

**TOWN OF OCEAN BREEZE
REGULAR TOWN COUNCIL MEETING
AGENDA**

May 10, 2021, 10:30 am
Ocean Breeze Resort Clubhouse Pineapple Bay Room
700 NE Seabreeze Way, Ocean Breeze, FL

***PLEASE TURN OFF CELL PHONES –
SPEAK DIRECTLY INTO MICROPHONE***

- 1. Call to Order, President De Angeles**
 - Pledge of Allegiance
 - Roll Call
- 2. Approval of Minutes** – Regular Meeting, Monday, April 12, 2021
(Motion, second, public comments, all in favor)
- 3. Budget to Actual** – October 1, 2020–March 31, 2021 Memo-Holly Vath, Financial Consultant
(Motion, second, public comment, all in favor)
- 4. Request Authorization for the Mayor to Execute a Contract for Town Engineer Consulting Services with Scott T. Montgomery, PE, with C. Calvert Montgomery & Associates, Inc.**
(Motion, second, public comment, roll call)
- 5. Comments from the public on topics not on the Agenda**
- 6. Comments from the Council on topics not on the Agenda**
- 7. Comments from Town Management Consultant Terry O’Neil**
- 8. Comments from Mayor Ostrand**
- 9. Announcements** – Regular Town Council Meeting – Monday, June 14, 2021,
at 10:30 am, to be held at Ocean Breeze Resort Clubhouse, Pineapple Bay Room,
700 NE Seabreeze Way, Ocean Breeze
- 10. Adjourn** (Motion, second, all in favor)

TOWN OF OCEAN BREEZE
MINUTES REGULAR TOWN COUNCIL MEETING
Monday, April 12, 2021, 10:30 a.m.
Ocean Breeze Resort Clubhouse, Pineapple Bay Room
700 NE Seabreeze Way, Ocean Breeze, FL

1. Call to Order – President De Angeles called the meeting to order at 10:30 a.m.

- Pledge of Allegiance – Mayor Ostrand led the Pledge of Allegiance
- Roll Call – Present: Mayor Karen M. Ostrand, President Kenneth De Angeles, Council Members Bill Arnold, Kevin Docherty, Terry Locatis
Absent: Vice-President Gerold and Council Member David Wagner
- Staff Present – Town Management Consultant, Terry O’Neil; Town Attorney, Rick Crary; Town Clerk, Pam Orr; and Bookkeeper/Clerical Assistant, Kim Stanton

2. Approval of Minutes – Council Member Arnold, seconded by Council Member Docherty, made a Motion to approve the Minutes of the March 8, 2021 regular meeting.

President De Angeles asked for public comments.

There were none.

All in Favor: Yes: De Angeles, Arnold, Docherty & Locatis; No: None; Motion Passed - 4 - 0

3. Habitat for Humanity of Martin County – Margot Graff, Executive Director, gave a presentation explaining the mission of Habitat for Humanity of Martin County. She introduced Debb Fertal, Volunteer Coordinator/Faith Relations Liaison. She took questions from the Mayor, Town Council Members, staff and the public.

President De Angeles asked for further public comments.

There were none.

4. Request for a Proclamation by LifeLink Foundation recognizing “Donate Life Month” – Mayor Ostrand read the Proclamation into the record and offered her support.

President De Angeles encouraged everyone to participate by registering online or when renewing their driver license or state identification card.

Council Member Arnold, seconded by Council Member Locatis, made a motion to approve the Proclamation.

President De Angeles asked for public comments.

There were none.

All in Favor Vote: Yes: De Angeles, Locatis, Docherty & Arnold; No: None; Motion Passed: 4 – 0

5. Request for a Proclamation by The Inner Truth Project for “Sexual Awareness Month” – Mindi Fetterman, Founder and CEO read the Proclamation into the record. She provided some background regarding the origins of The Inner Truth Project and provided a presentation. Council Member Docherty, seconded by Council Member Arnold, made a motion to approve the Proclamation.

President De Angeles asked for public comments.

Ms. Fetterman took questions from the Mayor, Town Council and the public.

President De Angeles asked for further comments.

There were none.

All in Favor Vote: Yes: De Angeles, Arnold, Docherty & Locatis; Absent: Gerold & Wagner; No: None; Motion Passed: 4 – 0

6. RESOLUTION #312-2021 – A RESOLUTION OF THE TOWN OF OCEAN BREEZE, FLORIDA URGING ALL MEMBERS OF THE FLORIDA LEGISLATURE TO OPPOSE UNWARRANTED OR OVERLY BROAD PREEMPTIONS OF MUNICIPAL HOME RULE POWERS; DIRECTING A COPY OF THIS RESOLUTION BE TRANSMITTED TO MEMBERS OF THE FLORIDA LEGISLATURE, THE FLORIDA LEAGUE OF CITIES, AND ANY OTHER INTERESTED PARTIES.

