

September 28, 2022

Palm Beach County Legislative Delegation
301 North Olive Avenue, Suite 701.6
West Palm Beach, FL 33401

Attention: Victoria Nowlan, Executive Director

**RE: LOCAL BILL – PROVIDING FOR A REFERENDUM ON THE
CHARTER FOR VILLAGE OF LOXAHATCHEE**

This letter shall serve as a letter of intention to request from the Palm Beach County Legislative Delegation at its meeting on October 28, 2022, to approve a local bill providing for a referendum on the Charter for the Village of Loxahatchee.

The Indian Trail Improvement District commissioned a feasibility study, created a Feasibility and Charter Review Committee (FCR) comprised of residents representative of all areas of the District, and the FCR created a proposed Charter through a series of public meetings in accordance with the Indian Trail Improvement District's Charter. The Indian Trail Improvement District upon conclusion of the FCR, did receive and accept the recommendation of the FCR to move forward with submitting the feasibility study and proposed charter to the clerk's office in accordance with F.S. 165. The Indian Trail Improvement District Board of Supervisors took no further action.

We agree with the FCR committee and the feasibility study that a municipality is

feasible, sustainable and the Charter is in the best interests of the community. It is our desire to pursue a referendum on incorporation through the legislative process. Therefore, Bob Morgan, Elizabeth Accomando and myself submitted the feasibility study and the proposed charter to the clerk's office in accordance with F.S. 165.061 and as recommended by the FCR committee.

A referendum on incorporation can not be accomplished through any other means other than by a special act of the legislature. We believe, as set out in the Charter, the following:

- (a) It is in the best interests of the public health, safety, and welfare of the residents of the "Indian Trail Area" to form a separate municipality for the "Indian Trail Area" with all the powers and authority necessary to provide adequate and efficient municipal services to its residents.
- (b) That the Charter and the incorporation of the Village will serve to preserve and protect the equestrian and agricultural character, natural resources and quality of life of the community;
- (c) That the Charter and the incorporation of the Village will secure the benefits of self-determination and affirm the values of representative democracy, citizen participation, strong community leadership, professional management and regional cooperation.

(d) That the Charter and the incorporation of the Village will maintain a financially secure and sustainable municipal government and responsibly manage the Village's debt obligations without causing the State to incur any liability.

Pursuant to the Local Bill Manual, attached please find the following documents:

1. Summary Fact Sheet
2. Local Bill Draft
3. Economic Impact Statement
4. A map of the proposed boundaries
5. The Feasibility Study submitted to Tallahassee

We thank you for your time and the opportunity to present this request for a referendum on incorporation of the Indian Trail Area. Please do not hesitate to contact Lou Colantuoni with any questions or comments, you may have.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Lou Colantuoni, Jr.', with a long horizontal flourish extending to the right.

Lou Colantuoni, Jr.
7849 Coconut Blvd.,
West Palm Beach, FL 33412
561-236-5696

FACT SHEET

This special act provides a Charter for the Village of Loxahatchee, that takes effect only upon its approval by a majority vote of qualified electors residing within the corporate limits of the proposed Village voting in the referendum on November 8, 2022. The Charter provides the following:

- Corporate Name; purpose of Charter; creation and establishment of the Village of Loxahatchee
- Corporate Boundaries
- Village Council-Manager Form of government, Mayor, Vice Mayor; powers and duties, composition, eligibility, terms,
- compensation, council meetings, vacancies, forfeitures;
- Administration by a village manager, village attorney, and village clerk;
- Departments; personnel; planning;
- Ordinances and resolutions;
- Financial management, including budget administration and amendment; capital program; public
- records; annual audits; shortfalls;
- Nominations and qualifications; nonpartisan elections;
- Powers of initiative and referendum;
- Code of ethics; amendments to the charter; severability; and
- Referendum election; initial council election; transition provisions; eligibility for state-shared revenues;
- local revenue sources; local option gas tax revenues; contractual services and facilities, including

1 **CHARTER**

2 **VILLAGE OF LOXAHATCHEE**

3 **CHAPTER 2022 - _____**

4 An act relating to Palm Beach County; creating and establishing the Village of Loxahatchee; providing
5 a charter; providing legislative intent; providing boundaries; providing municipal powers; providing for
6 a council-manager form of government and composition and election of the council; providing for
7 eligibility, terms, duties, compensation, and reimbursement of expenses of council members;
8 providing for a mayor and vice mayor; providing scheduling requirements of council meetings;
9 prohibiting interference with village employees; providing for filling of vacancies and forfeiture
10 of office; providing for the appointment of a village manager and village attorney and the qualifications,
11 removal, powers, and duties thereof; providing for the establishment of village departments, agencies,
12 personnel, and boards; providing for an annual independent audit; providing that the state is not
13 liable for financial shortfalls of the village; providing for nonpartisan elections and matters relating
14 thereto; providing for the recall of council members; providing for initiative and referenda; providing
15 for a code of ethics; providing for future amendments to the charter; providing for severability;
16 providing a village transition schedule and procedures for the first election; providing for first-year
17 expenses; providing for adoption of comprehensive plans and land development regulations; providing
18 for accelerated entitlement to state-shared revenues; providing for entitlement to all local revenue
19 sources allowed by general law; providing for the sharing of communications services tax revenues;
20 providing for receipt and distribution of local option gas tax revenues; providing for continuation of the
21 Palm Beach County Fire Rescue Municipal Service Taxing Unit; providing for continuation of the
22 Palm Beach County Library Taxing District; providing for law enforcement; providing for the
23 continuation and transfer of Indian Trail Improvement District and for transfer of its assets and

liabilities; providing that all special acts of Indian Trail Improvement District shall become ordinances of the village; providing for waiver of specified eligibility provisions; requiring a referendum; providing effective dates.

Be it Enacted by the Legislature of the State of Florida:

**SECTION 1. CORPORATE NAME; PURPOSE OF THE CHARTER; CREATION AND
ESTABLISHMENT OF THE VILLAGE OF LOXAHATCHEE.**

(1) CORPORATE NAME. – The municipality hereby established shall be known as the Village of Loxahatchee (“Village”).

(2) PURPOSE OF THE CHARTER. – This act, together with any future amendments thereto, shall be known as the Charter of the Village of Loxahatchee (“Charter”).

(a) It is in the best interests of the public health, safety, and welfare of the residents of the “Indian Trail Area” to form a separate municipality for the “Indian Trail Area” with all the powers and authority necessary to provide adequate and efficient municipal services to its residents.

(b) 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 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;

47 2. laws of the State, or

48 3. Best Management Practices adopted by the State Department of Agriculture,
49 or,

50 4. Agricultural Best Management Practices or any public health, safety and
51 welfare regulations as may be adopted by Ordinance by the village council.

52 (c) It is intended that this Charter and the incorporation of the Village is to secure the
53 benefits of self-determination and affirm the values of representative democracy,
54 citizen participation, strong community leadership, professional management and
55 regional cooperation.

56 (d) It is the intent of this Charter and the incorporation of the Village to maintain a
57 financially secure and sustainable municipal government and to responsibly manage
58 the Village's debt obligations without causing the State to incur any liability.

59 (3) CREATION AND ESTABLISHMENT OF THE VILLAGE OF LOXAHATCHEE.

60 (a) This act shall take effect upon approval by a majority vote of those qualified electors
61 residing within the corporate limits of the proposed village, as described in section 4,
62 voting in a referendum conducted by the Supervisor of Elections of Palm Beach
63 County to be held November 8, 2022, in accordance with the provisions of law relating
64 to elections currently in force.

65 (b) The Village of Loxahatchee is hereby created and established effective December 31,
66 2022, for the purpose of compliance with §.200.066, Florida Statutes, relating to
67 assessment and collection of ad valorem taxes. Notwithstanding anything to the
68 contrary contained herein, the village although created and established as of December
69 31, 2022, shall not be operational until April 5, 2023.

70 **SECTION 2. POWERS OF VILLAGE; FORM OF GOVERNMENT.**

71 (1) **POWERS OF THE VILLAGE.** – The Village shall have all available governmental,
72 corporate, and proprietary powers of a municipality under the State Constitution and laws
73 of this State as fully and completely as though such powers were specifically enumerated
74 in this Charter, and may exercise them, except where prohibited by law. Through the
75 adoption of this Charter, it is the intent of the electors of the Village that the municipal
76 government established in this Section shall have the broadest exercise of home rule
77 powers permitted under the State Constitution and Laws of the State. This Charter and the
78 powers of the Village shall be construed liberally in favor of the Village.

79 (2) **CONSTRUCTION.** – The powers of the Village under this Charter shall be construed
80 liberally in favor of the village, and the specific mention of particular powers in the
81 Charter shall not be construed as limiting the general powers granted in this Charter in
82 any way.

83 (3) **FORM OF GOVERNMENT.** – The Village shall be a council-manager form of
84 government, with the council to consist of five village council (“council”) members
85 elected by the Village at-large. The council shall constitute the governing body of the
86 Village, with the duties and responsibilities hereinafter provided. The council shall
87 appoint a Village manager to be the chief administrative officer of the village who shall
88 serve at the pleasure of the council.

89
90 **SECTION 3. NOMINATIONS AND ELECTIONS.**

91 (1) **NONPARTISAN ELECTIONS; ELECTORS; QUALIFYING.** –

92 (a) Nonpartisan elections. – All elections shall be conducted on a nonpartisan basis

without designation of political party affiliation.

(b) Electors. – Any person who is a resident of the Village, who has qualified as an elector of this State, and who registers as prescribed by law shall be an elector of the Village.

(c) Qualifying. –

1. Each candidate for Village council shall be a qualified elector of the Village and must reside in the Village for at least one (1) year before the beginning of the qualifying period for the office sought.

2. Any elector of the Village who wishes to become a candidate for Village council shall qualify with the Supervisor of Elections of Palm Beach County for the initial elections: thereafter, candidates shall qualify with the official designated by Village resolution or general law by providing proof of voter registration, current address, and one (1) year of residency in the Village, unless the Village council, by resolution, provides that the Supervisor of Elections of Palm Beach County conduct the candidate qualification process.

3. The qualifying period for candidates for Village council shall be the same as provided by the Supervisor of Elections of Palm Beach County or as otherwise provided by ordinance.

(2) ELECTIONS. –

(a) Adoption of Florida Election Code. – All elections required under any article or section of this Charter shall be conducted in accordance with the Florida Election Code, Chapters 97-106, Florida Statutes, except as otherwise provided in this Charter. The council, by ordinance, may adopt such election procedures as are necessary and as provided by the Florida Election Code, Chapters 97-106, Florida Statutes.

116 (b) At Large Elections. –

- 117 1. The first election of council members shall be held March 14, 2023, and thereafter
118 will be held every odd-numbered year, unless this date is required to be changed
119 to a date concurrent with any countywide or statewide election.
- 120 2. The candidates receiving the highest number of votes in the Village at-large
121 election shall be elected.
- 122 3. The term of office for an elected council member shall begin immediately after
123 official certification of the results of the election and shall expire upon the
124 assumption of office by his or her successor.
- 125 4. No election for a council member seat shall be required if there is only one duly
126 qualified candidate for the council member seat.

127 (c) Village Canvassing Board. – The canvassing board shall be composed of three (3)
128 members appointed by the Village council by resolution. No member of the Village
129 canvassing board shall be an active participant in the Village election for which he or
130 she is canvassing as the term “active participant” is interpreted by the Division of
131 Elections. Should a vacancy occur on the canvassing board, the Village council shall
132 appoint a replacement member by resolution. The Village canvassing board shall
133 canvass the election consistent with the requirements of Florida law and consistent
134 with and pursuant to any agreement between the Village and the Palm Beach County
135 Supervisor of Elections. The canvassing board shall certify the results of the election
136 upon receipt of the certification from the Supervisor of Elections. However, the
137 Village council may, by resolution, delegate the election canvassing responsibilities
138 for Village elections to the county canvassing board.

(3) RECALL. – The qualified voters of the Village shall have the power to remove from office any elected official of the Village in accordance with the state law.

SECTION 4. CORPORATE BOUNDARIES.

The territorial boundaries of the Village of Loxahatchee upon the date of incorporation shall include the following areas situated in Palm Beach County:

BEING PORTIONS OF TOWNSHIP 42 SOUTH, RANGE 40 EAST; TOWNSHIP 42 SOUTH, RANGE 41 EAST; TOWNSHIP 43 SOUTH, RANGE 40 EAST AND TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TOGETHER WITH:

TOWNSHIP 42 SOUTH, RANGE 40 EAST

THE SOUTH ONE-HALF (S 1/2) OF SECTIONS 13, 14, AND 15 AND ALL OF SECTIONS 23, 24, 25, 26, 32, 33, 35, AND 36; AND THE SOUTH HALF OF SECTION 34; AND ALL THAT PART OF SECTION 31 LYING NORTH AND EAST OF THE NORTH EASTERLY RIGHT-OF-WAY LINE OF LEVEE L-8, A PROJECT IN THE PLAN OF WATER CONTROL OF THE CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT.

TOGETHER WITH:

TOWNSHIP 42 SOUTH, RANGE 41 EAST

ALL OF SECTIONS 31, 33, 34, AND 35.

162 THE WEST 1/2 OF SECTION 17 AND ALL OF SECTIONS 18, 19, 20, 21, 22, 27, 28, 29, 30,
163 AND 32.

164 PCNs: 00414216000005010, 00414216000005020, 00414216000005030, 00414216000005040,
165 00414216000005050, 00414216000005060, 00414216000005070, AND 00414216000005080
166 AND THAT AREA OF NORTHLAKE BOULEVARD BETWEEN THESE PCNs.

167

168 TOGETHER WITH:

169 TOWNSHIP 43 SOUTH, RANGE 40 EAST

170 ALL OF SECTIONS 4, 9, 10, 11, 14, AND 15; THAT PART OF SECTION 3 LYING
171 NORTHERLY AND WESTERLY OF THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF
172 THE "M" CANAL; THE WEST THREE-QUARTERS (W 3/4) OF SECTIONS 13, 24, AND
173 25; AND THAT PART OF THE M" CANAL; THE WEST THREE-QUARTERS (W 3/4) OF
174 SECTIONS 13, 24, AND 25; AND THAT PART OF THE CANAL; THE WEST THREE-
175 QUARTERS (W 3/4) OF SECTIONS 13, 24, AND 25; AND THAT PART OF THE WEST
176 THREE-QUARTERS (W 3/4) OF SECTION 36 LYING NORTH OF THE NORTHERLY
177 RIGHT-OF-WAY LINE OF STATE ROAD 80 LESS PCNs 00404326010030010,
178 00404326010030020, 00404326010030030, 00404326010030040, 00404326010030050,
179 00404326010030060, 00404326010030190, 00404326010030200, 00404326010030210,
180 00404326010030220, 00404326010030230, AND 00404336000003020;

181 AND ALL THAT PART OF SECTIONS 5, 8, AND 6 LESS PCNs 00404305000003010 AND
182 00404306000001010 LYING NORTH AND EAST OF THE NORTH EASTERLY RIGHT-OF-
183 WAY LINE OF LEVEE L-8, A PROJECT IN THE PLAN OF WATER CONTROL OF THE
184 CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT.

185

186 TOGETHER WITH:

187 TOWNSHIP 43 SOUTH, RANGE 41 EAST

188 ALL OF SECTIONS 2, 3, 4, 9, 10, AND 11.

189

190 TOGETHER WITH:

191 PARCEL 1

192 A PARCEL OF LAND LYING IN THE SOUTH 587.82 FEET OF SECTION 15, TOWNSHIP
193 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING BOUNDED AS
194 FOLLOWS: BOUNDED ON THE SOUTH BY THE SOUTH LINE OF SECTION 15.

