTY; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

Action: Motion made by Commissioner Stokes and seconded by Commissioner Malega to approve Ordinance No. 2022-04 amending Chapter 2 Administration regarding the sale of city-owned Properties to allow for exchange of property.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy and Commissioners Malega, Stokes and Diaz. NAYS: None.

- B. (deleted) Resolution No. 23-2022 – declaring the intention of the Commission to change the name of "Ocean Breeze" to "South Ocean Breeze" from Lake Ave to 5th Ave South

- C. Ordinance No. 2022-05 - First Reading - revised Municipal Cemetery Ordinance (1:35:04)

City Attorney Torcivia read the ordinance by title only.

ORDINANCE NO. 05 – 2022 – AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 10 "CEMETERIES," TO UPDATE AND STREAMLINE THE ORDINANCE; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE

Action: Motion made by Commissioner Malega and seconded by Commissioner Stokes to approve Ordinance No. 2022-05 on first reading with changes and set the second reading and public hearing for May 3, 2022.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy and Commissioners Malega, Stokes and Diaz. NAYS: None.

The meeting recessed at 8:24 PM and reconvened at 8:29 PM.

NEW BUSINESS: (2:31:08)

A. Construction Contract with Lambert Brothers, Inc. (2:31:10)

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Stokes to table the Construction Contract with Lambert Brothers, Inc. until a new proposal could be brought to the Commission.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy and Commissioners Malega, Stokes and Diaz. NAYS: None.

B. Ordinance No. 07-2022 – First Reading – Notice Requirements for Rental Increases and Termination of Monthly Tenancies Without a Specific Duration (1:39:49)
City Attorney Torcivia read the ordinance by title only.

ORDINANCE NO. 07 – 2022 – AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 20, “CIVIL RIGHTS,” BY CREATING ARTICLE III, “LANDLORD TENANT NOTICE REQUIREMENTS,” SECTION 20-20 “NOTICE OF TERMINATION OF MONTHLY RESIDENTIAL TENANCY WITHOUT SPECIFIC DURATION” AND SECTION 20-21 “WRITTEN NOTIFICATION REQUIREMENTS RELATED TO RENTAL PAYMENT INCREASES FOR ALL RESIDENTIAL TENANCIES,” TO REQUIRE 60-DAYS’ WRITTEN NOTICE FOR TERMINATION OF TENANCIES AND INCREASES IN RENTAL RATES; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Malega to approve Ordinance No. 07-2022 and set the second reading and public hearing for April 19, 2022.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy and Commissioners Malega, Stokes and Diaz. NAYS: None.

CITY ATTORNEY'S REPORT: (3:12:17)

City Attorney Torcivia provided the following report:

- reported that he met with Commissioner Diaz and apprised him of the Sunshine Law
- stated that he would bring an agreement regarding a redistricting study from FAU to a future meeting

Action: Consensus to look at rent notification for commercial businesses.

UPCOMING MEETINGS AND WORK SESSIONS:

April 11 - work session @ 5 pm
April 13 - pre-agenda work session @ 9 am
April 19 - regular meeting

ADJOURNMENT: (3:19:44)

Action: Motion made by Commissioner Stokes and seconded by Vice Mayor McVoy to adjourn the meeting at 9:22 PM.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy and Commissioners Malega, Stokes and Diaz. NAYS: None.

Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

Minutes approved April 19, 2022.

Item time stamps refer to the recording of the meeting which is available on YouTube.

DRAFT

CITY OF LAKE WORTH BEACH

PROCLAMATION

WHEREAS, Sexually Transmitted Diseases (STDs) are a major public health issue, with many who become infected unaware of their diagnosis unless accurately diagnosed through testing; and

WHEREAS, Palm Beach County ranked 6th for new HIV, Syphilis and Chlamydia diagnosis and 7th for new Gonorrhea cases for the state of Florida in 2020, posing increased public health challenges to our community; and

WHEREAS, According to the Palm Beach County Health Department, the total Sexually Transmitted Diseases incidence rates in Palm Beach County have been consistently over 8000 new cases each year since 2018; and

WHEREAS, Sexually Transmitted Diseases can be preventable through early detection, treatment and education; and

WHEREAS, Sexually Transmitted Disease Awareness Month provides an opportunity for Monarch Health Services, in partnership with The Palm Beach County Health Department to raise public awareness about the impact of Sexually Transmitted Diseases and our communities to promote the importance of preventing, testing for, and treating STDs;

APRIL 2022

AS

SEXUALLY TRANSMITTED DISEASE AWARENESS MONTH

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Lake Worth Beach to be affixed this 19th day of April, 2022.

Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: April 19, 2022

DEPARTMENT: City Attorney

TITLE:

Ordinance No. 07-2022 – Second Reading -- Notice Requirements for Rental Increases and Termination of Monthly Tenancies Without a Specific Duration

SUMMARY:

The proposed Ordinance will add two (2) provisions to the City's code to require a 60-day written notice of an increase in rental rates that exceeds five percent (5%) and the termination of a monthly tenancies without a specific duration

BACKGROUND AND JUSTIFICATION:

Over the past year, the City Commission has witnessed and heard of substantial and steady increases in rental rates within the City. The Commission has been searching for ways to assist rental tenants in the City knowing the likelihood of a rent control ordinance is difficult at best given the state's preemption of such ordinances and the statutory requirement of a referendum each year such ordinance is to be adopted.

In lieu of a rent control ordinance, Ordinance No. 07-2022 seeks to assist rental tenants in the City in two ways:

First, due to the significant increases in rental rates, Ordinance No. 07-2022 will require residential landlords in the City to give 60 days prior written notice to all residential tenants with a set lease term, or a monthly tenancy without a specific duration, of a proposed rental rate increase that exceeds five percent (5%). This ensures that tenants with a set lease term and monthly tenants without a set lease term or duration are given fair notice (60 days) of any potential rent increase before the rental increase commences. Currently, there is no law that requires such notice.

Secondly, due to concerns with availability of rentals and substantial increases in rental rates, Ordinance No. 07-2022 will require residential landlords in the City to give 60 days prior written notice of termination to all residential tenants without a specific duration in which the rent is payable on a monthly basis. The notice will need to be provided prior to the end of any monthly period. Currently, section 83.57, Florida Statutes, only requires 15 days prior notice before a month-to-month tenancy without a set duration may be terminated. **The ordinance passed by a vote of xxx at the April 5, 2022 city commission meeting.**

MOTION:

Move to approve / not approve Ordinance No. 07-2022 – Notice Requirements for Rental Increases and Termination of Monthly Tenancies Without a Specific Duration .

ATTACHMENTS:
Ordinance No. 07-2022

ORDINANCE NO. 07 – 2022 – AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 20, “CIVIL RIGHTS,” BY CREATING ARTICLE III, “LANDLORD TENANT NOTICE REQUIREMENTS,” SECTION 20-20 “NOTICE OF TERMINATION OF MONTHLY RESIDENTIAL TENANCY WITHOUT SPECIFIC DURATION” AND SECTION 20-21 “WRITTEN NOTIFICATION REQUIREMENTS RELATED TO RENTAL PAYMENT INCREASES FOR ALL RESIDENTIAL TENANCIES,” TO REQUIRE 60-DAYS’ WRITTEN NOTICE FOR TERMINATION OF TENANCIES AND INCREASES IN RENTAL RATES; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE

WHEREAS, the City of Lake Worth Beach, Florida (“City”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, like other cities in South Florida, over the past year, the City has witnessed a significant and steady increase in rental rates being paid by tenants; and

WHEREAS, the Mayor and Commissioners have personally heard from members of the public regarding unreasonable increases in rental rates within the City and Palm Beach County; and

WHEREAS, according to data from CoStar Group, a provider of multi-family home real estate information, rental rates in Palm Beach County in November 2021 increased 31% from prior year rental rates in 2020; and,

WHEREAS, data from Zumper, RedFin, and Apartment List found similar numbers with increases in rental rates from 2020 to 2021; and

WHEREAS, as reported by the Sun Sentinel on March 23, 2022, research from three (3) Florida colleges reveals that renters in South Florida are paying 18.98% more than what they should be; and

WHEREAS, in the same article by the Sun Sentinel it was reported that a five percent (5%) increase in rent is a normal annual increase in rental rates; and

WHEREAS, the most recent housing assessments conducted by Florida International University, from 2018 to 2020, showed that in Palm Beach County, 52.7% of renters’ households are severely cost-burdened; and

WHEREAS, according to the U.S. Census Bureau, rental vacancy rates during the fourth quarter of 2021 fell to 5.6%, the lowest since 1984; and

WHEREAS, a decrease in available rentals is exacerbating the increases in rent as landlords have a lack of empty units and empty units usually help to maintain the affordability of the rental rates; and

WHEREAS, since the State has preempted the area of rent control and the statutory process to adopt a rent control ordinance requires a referendum each year, the City has very limited realistic options to assist renters with unreasonable increases in rent; and

WHEREAS, Part II of Chapter 83, Florida Statutes, which is commonly known as “Florida Residential Landlord and Tenant Act” (“Act”), applies to the rental of residential dwelling units and sets forth the rights and duties of landlords and tenants; and

WHEREAS, the Act does not provide specific notification requirements for landlords seeking to increase rental rates; and

