



## TOWN COUNCIL AGENDA REGULAR MEETING

THURSDAY  
JULY 15, 2021 – 6:00 P.M.

TOWN COUNCIL CHAMBERS  
4300 S. ATLANTIC AVENUE, PONCE INLET, FL

**SUNSHINE LAW NOTICE FOR BOARD MEMBERS – Notice is hereby provided that one or more members of the Town’s various boards may attend and speak at this meeting.**

A complete copy of the materials for this agenda is available at Town Hall.

1. CALL TO ORDER.
2. PLEDGE OF ALLEGIANCE.
3. ROLL CALL.
4. ADDITIONS, CORRECTIONS OR DELETIONS TO THE AGENDA.
5. PROCLAMATIONS, PRESENTATIONS, AND AWARDS:
  - A. Introductory presentation from Will Roberts, Volusia County Tax Collector.
6. **CONSENT AGENDA** - *Items on the consent agenda are defined as routine in nature that do not warrant detailed discussion or individual action by the Council; therefore, all items remaining on the consent agenda shall be approved and adopted by a single motion, second and vote by the Town Council. Items on the consent agenda are not subject to discussion. **Any member of the Town Council may remove any item from the consent agenda simply by verbal request at the Town Council meeting.** Removing an item from the consent agenda does not require a motion, second or a vote; it would simply be a unilateral request of an individual Council member and this item would then be added as the last item under New Business. As with all agenda items, the public will have the opportunity to comment prior to a motion being placed on the floor and their comment(s) may persuade Council to remove the item from the Consent Agenda and place under New Business for discussion.*
  - A. Approval of the Town Council regular meeting minutes – June 17, 2021.
  - B. Approval of request from chief of police to use contraband/forfeiture funds for the purchase of 3 rifles with accessories in the amount of \$3,539.
  - C. Request for an increase in the hourly rate for labor and employment attorney services, from the law firm of Fisher Phillips; the current rate is \$280/hr and the new rate is \$295/hr.

7. OLD/NEW BUSINESS ITEMS PREFERRED AT THE BEGINNING OF THE MEETING:
  - A. Consideration of appointment to the Code Enforcement Board.
  - B. Plaque for the dedication of the Ponce Inlet's fire department building as the *Carolyn Anna Sprague Firehouse – initially requested by Councilmember Israel.*
8. PUBLIC HEARINGS / QUASI-JUDICIAL MATTERS: None.
9. PUBLIC HEARINGS / NON-QUASI-JUDICIAL MATTERS: None.
10. CITIZENS' PARTICIPATION (*Citizens' comments are limited to 5 minutes in duration and must pertain to a topic related to Town business not listed on the agenda.*)
11. ORDINANCES (FIRST READING) AND RESOLUTIONS:
  - A. Resolution 2021-05, adopting a proposed millage rate for fiscal year 21/22.
  - B. Resolution 2021-06, to join with the State of Florida other various local governments in a unified plan for the allocation and use of prospective settlement dollars from the opioid related litigation.
12. OLD BUSINESS:
  - A. Ponce Inlet Welcome Packet.
  - B. Proposal to place a time limit of four hours on the car parking spots at the Ponce Inlet boat ramp parking lot – *initially requested by Councilmember Israel.*
13. NEW BUSINESS:
  - A. Appointment of a member of the town council to serve on the canvassing board for the August 17<sup>th</sup>, 2021 town election.
  - B. Appointment of a voting delegate for the Florida League of Cities Annual Conference business meeting, to be held August 14<sup>th</sup>, 2021.
  - C. Proposal to establish town council term limits – *requested by Councilmember Israel.*
  - D. Protecting condominium residents via statutory changes approved by the Florida State Legislature – *requested by Vice-Mayor Paritsky.*

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- E. Proposal to initiate a process to explore design and funding options for the potential replacement of the Town's fire station and community center with new and updated facilities – *requested by Vice-Mayor Paritsky.*

14. FROM THE TOWN COUNCIL:

- A. Vice-Mayor Paritsky, Seat #5
- B. Councilmember Israel, Seat #4
- C. Councilmember Caswell, Seat #3
- D. Councilmember Milano, Seat #2
- E. Mayor Smith, Seat #1

15. FROM THE TOWN MANAGER.

16. FROM THE TOWN ATTORNEY.

17. ADJOURNMENT.

Upcoming Council Meetings:

- Thursday, August 19, 2021 at 6:00 p.m. – Regular Council Meeting

*If a person decides to appeal any decision made by the Town Council with respect to any matter considered at a meeting or hearing, he/she will need a record of the proceedings and that for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons who require an accommodation in order to attend this meeting should contact the Ponce Inlet Town Hall at 236-2150 at least 3 business days prior to the meeting in order to request such assistance.*



**Meeting Date:** July 15, 2021

**Agenda Item:** 5

## Report to Town Council

**Topic:** Introductory presentation from Will Roberts, Volusia County Tax Collector.

**Recommended Motion:** None required.

**Summary:** Vice-Mayor Paritsky invited Mr. Roberts to attend one of our Town Council meetings for an introductory presentation regarding services available in this newly defined Volusia County agency.

**Requested by:** Vice-Mayor Paritsky

**Approved by:** Ms. Witt, Town Manager



**Meeting Date:** July 15, 2021

**Agenda Item:** 6

## Report to Town Council

**Topic:** Consent Agenda

**Recommended Motion:** Approval of consent agenda.

### Summary:

A. Approval of the Town Council regular meeting minutes – June 17, 2021.

B. Approval of request from chief of police to use contraband/forfeiture funds for the purchase of 3 rifles with accessories in the amount of \$3,539.

C. Request for an increase in the hourly rate for labor and employment attorney services, from the law firm of Fisher Phillips; the current rate is \$280/hr and the new rate is \$295/hr.

**Requested by:** Ms. Cherbano, Human Resources Director/Deputy Clerk; and Chief Glazier, Police Chief.

**Approved by:** Ms. Witt, Town Manager

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**Town of Ponce Inlet**  
**Town Council**  
**Regular Meeting Minutes**  
**June 17, 2021**

1. **CALL TO ORDER:** Pursuant to proper notice, Mayor Smith called the meeting to order at 6:00 p.m. in the Council Chambers at 4300 South Atlantic Avenue, Ponce Inlet, Florida.

2. **PLEDGE OF ALLEGIANCE:** Mayor Smith led the Pledge of Allegiance.

3. **ROLL CALL:**

Mayor Smith, Seat #1  
Councilmember Milano, Seat #2  
Councilmember Caswell, Seat #3  
Councilmember Israel, Seat #4  
Vice-Mayor Paritsky, Seat #5

All members of Council were present; there were no absences.

**Staff Members Present:**

Mr. Baker, Chief Building Official  
Ms. Cherbano, Human Resource Director/Deputy Clerk  
Mr. Disher, Planning & Development Director  
Ms. French, Cultural Services Manager  
Lt. Mead, Police Dept.  
Ms. Hugler, Office Manager (FD); A/V Assistant  
Mr. Miller, Public Works Manager  
Chief Scales, Fire Dept.  
Attorney Shepard, Town Attorney  
Deputy Chief Taylor, Fire Dept.  
Ms. Witt, Town Manager

4. **ADDITIONS, CORRECTIONS OR DELETIONS TO THE AGENDA:** Mayor Smith asked if there were any changes. Councilmember Israel requested to add agenda item 13-B, "Discussion of Council Term Limits"; Council noted the importance of "public noticing protocols" to ensure that Council, staff, and the public have sufficient time to research and prepare for agenda items; accordingly, Councilmember Israel requested this item be placed on next month's agenda. Ms. Witt requested to add the *Ponce Inlet Election Qualifying Update* as agenda item 7-A for information only, no action; and to re-letter the other items accordingly. The agenda was adopted as amended, 5-0.

*Vice-Mayor Paritsky moved to adopt the agenda as amended; seconded by Councilmember Caswell. The motion PASSED 5-0, consensus.*

5. **PROCLAMATIONS, PRESENTATIONS, AND AWARDS:** None.

47 **6. CONSENT AGENDA:** Mayor Smith asked if there was any item Council would like to  
48 remove from the consent agenda or to discuss; there were none. Mayor Smith opened public  
49 comments - hearing none, he closed public comments. Councilmember Israel referenced line 591  
50 and expressed his disagreement with Councilmember Caswell's statement that "residents went  
51 away more frustrated because they could not get answers"; he stated he has received positive  
52 feedback from residents stating their appreciation of his town hall style meetings and wanted that  
53 to be part of the record. There were no changes to the proposed minutes.

54  
55 **A. Approval of the Town Council regular meeting minutes – May 20, 2021.**

56  
57 Vice-Mayor Paritsky moved to approve the Consent Agenda as presented; seconded by  
58 Councilmember Caswell. The motion PASSED 5-0, consensus.

59  
60 **7. OLD/NEW BUSINESS ITEMS PREFERRED AT THE BEGINNING OF THE**  
61 **MEETING:**

62  
63 **A. Discussion by Town Attorney and Supervisor of Elections relating to election**  
64 **qualifying.** Ms. Witt stated that Mr. Goudie expressed concerns that staff had not properly  
65 processed his candidate petitions for the upcoming election and therefore, he requested that the  
66 Town re-open election qualifying. She forwarded those concerns to Attorney Shepard's office,  
67 which reviewed the information. Attorney Shepard referred to his office's memorandum dated  
68 June 17, 2021, titled: *Verification of Candidate Petitions* (Attachment 1), which outlined the facts,  
69 reviewed the election process, and conclusions. Attorney Shepard stated it is important to note that  
70 the Town *never* disqualified Mr. Goudie and that it is incumbent upon the candidate to follow  
71 applicable laws and rules when seeking to qualify as a candidate for public office. Lisa Lewis,  
72 Supervisor of Elections, Volusia County, apologized for the confusion and undue stress, she stated  
73 her office validates petitions in good faith. Ms. Lewis offered her assistance to anyone who has  
74 questions or concerns and urged everyone move forward. Mayor Smith clarified that the Elections  
75 Office verifies the signatures. Ms. Lewis stated yes, as she is the custodian of the official voter  
76 signatures. She noted that candidates may pre-fill the petition with all information *except* for the  
77 voter's signature and the date signed. Councilmember Israel asked Ms. Lewis if the petitions were  
78 approved by the town before being sent to her office. Ms. Lewis stated her office accepts the  
79 petitions and verifies the signatures - it does not require "approval" from the municipality". Vice-  
80 Mayor Paritsky clarified that neither the town, nor the candidates did anything wrong, and that the  
81 elections website would be changed to reflect Mr. Goudie's status to "qualified". Ms. Lewis stated  
82 that is correct and confirmed the elections website would be updated.

83  
84 No action proposed.

85  
86 **B. Consideration of the re-appointment of Paul Manning for a four-year term as**  
87 **Ponce Inlet's representative on the Volusia Growth Management Commission.** Ms. Witt  
88 stated Mr. Manning is present, this appointment is for a four-year term, and Mr. Manning was  
89 initially appointed in 2019. This is a County board which reviews the comprehensive plan  
90 amendments for all municipalities in Volusia County. Mayor Smith thanked Mr. Manning for his  
91 willingness to continue to serve on this board. Councilmember Israel asked what do you do with  
92 this Commission? Mr. Manning stated the board reviews growth management plans (development  
93 plans) that are submitted by various municipalities within Volusia County. Ms. Witt clarified that  
94 this is not a "Super Planning Board" rather, it provides a forum to work out interlocal details

95 regarding changes between municipalities with adjacent borders. Mayor Smith opened public  
96 comment - hearing none, he closed public comment.

97  
98 Vice-Mayor Paritsky moved to re-appoint Paul Manning to the VGMC for a four-year term,  
99 expiring June 30, 2025; seconded by Councilmember Caswell. The motion PASSED 5-0,  
100 consensus.

101  
102 **C. Request for Community Center restroom renovation from Ponce Inlet**  
103 **Community Center, Inc. (PICCI).** Councilmember Israel stated his support of this project.  
104 Councilmember Israel move to approve the PICCI renovation project and authorized the Town  
105 Manager to begin the bid process; seconded by Vice-Mayor Paritsky.

106  
107 Mayor Smith stated the community would welcome upgraded restrooms. Vice-Mayor Paritsky  
108 noted that there are two members of PICCI present and would like to hear from them. Pete Finch,  
109 President and Mark Oebbecke, Vice President addressed Council and noted that the facility was  
110 constructed in the early 1980s and other than minor improvements like painting and tile, they are  
111 not qualified to undertake this project, adding that this needs to be done by professionals. Since  
112 they rely on rentals for income, the PICCI believes that updating the restrooms to modern design  
113 and ADA-accessibility, would benefit the Center and the community it serves. Mr. Finch noted  
114 that the town will be responsible for soliciting for bids as this is a town-owned facility. Ms. Witt  
115 noted that she met with Mr. Finch, Mr. Oebbecke, and Mr. Baker, Chief Building Official to review  
116 the project to ensure it includes the correct scope of work; it also provides for specifics and a non-  
117 mandatory pre-bid meeting; she clarified that all plumbing and electrical would remain as it exists,  
118 and the bids will be brought before Council for award. Mayor Smith opened public comment -  
119 hearing none, he closed public comment.

120  
121 The motion PASSED 5-0, Consensus.

122  
123 **8. PUBLIC HEARINGS / QUASI-JUDICIAL: None.**

124  
125 **9. PUBLIC HEARINGS / NON-QUASI-JUDICIAL MATTERS:**

126  
127 **A. Second reading and adoption of Ordinance 2021-08, adding provisions for**  
128 **park hours and a code of conduct for use of park facilities.** Attorney Shepard read the ordinance  
129 by title only. AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PONCE  
130 INLET, FLORIDA, AMENDING CHAPTER 46, ARTICLE I OF THE TOWN'S CODE OF  
131 ORDINANCES BY ADDING PROVISIONS FOR PARK HOURS AND A CODE OF  
132 CONDUCT FOR USE OF PARK FACILITIES; PROVIDING FOR CONFLICTS,  
133 SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. Ms. Witt stated that based  
134 on feedback from a resident, changes were incorporated into the final version for Council's  
135 consideration. She stated that these changes were provided to the resident and no further feedback  
136 was received. Mayor Smith asked for public comments - hearing none, he closed public comments.

137  
138 Vice-Mayor Paritsky moved to approve and adopt Ordinance 2021-08 as presented; seconded by  
139 Councilmember Caswell. The motion PASSED 5-0, with the following vote: Vice-Mayor Paritsky  
140 - yes; Councilmember Caswell - yes; Mayor Smith - yes; Councilmember Milano - yes;  
141 Councilmember Israel - yes.

142  
143 **10. CITIZENS' PARTICIPATION:** Mayor Smith opened citizen's participation.



144 Sarah Kelly, 100 Marie Drive, asked Attorney Shepard specifically why she had not qualified  
145 when she had not turned-in a check. Attorney Shepard referred to his office's memorandum dated  
146 June 17, 2021, regarding *Untimely Payment of Qualifying Check* (Attachment 2), which Ms. Kelly  
147 stated she received. She asked for public clarification. Attorney Shepard stated, you have to pay  
148 your qualifying fee on time, as you were told on June 1<sup>st</sup> when you met with Ms. Cherbano. Your  
149 complaint alleges that it is staff's job to contact you to remind you of what you had been told on  
150 June 1<sup>st</sup> - that is not the Law. Ms. Kelly asked what was the law? Attorney Shepard replied, Fl.  
151 Statutes §99.061(7)(a)-(c), 99.092(1), 99.093(1), 99.061(7)(a)(1), 99.061(7)(b). Ms. Kelly  
152 submitted a copy of Vice-Mayor Paritsky's *Candidate Oath*, noting that her voter registration  
153 number was incorrect. Ms. Witt stated that this is a Council business meeting, and this body does  
154 not determine who is qualified; she suggested that Ms. Kelly provide the information to the Clerk's  
155 office where it will be reviewed. Ms. Kelly then submitted a copy of Ms. Caswell's *Statement of*  
156 *Financial Interests* and noted that the second section was not completed. Ms. Witt advised that  
157 the Clerk's office will review this as well, outside of the Council's business meeting. Ms. Kelly  
158 stated that many citizens have expressed concerns that their needs are falling on deaf ears.

159  
160 Tony Goudie, 4715 Dixie Drive, thanked Attorney Shepard, Ms. Witt, and the Clerk for working  
161 through the issue with the petitions and expressed his pleasure to being on the ballot for seat #1.  
162 He noted that he was an elected official from 2002 - 2010. He stated that the ministerial  
163 requirements of the town and the applicant; that particular document speaks to the clerk; the town  
164 should make a good faith effort to contact candidates if something is missing (Editor's Note: the  
165 Clerk advised the candidate in-person of the requirement for the check during the qualifying  
166 period, on June 1<sup>st</sup>).

167  
168 Michelle George, 528 Herbert Street, Port Orange, introduced herself as the wife of fire lieutenant  
169 Derek George and stated the town should be embarrassed by what it has done to him after his many  
170 years of service (Editor's Note: this is in reference to proposed action initiated by the town manager  
171 as a result of the report of findings in the fire department internal affairs investigation 2021-01).  
172 Attorney Shepard asked to be recognized. He stated he did not know Ms. George and he did not  
173 want to interrupt her once she began speaking, but he has consulted with the labor attorney and  
174 have been asked through him, to read the following statement, "I want to remind you and caution  
175 you that proceedings resulting from the recently completed internal investigations of certain fire  
176 department officials and employees are on-going. Because of this, and because you all might  
177 ultimately be called upon to make a decision in this matter, it would be best for you to not answer  
178 any questions from, or ask any questions to, anyone who speaks on these matters. Doing so, would  
179 potentially subject you to being disqualified as a future decision maker on the matter and create  
180 potential legal jeopardy for the town". He added that he cannot stop you, but he has given the  
181 caution.

182  
183 Josh Wagner, 4321 S. Atlantic Avenue, stated that Volusia County currently allows E-bikes on the  
184 beach, but has been asked to restrict them by the U.S. Fish and Wildlife Service (FWS) to protect  
185 sea turtles. The County is considering whether to allow them only wherever vehicles are allowed.  
186 If banned on the non-driving portions of the beach, this could result in the 150+ e-bikes on the  
187 beach that go past his house every day using S. Atlantic Avenue instead, which could create traffic  
188 problems. The County has other options, such as banning E-bikes outright or allowing them  
189 everywhere, but the latter would require extensive changes to the County's incidental take permit  
190 with the federal government. There is a limited window of time for the Town to provide input to  
191 the County before this item appears on the County Council's agenda. Lieutenant Mead stated it is

192 important to understand the Statutes; e-bikes are allowed anywhere that bikes are allowed, and the  
193 rider must yield to pedestrians.

194  
195 Michael Lang, 4366 S. Atlantic Avenue, stated that berry harvesting season is nearing and he  
196 urged the town to increase patrols in the Ponce Preserve; the people are dropped off overnight and  
197 camp under the boardwalk; he requested that the town provide increased patrols like they did last  
198 year. Councilmember Israel stated that he no longer works with Citizens Watch, but he plans to  
199 monitor the park on his own.

200  
201 Ray Plumley, Ponce Inlet firefighter, stated union members have been subject to multiple internal  
202 affairs investigations; he stated that Derek George is a dictator and an instigator; he claims the  
203 Town is acting retaliatory when it is actually Derek that is acting in a vindictive manner. Many of  
204 the union members do not agree with Derek's actions, nor do they believe he is innocent, and they  
205 do not support him. He requested that Derek's negligence as lieutenant and union president not  
206 reflect on the union or its members as a whole. Mr. Plumley apologized to the citizens of Ponce  
207 Inlet for the situation it finds itself in because of Mr. George's poor choices and bad behavior.

208  
209 Derek George, Lieutenant, Ponce Inlet Fire-Rescue and President, Local 4140, stated his surprise  
210 of Mr. Plumley's comments. He stated the due to the on-going case, he cannot cite specifics, but  
211 Mr. Plumley's statements are misleading and untrue. The job description clearly states the duties  
212 of the lieutenant and the firefighters; no one "killed" a patient; and no firearms have knowingly  
213 been brought into the station in violation of the workplace violence policy. He stated that he has  
214 never received a reprimand while working for Daytona Beach Shores and has received only one  
215 write-up from the Town for an incident involving a radio; he stated he served as acting Fire Chief  
216 for 14 months and there were no issues or complaints. He noted that he and Kyle Oberst are  
217 currently on unpaid leave and asked the Town to reconsider the "unpaid" status until the matter is  
218 resolved.

219  
220 Mark Oebbecke, 4758 S. Peninsula Drive, thanked Council and staff for supporting the events,  
221 boards, and clubs associated with PICCI. He reported that the TPO mobility project design stage  
222 is scheduled to start later this year for potential widening of the sidewalks to eight feet; he noted  
223 that to be a true mobile path, the standard is now 11 feet wide.

224  
225 David Loh, 103 Oceanway Drive stated he was proud to hear from Ms. Kelly and asked Council  
226 to re-consider what happened to her during the qualifying period. (Editor's note: The Town  
227 Council does not have a role in the qualification of candidates; criteria are established in the  
228 Town's charter and/or State law).

229  
230 Mayor Smith closed citizens participation.

231  
232 **11. ORDINANCES (FIRST READING) AND RESOLUTIONS: None.**

233  
234 **12. OLD BUSINESS:**

235  
236 **A. Recommendations from the Cultural Services Advisory Board regarding the**  
237 **wording, marker type, and location for a historic marker for naming the Ponce Inlet boat**  
238 **ramp as the *Jesse Linzy Boat Ramp*.** Ms. French noted the Cultural Services Board approved the  
239 monument's verbiage, photo, and landscaping, and recommended that staff choose the final  
240 location. Mayor Smith asked for public comments - hearing none, he closed public comments.

241 Vice-Mayor Paritsky moved to approve the verbiage, the depicted photo, with the final location  
242 and landscaping choices to be determined by staff; seconded by Councilmember Caswell. The  
243 motion PASSED 5-0, consensus.

244  
245 **B. Discussion of proposal to name the Ponce Inlet fire department building as**  
246 **the “Carolyn Anna Sprague Firehouse” - requested by Councilmember Israel.** Chief Scales  
247 reviewed his memorandum dated June 9<sup>th</sup> and the proposed verbiage: *Station 78 - This Station*  
248 *Dedicated to the Memory of Carolyn Anna Sprague for her many years of service to the Ponce*  
249 *Inlet Volunteer Firefighters Association. She was a humble and dedicated leader who instilled*  
250 *pride and dedication to the firefighters she served with. She freely and consistently gave of herself*  
251 *to the Ponce Inlet community and was an inspiring example to all who knew her.* Council discussed  
252 the verbiage, and the following changes were suggested from a combination of Council, staff,  
253 family, and citizen input: insert “Lieutenant” before her name; replace “dedicated” with “devoted”,  
254 replace “dedication” with “commitment”; add “inspiration to young women and children” where  
255 appropriate. Mayor Smith asked for public comments - hearing none, he closed public comments.  
256 Chief Scales stated he, Ms. Hugler, and Ms. French will continue to work with the Sprague family  
257 on the design and will bring this back to Council for final approval as soon as possible.

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259 Council tabled this item by consensus, 5-0.

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261 **13. NEW BUSINESS:**

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263 **A. Ponce Inlet resident and employee disaster access passes – requested by**  
264 **Councilmember Israel.** Lt. Mead, Ponce Inlet Police Department, stated the City of Port Orange  
265 has jurisdiction of the Dunlawton Bridge; they do not close the bridge for special events because  
266 closing it requires a permit from the Florida Department of Transportation, which prohibits anyone  
267 from passage except for emergency vehicles. For after-storm access, Port Orange monitors bridge  
268 access and at least one Ponce Inlet officer assists. The post-storm access would be allowed via the  
269 access pass after the Town has been inspected and roadways are deemed safe for passage. Ms.  
270 Witt noted that passes are always available at the Police Department’s administration office.  
271 Mayor Smith opened public participation - hearing none, Mayor Smith closed public comment.

272  
273 Staff will send out a reminder to residents and businesses to obtain their after-storm passes for  
274 possible future use.

275  
276 **14. FROM THE TOWN COUNCIL:**

277  
278 **A. Vice-Mayor Paritsky, Seat #5 –** Reported she was a presenter at the Florida Bar  
279 Association’s annual convention last week on the topic of “The Role of Local Government in  
280 Animal Welfare” and shared the Town’s efforts to address the concerns relating to animal welfare  
281 through ordinances, resolutions, collaboration with county and local government agencies, and  
282 advocacy with the Florida and Volusia Leagues. Our community has become a model for effective  
283 local solutions addressing the issue of animal abuse and the inadequate legislation relating to  
284 animal welfare and we brought attention to the connection between animal abuse and violence  
285 toward humans; she shared the advocacy efforts of the other local municipalities that have adopted  
286 the town’s ordinances, the Animal Abuse Database in Volusia County, which won a best practices  
287 award, and she noted that Debbie Darino assisted her with presenting this idea to other  
288 communities.

290 **B. Councilmember Israel, Seat #4** - Stated communication is important and  
291 wondered why C4PI is videoing Council meetings if they are not putting them on their website;  
292 stated the town “donated” funds for this purpose and if they are not going to do it, then we need  
293 to stop it; suggested that everyone have access to the videos without having to sign-up (Editor’s  
294 Note: the town does not donate funds to CFPI to video Council meetings; the town’s donated funds  
295 to C4PI are specific to the long-standing relationship of the newsletter publication; which is now  
296 provided digitally at a lower cost to the town than the previous printing and mailing of it).

297  
298 **C. Councilmember Caswell, Seat #3** - Stated she has been researching short-term  
299 rentals, and other issues by going door-to-door; she received a comprehensive report from Mr.  
300 Hooker and has concerns about the number of rentals and violations; she is working on a proposal  
301 for Council discussion at a future meeting.

302 **D. Councilmember Milano, Seat #4** - Provided an update to the First Step Shelter;  
303 reported that New Smyrna Beach has a serious homeless problem and is now reconsidering joining  
304 the First Step Shelter program, after previously opting-out; he stated that he will be serving dinner  
305 at the Shelter on June 29<sup>th</sup>, and they are also seeking volunteers for that event.

306  
307 **E. Mayor Smith, Seat #1** - Thanked attendees for their participation.

308  
309 **15. FROM THE TOWN MANAGER** – Ms. Witt reviewed the calendar of events; reported  
310 the Study for the Harbour Village Boulevard & South Peninsula Drive intersection is nearly  
311 complete; and announced the first proposed budget workshop is scheduled on July 15<sup>th</sup> at 10:00  
312 a.m.

313  
314 **16. FROM THE TOWN ATTORNEY** – Attorney Shepard apologized to Council and Ms.  
315 Kelly for engaging in the back-and-forth under citizen participation.

316  
317 **17. ADJOURNMENT** - Mayor Smith adjourned the meeting at 8:15 p.m.

