

Regular Commission Meeting Agenda
Monday, February 27, 2023
7 P.M.



Town Hall Commission Chambers
247 Edwards Lane
Palm Beach Shores, FL 33404

Mayor Alan Fiers
Vice Mayor Scott McCrannels

Commissioner Tracy Larcher
Commissioner Janet Kortenhaus
Commissioner Brian Tyler

Town Administrator Wendy Wells
Town Attorney Keith Davis
Town Clerk Jude M. Goudreau

PLEASE NOTE: THIS MEETING WILL ALSO BE CONDUCTED USING COMMUNICATION MEDIA TECHNOLOGY

Meeting link:

<https://townofpalmbeachshores.my.webex.com/townofpalmbeachshores.my/j.php?MTID=m8755eb51212589359d4b2d178596390c> Meeting number: 2632 217 8745 Password: 0227

Join by phone +1-408-418-9388 United States Toll

Access code: 263 221 78745

Regular Commission Meeting Agenda

1) CALL TO ORDER

- a) Pledge of Allegiance
- b) Roll Call

2) APPROVAL OF MEETING AGENDA

(Additions, substitutions, deletions)

3) APPROVAL OF CONSENT AGENDA

- a) Special Commission Meeting Minutes, January 19, 2023
- b) Commission Meeting Minutes, January 23, 2023
- c) Special Permit 23-01. Fishing Tournament, Sailfish Marina, March 29-31, 2023, Fees Paid, Insurance Provided, 75 People attending.

4) LIFE SAVING RECOGNITION:

- o Ben Demonstranti, Palm Beach Shores Ocean Rescue

5) AGREEMENTS:

- o Vote: Accepting FIND agreement and letter.
- o Vote: Interlocal Agreement with Lake Park for dredged sand.

6) RESOLUTIONS:

RESOLUTION NO. R-1-23

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AUTHORIZING THE MAYOR OF PALM BEACH SHORES TO EXECUTE A DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST FORM TO TRANSFER CERTAIN PERMITTING RESPONSIBILITIES TO THE TOWN FOR THE "LAKE WORTH INLET FLOOD SHOAL DREDGING" PROJECT, MAKING THE TOWN A CO-PERMITTEE ALONG WITH THE MARINE INDUSTRIES ASSOCIATION OF PALM BEACH COUNTY, AT THE REQUEST OF THE PALM BEACH COUNTY DEPARTMENT

OF ENVIRONMENTAL RESOURCES MANAGEMENT; AND DIRECTING THE MAYOR TO PROVIDE THE EXECUTED PERMIT TRANSFER REQUEST FORM TO PALM BEACH COUNTY FOR FURTHER PROCESSING; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

7) **ORDINANCES:**

ORDINANCE NO. O-1-23

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING APPENDIX A. ZONING ORDINANCE. AT PF. 8.3. BUILDING HEIGHT., TO ELIMINATE THE TOP OF BEAM RESTRICTION FOR BUILDINGS IN ZONING DISTRICT D; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF APPENDIX A SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

8) **DEPARTMENT AND BOARD REPORTS:**

- Financial Report: January 2023

Staff Reports:

- Sheriff's Department
- Fire Department
- Public Works
- Town Clerk
- Planning and Zoning Chairman
- Town Attorney

9) **COMMISSION REPORTS**

Mayor Fiers

- Update on Water Main Project

10) **OTHER BUSINESS**

11) **DISCUSSION ITEMS:**

12) **PUBLIC COMMENTS** (please state your name for the record)

13) **ADJOURNMENT**

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision made by the Town Commission with respect to any matter considered at this meeting or hearing, such interested person will need a record of the proceedings, and for such purpose may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. The meeting/hearing will be continued from day to day, time to time, place to place, as may be found necessary during the aforesaid meeting. IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), THIS DOCUMENT CAN BE MADE AVAILABLE IN AN ALTERNATE FORMAT (LARGE PRINT) UPON REQUEST AND SPECIAL ACCOMODATIONS CAN BE PROVIDED UPON REQUEST WITH THREE (3) DAYS ADVANCE NOTICE. FOR HEARING ASSISTANCE: If any person wishes to use a hearing device, please contact the Town Clerk.

Thursday, January 19, 2023
At 6 pm



Town Hall Commission Chambers
247 Edwards Lane
Palm Beach Shores, FL 33404

Mayor Alan Fiers
Vice Mayor Scott McCranels

Commissioner Tracy Larcher
Commissioner Janet Kortenhaus
Commissioner Brian Tyler

Keith Davis Town Attorney
Town Administrator Wendy Wells
Town Clerk Jude M. Goudreau

Special Commission Meeting

Minutes

CALL TO ORDER

Mayor Fiers called the meeting to order at 6:00 pm. Those present were Mayor Alan Fiers, Vice Mayor Scott McCranels, Commissioner Janet Kortenhaus(Via Webex), Commissioner Tracy Larcher, Commissioner Brian Tyler, and Town Administrator Wendy Wells.

DISCUSSION:

Attorney Keith Davis explained to the Commissioners that all meetings of this Commission are required to be open to the public, except in a situation where the Municipality is in an active litigation case. The Town was served on January 12, 2023, with a lawsuit, naming the Plaintiff Lake Drive and Inlet Corp. d/b/a/The Anchorage, and Town of Palm Beach Shores as the defendant, filed in the Circuit Court of the Fifteenth Judicial Circuit, in and for Palm Beach County. Attorney Davis said he is directing the Town Commission to convene a closed attorney/client Executive Session pursuant to Section 286.011(8), Florida Statutes, to direct and advise him on settlement, strategy, and litigation expenditures. The meeting would be behind closed doors, with a court reporter, and unavailable for public record until the litigation is complete. The meeting will convene as a public meeting on January 27, 2023, adjourn for the shade meeting, and then reconvene as a public meeting. Attorney Davis answered Commissioner's questions. Attorney Davis recommended that Commission not engage in meetings or discussions until after the meeting on January 23, 2023.

Motion: Commissioner Brian Tyler made a motion to approve the special meeting, to be held on January 23, 2023, before the regularly scheduled Town Commission Meeting.

Second: Commissioner Tracy Larcher seconded the Motion.

Vote: Motion passed 5-0.

PUBLIC COMMENTS: There were no Public Comments.

ADJOURNMENT:

Motion: Commissioner Tyler made a motion to adjourn the meeting at 6:12 pm.

Second: Commissioner Larcher seconded the Motion.

Vote: Motion passed unanimously.

The meeting was adjourned at 6:12 pm.

Approved this day of 2023.

ATTEST:

Alan Fiers, Mayor

Jude M. Goudreau, Town Clerk

(Seal)

Monday, January 23, 2023
At 7 P.M.



Town Hall Commission Chambers
247 Edwards Lane
Palm Beach Shores, FL 33404

Mayor Alan Fiers
Vice Mayor Scott McCranels

Commissioner Tracy Larcher
Commissioner Janet Kortenhaus
Commissioner Brian Tyler

Keith Davis Town Attorney
Town Administrator Wendy Wells
Town Clerk Jude M. Goudreau

Minutes

CALL TO ORDER

Mayor Fiers called the meeting to order at 7:00 P.M. Those present were Mayor Alan Fiers, Vice Mayor Scott McCranels, Commissioner Janet Kortenhaus, Commissioner Tracy Larcher, Commissioner Brian Tyler, and Town Administrator Wendy Wells. Also in attendance were: PBSO Sgt. Steve Langevin, Fire Chief Trevor Steedman, Public Works Director Alan Welch, and Town Attorney Keith Davis.

APPROVAL OF MEETING AGENDA

Motion: Commissioner Kortenhaus made a motion to approve the meeting agenda.

Second: Commissioner Tyler seconded the Motion.

Vote: Motion passed 5-0

RECESS THE PUBLIC MEETING IN THE TOWN COMMISSION CHAMBERS TO COMMENCE THE CLOSED ATTORNEY-CLIENT EXECUTIVE SESSION:

Mayor Fiers publicly announced that the Town Commission will recess and hold a closed attorney/client executive session under the authority of Section 286.011(8), *Florida Statutes*. The closed attorney-client executive session was requested by Town Attorney Keith W. Davis to obtain advice regarding settlement negotiations and/or strategy related to litigation expenditures concerning the case of Lake Drive and Inlet Corp. d/b/a The Anchorage v. Town of Palm Beach Shores, Case No. 22CA12749, currently pending and active in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida.

Mayor Fiers adjourned the public meeting at 7:02 P.M. The closed attorney-client executive session was closed to the public and was recorded by a certified court reporter.

In attendance: Mayor Alan Fiers, Vice Mayor Scott McCranels, Commissioner Tracy Larcher, Commissioner Janet Kortenhaus, Commissioner Brian Tyler, Town Attorney Keith W. Davis, Esq.
Town Administrator Wendy Wells

RECONVENED:

Mayor Fiers reconvened the Public Commission Meeting at 8:02 P.M.

Motion: Vice Mayor McCranels made the Motion to delegate authority to retain litigation counsel to Commissioners Tyler and Larcher.

Seconded: Commissioner Tyler. Motion passed 4-1, Commissioner Kortenhaus opposed.

APPROVAL OF CONSENT AGENDA

a) Commission Meeting Minutes, December 12, 2022.

Motion: Commissioner Tyler made a motion to approve the Consent Agenda.

Second: Commissioner Larcher seconded the Motion.
Vote: Motion passed 5-0

AGREEMENTS:

Vote: EMS Extension with the City of Riviera Beach

Motion: Commissioner Kortenhaus made a motion to approve the agreement with the City of Riviera Beach for 120 days.

Second: Vice Mayor McCranels seconded the Motion.

Vote: Motion passed 5-0.

Vote: Medical Director Service Contract with Keehn Medical Services

Motion: Commissioner Tyler made a motion to renew the Agreement with Keehn Medical Services.

Second: Commissioner Kortenhaus seconded the Motion.

Vote: Motion passed 5-0.

Contract with A.B. Dudley for Dredging Lobbyist

Discussion: Mayor Fiers explained briefly that the last lobbyist the Town hired did not do an adequate job, and after checking with some Washington connections, they recommended Mrs. Dudley and her husband. The funding for this is coming from the Town of Lake Park. They will take a significant portion of the sand that will be dredged for their marina project.

Motion: Commissioner Tyler made a motion to approve the agreement

Second: Vice Mayor McCranels seconded the Motion.

Vote: Motion passed 5-0.

DEPARTMENT AND BOARD REPORTS

Financial Reports:

Town Administrator Wendy Wells presented the financial report for December 2022. The cash balance is 6,492,638.00, the revenues are approximately sixty-one percent, which is a little lower than last year due to the timing of the ad valorem taxes, and the building department was slightly higher last year. Expenditures are at twenty-eight percent versus last year at twenty-five percent primarily due to some unexpected repairs in the Public Works Department, the fuel tank repair was \$4500.00, and the Police Department is high due to the payment to the Sherriff, the building department is running a little higher due to developmental costs for the Sea Spray project, we are working on getting those bills out soon.

Motion: Commissioner Kortenhaus made a motion to approve the December Financial Report.

Second: Vice Mayor McCranels seconded the Motion.

Vote: Motion Passed 5-0.

Staff Reports:

- **Sheriff's Department:** PBSO Sgt. Steve Langevin recapped his monthly report and statistics and elaborated on the arrests, and crimes deputies have responded to. There were no arrests in December, but Sgt. Langevin reminded everyone that they must lock their car doors. Thieves are going all through the county, looking for newer cars where the key fob is left inside, and the side mirrors stay out; criminals know this, go right to the car, and take the car or whatever is inside. Last week, night deputies observed two juveniles lurking in vehicles; the two were arrested for loitering

and prowling, and they were given a juvenile notice to appear and released to their parents. A follow-up investigation by day shift deputies found that items were taken from a car on Bamboo and upgraded the charges.

Phone scams are still going strong. One for over 30 thousand dollars in our Town involved the; 'Dad I'm in jail and need bail money' with excessive crying. The resident sent the money but, Luckily, the brokerage bank could stop the payment just before the bad guys could cash it.

Deputy Clayton was awarded a medal from Sheriff Bradshaw for her work on a standoff at the old Channel House in June before it closed. She received a commendation for diffusing a situation in which the person with the knife refused to drop it even after the Taser had been deployed twice. She continued to speak with him during the 11-hour standoff; he eventually dropped the knife and was taken into custody without injury to anyone. The Volunteer Fire department will have its annual BBQ on February 26; they have added a feature of dunking the Fire Chief, PBSO Sergeant, and Public Works Director. Sgt. Langevin reminded everyone to please join us for a "conversation with a deputy" Otherwise known as coffee with a cop. It will be at the Sailfish Marina on February 16 at 10 A.M. at the Tiki hut (south side). Sailfish Marina has provided the location and pastries; Marriott Ocean Pointe has provided the donuts! Many deputies and the marine unit, their boat, and PBSO command staff will be there. Sgt. Langevin responded to Resident KW Miller from 106 Inlet Way's comment regarding obtaining an additional camera to capture and enforce the laws for the vagrants in the area.

- **Fire Department:** Chief Steedman presented his monthly report. He also reiterated Sgt. Langevin's reminder that The Volunteer Fire department will have their annual BBQ on February 26, from noon until five p.m., and at the recommendation of one of the Firefighters, they have added a feature; a "Dunk Booth" the Fire Chief, PBSO Sgt. Langevin, and Director Alan Welch from Public Works will also participate in the dunk tank. Chief Steedman also reviewed the interlocal agreement with Riviera Beach for an extended 120 days of service. He has been working with West Palm Beach Fire Department, which is no longer an option. He is exploring options and will bring the information to the next workshop. The chief has reached out to the POA to resume Community Risk Reduction classes, such as CPR/AED and Fire Extinguisher. Hopefully, classes will resume in late winter.
- **Public Works:** Director Welch thanked everyone for the kind comments on the completion of the first-floor restrooms at the Community Center, which was completed on January 5, 2023. He thanked his staff for all of their hard work. Inlet Park cleanup is now complete, and he thanked all of the residents for their patience during the cleanup period. Vegetation is starting to come back alive and is still a work in progress. He is short-staffed at this time and he appreciates everyone who has come forward to help his department. He updated everyone on the Tidal Valve that failed during Hurricane Nicole, he is waiting for Shenandoah to inspect it. Mr. Welch provided an update on the manhole repairs on Linda Lane and the streetlights that need replacing. AT&T project has an account manager assigned to the Town, and anyone with any questions can contact Mr. Welch for assistance. Mr. Welch responded to Mr. Floyd from Inlet Ways' questions about AT&T Lines. Director Welch also answered Commissioner's questions and concerns.
- **Town Clerk:** no report
- **Town Attorney:** no report
- **Planning and Zoning Chairman:** Chairman Cohn was not present at the meeting. Mayor Fiers provided an overview of a recent meeting between the Building Department and the professional staff members. Previously there was a disconnection between the approval at the P&Z Meeting and the Building Department; this was discussed and corrected by adding an additional layer of review between the P&Z approval and the Building Department review. We will also have site visits during

the permitted project's construction to check for any inconsistent construction or infringements on neighboring properties.

COMMISSION REPORTS:

Mayor Fiers gave an update on the following:

AT&T: A dedicated engineering liaison has been assigned to help coordinate the conversions of condos on the south side of Inlet Way. He will also assist in getting conversion completed in the remaining MDUs in the north half of Town. The single-family residence is moving along well. Director Welch recently met with the coordinator, and regardless of where you live, if you need help with getting the conversion completed, call Alan Welch for assistance.

The main water replacement project is progressing slower than we all would like. They are currently working at Lake and Linda Lanes. Testing has determined that there is a leak which will again slow the project down. Once they make the turn onto Lake, it should go much faster.

Road regrading and paving: Surveying and engineering planning are already underway. Bamboo, Lake, and Inlet will all be regraded and paved. Regrading will raise the center crown of the road by two inches and slope the road on each side to match existing outfall grades. This will improve drainage and channel stormwater to the storm drain outfall basins. The manhole covers will also be raised to match the road grade. New rock swales will be installed on the east side of all intersections south of Edwards. (Cascade and Blossom already have such swales, which are not required at Sandal and Bamboo.) New catch basins will be installed at the Bravado and Lake intersection. If sufficient budget funds remain, Edwards and Cascade will also be paved.

PUBLIC COMMENTS:

ADJOURNMENT:

Motion: Commissioner Tyler made a motion to adjourn the meeting.

Second: Vice Mayor McCranels seconded the Motion.

Vote: Motion passed 5-0.

The meeting was adjourned at 8:58 P.M.

Approved this day, **27th Day** of February 2023.

ATTEST:

Alan Fiers, Mayor

Jude M. Goudreau, Town Clerk

(Seal)

DATE SUBMITTED 2/22/23

PERMIT NO. 23-01

Town of Palm Beach Shores
APPLICATION FOR
SPECIAL EVENTS PERMIT
(Section 18-27 of Town Code)

Type of event: Fishing Tournament Location: Tiki Lawn Sailfish Marina
Sponsor: _____ Telephone: (561) 844-1724

Property owner's consent and acknowledgement of responsibility:

Signature: _____

Date and Time 3/29 - 3/31 Time it ends: 10 pm

Number of participants: 75 pl

Proof of insurance attached? Yes _____ No _____ *they are sending it.*

Copy of all required state and county permits if event will be held on or utilize state and/or county-controlled property.

Please indicate any traffic, fire-rescue, utilities impact, and/or mitigation plan:

Permit fee \$50 ☒ (Untimely application \$150 _____) Receipt # _____

APPROVED:

Fire Department: _____ Police Department: _____

Number of off-duty officers required: _____

Date of Commission Review: 2/27/23 Approved: _____

Town of Palm Beach Shores
247 Edwards Lane
Palm Beach Shores FL 33404

Brother Property Mngt/Sailfish Marina
98 Lake Dr.
Event- Fishing Tournament 3/29 - 3/31

Town of Palm Beach Shores
REPRINT

Receipt #: 17922		Date: 2/21/2023	From: Brother Property Mngt/Sailfis	Register: Sandi	Operator ID: asystadmin
Miscellaneous Receipt	Special Permits Fishing T Brother Property Mngt/Sailfish M			\$50.00	
	mits Fishing Tournament 3/29-3/31 Balance:				
	Total Receipts			\$50.00	
	Check - 29575			\$50.00	
	Change Due:			\$0.00	

Thank you.