Pam Orr, Town Clerk, read Resolution #312-2021 into the record.

Council Member Locatis, seconded by Council Member Arnold , made a Motion to approve Resolution #312-2021.

President De Angeles asked for public comments.

There were none.

Roll Call Vote: Yes: Docherty, Arnold, De Angeles, Locatis; No: None; Motion Passed: 4 – 0

7. Request to Extend the Federal Families First Corona Response Act (FFCRA) Paid COVID Sick Leave Policy – Mr. O’Neil explained the memorandum from the Town’s Financial Consultant, Holly Vath. He stated that staff was asking the Council to extend the FFCRA through the end of this current fiscal year, which was September 30, 2021.

Council Member Arnold, seconded by Council Member Docherty, made a Motion to approve an extension for the Covid-19 sick leave.

President De Angeles asked for public comments.

There were none.

Roll Call Vote: Yes: Docherty, Locatis, Arnold, De Angeles; No: None; Absent: Wagner & Gerold; Motion Passed: 4 – 0

8. Comments from the public on topics not on the Agenda – Janet Galante, resident of Ocean Breeze, asked if the Town’s identification signs were in place.

President De Angeles answered “yes.”

She asked about the costs of the signs.

Kim Stanton, Bookkeeper, replied that the cost for two signs was \$1,400 plus installation of \$150.00. Ms. Galante asked if those dollars were already in the budget.

President De Angeles answered “yes” and that the restricted, fuel tax dollars were used to purchase the signs.

President De Angeles asked for further comments.

There were none.

9. Comments from the Council on topics not on the Agenda – Council Member Docherty asked if the Town could investigate methods to reduce the speed along Indian River Drive. He asked about cost of painting 25 mph reflective road striping or paint in between the two speed bumps. He also inquired about the possibility of installing speed rumbles in between the two speed bumps to slow down the speeding traffic. He discussed approaching Martin County to propose that the Town pay the cost of these speed deterrents.

Discussion ensued regarding dangerous traffic incidents along Indian River Drive, curbing projects to be done by Martin County, traffic patterns/speeds, speaking to the County about any consideration they might have to help alleviate the problem, the difficulties of entering and exiting Ocean Breeze Resort on Indian River Drive by the administration building, traffic lights, median signs, the growth of the community, safety issues and ways to ameliorate the problem.

President De Angeles asked Mr. O’Neil if the Town could start a dialogue with Martin County engineering regarding this issue.

Mr. O’Neil answered “yes” and that he believed Martin County had been cooperative in attempting to help the Town with this problem. He stated that the Town could obtain an analysis of the area and weigh it against the County’s standard and then advise the Town. He added that the Town could ask for a traffic analysis to slow down traffic even more and commented that this stretch of road already had a number of features to it.

Discussion ensued regarding the traffic patterns and traffic signals.

Mr. O’Neil remarked that Staff could start a dialogue with Martin County engineers to discuss Council Member Docherty’s ideas to further slow the traffic.

Council Member Docherty spoke about the cost to pay for these initiatives and funds would come from the special revenue fund (fuel tax dollars) which restricts the use to roads and streets.

Discussion ensued regarding the pros and cons of a traffic signal.

President De Angeles asked Mr. O’Neil if he would follow-up on this issue.

Mr. O’Neil answered “yes.”

Janet Galante, resident of Ocean Breeze, spoke about the main entrance into the Resort, the difficulty making a left-hand turn out of the Resort onto Indian River Drive at the Administration Building and RVs. She spoke about the season versus off season and how the traffic patterns change.

Mayor Ostrand added that if someone had difficulty exiting at the main exit, they would use West End Boulevard as an alternative and she suggested it be considered in the analysis.

President De Angeles asked if the residents of the Resort should get involved in the discussion in order to get everyone's feedback.

Mr. O'Neil answered that first Staff would need a chance to find a local engineer and begin some preliminary discussions. He added that he felt confident that Staff understood the concerns. He added that as Staff formulated the details, an Agenda item could be created with a cover letter from the Council and the Mayor inviting residents to participate.

Council Member Arnold spoke about the traffic difficulties at West End Boulevard and that he would like to see this issue addressed. He stated that the problem was on Sun's property as you enter and exit at West End Boulevard. He added that because it was problematic, something should be done in that area, maybe cones or signs.

Mr. O'Neil answered that the analysis could be extended to the West End gate area.

Discussion ensued regarding the area of West End Boulevard owned by Sun Communities and two-way traffic currently in and out of the Resort, the possibility of making the gate and street on West End exit only, future design at West End Boulevard to Jensen Beach Boulevard, Marcela Camblor's email and possible future meetings with Commissioner Doug Smith.