318  
319 Respectfully submitted by:

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Jeaneen Witt, CMC, Town Manager/Town Clerk

324 Peg Hunt, Assistant Deputy Clerk

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328 Attachment 1 - Shepard legal memorandum: Verification of Candidate Petitions

329 Attachment 2 - Shepard legal memorandum: Untimely Payment of Qualifying Check



## Attachment 1

# Memo

**To:** Town Council of the Town of Ponce Inlet  
**From:** Jacob Schumer, Esq.; Clifford B. Shepard, Esq.  
**Date:** June 17, 2021  
**Re:** Verification of Candidate Petitions

On June 16, 2021, we were made aware of a letter from Tony Goudie to Town Manager Jeaneen Witt regarding his disqualification as candidate for Mayor by the Volusia County Supervisor of Elections (“Volusia SOE”), Lisa Lewis. After Ms. Lewis informed him that he failed to qualify because his candidate petitions were facially insufficient, Mr. Goudie wrote to Ms. Witt stating that the Town Clerk had failed to review the forms as required by law and that, to remedy the issue, the Town should reopen qualifying for all Town Offices.<sup>1</sup>

As discussed below, the Town Clerk, who acts as the Town’s Supervisor of Elections, complied with the law, and determined that Mr. Goudie had submitted sufficient qualifying papers, including the petitions at issue here. The Town Clerk was correct to accept Mr. Goudie’s forms because (1) the Volusia SOE handles verification of petitions; and (2) the Town Charter (Section 5.04) does not require the same information for candidate petitions under the Town Charter as the inapplicable statute cited by Ms. Lewis. The Town had already exercised the extent of its ministerial duties under the election code and determined that, from the perspective of the Town’s role in determining qualification for office, Mr. Goudie submitted sufficient documentation to qualify for election. And because the Town makes the

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<sup>1</sup> Per the Town’s contract with the Volusia SOE, the Volusia SOE provides the Town the “recommended materials for candidate and committee packets”. These materials include the petition form at issue in this matter. A copy of the contract with Volusia SOE is attached.

ultimate determination of whether a candidate is qualified, Mr. Goudie should be considered qualified for the election.

Note that even if the forms had been legally insufficient under the Town Charter, because the candidate is ultimately responsible for compliance with qualification standards and Mr. Goudie waited until the last day to submit his materials for qualification, neither the Town Clerk nor Volusia SOE had a duty to inform Mr. Goudie of any defects in his qualifying paperwork before the qualifying period closed.

To analyze the matter, we reviewed documents sent by Mr. Goudie and spoke to various officials, including the Town Clerk, Supervisor of Elections Lisa Lewis, and Heather Wallace at the Volusia County Attorney's Office. The following is based on those conversations, other documents provided by the Town, and analysis of the various laws addressing the issue.

### *Factual Background*

On the morning of June 11, 2021, the last day to qualify for the upcoming Ponce Inlet election, Mr. Goudie submitted paperwork to run for the nonpartisan position of Town Mayor. As required by the Town Charter, Mr. Goudie included candidate petition signatures from qualified electors of the Town. The petition signatures were submitted on state-created form DS-DE 104, a blank version of which is attached to this memo for reference.

Considering the qualifying papers to be sufficient, the Town via Ms. Cherbano then delivered the papers to the Volusia SOE for signature verification after the qualifying period concluded at noon that day. At 3:39 P.M., the Volusia SOE emailed the Town Clerk stating that Mr. Goudie had qualified to run for Town Council Seat 1. Under an hour later, Deputy Town Clerk Hunt emailed Mr. Goudie to inform him that the Supervisor had confirmed his petitions.

Unexpectedly, on Monday, June 14, Supervisor Lewis emailed the Town Clerk stating that Ms. Lewis' office had made a mistake and that 21 of the 23 petitions submitted on behalf of Mr. Goudie were insufficient due to failing to mark the "nonpartisan" box of the petition form. Accordingly, according to Ms. Lewis "*Mr. Goudie did not qualify as a candidate for the office of mayor.*" See email from Ms. Lewis attached hereto.

### *Election Qualifying in Town of Ponce Inlet*

In municipal elections, the Town acts as its own supervisor of elections. By agreement, the Town Clerk and Volusia SOE act jointly to determine qualifying for Town elections. The Town Clerk reviews the majority of the qualifying papers for sufficiency, while the Supervisor of Elections verifies candidate petitions, and in the case of Ponce Inlet, is only to confirm the validity of petition signatures and the signors status as "qualified electors." See Ponce Inlet Charter, Section 5.04. However, as confirmed by the

Volusia County Attorney's Office, the Town ultimately determines whether a candidate is qualified to run in a Town election if the petition signatures and elector status is confirmed by the Volusia SOE.

Section 5.04 of the Town Charter, which governs qualification, provides as follows:

Any person who has been a resident of the Town of Ponce Inlet for at least twelve (12) months prior to filing, and has been a registered voter of Volusia County for at least six (6) months, may become a candidate for nomination to the office of Town Council or Mayor, **whenever he or she files a petition signed by fifteen (15) qualified electors of the Town with the Town Clerk, requesting that said candidate's name be placed on the ballot in the ensuing election.** Said candidate shall file with the Town Clerk all necessary forms as required by State Law. Election qualifying periods shall be in accordance with General Law of the State of Florida.

Notably, the petition is required for all candidates and is not meant to relieve candidates from paying the any statutory fee for qualifying. The Charter also allows the petition to be submitted on a single document. According to the Volusia SOE, some local governments use their own form rather than the state form to address local law-based petition requirements.

#### *The Florida Election Code*

Florida law requires the following to be provided to the filing officer by the end of the qualifying period:

1. A check for the statutory fee required by F.S. § 99.092, unless the candidate obtained the required number of signatures on petitions as discussed below;
2. The candidate's oath;
3. If the office sought is partisan, a written statement of party affiliation;
4. The completed form appointing a campaign treasurer and depository; and
5. The full and public disclosure or statement of financial interests.

See F.S. § 99.061(7)(a). If the filing officer receives qualifying papers which do not include all items as required *prior to the last day of qualifying*, the filing officer must make a reasonable effort to notify the candidate of the missing or incomplete items and inform the candidate that all required items must be received by the close of qualifying. F.S. § 99.061(7)(b).

The Florida Election Code places strict limitations on the discretion of qualifying officers to reject candidates. See, e.g., DE 11-05. A qualifying officer acts in a "purely ministerial" role and may only review qualifying forms to determine whether they are complete on their face without judging the accuracy of any of the information provided. *Id.* Ultimately, the responsibility to ensure compliance with qualifying requirements is on the candidate. *Id.* "The responsibility, therefore, is on the candidate, not the qualifying

officer, to ensure that the candidate is qualified for the office the candidate is seeking." *Id.*; *see also* DE 12-03 ("It is incumbent upon the candidate to follow applicable laws and rules when seeking to qualify as a candidate for public office."). General provisions within the Florida Election Code govern municipal elections except where local laws provide contrary rules. *See* F.S. § 100.3605.

The Florida Election Code provides that candidates for office may avoid paying a filing fee by securing a certain number of petition signatures. *See* F.S. § 99.095; 105.035. The number of petition signatures required can shift based on the population of the relevant area. The candidate must register prior to collecting signatures, and the signatures must be submitted 28 days before the first day of qualifying. *See* F.S. § 99.095(2-3); 105.035(3-4). The State Division of Elections prescribes the form for the gathering of such petition signatures. F.S. § 99.095(2)(c); 105.035(2).

The Division promulgated Rule 1S-2.045 and Form DS-DE 104 to address such petitions. The Rule provides that a person who satisfies the requirements of the rule may have their qualifying fee and party assessment waived. *See* F.A.C. 1S-2.045(1). Under the Rule, the Supervisor of Elections must consider petitions invalid if the petition "indicates conflicting or *incorrect information regarding the candidate's status as nonpartisan.*" *See* F.A.C. 1S-2.045(5)(i)(4).

The Supervisor of Election informed us she determined the petitions to be invalid on this basis. When we asked if it made a difference that the forms were submitted to comply with the Town Charter rather than the Statutory process for fee waivers, she indicated that whether the Rule's standard applies would be a matter to be decided by the Town.

### ***Application***

Based on the above, the Town Clerk was correct to accept Mr. Goudie's qualifying papers and her initial decision finding that Mr. Goudie had qualified should stand.

First, and most clearly, the Town Clerk committed no error because the Supervisor of Elections is responsible for determining the validity of petitions. The Town made no error in delivering the petitions to the Supervisor, and the Deputy Clerk correctly informed Mr. Goudie that the Supervisor had signed off on his petitions.

Additionally, because the Town Charter does not require that the candidate petitions comply with Rule 1S-2.045, the Clerk was correct to accept the petitions. The Charter's petition requirement is entirely different from the structure provided by Florida Statute and serves an entirely different purpose than the form utilized by which a candidate can avoid paying a filing fee. The Statutory petition process plainly *only* applies to those seeking to avoid the qualifying fees and requires that such petitions be submitted 28 days before qualifying. The Town Charter allows the candidate to qualify by filing a *single* petition bearing



sufficient signatures—which is directly in conflict with the Rule’s requirement to adhere to Form DS-DE 104.

Because the Town Charter does not require any specific format for the petition, the Town Clerk was correct to accept the petitions submitted by Mr. Goudie, and the Volusia SOE’s validation of same should have been limited to signature authentication and qualified elector status of the signors. In deciding whether a technical issue prevents qualification, the Town Clerk would be correct to allow the candidate on the ballot. *See Hoover v. Mobley*, 253 So. 3d 89 (Fla. 1st DCA 2018). Of course, given that Mr. Goudie submitted his petitions on Form DS-DE 104, it is understandable why the Volusia SOE would evaluate those petitions under the Rule 1S-2.045 standard which, nevertheless, has no application here.

Even had the Town Clerk improperly accepted the qualifying papers, the Town Council cannot overrule the Town Clerk to deny qualification. The Florida Election Code and the Town’s Charter places the qualifying determination in the hands of the Town Clerk acting as filing officer. The way to challenge a qualifying determination would be a lawsuit by an appropriate party. *See, e.g., Polly v. Navarro*, 457 So. 2d 1140, 1142 (Fla. 4th DCA 1984).

Note F.S. § 99.061(7)(c), which Mr. Goudie discusses, is meant to *limit* what the filing officer can do, not require the filing officer to provide help to potential candidates. As discussed in various Department of Elections opinions, the filing officer’s “purely ministerial” role is one where the officer is specifically supposed to avoid extensive review of qualifying forms, and the *candidate* is ultimately responsible for ensuring compliance with the various qualifying requirements. It is wise to err on the side of allowing candidates to qualify rather than disqualify candidates for technical reasons. While the statute does require a filing officer to make an effort to warn candidates of deficiencies, that requirement only applies when the papers are submitted early rather than on the last day of qualifying. There are no authorities indicating that failure to do so requires a reopening of the qualifying period. In fact, we have found no authorities indicating that a municipality has *any authority* to reopen qualifying *at all*, let alone based on the filing officer *approving* a candidate in error.

**AGREEMENT FOR SERVICES AND MATERIALS  
FOR MUNICIPAL ELECTION (PER ELECTION)**

Election Name: Town of Ponce Inlet  
 Election Name: Town of Ponce Inlet Regular  
 Election Dates: August 17, 2021  
 Early Voting: 5 days Begins: August 9, 2021 Ends: August 13, 2021  
 Book Closing Date: July 19, 2021  
 Qualifying Period: Tuesday, June 1, - Friday, June 11, 2021 @ 12 noon  
 Logic & Accuracy Test Date: 8/6/2021 Time: 9:00 AM  
 Poll Worker Training: TBD  
 Location: TBD  
 Parties to Agreement: Volusia County Supervisor of Elections (Department)  
Town of Ponce Inlet (Municipality)

1. Candidate qualifying is responsibility of Town. Method of qualifying is:  
Per Town Charter

Verification of signatures on qualifying petitions will be performed by Department at 10 cents per name. Town to remind qualifiers to get petitions in early or run the risk of not having enough signatures by deadline. Candidates must submit payment for verification at time of submission. Payment must be drawn on campaign account and made payable to the County of Volusia.

2. Department will provide Town one set each of recommended materials for candidate and political committee packets, at no charge. Town to notify candidates and political committees of date and time of Logic & Accuracy Test.

3. Department will program the voting system software for each ballot style and obtain Town approval prior to placing printing order.

Charge for designing and programming will be \$90 per ballot style. \$ 90.00

Date ballot information to be provided to Department: Pri/General 6/11/2021  
 Gen/Runoff N/A

(Candidates' names are to be spelled exactly as candidates desire them to appear on ballot, but no more than 24 spaces in length. For verification, Town must fax to Department a copy of Loyalty Oath sworn by candidate upon qualifying. (fax number 386-943-7073))

5. Date Department to submit ballot proof to Town for approval: 6/14/2021  
 Date ballot proof approval by Town is due to Department: 6/14/2021

6. Number of Town-wide ballots to be ordered:

| Vote by Mail Ballots |       | Early Voting Ballots |                    | Poll Ballots |                   |
|----------------------|-------|----------------------|--------------------|--------------|-------------------|
| Precinct 726         | 1,500 | Precinct 726         | Will utilize BOD's | Precinct 726 | Will utilize BODs |

7. Ballot envelope sets:

1,500 X \$ 0.20 = \$ 300.00

8. Department will mail advance notice to overseas electors at no charge.

9. Department to process requests for vote by mail ballots. Town will be charged \$.20 per ballot, plus postage, for each ballot processed.

Anticipated Number Of VBM Ballots: 1,500 X \$ 0.20 = \$ 300.00

Anticipated Number Of EV Ballots: - X \$ 0.20 = \$ -

Anticipated Number Of Precinct Ballots: 1,000 X \$ 0.20 = \$ 200.00

Anticipated Postage: 1,500 X \$ 0.55 = \$ 825.00

Anticipated Return Postage: 750 X \$ 0.55 = \$ 412.50

10. Town is responsible for scheduling use of polling places. Department will provide Town a list of all polling place facilities containing precinct number, name, address, contact information, and rental rates. Town is responsible for drawing up contracts, having them signed, providing copies to the Department, and paying owners of facilities for their use.

11. If change of polling location becomes necessary the Department is responsible for mailing "Polling Place Change Notices" to affected voters. A charge of 23 cents per voter (plus postage .39) will be billed to the Town for this service when final election costs are calculated.

Anticipated Number of Polling Location Change Cards:            X \$ 0.62 = \$ -

12. The Department is responsible for scheduling poll workers for training class and election day assignments. Optimal staffing is 5 poll workers. Charge is \$2.00 per poll worker for staff scheduling.

Number of poll workers to be assigned: 5 X \$ 2.00 = \$ 10.00

The Department will notify municipalities of the appointment of all election boards pursuant to F.S. 102.012.

13. Town (candidates) is responsible for submitting the names of proposed poll watchers to the Department at least two weeks prior to the beginning of Early Voting and two weeks prior to Election Day for the Department to certify and include a list with precinct supplies.

Early Voting Deadline Date: 7/26/2021 @ 12 pm

Election Day Deadline Date: 8/3/2021 @ 12 pm

14. Department is responsible for arranging for transport of equipment to and from polling places, estimated charge to be based on:





# CANDIDATE PETITION

**Notes:** - All information on this form becomes a public record upon receipt by the Supervisor of Elections.  
- It is a crime to knowingly sign more than one petition for a candidate. [Section 104.185, Florida Statutes]  
- If all requested information on this form is not completed, the form will not be valid as a Candidate Petition form.

I, \_\_\_\_\_ the undersigned, a registered voter  
(print name as it appears on your voter information card)

in said state and county, petition to have the name of \_\_\_\_\_  
placed on the Primary/General Election Ballot as a: [check/complete box, as applicable]

Nonpartisan  No party affiliation  \_\_\_\_\_ Party candidate for the office of

\_\_\_\_\_  
(insert title of office and include district, circuit, group, seat number, if applicable)

Date of Birth or Voter Registration Number  
(MM/DD/YY)

Address

City

County

State

Zip Code

Signature of Voter

Date Signed (MM/DD/YY)  
[to be completed by Voter]

**From:** [Jeaneen Witt](#)  
**To:** [David Israel](#); [Elizabeth Caswell](#); [Bill Milano](#); [Lois Paritsky](#); [Gary Smith](#)  
**Cc:** [Clifford Shepard](#); [Aaron Irwin](#); [Dan Scales](#); [Jackie French](#); [Jeff Miller](#); [Jeffrey Glazier](#); [Kim Cherbano](#); [Kim McColl](#); [Mike Disher](#)  
**Subject:** FW: Petitions - Goudie  
**Date:** Monday, June 14, 2021 4:07:47 PM

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-----Original Message-----

From: Lisa Lewis <[llewis@volusia.org](mailto:llewis@volusia.org)>  
Sent: Monday, June 14, 2021 4:04 PM  
To: Kim Cherbano <[kcherbano@ponce-inlet.org](mailto:kcherbano@ponce-inlet.org)>  
Cc: Jeaneen Witt <[jjwitt@ponce-inlet.org](mailto:jjwitt@ponce-inlet.org)>  
Subject: Petitions - Goudie

[EXTERNAL: This email was sent from outside of ponce-inlet.org, confirm this is a trusted sender before opening any links or attachments]

Kim,

In regards to Tiny Goudie's candidate petitions; I have reviewed them and determined the box for "Non Partisan" was not checked on 21 of them.

Therefore, Mr. Goudie did not qualify as a candidate for the office of mayor.

I have spoken to Mr. Goudie and told him about the error in my office; in which verifying the non partisan box was checked.

I apologize profusely for this error to both Mr. Goudie, the voters of Ponce Inlet, and to you and Jeaneen. I know this has placed you both in a delicate situation.

Please do not hesitate to contact me with any questions.

Sincerely,

Lisa Lewis

Sent from my iPhone

## Peg Hunt

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**From:** Tony Goudie <tgoudie@gmail.com>  
**Sent:** Friday, June 11, 2021 6:39 PM  
**To:** Peg Hunt  
**Subject:** Re: Petitions - Good to go

[EXTERNAL: This email was sent from outside of ponce-inlet.org, confirm this is a trusted sender before opening any links or attachments]

Thank you Peg 🌻.  
Tony

On Fri, Jun 11, 2021 at 4:24 PM Peg Hunt <[phunt@ponce-inlet.org](mailto:phunt@ponce-inlet.org)> wrote:

Tony,

I just wanted to confirm with you that the Elections Office has confirmed your petitions. Have a great weekend.

Sincerely,

Peg Hunt,

Assistant Deputy Clerk

Town of Ponce Inlet

4300 S Atlantic Ave. Ponce Inlet, FL 32127

*Serving Ponce Inlet since 1998*

Phone: 386-236-2180

Fax: 386-322-6717

[www.ponce-inlet.org](http://www.ponce-inlet.org)

*Every day is a great day in Ponce Inlet!*

*The Town of Ponce Inlet staff shall be professional, caring, and fair in delivering community excellence while ensuring Ponce Inlet citizens obtain the greatest value for their tax dollar.*



## Kim Cherbano

---

**From:** Lisa Wedekind <LWedekind@volusia.org>  
**Sent:** Friday, June 11, 2021 3:39 PM  
**To:** Kim Cherbano  
**Cc:** Karen Spina  
**Subject:** Candidate Certification

[EXTERNAL: This email was sent from outside of ponce-inlet.org, confirm this is a trusted sender before opening any links or attachments]

Good afternoon,

Tony Goudie has qualified to run for the position of Ponce Inlet Town Council Seat 1. The petitions, along with the candidate certification, are being mailed to your attention Monday, June 14th.

Regards,  
Lisa Wedekind



**Lisa Lewis**  
**Supervisor of Elections**  
**County of Volusia**

STATE OF FLORIDA  
COUNTY OF VOLUSIA

June 11, 2021

**CANDIDATE PETITION CERTIFICATION**

I, Lisa Lewis, Supervisor of Elections of Volusia County, Florida, do hereby certify that **Tony Goudie** submitted a total of **23** petition signatures for the office of **Ponce Inlet Town Council Seat 1**. I further certify that **20** of those signatures were qualified electors in the geographical area for the office listed above, meeting the requirement of **15** valid signatures for placement on the ballot.

Lisa Lewis  
County of Volusia  
Supervisor of Elections

(Seal)

1750 S Woodland Boulevard, DeLand, FL 32720-5415  
(386) 736-5930 • (386) 254-4690 • (386) 423-3311 • FAX (386) 822-5715  
[www.volusiaelections.org](http://www.volusiaelections.org)

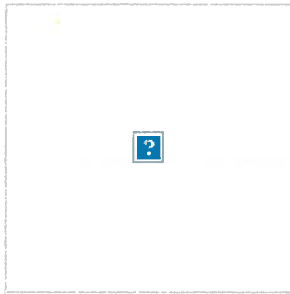
If your signature has changed, please update your signature by completing a new Florida voter registration application. It is important to keep your signature updated, so that ballots and/or petition signatures can be counted.

**From:** [Clifford Shepard](#)  
**To:** [Heather Wallace](#)  
**Cc:** [W. Kevin Bledsoe](#); [Lisa Lewis](#); [Michael Dyer](#)  
**Subject:** RE: Ponce Inlet candidate  
**Date:** Thursday, June 17, 2021 2:22:57 PM  
**Attachments:** [image002.png](#)

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Thanks Heather! Appreciate your prompt analysis of this issue.

**CLIFFORD B. SHEPARD | ATTORNEY AT LAW**  
BOARD CERTIFIED - CITY, COUNTY & LOCAL GOVERNMENT LAW  
CERTIFIED CIRCUIT & APPELLATE MEDIATOR



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**From:** Heather Wallace <[hwallace@volusia.org](mailto:hwallace@volusia.org)>  
**Sent:** Thursday, June 17, 2021 2:21 PM  
**To:** Clifford Shepard <[cshepard@shepardfirm.com](mailto:cshepard@shepardfirm.com)>  
**Cc:** W. Kevin Bledsoe <[KBledsoe@volusia.org](mailto:KBledsoe@volusia.org)>; Lisa Lewis <[LLewis@volusia.org](mailto:LLewis@volusia.org)>; Michael Dyer <[MDyer@volusia.org](mailto:MDyer@volusia.org)>  
**Subject:** Ponce Inlet candidate

Mr. Shepard:

The Town of Ponce Inlet would be the one to make a decision as to the qualification of a candidate to run for office within Ponce Inlet. If the Town indicates to the Supervisor of Elections, Ms. Lewis, that a particular candidate has met the qualifications to run for a municipal office within the Town, that candidate will be placed

on the ballot. Ms. Lewis does not determine if that candidate is qualified or not. She does make that determination for candidates for County offices. You have indicated that the petition form used by the candidate, one that is normally used to qualify for candidacy without paying the qualifying fee, is not required by Ponce Inlet because the qualifying condition is merely a petition signed by the requisite number of residents. Therefore, you have indicated that a failure to check the non party affiliation box is not considered to be an issue in this situation.

If you have any questions or if there is any other assistance that I can provide, please contact me.

**Heather J. Wallace**  
**Deputy County Attorney**  
**Volusia County Attorney's Office**  
123 W. Indiana Ave, 3rd Fl  
DeLand, FL 32720  
Phone: 386-736-5950  
Fax: 386-736-5990  
[hwallace@volusia.org](mailto:hwallace@volusia.org)



### **1S-2.045 Candidate Petition Process.**

#### **(1) Qualification by Petition.**

(a) A person who seeks to qualify as a candidate for any office may have the qualifying fee and party assessment required by chapters 99 and 105, F.S., waived by satisfying the petition requirements of this rule and sections 99.095 and 105.035, F.S. Such person must still satisfy all other requirements for qualification set out in chapters 99 and 105, F.S.

(b) Persons who seek to have their names printed on the ballot as candidates for President and Vice President of the United States as no party affiliated candidates and minor political parties that are not affiliated with a national party holding a national convention to nominate candidates for President and Vice President of the United States shall comply with the petition requirements in this rule to have the candidates' names placed on the ballot.

(2) Required Number of Signatures. Except in a year of apportionment as specified in sections 99.095 and 99.09651, F.S., a candidate shall obtain the number of signatures of voters in the geographical area represented by the office sought equal to at least 1 percent of the total number of registered voters of that geographical area, as shown by the compilation by the Department of State for the immediately preceding general election. Special district candidates may qualify by obtaining at least 25 signatures of voters in the geographical area represented by the office sought. Except for special district candidates who have not collected contributions and whose only expense is the signature verification fee and federal candidates, signatures may not be obtained until the candidate has filed the appointment of campaign treasurer and designation of campaign depository pursuant to section 106.021, F.S.

#### **(3) Format of Petition.**

(a)1. Except for presidential and vice presidential candidates, the format of a candidate petition shall be in accordance with Form DS-DE 104 (effective 9/11), entitled "Candidate Petition" (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00623>).

2. The format of a candidate petition for presidential and vice presidential candidates seeking ballot position as no party affiliated candidates shall be in accordance with DS-DE Form 18A (effective 09/11), entitled "President and Vice President Candidate Petition – No Party Affiliation" (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00624>), and the format of the candidate petition for a minor political party that is not affiliated with a national party holding a national convention to nominate candidates for President and Vice President of the United States shall be in accordance with Form DS-DE 18B (effective 9/11), entitled "President and Vice President Candidate Petition – Minor Political Party" (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00625>).

3. Forms DS-DE 18A, 18B and 104 are hereby incorporated by reference and are available from the Division of Elections, Room 316, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6240, or by download from the Division of Elections' rules webpage or forms webpage at: <http://elections.myflorida.com>.

(b) Forms DS-DE 18A, 18B, and 104 must be reproduced for use by candidates in their exact wording and formats without any changes in their text or formats, except the forms may be reduced or enlarged proportionally in size as a whole document. Also, candidates may use color highlights, circles, X's, arrows, or similar markings that draw attention to items on the form, as well as using cross-outs, line-throughs, or similar markings on items on the form that are not applicable to their candidacy. The forms may not be less than 3 inches by 5 inches and no larger than 8 1/2 inches by 11 inches. Each form must be submitted for verification as a separate card or individual sheet of paper. Candidates may have the forms translated into a minority language if the format of the forms and their blank entries remain the same. If a translated version is made, the forms may be made into a two-sided form with one side in English and the other side in a minority language; however, a voter shall complete only one side of the form. If both sides should be completed, the supervisor of elections to whom the form is submitted shall verify only the signature on the English side of the form.

(c) Except for the signature of the voter and date the voter signs the form, the entries on Forms DS-DE 18A, 18B and 104 may be completed prior to the voter signing and dating the form.

(d) A separate petition form is required for each candidate.

(e) The petition form may be included within a larger advertisement, provided the form is clearly defined by a solid or broken border. If included within a larger advertisement, the petition form may have information from the advertisement on the reverse of the petition form; otherwise, when used as a standalone petition form, it may only have a translation into a minority language on its reverse.

(f) The candidate's name on the petition form may be either a variation of the candidate's legal name or the name that the candidate places on the candidate oath in section 99.021, F.S.

#### **(4) Submission of Petition.**

(a) Each Form DS-DE 104 must be submitted before noon of the 28th day preceding the first day of the qualifying period for the office sought to the supervisor of elections of the county in which the signee is registered to vote.

(b) Each Form DS-DE 18A or Form DS-DE 18B must be submitted no later than July 15 of each presidential election year to the supervisor of elections of the county in which the signee is registered to vote.

(c) It is the responsibility of the candidate or minor political party, as applicable, to ensure that the signed petition form is properly filed with, or if misfiled, forwarded to the supervisor of elections of the county in which the signee is registered to vote. If the supervisor of elections determines that the signer of the petition is not a registered voter in his or her county, the supervisor of elections shall notify the candidate or minor political party, as applicable, that the petition has been misfiled. In the case of a misfiled petition, the filing date of the petition is the date such petition is filed with the proper county.

(d) A voter has no authority to revoke his or her signature on a petition after the petition is submitted to the supervisor of elections or other applicable filing officer.

(5) Verification of Signatures.

(a) Upon receipt of candidate petition forms and payment of applicable signature verification fees, the supervisor of elections shall verify the signatures on each petition form to ensure that each person signing the petition form is a registered voter in the county, district, or other geographical area represented by the office sought, unless otherwise specified in sections 99.095 and 99.09651, F.S.

(b) Except for special district candidates who have not collected contributions and whose only expense is the signature verification fee and federal candidates, the supervisor of elections shall also verify that the date the voter signed the petition form is on or after the date the candidate filed the appointment of campaign treasurer and designation of campaign depository pursuant to section 106.021, F.S., with the appropriate filing officer.