Mayor and Commissioners:

In order to accommodate the fact that the Town will not have the matching funds contemplated by the FIND Project Agreement at the time the agreement is executed as is typically required by FIND (paragraph 4), FIND has written the attached letter dated February 16, 2023 acknowledging and accepting this fact, indicating that if the Town is not successful in obtaining the matching funds the Town can terminate the agreement with no penalty.

Paragraph 29 of the agreement; however, essentially contains language which legally nullifies the FIND letter. In order to attempt to resolve this issue, I have also prepared the attached proposed edits to paragraphs 4 and 29 of the agreement which were sent to FIND last week.

We recommend the Town Commission approve the FIND agreement with the proposed edits to paragraphs 4 and 29, and further authorize the Mayor and attorney to accept any additional edits required by FIND related to the issue at hand and which do not otherwise materially alter the terms of the agreement.

Time is of the essence in this matter and this is the basis for this recommendation.

Keith W. Davis, Esquire
Palm Beach Shores Town Attorney



701 Northpoint Parkway, Suite 205
West Palm Beach, Florida 33407
Tel: (561) 586-7116



Incoming e-mails are filtered which may delay receipt. This e-mail is personal to the named recipient(s) and may be privileged and confidential. If you are not the intended recipient, you received this in error. If so, any review, dissemination, or copying of this e-mail is prohibited. Please notify us immediately by e-mail and delete the original message.

Proposed edits to the project agreement to resolve the above legal issues would be to **amend paragraph 4 to read as follows:**

The PROJECT SPONSOR warrants and represents that it is using good faith efforts to obtain ~~has~~ the PROJECT SPONSOR Match Amount (the PROJECT AMOUNT less the ASSISTANCE AMOUNT) ~~available~~ for the completion of the PROJECT and shall, within 10 days of obtaining said PROJECT SPONSOR Match Amount ~~prior to the execution of this AGREEMENT, provide~~ ~~have provided~~ the DISTRICT with suitable evidence of the availability of such funds using the DISTRICT's Form #95-01 (Exhibit C, Matching Funds Certification) and, upon request thereafter, provide ~~providing~~ the DISTRICT with access to applicable books and records, financial statements, and bank statements. In the event that the PROJECT SPONSOR is unsuccessful in obtaining the PROJECT SPONSOR Match Amount prior to December 31, 2023, it may terminate this AGREEMENT without penalty.

This date can be considered a placeholder as I am not certain what the actual date is that the Town will know whether is has been successful or not.

And to amend paragraph 29 to read as follows:

This AGREEMENT, including any exhibits made a part hereof, and including correspondence dated February 16, 2023 from Janet Zimmerman of the DISTRICT to Alan Fiers of the PROJECT SPONSOR embodies the entire AGREEMENT and understanding of the parties and supersedes all other prior oral and written communications between them. The terms hereof may be modified only by a written amendment signed by both parties hereto.

FLORIDA INLAND NAVIGATION DISTRICT



February 16, 2023

Mayor Alan Fiers
Town of Palm Beach Shores
247 Edwards Lane
Palm Beach Shores, FL 33404

COMMISSIONERS

J. CARL BLOW
CHAIR
ST. JOHNS COUNTY

T. SPENCER CROWLEY, III
VICE-CHAIR
MIAMI-DADE COUNTY

FRANK GERNERT
TREASURER
BROWARD COUNTY

STEPHEN W. BOEHNING
SECRETARY
INDIAN RIVER COUNTY

DONALD J. CUOZZO
MARTIN COUNTY

BUDDY DAVENPORT
VOLUSIA COUNTY

Vacant
ST. LUCIE COUNTY

CHARLES C. ISIMINGER
PALM BEACH COUNTY

MICHAEL O'STEEN
DUVAL COUNTY

JERRY H. SANSOM
BREVARD COUNTY

RANDY STAPLEFORD
FLAGLER COUNTY

LYNN A. WILLIAMS
NASSAU COUNTY

Re: Lake Worth Inlet Flood Shoal Dredging Project Phase 2A
Project # PB-PBS-22-223

Dear Mayor Fiers,

In October 2022 the Florida Inland Navigation District (FIND) awarded the Town of Palm Beach Shores a Waterway Assistance Program grant to assist with the dredging on the channel south of Blue Heron bridge and along the shores of the Town. The grant agreement for this award must be fully executed by the end of March 2023.

FIND is aware the Town is seeking additional funding assistance from the State and other entities and will not have the required matching funds in hand at the time the grant agreement is executed. If at any point in time the Town wishes to withdraw or cancel the grant agreement, it can do so without penalty or prejudice towards future potential requests.

Please let me know if I can answer any additional questions you may have about the FIND grant program or process.

Sincerely,

Janet Zimmerman

Assistant Executive Director

MARK T. CROSLY
EXECUTIVE DIRECTOR

JANET ZIMMERMAN
ASSISTANT EXECUTIVE
DIRECTOR



FLORIDA INLAND NAVIGATION DISTRICT

October 14, 2022



Mayor Alan Fiers,
Town of Palm Beach Shores,
247 Edwards Lane
Palm Beach Shores, FL 33404

COMMISSIONERS

J. CARL BLOW
CHAIR
ST. JOHNS COUNTY

T. SPENCER CROWLEY, III
VICE-CHAIR
MIAMI-DADE COUNTY

FRANK GERNERT
TREASURER
BROWARD COUNTY

STEPHEN W. BOEHNING
SECRETARY
INDIAN RIVER COUNTY

DONALD J. CUOZZO
MARTIN COUNTY

BUDDY DAVENPORT
VOLUSIA COUNTY

Vacant
ST. LUCIE COUNTY

CHARLES C. ISIMINGER
PALM BEACH COUNTY

MICHAEL O'STEEN
DUVAL COUNTY

JERRY H. SANSOM
BREVARD COUNTY

RANDY STAPLEFORD
FLAGLER COUNTY

LYNN A. WILLIAMS
NASSAU COUNTY

RE: Lake Worth Inlet Flood Shoal Dredging Project Phase 2A
(Project # PB-PBS-22-223)

Dear Mayor Fiers:

Enclosed, for your signature, is an original project agreement for your approved Assistance Program project for fiscal year 2022-2023. When signing the agreement, be sure to **also complete and sign the Exhibit C, Matching Funds Form in the agreement.**

Once the agreement has been executed, please return the original to me for execution by the District. If original signatures are not required on your part, the signed agreement may be scanned and emailed to JZimmerman@aicw.org Upon final signature by FIND's Executive Director, I will return a fully executed agreement to you for your files.

Please note the projects first quarterly report (Exhibit F) will be due Dec 30, 2022. Other important grant deadlines and closeout requirements are listed in Exhibit G in the agreement.

Should you have any questions please feel free to contact me at 561.627.3386 or JZimmerman@aicw.org

Sincerely,

Janet Zimmerman
Assistant Executive Director

MARK T. CROSLEY
EXECUTIVE DIRECTOR

JANET ZIMMERMAN
ASSISTANT EXECUTIVE
DIRECTOR

**FLORIDA INLAND NAVIGATION DISTRICT
PROJECT AGREEMENT**

PROJECT NO. PB-PBS-22-223

This PROJECT AGREEMENT ("AGREEMENT") made and entered into this _____ day of _____, 20____ by and between the Florida Inland Navigation District (hereinafter the "DISTRICT"), and the Town of Palm Beach Shores, (hereinafter the "PROJECT SPONSOR").

In consideration of the mutual promises and covenants contained herein, the parties agree as follows:

1. **PROJECT** - Subject to the provisions of this AGREEMENT and Rule 66B-2 of the Florida Administrative Code (a current copy of which is attached as Exhibit "B"), the DISTRICT has approved assistance funding to the PROJECT SPONSOR in furtherance of an approved project ("PROJECT") consisting of the Lake Worth Inlet Flood Shoal Dredging Project Phase 2A. Said PROJECT is more specifically described in the PROJECT SPONSOR'S Waterways Assistance Application, which is on file at the DISTRICT's headquarters.

Any modifications to the PROJECT'S scope of work shall require written advance notice and justification from the PROJECT SPONSOR and the prior written approval of the DISTRICT.

2. **TERM** - The PROJECT SPONSOR shall not commence work on the PROJECT prior to the execution of this AGREEMENT unless specifically authorized by the DISTRICT Board and **shall complete the PROJECT and submit all required payment reimbursement information on or before September 30, 2024 ("PROJECT PERIOD")**, unless the PROJECT PERIOD has been extended with the prior written approval of the DISTRICT. Any request for an extension of the PROJECT PERIOD shall require submittal by the PROJECT SPONSOR of a request for extension to the DISTRICT no later than 60 days prior to the original expiration date of the PROJECT PERIOD. This request will then be considered by the DISTRICT Board, whose decision shall be final. In no event other than a declared state of emergency that affects the project completion shall the PROJECT be extended beyond September 30, 2025. The PROJECT SPONSOR acknowledges this is the only provision to carry over the DISTRICT assistance funding under this AGREEMENT beyond September 30, 2024, and that any extension of funding beyond this date shall be at the sole discretion of the DISTRICT.

3. **ASSISTANCE AMOUNT** - The DISTRICT shall contribute ("ASSISTANCE AMOUNT") no more than seventy-five percent (75%) ("MATCHING PERCENTAGE") of the PROJECT SPONSOR'S eligible out-of-pocket costs for completion of this PROJECT ("PROJECT AMOUNT"). Payment of funds by the DISTRICT to the PROJECT SPONSOR (the "ASSISTANCE AMOUNT") will be on a reimbursement basis only, and only for those authorized out of pocket costs as shown in Exhibit A, Project Cost Estimate ("PROJECT COSTS") and meeting the requirements of Section 5 below and shall not, in any event, exceed \$3,500,000.00.

Any modifications to the PROJECT's Cost Estimate (Exhibit A) shall require written advance notice and justification from the PROJECT SPONSOR and the prior written approval of the DISTRICT.

4. **MATCHING FUNDS** - The PROJECT SPONSOR warrants and represents that it has the PROJECT SPONSOR Match Amount (the PROJECT AMOUNT less the ASSISTANCE AMOUNT) available for the completion of the PROJECT and shall, prior to the execution of this AGREEMENT, have provided the DISTRICT with suitable evidence of the availability of such funds using the DISTRICT's Form #95-01 (Exhibit C, Matching Funds Certification) and, upon request, providing the DISTRICT with access to applicable books and records, financial statements, and bank statements.

5. **PROJECT COSTS** - To be eligible for reimbursement under this AGREEMENT, PROJECT COSTS must be necessary and reasonable for the effective and efficient accomplishment of the PROJECT and must be directly allocable thereto. PROJECT COSTS are generally described in Exhibit B, Chapter 66B-2, F.A.C.. PROJECT COSTS must be incurred, and work performed within the PROJECT PERIOD, with the exception of pre-AGREEMENT costs, if any, consistent with Section 6 below, which are also eligible for reimbursement by the DISTRICT.

If the PROJECT SPONSOR receives additional funding for the PROJECT COSTS from another source that was not identified in the original application and that changes the AGREEMENT MATCHING PERCENTAGE, the PROJECT SPONSOR shall proportionately reimburse the DISTRICT's program funds equal to the MATCHING PERCENTAGE in this AGREEMENT. The PROJECT SPONSOR shall promptly notify the DISTRICT of any project payments it receives from a source other than the DISTRICT.

6. **PRE-AGREEMENT COSTS** - The DISTRICT and the PROJECT SPONSOR fully understand and agree that there shall be no reimbursement of funds by the DISTRICT for any

obligation or expenditure made prior to the execution of this AGREEMENT unless previously delineated in Exhibit A, consistent with Exhibit B, and previously approved by the DISTRICT Board during the grant review process.

7. **REIMBURSEMENT PROCEDURES** - PROJECT COSTS shall be reported to the DISTRICT and summarized on the Payment Reimbursement Request Form (Form #90-14) attached as Exhibit D. Supporting documentation including bills and canceled payment vouchers for expenditures shall be provided to the DISTRICT by the PROJECT SPONSOR or LIAISON AGENT with any payment request. All records in support of the PROJECT COSTS included in payment requests shall be subject to review and approval by the DISTRICT or by an auditor selected by the DISTRICT. Audit expenses shall be borne by the PROJECT SPONSOR.

Project funds may be released in installments, at the discretion of the DISTRICT, upon submittal of a payment request by the PROJECT SPONSOR or LIAISON AGENT. The DISTRICT shall retain ten percent (10%) of each installment payment until the completion of the PROJECT.

The following costs, if authorized in the attached Exhibit B, shall be reimbursed only upon completion of the PROJECT to the reasonable satisfaction of the DISTRICT and in accordance with Exhibit B: personnel, equipment, project management, administration, inspection, and design, permitting, planning, engineering, and/or surveying costs. Assuming the PROJECT SPONSOR has otherwise fully complied with the requirements of this AGREEMENT, reimbursement for a PROJECT approved as Phase I project will be made only upon commencement of construction of the PROJECT for which the Phase I planning, designing, engineering and/or permitting were directed, which may or may not involve further DISTRICT funding. Procedures set forth below with respect to reimbursement by the DISTRICT are subject to this requirement of commencement of construction.

The DISTRICT shall have the right to withhold any payment hereunder, either in whole or part, for non-compliance with the terms of this AGREEMENT.

8. **FINAL REIMBURSEMENT** - The PROJECT SPONSOR, upon completion of the PROJECT, shall submit to the DISTRICT a request for final reimbursement of the ASSISTANCE AMOUNT less any prior installment payments. The payment amounts previously retained by the DISTRICT shall be paid upon (1) receipt of the Final Audit report of expenses incurred on the PROJECT by the DISTRICT, (2) full completion of the PROJECT to the reasonable satisfaction of the DISTRICT, (3) submission of Project Completion Certification Form No. 90-13 (Exhibit E), (4) submission of a photograph of the PROJECT showing the sign required by Section 18, and (5) a Final

Project Report as described in Exhibit G, Assistance Project Schedule. As part of the documentation accompanying the request for final reimbursement, PROJECT SPONSOR shall provide proof of payment of all contractors, material suppliers, engineers, architects, and surveyors with whom PROJECT SPONSOR has directly contracted (each a "DIRECT PROVIDER") to provide services or materials for the PROJECT. The final reimbursement amount shall be adjusted as necessary such that neither the total ASSISTANCE AMOUNT nor the MATCHING PERCENTAGE is exceeded. Unless otherwise determined by the DISTRICT, the final reimbursement check shall be presented by a DISTRICT representative to the PROJECT SPONSOR during a public commission meeting or public dedication ceremony for the PROJECT.

9. **RECORDS RETENTION** - The PROJECT SPONSOR shall retain all records supporting the PROJECT COSTS for three (3) years after the end of the fiscal year in which the Final Payment is released by the DISTRICT, except that such records shall be retained by the PROJECT SPONSOR until final resolution of matters resulting from any litigation, claim, or special audit that starts prior to the expiration of the three-year retention period.

10. **DEFAULT AND REMEDIES** – In the event of a breach of any of the terms of this AGREEMENT by the PROJECT SPONSOR, the DISTRICT shall provide written notice to the PROJECT SPONSOR, which shall have sixty (60) days in which to cure the breach. If the PROJECT SPONSOR fails to cure the breach within the cure period, the DISTRICT shall have the right, but not the obligation, to demand that the PROJECT SPONSOR immediately refund the ASSISTANCE AMOUNT to the extent paid. PROJECT SPONSOR shall refund to the DISTRICT the full amount of the ASSISTANCE AMOUNT paid to PROJECT SPONSOR, whereupon this AGREEMENT, and all further rights thereunder, shall be terminated. If the DISTRICT does not demand reimbursement as aforesaid, the DISTRICT may exercise any and all other remedies available at law or in equity. With respect to the PROJECT SPONSOR's obligations under Sections 15, 17, and 20, PROJECT SPONSOR acknowledges that breach by the PROJECT SPONSOR of one or more of its obligations under said sections might cause the DISTRICT to suffer irreparable harm, namely harm for which damages would be an inadequate remedy. PROJECT SPONSOR further acknowledges that the DISTRICT might suffer irreparable harm due to delay if, as a condition to obtaining an injunction, restraining order, or other equitable remedy with respect to such a breach, the DISTRICT was required to demonstrate that it would suffer irreparable harm. The parties therefore intend that if the PROJECT SPONSOR breaches one or more of its obligations under Sections 15, 17, or 20, the DISTRICT, in addition to such other remedies which may be available, shall have the right to seek specific

performance and injunctive relief, and for purposes of determining whether to grant an equitable remedy any court will assume that the breach would cause the DISTRICT irreparable harm. The provisions of this section shall survive completion of the PROJECT.

11. **DISTRICT PROJECT MANAGER** - The Executive Director, or his designee, is hereby designated as the DISTRICT's Project Manager for the purpose of this AGREEMENT and shall be responsible for monitoring performance of its terms and conditions and for approving all reimbursement requests prior to payment.

12. **PROJECT SPONSOR'S LIAISON AGENT** - The PROJECT SPONSOR shall appoint a LIAISON AGENT, whose name and title shall be submitted to the DISTRICT upon execution of this AGREEMENT, to act on behalf of the PROJECT SPONSOR relative to the provisions of this AGREEMENT.

13. **STATUS REPORTS** - The PROJECT SPONSOR or LIAISON AGENT shall submit to the DISTRICT project status reports during the PROJECT term. These Quarterly Reports are to be on Form #95-02 (Exhibit F, Assistance Program Project Quarterly Status Report). Project design drawings, engineering drawings, and a copy of the Project bid award construction item cost list will be submitted as available. Photographs shall be submitted when appropriate to reflect the work accomplished. NON-COMPLIANCE by the PROJECT SPONSOR with the reporting schedule in Exhibit G, Assistance Project Schedule, may result in revocation of this AGREEMENT.

14. **LAWS** - The PROJECT SPONSOR agrees to obtain and to abide by all federal, state, and local permits and proprietary authorizations, and all applicable laws and regulations in the development of the PROJECT. The PROJECT SPONSOR agrees that all PROJECT facilities shall be designed and constructed in compliance with applicable state and federal statutory requirements for accessibility by handicapped persons, as well as all other federal, state and local laws, rules, and requirements.