Council Member Locatis asked about the information in the Agenda packet regarding the extension of time for RVs to be allowed through-out the Resort. He reminded the Council about the meeting he had with Sun representatives regarding hurricane preparedness and the RVs. He expressed his dismay that Sun Communities would not force RVs to prepare and tie-down before a hurricane.

Mr. O'Neil asked the Mayor and Town Council to review Attorney Crary's memo in their Agenda packet in which he explained development extensions. Mr. O'Neil continued that the Town had no authority regarding the decisions made by the Florida Legislature or the Governor on states of emergency.

Mr. Crary added that the only pre-requisite on the part of the developer or permit holder was that they must send the Town a notice, within 90 days after the end of the emergency, and ask specifically for the extension. He commented that the Town did not have to give the extension to anybody who did not ask for it and stated that the Town had discretion if a developer did not ask. He stated that in this case, there were a couple of letters that had already been sent asking for this extension. He spoke about the complexities of overlapping emergencies.

Janet Galante, resident of Ocean Breeze, asked for clarification of Council Member Locatis' initial question.

Council Member Locatis clarified that his concern was regarding RVs and mandatory evacuation orders with a hurricane approaching.

Ms. Galante stated that it was unsightly to see RVs mixed within a block of homes, and that there were probably long-term leases involved.

Council Member Locatis remarked that no matter where these RVs were located within the Resort, there should be rules requiring owners of the RVs to follow hurricane preparedness guideline, including tying down their RVs and stowing loose items.

Discussion ensued regarding the RVs scattered throughout the Resort, the PUD timetable and PUD extension dates.

Attorney Crary explained that the Covid emergency would extend the PUD timetable out a year and a half from January, 2022, and then, the overlapping hurricane, would add an additional six months. He confirmed that the Covid emergency remained in place, so the toll was still ongoing.

Discussion ensued regarding Sun Communities build-out and the ongoing toll.

President De Angeles asked for further comments from the Council or the public.

There were none.

10. Comments from the Town Management Consultant Terry O'Neil –He had none.

11. Comments from Mayor Ostrand – Mayor Ostrand gave an update on the issue of preemption and the Florida Legislature. She spoke about the importance of contacting state legislators to make their voice heard regarding preemption. She gave a short synopsis on local representatives' views on preemption and other issues.

12. Announcements – President De Angeles announced that the regular Town Council meeting would be held on Monday, May 10, 2021 at 10:30 am at Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze, Florida.

13. Adjourn – Council Member Arnold, seconded by Council Member Locatis, made a motion to adjourn the meeting at 11:56 a.m.

Respectfully Submitted,

Pam Orr
Town Clerk

Minutes approved: _____

Item #3

Memorandum

TO: **TOWN COUNCIL AND MAYOR**

FROM: **HOLLY VATH, FINANCIAL CONSULTANT**

SUBJECT: **QUARTERLY FINANCIAL REPORT**

DATE: **MAY 3, 2021**

Attached is the quarterly financial report for second quarter of fiscal year 2021.

Revenue

The total year-to-date budgeted revenue was \$208,558, the Town received \$258,671 which is \$50,113 more than budgeted. The majority (\$47,280) is a result of building permit activity at Seawalk. These funds can only be used for expenses related to building permit activities. Several state shared revenues are below budget with charges for services and the administrative fee charged to collect school impact fees offsetting the shortfall in state revenue sharing.

Expenditures

The total year-to-date budgeted expenditures was \$169,410, the Town has expended year-to-date \$123,893. Some categories below budgeted expenditures include the Code of Ordinance update and fewer expenses for code compliance issues. The Town expects to remain within budgetary expectations through the 2021 fiscal year.

Town of Ocean Breeze General Fund
Profit & Loss Budget vs. Actual
October 2020 through March 2021

