

Village of Loxahatchee




Presentation by Citizens Group
For Incorporation of
Loxahatchee/Acreage

Lou Colantuoni, Bob Morgan
and Elizabeth Accomando





UPDATE REFERENDUM TIMELINE – Page 1

- Submitted to Feasibility Study and Charter to Tallahassee September 3, 2021 pursuant to F.S. 165.041
 - Submitted local bill package to Local Delegation September 28, 2021 for local bill
 - Meetings with local delegates
 - Community meetings
 - Meetings and discussions with members of the community
 - Name Survey final result: Village of Loxahatchee
 - Local Bill Hearing October 28, 2021
 - Bill was tabled to the December 8th meeting in Belle Glade
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UPDATE – REFERENDUM TIMELINE – Page 2

- December 8th Local Delegation meeting in Belle Glade to consider passing the local bill.
 - If passed by the local delegates on December 8th, then it can be filed in Tallahassee as a Bill.
 - It will then be referred to committees for review and if passed at each committee, then goes to the house floor for a vote.
 - Once passed at the House, it goes to the Senate for a vote.
 - If approved by the Senate, it goes to the Governor for signature.
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UPDATE – REFERENDUM TIMELINE – Page 3

- December 8th Local Delegation meeting in Belle Glade to consider passing the local bill.
 - If passed by the local delegates on December 8th, then it can be filed in Tallahassee as a Bill.
 - It will then be referred to committees for review and if passed at each committee, then goes to the house floor for a vote.
 - Once passed at the House, it goes to the Senate for a vote.
 - If approved by the Senate, it goes to the Governor for signature. It then becomes law and allows the Referendum to be held on November 8th, 2022.
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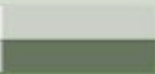