195 BOUNDED ON THE WEST BY THE RIGHT-OF-WAY FOR COCONUT BOULEVARD AS
196 RECORDED IN OFFICIAL RECORDS BOOK 5778, PAGE 1279, PUBLIC RECORDS,
197 PALM BEACH COUNTY, FLORIDA. BOUNDED ON THE NORTH BY THE RIGHT-OF-
198 WAY FOR LAKE PARK WEST ROAD AS RECORDED IN OFFICIAL RECORDS BOOK
199 1229, PAGE 131, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA. BOUNDED
200 ON THE EAST BY THE RIGHT-OF-WAY FOR 120TH AVENUE NORTH AS RECORDED
201 IN OFFICIAL RECORDS BOOK 1229, PAGE 135, PUBLIC RECORDS, PALM BEACH
202 COUNTY, FLORIDA. CONTAINING: 35.15 ACRES, MORE OR LESS.

203

204 TOGETHER WITH:

205 PARCEL 2

206 A PARCEL OF LAND LYING IN THE SOUTH 587.82 FEET OF SECTION 15, TOWNSHIP
207 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING BOUNDED AS

208 FOLLOWS:

209 BOUNDED ON THE SOUTH BY THE SOUTH LINE OF SAID SECTION 15

210 BOUNDED ON THE WEST BY THE RIGHT-OF-WAY AS RECORDED IN OFFICIAL

211 RECORDS BOOK 1229, PAGE 135, PUBLIC RECORDS, PALM BEACH COUNTY,

212 FLORIDA.

213 BOUNDED ON THE NORTH BY THE RIGHT-OF-WAY FOR LAKE PARK WEST ROAD

214 AS RECORDED IN OFFICIAL RECORDS BOOK 1229, PAGE 131, PUBLIC RECORDS,

215 PALM BEACH COUNTY, FLORIDA.

216 BOUNDED ON THE EAST BY THE RIGHT-OF-WAY FOR COCONUT BOULEVARD AS

217 RECORDED IN OFFICIAL RECORDS BOOK 5778, PAGE 1279, PUBLIC RECORDS,

218 PALM BEACH COUNTY, FLORIDA.

219 CONTAINING: 30.71 ACRES, MORE OR LESS.

220 EXCEPTING THEREFROM THE ADDITIONAL RIGHT-OF-WAY AS RECORDED IN

221 OFFICIAL RECORDS BOOK 12017, PAGE 1009, PUBLIC RECORDS, PALM BEACH

222 COUNTY, FLORIDA.

223 NET ACREAGE (LESS ADDITIONAL RIGHT-OF-WAY) 29.59 ACRES, MORE OR LESS

224 SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY

225 OF RECORD.

226

227 TOGETHER WITH:

228 PARCEL 3

229 A PARCEL OF LAND LYING IN THE SOUTH 587.82 FEET OF SECTION 16, TOWNSHIP

230 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA,

231 BEING BOUNDED AS FOLLOWS:
232 BOUNDED ON THE SOUTH BY THE SOUTH LINE OF SAID SECTION 16
233 BOUNDED ON THE WEST BY THE RIGHT-OF-WAY FOR 140TH AVENUE NORTH AS
234 RECORDED IN OFFICIAL RECORDS BOOK 1229, PAGE 133, PUBLIC RECORDS, PALM
235 BEACH COUNTY, FLORIDA.
236 BOUNDED ON THE NORTH BY THE RIGHT-OF-WAY FOR LAKE PARK WEST ROAD
237 AS RECORDED IN OFFICIAL RECORDS BOOK 1229, PAGE 125, PUBLIC RECORDS,
238 PALM BEACH COUNTY, FLORIDA.
239 BOUNDED ON THE EAST BY THE EAST LINE OF THE WEST ONE – HALF OF SAID
240 SECTION 16. HALF OF SAID SECTION 16.
241 EXCEPTING THEREFROM THE ADDITIONAL RIGHT-OF-WAY FOR NORTHLAKE
242 BOULEVARD AS RECORDED IN OFFICIAL RECORDS BOOK 20418, PAGE 771,
243 PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.
244 CONTAINING: 34.09 ACRES, MORE OR LESS.
245 SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY
246 OF RECORD.
247
248 TOGETHER WITH:
249 PARCEL 4
250 A PARCEL OF LAND LYING IN THE SOUTH 587.82 FEET OF SECTION 17, TOWNSHIP
251 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA,
252 BEING BOUNDED AS FOLLOWS:
253 BOUNDED ON THE SOUTH BY THE SOUTH LINE OF SECTION 17.

BOUNDED ON THE WEST BY THE WEST LINE OF THE EAST ONE-HALF OF SECTION
17.

BOUNDED ON THE NORTH BY THE RIGHT-OF-WAY FOR LAKE PARK WEST ROAD
AS RECORDED IN OFFICIAL RECORDS BOOK 1229, PAGE 125, PUBLIC RECORDS,
PALM BEACH COUNTY, FLORIDA.

BOUNDED ON THE EAST BY THE RIGHT-OF-WAY FOR 140TH AVENUE NORTH AS
RECORDED IN OFFICIAL RECORDS BOOK 1229, PAGE 133, PUBLIC RECORDS, PALM
BEACH COUNTY, FLORIDA.

CONTAINING: 35.73 ACRES, MORE OR LESS.

All lying in Palm Beach County, Florida, being approximately 27,000 acres.

SECTION 5. VILLAGE COUNCIL.

(1) GENERAL POWERS AND DUTIES. – All powers of the Village shall be vested in the
Village council, except as otherwise provided by law or this Charter, and the council shall
provide for the exercise thereof and for the performance of all duties and obligations
permitted by or imposed on the Village by law.

(2) COMPOSITION; ELIGIBILITY; TERMS –

(a) Composition. – There shall be a Village council composed of four council members
and a Mayor. Each council member and Mayor shall be elected by the voters of the
Village at large.

(b) Eligibility. – In addition to the requirements provided in Section 3. For qualifying:

1. Each council member must reside in the Village for the duration of his or her term.
2. The term of office for each council member shall be four (4) years.

277 3. No council member shall serve more than two (2) consecutive terms of office, two
278 (2) four (4) year terms as council members. For the purposes of calculating term
279 limits, partial terms shall not be counted toward term limits.

280 4. No mayor shall serve more than two (2) consecutive terms as Mayor, two (2) four
281 (4) year terms as Mayor. For the purposes of calculating term limits, partial terms
282 shall not be counted toward term limits.

283 (c) Seats. – The Village council shall be divided into five (5) separate council seats to be
284 designated as seats 1, 2, 3, 4 and Mayor, to be voted on a Village-wide basis, with
285 each qualified elector entitled to vote for one candidate for each seat. Each candidate
286 shall qualify on a Village-wide basis and may reside anywhere within the Village.
287 Following the initial election the Village council may, by ordinance, provide that Seats
288 1, 2, 3 and 4 shall represent four (4) separate district areas of the Village, as designated
289 on a map of the Village, which map shall be included in and made a part of said
290 ordinance, with each candidate residing in their respective area and must reside during
291 his or her term of office.

292 (3) MAYOR; VICE MAYOR. –

293 (a) Mayor. –The Mayor shall be a voting member of the council and shall serve as
294 chairperson during the meetings of the council and shall serve as the head of municipal
295 government for the purpose of execution of legal documents as required by ordinance.
296 The Mayor shall also serve as the ceremonial head of the Village.

297 (b) Vice Mayor. – At the first regularly scheduled meeting after the Village’s first election
298 and each regular election thereafter and after receiving the certified results of the
299 election, the council, by a majority vote, shall select from its membership a Vice

Mayor. Each year in which a regular election is not scheduled, the council, by the second regular meeting after the March meeting, shall by majority vote select from its membership a Vice Mayor. The Vice Mayor shall serve as Mayor during the absence or disability of the Mayor and, if a vacancy of the Mayor occurs, shall become interim Mayor until a Mayor is elected as described in paragraph (2) and (3).

(4) COMPENSATION. –The initial compensation for the council members shall be \$18,000.00 per year, payable in equal monthly payments and the Mayor shall be \$20,000.00 per year, payable in equal monthly payments; less applicable taxes; plus an annual cost of living increase of one per cent (1%). An ordinance increasing or decreasing compensation of the council may be adopted at any time upon the affirmative voter of four (4) members of the council; however, if the council takes action to change the level of compensation, the salary of council members shall not be adjusted until after the first day after the next regular municipal election. In accordance with Florida laws, the council may provide for reimbursement of actual expenses incurred by its members, including the Mayor, while performing their official duties.

(5) COUNCIL MEETINGS. –

(a) The council shall hold a minimum of 12 regular meetings per year in accordance with a duly adopted ordinance or resolution. Special meetings may be held at the call of the Mayor or a majority of the council members. At least a 24-hour notice shall be provided to each council member and the public for special meetings, unless there is an immediate threat to the public safety. Except as authorized by law, all meetings shall be open to the public.

(b) Three (3) members of the Village council shall constitute a quorum for the conduct of

business unless otherwise provided herein. Unless a quorum is present, no action may be taken except to adjourn. In order to approve any action or adopt any ordinance or resolution there must be at least three affirmative votes for the action, unless otherwise provided herein.

(c) All council members present shall vote on all matters before the council except on those matters for which a council member announces a conflict of interest or the Village Attorney determines that there is a conflict of interest.

(6) PROHIBITIONS. –

(a) Neither the council, nor any individual member of the council, shall in any manner attempt to dictate the employment or removal of any employee other than the Village manager and Village attorney. The council is free to make inquiries of Village employees, but no individual member of the council shall give orders to any officer or employee of the Village. Recommendations for improvements in Village government operations shall come through the Village manager, but each member of the council shall be free to discuss or recommend improvements to the Village manager, and the council is free to direct the Village manager to implement specific recommendations for improvement in the Village government operations.

(b) No present or former elected Village official shall hold any compensated appointive office or employment with the Village until one (1) year after leaving office.

(7) VACANCIES; FORFEITURE OF OFFICE; FILLING OF VACANCIES.

(a) Vacancies. – A vacancy in the office of a member of the council shall occur upon the incumbent's death, inability to fulfill the duties of the office, relocation of residence outside the Village, resignation, appointment to another public office, judicially

determined incompetence, or removal or forfeiture of office as described in this subsection.

(b) Forfeiture of office.

1. A member of the council may forfeit the office if the member:

- a. Lacks at any time during the term of office any qualification for the office prescribed by this Charter or by law;
- b. Violates any express prohibition of this Charter.
- c. Is convicted of a felony or criminal misdemeanor, which felony or misdemeanor involves the office of Village council.
- d. Is found to have violated any standard of conduct or code of ethics established by law for public officials or has been suspended from office by the Governor, unless subsequently reinstated as provided by law; or
- e. Misses three (3) consecutive regularly scheduled council meetings without justifiable reason or unless excused by the council.

2. If any of these events should occur, a hearing shall automatically be conducted at the next regularly scheduled council meeting or a special meeting may be called, and the member may be declared to have forfeited office by majority vote of the council.

(c) Filing of vacancies.

1. A vacancy on the council shall be filled by a majority vote of the remaining members of the council for the period of time until the next election, when a council member shall be elected for the remainder of the term vacated. If more than six (6) months remain in the unexpired term and a majority of the remaining council members cannot reach a decision within sixty (60) days after a vacancy

occurs, the vacancy shall be filled by a special election.

2. In the event that all of the council members are removed by death, disability, recall, forfeiture of office, or resignation, the Governor shall appoint interim council members who shall call a special election at least thirty (30) days, but no more than sixty (60) days, after such appointment. Such election shall be held in the same manner as the initial elections under this charter. However, if there are fewer than six (6) months remaining in any unexpired terms, the interim council appointed by the Governor shall serve out the unexpired terms. Appointees must meet all requirements for candidates as provided in this Charter.

SECTION 6. ADMINISTRATION.

(1) VILLAGE MANAGER.

- (a) The council shall appoint a Village manager, or a management firm to fulfill the duties of a Village manager, who shall serve at the pleasure of the council. The qualifications of the Village manager or firm may be established by ordinance.
- (b) The Village manager or firm may be removed by a majority vote of the council.
- (c) During the absence or disability of the Village manager, the Village council may by resolution designate a properly qualified person to temporarily execute the functions of the Village manager. Such person shall have the same powers and duties as the Village manager and may be removed by the Village council at any time upon a majority vote of the council.
- (d) The Village manager or firm shall:
 1. Appoint, hire, suspend, demote, or dismiss any Village employee under the

Village manager's jurisdiction in accordance with the law, and may authorize any department head to exercise these powers with respect to subordinates in that department.

2. Direct and supervise the administration of all departments of the Village except the office of the Village attorney.

(2) VILLAGE ATTORNEY. – There shall be a Village attorney who shall be a member of The Florida Bar in good standing, be appointed by the council, and serve as the chief legal advisor to the council and Village administrators, departments, and agencies. The council may remove the Village attorney for any reason by a majority vote of its members.

SECTION 7. DEPARTMENTS; PERSONNEL; PLANNING.

(1) DEPARTMENTS; BOARDS; AGENCIES. – The council may establish, modify, or terminate such department, board or agencies as it determines necessary for the effective administration of employees of the Village's departments, boards, and agencies.

(2) PERSONNEL. – Consistent with all applicable state and federal laws, the council shall provide by ordinance for the establishment, regulation, and maintenance of a system governing personnel policies necessary for the effective administration of employees of the Village's departments, boards, and agencies.

(3) PLANNING. – Consistent with all applicable state and federal laws with respect to land use, development, and environmental protection, the Village shall:

(a) Designate an employee, agency, or agencies to execute the planning functions with such decision-making responsibilities as may be specified by ordinance or general law.

(b) Adopt a comprehensive plan and ensure that zoning and other land use control ordinances are consistent with the plan, all in accordance with general law and this Charter. The Palm Beach County Comprehensive Plan, as it exists on the day the Village commences corporate existence, shall serve as the initial comprehensive plan of the Village until the Village adopts its own comprehensive plan pursuant to Chapter 163, Florida Statutes.

(c) Adopt zoning and development regulations, to be specified by ordinance consistent with this Charter, to implement the plan.

SECTION 8. FINANCIAL MANAGEMENT.

(1) FISCAL YEAR. – The fiscal year of the Village shall begin on the first day of October and end on the last day of September of each year.

(2) EXPENDITURE OF VILLAGE FUNDS. – No Village funds shall be expended except pursuant to a duly approved appropriations or for the payment of bonds, notes, or other indebtedness duly authorized by the council and only from such funds so authorized.

(3) BUDGET ADOPTION. – The council shall adopt a budget in accordance with applicable general law, after a minimum of two public hearings on the proposed budget. A resolution adopting the annual budget shall constitute appropriation of the amounts specified therein as expenditures from funds indicated.

(4) EXPENDITURES. – The budget shall not provide for expenditures in an amount greater than the revenues budgeted.

(5) APPROPRIATIONS. –

(a) If, during the fiscal year, revenues in excess of such revenues estimated in the budget

are available for appropriation, the council by resolution may make supplemental appropriations for the year in an amount not to exceed such excess.

(b) If, at any time during the fiscal year, it appears probable to the Village manager that the revenues available will be insufficient to meet the amount appropriated, the Village manager shall report to the council without delay, indicating the estimated amount of the deficiency, any remedial action taken, and recommendations as to any other steps that should be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficiency and, for that purpose, the council may by resolution reduce one (1) or more appropriations accordingly.