WHEREAS, although some lease agreements contain provisions regarding increase in rental rates, a landlord generally may not raise rent during the term of a lease; and

WHEREAS, normally, a landlord will have to wait until the end of the term of the lease or tenancy to raise the rental rate and, while not required, generally the notice of such increase is provided in accordance with the termination notice set forth in the lease or set forth by law; and

WHEREAS, with respect to notices of termination of tenancy, if there is a written lease, section 83.575 of the Act provides that notice to terminate is no more than 60 days; and

WHEREAS, when there is no lease, section 83.57 of the Act provides that the landlord must provide at least a seven-day notice to a tenant renting week-to-week, a 15-day notice to a tenant renting month-to-month, a 30-day notice to a tenant renting quarter-to-quarter, and a 60-day notice to a tenant renting year-to-year; and

WHEREAS, this means tenants renting on a month-to-month basis without a lease could be evicted after receiving only 15 days written notice of a rental rate increase and/or termination of their tenancy; and

WHEREAS, according to the Florida Attorney General opinion No. 94-41 (May 5, 1994) and the case law cited therein, the Florida Legislature has not

preempted local governments from enacting ordinances that enlarge the notification period for month-to-month tenancies without a specific duration pursuant to section 83.57 of the Act; and

WHEREAS, the Florida Attorney General concluded that such enlargement of the notification period by ordinance would be supplemental to the Act and compliance with such ordinance is possible without violating section 83.57 of the Act; and

WHEREAS, the City desires to assist tenants faced with unreasonable rental rate increases, including those tenants who may only receive 15 days written notice prior to eviction for the same; and

WHEREAS, with the current lack of vacant rentals and increases in rents, 15 days written notice is insufficient time for such a tenant to find a new affordable location to live or means to pay an increase in rent in excess of five percent (5%); and

WHEREAS, requiring landlords to provide 60-days written notice before the rent can be increased more than five percent (5%) and before a tenant can be forced to leave in a month-to-month basis without a lease is a reasonable time period given the current market conditions; and

WHEREAS, the City, in response to the Florida Attorney General's opinion 94-41, desires to enact this Ordinance requiring 60 days written notification to be given by all City of Lake Worth Beach residential landlords to their tenants with a lease or a monthly tenancy without a specific duration prior to increasing the tenants' rental rates above five percent (5%) and prior to terminating a tenancy if the tenancy is monthly without a specific duration; and

WHEREAS, the City Commission has reviewed the recommended amendments to Chapter 20 and has determined that they serve a valid public purpose and are in the best interest of the public health, safety and general welfare of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA that:

Section 1. Recitals. The foregoing recitals are hereby affirmed and ratified as true and correct and specific findings of the City of Lake Worth Beach City Commission.

Section 2. Amendment. Chapter 20, entitled “Civil Rights,” is amended by creating Article III, “Landlord Tenant Notice Requirements,” and adding the following sections:

Sec. 20-20. – Required fair written notice of termination of monthly residential tenancy without specific duration.

A residential tenancy without a specific duration (as defined in section 83.46(2), Florida Statutes) in which the rent is payable on a month to month basis may be terminated by either the landlord or tenant by giving not less than 60 days written notice prior to the end of any monthly period.

Sec. 20-21. – Required fair written notice of rental payment increases for residential tenancies.

A residential landlord that proposes to increase the current rental rate by more than five percent (5%) at the end of a lease for a specific duration, or during a tenancy without a specific duration (as defined in section 83.46(2), Florida Statutes) in which the rent is payable on a month to month basis, must provide 60 days written notice to the tenant before the tenant must either:

- (1) Accept the proposed amendment;
- (2) Reach an acceptable compromise; or,
- (3) Reject the proposed amendment to their tenancy.

If the required 60 days written notice has been provided and the tenant has not agreed to the proposed amendment or an acceptable compromise, the landlord may impose the proposed amended term(s) or require the tenant(s) to vacate the residence.

Section 3. Except for the notice provisions set forth above in sections 20-20 and 20-21, all other provisions set forth in Chapter 83, Part II, Florida Statutes, as may be amended from time to time, shall govern residential tenancies.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 5. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Codification. The sections of this Ordinance may be made a part of the City’s Code of Ordinances and may be re-numbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section”, “division”, or any other appropriate word.

Section 7. Effective Date. This Ordinance shall take effect immediately after its adoption.

The passage of this Ordinance was moved by Vice Mayor McVoy, seconded by Commissioner Malega, and upon being put to a vote, the vote was as follows:

Mayor Betty Resch	AYE
Vice Mayor Christopher McVoy	AYE
Commissioner Sarah Malega	AYE
Commissioner Kim Stokes	AYE
Commissioner Reinaldo Diaz	AYE

The Mayor thereupon declared this ordinance duly passed on first reading on the 5th of April, 2022.

The passage of this ordinance on second reading was moved by Commissioner _____, seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Mayor Betty Resch
 Vice Mayor Christopher McVoy
 Commissioner Sarah Malega
 Commissioner Kim Stokes
 Commissioner Reinaldo Diaz

The Mayor thereupon declared this ordinance duly passed on the _____ day of _____, 2022.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

EXECUTIVE BRIEF SPECIAL MEETING

AGENDA DATE: April 19, 2022

DEPARTMENT: Financial Services

TITLE:

Resolution No. 01-2022 – Establishment of a City Travel Policy

SUMMARY:

Resolution No. 01-2022 updates the City's travel policy and the legislatively required actions governing the classes of travel, amounts of meal allowance, and mileage reimbursement rate in the Resolution.

BACKGROUND AND JUSTIFICATION:

The City of Lake Worth Beach shall allow travel for business and training purposes that directly benefit City initiatives and activities. This comprehensive travel policy is intended to provide for the reasonable and prudent use of public funds. To be expensed and reimbursable, expenditures must be incurred as a result of necessity pursuant to the employee's office duties.

This administrative policy shall apply to: City Commissioners, appointed board or commission members, and City employees who are authorized pursuant to the following procedures to incur travel expenses in the performance of their office capacities.

MOTION:

Move to approve/disapprove Resolution No. 01-2022 – updates to the City's travel policy and the legislatively required actions governing the classes of travel, amounts of meal allowance, and mileage reimbursement rate.

ATTACHMENT(S):

Fiscal Impact Analysis – N/A

Resolution No. 01-2022

Administrative Policy and Procedure Statement – Travel

RESOLUTION NO. 01-2022 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, ADOPTING A PER DIEM AND TRAVEL EXPENSE POLICY PURSUANT TO SECTION 166.021(9), FLORIDA STATUTES; ADOPTING A PROCEDURAL GUIDE TO IMPLEMENT THE PER DIEM AND TRAVEL EXPENSE POLICY; AUTHORIZING THE CITY MANAGER TO AMEND THE PROCEDURAL GUIDE AS NEEDED; AND PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE

WHEREAS, the City of Lake Worth Beach requires sufficient protocols and processes to properly manage travel costs of City officers, employees, and other authorized persons (as defined in section 166.021(9), Florida Statutes) when traveling on behalf of the City; and

WHEREAS, pursuant to section 166.021(9), Florida Statutes, the City desires to establish a per diem and travel expense policy to provide an equitable and consistent reimbursement rate for travel costs throughout the organization for City officers, employees, and other authorized persons; and

WHEREAS, the City also desires to establish a procedural guide to accompany and implement the per diem and travel expense policy for the approval of all travel costs of the City; and

WHEREAS, the City Commission for the City of Lake Worth Beach finds the adoption of a per diem and travel expense policy and an accompanying procedural guide for the equitable and consistent reimbursement of travel costs for City officers, employees, and other authorized persons as set forth herein serves a valid public purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, that:

Section 1. Pursuant to section 166.021(9), Florida Statutes, the City Commission of the City of Lake Worth Beach, Florida, hereby adopts a per diem and travel policy wherein authorized City officers, employees, and other authorized persons as defined in section 166.021(9), Florida Statutes, may be reimbursed for the following classes of travel:

TRAVEL CLASSES

Class A: Continuous travel exceeding 24 hours away from the City.

Class B: Continuous travel of up to 24 hours away from the City and requires overnight lodging.

Class C: A day trip whereby overnight lodging is not needed. The City will not cover travel expenses for Class C Travel, except for:

- Fuel reimbursement when using a City vehicle;
- Mileage when the use of a personal vehicle, not covered by a car allowance, is used when a City vehicle is not available; and,
- Lunch when food is not provided by the sponsoring event.

- o Tolls when incurred for business purposes

Section 2. To implement the reimbursement and travel expense policy, the City Commission hereby adopts the travel procedural guide which is attached hereto as **Exhibit "A"** and incorporated herein. The procedural guide accompanies the per diem and travel policy to provide specific details on travel costs and reimbursement processes.

Section 3. The City Commission hereby authorizes the City Manager to amend the travel procedural guide as necessary without further action by the City Commission.

Section 4. All resolutions or parts of resolutions and all policies or parts of policies in conflict with this Resolution are hereby repealed including, but not limited to, Resolution No. 57-2012 and the travel provisions contained in Section 12 of the City of Lake Worth Personnel Policy.

Section 5. This Resolution shall become effective immediately upon passage.