	Oct '20 - Mar 21	Budget	\$ Over Budget
Ordinary Income/Expense			
Income			
6001 · Taxes from other Governments			
312300 · State Fuel Tax	2,097.97	1,400.00	697.97
312410 · Local Option Gas Tax	1,595.12	1,000.00	595.12
312420 · New Local Option Gas Tax	1,182.06	600.00	582.06
314200 · Local Communications Svc Tax	1,025.25	2,800.00	-1,774.75
335120 · State Revenue Sharing	7,181.05	9,300.00	-2,118.95
335140 · Mobile Home Tags	1,724.62	1,050.00	674.62
335150 · Alcoholic Beverage Licenses	0.00	0.00	0.00
335180 · 1/2 Cent Sales Tax	15,125.58	15,700.00	-574.42
Total 6001 · Taxes from other Governments	29,931.65	31,850.00	-1,918.35
6002 · Licenses & Permits			
322000 · Building Permits	92,780.63	45,500.00	47,280.63
338200 · Occupational Licenses	93.14	100.00	-6.86
Total 6002 · Licenses & Permits	92,873.77	45,600.00	47,273.77
6003 · Other Fees for Services			
322001 · Fire Inspections	0.00	400.00	-400.00
322004 · Charges for Services	2,479.71	0.00	2,479.71
Total 6003 · Other Fees for Services	2,479.71	400.00	2,079.71
6004 · Investment & Other Earnings			
361000 · Interest Income	367.26	550.00	-182.74
Total 6004 · Investment & Other Earnings	367.26	550.00	-182.74
6005 · Ad Valorum Revenue			
312100 · Ad Valorum	126,805.47	127,658.00	-852.53
Total 6005 · Ad Valorum Revenue	126,805.47	127,658.00	-852.53
6006 · Grants and Contributions			
361100 · Government Grants	0.00	0.00	0.00
362000 · Private Contributions	0.00	0.00	0.00
362500 · Government Match	0.00	0.00	0.00
Total 6006 · Grants and Contributions	0.00	0.00	0.00
6007 · Miscellaneous Income			
369000 · Misc Inc - MCSB Admin Fee, Etc.	6,213.78	2,500.00	3,713.78
Total 6007 · Miscellaneous Income	6,213.78	2,500.00	3,713.78
Total Income	258,671.64	208,558.00	50,113.64
Expense			
6101 · General Government			
513150 · Gross Payroll	37,786.03	43,000.00	-5,213.97
513155 · PTO Accrual	0.00	0.00	0.00
513297 · Grant Management Consultant	0.00	0.00	0.00

Town of Ocean Breeze General Fund
Profit & Loss Budget vs. Actual
October 2020 through March 2021

	Oct '20 - Mar 21	Budget	\$ Over Budget
513301 · Management Consultant	4,418.00	14,000.00	-9,582.00
513302 · Rent	6,291.66	6,190.00	101.66
513304 · Communications / Website	6,892.92	7,300.00	-407.08
513305 · Engineering	0.00	1,250.00	-1,250.00
513306 · Accountant	0.00	4,000.00	-4,000.00
513308 · Insurance W/C	3,643.00	1,200.00	2,443.00
513309 · Insurance Package	10,064.00	10,300.00	-236.00
513311 · Public Advertising Notices	1,133.10	2,000.00	-866.90
513312 · Office Equipment & Supplies	3,756.62	4,500.00	-743.38
513313 · Postage	432.65	330.00	102.65
513315 · Audit	0.00	0.00	0.00
513316 · Utilities	283.09	360.00	-76.91
513317 · Dues	870.00	1,350.00	-480.00
513318 · Mileage Reimb. - Clerks	208.14	600.00	-391.86
513319 · Conferences & Travel - Council	165.00	2,200.00	-2,035.00
513321 · Election Expenses	0.00	0.00	0.00
513323 · Special projects Code of Ord	0.00	6,000.00	-6,000.00
513324 · Special Project-Digitizing	95.00	1,000.00	-905.00
513820 · Contributions	1,000.00	750.00	250.00
514100 · Legal Counsel	9,719.50	12,000.00	-2,280.50
514200 · Computer Services	814.00	1,800.00	-986.00
531110 · Payroll Taxes - Fica	2,342.70	2,660.00	-317.30
531111 · Payroll Taxes - Medicare	547.70	620.00	-72.30
531112 · Benefits	12,129.46	10,400.00	1,729.46
Total 6101 · General Government	102,592.57	133,810.00	-31,217.43
6102 · Public Safety			
522300 · M.C. Fire Rescue	0.00	0.00	0.00
524200 · Building Official Services	16,462.50	15,000.00	1,462.50
524210 · Building Code Compliance Ser	715.00	7,500.00	-6,785.00
524220 · Code Compliance Legal	125.00	10,000.00	-9,875.00
524300 · Fire Safety Inspector	0.00	600.00	-600.00
Total 6102 · Public Safety	17,302.50	33,100.00	-15,797.50
6104 · Transportation			
541300 · Road and Street Maintenance	2,015.00	0.00	2,015.00
541301 · Street Lights	583.08	2,500.00	-1,916.92
541600 · Road and Street Capital	1,400.00		
Total 6104 · Transportation	3,998.08	2,500.00	1,498.08
6200 · Physical Environment			
531000 · Grants - Contract Labor	0.00	0.00	0.00
Total 6200 · Physical Environment	0.00	0.00	0.00
6600 · Capital Outlay			
555000 · Furniture & Equipment	0.00	0.00	0.00
Total 6600 · Capital Outlay	0.00	0.00	0.00

Town of Ocean Breeze General Fund
Profit & Loss Budget vs. Actual
 October 2020 through March 2021

	Oct '20 - Mar 21	Budget	\$ Over Budget
Total Expense	123,893.15	169,410.00	-45,516.85
Net Ordinary Income	134,778.49	39,148.00	95,630.49
Other Income/Expense			
Other Expense			
80000 - Ask My Accountant	0.00	0.00	0.00
Total Other Expense	0.00	0.00	0.00
Net Other Income	0.00	0.00	0.00
Net Income	<u>134,778.49</u>	<u>39,148.00</u>	<u>95,630.49</u>