(c) No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated, or by more than the unencumbered balance thereof. Notwithstanding any other provisions of law, the supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

(6) BONDS; INDEBTEDNESS. –

(a) Subject to the referendum requirements of the State Constitution, if applicable, the Village may from time to time borrow money and issue bonds or other obligations or evidence of indebtedness (collectively, “bonds”) of any type or character for any of the purposes for which the Village is now or hereafter authorized by law to borrow money, including to finance the cost of any capital or other project and to refund any and all previous issues of bonds at or before maturity. Such bonds may be issued pursuant to one or more resolutions adopted by a majority of the council.

(b) The Village may assume all outstanding indebtedness related to facilities that it acquires from other units of local government and be liable for payment of such indebtedness in accordance with its terms.

(7) REVENUE BONDS. – Revenue bonds may be issued by the Village as authorized by law.

(8) ANNUAL AUDIT. – The council shall provide for an independent annual financial audit of all Village accounts and may provide for more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or a firm of such accountants who have no personal interest, directly, or indirectly, in the fiscal affairs of the Village government or in any of its officers.

(9) SHORTFALLS. – The state is not liable for financial shortfalls of the Village.

SECTION 9. INITIATIVE AND REFERENDUM.

The powers of initiative and referendum are reserved to the qualified registered voters of the Village. The election laws of the State shall govern the exercise of the powers of initiative and referendum under this Charter.

SECTION 10. REFERENDUM ELECTION: TRANSITION.

(1) REFERENDUM ELECTION. – The referendum election called for by this action shall be held on November 8, 2022 ballot:

“Shall the Village of Loxahatchee be created and its Charter adopted? **YES / NO”**

In the event this question is answered affirmatively by a majority of voters voting in the referendum, the Charter will take effect as provided herein. The referendum election shall

be conducted by the Supervisor of Elections of Palm beach County in accordance with the Florida Election Code, and the cost of such election shall be funded by the Board of County Commissioners of Palm Beach County.

(2) INITIAL ELECTION OF COUNCIL. –

(a) After the adoption of this Charter, the Board of County Commissioners of Palm Beach County shall call an election to be held March 14, 2023, for the election of five (5) Village council members. The election shall be conducted by the Supervisor of Elections of Palm Beach County in accordance with the Florida Election Code, and the cost of such election shall be funded by the Board of County Commissioners of Palm Beach County.

(b) An individual who wishes to run for one (1) of five (5) initial seats on the council shall qualify with the Supervisor of Elections of Palm Beach County in accordance with this Charter and general law.

(c) For the initial elections, the county canvassing board shall certify the results of the elections in accordance with general law.

(3) The two (2) council members receiving the highest number of votes and the Mayor shall each be elected to an initial term expiring upon certification of the election results for the March 2027 election. The two (2) remaining council members shall each be elected to an initial term expiring upon certification of the election results for the March 2025 election. Thereafter, all terms shall be for a period of four (4) years.

(4) SCHEDULE. –

(a) First election of council members. – At the time of its adoption, this Charter shall be in effect to the extent necessary so that the first election of members of the Village

507 council may be conducted in accordance with this Charter.

508 (b) Time of taking full effect. – This Charter shall take full effect for all purposes on and
509 after the date of the first meeting of the newly elected Village council provided in
510 Paragraph (c).

511 (c) First council meeting. – On April 5, 2023, provided the results of the election of the
512 Village council under this Charter have been certified, the newly elected members of
513 the Village council shall meet at a location to be determined. In the event the results
514 have not been certified by April 5, 2023, the newly elected members shall meet on the
515 following Tuesday. The initial council shall have the authority and power to enter
516 into contracts, provide for necessary Village officers and facilities and do such other
517 things as it deems necessary and appropriate for the Village.

518 (5) FIRST YEAR EXPENSES. – The council, in order to provide moneys for the expenses
519 and support of the Village, shall have the power to borrow money necessary for the
520 operation of municipal government until such time as a budget is adopted and revenues
521 are raised in accordance with this Charter.

522 (6) TRANSITIONAL ORDINANCES AND RESOLUTIONS. –

523 (a) All applicable county ordinances currently in place at the time of passage of the
524 referendum, unless specifically referenced in this Charter, shall remain in place until
525 and unless rescinded by action of the council. Except that a county ordinance, rule,
526 or regulation that is in conflict with this Charter, or an ordinance, rule, or regulation
527 of the Village shall not be effective to the extent of such conflict. Any existing Palm
528 Beach County ordinances, rules, and regulations, as of April 1, 2023, shall not be
529 altered, changed, rescinded, or added to, nor shall any variance be granted, if such

530 action would affect the Village without the approval of the council.

531 (b) The village council shall adopt ordinances and resolutions required to effect the
532 transition. Ordinances adopted within 60 days after the first council meeting may be
533 passed as emergency ordinances. These transitional ordinances, passed as emergency
534 ordinances, shall be effective for no longer than 90 days after adoption, and thereafter
535 may be readopted, renewed, or otherwise continued only in the manner normally
536 prescribed for ordinances.

537 (7) TRANSITIONAL COMPREHENSIVE PLAN. –

538 Until such time as the village adopts a comprehensive plan, the applicable provisions of
539 the Comprehensive Plan of Palm Beach County, as the same exists on the day the village
540 commences corporate existence, shall remain in effect as the village's transitional
541 comprehensive plan. However, except as otherwise set forth herein, all planning
542 functions, duties, and authority shall thereafter be vested in the village council which shall
543 be deemed the local planning agency until the council establishes a separate local planning
544 agency. This charter shall not affect any of the rights and obligations, between and among
545 any persons, which have been and are established by or result from any existing
546 development orders in the area which are identified in Section 4 of this charter and as set
547 forth in this Section 6. Notwithstanding any other provision of general law or this charter,
548 from the effective date of this charter until 60 months subsequent to the date initial land
549 development regulations adopted by the village pursuant to Chapter 163, Florida Statutes,
550 become final (hereafter, the “Transition Period”), the comprehensive plan and land
551 development regulations of Palm Beach County shall govern the issuance of all
552 development orders for a parcel or parcels of land located within or upon the lands

identified in Palm Beach County Zoning Resolution R-2019-0389 (April 4, 2019) (collectively, the “Property”), and during such Transition Period all local government development orders and development permits associated with such Property shall be administered and issued by Palm Beach County pursuant to County development regulations, unless an affected landowner voluntarily elects to subject the Property, in whole or in part, to the Village’s comprehensive plan and land development regulations; provided, however, that neither the gross residential density nor the gross non-residential intensities assigned to the Property by County Zoning Resolution R-2019-0389 shall be increased by an owner thereof without first obtaining the approval of the Village council. The Village shall enter into any agreement as may be necessary with Palm Beach County to effectuate the provisions of this Section 6. Notwithstanding any provision of law or this Charter, no amendment to this Section 6 relating to the Property during the Transition Period shall be operative without an ordinance adopted by the affirmative vote of not less than four members of the Village council.

(8) TRANSITIONAL LAND DEVELOPMENT REGULATIONS. – To implement the transitional comprehensive land use plan when adopted, the Village shall in accordance with the procedures required by the laws of the state, adopt ordinances providing for land use development regulations within the corporate limits. Until the Village adopts ordinances, the following shall apply:

(a) The comprehensive land use plan and land use development regulations of Palm Beach County, as the same exists on the date that the Village commenced corporate existence, shall remain in effect as the Village’s transitional land use development regulations and comprehensive land use plan.

(b) All powers and duties of the Palm Beach County Growth Management and Building Departments, the Palm beach County Special Magistrate, and Board of County Commissioners of Palm Beach County, as provided in these transitional land use development regulations, shall be vested in the council until such time as the council delegates all powers and duties, or a portion thereof, to another agency, department, or entity.

(c) Subsequent to the adoption of a local comprehensive land use plan and subject to general law, the council is fully empowered to amend, supersede, enforce, or repeal the transitional land use development regulations, or any portion thereof, by ordinance.

(d) Subsequent to the commencement of the Village's corporate existence, an amendment of the comprehensive land use plan or land use development regulations enacted by the Board of County Commissioners of Palm Beach County shall not be deemed an amendment of the Village's transitional comprehensive land use plan or land use development regulations or otherwise take effect within the Village's municipal boundaries.

(9) STATE SHARED REVENUES. –The Village shall be entitled to participate in all shared revenue programs of the State of Florida effective immediately on the date of incorporation. The provisions of Chapter 218.23(1), Florida Statutes shall be waived for the purpose of eligibility to receive revenue sharing funds from the date of incorporation through the fiscal year 2022-2023. Initial population estimates for calculating eligibility for shared revenues shall be determined by the University of Florida Bureau of Economic and Business Research. Should the bureau be unable to provide an appropriate population

estimate, the Palm Beach County Planning Division estimate should be utilized.

(10) LOCAL REVENUE SOURCES. – The village shall be entitled to receive all local revenue sources available pursuant to general law, including but not limited to local communications services tax imposed under Chapter 202.19, Florida Statutes. The local communication services tax rate imposed by Palm Beach County will continue within the village boundaries during the period commencing with the date of incorporation through January 1, 2024. Revenues from the tax shall be shared by Palm Beach County with the village in proportion to the projected village population estimate of the Palm Beach County Planning Division compared with the unincorporated population of Palm Beach County before the incorporation of the village.

(11) LOCAL OPTION GAS TAX REVENUES. – Notwithstanding the requirements of Chapter 336.025, Florida Statutes to the contrary, the Village shall be entitled to receive local option gas tax revenues beginning October 1, 2022. The amount of said revenues distributed to the Village shall be in accordance with general law, Palm Beach County ordinance or interlocal agreement negotiated with the Board of County Commissioners of Palm Beach County.

(12) CONTRACTUAL SERVICES AND FACILITIES. – Contractual services for law enforcement, fire rescue, emergency management, public works, parks and recreation, planning and zoning, building inspection, development review, animal control, library services, village manager or management firm, village attorney and solid waste collection may be supplied by a contract between the village and the Board of County Commissioners of Palm Beach County, special districts, municipalities, or private enterprise until such time as the council establishes such independent services. However,

existing solid waste contracts shall be honored as required by Chapter 165.061(1)(f), Florida Statutes, and Article I, section 10 of the State Constitution. Facilities for housing the newly formed municipal operations may be rented or leased until the village selects more permanent facilities.

SECTION 11. CONTINUATION, MERGER, AND DISSOLUTION

OF EXISTING DISTRICTS.

- (1) **PALM BEACH COUNTY FIRE RESCUE MUNICIPAL SERVICE TAXING UNIT.** – Notwithstanding the incorporation of the Village of Loxahatchee, that portion of the Palm Beach County Fire Rescue Municipal Service Taxing Unit, a special taxing district created by the Palm Beach County Commission that lies within the boundaries of the Village of Loxahatchee, is authorized to continue in existence, until the village adopts an ordinance to the contrary.
- (2) **LAW ENFORCEMENT.** – Law enforcement services shall continue to be provided by the Palm Beach County Sheriff's Office, until the village adopts an ordinance or resolution or enters into an interlocal agreement to the contrary.
- (3) **PALM BEACH COUNTY LIBRARY TAXING DISTRICT.** – Notwithstanding the incorporation of the Village of Loxahatchee, that portion of the Palm Beach County Library Taxing District, a dependent district of Palm Beach County created by Laws of Fla., Ch. 67-1869, as amended, that lies within the boundaries of the Village, is authorized but not required to continue in existence.
- (4) **INDIAN TRAIL IMPROVEMENT DISTRICT CONTINUATION AND TRANSFER.** The Indian Trail Improvement District, an independent special district created by a special

act of the Legislature, shall become a dependent district of the Village of Loxahatchee. on April 5, 2023. All special acts of the Indian Trail Improvement District shall become Ordinances of the Village of Loxahatchee on April 5, 2023.

(a) The assets, liabilities, and written contracts of the Indian Trail Improvement District, including all rights, obligations, duties and relationships now existing by law or agreement, shall be unaffected and shall remain in full force and effect and shall be those of the district as a dependent district of the Village of Loxahatchee. All rights, obligations, duties, and relationships now existing by law or agreement shall remain in full force and effect and shall be those of the district as a dependent district of the Village of Loxahatchee. All rights, claims, actions, orders, and all contracts of the special district and all legal or administrative proceedings involving the district shall continue in full force and effect under the jurisdiction of the district as a dependent district of the Village of Loxahatchee.

(b) Notwithstanding any provisions of Chapter 189, Florida Statutes to the contrary, the Indian Trail Improvement District, after it becomes a dependent district of the Village of Loxahatchee, in order to prevent impairment of existing bonded indebtedness, shall continue to be responsible for the levy and collection of debt service and maintenance assessments for Unit of Development No. 18, also known as Madison Green, for the purpose of paying the outstanding bonded indebtedness under the Indian Trail Improvement District Water Control and Improvement Bonds Unit of Development No. 18, Series 2015, and for the purpose of maintaining the works of the district within Unit of Development No. 18. This responsibility shall terminate on August 1, 2031, when the bonds are fully paid. Effective August 1, 2031, Unit of Development No. 18

shall be removed from the boundaries of the Indian Trail Improvement District, and no longer be the responsibility of the District.

(c) Effective April 5, 2023, at 7:00 P.M., the terms of office of the Board of Supervisors of the Indian Trail Improvement District shall terminate and the village council members of the Village of Loxahatchee shall assume the duties and responsibilities of the Board of Supervisors.

(d) To the extent not inconsistent with this Charter, all resolutions, and policies of the Indian Trail Improvement District shall remain in effect until amended, revised, or repealed by the village council.

(e) Additional provisions which are necessary to effect this transition and to provide for the operation of the Indian Trail Improvement District as a dependent district of the village shall be adopted by ordinance.

SECTION 12. GENERAL PROVISIONS.

(1) CODE OF ETHICS. – It is essential to the proper conduct and operation of the Village that the officers and employees of the Village be independent and impartial and for their offices not to be used for private gain other than the remuneration provided by law or by ordinances. It is declared to be the policy of the Village that its officers and employees are agents of the people and hold their positions for the benefit of the public. Therefore, all Village officers and employees shall adhere to the standards of conduct as provided in Part III of Chapter 112, Florida Statutes, and other applicable Florida law.

(2) CHARTER AMENDMENTS. – This charter may be amended in accordance with the provisions for charter amendments as specified in the Municipal Home Rule Powers Act,

Chapter 166 Florida Statutes, as the same may be amended from time to time, or its successor, or as may otherwise be provided by general law. The form, content, and certification of any petition to amend shall be established by ordinance.

(3) SEVERABILITY. – If any provisions of this act, or the application thereof to any person or circumstance, is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

(4) ELIMINATION OF TRANSITIONAL ELEMENTS FROM THIS CHARTER. – Upon completion of the transitional phase provided in this charter, the sections of the charter relating to transition may be eliminated from this charter.

SECTION 13. EFFECTIVE DATES.

This act shall take effect only upon its approval by a majority vote of those qualified electors residing within the proposed corporate limits of the proposed Village of Loxahatchee as described in section 4, voting in a referendum election to be called by the Palm Beach County Commission and to be held on November 8, 2022, in accordance with the provisions of law relating to elections currently in force, except that:

(1) Section 1, section 10(1) and this section shall take effect upon becoming a law.

(2) If approved by the electorate, section 10(2) and section 10(3) shall take effect immediately upon certification of the election results by the Palm Beach County Supervisor of Elections.)

(3) The remainder of this act shall take effect April 5, 2023.

Became a law with/without the Governor's approval _____.