(c) If the candidate is running for an office that requires a group or district designation, the petition must indicate that designation and, if it does not, the signatures are not valid, unless otherwise specified in sections 99.095 and 99.09651, F.S.

(d) No signature on a candidate petition form shall be counted toward the number of signatures required unless it is on the candidate petition form prescribed by the Division in this rule.

(e) A signature on a candidate petition form shall not be counted toward the number of signatures required if the voter has previously signed a candidate petition form for the same candidate for the same office in the same election that had been verified as valid.

(f) In addition to the above requirements, the supervisor of elections shall not verify as valid a signature on a candidate petition form unless all of the following information is contained on the petition form:

1. The voter's name;
2. The voter's address (including city and county);
3. The voter's complete voter registration number or date of birth (to include the month, day, and year) that matches the date of birth on the voter's registration application;
4. The voter's original, ink signature; and,
5. The date the voter signed the petition (to include the month, day, and year) as recorded by the voter.

(g) If all other requirements for the petition are met, a signature on a petition shall be verified and counted as valid for a registered voter if, after comparing the signature on the petition and the signature of the registered voter in the voter registration system, the supervisor is able to determine that the petition signer is the same as the registered voter, even if the name on the petition is not in substantially the same form as in the voter registration system.

(h) If a voter signs a petition and lists an address other than the legal residence where the voter is registered, the supervisor shall treat the signature as if the voter had listed the address where the voter is registered.

(i) The following represents a nonexclusive listing of examples based upon the requirements in this rule that will make the candidate petition invalid:

1. The petition is signed and dated before the candidate has filed the appointment of campaign treasurer and designation of campaign depository pursuant to Section 106.021, F.S., unless the candidate is a special district candidate who has not collected contributions and whose only expense is the signature verification fee or the candidate is a candidate for federal office.

2. The petition has a different party affiliation or office being sought by the candidate than that listed by the candidate on the current form the candidate has on file for the appointment of campaign treasurer and designation of campaign depository pursuant to section 106.021, F.S.

3. The petition fails to list a group, seat, or district designation, except when otherwise provided by law.

4. The petition indicates conflicting or incorrect information regarding the candidate's status as a nonpartisan, no party affiliated, or party affiliated candidate. Conflicting information on DS-DE 104 is not deemed to have occurred if the boxes for "Nonpartisan" and "No party affiliation" are X'ed out along with the words "Nonpartisan" and "No party affiliation" being X'ed out and an "X" or similar marking also appears in the box preceding the "\_\_\_\_\_ Party" entry on the form when the petitions lists the name of the party; in this situation, the petition is to be considered as a candidate petition for the named party.

5. The petition is signed by a voter who is not a registered voter in the county, district, or other geographical area represented by the office sought, unless otherwise specified in sections 99.095 and 99.09651, F.S., at both the time of signing and verification of the petition.

6. The petition is dated after the date the petition is submitted to the supervisor of elections.

7. The petition fails to contain the original signature of the voter. (Photocopied, scanned, electronic, or facsimile signatures are not original for purposes of this rule.)

8. The petition is in a different format than the applicable candidate petition form incorporated by reference in this rule.

9. The petition was circulated for a different election than the election for which the candidate is seeking to qualify, unless the candidate seeks to qualify in an intervening special election for the identical office for which the candidate was originally seeking to qualify. (If the candidate does not seek to qualify for the intervening special election, the candidate may continue to use his or her petitions to qualify in the subsequent general election for the office being sought.)

(6) Determination of Required Number of Signatures.

(a) Supervisors of elections shall report online to the Division the number of valid and invalid signatures submitted on candidate petition Forms DS-DE 18A, 18B, and 104 by using the "SOE Handbook on Certifying Candidate Petitions" (Form DS-DE 134, eff. 3/2015) (<https://www.flrules.org/Gateway/reference.asp?No=Ref-05906>) under the section entitled "How to Enter Valid and Invalid Petitions." Form DS-DE 134 is hereby incorporated by reference and is available from the Division of Elections, Room 316, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6240, or by download from the Division of Elections' rules webpage or forms webpage at: <http://elections.myflorida.com>.

(b) No later than 5:00 p.m. on the 7th day before the first day of the qualifying period, supervisors of elections shall submit to the Division of Elections the number of valid and invalid signatures received on Form DS-DE 104 for each candidate for federal, state, multicounty district, or multicounty special district office.

(c) Supervisors of elections shall submit to the Division of Elections the number of valid and invalid signatures received on Forms DS-DE 18A and 18B, respectively, for each candidate for President and Vice President and minor political party, as applicable, on or before the date of the primary election held in the presidential election year.

(d) A minor political party that is not affiliated with a national party holding a national convention to nominate candidates for President and Vice President of the United States and that has obtained the requisite number of signatures on DS-DE 18B shall file with the Department of State no later than September 1 of the year in which the election is held a certificate naming its candidates for President and Vice President of the United States and listing the required number of persons to serve as presidential electors.

(e) The Division shall determine whether the required number of signatures has been obtained under paragraphs (b) and (c), and shall notify the candidate and minor political party, as applicable.

(f) Supervisors of elections shall determine whether the required number of signatures have been obtained for candidates for county, district or special district office not covered by paragraph (b) or (c), and shall notify the candidate.

(g) If the required number of signatures has been obtained, the candidate is eligible to qualify pursuant to section 99.061 or 105.031, F.S., as applicable.

(7) Effect on Previously Approved Candidate Petition Form. Only forms DS-DE 18A, 18B, and 104, approved by the Division of Elections with an effective date of 9/2011, may be used and circulated for signature gathering. No other versions of a candidate petition form may be used after the effective date of this rule.

*Rulemaking Authority 20.10(3), 97.012(1), 99.095, 99.097(1), 105.035(2) FS. Law Implemented 99.095, 99.061, 99.097, 103.021, 105.031, 105.035 FS. History—New 10-23-07, Amended 11-7-10, 12-5-11, 1-1-14, 10-18-15.*



## Fla. Stat. § 99.095

Current through Chapter 27 of the 2021 Legislature.

**LexisNexis® Florida Annotated Statutes > Title IX. Electors and Elections. (Chs. 97 — 107) > Chapter 99. Candidates. (§§ 99.012 — 99.121)**

### **§ 99.095. Petition process in lieu of a qualifying fee and party assessment.**

(1) A person who seeks to qualify as a candidate for any office and who meets the petition requirements of this section is not required to pay the qualifying fee or party assessment required by this chapter.

(2)

(a) Except as provided in paragraph (b), a candidate must obtain the number of signatures of voters in the geographical area represented by the office sought equal to at least 1 percent of the total number of registered voters of that geographical area, as shown by the compilation by the department for the immediately preceding general election. Signatures may not be obtained until the candidate has filed the appointment of campaign treasurer and designation of campaign depository pursuant to [s. 106.021](#) and are valid only for the qualifying period immediately following such filings.

(b) A candidate for a special district office shall obtain 25 signatures of voters in the geographical area represented by the office sought.

(c) The format of the petition shall be prescribed by the division and shall be used by candidates to reproduce petitions for circulation. If the candidate is running for an office that requires a group or district designation, the petition must indicate that designation and, if it does not, the signatures are not valid. A separate petition is required for each candidate.

(d) In a year of apportionment, any candidate for county or district office seeking ballot position by the petition process may obtain the required number of signatures from any registered voter in the respective county, regardless of district boundaries. The candidate shall obtain at least the number of signatures equal to 1 percent of the total number of registered voters, as shown by a compilation by the department for the immediately preceding general election, divided by the total number of districts of the office involved.

(3) Each petition must be submitted before noon of the 28th day preceding the first day of the qualifying period for the office sought to the supervisor of elections of the county in which such petition was circulated. Each supervisor shall check the signatures on the petitions to verify their status as voters in the county, district, or other geographical area represented by the office sought. No later than the 7th day before the first day of the qualifying period, the supervisor shall certify the number of valid signatures.

(4)

(a) Certifications for candidates for federal, state, multicounty district, or multicounty special district office shall be submitted to the division no later than the 7th day before the first day of the qualifying period for the office sought. The division shall determine whether the required number of signatures has been obtained and shall notify the candidate.

(b) For candidates for county, district, or special district office not covered by paragraph (a), the supervisor shall determine whether the required number of signatures has been obtained and shall notify the candidate.

(5) If the required number of signatures has been obtained, the candidate is eligible to qualify pursuant to [s. 99.061](#).



## History

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S. 2, ch. 74-119; s. 6, ch. 77-175; s. 29, ch. 79-400; s. 10, [ch. 89-338](#); s. 9, [ch. 90-315](#); s. 539, [ch. 95-147](#); s. 3, [ch. 99-140](#); s. 1, [ch. 99-318](#); s. 14, [ch. 2005-277](#); s. 9, [ch. 2005-286](#); s. 17, [ch. 2007-30](#), eff. Jan. 1, 2008; s. 11, [ch. 2008-95](#), eff. Jan. 1, 2009; s. 18, [ch. 2011-40](#), eff. May 19, 2011.

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## Fla. Stat. § 105.035

Current through Chapter 27 of the 2021 Legislature.

**LexisNexis® Florida Annotated Statutes > Title IX. Electors and Elections. (Chs. 97 — 107) > Chapter 105. Nonpartisan Elections (§§ 105.011 — 105.102)**

### **§ 105.035. Petition process of qualifying for certain judicial offices and the office of school board member.**

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(1) A person seeking to qualify for election to the office of circuit judge or county court judge or the office of school board member may qualify for election to such office by means of the petitioning process prescribed in this section. A person qualifying by this petition process is not required to pay the qualifying fee required by this chapter.

(2) The petition format shall be prescribed by the Division of Elections and shall be used by the candidate to reproduce petitions for circulation. If the candidate is running for an office that will be grouped on the ballot with two or more similar offices to be filled at the same election, the candidate's petition must indicate, prior to the obtaining of registered electors' signatures, for which group or district office the candidate is running.

(3) Each candidate for election to a judicial office or the office of school board member shall obtain the signature of a number of qualified electors equal to at least 1 percent of the total number of registered electors of the district, circuit, county, or other geographic entity represented by the office sought as shown by the compilation by the Department of State for the last preceding general election. A separate petition shall be circulated for each candidate availing himself or herself of the provisions of this section. Signatures may not be obtained until the candidate has filed the appointment of campaign treasurer and designation of campaign depository pursuant to [s. 106.021](#).

(4)

(a) Each candidate seeking to qualify for election to the office of circuit judge or the office of school board member from a multicounty school district pursuant to this section shall file a separate petition from each county from which signatures are sought. Each petition shall be submitted, prior to noon of the 28th day preceding the first day of the qualifying period for the office sought, to the supervisor of elections of the county for which such petition was circulated. Each supervisor of elections to whom a petition is submitted shall check the signatures on the petition to verify their status as electors of that county and of the geographic area represented by the office sought. No later than the 7th day before the first date for qualifying, the supervisor shall certify the number shown as registered electors and submit such certification to the Division of Elections. The division shall determine whether the required number of signatures has been obtained for the name of the candidate to be placed on the ballot and shall notify the candidate. If the required number of signatures has been obtained, the candidate shall, during the time prescribed for qualifying for office, submit a copy of such notice and file his or her qualifying papers and oath prescribed in [s. 105.031](#) with the Division of Elections. Upon receipt of the copy of such notice and qualifying papers, the division shall certify the name of the candidate to the appropriate supervisor or supervisors of elections as having qualified for the office sought.

(b) Each candidate seeking to qualify for election to the office of county court judge or the office of school board member from a single county school district pursuant to this section shall submit his or her petition, prior to noon of the 28th day preceding the first day of the qualifying period for the office sought, to the supervisor of elections of the county for which such petition was circulated. The supervisor shall check the signatures on the petition to verify their status as electors of the county and of the geographic area represented by the office sought. No later than the 7th day before the first date

Fla. Stat. § 105.035

for qualifying, the supervisor shall determine whether the required number of signatures has been obtained for the name of the candidate to be placed on the ballot and shall notify the candidate. If the required number of signatures has been obtained, the candidate shall, during the time prescribed for qualifying for office, submit a copy of such notice and file his or her qualifying papers and oath prescribed in [s. 105.031](#) with the qualifying officer. Upon receipt of the copy of such notice and qualifying papers, such candidate shall be entitled to have his or her name printed on the ballot.

## History

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S. 37, ch. 77-175; s. 2, [ch. 89-152](#); s. 35, [ch. 89-338](#); s. 23, [ch. 90-315](#); s. 631, [ch. 95-147](#); s. 6, [ch. 99-318](#); s. 3, [ch. 99-326](#); s. 66, [ch. 2005-277](#).

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End of Document



## Attachment 2

# Memo

**To:** Kim Cherbano, Town Clerk  
**From:** Patrick Brackins, Esq.; Clifford B. Shepard, Esq.  
**Date:** June 17, 2021  
**Re:** Untimely Payment of Qualifying Check

The Town Clerk has asked our office for a legal opinion regarding whether the Town Clerk may accept a qualifying check after the election qualification period ends and whether the Town Clerk had a duty to provide a second notification to a prospective candidate with deficient qualifying papers prior to the close of qualification period. Pursuant Sections 99.061(7)(a)-(c), 99.092(1), 99.093(1), Florida Statutes, the Town Clerk may not accept a qualifying check after the qualifying period has closed and, based on the facts described below, the Town Clerk fully complied with the requirements of Section 99.061(7)(b).

The qualifying period for prospective candidates to submit their papers and pay the qualifying fee to become candidates for elective office in the Town of Ponce Inlet closed at noon on June 11, 2021. If a candidate fails to pay the qualifying fee by the close of the qualifying period, that candidate is disqualified. FLA. STAT. § 99.061(7)(a)1. On June 1, 2021, Sarah Kelly, a prospective candidate for Town Council, presented the Town Clerk with her qualifying paperwork. However, Ms. Kelly did not attach her qualifying check in the amount of \$107.38. The Town clerk promptly informed Ms. Kelly that she must present the qualifying check prior noon on June 11<sup>th</sup>. Ms. Kelly did not submit the qualifying check prior to the close of the qualification period. Ms. Kelly has questioned whether the Town Clerk had a duty to contact her again, reminding her that she still needed to submit the check prior to the close of qualifying, and Ms. Kelly has also requested that the Town Clerk accept the qualifying check after the period has closed.

The Town Clerk's actions on June 1, 2021, complied with her duty under Section 99.061(7)(b), Florida Statutes, which provides:

If the filing officer receives paperwork during the qualifying period . . . which do not include [all required items] prior to the last day of qualifying, the filing officer shall make a reasonable effort to notify the candidate of the missing or incomplete items and shall inform the candidate that all required items must be received by the close of qualifying.

*Id.* The Town Clerk's representation to Ms. Kelly on June 1, 2021, fully complied with her duty to make a reasonable effort to notify Ms. Kelly that she must provide the qualifying check prior to noon on June 11th. There is no duty that the Town Clerk make two reasonable efforts to notify a prospective candidate of a deficiency. Moreover, the Town Clerk's authority and duties are ministerial functions. FLA. STAT. § 99.061(7)(c). The Town Clerk has no authority or discretion to take any action contrary to what is prescribed by statute. Section 99.061(7)(a)1, Florida Statutes, plainly provides that "[f]ailure to pay the fee . . . shall disqualify the candidate." *Id.*

Based on the foregoing, in our opinion the Town Clerk fully complied with her statutory duty to "make a reasonable effort to notify" Ms. Kelly of the deficiency on June 1, 2021, and the Town Clerk has no authority or discretion to accept an untimely qualifying check. *Id.*



## Town of Ponce Inlet POLICE DEPARTMENT

Jeffrey Glazier \* Police Chief



**To:** Jeaneen Witt / Town Manager  
**From:** Jeff Glazier / Chief of Police *JG*  
**Re:** Forfeiture Fund Request  
**Date:** July 1, 2021

Pursuant to Florida Statute 932.701 ("The Florida Contraband Forfeiture Act") and the Town of Ponce Inlet Ordinance #00-05, the proceeds and interest from this Fund may be used for crime prevention and safe neighborhoods. I respectfully request that the Town Council approve the use of \$3,539.10 of our forfeiture revenues for the purchase of three (3) Smith & Wesson Patrol Rifles with accessories and ammunition (see attached invoice).

Patrol Rifles are a necessary tool for any police department. Their accuracy, range, stopping power, and increased ammunition capacity are an excellent defense against heavily armed criminals. The PIPD is the only department I am aware of that does not utilize patrol rifles.

Once these rifles are received, PIPD officers must pass annual specialized rifle training to show their proficiency with the weapon before they are allowed to carry one in their patrol car.

These purchases are authorized under the provisions of the State. Please contact me with any questions or concerns.



# INVOICE

1050 S. Nova Rd  
 Ormond Beach, FL 32174  
 P. 386-304-9499  
 F. 386-304-9489

INVOICE #000  
 06/25/2021

**ATTN:**  
 Chief Glazier  
 PONCE INLET POLICE DEPARTMENT  
 4301 S. Peninsula Dr.  
 Ponce Inlet, Fl. 32127  
 386-236-2167

**COMMENTS OR SPECIAL INSTRUCTIONS:**

| SALESPERSON   | P.O. NUMBER | REQUISITIONER | SHIPPED VIA | F.O.B. POINT | TERMS          |
|---------------|-------------|---------------|-------------|--------------|----------------|
| Bobby Hawkins |             | Chief Glazier | N/A         |              | Due on receipt |

| QUANTITY | DESCRIPTION                                      | UNIT PRICE                     | TOTAL               |
|----------|--|--------------------------------|---------------------|
| 3        | Smith & Wesson M&P Rifle (10305)                 | 779.00                         | 2,337.00            |
| 3        | GUNSMART KIT (free)                              | 00.00                          | 00.00               |
| 9        | Mission First Tactical Mags / 30 Rd AR-15 (free) | 00.00                          | 00.00               |
| 3        | Caldwell AR-15 Mag Loaders (free)                | 00.00                          | 00.00               |
| 3        | Magpul Rifle Slings (MPMAG1004BLK)               | 19.99                          | 59.97               |
| 12       | GEN2 AR-15 Magpul PMAG /30 rds (MPMAG571BLK)     | 13.99                          | 167.88              |
| 75       | 1500 Rds (75 boxes) PMC 5.56 (PMC556X)           | 12.99                          | 974.25              |
|          |  | <b>SUBTOTAL</b>                | <b>\$3,539.10</b>   |
|          |  | <b>SALES TAX</b>               | <b>Exempt</b>       |
|          |  | <b>SHIPPING &amp; HANDLING</b> | <b>Local Pickup</b> |
|          |  | <b>TOTAL DUE</b>               | <b>\$3539.10</b>    |

Make all checks payable to Florida Gun Exchange  
 If you have any questions concerning this invoice, contact Bobby Hawkins at [bhawkins@floridagunexchange.com](mailto:bhawkins@floridagunexchange.com)

**THANK YOU FOR YOUR BUSINESS!**




## MEMORANDUM

Town of Ponce Inlet

Human Resources / Deputy Clerk Department

*The Town of Ponce Inlet staff shall be professional, caring and fair in delivering community excellence while ensuring Ponce Inlet citizens obtain the greatest value for their tax dollar.*

To: Jeaneen Witt, Town Manager

From: Kim Cherbano, Human Resource Director 

Date: July 2, 2021

Subject: Request for an increase in the hourly rate for labor and employment attorney services, from the law firm of Fisher Phillips

---

Fisher Phillips of Orlando has been providing labor and employment legal services to the town since 2002. Over the past year, the firm has been instrumental in assisting the town with personnel policies related to Covid-19, provided counsel for certain individual employee matters, and has provided guidance in appropriately investigating allegations raised against multiple employees in a single department. The Town has received the attached letter from the firm notifying us of its intent to increase attorney's fees from \$280.00 to \$295.00 per hour, effective October 1<sup>st</sup>, 2021. The currently hourly rate has been in effect since May 2018.

Thank you for your consideration of this matter.

Attachment(s):

1. Fisher/Phillips letter, dated June 4, 2021
2. Copy of Legal Services Agreement (2015) and May 2018 rate adjustment







JUN 10 2021

**Orlando**  
200 South Orange Avenue  
Suite 1100  
Orlando, FL 32801

(407) 541-0888 Tel  
(407) 541-0887 Fax

fisherphillips.com

**Writer's Direct Dial:**  
407-541-0850

**Writer's E-mail:**  
jmandel@fisherphillips.com

June 4, 2021

Jeaneen Witt, Town Manager  
Town of Ponce Inlet  
4300 South Atlantic Avenue  
Ponce Inlet, FL 32127

Re: *Labor and Employment Services*

Dear Jeaneen:

I want to thank you for allowing us to provide legal services to the Town. We have always enjoyed working with you and the Town's many outstanding employees. And, we hope to continue our relationship with the Town for many more years to come.

Despite substantial increases in our operating costs affecting nearly every aspect of our practice, as a long-time partner of the Town we have not increased our hourly rate for legal services since 2018. Unfortunately, we are no longer able to offset these increased expenses at the current hourly rate.

For the above reasons, we propose to implement a new attorney hourly rate of \$295 effective October 1, 2021. While we realize this hourly rate is an increase, it is still well below our private sector rates and is at or below what we are charging our other public sector clients. Moreover, we believe this rate is more than fair, particularly in light of the depth of knowledge and experience we have in representing public sector employers and the Town.

Please let us know if the Town approves of this new rate. If you would like to discuss this request, please do not hesitate to contact me. Again, we look forward to continuing our relationship with the Town.

Very truly yours,

Jeffrey E. Mandel

cc: Cliff Shepard, Esquire

**Fisher & Phillips LLP**

Atlanta • Baltimore • Bethesda • Boston • Charlotte • Chicago • Cleveland • Columbia • Columbus • Dallas • Denver • Detroit • Fort Lauderdale • Gulfport  
Houston • Irvine • Kansas City • Las Vegas • Los Angeles • Louisville • Memphis • Nashville • New Jersey • New Orleans • New York • Orlando • Philadelphia  
Phoenix • Pittsburgh • Portland • Sacramento • San Diego • San Francisco • Seattle • Tampa • Washington, DC • Woodland Hills

**FISHER & PHILLIPS LLP**  
ATTORNEYS AT LAW

www.laborlawyers.com

**Orlando**  
200 South Orange Avenue  
Suite 1100  
Orlando, FL 32801

(407) 541-0888 Tel  
(407) 541-0887 Fax

**Writer's Direct Dial:**  
(407) 541-0850

**Writer's E-mail:**  
jmandel@laborlawyers.com

July 9, 2015

Jeaneen Clauss Witt, Town Manager  
Town of Ponce Inlet  
4300 South Atlantic Avenue  
Ponce Inlet, FL 32127

Re: *Continuation of Legal Services Agreement*

Dear Jeaneen:

This will confirm that our law firm, Fisher & Phillips LLP, will continue to represent the Town of Ponce Inlet in general labor and employment matters under the existing terms and conditions and revised hourly rate set forth below.

Fisher & Phillips LLP is one of the oldest and largest firms in the nation engaged exclusively in the practice of labor and employment law, representing management. It has always been our philosophy to provide efficient, specialized services in the labor and employment area at rates comparable to or below those of our competitors and most general practice firms. We believe that having a reputation for providing high-quality work at reasonable rates is much more beneficial in the long run than charging the maximum going rate for our kind of services.

We have agreed to provide the Town legal services at the hourly rate of \$265 for attorneys. We re-evaluate our hourly rates at least annually, and we find that on occasion we must increase them. We will not seek to increase these rates, however, without first seeking the Town's approval.

We charge for long distance telephone calls, travel costs, photocopying, courier services, express delivery, facsimile transmissions, computer-aided legal research, and similar items connected with our handling your work. Ordinarily, these amounts will be set forth separately on your billing statement. Please let us know if you have any questions about the way we compute non-fee charges.

Also, sometimes we must incur third-party charges on our client's behalf, such as for process servers, court reporters, interpreters or translators, outside printing or copying, expert witnesses or consultants, and the like. Our policy is to forward all invoices from third-party vendors to our client for direct payment. The Town agrees to pay these invoices no later than 30

JUL 13 2015

Atlanta • Baltimore • Boston • Charlotte • Chicago • Cleveland • Columbia • Columbus • Dallas • Denver • Fort Lauderdale • Gulfport • Houston  
Irvine • Kansas City • Las Vegas • Los Angeles • Louisville • Memphis • New Jersey • New Orleans • Orlando • Philadelphia  
Phoenix • Portland • San Antonio • San Diego • San Francisco • Seattle • Tampa • Washington, DC

Jeaneen Clauss Witt, Town Manager  
July 9, 2015  
Page 2

days following your receipt of them, and acknowledge that its failure to pay any such invoice will constitute a default of this agreement.

Our practice is to send bills on a monthly basis. Our statements generally cover fees and expenses incurred through the end of the prior month, although sometimes fee totals or charges might not be immediately available for one reason or another and will therefore be billed later. This is particularly true at the end of a case. We expect our statements to be paid within 30 days of receipt. If the Town ever has a question about an invoice, it should contact us promptly to discuss it.

If for any reason the Town finds itself unable to pay a statement within 30 days after receipt, please call us promptly so that we can discuss it. We do reserve the right to impose interest charges at 1½% per month in connection with any balance that remains unpaid more than 30 days after the statement date, and we may withdraw from our representation of the Town in the event any statement remains unpaid for more than 60 days. Also, if it ever should be necessary for us to resort to legal action to collect our fees and expenses, it is agreed that the prevailing party shall recover its reasonable attorney's fees and costs in connection with any such action.

We will bill the Town for the time we spend working on its legal matters. It is important that the Town understands that while we will always seek the most expeditious and economical resolution to the various legal problems we handle on its behalf, we cannot guarantee any specific result. Particularly where litigation and other contested matters are involved, there are many variables that determine whether a particular party will prevail. Unless we specifically enter into a separate express contingency fee arrangement with the Town on a specific matter, our fees are not based on contingencies and are due and payable regardless of the outcome of the matter at issue.

We reserve the right to stop performing services and to withdraw from the Town's representation if it fails to cooperate with us or follow our advice, if we determine that the Town has made material misrepresentations to us, or if the Town fails to pay our fees or expenses incurred on its behalf. The Town agrees that we may withdraw from the representation under these circumstances, subject to court approval where that is required.

Clients and attorneys must communicate effectively with one another to exchange information and to discuss developments and possible courses of action. We will keep the Town informed as developments occur and will consult with the Town as to the appropriate steps to take. We also ask that the Town keep us informed of its objectives and wishes and that, if we ask for specific information or for instructions necessary to adequately carry out our representation, the Town will respond accurately, completely, and as quickly as possible.

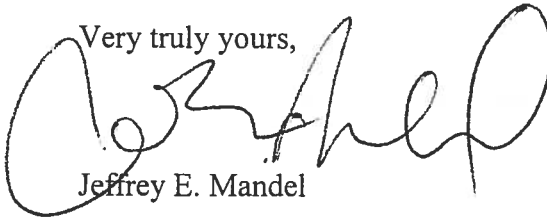
The codes of professional responsibility applicable to attorneys in some states require that law firms advise clients whether the firms have errors-and-omissions insurance coverage. Fisher

Jeaneen Clauss Witt, Town Manager  
July 9, 2015  
Page 3

& Phillips LLP does have such coverage.

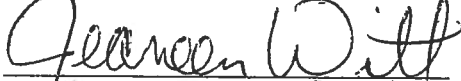
We have always enjoyed working with the Town, and are grateful that we continue to provide legal services to the Town. We regret the length of this letter, but as we noted at the outset, we take our professional responsibilities seriously and want to comply scrupulously with all ethical requirements. We also want to set forth herein all material terms of our agreement with the Town. If these terms are acceptable, please have this letter signed by the appropriate official in the space provided below indicating the Town's consent.