Memorandum

To: Town Council and Mayor

From: Terry O'Neil, Town Management Consultant

Cc: Pam Orr, Town Attorney
Rick Crary, Town Attorney

Date: January 7, 2021

Re: Proposed contract for Town Engineer Consulting Services¹

After many years as Town Engineer, Kevin Henderson of Evergreen Engineering has retired from service. In proposing a replacement, staff is recommending that the Council authorize the Mayor to execute the attached contract with C. Calvert Montgomery & Associates of Stuart. Founded in 1958, CCMA is a Martin County-based family business with extensive local experience as civil engineers. In my time as Development Director, and in several other roles with the City of Stuart, I've worked with Cal Montgomery and to a greater extent his son Scott, for over twenty-five years. I've found the firm to be exceedingly professional, responsive and adept in reaching collaborative solutions. A synopsis of the firm's history is attached. If the firm is engaged, Scott himself will be designated as our Town Engineer Consultant.

The attached contract agreement has been reviewed without objection by the Town Attorney and is **recommended for approval by Mayor Ostrand**. Mr. Montgomery will be at our May 10th meeting to introduce himself.

On a final note, Scott has been informed that if he's retained, as directed at the Council's last meeting, he will be immediately asked to help the Town explore a range of traffic calming initiatives that it might propose to Martin County that will slow traffic on Indian River Drive and West End Boulevard.

¹ The Town's annual cost for engineering services has been relatively modest, ranging between \$2,500 and \$3,500 a year over the past eight years.

From: Kevin Henderson <evergreenengineeringinc@gmail.com>
Sent: Thursday, November 12, 2020 2:15 PM
To: Karen Ostrand; Ken De Angeles
Cc: Pam Orr; Rick Crary II
Subject: Town Engineer

Dear Madam Mayor and Mr. President:

Please accept this notice of my retirement from the position of Town Engineer as of December 31, 2020; unless you find a suitable replacement for me sooner and advise me thereof.

I have enjoyed working with you.

The Town has changed dramatically over my term, and I hope all for the better.

Sincerely, Kevin Henderson, P.E.

C. CALVERT MONTGOMERY & ASSOCIATES, INC.

ENGINEERS

P.O. Box 92...Stuart, Florida 34995

Telephone: (772) 287-3636 E-mail: scott@ccmaengineers.com

FIRM OVERVIEW

Our Firm was established in Stuart, Florida in 1958 as Greenlees, Arbogast and Montgomery, Inc. with C. Calvert Montgomery as an original corporate officer from its inception. The name of the firm was subsequently changed to Greenlees, Montgomery & Associates, Inc. and later to C. Calvert Montgomery & Associates, Inc. in 1978. Its only office has remained in Stuart for 62 years, and is currently located at 959 S.E. Federal Highway.

C. Calvert Montgomery & Associates, Inc. has provided services to the Martin County School District, Martin County Board of County Commissioners, Florida Department of Transportation, City of Stuart, other County and City governments and private clients, for projects including schools and administrative facilities, highways and bridges, water and sanitary systems, residential and commercial developments, as well as structural engineering projects. C. Calvert Montgomery & Associates, Inc. has accomplished the Civil Engineering design services for the original construction of all three public high schools in Martin County, and the majority of the middle and elementary schools.

Scott Montgomery would serve in the capacity of Town Engineer for the specific services requested by the Town of Ocean Breeze. A brief summary of his qualifications and experience is attached.

Professional Qualifications:

Scott Montgomery, P.E.

Roles: Principal-in-Charge of Civil Engineering

Experience: C. Calvert Montgomery & Associates, Inc.
1983 to Present

Education: BS Civil Engineering (1983), Auburn University

Qualifications: Florida Registered Professional Engineer (45954)

Ability: Design of drainage and stormwater management facilities, roads and highway, water supply and sanitary facilities on projects for Martin County Board of Commissioners, Martin County School Board, and private developments.

**Brief Project
Listing:**

River House Stuart Residential Condo/Townhouses, Seminole Street Stuart
River Oaks Single-Family Subdivision, Mapp Road, Palm City
Hunter Lake Single-Family Subdivision, Salerno Road, Stuart
St. Lucie Oaks Residential and Commercial Developments
Martin County High School Classroom Building Expansion (sitework)
Martin County High School Track and Field Replacement
Hidden Oaks Middle School
Crystal Lake Elementary School
Bessey Creek Elementary School
Halpatiokee Regional Park Drainage and Playfield modifications
Monterey Commons Commercial & Office Complex
Willoughby Boulevard from Indian Street to Monterey Road
Monterey Road from East Ocean Blvd. south to Kingswood St.
Orange Avenue 7-11 Convenience & Fuel Store, Fort Pierce

TOWN ENGINEER CONSULTATION SERVICES AGREEMENT

THIS AGREEMENT made and entered into this _____ day of May 2021, by and between THE TOWN OF OCEAN BREEZE, FLORIDA, a municipal corporation of the State of Florida, and C. CALVERT MONTGOMERY & ASSOCIATES, INC.