711 Filed in Office Secretary of State _____.

HOUSE OF REPRESENTATIVES
LOCAL BILL ECONOMIC IMPACT STATEMENT FORM

****Read all instructions carefully.****

The House local bill policy prohibits a local bill from being considered by a committee or a subcommittee without an Economic Impact Statement. This form must be prepared by an individual who is qualified to establish fiscal data and impacts and has personal knowledge of the information given (for example, a chief financial officer of a local government) and include information for the first two full fiscal years after the effective date of the local bill. Please file this completed form with the Clerk of the House as soon as possible after a local bill is filed. Additional pages may be attached as necessary.

BILL #:

SPONSOR(S): RICK ROTH

RELATING TO: PALM BEACH COUNTY, INDIAN TRAIL IMPROVEMENT DISTRICT, MUNICIPALITY OF THE VILLAGE OF LOXAHATCHEE UPON REFERENDUM

[Indicate area affected (city, county, or special district) and subject]

☐ **Check if this is a revised Economic Impact Statement**

I. REVENUES:

These figures are new revenues in the first two full fiscal years after the effective date of the bill that would not otherwise exist but for the passage of the bill. The term "revenue" contemplates, but is not limited to, taxes, fees, and special assessments. For example, license plate fees may be a revenue source. If the bill will add or remove property or individuals from the tax base, include this information as well.

	<u>First FY</u>	<u>Second FY</u>
Revenue decrease due to bill:	\$ <u>0</u>	\$ <u>0</u>
Revenue increase due to bill:	\$ <u>22,092,915</u>	\$ <u>22,652,241</u>

II. COST:

Include all costs, both direct and indirect, including start-up costs, in the first two full fiscal years after the effective date of the bill. If the bill repeals the existence of a certain entity, state the related costs, such as satisfying liabilities and distributing assets.

Expenditures for implementation, administration, and enforcement:

<u>First FY</u>	<u>Second FY</u>
\$ <u>21,390,097</u>	\$ <u>21,570,480</u>

Please include explanations and calculations regarding how each dollar figure was determined in reaching total cost.

Please refer to the attached Feasibility Study for an explanation of the individual
revenue and expenditure estimates.

III. FUNDING SOURCE(S):

State the specific sources from which funding will be received, for example, license plate fees, state funds, borrowed funds, or special assessments. If certain funding changes are anticipated to occur beyond the first two full fiscal years after the effective date of the bill, explain the change and at what rate taxes, fees, or assessments will be collected in those years.

	<u>First FY</u>	<u>Second FY</u>
Local:	\$ <u>16,851,099</u>	\$ <u>17,335,433</u>
<u>Taxes, Franchise Fees, Permits, Charges for Services, Fine and Forfeitures</u>		
<u>Interest Income, and Miscellaneous Revenue</u>		
State:	\$ <u>5,240,816</u>	\$ <u>5,316,808</u>
<u>State Shared Revenue</u>		
<u> </u>		
Federal:	\$ <u>0</u>	\$ <u>0</u>
<u> </u>		
<u> </u>		

IV. ECONOMIC IMPACT:

Potential advantages:

Include all possible outcomes linked to the bill, such as increased efficiencies, and positive or negative changes to tax revenue. If an act is being repealed or an entity dissolved, include the increased or decreased efficiencies caused thereby. Include specific figures for anticipated job growth.

- | | |
|-------------------------------|---|
| 1. Advantages to individuals: | <u>Local government representation; improved service delivery;</u> |
| | <u>preserve quality of life, including equestrian lifestyle;</u> |
| | <u>direct control over future land use; taxation with better representation</u> |
| 2. Advantages to businesses: | <u>Ability to work with local government to strengthen current and future business needs;</u> |
| | <u>explore possibility of targeted retention and recruitment program</u> |
| | <u> </u> |
| 3. Advantages to government: | <u>Home rule and land use powers; comprehensive and land use planning;</u> |
| | <u>ability to capture local government funding that special districts cannot receive</u> |
| | <u> </u> |

Potential disadvantages:

Include all possible outcomes linked to the bill, such as inefficiencies, shortages, or market changes anticipated. Include reduced business opportunities, such as reduced access to capital or training, and state any decreases in tax revenue as a result of the bill.

1. Disadvantages to Individuals: Change in governing structure for those who prefer the current format
2. Disadvantages to Businesses: None
3. Disadvantages to Government: County would get lower amount of revenue from the state based on incorporation

V. DESCRIBE THE POTENTIAL IMPACT OF THE BILL ON PRESENT GOVERNMENTAL SERVICES:

There will be no adverse impact on present governmental services.

The municipality will provide all current services, with possible service

improvements after incorporation as part of a comprehensive plan and capital improve

VI. SPECIFIC DATA USED IN REACHING ESTIMATES:

Include the type(s) and source(s) of data used, percentages, dollar figures, all assumptions made, history of the industry/issue affected by the bill, and any audits.

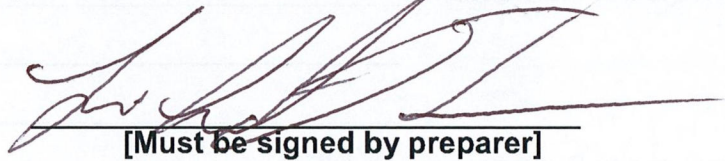
Please refer to the attached feasibility study for data sources used for all

percentages, dollar figures, and assumptions made.

VII. CERTIFICATION BY PREPARER

I hereby certify I am qualified to establish fiscal data and impacts and have personal knowledge of the information given. I have reviewed all available financial information applicable to the substance of the above-stated local bill and confirm the foregoing Economic Impact Statement is a true and accurate estimate of the economic impact of the bill.

PREPARED BY:


[Must be signed by preparer]

Print preparer's name:

Lou Colantuoni

9/28/21

Date

TITLE (such as Executive Director, Actuary, Chief Accountant, or Budget Director):

REPRESENTING:

PHONE:

561-236-5696

E-MAIL ADDRESS:

lcolan4280@aol.com.

EXHIBIT "A"

LEGAL DESCRIPTION

BEING PORTIONS OF TOWNSHIP 42 SOUTH, RANGE 40 EAST; TOWNSHIP 42 SOUTH, RANGE 41 EAST; TOWNSHIP 43 SOUTH, RANGE 40 EAST AND TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TOGETHER WITH:

TOWNSHIP 42 SOUTH, RANGE 40 EAST

THE SOUTH ONE-HALF (S 1/2) OF SECTIONS 13, 14, AND 15 AND ALL OF SECTIONS 23, 24, 25, 26, 32, 33, 35, AND 36; AND THE SOUTH HALF OF SECTION 34; AND ALL THAT PART OF SECTION 31 LYING NORTH AND EAST OF THE NORTH EASTERLY RIGHT-OF-WAY LINE OF LEVEE L-8, A PROJECT IN THE PLAN OF WATER CONTROL OF THE CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT.

TOGETHER WITH:

TOWNSHIP 42 SOUTH, RANGE 41 EAST

ALL OF SECTIONS 31, 33, 34, AND 35.

THE WEST 1/2 OF SECTION 17 AND ALL OF SECTIONS 18, 19, 20, 21, 22, 27, 28, 29, 30, AND 32.

PCNs: 00414216000005010, 00414216000005020, 00414216000005030, 00414216000005040, 00414216000005050, 00414216000005060, 00414216000005070, AND 00414216000005080 AND THAT AREA OF NORTHLAKE BOULEVARD BETWEEN THESE PCNs.

TOGETHER WITH:

TOWNSHIP 43 SOUTH, RANGE 40 EAST

ALL OF SECTIONS 4, 9, 10, 11, 14, AND 15; THAT PART OF SECTION 3 LYING NORTHERLY AND WESTERLY OF THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE "M" CANAL; THE WEST THREE-QUARTERS (W 3/4) OF SECTIONS 13, 24, AND 25; AND THAT PART OF THE WEST THREE-QUARTERS (W 3/4) OF SECTION 36 LYING NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 80 LESS PCNs 00404326010030010, 00404326010030020, 00404326010030030, 00404326010030040, 00404326010030050, 00404326010030060, 00404326010030190, 00404326010030200, 00404326010030210, 00404326010030220, 00404326010030230, AND 00404336000003020; AND ALL THAT PART OF SECTIONS 5, 8, AND 6 LESS PCNs 00404305000003010 AND 00404306000001010 LYING NORTH AND EAST OF THE NORTH EASTERLY RIGHT-OF-WAY LINE OF LEVEE L-8, A PROJECT IN THE PLAN OF WATER CONTROL OF THE CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT.

TOGETHER WITH:

TOWNSHIP 43 SOUTH, RANGE 41 EAST

ALL OF SECTIONS 2, 3, 4, 9, 10, AND 11.

TOGETHER WITH:

PARCEL 1

A PARCEL OF LAND LYING IN THE SOUTH 587.82 FEET OF SECTION 15, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING BOUNDED AS FOLLOWS:

BOUNDED ON THE SOUTH BY THE SOUTH LINE OF SECTION 15.

BOUNDED ON THE WEST BY THE RIGHT-OF-WAY FOR COCONUT BOULEVARD AS RECORDED IN OFFICIAL RECORDS BOOK 5778, PAGE 1279, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

BOUNDED ON THE NORTH BY THE RIGHT-OF-WAY FOR LAKE PARK WEST ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 1229, PAGE 131, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

BOUNDED ON THE EAST BY THE RIGHT-OF-WAY FOR 120TH AVENUE NORTH AS RECORDED IN OFFICIAL RECORDS BOOK 1229, PAGE 135, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

CONTAINING: 35.15 ACRES, MORE OR LESS.

TOGETHER WITH:

SJE19-Jay

9/2/2021 1:44 PM

2021_0902_SJE_FCR_SRYY-BASE.dwg

9024.000 JOB NO.	SHEET NO.		DATE	9/2/21
	1 7	DRAWN	JGF	
		CHECKED	JGF	

FCR BOUNDARY
INDIAN TRAIL IMPROVEMENT DISTRICT

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C.A. 00009484

**STORMWATERJ
ENGINEERING, INC.**
Civil, Hydrologic & Hydraulic Engineers
1855 Indian Road, Suite 202, West Palm Beach, FL 33409
Ph: (561)242-0028 • Fax: (561)242-0109
stormj@stj.com

PARCEL 2

A PARCEL OF LAND LYING IN THE SOUTH 587.82 FEET OF SECTION 15, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING BOUNDED AS FOLLOWS:
BOUNDED ON THE SOUTH BY THE SOUTH LINE OF SAID SECTION 15
BOUNDED ON THE WEST BY THE RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 1229, PAGE 135, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.
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NET ACREAGE (LESS ADDITIONAL RIGHT-OF-WAY) 29.59 ACRES, MORE OR LESS
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PARCEL 3