UPDATE – REFERENDUM TIMELINE – Page 4

- On November 8th, 2022, all registered voters in the proposed boundaries for the Village of Loxahatchee will be able to vote Yes or No to incorporation.
 - If the referendum passes by a minimum of a majority vote (50%+1), then the Village of Loxahatchee would be created and an election would be held for the municipal council.
 - Municipal Council Election would be held in March 2023
 - First Council meeting would be April 5, 2023. At this point, the Village of Loxahatchee would begin functioning.
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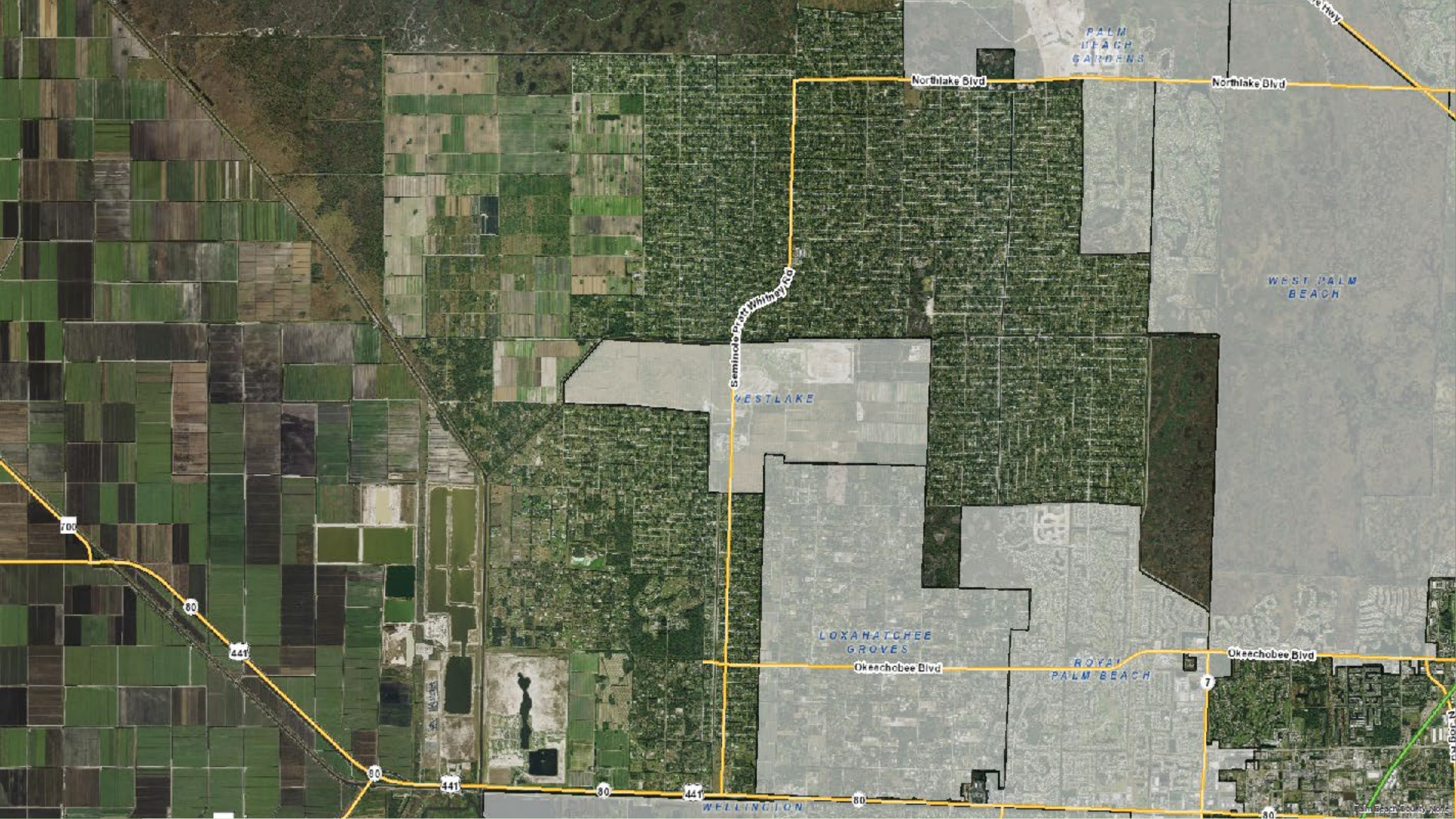
ISSUES AND CONCERNS RAISED OF 1ST PROPOSAL

- Boundaries – Debt for Unit 18 continuing to be assessed until 2031
 - Disenfranchisement of Unit 18 residents
 - Disenfranchisement of residents in areas not currently active units
 - Litigation between Seminole Improvement District, Minto and ITID
 - Perception of “conversion” of ITID to a municipality and the purported requirement to follow F.S. 165.0615
 - Feasibility of area remaining unincorporated
 - Preserving and Protecting Agricultural & Equestrian Community
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AMENDMENTS

- Indian Trail Improvement District to remain an independent district
 - Indian Trail to turn over certain assets of the District to the municipality (same assets relied upon in the initial feasibility study with ITID, as a dependent district)
 - ITID will service drainage infrastructure only.
 - Addition of clauses in the Charter regarding agricultural properties
 - Boundaries of proposed municipality are the same as original proposal
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PALM
BEACH
GARDENS