WHEREAS, it is in the best public interest that THE TOWN OF OCEAN BREEZE retain SCOTT MONTGOMERY of C. CALVERT MONTGOMERY & ASSOCIATES, INC. to provide general civil engineering consultation services to the Town Council of THE TOWN OF OCEAN BREEZE as an independent contractor acting as the Town Engineer in accordance with the terms and conditions hereafter set forth:

C CALVERT MONTGOMERY & ASSOCIATES, INC. ("Contractor") shall be retained by THE TOWN OF OCEAN BREEZE ("Town") to provide general civil engineering consultation services to the Town for a period of one year, said period to be automatically renewed unless terminated by either party as provided below.

Scope of Services: At the direction of the Town Council, Mayor, Town Clerk, or their designee, the Contractor shall make its president, Scott T. Montgomery, available to act as Town Engineer on an "as needed" basis to provide general civil engineering consultation services consistent with Florida law and the Charter, ordinances, resolutions, and policies of the Town.

During the term of this Agreement, the Contractor shall be compensated for its services at a rate of \$ 160.00 per hour. Contractor shall provide a monthly invoice identifying specific services provided.

Contractor (and its president Scott Montgomery, who is hereby designated to act as Town Engineer) is an independent contractor and is retained without Town retirement plan participation and contribution; without Town group insurance; and without paid time off for official Town holidays, vacation time or sick time. Further, there shall not be any vacation or sick time accumulation, or accrual, for any future payment.

This agreement may be terminated at any time and for any reason, without cause, by the Town, or by the Contractor, upon a week's notice to the other party.

When providing the said consultation services or otherwise acting on behalf of the Town, Contractor shall comply with all public records laws of the State of Florida, including but not limited to the requirements specified in Florida Statutes Section 119.0701. IF CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 1508 N.E. JENSEN BEACH BLVD., JENSEN BEACH, FL. 34957.

TOWN:
THE TOWN OF OCEAN BREEZE:

CONTRACTOR:
C. CALVERT MONGOMERY & ASSOCIATES, INC.:

Karen M. Ostrand, Mayor

Scott Montgomery

GENERAL INFORMATION ITEMS

The attached items (i.e.: correspondence, e-mails, reports, etc.) are provided as general information and are not necessarily subject to discussion during this meeting unless Council Members or the Mayor wish to do so.

Memorandum

To: Town Council and Mayor

From: Terry O'Neil, Town Management Consultant

Date: May 3, 2021

Re: Update on the American Rescue Plan Act (ARPA)

Under the federal government's recently adopted American Rescue Plan Act (ARPA), Ocean Breeze and other local governments across the country will soon be eligible for direct grants intended to help offset the economic impacts of Covid-19. The exact parameters of how these funds may be spent are currently being developed, however, the program's broad areas of concentration are fairly well established. Please see the attached bulletins from the Government Finance Officers Association (GFOA) and the Florida League of Cities with initial information about ARPA, as well as a March 12 Stuart News article previewing the program.

Staff has taken (or is in the process of taking) the technical steps necessary to receive these funds. Of course, whether to accept the dollars, and if so how to use them, will require extensive deliberations and direction from the Town Council. In the meantime, staff will seek to learn all it can about ARPA and will keep the Council informed as events unfold.

American Rescue Plan Spending: Recommended Guiding Principles

Signed into law on March 11, 2021, [The American Rescue Plan Act of 2021](#) (“ARPA”) provides \$350 billion in additional funding for state and local governments. [Please click here for GFOA’s analysis of ARPA](#). The state funding portion is approximately \$195 billion with \$25.5 billion distributed equally among the 50 states and the District of Columbia and the remaining amount distributed according to a formula based on unemployment.

The local funding portion is approximately \$130 billion, equally divided between cities and counties. Localities will receive the funds in two tranches—the first after the U.S. Treasury certifies the proceeds to each jurisdiction and the second one year later.

For cities, \$65 billion is divided between jurisdictions that are Community Development Block Grant (CDBG) entitlement jurisdictions and those that are not. \$45.5 billion of the \$65 billion will be allocated to metropolitan cities utilizing a modified CDBG formula, and the remaining amount for jurisdictions that are non-entitlement CDBG, will be allocated according to population. For the non-entitlement jurisdictions, the amount will not exceed seventy-five percent of their most recent budget as of January 27, 2020. Additionally, non-entitlement jurisdictions proceeds will be allocated through the state for redistribution to local governments.