The passage of this resolution was moved by Commissioner _____, seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Mayor Betty Resch
Vice Mayor Christopher McVoy
Commissioner Sarah Malega
Commissioner Kimberly Stokes
Commissioner Reinaldo Diaz

The Mayor thereupon declared this resolution duly passed and adopted on the 19th day of April 2022.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

City of Lake Worth Beach
Reimbursement and Travel Expense Policy
Procedural Guide
Authorized by Resolution 01-2022

Adoption Date: 04/19/2022
Effective Date: 04/19/2022

Purpose Statement

As allowed by Resolution 01-2022 (and which may be amended by the City Manager), the City of Lake Worth Beach shall allow travel for business and training purposes that directly benefit City initiatives and activities. Below is a comprehensive procedural guide which implements the City's reimbursement and travel expense policy and is intended to provide for the reasonable and prudent use of public funds. To be expensed and reimbursable, expenditures must be incurred as a result of necessity pursuant to the official duties of City officers, employees, and other authorized persons as defined in section 166.021(9), Florida Statutes.

All persons seeking reimbursement should incur the lowest reasonable travel expenses and exercise care to avoid impropriety or the appearance of impropriety. Reimbursement is allowed only when reimbursement has not been, and will not be, received from other sources. If a circumstance arises that is not specifically covered in this procedural guide, then the most conservative course of action should be taken and the reasonable person test employed.

Scope

This procedural guide shall apply to all City employees, City employees, City officers and other authorized persons as defined in section 166.021(9), Florida Statutes, which includes the Mayor, City Commissioners, appointed board or Commission members, and City employees who are authorized pursuant to the following procedures to incur travel expenses in the performance of their official duties.

Travel shall include the following categories:

- Class A Travel - Continuous travel exceeding 24 hours away from the City- see below for procedures.
- Class B Travel - Continuous travel of up to 24 hours away from the City and requires overnight lodging- see below for procedures.
- Class C Travel - A day trip whereby overnight lodging is not needed. The City will not cover travel expenses for Class C Travel, except for:
 - fuel reimbursement when using a City vehicle
 - mileage when the use of a personal vehicle, not covered by a car allowance
 - lunch when food is not provided by the sponsoring event
 - tolls when incurred for business purposes

City of Lake Worth Beach – Reimbursement and Travel Policy Procedural Guide

Procedures

- Authorization: All travel must be pre-approved at least ten (10) days prior to the travel event. The City Manager, or designee, may provide an exception to the 10-day requirement, but the prepayment of certain or all expenses may not occur due to time constraints.
- An attestation of the availability of funds on the Travel Request and Authorization Form must be documented. The Director must attest to the availability of funds for all requests submitted by their department(s) and City boards that they provide liaison staff support to. The Finance Director shall attest to the availability of funds for Mayor and City Commissioners.
- The following is the approval hierarchy for travel approval.
 - Department Director for their staff
 - City Manager, or designee, for Department Directors
 - Mayor for City Manager
 - City Manager for Mayor and City Commissioners
 - International travel shall follow the aforementioned authorization. All international travel shall also require the approval of the City Commission by majority vote.
- In order to receive authorization, Sections 1, 2 and 3 of the Travel Request and Authorization Form must be completed.

Section I: Purpose of Travel - provide a thorough description of the purpose of the travel request, including how the travel will benefit the City.

The Conference Agenda and or itinerary must be attached.

- ***Section II: Travel Estimate and Funds Availability*** - in order to approve the travel request, it is necessary to complete section II. Step 1 is to evaluate the proposed expenses as both reasonable and beneficial; while step 2 is to verify the availability of funding sources. Below is an overview of expenses and how they are treated. Below is an overview of expenses and how they are treated.

- ***Reasonable and Acceptable Expenses***

Reasonable and acceptable expenses are for employees only- the City will not reimburse or pay for any expenses not incurred by a City employee and on behalf of the City. Examples include expenses for spouses and other family members. Examples of qualifying expenses include: registration for workshops, seminars, training and professional development; lodging at single occupancy rates; transportation; food; and sundry travel expenses such as parking, tolls, rental cars, and baggage fees. All travel expenses must be non-personal and business related. Furthermore, all qualifying expenses need to be documented by a vendor's itemized receipt.

City of Lake Worth Beach – Reimbursement and Travel Policy Procedural Guide

Examples of acceptable or qualifying expenses include registration for workshops, seminars, training, and professional development; lodging at single occupancy rates; transportation; food; and sundry travel expenses such as parking, tolls, public transportation (buses, trains, taxis, ride shares including Lift and Uber, shuttles, and rental cars), and baggage fees. All travel expenses must be non-personal and city-business related. Furthermore, all qualifying expenses must to be documented by a vendor's itemized receipt.

▪ ***Lodging***

Lodging will be paid/reimbursed in the following manner:

- 1) Conferences exceeding one day and beyond 50 miles from the employee's point-of-origin, the employee's residence, or place of work, lodging will be provided.
- 2) At event prices or when another location's price is less than or equal to the host facility. Any price differential shall be paid by the employee. Because of availability, or other situations outside the employee's control, the City Manager may provide an exception to this requirement. The reason for the exception should be documented on the request form.
- 3) For the nights of the event unless the event starts before 10:00 AM, then the City will pay for the previous night. Additionally, the City will not pay for lodging for the last day of the event unless the conference, excluding social events, extends beyond 6:00 PM.
- 4) Because flight schedules may be problematic to coordinate, the exception to this is when airline travel is necessary. Accordingly, lodging will be permissible for the day prior and after the event when scheduling conflicts warrant additional lodging.
- 5) Only standard room rates will be paid by the City. Any upgrades such as: suites, preferred rooms, etc., will be paid by the employee.
- 6) The City will not pay or reimburse for taxes. To avoid payment of taxes, the employee should obtain a copy of the City's Tax-Exempt documentation from the City's Accounts Payable Administrator.

▪ ***Food***

Food will be covered as an eligible expense if not covered by the sponsoring event. Food expenditures cannot be documented via a hotel bill or invoice. These expenses must be documented on a separate itemized receipt.

City of Lake Worth Beach – Reimbursement and Travel Policy Procedural Guide

Below are the reimbursement rates for each meal. Rates are based on Florida Per Diem Rates:

- Breakfast: (12:00 AM – 10:00 AM) \$15.00 - only for Class A & B travelers
- Lunch: (10:00 AM – 2:00 PM) \$15.00 - All Classes of travelers
- Dinner: (2:00 PM – 12:00 PM) \$25.00 - only for Class A & B travelers

Rates may be modified from time-to-time per City Manager

▪ ***Transportation***

If the employee adds vacation time to an approved trip, any cost differentials in airfare, car rental, or lodging must be identified on the Travel Request and Authorization Form and documented. The City will not pay or reimburse for any expenses not directly associated with the event.

Transportation expenses must be reasonable and at the base rate; any upgrades shall be paid by the employee.

The City shall pay for ride share options and public transportation when incurred as a necessary expense associated with the event.

The City shall pay for public transportation such as buses and trains for employees not receiving a car allowance to commute to/from an event.

When traveling by airline, the City will pay for the coach fare only. Additionally, the employee is encouraged to book flights at least 30 days in advance to avoid premium airfare pricing.

The City shall not pay for:

- TSA Pre-Check or similar programs and priority airline boarding
- Preferred seating
- Bag fees, unless not included in the ticket price (meaning the bag fee is paid separately from the ticket). The City will cover the cost of one bag.
- Oversize bag fees and other up-charged items
- Internet and/or entertainment fees

If the employee receives a monthly car allowance, they must use their personal car unless the request is for out-of-state travel, or when traveling more than 400 miles within the state. When traveling out of state, or more than 400 miles within the state, airline travel is permissible.

City of Lake Worth Beach – Reimbursement and Travel Policy Procedural Guide

For those employees that do not receive a car allowance, they can either use a City vehicle, public transportation, or their personal vehicle. If a City vehicle is used, fuel is eligible for reimbursement when following the appropriate City procedures. If a personal car is used, and is not covered as part of a car allowance, the mileage reimbursement will equal the IRS permissible rate at the time of travel. The mileage request must be documented using Google maps, or a similar application, identifying the point of origin for the destination, and total mileage. The City will not reimburse for additional mileage unless it is necessary to, and associated with, the business travel.

When traveling, and a rental car is necessary:

- The City authorizes reimbursement for the most economic vehicle available. Any upcharges are the responsibility of the employee.
- The rental agreement must clearly show the date and the points of departure/arrival, as well as, the total cost. Drivers must adhere to the rental requirements, and follow the restrictions. Original receipts are required.
- The City requires that collision damage and loss damage coverage be purchased.
- Parking fees, tolls, and other incidental costs associated with the vehicle will be covered when incurred for the trip. Such costs will not be covered for personal use made during the time of travel, such as when incurred on a personal excursion.
- Employees are responsible for fees and or penalties for not complying with the rental agreement. Additionally, employees are responsible for upcharges for not filling the gas tank prior to returning the rental vehicle.
- Employees are responsible for any penalties and/or violations associated with operating a vehicle, such as parking or moving violations.