Northlake Blvd

Northlake Blvd

WEST PALM
BEACH

Seminole Pkwy

WESTLAKE

LOXAHATCHEE
GROVES

Okeechobee Blvd

ROYAL
PALM BEACH

Okeechobee Blvd

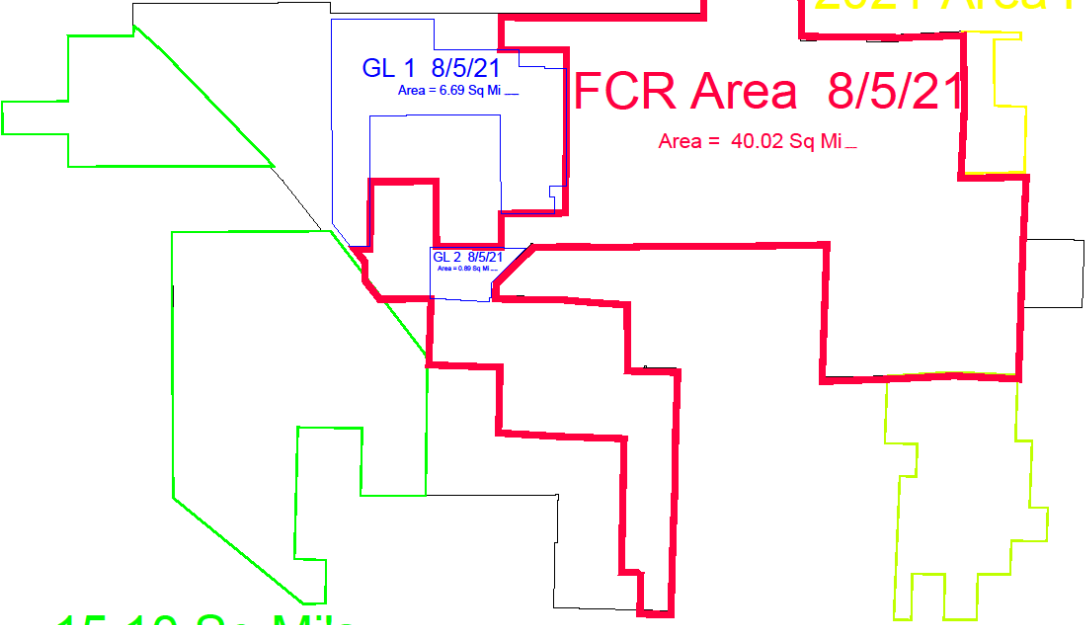
WELLINGTON

Palm Beach County, FL 2016

2021 Area Leg 2008 = 94.47 Sq Mi's (18,504,089.8 - 215,712.89) x 144 / (43560 x 640)

2021 Area 1 w of L8 PBG = 4.88 Sq Mi's 944,244.25 x 144 / (43560 x 640)

2021 Area PBG = 1.60 Sq Mi's 310,412.93 x 144 / (43560 x 640)



2021 Area 2 w of L8 PBG = 15.10 Sq Mi's 2,923,125.00 x 144 / (43560 x 640)


2021 Area VRPB = 6.58 Sq Mi's 1,274,228.14 x 144 / (43560 x 640)

2021 Total Area w of L8 PBG = 19.98 Sq Mi's

2021 Area Leg 2008 w/o PBG & VRPB = 86.28 Sq Mi's

FEASIBILITY STUDY – Revenue (Based on 3 mills – millage rate)

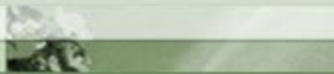
		Fiscal Year				
		2023-2024	2024-2025	2025-2026	2026-2027	2027-2028
REVENUES						
AD VALOREM TAXES						
	Ad Valorem Taxes (3 mills)	7,088,604	7,372,148	7,667,034	7,973,715	8,292,664
UTILITY SERVICE TAX						
	Utility Service Tax	1,309,986	1,328,981	1,348,251	1,367,800	1,387,634
OTHER TAXES						
	Local Option Gas Tax	1,536,575	1,558,855	1,581,458	1,604,389	1,627,653
	Communication Service Tax	510,393	517,794	525,302	532,919	540,646
FRANCHISE FEES						
	Electrical Franchise Fees	1,033,128	1,048,108	1,063,306	1,078,724	1,094,365
PERMITS & FEES						
	Building Permits	703,508	713,709	724,058	734,557	745,208
	Plan Check Fees	5,000	5,000	5,000	5,000	5,000
	Certificate of Use	1000	500	500	500	500
STATE SHARED REVENUE						
	State Shared Revenue	1,003,377	1,017,926	1,032,686	1,047,660	1,062,851
	1/2 Cent Sales Tax	2,763,901	2,803,977	2,844,635	2,885,882	2,927,727
	1/6 Cent Sales Tax	922,927	936,309	949,886	963,659	977,632
	Constitutional Gas Tax	550,612	558,596	566,695	574,912	583,249
CHARGES FOR SERVICES						
	Charges for Services	300,000	300,000	300,000	300,000	300,000
FINES & FORFEITURES						
	Code Enforcement Fines	5,000	5,000	5,000	5,000	5,000
	Public Safety	4,000	4,000	4,000	4,000	4,000
	False Alarm Fines	1,000	1,000	1,000	1,000	1,000
INVESTMENT INCOME						
	Interest Income	20,000	20,000	20,000	20,000	20,000
MISCELLANEOUS INCOME						
	Miscellaneous Income	50,000	50,000	50,000	50,000	50,000
TOTAL G/F REVENUES		17,809,010	18,241,903	18,688,811	19,149,718	19,625,129



