

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

May 8, 2023 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 10, 2023  
(Motion, second, public comment, all in favor)

**3. Budget to Actual Report– January 1, 2023 – March 31, 2023 – Memo from Town Financial Consultant, Holly Vath**  
(Motion to accept, second, public comment, all in favor)

**4. SECOND READING ORDINANCE NO. 336-2023 AN ORDINANCE OF THE TOWN OF OCEAN BREEZE, FLORIDA, AMENDING SECTION ONE OF ORDINANCE #273-2017 THEREBY CHANGING THE DATE UPON WHICH NEWLY ELECTED TOWN OFFICIALS ARE SWORN INTO OFFICE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT, SEVERABILITY, APPLICABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

(Motion to approve on first reading, 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 – The next Regular Town Council meeting will occur on Monday, June 12th at 10:30AM\***

- Regular Town Council Meeting Monday, July 10 at 6:00am \*
- Regular Town Council Meeting Monday, August 8 at 10:30am \*
- Budget Workshop and Setting of Tentative Millage Rate, Wednesday, July 26 at 6:00pm \*
- Proposed Budget and Tentative Millage Hearing, Wednesday, September 13, 2023 at 6:00pm \*
- Final Budget and Millage Rate Hearing, Wednesday, September 20, 2023 at 6:00pm \*

**10. Adjourn** (Motion, second, all in favor)

\*All meetings including all Budget meetings will be held at The Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Town of Ocean Breeze

TOWN OF OCEAN BREEZE  
MINUTES REGULAR TOWN COUNCIL MEETING  
Monday, April 10, 2023  
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 6:00 p.m.
  - Pledge of Allegiance – Mayor Ostrand led the Pledge of Allegiance
  - Roll Call – Present Mayor Karen M. Ostrand, President Kenneth De Angeles, Vice-President Bill Arnold, Council Members Kevin Docherty, Gina Kent, Liz Reese, Sandy Keblbeck-Kelley
  - Staff Present – Town Management Consultant, Terry O’Neil; Town Attorney, Rick Crary; Kim Stanton, Town Clerk; and Administrative Assistant, Shannon Roger
2. **Approval of Minutes** – Vice-President Arnold, seconded by Council Member Kent, made a motion to approve the minutes of the regular meeting of March 13, 2023.

President De Angeles asked for public comments. There were none.

All in Favor: Yes: De Angeles, Arnold, Reese, Kelley, Kent, Docherty; No: None; Motion Passed – 6-0

3. **Proclamation – National Donate Life Month Proclamation** - Mayor Ostrand read into the record the Proclamation for National Donate Life Month.

President De Angeles asked for a motion to approve the Proclamation.

Vice-President Arnold, seconded by Council Member Docherty, made a motion to approve the Proclamation.

President De Angeles asked for any additional comments from the public. There were none.

All in Favor: Yes: De Angeles, Arnold, Reese, Kelley, Kent, Docherty; No: None; Motion Passed – 6-0

4. **FIRST READING: ORDINANCE NO. 336-2023 – AN ORDINANCE OF THE TOWN OF OCEAN BREEZE, FLORIDA, AMENDING SECTION ONE OF ORDINANCE #273-2017 THEREBY CHANGING THE DATE UPON WHICH NEWLY ELECTED TOWN OFFICIALS ARE SWORN INTO OFFICE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT, SEVERABILITY, APPLICABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk, Kim Stanton, read Ordinance No. 336-2023 into the record.

Town Management Consultant Terry O’Neil explained that the Ordinance was brought before the Town Council in January as a discussion. He stated that the Martin County Supervisor of Elections office assisted the Town with the elections by conducting the canvassing activities on the Town’s behalf. He continued that after last year’s election it became apparent that there was an insufficient turnaround time for the Supervisor of Elections to complete the canvassing activities, and the deadline for the Town to swear-in newly elected officials at the first meeting following the election. He added that this Ordinance moved the swearing-in date for newly elected officials to the Regular Town Council meeting in December, which would give the Town, and the Supervisor of Elections, ample time to complete their duties.

President De Angeles asked for a motion to approve Ordinance No. 336-2023.

Council Member Arnold, seconded by Council Member Kent, made a motion to approve Ordinance No. 336-2023.

President De Angeles asked for comments from the public. There were none.

Roll Call: Yes: Kelley, Reese, Kent, Docherty, De Angeles, Arnold; No: None; Motion Passed: 4-2

**5. Approval of Proposed Budget Hearing Dates** – President De Angeles presented the dates for the Proposed Budget Hearings.