For counties, the \$65 billion will be allocated based on the county’s population. Counties that are CDBG recipients will receive the larger of the population or CDBG-based formula.

Eligible uses of these funds include:

- Revenue replacement for the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency, relative to revenues collected in the most recent fiscal year prior to the emergency,
- COVID-19 expenditures or negative economic impacts of COVID-19, including assistance to small businesses, households, and hard-hit industries, and economic recovery,
- Premium pay for essential workers,
- Investments in water, sewer, and broadband infrastructure.

Restrictions on the uses of these funds include:

- Funds allocated to states cannot be used to directly or indirectly to offset tax reductions or delay a tax or tax increase;
- Funds cannot be deposited into any pension fund.

Funding must be spent by the end of calendar year 2024.

As with previous COVID-19 relief packages, implementation will be an extensive process as new or updated guidance and FAQs are developed and released by the [U.S. Treasury](#). For example, the legislation requires each jurisdiction's executive to "certify" that the funds will be used for eligible purposes. That process is currently under development by the U.S. Treasury.

GFOA will provide regular updates as information becomes available. If you have specific questions or need clarification, GFOA has launched an [online portal](#) to gather member questions to help shape engagement and solicit answers from the Administration.

For many jurisdictions, the funding provided under ARPA is substantial and could be transformational for states and local governments in their pandemic rescue and recovery efforts. Elected leaders will need to decide how to best use the additional funding consistent with the ARPA requirements, which are very broad. Finance officers play a critical role in advising elected leaders on the prudent spending of moneys received under ARPA. *Finance officers are best positioned to help ensure the long-term value of investments and financial stability of its government using this one-time infusion of resources.* When considering how to best advise elected officials and plan for the prudent use of ARPA funds, we offer the following outline of Guiding Principles for the use of ARPA funds:

GFOA American Rescue Plan Act Guiding Principles

Temporary Nature of ARPA Funds. ARPA funds are non-recurring so their use should be applied primarily to non-recurring expenditures.

- Care should be taken to avoid creating new programs or add-ons to existing programs that require an ongoing financial commitment.
- Replenishing reserves used to offset revenue declines during the pandemic should be given high priority to rebuild financial flexibility/stability and restore fiscal resiliency.
- Use of ARPA funds to cover operating deficits caused by COVID-19 should be considered temporary and additional budget restraint may be necessary to achieve/maintain structural balance in future budgets.
- Investment in critical infrastructure is particularly well suited use of ARPA funds because it is a non-recurring expenditure that can be targeted to strategically important long- term assets that provide benefits over many years. However, care should be taken to assess any on-going operating costs that may be associated with the project.

ARPA Scanning and Partnering Efforts. State and local jurisdictions should be aware of plans for ARPA funding throughout their communities.

- Local jurisdictions should be cognizant of state-level ARPA efforts, especially regarding infrastructure, potential enhancements of state funding resources, and existing or new state law requirements.

- Consider regional initiatives, including partnering with other ARPA recipients. It is possible there are many beneficiaries of ARPA funding within your community, such as schools, transportation agencies and local economic development authorities. Be sure to understand what they are planning and augment their efforts; alternatively, creating cooperative spending plans to enhance the structural financial condition of your community.

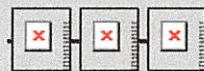
Take Time and Careful Consideration. ARPA funds will be issued in two tranches to local governments. Throughout the years of outlays, and until the end of calendar year 2024, consider how the funds may be used to address rescue efforts and lead to recovery.

- Use other dedicated grants and programs first whenever possible and save ARPA funds for priorities not eligible for other federal and state assistance programs.
- Whenever possible, expenditures related to the ARPA funding should be spread over the qualifying period (through December 31, 2024) to enhance budgetary and financial stability.
- Adequate time should be taken to carefully consider all alternatives for the prudent use of ARPA funding prior to committing the resources to ensure the best use of the temporary funding.

The influx of funds will undoubtedly benefit state and local finances, and aid in the recovery from the budgetary, economic, and financial impacts of the pandemic. Rating agencies will evaluate a government's use of the ARPA funds in formulating its credit opinion and, importantly, will consider your government's level of reserves and structural budget balance, or efforts to return to structural balance, as part of their credit analysis. Finance officers will play a critical role in highlighting the need to use ARPA funds prudently with an eye towards long-term financial stability and sustainable operating performance. The funding provided under ARPA provides a unique opportunity for state and local governments to make strategic investments in long-lived assets, rebuild reserves to enhance financial stability, and cover temporary operating shortfalls until economic conditions and operations normalize.