FEASIBILITY STUDY – Revenue, cont'd


(Based on 3 mills – millage rate)

FY 23/24	FY 24/25	FY 25/26	FY 26/27	FY 27/28
17,809,010	18,241,903	18,688,811	19,149,718	19,625,129



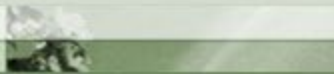
FEASIBILITY STUDY – Expenditures

EXPENDITURES		Positions	2023-2024	2024-2025	2025-2026	2026-2027	2027-2028
	Total Administration	11	1,228,848	1,249,875	1,271,410	1,309,265	1,331,854
	Total Finance	5	465,490	477,127	489,055	501,282	513,814
	Total Planning and Zoning	5	419,888	430,385	441,145	452,173	463,478
	Total Building Department	8	601,480	619,525	638,111	657,254	676,971
	Total Public Works/Operations	42	2,790,699	2,860,466	2,931,978	3,005,277	3,080,409
	Total Public Safety	0	6,500,000	6,500,000	6,500,000	7,150,000	7,150,000
	Total Parks and Recreation	12	786,983	806,658	826,824	847,495	868,682
	Total Operating	0	3,574,018	3,574,018	3,574,018	3,574,018	3,574,018
	Total Capital - Operating	0	<u>100,000</u>	<u>100,000</u>	<u>100,000</u>	<u>100,000</u>	<u>100,000</u>
	TOTAL EXPENDITURES	83	16,467,407	16,618,055	16,772,541	17,596,765	17,759,226



FEASIBILITY STUDY – Expenditures, cont'd

FY 23/24	FY 24/25	FY 25/26	FY 26/27	FY 27/28
16,467,407	16,618,055	16,772,541	17,596,765	17,759,226

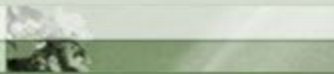




FEASIBILITY STUDY – Projected Excess Revenues


(Based on 3 mills – millage rate)

FY 23/24	FY 24/25	FY 25/26	FY 26/27	FY 27/28
1,341,603	1,623,848	1,916,270	1,552,953	1,865,903





TRANSFER OF ITID ASSETS

- This feasibility study relies on Major capital items, such as the administration building, equipment related to roadways, as well as parks and recreation facilities and associated land be transferred from the ITID to the new Village through an interlocal agreement, upon incorporation.
 - Table 12 lists those assets by major category.
 - If the ITID and the Village cannot agree on transferring those responsibilities and associated assets, the net effect would be a decrease of approximately \$2,900,000 in annual expenditures for the Village.
 - A Resolution from the Indian Trail Improvement District Board of Supervisors supporting this proposal and the transfer of certain District assets and liabilities was approved on November 17th, 2021.
- 

RESOLUTION OF ITID BOS

RESOLUTION NO. 2021-017

A RESOLUTION OF THE BOARD OF SUPERVISORS OF INDIAN TRAIL IMPROVEMENT DISTRICT SUPPORTING THE LOCAL BILL SUBMITTED IN THE 2022 LEGISLATIVE SESSION WHICH WOULD REQUIRE A REFERENDUM ON THE QUESTION OF WHETHER THE VILLAGE OF LOXAHATCHEE (INDIAN TRAIL AREA) SHOULD BE CREATED, AND WHETHER THE INDIAN TRAIL IMPROVEMENT DISTRICT, AN INDEPENDENT SPECIAL DISTRICT, SHOULD CONTINUE AND FOR THE TRANSFER OF CERTAIN DISTRICT ASSETS AND LIABILITIES TO THE VILLAGE.