15. **NON-DISCRIMINATION** - The PROJECT SPONSOR agrees that when completed, the PROJECT shall be readily accessible, on a non-exclusive basis, to the general public without regard to age, sex, race, physical handicap, or other condition, and without regard to residency of the user in another political subdivision.

16. **PARKING FACILITIES** - Adequate parking shall be made available by the PROJECT SPONSOR to accommodate vehicles for the number of persons for which the PROJECT is being developed.

17. **SITE DEDICATION** - The PROJECT SPONSOR also agrees that the PROJECT site shall be dedicated for the public use for a minimum period of thirty (30) years from the completion of the PROJECT, such dedication to be in the form of a deed, lease, management AGREEMENT or other legally binding document. Any change in such dedication shall require the prior approval of the DISTRICT. The PROJECT SPONSOR shall record evidence of such dedication within the Public Records of the County in which the PROJECT is located.

18. **ACKNOWLEDGMENT** – For construction projects, the PROJECT SPONSOR shall erect a permanent sign, approved by the DISTRICT, in a prominent location such as the PROJECT entrance of the completed PROJECT, which shall indicate that the DISTRICT contributed funds for the PROJECT. The wording of the sign required by this section shall be approved by the DISTRICT's staff before construction and installation of said sign. This sign shall contain the DISTRICT logo (Exhibit H) unless otherwise stipulated by the DISTRICT. In the event that the PROJECT SPONSOR erects a temporary construction sign, it shall also indicate the DISTRICT's participation. For all other types of projects, the PROJECT SPONSOR shall acknowledge the DISTRICT where feasible, in concurrence with the DISTRICT staff's recommendations.

19. **PROJECT MAINTENANCE** - When and as applicable, the PROJECT SPONSOR agrees to operate, maintain, and manage the PROJECT for the life of the PROJECT improvements and will pay all expenses required for such purposes. The PROJECT improvements shall be maintained in accordance with the standards of maintenance for other local facilities owned and operated by the PROJECT SPONSOR, and in accordance with applicable health standards. PROJECT facilities and improvements shall be kept reasonably safe and in reasonable repair to prevent undue deterioration and to encourage public use. The PROJECT SPONSOR warrants and represents that it has full legal authority and financial ability to operate and maintain said PROJECT facilities and improvements.

20. **FEES** – Any fees charged for this PROJECT shall be reasonable and the same for the general public of all member counties. The PROJECT SPONSOR must demonstrate that a minimum of fifty percent (50%) of the PROJECT fees will be utilized for project maintenance and improvements throughout the anticipated 30-year life of a development project or the design life of other project types, as applicable.

21. **SOVEREIGN IMMUNITY** - Each party hereto agrees that it shall be solely responsible for the wrongful acts of its employees, contractors, and agents. However, nothing contained herein shall constitute a waiver by either party of its sovereign immunity under Section

768.28, Florida Statutes. The PROJECT SPONSOR acknowledges that the DISTRICT, its employees, commissioners, and agents are solely providing funding assistance for the PROJECT and are not involved in the design, construction, operation, or maintenance of the PROJECT.

22. **INSPECTIONS** - The DISTRICT reserves the right, upon reasonable request, to inspect said PROJECT and any and all records related thereto at any time.

23. **RIGHTS AND DUTIES** - The rights and duties arising under this AGREEMENT shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns, and shall, unless the context clearly requires otherwise, survive completion of the PROJECT. The PROJECT SPONSOR may not assign this AGREEMENT nor any interest hereunder without the express prior written consent of the DISTRICT.

24. **WAIVERS** - Waiver of a breach of any provisions of this AGREEMENT shall not be deemed a waiver of any other breach of the same or different provision.

25. **NOTICE** - Any notice required to be given pursuant to the terms and provisions of this AGREEMENT shall be in writing, postage paid, and shall be sent by certified mail, return receipt requested, to the DISTRICT or PROJECT SPONSOR at the addresses below. The notice shall be effective on the date indicated on the return receipt.

To the DISTRICT at:

Florida Inland Navigation District
1314 Marcinski Road
Jupiter, Florida 33477-9498

To the PROJECT SPONSOR at:

Town of Palm Beach Shores
Attention: Mayor,
247 Edwards Lane
Palm Beach Shores, FL 33404

26. **NO JOINT VENTURE** - The DISTRICT's role with respect to the PROJECT is that of a funding assistance authority only and the DISTRICT is not, and shall not be considered to be, an agent, partner, or joint venturer with the PROJECT SPONSOR.

27. **GOVERNING LAW** - The validity, interpretation, and performance of this AGREEMENT shall be controlled and construed according to the laws of the State of Florida.

28. **TRANSFERENCE** - It is the intent of the DISTRICT to issue this funding assistance to the PROJECT SPONSOR who has made application for this assistance. In the event the PROJECT SPONSOR transfers ownership or management of the PROJECT to a party or parties not now a part of this AGREEMENT, other than another governmental entity that agrees to assume, in writing, PROJECT SPONSOR'S obligation hereunder, the DISTRICT retains the right to full reimbursement from the PROJECT SPONSOR to the full extent of the funding assistance provided by the DISTRICT including, but not limited to, any costs and reasonable attorney's fees (regardless of whether litigation ensues) incurred by the DISTRICT in collecting said reimbursement.

29. **ENTIRE UNDERSTANDING** - This AGREEMENT, including any exhibits made a part hereof, embodies the entire AGREEMENT and understanding of the parties and supersedes all prior oral and written communications between them. The terms hereof may be modified only by a written amendment signed by both parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed the day, month and year aforesaid.

WITNESSES:

Print name: _____

Print name: _____

FLORIDA INLAND NAVIGATION DISTRICT

By: _____
Executive Director

Date: _____

WITNESSES:

Print name: _____

Print name: _____

Town of Palm Beach Shores

By: _____

Title: _____

Date: _____



EXHIBIT A

PROJECT COST ESTIMATE

WATERWAY ASSISTANCE PROGRAM FY 2022

(See Rule Section 66B-2.005 & 2.008 for eligibility and funding ratios)

Project Title:	Lake Worth Inlet Flood Shoal Dredging Project: Phase 2-A
Applicant:	Town of Palm Beach Shores

Project Elements <i>(Please list the MAJOR project elements and provide general costs for each one. For Phase I Projects, please list the major elements and products expected)</i>	Total Estimated Cost	Applicant's Cost <i>(To the nearest \$50)</i>	FIND Cost <i>(To the nearest \$50)</i>
Dredging/In-water placement	3,908,667.00	977,167.00	2,931,500.00
Mobilization/De-Mobilization	250,000.00	62,500.00	187,500.00
Channel Markers	8,000.00	2,000.00	6,000.00
Construction Surveys	100,000.00	25,000.00	75,000.00
Solicitation	10,000.00	2,500.00	7,500.00
Construction Management	350,000.00	87,500.00	262,500.00
Post Construction Permit Monitoring	40,000.00	10,000.00	30,000.00
**TOTALS =	\$ 4,666,667.00	\$ 1,166,667.00	\$ 3,500,000.00

EXHIBIT B

CHAPTER 66B-2 WATERWAYS ASSISTANCE PROGRAM (2022)

66B-2.001	Purpose
66B-2.002	Forms
66B-2.003	Definitions
66B-2.004	Policy
66B-2.005	Funds Allocation
66B-2.006	Application Process
66B-2.0061	Emergency Applications
66B-2.008	Project Eligibility
66B-2.009	Project Administration
66B-2.011	Reimbursement
66B-2.012	Accountability
66B-2.013	Acknowledgement
66B-2.014	Small-Scale Spoil Island Restoration and Enhancement Projects
66B-2.015	Small-Scale Derelict Vessel Removal Projects
66B-2.016	Waterways Cleanup Events

66B-2.001 Purpose.

Recognizing the importance and benefits of inland navigation channels and waterways, as well as noting problems associated with the construction, continued maintenance and use of these waterways, the Florida Legislature created Section 374.976, F.S. This law authorizes and empowers each inland navigation district to undertake programs intended to alleviate the problems associated with its waterways. The purpose of this rule is to set forth the District's policy and procedures for the implementation of an assistance program under Section 374.976, F.S., for local governments, member counties and navigation related districts within the District. This program will be known hereafter as the Florida Inland Navigation District's Waterways Assistance Program.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 12-17-90, Formerly 16T-2.001.

66B-2.002 Forms.

All forms for the administration of this program are available from the District office located at 1314 Marcinski Road, Jupiter, Florida 33477.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 12-17-90, Formerly 16T-2.002.

66B-2.003 Definitions.

The basic terms utilized in this rule are defined as follows:

- (1) "APPLICANT" means an eligible governmental agency submitting an application through this program.
- (2) "APPLICATION" means a project proposal with the required documentation.
- (3) "AUTHORIZED SUBMISSION PERIOD" means the established period for submitting applications to the District.
- (4) "BEACH RENOURISHMENT" means the placement of sand on a beach for the nourishment, renourishment or restoration of a beach.
- (5) "BOARD" means the Board of Commissioners of the Florida Inland Navigation District.
- (6) "DISTRICT" means the Florida Inland Navigation District (FIND).
- (7) "ELIGIBLE GOVERNMENTAL AGENCY" means member counties, local governments and navigation related districts within the taxing boundaries of the District.
- (8) "ENVIRONMENTAL PERMITS" means those permits, proprietary authorizations, exemptions, or general permits for construction below mean high water line of a navigable waterway required and issued by or on behalf of the U.S. Army Corps of Engineers, the Florida Department of Environmental Protection, and the South Florida or the St. Johns River Water Management Districts or their successors.
- (9) "EXECUTIVE DIRECTOR" means the Executive Director of the Florida Inland Navigation District.

- (10) "LIAISON AGENT" means the contact person officially designated to act on behalf of the applicant or the project sponsor.
- (11) "LOCAL GOVERNMENTS" means municipalities, cities, or consolidated county governments, which are located within the member counties.
- (12) "MARITIME MANAGEMENT PLAN" means a written plan containing a systematic arrangement of elements specifically formulated to identify, evaluate and promote the benefits of eligible waterway accessibility and enjoyment, with consideration and respect to the physical, environmental and economic parameters of the planning area.
- (13) "MATCHING FUNDS" means those funds provided by the local sponsor to the project.
- (14) "MEMBER COUNTY" means a county located within the taxing boundaries of the District which includes Nassau, Duval, St. Johns, Flagler, Volusia, Brevard, Indian River, St. Lucie, Martin, Palm Beach, Broward and Miami-Dade Counties.
- (15) "NAVIGATION RELATED DISTRICTS" means port authorities, inlet districts or any other agency having legally authorized navigation related duties in waterways of the District.
- (16) "PRE-AGREEMENT COSTS" means project costs approved by the District Board which have occurred prior to the execution of the project agreement.
- (17) "PROGRAM" means the Florida Inland Navigation District Waterways Assistance Program.
- (18) "PROGRAM FUNDS" means financial assistance awarded by the Board to a project for release to the project sponsor pursuant to the terms of the project agreement.
- (19) "PROJECT" means a planned undertaking consisting of eligible program facilities, improvements or expenses for the use and benefit of the general public.
- (20) "PROJECT AGREEMENT" means an executed contract between the District and a project sponsor setting forth mutual obligations regarding an approved project.
- (21) "PROJECT MAINTENANCE" means any usual action, activity, expense, replacement, adjustment or repair taken to retain a project or grant item in a serviceable, operational or normal condition, or the routine efforts and expenses necessary to restore it to serviceable or normal condition, including the routine recurring work required to keep the project or grant item in such condition that it may be continuously used at its original or designed capacity and efficiency for its intended purpose.
- (22) "PROJECT MANAGER" means the District employee who is responsible for monitoring the performance of the Project and compliance with the project agreement.
- (23) "PROJECT PERIOD" means the approved time during which costs may be incurred and charged to the funded project.
- (24) "PROJECT SPONSOR" means an eligible governmental agency receiving program funds pursuant to an approved application.
- (25) "PUBLIC BUILDING" means a building or facility on government owned property that is owned or operated by a governmental entity, or operated by a third party operator. The building or facility must provide waterway related information, public meeting space, or educational services and be open to members of the public on a continual basis without discrimination.
- (26) "PUBLIC MARINA" means a harbor complex used primarily for recreational boat mooring or storage, the services of which are open to the general public on a first come, first served basis without any qualifying requirements such as club membership, stock ownership, or differential in price.
- (27) "PUBLICLY OWNED COMMERCIAL OR INDUSTRIAL WATERWAY ACCESS" means any publicly owned area specifically designed to be used for staging, launching, or off-loading by commercial or industrial waterway users on a first come, first served, short-term basis, to gain entry to or from the District's waterways to serve the infrastructure needs of the District's waterway users.
- (28) "WATERWAYS" means the Atlantic Intracoastal Waterway, the Okeechobee Waterway, the Barge Canal in Brevard County west of the Port Canaveral Locks, those portions of the Dania Cut-Off Canal and the Hillsboro Canal east of the water control structures, all navigable natural rivers, bays, creeks or lagoons intersected by said waterways and all navigable natural creeks, rivers, bays or lagoons entering or extending from said waterways.
- (29) "WATERWAY RELATED ENVIRONMENTAL EDUCATION" means an interdisciplinary holistic process by which the learner: develops an awareness of the natural and manmade environments of waterways; develops knowledge about how the environment of the waterways works; acquires knowledge about the technological, social, cultural, political, and economic relationships occurring in waterway related environmental issues; and, becomes motivated to apply action strategies to maintain balance between quality of life and quality of the environment of waterways.

66B-2.004 Policy.

The following constitutes the policy of the District regarding the administration of the program:

(1) Financial Assistance Eligibility: Financial assistance, support and cooperation may be provided to eligible governmental agencies for approved projects as follows:

(a) Member counties may be provided financial assistance, support or cooperation in planning, acquisition, development, construction, reconstruction, extension, improvement, operation or the maintenance of public navigation, local and regional anchorage management, beach renourishment, public recreation, inlet management, environmental education, maritime management plans, and boating safety projects directly related to the waterways.

(b) Eligible local governments may also be provided financial assistance, support and cooperation in planning and carrying out public navigation, local and regional anchorage management, beach renourishment, public recreation, inlet management, environmental education, and boating safety projects directly related to the waterways.

(c) Navigation related districts may be provided with financial assistance to pay part of the costs of the planning and acquisition of dredge material management sites if the Board finds that the site is required for the long-range maintenance of the Atlantic Intracoastal Waterway channel. All such sites must meet the development and operational criteria established by the District through a long-range dredge material management plan for that county. Navigation related districts may also be provided with assistance for waterway related access projects, environmental mitigation projects associated with waterway improvement related activities, and inlet management projects if the Board finds that the project benefits public navigation in the Atlantic Intracoastal Waterway. All navigation related districts shall contribute at least equal matching funds to any District financial assistance provided. Seaports may also be furnished assistance and support in planning and carrying out environmental mitigation projects. All seaport projects shall benefit publicly maintained channels and harbors. Each seaport shall contribute matching funds for funded projects.

(d) Eligible projects shall include the acquisition and development of public boat ramps and launching facilities, including those in man-made, navigable waterways contiguous to "waterways" as defined in Rule 66B-2.003, F.A.C.

(2) Notification: The District will notify by direct mail, email and/or advertised public notice all eligible governmental agencies of the program and the upcoming authorized submission period.

(3) Project Approval: Approval of projects by the District shall be in accordance with these rules.

(4) Project Accessibility: Facilities or programs funded in whole or in part by program funds shall be made available to the general public of all of the member counties on a non-exclusive basis without regard to race, color, religion, age, sex or similar condition. Additionally, facilities funded in whole or in part by program funds, shall not require a paid membership for the general public of all of the member counties as a condition to use the facilities. User or entrance fees may be charged for the use of facilities funded in whole or in part by program funds, however such fees shall be reasonable and shall be the same for the general public of all of the member counties.

(5) Waterway Impacts: All development projects must be designed so as not to impact navigation along the District's waterways through the placement of structures, attendant uses, or the necessity of a boating speed zone for safety purposes. Before applying for boating speed zone designation in District waterways because of a project funded by this program, the sponsor shall first receive approval from the Board. The Board will use the criteria found in Section 327.46(1), F.S., in determining whether to approve the proposed boating speed zone.

(6) Project Maintenance: The project sponsor shall be responsible for the operation, maintenance, and management of the project for the anticipated life of the project and shall be responsible for all expenses required for such purposes. The project shall be maintained in accordance with the standards of maintenance for other similar local facilities and in accordance with applicable health standards. Project facilities and improvements shall be kept reasonably safe and in reasonable repair to prevent undue deterioration and to encourage public use. The project sponsor shall have full legal authority and financial ability to operate and maintain the project facilities.

(7) Education Facilities and Programs: Waterways related environmental education facilities and programs sponsored by the District shall occur at specially designated environmental education facilities located adjacent and contiguous to the waterways. It is the District's intent to consolidate its environmental education efforts in the least number of facilities within an area that will adequately serve the education needs of that area of the District.

(8) Public Information Availability: Public information produced with assistance from this program shall not be copyrighted and

shall be provided free of cost, except for the cost of reproduction, to the public.

(9) Third-Party Project Operators: Projects that are being operated by a third party shall have sufficient oversight by the eligible project sponsor as determined by the Board. Such oversight, at a minimum, will include a project liaison that is a staff member of the eligible project sponsor, and oversight of the operating hours and admission fees of the facility by the eligible project sponsor through a legal agreement. All third party projects shall be open to the public in accordance with this rule.

(10) Non-compliance: The District shall terminate a project agreement and demand return of program funds disbursed to the project sponsor for non-compliance with any of the terms of the project agreement or this rule, if such non-compliance calls into question the ability of the applicant to complete the project. Failure of a project sponsor to comply with the provisions of this rule or the project agreement shall result in the District declaring the project sponsor ineligible for further participation in the program until such time as compliance has been met to the satisfaction of the District.

(11) Fees: Any public project eligible for District program funds that charges a fee or will charge a fee must create and maintain an enterprise fund for the public project that shall plan for and retain at all times sufficient funds for the on-going maintenance of the facility during its project life. Accounting records of the previous five years of the public project's enterprise fund will be submitted as part of any subsequent assistance program application to the District.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1), (2) FS. History--New 12-17-90, Amended 2-3-94, 2-6-97, Formerly 16T-2.004, Amended 5-18-98, 3-31-99, 5-25-00, 3-21-01, 7-30-02, 3-3-04, 4-21-05, 4-1-09, 2-22-10, 3-7-11, 3-7-12, 1-27-14, 2-17-15.