- Budget Workshop and Setting Tentative Millage Rate, Wednesday, July 26 at 6:00 pm
- Proposed Budget and Tentative Millage Hearing, Wednesday, September 13, 2023 at 6:00 pm
- Final Budget and Millage Rate Hearing, Wednesday, September 20, 2023 at 6:00 pm

President De Angeles asked for a motion to approve the Budget Hearing dates

Vice President Arnold, seconded by Council Member Reese, made a motion to approve the Budget Hearing dates.

President De Angeles asked for comments from the public. There were none.

All in favor: Yes: De Angeles, Arnold, Docherty, Reese, Kelley, Kent; No: None; Motion Passed 6-0

**6. Comments from the public on topics not on the agenda**

Matthew Biondolillo, 2680 NE Breezeway Circle, addressed the Council and discussed the issue with his roof as it pertained to D. R. Horton's workmanship, and asked The Town Council for their ongoing support.

President De Angeles stated that Mr. Biondolillo had the Council's support. He then asked Town Management Consultant Terry O'Neil to comment.

Mr. O'Neil confirmed that the Town was fully aware of the units in Seawalk that had roof issues, and that he, along with Town Building Official Steve Nicolosi, had met with D. R. Horton and the roofer, and the Town's expectations had been conveyed. He remarked that the Town was waiting to see how D. R. Horton would respond. He remarked that the Town's obligation was to ensure that all work was done according to the Florida Building Codes. He continued that Florida law allowed D. R. Horton to hire their own plan reviewers and inspectors, and that the Town Building Official did not perform any of the building inspections, but was obliged to accept the certification from the firms hired by D. R. Horton.

Town Attorney, Rick Crary, commented that he met with a member of his law firm that had expertise in construction defects, and he would be available for legal counsel should the need arise.

President De Angeles asked the Council Members who were Seawalk residents for their comments.

Council Member Kelley commented that her home was a Delray Model, the same model as Mr. Biondolillo, but she was not experiencing any problems.

Discussion ensued regarding the warranty from the manufacturer on the roofs at Seawalk.

Council Member Reese stated that her home was an Aria model and had numerous roof leaks. She added that the leaks had been addressed and repaired.

Discussion ensued regarding roof leaks in Seawalk and D. R. Horton.

Town Attorney, Rick Crary, commented that anyone who had construction defects and legal questions about construction defects should consult their own attorney. He continued that the Town did not step in and act as legal counsel individually, but rather from the Building Department standpoint, and therefore could not offer legal advice.

President De Angeles encouraged Seawalk residents to speak with Town Management Consultant Terry O'Neil should they have any questions.

Discussion ensued regarding roof leaks in Seawalk.

President De Angeles asked if there were any other comments from the public. There were none.

**7. Comments from the Council on topics not on the agenda** – Council Member Kent commented that since many households had multiple cars, Seawalk was experiencing parking issues, and that the HOA limited the number cars per residence to two vehicles.

Town Management Consultant Terry O'Neil confirmed that the Town was aware of the parking issue and would be happy to assist the HOA and examine where there could be some overflow parking opportunities. He added that an amendment to the site plan and PUD would be necessary.

**8. Comments from Town Management Consultant Terry O'Neil.** – There were none

**9. Comments from Mayor Ostrand** – Mayor Ostrand stated that she recently attended The Florida League of Cities Legislative Action Week and spoke on several Legislative Bills. She then encouraged residents and Council members to contact their representative(s) should they have any questions or concerns on current legislation.

**10. Announcements** – The next regular Town Council Meeting will be held on Monday May 8, 2023 at 10:30 a.m. at the Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze.

President De Angeles asked for a motion to adjourn.

Vice President Arnold, seconded by Council Member Docherty, made a motion to adjourn.

Meeting adjourned at 6:33 p.m.

Minutes approved: \_\_\_\_\_

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## Memorandum

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**TO: TOWN COUNCIL AND MAYOR**

**FROM: HOLLY VATH, FINANCIAL CONSULTANT**

**SUBJECT: QUARTERLY FINANCIAL REPORT**

**DATE: MAY 2, 2023**

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Attached is the quarterly financial report through the second quarter of fiscal year 2023.

### **Revenue**

The year-to-date total budgeted revenues were \$115,362, the Town received \$127,954 which is \$12,591 more than budgeted. State Revenue sharing and ½ Cent sales tax is less than budgeted. These revenues have a one-month lag so we anticipate receiving the budgeted revenue by year end. Building permit revenue is above budget by \$6,944. The resort pulled another group of permits which contributed to the additional building permit revenue. With the increase in the federal funds rate, the Town has received \$10,121 in interest than budgeted.