WHEREAS, Chapter 2021-250, Laws of Florida, passed by the 2021 Florida Legislature, authorized the Indian Trail Improvement District ("the District") to, among other things, expend funds for the purposes of determining the feasibility of municipal conversion of the District via referendum pursuant to Section 165.0615, F.S.; and

WHEREAS, the legal requirements for conducting a referendum would be followed, including but not limited to publication of Notice; and

WHEREAS, the Board of Supervisors of the District supports the passage of the Local Bill submitted in the 2022 Legislative Session which would require a referendum on the question of whether the Village of Loxahatchee (Indian Trail Area) should be created, and whether the District, an independent special district, should continue and for the transfer of certain District assets and liabilities to the Village.

NOW THEREFORE, be it resolved by the Board of Supervisors of Indian Trail Improvement District:

1. The recitals contained hereinabove are considered true and correct and are incorporated herein by reference.
2. The Board of Supervisors supports the Local Bill submitted in the 2022 Legislative Session which would require a referendum on the question of whether the Village of Loxahatchee (Indian Trail Area) should be created, and whether the Indian Trail Improvement District, an independent special district, should continue and for the transfer of certain District assets and liabilities to the Village.
3. This Resolution shall take effect immediately upon adoption.

THIS RESOLUTION PASSED AND WAS ADOPTED BY THE BOARD OF SUPERVISORS OF INDIAN TRAIL IMPROVEMENT DISTRICT ON NOVEMBER 17, 2021.

[DISTRICT SEAL]

INDIAN TRAIL IMPROVEMENT
DISTRICT

By: Betty Aigue
President

ATTEST:


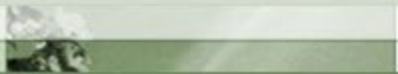
By: [Signature]
Secretary

TRANSFER OF ITID ASSETS, cont'd – Table 12

	Village of Loxahatchee
Not being depreciated:	
Land	2,378,722
Land improvements	0
Construction in progress	8,024,407
	10,403,129
Being depreciated:	
Park improvements	5,760,362
Roads and pathways	22,849,681
Buildings	874,980
Drainage structures	0
Machinery and equipment	4,668,269
	34,153,291
Accumulated depreciation:	
Park improvements	(4,474,745)
Roads and pathways	(12,750,553)
Buildings	(853,218)
Drainage structures	-
Machinery and equipment	(2,903,355)
	(20,981,872)
Total being depreciated, net	13,171,420
Grand total, net	23,574,549



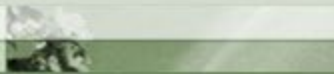
CHARTER AMENDMENTS

- The Charter has been amended to reflect the following:
 - Indian Trail Improvement District will remain an independent district
 - Unit 18 will be removed from the boundaries of the District in 2031 upon full repayment of the Unit 18 Bonds
 - The District will transfer certain assets to the municipality
 - The GL Homes transition provisions have been included
 - The following provisions strengthening the agricultural and equestrian protections have been included:
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CHARTER AMENDMENTS, cont'd

Under Section 1,(2)(b) Purpose of the Charter, the following has been included:

- (a) It is intended that this Charter and the incorporation of the “Indian Trail Area” shall serve to preserve and protect the equestrian and agricultural character, natural resources and quality of life of the community. In furtherance of this intent, the rights of the Village residents, on properties zoned agricultural or agricultural residential, as defined by the Palm Beach County Comprehensive Plan on the date of incorporation, to utilize said lands for agricultural uses and shall not be infringed upon by the Village, except for the following shall not be construed as an infringement of said rights:
1. laws of the United States;
 2. laws of the State, or
 3. Best Management Practices adopted by the State Department of Agriculture, or,
 4. Agricultural Best Management Practices or any public health, safety and welfare regulations as may be adopted by Ordinance by the Village council.
- 



LETTER FROM GL HOMES

“...in the event that property owners within the ITID service boundary are asked to vote on or consent to the potential incorporation of lands located within the ITID service boundary as a municipality, we will consent to such incorporation.”