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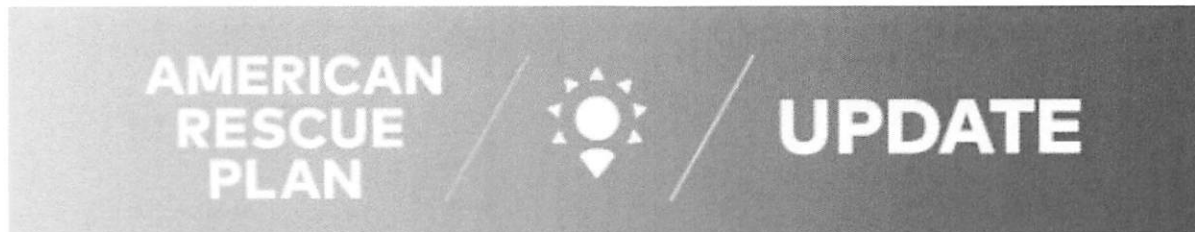


From: Florida League of Cities

Sent: Monday, April 19, 2021 4:56 PM

To: twoneil@aol.com

Subject: CORRECTION: Getting Ready to Receive Funds Through the American Rescue Act Plan



Correction: All Florida municipalities will need a valid DUNS number to receive their grants under the American Rescue Plan Act. This includes both metropolitan cities and non-entitlement units of local government.

Last week on April 15, the U.S. Department of Treasury laid out steps on their website that metropolitan cities and non-entitlement units of local government need to take to receive their grants from the American Recovery Plan Act. These steps should be taken as soon as possible to ensure cities, towns and villages receive their funds in a timely fashion.

As soon as possible, metropolitan cities should take the steps below.

1. **Ensure the entity has a valid DUNS number.** A DUNS number is a unique nine-character number used to identify an organization and is issued by Dun & Bradstreet. The federal government uses the DUNS number to track how federal money is allocated. A DUNS number is required prior to registering with the SAM database, which is outlined below. Registering for a DUNS number is free of charge.

- If an entity does not have a valid DUNS number, please visit <https://fedgov.dnb.com/webform> or call 866.705.5711 to begin the registration process.

2. **Ensure the entity has an active SAM registration.** SAM is the official government-wide database to register with in order to do business with the U.S. government. All Federal financial assistance recipients must register on [SAM.gov](https://sam.gov) and renew their SAM registration annually to maintain an active status to be eligible to receive Federal financial assistance. There is no charge to register or maintain your entity SAM registration.

- If an entity does not have an active SAM registration, please visit, [SAM.gov](https://sam.gov) to begin the entity registration or renewal process. Please note that SAM registration can take up to three weeks; delay in registering in SAM could impact timely payment of funds. [Click here for a quick overview for SAM registration](#)

3. **Gather the entity's payment information**, including:

- Entity Identification Number (EIN), name, and contact information.
- Name and title of an authorized representative of the entity.
- Financial institution information (e.g., routing and account number, financial institution name and contact information)

Eligible non-entitlement units of local government will receive a distribution of funds from their respective state government. "Non-entitlement units of local government" includes cities which do not receive CDBG funds directly from HUD. This generally applies to cities with a population under 50,000.

For these non-entitlement units of local government, Treasury will allocate and pay funds to state governments, and the state will distribute funds to non-entitlement units of local government in proportion to population.

Non-entitlement units must have a valid DUNS number to meet reporting requirements under the program. If an entity does not have a valid DUNS number, please visit <https://fedgov.dnb.com/webform> or call 866.705.5711 to begin the registration process.

The U.S. Department of Treasury stated that program guidance for Coronavirus State and Local Fiscal Recovery Fund will be released in the coming weeks.

Additional Resources

Visit the [FLC American Rescue Act Plan Resource Center](#) for the latest news, information and guidelines regarding the implementation of the Act.

NEWS

Biden stimulus: Treasure Coast receives \$125 million. How much is your city getting?

Olivia McKelvey Treasure Coast Newspapers

Published 2:30 p.m. ET Mar. 12, 2021 | Updated 6:32 p.m. ET Mar. 12, 2021

President Biden signed the long-awaited and much-anticipated \$1.9 trillion stimulus plan on Thursday.

Florida will receive \$17 billion, which includes \$10.2 billion to the state government, \$7 billion to local governments and \$364,000 for state capital projects.

Tracking the COVID stimulus in your community

Treasure Coast governments will get \$125 million from the federal government. See below for an estimate of how much your community may be getting as part of the relief package.

Martin County: \$31 million

Indiantown: \$3 million

Jupiter Island: \$390,000

Ocean Breeze: \$160,000

Sewall's Point: \$940,000

Stuart: \$6.8 million

St. Lucie County: \$63 million

Fort Pierce: \$15 million

Port St. Lucie: \$27.2 million

St Lucie Village: \$270,000

National League of Cities

Indian River County: \$31 million

Fellsmere: \$2.3 million

Indian River Shores: \$1.8 million

160,104.66

Sebastian: \$3 million

Vero Beach: \$7.3 million

Source: U.S. House Committee on Oversight and Reform

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