If you have any questions, please call. Once again, we appreciate the opportunity to work with the Town, and we will always strive to maintain its confidence and trust.

Very truly yours,  
  
Jeffrey E. Mandel

Accepted by:

TOWN OF PONCE INLET



By: Jeaneen Witt

Its: Town Manager

8/21/15  
Date

6-C



**MEMORANDUM**

**Town of Ponce Inlet, Human Resources/Deputy Clerk**

*The Town of Ponce Inlet staff shall be professional, caring and fair in delivering community excellence while ensuring Ponce Inlet citizens obtain the greatest value for their tax dollar.*

To: Jeaneen Witt, Town Manager  
From: Kim Cherbano, HR Director/Deputy Clerk  
Date: April 19, 2018  
Subject: Continuation of labor and employment services with Fisher/Phillips, LLP

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**MEETING DATE:** May 17, 2018

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Fisher/Phillips of Orlando has been providing labor and employment legal services to the town since 2002; during this time, we have had a very good working relationship with this professional firm. On April 16, 2018, the Town received notification from Fisher/Phillips of its intent to increase attorney's fees from \$265.00 to \$280.00 per hour, effective October 1, 2018. The current hourly rate has been in effect since June 2015.

Based on the vast knowledge, experience, and working relationship between Fisher/Phillips and the Town, staff would be pleased to continue the relationship, if it is the pleasure of the Council.

Thank you for your consideration of this matter.

  
\_\_\_\_\_  
Kim Cherbano, Deputy Clerk

April 19, 2018  
Date

Attachment(s):

1. Fisher/Phillips letter, dated April 12, 2018



fisherphillips.com

April 12, 2018

Jeaneen Clauss Witt, Town Manager  
Town of Ponce Inlet  
4300 South Atlantic Avenue  
Ponce Inlet, FL 32127

Re: *Labor and Employment Services*

Dear Ms. Witt:

I want to thank you for allowing us to provide legal services to the Town. We have always enjoyed working with you and the Town's many outstanding employees. And, we hope to continue our relationship with the Town for many more years to come.

Despite substantial increases in our operating costs affecting nearly every aspect of our practice, as a long-time partner of the Town we have not increased our hourly rate for legal services for a number of years. Unfortunately, we are no longer able to offset these increased expenses at the current hourly rate.

For the above reasons, we propose to implement a new attorney hourly rate of \$280, effective October 1, 2018. While we realize this hourly rate is an increase, it is still well below our private sector rates and is at or below what we are charging our other public sector clients. Moreover, we believe this rate is more than fair, particularly in light of the depth of knowledge and experience we have in representing public sector employers and the Town.

Please let us know if the Town approves of this new rate. If you would like to discuss this request, please do not hesitate to contact me. Again, we look forward to continuing our relationship with the Town.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Jeffrey E. Mandel', with a long, sweeping underline.

Jeffrey E. Mandel

cc: Kim Cherbano, HR Director/Deputy Clerk

**Fisher & Phillips LLP**

Atlanta • Baltimore • Boston • Charlotte • Chicago • Cleveland • Columbia • Columbus • Dallas • Denver • Fort Lauderdale • Gulfport • Houston  
Irvine • Kansas City • Las Vegas • Los Angeles • Louisville • Memphis • New Jersey • New Orleans • New York • Orlando • Philadelphia  
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**Meeting Date:** July 15, 2021

**Agenda Item:** 7-A

## Report to Town Council

**Topic:** Consideration of the appointment to Code Enforcement Board.

**Recommended Motion:** As determined by Council for the appointment of Elena Richards as Alternate #1 to the Code Enforcement Board, with a term expiration of December 31, 2021.

**Summary:** Please see attached staff report.

**Requested by:** Ms. Cherbano, Human Resources Director/Deputy Clerk

**Approved by:** Ms. Witt, Town Manager






## MEMORANDUM

### TOWN OF PONCE INLET, OFFICE OF THE DEPUTY CLERK

*The Town of Ponce Inlet staff shall be professional, caring and fair in delivering community excellence while ensuring Ponce Inlet citizens obtain the greatest value for their tax dollar.*

To: Jeaneen Witt, Town Manager  
From: Peg Hunt, Assistant Deputy Clerk  
Through: Kim Cherbano, Deputy Clerk   
Date: June 30, 2021  
Subject: Application for appointment to the Code Enforcement Board

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**MEETING DATE:** July 15, 2021

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#### **Discussion:**

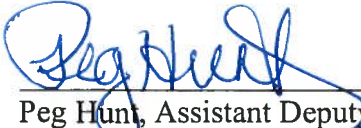
The Code Enforcement Board consists of five (5) Regular and two (2) Alternate members. With the recent resignation of Mr. Hinson, Ms. Bullock automatically moved to Seat 1, leaving Alternate Seats 1 and 2 vacant. Staff continues to advertise vacancies pursuant to current procedures: posted on the town's website and Facebook page, posted in the kiosk at town hall, and announced at various meetings throughout the year.

On June 24, 2021, staff was contacted by Elena Richards expressing interest in serving on the Code Enforcement Board. Ms. Richards was provided a copy of the 2021 Annual Boardmember Training Materials, the Form 1, Statement of Financial Interests, and the Board's agenda packet. Her attendance was confirmed at the June 28<sup>th</sup> Code Enforcement Board meeting; therefore, applicant has met the pre-appointment requirements as set forth by the Town Council and is qualified to serve on this board.

#### **Request:**

To appoint Elena Richards to Alternate Seat 1, with a term expiration date of December 31, 2021.

Thank you for your consideration.

  
\_\_\_\_\_  
Peg Hunt, Assistant Deputy Clerk

June 30, 2021

\_\_\_\_\_  
Date

Attachment(s):

1. Application for appointment to the Code Enforcement Board



Town of Ponce Inlet  
4300 South Atlantic Avenue  
Ponce Inlet, FL 32127  
(386) 236-2180



Application for appointment to the  
**CODE ENFORCEMENT BOARD**

*Please note that all information provided becomes a public record upon receipt.*

Each member of the Board shall be a qualified elector of the Town of Ponce Inlet and preference for appointment will be given to full-time residents per Section 2-91(g) of the Town's Code of Ordinances. Meetings are held at 9:30 am on the fourth Monday of each month in the Council Chambers at 4300 S. Atlantic Ave, Ponce Inlet, FL.

**All actions and duties of the Code Enforcement Board shall be governed by Chapter 162, Florida**

**Statutes.** Name: Elena M. Richards

Address: Current: 4650 Harbour Village Blvd. Unit B502 -- Permanent - 54 Ocean Way Dr.

Daytime Telephone: Cell: 603-785-6993

E-mail address: [elenar0417@gmail.com](mailto:elenar0417@gmail.com)

Residency:  Full-time  Part-time

(If part time, please indicate the number of months you are usually in Ponce Inlet each year):

Indicate if you have experience and/or education in the following fields:

Architecture  Real Estate  Business Ownership/Management

Engineering  General Contracting/Construction

If yes, please explain:

During my career as a paralegal, I have prepared the required documents and participated in many real estate transfer closings and land use matters.

Do you have any training and/or experience in Parliamentary Procedure, Sunshine Law, and Quasi-Judicial proceedings? . If so, please describe:

Yes, 37 years preparing and participating in judicial matters both before municipality/state boards and state/federal courts.. Having only moved to Florida from New Hampshire 3 years ago, my knowledge of the "Sunshine Law" is limited. However, upon reading the training materials related to the Sunshine Law, it's intent is similar to New Hampshire Municipal Statutes and the Freedom of Information Act (FOIA), of which I am familiar.

Have you reviewed the Boardmember Training Information handouts and video regarding Parliamentary Procedure, Sunshine Law, and Quasi-Judicial proceedings? . If so, please provide the date of review: 6/28/2021

Please provide additional information and/or interests you feel may be helpful when considering your application for board appointment:

My 37 years of experience as a paralegal has provided me with the knowledge and skills to analytically review all evidence/testimony as presented and will enable me to make factually supported decisions as a member of the CE Board..

In addition, having recently retired to Ponce Inlet with my husband, David, I am seeking opportunities where I can be engaged in my community while also utilizing the skills I've developed throughout my career.

**PLEASE NOTE:** Those seeking appointment to the Code Enforcement Board must attend one regular Board meeting *prior* to application submittal. *Please indicate meeting date:* . 6/28/2021

In addition, Boardmember must file a **Form 1 Statement of Financial Interests** within thirty days of appointment (as required by the State Commission on Ethics) and filed annually. Your completed Form 1 **must be submitted with your initial application for appointment** to ensure this requirement is met.

*I hereby affirm that I am a resident and qualified elector of the Town of Ponce Inlet and that the information provided on this application is true and accurate.*

Signature of Applicant Date

*Eileen M. Richards 6/30/2021*

STAFF USE ONLY

Application received by: Date:

*Peg Hunt 6/30/2021*

Residency verified?  FL Driver's License  Other:

Voter Registration verified? Date: By:

*P. Hunt 6/30/2021*

Council meeting date: Email / Letter sent:

*7/15/21*

*✓ verbal & email notification*

Appointment **APPROVED**  Appointment **DENIED**



**Meeting Date:** July 15, 2021

**Agenda Item:** 7-B

## Report to Town Council

**Topic:** Plaque for the dedication of the Ponce Inlet's fire department building to the memory of Lieutenant Carolyn Anna Sprague.

**Recommended Motion:** Approval of the proposed plaque for placement at the Ponce Inlet fire department building.

**Summary:** Please see attached staff report.

**Requested by:** initially requested by Councilmember Israel; upon approval by Council, Fire Chief Seales and Cultural Services Manager Jackie French worked on this and assembled the attached proposal.

**Approved by:** Ms. Witt, Town Manager



**MEMORANDUM**  
**TOWN OF PONCE INLET**  
**OFFICE OF THE FIRE CHIEF**

*The Town of Ponce Inlet staff shall be professional, caring, and fair in delivering community excellence while ensuring Ponce Inlet citizens obtain the greatest value for their tax dollar.*

To: Jeaneen Wit, Town Manager

From: Daniel Scales, Fire Chief

Date: July 6, 2021

Subject: Staff Report – Council Meeting July 15, 2021 – Fire Station Dedication Update

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Attached to this report is the final mock-up of the proposed sign to be located at the fire station located at 4680 South Peninsula Drive honoring Carolyn Sprague. Staff worked directly with Ms. Sprague's family and came up with the final verbiage for the sign as well as a picture to be included.

We opted to follow the same sign design and appearance as the lighthouse tramway sign and the Jesse Linzy sign being placed at the boat ramp. The material will withstand the ocean conditions, as well as allow us to produce a larger sign than original proposed. Staff recommends the dimension for the sign to be 24 inches by 24 inches.

Staff would facilitate a brief dedication ceremony in the near future, inviting members of Mrs. Sprague's family.

Estimated costs for the plaque with installation is between \$2,000 and \$2,500

24"W



## This Station is Dedicated to the Memory of Lieutenant Carolyn Anna Sprague

Lt. Sprague provided many years of service to the Ponce Inlet Volunteer Firefighters Association. Some of her many accomplishments were Volunteer Firefighter of the Year, as well as Secretary of the Association.



She was a humble and devoted leader who instilled pride and commitment to the firefighters she served with. She freely and consistently gave of herself to the Ponce Inlet community and was an inspiring example to women, future generations, and all who knew her.



This design is  
Lighting Service  
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or in part with  
Sign & Light  
electrical hook  
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Designer

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PAGE

24"W

24" W x 24" H

1 Sign

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ided



**Meeting Date:** July 15, 2021

**Agenda Item:** 11-A

## Report to Town Council

**Topic:** Resolution 2021-05, adopting a proposed millage rate for fiscal year 21/22.

**Recommended Motion:** Approval of Resolution 2021-05 with a proposed millage rate of (TBD) for fiscal year 21/22 and setting the Town's budget hearings for 6:00 p.m. on September 9<sup>th</sup> and September 22<sup>nd</sup>, 2021.

**Summary:** Please see attached staff report.


**Requested by:** Ms. Witt, Town Manager

**Approved by:** Ms. Witt, Town Manager



**MEMORANDUM**  
**TOWN OF PONCE INLET – OFFICE OF THE TOWN MANAGER**

*THE TOWN OF PONCE INLET STAFF SHALL BE PROFESSIONAL, CARING, AND  
FAIR IN DELIVERING COMMUNITY EXCELLENCE WHILE ENSURING PONCE  
INLET CITIZENS OBTAIN THE GREATEST VALUE FOR THEIR TAX DOLLAR.*

**TO:** Town Council  
**FROM:** Jeaneen Witt, CMC, Town Manager   
**DATE:** July 6, 2021  
**SUBJECT:** Proposed Millage Rate for FY 21/22

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The budget for fiscal year 21/22 is balanced with a proposed millage rate of 5.9, estimated at 95% to produce \$5,650,493 in ad valorem revenue. The Town's current millage rate is 5.9 and the rolled-back rate (RBR) is 5.5841. The proposed millage rate is 5.66% above RBR.

According to the Volusia County Property Appraiser's preliminary tax roll, the collective taxable value of property in Ponce Inlet has increased by 5.66%. Homesteaded properties will be capped at a taxable value increase of 1.014%. A homesteaded property would pay a maximum of \$6 more per \$100,000 of taxable value next year. A non-homesteaded property would pay an estimated \$34 more per \$100,000 of taxable value, assuming their property increased by the 5.66%.

Attached is a copy of the memorandum which provides a complete summary of the proposed budget, a full reporting of the town's reserves, a spreadsheet showing millage rate calculations, and a spreadsheet showing the general maximum impact of proposed millage rate.

Resolution 2021-05 has been prepared for the Town Council's formal approval of a proposed millage rate, to be determined by Council. The millage rate approved by Council will serve as the town's maximum millage rate for next fiscal year and will be advertised by the property appraiser on the proposed property tax bills, which his office mails to property owners in August.

Resolution 2021-05 also provides the dates of two public hearings for the millage rate and budget adoption in September. There are several statutory elements which go into the selection of viable dates and based upon the information we currently have, I believe both of the dates proposed will meet all criteria. Should any issues arise in the coming months which necessitate a change to either of these proposed dates, this resolution provides that flexibility.





**MEMORANDUM**  
**TOWN OF PONCE INLET – OFFICE OF THE TOWN MANAGER**

*THE TOWN OF PONCE INLET STAFF SHALL BE PROFESSIONAL, CARING, AND  
FAIR IN DELIVERING COMMUNITY EXCELLENCE WHILE ENSURING PONCE  
INLET CITIZENS OBTAIN THE GREATEST VALUE FOR THEIR TAX DOLLAR.*

**TO:** Town Council  
**FROM:** Jeaneen Witt, CMC, Town Manager *qw*  
**DATE:** July 1, 2021  
**SUBJECT:** Proposed Budget for FY 21/22

Introduction

This budget is presented to you to cover four fiscal years – the Final 19/20, the Amended FY 20/21, the Proposed FY 21/22, and the Forecast FY 22/23. While the Town’s budget document includes the final budget of the most recent audited year (Final 19/20), this is for information only as that year is closed. In addition, this is the fifth year that I have included a forecast budget to provide a general perspective of the Town’s budget another year out, and to see how we try to position ourselves to best balance the needs of each year; this too is only for informational purposes. The only two years you will be asked to adopt are the budgets for Amended FY 20/21 and Proposed FY 21/22.

Town Reserves, Debt, & Finance Practices

The town’s stabilization reserve and other unassigned fund balance is now \$3,645,976. This amount, which equates to a 61% reserve / 7+ months is the highest percentage reserve since FY 09/10 when the town had accumulated \$3,684,612 (78% / 9+ months) before undertaking a ten-year defense in a property rights lawsuit, which cost the town approximately \$5.5 million dollars. The town’s current policy requires the General Fund Reserve to be between three and nine months. In addition to the general fund reserve, the town has reserve funding specific to 20 other funds; the total of all of the town’s reserves based upon the audit of fiscal year 19/20 was over \$6 million dollars. The town’s water operation fund is included in this and is now funded at a 100% reserve in the amount of \$1,288,818. A complete list of the town’s current reserves has been provided on a spreadsheet attached to this memo and within the budget document in the revenue reserve line of each fund.

The town's debt total is currently \$3,282,879. Continuing with FY 09/10 for comparison, the debt total of that time was \$6,106,143.

In addition to the high reserve and low debt measurements, the town has received perfect, comment-free audits for the last 5 years, which means that management has implemented practices to ensure the protection the town's finances. The combination of high reserve funding, low debt service, and a solid history of perfect audits demonstrate that the town is presently in the best financial position of its history.

### Amended Budget for FY 20/21

The Amended Budget for FY 20/21 budget is proposed based upon the actual receipt of revenues and expenditures over the course of the current year. Highlights of the changes within the amended budget are as follows:

#### General Fund (GF) 001:

- The total general fund revenue is anticipated to be about \$24,000 more than originally budgeted.
- Fuel costs and utility costs have been adjusted throughout this budget to reflect the actual costs we are seeing this year.
- The \$100,000 carried-forward from the prior year for the sidewalk grant match, is proposed to be carried-forward again to FY 21/22 with an additional \$50,000 for the grant match which was increased from 10% to 15%; this is shown in the appropriate revenue line item, contingency in legislative budget, and in the planning budget.
- A welcome packet with the costs of printing and mailing approximately 1,500 copies of it has been budgeted in the amount of \$10,000 for the first year; this is shown in the legislative budget.
- An employee longevity award program was approved and has been implemented; this cost for the first year was \$2,150 and is shown in the Administration budget.
- The legal budget has been increased by \$141,000 to cover the cost of the investigation of allegations in our fire department, for which you have been provided the findings, and also to cover the cost of the increased workload assigned to our town attorneys this fiscal year.
- The planning department's budget's only significant change is the carry-forward of the sidewalk grant match.
- The information technology budget has no significant changes.
- The police department budget is about \$125,000 under budget; this was primarily due to not having all its positions filled throughout the year.
- The fire department budget has been increased by \$50,000, primarily due to overtime costs.
- The building department budget has been reduced by \$30,000 due to a portion of the watershed master plan being carried-forward to next fiscal year; for which grant reimbursement approval has now been obtained.

- The public works budget has no significant changes.
- The parks and recreation budget is about \$20,000 under budget due to the competitive bid received for the Ponce Preserve boardwalk handrail replacement.

Other town funds:

- Local option fuel tax – 0.06 cents: no significant changes.
- Local option fuel tax – 0.05 cents: \$85,000 transfer to a construction fund for the road work and stormwater improvements for the Ponce de Leon Septic-to-Sewer project.
- Donations: no significant changes.
- Hurricane Irma: transfer remaining \$1 back to general fund at closeout.
- Tree Bank: no significant changes.
- Sidewalk: no significant changes.
- Parks & Recreation: no significant changes.
- Community Center: proposed restroom remodel estimate added (approx. \$50,000).
- Historical Museum: no significant changes.
- Pollard Park Project: completed in FY 19/20; fund has surplus for closeout.
- Davies Lighthouse Park Project: updated for actuals; fund has surplus for closeout.
- Police Education: no significant changes.
- Stormwater Loan Debt Service: no significant changes.
- Town Hall Loan Debt Service: no significant changes.
- Land Acquisition Fund: no significant changes.
- Capital Fire Equipment: no significant changes.
- Capital Facility Maintenance: no significant changes.
- Ponce de Leon Septic-to-Sewer Project: construction fund created.
- Water Operating & Maintenance: \$5,000 transfer for Ponce de Leon Septic-to-Sewer project.
- Refuse: no significant changes.
- Sewer: recognizing increase in sales activity, which we send to the City of Port Orange.
- Water Expansion: no significant changes.
- Water System Improvements Debt Service: no significant changes.
- Contraband/Forfeiture: no significant changes.

Proposed Budget for FY 21/22

The proposed budget for fiscal year 21/22 is a balanced budget with a proposed millage rate of 5.9 mills, estimated at 95% to produce \$5,650,493 in ad valorem revenue. The Town's current millage rate is 5.9 and the rolled-back rate (RBR) is 5.5841. The proposed millage rate is 5.66% above RBR.

According to the Volusia County Property Appraiser's preliminary tax roll, the collective taxable value of property in Ponce Inlet has increased by 5.66%. Homesteaded properties will be capped at a taxable value increase of 1.014%; therefore, a homesteaded property would pay a maximum of \$6 more per \$100,000 of taxable value next year. A non-homesteaded property would pay an estimated \$34 more per \$100,000 of taxable value, assuming their property increased by the collective average of 5.66%. I've prepared a spreadsheet with other sample valuations which is provided with this memorandum.

Highlights of the proposed FY 21/22 Budget are provided to follow by Fund and Department, as applicable:

### General Fund (GF) - 001

#### Multi-Department Expenditures –

- Changes in rates overall for fringe benefit package:
  - With a twelve-month average CPI of 1.61%, a pay increase of 2.5% would customarily have been proposed in this budget; however, this budget instead is designed to initiate the first of several steps to implement the new minimum wage requirements of \$15/hour, as required by September 30, 2026. Instead of a percentage increase, in an effort to provide wage increases where they are needed most and still address compression, I am proposing a flat increase of \$2,600 per year to the annual salary of each employee; this provides an average increase townwide of 4.9% (though the lower salaries would be receiving a higher percentage than 4.9% and the higher salaries would be receiving a lower percentage than 4.9%). I propose this be undertaken for two consecutive years, after which the lowest hourly rate for a current employee will be \$15. Over the course of a four-year period, I propose we implement pay grade modification upgrades which equitably achieve the entry level \$15/hour minimum for our lowest classification; we must stagger the pay grade upgrade to ensure new hires do not surpass current employees. This proposal in its entirety will enable the town to meet the minimum wage requirements approved by state referendum one fiscal year in advance of the deadline. I have exempted myself from this annual pay raise, which is otherwise authorized by contract, as I did last fiscal year.
  - Florida Retirement System contribution rates have increased between 5.5% and 6.6%, depending on employee classification;
  - Health insurance rates increased by 0.4%;
  - Dental insurance rates remained the same;
  - Vision insurance rates remained the same;
  - EAP insurance rates remained the same;
  - Short term disability insurance rates decreased by 15.8%;
  - Long term disability insurance rates decreased 17.1%;
  - Life insurance rates decreased by 2.1%;

\*Note: The disability & life insurance costs to the town are based upon each employee's annual salary.

- General Insurance costs are estimated at a 5% increase; this may be lower before budget adoption, but we have added some new structures to our policy due to park improvements; we will have a final proposal before the September budget adoption.
- Flood Insurance rates for those properties within a flood zone are estimated at a 15% increase based on our experience the last couple years; the actual amount is uncertain until the specific policy renewal is received. The Town has flood insurance on the three Historical Museum buildings and both buildings located at the Fire Department; these are the only town buildings located in flood zones.
- Workers Compensation insurance costs are estimated at a 5% increase; while our claim history has improved for a lower rate, the full cost is also based upon employee salaries; we will have a final proposal before the September budget adoption.
- Fuel has been estimated with a 5% increase.
- Utilities (water & electric) have been estimated with a 5% increase.

#### Legislative –

- \$9,000 is proposed for a Strategic Planning Consultant; a strategic planning session was approved to be facilitated by UCF's Institute of Government in FY 20/21 but was postponed for completion of the resiliency study, which is currently underway and facilitated by the East Central Florida Regional Planning Council.
- Welcome brochure and magnets, to include any mailing of these is budgeted in the amount of \$2,500 for FY 21/22, anticipating that the largest print and mailout will occur in the current fiscal year 20/21 for an estimated \$10,000.
- \$14,187 continues to be budgeted for the First Step Shelter, as approved for five years beginning in FY 17/18 and continuing through FY 21/22.
- \$50,000 is proposed for transfer to the community center fund (approximately half of which is to build a reserve within this fund for a future capital improvements).
- \$69,000 is proposed for transfer to the historical museum fund.

#### Administration –

- As initiated in prior year, I continued a self-initiated reduction in my car allowance from that approved by contract.

#### Legal –

- While we enjoyed a sizable reduction in legal costs in FY 19/20, following the end of the Pacetta litigation, FY 20/21 has necessitated considerably greater involvement from our town attorneys. In recognizing this increase in legal expenditures in the current year, apart from those required for fire department investigation, I am estimating the town's general representation, code enforcement board, and employment matters at \$230,000.

Planning & Zoning –

- A portion of the 15% TPO grant match is proposed to be carried forward from the prior year for the design and engineering of the South Peninsula Drive Sidewalk Project (\$150,000); the total 15% is estimated at \$696,000 and is proposed to be budgeted over a period of several years with approximately \$450,000 available for allocation from the 2<sup>nd</sup> local option fuel tax (fund 003).
- A townwide traffic study required for the comprehensive plan's evaluation and appraisal report (EAR) is proposed in the amount of \$30,000.

Information Technology –

- \$52,197 is proposed for the P25 police radio upgrades.
- \$5,460 is proposed for police department power DMS upgrade for Accreditation software.
- Approximately \$27,000 is proposed for replacement of computer equipment as part of the Town's regular program.
- \$6,000 is proposed for fire department security cameras.

Police –

- \$9,741 is proposed for Taser upgrades with signal sidearm.
- Replacement of one patrol vehicle is proposed at approximately \$45,000 to include all police equipment and installation.

Fire –

- Facilitation of a Community Risk Assessment – Standards of Cover process (\$34,500) and facilitation of a Community Driven Strategic Plan (\$16,800); both by the Center for Public Safety Excellence are proposed in the FY 21/22 budget. The second year of this process (FY 22/23) would include facilitation of the town's self-assessment manual writing with technical advisor review (\$34,900).
- \$17,000 is proposed for a second Lucas CPR device.
- \$15,000 is proposed for a bunker gear extractor, contingent upon a grant for 85% of this cost, noted in GF revenues.
- \$25,000 is proposed for transfer to the fire capital equipment fund.

- Building & Code Enforcement –

- A watershed master plan is budgeted at a cost of \$60,000, which coupled with some additional internal work is anticipated to bring the town's CRS rating to either a 3 or 4; one of the best in the nation and a significant savings for property owners on flood insurance; the town has been approved for a State Department of Environmental Protection grant to fully reimburse the cost of this master plan – noted in GF revenues.
- In place of the previous contractual assistance with a short-term rental monitoring company, the Planning & Development department requested the addition of one part-

time employee who would be dedicated to short-term rental enforcement. Following this request, the topic came up at a Council meeting in May and Council approved the position to be advertised for hire in FY 20/21. This department's budget includes this for its first full year with a salary of approximately \$15,000 for this part-time position.

- A Building & Code administration area efficiency remodel is proposed for \$17,980; the front portion of this office was completed a few years ago and has enabled greater functionality for those two staff members to keep up with the demands for service in this area, as visible from continued increase in permitting revenues; the back half of this office area is in need of directing some of these revenues toward the completion of this project.

#### Public Works –

- \$49,500 is proposed for the replacement of 2 retaining walls at the corners of Tina Marie and South Peninsula Drive, with the plan for them to match those located at the corners of Sun Dunes Circle and South Peninsula Drive.
- \$8,327 is proposed for the replacement of a John Deere gator; this cost is split with the Water Fund.
- \$25,000 is proposed for transfer to the building capital maintenance fund.