A PARCEL OF LAND LYING IN THE SOUTH 587.82 FEET OF SECTION 16, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING BOUNDED AS FOLLOWS:
BOUNDED ON THE SOUTH BY THE SOUTH LINE OF SAID SECTION 16
BOUNDED ON THE WEST BY THE RIGHT-OF-WAY FOR 140TH AVENUE NORTH AS RECORDED IN OFFICIAL RECORDS BOOK 1229, PAGE 133, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.
BOUNDED ON THE NORTH BY THE RIGHT-OF-WAY FOR LAKE PARK WEST ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 1229, PAGE 125, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.
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BOUNDED ON THE WEST BY THE WEST LINE OF THE EAST ONE-HALF OF SECTION 17.
BOUNDED ON THE NORTH BY THE RIGHT-OF-WAY FOR LAKE PARK WEST ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 1229, PAGE 125, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.
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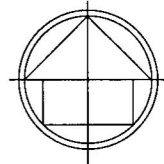
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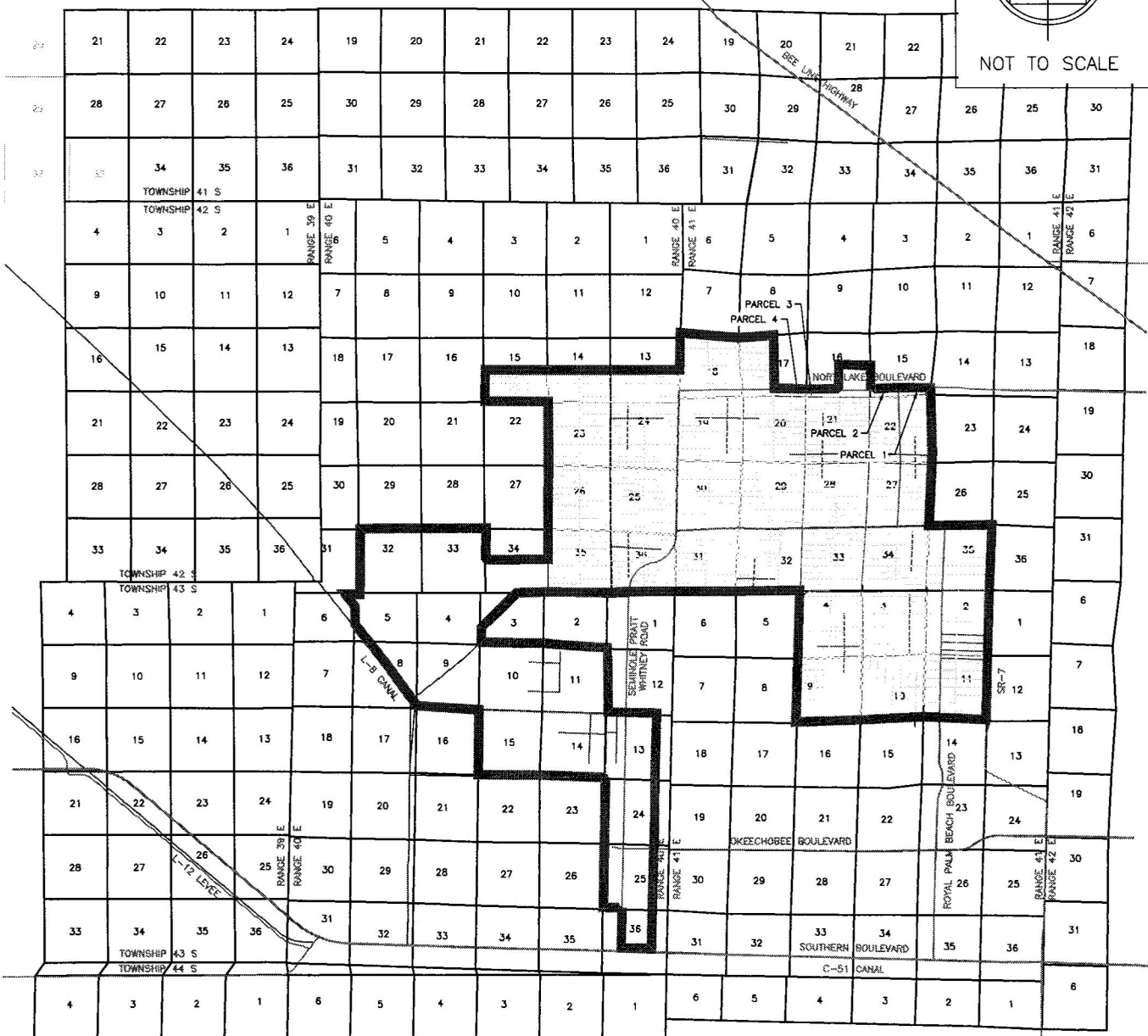
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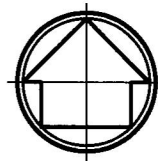
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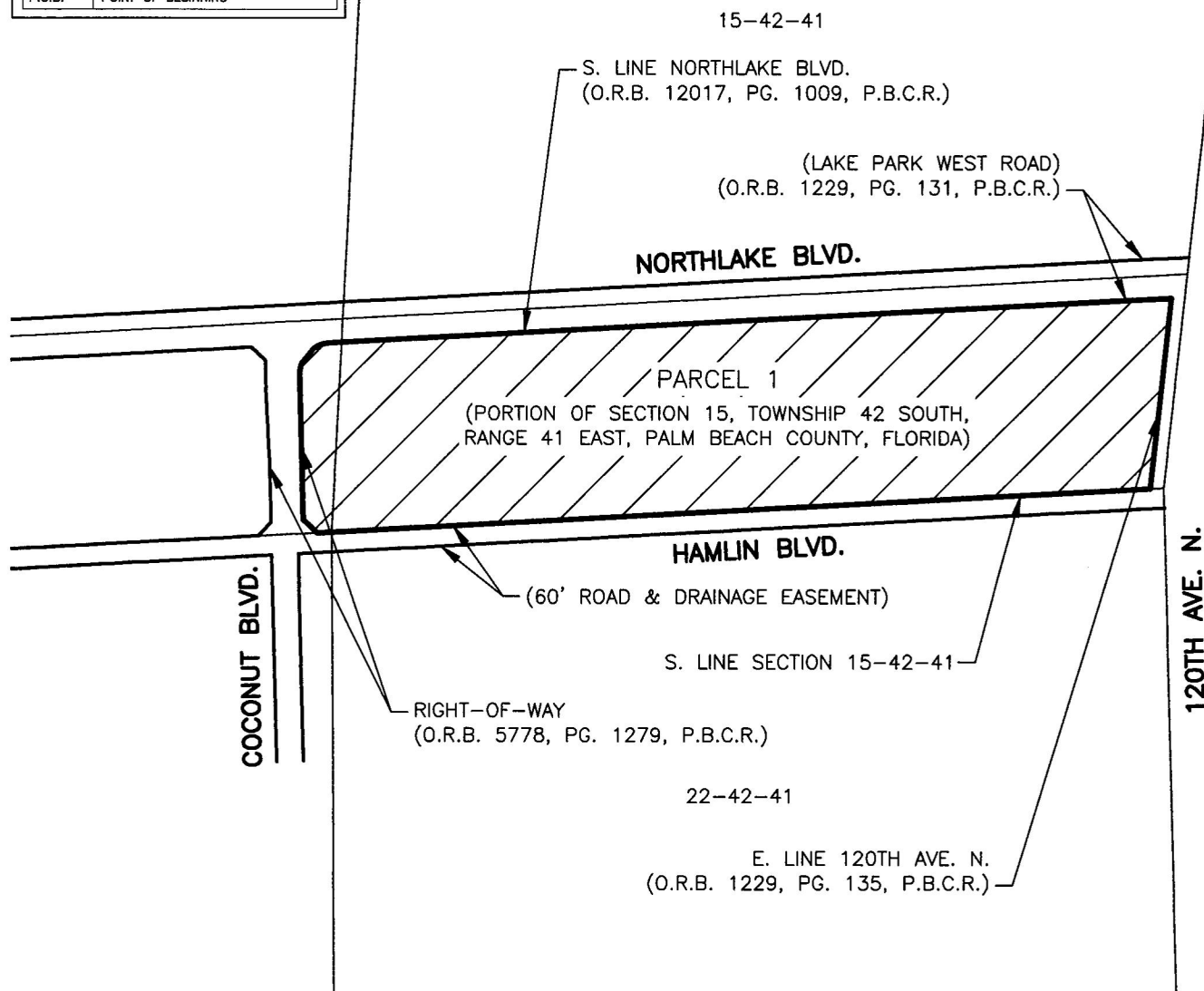
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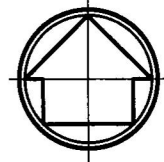
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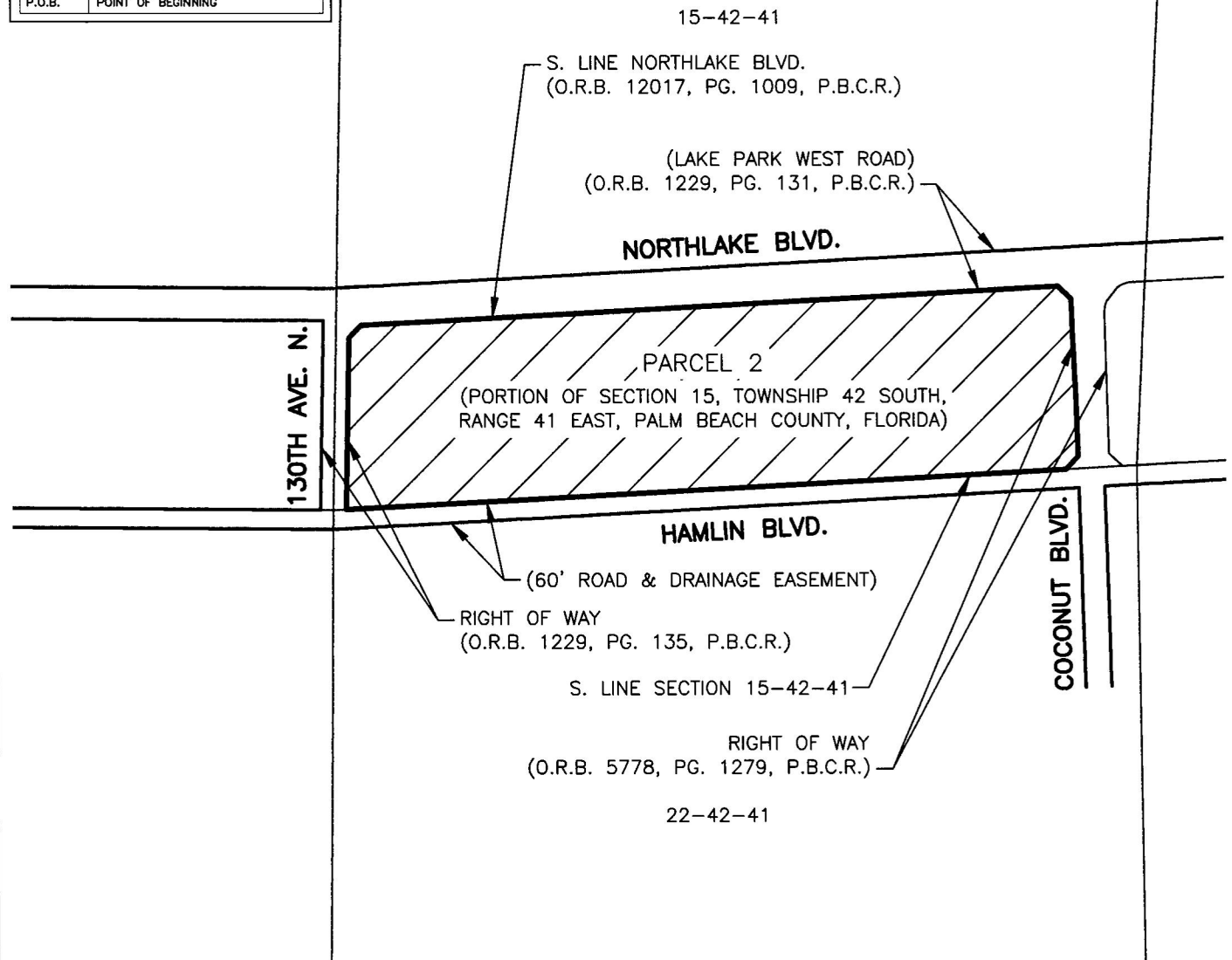
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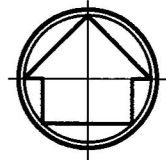
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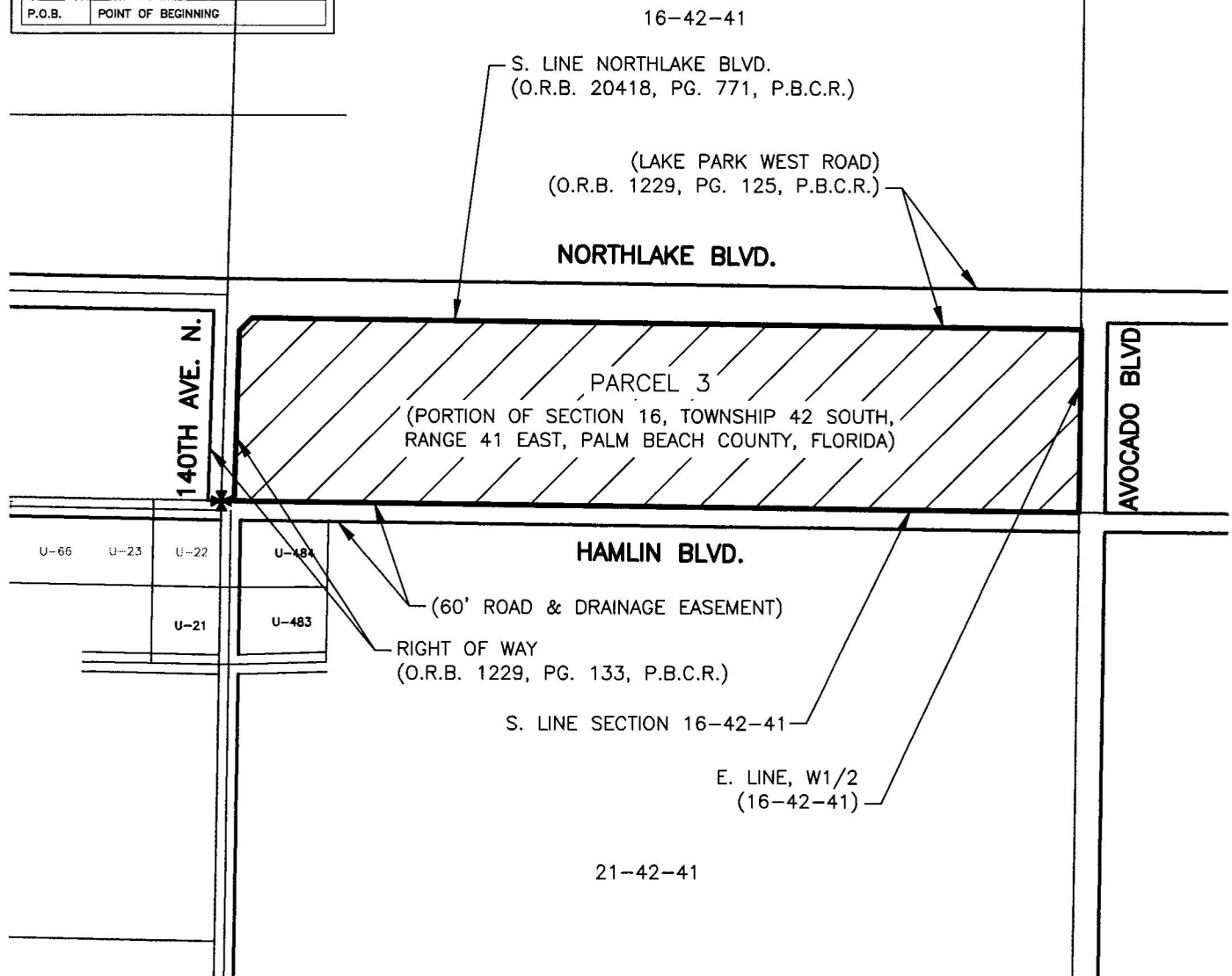
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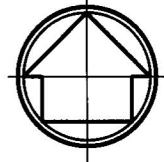
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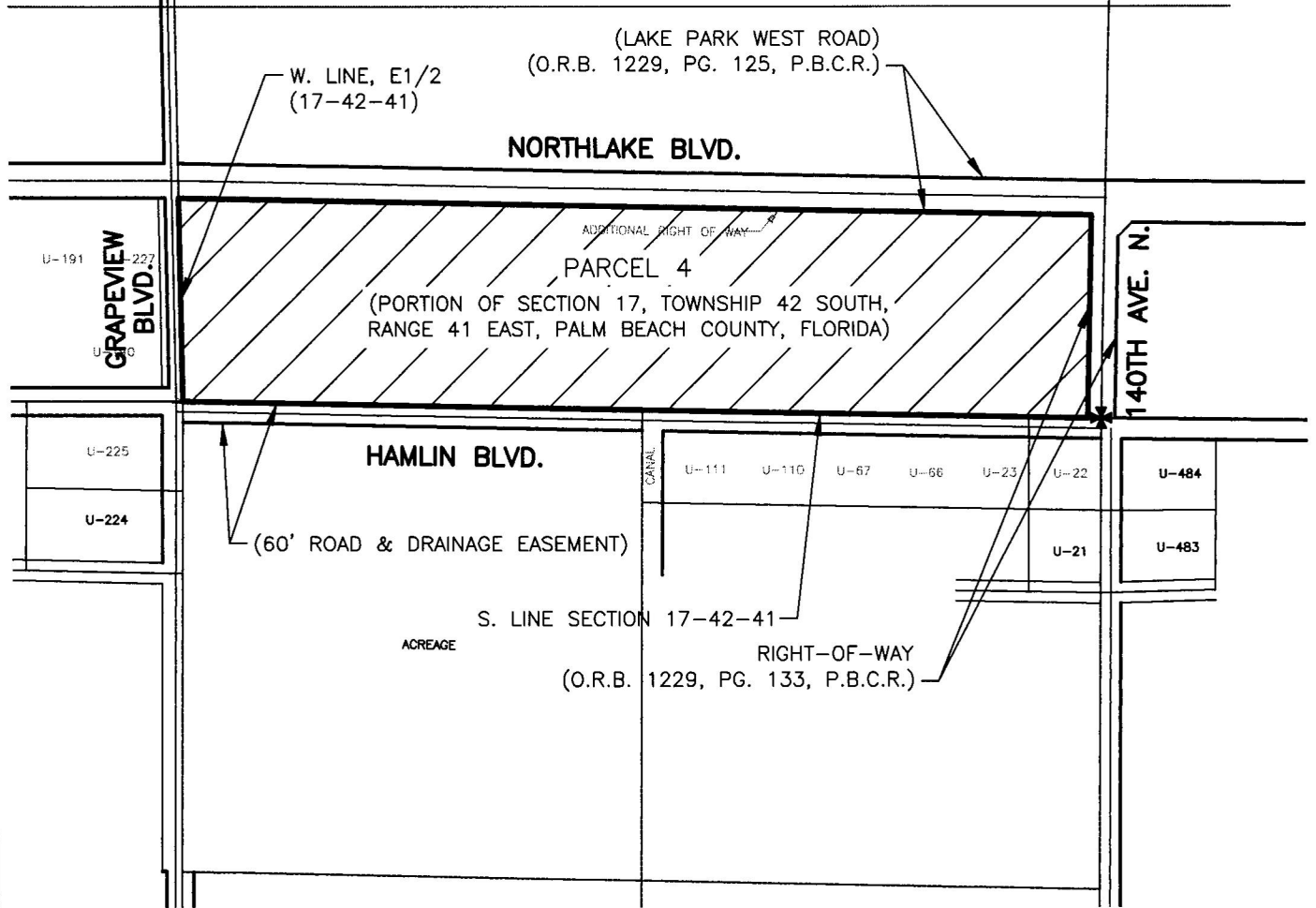
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VILLAGE OF LOXAHATCHEE

Municipal Feasibility Study

September 3, 2021

Clifford McCue and Consultants

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Section 1: Introduction

Prior to a special act of the Florida Legislature allowing municipal conversion of an independent special districts, a feasibility study needs to be completed. The feasibility study must address the topics listed in F.S. § 165.061 (Standards for incorporation, merger, and dissolution), paragraphs (b)1 through (b)11, which are further articulated in the State of Florida “Local Government Formation Manual” (2020-2022), Chapter 5, section XIX.