66B-2.005 Funds Allocation.

The Board will allocate funding for this program based upon the District's overall goals, management policies, fiscal responsibilities and operational needs for the upcoming year. Funding allocations to navigation related districts, member counties and local governments shall be based upon the proportional share of the District's ad valorem tax collections from each county. If funds are determined to be available for the program, the District will notify potential eligible governmental agencies of the availability of program funding. Applications will be reviewed by the Board utilizing District Forms No. 91-25 and 91-25 (A) through (F) Waterways Assistance Program Application and Evaluation Worksheet (effective date 1/2014), hereby incorporated by reference and available at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-03568>, and available from the District office or by download from the District's webpage at: www.aicw.org.

(1) Funding Assistance Availability: In as much as the District has other fiscal responsibilities and operational needs, financial assistance to eligible government agencies shall not exceed an amount equal to eighty (80) percent of the proportional share of the District's ad valorem tax collections from each county in which such agencies are located. The District may make an exception to this funding limitation, if funds are determined to be available based upon the District's overall goals, management policies, fiscal responsibilities and operational needs, or in counties that are recovering from a state of emergency declared under Chapter 252, F.S.

(2) Project Funding Ratio: All financial assistance and support to eligible governmental agencies shall require, at a minimum, equal matching funds from the project sponsor, with the exception of public navigation projects that meet the provisions of subsection 66B-2.005(6), F.A.C., land acquisition projects in accordance with subsection 66B-2.005(7), and Rule 66B-2.008, F.A.C., small-scale spoil island restoration and enhancement projects that meet the provisions of Rule 66B-2.014, F.A.C., derelict vessel projects consistent with Rule 66B-2.0015, F.A.C., and Waterway Cleanup Projects approved under Rule 66B-2.0016, F.A.C., and projects approved in counties recovering from a state of emergency. Applicant's in-house costs are limited pursuant to paragraph 66B-2.008(1)(c), F.A.C. All financial assistance to seaports shall require equal matching funds. The District shall contribute no more than fifty percent (50%) of the local share of the cost of an inlet management or beach renourishment project. The District shall not contribute funding to both the state and local shares of an inlet management or beach renourishment project.

(3) Pre-agreement Expenses: The project sponsor shall not commence work on an approved project element prior to the execution of the project agreement unless authorized by the Board during the review and funding approval process. Board authorization of pre-agreement expenses will be given for the commencement of work prior to the execution of a project agreement if the Board determines that there is a benefit to the District, its waterways or its constituents. All project costs must be incurred and work performed within the project period as stipulated in the project agreement unless pre-agreement costs are approved by the Board. Pre-agreement expenses will be approved if they are consistent with the provisions of Rule 66B-2.008, F.A.C., and occur within the fiscal year of the grant application submission (October 1st to September 30th). Pre-agreement expenses, except for projects approved by the Board as multi-year projects, will be limited to fifty (50) percent of the project's total cost and if the expenses are eligible project expenses in accordance with this rule. Only one-half (1/2) or less of the approved pre-agreement

expenses will be eligible for reimbursement funding from the District, except for projects approved by the Board as multi-year projects. The Board shall consider a waiver of the limitation on pre-agreement expenses for Small-Scale Derelict Vessel grants and land acquisition projects when the applicant demonstrates a direct need and benefit and the project is in accordance with the applicable provisions of Chapter 66B-2, F.A.C.

(4) Multi-Year Funding: The construction phase of projects that are large scale, involve multiple phases, have a construction time line of one year or longer, or are requesting a significant amount of assistance funding in relation to the total assistance available for the county where the project is located, will be reviewed and approved by the District Board for a multiple year period subject to budgeting and allocation pursuant to the provisions of Chapter 200, F.S. The determination by the Board to provide assistance funding on a multi-year basis can be made at any time during the application review process. All approved multi-year projects are limited to a maximum of two (2) additional funding requests.

(5) Inlet Management and Beach Renourishment: Projects and project elements in the categories of inlet management and beach renourishment shall be subject to the following provisions. The District shall contribute no more than fifty percent of the local share of the cost of the project. The District shall not contribute funding to both the state and local shares of an inlet management or beach renourishment project. Funding for the construction phase of an inlet management or beach renourishment project may be approved by the District Board for a multiple year period subject to budgeting and allocation pursuant to the provisions of Chapter 200, F.S. Additionally the following provisions shall be met for inlet management or beach renourishment projects:

(a) Inlet Management: Inlet management projects shall benefit public navigation within the District and shall be consistent with Department of Environmental Protection approved inlet management plans and the statewide beach management plan pursuant to Section 161.161, F.S. Prior to funding any inlet management project, the Board shall make a finding that the project is a benefit to public navigation in the District. Inlet management projects that are determined to be consistent with Department of Environmental Protection approved inlet management plans are declared to be a benefit to public navigation.

(b) Beach Renourishment: All projects in this category shall be consistent with the statewide beach management plan. Beach renourishment projects shall only include those beaches that have been adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project. Prior to funding any beach renourishment project, the Board shall make a finding that the beaches to be nourished have been adversely impacted by navigation inlets, navigation structures, navigation dredging or a navigation project. The determination of beach areas that are adversely impacted by navigation for the purposes of this program shall be made by Department of Environmental Protection approved inlet management plans. If state funding is not provided for a beach project, public access with adequate parking must be available in accordance with Chapter 161, F.S.

(6) Public Navigation: Projects or project elements in the category of public navigation that will qualify for up to seventy-five percent (75%) program funds must be within the Intracoastal Right-of-Way (ROW), or provide public navigation channel access to two or more publicly accessible launching, mooring or docking facilities. In addition, the following shall apply:

(a) Navigation channel dredging: The project sponsor must demonstrate that the source of channel sedimentation has been identified and is in the process of, or has been controlled, or that the frequency and amount of shoaling is such that dredging will provide an improvement to the channel that will last for twenty (20) years or more and therefore is more cost effective than identifying and correcting the cause of shoaling, or that the cost of identifying the source of channel sedimentation exceeds the cost of the dredging project.

(b) Navigation channel lighting and markers must be located on primary or secondary public navigation channels. Navigation projects or project elements that have one facility open to the public will qualify for up to fifty percent (50%) program funding. Dredging that is associated or ancillary to another use (such as a boat ramp, marina or pier) will be prioritized according to the associated use.

(7) Land Acquisition: Land acquisition projects shall qualify for a maximum of fifty (50) percent funding. All pre-agreement expenses for land acquisition must be completed within one-year of the date of application for funding. Except for acquisition of publicly owned spoil disposal site, all funded land acquisition projects must construct the required boating access facility within 7 years of completion of the land acquisition, or the District may require the applicant to refund the program funding. Immediately upon acquiring title to the land, the applicant shall record a declaration of covenants in favor of the District stating that if the required boating access facility is not constructed within 7 years and dedicated for the public use as a boating access facility in perpetuity after completion of construction, the District shall require the applicant to refund the program funding.

(8) Seaport Funding Eligibility: Financial assistance to seaports may exceed the proportional share of the District's ad valorem tax collections as set forth in subsection 66B-2.005(1), F.A.C., from the county in which such seaport is located if the seaport can

demonstrate that a regional benefit occurs from the port's activities. Financial assistance to a seaport project that demonstrates a regional benefit shall not exceed an amount equal to (i) the proportional share of the District's ad valorem tax collections as set forth in subsection 66B-2.005(1), F.A.C., from the counties where the benefit is demonstrated less (ii) funding allocated in the same fiscal year to all other local government projects funded in those counties.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1), (3) FS. History--New 12-17-90, Amended 6-24-93, 9-5-96, 2-6-97, Formerly 16T-2.005, Amended 5-17-98, 8-26-99, 3-21-01, 7-30-02, 3-3-04, 4-21-05, 4-24-06, 4-15-07, 3-25-08, 4-1-09, 3-7-11, 3-7-12, 4-10-13, 1-27-14, 5-15-16, 3-25-21.

66B-2.006 Application Process.

(1) Application Period: With the exception of eligible Disaster Relief Projects, eligible Small-Scale Spoil Island Restoration and Enhancement Projects eligible Small-Scale Derelict Vessel Applications and Waterway Cleanup Events, all applications for assistance through this program will be submitted during the authorized submission period that shall be established by vote of the Board at a scheduled meeting.

(2) Application Forms: Florida Inland Navigation District Waterways Assistance Program Project Application FIND Form Number 90-22 (effective date 4-24-06) and the Waterway Assistance Program Application and Evaluation Worksheet No. 91-25 and 91-25 (A) through (F) (effective date 1/2014) are hereby incorporated by reference and available from the District office. With the exception of projects eligible under the Small-Scale Spoil Island Restoration and Enhancement program, the Small-Scale Derelict Vessel program, and eligible Waterway Cleanup Events, all applications for financial assistance and support through this program from member counties and local governments shall be made on Form Number FIND 90-22 and the Waterway Assistance Program Project Application and Evaluation Worksheet No. 91-25 and 91-25 (A) through (F) and shall include a detailed cost estimate submitted on FIND Form No. 90-25, Florida Inland Navigation District Assistance Program Project Cost Estimate, (effective date 4-24-06), hereby incorporated by reference and available from the District office. In addition, all applicants shall submit a complete and detailed Project Timeline (FIND FORM No. 96-10) (effective date 4-15-07).

(3) Sponsor Resolution: The project sponsor shall approve the submission of an application by official resolution from its governing board or commission. Said resolution shall be made on FIND Form No. 90-21, Resolution for Assistance Under the Florida Inland Navigation District Waterways Assistance Program (effective date 10-14-92), hereby incorporated by reference and available from the District office.

(4) Attorney's Certification: If the application is for a project that is a land based development project the applicant shall submit an Attorney's Certification of Title, FIND Form Number 94-26 (effective date 5-25-00), hereby incorporated by reference and available from the District office.

(5) Maps and Geographic Information: All applicants shall be required to submit, at minimum, the following geographic information: A County location map, a project location map, a project boundary map, and a clear and detailed site development map for land development projects.

(6) Application Review: Applicants shall obtain the local FIND Commissioner's initials on Form No. 90-26 prior to submitting the application to the District office. It is the applicant's responsibility to make timely arrangements for the local FIND Commissioner's review. In the absence of extenuating circumstances outside of the applicant's control as determined by the Board of Commissioners, an application shall not be considered complete if it does not include the local FIND commissioner's initials on Form No. 90-26. Upon receipt in the District office, staff will review the applications for completeness of the informational requirements identified in the Application Checklist, FIND Form Number 90-26 (effective date 7-30-02), and for compliance with the eligibility requirements of this rule. When an application is determined by staff to be incomplete or ineligible, staff will immediately inform the applicant by mail. The applicant will then have until the date established by the Board in the application package to bring the application into compliance. If the applicant fails to provide a complete application in compliance with these rules, the application will not be considered for funding. In order to have a complete application, the applicant shall not only submit the forms required under Rule 66B-2.006, F.A.C., and any other information requirements identified in the Application Checklist (FIND Form Number 90-26), but such forms and other submitted information must be completely filled out, executed as applicable, and also establish compliance with Chapter 66B-2, F.A.C.

(7) Interlocal Agreements: Applications that the Board determines will directly benefit the maintenance of the Atlantic Intracoastal Waterway channel as documented by the District's long range dredged material management plans, will directly benefit the maintenance of the Okeechobee Waterway channel as documented by the District's long range dredged material management

plan, will directly benefit the maintenance or improvement of District property, right-of-way or navigation interests, or have multiple funding partners including the Corps of Engineers as the project manager can qualify for project assistance through an interlocal agreement pursuant to Chapter 163 or Section 374.984(6)(a), F.S. District staff will identify these applications and present them to the Board for their determination as to funding. Interlocal agreement projects shall comply with all other provisions of this rule, except for pre-agreement expenses, permitting and property control requirements.

(8) Application Presentations: Applications determined to be complete and in compliance with this rule will be forwarded to the Board for review and then scheduled for presentation to the Board at a scheduled meeting of the Board. Applicants can decline to make a presentation to the Board by submitting a written request.

(9) Application Evaluation and Rating Score: Following the presentations, the Board will review the applications and evaluate them using the Waterways Assistance Program Application and Evaluation Worksheets No. 91-25 (A) through (F) for Waterways Assistance Program applications. The total points awarded to each application by the Commissioners will be averaged to determine an application's final rating score. The final rating score for each application must equal or exceed 35 points for the application to be considered for funding assistance. Reconsideration of any application with a final rating score of less than 35 points will only occur if the majority of the Commissioners evaluating the project rated the project equal to or exceeding 35 points and two-thirds of the Commissioners vote for reconsideration of the application. Only Applicants that are eligible under Rule 66B-2.0061, F.A.C., "Disaster Relief Applications," shall complete FIND Form No. 91-25F Emergency Re-Construction (effective date 4-24-06, 1/2014).

(10) Funding Determination: The Board will hold a funding allocation meeting at which time the Board will determine the allocation of funds, if any, to each project and the projects will be ranked by overall average score to facilitate final funding decisions by the Board. Allocations will be based in part upon the cumulative score of the applications as calculated from the Project Evaluation and Rating Form. Allocations will also be based upon the specific needs of the individual counties.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Amended 9-2-92, 6-24-93, 4-12-95, Formerly 16T-2.006, Amended 5-25-00, 3-21-01, 7-30-02, 3-20-03, 4-21-05, 4-24-06, 4-15-07, 3-25-08, 3-7-11, 1-27-14.

66B-2.0061 Disaster Relief Applications.

Disaster Relief applications may be submitted to the District and considered by the Board at any time during the year to provide assistance to an eligible applicant for the removal of navigation obstructions and repair or replacement of waterway facilities damaged by a declared natural disaster. Applicants for Disaster Relief shall use the same forms listed in subsection 66B-2.006(2), F.A.C. The District shall consider these applications in accordance with these rules.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 6-24-93, Amended 2-6-97, Formerly 16T-2.0061, Amended 4-24-06, 3-25-21.

66B-2.008 Project Eligibility.

(1) Eligible Projects: Financial assistance and support through this program shall be used to plan or carry out public navigation and anchorage management, public recreation, environmental education, boating safety, acquisition and development of spoil sites and publicly owned commercial/industrial waterway access directly related to the waterways, acquisition and development of public boat ramps, launching facilities and boat docking and mooring facilities, inlet management, maritime management planning, environmental mitigation and beach renourishment.

(a) Program funds may be used for projects such as acquisition, planning, development, construction, reconstruction, extension, or improvement, of the following types of projects for public use on land and water. These project types will be arranged into a priority list each year by vote of the Board. The priority list will be distributed to applicants with the project application.

1. Public navigation channel dredging,
2. Public navigation aids and markers,
3. Inlet management projects that are a benefit to public navigation in the District,
4. Public shoreline stabilization directly benefiting the District's waterway channels,
5. Acquisition and development of publicly owned spoil disposal site and public commercial/industrial waterway access,
6. Waterway signs and buoys for safety, regulation or information,
7. Acquisition, dredging, shoreline stabilization and development of public boat ramps and launching facilities,
8. Acquisition, dredging, shoreline stabilization and development of public boat docking and mooring facilities,

9. Derelict Vessel Removal,
10. Waterways related environmental education programs and facilities,
11. Public fishing and viewing piers,
12. Public waterfront parks and boardwalks and associated improvements,
13. Maritime Management Planning,
14. Waterways boating safety programs and equipment,
15. Beach renourishment on beaches adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project; and,
16. Environmental restoration, enhancement or mitigation projects; and,
17. Other waterway related projects. Waterway projects that do not meet specific criteria in subsection 66B-2.005(5) or (6) or subparagraphs 66B-2.008(1)(a)1.-16., F.A.C., but are located on eligible waterways shall be considered for funding under the priority listing of "other waterway related project" and eligible for 25% funding.

(b) Ineligible Projects or Project Elements. Project costs ineligible for program funding or matching funds will include: contingencies, miscellaneous, reoccurring personnel related costs, irrigation equipment, ball-courts, park and playground equipment, and any extraneous recreational amenities not directly related to the waterway such as the following:

1. Landscaping that does not provide shoreline stabilization or aquatic habitat,
2. Restrooms for non-waterway users,
3. Roadways providing access to non-waterway users,
4. Parking areas for non-waterway users,
5. Utilities for non-waterway related facilities,
6. Lighting for non-waterway related facilities,
7. Project maintenance and maintenance equipment,
8. Picnic shelters and furniture for non-waterway related facilities,
9. Vehicles to transport vessels; and,
10. Operational items such as fuel, oil, etc.
11. Office space that is not incidental and necessary to the operation of the main eligible public building; and,
12. Conceptual project planning, including: public surveys, opinion polls, public meetings, organizational conferences; and,
13. Inlet maintenance.

(c) Project Elements with Eligibility Limits: Subject to approval by the Board of an itemized expense list:

1. The following project costs will be eligible for program funding or as matching funding if they are performed by an independent contractor:
 - a. Project management, administration and inspection,
 - b. Design, permitting, planning, engineering or surveying costs for completed construction project,
 - c. Restoration of sites disturbed during the construction of an approved project,
 - d. Equipment costs.

Before reimbursement is made by the District on any of the costs listed in subparagraph 1., above, a construction contract for the project, approved and executed by the project sponsor and project contractor must be submitted to the District.

2. Marine fire-fighting, Marine law enforcement and other vessels are eligible for a maximum of \$75,000 in initial District funding. All future replacement and maintenance costs of the vessel and related equipment will be the responsibility of the applicant.

3. Waterway related environmental education facility funding will be limited to those project elements directly related to the District's waterways.

(d) Phasing of Projects: Applications for eligible waterway projects may be submitted as a phased project where Phase I will include the design, engineering and permitting elements and Phase II will include the construction of the project. A description and cost estimate of the Phase II work shall be submitted along with the Phase I application for Board review.