City of Lake Worth Beach – Reimbursement and Travel Policy Procedural Guide

▪ *Non-Reimbursable Expenses*

Reimbursable expenses must be for business purposes and cannot be for personal reasons. Examples of non-reimbursable and personal expenses, includes but not limited to, are:

- Laundry
- Entertainment, (e.g., movies, books, magazines, newspapers)
- Alcohol, tobacco, flowers
- Personal articles such as clothing, haircuts, personal grooming, and travel insurance
- Personal telephone calls
- Costs incurred by the traveler's failure to cancel travel or hotel reservations timely, unless cancellation was due to COVID, family emergency, weather, Act of God scenarios, or other instances approved by the City Manager

Section III: Prepayments and Check Requests - The City will allow certain prepayments as follows: registration fees, lodging, and airfare. *Upon the necessary approvals enumerated above*, department staff may prepay these expenses via city purchase/credit cards or the accounts payable process. No air, lodging, registration, or other expenses can be charged to a procurement card until the approval process has been completed.

- Receipts are required for all pre-payments. *If receipts are not provided, associated payments will be disallowed. Staff may become responsible for payment and they may also be subject to disciplinary procedures, including employment termination.*
- If prepayments are to be made through the accounts payable process, then the department should process based on the appropriate accounts' payable procedures *and must include the fully executed Travel Request and Authorization Form* as part of the accounts payable request and documentation.
- Generally: per-diems, prepayment for food, and other sundry travel expenses will not be made due to IRS compliance concerns. The reason for this is, according to the IRS, per-diems must be part of an "Accountable Plan." There are three criteria for the "Accountable Plan": 1) expenses must be incurred while performing services as an employee, 2) expenses must be accounted for within a reasonable time period, and 3) the employee must return any amounts received in excess of actual expenses within a reasonable time.

If any of these three criteria are not met, the prepayment of per-diem expenses then creates a "Nonaccountable Plan." Once a plan is considered a "Nonaccountable Plan", wages become subject to Social Security and Medicare taxes.

City of Lake Worth Beach – Reimbursement and Travel Policy Procedural Guide

- To avoid an employee hardship, the City Manager may authorize an exception to per-diem prepayments on a case-by-case basis. The per-diem amount shall equal the subtotal of “Sundry Travel Expenses” itemized in Section II of the Travel Request and Authorization Form.
- In the event prepayments for per-diems are approved, the request shall be processed through accounts payable. The department should process based on the appropriate accounts’ payable procedures ***and must include the fully executed Travel Request and Authorization Form*** as part of the accounts payable request and documentation.
- If a City Purchase /Credit Card is used for any travel expense, including sundry expenses, receipts are required for all expenditures. Furthermore, the employee is responsible to follow all relevant policies and procedures associated with purchase/credit card activity. ***If receipts are not provided, or other policies and procedures are not followed, associated payments will be disallowed. As such, staff will become responsible for payments. Additionally, they may become subject to disciplinary procedures, including employment termination, as determined by the City Manager and Human Resources Director.***
- The City will not prepay any personal expenses with the intention of being “repaid” at a later time.

Section IV: Travel Reimbursement and Expense Report - identify all the expenses associated with the particular travel that did occur and to reconcile activity with required documentation.

- The Travel Reimbursements and Expense Report form must be submitted within 30 days after completion of the event’s travel.
- To validate expenditures, all activity must be documented/supported by a detailed, itemized vendor receipt reflecting goods and services provided. A credit card receipt does not suffice for this purpose.
- If a Travel Reimbursement and Expense Report form is submitted after the close of the General Ledger, reimbursements will be disallowed. Furthermore, if reimbursement may not occur, this does not relieve the employee from complying with any remaining policy(s) requirements. If the City Manager deems it appropriate, they may authorize reimbursement for a prior year following prior year bill procedures.
- If a Travel Reimbursement and Expense Report form is submitted after the 30-day period, the employee may lose travel privileges and may be subject to other disciplinary procedures as may be determined by the City Manager and Human Resource Director.
- The City will not reimburse for taxes; therefore, employees are encouraged to use the City’s tax exemption information. This can be obtained from the City’s Accounts Payable administrator.

City of Lake Worth Beach – Reimbursement and Travel Policy Procedural Guide

- The City shall not pay for gratuities exceeding 20% of the acceptable and documented food expenditures.
- Unauthorized and/or nondocumented expenditures will not be reimbursed to the employee. If the employee uses a City Credit/Purchasing Card during travel, they are responsible for following all appropriate procedures.
- If unauthorized or nondocumented expenditures are paid by purchase/credit cards, the expense shall be immediate, within one pay-cycle, reimbursed by the employee either as an employee authorized withholding from pay or by direct payment by the employee. In addition to being responsible for reimbursing the City, additional disciplinary procedures may result as determined by the City Manager and Human Resources Director, such as the forfeiture of the City Credit or Purchasing Card, termination of employment, and other disciplinary actions as may be warranted.

In order to provide a suitable audit trail, all travel documents must be retained and filed by employee and then by trip. Documents that need to be compiled in the file include: the approved Travel Request and Authorization Form, the conference agenda/itinerary, and copies of all receipts. Original receipts should be maintained with the Accounts Payable files following A/P procedures. While the City's Finance Department has the responsibility to validate expenditure and reimbursement requests and, to maintain these files, it is the responsibility of the submitting department to provide all required information on a timely basis.

If situations arise that are not addressed in this travel policy and procedure, the City Manager may provide guidance.

Attached is the Travel Request and Authorization Form, including

- Section I: Purpose & Benefit of Travel
- Section II: Cost Estimate and Attestation of Funds Availability
- Section III: Prepayment / Check Request
- Section IV: Travel Reimbursement and Expense Form

City of Lake Worth Beach – Travel Request and Authorization Form

Employee Name: _____

Department / Division: _____

Travel Dates:

Departure Date: _____ Return Date: _____

Destination: _____

Section I – Purpose & Benefit of Travel; attach conference agenda / itinerary

What is Purpose of Travel: _____

Define City Benefit: _____

Section II – Cost Estimate and Attestation of Funds Availability

Qualified Prepaid Expenses

Registration Fee _____ Event / conference brochure/itinerary required

Lodging _____ At conference rate

CM Exception _____ Date _____

Airfare _____ Rationale: _____

Subtotal _____

Sundry Travel Expenses

Baggage _____ one bag limit

Private Vehicle _____ Approval: _____ Date _____

Shuttle or Taxi _____

Parking _____

Tolls _____

Rental Car _____ Approval: _____ Date _____

Gas _____

Breakfast _____ at current rate

Lunch _____ at current rate

Dinner _____ at current rate

Other- Specify _____ List: _____

Subtotal _____

Total Estimated Exp _____ Director's Attestation; _____

===== Date: _____

Budgetary Control Number _____

Less: Unencumbered Balance _____

Available Funds _____ Director's/Finance Attestation; _____

===== see AP&P for responsibility

Date: _____

Section III – Prepayments / Check Request - if paid by department P-card; receipts required

Registration Fee _____

Lodging _____

Airfare _____

Total _____ Dept Director Review: _____

Date: _____

Per-diem Prepayment _____ City Manager Approval _____

Date: _____

Approval/ Authorization, see AP&P for responsibility, _____

City of Lake Worth Beach – Travel Request and Authorization Form
Section IV – Travel Reimbursement and Expense Report – Provide for Each Week

Expense Category	Day 1 <i>Date:</i>	Day 2 <i>Date</i>	Day 3 <i>Date</i>	Day 4 <i>Date</i>	Day 5 <i>Date</i>	Day 6 <i>Date</i>	Day 7 <i>Date</i>
Qualifying prepaid expenses							
Registration Fee							
Lodging							
Airfare							
Subtotal							
Sundry Travel Expenses							
Baggage							
Private Vehicle - <i>see below</i>							
Shuttle, Taxi, etcetera							
Parking							
Tolls							
Rental Car							
Gas							
Breakfast							
Lunch							
Dinner							
Other: <i>specify</i>							
Subtotal							
Total Expenses Incurred							
Less:							
Prepaid Expenses							
City P-Card Purchases							
Disallowed Payments (1)							
Subtotal							
Net Reimbursement							

(1) The employee is responsible to reimburse the City per procedures

Private Mileage Reimbursement

Google Map Mileage _____

Multiply x2 = Total Mileage _____

IRS Reimbursement Rate at time of travel _____

Multiple Total Mileage by IRS rate = Reimbursement _____ enter amount above

The employee attests that this Travel Request and Authorization Form, including amounts submitted for reimbursement, is true and correct and that the expenses itemized were both incurred and necessary.

Employee Signature _____

Date _____

Director's Signature _____

Date _____

Finance Review _____

Date _____

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: April 19, 2022

DEPARTMENT: Electric Utility, Water &
Sewer Utility, Financial Services

TITLE:

Resolution No. 24-2022 – Authorizing the Issuance of Series 2022 Consolidated Utility Bonds

SUMMARY:

Resolution No. 24-2022 sets out the specific terms of the proposed Series 2022 Consolidated Utility Bonds.

BACKGROUND AND JUSTIFICATION:

The City's electric, water and sewer utilities each have capital improvement needs based on the capital improvement plans for each utility. Some projects go back many years as the City was unable to properly fund and execute a consistent and appropriate infrastructure replacement and rebuilding program. While there have been great strides in each utility to do more to invest in infrastructure projects, there is still much left to address in order to assure utility services continue without significant threat of failure now and into the future. By issuing bonds pledged against revenues the City will be able to make the required investments into the utility infrastructure to insure safe, consistent and efficient operations for the customers.