This feasibility study satisfies all the conditions identified in these two source documents.

Purpose

The Village of Loxahatchee proposes its conversion of the Indian Trail Improvement District (ITID) to a municipality in order to better serve the local community by preserving, improving and promoting the existing quality of life, and maintaining the existing natural environment. The primary goals for incorporating as the Village of Loxahatchee include:

- Preservation of the existing quality of life, agricultural lands, agricultural and equestrian lifestyles and maintaining the existing natural environment.
- Improving agricultural and equestrian lifestyles.
- Promoting agricultural and equestrian lifestyles.
- Provide residents and other stakeholders direct control over future land use and other quality of life issues.
- Develop a long-range strategy to properly mitigate and manage future impacts from adjacent land development on the community and its natural resources and quality of life.
- Return and reinvest a greater share of the Village of Loxahatchee tax dollars to improving, preserving and promoting the community’s infrastructure, services and resiliency.
- Build a community-centered land use vision and comprehensive plan that maintains the rich quality of life and living environment while ensuring a resilient tax base under the control of current and future residents.

These goals are consistent with Florida Statutes, which identifies the following reasons for incorporation:

- Allow orderly patterns of urban growth and land use.
- Assure adequate quality and quantity of local public services.
- Ensure financial integrity of municipalities.
- Eliminate or reduce avoidable and undesirable differentials in fiscal capacity among neighboring local government jurisdictions.
- Promote equity in the financing of municipal services.

The Village of Loxahatchee Community

A community's identity can be defined in a number of ways. For example, it can be identified based on its geographical boundaries, its economic makeup, by its cultural history, or some combination of these factors.

Currently, the Village of Loxahatchee is an unincorporated community located in western Palm Beach County, with a 2021 population of 42,987, and is approximately 42.13 square miles of contiguous land. The area to be incorporated is located within the Indian Trail Improvement District, which covers approximately 94.47 square miles, and is bordered to the north by Palm Beach Gardens and the JW Corbett Wildlife Management Area (JW Corbett), to the east by Palm Beach Gardens and West Palm Beach, to the south by Loxahatchee Groves, Royal Palm Beach, and Wellington; and surrounds Westlake on three and one-half sides. The remainder of the areas bordering the proposed municipality are, and will remain, as unincorporated areas of Palm Beach County.

The Village of Loxahatchee straddles the western fringes of the highly developed eastern portion of Palm Beach County and the agricultural western portions of the County. Its large, spacious homes, equestrian lifestyle and many agricultural and natural areas give the area a rural character, although it is widely considered to be an exurban outgrowth of the South Florida Metropolitan Area. The Village of Loxahatchee is located solely within the Indian Trail Improvement District, responsible for maintaining the drainage, roads and parks systems within its boundaries. Most of today's residents living in the Village of Loxahatchee own single-family homes on lots of one and a quarter-acres or larger where families can enjoy rural, equestrian, and agricultural ways of living.

The Village of Loxahatchee has a thriving local economy based upon its high quality of life and other characteristics that sustain high property values. Therefore, the Village of Loxahatchee needs self-governance and adequate local representation to compliment ongoing services provided by the Palm Beach County government. The purpose for incorporation is to maintain and preserve, on a local level, the Village of Loxahatchee's rural charm and community identity. Unfortunately, communities surrounding the Village of Loxahatchee have had to grapple with unprecedented, rapid growth that continue unchecked even with the incorporation of many surrounding communities (see for example Westlake and Loxahatchee Groves). It is the current quality of life in the Village of Loxahatchee with its natural beauty, rural qualities, equestrian amenities, and relative open space that make the community unique and the "Last of Its Kind" in the South Florida Metropolitan Area.

Section 2: Standards for Municipal Incorporation

According to the Local Government Formation Manual (2020-2022) and F.S. §165.061, an area proposed for municipal incorporation must:

1. Be compact, contiguous, and amenable to separate municipal government;
2. Have a total population, as determined in the latest official state census, special census, or estimate of population, of at least 1,500 persons in counties with a population of 75,000 or less, and of at least 5,000 persons in counties with a population of more than 75,000;
3. Have an average population density of at least 1.5 persons per acre or have extraordinary conditions requiring the establishment of a municipal corporation with less existing density; and
4. Have a minimum distance of at least two miles from the boundaries of an existing municipality within the county or have an extraordinary natural boundary that requires separate municipal government.

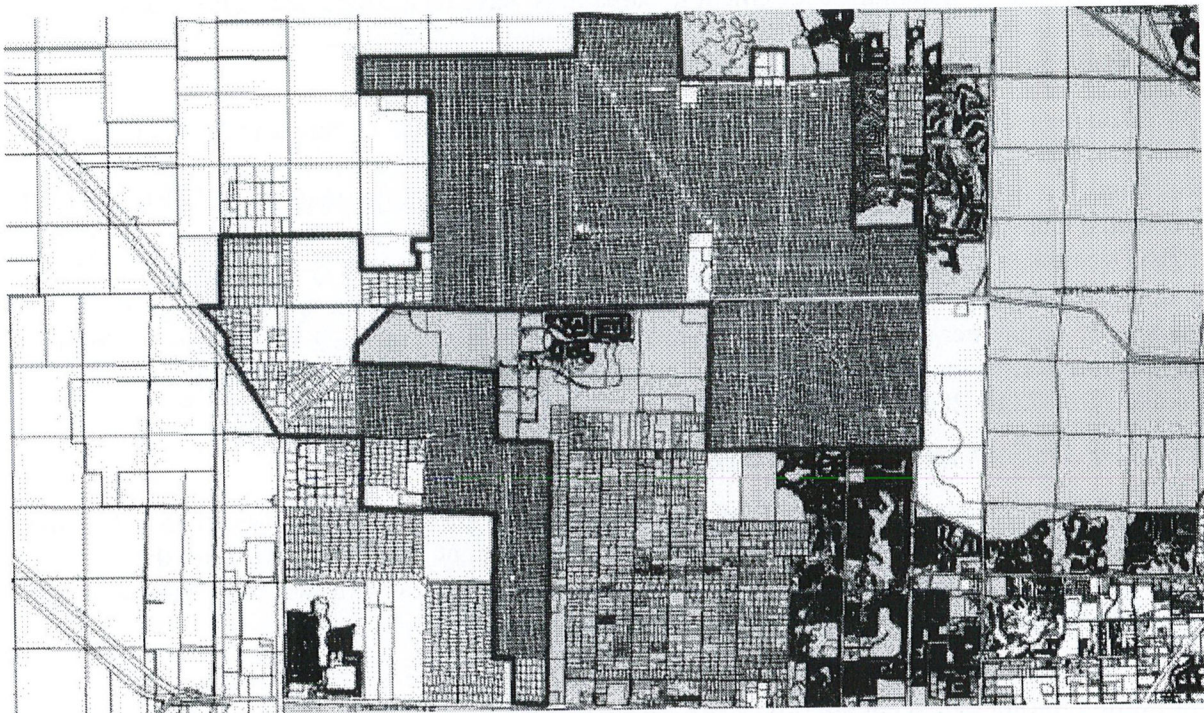
In addition to the four standards discussed above, the proposed incorporation must include a municipal charter prescribing the form of government, clearly defining the responsibility for legislative and executive functions, and empowering the legislative body to exercise its power to levy any tax authorized by the Florida Constitution or as prescribed in general law. Moreover, the plan for any incorporation must honor existing solid waste contracts in the affected areas for the shorter of five years or the remainder of the contract term.

Each of the Standards for Incorporation described in state statute (F.S. §165.061), and as described by the *Local Government Formation Manual* (2020-2022) are addressed in the following sections.

Section 2.1 Compact, Contiguous and Amenable to Separate Municipal Government [F.S. § 165.061(1)(a)]

Figure 1 shows that the Village of Loxahatchee is compact and contiguous, making it amenable to separate municipal government. There are two obstacles to the Village of Loxahatchee's compactness and contiguity: the incorporation of the City of Westlake in 2016 and the GL Homes tract. The City of Westlake, as well as the proposed boundaries for the incorporation of Indian Trail, previously were included together as the Acreage Census Designated Place. Population data for this area were previously collected as part of the 2010 U.S. Census. Before the incorporation of Westlake, this entire area existed as a single, compact, contiguous area based on federal definitions for census designated places based on the density of population despite only existing as improvement districts in unincorporated Palm Beach County. The infrastructure, ranging from park and road maintenance as well as drainage, does reinforce that these boundaries are compact and contiguous.

Figure 1: Proposed Boundaries



Section 2.2 Population [F.S. § 165.061(1)(b)]

According to the Local Government Formation Manual a community must have a total population, as determined in the latest official state census, special census, or estimate of population, of at least 1,500 persons in counties with a population of less than 75,000, and of at least 5,000 persons in counties with a population of more than 75,000.

The population for Palm Beach County for 2019 was 1,497,000 based on the United States Census Bureau population estimates. The Bureau of Economic and Business Research at the University of Florida estimates Palm Beach County's 2020 population to be 1,466,494. The statutory requirement is that the population of the area to be incorporated for a county this size must be at least 5,000 for counties with a population above 75,000. The Village of Loxahatchee has a 2021 population of 42,987. This population for the area to be incorporated is far above the minimum population requirement outlined in Florida statutes.

While the existing data show that the Village of Loxahatchee exceeds the minimum population requirements, future data shows that this trend is likely to continue. Projections from ESRI's Business Analyst Online database projects a 1.52% growth rate (statewide, 1.33%, national, 0.72%) from 2021-2026, which results in a 2026 projected population of 46,353 for the Village of Loxahatchee. Using the growth rate estimates for Palm Beach County from the Bureau of

Economic and Business Research at the University of Florida (using the medium AVE-5 estimate), the population for the Village of Loxahatchee would be 45,391 in 2025.

Section 2.3 Density [F.S. § 165.061(1)(c)]

In addition to the population requirement the area must have an average population density of at least 1.5 persons per acre or have extraordinary conditions requiring the establishment of a municipal corporation with less existing density.

Based on measurements calculated using ESRI's Business Analyst Online and ArcMap GIS software, the Village of Loxahatchee is approximately 42.13 square miles. Converted into acres, this land area is slightly under 27,000 acres. Using the population figure of 39,553 from the 2010 Decennial Census, the average number of people per acre is 1.47. This density figure using the 2010 Decennial Census does not exceed the minimum population density requirement of 1.5 people per acre. Using 2021 population projections from ESRI's Business Analyst Online,¹ the number of people per acre increased from the current 1.47 based on the 2010 Decennial Census to 1.59 in 2021. Using the aforementioned growth projections, this density is projected to increase to 1.72 by 2026.

Section 2.4 Boundaries [F.S. § 165.061(1)(d)]

The final component of the standards as prescribed by the Local Government Formation Manual requires that a community must have a minimum distance of at least two miles from the boundaries of an existing municipality within the county or have an extraordinary natural boundary that requires separate municipal government.

Given the recent incorporation of Westlake and Loxahatchee Groves, coupled with the annexation of other adjacent areas by Palm Beach Gardens, Royal Palm Beach, and West Palm Beach, it is impossible to meet the minimum distance requirement due to the extensive population growth in Palm Beach County over the past decade. Given the uniqueness of the Village of Loxahatchee and the need to plan accordingly, in 1990 Palm Beach County designated the area as a "Unified Planning Area" (the only one in the County or the State at that time). On the basis of meeting the population requirement and the population density requirement, the Village of Loxahatchee should be exempt from this requirement due to already providing services to this area as an Improvement District, predating the recent wave of annexations and municipal incorporations.

The Village of Loxahatchee is impacted by the rate of development, annexation and encroachment by County enforcement standards that do not have the same level of concern about an agricultural-residential quality of life and are meant for urban and commercial zoned parcels.

Incorporation will also prevent pockets or unincorporated enclaves similar to Broward County that had selective annexation throughout the 1990's into the first decade of the 2000's. GL Homes is prohibited from annexation or incorporation of any of the lands identified within the Indian Trail Improvement District.

¹ ESRI's estimates were used due to the lack of data available based on the results from the 2020 Decennial Census at the time of this report.

Section 2.5 Municipal Charter [F.S. § 165.061(1)(e)]

Accordingly, a community must have a proposed municipal charter prescribing the form of government and clearly defining the responsibility for legislative and executive functions, and does not prohibit the legislative body from exercising its power to levy any tax authorized by the Florida Constitution or general law.

The Village of Loxahatchee form of government will be a council-manager form of government with a five-member city council. The mayor will be elected at-large by the entire electorate. Each Village council will be elected by district but on an at-large vote basis. The mayor and each council member will serve four (4) years with no more than two (2) consecutive terms in any position. The vice mayor shall be nominated and elected by the Village council. The terms will be staggered with the mayor and one (1) council member will be elected one separate election years from the other three (3) council members. The elections will be on the general election on the second Tuesday of November on even number years.

Per F.S. § 165.061(1)(e), there are no prohibitions in the charter regarding the power to levy any tax. The full charter is included in Appendix B.

Based on the criteria of F.S. § 165.061(1)(a) - 165.061(1)(e) the Village of Loxahatchee satisfies all criteria for incorporation, except as noted about the 2-mile distance from surrounding localities.

Section 3: Feasibility Study for Incorporating the Village of Loxahatchee

Since the Village of Loxahatchee satisfies the basic standards as described in Section 2, the second part of the justification for conversion includes a feasibility study. According to the *Local Government Formation Manual* (2020 – 2022), and consistent with F.S. § 165.041, a feasibility study is an analysis of the proposed area to be incorporated. The purpose of the feasibility study is to determine if the area: 1) meets the statutory requirements for incorporation, and 2) is financially viable.