### **Expenditures**

The year-to-date total budgeted expenditures were \$153,150. The Town expended \$147,907 which is \$5,243 less than budgeted. The close out of the Seawalk PUD is causing additional expenditures for the permit processing contractor. The Town anticipates the expenses will be greatly reduced when the close out of the Seawalk PUD is complete. The total net income for the year was \$19,952. The positive net income will reverse with the utilization of budgeted reserves.

# Town of Ocean Breeze General Fund

## Profit & Loss Budget vs. Actual

### October 2022 through March 2023

	Oct '22 - Mar 23	Budget	\$ Over Budget
<b>Ordinary Income/Expense</b>			
<b>Income</b>			
6001 · Taxes from other Governments			
312300 · State Fuel Tax	1,823.56	2,167.44	-343.88
312410 · Local Option Gas Tax	3,629.91	523.74	3,106.17
312420 · New Local Option Gas Tax	2,680.77	523.74	2,157.03
314200 · Local Communications Svc Tax	1,527.51	1,250.00	277.51
335120 · State Revenue Sharing	8,957.48	11,500.02	-2,542.54
335140 · Mobile Home Tags	1,608.23	1,250.00	358.23
335150 · Alcoholic Beverage Licenses	0.00	0.00	0.00
335180 · 1/2 Cent Sales Tax	19,714.55	25,800.00	-6,085.45
<b>Total 6001 · Taxes from other Governments</b>	<b>39,942.01</b>	<b>43,014.94</b>	<b>-3,072.93</b>
6002 · Licenses & Permits			
322000 · Building Permits	14,416.75	7,500.00	6,916.75
338200 · Occupational Licenses	102.70	75.00	27.70
<b>Total 6002 · Licenses &amp; Permits</b>	<b>14,519.45</b>	<b>7,575.00</b>	<b>6,944.45</b>
6003 · Other Fees for Services			
322001 · Fire Inspections	0.00	124.98	-124.98
322004 · Charges for Services	0.00	0.00	0.00
<b>Total 6003 · Other Fees for Services</b>	<b>0.00</b>	<b>124.98</b>	<b>-124.98</b>
6004 · Investment & Other Earnings			
361000 · Interest Income	10,471.56	349.98	10,121.58
<b>Total 6004 · Investment &amp; Other Earnings</b>	<b>10,471.56</b>	<b>349.98</b>	<b>10,121.58</b>
6005 · Ad Valorum Revenue			
312100 · Ad Valorum	63,021.45	63,798.00	-776.55
<b>Total 6005 · Ad Valorum Revenue</b>	<b>63,021.45</b>	<b>63,798.00</b>	<b>-776.55</b>
6007 · Miscellaneous Income			
369000 · Misc Inc - MCSB Admin Fee, Etc.	0.00	499.98	-499.98
<b>Total 6007 · Miscellaneous Income</b>	<b>0.00</b>	<b>499.98</b>	<b>-499.98</b>
<b>Total Income</b>	<b>127,954.47</b>	<b>115,362.88</b>	<b>12,591.59</b>
<b>Expense</b>			
6101 · General Government			
513150 · Gross Payroll	38,317.63	32,824.98	5,492.65
513155 · PTO Accrual	0.00	0.00	0.00
513301 · Management Consultant	5,083.00	14,000.00	-8,917.00
513302 · Rent	9,167.35	6,962.52	2,204.83
513304 · Communications / Website	6,499.61	7,282.50	-782.89
513305 · Engineering	0.00	2,499.96	-2,499.96
513306 · Accountant	540.00	4,000.00	-3,460.00
513308 · Insurance W/C	6,475.00	3,200.00	3,275.00
513309 · Insurance Package	18,824.00	17,600.00	1,224.00