MOTION:

Move to approve/disapprove Resolution No. 24-2022 authorizing the issuance of Series 2022 Consolidated Utility Bonds.

ATTACHMENT(S):

Fiscal Impact Analysis
Resolution No. 24-2022

RESOLUTION NO. 24-2022 OF THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, SUPPLEMENTING RESOLUTION NO. 45-2020 OF THE CITY; AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$52,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF CITY OF LAKE WORTH BEACH, FLORIDA CONSOLIDATED UTILITY REVENUE BONDS, SERIES 2022, TO PROVIDE FUNDS FOR THE PURPOSE OF FINANCING THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF CAPITAL IMPROVEMENTS TO THE CITY'S CONSOLIDATED UTILITY SYSTEM; MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH THE ISSUANCE OF SUCH BONDS; PROVIDING CERTAIN TERMS AND DETAILS OF SUCH BONDS, INCLUDING AUTHORIZING A NEGOTIATED SALE OF SAID BONDS AND THE EXECUTION AND DELIVERY OF A BOND PURCHASE CONTRACT WITH RESPECT THERETO UPON COMPLIANCE WITH CERTAIN PARAMETERS; APPOINTING THE PAYING AGENT AND REGISTRAR WITH RESPECT TO SAID BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF AN OFFICIAL STATEMENT WITH RESPECT THERETO; AUTHORIZING THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE CERTIFICATE; AUTHORIZING THE PURCHASE OF BOND INSURANCE AND A RESERVE ACCOUNT INSURANCE POLICY AND THE EXECUTION AND DELIVERY OF AN INSURANCE AGREEMENT OR AGREEMENTS WITH RESPECT THERETO; AUTHORIZING THE EXECUTION AND DELIVERY OF A CUSTODY AGREEMENT; AND PROVIDING AN EFFECTIVE DATE

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, as follows:

SECTION 1. FINDINGS. It is hereby found and determined that:

(A) On October 6, 2020, the City Commission of the City of Lake Worth Beach, Florida (the "City" or "Issuer") duly adopted Resolution No. 45-2020 (the "Original Resolution"). All capitalized terms not otherwise defined herein shall have the meanings set forth in the Original Resolution.

(B) The Original Resolution, as previously supplemented and as supplemented hereby, is referred to herein as the "Bond Resolution."

(C) The Original Resolution provides for the issuance of the Bonds, upon meeting the requirements set forth in the Original Resolution.

(D) The City deems it to be in the best interests of its citizens and taxpayers to issue its Consolidated Utility Revenue Bonds, Series 2022 (the "Bonds") for the purpose of financing and refinancing the acquisition and construction of certain capital improvements to the City's consolidated utility system consisting of various electric system, water system and wastewater system capital improvements (the "2022 Project").

(E) The principal of and interest on the Bonds and all required sinking fund, reserve and other payments shall be limited obligations of the City, payable solely from the Pledged Funds set forth in the Original Resolution. The Bonds shall not constitute a general obligation, or a pledge of the faith, credit or taxing power of the City, the State of Florida, or any political subdivision thereof, within the meaning of any constitutional or statutory provisions, except to the extent specifically set forth in the Original Resolution. Neither the State of Florida, nor any political subdivision thereof, nor the City shall be obligated (1) to exercise its ad valorem taxing power in any form on any real or personal property of or in the City to pay the principal of the Bonds, the interest thereon, or other costs incidental thereto or (2) to pay the same from any other funds of the City except from the Net Revenues and other amounts constituting the Pledged Funds, as described and in the manner provided in the Original Resolution.

(F) Due to the present volatility of the market for tax-exempt obligations such as the Bonds, it is in the best interest of the City to sell the Bonds by a negotiated sale, allowing the City to enter the market at the most advantageous time, rather than at a specified advertised date, thereby permitting the City to obtain the best possible price and interest rate for the Bonds. The City shall receive the information required by Section 218.385, Florida Statutes, in connection with the negotiated sale of the Bonds. A copy of the letter of the underwriters for the Bonds containing the aforementioned information is a condition precedent to the execution and delivery by the Issuer of the Purchase Contract referred to below.

(G) Morgan Stanley & Co. LLC and Raymond James & Associates, Inc. (collectively, the "Underwriters") expect to offer to purchase the Bonds from the City and submit a Bond Purchase Agreement in the form attached hereto as Exhibit A (the "Purchase Contract") expressing the terms of such offer, and, assuming compliance with the provisions of Section 5 hereof, the Issuer does hereby find and determine that it is in the best financial interest of the Issuer that the terms expressed in the Purchase Contract be accepted by the Issuer.

(H) The Original Resolution provides that the Bonds shall mature on such dates and in such amounts, shall bear such rates of interest, shall be payable in such places and shall be subject to such redemption provisions as shall be determined by Supplemental Resolution adopted by the City; and it is now appropriate that the City determine parameters for such terms and details.

SECTION 2. AUTHORITY FOR THIS SUPPLEMENTAL RESOLUTION. This Supplemental Resolution is adopted pursuant to Articles II and VIII of the Original Resolution, the provisions of the Act (as defined in the Original Resolution), including the Ordinance, and other applicable provisions of law.

SECTION 3. AUTHORIZATION AND DESCRIPTION OF THE BONDS. The City hereby determines to issue separate series of Bonds in an aggregate principal amount not exceeding \$52,000,000, the exact respective principal amounts to be as set forth in the Purchase Contract, to be known as its "Consolidated Utility Revenue Bonds, Series 2022" for the principal purpose of financing the Cost of the 2022 Project.

The Bonds shall be dated as of their date of delivery, shall be issued as fully registered Bonds, numbered consecutively from one upward in order of maturity with the prefix "R"; shall bear interest from their date of delivery, payable semi-annually, on April 1 and October 1 of each year, commencing on October 1, 2022, at such rates and maturing in such amounts on October 1 of such years as to be set forth in the Purchase Contract. The Bonds shall be issued in denominations of \$5,000 and any integral multiple thereof.

The Bonds shall be subject to redemption prior to maturity as set forth in the Purchase Contract. The Bonds shall be subject to a book-entry system of registration described in the Official Statement referenced below.

SECTION 4. AUTHORIZATION OF THE 2022 PROJECT. The acquisition and implementation of the 2022 Project (including the reimbursement to the Issuer of certain costs incurred with respect thereto), is hereby authorized by the Issuer.

SECTION 5. SALE OF THE BONDS. Upon delivery to the Mayor and the City Clerk of a Purchase Contract substantially in the form of Exhibit A attached hereto, evidencing:

- (A) Bonds in an aggregate principal amount not exceeding \$52,000,000;
- (B) A final maturity of the Bonds of not later than September 30, 2053;
- (C) A true interest cost with respect to the Bonds of not greater than 5.0% per annum;
- (D) Optional redemption of the Bonds beginning no later than October 1, 2032 at a price no greater than 102% of par; and
- (E) An Underwriters' discount not in excess of \$5.00 per \$1,000 of Bonds;

the Bonds shall be sold to the Underwriters pursuant to the Purchase Contract at the purchase price provided therein (including any original issue discounts or original issue premiums); all terms and conditions set forth in the Purchase Contract being hereby approved. Upon compliance with the foregoing, the Mayor is hereby authorized and directed to execute the Purchase Contract and to deliver the same to the Underwriters.

SECTION 6. OFFICIAL STATEMENT; PRELIMINARY OFFICIAL STATEMENT; CONTINUING DISCLOSURE CERTIFICATE.

(A) The form, terms and provisions of the Official Statement (the "Official Statement"), dated the date of execution of the Purchase Contract, in substantially the form of the Preliminary Official Statement attached hereto as Exhibit B, which shall also include the terms and provisions set forth in the executed version of the Purchase Contract, relating to the Bonds, be and the same hereby are approved with respect to the information therein contained. The Mayor and the City Clerk, upon execution of the Purchase Contract described above, are hereby authorized and directed to execute and deliver the Official Statement in the name and on behalf of the City, and thereupon to cause the Official Statement to be delivered to the Underwriters with such changes, amendments, omissions and additions as may be approved by the Mayor. The use of the Preliminary Official Statement in substantially the form attached hereto as Exhibit B (the "Preliminary Official Statement") in the marketing of the Bonds is hereby authorized, and the Official Statement, including any such changes, amendments, modifications, omissions and additions as approved by the Mayor, and the information contained therein are hereby authorized to be used in connection with the sale of the Bonds to the public. Execution by the Mayor and the City Clerk of the Official Statement shall be deemed to be conclusive evidence of approval of such changes, amendments, modifications, omissions and additions. The Mayor and City Clerk are hereby authorized to deem the Preliminary Official Statement "final," within the meaning of Securities and Exchange Commission Rule 15c2-12, except for permitted omissions as described therein.

(B) In order to enable the Underwriters to comply with the provisions of SEC Rule 15c2-12 relating to secondary market disclosure, the Mayor is hereby authorized and directed to execute and deliver the Continuing Disclosure Certificate in the name and on behalf of the City substantially in the form attached hereto as Exhibit C, with such changes, amendments, omissions and additions as shall be approved by the Mayor, her execution and delivery thereof being conclusive evidence of such approval.