(2) Property Control: The site of a new proposed land-based development project, with the exception of those projects requesting Small-Scale Spoil Island Restoration and Enhancement funding, shall be dedicated for the public use for which the project was intended for a minimum period of 35 years after project completion. Such dedication shall be in the form of a deed, lease, management agreement or other legally binding document and shall be recorded in the public property records of the county in which the property is located. This property control requirement also applies to a project site owned by another governmental

entity. The governmental entity that owns the project site may be joined as a co-applicant to meet this property control requirement. Existing land based development projects that are being repaired, replaced or modified must demonstrate that the project site has been dedicated for public use for at least 25 years with at least 10 years remaining on the dedication document. Property shall also be deemed dedicated for public use if:

(a) The property has been designated for the use for which the project is intended (even though there may have been no formal dedication) in a plat or map recorded prior to 1940, or

(b) The project sponsor demonstrates that it has had exclusive control over the property for the public use for which the project is intended for a period of at least 30 years prior to submission of the application, or

(c) There is no ongoing litigation challenging the designated use of the property as shown on the plat or map, nor has there been any judicial determination contrary to the use by the public for the use shown on the plat or map.

(3) Permits: The project sponsor is responsible for obtaining and abiding by any and all federal, state and local permits, laws, proprietary authorizations and regulations in the development and operation of the project. Applicants for construction projects that include elements that require state or federal environmental permits or proprietary authorizations will demonstrate that all required environmental permitting and authorizations will be completed by the third Monday in September. This demonstration will be by submission of the required environmental permit(s) and authorizations, or by submission of a letter from the agency(s) stating that a permit or authorization is not required. Failure to timely submit the required environmental permits and authorizations or letters stating such permits or authorizations are not required shall result in the application not being considered for funding.

(4) Public Marina Qualifications: All public marina projects funded through this program shall include sewage pumpout facilities for vessels, unless the applicant can demonstrate that inclusion of such a facility is physically, operationally or economically impracticable. All public marina projects funded through this program shall have at least ten percent (10%) of their slips or mooring areas available for transient vessels. Public marina dockage rates shall be within market comparison of the dockage rates of other area marinas. The public marina will be required to establish and maintain an accounting of the funds for the facility and shall plan for and retain at all times sufficient funds for the on-going maintenance of the facility during its project life.

(5) The District may assist eligible local governments with efforts to prepare and implement a comprehensive maritime management plan. The plan shall be utilized by the eligible government to promote and maximize the public benefit and enjoyment of eligible waterways, while identifying and prioritizing the waterway access needs of the community. The plan should not duplicate any existing or ongoing efforts for the same waterway or water shed, nor shall the District participate in any effort that does not address the basic maritime needs of the community.

(a) Existing plans may be updated at reasonable intervals or amended to include waterway areas previously not included in the original effort. Public, government, environmental, industry and other pertinent interest groups shall be solicited and included for input in the planning process.

(b) The plan shall be utilized as a tool to provide a minimum 5-year planning analysis and forecast for the maritime needs of the community, and shall include, at minimum, the following:

1. Public boat ramp and ramp parking inventory and analysis.
2. Public mooring and docking facility analysis, including day docks and transient slips.
3. Commercial and working waterfront identification and needs analysis.
4. The identification, location, condition and analysis of existing and potential navigation channels.
5. An inventory and assessment of accessible public shorelines.
6. Public Waterway transportation needs.
7. Environmental conditions that affect boat facility siting, a current resource inventory survey, and restoration opportunities.
8. Economic conditions affecting the boating community and boating facilities.
9. Acknowledgment and coordination with existing data and information, including an emphasis on the Intracoastal Waterway.

(c) Projects requested for assistance program funding shall be consistent with the applicant's maritime management plan. The applicant should utilize the plan to assist in prioritizing waterway improvement projects.

(6) All eligible environmental restoration, enhancement or mitigation projects as well as the environmental restoration, enhancement or mitigation components of other types of projects shall be required to pursue and assign any available mitigation credits to the District for that share of the project funded through the District's Assistance Program. All eligible environmental restoration, enhancement or mitigation projects shall provide public access where possible.

(7) Final Decisions: The Board will make all final decisions on the eligibility of a Project or specific project costs.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History--New 12-17-90, Amended 9-2-92, 6-24-93, 2-3-94, 4-12-95, 9-5-96, 2-6-97, Formerly 16T-2.008, Amended 5-17-98, 3-31-99, 5-25-00, 3-21-01, 7-30-02, 3-20-03, 3-3-04, 4-15-07, 3-25-08, 4-1-09, 2-22-10, 3-7-11, 3-7-12, 1-27-14, 2-17-15, 2-21-16, 3-25-21.

66B-2.009 Project Administration.

The District will appoint a project manager who shall be responsible for monitoring the project and the project agreement. The project manager shall also be responsible for approving all reimbursement requests. The project sponsor shall appoint a liaison agent, who will be a member of the eligible applicant's staff, to act on its behalf in carrying out the terms of the project agreement. Administration of the project will be as follows:

(1) Project Agreement: For each funded project, the District and the project sponsor will enter into a project agreement. The project agreement shall be executed and returned by the project sponsor within six (6) months of the approval of the project funding and prior to the release of program funds, setting forth the mutual obligations of the parties concerning the project. The project agreement shall incorporate the applicable policies and procedures of the program as outlined in this rule. Project agreements will be for a two-year period with the possibility for one, one-year extension. Any request for a one-year extension of funding shall require submittal by the PROJECT SPONSOR of a request for extension to the DISTRICT no later than July of fiscal year two of the approved project. This request will then be considered by the DISTRICT Board, whose decision shall be final. In review of these requests, the Board will take into consideration the current status and progress of the project and the ability of the applicant to complete the project within one additional year.

(2) Matching Funds: The project sponsor shall clearly identify and enumerate the amount and source of the matching funds it will be using to match the program funds supplied by the District for an approved project. The project sponsor shall provide suitable evidence that it has the matching funds available at the time the project agreement is executed.

(3) Agreement Modification: All proposed changes to the project agreement must be submitted to the District in writing by the project sponsor accompanied by a statement of justification for the proposed changes. All project agreement amendments shall be approved by the District Board, except that the Executive Director may approve a minor project agreement amendment for a project within a county with the local District commissioner's concurrence. A minor project amendment shall not change the approved project's category, result in a reallocation of more than 35% of the approved funding of the project among project elements, nor allow for a greater than 35% change in the project scale or scope of work. Project agreement amendments will not include a change to the approved project's location or a change in the approved project's purpose or project type. Agreed changes shall be evidenced by a formal amendment to the project agreement and shall be in compliance with these rules.

(4) Project Reporting: The liaison agent will submit quarterly reports to the project manager summarizing the work accomplished since the last report, problems encountered, percentage of project completion and other appropriate information. These reports shall continue throughout the length of the project period until completion of the project. The report shall be submitted on Form 95-02, "Assistance Program Project Quarterly Status Report," dated 7-30-02, hereby incorporated by reference and available at the District office. A Final Project Report shall be submitted at the completion of the project and shall at minimum include: project summary, photo of completed project, final cost, project benefits to the waterway and location address.

(5) Reimbursement Requests: The liaison agent may submit periodic reimbursement requests during the project period in accordance with Rule 66B-2.011, F.A.C. The project manager will approve or disapprove all reimbursement requests. The final payment of program funds will be made upon certified completion of the project by the District.

(6) Project Inspection: Upon reasonable request, the project manager shall have the right to inspect the project and any and all records relating to the project.

(7) Project Completion: The project shall be completed within three (3) years of the date of the beginning of the District's first fiscal year for which the project was approved. If the completion of a project is impacted by a declared state of emergency and the Board waives this rule section, the extension of time granted shall not exceed one additional three (3) year period.

(8) Project Completion Requirements: Upon completion of the project, the liaison agent shall provide the following to the project manager:

(a) A Project Completion Certificate, FIND Form No. 90-13 (effective date 7-30-02), hereby incorporated by reference and available from the District office, which certifies that the project was completed in accordance with the project agreement and the final project plans.

(b) A final reimbursement request accompanied by all required billing statements and vouchers.

- (c) Photograph(s) showing the installation of the sign required by Rule 66B-2.013, F.A.C.
- (d) Photograph(s) of the completed project clearly showing the program improvements.
- (9) Project Completion Review: The project manager will review the project completion package and will authorize or reject the final reimbursement payment which will include all retained funds from previous requests.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 12-17-90, Formerly 16T-2.009, Amended 3-21-01, 7-30-02, 3-7-11, 1-27-14, 3-25-21.

66B-2.011 Reimbursement.

The District shall release program funds in accordance with the terms and conditions set forth in the project agreement. This release of program funds shall be on a reimbursement only basis. The District shall reimburse the project sponsor for project costs expended on the project in accordance with the project agreement. Project funds to be reimbursed will require the submission of a Reimbursement Request Form and required supporting documents, FIND Form No. 90-14 (effective date 7-30-02) hereby incorporated by reference and available from the District office.

(1) Authorized Expenditures: Project funds shall not be spent except as consistent with the project agreement cost estimate that was approved by the Board, which shall be an attachment to the project agreement. This cost estimate will establish the maximum funding assistance provided by the District and the percentage of funding provided by each party to the project. The District will pay the lesser of:

- (a) The percentage total of project funding that the Board has agreed to fund, or
- (b) The maximum application funding assistance amount.

(2) Phase I Reimbursement: In accordance with these rules, reimbursement cannot be made on a Phase I application until a construction contract is executed by the applicant for the construction phase of the project. If the Phase I project is completed but a construction contract is not executed by the three (3) year project deadline, then the District shall only allow one (1) year from the Phase I project deadline to enter into the required construction contract before the Phase I funding is cancelled.

(3) Reimbursement Requests: All project costs shall be reported to the District and summarized on the Reimbursement Request Form. All requests for reimbursement shall include supporting documentation such as billing statements for work performed and cancelled payment vouchers for expenditures made.

(4) Retainage: The District shall retain ten percent (10%) of all reimbursement payments until final certification of completion of the project. The District shall withhold any reimbursement payment, either in whole or part, for non-compliance with the terms of this agreement.

(5) Check Presentations: A District representative shall present the final reimbursement check to the project sponsor during a public commission meeting or public dedication ceremony for the project facility.

(6) Recovery of Additional Project Funding: If the project sponsor receives additional funding for the project costs from another source that was not identified in the original application and that changes the agreement cost-share percentage, the project sponsor shall proportionately reimburse the District's program funds equal to the cost-share percentage in the approved project agreement. The project sponsor shall promptly notify the District of any project payments it receives from a source other than the District.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 12-17-90, Amended 6-24-93, Formerly 16T-2.011, Amended 3-31-99, 7-30-02, 3-7-11.

66B-2.012 Accountability.

The following procedures shall govern the accountability of program funds:

(1) Accounting: Each project sponsor is responsible for maintaining an accounting system which meets generally accepted accounting principles and for maintaining such financial records as necessary to properly account for all program funds.

(2) Quarterly Reports: The project sponsor shall submit quarterly project status reports to FIND in accordance with subsection 66B-2.009(4), F.A.C.

(3) Completion Certification: All required final completion certification documents and materials as outlined in subsection 66B-2.009(8), F.A.C., of this rule shall be submitted to the District prior to final reimbursement of program funds.

(4) Auditing: All project records including project costs shall be available for review by the District or by an auditor selected by the District for 3 years after completion of the project. Any such audit expenses incurred shall be borne entirely by the project sponsor.

(5) Project Records: The project sponsor shall retain all records supporting project costs for three years after either the completion of the project or the final reimbursement payment, whichever is later, except that should any litigation, claim, or special audit arise before the expiration of the three year period, the project sponsor shall retain all records until the final resolution of such matters.

(6) Repayment: If it is found by any State, County, FIND, or independent audit that program funds have not been used in accordance with this rule and applicable laws, the project sponsor shall repay the misused program funds to the District.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Formerly 16T-2.012, Amended 7-30-02.

66B-2.013 Acknowledgement.

The project sponsor shall erect a permanent sign, approved by the District, at the entrance to the project site which indicates the District's participation in the project. This sign shall contain the FIND logo. In the event that the project sponsor erects a temporary construction sign, this sign shall also recognize the District's participation. If the final product of the project is a report, study or other publication, the District's sponsorship of that publication shall be prominently indicated at the beginning of the publication. If the project results in an educational display, the District's logo and a statement of the District's participation in the project shall be contained in the display.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Formerly 16T-2.013, Amended 2-22-10.

66B-2.014 Small-Scale Spoil Island Restoration and Enhancement Projects.

Proposals shall be accepted for the restoration or enhancement of spoil islands and natural islands within the District's waterways for recreational, navigational, educational, and environmental purposes. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

(1) Application Procedure – A Request for Proposals procedure will be used to request proposals for consideration. Proposals shall follow the format described in FIND Document #03-02, Call for Proposals – Small-Scale Spoil Island Restoration and Enhancement Program (effective date 7-30-02), hereby incorporated by reference and available from the District office. Proposals may be submitted to the District and considered by the Board at any time during the year.

(2) Matching Funds: Small-scale spoil island restoration and enhancement may qualify for up to ninety percent (90%) program funds. The applicant's ten percent (10%) matching funds may include in-kind contribution pursuant to paragraph 66B-2.014(4)(b), F.A.C.

(3) Eligibility: All proposals must meet the following eligibility criteria to be considered for funding:

(a) Management Plan Compliance: Projects shall be in compliance with the provisions of any Spoil Island Management Plans or other management plans that govern the Project site.

(b) Property Control: The Project Sponsor must have written property rights on the Project site to construct and maintain the Project for a minimum of five years. Such property rights can be in the form of a lease, interlocal agreement, use agreement or other legal form approved by the District. The applicant shall include a map clearly delineating the location of all proposed work included in the application.

(4) Funds Allocation: Funds shall be allocated pursuant to Rule 66B-2.005, F.A.C., subject to the exceptions identified in this rule, and with the following additions:

(a) The District shall fund a maximum of up to \$7,500 per project, not to exceed \$22,500 per County, per fiscal year.

(b) The Project Sponsor may contribute in-kind construction labor; such in-kind construction labor costs will not be counted by the District as exceeding \$10.00 per hour. No administrative costs can be incorporated into the Project as Project costs.

(c) The funding provided by the District shall only be allocated for specific Project expenses such as construction materials, plant materials, herbicides, etc. The funding provided by the District shall not be allocated for parties, food or beverages.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 7-30-02, Amended 4-24-06, 3-7-11, 3-25-21.

66B-2.015 Small-Scale Derelict Vessel Removal Projects.

Proposals shall be accepted for financial assistance for the removal of derelict vessels within the District's waterways. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

(1) Application Procedure – Applications shall be submitted on a completed FIND Form No. 05-01 (Small-Scale Derelict

Vessel Removal Program) (effective date 4-24-06), and FIND Form No. 01-06 (Small-Scale Derelict Vessel Removal Program – Project Cost Estimate), (effective date 4-24-06), hereby incorporated by reference and available from the District office. Applications may be submitted to the District and considered by the Board at any time during the year.

(2) The District shall only fund applicants that have identified derelict vessels to be removed and have a current bid for removal for such vessels, or have completed the removal of such vessels within the 6 months preceding the application, subject to eligibility under these program rules.

(3) The program must be sponsored by an eligible government agency or not-for-profit organization.

(4) District funding shall be limited to \$75,000.00 per county, per year, provided on a reimbursement basis only. The limitation on pre-agreement expenses may be waived by the Board in accordance with subsection 66B-2.005(3), F.A.C.

(5) The eligible applicant must provide the remaining matching funds for project completion. In no case shall the District's cost-share contribution exceed 75% of the total project costs. In-house project management or administration costs are not eligible costs or matching costs.

(6) The derelict vessel must be located in the District's Waterways, as defined in Rule 66B-2.003, F.A.C. The applicant shall include a map clearly delineating the location of all vessels included in the application.

(7) The District shall be recognized when possible in all written, audio or video advertising and promotions as a participating sponsor of the program.

(8) The funding provided by the District shall only be allocated for removal of derelict vessels. The District is providing program reimbursement funds only and shall be held harmless with regards to the activities initiated by the applicant.

(9) The applicant shall be responsible for all maintenance, management, disposal and operating expenses associated with the program.

(10) Funds derived from the sale of any derelict vessels or vessel parts removed through this grant program must be reinvested into the applicant's derelict vessel removal program.

(11) The District Board shall make all final decisions concerning the provision of funding for this program.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 4-24-06, Amended 4-15-07, 3-25-08, 3-7-11, 1-27-14, 3-25-21.

66B-2.016 Waterways Cleanup Events.

Proposals shall be accepted for financial assistance for the organized removal of refuse within the District's waterways. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

(1) Application Procedure: Prior to the event, a request for funding shall be submitted to the District by means of a cover letter detailing the occurrence of the cleanup, contact information, a map of the cleanup locations and the general parameters of the event. In addition, the Applicant will submit a detailed budget clearly delineating the expenditure of all District funds, as well as the overall general budget of the event. Proposals may be submitted to the District and considered by the Board at any time during the year.

(2) Availability: The District shall fund a maximum of one clean-up program per waterway, per year within a county, with exception to the provisions of subsections (8) through (10), below.

(3) Applicant Eligibility: The clean-up program must be sponsored by a government agency or a registered not-for-profit corporation.

(4) Funding: District funding shall be limited to \$5,000 per waterway, per county, except for the provisions of subsections (8) through (10), below.

(5) The District shall be recognized in all written, online, audio or video advertising and promotions as a participating sponsor of the clean-up program.

(6) Funding Eligibility: The funding provided by the District shall only be allocated to reimburse the applicant for out of pocket expenditures related to specific cleanup program expenses such as trash bags, trash collection, haul and landfill fees, gloves, advertising, T-shirts, and related expenses. The funding provided by the District shall not be allocated for parties, meetings, food or beverages.

(7) The District Board shall make all final decisions concerning the provision of funding for a clean-up program. In addition to the requirements stated above, a cleanup program implementing all of the following additional incentives will qualify for up to additional \$5,000 in clean up funds.

(8) The clean-up program budget must provide equal or greater matching funds for all Navigation District funding.

(9) The applicant shall tally and report the composition and location of the waterway-related debris, with the goal to show definitive progress in the amount of refuse collected, a reduction in the overall debris in the waterway, or an increase in the number of additional waterway areas included in the clean up.

(10) For each additional \$1,000 in Navigation District funding, the applicant shall coordinate a minimum of one waterway collection point or clean up area, or an applicant can conduct an additional waterway cleanup program for the waterway areas.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 3-7-11.