# Town of Ocean Breeze General Fund

## Profit & Loss Budget vs. Actual

### October 2022 through March 2023

	Oct '22 - Mar 23	Budget	\$ Over Budget
513311 · Public Advertising Notices	724.22	1,999.98	-1,275.76
513312 · Office Equipment & Supplies	6,772.60	3,450.00	3,322.60
513313 · Postage	128.93	350.00	-221.07
513314 · Petty Cash	0.00	0.00	0.00
513315 · Audit	0.00	0.00	0.00
513316 · Utilities	309.15	360.00	-50.85
513317 · Dues	923.00	931.80	-8.80
513318 · Mileage Reimb. - Clerks	310.58	649.98	-339.40
513319 · Conferences & Travel - Council	751.94	2,899.98	-2,148.04
513320 · Bank Fees	0.00	0.00	0.00
513321 · Election Expenses	0.00	500.00	-500.00
513322 · Safety Deposit Box	0.00	0.00	0.00
513323 · Special Projects Code of Ord	0.00	0.00	0.00
513324 · Special Project-Digitizing	180.00	2,499.96	-2,319.96
513325 · Meeting Security	0.00	1,125.00	-1,125.00
513326 · Special Projects	2,405.00	0.00	2,405.00
513820 · Contributions	1,005.00	499.98	505.02
514100 · Legal Counsel	6,050.00	12,000.00	-5,950.00
514200 · Computer Services	1,038.29	1,950.00	-911.71
531110 · Payroll Taxes - Fica	2,371.14	2,034.96	336.18
531111 · Payroll Taxes - Medicare	555.62	499.98	55.64
531112 · Benefits	0.00	0.00	0.00
<b>Total 6101 · General Government</b>	<b>108,432.06</b>	<b>120,121.58</b>	<b>-11,689.52</b>
<b>6102 · Public Safety</b>			
524200 · Building Official Services	13,400.00	12,000.00	1,400.00
524210 · Building Code Compliance Ser	4,895.00	3,999.96	895.04
524220 · Code Compliance Legal	3,947.50	2,499.96	1,447.54
524300 · Fire Safety Inspector	0.00	600.00	-600.00
524310 · Permit Processing Services	15,410.00	10,000.00	5,410.00
<b>Total 6102 · Public Safety</b>	<b>37,652.50</b>	<b>29,099.92</b>	<b>8,552.58</b>
<b>6104 · Transportation</b>			
541300 · Road and Street Maintenance	400.00	1,780.02	-1,380.02
541301 · Street Lights	702.34	720.00	-17.66
541400 · Sheriff Road Patrol	720.00	1,428.57	-708.57
541600 · Road and Street Capital	0.00	0.00	0.00
<b>Total 6104 · Transportation</b>	<b>1,822.34</b>	<b>3,928.59</b>	<b>-2,106.25</b>
<b>Total Expense</b>	<b>147,906.90</b>	<b>153,150.09</b>	<b>-5,243.19</b>
<b>Net Ordinary Income</b>	<b>-19,952.43</b>	<b>-37,787.21</b>	<b>17,834.78</b>
<b>Other Income/Expense</b>			
Other Expense	0.00		
80000 · Ask My Accountant	0.00		
<b>Total Other Expense</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Net Other Income</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

Town of Ocean Breeze General Fund

Profit & Loss Budget vs. Actual

October 2022 through March 2023

Net Income	Oct '22 - Mar 23	Budget	\$ Over Budget
	-19,952.43	-37,787.21	17,834.78





## ORDINANCE No. 336 -2023

AN ORDINANCE OF THE TOWN OF OCEAN BREEZE, FLORIDA, AMENDING SECTION ONE OF ORDINANCE NO. 273-2017 THEREBY CHANGING THE DATE UPON WHICH NEWLY ELECTED TOWN OFFICIALS ARE SWORN INTO OFFICE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT, SEVERABILITY, APPLICABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, under Ordinance No. 273-2017 newly elected Town Officials are currently sworn into office at the first regular meeting of the Town Council following the date of their election; and

**WHEREAS**, to allow for more time to coordinate canvassing and other election certification activities with the Martin County Supervisor of Elections Office, the Ocean Breeze Town Council deems it in the Public's best interest to change the date for swearing in newly elected Town Officials to the second regular meeting following the date of their election.

**NOW, THEREFORE, BE IT ORDAINED BY THE OCEAN BREEZE TOWN COUNCIL THAT:**

**SECTION ONE:** Section One of Ordinance No. 273-2017 is hereby amended as follows:

SECTION ONE: Newly elected members of the Town Council, as well as to the position of Mayor, shall assume the duties of office as of the ~~first~~ second regular meeting following the date of their election; provided however, in the event a duly noticed special meeting of the Town Council takes place prior thereto, then in that event, newly elected members of the Town Council and to the position of Mayor shall assume the duties of office at such special meeting.

**SECTION TWO:** Except as specifically amended in this Ordinance No. 336-2023, the provisions set forth in Ordinance No. 273-2017 shall remain in full force and effect.