#### Parks & Recreation

- \$6,700 is proposed for tree trimming and removal of dead trees & stumps in Ponce's Happy Tails Dog Park.
- \$1,500 is proposed for contractual quarterly ant spraying for all playground and pavilion areas; this has been initiated effective July 1<sup>st</sup>, 2021.
- \$6,000 is proposed for the 3 children's holiday events; this is about \$2,200 more than in previous years to enable an upgrade of various items used in these events.
- \$1,500 is proposed for replacement benches at Ponce Preserve and Elber's Sunset Park.
- \$800 is proposed for a park rules sign for Officer Timothy Pollard Memorial Park.
- \$3,500 is proposed for 2 acorn seats for children in the playground area of Ponce Preserve.
- \$1,500 is proposed for 2 replacement bench swings in the Kay & Ayres Davies Lighthouse Park, with a type less vulnerable to the vandalism that occurred; in addition, \$1,500 is budgeted for 1 bench swing frame so that we can use the one remaining bench swing from this park in a different location. This initial experiment in using bench swings has shown they are highly appreciated by our residents of all ages.
- \$40,000 is proposed for rip rap revetment replacement at Elber's Sunset Park.
- \$30,000 is proposed for the addition of 2 shade structures for the pickleball courts; these would be built to match the pavilion in that park.

Local Option Gas Tax (.06 cent) Fund - 002

This is a restricted fund which can be used for certain types of road expenditures; \$85,000 is budgeted for debt service associated with the Town's stormwater loan.

Local Option Gas Tax (.05 cent) Fund - 003

This is a restricted fund which can be used for certain types of road related expenditures; \$7,000 is budgeted for debt service associated with the Town's stormwater loan.

Donations Fund - 005

This fund is primarily used for the Christmas parade donations and expenditures. There are also accounts setup for donations received and spent in specified departments/categories. The reserve/fund balance in each is tracked pursuant to its specific income and expenditures.

Tree Bank Fund - 141

This is a restricted fund for monies received for mitigation of tree removal when replacement does not occur. This fund's budget includes \$7,500 for a tree replenishment plan of Live Oak trees throughout the Town.

Sidewalk Fund - 143

This is a restricted fund for monies received when it is not feasible to add a sidewalk in front of a newly developed home (areas with no adjoining sidewalks). Expenditures from this fund must be related to repair, replacement, or extension of sidewalks; we proposed \$6,000 for misc repairs.

Parks & Recreation Fund - 144

This is a restricted fund for impact fees assessed to support the Town's parks and recreation element. The Town charges \$347.81 per new single-family construction and \$262.88 per unit for multi-family construction.

Community Center Fund - 145

This fund was established to support the operation and maintenance of the Community Center. There is a General Fund transfer proposed in the amount of \$50,000 for FY 21/22. General insurance, 75% of the electric bill, and repairs / maintenance are budgeted in this fund for payment by the town, along with funding for future capital improvements. The town has a contractual partnership with Ponce Inlet Community Center, Inc (PICCI). PICCI covers the full cost of water service, 25% of the cost of electric service, and 100% of the insurance policy for activities in the Center.

Historical Museum Fund - 146

This fund was established for the Town's support of the Historical Museum located at 143 Beach Street. There is a General Fund transfer proposed in the amount of \$68,000. Payments of all museum operational and capital expenditures are budgeted in this fund.

Pollard Park Project Fund - 150

This fund was established for the construction project related to Pollard Park improvements; this project was just over \$1 million dollars of which \$394,048 was reimbursed with ECHO grant



funding. This fund is ready to be closed out; remaining monies should be transferred back to the Land Acquisition Fund, from which is where the town's portion of this project was funded.

#### Davies Lighthouse Park Project Fund - 151

This fund was established for the construction project related to Davies Lighthouse Park improvements, which was estimated at \$350,000 of which ECHO grant was approved to cover \$175,000. This fund will be ready to be closed out; remaining monies should be transferred back to the Land Acquisition Fund, from which is where the town's portion of this project was funded.

#### Police Education Fund - 160

This is a restricted fund for monies received from court processed citations and criminal cases. Expenditures must be related to police education; some police training is charged to this earmarked funding.

#### Debt Service – Stormwater Improvements Loan Fund - 201

This fund was established pursuant to state revolving fund loan requirements for debt service. Local option fuel tax revenues, refuse rate revenues, and sewer administrative fee revenues were pledged by the Town in 2005 for repayment of this loan (\$156,586/year). FY 21/22 will be the 16<sup>th</sup> year of this 20-year loan, which has a 2.7% interest rate.

#### Debt Service – Town Hall Loan Fund - 203

This fund was established pursuant to loan requirements for debt service. Funding from the Land Acquisition Fund, which was created from a variety of general fund revenues, was pledged by the Town in 2004 for repayment of this loan (\$327,842/year). FY 21/22 will be the 17<sup>th</sup> year of this 20-year loan, which has a 4.11% interest rate and a prepayment penalty equal to the full-term cost of the loan.

#### Land Acquisition Fund - 302

This fund was established in 2003 as follows:

All revenue generated and collected by the town from franchise fees for the collection of garbage and the public service tax on the sale of electricity, metered natural gas, liquefied petroleum and manufactured gas shall be deposited into the town public land acquisition and facility fund, and shall be expended from that fund only for the purposes of acquiring real estate, construction of public facilities and payment of administrative, engineering and legal expenses related to those tasks. In the event of a natural disaster or financial emergency, the town manager may request the town council to permit the expenditure of funds from the town public land acquisition and facility fund for other purposes and the town council may grant this request only by a four-fifths vote of the members present. The town manager is authorized to make expenditures from this fund within the parameters of this section.

The annual transfer from this fund to the Town Hall Debt Service fund is budgeted. The close-out monies from the Pollard Park and Davies Lighthouse Park projects are shown as being returned to this fund, as it was the source of the town's matching funds for these projects.

#### Capital Fire Equipment Fund - 305

This fund was established for the purpose of replacing certain Fire/EMS equipment (ambulance/fire engine/etc...). This type of equipment does not need to be replaced often but it will otherwise have a disproportionate impact on a single year's budget. Preparing for this type of capital equipment replacement via an annual budget transfer helps balance disproportionate impact. Council approved the purchase of a new ambulance in FY 19/20 at a cost of approximately \$195,000; it was received and paid in FY 20/21. A fire engine is anticipated to be the next capital equipment purchase from this fund, so it will help if we build up this fund for that future purchase.

#### Capital Facility Maintenance Fund - 307

This fund was established for the purpose of building the funding needed for capital projects and the sudden needs for capital equipment replacement (air conditioners, generators, copiers...)

#### Ponce de Leon Septic-to-Sewer Fund – 309

This fund has been established for the construction project related to sewer, stormwater, water, and road improvements on Ponce de Leon Circle. The majority of the funding for this project is St Johns River Water Management Indian River Lagoon Grant funding (\$807,206). The City of Port Orange is contributing \$216,023 to this project, pursuant to the interlocal agreement. The town's local option fuel tax fund (003) is proposed to transfer \$85,000 and the town's water fund is proposed to transfer \$5,000. This fund will exist for the latter part of FY 20/21 and all of FY 21/22 and will be closed upon completion of the audit after that second year. Upon completion of this project, any remaining funds will be returned to the town's local option fuel tax fund (003).

#### Water Operating & Maintenance Fund - 401

This fund operates as a semi-enterprise fund to segregate the town's water revenues and allocated expenditures which support the town's delivery of water services. The rates for water service have been established to cover the town's internal service delivery costs, the payment to the City of Port Orange for the wholesale purchase of water, the debt service for the 2016 water system improvement project, and the capital infrastructure reserve. The water rates were last updated effective October 2018 and remain sufficient to cover these costs. The town's water fund is estimated to begin FY 21/22 with a fund balance of \$1.4 million, slightly over a 100% reserve. A capital infrastructure enterprise fund should have a reserve of 75%-100% and we have successfully reached the top of this range. Reserve funding beyond the 100% can be held for use in lieu of a rate increase, even as service delivery costs increase in future years.

#### Refuse Fund - 402

This fund operates as a semi-enterprise fund to segregate the town's refuse revenues and expenditures. The town required a two-year rate lock so there was no increase in service charges from the contractor to the town for last year. The contractor has notified us of an increase in the coming year of 3.5%, for a total cost of \$27.87/month per customer. There is an approximate two-dollar difference per customer in the amount the town receives (\$30) versus the amount we pay the contractor. One dollar is built into the town's rate to meet the stormwater debt service obligation; approximately fifty cents is built-in to cover additional pickups for unimproved lots throughout the town to keep the town clean overall (as these properties do not have utility accounts); and approximately fifty cents is built in to cover the town's administrative assistance in this service. This fund has a reserve which can be used to postpone increasing the customer rate,

despite annual contractor service increases. Having now completed our second year of service without being charged for any additional pickups, if this remains the same then we may not need to increase rates until the last year of this five-year contract, which also has several five-year extensions available – if agreeable by both town and contractor.

#### Sewer Fund - 403

This fund operates as a semi-enterprise fund to segregate the sewer revenues collected by the town for a direct pass-through payment to the City of Port Orange. The town receives an administrative fee from Port Orange for this payment processing. The administrative fee is first used to meet the stormwater debt service obligation and the remainder is transferred to the general fund to support the administration of this billing service.

#### Water Expansion Fund - 404

This is a restricted fund for impact fees assessed to support the Town's water infrastructure system. The Town charges an impact fee of \$1,018 per new single-family construction or per unit for multi-family construction. There is an impact fee of \$1,805 charged by the City of Port Orange, which is then sent to them. All monies received from this impact fee shall be expended only for the purpose of making major emergency repairs, extending or oversizing, separating or constructing new additions to the treatment plant or distribution system, or payment of any such fees as required by contractual agreement, or for the expansion, improvement and maintenance of the operation and administration of the water system.

#### Debt Service – Water System Improvements Fund - 411

This fund was established pursuant to the state revolving fund loan requirements for debt service. The water fund is the only revenue source that was pledged by the Town in 2015 for repayment of this loan (\$61,827/year). FY 21/22 will be the 5<sup>th</sup> year of this 20-year loan, which has a 1.01% interest rate.

#### Contraband/Forfeiture Fund - 601

This is a restricted fund, by Florida Statute, which can only be used by authorization of the Chief of Police for equipment purchases. No revenue has been received in this fund for many years but there remains approximately \$7,000 in it and our chief has some qualifying equipment purchases that he intends to make with these funds.

### Conclusion

The proposed budget for fiscal year 21/22 is a balanced budget with a proposed millage rate of 5.9 mills which, while it is the town's current millage rate, it is a tax increase of 5.66% as the rolled-back rate is 5.5841 mills. After reviewing the full proposal, if Council wishes to consider an increase or decrease in the budget or millage rate, note that each one-tenth mill equals \$95,771 in revenue proceeds.

As a quick recap: this proposed budget provides for everything needed to meet or exceed our current level of service, to take our first steps for implementation of the \$15/hour minimum wage while addressing compression issues, to initiate the two-year fire service accreditation process, to

complete a septic-to-sewer project, to address 2 failing retaining walls for which the town is responsible, to purchase additional public safety equipment, to provide park improvements at most of the town's parks, including replacement of failing rip rap revetment at Elber's Sunset Park and shade structures at the pickleball courts, to complete a strategic planning process, and to complete a watershed master plan for increased ISO rating and subsequent town wide flood insurance rate reductions.

The town has applied for / been awarded \$880,500 dollars in grants to assist in the completion of these projects and we expect to receive an award for another \$4 million in grant funding assistance to accompany our 15% grant match for the South Peninsula Drive Sidewalk Project.

Attachments:

1. Analysis of Town's Reserves (April 2021)
2. Millage Rate Projected Revenue Calculations for FY 21/22
3. General Impact of Millage Rate at 5.9 mills

## Town of Ponce Inlet Reserve Analysis (April 2021)

| Fund Name                          | Fund Type      | Fund Balance<br>FY 15/16 | Fund Balance FY<br>16/17 | Fund Balance FY<br>17/18 | Fund Balance<br>FY 18/19 | Fund Balance<br>FY 19/20 | Fund Balance<br>FY 20/21 |
|------------------------------------|----------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| General Fund                       | Non-Restricted | \$2,324,664              | \$2,502,560              | \$2,671,173              | \$2,374,879              | \$2,808,484              | \$3,405,223              |
| Old Gas Tax (.06)                  | Restricted     | \$16,881                 | \$24,412                 | \$35,669                 | \$48,813                 | \$84,930                 | \$88,278                 |
| New Gas Tax (.05)                  | Restricted     | \$311,214                | \$305,029                | \$369,970                | \$435,829                | \$411,517                | \$470,268                |
| Donations                          | Restricted     | \$8,079                  | \$5,677                  | \$3,820                  | \$3,508                  | \$3,625                  | \$3,617                  |
| Tree Bank                          | Restricted     | \$14,764                 | \$5,604                  | \$11,553                 | \$13,906                 | \$15,947                 | \$22,855                 |
| Sidewalk                           | Restricted     | \$35,580                 | \$42,495                 | \$35,814                 | \$53,166                 | \$44,863                 | \$56,246                 |
| Parks & Recreation                 | Restricted     | \$3,375                  | \$2,352                  | \$3,464                  | \$9,030                  | \$11,116                 | \$14,594                 |
| Community Center                   | Non-Restricted | \$2,832                  | \$4,179                  | \$3,964                  | \$5,821                  | \$5,388                  | \$26,434                 |
| Historical Museum                  | Non-Restricted | \$13,667                 | \$18,802                 | \$27,574                 | \$12,572                 | \$18,697                 | \$19,648                 |
| Pollard Park Project               | Grant Project  | \$0                      | \$0                      | \$0                      | \$359,429                | \$327,061                | \$34,439                 |
| Lighthouse Park Project            | Grant Project  | \$0                      | \$0                      | \$0                      | \$0                      | \$163,657                | \$23,246                 |
| Police Education                   | Restricted     | \$10,533                 | \$10,548                 | \$11,390                 | \$10,751                 | \$10,643                 | \$11,237                 |
| Stormwater Loan                    | Debt Service   | \$2,011                  | \$2,009                  | \$2,216                  | \$2,423                  | \$2,630                  | \$2,729                  |
| Town Hall Loan                     | Debt Service   | \$2,406                  | \$2,407                  | \$2,408                  | \$2,408                  | \$2,409                  | \$2,409                  |
| Land Acquisition Fund              | Restricted     | \$490,971                | \$551,271                | \$825,840                | \$505,052                | \$124,805                | \$167,230                |
| Capital Fire Equipment Fund        | Non-Restricted | \$0                      | \$0                      | \$0                      | \$0                      | \$150,000                | \$200,000                |
| Capital Facility Maintenance Fund  | Non-Restricted | \$0                      | \$0                      | \$0                      | \$0                      | \$0                      | \$25,000                 |
| Water Operating & Maintenance Fund | Enterprise     | \$581,770                | \$760,879                | \$844,217                | \$845,980                | \$1,009,119              | \$1,288,818              |
| Refuse                             | Enterprise     | \$8,839                  | \$7,233                  | \$8,335                  | \$9,678                  | \$27,986                 | \$36,744                 |
| Sewer                              | Enterprise     | \$6,544                  | \$6,605                  | \$6,633                  | \$6,550                  | \$6,273                  | \$8,986                  |
| Water Expansion                    | Restricted     | \$80,947                 | \$89,416                 | \$97,560                 | \$112,830                | \$117,920                | \$127,082                |
| Water System Improvements Loan     | Debt Service   | \$0                      | \$0                      | \$36,878                 | \$58,865                 | \$59,038                 | \$59,211                 |
| Contraband/Forfeiture              | Restricted     | \$7,033                  | \$7,033                  | \$7,033                  | \$7,033                  | \$7,033                  | \$7,033                  |
| <b>Total</b>                       |                | \$3,922,110              | \$4,348,511              | \$5,005,511              | \$4,878,523              | \$5,413,141              | \$6,101,327              |

| A   |  | B                                   | C            | E                 |
|---|--|-------------------------------------|--------------|-------------------|
| MILLAGE RATE PROJECTED REVENUE CALCULATIONS - 2021/2022 |  |                                     |              |                   |
| 1   |  |                                     |              |                   |
| 2   |  |                                     |              |                   |
| 3   | Based on certified tax estimates (DR 420):   |                                     |              |                   |
| 4   |  |                                     |              |                   |
| 5   | Total taxable value of property is (Line 4)  | 1,008,116,549                       |              |                   |
| 6   | Taxable value of new construction (Line 5)   | 4,748,516                           |              |                   |
| 7   | Current year adjusted taxable value (Line 6)   | 1,003,368,033                       |              |                   |
| 8   |  |                                     |              |                   |
| 9   | Prior year final gross taxable value (Line 7):   | 949,647,709                         |              |                   |
| 10  | multiply by prior year operating millage levy (Line 10)                                    | 5.9000                              |              |                   |
| 11  | Prior year ad valorem proceeds (Line 11):  | 5,602,921                           |              |                   |
| 12  |  |                                     |              |                   |
| 13  | Adjusted current year taxable value (Line 6 minus Line 14 if applicable)                   | 1,003,368,033                       |              |                   |
| 14  |  |                                     |              |                   |
| 15  | Current year estimated rolled back-rate (Line 13 divided by line 15, multiplied by 1,000): | 5.5841                              |              |                   |
| 16  |  |                                     |              |                   |
| 17  | Proposed millage scenarios based on preliminary estimates:                                 |                                     |              |                   |
| 18  |  |                                     |              |                   |
| 19  | Proposed Millage Rate  | Ad Valorem Proceeds -<br>Excel Calc | 95% Proceeds | % Change from RBR |
| 20  |  | 6.5000                              | 6,225,120    | 16.40%            |
| 21  |  | 6.4000                              | 6,129,349    | 14.61%            |
| 22  |  | 6.3000                              | 6,033,578    | 12.82%            |
| 23  |  | 6.2000                              | 5,937,806    | 11.03%            |
| 24  |  | 6.1000                              | 5,842,035    | 9.24%             |
| 25  |  | 6.0000                              | 5,746,264    | 7.45%             |
| 26  |  | 5.9000                              | 5,650,493    | 5.66%             |
| 27  |  | 5.8000                              | 5,554,722    | 3.87%             |
| 28  |  | 5.7000                              | 5,458,951    | 2.08%             |
| 29  |  | 5.6000                              | 5,363,180    | 0.28%             |
| 30  |  | 5.5841                              | 5,347,952    | 0.00%             |
| 31  |  | 1                                   | 957,711      |                   |
| 32  |  | 0.1                                 | 95,771       |                   |
| 33  |  |                                     |              |                   |
| 34  | Current Year Proposed Millage Rate (Line 11)   | 5.9000                              |              |                   |
| 35  | Total Prior Year Proceeds (Line 17)  | 5,602,921                           |              |                   |
| 36  | Current Year Aggregate Rolled Back Rate (Line 18)  | 5.5841                              |              |                   |
| 37  | Current Year Aggregate Rolled Back Taxes (Line 19)   | 5,629,438                           |              |                   |
| 38  | Total Non-Voted Ad Valorem Taxes proposed (Line 20)  | 5,947,888                           |              |                   |
| 39  | Current Year Proposed Aggregate Millage Rate (Line 21)                                     | 5.9000                              |              |                   |
| 40  | Percentage Increase Over Rolled-Back Rate (Line 22)  | 5.66%                               |              |                   |

| General Maximim Impact of Millage Rate - FY 21/22                       |                     |                                   |                       |                          |                     |            |
|---|---------------------|-----------------------------------|-----------------------|--------------------------|---------------------|------------|
| Proposed Rate   | 5.9                 |                                   |                       |                          |                     |            |
| Prior year tax rate   | 5.9                 |                                   |                       |                          |                     |            |
| Homesteaded Properties currently assessed below market value            |                     |                                   |                       |                          |                     |            |
| 2020 - Ponce Inlet Taxes  |                     | Proposed 2021 - Ponce Inlet Taxes |                       |                          |                     |            |
| Assessed Taxable Value  | Minus Homestead     | Taxes Paid to Ponce               | Assessed Increase     | Minus \$50,000 Homestead | Taxes Paid to Ponce | Difference |
| \$1,000,000   | \$950,000           | \$5,605                           | 1.014%<br>\$1,010,140 | \$960,140                | \$5,665             | \$60       |
| \$750,000   | \$700,000           | \$4,130                           | \$757,605             | \$707,605                | \$4,175             | \$45       |
| \$500,000   | \$450,000           | \$2,655                           | \$505,070             | \$455,070                | \$2,685             | \$30       |
| \$350,000   | \$300,000           | \$1,770                           | \$353,549             | \$303,549                | \$1,791             | \$21       |
| \$200,000   | \$150,000           | \$885                             | \$202,028             | \$152,028                | \$897               | \$12       |
| Non-Homesteaded Properties currently assessed at prior year market rate |                     |                                   |                       |                          |                     |            |
| 2020 - Ponce Inlet Taxes  |                     | Proposed 2021 - Ponce Inlet Taxes |                       |                          |                     |            |
| Assessed Value  | Taxes Paid to Ponce | Increase (Average Townwide)       | Taxes Paid to Ponce   | Difference               |                     |            |
| \$1,000,000   | \$5,900             | 5.66%<br>\$1,056,600              | \$6,234               | \$334                    |                     |            |
| \$750,000   | \$4,425             | \$792,450                         | \$4,675               | \$250                    |                     |            |
| \$500,000   | \$2,950             | \$528,300                         | \$3,117               | \$167                    |                     |            |
| \$350,000   | \$2,065             | \$369,810                         | \$2,182               | \$117                    |                     |            |
| \$200,000   | \$1,180             | \$211,320                         | \$1,247               | \$67                     |                     |            |

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**RESOLUTION 2021-05**

**A RESOLUTION OF THE TOWN OF PONCE INLET, VOLUSIA COUNTY, FLORIDA ADOPTING THE PROPOSED MILLAGE RATE FOR THE LEVYING OF AD VALOREM PROPERTY TAXES FOR MUNICIPAL PURPOSES ON ALL TAXABLE PROPERTY WITHIN THE TOWN FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022; ESTABLISHING THE PUBLIC HEARING DATES AND TIMES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Florida law requires the Town Council of the Town of Ponce Inlet, Florida, to establish a proposed millage rate for levying ad valorem property taxes for municipal purposes on all taxable property within the Town limits of the Town of Ponce Inlet, Florida; and

**WHEREAS**, the Town Council hereby establishes the dates for its public hearings on the millage rate and the budget for fiscal year 2021/2022.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PONCE INLET, FLORIDA:**

**SECTION 1. ADOPTING THE PROPOSED AD VALOREM PROPERTY TAX MILLAGE RATE**

The proposed millage rate for the Fiscal Year commencing on October 1, 2021 through September 30, 2022 is \_\_\_\_\_ mills, which equals \$\_\_\_\_\_ per \$1,000 (One Thousand Dollars) of taxable value. The proposed millage rate is \_\_\_\_\_ above the rolled-back rate of 5.5841.

**SECTION 2. ESTABLISHING THE PUBLIC HEARING DATES AND TIMES**

The first public hearing is hereby scheduled for **Thursday, September 9<sup>th</sup>, 2021 at 6:00 p.m.** This first hearing will be noticed on the proposed property tax bill. An advertisement for the tentative millage rate and budget will be run in accordance with State Law following this first public hearing. The second public hearing is hereby set for **Wednesday, September 22<sup>nd</sup>, 2021 at 6:00 p.m.** These dates and times are subject to change by the town manager, if necessary, provided all required notifications/advertisements are completed.

**SECTION 3. SEVERABILITY**

If any section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding in no way affects the remaining portions of this Resolution.



47 **SECTION 4. CONFLICTING RESOLUTIONS**

48  
49 All Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

50  
51 **SECTION 5. EFFECTIVE DATE**

52 This Resolution shall become effective immediately upon adoption.

53  
54  
55 It was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_  
56 that said Resolution be adopted. A roll call vote of the Town Council on said motion resulted as  
57 follows:

- 58 Mayor Smith, Seat #1 \_\_\_\_\_
- 59
- 60 Councilmember Milano, Seat #2 \_\_\_\_\_
- 61
- 62 Councilmember Caswell, Seat #3 \_\_\_\_\_
- 63
- 64 Councilmember Israel, Seat #4 \_\_\_\_\_
- 65
- 66 Vice-Mayor Paritsky, Seat #5 \_\_\_\_\_
- 67

68  
69 Passed this 15<sup>th</sup> day of July 2021.

70  
71 Town of Ponce Inlet, Florida

72  
73  
74 \_\_\_\_\_  
75 Gary L. Smith, Mayor

76  
77 ATTEST:

78  
79  
80 \_\_\_\_\_  
81 Jeaneen Witt, CMC  
82 Town Manager/Town Clerk



**Meeting Date:** July 15, 2021

**Agenda Item:** 11-B

## **Report to Town Council**

**Topic:** Resolution 2021-06, to join with the State of Florida other various local governments in a unified plan for the allocation and use of prospective settlement dollars from the opioid related litigation.

**Recommended Motion:** Approval of Resolution 2021-06.

**Summary:** Please see attached staff report.

**Requested by:** Chief Glazier, Police Chief

**Approved by:** Ms. Witt, Town Manager



# Town of Ponce Inlet POLICE DEPARTMENT



Jeffrey Glazier ★ Police Chief

**To:** Jeaneen Witt / Town Manager  
**From:** Jeff Glazier / Chief of Police  
**Re:** Staff Report / Resolution on Opioid Litigation  
**Date:** July 7, 2021

Resolution 2021-06 as proposed authorizes the Town of Ponce Inlet to join with other local governments to participate in the Florida Plan to ensure settlement funds from the opioid litigation are used to abate and resolve the opioid epidemic. Participation in the Florida Plan by a large majority of Florida cities and counties may improve Florida's bargaining position during settlement negotiations and potentially increase the amount of funds received by the State of Florida for use in combatting issues associated with opioid addiction.

The resolution adopting the "Memorandum of Understanding" is a non-binding agreement but it provides a framework to draft future documents and shows our commitment to join other cities who are committed to holding the Pharmaceutical Supply Chains accountable for the damage they caused throughout the State of Florida.

Exhibit "A" to Resolution 2021-06, describes the Florida Plan and the abatement strategies including:

1. Treating Opioid Disorders
2. Support People in Treatment and Recovery
3. Connect People Who Need Help to the Help They Need
4. Address the Needs of Criminal Justice Involved Persons
5. Address the Needs of Pregnant or Parenting Women and their Families
6. Prevent Over-Prescribing
7. Prevent Misuse of Opioids
8. Prevent Overdose Deaths
9. Training
10. Research

On behalf of the Ponce Inlet Police Department, I wish to encourage the Town Council to approve Resolution 2021-06 so that we may stand in uniformity on this issue with other Florida agencies.

**RESOLUTION 2021-06**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PONCE INLET, VOLUSIA COUNTY, FLORIDA AUTHORIZING THE TOWN OF PONCE INLET TO JOIN WITH THE STATE OF FLORIDA AND OTHER LOCAL GOVERNMENTAL UNITS AS A PARTICIPANT IN THE FLORIDA MEMORANDUM OF UNDERSTANDING AND FORMAL AGREEMENTS IMPLEMENTING A UNIFIED PLAN FOR OPIOID LITIGATION AND DISTRIBUTION OF FUNDS RECOVERED IN OPIOID LITIGATION.**

**WHEREAS**, the Town of Ponce Inlet has suffered harm from the opioid epidemic;

**WHEREAS**, the Town of Ponce Inlet recognizes that the entire State of Florida has suffered harm as a result from the opioid epidemic;

**WHEREAS**, the State of Florida has filed an action pending in Pasco County, Florida, and a number of Florida Cities and Counties have also filed an action In re: National Prescription Opiate Litigation, MDL No. 2804 (N.D. Ohio) (the “Opioid Litigation”) and the Town of Ponce Inlet is a class member in the Opioid Litigation;

**WHEREAS**, the State of Florida and lawyers representing certain various local governments involved in the Opioid Litigation have proposed a unified plan for the allocation and use of prospective settlement dollars from the opioid related litigation;

**WHEREAS**, the Florida Memorandum of Understanding (the “Florida Plan”) sets forth a framework of a unified plan for the proposed allocation and use of opioid settlement proceeds and it is anticipated that formal agreements implementing the Florida Plan will be entered into at a future date; and

**WHEREAS**, participation in the Florida Plan by a large majority of Florida cities and counties will materially increase the amount of funds to Florida and should improve Florida’s relative bargaining position during additional settlement negotiations; and

**WHEREAS**, failure to participate in the Florida Plan will reduce funds available to the State, the Town of Ponce Inlet and every other Florida city and county.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PONCE INLET, FLORIDA:**

**Section 1.** That the Town Council finds that participation in the Florida Plan would be in the best interest of the Town of Ponce Inlet and its citizens in that such a plan ensures that almost all of the settlement funds go to abate and resolve the opioid epidemic and each and every city and county receives funds for the harm that it has suffered.

**Section 2.** That the Town Council hereby expresses its support of a unified plan for the allocation and use of opioid settlement proceeds as generally described in the Florida Plan, attached hereto as Exhibit “A”.

**Section 3.** That the Town Manager is hereby expressly authorized to execute the Florida Plan in substantially the form contained in Exhibit “A”.

**Section 4.** That the Town Manager is hereby authorized to execute any formal agreements implementing a unified plan for the allocation and use of opioid settlement proceeds that is not substantially inconsistent with the Florida Plan and this Resolution.

**Section 5.** That the Town Clerk be directed to furnish a copy of this Resolution to:

Florida League of Cities  
c/o Kraig Conn  
FL League of Cities Inc.  
PO Box 1757  
Tallahassee, FL 32302-1757

and

Florida Attorney General Ashley Moody  
c/o John M. Guard  
The Capitol, PL-01  
Tallahassee, FL 32399-1050

**Section 6.** This Resolution shall become effective immediately upon adoption.

It was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that said Resolution be adopted. A roll call vote of the Town Council on said motion resulted as follows:

Mayor Smith, Seat #1 \_\_\_\_\_  
Councilmember Milano, Seat #2 \_\_\_\_\_  
Councilmember Caswell, Seat #3 \_\_\_\_\_  
Councilmember Israel, Seat #4 \_\_\_\_\_  
Vice-Mayor Paritsky, Seat #5 \_\_\_\_\_

Passed this 15<sup>th</sup> day of July 2021.

Town of Ponce Inlet, Florida

---

Gary L. Smith, Mayor

ATTEST:

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Jeaneen Witt, CMC  
Town Manager/Town Clerk

# **EXHIBIT "A"**

## **PROPOSAL** **MEMORANDUM OF UNDERSTANDING**

Whereas, the people of the State of Florida and its communities have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities within the Pharmaceutical Supply Chain;

Whereas, the State of Florida, through its Attorney General, and certain Local Governments, through their elected representatives and counsel, are separately engaged in litigation seeking to hold Pharmaceutical Supply Chain Participants accountable for the damage caused by their misfeasance, nonfeasance and malfeasance;

Whereas, the State of Florida and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance and malfeasance throughout the State of Florida;

Whereas, it is the intent of the State of Florida and its Local Governments to use the proceeds from Settlements with Pharmaceutical Supply Chain Participants to increase the amount of funding presently spent on opioid and substance abuse education, treatment and other related programs and services, such as those identified in Exhibits A and B, and to ensure that the funds are expended in compliance with evolving evidence-based "best practices";

Whereas, the State of Florida and its Local Governments, subject to the completion of formal documents that will effectuate the Parties' agreements, enter into this Memorandum of Understanding ("MOU") relating to the allocation and use of the proceeds of Settlements described herein; and

Whereas, this MOU is a preliminary non-binding agreement between the Parties, is not legally enforceable, and only provides a basis to draft formal documents which will effectuate the Parties' agreements.

### **A. Definitions**

As used in this MOU:

1. "Approved Purpose(s)" shall mean forward-looking strategies, programming and services used to expand the availability of treatment for individuals impacted by substance use disorders, to: (a) develop, promote, and provide evidence-based substance use prevention strategies; (b) provide substance use avoidance and awareness education; (c) decrease the oversupply of licit and illicit opioids; and (d) support recovery from addiction. Approved Purposes shall include, but are not limited to, the opioid abatement strategies listed on Exhibits A and B which are incorporated herein by reference.

2. "Local Governments" shall mean all counties, cities, towns and villages located within the geographic boundaries of the State.

3. "Managing Entities" shall mean the corporations selected by and under contract with the Florida Department of Children and Families or its successor ("DCF") to manage the

daily operational delivery of behavioral health services through a coordinated system of care. The singular "Managing Entity" shall refer to a singular of the Managing Entities.

4. "County" shall mean a political subdivision of the state established pursuant to s. 1, Art. VIII of the State Constitution.

5. "Municipalities" shall mean cities, towns, or villages of a County within the State with a Population greater than 10,000 individuals and shall also include cities, towns or villages within the State with a Population equal to or less than 10,000 individuals which filed a Complaint in this litigation against Pharmaceutical Supply Chain Participants. The singular "Municipality" shall refer to a singular of the Municipalities.

6. "Negotiating Committee" shall mean a three-member group comprised by representatives of the following: (1) the State; and (2) two representatives of Local Governments of which one representative will be from a Municipality and one shall be from a County (collectively, "Members") within the State. The State shall be represented by the Attorney General or her designee.

7. "Negotiation Class Metrics" shall mean those county and city settlement allocations which come from the official website of the Negotiation Class of counties and cities certified on September 11, 2019 by the U.S. District for the Northern District of Ohio in *In re National Prescription Opiate Litigation*, MDL No. 2804 (N.D. Ohio). The website is located at <https://allocationmap.iclaimsonline.com>.

8. "Opioid Funds" shall mean monetary amounts obtained through a Settlement as defined in this MOU.

9. "Opioid Related" shall have the same meaning and breadth as in the agreed Opioid Abatement Strategies attached hereto as Exhibits A or B.

10. "Parties" shall mean the State and Local Governments. The singular word "Party" shall mean either the State or Local Governments.

11. "PEC" shall mean the Plaintiffs' Executive Committee of the National Prescription Opiate Multidistrict Litigation pending in the United States District Court for the Northern District of Ohio.

12. "Pharmaceutical Supply Chain" shall mean the process and channels through which Controlled Substances are manufactured, marketed, promoted, distributed or dispensed.

13. "Pharmaceutical Supply Chain Participant" shall mean any entity that engages in, or has engaged in the manufacture, marketing, promotion, distribution or dispensing of an opioid analgesic.

14. "Population" shall refer to published U.S. Census Bureau population estimates as of July 1, 2019, released March 2020, and shall remain unchanged during the term of this MOU. These estimates can currently be found at <https://www.census.gov>



15. "Qualified County" shall mean a charter or non-chartered county within the State that: has a Population of at least 300,000 individuals and (a) has an opioid taskforce of which it is a member or operates in connection with its municipalities or others on a local or regional basis; (b) has an abatement plan that has been either adopted or is being utilized to respond to the opioid epidemic; (c) is currently either providing or is contracting with others to provide substance abuse prevention, recovery, and treatment services to its citizens; and (d) has or enters into an agreement with a majority of Municipalities (Majority is more than 50% of the Municipalities' total population) related to the expenditure of Opioid Funds. The Opioid Funds to be paid to a Qualified County will only include Opioid Funds for Municipalities whose claims are released by the Municipality or Opioid Funds for Municipalities whose claims are otherwise barred.

16. "SAMHSA" shall mean the U.S. Department of Health & Human Services, Substance Abuse and Mental Health Services Administration.

17. "Settlement" shall mean the negotiated resolution of legal or equitable claims against a Pharmaceutical Supply Chain Participant when that resolution has been jointly entered into by the State and Local Governments or a settlement class as described in (B)(1) below.

18. "State" shall mean the State of Florida.

## **B. Terms**

1. **Only Abatement** - Other than funds used for the Administrative Costs and Expense Fund as hereinafter described in paragraph 6 and paragraph 9, respectively), all Opioid Funds shall be utilized for Approved Purposes. To accomplish this purpose, the State will either file a new action with Local Governments as Parties or add Local Governments to its existing action, sever settling defendants, and seek entry of a consent order or other order binding both the State, Local Governments, and Pharmaceutical Supply Chain Participant(s) ("Order"). The Order may be part of a class action settlement or similar device. The Order shall provide for continuing jurisdiction of a state court to address non-performance by any party under the Order. Any Local Government that objects to or refuses to be included under the Order or entry of documents necessary to effectuate a Settlement shall not be entitled to any Opioid Funds and its portion of Opioid Funds shall be distributed to, and for the benefit of, the other Local Governments.

2. **Avoid Claw Back and Recoupment** - Both the State and Local Governments wish to maximize any Settlement and Opioid Funds. In addition to committing to only using funds for the Expense Funds, Administrative Costs and Approved Purposes, both Parties will agree to utilize a percentage of funds for the core strategies highlighted in Exhibit A. Exhibit A contains the programs and strategies prioritized by the U.S. Department of Justice and/or the U.S. Department of Health & Human Services ("Core Strategies"). The State is trying to obtain the United States' agreement to limit or reduce the United States' ability to recover or recoup monies from the State and Local Government in exchange for prioritization of funds to certain projects. If no agreement is reached with the United States, then there will be no requirement that a percentage be utilized for Core Strategies.

3. **Distribution Scheme** - All Opioid Funds will initially go to the State, and then be distributed according to the following distribution scheme. The Opioid Funds will be divided into three funds after deducting costs of the Expense Fund detailed in paragraph 9 below:

- (a) **City/County Fund**- The city/county fund will receive 15% of all Opioid Funds to directly benefit all Counties and Municipalities. The amounts to be distributed to each County and Municipality shall be determined by the Negotiation Class Metrics or other metrics agreed upon, in writing, by a County and a Municipality. For Local Governments that are not within the definition of County or Municipality, those Local Governments may receive that government's share of the City/County Fund under the Negotiation Class Metrics, if that government executes a release as part of a Settlement. Any Local Government that is not within the definition of County or Municipality and that does not execute a release as part of a Settlement shall have its share of the City/County Fund go to the County in which it is located.
- (b) **Regional Fund**- The regional fund will be subdivided into two parts.
  - (i) The State will annually calculate the share of each County within the State of the regional fund utilizing the sliding scale in section 4 of the allocation contained in the Negotiation Class Metrics or other metrics that the Parties agree upon.
  - (ii) For Qualified Counties, the Qualified County's share will be paid to the Qualified County and expended on Approved Purposes, including the Core Strategies identified in Exhibit A, if applicable.
  - (iii) For all other Counties, the regional share for each County will be paid to the Managing Entities providing service for that County. The Managing Entities will be required to expend the monies on Approved Purposes, including the Core Strategies. The Managing Entities shall endeavor to the greatest extent possible to expend these monies on counties within the State that are non-Qualified Counties and to ensure that there are services in every County.
- (c) **State Fund** - The remainder of Opioid Funds after deducting the costs of the Expense Fund detailed in paragraph 9, the City/County Fund and the Regional Fund will be expended by the State on Approved Purposes, including the provisions related to Core Strategies, if applicable.
- (d) To the extent that Opioid Funds are not appropriated and expended in a year by the State, the State shall identify the investments where settlement funds will be deposited. Any gains, profits, or interest accrued from the deposit of the Opioid Funds to the extent that any funds are not appropriated and expended within a calendar year, shall be the sole property of the Party that was entitled to the initial deposit.

4. **Regional Fund Sliding Scale-** The Regional Fund shall be calculated by utilizing the following sliding scale of the Opioid Funds available in any year:

- A. Years 1-6: 40%
- B. Years 7-9: 35%
- C. Years 10-12: 34%
- D. Years 13-15: 33%
- E. Years 16-18: 30%

5. **Opioid Abatement Taskforce or Council -** The State will create an Opioid Abatement Taskforce or Council (sometimes hereinafter "Taskforce" or "Council") to advise the Governor, the Legislature, Florida's Department of Children and Families ("DCF"), and Local Governments on the priorities that should be addressed as part of the opioid epidemic and to review how monies have been spent and the results that have been achieved with Opioid Funds.

- (a) Size - The Taskforce or Council shall have ten Members equally balanced between the State and the Local Governments.
- (b) Appointments Local Governments - Two Municipality representatives will be appointed by or through Florida League of Cities. Two county representatives, one from a Qualified County and one from a county within the State that is not a Qualified County, will be appointed by or through the Florida Association of Counties. The final representative will alternate every two years between being a county representative (appointed by or through Florida Association of Counties) or a Municipality representative (appointed by or through the Florida League of Cities). One Municipality representative must be from a city of less than 50,000 people. One county representative must be from a county less than 200,000 people and the other county representative must be from a county whose population exceeds 200,000 people.
- (c) Appointments State -
  - (i) The Governor shall appoint two Members.
  - (ii) The Speaker of the House shall appoint one Member.
  - (iii) The Senate President shall appoint one Member.
  - (iv) The Attorney General or her designee shall be a Member.
- (d) Chair - The Attorney General or designee shall be the chair of the Taskforce or Council.
- (e) Term - Members will be appointed to serve a two-year term.

- (f) Support - DCF shall support the Taskforce or Council and the Taskforce or Council shall be administratively housed in DCF.
- (g) Meetings - The Taskforce or Council shall meet quarterly in person or virtually using communications media technology as defined in section 120.54(5)(b)(2), Florida Statutes.
- (h) Reporting - The Taskforce or Council shall provide and publish a report annually no later than November 30th or the first business day after November 30th, if November 30th falls on a weekend or is otherwise not a business day. The report shall contain information on how monies were spent the previous fiscal year by the State, each of the Qualified Counties, each of the Managing Entities, and each of the Local Governments. It shall also contain recommendations to the Governor, the Legislature, and Local Governments for priorities among the Approved Purposes for how monies should be spent the coming fiscal year to respond to the opioid epidemic.
- (i) Accountability - Prior to July 1st of each year, the State and each of the Local Governments shall provide information to DCF about how they intend to expend Opioid Funds in the upcoming fiscal year. The State and each of the Local Government shall report its expenditures to DCF no later than August 31st for the previous fiscal year. The Taskforce or Council will set other data sets that need to be reported to DCF to demonstrate the effectiveness of Approved Purposes. All programs and expenditures shall be audited annually in a similar fashion to SAMHSA programs. Local Governments shall respond and provide documents to any reasonable requests from the State for data or information about programs receiving Opioid Funds.
- (j) Conflict of Interest - All Members shall adhere to the rules, regulations and laws of Florida including, but not limited to, Florida Statute §112.311, concerning the disclosure of conflicts of interest and recusal from discussions or votes on conflicted matters.

6. **Administrative Costs**- The State may take no more than a 5% administrative fee from the State Fund (“Administrative Costs”) and any Regional Fund that it administers for counties that are not Qualified Counties. Each Qualified County may take no more than a 5% administrative fee from its share of the Regional Funds.

7. **Negotiation of Non-Multistate Settlements** - If the State begins negotiations with a Pharmaceutical Supply Chain Participant that is separate and apart from a multi-state negotiation, the State shall include Local Governments that are a part of the Negotiating Committee in such negotiations. No Settlement shall be recommended or accepted without the affirmative votes of both the State and Local Government representatives of the Negotiating Committee.

8. **Negotiation of Multistate or Local Government Settlements** - To the extent practicable and allowed by other parties to a negotiation, both Parties agree to communicate with

members of the Negotiation Committee regarding the terms of any other Pharmaceutical Supply Chain Participant Settlement.

9. **Expense Fund** - The Parties agree that in any negotiation every effort shall be made to cause Pharmaceutical Supply Chain Participants to pay costs of litigation, including attorneys' fees, in addition to any agreed to Opioid Funds in the Settlement. To the extent that a fund sufficient to pay the entirety of all contingency fee contracts for Local Governments in the State of Florida is not created as part of a Settlement by a Pharmaceutical Supply Chain Participant, the Parties agree that an additional expense fund for attorneys who represent Local Governments (herein "Expense Fund") shall be created out of the City/County fund for the purpose of paying the hard costs of a litigating Local Government and then paying attorneys' fees.

- (a) **The Source of Funds for the Expense Fund**- Money for the Expense Fund shall be sourced exclusively from the City/County Fund.
- (b) **The Amount of the Expense Fund**- The State recognizes the value litigating Local Governments bring to the State of Florida in connection with the Settlement because their participation increases the amount Incentive Payments due from each Pharmaceutical Supply Chain Participant. In recognition of that value, the amount of funds that shall be deposited into the Expense fund shall be contingent upon on the percentage of litigating Local Government participation in the Settlement, according to the following table:

| Litigating Local Government Participation in the Settlement (by percentage of the population) | Amount that shall be paid into the Expense Fund from (and as a percentage of) the City/County fund |
|---|--|
| 96 to 100%  | 10%  |
| 91 to 95%   | 7.5%   |
| 86 to 90%   | 5%   |
| 85%   | 2.5%   |
| Less than 85%   | 0%   |

If fewer than 85% percent of the litigating Local Governments (by population) participate, then the Expense Fund shall not be funded, and this Section of the MOU shall be null and void.

- (c) **The Timing of Payments into the Expense Fund**- Although the amount of the Expense Fund shall be calculated based on the entirety of payments due to the City/County fund over a ten to eighteen year period, the Expense Fund shall be funded entirely from payments made by Pharmaceutical Supply Chain Participants during the first two years of the Settlement. Accordingly, to offset the amounts being paid from the City/County to the Expense Fund in the first two years, Counties or Municipalities may borrow from the Regional Fund during the first two years and pay the borrowed amounts back to the Regional Fund during years three, four, and five.

For the avoidance of doubt, the following provides an illustrative example regarding the calculation of payments and amounts that may be borrowed under the terms of this MOU, consistent with the provisions of this Section:

|   |         |
|---|---------|
| Opioid Funds due to State of Florida and Local Governments (over 10 to 18 years): | \$1,000 |
| Litigating Local Government Participation:  | 100%    |
| City/County Fund (over 10 to 18 years):   | \$150   |
| Expense Fund (paid over 2 years):   | \$15    |
| Amount Paid to Expense Fund in 1st year:  | \$7.5   |
| Amount Paid to Expense Fund in 2nd year:  | \$7.5   |
| Amount that may be borrowed from Regional Fund in 1st year:                       | \$7.5   |
| Amount that may be borrowed from Regional Fund in 2nd year:                       | \$7.5   |
| Amount that must be paid back to Regional Fund in 3rd year:                       | \$5     |
| Amount that must be paid back to Regional Fund in 4th year:                       | \$5     |
| Amount that must be paid back to Regional Fund in 5th year:                       | \$5     |

- (d) Creation of and Jurisdiction over the Expense Fund- The Expense Fund shall be established, consistent with the provisions of this Section of the MOU, by order of the Circuit Court of the Sixth Judicial Circuit in and for Pasco County, West Pasco Division New Port Richey, Florida, in the matter of *The State of Florida, Office of the Attorney General, Department of Legal Affairs v. Purdue Pharma L.P., et al.*, Case No. 2018-CA-001438 (the "Court"). The Court shall have jurisdiction over the Expense Fund, including authority to allocate and disburse amounts from the Expense Fund and to resolve any disputes concerning the Expense Fund.
- (e) Allocation of Payments to Counsel from the Expense Fund- As part of the order establishing the Expense Fund, counsel for the litigating Local Governments shall seek to have the Court appoint a third-neutral to serve as a special master for purposes of allocating the Expense Fund. Within 30 days of entry of the order appointing a special master for the Expense Fund, any counsel who intend to seek an award from the Expense Fund shall provide the copies of their contingency fee contracts to the special master. The special master shall then build a mathematical model, which shall be based on each litigating Local Government's share under the Negotiation Class Metrics and the rate set forth in their contingency contracts, to calculate a proposed award for each litigating Local Government who timely provided a copy of its contingency contract.

10. **Dispute resolution**- Any one or more of the Local Governments or the State may object to an allocation or expenditure of Opioid Funds solely on the basis that the allocation or expenditure at issue (a) is inconsistent with the Approved Purposes; (b) is inconsistent with the distribution scheme as provided in paragraph 3, or (c) violates the limitations set forth herein with respect to administrative costs or the Expense Fund. There shall be no other basis for bringing an objection to the approval of an allocation or expenditure of Opioid Funds.

## Schedule A

### Core Strategies

States and Qualifying Block Grantees shall choose from among the abatement strategies listed in Schedule B. However, priority shall be given to the following core abatement strategies (“Core Strategies”), such that a minimum of \_\_\_% of the [aggregate] state-level abatement distributions shall be spent on [one or more of] them annually.<sup>1</sup>

#### A. Naloxone or other FDA-approved drug to reverse opioid overdoses

1. Expand training for first responders, schools, community support groups and families; and
2. Increase distribution to individuals who are uninsured or whose insurance does not cover the needed service.

#### B. Medication-Assisted Treatment (“MAT”) Distribution and other opioid-related treatment

1. Increase distribution of MAT to non-Medicaid eligible or uninsured individuals;
2. Provide education to school-based and youth-focused programs that discourage or prevent misuse;
3. Provide MAT education and awareness training to healthcare providers, EMTs, law enforcement, and other first responders; and
4. Treatment and Recovery Support Services such as residential and inpatient treatment, intensive outpatient treatment, outpatient therapy or counseling, and recovery housing that allow or integrate medication with other support services.

#### C. Pregnant & Postpartum Women

1. Expand Screening, Brief Intervention, and Referral to Treatment (“SBIRT”) services to non-Medicaid eligible or uninsured pregnant women;
2. Expand comprehensive evidence-based treatment and recovery services, including MAT, for women with co-occurring Opioid Use Disorder (“OUD”) and other Substance Use Disorder (“SUD”)/Mental Health disorders for uninsured individuals for up to 12 months postpartum; and
3. Provide comprehensive wrap-around services to individuals with Opioid Use Disorder (OUD) including housing, transportation, job placement/training, and childcare.

#### D. Expanding Treatment for Neonatal Abstinence Syndrome

1. Expand comprehensive evidence-based and recovery support for NAS babies;
2. Expand services for better continuum of care with infant-need dyad; and
3. Expand long-term treatment and services for medical monitoring of NAS babies and their families.

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<sup>1</sup> As used in this Schedule A, words like “expand,” “fund,” “provide” or the like shall not indicate a preference for new or existing programs. Priorities will be established through the mechanisms described in the Term Sheet.

#### E. Expansion of Warm Hand-off Programs and Recovery Services

1. Expand services such as navigators and on-call teams to begin MAT in hospital emergency departments;
2. Expand warm hand-off services to transition to recovery services;
3. Broaden scope of recovery services to include co-occurring SUD or mental health conditions. ;
4. Provide comprehensive wrap-around services to individuals in recovery including housing, transportation, job placement/training, and childcare; and
5. Hire additional social workers or other behavioral health workers to facilitate expansions above.

#### F. Treatment for Incarcerated Population

1. Provide evidence-based treatment and recovery support including MAT for persons with OUD and co-occurring SUD/MH disorders within and transitioning out of the criminal justice system; and
2. Increase funding for jails to provide treatment to inmates with OUD.

#### G. Prevention Programs

1. Funding for media campaigns to prevent opioid use (similar to the FDA's "Real Cost" campaign to prevent youth from misusing tobacco);
2. Funding for evidence-based prevention programs in schools.;
3. Funding for medical provider education and outreach regarding best prescribing practices for opioids consistent with the 2016 CDC guidelines, including providers at hospitals (academic detailing);
4. Funding for community drug disposal programs; and
5. Funding and training for first responders to participate in pre-arrest diversion programs, post-overdose response teams, or similar strategies that connect at-risk individuals to behavioral health services and supports.

#### H. Expanding Syringe Service Programs

1. Provide comprehensive syringe services programs with more wrap-around services including linkage to OUD treatment, access to sterile syringes, and linkage to care and treatment of infectious diseases.

I. Evidence-based data collection and research analyzing the effectiveness of the abatement strategies within the State.



## Schedule B

### Approved Uses

#### PART ONE: TREATMENT

##### A. TREAT OPIOID USE DISORDER (OUD)

Support treatment of Opioid Use Disorder (OUD) and any co-occurring Substance Use Disorder or Mental Health (SUD/MH) conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:<sup>2</sup>

1. Expand availability of treatment for OUD and any co-occurring SUD/MH conditions, including all forms of Medication-Assisted Treatment (MAT) approved by the U.S. Food and Drug Administration.
2. Support and reimburse evidence-based services that adhere to the American Society of Addiction Medicine (ASAM) continuum of care for OUD and any co-occurring SUD/MH conditions
3. Expand telehealth to increase access to treatment for OUD and any co-occurring SUD/MH conditions, including MAT, as well as counseling, psychiatric support, and other treatment and recovery support services.
4. Improve oversight of Opioid Treatment Programs (OTPs) to assure evidence-based or evidence-informed practices such as adequate methadone dosing and low threshold approaches to treatment.
5. Support mobile intervention, treatment, and recovery services, offered by qualified professionals and service providers, such as peer recovery coaches, for persons with OUD and any co-occurring SUD/MH conditions and for persons who have experienced an opioid overdose.
6. Treatment of trauma for individuals with OUD (e.g., violence, sexual assault, human trafficking, or adverse childhood experiences) and family members (e.g., surviving family members after an overdose or overdose fatality), and training of health care personnel to identify and address such trauma.
7. Support evidence-based withdrawal management services for people with OUD and any co-occurring mental health conditions.
8. Training on MAT for health care providers, first responders, students, or other supporting professionals, such as peer recovery coaches or recovery outreach specialists, including telementoring to assist community-based providers in rural or underserved areas.
9. Support workforce development for addiction professionals who work with persons with OUD and any co-occurring SUD/MH conditions.
10. Fellowships for addiction medicine specialists for direct patient care, instructors, and clinical research for treatments.
11. Scholarships and supports for behavioral health practitioners or workers involved in addressing OUD and any co-occurring SUD or mental health conditions, including but not limited to training,

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<sup>2</sup> As used in this Schedule B, words like “expand,” “fund,” “provide” or the like shall not indicate a preference for new or existing programs. Priorities will be established through the mechanisms described in the Term Sheet.

scholarships, fellowships, loan repayment programs, or other incentives for providers to work in rural or underserved areas.

12. [Intentionally Blank – to be cleaned up later for numbering]

13. Provide funding and training for clinicians to obtain a waiver under the federal Drug Addiction Treatment Act of 2000 (DATA 2000) to prescribe MAT for OUD, and provide technical assistance and professional support to clinicians who have obtained a DATA 2000 waiver.

14. Dissemination of web-based training curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service-Opioids web-based training curriculum and motivational interviewing.

15. Development and dissemination of new curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service for Medication-Assisted Treatment.

## **B. SUPPORT PEOPLE IN TREATMENT AND RECOVERY**

Support people in treatment for or recovery from OUD and any co-occurring SUD/MH conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Provide comprehensive wrap-around services to individuals with OUD and any co-occurring SUD/MH conditions, including housing, transportation, education, job placement, job training, or childcare.
2. Provide the full continuum of care of treatment and recovery services for OUD and any co-occurring SUD/MH conditions, including supportive housing, peer support services and counseling, community navigators, case management, and connections to community-based services.
3. Provide counseling, peer-support, recovery case management and residential treatment with access to medications for those who need it to persons with OUD and any co-occurring SUD/MH conditions.
4. Provide access to housing for people with OUD and any co-occurring SUD/MH conditions, including supportive housing, recovery housing, housing assistance programs, training for housing providers, or recovery housing programs that allow or integrate FDA-approved medication with other support services.
5. Provide community support services, including social and legal services, to assist in deinstitutionalizing persons with OUD and any co-occurring SUD/MH conditions.
6. Support or expand peer-recovery centers, which may include support groups, social events, computer access, or other services for persons with OUD and any co-occurring SUD/MH conditions.
7. Provide or support transportation to treatment or recovery programs or services for persons with OUD and any co-occurring SUD/MH conditions.
8. Provide employment training or educational services for persons in treatment for or recovery from OUD and any co-occurring SUD/MH conditions.

9. Identify successful recovery programs such as physician, pilot, and college recovery programs, and provide support and technical assistance to increase the number and capacity of high-quality programs to help those in recovery.

10. Engage non-profits, faith-based communities, and community coalitions to support people in treatment and recovery and to support family members in their efforts to support the person with OUD in the family.

11. Training and development of procedures for government staff to appropriately interact and provide social and other services to individuals with or in recovery from OUD, including reducing stigma.

12. Support stigma reduction efforts regarding treatment and support for persons with OUD, including reducing the stigma on effective treatment.

13. Create or support culturally appropriate services and programs for persons with OUD and any co-occurring SUD/MH conditions, including new Americans.

14. Create and/or support recovery high schools.

15. Hire or train behavioral health workers to provide or expand any of the services or supports listed above.

### **C. CONNECT PEOPLE WHO NEED HELP TO THE HELP THEY NEED (CONNECTIONS TO CARE)**

Provide connections to care for people who have – or at risk of developing – OUD and any co-occurring SUD/MH conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Ensure that health care providers are screening for OUD and other risk factors and know how to appropriately counsel and treat (or refer if necessary) a patient for OUD treatment.

2. Fund Screening, Brief Intervention and Referral to Treatment (SBIRT) programs to reduce the transition from use to disorders, including SBIRT services to pregnant women who are uninsured or not eligible for Medicaid.

3. Provide training and long-term implementation of SBIRT in key systems (health, schools, colleges, criminal justice, and probation), with a focus on youth and young adults when transition from misuse to opioid disorder is common.

4. Purchase automated versions of SBIRT and support ongoing costs of the technology.

5. Expand services such as navigators and on-call teams to begin MAT in hospital emergency departments.

6. Training for emergency room personnel treating opioid overdose patients on post-discharge planning, including community referrals for MAT, recovery case management or support services.

7. Support hospital programs that transition persons with OUD and any co-occurring SUD/MH conditions, or persons who have experienced an opioid overdose, into clinically-appropriate follow-up care through a bridge clinic or similar approach.

8. Support crisis stabilization centers that serve as an alternative to hospital emergency departments for persons with OUD and any co-occurring SUD/MH conditions or persons that have experienced an opioid overdose.

9. Support the work of Emergency Medical Systems, including peer support specialists, to connect individuals to treatment or other appropriate services following an opioid overdose or other opioid-related adverse event.

10. Provide funding for peer support specialists or recovery coaches in emergency departments, detox facilities, recovery centers, recovery housing, or similar settings; offer services, supports, or connections to care to persons with OUD and any co-occurring SUD/MH conditions or to persons who have experienced an opioid overdose.

11. Expand warm hand-off services to transition to recovery services.

12. Create or support school-based contacts that parents can engage with to seek immediate treatment services for their child; and support prevention, intervention, treatment, and recovery programs focused on young people.

13. Develop and support best practices on addressing OUD in the workplace.

14. Support assistance programs for health care providers with OUD.

15. Engage non-profits and the faith community as a system to support outreach for treatment.

16. Support centralized call centers that provide information and connections to appropriate services and supports for persons with OUD and any co-occurring SUD/MH conditions.

#### **D. ADDRESS THE NEEDS OF CRIMINAL-JUSTICE-INVOLVED PERSONS**

Address the needs of persons with OUD and any co-occurring SUD/MH conditions who are involved in, are at risk of becoming involved in, or are transitioning out of the criminal justice system through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Support pre-arrest or pre-arraignment diversion and deflection strategies for persons with OUD and any co-occurring SUD/MH conditions, including established strategies such as:

a. Self-referral strategies such as the Angel Programs or the Police Assisted Addiction Recovery Initiative (PAARI);

b. Active outreach strategies such as the Drug Abuse Response Team (DART) model;

c. "Naloxone Plus" strategies, which work to ensure that individuals who have received naloxone to reverse the effects of an overdose are then linked to treatment programs or other appropriate services;

d. Officer prevention strategies, such as the Law Enforcement Assisted Diversion (LEAD) model;

e. Officer intervention strategies such as the Leon County, Florida Adult Civil Citation Network or the Chicago Westside Narcotics Diversion to Treatment Initiative; or

f. Co-responder and/or alternative responder models to address OUD-related 911 calls with greater SUD expertise

2. Support pre-trial services that connect individuals with OUD and any co-occurring SUD/MH conditions to evidence-informed treatment, including MAT, and related services.
3. Support treatment and recovery courts that provide evidence-based options for persons with OUD and any co-occurring SUD/MH conditions
4. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are incarcerated in jail or prison.
5. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are leaving jail or prison have recently left jail or prison, are on probation or parole, are under community corrections supervision, or are in re-entry programs or facilities.
6. Support critical time interventions (CTI), particularly for individuals living with dual-diagnosis OUD/serious mental illness, and services for individuals who face immediate risks and service needs and risks upon release from correctional settings.
7. Provide training on best practices for addressing the needs of criminal-justice-involved persons with OUD and any co-occurring SUD/MH conditions to law enforcement, correctional, or judicial personnel or to providers of treatment, recovery, harm reduction, case management, or other services offered in connection with any of the strategies described in this section.

#### **E. ADDRESS THE NEEDS OF PREGNANT OR PARENTING WOMEN AND THEIR FAMILIES, INCLUDING BABIES WITH NEONATAL ABSTINENCE SYNDROME**

Address the needs of pregnant or parenting women with OUD and any co-occurring SUD/MH conditions, and the needs of their families, including babies with neonatal abstinence syndrome (NAS), through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Support evidence-based or evidence-informed treatment, including MAT, recovery services and supports, and prevention services for pregnant women – or women who could become pregnant – who have OUD and any co-occurring SUD/MH conditions, and other measures to educate and provide support to families affected by Neonatal Abstinence Syndrome.
2. Expand comprehensive evidence-based treatment and recovery services, including MAT, for uninsured women with OUD and any co-occurring SUD/MH conditions for up to 12 months postpartum.
3. Training for obstetricians or other healthcare personnel that work with pregnant women and their families regarding treatment of OUD and any co-occurring SUD/MH conditions.
4. Expand comprehensive evidence-based treatment and recovery support for NAS babies; expand services for better continuum of care with infant-need dyad; expand long-term treatment and services for medical monitoring of NAS babies and their families.

5. Provide training to health care providers who work with pregnant or parenting women on best practices for compliance with federal requirements that children born with Neonatal Abstinence Syndrome get referred to appropriate services and receive a plan of safe care.
6. Child and family supports for parenting women with OUD and any co-occurring SUD/MH conditions.
7. Enhanced family supports and child care services for parents with OUD and any co-occurring SUD/MH conditions.
8. Provide enhanced support for children and family members suffering trauma as a result of addiction in the family; and offer trauma-informed behavioral health treatment for adverse childhood events.
9. Offer home-based wrap-around services to persons with OUD and any co-occurring SUD/MH conditions, including but not limited to parent skills training.
10. Support for Children's Services – Fund additional positions and services, including supportive housing and other residential services, relating to children being removed from the home and/or placed in foster care due to custodial opioid use.

## **PART TWO: PREVENTION**

### **F. PREVENT OVER-PRESCRIBING AND ENSURE APPROPRIATE PRESCRIBING AND DISPENSING OF OPIOIDS**

Support efforts to prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Fund medical provider education and outreach regarding best prescribing practices for opioids consistent with Guidelines for Prescribing Opioids for Chronic Pain from the U.S. Centers for Disease Control and Prevention, including providers at hospitals (academic detailing).
2. Training for health care providers regarding safe and responsible opioid prescribing, dosing, and tapering patients off opioids.
3. Continuing Medical Education (CME) on appropriate prescribing of opioids.
4. Support for non-opioid pain treatment alternatives, including training providers to offer or refer to multi-modal, evidence-informed treatment of pain.
5. Support enhancements or improvements to Prescription Drug Monitoring Programs (PDMPs), including but not limited to improvements that:
  - a. Increase the number of prescribers using PDMPs;
  - b. Improve point-of-care decision-making by increasing the quantity, quality, or format of data available to prescribers using PDMPs, by improving the interface that prescribers use to access PDMP data, or both; or

c. Enable states to use PDMP data in support of surveillance or intervention strategies, including MAT referrals and follow-up for individuals identified within PDMP data as likely to experience OUD in a manner that complies with all relevant privacy and security laws and rules.

6. Ensuring PDMPs incorporate available overdose/naloxone deployment data, including the United States Department of Transportation's Emergency Medical Technician overdose database in a manner that complies with all relevant privacy and security laws and rules.

7. Increase electronic prescribing to prevent diversion or forgery.

8. Educate Dispensers on appropriate opioid dispensing.

## **G. PREVENT MISUSE OF OPIOIDS**

Support efforts to discourage or prevent misuse of opioids through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Fund media campaigns to prevent opioid misuse.

2. Corrective advertising or affirmative public education campaigns based on evidence.

3. Public education relating to drug disposal.

4. Drug take-back disposal or destruction programs.

5. Fund community anti-drug coalitions that engage in drug prevention efforts.

6. Support community coalitions in implementing evidence-informed prevention, such as reduced social access and physical access, stigma reduction – including staffing, educational campaigns, support for people in treatment or recovery, or training of coalitions in evidence-informed implementation, including the Strategic Prevention Framework developed by the U.S. Substance Abuse and Mental Health Services Administration (SAMHSA).

7. Engage non-profits and faith-based communities as systems to support prevention.

8. Fund evidence-based prevention programs in schools or evidence-informed school and community education programs and campaigns for students, families, school employees, school athletic programs, parent-teacher and student associations, and others.

9. School-based or youth-focused programs or strategies that have demonstrated effectiveness in preventing drug misuse and seem likely to be effective in preventing the uptake and use of opioids.

10. Create of support community-based education or intervention services for families, youth, and adolescents at risk for OUD and any co-occurring SUD/MH conditions.

11. Support evidence-informed programs or curricula to address mental health needs of young people who may be at risk of misusing opioids or other drugs, including emotional modulation and resilience skills.

12. Support greater access to mental health services and supports for young people, including services and supports provided by school nurses, behavioral health workers or other school staff, to address

mental health needs in young people that (when not properly addressed) increase the risk of opioid or other drug misuse.

## **H. PREVENT OVERDOSE DEATHS AND OTHER HARMS (HARM REDUCTION)**

Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Increase availability and distribution of naloxone and other drugs that treat overdoses for first responders, overdose patients, individuals with OUD and their friends and family members, individuals at high risk of overdose, schools, community navigators and outreach workers, persons being released from jail or prison, or other members of the general public.
2. Public health entities provide free naloxone to anyone in the community
3. Training and education regarding naloxone and other drugs that treat overdoses for first responders, overdose patients, patients taking opioids, families, schools, community support groups, and other members of the general public.
4. Enable school nurses and other school staff to respond to opioid overdoses, and provide them with naloxone, training, and support.
5. Expand, improve, or develop data tracking software and applications for overdoses/naloxone revivals.
6. Public education relating to emergency responses to overdoses.
7. Public education relating to immunity and Good Samaritan laws.
8. Educate first responders regarding the existence and operation of immunity and Good Samaritan laws.
9. Syringe service programs and other evidence-informed programs to reduce harms associated with intravenous drug use, including supplies, staffing, space, peer support services, referrals to treatment, fentanyl checking, connections to care, and the full range of harm reduction and treatment services provided by these programs.
10. Expand access to testing and treatment for infectious diseases such as HIV and Hepatitis C resulting from intravenous opioid use.
11. Support mobile units that offer or provide referrals to harm reduction services, treatment, recovery supports, health care, or other appropriate services to persons that use opioids or persons with OUD and any co-occurring SUD/MH conditions.
12. Provide training in harm reduction strategies to health care providers, students, peer recovery coaches, recovery outreach specialists, or other professionals that provide care to persons who use opioids or persons with OUD and any co-occurring SUD/MH conditions.
13. Support screening for fentanyl in routine clinical toxicology testing.



## **PART THREE: OTHER STRATEGIES**

### **I. FIRST RESPONDERS**

In addition to items in sections C, D, and H relating to first responders, support the following:

1. Educate law enforcement or other first responders regarding appropriate practices and precautions when dealing with fentanyl or other drugs.
2. Provision of wellness and support services for first responders and others who experience secondary trauma associated with opioid-related emergency events.

### **J. LEADERSHIP, PLANNING AND COORDINATION**

Support efforts to provide leadership, planning, coordination, facilitation, training and technical assistance to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Statewide, regional, local, or community regional planning to identify root causes of addiction and overdose, goals for reducing harms related to the opioid epidemic, and areas and populations with the greatest needs for treatment intervention services; to support training and technical assistance; or to support other strategies to abate the opioid epidemic described in this opioid abatement strategy list.
2. A dashboard to share reports, recommendations, or plans to spend opioid settlement funds; to show how opioid settlement funds have been spent; to report program or strategy outcomes; or to track, share, or visualize key opioid-related or health-related indicators and supports as identified through collaborative statewide, regional, local, or community processes.
3. Invest in infrastructure or staffing at government or not-for-profit agencies to support collaborative, cross-system coordination with the purpose of preventing overprescribing, opioid misuse, or opioid overdoses, treating those with OUD and any co-occurring SUD/MH conditions, supporting them in treatment or recovery, connecting them to care, or implementing other strategies to abate the opioid epidemic described in this opioid abatement strategy list.
4. Provide resources to staff government oversight and management of opioid abatement programs.

### **K. TRAINING**

In addition to the training referred to throughout this document, support training to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Provide funding for staff training or networking programs and services to improve the capability of government, community, and not-for-profit entities to abate the opioid crisis.
2. Support infrastructure and staffing for collaborative cross-system coordination to prevent opioid misuse, prevent overdoses, and treat those with OUD and any co-occurring SUD/MH conditions, or implement other strategies to abate the opioid epidemic described in this opioid abatement strategy list (e.g., health care, primary care, pharmacies, PDMPs, etc.).

### **L. RESEARCH**

Support opioid abatement research that may include, but is not limited to, the following:

1. Monitoring, surveillance, data collection, and evaluation of programs and strategies described in this opioid abatement strategy list.
2. Research non-opioid treatment of chronic pain.
3. Research on improved service delivery for modalities such as SBIRT that demonstrate promising but mixed results in populations vulnerable to opioid use disorders.
4. Research on novel harm reduction and prevention efforts such as the provision of fentanyl test strips.
5. Research on innovative supply-side enforcement efforts such as improved detection of mail-based delivery of synthetic opioids.
6. Expanded research on swift/certain/fair models to reduce and deter opioid misuse within criminal justice populations that build upon promising approaches used to address other substances (e.g. Hawaii HOPE and Dakota 24/7).
7. Epidemiological surveillance of OUD-related behaviors in critical populations including individuals entering the criminal justice system, including but not limited to approaches modeled on the Arrestee Drug Abuse Monitoring (ADAM) system.
8. Qualitative and quantitative research regarding public health risks and harm reduction opportunities within illicit drug markets, including surveys of market participants who sell or distribute illicit opioids.
9. Geospatial analysis of access barriers to MAT and their association with treatment engagement and treatment outcomes.



**Meeting Date:** July 15, 2021

**Agenda Item:** 12-A

## Report to Town Council

**Topic:** Ponce Inlet Welcome Packet.

**Recommended Motion:** As determined by Council for the layout of proposed publication & magnet and the timeline for printing and mailing them out to residents.

**Summary:** Please see attached staff report.

**Requested by:** Ms. French, Cultural Services Manager

**Approved by:** Ms. Witt, Town Manager



## MEMORANDUM

### TOWN OF PONCE INLET, CULTURAL SERVICES DEPARTMENT

*The Town of Ponce Inlet staff shall be professional, caring and fair in delivering community excellence while ensuring Ponce Inlet residents obtain the greatest value for their tax dollar.*

To: Jeaneen Witt, Town Manager  
From: Jackie French, Cultural Services Manager  
Date: July 6, 2021  
Subject: Continued Discussion of Draft Welcome Packet

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**MEETING DATE:** July 15, 2021

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At the May 20, 2021 Town Council meeting, the Council reviewed a draft of the new resident welcome packet, and provided suggestions to bring back at a later meeting for further review. The suggested changes to the welcome packet included removal of pictures of people; add vision statement; layout to first be the parks, then permits & rentals; include educational opportunities; include a map identifying town facilities; update the magnet; and include voter registration information.

Discussion was had suggesting the first edition of the packet should be distributed to every resident by U.S. mail and copies made available at Town Hall. Estimated cost for printing and mailing in this manner of distribution is ~~\$10,000~~ for the first year; ~~\$2,500~~ thereafter.

6,000 (JW)

1,000 (JW)

**Exhibit 1** provides the current draft of the updated Town magnet. **Attachment 1** provides the revised draft of the Ponce Inlet Welcome Packet to include the Council suggestions above. Both have been reviewed by staff for accuracy and efficient descriptions regarding each Town department.

The Cultural Services Department is seeking direction from the Town Council regarding the new resident welcome packet and magnet for Ponce Inlet. Specifically seeking either approval of attached Welcome Packet or suggestion on further ideas, and desired distribution to new residents.

  
\_\_\_\_\_  
Jackie French, Cultural Services Manager

July 6, 2021

Date

Exhibit:

1. Current draft of Ponce Inlet magnet

Attachments:

1. Current draft of Ponce Inlet Welcome Packet

**Exhibit 1**  
Current draft of Ponce Inlet magnet



# TOWN OF PONCE INLET

4300 SOUTH ATLANTIC AVENUE  
PONCE INLET, FL 32127  
[WWW.PONCE-INLET.ORG](http://WWW.PONCE-INLET.ORG)

## TOWN HALL ADMINISTRATION

**M-F; 8:00A.M.-4:30P.M.**

**MAIN NUMBER: 386-236-2150**

**FINANCE: 386-236-2153**

**HUMAN RESOURCES: 386-236-2152**

## UTILITY SERVICES

**M-F; 8:00A.M.-4:30P.M.**

**UTILITY BILLING: 386-236-2151**

**PUBLIC WORKS: 386-322-6729**

**AFTER HOURS EMERGENCIES:  
386-547-1954**

**WASTE MANAGEMENT: 386-788-8890**

**GARBAGE: MONDAY & THURSDAY**

**RECYCLE: TUESDAY**

**YARD WASTE: WEDNESDAY**

## POLICE DEPARTMENT

**Emergencies- dial 911**

**NON-EMERGENCIES: 386-248-1777**

**ADMINISTRATION: 386-236-2160**

**M-F; 8:00A.M.-4:30P.M.**

## PLANNING & DEVELOPMENT

**M-F; 8:00A.M.-4:30P.M.**

**PLANNING & ZONING: 386-236-2181**

**BUILDING: 386-236-2182**

**INSPECTION HOTLINE: 386-236-2188**

**CHIEF BLDG OFFICIAL: 386-236-2185**

**CODE ENFORCEMENT: 386-236-2187**

## PARKS & RECREATION

**386-322-6703**

**HISTORICAL MUSEUM: 386-761-2408**

**TUES-SAT; 10A.M.-2:00P.M.**

**PAVILION RENTALS: 386-236-2150**

**SPECIAL EVENTS: 386-322-6703**

**POLLARD PARK**

**COURT RESERVATIONS:**

[holdmycourt.com/reserve2/townofponceinlet](http://holdmycourt.com/reserve2/townofponceinlet)

**COMMUNITY CENTER: 386-760-0615**

**LIGHTHOUSE: 386-210-3678**

## FIRE DEPARTMENT

**Emergencies- dial 911**

**ADMINISTRATION: 386-322-6720**

**M-F; 8:00A.M.-4:30P.M.**

# **Welcome to the Town of Ponce Inlet**



2021





**Meeting Date:** July 15, 2021

**Agenda Item:** 12-B

## Report to Town Council

**Topic:** Proposal to place a time limit of four hours on the car parking spots at the Ponce Inlet boat ramp parking lot.

**Recommended Motion:** As determined by Council regarding a four hour limit on the car parking spots, funding for a new enforcement position, and the purchase of equipment.

**Summary:** Please see attached staff report.

**Requested by:** initially requested by Councilmember Israel; upon approval by Council, Police Chief Glazier has worked on this and prepared the attached information.

**Approved by:** Ms. Witt, Town Manager



# Town of Ponce Inlet POLICE DEPARTMENT



Jeffrey Glazier \* Police Chief

**To:** Jeaneen Witt / Town Manager  
**From:** Jeff Glazier / Chief of Police  
**Re:** Staff Report / Boat Trailer Parking Discussion  
**Date:** July 7, 2021

At the May, 2021 Town Council Meeting I was asked to research potential solutions to a problem of limited parking at the boat trailer parking lot. I have attached a power point presentation to help with the discussion. The Council seemed to agree that limiting the car parking spaces to four (4) hours would turn the spaces over more quickly and allow more visitors a space to park.

I would be in favor of limiting the car spaces to four (4) hours *on weekends and holidays only*. Rarely are all the boat/trailer spaces filled during the week. This allows cars additional spaces to park. On weekends and holidays when the boat/trailer spaces typically fill up, the four (4) hour maximum limit would be enforced to turn car spaces over more quickly.

Enforcement should be achieved by hiring a part time parking enforcement officer. This civilian employee could handle all parking related issues throughout the town. Citizen Watch volunteers collectively stated that they do not want to write parking tickets where there is the potential for conflict. Ponce Inlet Police Officers would also handle parking enforcement, but with the addition of a designated parking enforcement officer, they could spend more of their time patrolling neighborhoods, patrolling the water, and enforcing traffic laws.

The technology to handle electronic chalking of tires is somewhat cost prohibitive. I received quotes ranging from \$4,600-\$23,000. Since there are only sixteen (16) spaces to be monitored, the old fashioned chalking stick would work better in the short term.



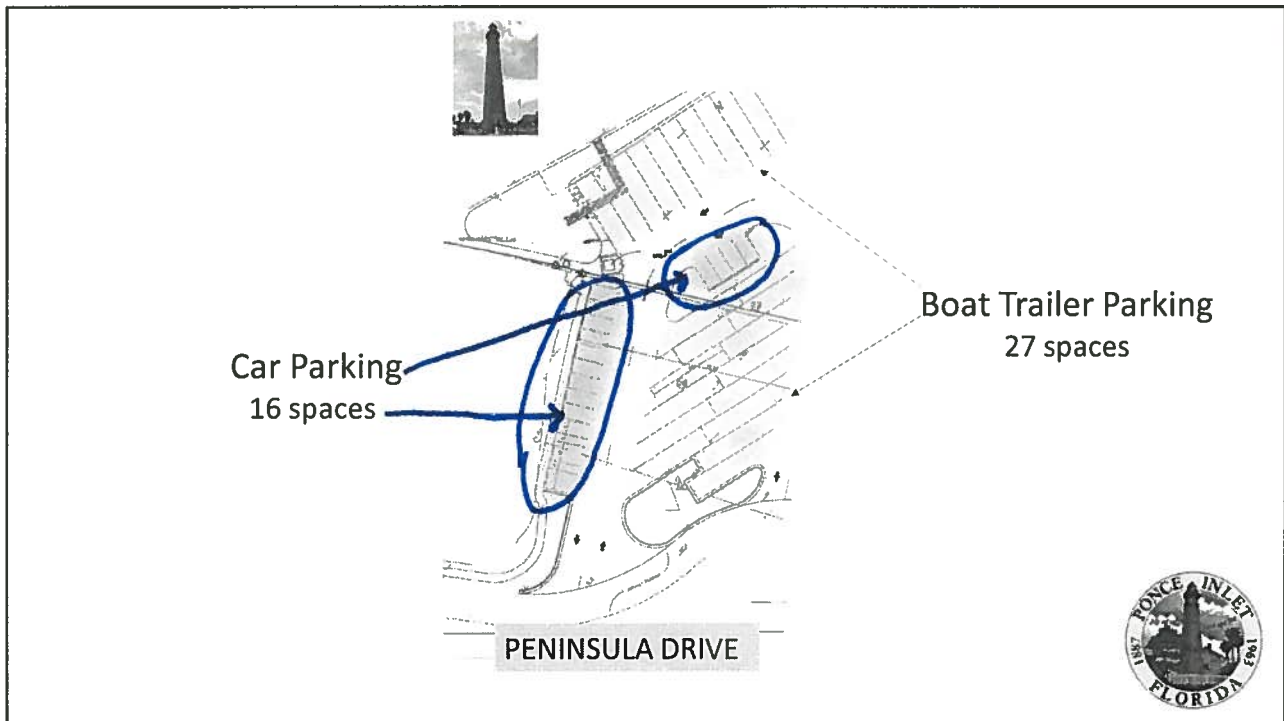
# Town of Ponce Inlet

## Boat Trailer Parking Discussion

Presented by  
Jeff Glazier  
Chief of Police



1



2



3

**4** **HOUR**

**VISITOR PARKING**  
**WEEKENDS & HOLIDAYS**

← →

**\$45 FINE**

A rectangular sign with a white background and a black border. The sign contains the text "4 HOUR" in large, bold, black letters. Below this, it says "VISITOR PARKING WEEKENDS & HOLIDAYS" in smaller, bold, black letters. Underneath that, there are two thick black arrows pointing left and right. At the bottom left of the sign, it says "\$45 FINE" in bold, black letters. At the bottom right, there is a circular logo with the text "1847 PONCE INLET 1964" around the perimeter and "FLORIDA" at the bottom. The center of the logo features a silhouette of the lighthouse.

4

## ENFORCEMENT

- Hire Parking Enforcement civilian for weekend and holidays to monitor all town parking. As Volusia County population grows, visitor parking spaces will be harder to find leading to more illegal parking
- Citizen Watch Volunteers are not interested in writing tickets due to possible confrontations
- Ponce Inlet Police officers will also enforce parking but the Town is better served if they are patrolling neighborhoods and maintaining a presence on the main thoroughfares and in the water



5

## Electronic Chalking Devices

- Operations Commander (OPS-COM)
- Software uploads to any Android Device
- Electronically chalk vehicles to track free time parking permissions
- Create indisputable citations with attached images & GPS location
- Easily identify repeat offenders
- Issue in the field citations or a warning using a connected Bluetooth printer



**\$4,600 Annually**



6

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# Notifications & Updates

Text "PonceAlerts" to 99411

To receive emergency notifications in Ponce Inlet,  
please sign up for notifications of emergency situations on  
Code Red

CODE RED:



## Town Updates

For Ponce Inlet News and Town Board Agendas  
Please sign up by visiting our website under "Notifications"  
You will receive an email confirmation from

[listserv@civicplus.com](mailto:listserv@civicplus.com)

TOWN UPDATES:



## Find us on the web!

[www.ponce-inlet.org](http://www.ponce-inlet.org)



@townofponceinlet



TREE CITY USA  
Member since 1994

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# **The Town of Ponce Inlet**

*“Joy of the Land and Sea”*

The Town of Ponce Inlet ("the Town") was incorporated on August 20, 1963 and is a municipal corporation of the State of Florida. The Town has operated under the Council-Manager form of municipal government since 1990 and has been recognized by the International City Managers Association as such since 1995.

The Town Council is the legislative and governing body of the Town. The Town Council is composed of an elected Mayor, an appointed Vice-Mayor, and three Councilmembers; all are elected by a Town-wide vote of the Town's residents.

The Town Council, by majority vote, appoints a Town Manager for an indefinite term. The Town Manager is the chief administrative officer of the Town and is responsible to the Town Council for the administration of all Town affairs placed in his/her charge by the Town Charter.

The Town provides a wide range of governmental services to its residents. Those services are provided by the Employees of the Town, whose task and goal it is to provide those services in the most prompt, courteous, professional and cost-effective manner possible.