According to the *Local Government Formation Manual*, a feasibility study must include the following:

1. The general location of territory subject to a boundary change and a map of the area that identifies the proposed change;
2. The major reasons for proposing the boundary change;
3. The following characteristics of the area:
 - a. A list of the current land use designations applied to the subject area in the county comprehensive plan;
 - b. A list of the current county zoning designations applied to the subject area;
 - c. A general statement of present land use characteristics of the area;
 - d. A description of development being proposed for the territory, if any, and a statement of when actual development is expected to begin, if known;
 - e. A list of all public agencies, such as local governments, school districts and special districts, whose current boundaries fall within the boundary of the territory proposed for the change or reorganization;
 - f. A list of current services being provided within the proposed incorporation area, including, but not limited to, water, sewer, solid waste, transportation, public works, law enforcement, fire and rescue, zoning, street lighting, parks and recreation, and library and cultural facilities, and the estimated costs for each current service;
 - g. A list of proposed services to be provided within the proposed incorporation area, and the estimated cost of such proposed services;
 - h. The names and addresses of three officers or persons submitting the proposal;

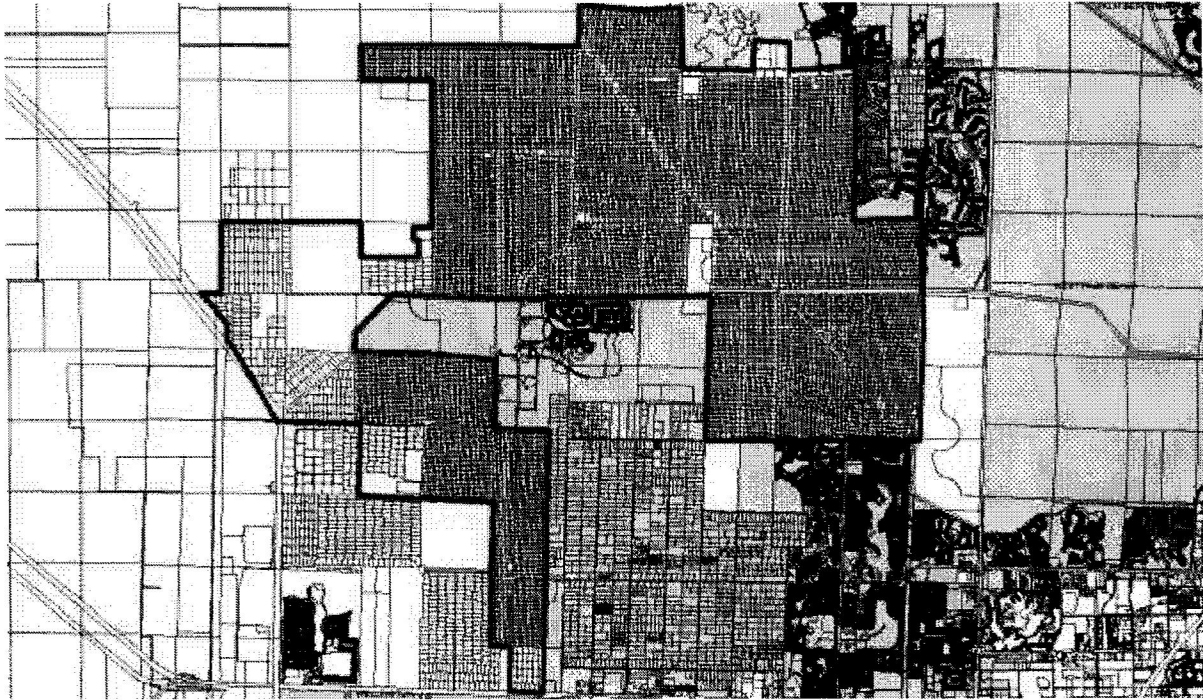
Each of the statutory requirements to satisfy Phase I of this study, following the Local Government Formation Manual and F.S. statute, is addressed below.

Section 3.1 Location of area to be incorporated [F.S. § 165.041(1)(b)(1)]

The proposed boundary of the area to be incorporated consists of a single contiguous area. The recent incorporation of Westlake means that roughly the middle third of the Acreage Census Designated Place is incorporated. In 2020, the decennial census designated Westlake as a

municipality and will begin collecting corresponding data for that area. A majority of the remainder of the Acreage CDP would be incorporated as the new municipality.

Specifically, the legal boundary of the area to be incorporated is as follows:



Section 3.2 Major Reasons for Proposing Boundary Change under [F.S. § 165.041(1)(b)(2)]

Over the last several decades, the Village of Loxahatchee has become a distinct and unique community. It is located in the western part of Palm Beach County, with a 2021 population of 42,987. It is located south and west of Palm Beach Gardens, west of West Palm Beach; west as well as north of Loxahatchee Groves and, Royal Palm Beach, north of Wellington, north, east, west and partially south of Westlake. The remainder of the areas bordering the proposed municipality are unincorporated areas of Palm Beach County. Most of the population lives in single family homes on lots of one and one-quarter acres or larger.

The Village of Loxahatchee is located between the western fringes of the highly developed portion of Palm Beach County and easternmost of the agricultural farmlands and rural portions of the County. Its large, spacious home site lots, and many agricultural and natural areas give the area a rural character, although it is widely considered to be an exurban outgrowth of the South Florida Metropolitan Area. The Village of Loxahatchee is located almost entirely within the Indian Trail Improvement District, responsible for maintaining the parks, roads, and drainage systems within its boundaries. There are two areas that would create enclaves that are currently outside the Indian Trail Improvement District's boundaries that are within the proposed

municipal boundaries. Both of these areas reflect the rural characteristics of the Village of Loxahatchee.

The Village of Loxahatchee community has the acute need to preserve and maintain its current quality of life, property values and environmental assets. The Village of Loxahatchee has a thriving local economy based upon its high quality of life and other characteristics that drive high property values, including its rural charm, agricultural lands, equestrian trails, and limited development. The Village of Loxahatchee has its own localized government needs as a result of its rapid growth over the last twenty years. As the strains on the Village of Loxahatchee have escalated, the need for municipal incorporation and self-governance has become evident. Table 1 provides a general community profile of the Village of Loxahatchee. This profile was generated using ESRI Business Analyst Online and their projections to 2021 based on the proposed legal boundaries for incorporation.

Table 1: Village of Loxahatchee Community Profile

	Village of Loxahatchee
Population Summary	
2010 Total Population (Census)	39,553
2021 Total Population (ESRI)	42,987
2026 Total Population (ESRI)	46,353
Household Summary	
2021 Families	11,196
2021 Average Family Size	3.41
2026 Families	12,023
2026 Average Family Size	3.42
2021-2026 Annual Rate	1.44%
Housing Unit Summary	
2021 Housing Units	14,240
Owner Occupied Housing Units	12,069
Renter Occupied Housing Units	1,523
Median Household Income	
2021	\$92,144
2026	\$102,338
Median Home Value	
2021	\$350,484
2026	\$370,605
Per Capita Income	
2021	\$34,258
2026	\$39,157
Median Age	
2021	40.9
2026	41.0

Source: ESRI Business Analyst Online

The Village of Loxahatchee needs and desires self-governance and adequate local representation to compliment and better provide ongoing services currently managed by the Palm Beach County government. The Village of Loxahatchee community wants to protect the character of the community. The geographic size and populace basically require a more focused local government than Palm Beach County can provide to the citizenry. Additionally, there are no other unincorporated areas similar in population grouping anywhere in the county and therefore, the county is not organized in such a way to properly represent and provide necessary services to the residents. The Village of Loxahatchee community is only represented by one (1) Palm Beach County Commissioner whose district also includes, but is not limited to Belle Glade, Royal Palm Beach, Loxahatchee Groves, Wellington, Westlake and large tracts of other unincorporated parcels.

In addition to Palm Beach Gardens' annexations and continued growth, the City of Westlake and other unincorporated portions of the County are also creating unprecedented growth in a rural area that is having a negative impact on the traffic, safety and rural lifestyle in this area of unincorporated Palm Beach County.

The City of Palm Beach Gardens is trying to use administrative mechanisms to continue its annexation of commercially zoned properties south of Northlake Boulevard within the District's boundaries that directly abut residential properties. Palm Beach Garden's Land Development Codes are not representative of the Village of Loxahatchee community and will have adverse impacts upon the northern residents.

The Town of Loxahatchee Groves is also trying to annex properties that do not reflect the Town's Charter and Land Use that are currently in the proposed the Village of Loxahatchee municipal boundaries. The Town's only reason was put on the record by the Town's Mayor who said it only became aware to try to annex these properties after the Indian Trail Improvement District made the announcement to convert. Before this, the Town had no inclination or plans to annex west. The Town of Loxahatchee Groves is incapable of annexing large areas of the District, but could create enclaves by only annexing certain properties into its municipal boundaries which would be inconsistent with proper planning and local governance.

Overall, the potential annexation of certain areas by surrounding municipalities like Loxahatchee Groves, Palm Beach Gardens, Royal Palm Beach, West Palm Beach, Westlake and Wellington, whose land development codes and enforcement operations, would not be consistent with the lifestyles of the Village of Loxahatchee community.

The Village of Loxahatchee needs to maintain and preserve, on a local level, its rural charm and community identity. Unfortunately, communities surrounding the Village of Loxahatchee have had to grapple with historic rapid growth that went relatively unchecked until many of the surrounding communities actually incorporated (see for example Westlake and Loxahatchee Groves). It is the current quality of life in the Village of Loxahatchee with its natural beauty, rural qualities, equestrian amenities, and relative open space that make the community unique and the "Last of its Kind in South Florida".

Section 3.3 Characteristics of the Village of Loxahatchee under [F.S. § 165.041(1)(b)(3)]

Section 3.3.a List of current land use designations under F.S. § 165.041(1)(b)(3)(a)

The existing (Figure 2) and future (Figure 3) land use designations are based on the Palm Beach County Comprehensive Plan and the geographic information is from Palm Beach County's Information Systems Services. The existing land uses are largely single-family residential. A majority of the future land uses in the area to be incorporated is designated as Rural Residential with one residential unit per 2.5 acres (RR2.5) based on the Future Land Use designation based on the Palm Beach County Comprehensive Plan. The remainder of the area largely carries residential and commercial Future Land Use designations. These designations include one residential unit per 10 acres (RR-10), one residential unit per 5 acres (RR-5), mixed use development (WCR), Commercial Low, one residential unit per five acres (CL/RR5), Commercial Low, 2.5 residential units per acre (CL/RR2.5), Institutional (INST), and Park (PARK) land use designations.

Figure 2: Current Land Use Designations

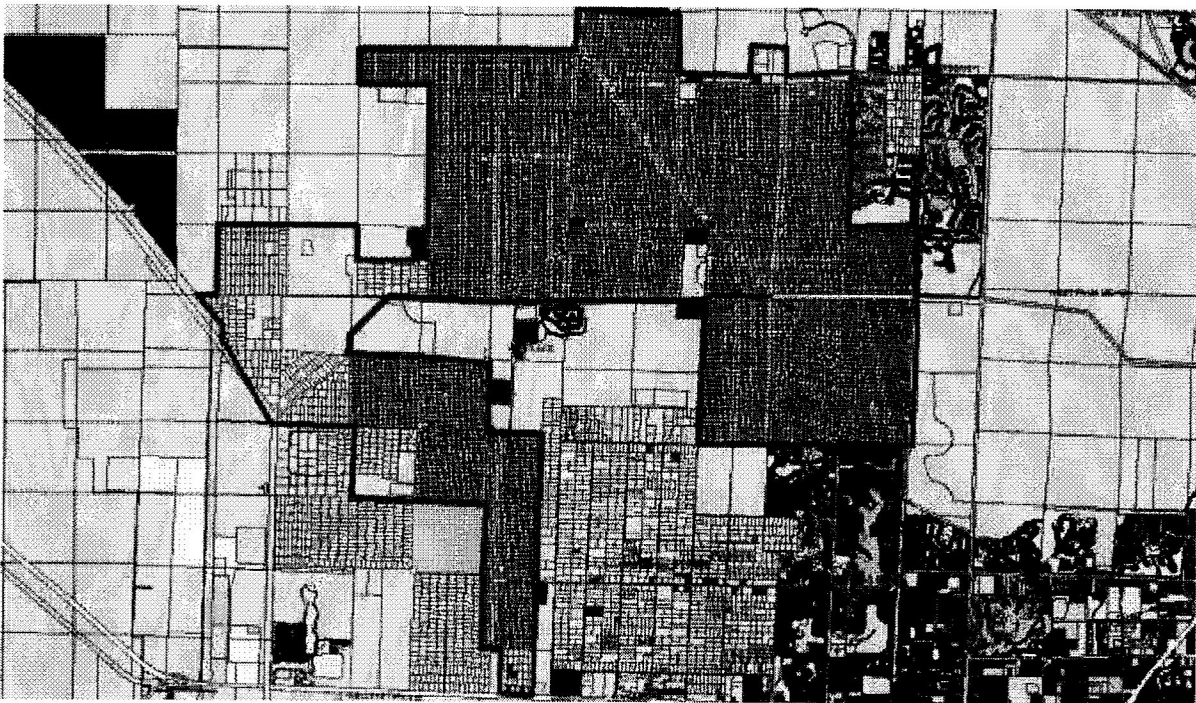
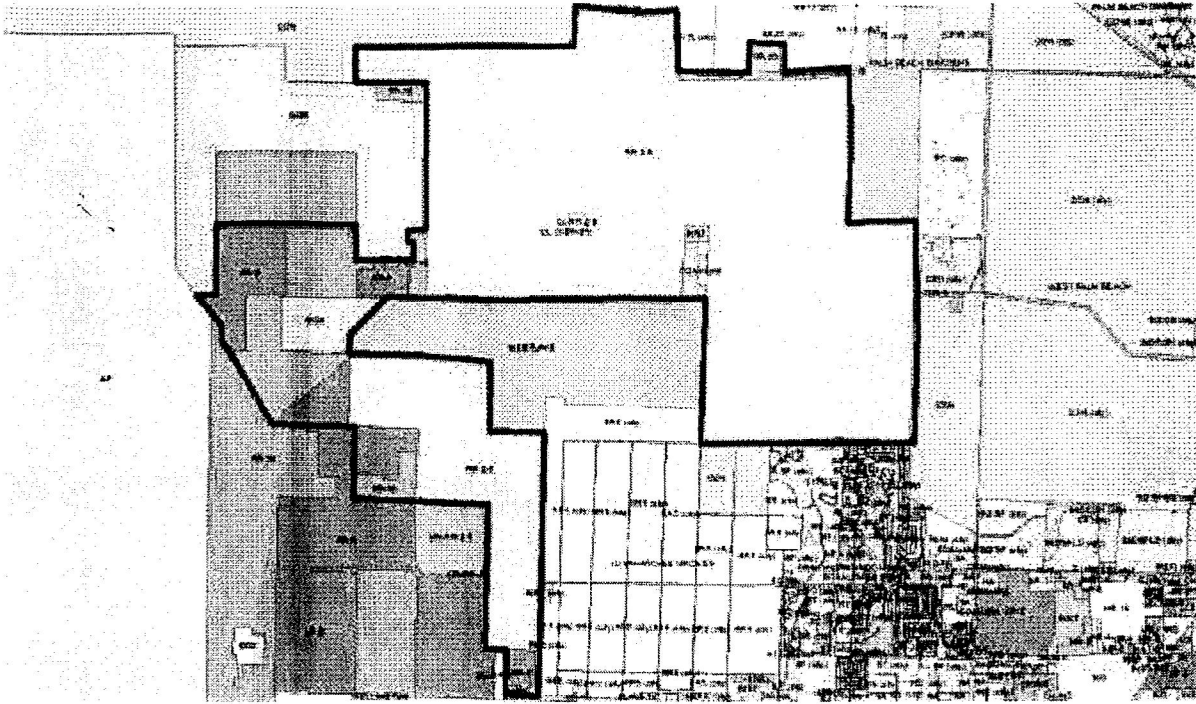


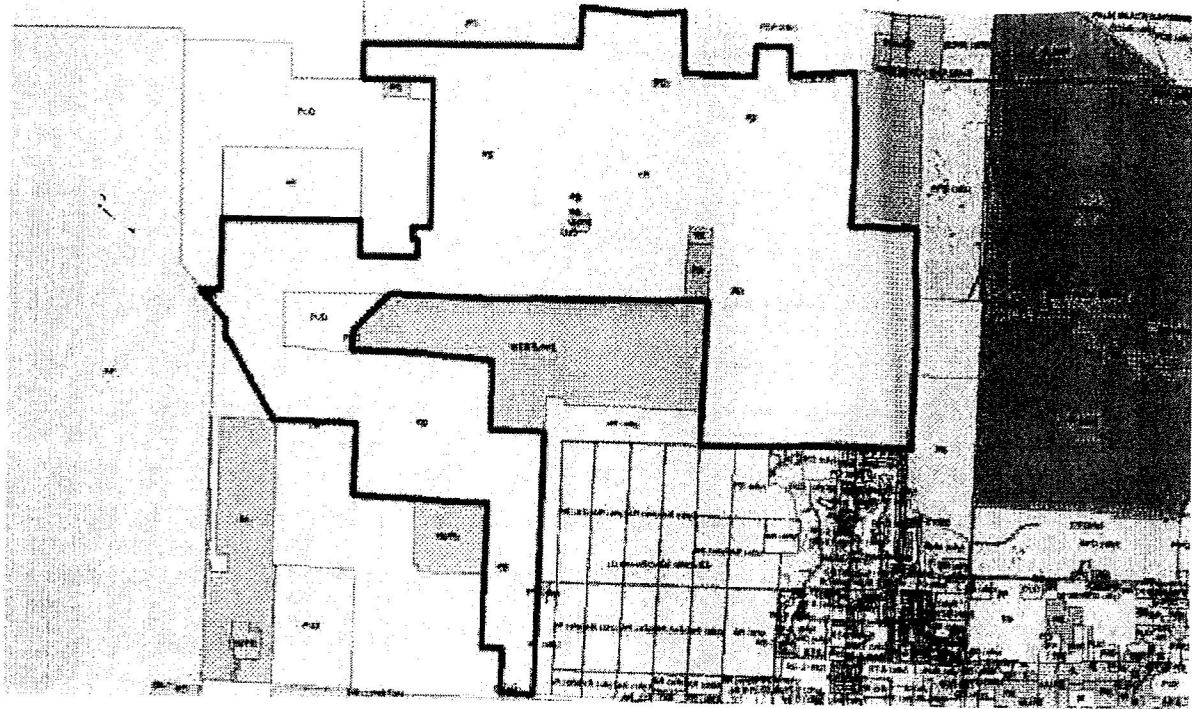
Figure 3: Future Land Use Designations



Section 3.3.b List of current county zoning designations under F.S. § 165.041(1)(b)(3)(b)

A large majority of the property is zoned as Agricultural Residential District (AR). The other zoning designations for smaller areas include Public Ownership District (PO), Residential Planned Unit Development District (PUD), Multiple Use Planned Development (MUPD), and Residential Estate District (RE). Figure 4 contains the location of these zoning designations within the proposed boundaries.