EXHIBIT C
FLORIDA INLAND NAVIGATION DISTRICT
ASSISTANCE PROGRAM

Matching Funds Certification

Sponsor: _____

Project Title: _____ Project #: _____

Source of Matching Funds: _____

Amount of Matching Funds: _____

I hereby certify that the above referenced project Sponsor, as of October 01, 2022, has the required matching funds for the accomplishment of the referenced project in accordance with the Waterways Assistance Program Project Agreement between the Florida Inland Navigation District and the Sponsor, dated _____.*

Project Liaison Name: _____

Project Liaison Signature: _____

Date: _____



*S. 837.06 Florida Statutes, False official statements. - Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 F.S.

EXHIBIT D

FLORIDA INLAND NAVIGATION DISTRICT ASSISTANCE PROGRAM PAYMENT REIMBURSEMENT REQUEST FORM

PROJECT NAME: _____ PROJECT #: _____

PROJECT SPONSOR: _____ BILLING #: _____

Amount of Assistance A. _____
Less Previous Total Disbursements B. _____
and Less Previous Total Retainage
Held Balance Available = _____

Funds Requested This Disbursement

Funds Requested C. _____
Less Retainage (-10% unless final) D. _____
Check Amount = _____

Amount of Assistance _____
Less Total Prior and Current
Payments Including all retainage
held (B+C) = _____
= Balance Remaining

SCHEDULE OF EXPENDITURES

Expense Description (Should correspond to Cost Estimate Sheet Categories in Exhibit "A")	Check No. Vendor Name and Date	Total Cost	Applicant Cost	FIND Cost
---	-----------------------------------	---------------	-------------------	--------------

EXHIBIT D (CONTINUED)
SCHEDULE OF EXPENDITURES

Expense Description (Should correspond to Cost Estimate Sheet Categories in Exhibit "A")	Vendor Name	Check No. and Date	Total Cost	Applicant Cost	FIND Cost
---	-------------	-----------------------	---------------	-------------------	--------------

Certification for Reimbursement: I certify that the above expenses were necessary and reasonable for the accomplishment of the approved project and that these expenses are in accordance with Exhibit "A" of the Project Agreement. *

Project Liaison

Date

*S. 837.06 Florida Statutes, False official statements. - Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 F.S.

EXHIBIT E

FLORIDA INLAND NAVIGATION DISTRICT ASSISTANCE PROGRAM

Project Completion Certification

Sponsor: _____

Project Title: _____ Project #: _____

I hereby certify that the above referenced project was completed in accordance with the Assistance Program Project Agreement between the Florida Inland Navigation District and _____, dated _____, 20____, and that all funds were expended in accordance with Exhibit "A" and Paragraph 1 of the Project Agreement. *

Project Liaison Name: _____

Project Liaison Signature: _____

Date: _____

*S. 837.06 Florida Statutes, False official statements. - Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 F.S.

EXHIBIT F

**ASSISTANCE PROGRAM PROJECT
QUARTERLY STATUS REPORT**

PROJECT NO. _____

PROJECT TITLE: _____

PROJECT SPONSOR: _____

REPORT PERIOD

Oct 1-Dec 20__ ; Jan-March 20__ ; April-June 20__ ; July-Sept 20__
Report Due: (Dec 30) (March 30) (June 30) (Sep 30)

WORK ACCOMPLISHED:

PROBLEMS ENCOUNTERED:

PERCENTAGE COMPLETION:

OTHER NOTABLE ITEMS:

EXHIBIT G
ASSISTANCE PROJECT SCHEDULE

OCTOBER 2022-	Project Agreement Executed, Project Initiates.	
DECEMBER 30, 2022	First Quarterly Report Due. -	Use Quarterly Status Report Form Exhibit F http://www.aicw.org/assistance_programs/waterway_assistance_programs/index.php
MARCH 30 2023-	Second Quarterly Report Due.	
JUNE 30, 2023-	Third Quarterly Report Due.	
SEPTEMBER 30, 2023 -	Fourth Quarterly Report Due.	
DECEMBER 30, 2023	Fifth Quarterly Report Due.	
MARCH 30 2024-	Sixth Quarterly Report Due.	
JUNE 30, 2024-	Seventh Quarterly Report Due.	

NOTE: If the project will not be completed and all close out paperwork submitted by September 30th , a request for a 1-year extension of the completion date of the project should be submitted with the June 2024 quarterly report.

SEPTEMBER 1-30, 2024- Work on Closeout paperwork
Closeout paperwork consists of :

1. Project Completion Certificate, FIND Form No. 90-13 (effective date 7-30-02), which certifies that the project was completed in accordance with the project agreement and the final project plans.
2. A final reimbursement request accompanied by all required supporting documentation including bills and canceled payment vouchers for expenditures.
3. Photograph(s) showing the installation of the sign required by Rule 66B-2.013, F.A.C.
4. Photograph(s) of the completed project clearly showing the program improvements. (jpg or tif format)
5. A Final Project Report (1-2 pages) that shall at minimum include: project name and address, project summary, final cost, and project benefits to the waterway.

SEPTEMBER 30, 2024 - End of Grant. All work must be complete closeout paperwork submitted.
October 2024- finish processing closeout paperwork, perform project inspection and submit final reimbursement check and coordinates check presentation with sponsor.

NOTE: ANY MODIFICATIONS to the PROJECT shall require advance notice and prior written approval of the District. The appropriate timing for modifications to the project cost estimate, Exhibit A, would be after receipt of bids.

***NON-COMPLIANCE by the PROJECT SPONSOR with the reporting schedule in Exhibit G may result in revocation of this agreement pursuant to Section 13 of the project agreement.**

EXHIBIT H

http://www.aicw.org/studies_and_information/bids_files_plans_logos/logos.php#revize_document_center_rz617





Office of the
Town Manager

M E M O R A N D U M

TO: Attorney Tom Baird

FROM: John D'Agostino, Town Manager

DATE: 02/15/2023

SUBJECT: Inter-municipal Agreement Town of Lake Park and the Town Of Palm Beach Shores

The Town of Lake Park desires to enter into an inter-municipal agreement with the Town of Palm Beach Shores for the procurement of between 60,000 to 80,000 cubic yards of fill. The fill material will be dredged from the canal area leading out to the Atlantic Ocean. The exact amount of fill material can be as high as 80,000 cubic yards. If the amount dredged exceeds 60,000 cubic yards up to 80,000 cubic yards the Town of Lake Park will provide additional funds in the amount of \$10,000 for the difference between the 60,000 and 80,000 cubic yards.

To secure the 60,000 cubic yards of fill material immediately and to provide financing for Palm Beach Shores to secure the services of a Lobbyist for additional state funding in the amount of an \$1.1 million dollars to finance the entire dredging project, the Town Manager approached Peter Baytarian to front the initial \$35,000 to the Town of Palm Beach Shores by checks totaling \$35,000 to Mayor Alan Fiers on Tuesday, February, 7, 2023.

The fill material will be stored and dewatered on Peanut Island and the entire amount of dredged material will be designated by the Town of Palm Beach Shores to the Town of Lake Park pursuant to the inter-municipal agreement. The Town intends to reimburse Peter Baytarian the amount of \$35,000 as part of this inter-municipal agreement.

The intended use of the dredged material will be committed by the Town of Lake Park for public purposes by raising the low areas of the Marina, by raising the low areas of Lakeshore Park and to provide for reinforcement of the raised seawall by an additional three feet along the water's edge for the Marina, the water's edge of the entire length of .8 miles of seawall on both public and private properties in the Town of Lake Park.

Cc: Town Commission
Alan Fiers, Mayor of Palm Beach Shores

535 Park Avenue
Lake Park, FL 33403
Phone: (561) 881-3304
Fax: (561) 881-3314

www.lakeparkflorida.gov

RESOLUTION NO. R-1-23

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AUTHORIZING THE MAYOR OF PALM BEACH SHORES TO EXECUTE A DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST FORM TO TRANSFER CERTAIN PERMITTING RESPONSIBILITIES TO THE TOWN FOR THE “LAKE WORTH INLET FLOOD SHOAL DREDGING” PROJECT, MAKING THE TOWN A CO-PERMITTEE ALONG WITH THE MARINE INDUSTRIES ASSOCIATION OF PALM BEACH COUNTY, AT THE REQUEST OF THE PALM BEACH COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT; AND DIRECTING THE MAYOR TO PROVIDE THE EXECUTED PERMIT TRANSFER REQUEST FORM TO PALM BEACH COUNTY FOR FURTHER PROCESSING; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Town Commission of the Town of Palm Beach Shores, Florida (“Town”) has determined that the Town has a material and significant interest in participating in the “Lake Worth Inlet Flood Shoal Dredging” project which will result in the dredging the east channel of Lake Worth north of the inlet generally between Peanut Island and the western coastline of the Town; and

WHEREAS, it is the desire of the United States Army Corps of Engineers, the Florida Department of Environmental Protection, the Palm Beach County Department of Environmental Resources Management, and the Town that permitting responsibilities be transferred from the Department of the Army to the Town and the Marine Industries Association of Palm Beach County as co-permittees; and

WHEREAS, in order to effectuate the transfer of said permitting responsibilities, a Permit Transfer Request Form must be executed by the mayor and returned to the Department of the Army; and

WHEREAS, the Town Commission now desires to authorize the Mayor to execute the Department of the Army Permit Transfer Request Form and return said form to the Palm Beach County Department of Environmental Resources Management for further processing, having determined that doing so, and thereby being responsible for the permitting activities associated with the “Lake Worth Inlet Flood Shoal Dredging” project, is in the best interest of the Town.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE
TOWN OF PALM BEACH SHORES, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:**

Section 1: The above stated recitals are true and accurate and are hereby made part of this Resolution.

Section 2: The Town Commission of the Town of Palm Beach Shores, Florida, hereby authorizes the Mayor of Palm Beach Shores to execute the Department of the Army Permit Transfer Request Form attached to this resolution as Exhibit "A", and directs that the executed form be returned to the Palm Beach County Department of Environmental Resources Management for further processing.

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

DULY PASSED AND ADOPTED this ____ day of February 2022.

Alan D. Fiers, Mayor

ATTEST:

Jude M. Goudreau, Town Clerk

(SEAL)

ORDINANCE NO. O-1-23

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING APPENDIX A. ZONING ORDINANCE. AT PF. 8.3. BUILDING HEIGHT., TO ELIMINATE THE TOP OF BEAM RESTRICTION FOR BUILDINGS IN ZONING DISTRICT D; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF APPENDIX A SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, currently Pf. 8.3 of the Town Code establishes both a maximum building height and maximum top of beam for buildings constructed in Zoning District D; and

WHEREAS, unlike the other Zoning District, there are no roof pitch requirements and flat roofs are not prohibited or limited within Zoning District D; and

WHEREAS, the current top of beam restriction discourages the use of modern building design and architecture; and

WHEREAS, the Town Commission of the Town of Palm Beach Shores believes these amendments to the Town's Zoning Code are in the best interest of the health, safety and welfare of the Town, its citizens, and all those doing business with the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, THAT:

Section 1: Appendix A. Zoning Ordinance. of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Section VIII. District D Regulations., Pf. 8.3.- Building height. To eliminate the top of beam restriction for buildings in Zoning District D; providing that Pf. 8.3. shall hereafter read as follows:

Pf. 8.3. - Building height.

- a. The maximum height of any building in this district that does not utilize underground/depressed parking pursuant to Pf. 12.6 to contain all required parking for residents of the structure shall be sixty-six (66) feet ~~and the top of the beam shall not exceed sixty-one (61) feet~~ measured from the grade elevation.

- b. The maximum height of any building in this district that utilizes underground/depressed parking pursuant to Pf. 12.6 to contain all required parking for residents of the structure shall be sixty-eight (68) feet ~~and the top of the beam shall not exceed sixty-three (63) feet~~ measured from the grade elevation.
- c. No building shall have more than six (6) stories.
- d. The maximum height of any accessory building in this district shall be fifteen (15) feet.
- e. Roof structures for housing elevator machinery, stairwell enclosures, tanks, skylights, chimneys, ventilating fans, receiving antennas, air conditioning equipment and non-habitable architectural features shall be permitted above the applicable height limit. Such structures shall not be greater in height and area than required to house such equipment, and such architectural features shall comply with section 14-87, Review criteria for architectural and design features. The total roof area of such roof structures shall not be greater than five (5) percent of the roof area of the building on which they are erected. Under no circumstances shall such roof structure be used or equipped for storage or habitation of any kind. All roof structures shall be shown on the original building plans submitted for approval.

Section 2: Each and every other section and subsection of Appendix A. Zoning Ordinance. shall remain in full force and effect as previously adopted.

Section 3: All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

Section 4: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 5: Specific authority is hereby granted to codify this Ordinance.

Section 6: This Ordinance shall take effect immediately upon passage.

FIRST READING this ____ day of February, 2023.

SECOND AND FINAL READING this ____ day of March, 2023.

TOWN OF PALM BEACH SHORES

Alan Fiers, Mayor

ATTEST:

Jude Goudreau, Town Clerk

(Seal)

Approved as to form and legal sufficiency.

Keith Davis, Town Attorney

TOWN OF PALM BEACH SHORES

MONTHLY FINANCIAL REPORT

Note: Budget Amount for FY2023 is presented WITHOUT the Roads Project (\$1.66M). This allows for a better comparison year to year. A separate report is presented for the Roads Project.

	CASH & INVESTMENTS		REVENUE			
			BUDGET	CURRENT	YEAR TO DATE	% OF BUDGET
9/30/2022	\$ 4,439,076		\$ 6,138,456	\$ 194,707	\$ 6,349,812	103%
10/31/2022	\$ 3,851,354		\$ 5,929,708	\$ 48,123	\$ 48,123	1%
11/30/2022	\$ 5,670,127		\$ 6,033,030	\$ 2,292,667	\$ 2,340,790	39%
12/31/2022	\$ 6,492,638		\$ 6,033,030	\$ 1,321,829	\$ 3,662,619	61%
1/31/2023	\$ 6,322,690		\$ 6,033,030	\$ 290,229	\$ 3,952,849	66%
1/31/2022	\$ 5,911,353		\$ 5,609,398	\$ 252,557	\$ 3,973,360	71%
2/28/2023						
3/31/2023						
4/30/2023						
5/31/2023						
6/30/2023						
7/31/2023						
8/31/2023						
9/30/2023						

	EXPENDITURES					
	BUDGET	DISBURSEMENTS	ACCRUALS	CURRENT EXP	YEAR TO DATE	% OF BUDGET
9/30/2022	\$ 6,138,456	\$ 327,456	\$ 111,343	\$ 438,799	\$ 5,788,214	94%
10/31/2022	\$ 5,929,708	\$ 717,313	\$ 34,653	\$ 751,966	\$ 751,966	13%
11/30/2022	\$ 6,033,030	\$ 471,841	\$ (9,659)	\$ 462,182	\$ 1,214,148	20%
12/31/2022	\$ 6,033,030	\$ 504,555	\$ (18,472)	\$ 486,083	\$ 1,700,231	28%
1/31/2023	\$ 6,033,030	\$ 460,814	\$ 19,977	\$ 480,791	\$ 2,181,022	36%
1/31/2022	\$ 5,609,398	\$ 377,709	\$ 17,590	\$ 395,298	\$ 1,793,394	32%
2/28/2023						
3/31/2023						
4/30/2023						
5/31/2023						
6/30/2023						
7/31/2023						
8/31/2023						
9/30/2023						

Budget Amendment #1 was approved at the November Commission meeting.

Town of Palm Beach Shores
Budget Summary Report
January 2023

Jan Benchmark **33.3%**

	BUDGET	YTD	Favorable(Unfav)	%
REVENUE				
Revenue (without appr'd F/B)	\$ 5,864,039.00	\$ 3,952,848.76	\$ (1,911,190.24)	67.4%
Appropriated Fund Balance	1,828,991.00	-	(1,828,991.00)	0.0%
TOTAL REVENUE	\$ 7,693,030.00	\$ 3,952,848.76	\$ (3,740,181.24)	51.4%

EXPENDITURES BY DEPARTMENT	% of total			% of total		
Administration	\$ 429,508.00	6%	\$ 122,474.71	6%	\$ 307,033.29	28.5%
Legal	121,000.00	2%	25,200.00	1%	95,800.00	20.8%
Public Works	364,418.00	5%	123,149.37	6%	241,268.63	33.8%
Police	1,730,779.00	22%	719,707.82	33%	1,011,071.18	41.6%
Fire	736,608.00	10%	217,989.60	10%	518,618.40	29.6%
Building	261,537.00	3%	101,455.80	5%	160,081.20	38.8%
Emergency Disaster	-	0%	114,560.46	5%	(114,560.46)	0.0%
Solid Waste	241,525.00	3%	72,827.76	3%	168,697.24	30.2%
Legislative	30,213.00	0%	5,766.93	0%	24,446.07	19.1%
Streets/Storm Sewers	63,160.00	1%	18,738.88	1%	44,421.12	29.7%
Parks	180,029.00	2%	41,852.66	2%	138,176.34	23.2%
Beach	107,002.00	1%	33,063.35	2%	73,938.65	30.9%
Lift Stations/Sewer Service	42,525.00	1%	15,557.33	1%	26,967.67	36.6%
Contingencies	85,000.00	1%	-	0%	85,000.00	0.0%
Debt Service	495,855.00	6%	247,927.29	11%	247,927.71	50.0%
Emergency Medical Services	369,444.00	5%	118,143.92	5%	251,300.08	32.0%
Community Center	70,105.00	1%	14,902.20	1%	55,202.80	21.3%
Risk Management	116,000.00	2%	46,616.50	2%	69,383.50	40.2%
Capital	588,322.00	8%	107,651.08	5%	480,670.92	18.3%
Capitol - Roads Project	1,660,000.00	22%	33,436.50	2%	1,626,563.50	2.0%
TOTAL EXPENDITURES	\$ 7,693,030.00		\$ 2,181,022.16		\$ 5,512,007.84	28.4%

CHANGE IN FUND BALANCE	-	1,771,826.60	1,771,826.60
-------------------------------	----------	---------------------	---------------------

Explanation of Variances:

Public Works - Overtime for in-house projects, unanticipated repairs to fuel tank (\$4,500), hurricane prep.

Police - timing, PBSO is paid in advance and 1 of 2 debt service payments was made on the LPR cameras.

Building Dept - timing of land development costs, high in November.

Emergency Disaster - These are costs associated with Hurricane Nicole. We are working with FEMA to get reimbursed for these costs.

Lift Stations - repairs & maintenance to generator and equipment at the lift stations.