SECTION 7. APPOINTMENT OF REGISTRAR AND PAYING AGENT. U.S. Bank National Association is hereby designated Registrar and Paying Agent for the Bonds. The Mayor and the City Clerk are hereby authorized to enter into any agreement which may be necessary to affect the transactions contemplated by this Section 7.

SECTION 8. PURCHASE OF RESERVE POLICY AND BOND INSURANCE POLICY. The City hereby authorizes the purchase of a Reserve Account Insurance Policy and a Bond Insurance Policy from a nationally-recognized bond insurance company with respect to its issuance of the Bonds. The authority to select the bond insurer is hereby delegated to the Mayor, based upon the advice of the City's financial advisor. In connection therewith, the City hereby authorizes and directs the Mayor to execute and deliver an Insurance Agreement (including a separate agreement, if necessary, with respect to the Reserve Account Insurance Policy) and a bond insurance commitment, and the City Clerk to attest the same under the official seal of the City. The Insurance Agreement shall be in substantially the form of the Insurance Agreement attached hereto as Exhibit D, with such changes, amendments, modifications, omissions and additions as may be approved by the Mayor. Execution by the Mayor of the Insurance Agreement and any separate Reserve Account Insurance Policy agreement shall be deemed to be conclusive evidence of approval of such changes. All of the provisions of the Insurance

Agreement and any separate Reserve Account Insurance Policy agreement, when executed and delivered by the City as authorized herein and when duly authorized, executed and delivered by the insurer, shall be deemed to be a part of this Supplemental Resolution as fully and to the same extent as if incorporated verbatim herein.

SECTION 9. CUSTODY AGREEMENT. The City hereby authorizes and directs the Mayor and City Clerk to enter into a Custody Agreement, in substantially the form attached hereto as Exhibit E (the "Custody Agreement"), with such modifications and changes as approved by the Mayor and City Clerk, including the investment of amounts held pursuant thereto, approval to be conclusively presumed by their execution thereof. U.S. Bank National Association is hereby appointed Custodian under the Custody Agreement.

SECTION 10. GENERAL AUTHORITY. The members of the City Commission of the City and the officers, attorneys and other agents or employees of the City and the City Clerk are hereby authorized to do all acts and things required of them by this Supplemental Resolution or the Original Resolution, or desirable or consistent with the requirements hereof or the Original Resolution, including the execution of such documents necessary to establish a book-entry system of registration with respect to the Bonds, for the full punctual and complete performance hereof or thereof. Each member, employee, attorney and officer of the City is hereby authorized and directed to execute and deliver any and all papers and instruments and to be and cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated hereunder. The Mayor and/or the City Clerk are hereby authorized to execute such tax forms or agreements as shall be necessary to affect the transactions contemplated hereby, including designating Bond Counsel to assist or act as agent with respect thereto.

SECTION 11. ORIGINAL RESOLUTION TO CONTINUE IN FORCE. Except as herein expressly provided, the Original Resolution and all the terms and provisions thereof, including the covenants contained therein, are and shall remain in full force and effect.

SECTION 12. SEVERABILITY AND INVALID PROVISIONS. If any one or more of the covenants, agreements or provisions herein contained shall be held contrary to any express provision of law or contrary to the policy of express law, even though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining covenants, agreements or provisions and shall in no way affect the validity of any of the other covenants, agreements or provisions hereof or the Bonds issued hereunder.

SECTION 13. EFFECTIVE DATE. This Supplemental Resolution shall become effective immediately upon its adoption.

The passage of this resolution was moved by _____, seconded by _____, and upon being put to a vote, the vote was as follows:

Mayor Betty Resch
Vice Mayor Christopher McVoy
Commissioner Sarah Malega
Commissioner Kim Stokes
Commissioner Reinaldo Diaz

The Mayor thereupon declared this resolution duly passed and adopted on the 19th day of April, 2022.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

EXHIBIT A
FORM OF PURCHASE CONTRACT

EXHIBIT B

FORM OF PRELIMINARY OFFICIAL STATEMENT

EXHIBIT C

FORM OF CONTINUING DISCLOSURE CERTIFICATE

EXHIBIT D

FORM OF INSURANCE AGREEMENT

EXHIBIT E
FORM OF CUSTODY AGREEMENT

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: April 19, 2022

DEPARTMENT: Electric Utility and Financial
Services

TITLE:

Resolution No. 28-2022 – Fourth Capital Budget Amendment for FY 2022 to amend the appropriated Electric Utility CIP.

SUMMARY:

Resolution No. 28-2022 authorizes a capital budget amendment to reflect changes in project vales.

BACKGROUND AND JUSTIFICATION:

Based on its FY 2022 approved Capital Improvements Plan, the Electric Utility requested various projects to be funded via PayGo or from the Combined Utility Bond funding. Since the final appropriation, the Electric Utility has adjusted its project listing, which results in an overall decrease in its FY 2022 CIP. The projects stipulated in “Exhibit A”, Revised Request, are the projects and project values that will be funded in accordance with the Series 2022 Combined Utility Bond.

MOTION:

Move to approve/disapprove Resolution No. 28-2022 – Fourth Capital Budget Amendment for FY 2022 to amend the appropriated Electric Utility CIP.

ATTACHMENT(S):

Fiscal Impact Analysis
Resolution No. 28-2022
Exhibit A

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2021	2022	2023	2024	2025
Capital Expenditures	0	40,460,375	0	0	0
Operating Expenditures	0	0	0	0	0
External Revenues	0	0	0	0	0
Program Income	0	0	0	0	0
In-kind Match	0	0	0	0	0
Net Fiscal Impact	0	0	0	0	0
No. of Addn'l Full-Time Employee Positions	0	0	0	0	0

B. Recommended Sources of Funds/Summary of Fiscal Impact:

Account Number	Account Description	Project Number	FY20 Budget	Current Balance	Agenda Expenditure	Balance

RESOLUTION NO. 28-2022, FOURTH CAPITAL APPROPRIATION RESOLUTION OF THE CITY OF LAKE WORTH BEACH, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA, MAKING SEPARATE AND SEVERAL BUDGET AMENDMENTS AND CORRESPONDING APPROPRIATIONS FOR THE CITY'S NECESSARY CAPITAL EXPENSES, THE USES AND EXPENSES OF THE VARIOUS FUNDS AND DEPARTMENTS OF THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Lake Worth Beach, Florida (the "City") previously adopted the Fiscal Year (FY) 2022 Five Year Capital Plan Budget pursuant to Resolution No. 60-2021 on September 27, 2021; and

WHEREAS, the City finds it is necessary and essential to amend the FY 2022 Five Year Capital Plan Budget as set forth in this Resolution; and

WHEREAS, adoption of the FY 2022 Five Year Capital Plan Budget amendments set forth herein serves a valid public purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF LAKE WORTH BEACH, FLORIDA, that:

SECTION 1: The above recitals are hereby ratified and confirmed as being true and correct and are hereby incorporated into this Resolution.

SECTION 2: As hereinafter stated in this Resolution, the term "fiscal year" shall mean the period of time beginning October 1, 2021, and ending and including September 30, 2022.

SECTION 3: The funds and available resources and revenues that are set out and attached as Exhibit "A" and incorporated herein by reference, be, and the same hereby are, appropriated to provide the monies to be used to pay the necessary operating and other expenses of the respective funds and departments of the City for the fiscal year.

SECTION 4: The sums, which are set out in Exhibit "A" and herein incorporated by reference, listed as operating and other expenses of the respective funds and departments of the City, be, and the same hereby are, appropriated and shall be paid out of the revenues herein appropriated for the fiscal year.

SECTION 5: The revenues and the expenses for which appropriations are hereby made, all set forth above, shall be as set out in the Amended City of Lake Worth Operating Budget for the fiscal year as attached in Exhibit "A".

SECTION 6: The sums set out in Exhibit "A" are hereinbefore incorporated by reference and based upon departmental estimates prepared by the City Manager and the Finance Director, shall be, and the same hereby are, fixed and adopted as the amended budget for the operation of the City and its other enterprises for the fiscal year.

SECTION 7: Except as amended in Exhibit "A" hereto, the remainder of the FY 2022 Five Year Capital Plan Budget for the fiscal year remains in full force and effect.

SECTION 8: This Resolution shall become effective immediately upon passage.

The passage of this resolution was moved by Commissioner _____, seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Mayor Betty Resch
Vice Mayor Christopher McVoy
Commissioner Sarah Malega
Commissioner Kimberly Stokes
Commissioner Reinaldo Diaz

The Mayor thereupon declared this resolution duly passed and adopted on the 19th day of April, 2022.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

City of Lake Worth Beach
Electric Utility
FY 2022 CIP

		Sorce of Funds				
	Project Title	FY 2022 Requets	Pay Go	New Borrowing	Change	Revised Request
ENTERPRISE FUNDS						
Electric Fund						
	FDOT & PBC 6th Ave S. Improvements	200,000	200,000		(200,000)	-
	2nd Tie Line	12,000,000	-	12,000,000	(12,000,000)	-
	1900 Bldg Improvements Phase 2	-	-	-	259,875	259,875
	System Hardening & Reliability Improvement (SHRIP)	30,931,000	-	30,931,000	6,909,000	37,840,000
	Annex Building - 1st Floor Renovations	-	-	-	1,500,000	1,500,000
	Meter Test Board	50,600	-	50,600	(50,600)	-
	Warehouse Forklift	67,000	-	67,000	(67,000)	-
	EV Charging Station	310,000	-	310,000	(30,000)	280,000
	Line Truck Replacement	1,375,000	-	1,375,000	(794,500)	580,500
	NERC Compliance Technology	108,500	108,500	108,500	(108,500)	-
	Total Electric Fund	45,042,100	308,500	44,842,100	(4,581,725)	40,460,375
	<i>crossfoot error s=0</i>					

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: April 19, 2022

DEPARTMENT: Community Sustainability
and Financial Services

TITLE:

Resolution No. 25-2022 – Eighth Operating Budget Amendment for FY 2022 to appropriate \$70,900 from Fund Balance to support the addition of a new Assistant Building Official

SUMMARY:

Resolution No. 25-2022 authorizes a budget amendment to grant authorization to Community Sustainability to add an Assistant Building Official position.