**SECTION THREE:** All provisions of any resolutions or ordinances in conflict herewith are hereby repealed.

**SECTION FOUR:** If any section, sentence, clause, phrase, or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding or invalidity

shall not affect the remaining portions of this Ordinance and the remaining portions shall be deemed and held to be valid.

**SECTION FIVE:** This Ordinance shall become effective upon its adoption by the Town Council.

PASSED on first reading this 10<sup>th</sup> day of April, 2023.

Council Member Arnold offered the forgoing ordinance and moved its approval on first reading. The motion was seconded by Council Member Kent and upon being put to a roll call vote, the vote was approved 6 to 0.

ADOPTED on second and final reading this \_\_\_\_\_ day of \_\_\_\_\_, 2023

KEN DE ANGELES, PRESIDENT

BILL ARNOLD, VICE-PRESIDENT

KEVIN DOCHERTY, COUNCIL MEMBER

SANDRA KEHLBECK-KELLEY, COUNCIL  
MEMBER

GINA KENT, COUNCIL MEMBER

ELIZABETH REESE, COUNCIL MEMBER

YES	NO	ABSENT	ABSTAIN

\_\_\_\_\_  
Karen M. Ostrand, Mayor

\_\_\_\_\_  
Ken De Angeles, President

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
William F. Crary, II, Town Attorney

\_\_\_\_\_  
Kim Stanton, Town Clerk

Vice President Arnold seconded by Council Member Docherty made a motion to accept Resolution #332-2023.

Roll Call: Yes: Kelley, De Angeles, Kent, Reese, Docherty, Arnold; No: None; Motion Passed 6-0

**5. Comments from the public on topics not on the agenda** – There were none

**6. Comments from the Council on topics not on the agenda** – Council Member Docherty spoke about the recent traffic accidents on Indian River Drive and then reminded Council of the Speed Limit sign and speed tracker the Town had on Indian River Drive. He said that while the sign had reduced the number of cars driving over the speed limit, there was more work to be done, and he was working with Town Management Consultant Terry O'Neil on the issue.

President De Angeles asked if Indian River Drive fell under the responsibility of Martin County.

Town Management Consultant Terry O'Neil confirmed that the road was a County Road however the Town shares gas tax resources with the County and those funds have paid for the speed signs. Mr. O'Neil went on to say he would like to meet with the Town Engineer to discuss other ways to reduce speeding on Indian River Drive.

President De Angeles asked Town Management Consultant Mr. O'Neil if the Town would need the County's approval before any improvements could be implemented.

Mr. O'Neil confirmed that the Town did require the approval of Martin County as it was a County owned road.

Vice President Arnold noted that law enforcement would be pleased with any help to reduce the speeding in the area.

Martin County Sheriff's Deputy Andy Adams commented that the Town had done a remarkable job implementing measures to calm the traffic on Indian River Drive. He went on to say that the Sheriff's Department was going to great lengths to curb speeding and traffic accidents in Martin County. He also informed the Council that the Sheriff's Department will try to send a deputy to attend the Council meetings regardless of the potential time change. He added that the Martin County Sheriff's Department was now enforcing a zero tolerance policy for unregistered golf carts outside of residential developments. Driving an unregistered golf cart on public roads and sidewalks may result in a citation.

**7. Comments from Town Management Consultant, Terry O'Neil** – Mr. O'Neil referenced an ordinance written in 2018 that moved the Town's Election Day to first the Tuesday in November to coincide with the national General Election that occurs every two years. This Ordinance brought considerable savings to the town, as the Martin County Supervisor of Elections conducts the election and canvassing on our behalf. Additionally, the Ordinance states that newly elected Town Officials are to be sworn in at the next Regular Town Council Meeting following the election. This leaves very little time for the Martin County Supervisor of Elections to complete their canvassing duties and certify the election results. Mr. O'Neil asked the Town Council to instruct the town to prepare an ordinance which would move the swearing in date of newly elected officials from the first Regular Council Meeting after the election to the second Regular Council Meeting after the election. This new Ordinance would give the Supervisor of Elections ample time to complete the canvassing and certification.



Attorney Crary remarked that newly elected Town Officials are subject to the Sunshine Law immediately upon election and before they are sworn in.

President De Angeles asked for comments from the Council.

Council Member Docherty asked Attorney Crary if outgoing Town Officials were also subject to the Sunshine Law until the newly elected Town Officials were sworn in.

Attorney Crary confirmed that outgoing Town Officials were subject the Sunshine Law until newly elected officials were sworn in.

President De Angeles asked for comments from the public. There were none

Vice President Arnold seconded by Council Member Docherty made a motion to create an ordinance moving the swearing in of newly elected Town Officials from the first Regular Town Council Meeting after the election to the second Regular Town Council Meeting after the election.

Roll Call Vote: Arnold, Docherty, Kent, Reese, De Angeles, Kelley; No: None; Motion Passed 6-0

**8. Comments from Mayor Ostrand** – Mayor Ostrand reminded Council Members that they are welcome to attend any and all Florida League of Cities Advocacy meetings with her.

President De Angeles thanked the newest Town Council Members for their input and hard work.

**9. Announcements** – Regular Town Council Meeting Monday, February 13 2023 at 10:30AM to be held at Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze.

**10. Adjourn** Council Member Arnold, seconded by Council Member Kent made a motion to adjourn the meeting at 11:48 AM.

Minutes approved: \_\_\_\_\_

Item #7

**Memorandum**

**To:** Town Council and Mayor

**From:** Terry O'Neil, Town Management Consultant

**Cc:** Town Clerk and Town Attorney

**Date:** January 2, 2023

**Re:** Discussion of moving the date on which newly elected Town officials are sworn into office from the first regular Town Council meeting following the election to the second regular Town Council meeting following the election.

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In May of 2018, the Town Council adopted Ordinance No. 276-2018 (copy attached) which moved Town elections to partially coincide with the general election held on the first Tuesday of November every two years. As a result, during years when state and federal elections are held, the Town has been able to "piggyback" on the Election Supervisor's county-wide activities, during which she conducts the Town's election and canvases the results at no cost to Ocean Breeze. In "off-year" elections, when no state or federal seats are at issue, the Town pays the Supervisor to conduct its election and convenes its own canvassing board.

This arrangement has worked well for the Town, however, immediately following the November 8, 2022 general election an apparent flaw in Ordinance No. 273-2017, adopted in December of 2017 (copy attached), came to light; namely its provision calling for newly elected Town officials to be sworn in at the first regular Town Council meeting following the election, which in 2022 was November 14.

Because of this provision, the Supervisor was compelled, or more accurately was kind enough, to expedite her canvassing of the Town's results on an expedited/emergency basis in order not to run afoul of the Town's November 14 swearing-in deadline. Ordinarily, the Supervisor has up to ten days to complete her canvassing activities.

**Recommendation:**

Noting that the Supervisor can pull only so many rabbits out of her hat, it is recommended that the Council direct staff to return with a draft ordinance moving the swearing in date to the second regular Town Council meeting following the election.



## ORDINANCE NUMBER 273-2017

**AN EMERGENCY ORDINANCE OF THE TOWN OF OCEAN BREEZE, FLORIDA, CONFIRMING THE TIME WHEN NEWLY ELECTED COUNCIL MEMBERS TAKE OFFICE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT, SEVERABILITY, APPLICABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, it has been the custom and practice of the Town of Ocean Breeze for newly elected members of the Town Council to assume the duties of office as of the first regular meeting of the Town Council following the date of their election; and

WHEREAS, the Town Council wishes to confirm and ratify that practice, and

WHEREAS, because of the timing of the upcoming election the Town Council has determined it is necessary to take emergency action with regard to the subject matter of this ordinance,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWN OF OCEAN BREEZE, FLORIDA:

SECTION ONE: Newly elected members of the Town Council shall assume the duties of office as of the first regular meeting of the Town Council following the date of their election; provided however, in the event a duly noticed special meeting of the Town Council takes place prior thereto, then in that event, newly elected members of the Town Council shall assume the duties of office at such special meeting.


SECTION TWO: All provisions of any resolutions or ordinances in conflict herewith are hereby repealed.

SECTION THREE: If any section, sentence, clause, phrase, or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding or invalidity shall not affect the remaining portions of this Ordinance.

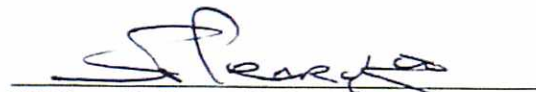
SECTION FOUR: This Ordinance is hereby declared to be an emergency measure upon the urgent need to provide clarity as to when newly elected members of the Town Council assume their duties. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED, APPROVED AND ADOPTED THIS 11<sup>th</sup> DAY OF December, 2017.

  
Karen M. Ostrand, Mayor

  
Ann G. Kagdis, President

APPROVED AS TO FORM:

  
William F. Crary, II, Town Attorney

ATTEST:

  
Pam Orr, Town Clerk