Debt Service - one of two payments made.

Risk Management - two of four payments made on the main policy.

Town of Palm Beach Shores
Disbursements - January 2023

Check #	Type	Date	Vendor	Name	Amount
4232	C	1/6/2023	52	Comcast	\$ 54.95
4233	C	1/6/2023	107	Davis & Associates, P.A.	\$ 6,660.00
4234	C	1/6/2023	863	Diversified Building Department Management	\$ 7,437.50
4235	C	1/6/2023	746	Essential Net Solutions	\$ 1,422.49
4236	C	1/6/2023	879	Orlando Rodriguez	\$ 270.00
4237	C	1/6/2023	713	PB North Chamber of Commerce, Inc.	\$ 650.00
4238	C	1/6/2023	484	Shred-It, c/o Stericycle, Inc.	\$ 130.59
4239	C	1/6/2023	881	South Central Planning & Development Commission	\$ 260.42
4240	C	1/6/2023	101	Verizon Wireless	\$ 112.68
4241	C	1/10/2023	324	AC Enforcement, Inc.	\$ 558.00
4242	C	1/10/2023	823	AT&T Mobility	\$ 34.99
4243	C	1/10/2023	823	AT&T Mobility	\$ 34.99
4244	C	1/10/2023	48	Bug Stoppers	\$ 450.00
4245	C	1/10/2023	228	Channel Innovations Corp.	\$ 660.17
4246	C	1/10/2023	53	Concentra Occupation Health Centers of South FL	\$ 150.00
4247	C	1/10/2023	89	Home Depot Credit Svcs	\$ 2,307.77
4248	C	1/10/2023	90	Hulett Environmental Services	\$ 123.00
4249	C	1/10/2023	659	Image Janitorial Services, Inc.	\$ 2,050.00
4250	C	1/10/2023	196	Performance NAPA	\$ 72.99
4251	C	1/10/2023	33	Riviera Beach Water	\$ 2,945.05
4252	C	1/10/2023	99	Torcivia, Donlon, Goddeau and Ansay, PA	\$ 397.02
4253	C	1/10/2023	104	Waste Management	\$ 15,143.08
4254	C	1/20/2023	1006	A&A Steam Systems Inc	\$ 350.00
4255	C	1/20/2023	556	Armchem International	\$ 1,014.69
4256	C	1/20/2023	1007	Best Tire Road Service LLC	\$ 70.00
4257	C	1/20/2023	1004	CAP Government	\$ 2,322.50
4258	C	1/20/2023	922	Car-Comm, Inc.	\$ 106.25
4259	C	1/20/2023	491	Dilo Fire Sprinkler, Inc.	\$ 1,585.00
4260	C	1/20/2023	997	Engenuity Group	\$ 15,765.50
4261	C	1/20/2023	71	FL Power & Light	\$ 2,613.95
4262	C	1/20/2023	80	FL Public Utilities	\$ 368.57
4263	C	1/20/2023	676	Guardian	\$ 672.46
4264	C	1/20/2023	129	Jill Kenting	\$ 328.50
4265	C	1/20/2023	987	LocalIQ	\$ 432.60
4266	C	1/20/2023	1005	NELCO	\$ 131.95
4267	C	1/20/2023	858	Palm Beach County Sheriff's Office	\$ 141,485.75
4268	C	1/20/2023	700	Phillips & Jordan Inc	\$ 113,451.89
4269	C	1/20/2023	911	AT&T	\$ 261.77
4270	C	1/20/2023	30	Poly Systems Company	\$ 1,000.00
4271	C	1/20/2023	982	Quadient Finance USA , Inc	\$ 200.00
4272	C	1/20/2023	115	Shoreline Pest Control	\$ 93.50
4273	C	1/20/2023	375	Simmons & White, Inc.	\$ 6,486.75
4274	C	1/20/2023	586	The Standard Insurance Company	\$ 316.10
4275	C	1/20/2023	131	WEX BANK	\$ 432.20
4276	C	1/20/2023	110	Xpert elevator Services, Inc.	\$ 438.60
4277	C	1/26/2023	47	Board of County Commissioners	\$ 301.68
4278	C	1/26/2023	1009	Foliage Concepts of Florida Inc.	\$ 15,031.50
4279	C	1/26/2023	90	Hulett Environmental Services	\$ 297.00

Town of Palm Beach Shores
Disbursements - January 2023

Check #	Type	Date	Vendor	Name	Amount
4280	C	1/26/2023	679	Keehn Emergency Medical Services, Inc	\$ 1,500.00
4281	C	1/26/2023	910	Lake Park Auto & Fleet Repair	\$ 89.99
4282	C	1/26/2023	130	Manno's Public Safety Supply	\$ 730.00
4283	C	1/26/2023	682	Meyers Turf LLC	\$ 120.00
4284	C	1/26/2023	687	PC Controls, Inc.	\$ 860.00
4285	C	1/26/2023	911	AT&T	\$ 874.27
4286	C	1/26/2023	911	AT&T	\$ 175.48
4287	C	1/26/2023	911	AT&T	\$ 277.13
4288	C	1/26/2023	1008	Sanders Bello	\$ 605.99
4289	C	1/26/2023	979	TAW	\$ 2,122.08
4290	C	1/26/2023	592	Trevor Steedman	\$ 81.46
4291	C	1/26/2023	978	Truist Bank	\$ 4,484.58
4292	C	1/26/2023	104	Waste Management	\$ 3,309.15
ADP, LLC	E	1/20/2023	697	ADP, LLC	\$ 239.10
ADP Taxes	E	1/13/2023		ADP Taxes	\$ 8,018.27
ADP Taxes	E	1/27/2023		ADP Taxes	\$ 7,716.47
ADP Wages	E	1/13/2023		ADP Wages	\$ 24,740.04
ADP Wages	E	1/27/2023		ADP Wages	\$ 22,499.48
Blue Cross Blue Shield of	E	1/27/2023	127	Blue Cross Blue Shield of Florida, Inc.	\$ 14,618.06
Comp Benefits	E	1/19/2023	103	Comp Benefits	\$ 83.44
FRS	E	1/5/2023	172	FRS	\$ 20,184.32
					\$ 460,813.71

General Fund	\$ 460,813.71
Underground Utilities Fund	\$ -
Total	\$ 460,813.71

Town of Palm Beach Shores
Roads Project
FY2023

Description	Budget	As of 1/31/23
Streets Assessment Report	\$ 10,000	\$ -
Streets Engineering Survey	\$ 50,000	33,437
Milling/Repaving/Restriping/Curbs	\$ 1,600,000	\$ -
Total	\$ 1,660,000	\$ 33,437

Town of Palm Beach Shores

Utility Tax

10% Effective 4/1/17

	Electric <i>FPL</i>	Water <i>Riviera Beach</i>	Gas <i>FPU</i>	Total
Oct-22	20,596.15	7,984.92	2,922.70	31,503.77
Nov-22	19,150.30	8,855.06	3,309.70	31,315.06
Dec-22	20,670.10	7,541.59	3,363.58	31,575.27
Jan-23				
Feb-23				
Mar-23				
Apr-23				
May-23				
Jun-23				
Jul-23				
Aug-23				
Sep-23				
YTD Total	60,416.55	24,381.57	9,595.98	94,394.10

<i>Budget FY2023</i>	<i>220,000.00</i>	<i>105,000.00</i>	<i>28,000.00</i>	<i>353,000.00</i>
% budget	27%	23%	34%	27%

Town of Palm Beach Shores
Discretionary Sales Tax PBC

Accumulated (unspent) Discretionary Sales Tax as of 9/30/17	\$ 49,955.01
Accumulated (unspent) Discretionary Sales Tax as of 9/30/18	\$ 119,434.60
Accumulated (unspent) Discretionary Sales Tax as of 9/30/19	\$ 207,613.87
Accumulated (unspent) Discretionary Sales Tax as of 9/30/20	\$ 291,486.47
Accumulated (unspent) Discretionary Sales Tax as of 9/30/21	\$ 387,432.10
Accumulated (unspent) Discretionary Sales Tax as of 9/30/22	\$ 507,824.92

Current Year Receipts:

Date of Receipt	Period	
11/28/2022	October 2022	\$ 8,317.76
12/23/2022	November 2022	\$ 8,669.80
1/27/2023	December 2022	\$ 9,001.22

Total current year receipts	\$ 25,988.78
-----------------------------	--------------

Current Year Expenditures:

\$ -

Accumulated (unspent) Discretionary Sales Tax as of 1/31/23	\$ 533,813.70
--	----------------------

Town of Palm Beach Shores
Building Department

	Building Permits	Building Department	Net Building	Cumulative Net Bldg
10/31/2022	\$ 5,815	\$ 14,289	\$ (8,474)	\$ (8,474)
11/30/2022	\$ 24,749	\$ 35,108	\$ (10,360)	\$ (18,833)
12/31/2022	\$ 7,780	\$ 22,755	\$ (14,975)	\$ (33,808)
1/31/2023	\$ 57,999	\$ 29,304	\$ 28,695	\$ (5,113)
2/28/2023				
3/31/2023				
4/30/2023				
5/31/2023				
6/30/2023				
7/31/2023				
8/31/2023				
9/30/2023				
	\$ 96,343	\$ 101,456	\$ (5,113)	

Other related revenues:

Bldg Permit State Surcharge	\$ 2,416
Fire Inspection Fees	\$ 350
Reinspection Fees	\$ 26
Code Enf Admin Cost Reimb	\$ 224
Site Plan / Variance Fees	\$ 1,400
Land Development Costs	\$ 10,021
Town Code & Ordinance Fines	\$ 445

Net Building	\$ 9,770
--------------	----------

Town of Palm Beach Shores
Underground Utilities
as of 1/31/23

*The projection for AT&T reflects no charge for Phase 2.
Also, the projection for Project Mgmt/Admin includes the
approved supplemental wages for the Public Works Director.*

	COST ESTIMATE	TOTAL as of 1/31/223	Remaining Costs	P R O J E C T E D	
				Cost	Variance
Other Financing Sources:					
Loan Proceeds	\$ 6,000,000	\$ 6,000,000.00	\$ -	\$ 6,000,000.00	\$ -
Expenditures:					
Survey	\$ 38,000	\$ 65,762.50	\$ -	\$ 65,762.50	\$ (27,762.50)
Legal	\$ 4,000	\$ 3,150.00	\$ -	\$ 3,150.00	\$ 850.00
Project Mgmt/Admin	\$ 80,000	\$ 95,572.09	\$ -	\$ 95,572.09	\$ (15,572.09)
Construction - Viking	\$ 4,336,460	\$ 4,343,654.00	\$ -	\$ 4,343,654.00	\$ (7,194.00)
Construction - Comcast	\$ 250,000	\$ 528,340.73	\$ -	\$ 528,340.73	\$ (278,340.73)
Construction - AT&T	\$ 450,000	\$ 291,994.13	\$ 133,005.87	\$ 425,000.00	\$ 25,000.00
Construction - FPL	\$ 254,386	\$ 254,386.00	\$ -	\$ 254,386.00	\$ -
Landscape Restoration	\$ 16,300	\$ 9,584.51	\$ 6,715.49	\$ 16,300.00	\$ -
Loan Acquisition	\$ 23,000	\$ 22,508.00	\$ -	\$ 22,508.00	\$ 492.00
Contingency	\$ 547,854	\$ -	\$ -	\$ -	\$ 547,854.00
Total expenditures	\$ 6,000,000	\$ 5,614,951.96	\$ 139,721.36	\$ 5,754,673.32	\$ 245,326.68
Net Change in Fund Balance	\$ -	\$ 385,048.04	\$ (139,721.36)	\$ 245,326.68	\$ 245,326.68

Viking is complete and paid in full. Additional costs of \$3,450 and \$3,744 were for repairs to sewer lines damaged when conduit was installed.
AT&T Phase 1 is complete and paid in full.
AT&T Phase 2 is underway.

Town of Palm Beach Shores
Dredging Project
as of 1/31/2023

	FY2022		FY2023	
Cash	\$	-	\$	-
<u>Revenue:</u>				
Donations	\$	15,000	\$	-
<u>Expenditures:</u>				
Professional Services	\$	15,000	\$	-
Revenue over expenditures	\$	-	\$	-

PALM BEACH COUNTY SHERIFF'S OFFICE

RIC L. BRADSHAW, SHERIFF



February 2023 Commission report with stats from January 2023

Sergeant Steven Langevin
Commander District 20/Town of Palm Beach Shores

Arrests

One warrant request has been sought regarding the loitering and prowling incident on Bamboo, upgrading it to a felony.

Mental health assist

One Baker act transport.

Miscellaneous:

A resident was a victim of another scam this one via the Internet by way of email, 26 Thousand was transferred to an account after they clicked on a similar internet address. Unfortunately, this time we were not able to regain the money.

Deputies assisted with the property owner's chili cook off, Seasiders Bazaar, POA and the Rotary scholarship pancake breakfast.

I believe the conversation with a deputy was a hit as it was well attended and we were able to answer quite a few questions.

Statistics follow

ENDS



January - 2023 - Monthly Strategic Report

CAD Calls	Monthly Totals
Business / Residence Checks (Self-Initiated)	4110
Traffic Stops (Self-Initiated)	33
Calls for Service (Excluding 1050's & 1061's)	190
All CAD Calls - Total	4333

Data Source: CADS/Premier 1

*Omit Miscellaneous Calls

Note: P1 is a dynamic system. Meaning that #'s can change from what was previously reported in the event there is a location or call type re-classification/modification.

Summary: During the month, there were 4333 generated calls within the district. 96% of these calls were self-initiated.

Data below represents Traffic Activity conducted by D20 Deputies

Data Source: D20 Office Staff

Total Citations	Total Warnings	Parking Citations
4	34	4

Arrest and NTA Statistics

Arrest Data
Arrests & Notice to Appear (NTA) within District 20
Total Count - 1

Data Source: D20 office staff

RPT #	SIGNAL	NEIGHBORHOOD	COMMONPLACE	LOCATION
23024512	13P			PARK AVE / BAMBOO RD

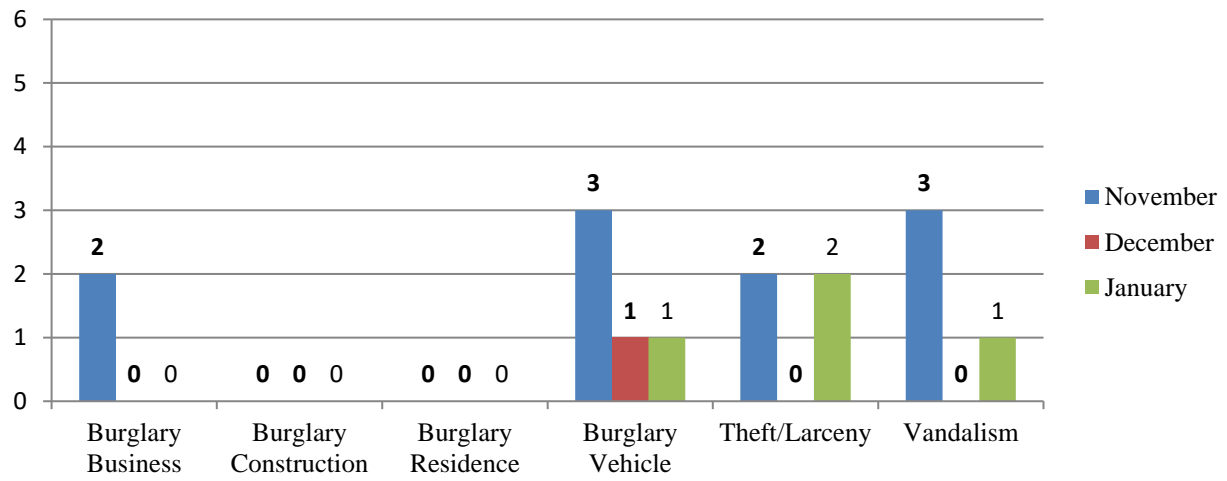
DATA ANALYSIS

The data included in this report is charted and graphed to illustrate and compare changes over a specific time period. These charts and graphs are utilized to assist in determining crime trends and to measure enforcement efforts. This data is utilized in conjunction with other analysis to develop directed patrol and various enforcement activities. The analysis included on these pages is presented as a brief highlight to explain the salient points of this report.