BACKGROUND AND JUSTIFICATION:

The City's Building Division has experienced significant increases in building permit requests over the last two years. With the increase in permit applications, there have been both increases in needs for building plans reviews and inspections as well as conversations with the applicants. When the building official is required to be out of the office, a back log of both plan reviews and applicant meetings and phone calls quickly occurs.

The request for the addition of an assistant building official position will greatly enhance the building division's ability to provide timely and effective customer service. It also will provide the availability a management oversight position and building code official when the building official is required to be away from the office. Lastly, the position should improve the turn around time for plan reviews and a backup for field inspections.

At this time, the Building Enterprise Fund has sufficient funds to cover the additional costs of the position.

MOTION:

Move to approve/disapprove Resolution No. 25-2022 authorizing a budget amendment to appropriate \$70,900 from Fund Balance to support the addition of a new Assistant Building Official.

ATTACHMENT(S):

Fiscal Impact Analysis
Resolution 25-2022
Exhibit A

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2022	2023	2024	2025	2026
Capital Expenditures	0	0	0	0	0
Operating Expenditures	70,900	0	0	0	0
External Revenues	70,900	0	0	0	0
Program Income	0	0	0	0	0
In-kind Match	0	0	0	0	0
 Net Fiscal Impact	 0	 0	 0	 0	 0
 No. of Addn'l Full-Time Employee Positions	 0	 0	 0	 0	 0

B. Recommended Sources of Funds/Summary of Fiscal Impact:

Account Number	Department Name	Division Name	Account Description	Project Number	FY22 Budget	Current Balance	Budget Transfer	Agenda Expenditure	Balance
103-2020-515.12-10	Building Permits	Building Permit	Other Salaries/Full Time	N/A	627,772	414,164	48,000	48,000	366,164
103-2020-515.21-00	Building Permits	Building Permit	Community Development/FICA Taxes	N/A	53,400	39,063	3,900	3,900	35,163
103-2020-515.22-10	Building Permits	Building Permit	Retirement Contributions/Defined Benefit Plan	N/A	9,000	116,350	9,000	9,000	107,350
103-2020-515.23-00	Building Permits	Building Permit	Community Development/Life & Health Insurance	N/A	145,500	133,027	10,000	10,000	123,027

RESOLUTION NO. 25-2022, EIGHTH BUDGET AMENDMENT OF THE CITY OF LAKE WORTH BEACH, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA, MAKING SEPARATE AND SEVERAL BUDGET AMENDMENTS AND CORRESPONDING APPROPRIATIONS FOR THE CITY'S NECESSARY OPERATING EXPENSES, THE USES AND EXPENSES OF THE VARIOUS FUNDS AND DEPARTMENTS OF THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Lake Worth Beach, Florida (the "City") previously adopted the Fiscal Year (FY) 2021 Annual Operating Budget pursuant to Resolution No. 60-2021 on September 27, 2021;

WHEREAS, the City finds it is necessary and essential to amend the FY 2022 Annual Operating Budget as set forth in this Resolution; and

WHEREAS, adoption of the FY 2022 Annual Operating Budget amendments set forth herein serves a valid public purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, that:

Section 1. The above recitals are hereby ratified and confirmed as being true and correct and are hereby incorporated into this Resolution.

Section 2. As hereinafter stated in this Resolution, the term "fiscal year" shall mean the period of time beginning October 1, 2021, and ending and including September 30, 2022.

Section 3 The funds and available resources and revenues that are set out and attached as Exhibit "A" and incorporated herein by reference, be, and the same hereby are, appropriated to provide the monies to be used to pay the necessary operating and other expenses of the respective funds and departments of the City for the fiscal year.

Section 4. The sums, which are set out in Exhibit "A" and herein incorporated by reference, listed as operating and other expenses of the respective funds and departments of the City, be, and the same hereby are, appropriated and shall be paid out of the revenues herein appropriated for the fiscal year.

Section 5. The revenues and the expenses for which appropriations are hereby made, all set forth above, shall be as set out in the Amended City of Lake Worth Operating Budget for the fiscal year as attached in Exhibit "A".

Section 6. The sums set out in Exhibit "A" are hereinbefore incorporated by reference and based upon departmental estimates prepared by the City Manager and the Finance Director, shall be, and the same hereby are, fixed and adopted as the amended budget for the operation of the City and its other enterprises for the fiscal year.

Section 7. Except as amended in Exhibit "A" hereto, the remainder of the FY 2022 Annual Operating Budget for the fiscal year remains in full force and effect.

Section 8. This resolution shall become effective immediately upon passage.

The passage of this resolution was moved by Commissioner _____, seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

- Mayor Betty Resch
- Vice Mayor Christopher McVoy
- Commissioner Sarah Malega
- Commissioner Kimberly Stokes
- Commissioner Reinaldo Diaz

The Mayor thereupon declared this resolution duly passed and adopted on the 19th day of April 2022.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

		FY 2021	FY 2022	FY 2022	FY 2022
		Budget	Budget	Budget	Budget
			Adopted	Amendment	Amended
<u>Expenditure</u>					
Administration					
	Wages	668,392	702,346	51,900	754,246
	Benefits	325,182	339,520	19,000	358,520
	Subtotal	993,574	1,041,866	70,900	1,112,766
	Operating Expenditures	938,298	685,481	-	685,481
	Total	1,931,872	1,727,347	70,900	1,798,247

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: April 19, 2022

DEPARTMENT: Water Utility and Financial
Services

TITLE:

Resolution No. 26-2022 – Third Capital Budget Amendment for FY 2022 to appropriate \$150,000 from Fund Balance to support the Nitrification Action Plan/Water Age Study.

SUMMARY:

Resolution No. 26-2022 authorizes a capital budget amendment to grant authorization to the Water Utility to move forward with a Nitrification Action Plan/Water Age Study.

BACKGROUND AND JUSTIFICATION:

As the 2” steel watermain replacement program comes to completion, it is necessary to gauge its effectiveness in reducing systemwide flushing and determine if future CIP projects are recommended. This study will provide a review of the current hydraulic model and identify any system deficiencies. It will also conduct a tracer and protocol study to determine the effectiveness of the 2” watermain replacement program. Finally, it will recommend operational changes and detail future watermain CIP upgrades/disinfection protocols.

This cost will be reimbursed to the Water Utility pursuant to Resolution 12-2022 which authorizes the City to recapitalize itself for any incidental, or “pre-work” expenditures related to the projects provided for in the borrowing authorization.

MOTION:

Move to approve/disapprove Resolution 26-2022 authorizing a capital budget amendment to appropriate \$150,000 from Fund Balance to support the Nitrification Action Plan/Water Age Study.

ATTACHMENT(S):

Fiscal Impact Analysis
Resolution 26-2022
Exhibit A

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2022	2023	2024	2025	2026
Capital Expenditures	150,000	0	0	0	0
Operating Expenditures	0	0	0	0	0
External Revenues	150,000	0	0	0	0
Program Income	0	0	0	0	0
In-kind Match	0	0	0	0	0
Net Fiscal Impact	0	0	0	0	0
No. of Addn'l Full-Time Employee Positions	0	0	0	0	0

B. Recommended Sources of Funds/Summary of Fiscal Impact:

Account Number	Department Name	Division Name	Account Description	Project Number	FY22 Budget	Current Balance	Budget Transfer	Agenda Expenditure	Balance
422-7034-533.63-60	Water Capital	Distribution	Improve Other than Build/Maintenance	MP1602	0	0	150,000	150,000	0

RESOLUTION NO. 26-2022, THIRD CAPITAL APPROPRIATION RESOLUTION OF THE CITY OF LAKE WORTH BEACH, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA, MAKING SEPARATE AND SEVERAL BUDGET AMENDMENTS AND CORRESPONDING APPROPRIATIONS FOR THE CITY'S NECESSARY CAPITAL EXPENSES, THE USES AND EXPENSES OF THE VARIOUS FUNDS AND DEPARTMENTS OF THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Lake Worth Beach, Florida (the "City") previously adopted the Fiscal Year (FY) 2022 Five Year Capital Plan Budget pursuant to Resolution No. 60-2021 on September 27, 2021;

WHEREAS, the City finds it is necessary and essential to amend the FY 2022 Five Year Capital Plan Budget as set forth in this Resolution; and

WHEREAS, adoption of the FY 2022 Five Year Capital Plan Budget amendments set forth herein serves a valid public purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, that:

Section 1. The above recitals are hereby ratified and confirmed as being true and correct and are hereby incorporated into this Resolution.