GLHOMES

October 28, 2021

Ms. Betty Argue, President
Indian Trail Improvement District
13476 61st Street
West Palm Beach, FL 33470

Re: Incorporation / Indian Trails Grove

Dear Betty:

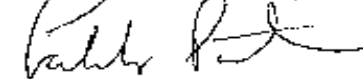
I wanted to take this opportunity to thank you for the assistance provided by ITID, your staff and lawyers, relative to the on-going efforts of this Incorporation and how it impacts our property. While we had various concerns, our main objective was to protect the investment we had made in this land and the entitlements we had received. Specifically, with only a portion of our property being part of the new Municipality and the balance being within unincorporated Palm Beach County, concerns arose about who was the governing authority over our Development Order. It is not unusual for us to amend existing approvals, as market trends change over time. The possibility of having two sets of Land Development Regulations, one from the new Municipality and the other from the County, would have compounded an already complicated situation.

With the help of your team, we were able to amicably resolve our differences by inserting certain provisions into your proposed Charter. We further addressed the balance of our concerns by amending an existing Developers Agreement between ourselves and ITID, which the new Municipality, if created, will inherit and be bound by. Consistent with the aforementioned actions, in the event that property owners within the ITID service boundary are asked to vote on or consent to the potential incorporation of lands located within the ITID service boundary as a municipality, we will consent to such Incorporation.

Once again, thank you for your help and we wish you the best of luck with your Incorporation efforts.

Sincerely,

Palm Beach West Associates I, LLLP



Larry Portnoy

Cc: G.L. Homes of Florida

1600 Sawgrass Corporate Parkway
Suite 400, Sunrise, FL 33323
(954) 793-1730



LETTER FROM FPL

“In the event that there is a referendum, FPL will not object to the Sabal Palm Solar Energy Center being a part of the new municipality should it come to fruition.”



November 22, 2021

Ms. Betty Argue
Indian Trails Improvement District
13476 61st Street
West Palm Beach, FL 33470

Dear Betty,


Florida Power and Light Company (FPL) is very proud of the Sabal Palm Solar Energy Center and how it plays an important role in our 30-by-30 initiative which will make Florida a world leader in solar energy. FPL is fully aware of the proposed incorporation of the Village of Loxahatchee and that Sabal Palm Solar Energy Center is located within the proposed boundary of this new municipality. In the event that there's a referendum, FPL will not object to the Sabal Palm Solar Energy Center being a part of the new municipality should it come to fruition.

Sincerely,

Stephanie Mitzone
External Affairs Manager




CONS OF INCORPORATION

- Electing individuals who are not experienced, educated or well-versed in the history of our community or that don't represent the best interests of the community
 - Not electing a fiscally conservative and responsible council
 - Initially some property owners may have increased taxes, some may have lower taxes
 - ITID being independent means two elected boards and additional expenses
 - Being responsible for making informed voting decisions
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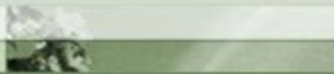

PROS OF INCORPORATION

- Home Rule Authority
 - Local land use and zoning decisions
 - Protection and Preservation of Agricultural zoning and designated equestrian community
 - Protection of unique community character
 - Local accountability
 - Additional County, State and Federal revenue sources
 - County and State Ethics Requirements
 - Municipalities subject to the Inspector General
- 



QUESTIONS OR COMMENTS?

Do you have any questions or comments? We are happy to answer any of your questions and/or to receive any of your comments, at this time.



ITID AUTHORITY

The district is authorized, upon approval by the board, to expend funds for the purposes of:

- (a) Determining the feasibility of municipal conversion of the district via referendum pursuant to section 165.0615, Florida Statutes.
- (b) Creating an incorporation committee with public membership that would hold public hearings to seek input from the community on the review of the feasibility study and in the development of a draft charter.
- (c) Developing a draft charter of the municipality.