**Jeaneen Witt**

Town Manager

386-236-2150

[jwitt@ponce-inlet.org](mailto:jwitt@ponce-inlet.org)

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## **Vision Statement**

Ponce Inlet is and will be a residential haven for those persons who value nature, quiet, privacy. It offers a small-town lifestyle where people feel safe and should have easy access to small scale businesses serving their needs. The community will continue to be particularly distinguished by its natural beauty and its access to nature. It has ensured that its built environment is of high quality and appropriate scale while protecting historic features. The community will be recognized for the professionalism and integrity of its government and the high level of citizen involvement and participation in the life of the community.

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## **Mission Statement**

*The Town staff shall be professional, caring, and fair in delivering community excellence while ensuring Ponce Inlet citizens obtain the greatest value for their tax dollar.*



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# Town Council

**Mayor Gary Smith**

Seat 1  
Term Expires:  
November 2021  
386-233-9376  
gsmith@ponce-inlet.org

**Bill Milano**

Seat 2  
Term Expires:  
November 2022  
386-795-2452  
bmilano@ponce-inlet.org

**Elizabeth Caswell**

Seat 3  
Term Expires:  
November 2021  
860-519-8991  
ecaswell@ponce-inlet.org

**David Israel**

Seat 4  
Term Expires:  
November 2022  
904-229-6607  
disrael@ponce-inlet.org

**Vice Mayor Lois Paritsky**

Seat 5  
Term Expires:  
November 2021  
386-310-4320  
lparitsky@ponce-inlet.org

**Cliff Shepard**

Town Attorney  
Board Certified:  
City, County and Local  
Government Law  
Shepard, Smith, Kohlmyer  
& Hand P.A.

REGISTER OR UPDATE  
FLORIDA VOTER REGISTRATION:



To register to vote, you must be a U.S. citizen, a Florida resident and at least 18 years old. The deadline to register is 29 days before the upcoming election. You can also update your registration record at any time.

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# Department Heads

**Kim McColl**

Finance Manager  
386-236-2150  
kmcoll@ponce-inlet.org

**Kim Cherbano**

Human Resources Director  
386-236-2150  
kcherbano@ponce-inlet.org

**Mike Disher**

Planning & Development Director  
386-236-2182  
mdisher@ponce-inlet.org

**Aaron Irwin**

Information Technology Director  
386-236-2150  
airwin@ponce-inlet.org

**Jackie French**

Cultural Services Manager  
386-322-6703  
jfrench@ponce-inlet.org

**Jeff Miller**

Public Works Manager  
386-322-6729  
jmiller@ponce-inlet.org

**Dan Scales**

Fire Chief  
386-322-6720  
dscales@ponce-inlet.org

**Jeff Glazier**

Police Chief  
386-236-2160  
jglazier@ponce-inlet.org

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# **Utility Billing**

386-236-2150

PAY YOUR BILL:



## **Current Rates:**

(subject to change)

### **Water**

First 2,000 gallons: \$20/ month  
\$7/ additional 1,000 gallons

### **Sewer**

Single/ multi-family minimum: \$14.63/ home or unit  
0-12,000 gallons: \$5.44/ 1,000 gallons

### **Solid Waste Collection**

Single-family: \$30/ month

---

# **Watering Restrictions**

Adopted by the St. John's River Water Management District for efficient use of water for lawns and landscape irrigation.

In effect year-round and apply throughout the District's entire 18-county area.

## **Rules & Regulations**

During Daylight Savings Time  
(2<sup>nd</sup> Sunday in March- 1<sup>st</sup> Sunday in November)

### **Residential irrigation**

**4pm-10am**

Odd-numbered addresses

Wednesdays & Saturdays

Even-numbered addresses

Thursdays & Sundays

Restrictions apply to all water sources, including private wells and pumps, ground or surface water, and water from public and private utilities.

New plantings may be watered any time for 30 days, then every other day for another 30 days. Keep the store receipt for proof of purchase.

Hand watering with a spray nozzle that shuts-off when released is allowed anytime. During Standard Time, watering is allowed once a week.

## **Helpful Resources**

St. John's River Water Management District  
1-800-451-7106

Ponce Inlet Code Enforcement office  
386-236-2187

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## **Recycling & Trash**

The Town of Ponce Inlet contracts all garbage, yard waste, and recycling removal through Waste Pro.

Please remember that if you hire a contractor to trim or remove vegetation on your property, the contractor is responsible for its removal.

### **Pick Up Schedule**

Must be placed at curb no later than 7:00 a.m.

#### **Garbage**

Monday & Thursday

#### **Yard Waste**

Wednesday (bagged, boxed, tied)

#### **Recycling**

Tuesday

### **Helpful Resources**

Waste Pro Customer Service

386-788-8890

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# Ponce Inlet Parks



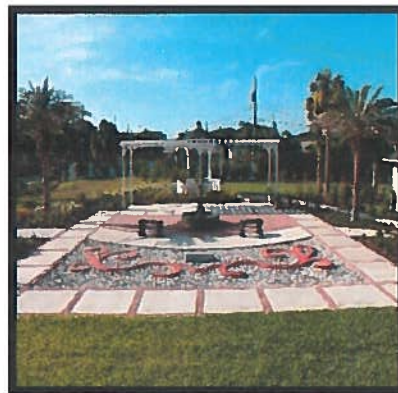
**Wilbur Bay Wetlands**  
4324 S. Peninsula Dr.  
Sunrise-Sunset

Picnic table, kayak/  
canoe launch



**Ponce Preserve**  
4401 S. Peninsula Dr.  
Sunrise-Sunset

Boardwalk, kayak/ canoe  
launch, pavilion, restroom,  
trails, playground



**Timucuan Oaks Garden**  
4550 S. Peninsula Dr.  
Sunrise-Sunset

Boardwalk, kayak/ canoe  
launch, pavilion,  
restroom, trails



**Timothy Pollard  
Memorial Park**  
4680 S. Peninsula Dr.  
6:00am-10:00pm

Athletic courts, pavilion,  
playground

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# Ponce Inlet Parks



**Ponce's Happy Tails**  
**Dog Park**

4702 S. Peninsula Dr.  
Sunrise-Sunset

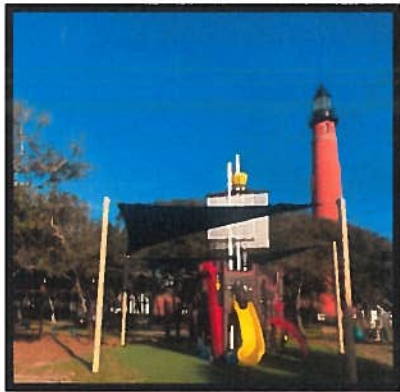
Dog park, benches



**Elbers Sunset Park**

N. End of Front St.  
Sunrise-Sunset

Fishing, park bench



**Kay & Ayres**  
**Davies Lighthouse Park**

4933 S. Peninsula Dr.  
6:00am-10:00pm

Pavilion, restroom, playground,  
Veteran's Memorial



**Ponce Inlet**  
**Veterans Memorial**

4933 S. Peninsula Dr.  
6:00am-10:00pm

11-11-11 Veteran's Memorial was  
dedicated at the Kay & Ayres  
Davies Lighthouse Park.

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# **Ponce Inlet** **Community Center**

386-760-0615  
4670 S. Peninsula Dr.

## **Hours of Operation**

Monday-Friday  
9:00am-12:00pm

The Ponce Inlet Community Center exists to serve the recreational, educational, and social needs of its citizens. Everyone who resides in Ponce Inlet is a member.

The Community Center offers meetings and events, exercise programs, a lending library, and is available for rentals.

Call the Ponce Inlet Community Center for details and pricing on rentals or stop by to pick up a calendar at the beginning of each month.





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# **Ponce Inlet** **Historical Museum**

386-761-2408  
143 Beach St.

## **Hours of Operation**

Tuesday- Saturday  
10:00am-2:00pm

## **Admission**

FREE

The Ponce Inlet Historic Museum contains two historic Florida Cracker-style cottages that have been restored to their original layout. The Museum is dedicated to education through the preservation and dissemination of the history and cultural heritage of the Town of Ponce Inlet.



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# **Ponce Inlet** **Lighthouse**

386-761-1821  
4931 S. Peninsular Dr.

## **Hours of Operation**

Daily

10:00am-6:00pm\*

\*June 1-September 6 closes at 9:00pm

## **Admission**

Adults (12+): \$6.95

Children (3-11): \$1.95

Infants (0-2): Free

Ponce Inlet Residents: Free

Constructed in 1887, the 175-foot Ponce de Leon Lighthouse has guided mariners along the Florida coast as the tallest in the state and was declared a National Historical Landmark in 1998.



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# **Cultural Services**

386-322-6703

Special Events:



## **Special Event Criteria**

A special event is an organized, non-routine event held for limited duration on public or private property that meets one or more of the following criteria:

1. Anticipated attendance will exceed the on-site parking capacity of the premises.
2. Anticipated attendance will exceed the seating capacity and occupancy rate of the premises as established by law.
3. Other town services beyond those regularly provided (emergency medical services, garbage cleanup, or street closures) must be provided.
4. The event impinges upon any adjacent public, commercial, or residential area and involves setting up temporary structures (tents, stages, portable toilets, high-intensity lighting) or other such activities.

Submit completed application packet to the Administrative Department at Ponce Inlet Town Hall: 4300 S. Atlantic Avenue. Staff can notarize the application.

## **Pavilion Reservations**

Ponce Preserve\*

Timucuan Oaks Garden\*

Kay & Ayres Davies Lighthouse Park

Timothy Pollard Memorial Park\*

Pavilions located in Town parks are generally available for your use and enjoyment. Each pavilion may be reserved for a user fee of \$35, plus a \$100 deposit, to ensure its availability when you need it.

Reservations are posted at each site and given priority.

\*No portable cooking equipment is permitted. Only propane or electric portable cooking equipment is allowed in Davies Lighthouse Park- no charcoal cooking equipment is permitted. Permitted use is only allowed in predesignated areas at least 30 feet away from any building. Absolutely no cooking equipment is permitted in the pavilion at any time.

**Reservations**

**386-236-2150**

**4300 South Atlantic Avenue**

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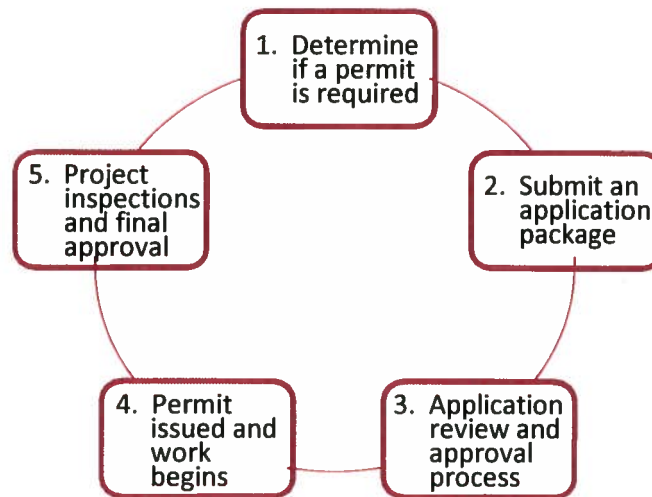
# Planning & Development

Planning & Zoning 386-236-2181

Building Division 386-236-2182

## Homeowners guide: When is a permit required?

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The State of Florida has adopted a uniform Building Code. All towns, cities, and counties are required to adopt and enforce the Florida Building Codes. The Codes consist of Building, Plumbing, Mechanical, Fuel Gas, Electrical, Accessibility, Energy Code and existing Building Codes. All work requiring a permit *must* follow the codes as written. The codes cover a wide range of topics but are intended to ensure compliance with life-safety requirements and proper construction for a safe and efficient environment for occupants.

In addition to adopting the Florida Building Code, the Town has adopted regulations in its Land Use and Development Code (LUDC) to ensure that all development is consistent with the Comprehensive Plan and will preserve the character and quality of residential neighborhoods.

Most work done within the Town requires a permit, including all work done on the Town's rights-of-way.

## **Work that DOES require a permit:**

*Not an all-inclusive list*

- All new construction
- Above-ground and in-ground swimming pools, spas, hot tubs
- Accessory buildings: sheds, carport, detached garage, etc.
- Additions and alterations
- Exterior door replacement
- Renovation of interior and/ or exterior
- Re-roof
- Boathouse, docks, seawall, decks, boat lifts
- Mechanical HVAC change out, duct work
- Siding
- Storm shutters
- Screen enclosures
- Fireplace installation
- Generators
- Gas tanks above and buried
- Fences and walls; retaining walls over 3ft.
- Driveways, sidewalks and patios (including pavers)
- Solar panels and systems
- Repairs and replacement\*
- Electrical work
- Plumbing work
- Demolition work
- Site work; grading, land fill, etc.
- Tree removal

\*See work that may not require a permit.

## **Work that MAY NOT require a permit:**

The following list includes some exceptions to permitting requirements but may not be a complete list. Before starting any work, please check with Planning & Development staff, to determine whether your proposed work will require a permit.

### **Building Interior**

- Repair and replacement of non-structural interior doors
- Trim work
- Carpet and other flooring
- Painting
- Cabinets and vanities unless electrical or plumbing will be disconnected and/or altered from the original locations
- Repairs to walls and ceilings
- Additional attic insulation

### **Building Exterior**

- Minor repair and replacement of small areas or trim & siding, fascia and soffit
- Broken panels of glass
- Replacement of window and pool enclosure screening
- Painting and patching of exterior surfaces
- Fence repair
- Roof repairs if less than 100 sq ft total area
- Gutters and down spouts

### **Plumbing**

- Replacement of kitchen or bath sinks, faucets, shower heads and toilets if location is not altered.
- Replacement of garbage disposal if no changes to the electrical and/ or drain line and traps are made.

## **Work that MAY NOT require a permit cont.:**

### **Mechanical**

- Replacement of components within the system such as fan motors, compressor, refrigerant, coil, thermostat, etc.
- Portable window or wall air conditioners that plug directly into an existing electrical outlet.

**Note:** Replacement of the entire outside condenser unit and/ or interior air handler requires a permit

### **Electrical**

- Repair and replacement of fixtures and appliances only when being replaced in their original location and there is no change to the circuit:
  - Light fixtures, ceiling fans, receptacles, switches, refrigerator, range, range hood; and
  - Replacement of circuit breakers in existing electrical panels.

**Caution:** electrical work should only be performed by a qualified electrician. Improper electrical work can cause property damage, injury and possible death.

### **Trees and Landscaping**

- Replacement of sod
- Selective pruning and thinning of trees and vegetation as necessary to:
  - Maintain long-term integrity and sustainability of the natural plant communities and landscaping; and
  - As necessary to survey property lines and structures.
- Pruning, thinning and removal of non-protected trees and understory.



## Flood Protection Information & FIRM Maps

The Flood Insurance Rate Maps (FIRM) Maps are located at Town Hall and can be reviewed during the hours of 8:00 AM to 4:30 PM. All questions should be directed to Hank Baker, Chief Building Official/Certified Floodplain Manager. Mr. Baker is also available for site visits at your property to answer any questions or concerns you may have. Mr. Baker's contact information is: [hbaker@ponce-inlet.org](mailto:hbaker@ponce-inlet.org) or 386-236-2185. For more information visit: <http://ponce-inlet.org/> then click Flood Management Information.

TOWN MANAGEMENT  
FLOOD  
INFORMATION:



## Business Tax Receipts

All businesses located in the Town of Ponce Inlet are required by Florida Statutes Chapter 205 and Chapter 22 of the Town's Code of Ordinances and to apply for a Business Tax Receipt and our valid October-September. All Home based businesses are required to also obtain a Home Occupation Permit as well as Business Tax Receipt. Please call Ami Pierce, Office Manager at 386-236-2186 if you have any questions.

BUSINESSES IN  
PONCE INLET:



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# **Code Enforcement**

386-236-2187

REPORT  
VIOLATIONS:



## **Report violations after hours**

Daily: 4:30pm-8:00am  
386-248-1777; option #3

Florida law prohibits investigation of anonymous complaints, unless the violation presents an imminent threat to public health, safety, or welfare, or if there is imminent destruction of habitat or sensitive resources.

Please be prepared to provide your name and address when reporting a code violation.

PONCE INLET  
CODE ORDINANCES:



## **Code Enforcement: Frequent Violations**

### **Recreational vehicles**

Recreational vehicles such as campers, boats, jet skis, trailers, etc. can only be parked in the driveway for up to 72 hours per week for the purpose of cleaning, loading, unloading, etc. After that, the vehicle must be parked behind the front plane of the house on the side(s) facing the street.

### **Work without a permit**

Most construction work requires a permit (Electrical, Mechanical, Plumbing, Roof Work, Window and Doors, Fences, Pavers, etc.). If you are not sure whether a permit is needed, please call the building department before work starts to verify and to avoid unnecessary penalties and other costs.

### **Rentals**

If you are offering your room or home to rent for any length of time, you are required to obtain a rental permit through the Town. Rentals in all single-family homes and most condominiums are limited to 28 consecutive days or longer.

### **Maintenance of the right-of-way**

If you own a home, you are required to maintain the strip of grass between the sidewalk or front property line and the road. You must ensure that any vegetation on your property does not encroach onto sidewalks, and that sprinkler heads are not spraying over or onto the roadway.

### **Watering your lawn**

The St. Johns Water Management District has adopted water conservation rules that include specific days of the week to water your lawn. This allows everyone to water 2 times a week during the summer and 1 time per week during the winter months, enough to maintain healthy landscapes year-round. The rules are designed to ensure the efficient use of water for landscape irrigation, for both residential and nonresidential locations.

## **Code Enforcement: Do's & Don'ts**

### **Property maintenance issues**

**DO** – Maintain the appearance of your property in a neat and attractive manner.

**DON'T** – Allow fences or buildings to fall into disrepair.

### **Corner visibility**

**DO** – If you live on a corner lot, make sure all vegetation, fences, and other structures at the corner are below a height of 3 feet. This applies within the triangular area measured 25 feet back from the corner along each property line. Doing so is necessary to maintain visibility and prevent accidents for pedestrians, cyclists, and motor vehicles.

**DON'T** – Allow vegetation to hinder visibility for oncoming traffic or vehicles attempting to pull out into the roadway.

### **Inoperable vehicles**

**DO** – Make all vehicle repairs inside a garage; ensure tires are in good shape; and have a valid tag affixed to vehicle.

**DON'T** – Store inoperable vehicles in the driveway or in the front yard.

### **Weeds & high grass**

**DO** – Keep all grass and weeds below a height of 12 inches.

**DON'T** – Let your grass become an unsanitary nuisance which will attract rats and other vermin. Tall grass may also attract criminals if they think your home is vacant!

### **Disposal of yard trash**

**DO** – Yard trash must be bundled into piles or stacks no more than 4 feet long, and no more than 20 pounds. If a contractor is doing the work, make sure they remove the vegetation with them when the work is finished.

**DON'T** – Cover storm drains and don't pile vegetation by the road right before a major storm arrives.

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# **Police Department**

**Emergency: Dial 911**

**Non-Emergency: 386-248-1777**  
(Volusia County Dispatch)

**Office: 386-236-2160**  
4301S. Peninsula Dr.

FAQS:



## **Fingerprinting Services**

Ponce Inlet Residents - By appointment only

## **Pet Registration**

Monday-Friday; 8am-4:30pm

The Town's Code of Ordinances (Sec. 10-61) requires Ponce Inlet dog and cat owners to register their pets every January 1<sup>st</sup> with the Police Department. This program is free of charge and will assist the Department if your pet is lost, stolen or escapes. Please bring proof of pet's current vaccinations.

Animals will be on leash and always securely held by owners when off the owner's property. Town's Code of Ordinances (Sec. 10-51)

## **Lost & Found Pets**

Send all lost and found reports to [rhugler@ponce-inlet.org](mailto:rhugler@ponce-inlet.org).

Attach a photo and include the following:

- Date
- Species
- Breed
- Primary color
- Secondary
- Gender
- Age
- Weight
- Other characteristics
- Medical Information

## **Spay & Neuter**

Dogs or cats 6 months of age or older living in Ponce Inlet must be spayed or neutered unless otherwise having an unaltered animal permit or unless the dog or cat is otherwise exempt (per Sec. 10-55).

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# **Fire Department**

**Emergency: Dial 911**

Office: 386-322-6720  
4680 S. Peninsula Dr.

**Services provided include:**

Fire Suppression  
Advanced Life Support (ALS)  
Emergency Medical Services (EMS)  
Fire Prevention:

- Fire Inspection
- Fire Cause & Origin
- Fire Plan Review
- Fire Code Enforcement  
Utilizing the 7<sup>th</sup> Edition of the  
Florida Fire Prevention Code.

Ponce Inlet Fire Rescue Prevention Activity is performed by a certified Florida Fire Code Administrator/ Fire Marshal

## **Class 3 Insurance Services Office (ISO) Rating**

**FAQS:**

- 1. Can I have a fire on the beach?** Contact Volusia County Beach Safety at 386-239-7873 or [BeachSafety@volusia.org](mailto:BeachSafety@volusia.org)
- 2. Can I have a grill on my balcony?** No. A grill or hibachi cannot be used or stored on a balcony.
- 3. Why did a fire engine show up when I called for an ambulance?** Ponce Inlet Firefighters are cross-trained to the EMT or Paramedic level of pre-hospital care. When the fire engine arrives, patient care begins and is continued thru ought transport. Ponce Inlet Fire Rescue also has its own ambulance and provides primary patient transport for the citizens of Ponce Inlet.

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# Education Opportunities

## Schools in District

**RJ Longstreet Elementary School ..... 386-322-6172**  
2745 S. Peninsula Dr., Daytona Beach  
K-5<sup>th</sup> grade

**Silver Sands Middle School..... 386-322-6175**  
1300 Herbert St., Port Orange  
6<sup>th</sup>- 8<sup>th</sup> grade

**Spruce Creek High School..... 386-756-7200**  
801 Taylor Rd, Port Orange  
9<sup>th</sup>-12<sup>th</sup> grade; IB Program

## Area Colleges

**Bethune-Cookman University ..... 386-481-2000**  
640 Dr. Mary McLeod Bethune Blvd., Daytona Beach

**Daytona State College ..... 386-506-3000**  
1200 W. International Speedway Blvd., Daytona Beach

**Embry-Riddle Aeronautical University ..... 386-226-6000**  
600 S. Clyde Morris Blvd., Daytona Beach

**University of Central Florida (Daytona Campus) ... 386-481-2000**  
1200 W. International Speedway Blvd., Daytona Beach

**Palmer College of Chiropractic..... 386-763-2709**  
4777 City Center Pkwy., Port Orange

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# **Volunteer Opportunities**

## **Museum**

Provide tours for visitors at Ponce Inlet Historical Museum.

**Contact:** 386-322-6703

## **Children's Activity Events**

Assist with various children's events hosted by the Town.

**Contact:** 386-322-6703

## **Citizen's Watch**

Member's duties include residential security checks, miscellaneous pick-up and delivery services for the police department, and regular patrols throughout the Town.

**Contact:** 386-236-2160

## **Town Boards**

Be involved in decisions for our community.

**Contact:** 386-236-2180

## **Code Enforcement Board**

To provide an equitable, expeditious, effective, and inexpensive method of enforcing any codes and ordinances in force in counties and municipalities, where a pending, or repeated violation continues to exist. All actions and duties shall be governed by Chapter 162, Florida Statutes to impose administrative fines and other noncriminal penalties.



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# **Volunteer Opportunities**

## **Town Boards, cont.**

### **Cultural Services Board**

To recognize, protect and enhance historic properties, protect native trees and vegetation, and provide quality recreational opportunities to the community. Some duties include inventorying and preserving historic buildings; making decisions on applications to remove specimen trees; and making recommendations to the Town Council regarding parks and recreational facilities and landscaping plans.

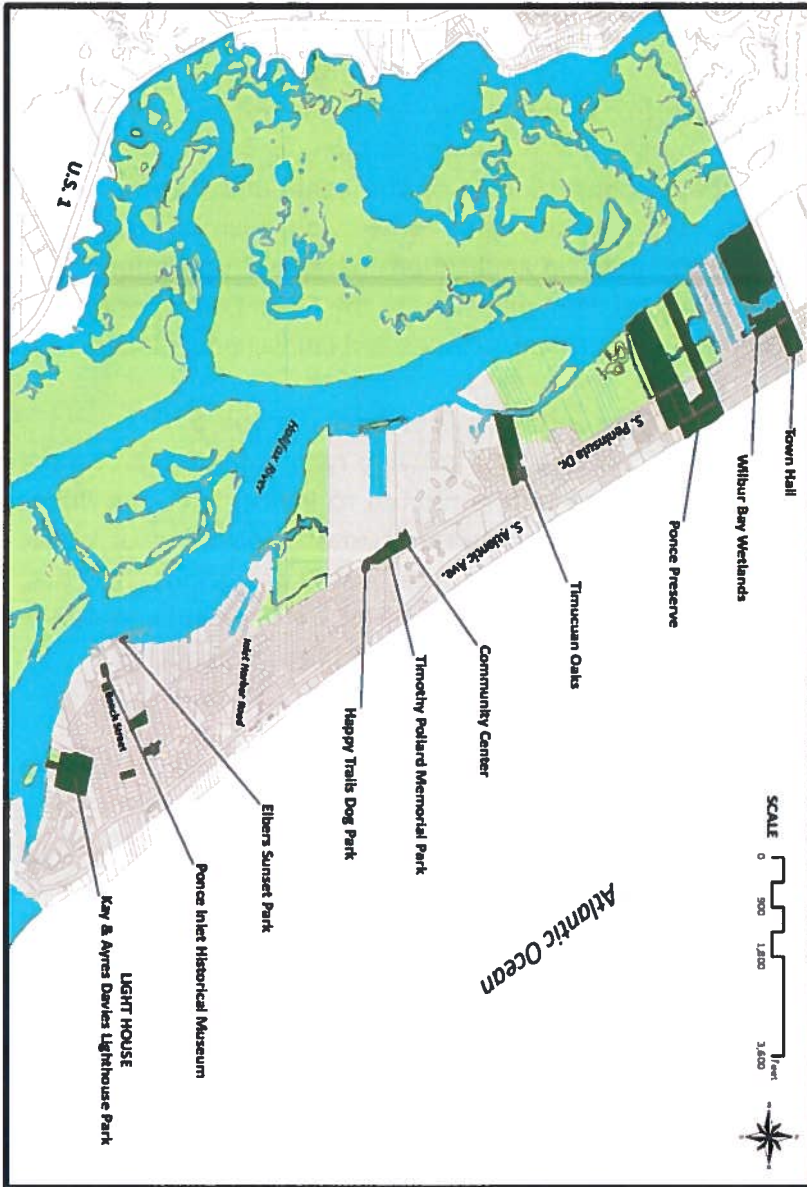
### **Essential Services Advisory Board**

To research, analyze, and provide recommendations to the Town Council on matters related to Police, Fire, and Public Works. Duties include strategic master planning of public infrastructure; planning for the Town's operational facilities; and review of contracts and interlocal agreements related to the provision of services in specified departments.

### **Planning Board**

This board reviews and makes policy recommendations to Town Council on proposed changes to the Comprehensive Plan and the Land Use and Development Code, and as such functions as the Town's Local Planning Agency pursuant to state law (F.S. § 163.3161). In addition, the Planning Board reviews and makes recommendations on a variety of quasi-judicial land use applications such as site plans, rezonings, and special exceptions. The Planning Board has the authority to review and approve variances, as well as certain types of appeals.

# Town Map



This map shows the location of parks and property owned by the Town of Ponce Inlet. County parks and facilities are not included. Conservation areas include those within Town municipal limits only.