Section 2. As hereinafter stated in this Resolution, the term "fiscal year" shall mean the period of time beginning October 1, 2021, and ending and including September 30, 2022.

Section 3 The funds and available resources and revenues that are set out and attached as Exhibit "A" and incorporated herein by reference, be, and the same hereby are, appropriated to provide the monies to be used to pay the necessary operating and other expenses of the respective funds and departments of the City for the fiscal year.

Section 4. The sums, which are set out in Exhibit "A" and herein incorporated by reference, listed as operating and other expenses of the respective funds and departments of the City, be, and the same hereby are, appropriated and shall be paid out of the revenues herein appropriated for the fiscal year.

Section 5. The revenues and the expenses for which appropriations are hereby made, all set forth above, shall be as set out in the Amended City of Lake Worth Operating Budget for the fiscal year as attached in Exhibit "A".

Section 6. The sums set out in Exhibit "A" are hereinbefore incorporated by reference and based upon departmental estimates prepared by the City Manager and the Finance

Director, shall be, and the same hereby are, fixed and adopted as the amended budget for the operation of the City and its other enterprises for the fiscal year.

Section 7. Except as amended in Exhibit "A" hereto, the remainder of the FY 2022 Five Year Capital Plan Budget for the fiscal year remains in full force and effect.

Section 8. This resolution shall become effective immediately upon passage.

The passage of this resolution was moved by Commissioner _____, seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Mayor Betty Resch
Vice Mayor Christopher McVoy
Commissioner Sarah Malega
Commissioner Kimberly Stokes
Commissioner Reinaldo Diaz

The Mayor thereupon declared this resolution duly passed and adopted on the 19th day of April 2022.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

City of Lake Worth Beach
FY 2022 CIP

/----- Source of Funds -----/									
Project Title	FY 2022 Requets	Pay Go	Fund Balance	Transfers From Other Funds	Grant - In Hand	Grant - To Apply	Sales Tax	New Borrowing	
ENTERPRISE FUNDS									
Water Fund									
S Booster Repairs- N booster									
Lake Osborne Watermain Replacement - SRF Funded	-								
Water Distribution Pumping and Storage	-							-	
Water Mains	1,150,000							1,150,000	
Raw Water Wells	1,262,000							1,262,000	
Nitrification Action Plan/Water Age Study	150,000		150,000					-	
Water Treatment Plant Improvements	1,340,000					990,000		350,000	
Total Water Fund	3,902,000	-	150,000	-	-	990,000	-	2,762,000	
<i>crossfoot error s=0</i>									

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: April 19, 2022

DEPARTMENT: City Manager and Financial
Services

TITLE:

Resolution No. 27-2022 – Electing the Standard Allowance under the State and Local Fiscal Recovery Fund of the American Rescue Plan Act (ARPA)

SUMMARY:

Resolution No. 27-2022 proposes for the City to elect the standard allowance of \$10 million under the State and Local Fiscal Recovery Fund of the American Rescue Plan Act of 2021 to streamline its use of ARPA funding and its regulatory reporting on the same.

BACKGROUND AND JUSTIFICATION:

The American Rescue Plan Act of 2021 provides a State and Local Fiscal Recovery Fund (SLFRF) to assist state and local governments in responding to the impacts of COVID-19. On January 6, 2022, the Treasury issued the final rule, which delivers broader flexibility and greater simplicity in the ARPA program, in response to feedback in the comment process. The final rule offers a standard allowance which may be elected for the SLFRF of up to \$10 million, allowing recipients to select between a standard amount of revenue loss or complete a full revenue loss calculation. If the standard allowance is elected, compliance and reporting under the requirements of ARPA becomes much more streamlined and less restrictive.

The City has been allocated a total of \$19,295,888 in ARPA. Under the revenue loss provision of the SLFRF, the City has two options for addressing revenue loss:

Option #1:

The SLFRF offers the recipient the option of choosing the “standard allowance.” When selecting this option, the Treasury assumes that up to \$10 million dollars has been lost as a result of the Coronavirus Health Emergency. Municipalities that select the standard allowance may use up to \$10 million to fund government services and the reporting under this option are streamlined with less restrictive regulations. The SLFRF final rule lists the government services that may be funded under this option.

Option #2:

The SLFRF offers the recipient the option of calculating their revenue loss by using a formula provided by the Treasury. Recipients electing this option are required to calculate annual revenue loss using four periods or points. Calculations can be done as of the end of each calendar year for the years 2020, 2021, 2022, and 2023. If the calendar year does not match the fiscal year, recipients can use the fiscal year calendar. Once a choice is made, the recipient must stay consistent throughout the period of performance. It should be noted that, as part of the Treasury calculation process, cities must adjust revenue totals to reflect the effect of tax cuts and tax increases that are adopted after the date of the final rule.

City staff recommends the City proceed with Option 1, the standard allowance.

MOTION:

Move to approve/disapprove Resolution 27-2022, electing the Standard Allowance under the State and Local Fiscal Recovery Fund of the American Rescue Plan Act .

ATTACHMENT(S):

Fiscal Impact Analysis
Resolution 27-2022

RESOLUTION NO. 27-2022, OF THE CITY OF LAKE WORTH BEACH, FLORIDA, ELECTING THE STANDARD ALLOWANCE AVAILABLE UNDER THE REVENUE LOSS PROVISION OF THE STATE AND LOCAL FISCAL RECOVERY FUND ESTABLISHED BY THE AMERICAN RESUCE PLAN ACT OF 2021; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Congress adopted the American Rescue Plan Act in March 2021 (“ARPA”) which included \$65 billion in the State & Local Fiscal Recovery Fund (“SLFRF”) for states and cities across the country; and

WHEREAS, the SLFRF is intended to provide support to state and local governments in responding to the impact of COVID-19 and in their efforts to contain COVID-19 in their communities, residents, and businesses; and

WHEREAS, on January 6, 2022, the Treasury issued the final rule, which delivers broader flexibility and greater simplicity in the ARPA program, in response to feedback in the comment process; and

WHEREAS, the final rule offers a standard allowance which may be elected for the SLFRF of up to \$10 million, allowing recipients to select between a standard amount of revenue loss or complete a full revenue loss calculation; and

WHEREAS, if the standard allowance is elected, compliance and reporting under the requirements of ARPA becomes much more streamlined and less restrictive; and

WHEREAS, the City has been allocated a total of \$19,295,888 in ARPA funding; and

WHEREAS, based on its analysis of the City’s provision of services and continuing needs, the City desires to elect the standard allowance of the SLFRF in the amount of \$10 million out of the total ARPA funds received; and,

WHEREAS, the City finds electing the standard allowance of the SLFRF is in the best interests of the City and serves a valid public purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF LAKE WORTH BEACH, FLORIDA, that:

SECTION 1: The above recitals are hereby ratified and confirmed as being true and correct and are hereby incorporated into this Resolution.

SECTION 2: The City of Lake Worth Beach elects the standard allowance of the SLFRF of \$10 million as authorized under ARPA. This election is made based on the City’s analysis and assumption that up to or more than \$10 million has been lost as a result of

the Coronavirus Health Emergency and stipulates that the City may use up to \$10 million for the general provision of government services.

SECTION 3: All resolutions or parts of resolutions in conflict with this Resolution are hereby repealed to the extent of the conflict.

SECTION 4: This resolution shall become effective upon adoption.

The passage of this resolution was moved by Commissioner _____, seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

- Mayor Betty Resch
- Vice Mayor Christopher McVoy
- Commissioner Sarah Malega
- Commissioner Kimberly Stokes
- Commissioner Reinaldo Diaz

The Mayor thereupon declared this resolution duly passed and adopted on the 19th day of April, 2022.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk



AGENDA
CITY OF LAKE WORTH BEACH
REGULAR CITY COMMISSION MEETING
CITY HALL COMMISSION CHAMBER
TUESDAY, MAY 03, 2022 - 6:00 PM

ROLL CALL:

INVOCATION OR MOMENT OF SILENCE: led by Commissioner Reinaldo Diaz

PLEDGE OF ALLEGIANCE: led by Vice Mayor Christopher McVoy

AGENDA - Additions / Deletions / Reordering:

PRESENTATIONS: (there is no public comment on Presentation items)

- A. Presentation by Jorge Maspons, regarding FDOT/TPA improvements for the Circle
- B. Proclamation declaring May 2022 as Mental Health Awareness Month

COMMISSION LIAISON REPORTS AND COMMENTS:

CITY MANAGER'S REPORT:

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:

APPROVAL OF MINUTES:

- A. Work Session - April 11, 2022
- B. Pre-Agenda work session - April 13, 2022

CONSENT AGENDA: (public comment allowed during Public Participation of Non-Agendaed items)

- A. Proclamation declaring May 2022 as Hepatitis Awareness Month

PUBLIC HEARINGS:

- A. Ordinance No. 2022-07 - Second Reading - Revised Municipal Cemetery Ordinance

UNFINISHED BUSINESS:

NEW BUSINESS:

- A. Resolution No. xx-2022 - Revised Municipal Cemetery Rules and Regulations

CITY ATTORNEY'S REPORT:

UPCOMING MEETINGS AND WORK SESSIONS:

ADJOURNMENT: