

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

July 8, 2024, 6:00 pm
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 Kelley**
 - Pledge of Allegiance
 - Roll Call
- 2. Approval of Minutes** – Regular Meeting, Monday, May 13, 2024
(Motion, second, public comment, all in favor)
- 3. Martin County Fire Rescue Hurricane Preparedness** – Sally Waite, Martin County Emergency Management Director
- 4. Florida League of Cities Home Rule Hero Award(s) in Recognition of Mayor Ostrand and Council Member Docherty** – President Sandy Kelley
- 5. Request motion to Accept and Transmit F/Y 2022-2023 Audit Report to appropriate state-level Government agencies** – Mark Bymaster, Audit Manager, Nowlen, Holt & Miner, PA
(Motion, second, public comment, roll call)
- 6. 2024 Election Proclamation** – Mayor Ostrand
(Motion, second, public comment, all in favor)
- 7. FIRST READING OF ORDINANCE No. 348-2024 – AN ORDINANCE OF THE TOWN OF OCEAN BREEZE, FLORIDA AMENDING THE CODE OF ORDINANCES AT CHAPTER 2, ARTICLE I. ADMINISTRATION BY ADDING A SECTION 2-1 PROVIDING FOR A CODE COMPLIANCE OFFICER; AT CHAPTER 5, ARTICLE I. MISCELLANEOUS OFFENSES, BY PROVIDING FOR CODE COMPLIANCE MEASURES AND PENALTIES, AND IMPLEMENTING REGULATIONS PURSUANT TO GENERAL LAW BY PROVIDING FOR NON-VEHICULAR NOISE; AMENDING PROVISIONS FOR THE DISCHARGE OF FIREARMS, EXPLOSIVES, AND FIREWORKS; PARKING OF VEHICLES; STORING OF JUNKED OR ABANDONED VEHICLES, ETC.; CONTRACTING WITHOUT A LICENSE; AND ZONING VIOLATIONS; AT CHAPTER 5, ARTICLE II. PENALTIES, BY CLARIFYING THE PROVISIONS FOR ADMINISTRATIVE FINES AND COSTS; AND PROVIDING FINES AND COSTS FOR REPEAT VIOLATIONS; AND OTHER PROCEDURES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES –**
Attorney Paul Nicoletti
(Motion, second, public comment, roll call)

8. **Review of Board and Agency Memberships** – Terry O’Neil
9. **Comments from the public on topics not on the Agenda**
10. **Comments from the Council on topics not on the Agenda**
11. **Comments from Town Management Consultant, Terry O’Neil** –
 - Discussion of Town Council vacancy
12. **Comments from Mayor Ostrand** – Request for transfer of funds for Conferences and Travel
13. **Regular, Special and Budget Meeting Announcements** – All meetings, including all **Budget meetings**, will be held at the Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze, FL
 - **Wednesday, July 24, 2024: 6:00 pm – Public Hearing Workshop for setting of Millage Rate and Budget for FY 2024/2025 and Special Meeting**
 - Monday, August 12, 2024: 10:30 am
 - Monday, September 9, 2024: 10:30 am
 - **Wednesday, September 11, 2024: 6:00 pm – Public Hearing for setting of Tentative Millage Rate and Budget for FY 2024/2025**
 - **Wednesday, September 25, 2024: 6:00 pm – Public Hearing and Adoption of Final Millage Rate and Budget for FY 2024/2025**
 - Monday, October 14, 2024: 6:00 pm
 - ~~Monday, November 11, 2024: 10:30 am~~ **Veteran’s Day Holiday (Town Office closed)**
 - **Tuesday, November 12, 2024: 10:30 am**
 - Monday, December 9, 2024: 10:30 am
14. **Adjourn**
(Motion, second, all in favor)

TOWN OF OCEAN BREEZE
MINUTES REGULAR TOWN COUNCIL MEETING
Monday, May 13, 2024, 10:30AM
Ocean Breeze Resort Clubhouse, Pineapple Bay Room
700 NE Seabreeze Way, Ocean Breeze, FL

- 1. Call to Order** – President Kelley 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 Sandy Kelley, Vice-President Liz Reese, Council Members Kevin Docherty, Matthew Squires, and Gina Kent; Absent: Michael Heller
 - Staff Present – Town Management Consultant, Terry O’Neil; Town Clerk, Kim Stanton; Permit Processor, Pam Orr

- 2. Approval of Minutes** – Council Member Docherty, seconded by Council Member Kent, made a motion to approve the minutes of the Regular Meeting, Monday, April 8, 2024.

President Kelley asked for comments from the public.

There were none.

All in favor: Yes: Kent, Kelley, Docherty, Reese, Squires; No: None; Absent: Heller; motion passed 5-0.

- 3. Proclamation – Recognizing William F. Crary, II for his Remarkable Service and Dedication as the Town Attorney for 42 Years** – President Kelley recognized Mayor Karen Ostrand and she read a portion of the Proclamation into the record then invited Attorney Crary to speak.

Attorney Crary gave a brief history of his time working as the Attorney for the Town of Ocean Breeze.

Mayor Ostrand continued to read the Proclamation recognizing Attorney Crary.

Attorney Crary was presented with the Proclamation.

- 4. Budget to Actual – January 1, 2024 – March 31, 2024** – President Kelley directed everyone to the Memorandum by Town Financial Consultant, Holly Vath.

She asked for a Motion to accept.

Vice-President Reese, seconded by Council Member Docherty, made a Motion to accept the Budget to Actual for the period of January 1 – March 31, 2024.

President Kelley asked for public comments.

There were none.

All in favor: Yes: Squires, Kent, Kelley, Docherty, Reese; No: None; Absent: Heller; motion passed 5-0.

5. Comments from Attorney Paul Nicoletti Regarding Closeout of Development Project(s) -

Attorney Nicoletti directed the Mayor and Town Council to his most recent memorandum dated Friday, May 10, 2024, in which he explained the status of the Seawalk and Sun Communities Developments. He stated that things were moving slowly, and documents were needed by Seawalk to close-out. He commented that in March 2024 a deadline of July 1, 2024, was set and if DR Horton/Forestar went beyond that deadline, it would be his intent to start enforcement proceedings. He continued that DR Horton/Forestar still had a couple of months to complete what they needed to do, that it was not impossible for them to get the work done and come into compliance by the July 1st deadline. He added that the exception to that may be Lot #1 which had to be reconfigured. He stated that staff had been working with both Forestar, the Developer, the landowner and with the HOA because the HOA had an immediate, adjacent preserve area that could be impacted. He spoke about the four (4) million-dollar bond in place that the Town believed was due to be renewed in August and the Town believed next years' premium would have to be paid. He stated that the bonds do not expire and as a result, Seawalk developers would be very interested in not having to pay another annual premium. He added that DR Horton/Forestar have asked the Town to consider reducing the bond. He commented that the Town would reduce the bond, but that the Town was nowhere near that situation. He added that there were still infrastructure elements, which needed to be resolved and at least certified to the Town and that was the purpose of the bond.

He discussed Sun Community's concerns and stated that they were now requesting another forty-five (45) days. He stated that in his memorandum (dated May 10, 2024) to the Mayor and the Town Council, he had suggested that the Town may want to talk to them about submitting a performance bond for the infrastructure work that had to be completed, particularly in the northern section of the community which involved replacing water lines, sewer, drainage work and recontouring some land. He stated that staff would be talking with a representative of Sun Communities and their attorney this week to see if that was a possibility.

He continued that in his memorandum, he noted that work had been performed in that area without permits and without approvals by the predecessor—which was not by Sun Communities. He added that the project itself would not be completed in the next year or so. He commented that he thought that once it was on track and underway, it was not something that would require his attention but that it would be just making sure that the Town received all the earlier documentation.

Attorney Nicoletti noted that on April 23, 2024, he sent a clarification memorandum to the Town Council and the Mayor regarding the responsibilities of the developer, the builder, the Homeowners Association and the individual property owners along with the Town.

Council Member Docherty asked about the forty-five (45) days.

Attorney Nicoletti stated this was the same forty-five (45) days that they had requested, and that the problem was that the Town had asked for a response by May 10th, and that date had passed so the Town would have to work with them to see what could be done as far as setting dates for compliance, but that the dates would be extended. He stated that this was something that would not happen in the next sixty (60) to ninety (90) days but would be more likely a year or more based upon the engineers estimate for a date of completion. He stated that the Town would have to collaborate with them to get this done.

Council Member Docherty asked, especially for the residents in the north end, if there were plans that had been drawn up and if so, have the plans had been approved.

Attorney Nicoletti answered "no" and that as far as he knew, they were being worked on by Joe Capra at Captec Engineering who would be responsible for filing them.

Mr. O'Neil stated that in a meeting with the Resort owners and their staff, Town staff had stressed that whatever the remedial plan for the northside of the Resort, Sun Communities would have to work in such a way that recognized that this was a fully occupied community with residents and not a construction site. He added that in their plan, he insisted they include how they intend to complete the water/sewer lines, etc. with a minimum of disruption to the residents. He added that Captec was proposing directional boring for the water and sewer lines which meant that they would not have to dig up the roads and trenches. He stressed that it was a key component of that plan, and they would need to demonstrate the importance of that and that it may take longer to make it convenient for the residents.

President Kelley asked if it remained an option for Seawalk to have the work done and pay for it out of the bond.

Attorney Nicoletti answered that it remained an option and if they failed to comply by the date set, then the Town had the option of calling the bond and having the work performed or continuing with enforcement and fining them until they comply. He added that there were some options but hopefully, the Town would not have to visit them, but if so, it would be later in the summer.

President Kelley asked for further questions for Attorney Nicoletti.

There were none.

6. Comments from the public on topics not on the Agenda – David Wagner, 124 NE Bay Drive, Ocean Breeze, stated that he had the opportunity to attend the Neighborhood Advisory Council meeting. He stated that one issue discussed was resurfacing North End Drive (West End Boulevard). He asked the Council about a planned sidewalk that was supposed to run from the entire length from the gate (at Sun Communities) up West End Boulevard, to Jensen Beach Boulevard. He spoke about the historical difficulties with North End Boulevard (West End Boulevard) and that the current configuration created a dramatic safety hazard. He remarked that drivers had to make more than a ninety (90) degree turn to go down West End Boulevard. He spoke about the increase in the frequency of the trains. He added that with the new set of tracks (undecipherable) the potential of someone getting trapped between the gates was extremely high if they were within the crosswalk and traffic came to a halt. He stated that it was his request that Martin County make West End Boulevard a northbound only street and that this would add to the safety at the roundabout. He stated that one of the Board members spoke about parking at the Barber Shop and the design for traffic to go out and (undecipherable). He commented that he believed it would be a good opportunity for the Town Council to partner with and enter discussions with the Neighborhood Advisory Council (NAC). He continued that previous Town Councils had been fighting for many years for a better solution to this issue. He introduced Terry Locatis and stated that he had gone in depth with the NEC, the County, and the decision makers.

President Kelley asked for clarification of the location.

Mr. Wagner explained that the area he was speaking about was from the roundabout to the Resort gate on West End Boulevard.

Mr. O'Neil stated that staff had been in touch with Mr. Jim Gorton, Director Martin County Public Works, who had indicated that the County had hired an engineering firm to conduct a study of West End Boulevard at the intersection of the roundabout. He added that Martin County had committed to the Town that they would examine whether they could restore two-way traffic or if not, establish northbound traffic there as a permanent fix. He commented that staff had also called to Martin County's attention that the intersection had all kinds of unique problems. He added that staff had spoken to the County weekly advising them about concerns and expectations, and that the Town be consulted as they developed the plan, which may involve cooperation with the railroad. He stated that the County had a settlement agreement with the railroad and that the County had now invested the dollars into the firm to do the analysis and he believed some changes would be made.

Terry Locatis, 33 NE Nautical Drive, Ocean Breeze, stated that he had information regarding West End Boulevard that dated back to February 2022 and commented that his contact was Katie Mitzner, Brightline Director of Public Affairs. He gave a brief history and how the decision regarding the direction of West End Boulevard came about. He remarked that the County Engineer, at that time, stated that the turn was not on the railroad easement. He quoted Katie Mitzner as saying, "we proceeded with direction based on what we were asked to do by Martin County per the request of Ocean Breeze." Mr. Locatis commented that he came back to Ocean Breeze to find out who gave Martin County this advice; the Manager at the time was Chris Walters and he stated that neither he nor anyone on his staff gave Martin County any information. He spoke about multiple conversations he had with Katie Mitzner (which he had documented in emails) in which she suggested he speak with Terry O'Neil. He stated that he had also been talking with Jame Gorton, Director of Martin County Public Works, until May, 2023, and Mr. Gorton advised him that Martin County had been waiting for FEC's permit to be closed to determine whether they could change the road. He stated that he also spoke to Doug Smith about it and that was a waste of time. He spoke about another email in May 2023 from James Gorton that said "we plan to reevaluate this once the Brightline project was completed which should be in the next few months." He expressed his concerns about cars being hit and/or someone being killed on the tracks before something was completed. He commented that it was a dangerous situation and that the design coming onto West End Boulevard required a half-U turn and that the design of the turn was for the traffic to go north, not south.

Janet Galante, 431 S. Intercoastal Drive, asked about the viability of having a crosswalk in the middle of downtown Jensen Beach. She stated that she was not sure to whom she should direct this inquiry, the Chamber of Commerce or Mr. O'Neil. She commented that people were not using the crosswalks to cross.

Mr. O'Neil agreed and stated that when the northbound on West End Boulevard was reestablished, then the intersection at Maple would be back to something safer and that staff could talk to the County about this at the same time they were looking at West End.

Ms. Galante asked that it be on the record that she was asking for the crosswalk now and not waiting until the conversation regarding West End Boulevard.

Ms. Galante stated that she was in the process of changing her drivers' license and was having a challenging time establishing her town as Ocean Breeze. She commented that her license read "Jensen Beach" and that in a comparable situation up north, she had to get a Senator's help in getting numbers for the zip code. She commented that she was getting delayed mail, other resident's mail, Fed Ex, etc. She reiterated that she lived in Ocean Breeze, not Jensen Beach.

Mayor Ostrand stated that many of the residents of Ocean Breeze had this problem and that she had asked the Post Office to change the addresses. She advised that when a resident had an order such as Amazon, the Town had different last four digits than Jensen Beach. She added that she would make the effort once again to bring it up in Tallahassee, the Florida League of Mayors and with the Florida League of Cities.

Janet Galante asked if the vacant building, which was formerly the Town office, was condemned, would be condemned or demolished?

Mayor Ostrand stated that she had no update but that she would find out about the plans for the building.

Janet Galante asked about an update on the train whistle.

President Kelley answered that there would be an update forthcoming on the train horn noise.

7. Comments from the Council on topics not on the Agenda – Council Member Docherty discussed the “blue sheet” items located in the packet. He spoke about the crosswalk refurbishment and additional speed signs along Indian River Drive, which runs through the Resort area of Town. He gave an update on the “Your Speed” sign which had been knocked down and broken and stated that it was back up and running. He remarked that he had been working with FPL for years trying to find out when the Town could expect the conversion from wooden power poles to concrete poles and FPL had informed staff that the Town was not in line for this conversion which he believed was a hazard, especially during a hurricane or high winds. He commented that the Town was getting additional lighting along Indian River Drive.

8. Comments from Town Management Consultant, Terry O’Neil – Mr. O’Neil stated that he met with Mike Mortell, the Manager at the City of Stuart, and that he had agreed to help the Town look into the possibility of obtaining grants that would relate to safety and impacts of the Railroad. He stated that the City had a permanent skilled staff that performed grant applications and that if there was a feasible chance for the Town to obtain funds, or whether the collaboration with City of Stuart could be explored. He added that he spoke to Mr. Mortell about quiet zones and he agreed that the Town could collaborate on a joint effort to see if a quiet zone could be established. He also informed the Mayor and Town Council that Staff was meeting with Landscape Architect, Mike Flaugh, on May 16th to address the concerns at Seawalk. He remarked that it had been confirmed that Martin County would be attending the June 10, 2024, Town Council meeting to give a presentation on hurricane preparedness. He added that he contacted Martin County regarding the Plaza entrance at Skyline Drive and posed the question as to whether they would require a permit for an alteration to that intersection to allow left turns and stated that the Town had not received a response yet.

Council Member Kent spoke about the distance the train traveled within the Town area being .03 miles from the roundabout to the end of Ocean Breeze.

Mr. O’Neil stated that these were the kinds of facts that would need to be provided for the grant; also, easements, length of the wall, the estimated costs, way-side horns, etc.

9. Comments from Mayor Ostrand – Mayor Ostrand invited the Town Council to attend a luncheon to honor recipients of the Home Rule Hero Award Wednesday, May 15, 2024, at which time the honorees would be herself and Council Member Docherty. She also invited the Town Council Members and citizens to contact her to get involved.

10. Announcements – The following meetings will be held at the Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze:

- Monday, June 10, 2024, at 10:30AM – Regular Town Council Meeting
- Monday, July 8, 2024, at 6:00PM – Regular Town Council Meeting
- Wednesday, July 24, 2024, at 6:00PM – Public Hearing Workshop / Special Meeting for setting of Millage Rate and Budget for FY 2024/2025
- Monday, August 12, 2024, at 10:30AM – Regular Town Council Meeting
- Monday, September 9, 2024, at 10:30AM - Regular Town Council Meeting
- Wednesday, September 11, 2024, at 6:00PM – Public Hearing for Setting of Tentative Millage Rate and Budget for FY 2024/2025
- Wednesday, September 25, 2024, at 6:00PM – Public Hearing for Adoption of Final Millage Rate and Budget for FY 2024/2025

11. Adjourn – Vice-President Reese, seconded by Council Member Docherty, made a motion to adjourn the meeting at 11:40AM.

Respectfully Submitted,

Kim Stanton
Town Clerk

Minutes approved: _____



Florida House of Representatives

Representative Dan Daley

District 96

District Office:

2900 University Drive
Coral Springs, FL 33065
Office: 954-905-5503
Cell: 954-778-3304

Tallahassee Office:

407 House Office Building
402 South Monroe Street
Tallahassee, FL 32399
Office: 850-717-5096

April 2, 2024

Mayor Karen Ostrand
PO Box 1025
Town of Ocean Breeze, FL 34958-1025

Dear Mayor Ostrand,

I wanted to extend my warmest congratulations to you for being chosen as a Home Rule Hero by the Florida League of Cities! Your dedication and commitment to safeguarding Home Rule at the local level are truly commendable. Throughout the Legislative Session, your efforts have been instrumental in championing local autonomy and advancing the League's legislative priorities.

Having served as a former local elected official for the City of Coral Springs and as a past Board Member of the Florida League of Cities, I fully grasp the importance of this cause. It is for this reason that I remain steadfast in collaborating with you to uphold and defend Home Rule across Florida.

Once again, I applaud you on your well-deserved recognition as a Home Rule Hero Award recipient from the Florida League of Cities. I wish you continued success and eagerly anticipate our ongoing collaboration in the days ahead. Your exceptional contributions are truly commendable – keep up the outstanding work!

Best,

A handwritten signature in blue ink, appearing to read "Dan Daley", is written over a horizontal line.

Dan Daley



Florida House of Representatives

Representative Dan Daley

District 96

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2900 University Drive
Coral Springs, FL 33065
Office: 954-905-5503
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Tallahassee Office:

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Tallahassee, FL 32399
Office: 850-717-5096

April 2, 2024

Council Member Kevin Docherty
PO Box 1025
Town of Ocean Breeze, FL 34958-1025

Dear Council Member Docherty,

I wanted to extend my warmest congratulations to you for being chosen as a Home Rule Hero by the Florida League of Cities! Your dedication and commitment to safeguarding Home Rule at the local level are truly commendable. Throughout the Legislative Session, your efforts have been instrumental in championing local autonomy and advancing the League's legislative priorities.

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Once again, I applaud you on your well-deserved recognition as a Home Rule Hero Award recipient from the Florida League of Cities. I wish you continued success and eagerly anticipate our ongoing collaboration in the days ahead. Your exceptional contributions are truly commendable – keep up the outstanding work!

Best,

A handwritten signature in blue ink, reading "Dan Daley".

Dan Daley

TOWN OF OCEAN BREEZE, FLORIDA

**FINANCIAL STATEMENTS WITH INDEPENDENT
AUDITOR'S REPORT THEREON**

FISCAL YEAR ENDED SEPTEMBER 30, 2023

TOWN OF OCEAN BREEZE, FLORIDA
SEPTEMBER 30, 2023

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NOWLEN, HOLT & MINER, P.A.

CERTIFIED PUBLIC ACCOUNTANTS

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WILLIAM C. KISKER, CPA
RICHARD E. BOTT, CPA

INDEPENDENT AUDITOR'S REPORT

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333 S.E. 2nd STREET
POST OFFICE BOX 338
BELLE GLADE, FLORIDA 33430-0338
TELEPHONE (561) 996-5612
FAX (561) 996-6248

The Honorable Mayor and Members of the Town Council
Town of Ocean Breeze, Florida
Jensen Beach, Florida

Report on the Audit of the Financial Statements

Opinions

We have audited the accompanying financial statements of the governmental activities and the major fund of the Town of Ocean Breeze, Florida, as of and for the year ended September 30, 2023, and the related notes to the financial statements, which collectively comprise the Town of Ocean Breeze, Florida's basic financial statements as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and the major fund of the Town of Ocean Breeze, Florida, as of September 30, 2023, and the respective changes in financial position and the respective budgetary comparison for the General Fund for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Town of Ocean Breeze, Florida and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America; and for the

design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Town of Ocean Breeze, Florida's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with generally accepted auditing standards and *Government Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Town of Ocean Breeze, Florida's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Town of Ocean Breeze, Florida's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis on pages 4 through 7 be presented to supplement the basic financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated June 18, 2024, on our consideration of the Town of Ocean Breeze, Florida's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Town of Ocean Breeze, Florida's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering Town of Ocean Breeze, Florida's internal control over financial reporting and compliance.

Nowlen, Holt & Mimer, P.A.

West Palm Beach, Florida
June 18, 2024

Town of Ocean Breeze, Florida

Management's Discussion and Analysis

September 30, 2023

As management of the Town of Ocean Breeze, Florida (Town), we offer readers of the Town's financial statements this narrative overview and analysis of the financial activities of the Town for the fiscal year ended September 30, 2023. The information contained in the Management's Discussion and Analysis is intended to highlight significant transactions, events and conditions and should be considered in conjunction with the Basic Financial Statements.

Financial Highlights

- The assets of the Town exceeded its liabilities at September 30, 2023 by \$514,160 (net position). Of this amount, \$388,278 (unrestricted net position) may be used to meet the Town's ongoing obligations.
- The Town's operations decreased net position by \$100,215.
- Governmental fund balances decreased by \$97,026 or 16.1 percent.

Overview of the Financial Statements

This discussion and analysis is intended to serve as an introduction to the basic financial statements. The basic financial statements are comprised of three components: (1) government-wide financial statements, (2) fund financial statements, and (3) notes to the financial statements.

Government-wide financial statements: The government-wide financial statements are designed to provide readers with a broad overview of the Town, in a manner similar to a private-sector business. The statement of net position presents information on all of the Town's assets and liabilities, with the difference between the two reported as net position. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the Town is improving or deteriorating. The statement of activities presents information showing how the government's net position changed during the most recent fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods.

Fund financial statements: A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The Town, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. The fund financial statements consist of the balance sheet of the governmental funds as well as the statement of revenues, expenditures and changes in fund balance of the governmental funds. The governmental fund financial statements focus on near term inflows and outflows of spendable resources, as well as on balances of spendable resources available at the end of the fiscal year. Such information may be useful in evaluating a government's near-term financing requirements.

Notes to the financial statements: The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements.

Town of Ocean Breeze
Statement of Net Position – Governmental Activities
September 30, 2023 and 2022

	<u>2023</u>	<u>2022</u>
ASSETS		
Current and other assets	\$ 507,170	\$ 611,455
Noncurrent assets	69,123	22,671
Total assets	<u>576,293</u>	<u>634,126</u>
LIABILITIES		
Current liabilities	16,177	8,570
Noncurrent liabilities	45,956	11,181
Total liabilities	<u>62,133</u>	<u>19,751</u>
NET POSITION		
Invested in capital assets	8,301	11,490
Restricted	117,581	131,845
Unrestricted	388,278	471,040
	<u>\$ 514,160</u>	<u>\$ 614,375</u>

Town of Ocean Breeze
Changes in Net Position – Governmental Activities
September 30, 2023 and 2022

	<u>2023</u>	<u>2022</u>
REVENUES:		
Program revenues		
Charges for services	\$ 36,302	\$ 37,789
General revenues		
Property taxes	63,909	64,211
Other general revenue	107,210	93,319
Investment earnings	23,328	4,137
Total revenues	<u>230,749</u>	<u>199,456</u>
EXPENSES:		
Program expenses		
General government	221,486	226,440
Public safety	94,112	45,863
Transportation	13,550	6,092
Interest on long-term liabilities	1,816	684
Total expenses	<u>330,964</u>	<u>279,079</u>
Increase/(Decrease) in net position	(100,215)	(79,623)
Net position, beginning	614,375	693,998
Net position, ending	<u>\$ 514,160</u>	<u>\$ 614,375</u>

Governmental Activities

The Town's net position decreased by \$100,215 for 2023. Total revenues increased by \$31,293 while expenses increased by \$51,885 from the prior year which is mainly attributed to the following:

- \$48,249 increase in public safety for additional compliance expenses related to resolving the issues with the Seawalk PUD.
- \$7,458 increase in transportation.

Governmental Funds

The purpose of the Town's governmental fund financial statements is to provide information on near-term inflows, outflows, and balances of spendable resources. At September 30, 2023, the Town's Governmental Funds reported ending fund balance of \$505,859, which was a \$97,026 decrease in comparison to the prior year. Of this amount, \$257,173 or 50.8 percent is unassigned fund balance, which is available for spending at the government's discretion. The remainder of fund balance is non-spendable (\$25,838), restricted (\$117,581) or assigned for specific purposes (\$105,267).

Budgetary Highlights

The General Fund exceeded budget expectations by \$50,181. The General Fund expenditures exceeded appropriations by \$34,984 while revenue and other financing sources exceeded expectations by \$85,165.

Capital Assets and Debt

Capital assets: The Town's investment in capital assets for its governmental activities at September 30, 2023, amounts to \$68,173 (net of accumulated depreciation and amortization).

Town of Ocean Breeze
Capital Assets
(net of depreciation and amortization)

	<u>2023</u>	<u>2022</u>
Lease asset - buildings	\$ 54,421	\$ 3,591
Lease asset - equipment	4,185	6,828
Improvements and equipment	9,567	12,252
Total capital assets	<u>\$ 68,173</u>	<u>\$ 22,671</u>

Debt. The Town has no debt outstanding at September 30, 2023 except for a lease liability with a balance of \$59,872.

Economic Factors and Next Year's Budgets and Rates

For fiscal year 2024, the Town Council adopted a General Fund budget of \$318,105 representing a \$19,375 increase from the adopted budget for fiscal year 2023.

The Town saw a 40.4 percent increase in the property tax base as the Seawalk homes have been completed. Property taxes represent approximately 20 percent of the 2024 budgeted operating revenues of the Town. The balance of revenues comes from intergovernmental revenues, licenses, and permits.

Requests for Information

This financial report is designed to provide a general overview of the Town's finances and to demonstrate the Town's accountability. Questions concerning information provided in this report or requests for additional financial information should be directed to the Town Clerk at the Town of Ocean Breeze, Florida, PO Box 1025, Jensen Beach, Florida 34958 or telephone (772) 334-6826.

TOWN OF OCEAN BREEZE, FLORIDA
Statement of Net Position
September 30, 2023

	<u>Governmental Activities</u>
ASSETS	
Current assets	
Cash and equivalents	\$ 477,781
Due from other governments	4,502
Prepays	24,887
Total current assets	<u>507,170</u>
Noncurrent assets	
Deposits	950
Capital assets	
Right to use lease assets	86,630
Accumulated amortization	(28,024)
Improvements and equipment	28,023
Accumulated depreciation	(18,456)
Total noncurrent assets	<u>69,123</u>
Total assets	<u>576,293</u>
LIABILITIES	
Current liabilities	
Accounts payable	1,692
Accrued liabilities	420
Due to other governments	149
Noncurrent liabilities	
Due within one year	13,916
Due in more than one year	45,956
Total liabilities	<u>62,133</u>
NET POSITION	
Investment in capital assets	8,301
Restricted for transportation	117,581
Unrestricted	388,278
Total net position	<u>\$ 514,160</u>

See notes to the financial statements

TOWN OF OCEAN BREEZE, FLORIDA
Statement of Activities
For the Year Ended September 30, 2023

Function / Program Activities	Expenses	Program Revenues			Net (Expense) Revenue and Changes in Net Position
		Charges For Services	Operating Grants and Contributions	Capital Grants and Contributions	Total Governmental Activities
Governmental activities					
General government	\$ 221,486	\$ 36,302	\$	\$	\$ (185,184)
Public safety	94,112				(94,112)
Transportation	13,550				(13,550)
Interest on long-term liabilities	1,816				(1,816)
Total governmental activities	<u>\$ 330,964</u>	<u>\$ 36,302</u>	<u>\$</u>	<u>\$</u>	<u>(294,662)</u>
General revenues					
Ad valorem taxes					63,909
Communications services taxes					3,859
State revenue sharing					18,075
Mobile home tags					2,627
1/2 Cent sales tax					48,665
Fuel taxes					4,534
Local option taxes					29,450
Investment earnings - unrestricted					23,328
Total general revenues					<u>194,447</u>
Change in net position					(100,215)
Net position, beginning of year					<u>614,375</u>
Net position, end of year					<u>\$ 514,160</u>

See notes to the financial statements

TOWN OF OCEAN BREEZE, FLORIDA

Balance Sheet

Governmental Funds

September 30, 2023

	General Fund
ASSETS	
Cash and cash equivalents	\$ 477,781
Due from other governments	4,502
Prepaid expenses	24,887
Deposits	950
Total assets	<u>\$ 508,120</u>
LIABILITIES	
Accounts payable	\$ 1,692
Accrued liabilities	420
Due to other governments	149
Total liabilities	<u>2,261</u>
FUND BALANCES	
Nonspendable	25,838
Restricted for transportation	117,581
Assigned to subsequent year's budget	105,267
Unassigned	257,173
Total fund balances	<u>505,859</u>
Total liabilities and fund balances	<u>\$ 508,120</u>

See notes to the financial statements

TOWN OF OCEAN BREEZE, FLORIDA
Reconciliation of the Balance Sheet – Governmental Funds
to the Statement of Net Position
September 30, 2023

Fund balances total governmental funds	\$ 505,859
Amounts reported for governmental activities in the statement of net position are different because:	
Capital assets used in governmental activities are not financial resources and therefore are not reported in the governmental funds.	
Governmental capital assets	114,653
Less accumulated depreciation and amortization	(46,480)
Long-term liabilities are not due and payable in the current period and therefore are not reported in the governmental funds.	
Lease liability	<u>(59,872)</u>
Net position of governmental activities	<u><u>\$ 514,160</u></u>

See notes to the financial statements

TOWN OF OCEAN BREEZE, FLORIDA
Statement of Revenues, Expenditures, and Changes in Fund Balances
Governmental Funds
For the Year Ended September 30, 2023

	General Fund
REVENUES	
Ad valorem taxes	\$ 63,909
Licenses and permits	33,344
Intergovernmental revenues	110,000
Charges for services	168
Investment Earnings	23,328
Total revenues	<u>230,749</u>
EXPENDITURES	
Current	
General government	205,599
Public safety	94,112
Transportation	12,145
Capital outlay	62,794
Debt service:	
Principal - leases	14,103
Interest - leases	1,816
Total expenditures	<u>390,569</u>
Excess (deficiency) of revenues over (under) expenditures	<u>(159,820)</u>
Other financing sources (uses)	
Issuance of debt - leases	62,794
Total other financing sources (uses)	<u>62,794</u>
Net change in fund balances	(97,026)
Fund balances, beginning of year	602,885
Fund balances, end of year	<u>\$ 505,859</u>

See notes to the financial statements

TOWN OF OCEAN BREEZE, FLORIDA
Reconciliation of the Statement of Revenues, Expenditures, and Changes in Fund
Balances of the Governmental Funds to the Statement of Activities
For the Year Ended September 30, 2023

Net change in fund balances - total governmental funds	\$ (97,026)
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Amounts reported for governmental activities in the statement of activities are different because:

Governmental funds report capital outlays as expenditures. However, in the statement of activities, the cost of capital assets is allocated over their estimated useful lives and reported as depreciation expense.

Expenditures for capital assets	62,794
Less: current year depreciation and amortization	(17,292)

The issuance of long-term debt provides current financial resources to governmental funds, while the repayment of the principal of long-term debt consumes the current financial resources of governmental funds. Neither transaction has any effect on net position.

Issuance of debt - leases	(62,794)
Principal payments on long-term lease liabilities	14,103

Change in net position	\$ (100,215)
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See notes to the financial statements

TOWN OF OCEAN BREEZE, FLORIDA
Statement of Revenues, Expenditures, and Changes in Fund Balance-Budget and Actual
General Fund
For the Year Ended September 30, 2023

	Original Adopted Budget	Final Revised Budget	Actual	Variance With Final Budget Positive (Negative)
Revenues				
Ad valorem taxes	\$ 63,798	\$ 63,798	\$ 63,909	\$ 111
Licenses and permits	15,400	32,400	33,344	944
Intergovernmental revenues	88,030	89,480	110,000	20,520
Charges for services	1,000	1,000	168	(832)
Investment Earnings	700	21,700	23,328	1,628
Total revenues	<u>168,928</u>	<u>208,378</u>	<u>230,749</u>	<u>22,371</u>
Expenditures				
Current				
General Government	235,530	253,035	205,599	47,436
Public Safety	58,200	87,550	94,112	(6,562)
Transportation	5,000	15,000	12,145	2,855
Capital Outlay			62,794	(62,794)
Debt service:				
Principal - leases			14,103	(14,103)
Interest - leases			1,816	(1,816)
Total expenditures	<u>298,730</u>	<u>355,585</u>	<u>390,569</u>	<u>(34,984)</u>
Excess (deficiency) of revenues over (under) expenditures	<u>(129,802)</u>	<u>(147,207)</u>	<u>(159,820)</u>	<u>(12,613)</u>
Other financing sources (uses)				
Issuance of debt - leases			62,794	62,794
Net change in fund balances	<u>\$ (129,802)</u>	<u>\$ (147,207)</u>	<u>(97,026)</u>	<u>\$ 50,181</u>
Fund balance, beginning of year			<u>602,885</u>	
Fund balance, end of year			<u>\$ 505,859</u>	

See notes to the financial statements

TOWN OF OCEAN BREEZE, FLORIDA
Notes to the Financial Statements
September 30, 2023

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The financial statements of the Town of Ocean Breeze, Florida (the “Town”) have been prepared in conformity with generally accepted accounting principles (GAAP) as applied to government units. The Governmental Accounting Standards Board (GASB) is the accepted standard setting body for establishing governmental accounting and financial reporting principles. The Town’s significant accounting policies are described below.

Reporting Entity

The Town of Ocean Breeze, Florida is a municipal corporation organized in 1960 under the authority of Chapter 165, Florida Statutes. The town has a mayor-council form of government and operates under a charter that was amended in 1991. The fiscal year of the Town is from October 1 to September 30, as established pursuant to section 166.241(2), Florida Statutes. The governing body of the Town is the Town Council which is comprised of a maximum of six council members elected at large.

As required by generally accepted accounting principles, these financial statements include the Town (the primary government) and its component units. Component units are legally separate entities for which the Town is financially accountable. The Town is financially accountable if:

- a) the Town appoints a voting majority of the organization’s governing board and (1) the Town is able to impose its will on the organization or (2) there is a potential for the organization to provide specific financial benefits to or impose specific financial burdens on the Town, or
- b) the organization is fiscally dependent on the Town and (1) there is a potential for the organization to provide specific financial benefits to the Town or (2) impose specific financial burdens on the Town.

Organizations for which the Town is not financially accountable are also included when doing so is necessary in order to prevent the Town’s financial statements from being misleading.

Based upon application of the above criteria, management of the Town has determined that no component units exist which would require inclusion in this report. Further, the Town is not aware of any entity that would consider the Town to be a component unit.

TOWN OF OCEAN BREEZE, FLORIDA
Notes to the Financial Statements
September 30, 2023

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Government-wide Financial Statements

The government-wide financial statements (i.e., the statement of net position and the statement of activities) report information on all the non-fiduciary activities of the primary government. For the most part, the effect of interfund activity has been removed from these statements. Governmental activities, which normally are supported by taxes and intergovernmental revenues, are reported separately from business-type activities, which rely on fees and charges for support. The Town does not have any business-type activities.

The statement of activities demonstrates the degree to which the direct expenses of a given function are offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function. Program revenues include 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function. Taxes and other items not included among program revenues are reported instead as general revenues.

Fund Financial Statements

The underlying accounting system of the Town is organized and operated on the basis of separate funds, each of which is considered to be a separate accounting entity. The operations of each fund are accounted for with a separate set of self-balancing accounts that comprise its assets, deferred outflows of resources, liabilities, deferred inflows of resources, fund equity, revenue and expenditures or expenses, as appropriate. Governmental resources are allocated to and accounted for in individual funds based upon the purposes for which they are to be spent and the means by which spending activities are controlled.

Fund financial statements are provided for governmental funds. Governmental Fund Financial Statements include a Balance Sheet and a Statement of Revenue, Expenditures and Changes in Fund Balance. The Town has no fund types other than governmental funds. Major individual governmental funds are reported in separate columns in the fund financial statements.

The Town reports the General Fund as a major governmental fund. The General Fund is the general operating fund of the Town. It is used to account for all financial resources except those required to be accounted for in another fund.

When both restricted and unrestricted resources are available for use, it is the Town's policy to use restricted resources first, then unrestricted resources as needed.

TOWN OF OCEAN BREEZE, FLORIDA
Notes to the Financial Statements
September 30, 2023

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Measurement Focus and Basis of Accounting

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses recorded when a liability is incurred, regardless of the timing of related cash flows. The Town does not accrue property tax revenues since the collection of these taxes coincides with the fiscal year in which levied, and since the Town consistently has no material uncollected property taxes at year end. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met. Amounts paid to acquire capital assets are capitalized as assets, rather than reported as capital expenditures.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough afterwards to pay liabilities of the current period. The Town considers revenues collected within 60 days of the year end to be available to pay liabilities of the current period. Charges for services, intergovernmental shared revenues, licenses, business taxes, and interest associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. Revenues for expenditure driven grants are recognized when the qualifying expenditures are incurred. All other revenue items are considered to be measurable and available only when cash is received by the Town. Expenditures are generally recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences, are recorded only when payment is due. Amounts expended to acquire capital assets are recorded as expenditures in the year that resources are expended, rather than as fund assets.

Under the current financial resources measurement focus, only current assets and current liabilities are generally included on the balance sheet. The reported fund balance is considered to be a measure of "available spendable resources". Governmental fund operating statements present increases (revenues and other financing sources) and decreases (expenditures and other financing uses) in net current assets. Accordingly, they are said to present a summary of sources and uses of "available spendable resources" during a period.

Because of their spending measurement focus, expenditure recognition for governmental fund types excludes amounts represented by non-current liabilities. Since they do not affect net current assets, such long-term amounts are not recognized as governmental fund type expenditures or fund liabilities.

TOWN OF OCEAN BREEZE, FLORIDA
Notes to the Financial Statements
September 30, 2023

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Cash and Cash Equivalents

Cash and cash equivalents include amounts on deposit in demand accounts. The Town considers all highly liquid investments with a maturity of three months or less when purchased to be cash equivalents.

Investments

Investments are stated at fair value. Fair value is defined as the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. Fair value is a market-based measurement, not an entity-specific measurement. For some assets and liabilities, observable market transactions or market information might be available; for others, it might not be available. However, the objective of fair value measurement in both cases is the same, that is, to determine the price at which an orderly transaction to sell the asset or to transfer the liability would take place between market participants at the measurement date under current market conditions. Fair value is an exit price at the measurement date from the perspective of a market participant that controls the asset or is obligated for the liability. The Town categorizes investments reported at fair value in accordance with the fair value hierarchy established by GASB Statement No. 72, *Fair Value Measurement and Application*.

Accounts Receivable

Accounts receivable of the General Fund consists of billed receivables. The Town has not established an allowance for doubtful accounts because the Town considers all receivables to be collectible.

Prepaid Items

Certain payments to vendors reflect costs applicable to future accounting periods and are recorded as prepaid items in both government-wide and fund financial statements. In the governmental funds, prepaid items are recorded using the consumption method and are offset by the nonspendable fund balance component which indicates they do not constitute available spendable resources, even though they are a component of current assets.

Capital Assets

Capital assets are defined by the Town as assets with an estimated useful life in excess of one year and a value at the date of acquisition in excess of \$5,000. Capital assets are reported in the government-wide Statement of Net Position and include improvements and equipment. Purchased capital assets are recorded at cost. Donated capital assets, donated works of art and similar items, and capital assets received in a service concession arrangement are reported at acquisition value.

TOWN OF OCEAN BREEZE, FLORIDA
Notes to the Financial Statements
September 30, 2023

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Capital Assets (Continued)

Depreciation is computed using the straight-line method over the estimated useful lives for all reported capital assets, except land and construction in progress. The estimated useful lives range from four (4) to forty (40) years.

Leases

Lease contracts that provide the Town with control of a non-financial asset, such as land, buildings, or equipment, for a period of time in excess of twelve months are reported as an intangible right to use lease asset with a related lease liability. The lease liability is recorded at the present value of future lease payments, including fixed payments, variable payments based on an index or fixed rate and reasonably certain residual guarantees. The intangible right to use leased asset is recorded for the same amount as the related lease liability plus any prepayments and initial direct costs to place the asset in service. Leased assets are amortized over the shorter of the useful life of the asset or the lease term. The lease liability is reduced for lease payments made, less the interest portion of the lease payment.

Lease contracts that provide an external entity with control of the Town's non-financial asset, such as land, buildings, or equipment, for a period of time in excess of twelve months are reported as a leased receivable with a related lease deferred inflow of resources. The lease receivable is recorded at the present value of future lease payments expected to be received during the lease term, reduced by any provision for estimated uncollectible amounts. The lease deferred inflow of resources is recorded for the same amount as the related lease receivable less any lease incentives. Leased deferred inflow of resources are amortized over the lease term. The lease receivable is reduced for lease payments made, less the interest portion of the lease payment.

Unearned Revenue

The government reports unearned revenue on its government wide Statement of Net Position and governmental funds balance sheet. Unearned revenue arises when resources are obtained prior to revenue recognition. In subsequent periods, when revenue recognition criteria are met the unearned revenue is removed and revenue is recognized.

Unavailable Revenue

The government reports unavailable revenue on its governmental funds balance sheet for resource inflows that do not qualify for recognition as revenue in a governmental fund because they are not yet considered available.

TOWN OF OCEAN BREEZE, FLORIDA
Notes to the Financial Statements
September 30, 2023

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Deferred Outflows of Resources

The government-wide Statement of Net Position and the Governmental Funds Balance Sheet will sometimes include a separate section for deferred outflows of resources. This financial statement element represents a consumption of net assets applicable to future periods and will not be recognized as expenditures until the future period(s). The Town does not currently have any deferred outflows of resources.

Deferred Inflows of Resources

The government-wide Statement of Net Position and the Governmental Funds Balance Sheet will sometimes include a separate section for deferred inflows of resources. This financial statement element represents the acquisition of net assets applicable to future periods and will not be recognized as revenue until the future period(s). The Town does not currently have any deferred inflows of resources.

Interfund Transactions

Transactions between funds consist of loans, services provided, reimbursements, or transfers. Interfund loans are reported as Due From Other Funds and Due To Other Funds as appropriate and are subject to elimination in the government-wide financial statements. Services deemed to be reasonably equivalent in value are treated as revenues and expenditures. Reimbursements occur when one fund incurs a cost, charges the appropriate benefiting fund and reduces its related cost. All other interfund transactions are presented as transfers.

Fund Balances

In the fund financial statements, governmental funds report fund balance classifications that comprise a hierarchy based primarily on the extent to which the Town is bound to honor constraints on the specific purposes for which amounts in those funds can be spent. Fund balance is reported under the following categories:

1. Nonspendable fund balances – Includes amounts that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained intact. The “not in spendable form” criterion includes items that are not expected to be converted to cash, for example, inventories and prepaid amounts. It also includes the long-term amount of loans and notes receivable, as well as property acquired for resale. However, if the use of the proceeds from the collection of those receivables or from the sale of those properties is restricted, committed, or assigned, then they should be included in the appropriate fund balance classification (restricted, committed, or assigned), rather than the nonspendable fund

TOWN OF OCEAN BREEZE, FLORIDA
Notes to the Financial Statements
September 30, 2023

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Fund Balances (Continued)

balance. The corpus (or principal) of a permanent fund is an example of an amount that is legally or contractually required to be maintained intact.

2. Restricted fund balance – Includes amounts that are restricted to specific purposes when constraints placed on the use of resources are either (a) externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments, or (b) imposed by law through constitutional provisions or enabling legislation.
3. Committed fund balance – Includes amounts that can be used only for specific purposes pursuant to constraints imposed by an ordinance, the Town's highest level of decision making authority. Those committed amounts cannot be used for any other purpose unless the Town removes or changes the specified use by taking the same type of action employed to previously commit those amounts.
4. Assigned fund balance – Includes amounts intended to be used by the Town for specific purposes, but are neither restricted nor committed. In accordance with the Town's fund balance policy, assignments may be made by formal action of the Town Council.
5. Unassigned fund balance – Includes the residual classification for the general fund. This classification represents fund balance that has not been assigned to other funds and that has not been restricted, committed, or assigned to specific purposes within the general fund. The general fund should be the only fund that reports a positive unassigned fund balance amount. In other governmental funds, it may be necessary to report a negative unassigned fund balance if expenditures incurred for specific purposes exceeded the amounts restricted, committed, or assigned to those purposes.

When an expenditure is incurred for purposes for which both restricted and unrestricted (committed, assigned, or unassigned) amounts are available, it is the Town's policy to reduce restricted amounts first. When an expenditure is incurred for purposes for which amounts in any of the unrestricted fund balance classifications could be used, it is the Town's policy to reduce committed amounts first, followed by assigned amounts, then unassigned amounts.

Net Position

Net position is the residual of all other elements presented in a statement of financial position. It is the difference between (a) assets plus deferred outflows of resources and (b) liabilities and deferred inflows of resources. Net position is displayed in the following three components:

TOWN OF OCEAN BREEZE, FLORIDA
Notes to the Financial Statements
September 30, 2023

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Net Position (Continued)

1. Net investment in capital assets – Consists of capital assets including restricted capital assets, net of accumulated depreciation and reduced by the outstanding balances of any bonds, notes or other borrowings that are attributable to the acquisition, construction or improvement of those assets.
2. Restricted net position – Consists of net position with constraints placed on the use either by: (1) external groups such as creditors, grantors, contributors, or laws or regulations of other governments; or (2) law through constitutional provisions of enabling legislation.
3. Unrestricted net position – All other net position that does not meet the definition of “restricted” or “investment in capital assets.”

Budgetary Data

Formal budgetary integration is employed as a management control device during the year for the General Fund. All budgets are legally enacted. Budgets are adopted on a basis consistent with generally accepted accounting principles. Budgeted amounts are as originally adopted, or as amended by appropriate action.

Property Taxes

Under Florida law, the assessment of all properties and the collection of all county, municipal, and school board property taxes are consolidated in the offices of the County Property Appraiser and County Tax Collector. The laws of the State regulating tax assessment are also designed to assure a consistent property valuation method statewide.

The tax levy of the Town is established by the Town Council prior to October 1 of each year, and the Martin County Property Appraiser incorporates the Town's millage into the total tax levy, which includes Martin County and Martin County School Board tax requirements. The millage rate assessed by the Town for the year ended September 30, 2023, was 1.0000 (\$1.0000 for each \$1,000 of assessed valuation), which does not include the Fire Rescue Municipal Services Taxing Unit (“MSTU”) millage rate of 2.6325.

All property is reassessed according to its fair market value January 1 of each year, which is also the lien date. Each assessment roll is submitted to the Executive Director of the State Department of Revenue for review to determine if the rolls meet all the appropriate requirements of state statutes.

TOWN OF OCEAN BREEZE, FLORIDA
Notes to the Financial Statements
September 30, 2023

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Property Taxes (Continued)

All taxes are due and payable on November 1 of each year or as soon thereafter as the assessment roll is certified and delivered to the Tax Collector. All unpaid taxes become delinquent on April 1 following the year in which they are assessed. Discounts are allowed for early payment at the rate of 4% in the month of November, 3% in the month of December, 2% in the month of January and 1% in the month of February. The taxes paid in March are without discount.

Delinquent taxes on real property bear interest of 18% per year. On or prior, to June 1 following the tax year, certificates are sold for all delinquent taxes on real property. After the sale, tax certificates bear interest of 18% per year or any lower rate bid by the buyer. Application for a tax deed on any unredeemed tax certificates may be made by the certificate holder after a period of two years. Delinquent taxes on personal property bear interest of 18% per year until the tax is satisfied either by seizure and sale of the property or by the five-year statute of limitations.

Use of Estimates

The financial statements and related disclosures are prepared in conformity with accounting principles generally accepted in the United States. Management is required to make estimates and assumptions that affect the reported amounts of assets and liabilities, the disclosure of contingent assets and liabilities at the date of the financial statements, and revenue and expenses during the period reported. These estimates include assessing the collectability of accounts receivable, the use and recoverability of inventory, and useful lives and impairment of tangible and intangible assets, among others. Estimates and assumptions are reviewed periodically, and the effects of revisions are reflected in the financial statements in the period they are determined to be necessary. Actual results could differ from the estimates.

Implementation of Accounting Pronouncements

The Town implemented the following Governmental Accounting Standards Board Statements during the current fiscal year.

GASB issued Statement No. 91, *Conduit Debt Obligation*. This Statement will provide a single method of reporting conduit debt obligations by issuers and eliminate diversity in practice associated with commitments extended by issuers, arrangements associated with conduit debt obligations, and related note disclosures. Implementation of this Statement did not impact the Town's financial statements.

GASB issued Statement No. 94, *Public-Private and Public-Public Partnerships and Availability Payment Arrangements*. This Statement will improve financial reporting by establishing the definitions of public-private and public-public partnership arrangements (PPPs) and availability

TOWN OF OCEAN BREEZE, FLORIDA
Notes to the Financial Statements
September 30, 2023

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Implementation of Accounting Pronouncements (Continued)

payment arrangements (APAs) and providing uniform guidance on accounting and financial reporting for transactions that meet those definitions. Implementation of this Statement did not impact the Town's financial statements.

GASB issued Statement No. 96, *Subscription-Based Information Technology Arrangements*. This Statement provides guidance on the accounting and financial reporting for subscription-based information technology arrangements (SBITAs) for government end users (governments). Implementation of this Statement did not impact the Town's financial statements.

GASB Statement No. 99, *Omnibus 2022*. The requirements of this Statement will enhance comparability in the application of accounting and financial reporting requirements and will improve the consistency of authoritative literature. Consistent authoritative literature enables governments and other stakeholders to more easily locate and apply the correct accounting and financial reporting provisions, which improves the consistency with which such provisions are applied. The comparability of financial statements also will improve as a result of this Statement. Better consistency and comparability improve the usefulness of information for users of state and local government financial statements. The requirements related to leases, public-private and public-public partnerships, and subscription-based information technology arrangements were implemented during the current year. The requirements related to financial guarantees and the classification and reporting of derivative instruments within the scope of Statement 53 are effective for fiscal years ending September 30, 2024. Implementation of this Statement did not impact the Town's financial statements.

Recently Issued Accounting Pronouncements

A brief description of new accounting pronouncements that might have a significant impact on the Town's financial statements is presented below. Management is currently evaluating the impact of adoption of these statements in the Town's financial statements.

GASB issued Statement No. 100, *Accounting Changes and Error Corrections*. The requirements of this Statement will improve the clarity of the accounting and financial reporting requirements for accounting changes and error corrections, which will result in greater consistency in application in practice. In turn, more understandable, reliable, relevant, consistent, and comparable information will be provided to financial statement users for making decisions or assessing accountability. In addition, the display and note disclosure requirements will result in more consistent, decision useful, understandable, and comprehensive information for users about accounting changes and error corrections. The requirements of this Statement are effective for accounting changes and error corrections made in the fiscal year ending September 30, 2024.

TOWN OF OCEAN BREEZE, FLORIDA
Notes to the Financial Statements
September 30, 2023

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Recently Issued Accounting Pronouncements (Continued)

GASB issued Statement No. 101, *Compensated Absences*. The unified recognition and measurement model in this Statement will result in a liability for compensated absences that more appropriately reflects when a government incurs an obligation. In addition, the model can be applied consistently to any type of compensated absence and will eliminate potential comparability issues between governments that offer different types of leave. The model also will result in a more robust estimate of the amount of compensated absences that a government will pay or settle, which will enhance the relevance and reliability of information about the liability for compensated absences. The requirements of this Statement are effective for fiscal years ending September 30, 2025.

GASB issued Statement No. 102, *Certain Risk Disclosures*. The requirements of this Statement will improve financial reporting by providing users of financial statements with essential information that currently is not often provided. The disclosures will provide users with timely information regarding certain concentrations or constraints and related events that have occurred or have begun to occur that make a government vulnerable to a substantial impact. As a result, users will have better information with which to understand and anticipate certain risks to a government's financial condition. The requirements of this Statement are effective for fiscal years ending September 30, 2025.

NOTE 2 – BUDGETARY INFORMATION

Budget Policy and Practice

Budgets are prepared in accordance with the Town Charter and the Florida Budget Act. The budget is presented to the Town Council for review, and public hearings are held to address priorities and the allocation of resources. In September, the Town Council adopts the annual fiscal year appropriated budgets for the Town funds. Once approved, the Town Council may amend the legally adopted budget when unexpected modifications are required in estimated revenues and appropriations.

Basis of Budgeting

The General Fund's appropriated budget legal level of budgetary control is at the fund level. Expenditures may not exceed appropriations at this level. Budget revisions at this level are subject to final review by the Town Council. The budget for the General Fund is prepared on the basis of generally accepted accounting principles in the United States of America. The budget and actual financial statements are also reported on this basis. All budgeted appropriations lapse at fiscal year-end. The General Fund expenditures exceeded appropriations by \$34,984 primarily due to expenditures incurred related to the office lease under GASB 87.

TOWN OF OCEAN BREEZE, FLORIDA
Notes to the Financial Statements
September 30, 2023

NOTE 3 – DEPOSITS AND INVESTMENTS

Deposits

Deposits are either covered by insurance provided by the Federal Depository Insurance Corporation or are held in banking institutions approved by the Treasurer of the State of Florida. Under Florida Statutes, Chapter 280, *Florida Security for Public Deposits Act*, the State Treasurer requires all Florida qualified public depositories to deposit with the Treasurer or other banking institution eligible collateral. In the event of failure of a qualified public depository, the remaining public depositories would be responsible for covering any resulting losses. The Town's deposits at year end are considered insured for custodial credit risk purposes. As of September 30, 2023, the bank balance of the Town's deposits was \$33,635 while the carrying amount was \$16,106. The Town also had \$400 in petty cash for a total carrying amount of \$16,506.

Investments

The Town has not adopted a written investment policy. Florida Statutes authorize units of local government electing not to adopt a written investment policy to invest in the following instruments:

- a. The Local Government Surplus Funds Trust Fund, or any intergovernmental investment pool authorized pursuant to the Florida Interlocal Cooperation Act of 1969.
- b. Securities and Exchange Commission registered money market funds with the highest credit quality rating from a nationally recognized rating agency.
- c. Interest-bearing time deposits or savings accounts in qualified public depositories.
- d. Direct obligations of the U.S. Treasury.

At September 30, 2023, the Town held investments of \$461,275 in the Florida Cooperative Liquid Assets Securities System (FLCLASS) which is administered by the Public Trust Advisors. The investment in FLCLASS does not meet the requirements of GASB Statement No. 79 and is exempt from reporting under the fair value hierarchy requirements of GASB Statement No. 72. FLCLASS is measured at net asset value (NAV) and reported as fair value in accordance with GASB Statement No. 31. FLCLASS has no unfunded commitments and provides same day or next day redemption. The investment in FLCLASS is reported as cash and cash equivalents for financial statement purposes.

Credit Risk

Credit risk is the risk that an issuer or other counter party to an investment will not fulfill its obligations. The Town's investment policies limit its investments to high quality investments to control credit risk. FLCLASS was rated AAAm by S&P Global Ratings at September 30, 2023.

TOWN OF OCEAN BREEZE, FLORIDA
Notes to the Financial Statements
September 30, 2023

NOTE 3 – DEPOSITS AND INVESTMENTS (Continued)

Investments (Continued)

Interest Rate Risk

Interest rate risk is the risk that changes in interest rates will adversely affect the fair value of an investment. The Town does not have a formal investment policy that limits investment maturities as a means of managing exposure to fair value losses arising from increasing interest rates. The dollar weighted average days maturity (WAM) of FLCLASS at September 30, 2023, was 43 days.

Custodial Credit Risk

For an investment, custodial credit risk is the risk that, in the event of the failure of the counterparty, the Town will not be able to recover the value of its investments that are in the possession of an outside party. At September 30, 2023, all the Town's deposits were insured or collateralized. The investment in the FLCLASS is not insured by FDIC or any other governmental agency.

NOTE 4 – CAPITAL ASSETS

Capital asset activity for the year ended September 30, 2023, was as follows:

<u>Governmental Activities</u>	<u>Beginning Balance</u>	<u>Additions</u>	<u>Deletions</u>	<u>Ending Balance</u>
Capital assets being depreciated and amortized				
Lease asset – buildings	\$ 14,365	\$ 62,794	\$	\$ 77,159
Lease asset – equipment	9,471			9,471
Improvements and equipment	28,023			28,023
Total capital assets being depreciated and amortized	51,859	62,794		114,653
Less accumulated depreciation and amortization				
Lease asset – buildings	(10,774)	(11,964)		(22,738)
Lease asset – equipment	(2,643)	(2,643)		(5,286)
Improvements and equipment	(15,771)	(2,685)		(18,456)
Total accumulated depreciation and amortization	(29,188)	(17,292)		(46,480)
Capital assets, net	\$ 22,671	\$ 45,502	\$	\$ 68,173

TOWN OF OCEAN BREEZE, FLORIDA
Notes to the Financial Statements
September 30, 2023

NOTE 4 – CAPITAL ASSETS (Continued)

Depreciation and amortization expense was charged to functions and programs of the primary government as follows:

Governmental activities:

General government	\$ 15,887
Transportation	<u>1,405</u>
	<u>\$ 17,292</u>

NOTE 5 – NONCURRENT LIABILITIES

The following is a summary of changes in the Town's noncurrent liabilities for the year ended September 30, 2023:

<u>Governmental Activities</u>	<u>Beginning Balance</u>	<u>Additions</u>	<u>Deletions</u>	<u>Ending Balance</u>	<u>Due Within One Year</u>
Lease liability	\$ 11,181	\$ 62,794	\$ (14,103)	\$ 59,872	\$ 13,916

NOTE 6 – LEASES

Right to Use Lease – Office Space

The Town entered into an office space lease for a term of five years and five months, commencing on August 15, 2017 and ending January 31, 2023. The Town will occupy the premises rent free from August 15, 2017 to January 31, 2018, with payments commencing in February 2018. The lease had a base monthly payment of \$950 with annual increases of 3% culminating in a monthly payment of \$1,069 for the period ending January 31, 2023. The lease agreement entered into on August 15, 2017 did not include an option to extend the lease. The discount rate was 4% using the Town's estimated incremental borrowing rate. The Town entered into a lease extension agreement for an additional period of five years commencing on February 1, 2023 and terminating on January 31, 2028. The lease extension agreement was entered into on November 7, 2022. The lease extension has a base monthly payment of \$1,101 with annual increases of 3% culminating in a monthly payment of \$1,240 for the period ending January 31, 2028. The lease agreement entered into on November 7, 2022 did not include an option to extend the lease. The discount rate for the lease extension was 4.5% using the Town's estimated incremental borrowing rate.

TOWN OF OCEAN BREEZE, FLORIDA
Notes to the Financial Statements
September 30, 2023

NOTE 6 – LEASES (Continued)

Right to Use Lease – Copier

The Town entered into a copier lease for a term of 60 months commencing in May 2022 and ending in April 2025 with a monthly rental payment of \$236. The discount rate was 4% using the Town's estimated incremental borrowing rate.

Annual lease requirements are as follows:

<u>Year Ended</u> <u>September 30</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2024	\$ 13,916	\$ 2,396	\$ 16,312
2025	13,766	1,770	15,536
2026	13,119	1,182	14,301
2027	14,159	571	14,730
2028	4,912	46	4,958
	<u>\$ 59,872</u>	<u>\$ 5,965</u>	<u>\$ 65,837</u>

NOTE 7 – INTERLOCAL AGREEMENTS

Right of Way Maintenance Agreement

In 2012, the Town entered into an Interlocal Agreement with Martin County for the purpose of assigning each party its responsibilities for the design, permitting, and construction of certain traffic improvements along NE Indian River Drive, which is a County road within Town limits. In July 2016, the agreement was amended to incorporate stormwater management and treatment components to the traffic calming project. The Project includes enhanced landscaping and irrigation, a stormwater treatment facility with a bioswale, decorative lighting and textured pavement. All maintenance, repair, and replacement of the aforementioned enhanced landscape improvements and the bioswale shall be the sole responsibility of the Town. All maintenance, repair, and replacement of the irrigation system shall be the sole responsibility of the Town, including, but not limited to, ensuring that the irrigation system is kept in proper working order. All aesthetic maintenance of the roadway textured pavement shall be the sole responsibility of the Town. Should the Town be unable or unwilling to complete the required maintenance work, the County may complete or contract to have such maintenance performed and bill the Town for all costs incurred. The County agrees to provide written notice of its intent to perform such maintenance at least five days in advance of performing the work.

TOWN OF OCEAN BREEZE, FLORIDA
Notes to the Financial Statements
September 30, 2023

NOTE 7 – INTERLOCAL AGREEMENTS (Continued)

Fire Protection and Emergency Medical Services

The Town has opted into the Martin County's Fire-Rescue Municipal Services Taxing Unit ("MSTU") for the provision of fire rescue, fire protection, and related services from the County commencing on October 1, 2019. The tax for the MSTU is included in the maximum 10 mills the Town is legally allowed to assess. On September 30, 2023, the MSTU millage rate was 2.6325.

NOTE 8 – RISK MANAGEMENT

The Town is exposed to various risks of loss related to torts; theft of, damage to and destruction of assets; errors and omissions; injuries to employees, and natural disasters for which the Town carries commercial insurance. Retention of risks is limited to those risks that are uninsurable and deductibles. The Town has not significantly reduced insurance coverage from the prior year, and there were no settled claims which exceeded insurance coverage during the past three fiscal years.

Florida Statutes limit the Town's maximum loss for most liability claims to \$200,000 per person and \$300,000 per occurrence under the Doctrine of Sovereign Immunity. However, under certain circumstances, a plaintiff can seek to recover damages in excess of statutory limits by introducing a claims bill to the Florida Legislature. The limits addressed in Florida Statutes do not apply to claims filed in Federal courts.

The Town is involved in various litigation and claims arising in the ordinary course of operations, the ultimate outcomes of which cannot be presently determined. It is the opinion of management, in consultation with legal counsel, that any final settlement in these matters will not result in a material adverse effect on the financial position of the Town.

NOTE 9 – SUBSEQUENT EVENTS

Management has evaluated subsequent events through the date that the financial statements were available to be issued, June 18, 2024 and determined there were no events that occurred that required disclosure. No subsequent events occurring after this date have been evaluated for inclusion in these financial statements.



NOWLEN, HOLT & MINER, P.A.

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INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

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The Honorable Mayor and Members of the Town Council
Town of Ocean Breeze, Florida
Jensen Beach, Florida

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, the financial statements of the governmental activities and the major fund of the Town of Ocean Breeze, Florida, as of and for the year ended September 30, 2023, and the related notes to the financial statements, which collectively comprise the Town of Ocean Breeze's basic financial statements and have issued our report thereon dated June 18, 2024.

Report on Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Town of Ocean Breeze, Florida's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Town of Ocean Breeze, Florida's internal control. Accordingly, we do not express an opinion on the effectiveness of the Town of Ocean Breeze, Florida's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses or significant deficiencies may exist that were not identified.

Report on Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Town of Ocean Breeze, Florida's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of This Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Nowlen, Holt & Miner, P.A.

West Palm Beach, Florida
June 18, 2024



NOWLEN, HOLT & MINER, P.A.

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MANAGEMENT LETTER IN ACCORDANCE WITH THE RULES OF THE AUDITOR GENERAL OF THE STATE OF FLORIDA

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To the Honorable Mayor and Member of the Town Council
Town of Ocean Breeze, Florida
Jensen Beach, Florida

Report on the Financial Statements

We have audited the financial statements of the Town of Ocean Breeze, Florida, as of and for the fiscal year ended September 30, 2023, and have issued our report thereon dated June 18, 2024.

Auditor's Responsibility

We conducted our audit in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States; and Chapter 10.550, Rules of the Auditor General.

Other Reporting Requirements

We have issued our Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of the Financial Statements Performed in Accordance with *Government Auditing Standards* and Independent Accountant's Report on an examination conducted in accordance with *AICPA Professional Standards*, AT-C Section 315, regarding compliance requirements in accordance with Chapter 10.550, Rules of the Auditor General. Disclosures in those reports, which are dated June 18, 2024, should be considered in conjunction with this Management Letter.

Prior Audit Findings

Section 10.554(1)(i)1., Rules of the Auditor General, requires that we determine whether or not corrective actions have been taken to address findings and recommendations made in the preceding financial audit report. No findings and recommendations were made in the preceding financial audit report.

Official Title and Legal Authority

Section 10.554(1)(i)4., Rules of the Auditor General, requires that the name or official title and legal authority for the primary government and each component unit of the reporting entity be disclosed in this Management Letter, unless disclosed in the notes to the financial statements. This information was disclosed in Note 1 to the financial statements. There are no component units included in the Town of Ocean Breeze, Florida's financial statements.

Financial Condition and Management

Sections 10.554(1)(i)5.a. and 10.556(7), Rules of the Auditor General, require us to apply appropriate procedures and communicate the results of our determination as to whether or not the Town of Ocean Breeze, Florida met one or more of the conditions described in Section 218.503(1), Florida Statutes, and to identify the specific condition(s) met. In connection with our audit, we determined that the Town of Ocean Breeze, Florida did not meet any of the conditions described in Section 218.503(1), Florida Statutes.

Pursuant to Sections 10.554(1)(i)5.b. and 10.556(8), Rules of the Auditor General, we applied financial condition assessment procedures for the Town of Ocean Breeze, Florida. It is management's responsibility to monitor the Town of Ocean Breeze, Florida's financial condition, and our financial condition assessment was based in part on representations made by management and review of financial information provided by same. Our assessment was done as of the fiscal year end. The results of our procedures did not disclose any matters that are required to be reported.

Section 10.554(1)(i)2., Rules of the Auditor General, requires that we communicate any recommendations to improve financial management. In connection with our audit, we did not have any such recommendations.

Special District Component Units

Section 10.554(1)(i)5.c, Rules of the Auditor General, requires, if appropriate, that we communicate the failure of a special district that is a component unit of a county, municipality, or special district, to provide the financial information necessary for proper reporting of the component unit within the audited financial statements of the county, municipality, or special district in accordance with Section 218.39(3)(b), Florida Statutes. In connection with our audit, we did not note any special district component units that failed to provide the necessary information for proper reporting in accordance with Section 218.39(3)(b), Florida Statutes.

Additional Matters

Section 10.554(1)(i)3., Rules of the Auditor General, requires us to communicate noncompliance with provisions of contracts or grant agreements, or abuse, that have occurred, or are likely to have occurred, that have an effect on the financial statements that is less than material but warrants the attention of those charged with governance. In connection with our audit, we did not note any such findings.

Single Audits

The Town of Ocean Breeze, Florida expended less than \$750,000 of federal awards and less than \$750,000 of state financial assistance for the fiscal year ended September 30, 2023 and was not required to have a federal single audit or a state single audit.

Purpose of this Letter

Our Management Letter is intended solely for the information and use of the Legislative Auditing Committee, members of the Florida Senate and the Florida House of Representatives, the Florida Auditor General, Federal and other granting agencies, the Town Council, and applicable management, and is not intended to be and should not be used by anyone other than these specified parties.

Nowlen, Holt & Miner, P.A.

West Palm Beach, Florida
June 18, 2024



NOWLEN, HOLT & MINER, P.A.

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INDEPENDENT ACCOUNTANT'S REPORT ON COMPLIANCE WITH SECTION 218.415, FLORIDA STATUTES

The Honorable Mayor and Members of the Town Council
Town of Ocean Breeze, Florida
Jensen Beach, Florida

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We have examined the Town of Ocean Breeze, Florida's compliance with Section 218.415, Florida Statutes during the year ended September 30, 2023. Management of the Town of Ocean Breeze, Florida is responsible for the Town of Ocean Breeze, Florida's compliance with the specified requirements. Our responsibility is to express an opinion on the Town of Ocean Breeze, Florida's compliance with the specified requirements based on our examination.

Our examination was conducted in accordance with attestation standards established by the AICPA. Those standards require that we plan and perform the examination to obtain reasonable assurance about whether the Town of Ocean Breeze, Florida complied, in all material respects, with the specified requirements referenced above. An examination involves performing procedures to obtain evidence about whether the Town of Ocean Breeze, Florida complied with the specified requirements. The nature, timing, and extent of the procedures selected depend on our judgement, including an assessment of the risks of material noncompliance, whether due to fraud or error. We believe that the evidence we obtained is sufficient and appropriate to provide a reasonable basis for our opinion.

We are required to be independent and to meet our other ethical responsibilities in accordance with relevant ethical requirements relating to the examination engagement.

Our examination does not provide a legal determination on the Town of Ocean Breeze, Florida's compliance with the specified requirements.

In our opinion, the Town of Ocean Breeze, Florida complied, in all material respects, with Section 218.415, Florida Statutes for the year ended September 30, 2023.

This report is intended solely for the information and use of the Legislative Auditing Committee, members of the Florida Senate and Florida House of Representatives, the Florida Auditor General, applicable management, and the Town Council, and is not intended to be and should not be used by anyone other than these specified parties.

Nowlen, Holt & Miner, P.A.

West Palm Beach, Florida
June 18, 2024

**TOWN OF OCEAN BREEZE, FLORIDA
PROCLAMATION – 2024 TOWN ELECTION**

ELIGIBILITY:

Persons eligible to run for Council Member must be a full-time resident of the Town of Ocean Breeze and a registered voter in Martin County.

CANDIDATES:

Candidates for office shall file for qualifying with the Town of Ocean Breeze Town Clerk between the qualifying period of Thursday, August 1, 2024 through Wednesday, August 21, 2024. All qualifying documents are provided by the Town Clerk and can also be accessed on the Town's web-site at: www.townofoceانبreeze.org

VACANCIES:

The positions of two (2) current Council Members and the Mayor are open. Additionally, one (1) Council seat is vacant, for a total of three (3) Council seats. All terms are for two (2) years. The Council Members currently holding seats are: President Sandy Kelley and Gina Kent. The current Mayor is Karen M. Ostrand.

REGULAR ELECTION:

The Regular Town Election will be held Tuesday, November 5, 2024.

VOTE BY MAIL BALLOTS:

Please Contact – Vicki, Davis, Supervisor of Elections
135 SE Martin Luther King Jr. Blvd.
Stuart, FL 34994
Phone: (772) 288-5637 Fax: (772) 288-5765
www.MartinVotes.com

VOTING PLACE & TIME: Langford Park, 2369 NE Dixie Highway, Jensen Beach, FL 34957. Polls are open from 7:00 a.m. to 7:00 p.m.

ELECTION RETURNS:

Election returns shall be furnished after the Election at the Canvassing Board Meeting on Saturday, November 16, 2024 at 9:00 am at: Martin County Supervisor of Elections, 135 NE Martin Luther Kind, Jr. Blvd, Stuart, Florida.

DATE TO TAKE OFFICE: Monday, December 9, 2024

VOTER REGISTRATION:

The deadline for registering to vote in the November 5, 2025 Election, is Monday, October 7, 2024. Registration takes place at the Supervisor of Elections' office. Town Office is located at: 1508 NE Jensen Beach Blvd., Jensen Beach, FL 34957
Office hours of operation: Monday – Friday, 9:00 a.m. – 2:00 p.m.



PAUL J. NICOLETTI
Attorney at Law

Item #7 Item redacted due to
Attorney Nicoletti's position as a
Magistrate for other jurisdictions,
as per State law

MEMORANDUM

TO: THE MAYOR AND MEMBERS OF THE OCEAN BREEZE TOWN COUNCIL

SUBJECT: PROPOSED ORDINANCE No. 348-2024

DATE: JULY 1, 2024

THIS MEMORANDUM IS PUBLIC RECORD

I have started to review the Town Code and ordinances in anticipation of having to enforce the zoning provisions in Chapter 5, Miscellaneous Offenses, of the Town Code. I have learned several things about this codification from the Town staff. First, it does appear that the Town Code is simply a collection of the type of ordinances which could require enforcement at some point in time. Another item noticed is that many of the ordinances are not enforceable, as written... this has been caused by changes in Florida law and conflicts caused by later adopted ordinances, which is not an unusual situation. As I was preparing the Chapter 5 changes, I realized the Town also needed a Code Compliance Officer to enforce the Code provisions. As a result, I also wrote some language in Chapter 2, Administration, to make this provision.

As you read through the proposed ordinance, you will see that I also addressed some common issues which face municipalities. As a result, I am going to go section-by-section through the ordinance to explain why the changes are necessary.

Section 1 (Administration): Provides for a Code Compliance Officer to enforce the Town Code and other ordinance provisions. The "position" can be assigned to an existing job, and doesn't necessarily require additional funding. Nonetheless, someone is required to actually charge a person with a violation, provide a notice of violation, and then later appear in court to testify, without which, it would be impossible to actually enforce an ordinance.

Telephone and Fax: [REDACTED] [REDACTED]

MEMORANDUM

TO: THE MAYOR AND MEMBERS OF THE OCEAN BREEZE TOWN COUNCIL

SUBJECT: PROPOSED ORDINANCE No. 348-2024

DATE: July 1, 2024

Section 2 (Sec. 2-1, Noise): This completely amends the existing Noise provisions. These provisions are unenforceable as they exist, because they lack specificity, are too broad, and do not meet current Constitutional standards for enforcement under the 14th Amendment regarding proportionality, subjectivity, reasonableness, and other aspects of procedural and substantive due process, and equal protection under the law.

Section 3 (Sec. 5-17, Discharging Firearms): This section must eliminate any reference to "firearms." While the Town has taken steps to abide by recent Florida statutory law (Sec. 790.33, F.S.) which preempts regulation of firearms to the State, there is a nasty provision which could cause the Town to pay large fines, and attorneys fees and costs for violating the law. It is much better and far easier just to remove any reference to firearms from the existing Code provision.

Section 4 (Sec. 5-27.1, Contracting without a license): This is a new prohibition to catch those individuals taking advantage of homeowners and residents by holding themselves out as "contractors" but then failing to actually obtain a license to operate as a real contractor. Basically, it is fraud committed frequently and without much recourse by the homeowner.

Section 4 (Sec. 5-27.2, Parking vehicles, etc.): This section provides for parking and abandoned vehicle, trailer, or boat regulation by the Town on public rights of way, and on any private rights of way, in the Town's case where either Sea Walk HOA or Sun Communities asks for enforcement by the Sheriff's Office.

Section 4 (Sec. 5-27.3, Zoning): This section provides a clear enforcement mechanism for violations of the Town's Zoning, including Planned Unit Developments, in Chapter 9.

Section 5 (Sec. 5-28, Fines and Costs): This section clarifies adopts the typical Florida statutory provision for municipal ordinance violations, and effectively "decriminalizes" the Town Code, so that that no one would face jail time for violating an ordinance. This has been the case for most municipalities throughout the State for many years.

Telephone and Fax: +1 [REDACTED]

MEMORANDUM

TO: THE MAYOR AND MEMBERS OF THE OCEAN BREEZE TOWN COUNCIL

SUBJECT: PROPOSED ORDINANCE No. 348-2024

DATE: July 1, 2024

Section 5 (Sec. 5-29 Repeat Violation Fines and Costs): This section borrows from “code enforcement” provisions in Chap 162, Florida Statutes, by making a Town Code provision for Repeat violations which matches the statutory provision that would be effective, if we had our own Code Compliance Magistrate. Essentially, it provides for enhanced fines which can be effective upon discovery of a “repeat” violation.

The remainder of the ordinance is more procedural and is needed to clarify the intent of the adoption.

I encourage you to adopt this ordinance, and a necessary tool for the enforcement of the various code provisions mentioned above. Naturally, if you have any questions, please feel free to call me or email me directly prior to the July 8th Town Council Meeting.

Please let me know if you require any additional information regarding this issue.

Respectfully submitted,

/Original Signed/

PAUL J. NICOLETTI

Attachments:

Proposed Ordinance No. 348-2024

Cc:

Terry O'Neil, Management Consultant

Pam Orr, Permit Processor

Kim Stanton, Town Clerk

Telephone and Fax: + [REDACTED]

[REDACTED]

1 FIRST READING VERSION (v4)
2



3
4
5 BEFORE THE TOWN COUNCIL OF THE
6 TOWN OF OCEAN BREEZE, FLORIDA
7

8 ORDINANCE No. 348-2024
9

10 AN ORDINANCE OF THE TOWN OF OCEAN BREEZE, FLORIDA
11 AMENDING THE CODE OF ORDINANCES AT CHAPTER 2,
12 ARTICLE I. ADMINISTRATION BY ADDING A SECTION 2-1
13 PROVIDING FOR A CODE COMPLIANCE OFFICER; AT CHAPTER 5,
14 ARTICLE I. MISCELLANEOUS OFFENSES, BY PROVIDING FOR
15 CODE COMPLIANCE MEASURES AND PENALTIES, AND
16 IMPLEMENTING REGULATIONS PURSUANT TO GENERAL LAW
17 BY PROVIDING FOR NON-VEHICULAR NOISE; AMENDING
18 PROVISIONS FOR THE DISCHARGE OF FIREARMS, EXPLOSIVES,
19 AND FIREWORKS; PARKING OF VEHICLES; STORING OF
20 JUNKED OR ABANDONED VEHICLES, ETC.; CONTRACTING
21 WITHOUT A LICENSE; AND ZONING VIOLATIONS; AT CHAPTER
22 5, ARTICLE II. PENALTIES, BY CLARIFYING THE PROVISIONS FOR
23 ADMINISTRATIVE FINES AND COSTS; AND PROVIDING FINES
24 AND COSTS FOR REPEAT VIOLATIONS; AND OTHER
25 PROCEDURES; PROVIDING FOR REPEAL OF CONFLICTING
26 ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING
27 FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE, AND
28 FOR OTHER PURPOSES.

29 *****

30 WHEREAS, the Town Council adopted Ordinance No. 1 on February 12, 1961

FIRST READING VERSION (v4)

Ordinance No. 348-2024

Town of Ocean Breeze, Florida

31 creating a procedure for the enforcement of ordinances; and

32 WHEREAS, over the passage of time, the need for the addressing of additional
33 offenses and a more detailed procedure has become apparent, and in light of changes to
34 the Florida Statutes, and court methods and procedures; and

35 WHEREAS, the Town Council seeks to achieve its goal of obtaining a more
36 effective means for code compliance and enforcement of its ordinances; and

37 WHEREAS, the Town Council has determined that additional provisions and
38 amendments are required to improve the existing code compliance system.

39 NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
40 TOWN OF OCEAN BREEZE, FLORIDA that:

41

42 **SECTION 1:** Chapter 2, Administration, Article I. In General, of the Town Code
43 of the Town of Ocean Breeze, Florida, is hereby amended by adding a Section 2-1 to
44 read in its entirety as follows:

45

46 Sec. 2-1 Town Code Compliance Officer. There shall be one or more town code
47 compliance officer(s) appointed by the Mayor, and who shall be responsible to the
48 Mayor, pursuant to Sec. 2.03, Town Charter, for the enforcement of laws and
49 ordinances of the Town, and who shall execute charging documents and serve process
50 upon persons who violate the Town Code. The duties of such town code compliance
51 officer may be assigned, modified, or withdrawn in writing by the Mayor to any
52 Department officers or employees of the Town, or to any person contracted for such
53 purpose, subject to the appropriation of the Town Council. Such officer may resign the
54 position of town code compliance officer in a writing to the Mayor.

55

56 **SECTION 2:** Chapter 5, Miscellaneous Offenses, Article I. of the Town Code of

FIRST READING VERSION (v4)

Ordinance No. 348-2024

Town of Ocean Breeze, Florida

the Town of Ocean Breeze, Florida is hereby amended at Section 5-17, Unnecessary Noises Prohibited, to read in its entirety as follows:

Sec. 5-17. Unnecessary Noises; pProhibited. ~~The creation of any unreasonably loud, disturbing and unnecessary noise in the Town is unlawful and prohibited. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is unlawful and prohibited. (Ordinance No. 1, 2-12-61). For all noise, except vehicle noise regulated by Florida Statutes, the maximum permissible sound levels, at the property line from which the sound originates, shall be 80 decibels from 9:00 a.m. until 9:00 p.m., and 60 decibels from 9:00 p.m. until 9:00 a.m. at all locations throughout the town. Measurement of any sound level shall be made using a commercially manufactured sound level meter. No court or magistrate shall require any particular user certification in the prosecution of offenses where it can be demonstrated the officer or witness using the sound level meter possesses the general knowledge and ability to accurately use the sound level meter, and the sound meter is self-calibrating, and was self-calibrated prior to its use. The first violation of this section shall be subject to a fine in the amount of \$50.00; a second violation of this section shall be subject to a fine in the amount of \$100.00; any third or more violations of this section shall be subject to a fine in the amount of \$250.00 per occurrence.~~

SECTION 3. Chapter 5, Miscellaneous Offenses, Article I. In General of the Town Code of the Town of Ocean Breeze, Florida is hereby amended at Section 5-25, Discharging Firearms, Fireworks, etc., to read in its entirety as follows:

Sec. 5-25. Discharging Firearms, Explosives and Fireworks, etc. It shall be unlawful for any person to discharge ~~firearms, explosives, firecrackers or fireworks~~ within the town. This shall not apply to ~~police officers and other peace officers in the lawful discharge of their duty, nor to persons granted a fireworks permits so to do by the town, nor to persons defending persons or property against unlawful attack. (Ordinance No. 1, 2-12-61), subject to the payment of a permit fee approved by the town council.~~

SECTION 4. Chapter 5, Miscellaneous Offenses, Article I. In General of the Town Code of the Town of Ocean Breeze, Florida is hereby amended by adding a new Section 5-27 titled Other Miscellaneous Offenses, and including subsections, to read in its entirety as follows:

CHAPTER 5. MISCELLANEOUS OFFENSES
ARTICLE I. IN GENERAL

Sec. 5-27. Other Miscellaneous Offenses.

Sec. 5-27.1 Contracting without a license. Except for work permitted to be done by a homeowner in accordance with the Florida Building Code, no work regulated by or for which a permit is required by this code shall be done by, nor a permit issued to, any person who has not been licensed by the proper licensing authority as competent to do such work, and no person shall engage in the business or act in the capacity of a contractor or advertise as being available to engage in the business or act in the capacity of a contractor without being duly registered or certified or having a certificate of authority.

Sec. 5-27.2 Parking vehicles; and storing junked or abandoned vehicles, etc.

(a) It shall be unlawful for any person to park any vehicle or watercraft in any location where prohibited by a traffic control device. A first violation for illegal parking shall be subject to a fine in the amount of \$25.00; a second violation for illegal parking within a five (5) year period shall be subject to a fine in the amount of \$50.00; and any subsequent violation for illegal parking within a five (5) year period shall be subject to a fine in the amount of \$75.00.

(b) It shall be unlawful for any person to store, leave, or permit the storing or leaving of any of any wrecked, junked or abandoned vehicle, watercraft, machinery, or building materials upon any public or private property within the Town.

(c) It shall be unlawful for any person to park, store, leave, or permit the parking, storing or leaving of an inoperable motor vehicle or watercraft on public property for a continuous period of more than 72 hours. A vehicle or watercraft shall be deemed inoperable if it has an expired registration, license plate or decal, or if the vehicle or watercraft has one or more inoperable or missing required parts including but not limited to tires, lights, engine, transmission, propeller, or steering apparatus. Violation of this section shall constitute a public nuisance which following not less than ten (10) days written notice to the owner of such vehicle or watercraft, sent by certified mail return receipt requested or given by posting on the abandoned property and at the Town offices, may be abated by the Town and the reasonable cost thereof shall be added to any fines and administrative costs levied by the court.

FIRST READING VERSION (v4)

Ordinance No. 348-2024

Town of Ocean Breeze, Florida

(d) Violations of this section are subject to a fine in the amount of \$250.00 per occurrence per day for each and every day of violation.

Sec. 5-27.3 Zoning. For any violation of a provision of Chapter 9, Zoning and Land Development for which no specific fine has been levied there shall be a fine not to exceed \$500 per day for each and every day of violation. Violations shall include but shall not be limited to: failure to obtain required zoning approvals, or obtain and maintain proper zoning and building development orders or permits from the Town; construction of any unpermitted use or structure upon property within the Town; excavation, demolition, or construction not in accordance with approved plans and specifications; any construction in violation of a required setback or building line; erecting or allowing signs to be erected which have not been permitted by the Town; or failure to complete construction and obtain a valid Certificate of Completion or Certificate of Occupancy of a permitted structure within the time required by a valid or expired building permit or within the approved conditions of development.

SECTION 5: Chapter 5, Miscellaneous Offenses, Article II. Penalties of the Town Code of Ordinances of the Town of Ocean Breeze, Florida, is hereby renumbered as Section 5-28, and amended to read in its entirety as follows:

CHAPTER 5. MISCELLANEOUS OFFENSES
ARTICLE II. PENALTIES

~~**Sec. 5-27 Fines and incarceration.** Any person violating any of the provisions of this Penal Code, upon conviction thereof, may be fined in a sum of not to exceed One Hundred (\$100.00) Dollars, or may be imprisoned in the Town jail or such jail as may be used by said Town or sentenced to hard labor upon the public works of the Town for a period not to exceed thirty (30) days or may be both so fined and imprisoned with the discretion of the Court. Any act which is a violation of this Penal Code and which by its nature may be continuous, shall be deemed a separate violation for each day such violation continues. (Ordinance No. 1, 2-12-61)~~

Sec. 5-28. Violation fines and costs. Unless provided elsewhere in this Town Code, any person who violates a provision of this Town Code, upon conviction thereof, may be fined in a sum not to exceed Five Hundred (\$500.00) Dollars for each and every day such violation continues. In addition to any court costs assessed against a defendant according the Florida Statutes, the court shall separately assess costs incurred by the Town for the enforcement of this code, including reasonable attorneys fees, filing fees,

FIRST READING VERSION (v4)

Ordinance No. 348-2024

Town of Ocean Breeze, Florida

and other Town administrative costs.

SECTION 6: Chapter 5, Miscellaneous Offenses, Article II. Penalties of the Town Code of Ordinances of the Town of Ocean Breeze, Florida, is hereby added to read in its entirety as follows:

Sec. 5-29. Repeat violation fines and costs. A repeat violation of this Town Code means a violation of a provision of a code or ordinance by a person who has been previously found, by a court or by other judicial, quasi-judicial, or administrative process, to have violated or who has admitted violating, the same provision of the Town Code within five years prior to the violation, notwithstanding that the violations occurred at different locations. Any person who violates a provision of this Town Code and who is found to to be a repeat violator shall be fined in a sum not to exceed Five Hundred (\$500.00) Dollars at the discretion of the court for each and every day such violation continues, beginning upon the day the repeat violation is cited by the Town's Code Compliance Officer. In addition to any court costs assessed against a defendant according the Florida Statutes, the court shall separately assess costs incurred by the Town for the enforcement of this code, including reasonable attorneys fees and filing fees and other Town administrative costs.

SECTION 7: Conflicts. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 8: Severability. If any section, sentence, clause, phrase or word of this ordinance is for any reason declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this ordinance and the remaining portions shall be deemed and held to be valid.

SECTION 9: Codification. The operative provisions of Sections 1 through 6 of this ordinance shall be codified.

SECTION 10: Effective Date. This ordinance shall take effect immediately upon adoption.

PASSED on first reading this _____ day of _____, 2024.

FIRST READING VERSION (v4)
Ordinance No. 348-2024
Town of Ocean Breeze, Florida

206 Council Member _____ offered the foregoing ordinance and
207 moved its adoption. The motion was seconded by Council Member
208 _____ and upon being put to a roll call vote, the vote was as follows:

SANDY KELLEY, COUNCIL PRESIDENT
LIZ REESE, COUNCIL VICE PRESIDENT
KEVIN DOCHERTY, COUNCIL MEMBER
MICHAEL HELLER, COUNCIL MEMBER
GINA KENT, COUNCIL MEMBER
MATTHEW SQUIRES, COUNCIL MEMBER

YES	NO	ABSENT	ABSTAIN

209

210 ADOPTED on second and final reading this _____ day of _____, 2024.

211 ATTEST:

212

213

214 KIM STANTON
215 TOWN CLERK

KAREN R. OSTRAND
MAYOR

216

217

218 APPROVED AS TO FORM
219 AND CORRECTNESS:

220

221

222

223 PAUL J. NICOLETTI
224 ATTORNEY AT LAW

MEMORANDUM

TO: MAYOR OSTRAND AND MEMBERS OF THE TOWN COUNCIL

FROM: KIM STANTON, TOWN CLERK

SUBJECT: MAYOR AND TOWN COUNCIL BOARD APPOINTMENTS AND LIAISON
ACTIVITIES

DATE: July 8, 2024

At the January 8, 2024 Regular Town Council Meeting, during the review of Board and Agency Memberships, the Mayor and Town Council members approved certain memberships and certain meetings throughout the year as scheduled.

With the passage of time, vacancies have opened and are listed below:

- Liaison to attend any pertinent MPO meetings.
- Attend the Martin County/Jensen Beach Community Redevelopment Area (CRA) Neighborhood Advisory Committee (NAC)
- Resilient Martin

To give the Council time to consider time appointments to these vacancies, unless otherwise directed, staff proposes to bring this item back on August 12, 2024 for Council action.

The vacancies are highlighted in yellow on the attached matrix. Some of the items highlighted in yellow (Item #7) are attended as needed and at your own initiative.

Town Clerk

From: Amy Eason <aeason@martin.fl.us>
Sent: Thursday, June 20, 2024 11:15 AM
To: Town Clerk
Subject: RE: Resilient Martin

Follow Up Flag: Follow up
Flag Status: Flagged

Thanks, Kim, for reaching out to me.

I will be looking for someone to sit on my Steering Committee during the Climate Adaptation Planning. We just received our vulnerability assessment and will be conducting a public outreach component as soon as we get the final document. The Steering Committee will have at least 3 meetings over the course of 18 months, but we would like this person to also attend the public outreach meeting which might be done at a joint board meeting or sometime in September.

Initially, I do want to get with your engineer and someone that represents the town so that I can go over what we have been doing.

The decisions that would be made are concerning adaptation measures, goals and objectives for Resilient Martin, and policies the County should be considering, just to name a few. The person should be knowledgeable with the Town's critical infrastructure and have a sense of what the Town would accept for measures. As with any of these committees, there is an understanding that items may need to go back to their boards before approval.

Hope this helps.

Let me know if you need anything else.

Thanks.



Amy Eason, PE
Environmental Resource Engineer
Martin County Board of County Commissioners
2401 SE Monterey Road, Stuart, FL 34996
(772) 320-3038 (o)
(772) 288-5955 (F)
Email: aeason@martin.fl.us

From: Town Clerk <townclerk@townofoceanbreeze.org>
Sent: Wednesday, June 19, 2024 12:00 PM
To: Amy Eason <aeason@martin.fl.us>
Subject: RE: Resilient Martin



Hi Amy,

We are bringing forth Resilient Martin's initiative at our July 8, 2024 Town Council Meeting to inquire about who might be willing to represent the Town. Can you give me an idea of what would be required of them? Will you kindly provide the dates, times and locations of meetings along with any other information we can present to the Town Council to assist them in making a decision about who might be willing to serve?

Thank you,

Kim Stanton
Town Clerk



Town of Ocean Breeze
Post Office Box 1025
Jensen Beach, FL 34958
Telephone: (772) 334-6826
Cell: (772) 215-2700
Fax: (772) 334-6823

www.townofoceanbreeze.org

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From: Amy Eason <aeason@martin.fl.us>
Sent: Monday, May 13, 2024 1:17 PM
To: Town Clerk <townclerk@townofoceanbreeze.org>
Cc: Permits <permits@Townofoceanbreeze.org>; Terry O'Neil (<terracewoneil@gmail.com> <terracewoneil@gmail.com>); Liz Reese <ereese@Townofoceanbreeze.org>; Gina Kent <gkent@Townofoceanbreeze.org>; Kevin Docherty <kdocherty@Townofoceanbreeze.org>; Matthew Squires <msquires@Townofoceanbreeze.org>; Karen Ostrand <mayor@Townofoceanbreeze.org>; Michael Heller <mheller@Townofoceanbreeze.org>; Sandy Kelley <skelley@Townofoceanbreeze.org>
Subject: RE: Resilient Martin

You don't often get email from aeason@martin.fl.us. [Learn why this is important](#)

Thank you so much!

Sorry for the mistake. I know Scott and look forward to working with you all. Let me know who will represent the Town and I will arrange an introduction meeting.

I appreciate the help on the matter.

Thanks.



Amy Eason, PE

Environmental Resource Engineer
Martin County Board of County Commissioners
2401 SE Monterey Road, Stuart, FL 34996
(772) 320-3038 (o)
(772) 288-5955 (F)
Email: aeason@martin.fl.us

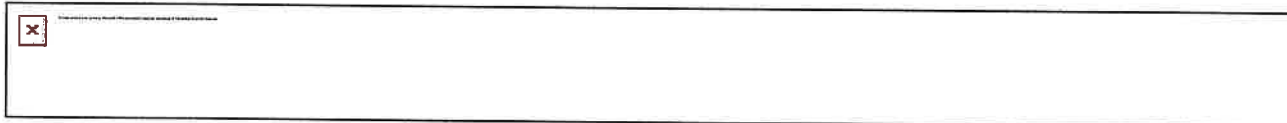
From: Town Clerk <townclerk@townofoceanbreeze.org>

Sent: Monday, May 13, 2024 1:15 PM

To: Amy Eason <aeason@martin.fl.us>

Cc: Permits <permits@Townofoceanbreeze.org>; Terry O'Neil (terracewoneil@gmail.com) <terracewoneil@gmail.com>; Liz Reese <lreese@Townofoceanbreeze.org>; Gina Kent <gkent@Townofoceanbreeze.org>; Kevin Docherty <kdocherty@Townofoceanbreeze.org>; Matthew Squires <msquires@Townofoceanbreeze.org>; Karen Ostrand <mayor@Townofoceanbreeze.org>; Michael Heller <mheller@Townofoceanbreeze.org>; Sandy Kelley <skelley@Townofoceanbreeze.org>

Subject: RE: Resilient Martin



Hi Amy,

Thank you for your email of Mon. 5/13/2024 inviting me to represent the town on your stakeholder/steering committee group.

Joe Capra is not the Town engineer. Our engineer is Scott Montgomery. Joe Capra is currently working on a project within the Town located at the Ocean Breeze Resort on Indian River Drive.

I would not be able to represent the Town in your committee group, however, I have forwarded your email to our Town Management Consultant, Terry O'Neil and the Mayor and Town Council for their consideration.

Kim Stanton
Town Clerk



Town of Ocean Breeze
Post Office Box 1025
Jensen Beach, FL 34958
Telephone: (772) 334-6826
Cell: (772) 215-2700
Fax: (772) 334-6823

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From: Amy Eason <aeason@martin.fl.us>
Sent: Monday, May 13, 2024 11:40 AM
To: Town Clerk <townclerk@townofoceanbreeze.org>
Subject: Resilient Martin

You don't often get email from aeason@martin.fl.us. [Learn why this is important](#)
Good morning, Kim,

I am Amy Eason, PE, the lead for Resilient Martin. I am close to finishing the County's vulnerability assessment and will be starting to prepare a climate action plan for the entire county. I understand that Joe Capra is your engineer. I would like to know who you would like to represent the town in our stakeholder/steering committee group. I am looking forward to collaborating with the Town on this important project for Martin County.

Should you have any questions or need any additional information, please let me know.

Thanks.

MARTIN COUNTY
PUBLICWORKS
@WORK

Amy Eason, PE
Environmental Resource Engineer
Martin County Board of County Commissioners
2401 SE Monterey Road, Stuart, FL 34996
(772) 320-3038 (o)
(772) 288-5955 (F)
Email: aeason@martin.fl.us

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Council Mayor Board Appointments and Liaison Activities
July 8, 2024 Regular Town Council Meeting

Organization	Town's status	Is the Town entitled to official representation on the organization's board?	If yes, who is currently serving?	Have any Town elected officials, not serving as an official representative, been involved with the organization?	If yes, who?	Comments	Action Taken at Jan 8 2024 Regular Town Council Meeting
1 Florida League of Cities (FLC) - The League's mission is to serve the needs of Florida's cities and promote local self-government by supporting local voices making local choices to protect and enhance Florida's communities.	Paying Member (\$602)	Yes, with over 400 members, membership of the FLC Board is determined via a statewide nomination process, elimination ballots, etc.	Mayor Ostrand, Council Member Docherty	No		Mayor and Town Council members serve as time and travel budgets permit.	
2 Florida League of Cities Legislative Committee Sub Group (FLCLCSG) - Appointments are typically a one-year commitment and involve developing the League's legislative platform detailing priority issues that are most likely to affect daily municipal governance and local decision making during the upcoming legislative session. Policy committee members also help League staff understand the real-world implications of proposed legislation and are asked to serve as advocates throughout the legislative process.	The Town's elected officials are eligible to seek participation by virtue of its FLC membership.	Yes	Mayor Ostrand, Municipal Administration Committee	Yes	Council Member Docherty, Finance, Taxation and Personnel Committee	The Mayor currently serves on the Municipal Administration Committee; Council Member Docherty serves on the Finance, Taxation and Personnel Committee	
3 Florida League of Mayors (FLM) - The FLM was created in 2005 for Florida Mayors. Our membership statement is vision, leadership and public service. FLM is a member-driven organization that exists to serve the educational and professional needs of Florida's Mayors.	Paying Member (\$350)	Yes, membership on the board is determined through a statewide nominating process.	Mayor Ostrand	No		Mayor Ostrand currently serves on the board.	

Council Mayor Board Appointments and Liaison Activities
July 8, 2024 Regular Town Council Meeting

Organization	Town's status	Is the Town entitled to official representation on the organization's board?	If yes, who is currently serving?	Have any Town elected officials, not serving as an official representative, been involved with the organization?	If yes, who?	Comments	Action Taken at Jan 8 2024 Regular Town Council Meeting
4 Treasure Coast Regional League of Cities (TCRLC) - The Treasure Coast Regional League of Cities promotes communication, collaboration and education among municipalities of Indian River, Martin, Okeechobee and St. Lucie Counties; encourages effective advocacy for home rule to all levels of government; fosters excellence in local self-governance and represents the Treasure Coast with the Florida League of Cities.	Member (no fee)	Yes, as one of the organization's 16 (+/-) members, the Town is entitled to one member and an alternate on the board.	Mayor Ostrand is serving on this Board	Yes	Council Member Docherty is the alternate		
5 Treasure Coast Regional League of Cities Advocacy Team (TCRLCAT) - encourages effective advocacy for home rule to all levels of government; fosters excellence in local self-governance.	Eligible to participate by virtue of its TCRLC membership	Yes, the team is generally made up of one or two volunteer representatives form each member jurisdiction. It should be noted that Sunshine Law requirements apply if there are two team members from a single jurisdiction.	Mayor Ostrand, Chairman of Advocacy	Yes	Council Member Docherty, Team Member		

Council Mayor Board Appointments and Liaison Activities
July 8, 2024 Regular Town Council Meeting

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6 Treasure Coast Council of Local Governments - A (congenial) organization of local elected officials from County and Municipal governments and School Boards focused primarily on issues of regional impact.	Currently a member (\$200 due in January of each year)	Yes.	Former Vice-President Bill Arnold; Council Member Docherty has routinely attended meetings in Mr. Arnold's absence and has expressed a desire to be the Town's representative.	yes	Council Member Kevin Docherty	Council needs to appoint a primary and alternate representative. Meetings are held Jan 3 (Marsh Landing in Fellsmere - installation lunch), Feb 7, Mar 6, Apr 3, May 1, Jun 5, July 10 (Okeechobee BBQ), Aug 7, Sept 4, Oct 2, Nov 6, Dec 4. All meetings are held at 10AM, 2300 Virginia Avenue, Conference 3, Fort Pierce, FL 34982.	Council Member Docherty was appointed to serve as Primary and Council Member Kent to serve as alternate
7 Local Legislative Delegation - The local County Legislative Delegation Meeting held its annual public hearing on Thursday, October 5th, 2023. The delegation hearing is intended to afford local residents and officials an opportunity to request legislation or state funding and express opinions on issues to be considered by the state legislature during the 2023/2024 Regular Session. The Legislature is scheduled to convene in session on January 9, 2024 in Tallahassee.	Constituent Local Government	N/A	N/A	Mayor Ostrand regularly attends by virtue of Florida League of Cities participation.		The local delegation includes Senator Gayle Harrell, Representative John Snyder, Representative Toby Overdorf. Mayor and Town Council members attend as needed and at their own initiative. No fixed schedule.	

Council Mayor Board Appointments and Liaison Activities
July 8, 2024 Regular Town Council Meeting

Organization	Town's status	Is the Town entitled to official representation on the organization's board?	If yes, who is currently serving?	Have any Town elected officials, not serving as an official representative, been involved with the organization?	If yes, who?	Comments	Action Taken at Jan 8 2024 Regular Town Council Meeting
8 Martin Metropolitan Planning Organization (MPO) - Founded in 1993, the Martin MPO is a federally mandated public agency that works to coordinate the improvement of all facets of the transportation network in Martin County.	Not a member	No.	NA	yes	Mayor and Council Members have routinely attended as needed.	Due to its small population, the Town does not have a seat on the MPO. Gaining membership, which requires broad local government support and ultimately the Governor's approval, is challenging and would involve a considerable "campaign" effort on the part of the Town. The MPO regularly meets and meetings are open to the public. Does Council wish to appoint a liaison to attend?	Council Member Heller is unable to serve as the MPO representative.
9 Martin Metropolitan Planning Organization Citizen Advisory Committee (CAC) - The Citizens Advisory Committee (CAC) strives to represent the citizens of Martin County and is responsible for providing continuous public input for the MPO decision-making process. In this capacity, the Committee reviews and comments on transportation planning documents and relevant issues to be brought before the MPO Board.	Currently, no Town citizen is participating	no	no	yes	Former Council President Ann Kagdis was appointed as a county representative by Commissioner Smith. No Town residents are on the committee at present.	Meeting are held Feb 7, April 3, June 5 & Sept 4, 2024 @ 9:00 AM (BOCC Commission Chambers)	Ann Kagdis, Town of Ocean Breeze resident, stated that she remained on the CAC

Council Mayor Board Appointments and Liaison Activities
July 8, 2024 Regular Town Council Meeting

Organization	Town's status	Is the Town entitled to official representation on the organization's board?	If yes, who is currently serving?	Have any Town elected officials, not serving as an official representative, been involved with the organization?	If yes, who?	Comments	Action Taken at Jan 8 2024 Regular Town Council Meeting
10 Martin Metropolitan Planning Organization Technical Advisory Committee (TAC) - The Technical Advisory Committee (TAC) is a source of wide-ranging professional expertise for the MPO Board and includes representatives from state and local governmental agencies. The Committee is responsible for advising the Board on all technical matters, including transportation plans, studies, and implementation programs. Additional benefits result from the continuous and worthwhile coordination between Committee Members and agencies.	Vacant	Yes	Former President De Angeles	No	NA	Council needs to appoint a Member and an alternate. The TAC consists of 12 voting members. The meetings are held Feb 5, April 3, June 3 & Sept 4, 2024 at 1:30 PM (4th Floor Workshop Room).	Council Member Squires was appointed to serve as the Town liaison; President Kelley was appointed to serve as the alternate to attend TAC meetings.
11 Martin Metropolitan Planning Organization Bicycle and Pedestrian Advisory Committee (BPAC) - The Bicycle & Pedestrian Advisory Committee (BPAC) represents the citizens of Martin County on all bicycle and pedestrian-related issues. The Committee is responsible for providing input into the MPO decision-making process, which includes reviewing and commenting on planning documents and identifying relevant issues to be brought before the MPO Board.	No representation at time time	No; Council Member Docherty has served in the past	N/A	Yes	Kevin Docherty	Does Council wish to seek participation on this Board? If the Council wishes to pursue membership, it will need to approve a designee to be appointment. If yes, the nominee would need fall within the categories of merchant, homeowner's association, a representative from the disabled community or bicycling community. Meetings are held Feb 12, April 8, June 10 & Sept 9 at 2:00 PM (BOCC Commission Chambers)	Mr. O'Neil advised that if the Town wished to pursue attendance on this committee, the County Administrator could be asked to appoint a resident to this committee.

Council Mayor Board Appointments and Liaison Activities
July 8, 2024 Regular Town Council Meeting

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12 Martin County/Jensen Beach Community Redevelopment Area (CRA) Neighborhood Advisory Committee (NAC) - The Jensen Beach Neighborhood Advisory Committee (NAC) meets regularly at the Jensen Beach Community Center on Jensen Beach Boulevard and provides advice and recommendations to the Community Redevelopment Agency regarding the implementation of projects adopted within the Jensen Beach CRA Plan.	Not a member	No.	NA	The Mayor and Council Members have, at times, attended meetings particularly regarding matters of the Town.		Does Council wish to appoint a designated liaison and an alternate to monitor the activities of this Committee? All meetings are on Wednesday at 5:00PM (unless otherwise noted) at the Jensen Beach Community Center, 1912 NE Jensen Beach Boulevard, Jensen Beach on the following dates in 2024: January 3, March 6, May 1, July 3, September 4 and November 6.	Council Member Heller is no longer able to serve as the designated liaison to the NAC. Vice-President Reece was designated as the alternate.
13 Resilient Martin - A Martin County initiative assisting the residents of Martin County in understanding the future risks of sea-level rise and what "Resilient Martin" is doing to mitigate those risks.	Not a member	Need representation from the Town in their stakeholder/steering committee group.	No one is currently serving	No		Does the Council wish to appoint a designated liaison and an alternate to assist "Resilient Martin" on their stakeholder / steering committee group?	

Council Mayor Board Appointments and Liaison Activities
July 8, 2024 Regular Town Council Meeting

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14 Jensen Beach Chamber of Commerce (JBCC) - Chambers of Commerce main activities are, among others, safeguarding business interests and sharing business experiences and business interests, contact with governments, civil society, local media and the press and organizing trade shows and events.	Paying Member (\$250)	No	NA	Yes	Mayor and Council Members routinely attend events.	It is assumed the Town Council members and Mayor will continue to participate in various Chamber events at their own initiative.	Participate at the discretion of Mayor and Town Council
15 Invitations to official events, ribbon cuttings, State of the County Speech, etc.	NA	NA	NA	NA	NA	Attendance at these types of events has been at the discretion of individual Council Members and the Mayor. Unless otherwise directed, staff will continue the role of informing everyone of events as they become known and assisting with reservations, RSVP's, etc.	Participation at the discretion of Mayor and Town Council

Town Clerk

Item #11

From: Town Clerk
Sent: Thursday, May 23, 2024 1:46 PM
To: Elizabeth Reese (ereese@townofoceanbreeze.org); Gina Kent (gkent@townofoceanbreeze.org); Kevin (kdocherty@Townofoceanbreeze.org); Matthew Squires; Mayor; Michael Heller; Sandy Keblbeck-Kelley (skelley@townofoceanbreeze.org)
Cc: Permits
Subject: Vacancy on Town Council
Attachments: Ordinance #245-2016 Highlighted Re Vacancies.pdf; Charter with Highlights Re Vacancies.pdf; Letter of Resignation Stamped Received.pdf

Honorable Mayor and Members of the Town Council,

As you can see from the attached letter, Council Member Reese has resigned from her position. I am also enclosing the Charter with highlighted language about filling vacancies and Ordinance No. 245-2016 with highlighted language about filling vacancies.

This item will be discussed at the next Town Council meeting on June 10, 2024.

Kim Stanton
Town Clerk



Town of Ocean Breeze
Post Office Box 1025
Jensen Beach, FL 34958
Telephone: (772) 334-6826
Cell: (772) 215-2700
Fax: (772) 334-6823
www.townofoceanbreeze.org

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17 May 2024

Dear Town of Ocean Breeze,

It is with a very heavy heart and with a lot of prayer and due to personal circumstances beyond my control, I will be resigning my position as of today from the Town Council of Ocean Breeze.

It has been a privilege to serve with all of you. I have learned so much, not only about serving on a Town Council but I have learned what an awesome and amazing group of people you are. Pam and Kim, you have been nothing but welcoming, knowledgeable and a shining example of what it is to serve a community. Mayor Ostrand, you live what you believe and it shows. Your commitment to our town and those who surround you is a shining light in a world that can be filled with darkness. Terry O'Niel, thank you for always being there for all of us. You make sense out of chaos. You also do it with a smile. I have not known you for long but thank you to Paul Nicoletti, for your words of wisdom and your stewardship. A big shout out to the Ocean Breeze residents for voting for me and making this dream come true. Lastly Thank you my fellow council members. I will miss working with you.

In closing I want to say, "It has been an honor and a privilege to serve the community of Ocean Breeze".

Sincerely,



Liz Reese



MAY 22 2024

CHARTER OF THE TOWN OF OCEAN BREEZE

ARTICLE I.

CORPORATE EXISTENCE, FORM OF GOVERNMENT, BOUNDARY, AND POWER

Sec. 1.01. Corporate Existence, Form of Government, and Charter.

The Town of Ocean Breeze in Martin County, Florida, which was created in accordance with the provisions of Chapter 165, Florida Statutes of 1959, shall continue as a municipal corporation with a Mayor-Council form of government and with this document as the charter for the Town.

Sec. 1.02. Description of Corporate Boundary.

The area described in Appendix A of this charter shall constitute the corporate boundary of the Town of Ocean Breeze.

Sec. 1.03. General Powers of the Town.

The Town shall have all governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes except as expressly prohibited by this charter or other applicable law.

The powers of the Town shall be liberally construed in favor of the Town, limited only by the constitution, general and special law, and specific limitations in this charter.

ARTICLE II.

THE MAYOR AND THE TOWN COUNCIL

Sec. 2.01. The Form of Government.

The Town of Ocean Breeze shall operate under the Mayor-Council form of government, consisting of a mayor and six councilmen, each of whom shall be residents of the Town registered to vote and shall be elected by the people, as hereinafter provided in this charter.

Sec. 2.02. General Powers of the Town Council.

All powers of the Town shall be vested in the Town Council except those powers given herein to the Mayor, the Town Clerk, heads of departments or specifically reserved by this charter to the electors of the town.

Sec. 2.03. The Mayor.

A. Powers. There shall be a Mayor. The Mayor is the chief executive officer of the Town. The Mayor shall not receive a salary for service as Mayor. The mayor shall:

- 1) Enforce the laws and ordinances of the Town and see that peace, good order, safety and good morals are preserved within the Town.
- 2) Recommend to the Town Council any measures which the Mayor deems necessary and expedient for the proper governance and management of the Town.
- 3) Oversee the departments of the Town government, and the operations of the Town Clerk.
- 4) Execute or veto ordinances and resolutions submitted to the Mayor for approval.
- 5) Make appointments to boards, commissions, or other agencies, and hire employees to fill vacancies in the office of Town Clerk and the departments of the Town government, which appointments and hiring may be subject to subsequent confirmation by the Town Council, if required by ordinance.
- 6) Negotiate and execute contracts with employees and independent contractors, set salaries or other compensation for department heads, independent contractors, and employees of the Town, which contracts and salaries may be subject to subsequent confirmation by the Town Council, if required by ordinance.
- 7) Dismiss employees of the Town, terminate contracts with independent contractors, remove those serving in the office of Town Clerk and other departments of the Town government, and remove those serving on boards, commissions or other agencies of the Town government, which dismissal or removal may be subject to subsequent confirmation by the Town Council, if required by ordinance.
- 8) Attend meetings of the Town Council.
- 9) Recommend an annual budget.
- 10) Execute contracts, deeds and other legal instruments on behalf of the Town upon direction from the Town Council.
- 11) Perform ceremonial duties on behalf of the Town.
- 12) Exercise such other duties and have such other powers as may be necessary or appropriate to perform the functions of the chief executive officer of the Town.

B. Execution of Ordinances and Resolutions. All ordinances and resolutions passed by the Town Council shall be submitted before going into effect, to the Mayor or person acting as such, for the Mayor's approval. If approved, the Mayor shall sign the same, when it shall become a law. If disapproved, the Mayor shall return the same with his objections in writing to the Town Council, at their next regular meeting, who shall cause the same to be entered in full upon the record of their

proceedings, and proceed to consider the Mayor's objections, and to act upon the same. If, upon consideration, the Town Council shall pass the same by a two-thirds vote of the members present, which vote shall be entered upon the records, the ordinance or resolution shall then become a law, the Mayor's objections to the contrary notwithstanding. Any ordinance which shall not be returned to the Town Council at the next regular meeting of the Council after its passage, shall become a law in like manner as if signed by the Mayor or person acting as such.

Sec. 2.04. The Town Council.

There shall be a Town Council. The Town Council is the legislative body of the Town. The Town Council shall be composed of six councilmen. No councilman shall receive a salary for service as councilman. The Town Council shall:

- 1) Pass and adopt such ordinances and resolutions as may be necessary and expedient for the proper governance and management of the Town.
- 2) Create or abolish departments, boards, commissions or other agencies of the Town government, excluding the offices of Mayor and Town Clerk. The foregoing power to abolish shall only be exercised pursuant to the unanimous vote of Town Council.
- 3) Confirm or reject the mayoral appointments, contracts with employees and independent contractors, and salaries set by the mayor, if required by ordinance.
- 4) Hold meetings at least once a month.
- 5) Exercise such other duties and have such other powers as may be necessary and appropriate to perform the function of the legislative body of the Town.

Sec. 2.05. Town Council Meetings.

- A) Time and Place. The Town Council shall meet regularly at least once a month at such time and place as the Town Council may prescribe by ordinance. A special meeting may be held at the call of the Mayor, or at the request of a majority of the councilmen and, whenever practicable, shall provide for not less than twelve (12) hours' notice to each member and the public shall be informed thereof over the Town's loudspeaker system or as otherwise provided by ordinance.
- B) Quorum and Rules. A majority of the Town Council shall constitute a quorum.

Sec. 2.06 The President of the Council.

At the first meeting after the annual election the Town council shall elect a President and a Vice-President from among its members. The Mayor shall not be president of the Town Council. The President shall preside over meetings of the Town Council. In the absence of the President, the Vice-President shall preside. In case of the absence of the Mayor for any reason including but not limited to, sickness, disability or death, the President shall act as mayor for the time being and while so acting shall be disqualified from presiding over the council. During the Mayor's absence, the Vice-President shall become acting President. In the absence of both the Mayor and the

President, the Vice-President shall act as Mayor and the Town Council shall elect a president pro term who shall preside during the absence of the Mayor and the President.

Sec. 2.07 Vacancies, Filling of Vacancies.

A) Vacancies. The office of a councilman shall become vacant in accordance with general law or if a Councilman is absent from four (4) consecutive regular Town Council meetings without being excused by Town Council prior to the fourth consecutive absence.

B) Filling of vacancies. A vacancy on the Town Council shall be filled by a majority vote of the remaining members of the Town Council. Any person appointed by the Town Council to fill a vacancy shall hold office for the duration of the remainder of the unexpired term of the office being filled. If at any time the membership of the Town Council is reduced to less than a quorum, the remaining member or members may by majority vote appoint additional members in conformity with this section or shall call for a special election to be held within sixty (60) days from the date of the vacancy which reduced the Town Council to less than a quorum. In the event that all seats on the Town Council become vacant, the Mayor shall appoint an interim Town Council which may serve until the next regular election, and in the absence of such appointments by the Mayor, the governor shall appoint the interim Town Council.

ARTICLE III.

ADMINISTRATION

Sec. 3.01. Administrative Offices and Departments.

There shall be such administrative offices and departments as are deemed necessary and appropriate to carry out the functions of the Town. All persons serving in administrative capacities shall serve at the pleasure of the Mayor, subject to confirmation by the Town Council, if required by ordinance.

Sec. 3.02. The Town Clerk.

There shall be a Town Clerk. The Town Clerk shall:

1. Attend meetings of the Town Council and keep the minutes of its proceedings.
2. Be custodian of this Charter, the Seal and all records of the Town.
3. Perform municipal bookkeeping functions.
4. Supervise municipal elections.
5. Keep the Town Council informed about Town business.
6. Recommend to the Town Council any measures which the Town Clerk deems necessary and expedient for the proper governance and management of the Town.

7. Act as a liaison between the Mayor, Town Council and the departments of the Town.
8. Authenticate by signature all ordinances, resolutions, and other city documents.
9. Perform such other duties as may be delegated or assigned by the Mayor or the Town Council.

Sec. 3.03. Town Attorney.

The Town shall hire such attorney, or attorneys, as may be deemed necessary, from time to time, to represent and advise the Town regarding its legal business, and to perform such professional duties as may be required.

Sec. 3.04. Departments.

A. Town Manager. The Town may hire a Town Manager who shall attend Town meetings; act as a liaison to the other departments of the Town; keep the Town informed with regard to Town business; and perform such duties as may be delegated or assigned by the Mayor, the Town Clerk or the Town Council.

B. Town Engineer. The Town may hire a Town Engineer, or engineers, who shall perform such duties as may be delegated or assigned by the Mayor, the Town Clerk or the Town Council.

C. Town Planner. The Town may hire a Town Planner, or planners, who shall assist the Town in its planning and zoning functions and perform such other duties as may be delegated or assigned by the Mayor, the Town Clerk, or the Town Council.

D. Town Auditor. The Town may hire a Town Auditor, or auditors, who shall perform financial and compliance audits; assist the Town with its accounting needs; perform such other functions as may be delegated or assigned by the Mayor, the Town Clerk, or the Town Council.

E. Other Departments. There shall be such other departments as may be created, from time to time, by the Town Council. Nothing herein shall be deemed to prohibit the Town Council from abolishing any of the aforementioned departments, pursuant to Section 2.04(2) of this Charter.

ARTICLE IV.

ELECTIONS

Sec. 4.01. Electors.

Any person who is a resident of the Town, who has qualified as an elector of the State of Florida, and who registers in the manner prescribed by law, shall be an elector of the Town.

Sec. 4.02. Nonpartisan Elections.

All elections for the offices of Mayor or Town Councilman shall be conducted on a nonpartisan basis without any designation of political party affiliation and those elected shall be chosen at large by the electors of the Town.

Sec. 4.03. Qualifying.

No less than thirty (30) days before the election, candidates for the offices of Mayor or Town Councilman shall qualify by filing a written notice of candidacy with the Town Clerk, taking and subscribing to an oath or affirmation substantially in the form required by ordinance.

Sec. 4.04. Elections.

Regular municipal elections shall be held each year on the third Tuesday in December or such other date as may be prescribed by ordinance. The election of Town Councilmen for a term of two years shall be conducted so that three members shall be elected every even-numbered year and three members shall be elected every odd-numbered year. The election of the Mayor for a term of two years shall be held every even-numbered year. In any election the candidate receiving the greatest number of votes shall be elected. In the event of a tie vote the office shall be deemed vacant and the vacancy shall be filled by vote of the Town Council. In the event a candidate for any office is unopposed, such candidate shall be considered as elected without the formality of presentation of his candidacy to the electorate as otherwise provided herein.

Sec. 4.05. Oath of Office.

After election or appointment and before taking office, the Mayor and each Town Councilman, in addition to any other oath required pursuant to Florida Law, shall swear or affirm:

"I do solemnly swear (or affirm) that I will support, honor, protect and defend the Constitution and Government of the United States of America and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State and under the Charter of the Town of Ocean Breeze; and that I will faithfully perform the duties of (title of office) to the best of my abilities, so help me God.

ARTICLE V.

BUDGET ADOPTION

Sec. 5.01. Budget Adoption.

The Town Council shall adopt an annual budget for the Town by resolution or ordinance before October 1 of each year. A resolution or ordinance adopting an annual budget shall constitute appropriations of amounts specified as expenditures from the funds indicated and shall constitute a levy of the property tax proposed, if any.

ARTICLE VI.

CHARTER AMENDMENTS

Sec. 6.01. Charter Amendment.

This Charter may be amended in accordance with the provisions for Charter Amendments as specified in the Florida Statutes. The form, content and certification of any petition to amend submitted by the electors shall be established by ordinance. Any provisions hereof which the laws of Florida permit to be amended by ordinance alone shall be subject to such amendment.

ARTICLE VII

TRANSITION

Sec. 7.01. Repeal of Former Charter Provisions.

All charter provisions in effect prior to the effective date of this Charter are hereby repealed except those provisions regarding the establishment of the municipal corporation known as the Town of Ocean Breeze.

Sec. 7.02. Ordinances Preserved.

All ordinances in force on the effective date of this Charter, to the extent not inconsistent with it, shall remain in force until repealed or amended.

Sec. 7.03. Pending Matters.

No rights, claims, actions, contracts, or legal or administrative proceedings existing on the effective date of this Charter which involve the Town shall be affected by the adoption of this Charter.

Sec. 7.04. Continuation in Office.

The Mayor and Councilmen shall continue to hold their offices for the term to which they were elected or appointed and to discharge their duties until their successors are elected and take office.

Sec. 7.05. Effective Date.

This Charter shall become effective on the 17th day of December, 1991.

NOTE: The effective date of revisions to Article II, Sec. 2.03 A) 9 and Section 2.05 B) was December 18, 2001.

NOTE: The effective date of revisions to Article II Sec. 203 A) 9; Article II, Sec. 205 B); and Article IV. Sec. 4.03 was December 16, 2003.

NOTE: The effective date of revisions to the Charter removing the word "Park" from the name of the Town was December 18, 2012.

NOTE: The effective date of revisions to Article II, Section 2.07 B) was December 20, 2016.



BEFORE THE TOWN COUNCIL
OF THE TOWN OF OCEAN BREEZE, FLORIDA

ORDINANCE NO. 245-2016

AN ORDINANCE OF THE TOWN OF OCEAN BREEZE, FLORIDA PROPOSING AN AMENDMENT TO THE TOWN CHARTER TO REVISE SECTION 2.07 B) TO PROVIDE THAT ANY PERSON APPOINTED BY THE TOWN COUNCIL TO FILL A VACANCY ON THE TOWN COUNCIL SHALL HOLD OFFICE FOR THE DURATION OF THE REMAINDER OF THE UNEXPIRED TERM OF THE OFFICE BEING FILLED; PROVIDING THE TEXT OF THE PROPOSED AMENDMENT; PROVIDING FOR PLACEMENT OF THE PROPOSED CHARTER AMENDMENT ON THE BALLOT AT THE NEXT REGULAR MUNICIPAL ELECTION; PROVIDING AN EXPLANATORY SUMMARY AND FORM OF BALLOT; PROVIDING FOR FILING; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes Section 166.031 provides that the governing body of a municipality may, by ordinance submit to the electors of the municipality a proposed amendment to its charter, and

WHEREAS, the Town Council believes that the efficiency and good order of government would be better served if Council members appointed to fill vacancies in office were to serve for the remainder of the unexpired term of the office which they were appointed to fill.

NOW, THEREFORE, be it ordained by the Town Council of Ocean Breeze, Florida that:

SECTION ONE. PROPOSED AMENDMENT:

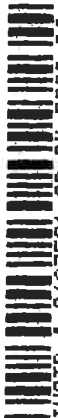
The proposed amendment to the Town Charter to be submitted to the voters for approval or disapproval is as follows”

Amendment: If the voters so approve, Article II, Section 2.07 B) of the Charter of the Town of Ocean Breeze shall be amended to read:

Section 2.07 Vacancies, Filling of Vacancies...

B) Filling of Vacancies. A vacancy on the Town Council shall be filled by a majority vote of the remaining members of the Town Council. Any person appointed by the Town Council to fill a vacancy shall hold office for the duration of the remainder of the unexpired term of the office being filled until the next annual election in the Town. If at any time the membership of the Town Council is reduced to less than a quorum, the remaining member or members may by majority vote appoint additional members in conformity with this section or shall call for a special election to be held within sixty (60) days from the date of the vacancy which reduced the Town Council to less than a quorum. In the event that all seats on the Town Council become vacant, the Mayor shall appoint an interim Town Council which may serve until the next regular election, and in the absence of such appointments by the Mayor, the governor shall appoint the interim Town Council.

(Strike-outs and underlining as set forth above are included herein solely for the purpose of highlighting the proposed change).



SECTION TWO. ELECTION:

The proposed amendment referenced above shall be submitted to the electors of the Town of Ocean Breeze, Florida for a vote at the next regular municipal election, which is currently scheduled to be held December 20, 2016.

SECTION THREE. BALLOT:

The ballot shall contain the explanatory statement set forth on the form of ballot attached hereto as Exhibit "A," and the form of ballot shall otherwise be as set forth on the said Exhibit "A," or shall be substantially similar thereto.

SECTION FOUR. REVISIONS TO CHARTER:

Upon approval by a majority of the electors of the Town, The Town Charter shall be so revised, and the revised Charter shall be appropriately filed with the Department of State in Tallahassee.

SECTION FIVE. SEVERABILITY:

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any persons, property, or circumstances, such holding shall not affect its applicability to any other person, property, or circumstance.

SECTION SIX. EFFECTIVE DATE:

This Ordinance shall become effective immediately upon the date of its final adoption. The said amendment to the Town Charter shall take effect immediately upon its approval by the electors of the Town.

FIRST READING WAS MADE ON THIS 12th DAY OF September, 2016.

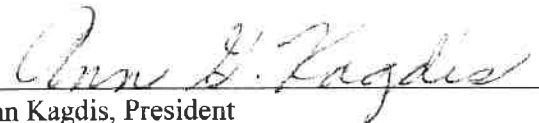
DULY PASSED AND ADOPTED ON SECOND READING THIS 31st DAY OF October, 2016.

ATTEST:

TOWN COUNCIL, TOWN OF OCEAN BREEZE



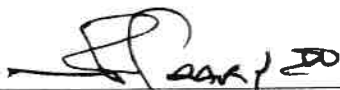
Pam Orr, Town Clerk



Ann Kagdis, President

Approved as to form:

APPROVED



William F. Crary II, Town Attorney



David Myers, Mayor

EXHIBIT "A"

FORM OF BALLOT

AMENDMENT TO TOWN CHARTER:

Explanatory Statement:

As the charter now stands, Council members appointed to fill a vacancy in office only serve until the next election, instead of serving for the remainder of the office term which has been vacated. This sometimes results in an otherwise unnecessary election to fill the second year of the term which has been vacated. The amendment would allow the appointee to hold office for the entire term being filled.

Shall Article II, Section 2.07 B be amended as follows?

B) Filling of Vacancies. A vacancy on the Town Council shall be filled by a majority vote of the remaining members of the Town Council. Any person appointed by the Town Council to fill a vacancy shall hold office for the duration of the remainder of the unexpired term of the office being filled until the next annual election in the Town. If at any time the membership of the Town Council is reduced to less than a quorum, the remaining member or members may by majority vote appoint additional members in conformity with this section or shall call for a special election to be held within sixty (60) days from the date of the vacancy which reduced the Town Council to less than a quorum. In the event that all seats on the Town Council become vacant, the Mayor shall appoint an interim Town Council which may serve until the next regular election, and in the absence of such appointments by the Mayor, the governor shall appoint the interim Town Council.

YES _____

NO _____

CERTIFICATE OF RESULTS

STATE OF FLORIDA

COUNTY OF MARTIN

We, the undersigned, do hereby certify that the votes cast in the TOWN OF OCEAN BREEZE REGULAR ELECTION held in said Town on the 20th day of December 2016 as shown by the results on file in the office of the Town Clerk and the Martin County Supervisor of Elections, respectively, are as follows:

AMENDMENT TO THE TOWN CHARTER

Shall Article II, Section 2.07 B be amended as follows?

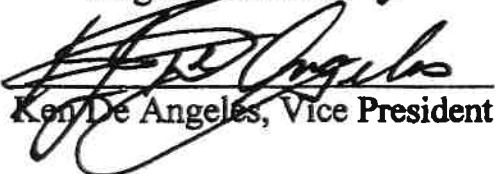
B) Filling of Vacancies. A vacancy on the Town Council shall be filled by a majority vote of the remaining members of the Town Council. Any person appointed by the Town Council to fill a vacancy shall hold office for the duration of the remainder of the unexpired term of the office being filled. If at any time the membership of the Town Council is reduced to less than a quorum, the remaining member or members may by majority vote appoint additional members in conformity with this section or shall call for a special election to be held within sixty (60) days from the date of the vacancy which reduced the Town Council to less than a quorum. In the event that all seats on the Town Council become vacant, the Mayor shall appoint an interim Town Council which may serve until the next regular election, and in the absence of such appointments by the Mayor, the governor shall appoint the interim Town Council.

The total number of votes cast in the Regular Election was:

YES	<u>29</u>	machine +	<u>7</u>	absentee of which TOTAL	<u>36</u>
NO	<u>1</u>	machine +	<u> </u>	absentee of which TOTAL	<u>1</u>

Dated this 21st day of December, 2016.


Ann Kagdis, President


Ken De Angeles, Vice President


Pam Orr, Town Clerk

Memorandum

To: Town Council
From: Mayor, Karen M. Ostrand
Cc: Town Clerk, Kim Stanton
Date: June 26, 2024
Re: Transfer of Funds for Conferences and Travel

I am requesting an additional \$509.02 for my travel and conference expenses to attend the Florida League of Cities Annual Conference August 14 – 18, 2024 as your voting delegate. There were more events than anticipated and costs have gone up substantially. I do not foresee attending any other conferences for the remainder of this fiscal year ending September 30, 2024.

I would like the Town Council to consider utilizing the \$425.00 from the vacant Vice-President position and for the other Town Council members to consider shifting funds from their account(s) for the remaining \$84.02.

Thank you for your consideration.

Town of Ocean Breeze - Mayor and Town Council Expense Report
October 1, 2023 - September 30, 2024

A	B	C	D	E	F	G	H	I
1	Type	Date	Num	Name	Memo	Split	Amount	Balance
2	6101 - General Government							
3	513315 - Conferences & Travel - Council			MAYOR OSTRAND BEGINNING BALANCE				
4	Check	10/14/2023	debit chng	Florida League of Cities	Mayor Ostrand; Nov 29 2023 FLC 2023 Legislative Conference	101000 - Checking Account-Seacoast GF	\$300.00	\$4,000.00
5	Check	10/18/2023	9149	Karen Ostrand	266.6 ml x .655 to Orlando for Legislative Meeting	101000 - Checking Account-Seacoast GF	\$174.62	\$3,700.00
6	Check	10/26/2023	debit chng	The Shores Resort	Mayor Ostrand; IEM02; Oct 27-28, 2023; The Shores Resort; Daytona Beach, FL	101000 - Checking Account-Seacoast GF	\$310.00	\$3,215.38
7	Check	10/26/2023	debit chng	The Shores Resort	Mayor Ostrand; IEM02; Oct 27-28, 2023; The Shores Resort; Daytona Beach, FL; parking	101000 - Checking Account-Seacoast GF	\$30.00	\$3,185.38
8	Check	10/26/2023	debit chng	The Shores Resort	Mayor Ostrand; IEM02; Oct 27-28, 2023; The Shores Resort; Daytona Beach, FL; parking	101000 - Checking Account-Seacoast GF	\$30.00	\$3,155.38
9	Check	11/9/2023	debit chng	Hilton Hotels	Mayor Ostrand; Orlando Convention Ctr; FLC Nov 29 - Dec 1 (deposit for hotel room); charged on 1...	101000 - Checking Account-Seacoast GF	\$199.13	\$2,956.25
10	Check	11/14/2023	9175	Karen Ostrand	Mayor Ostrand drove to Daytona Oct 27th 28th for EMO2 course (155 ml x .655)	101000 - Checking Account-Seacoast GF	\$101.59	\$2,854.72
11	Check	11/21/2023	9179	Jensen Beach Chamber of Commerce	Nov 16; Luncheon; Stringers; Mayor Ostrand	101000 - Checking Account-Seacoast GF	\$25.00	\$2,829.72
12	Check	11/21/2023	debit chng	Florida League of Cities	Mayor Ostrand Registration Fee for FLC 2024 Legislative Action Days	101000 - Checking Account-Seacoast GF	\$50.00	\$2,779.72
13	Check	12/1/2023	debit chng	Hilton Hotels	Mayor Ostrand; Orlando Convention Ctr; FLC Nov 29 - Dec 1 (deposit for hotel room); charged on 1...	101000 - Checking Account-Seacoast GF	\$244.87	\$2,534.85
14	Check	1/2/2024	debit chng	Florida League of Cities	Mayor Ostrand Registration Fee for FLC 2024 Legislative Action Days	101000 - Checking Account-Seacoast GF	\$99.00	\$2,435.85
15	Check	1/9/2024	Debit Chng	Florida League of Cities	Mayor Ostrand Registration Fee for FLC 2024 Legislative Action Days	101000 - Checking Account-Seacoast GF	\$50.00	\$2,385.85
16	Check	1/18/2024	9229	Jensen Beach Chamber of Commerce	Chamber Luncheon Jan. 19; Mayor Ostrand	101000 - Checking Account-Seacoast GF	\$25.00	\$2,360.85
17	Check	1/18/2024	9229	Jensen Beach Chamber of Commerce	Installation of Officers, January 23; Mayor Ostrand	101000 - Checking Account-Seacoast GF	\$50.00	\$2,310.85
18	Check	1/22/2024	9231	Karen Ostrand	Mileage to Tall for Legislative Action Days 382 ml x 2 (roundtrip) = 764 x .67	101000 - Checking Account-Seacoast GF	\$511.88	\$1,798.97
19	Debit Chg	1/31/2024	debit chng	Doubletree Hotel Tallahassee	Lodging for the January 28-31 legislative session	101000 - Checking Account-Seacoast GF	\$904.33	\$894.64
20	refund	2/6/2024	refund	Doubletree Hotel Tallahassee	Refund	101000 - Checking Account-Seacoast GF	(\$37.34)	\$931.98
21	Check	3/30/2024	9274	Jensen Beach Chamber of Commerce	Mix & Mingle on March 12, 2024	101000 - Checking Account-Seacoast GF	\$10.00	\$921.98
22	Check	4/2/2024	9297	Jensen Beach Chamber of Commerce	Mix & Mingle on April 9, 2024 (\$10) and Chamber Luncheon April 18, 2024 (\$25)	101000 - Checking Account-Seacoast GF	\$35.00	\$886.98
23	Debit Chg	6/12/2024	debit chng	Florida League of Cities	FLC 2024 Annual Conference	101000 - Checking Account-Seacoast GF	\$600.00	\$286.98
24	Debit Chg	6/12/2024	debit chng	The Diplomat Resort	FLC 2024 Annual Conference; August 14 - August 18, 2024	101000 - Checking Account-Seacoast GF	\$796.00	(\$509.02)
25								
26				PRESIDENT KELLEY BEGINNING BAL				\$500.00
27	Check	11/1/2023	eft	Jensen Beach Chamber of Commerce	November 16, 2023; Sandy Kelley; Chamber with Martin County Fire Rescue	101000 - Checking Account-Seacoast GF	\$25.00	\$475.00
28	Transfer	11/13/2023	Transfer	Transfer to Council Member Docherty's Act	Per November 13, 2023 Minutes		\$50.00	\$425.00
29	Check	11/21/2023	9179	Jensen Beach Chamber of Commerce	Nov 14 2023; Mix n Mingle; Ken De Angeles	101000 - Checking Account-Seacoast GF	\$10.00	\$415.00
30	Check	11/21/2023	9179	Jensen Beach Chamber of Commerce	Nov 16; Luncheon, Stringers; Ken De Angeles	101000 - Checking Account-Seacoast GF	\$25.00	\$390.00
31								
32								
33				VICE-PRESIDENT REESE BEGINNING BAL				\$500.00
34	Check	11/1/2023	eft	Jensen Beach Chamber of Commerce	November 16, 2023; Liz Reese; Chamber with Martin County Fire Rescue	101000 - Checking Account-Seacoast GF	\$25.00	\$475.00
35	Transfer	11/13/2023	Transfer	Transfer to Council Member Docherty's Act	Per November 13, 2023 Minutes		\$50.00	\$425.00
36								
37								
38				KEN DEANGELES - COUNCIL MEMBER SQUIRES BEGINNING BALANCE				\$200.00
39	Transfer	11/13/2023	Transfer	Transfer to Council Member Docherty's Act	Per November 13, 2023 Minutes		\$50.00	\$150.00
40								
41								
42				COUNCIL MEMBER HELLER BEGINNING BALANCE				\$200.00
43	Check	1/2/2024	debit chng	Florida League of Cities	Council Member Heller Online Orientation for EMO	101000 - Checking Account-Seacoast GF	\$99.00	\$101.00
44	Transfer	11/13/2023	Transfer	Transfer to Council Member Docherty's Act	Per November 13, 2023 Minutes		\$50.00	\$51.00
45								
46								
47				COUNCIL MEMBER KENT BEGINNING BALANCE				\$200.00
48	Transfer	11/13/2023	Transfer	Transfer to Council Member Docherty's Act	Per November 13, 2023 Minutes		\$50.00	\$150.00
49								
50								
51								
52								
53				COUNCIL MEMBER DOCHERTY BEGINNING BALANCE				\$200.00
54	Transfer	11/13/2023	Transfer Cr	Transfer to Council Member Docherty's Act	Per November 13, 2023 Minutes		(\$250.00)	\$450.00
55	Check	11/21/2023	9179	Jensen Beach Chamber of Commerce	Nov 16; Luncheon, Stringers; Kevin Docherty	101000 - Checking Account-Seacoast GF	\$25.00	\$425.00
56	Check	11/27/2023	9186	Kevin Docherty	127 x 2 = 254 x 65.5 Legislative Conference Orlando	101000 - Checking Account-Seacoast GF	\$166.37	\$258.63
57	Check	1/3/2024	9206	Kevin Docherty	51.3 ml x .67 (Fellsmere to TCCLG Installation Lunch) (1/3)	101000 - Checking Account-Seacoast GF	\$34.47	\$224.16
58	Check	1/3/2024	9206	Kevin Docherty	11/20 parking in Orlando at FLC Legislative meeting	101000 - Checking Account-Seacoast GF	\$18.10	\$206.06
59	Check	1/3/2024	9206	Kevin Docherty	11/20 tolls to Orlando FLC Legislative meeting	101000 - Checking Account-Seacoast GF	\$24.42	\$181.64
60				Transfer into Council Member Docherty's Act	Per January 8 2024 Minutes		(\$1,000.00)	\$1,181.64
61	Check	1/8/2024	Transfer Cr	Transfer into Council Member Docherty's Act	Kevin Docherty; one-way \$1.2 ml x .67 to TCCLG Install lunch (other half paid 1/3)	101000 - Checking Account-Seacoast GF	\$34.47	\$1,147.17
62	Check	1/16/2024	Debit Chng	Jensen Beach Chamber of Commerce	Council Member Docherty Jan 18 2024; \$25.00 Chamber Luncheon w Vicki Davis; \$0 Networking Breakfast	101000 - Checking Account-Seacoast GF	\$25.00	\$1,122.17
63	Check	2/5/2024	9244	Kevin Docherty	Jan 28 - Jan 31 Legislative Conference; Lodging reimbursement	101000 - Checking Account-Seacoast GF	\$561.00	\$561.17

October 1, 2023 - September 30, 2024

	A	B	C	D	E	F	G	H	I
64	Debit Chg	3/18/2024	debit Chrg		Jensen Beach Chamber of Commerce	March 21, 2024 event	101000	Checking Account- Seacoast GF	\$536.17
65	Debit Chg	4/3/2024	debit Chrg		Florida League of Cities	EMO I Conference	101000	Checking Account- Seacoast GF	\$236.17
66					Embassy Suites	EMO I Conference	101000	Checking Account- Seacoast GF	\$57.17
67	Debit Chg	4/9/2024	Debit Chrg		Jensen Beach Chamber of Commerce	Mix & Mingle April 9, 2024	101000	Checking Account- Seacoast GF	\$47.17
68	Debit Chg	5/14/2024	Debit Chrg		Jensen Beach Chamber of Commerce	Mix & Mingle May 13, 2024	101000	Checking Account- Seacoast GF	\$37.17
69	Debit Chg	5/16/2024	debit Chrg		Jensen Beach Chamber of Commerce	Member Luncheon with Speaker John Budenziek	101000	Checking Account- Seacoast GF	\$12.17
70	A/E277	6/5/2024	Credit		Embassy Suites	EMO I Conference cancellation	101000	Checking Account- Seacoast GF	\$19.17
71	Credit	6/12/2024	Credit		Florida League of Cities	Cancellation of EMO I Conference (minus \$25.00 admin fee)	101000	Checking Account- Seacoast GF	\$466.17
72									
73	Total 513319 - Conferences & Travel - Council								
74	Total 6101 - General Government								
75	TOTAL								

GENERAL INFORMATION ITEMS

The attached items (i.e.: correspondence, emails, 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.

- a. June 12, 2024, Seawalk Landscape Report from Mike Flaugh, Landscape Architect
- b. Memorandum from Attorney Paul Nicoletti Re: Dual Membership on the Seawalk HOA Board and the Ocean Breeze Town Council
- c. Sample – Working draft for Environmental Studies Center sign project
- d. Change to November 2024 Town Council meeting date
- e. County notice regarding road work on Jensen Beach Boulevard

Permits

a.

From: Bert Clattenburg <bert@mikeflaughla.com>
Sent: Wednesday, June 12, 2024 3:20 PM
To: Terry O'Neil
Cc: Town Clerk; Permits; Mike Flaugh
Subject: Report on procedures to refurbish the landscape common area.
Attachments: Town of Ocean Breeze 240611 Landscape Set.pdf

Some people who received this message don't often get email from bert@mikeflaughla.com. [Learn why this is important](#)

Good afternoon Terry,

Attached is the PDF on the recommendation to refurbish the landscape for the common areas at Seawalk. We tried to make it as simple as possible to have clear direction on what to do and to put together a proposal. Of course, the first task is to get the irrigation taken care of before doing the landscape work.

Let me know if you have any comments or questions.

Thank you,

Bert Clattenburg

Landscape Architect LA0001604

MIKE FLAUGH LANDSCAPE ARCHITECT

FL reg # LA0001728

www.MikeFlaughLA.com

772.419.0024

Stuart

3744 SE Ocean Blvd, FL 34996

Islamorada

80925 Overseas Hwy., Unit #7, FL 33070

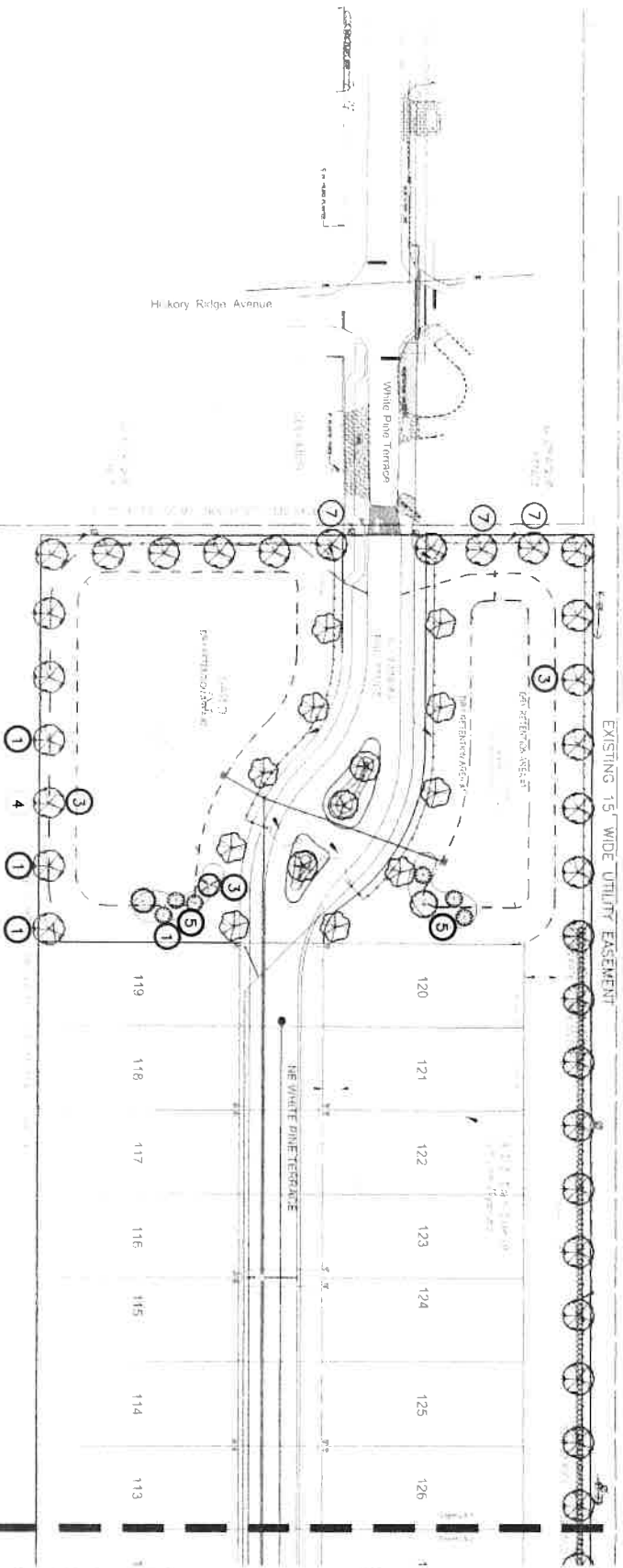
Naples

4850 Tamiami Trail N, Suite 301, FL 34103

Thank you for using email, it is the best way for us to accurately interpret, respond, share and archive client comments and information.

GENERAL NOTES

- Remove all existing tree bracing, tree straps, and existing nursery poles. Stake trees as noted on plans.
- Remove sucker growth at the base of the trees installed.

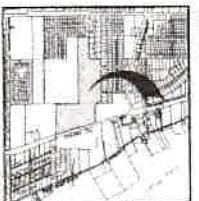


lucido & associates

Ocean Breeze West
PUD

Team of Ocean Breeze
Baker County Florida
Revised
Landscape Plan

LA-1



Project Name
Ocean Breeze West PUD
Town of Ocean Breeze
Miami County, Florida
Revised
Landscape Plan

Ocean Breeze West PUD

Town of Ocean Breeze
Miami County, Florida
Revised
Landscape Plan

NO.	DATE	DESCRIPTION
1	10/1/10	PRELIMINARY LAYOUT
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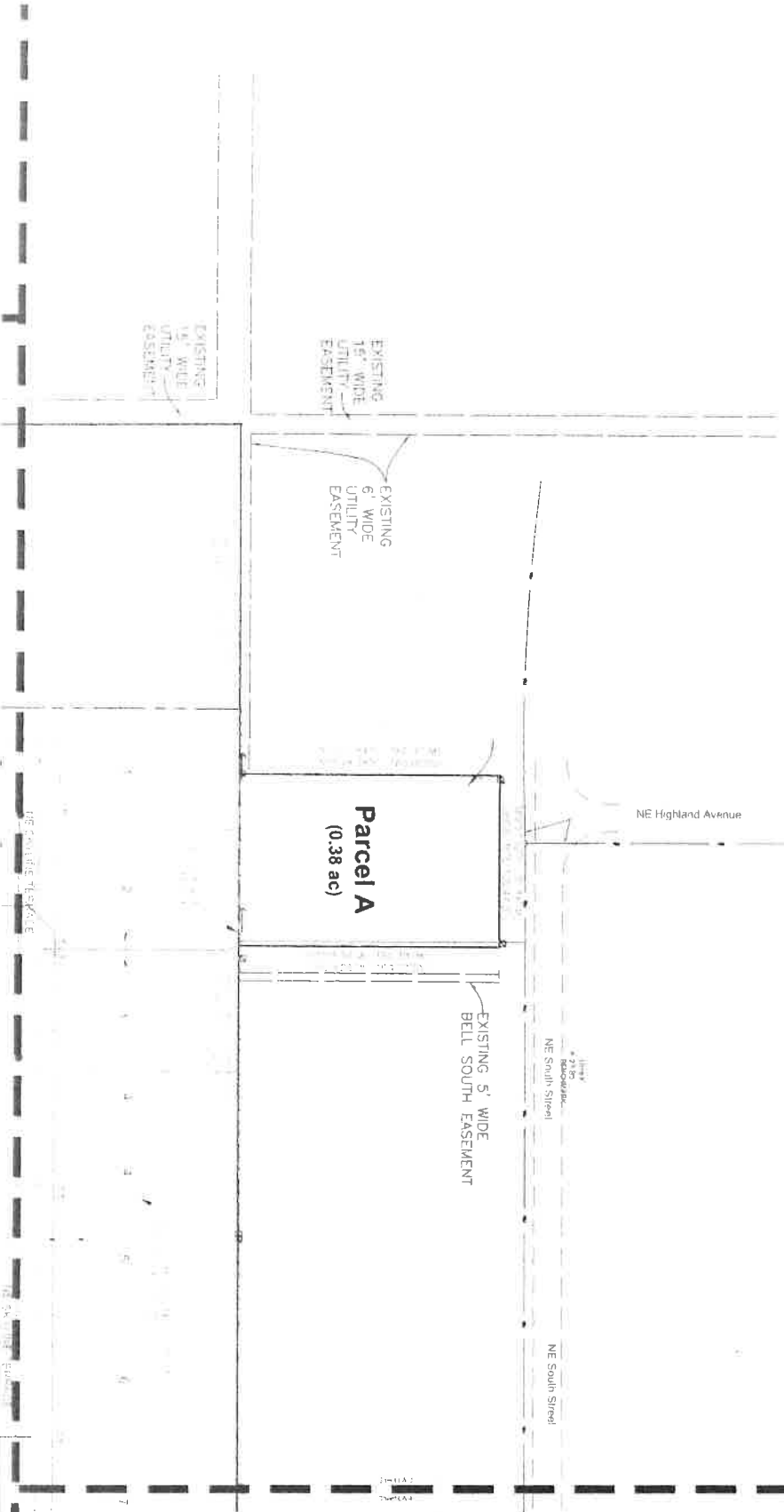
CONCEPTUAL PLAN KEY

- 1 REPLACE TREE, BUILD POCKET, STAKE AND MULCH
- 2 STRAIGHTEN AND STAKE EXISTING TREE
- 3 STAKE EXISTING TREE
- 4 REBUILD POCKET WITH TOPSOIL AND MULCH
- 5 REPLACE SAND CORDEGRASS AND MULCH
- 6 ADD SAND CORDEGRASS AND MULCH
- 7 ESTABLISHED LEANING TREES - CANNOT BE STRAIGHTENED

LA-2

CONCEPTUAL PLAN KEY

- 1 REPLACE TREE, BUILD POCKET, STAKE AND MULCH
- 2 STRAIGHTEN AND STAKE EXISTING TREE
- 3 STAKE EXISTING TREE
- 4 REBUILD POCKET WITH TOPSOIL AND MULCH
- 5 REPLACE SAND CORDOGRASS AND MULCH
- 6 ADD SAND CORDOGRASS AND MULCH
- 7 ESTABLISHED LEANING TREES - CANNOT BE STRAIGHTENED



lucido & associates



Project Team

Role	Name
Owner	City of Ocean Breeze
Designer	Lucido & Associates
Engineer	City of Ocean Breeze
Arbiter	City of Ocean Breeze
Inspector	City of Ocean Breeze
Permitting	City of Ocean Breeze
Construction	City of Ocean Breeze

Ocean Breeze West
PUD

Team of Ocean Breeze
Miami County, Florida

Revised

Landscape Plan

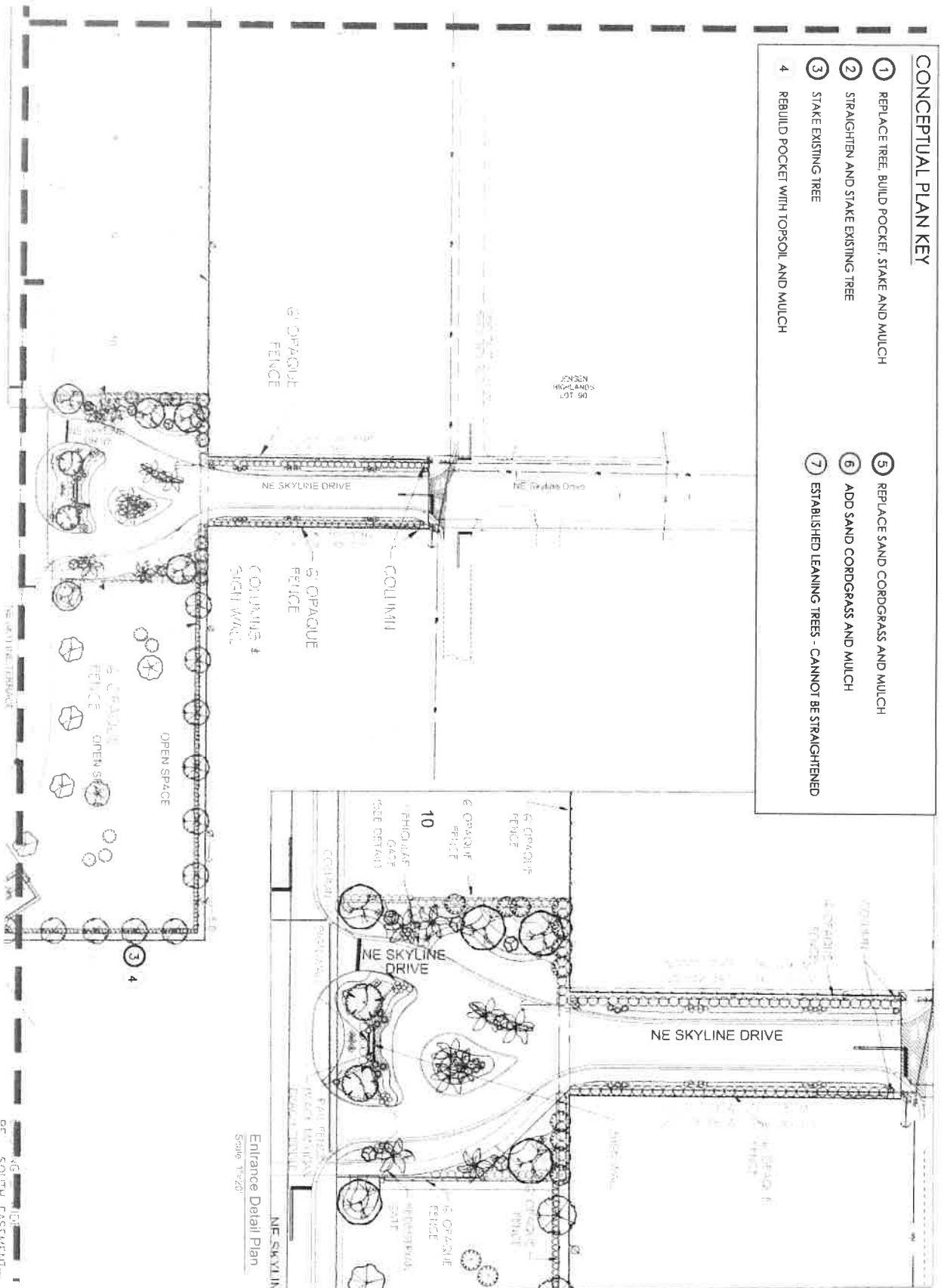
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10/1/20	ML	Final Design
10/1/20	ML	Final Design
10/1/20	ML	Final Design
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10/1/20	ML	Final Design
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10/1/20	ML	Final Design



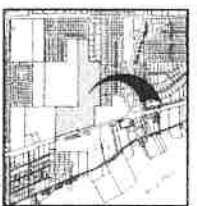
LA-3

CONCEPTUAL PLAN KEY

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- 2 STRAIGHTEN AND STAKE EXISTING TREE
- 3 STAKE EXISTING TREE
- 4 REBUILD POCKET WITH TOPSOIL AND MULCH
- 5 REPLACE SAND CORDGRASS AND MULCH
- 6 ADD SAND CORDGRASS AND MULCH
- 7 ESTABLISHED LEANING TREES - CANNOT BE STRAIGHTENED



lucido & associates



Project Team

Project Manager

Project Engineer

Project Designer

Project Artist

Project Photographer

Project Writer

Project Editor

Project Proofreader

Project Layout

Project Production

Project Distribution

Project Archiving

Project Review

Project Approval

Project Completion

Project End

Project Close

Project Exit

Project Done

Project Over

Project Off

Project Out

Project Up

Project In

Project On

Project At

Project By

Project For

Project To

Ocean Breeze West PUD

Town of Ocean Breeze

Manatee County, Florida

Revised

Landscape Plan

Scale 1"=20'

LA-4

LA-4

LA-4

LA-4

LA-4

LA-4

LA-4

LA-4

LA-4

LA-4

LA-4

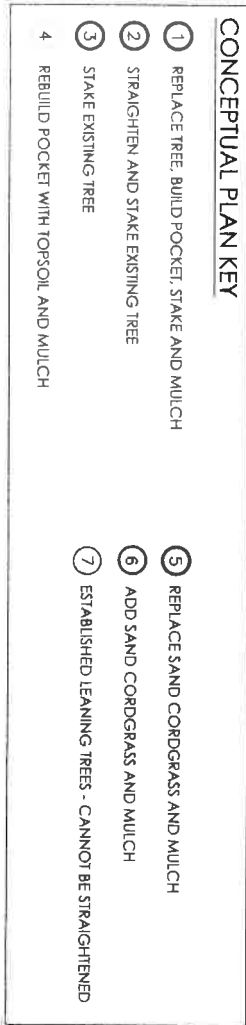
LA-4

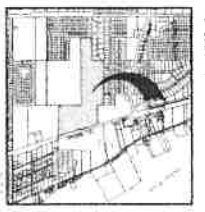
LA-4

LA-4

LA-4

Town of Ocean Breeze
Martin County, Florida
Revised
Landscape Plan

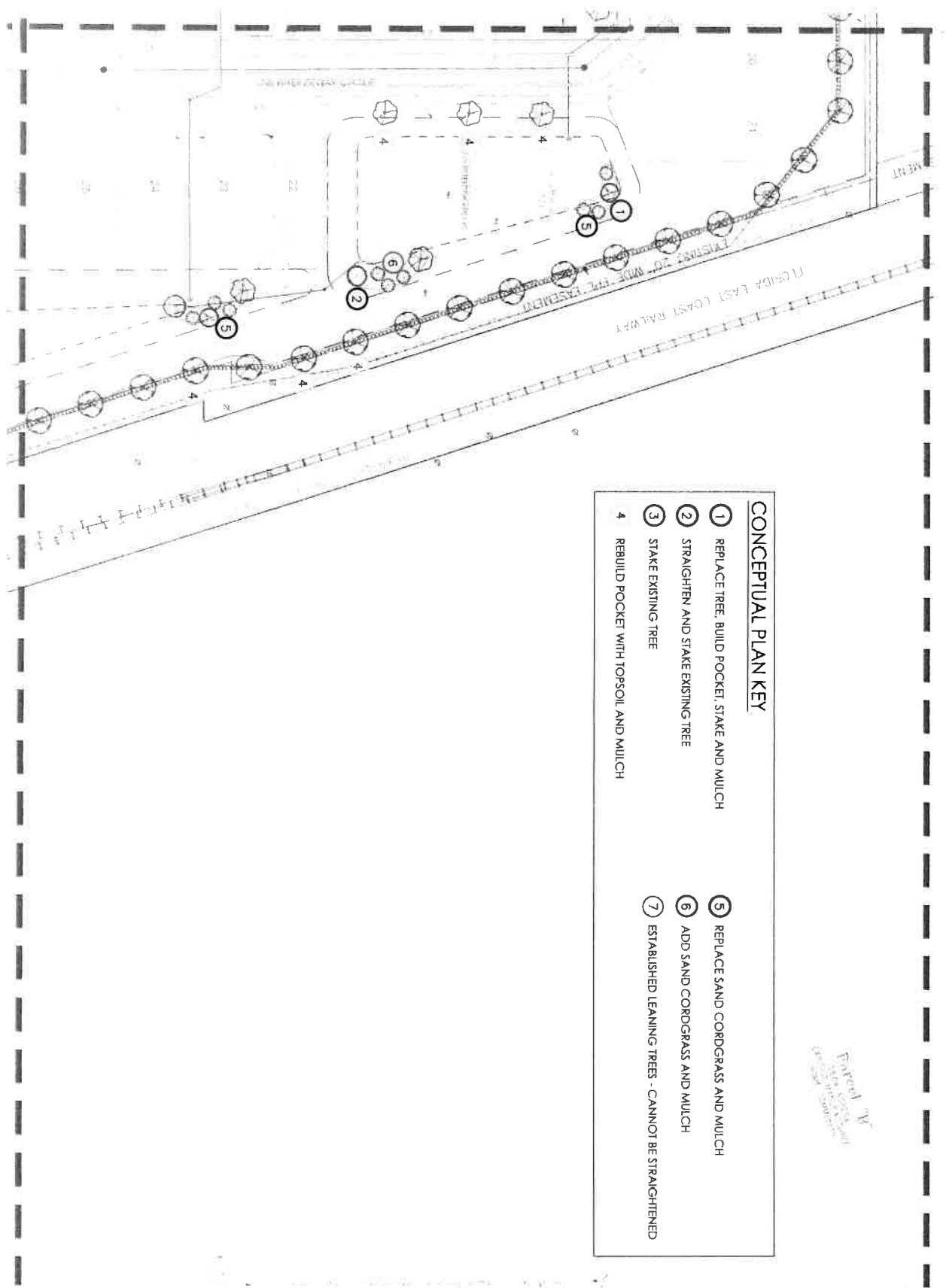




Project No. 10-00000000
 Date: 10/1/2010
 Project Name: Ocean Breeze West PUD

CONCEPTUAL PLAN KEY

- ① REPLACE TREE, BUILD POCKET, STAKE AND MULCH
- ② STRAIGHTEN AND STAKE EXISTING TREE
- ③ STAKE EXISTING TREE
- ④ REBUILD POCKET WITH TOPSOIL AND MULCH
- ⑤ REPLACE SAND CORDGRASS AND MULCH
- ⑥ ADD SAND CORDGRASS AND MULCH
- ⑦ ESTABLISHED LEANING TREES - CANNOT BE STRAIGHTENED

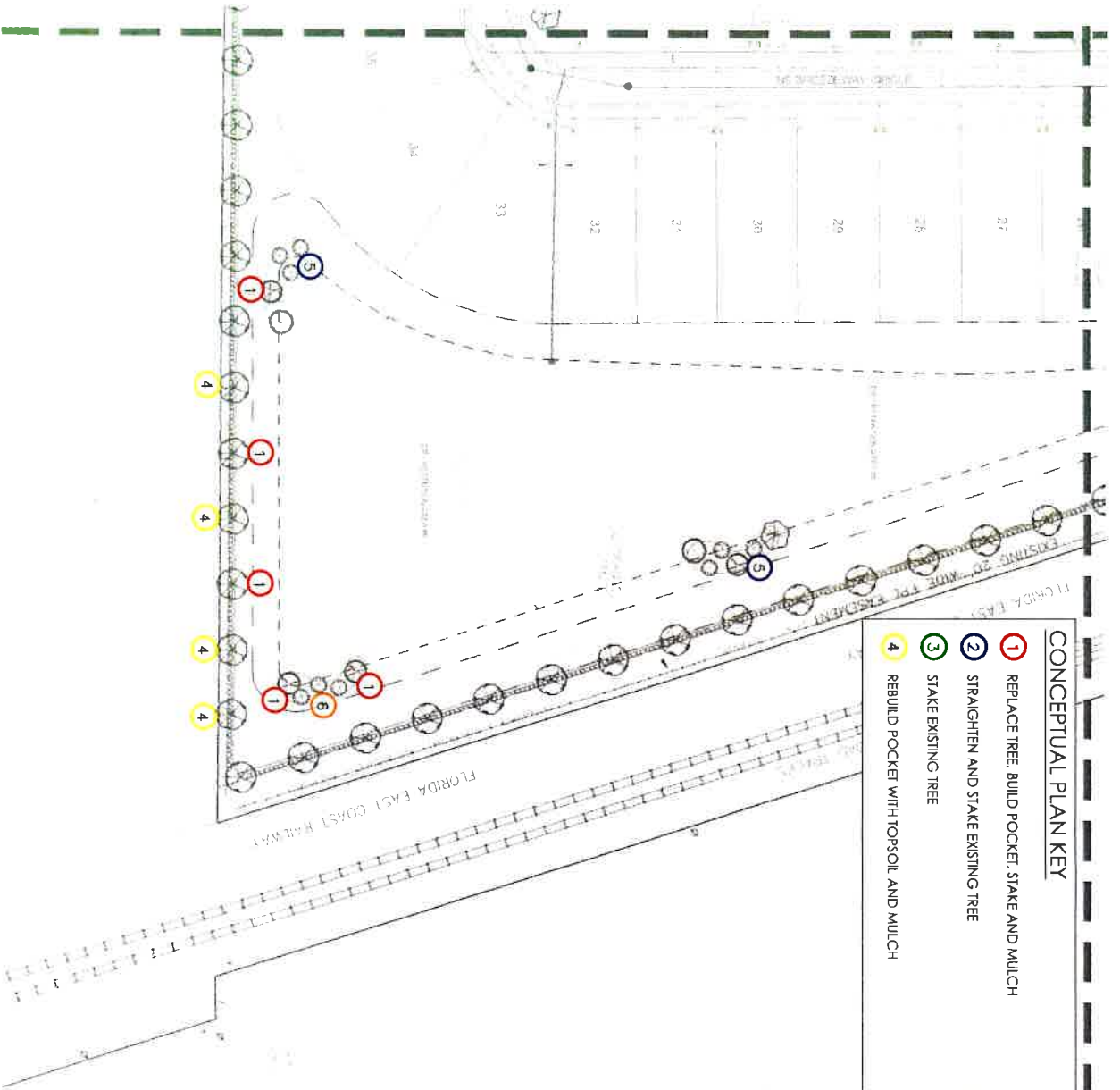


Ocean Breeze West PUD

Revised
 Landscape Plan

CONCEPTUAL PLAN KEY

- ① REPLACE TREE, BUILD POCKET, STAKE AND MULCH
- ② STRAIGHTEN AND STAKE EXISTING TREE
- ③ STAKE EXISTING TREE
- ④ REBUILD POCKET WITH TOPSOIL AND MULCH
- ⑤ REPLACE SAND CORNGRASS AND MULCH
- ⑥ ADD SAND CORNGRASS AND MULCH
- ⑦ ESTABLISHED LEANING TREES - CANNOT BE STRAIGHTENED



lucido & associates



Project Location

Scale: 1" = 100'

North Arrow

Project Name

Project Number

Project Date

Project Status

Project Owner

Project Designer

Project Engineer

Project Surveyor

Project Photographer

Project Printer

Project Binder

Project Folder

Project Box

Project Bag

Project Backpack

Project Suitcase

Project Toolbox

Project Hammer

Project Saw

Project Shovel

Project Pitchfork

Project Knife

Project Fork

Project Spoon

Project Cup

Project Plate

Project Bowl

Project Glass

Project Napkin

Project Paper

Ocean Breeze West PUD

Team of Ocean Breeze
South County Florida
Revised
Landscape Plan

LA-7

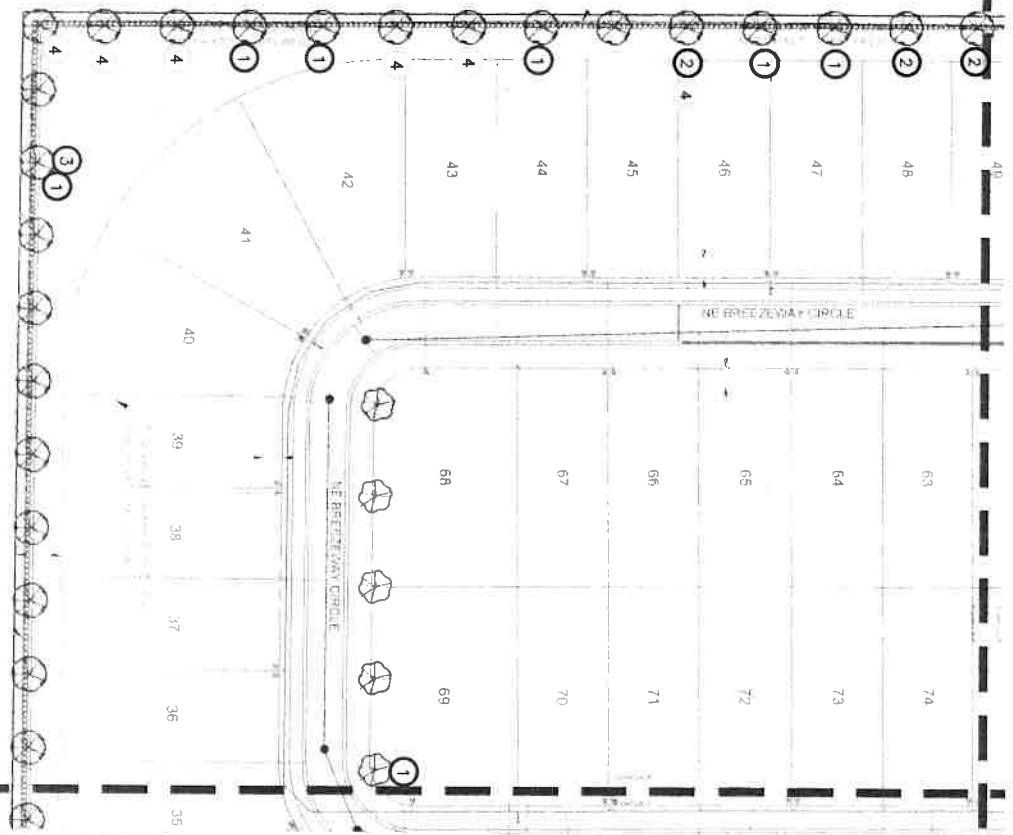


Project Information

Project Name	Ocean Breeze West PUD
Location	NE 1st St. & NE 1st Ave., Miami, FL 33136
Client	Town of Ocean Breeze
Design Team	Lucido & Associates
Scale	1" = 100'
Date	10/1/2010

Ocean Breeze West PUD

Town of Ocean Breeze
Miami County, Florida
Revised
Landscape Plan



CONCEPTUAL PLAN KEY

- 1 REPLACE TREE, BUILD POCKET, STAKE AND MULCH
- 2 STRAIGHTEN AND STAKE EXISTING TREE
- 3 STAKE EXISTING TREE
- 4 REBUILD POCKET WITH TOPSOIL AND MULCH
- 5 REPLACE SAND CORDGRASS AND MULCH
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- 7 ESTABLISHED LEANING TREES - CANNOT BE STRAIGHTENED

b. Item redacted due to Attorney Nicoletti's position as a Magistrate for other jurisdictions, as per State law.



PAUL J. NICOLETTI
Attorney at Law

[Redacted]

MEMORANDUM

TO: THE MAYOR AND MEMBERS OF THE OCEAN BREEZE TOWN COUNCIL

SUBJECT: DUAL MEMBERSHIP ON THE SEA WALK HOA BOARD
AND THE OCEAN BREEZE TOWN COUNCIL

DATE: MAY 20, 2024

THIS MEMORANDUM IS PUBLIC RECORD

I spoke with one of the Town Council Members this past Monday following the Town Council Meeting who had some concern about a person being a member of both the Sea Walk HOA Board and the Town Council. On the following day, another Town Council Member sent Pam Orr a link to an Ethics Opinion for the Town staff's information regarding this issue. After discussing the matter with the Town Council Member who spoke to me and then later discussing it with Terry O'Neil, I am writing to clarify the situation for all concerned, and adding some additional information, for the Mayor and Town Council, Town staff, and all Town residents.

The initial concerning issue is one of serving on the Sea Walk HOA Board and also on the Town Council at the same time. This is not a unique situation, and has been reviewed by the Florida Commission of Ethics for another public agency. This Ethics Opinion contains three (3) primary matters. See: CEO 23-2, dated March 15, 2023, published by the Florida Ethics Commission, and copy attached. I have extrapolated those three issues in the context of the Town and the Sea Walk HOA:

1. If the Town was to "do business" with the Sea Walk HOA, there would be a standing conflict which would cause the Town Council Member an issue. However, the Town does not "do business" with the HOA as that term is used in the statutes. For instance, if the Town contracted with the HOA for the provision of services, there would be a

Telephone and Fax: [Redacted]

Email: [Redacted]

MEMORANDUM

TO: THE MAYOR AND MEMBERS OF THE OCEAN BREEZE TOWN COUNCIL

SUBJECT: DUAL MEMBERSHIP ON THE SEA WALK HOA BOARD AND THE TOWN COUNCIL

DATE: May 20, 2024

"voting conflict" and depending on if the services were available from another source, it could trigger a "standing conflict" which would require the Town Council Member to resign from one board or the other. But, to my knowledge, no such issue has occurred.

2. If the Town Council decided to take a legal action or take any other adverse action toward the HOA (legislative, quasi-judicial or regulatory), then the Town Council Member would have a "voting conflict" under Section 112.3143, Florida Statutes, Voting conflicts.— and would have to abstain from the vote to take the action, and file the appropriate "voting conflict" form. Even if there is not a technical violation of Sec. 112.3143, F.S., the appearance of impropriety may exist, and the Town Council Member could be excused from voting under the provisions of the last three lines of Section 286.012, F.S. if the matter is quasi-judicial.

286.012 Voting requirement at meetings of governmental bodies.—A member of a state, county, or municipal governmental board, commission, or agency who is present at a meeting of any such body at which an official decision, ruling, or other official act is to be taken or adopted may not abstain from voting in regard to any such decision, ruling, or act; and a vote shall be recorded or counted for each such member present, unless, with respect to any such member, there is, or appears to be, a possible conflict of interest under s.112.311, s.112.313, s.112.3143, or additional or more stringent standards of conduct, if any, adopted pursuant to s.112.326. If there is, or appears to be, a possible conflict under s.112.311, s.112.313, or s.112.3143, the member shall comply with the disclosure requirements of s.112.3143. If the only conflict or possible conflict is one arising from the additional or more stringent standards adopted pursuant to s.112.326, the member shall comply with any disclosure requirements adopted pursuant to s.112.326. If the official decision, ruling, or act occurs in the context of a quasi-judicial proceeding, a member may abstain from voting on such matter if the abstention is to assure a fair proceeding free from potential bias or prejudice.

3. However, if this is a "one-off" type voting conflict, it would not cause a "standing conflict" requiring the Member to resign from one board or the other. This issue does not affect Town Council Members who simply reside in Sea Walk, and who are members of the HOA, but are not on the HOA Board. However, where a member of

Telephone and Fax: [REDACTED]

Email: [REDACTED]

MEMORANDUM

TO: THE MAYOR AND MEMBERS OF THE OCEAN BREEZE TOWN COUNCIL

SUBJECT: DUAL MEMBERSHIP ON THE SEA WALK HOA BOARD AND THE TOWN COUNCIL

DATE: May 20, 2024

the same household is a member of the HOA Board as the Town Council Member, it becomes more complicated. There is no "standing conflict," and it is not illegal for a Member of the HOA Board and a Town Council Member who reside in the same household to discuss HOA and Town business, so long as there are no breeches of confidentiality. This means if the Town Council Member is privy to information which is protected as confidential or not subject to public inspection and copying pursuant to Section 119.07, Florida Statutes or has otherwise become aware of attorney work product or information which is attorney-client privileged or other insider information (not available to the public), it is unethical to have that information divulged to the HOA Board Member in the household... or anyone else, for that matter!

4. If the HOA decided to take an action against the Town, the Town Council Member who sits on the HOA Board would not have a prohibited Conflict of Interest, but he or she could have voting conflicts at both the HOA and the Town Council level, and if it occurs frequently it could later give rise to a standing conflict where such person would have to choose upon which board to sit. However, I also advise the affected Members of the HOA Board to discuss the ethics of sitting on the HOA Board with Deborah Ross, Esquire, who represents the Sea Walk HOA.

You may also want to review the Informal Opinion of the Florida Attorney General (also attached) which discusses "dual office holding." It is interesting, and points out the HOA members aren't considered as "holding public office," and therefore no issue is triggered.

Another issue which could arise in the Town Council and HOA membership context is simply the attendance by any Town Council Members at the Sea Walk HOA Board or General Meetings. Each member of the Sea Walk community is also a member of the HOA, including those Town Council Members who reside in Sea Walk... but, this alone does not present any conflicts for Town Council Members.

However, speaking at an HOA Meeting could bring about a "sunshine" violation of Sec. 112. Florida Statutes by triggering an "illegal meeting" where two or more Town Council Members wind up discussing business that reasonably could come before the Town Council. For

Telephone and Fax: [REDACTED]

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MEMORANDUM

TO: THE MAYOR AND MEMBERS OF THE OCEAN BREEZE TOWN COUNCIL

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DATE: May 20, 2024

instance if the Town Council Member who sits on the HOA Board were to propose that the HOA Board ask the Town to do something (like repave a street, or add landscape to a common area), and another Town Council Member (who is also a member of the HOA) discusses the matter and voices an opinion either for or against, there would be a de facto violation of the Section 286.011, Florida Statutes for causing an illegal meeting (2 or more council members talking, texting or emailing about something to come before the Town Council, with no public notice, and no Meeting Minutes = an Illegal Meeting)... this is the essence. Below are some additional nuances to be avoided:

So, what constitutes a sunshine meeting?

Any discussions or deliberations, formal or casual, between two or more covered Council Members about a matter which will or is likely to come before the Town Council must be done in the "sunshine." Meetings can include workshops, personal visits, telephone conversations, email communications, text messages, and other interactions where covered material is exchanged, including at social gatherings, or meetings of other boards. Two or more members of the Town Council may see each other socially, but they may not discuss Town Council business. It is important to know that Town Council members may not use third parties, emails, texts, or social media platforms to serve as "go-betweens" to communicate with each other about issues subject to open meeting requirements.

Town Council members and Town staff are also precluded from "polling" the opinions, positions or decisions of Council Members, although it is not unusual for the Town Manager and Town Attorney to be aware of the opinions, positions or decisions of individual members, and this is not a violation of the law, unless it is used to act on a given measure, or circumvent an open meeting. Below is an "excerpt" from the actual statutory provision which pertains to the matter:

286.011 Public meetings and records; public inspection; criminal and civil penalties.—

(1) All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, including meetings with or attended by any person elected to such board or commission, but who has not yet taken office, at which

Telephone and Fax: [REDACTED]

Email: [REDACTED]

MEMORANDUM

TO: THE MAYOR AND MEMBERS OF THE OCEAN BREEZE TOWN COUNCIL

SUBJECT: DUAL MEMBERSHIP ON THE SEA WALK HOA BOARD AND THE TOWN COUNCIL

DATE: May 20, 2024

official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting.

The board or commission must provide reasonable notice of all such meetings.

(2) The minutes of a meeting of any such board or commission of any such state agency or authority shall be promptly recorded, and such records shall be open to public inspection. The circuit courts of this state shall have jurisdiction to issue injunctions to enforce the purposes of this section upon application by any citizen of this state.

(3)(a) Any public officer who violates any provision of this section is guilty of a noncriminal infraction, punishable by fine not exceeding \$500.

(b) Any person who is a member of a board or commission or of any state agency or authority of any county, municipal corporation, or political subdivision who knowingly violates the provisions of this section by attending a meeting not held in accordance with the provisions hereof is guilty of a misdemeanor of the second degree, punishable as provided in s.775.082 [60 days in jail] or s.775.083 [\$500 fine] or both.

(6) All persons subject to subsection (1) are prohibited from holding meetings at any facility or location which discriminates on the basis of sex, age, race, creed, color, origin, or economic status or which operates in such a manner as to unreasonably restrict public access to such a facility.

However, not every meeting of the Town Council must be "public." Some meetings are exempt, and are not public. Colloquially, we call these "shade" meetings. For instance, see the "excerpt" below:

ATTORNEY-CLIENT MEETINGS:

286.011 Public meetings and records; public inspection; criminal and civil penalties.—

(8) Notwithstanding the provisions of subsection (1), any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision, and the chief administrative or executive officer of the governmental entity, may meet in private with the entity's attorney to discuss pending litigation to which the entity is presently a party before a court or administrative agency...

Telephone and Fax: [REDACTED]

Email: [REDACTED]

MEMORANDUM

TO: THE MAYOR AND MEMBERS OF THE OCEAN BREEZE TOWN COUNCIL

SUBJECT: DUAL MEMBERSHIP ON THE SEA WALK HOA BOARD AND THE TOWN COUNCIL

DATE: May 20, 2024

So, as you approach the issue of being a member of the HOA or even if you are on the HOA Board, or if a member of your household is on the HOA Board, please be aware of the issues above, and take particular care not to violate the law. Every year, the Florida Commission on Ethics deals with one or more cases involving this issue, and it can become difficult for the individuals involved.

For instance, while I am available to you for any questions you may have, if you are charged with a violation of the statute by the Florida Commission on Ethics, you likely will need to hire your own attorney, at your own expense (unless later vindicated).

Please let me know if you require any additional information regarding this issue.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Paul J. Nicoletti', with a stylized flourish at the end.

PAUL J. NICOLETTI

Attachments:

CEO 23-2 Conflict of Interest; Voting Conflict

AGO Informal; Dual Office Holding, Homeowners Association

Cc:

Terry O'Neil, Management Consultant

Pam Orr, Permit Processor

Kim Stanton, Town Clerk

Telephone and Fax:



Email:



CONFLICT OF INTEREST; VOTING CONFLICT

MEMBER OF PROPERTY OWNERS ASSOCIATION SERVING ON THE WEST VILLAGES IMPROVEMENT DISTRICT BOARD OF SUPERVISORS

To: Lindsey Whelan, Counsel to the District (West Villages Improvement District)

SUMMARY:

A member of the West Villages Improvement District Board of Supervisors will have a prohibited conflict of interest under the second part of Section 112.313(7)(a), Florida Statutes, where he is a member and an officer of a homeowners' association suing his agency and where he is the designated corporate representative of the homeowners' association in the lawsuit. The Board Member would not have a voting conflict if he voted on matters pertaining to the litigation, due to the size of the class of people affected by such a vote, but the Board Member is encouraged to abstain from such a vote pursuant to Section 286.012, Florida Statutes, to avoid any appearance of impropriety. CEO 77-14, CEO 77-32, CEO 82-14, CEO 84-80, CEO 89-24, CEO 86-41, CEO 90-20, CEO 98-11, CEO 08-22, CEO 10-2, CEO 14-12, CEO 17-4, CEO 19-1, CEO 21-7, and CEO 22-5 are referenced.

QUESTION 1:

Will a member of the West Villages Improvement District Board of Supervisors have a prohibited conflict of interest if he maintains a membership in the nonprofit corporation functioning as the homeowners' association for a community within the District, serves as an officer on that nonprofit corporation, and serves as the designated corporate representative of the nonprofit corporation in a lawsuit against the District?

This question is answered as follows.

You write your inquiry on behalf of a member ("the Board Member") of the West Villages Improvement District Board of Supervisors. According to your inquiry, the Board Member was elected to a four-year term in November 2022. The Board Member was sworn in and seated on December 15, 2022, at which meeting he requested that you, as District counsel, seek this opinion. The Board of Supervisors has five members. At present,^[1] four of the seats on the Board of Supervisors are elected on a one-acre, one-vote basis, but the seat occupied by the Board Member is filled through a district-wide election by qualified electors of the West Villages Improvement District ("the District") rather than on a one-acre, one-vote basis.

The District spans nearly 12,000 acres. Within the bounds of the District lies the Gran Paradiso community, which spans approximately 1,000 acres and has approximately 1,935 residential units. The Gran Paradiso community is operated by the Gran Paradiso Property Owners Association ("the Property Owners Association"). The Board Member owns one residential property within the bounds of the Gran Paradiso community and, for that reason, is required to be a member of the Property Owners Association, which is a nonprofit corporation serving as a homeowners' association pursuant to Chapter 720, Florida Statutes.^[2] In addition to being a member of the Property Owners Association, and prior to his election to the Board of Supervisors, the Board Member became a member of the Board of Directors of the Property Owners Association ("Board of Directors") in March 2022.

The District and the Property Owners Association transact business together through the District's provision of irrigation water to the Property Owners Association.^[3] In December 2020, the Property Owners Association began contracting with the District for the provision of irrigation water at specified rates. Recently, the Property Owners Association initiated a lawsuit against the District, disputing the service and seeking lower rates for the Property Owners Association.^[4] The Board Member has been heavily involved in the lawsuit.

According to your inquiry, he has recently served as the designated corporate representative of the Property Owners Association in the lawsuit, though other corporate officers were available to do so instead, and began testifying as a witness against the District at a preliminary evidentiary hearing in December 2022 regarding a motion for preliminary injunction.^[5]

With this background, you ask whether the Board Member's relationship with the Property Owners Association creates a prohibited conflict of interest for him.

To answer this question, analysis under Section 112.313(7)(a), Florida Statutes, is needed. Section 112.313(7)(a) states:

No public officer or employee of an agency shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he or she is an officer or employee . . . ; nor shall an officer or employee of an agency have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.

There are two prohibitions in Section 112.313(7)(a). The first prohibition of this statute proscribes a public officer from having any contractual relationship with a business entity or an agency that is regulated by or is doing business with his or her agency. The second prohibition of this statute proscribes a public officer from having a contractual relationship that would create a continuing or frequently recurring conflict of interest or would create an impediment to the full and faithful discharge of his or her public duties. This requires an examination of the public officer's duties and a review of his or her private employment or contractual relationship "to determine whether the two are compatible, separate and distinct or whether they coincide to create a situation which tempts dishonor." Zerweck v. State Commission on Ethics, 409 So. 2d 57, 61 (Fla. 4th DCA 1982) (internal quotations omitted).

Regarding the first part of Section 112.313(7)(a), we have opined in the past that a public officer's rank-and-file membership in a nonprofit corporation creates a contractual relationship between the public officer and the nonprofit corporation. See CEO 19-1, CEO 14-12, and CEO 10-2. We have also opined that "a business entity is doing business with an agency where the parties have entered into a lease, contract, or other type of legal arrangement under which one party would have a cause of action against the other in the event of a default or breach." CEO 86-24. Initiating, maintaining, and settling a lawsuit between a business entity and an agency, however, does not constitute "doing business" under the first part of Section 112.313(7)(a). See CEO 22-5, CEO 17-4, and CEO 77-14.

We now analyze the Board Member's situation under the first part of Section 112.313(7)(a). The Board Member has a contractual relationship with the Property Owners Association because he is a member of the nonprofit corporation. While the lawsuit does not constitute "doing business" under the first part of Section 112.313(7)(a), we nonetheless find that the Property Owners Association is doing business with the District because it has contracted with the District for the purchase of irrigation water. The arrangement constitutes "doing business" because the Property Owners Association could initiate, and in fact, has initiated, a cause of action against the District to resolve rights and obligations under that contract. Where the Board Member has a contractual relationship with the Property Owners Association (through his nonprofit membership) and that entity is doing business with the District (through the irrigation water contract), the elements of the first prohibition of Section 112.313(7)(a) are met. In the absence of an exception, a prohibited conflict of interest would be created.

An exception, however, is applicable to negate the conflict. Section 112.313(12)(c), Florida Statutes, says that no person shall be held in violation of Section 112.313(7)(a) where "[t]he purchase or sale is . . . for any utilities service[.]" In CEO 86-41, we found that a city's sale of water to a private business entity that retained a city council member as an engineer was a purchase or sale for a utility service that qualified for this exception. Here, in the Board Member's case, where we also have the sale of water by an agency to a private entity, the exception also applies to negate the conflict.^[6]

We turn now to our analysis under the second part of Section 112.313(7)(a). We have in the past reviewed similar situations to make a determination as to whether a public officer's private contractual

relationships coincide with his or her public duties to create a situation that tempts dishonor as Zerweck requires.

For example, in CEO 82-14, we determined that membership in a voluntary, unincorporated association constituted a contractual relationship with a business entity, but that mere membership in that association, without additional facts indicating the public officer could be tempted to dishonor their public responsibilities, was not enough to find a continuing and frequently recurring conflict under the second part of Section 112.313(7)(a).

In CEO 90-20, a member of an unincorporated association challenging the city's special tax assessments in court was elected to the city council. Upon his election, he resigned his post as chairman of the unincorporated association and had his name removed as one of the named plaintiffs in the class action lawsuit. Under those facts, specifically relying upon the councilmember's efforts to divorce himself in his private capacity from the ongoing lawsuit and remove himself as a representative of the group in the lawsuit, we found no prohibited conflict of interest under the second part of Section 112.313(7)(a), even though he remained a member of the association.

In CEO 08-22, we considered a city councilmember who was a member and the chairman of a registered political action committee that was suing his city. The city councilmember terminated his service as an officer or director of the political action committee, though he continued to be a dues-paying member of it. We found that where the councilmember merely had membership in the organization that was suing his agency, but was not an officer or director, a prohibited conflict of interest was not created under the second part of Section 112.313(7)(a).

It is clear from these three opinions that while membership in an unincorporated association or political action committee creates a contractual relationship with that entity, that membership is not enough to create a continuing or frequently recurring conflict under the second part of Section 112.313(7)(a). However, when the membership is coupled with an additional incentive to compromise one's public duties, such as serving as an officer or director of the organization, or serving as its designated corporate representative in litigation, the prohibition in the second part of the statute will apply.

We believe the analytical framework set forth in CEO 82-14, CEO 90-20, and CEO 08-22 is applicable to members of nonprofit corporations, as well. In the Board Member's case, a conflict of interest under the second part of Section 112.313(7)(a) will be present if he continues to be a representative of the Property Owners Association (nonprofit corporation) in the lawsuit and continues to be an officer in the Property Owners Association (nonprofit corporation) while he maintains a membership in the nonprofit organization and holds office on the Board.^[7] While he serves as an officer and as a designated corporate representative of the Property Owners Association, he is in a situation where he owes obligations to those on both sides of the lawsuit and he could be tempted to compromise his public responsibilities.

To avoid a conflict of interest going forward, he should either (1) end his membership in the Property Owners Association (eliminating the contractual relationship that is a predicate to finding a violation),^[8] (2) resign as an officer of the Property Owners Association and remove himself from all representative capacities in the lawsuit (eliminating the facts and circumstances that might tempt him to dishonor his public responsibilities),^[9] or (3) leave his public position.^[10]

QUESTION 2:

Would the Board Member have a voting conflict if the Board were posed with a vote concerning the litigation between the District and the Property Owners Association?

This question is answered as follows.

You ask whether a voting conflict will exist if the Board Member votes on a matter pertaining to the litigation between the District and the Property Owners Association.

Section 112.3143(3)(a) provides:

No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any

principal by whom he or she is retained or to the parent organization or subsidiary of a corporation parent by which he or she is retained, other than an agency as defined in s. 112.312(2); or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer.

The statute prohibits the Board Member from voting on any measure that will inure to his special private gain or loss, or to the special private gain or loss of a principal by whom he is retained, a relative, or a business associate. There is nothing in the facts presented to indicate that a principal by whom the Board Member is retained, a relative, or a business associate would be affected by a vote pertaining to the litigation. The Property Owners Association is not a principal by whom the Board Member is retained because it does not compensate him. See CEO 84-800. Therefore, we are only concerned with whether the vote would create a special private gain or loss for the Board Member himself.

We have opined before that where the size of the class of people affected by a vote is sufficiently large, and a public officer's proportional interest in the class of those affected by the vote is sufficiently small, a public officer's gain or loss from the vote cannot be said to be "special" as would be required to find a voting conflict under Section 112.3143(3).

Here, although a vote relating to the litigation could create a gain or loss for the Board Member himself, depending on the specific nature of the vote, he is just one member of the Property Owners Association, which has 1,935 residential units^[11] that would be affected in substantially the same manner by the litigation. For this reason, a voting conflict would not be created if the Board Member voted on a matter pertaining to the litigation. ^[12] That being said, we believe voting on such a matter would create the appearance of impropriety and raise questions about the Board Member's objectivity, given his private interests and level of involvement in the lawsuit. We do not think it would instill public confidence in government for the Board Member to participate in such a vote and we would strongly encourage him, as we suggested to a similarly-situated public officer in CEO 21-7, to invoke Section 286.012, Florida Statutes, and abstain from such a vote, instead.^[13]

If the Board Member does choose to vote on such a matter, he must take great care not to violate Section 112.313(6), Florida Statutes, and Article II, Section 8(h)(2), Florida Constitution, which prohibit public officers and employees from abusing or misusing their positions with a wrongful intent to achieve a benefit for themselves or certain others.

QUESTION 3:

Would the Board Member have a prohibited conflict of interest if a nonprofit corporation and political committee of which he is an officer, or the Board Member personally, litigate against the City of North Port?

This question is answered in the negative.

In your inquiry, you explain the Board Member also is the chairman of West Villagers for Responsible Government, Inc. ("WVRG"), a nonprofit corporation and a political action committee. In October 2020, WVRG began petitioning the City of North Port ("the City") to de-annex a significant portion of lands from the City's geographical boundaries. These lands, however, also fall within the District's boundaries. In October 2022, the City rejected the petition to de-annex. In December 2022, WVRG and the Board Member in his personal capacity filed a Petition for Writ of Certiorari with the Twelfth Judicial Circuit Court to quash the City's order regarding de-annexation. While the District is not a party to the litigation, you estimate it could incur substantial costs as a consequence of the proposed de-annexation, including costs to renegotiate agreements with the County, costs to obtain permits with the County, and legal and engineering costs to amend its enabling legislation and effectuate the separation from the City.

With this background, you ask whether the Board Member will have a prohibited conflict of interest as a result of the litigation with the City.

Even assuming the Board Member holds a membership in WVRG, there is no indication that WVRG is doing business with or is regulated by the District, which is the Board Member's agency. Thus, there is not a conflict under the first part of Section 112.313(7)(a). Regarding the second part of Section 112.313(7)(a), once

again assuming that the Board Member holds a membership in WVRG, there is no indication that the Board Member's public responsibilities to the District bear any relation to the lawsuit against the City. The District is not a party to the case and there is no official decision-making to be taken by the Board of Supervisors that would affect the course of the litigation. Although the District could have substantial costs as a consequence of the lawsuit, those costs are not damages or fees derived from engagement in the litigation, but business expenses that will be necessary to adapt to a ruling that orders de-annexation. Because the public position of the Board Member and his private interests concerning the City lawsuit do not coincide to tempt him to dishonor his public responsibilities, there is no conflict under the second part of Section 112.313(7)(a).^[14]

You ask whether District votes regarding development matters in the proposed de-annexation areas would create a voting conflict for the Board Member. Because it does not appear that votes on development in the de-annexation areas would create a special private gain or loss for the Board Member or any relative, business associate, or principal by whom he is retained, there is no voting conflict under Section 112.3143(3).

Your questions are answered accordingly.

ORDERED by the State of Florida Commission on Ethics meeting in public session on March 10, 2023, and **RENDERED** this 15th day of March, 2023.

Glenton "Glen" Gilzean, Jr., *Chair*

^[1] Originally, all five of the Board seats were elected on a one-acre, one-vote basis. See Chapter 2004-456, Section 5(1), Laws of Florida. In compliance with Section 189.041(3), Florida Statutes, the composition of the Board has begun to transition such that one of the Board seats is elected by the qualified electors of the District.

^[2] Section 720.301(9), Florida Statutes, defines a "homeowners' association" as:

a Florida corporation responsible for the operation of a community or a mobile home subdivision in which the voting membership is made up of parcel owners or their agents, or a combination thereof, and in which membership is a mandatory condition of parcel ownership, and which is authorized to impose assessments that, if unpaid, may become a lien on the parcel. The term "homeowners' association" does not include a community development district or other similar special taxing district created pursuant to statute.

Relevant to this inquiry, a homeowners' association has the power to commence litigation. Section 720.303(1), Florida Statutes, states in part:

Before commencing litigation against any party in the name of the association involving amounts in controversy in excess of \$100,000, the association must obtain the affirmative approval of a majority of the voting interests at a meeting of the membership at which a quorum has been attained.

^[3] Your inquiry does not detail any other ongoing business transactions between the District and the Property Owners Association.

^[4] We note that the Board Member has contacted Commission staff to dispute the Requestor's (District counsel's) description in the ethics inquiry of certain details pertaining to the lawsuit. The particulars of the lawsuit are not relevant to this opinion, except that there is a lawsuit and the Board Member is involved in it, and there seems to be no material dispute over those two facts. To the extent that the Board counsel who requested the opinion and the Board Member seem to disagree over the facts, we reassure both that the differences are immaterial for purposes of this analysis.

^[5] Apparently, direct testimony had occurred, but cross-examination and redirect had not. Further hearings are scheduled for February 2023 and it is expected the Board Member's witness testimony would conclude then.

^[6] A second, though less permanent, exception is also available. We have found in the past that Section 112.316, Florida Statutes, operates to effectuate a "grandfathering" of a contractual relationship where a public officer's contractual relationship with a business entity and that business entity's "doing business" relationship with the public officer's agency both precede the public officer's assumption of office, at least until the contract terms are changed or amended. See CEO 22-5 for a lengthy discussion of grandfathering under Section 112.316 as applied to conflicts under the first part of Section 112.313(7)(a).

[7] We are not aware of any exceptions that would be applicable to the scenario presented to negate the conflict. We find that the exception in Section 112.313(7)(a)1., Florida Statutes, does not apply here given that the conflict derives from the representation of a business entity before and/or against the Board Member's agency. As we opined in CEO 77-32, the exception does not apply to negate a conflict of this nature. The exception found in Section 112.313(15), Florida Statutes, which creates an exception for those who are employed by a tax-exempt organization under s. 501(c) of the Internal Revenue Code and meet certain other criteria, is also not applicable. As we discussed in CEO 98-11, Note 2, this exception "speaks to the holding of employment and not the holding of a contractual relationship," and the Board Member is not employed by the nonprofit corporation; he holds a contractual relationship with it through his membership.

[8] We recognize the difficulties with this option given that "membership [in the homeowner's association] is a mandatory condition of parcel ownership." § 720.301(9), Fla. Stat.

[9] Assuming the Board Member is offering uncompensated testimony (e.g., that he is not an expert witness that has been retained to testify against his agency), we believe the Board Member can continue to be a fact witness in the case. See CEO 91-66 and CEO 94-32. The Code of Ethics does not operate to prevent public officers from offering uncompensated, truthful testimony in a court of law, even if that uncompensated testimony might serve interests counter to the agency's position in the litigation.

[10] In correspondence and telephonic communications with Commission staff, the Board Member has asked whether abstaining from votes concerning the lawsuit would cure his conflicting contractual relationship. As we opined in CEO 94-5:

Compliance with the voting conflicts law (Section 112.3143, Florida Statutes), which would include abstention from voting or participation in matters involving [those with whom the public officer has a contractual relationship], does not obviate the conflict under Section 112.313(7)(a). Nothing in Section 112.313(7)(a) indicates that compliance with Section 112.3143 creates an exemption from [its] application Moreover, we do not believe that abstention should have the effect of creating an exemption, because [a public officer's] duties are not confined to voting on or participating in matters which come before [his or her board] for formal consideration[.]"

See also CEO 12-9; accord In re Milton West, Complaint No. 16-032, Final Order No. 17-057, aff'd by sub nom. Milton West v. Comm. On Ethics, 5D17-2075 (Fla. 5th DCA 2018).

[11] The Board Member has informed Commission staff he believes there are over 1,800 individual property owners of the 1,935 residential units in the Gran Paradiso community.

[12] We note that the exception to the voting conflict law found in Section 112.3143(3)(b), Florida Statutes, does not apply to the Board Member because the Board Member was not elected on a one-acre, one-vote basis, even though his colleagues on the Board were.

[13] Section 286.012 allows a public officer to abstain from a vote if there is or appears to be a possible conflict under Section 112.3143 or Section 112.313. If a public officer does abstain for that reason, Section 286.012 requires them to comply with the disclosure requirements of Section 112.3143.

[14] If, however, the District joins the lawsuit at some point, then the facts will resemble the scenario presented in Question 1.



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DUAL OFFICE HOLDING, HOMEOWNERS ASSOCIATION

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Number: INFORMAL

Issued March 07, 2007

Ms. Patricia J. Burke
Town Clerk
Town of Palm Shores
5030 Paul Hurtt Lane
Palm Shores, Florida 32940-7200

Dear Ms. Burke:

This is in response to your request for assistance in determining whether a board member of a homeowners association may also sit on the town's planning and zoning board or town council, when the approval of building plans by the association will be reviewed by the board or council. You also ask whether dual membership on the board of the homeowners association and the town board or council creates a conflict when voting on matters that may come before the association board and the town board or council.

You state that there are two homeowners associations in the Town of Palm Shores that act as the governing bodies of their respective subdivisions. All building plans for construction in a subdivision are initially approved by the homeowners association, then forwarded to the town planning and zoning board, the local planning agency, and the town council for final approval.[1] Currently, the president of one of the homeowners associations sits on the town's planning and zoning board.

board. The treasurer and a member of one of the association's board of directors are newly elected to the town council.

Initially, I would note that questions of conflict of interests should be addressed to the Florida Commission on Ethics.[2]

Moreover, absent a request from a majority of the members of the town council, this office may not offer a formal opinion; rather, the following informal comments are provided. It is assumed that you are concerned about the dual officeholding prohibition in Article II, section 5(a), State Constitution, which provides:

"No person holding any office of emolument under any foreign government, or civil office of emolument under the United States or any other state, shall hold any office of honor or of emolument under the government of this state. *No person shall hold at the same time more than one office under the government of the state and the counties and municipalities therein*, except that a notary public or military officer may hold another office, and any officer may be a member of a constitution revision commission, taxation and budget reform commission, constitutional convention, or statutory body having only advisory powers." (e.s.)

This constitutional provision prohibits a person from simultaneously holding more than one "office" under the government of the state, counties and municipalities. The prohibition applies to both elected and appointed offices.[3] While the term "office" is not defined by the Florida Constitution for purposes of the dual officeholding prohibition, The Supreme Court of Florida has stated:

"The term 'office' implies a delegation of a portion of the sovereign power to, and the possession of it by, the person filling the office The term 'office' embraces the idea of tenure, duration, and duties in exercising some portion of the sovereign power, conferred or defined by law and not by contract." [4]

Thus, in order to have an office, for purposes of the dual officeholding prohibition, there would have to be a delegation of a portion of the sovereign power by law "and not by contract." While the restrictive covenants of a development may contain a provision that all building plans be reviewed and approved by an architectural review board for approval, such covenants are not "by law" and could not operate to delegate a portion of the town's sovereign authority.[5]

I would note that in Attorney General Opinion 99-53, this office concluded that an architectural review committee of a homeowners' association was subject to the Government in the Sunshine Law and the Public Records Law where that committee, pursuant to county ordinance, was required to review and approve applications for county building permits. Application of the Government in the Sunshine Law and the Public Records Law, however, is broader than the constitutional dual officeholding prohibition in that the open government laws extend to private organizations acting on behalf of a governmental entity.[6] Thus, while a neighborhood association may be subject to the Government in the Sunshine Law and the Public Records Law, such responsibility does not by itself make the officers of the organization public officers for purposes of the dual officeholding prohibition in section 5(a), Article II, of the Florida Constitution.

I trust that these informal comments will be of assistance to you in resolving the issues you have raised. Should a majority of the members of the town's council wish to request an opinion of this office, we would be happy to consider such a request.

Sincerely,

Lagran Saunders
Assistant Attorney General



[1] Section 25, Palm Shores Estates, Inc., Declaration of Restrictions, Limitations, Conditions and Agreements, November 8, 1988, stating: "Prior written approval of the Architectural Control Committee of property owners association shall be obtained prior to the obtaining of a building permit from any governmental authority."

[2] See s. 112.322(3)(a), Fla. Stat., stating:

"Every public officer, candidate for public office, or public employee, when in doubt about the applicability and interpretation of this part or s. 8, Art. II of the State Constitution to himself or herself in a particular context, may submit in writing the facts of the situation to the Commission on Ethics with a request for an advisory opinion to establish the standard of public duty. . . ."

[3] See Ops. Att'y Gen. Fla. 69-2 (1969) and 80-97 (1980).

[4] See *State ex rel. Holloway v. Sheats*, 83 So. 508, 509 (Fla. 1919).

[5] A review of the Code of Ordinances, Town of Palm Shores, Florida, codified through Ord. No. 2000-03, enacted May 23, 2000, does not indicate that the permitting process has been delegated to the homeowners association, nor is there any Florida Statute recognizing that private entities, such as homeowners associations, possess sovereign powers.

[6] See *Stanfield v. Salvation Army*, 695 So. 2d 501, 503 (Fla. 5th DCA 1997) (private corporation taking over the county's role as the provider of probation services subject to Chapter 119, Fla. Stat.).

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Office of the Attorney General
State of Florida
PL-01, The Capitol
Tallahassee, FL 32399-1050



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Town Clerk

C.

From: Glynn, Michael <glynnm@martinschools.org>
Sent: Monday, June 10, 2024 7:56 AM
To: Town Clerk
Cc: Permits; Terry O'Neil (terracewoneil@gmail.com); Carly Batts
Subject: RE: Environmental Studies Center- Shoreline Restoration
Attachments: Shoreline Restoration Project PRINT READY JPG (002).jpeg

Good morning, I hope everyone is doing good and enjoying summer. Which doesn't start for a week or so. That's why we are still experiencing this chill weather.

See attached shoreline project sign. Please review and let us know if you have any questions or comments.

Thanks and have a great week.

Mike Glynn

Environmental Studies Center

Plant Operator

Martin County Schools

#MCSDBetterTogether

2900 NE Indian River Dr

Jensen Beach, Florida 34957

Office: 772.219.1887 ext. 59108

Cell: 772-238-0055

Email- glynnm@martinschools.org

Size: Same size as othe kiosk
location: across Indian River Drive from
Environmental Studies Center by the
other educational Kiosk sign

From: Town Clerk <townclerk@townofoceanbreeze.org>
Sent: Wednesday, April 24, 2024 1:01 PM
To: Glynn, Michael <glynnm@martinschools.org>
Cc: Permits <permits@Townofoceanbreeze.org>; Terry O'Neil (terracewoneil@gmail.com) <terracewoneil@gmail.com>; Carly Batts <bthechangenatives@gmail.com>
Subject: RE: Environmental Studies Center- Shoreline Restoration

This Message Is From an External Sender

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Great, thanks for the update.

Kim Stanton
Town Clerk

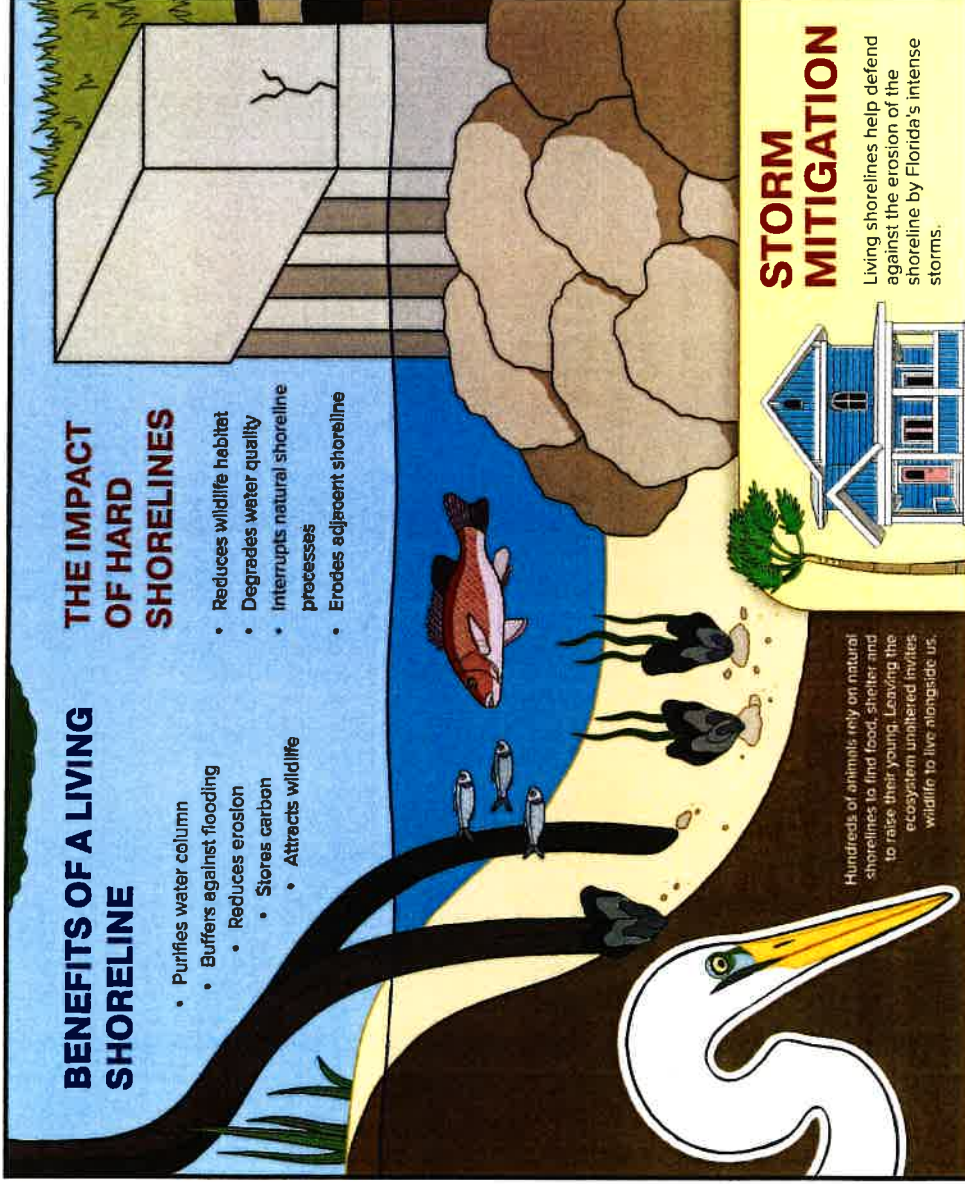


LIVING SHORELINE AT THE MCSD ENVIRONMENTAL STUDIES CENTER



Sea Grant
FLORIDA

UF IFAS Extension
UNIVERSITY of FLORIDA



WHAT IS BEING DONE?

This shoreline restoration project is part of an on-going effort aimed at ensuring the health and stability of the Indian River Lagoon and its vital marine ecosystem.

This process involved systematically removing aggressive invasive plants along the approximately 250 feet of shoreline. In their place, native plants were strategically installed to establish a resilient and beneficial living shoreline. Post-installation, a vigilant monitoring system has been implemented to ensure the survival of the native plants, thereby fostering a sustainable shoreline.

HOW TO GET A LIVING SHORELINE STARTED

- Identify potential shorelines for restoration by evaluating the severity of erosion and identifying other restoration goals (enhancing habitat and biodiversity, improving water quality, removing invasive species).
- Contact relevant local city and county officials or organizations such as Seagrass for guidance and express your interest in the project.
- Contact and engage restoration practitioners with experience in living shorelines.
- Secure proper permissions and clearances and proceed with collecting funds and resources to begin the project.



Town of Ocean Breeze

Effective Immediately: Ordinance No. 331-2023 is an Ordinance which changed the Town of Ocean Breeze Regular Town Council Meeting times, which are held on the second Monday of each month. During the months of January, April, July, and October the times were changed from 10:30 am to 6:00 pm. Going forward, the new schedule for Regular Town Council Meetings is as follows:

Monday, June 10, 2024: 10:30 am – CANCELED MEETING DUE TO NO QUORUM

Monday, July 8, 2024: 6:00 pm

Wednesday, July 24, 2024: 6:00 pm – Special Meeting and Public Hearing Workshop for setting Millage Rate and Budget for FY 2024/2025

Monday, August 12, 2024: 10:30 am

Monday, September 9, 2024: 10:30 am

Wednesday, September 11, 2024: 6:00 pm – Public Hearing for setting of Tentative Millage Rate and Budget for FY 2024/2025

Wednesday, September 25, 2024: 6:00 pm – Public Hearing and Adoption of final Millage Rate and Budget for FY 2024/2025

Monday, October 14, 2024: 6:00 pm

~~Monday, November 11, 2024: 10:30 am~~ Veteran's Day Holiday (Town office closed)

Tuesday, November 12, 2024: 10:30 am

Monday, December 9, 2024: 10:30 am

Monday, January 13, 2025: 6:00 pm

Monday, February 10, 2025: 10:30 am

Monday, March 10, 2025: 10:30 am

Budget hearings dates are listed in "red".

**All meetings are held at the Ocean Breeze Clubhouse, Pineapple Bay Room,
700 NE Seabreeze Way, Ocean Breeze, Florida**

*P. O. Box 1025 • Jensen Beach, FL 34958
Office: 772-334-6826 • Fax: 772-334-6823
email: townclerk@townofoceanbreeze.org • website: townofoceanbreeze.org*

MARTIN COUNTY ►
PUBLICWORKS
@WORK

NE Jensen Beach Blvd Resurfacing Savannah Rd to Indian River Dr **Project construction starting mid-July 2024**

The project will consist of milling and resurfacing NE Jensen Beach Blvd from NE Savannah Rd to NE Indian River Drive along with new pavement markings. The project also includes sidewalk reconstruction and stormwater infrastructure repair.

For more information contact:

► **Charly Perez**

cperez@martin.fl.us or call (772) 320-3162



Frequently Asked Questions

When can I expect construction work to begin?

Construction will begin mid-July 2024. The schedule for work will be Monday - Friday 7 am - 5 pm. Our entire team prioritizes being good partners and minimizing construction impacts to the area.

Will I have access?

The contractor is required to allow access during construction. There will be times that access to businesses and the parking in downtown will be limited.

When will the paving portion of the project begin?

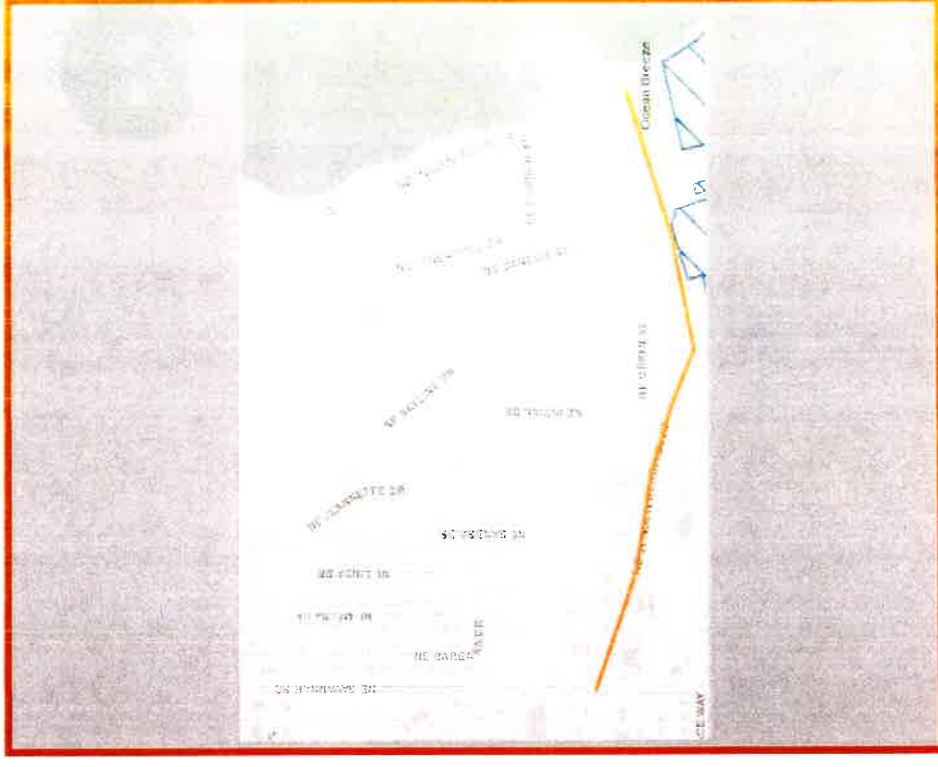
The paving portion of the project will start mid-summer. During these times there may be some limited access where the paving is taking place.

What to expect with construction?

- Intermittent lane closures and sidewalk closures
- Improvements to all curb ramps
- Drainage structure repairs
- Intersection improvements at Skyline

More FAQs located here:

► MARTIN.FL.US/JBBldResurfacing





ADDITIONAL BLUE SHEET ITEM

PAUL J. NICOLETTI

Attorney at Law

MEMORANDUM

TO: THE MAYOR AND MEMBERS OF THE OCEAN BREEZE TOWN COUNCIL

SUBJECT: UPDATE ON PLANNED UNIT DEVELOPMENT CLOSEOUT

DATE: JULY 2, 2024

THIS MEMORANDUM IS PUBLIC RECORD

FORESTAR (SEA WALK PUD): On June 29, 2024, the Town received an email from Zach Griffin on behalf of Forestar transmitting an electronic file containing 1082 pages of material, purporting to be all the documents needed for the closeout of the Planned Unit Development. I have responded to their attorney, Will McFetridge, Esq., indicating that the Town reserves the right to review all the material and comment back to them on or before August 1, 2024. The Town's comments would pertain to any missing or incomplete materials, or any materials which are non-responsive to the items in the matrix sent to Forestar on March 8, 2024, by me. At this point we are hopeful Forestar representative see the wisdom of complying with the requirements posed to them. If the Town staff does have comments, questions or further direction to give to Forestar, we would provide a reasonable amount of time to respond and comply. It would surprise and delight me if Forestar is in complete compliance with the requirements needed to close out the PUD, but if that is the case, we will use our best efforts to bring that matter to you at the August 12, 2024, Town Council Meeting. Either way, we will advise you accordingly.

SUN COMMUNITIES' PUD: On May 9, 2024, the Town received an email from Brad Pinover, Senior Vice President of Sun Communities, Inc., requesting a 45-day extension in which to respond to the Town's July 1, 2024, deadline. As of today, this 45-day extension has not been granted. Technically, they have made a timely request, and the ball for this matter is in our court. However, I have been working with Bob Raynes, Esq. in relation to the Sun Communities closeout, and most recently, they have asked for clarification regarding even the need to close out the infrastructure permit, consistent with the PUD master plan. My most

Telephone and Fax: +1 [REDACTED]

Email: [REDACTED]

MEMORANDUM

TO: THE MAYOR AND MEMBERS OF THE OCEAN BREEZE TOWN COUNCIL

SUBJECT: UPDATE ON PLANNED UNIT DEVELOPMENT CLOSEOUT

DATE: July 3, 2024

recent meeting with Mr. Raynes was such that he was looking at the items contained in the "development conditions" of PUD Ordinance No. 220-2015, and has taken a preliminary position that the items in areas 1A, 1B, 2, and the Waterfront (essentially all of the development except the Infill Area), as specified in the Timetable of Development for Phases 1 through 6 do not require any "closeout" as they were completed and accepted by the Town. He also points out the Infill Redevelopment area at the bottom of the Timetable reads "Improvements for Area outlined as Infill in the Master Site Plan including master site plan shall commence with approval of Ocean Breeze PUD, as sites become available." There is also an Execution Date of "On or before Jan 31st, 2022" and the notation of "Continuous infill efforts occurring simultaneously and independently of other phases." Having discussed this with Terry O'Neil, neither of us are aware of any reason this phasing schedule in the PUD ordinance gives Sun Communities the comfort they are seeking. It is obvious to us that Sun Communities performed some infrastructure work in the "infill" area, without benefit of any design, permit, or inspection. MacKenzie Engineering summarized this work in a memorandum to the Town dated June 28, 2021 (copy attached). This is a long way of saying that Town staff and I will need additional time to confer with the Sun Communities staff and contracted professionals regarding their intent to complete the permitting and closure of the PUD. This PUD is not as straight-forward as Sea Walk, and there is considerable infrastructure work yet to be done. As the attorney representing and advising you, I am most concerned about the lack of a fully operational potable water system. It seems every few weeks there is a water line break which causes more than a minor inconvenience to some of the residents. However, the major concern is for adequate "fire flow" meaning the water being available when needed to fight a structure fire. As a result, I am inclined to grant an additional 45 days (or even more) if Sun Communities agrees to address this public safety issue. If and when permitting is underway for the replacement of the Infill water line (which apparently is currently being partially addressed), I will likely recommend that Sun Communities bond out the project (or provide some other surety acceptable to the Town).

Respectfully submitted,

/Original Signed/

Telephone and Fax: +1 [REDACTED]

Email: [REDACTED]

MEMORANDUM

TO: THE MAYOR AND MEMBERS OF THE OCEAN BREEZE TOWN COUNCIL

SUBJECT: UPDATE ON PLANNED UNIT DEVELOPMENT CLOSEOUT

DATE: July 3, 2024

PAUL J. NICOLETTI

Cc: Terry O'Neil, Mgmt. Consultant; Pam Orr, Permit Processor; Kim Stanton, Town Clerk

Telephone and Fax: +1 [REDACTED]

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