D20 Monthly Stats
Homicide, Robbery, Sexual Assault, Shooting, Stabbing
 Data Source: CADS/P1

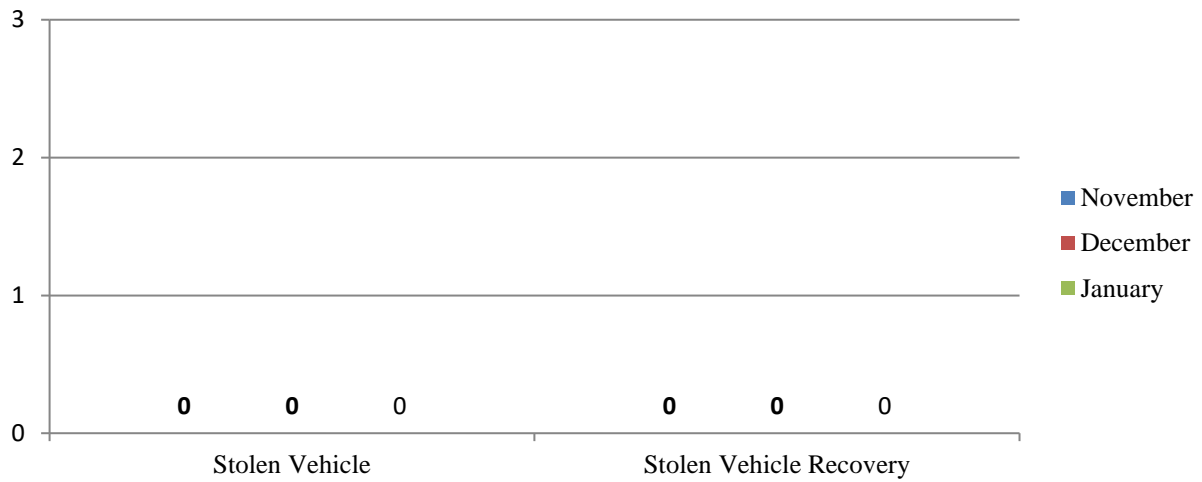


D20 Monthly Stats
Burglaries, Theft & Vandalism
 Data Source: CADS/P1



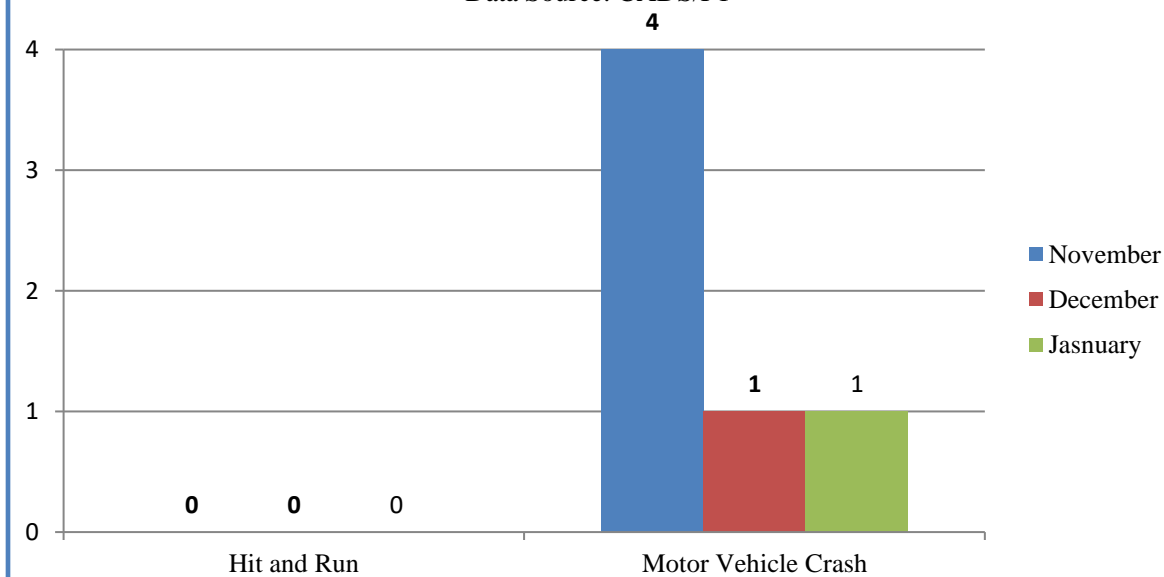
D20 Monthly Stats Stolen Vehicles & Stolen Vehicle Recoveries

Data Source: CADS/P1



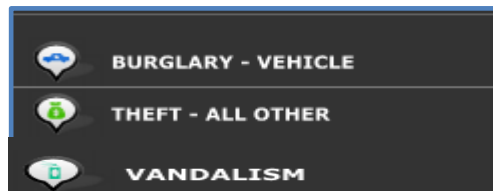
D20 Monthly Stats Hit and Run & Motor Vehicle Crash

Data Source: CADS/P1



District 20 Map of Activity

Data: Source: CrimeView Dashboard



FIR MAP

2 Records Plotted in CrimeView Dashboard.



(2) Conducted per the FIR Track system.

Note: This # could change due to FIR's being inputted into system after search was conducted.



MONTHLY ACTIVITIES REPORT TO THE TOWN COMMISSION
TOWN OF PALM BEACH SHORES
DEPARTMENT OF EMERGENCY SERVICES
20 January 2023 – 22 February 2023

TO: Mayor Alan Fiers
Town Commissioners

FROM: Trevor L. Steedman, Fire Chief / Director of Emergency Services

DATE: 22 February 2023

OPERATIONS

FIRE DEPARTMENT

COMMUNITY RISK REDUCTION (CRR) INITIATIVES

- Fire / Life Safety Inspections and Fire Protection Systems Plans Review
 - Current Fire Inspector / Plans Reviewer from *CAP Government* is retiring. Fire Chief is meeting with former and incoming Inspectors/ Reviewers to provide orientation on existing multi-family / commercial structures and buildings under construction.
- Hydrant Inspection Program (Monthly) – Performed by PBSFD
- Special Secondary Certificate of Public Convenience & Necessity (COPCN)
 - Provide immediate Advanced Life Support (ALS) service for Palm Beach Shores. EMS Transport Contract renewal discussion with Riviera Beach Fire Rescue scheduled for Monday, February 27
- *Community CPR & AED* – Coordinating with POA to present the opportunity in conjunction with POA meetings over the Spring months.
- *Courtesy Home Fire Safety Surveys* – (Implemented: November 2017)
- *Pulse Point* mobile application site – *Pulse Point* is a pre-arrival solution designed to support public safety agencies working to improve cardiac arrest survival rates through improved bystander performance.



MONTHLY ACTIVITIES REPORT TO THE TOWN COMMISSION

TOWN OF PALM BEACH SHORES

DEPARTMENT OF EMERGENCY SERVICES

20 January 2023 – 22 February 2023

- *Pre-Incident Planning* – On-going initiative to familiarize first responders with high-risk occupancies, unique hazards and special properties in Palm Beach Shores and plan accordingly for potential emergencies.
- *File of Life* Program – (Program initiated on 15 March 2017). Program materials funded through budgeted line item: *Community Risk Reduction - Prevention*. Kits are available during business hours at the Town Hall front office.
- *Fire Extinguisher Selection, Use and Maintenance*
 - Hands-on training and education opportunity presented to community members and our partners in the business community by PBSFD Firefighters. Coordinating with POA to present the opportunity in conjunction with POA meetings over the Spring months.
- *Code X-Ray Placard Program* – Identifies Unsafe/Unstable/Vacant buildings.
 - 123 Ocean Avenue – Sea Spray

STAFFING

- Career Staff. – No current vacancies
- Volunteer Staff
 - Recruitment and Retention efforts remain a priority. The entry versus attrition rate (predominantly due to full-time employment opportunities with other area departments) remains constant. There are 46 volunteer members certified to State Minimum Standards on the “Active” rolls at the time of this report.

WORKFORCE & OFFICER LEADERSHIP DEVELOPMENT

- Training & Continuing Education programs
 - Officer Development & Command School planned for Spring 2023



MONTHLY ACTIVITIES REPORT TO THE TOWN COMMISSION
TOWN OF PALM BEACH SHORES
DEPARTMENT OF EMERGENCY SERVICES
20 January 2023 – 22 February 2023

FLEET DEPLOYMENT & MAINTENANCE

- Engine 80 is at the Ft. Lauderdale REV / TC Maintenance shop for warranty work and scheduled preventative maintenance.

INDUSTRY & PROFESSIONAL STANDARDS COMPLIANCE INITIATIVES

- Adopted *National Fire Service Professional Qualifications Board* standards or equivalent for Line, Staff and Command level Officers, Fire Apparatus Driver Operator (FADO) and Firefighters to include:
 - NFPA 1001 *Standard for Fire Fighter Professional Qualifications*
 - NFPA 1002 – P *Standard for Fire Apparatus Driver/Operator (FADO) Professional Qualifications.*
- PBSFD FADO program (implemented in September 2017).
- NFPA 1021: *Standard for Fire Officer Professional Qualifications*
 - Validate rank structure for integration into County NIMS/ICS model.
- NFPA 1720 *Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations and Special Operations to the Public by Volunteer Fire Departments*

OCEAN RESCUE

GEAR & EQUIPMENT

- All Equipment is in service at the time of this report.

BEACH & WATER CONDITIONS

- Water quality for Phil Foster Park listed as “Good” with adjacent waters (Riviera Beach & Palm Beach listed as “Good” at the time of this report.

OFFICE OF EMERGENCY MANAGEMENT

Comprehensive Emergency Operations Plan (CEOP): - Ongoing

- Purpose and Scope: Update/Create CEOP for the Town of Palm Beach Shores
- Four areas of focus: Preparation, Response, Mitigation and Recovery



MONTHLY ACTIVITIES REPORT TO THE TOWN COMMISSION

TOWN OF PALM BEACH SHORES

DEPARTMENT OF EMERGENCY SERVICES

20 January 2023 – 22 February 2023

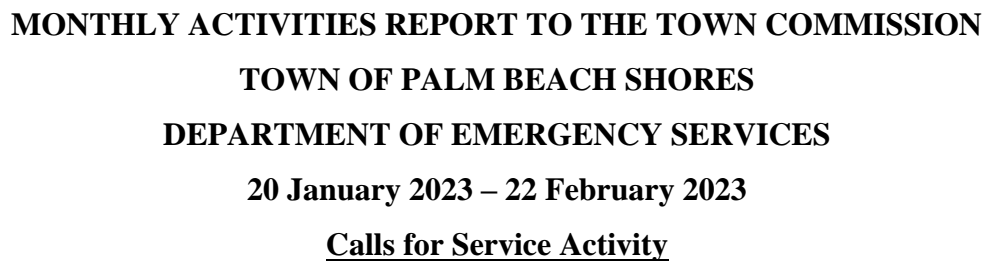
- Complies and aligns with 27P-6.0023, Florida Administrative Code, County Comprehensive Emergency Management Plans (CEMP) and County Emergency Management Programs
- Facilitate grant opportunities and streamline FEMA reimbursement efforts.
- Community Emergency Supply Program – Operational.

Continuity of Operations Plan (COOP): - Ongoing

- Purpose and Scope: The COOP enables organizations to continue their Essential Functions (EF's) across a wide spectrum of emergencies. This Plan applies to the functions, operations, and resources necessary to ensure the continuation of the Town's Essential Functions, in the event its normal operations at Town Hall or Town facilities are disrupted or threatened with disruption. This Plan applies to all Town personnel and contractors vital to daily operations. Palm Beach Shores staff must be familiar with Continuity policies and procedures and their respective Continuity roles and responsibilities. This Continuity Plan ensures the Town of Palm Beach Shores is capable of conducting its essential missions and functions under all threats and conditions, with or without warning, including natural and manmade disasters, technological emergencies, and military or terrorist attack-related incidents.
- Based on a vulnerability assessment which identifies capabilities, limitations, and potential threats.
- Identify and address any potential critical points of failure.

Incident Action Plans (IAP's): – As-Needed

- Purpose and Scope: Provides a recognized template to establish control objectives and communicate critical information during planned and unforeseen events and emergencies.
- Response strategies and operational goals for operational periods are regularly updated.



OCEAN RESCUE (January 2023)	Rescue Report	Rescues: 00	Assists: 00	Vessel Assists: 00
	Prevention & Education	Contacts: 293		
	Beach Usage	Guarded Area: 12,195	Total: 31,575	Inlet: 31,880
	First Aid Provided	Occurrences (Minor): 63		

FORMAL TRAINING & DRILLS	DATE	TIME	LOCATION	TYPE			NATURE	STAFFING	NOTES
				FIRE	RESCUE	EMS			
	24 Jan 2023	18:00	90 Edwards	X	X		Hi-Rise Firefighting	12	Hands-On
	31 Jan 2023	18:00	Phil Foster	X	X		Hi-Rise Firefighting	21	Hands-On
	21 Feb 2023	18:30	125 Ocean Ave.	X	X		Hi-Rise Firefighting	21	Hands-On
Formal Training Drills –03									
Personnel Participation – 54									
Personnel Training Hours – 162									



Public Works Department

Monthly Status Report

February 2023

Community Center:

1. The Project concerning the Kitchen Remodel on the 2nd floor is on hold due to further discussions.
2. The New Sound System was installed on the 2nd floor with 6 assigned microphones. The installation date was Wednesday, February 22, 2023.
3. Receiving quotes for new roll down shades on the 2nd floor.
4. Receiving quotes for new sound panels and acoustics suggestions on the 2nd floor.
5. The projects listed is funded through the approved Donations and the general budget.

Grounds & Parks:

1. Scheduling to install concrete slabs under the Parkway benches due to safety concerns. The concrete slabs will replace the existing individual square pavers creating an uneven surface and trip hazards. There is a total of 37 concrete slabs to be installed. This project will be performed by the Public Works Staff.
2. Scheduling to pressure wash the Parkway sidewalk, bricks, and park benches.
3. Scheduling to convert all the Irrigation mechanical time clock controllers and zone valves to digital located along the Parkway. There is a total of 5 stations to be converted. This will improve water consumption and maintenance costs. The work will be completed by the Public Works Department staff.
4. Renovations required to the Parkway Fountain, new plumbing, electrical, stucco repairs, and Painting. Project still ongoing due to waiting on materials and additional projects as assigned.
5. The projects listed is funded through the approved general and capital budget.
6. Riviera Beach is scheduling for contractor to reinstall brick pavers on the Parkway located on Sandal Lane and Tacoma Lane due to the new fire hydrants being installed.
7. The projects listed is funded through the approved general budget.

Streets:

1. Performed Maintenance and Inspection on **Thursday, February 16, 2023**, on the Lake Drive and Bamboo Road Tidal Valve. The integrity and operation of the Tidal Valve During Hurricane Nicole was compromised and failed allowing salt water to overflow out of the streets storm grates and

flooding the streets intersection of Lake Drive and Bamboo Road. The representative from Walpro Valves was onsite with his dive team to inspect the valve and to determine the possible failure of the mechanism. Waiting for SHENANDOAH, the contractor who installed the valve to schedule an inspection to move forward with a possible cause of the valve failing during Hurricane Nichole and present a solution.

2. Scheduling to repair the Sewer Manhole spacer ring to secure the Manhole Lid located on Linda Lane in the 300 block. The repairs are required due to Heavy Traffic and Road surface change. Waiting for contractors' availability.
3. The Street Light Located in the 200 block of Tacoma Lane was struck by a vehicle causing damage beyond repairs the Street Light will require replacement. I am in contact With Electrical Contractor CR Dunn to locate a similar Street Light Pole for Installation. This is the second Street Light Pole requiring replacement in the 200 block of Tacoma Lane on the South side of the street due to vehicle damage. The proceedings to locate an electrical contractor to assist with locating the new street light poles and to install the poles has been a challenge.
4. The projects listed is funded through the approved general budget.

Lift Stations:

1. Scheduling to reline the streets sewer manholes in various locations. Waiting on contractors' availability.
2. Painted and repaired the Emergency Backup Generators exterior enclosures and concrete pads.
3. Replaced all floats and installed stainless steel sheathing on float cables to deter rodent damage.
4. The projects listed is funded through the approved general budget.

Public Works Building, Police Building, Fire Department Annex Building, Beach Building:

1. Scheduling to install the new weathervane on the Town Hall Copula and paint the Copula roof.
2. Scheduling to clean the Town Hall roof tiles and Gazebo roof tiles as per code.
3. The projects listed is funded through the approved general budget.

Capital Projects For 2021-2022:

1. Community Center Replace 1st floor fireproof metal doors: **Public Works Repaired.**
2. Community Center Replace 2nd floor east balcony awning: **Completed / Contractor.**
3. Paint Exterior of Town Hall, Police, and Fire Bay: **Public Works performed the work. Town Hall is completed. Police and Fire Bay is completed.**
4. Town Hall new Fire Alarm monitoring system: **Receiving Estimates / Contractor.**
5. Inlet Park, Parkway, Beach, and town streets replace concrete trash cans: **Has been Delivered**
6. Inlet Park and Beach replace concrete benches: **Benches Installed.**
7. Streets New Storm grates and concrete aprons: **In progress / Public Works to perform the work. Storm Grates are installed.**
8. Lift station #01 Lake Drive replace wet well riser pipes and pump base plates: **Contractor / Completed Project.**

Training / Certificates:

1. Continuing Education in Florida Stormwater Erosion and Sedimentation Control. No cost to the Town.
2. OSHA'S Model Training Program for multiple certifications & continuing education credits. No cost to the Town.
3. Safety Meeting scheduled for Tuesday, February 21, 2023, Public Works Safety Officer (Public Works Director).
4. Lift Stations Pumps and Valves training by PSI Technologies. No cost to the Town.

Updates:

1. AT&T Project.
2. Watermain Project.
3. Hurricane Nichole Inlet Park Restoration FEMA Site Visit Scheduled for the week of February 27 to Friday, March 3, 2023.

TOWN CLERK'S REPORT
January 2022 Statistics
February 27, 2023, Commission Meeting

Building Department Information	January 2022: Total Permits issued: 24 Total Permit Fees Paid: \$ 57,999.00 Reminder: Working without a permit will result in a stop work order and a charge of 4 times the permit fee. Unsure if you need a permit, call the Building Department, and we'll be glad to help you.
Code Compliance	<p>The following is a count of properties that had Code Enforcement violations from January 19, 2023 - February 21, 2023</p> <p>Code Violation: Sec. 18-329. – Property Maintenance. 4 Closed. 3 Open. 119 Bravado Lane, 231 Inlet Way, 306 Bravado Lane.</p> <p>Code Violation: Sec. 14-106. Florida Building Code (Structural Engineering Report for the condition of the building) 2 Closed. 0 Open.</p> <p>Code Violation: Sec. 14-106. Florida Building Code (Work without a permit) 2 Closed. 3 Open 33 Ocean Ave 309, 33 Ocean Ave 606; 115 Bamboo Rd</p> <p>Code Violation: Sec. 78-79 Landscaping Maintenance 1 Closed 4 Open 342 Blossom Ln, 343 Cascade Ln, 207 Cascade Lane, 237 Cascade Ln</p> <p>Code Violation: Sec. 42-41. Noise Disturbances. 1 Closed. 0 Open.</p> <p>Code Violation: Sec. 18-16. Business Tax Receipt/ Certificate of Use 2 Closed 1 Open 115 Linda Ln</p> <p>Code Violation: Sec 70-75. Prohibited vehicle. 3 Closed 0 Open.</p> <p>Code Violation: Sec 58-53 Temporary Signage. 1 Closed 0 Open</p> <p>Total Amount of Cases created that are closed from 1/19/23 – 2/21/23: 16</p> <p>Total Amount of Cases created that are still open from 1/19/23 – 2/21/23:</p> <p>Total count of Cases 1/19/23 – 2/21/23: 27</p> <p>Special Magistrate: 220 Inlet Way Fine Reduction Hearing 320 Inlet Way Status Hearing/Fine Assessment Hearing</p>
TOWN HALL Upcoming Meetings and Important Dates Additional Information	<ul style="list-style-type: none"> Don't forget the Municipal Election held on March 14, 2023. Please come out and Vote for (2) Two Commission Seats. We have (3) Candidates: Janet Kortenhaus (incumbent) Tracy Larcher (incumbent) and Challenger Mark Ward Poles open at 7 a.m. and close promptly at 7 p.m.