CALDWELL PACETTI EDWARDS SCHOECH & VIATOR LLP

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MEMORANDUM

TO: Board of Supervisors
FROM: Caldwell Pacetti Edwards Schoech & Viator LLP
DATE: October 14, 2021
RE: Chapter 2021-250, Laws of Florida

Chapter 2021-250, Laws of Florida, relating to Indian Trail Improvement District, passed in the 2021 Legislative Session and became effective June 22, 2021. This act specifically authorized the following:

The district is authorized, upon approval by the board, to expend funds for the purposes of:

- (a) Determining the feasibility of municipal conversion of the district via referendum pursuant to section 165.0615, Florida Statutes.
- (b) Creating an incorporation committee with public membership that would hold public hearings to seek input from the community on the review of the feasibility study and in the development of a draft charter.
- (c) Developing a draft charter of the municipality.

FEASIBILITY STUDY AND REFERENDUM

Subsection (4)(e) of Section 165.0615, F.S., requires a proposed incorporation plan to include, among other things, "a feasibility study that contains the requirements under s. 165.041(1)(b)..." Subsection (1)(b) of Section 165.041, F.S., sets forth the specific requirements to be contained in a feasibility study. The District properly expended funds for the preparation of a Municipal Feasibility Study as authorized herein. Subsections (10)-(18) of Section 165.0615, F.S., also set forth the referendum process referenced above. The ultimate decision to incorporate will be made by the people through a referendum.

INCORPORATION COMMITTEE

Subsection (b) quoted above also authorizes the expenditure of funds to create "an incorporation committee with public membership." The District initially created a Feasibility and Charter Review Committee (FCR) comprised of residents representative of all areas of the District. The Municipal

ITID AUTHORITY, P.2

“Once the Board accepted the recommendations of the committee which made such conversion not feasible, it limited taking official action, and members of the public continued to undertake the process.”

Incorporation Manual (Chapter 2) on the Florida House website was helpful in this effort. The Committee held numerous public meetings in which input from residents in the District on drafting the Charter provisions and reviewing the feasibility study was obtained. The FCR Committee and Board of Supervisors met as follows:

July 8, 2021	FCR Committee Meeting	
July 15, 2021	FCR Committee Meeting	
July 21, 2021	Regular Board of Supervisors Meeting	(Appointment of FCR Committee)
July 22, 2021	FCR Committee Meeting	
July 24, 2021	FCR Committee Meeting	
July 29, 2021	FCR Committee Meeting	
August 5, 2021	FCR Committee Meeting	
August 7, 2021	FCR Committee Meeting	
August 12, 2021	FCR Committee Meeting	
August 19, 2021	FCR Committee Meeting	
August 26, 2021	FCR Committee Meeting	
September 1, 2021	FCR Committee Meeting	
September 1, 2021	Special Board of Supervisors Meeting	

DRAFT CHARTER

Finally, the District was authorized to expend funds to develop “a draft charter of the municipality.” The FCR did prepare a draft Charter as authorized and presented its recommendations to the District’s Board of Supervisors on September 1, 2021, which included findings which limited the continued funding of the municipal conversion process. Once the Board received and accepted the FCR’s recommendations, in order to alleviate any concerns, the District limited further official action. Members of the community/individual members of the public then voluntarily undertook submittal of the feasibility study and draft Charter to the Legislative Delegation on September 28, 2021.

CONCLUSION

The above summarizes the issues for which Chapter 201-250, Laws of Florida, specifically authorized the District to expend funds: determining the feasibility of municipal conversion, creating an incorporation committee, and developing a draft Charter. The creation of an incorporation committee which developed a draft charter was necessary for the District to review the feasibility study and determine whether the municipal conversion process should be pursued. Once the Board accepted the recommendations of the committee which made such conversion not feasible, it limited taking official action, and members of the public continued to undertake the process.