Figure 4: Zoning Map



Section 3.3.c General statement of present land use characteristics of the area under F.S. § 165.041(1)(b)(3)(c)

While a majority of the area is zoned as Agricultural Residential District, the largest land use in the area consists of single-family residential homes. The area to be incorporated already has a rich, diverse park system, with several parks in the area, and several additional parks adjacent to the area. Acreage Community Park, Citrus Grove Park, Coconut Park, Downers Dog Park, Hoefl Park, Nicole Hornstein Equestrian Park, Kidscape Park, Sycamore Park, and Temple Park are all within the area's proposed boundaries. Several schools serve the area, although some of these schools are adjacent to the area, with Pierce Hammock Elementary, Acreage Pines Elementary, Frontier Elementary, and Osceola Creek Middle School located within the proposed boundaries. Palm Beach County Fire Station #26 is located within the boundaries, as are several infrastructure-related uses such as pump stations.

Section 3.3.d Description of proposed development under F.S. § 165.041(1)(b)(3)(d)

This area is already largely developed, with a majority of uses being single-family housing. While future development is expected, it will likely be single-family residential development based on current zoning and future land use designation with commercial development occurring along the boundaries to the north and south of the proposed municipality and along certain county roads and major intersections. In areas already developed within the eastern part of the boundary, small-scale, largely residential development and/or redevelopment is likely due to the fact that most undeveloped parcels are scattered throughout the area and there are no undeveloped, large tracts of land for development.

Section 3.3.e List of all Public Agencies Falling within Boundaries under [F.S. § 165.041(1)(b)(4)]

Below is a list of the existing public agencies within the proposed Village of Loxahatchee boundaries and their associated 2020 millage rates and fees, where applicable.

- Palm Beach County Government (Millage Rate 4.7815)²
 - Countywide voted debt (Millage Rate is 0.0309)
- Palm Beach County Sheriff (Included in County Millage Rate)
- Palm Beach County Fire and Rescue MSTU (Millage Rate 3.4581)
- Palm Beach County Supervisor of Elections (Included in County Millage Rate)
- Palm Beach County Library (Millage Rate 0.5491)
 - Library voted debt (Millage Rate is 0.0342)
- Palm Beach County Health Care District (Millage Rate 0.7261)
- Palm Beach County School District (Millage Rate Required 3.2480)
 - Palm Beach County School Board Discretionary 3.7620)
- Children's Services Council (Millage Rate 0 .6497)
- Indian Trail Improvement District – \$540 average cost per acre, non-ad valorem taxes.
- South Florida Water Management District (Millage Rate 0.1103)
 - SFWMD Basin (Millage 0.1192)
 - SFWMD Everglades Construction Project (Millage Rate 0.0380)
- Florida Inland Navigation District (Millage Rate 0.0320)
- Palm Beach County Court
- Circuit Court or the Fifteenth Judicial Circuit
- Fourth District Court of Appeal
- Florida Power and Light
- Water and Sewer (Village of Loxahatchee currently uses septic tanks and well water)
- Solid Waste Authority of Palm Beach County
- AT&T Internet & DIRECTV Services
- Xfinity or Comcast Spotlight

Section 3.3.f List of Current Services being Provided under [F.S. § 165.041(1)(b)(5)]

The Village of Loxahatchee is currently receiving most of its public services from Palm Beach County Government and the Indian Trail Improvement District. Currently Palm Beach County and the Indian Trail Improvement District levy a combination of ad valorem taxes (County) and non-ad valorem (ITID) assessments and fees on parcels within Village of Loxahatchee.

² All listed millage rates were gathered from the Palm Beach County Property Tax Assessors "Detailed Millage Rate Chart 2020" retrieved from https://www.pbcgov.org/papa/pdf/taxroll/2020_Final_Total_Millage_Rates_Levy.pdf
Total Millage rate for unincorporated Palm Beach in 2020 was 17.5391.

However, there are a host of other public entities that are providing services to the Village of Loxahatchee.

Palm Beach County Government: Police and 911 are provided by Palm Beach County Sheriff, while Fire Protection and Emergency Medical Services are provided by Palm Beach County MSTU. Other services under the Palm Beach County Commission and Administration include development services (Building, Planning and Zoning), code enforcement, environmental services, economic development, emergency management, animal control, library, human services, waste management, and other less conspicuous governmental services.

Indian Trail Improvement District: The Indian Trail Improvement District (the District) was created by the Florida Legislature in 1957 as a Chapter 298, F.S. The District is an independent special district that provides water management and infrastructure development services to properties in Village of Loxahatchee. The original legislation restricted the District to strictly water (canal) management. Over the years Indian Trail Improvement District's powers were amended to include road maintenance and recreation authority. The District now maintains, not only 164.2 miles of canals, but also 9 rural and equestrian parks, and more than 458 miles of roads.

Palm Beach County School Board: The Palm Beach County School Board provides education for K-12 children.

Palm Beach County Health Care District: is a dependent district that provides health care for low-income residents.

Children's Services Council: This dependent district enhances the lives of children and families in the County.

South Florida Water Management District (SFWMD): The SFWMD manages and protects water resources of the region.

South Florida Water Management District (SFWMD) Everglades Construction Project: The Project improves the water quality and clean-up the Everglades.

Florida Inland Navigational District (F.I.N.D.): FIND manages and maintains the Atlantic Intracoastal Waterway.

Section 3.3.g List of Proposed Services and Estimated Costs to be Provided under F.S. § 165.041(1)(b)(6)

The Village of Loxahatchee will be a full-service municipality responsible for providing all legislative, administrative, and program specific activities typically found in local governments in Florida. Please refer to Section 4 for the proposed services and estimated costs for the Village of Loxahatchee.

Section 3.3.h Names and Addresses of Officers or Persons Submitting the Proposal under [F.S. § 165.041(1)(b)(7)]

Louis Colantuoni, Jr.

7849 Coconut Blvd.
West Palm Beach, FL 33412
561-236-5696
Lcolan4280@aol.com

Bob Morgan
13784 67th Street N.
West Palm Beach, FL 33412
305-975-4392
Bobmorgan731@gmail.com

Elizabeth Accomando
6521 Carol Street
Loxahatchee, FL 33470
561-402-1451
barkypines@gmail.com

Section 4: Five-Year Operational Plan for the Village of Loxahatchee

This section of the feasibility study documents the 5-year operational plan, including revenue and expenditure projections and the assumptions used, to demonstrate that the Village of Loxahatchee can more than adequately afford self-governance. In fact, as this analysis shows, the Village of Loxahatchee will be fiscally sound upon successfully incorporating and for the near future.

Limitations of Financial Projections

As with all financial projections, there will usually be differences between projected and actual results because circumstances used to project revenues and expenditures frequently do not occur as expected, and those differences may be material. Although State law requires that local governments balance their budgets, this projection does not attempt to anticipate possible municipal decisions to close budget gaps and prevent deficits in the future as a result of changing circumstances. Moreover, there is no obligation to update this report for events and circumstances occurring after its release.

Feasibility Study Time Period

For the purpose of this feasibility study, it is assumed that the Village of Loxahatchee will commence operations in Fiscal Year (FY) 2022-2023, the first potential year of operations.³ Consistent with the stated statutory requirements, FY 2022-2023 – FY 2027-2028 are used in generating the 5-year operational plan. Moreover, for fiscal capacity purposes it is assumed that FY 2022-2023 estimates are based on a complete budget year, rather than a partial budget year.

Table 2: Proposed Timeline for Budget Purposes⁴

Date	FY 2022-2023 Budget Calendar
On or about December 31, 2022	Village of Loxahatchee Incorporation becomes final
On or about December 31, 2022	Preliminary Tax Roll from Palm Beach County Property Tax Appraiser
On or about June 30, 2023	Projected Millage Rate for FY24 is submitted to Palm Beach County Property Tax Appraiser
On or about August 1, 2023	Proposed budget delivered to legislative body
On or about August 1, 2023	DR-420 submitted to Palm Beach County Property Tax Appraiser
September, 2023	First Public hearing to adopt millage rate and budget
September, 2023	Final Public hearing to adopt millage rate and budget
October 1, 2023	FY 2022-2023 Budget goes into effect
November 2023	Village of Loxahatchee begins to receive ad valorem tax revenue

³ The exact date that Village of Loxahatchee will commence operations requires a number of necessary actions to take place, and successful passage of an act to incorporate by the Florida legislature. Therefore, no specific date can be determined at this time. In addition, no estimate was made based on a partial first-year budget. All analysis provided herein is based on a complete fiscal year.

⁴ This timetable assumes that the Local Government Affairs Subcommittee reviews and the Senate approves the feasibility study and proposed charter in 2022.

Feasibility Study Financial Focus – the General Fund

The 5-year operational plan is limited to projecting the revenues and expenditures of the Village of Loxahatchee general fund. No attempt was made to project revenues and expenses for other typical government-wide funds, such as proprietary funds (enterprise funds) or fiduciary funds (trust and agency funds). According to generally accepted accounting principles developed by the Governmental Accounting Standards Board, if Village of Loxahatchee were to establish fiduciary or enterprise funds in the future, these funds are treated differently for accounting purposes (please refer to *Concepts Statement No. 1* of the Governmental Accounting Standards Board), and are typically self-sustaining or propriety-based funds.

For the general fund, revenues are recognized when they are earned and they are measurable and available. “Measurable” means the amount of the transaction is determinable. “Available” means only if the amounts are collectible within the current fiscal period or soon enough thereafter (commonly 60 days) to pay expenditures of the current fiscal period. Expenditures are recognized when the general fund incurs a liability, but only when a payment is due and expected to be paid with available current financial resources. Long-term liabilities such as debt service payments, claims and judgments, and compensated absences are not budgeted or recognized as expenditures in governmental funds until they become due as it is only at that time they are liquidated with current financial resources.

Future Growth Factor

All revenue and expenditure assumptions used herein attempt to model what may actually occur in the future. However, like any model, there are a host of assumptions to baseline the analysis, and therefore different models will likely produce different results. In addition, applying a simple growth factor (such as 3%), may be overly conservative for some revenues and expenditures, such as property tax values and new construction, employee health care costs, wage growth through merit-based incentive pay, or even state share revenues based on consumptions or population. For other revenues and expenditures, a 3% growth rate may be overly optimistic, such as occupational business tax revenues, general operating expenses for departments, or parking ticket revenues. Therefore, this feasibility study uses various growth factors.

Timing of Certain Revenues

Local governments in Florida operate on an October 1 – September 30 fiscal year, however, the State of Florida operates on a July 1 – June 30 fiscal year. In order for the newly incorporated the Village of Loxahatchee to qualify for ad valorem and various state shared revenues, it must meet property appraiser deadlines and comply with state mandated criteria for state shared revenue.

If the Village of Loxahatchee becomes a legal entity on or about August December 31, 2022 and complies with TRIM requirements, it should begin to receive property tax revenues collected by the Palm Beach Property Tax Appraiser between November and January 2023.

The Village of Loxahatchee must meet the criteria established in F.S. § 218.23 to be eligible to participate in revenue sharing beyond minimum entitlement. In order to qualify, it must:

1. Report its finances for the most recently completed fiscal year to the Department of Banking and Finance.

2. Make provisions for annual post-audits of its financial accounts in accordance with the provisions of state law.
3. For local governments, eligible after 1972, levy ad valorem taxes (excluding debt service or other special millage) that will produce the equivalent of 3 mills per dollar of assessed valuation (in the year of incorporation for new local governments) certified by the property appraiser or collect an equivalent amount of revenue from occupational license tax or a utility tax (or both) in combination with the ad valorem tax.
4. Certify that its law enforcement officers, as defined in F.S. § 943.10(1) meet the qualifications established by the Criminal Justice Standards and Training Commissions, and salary plans meet the provisions of Chapter 943, F.S., and that no law enforcement officer receives an annual salary of less than \$6,000; the minimum law enforcement officer salary requirements may be waived if the municipality certifies that it is levying ad valorem taxes at the 10 mills.
5. Certify that its firefighters, as defined in F.S. § 633.30(1), meet the qualifications set by the Division of State Fire Marshal, and that the provisions of F.S. § 633.382 have been satisfied.
6. Certify that each dependent special district that is budgeted separately from the general budget has met the provisions for an annual post-audit of its financial accounts in accordance with the provisions of law.
7. Certify to the Department of Revenue that the requirements of F.S. § 200.065 (TRIM) are met, if applicable, this certification is made annually within 30 days of adoption of an ordinance or resolution establishing a final property tax levy, or not later than November 1 if no property tax is levied.
8. Notwithstanding the requirement that municipalities produce revenue equivalent to a millage rate of 3 mills per dollar of assessed value (as described in #3 above), no municipality that was eligible to participate in revenue sharing in the three years prior to initially participating in half-cent sales tax shall be ineligible to participate in revenue sharing solely due to a millage or a utility tax reduction afforded by the Local Government Half-Cent Sales Tax.

Evidence of Fiscal Capacity and Organization [F.S. § 165.041(1)(b)(8)]

The statute explicitly states that the feasibility study must provide evidence of fiscal capacity and the operational plan including the existing tax bases, ad valorem taxable value, utility taxes, sales and use taxes, franchise fees, license and permit fees, charges for services, and other revenues sources, as appropriate

Section 4.1: Village of Loxahatchee Revenues

There are a variety of revenue sources local governments in Florida can use to pay for services provided within their community. Ultimately, a responsible local government will use a variety of revenue sources that produce long-term financial solvency that satisfies local public services demands. Depending on these needs, local government officials should conscientiously

formulate a mix of revenues that will pay for local government operations and services without unduly burdening the local tax base.

Home rule authority is granted by the Florida State Constitution. Under Home Rule, local governments have the discretion to perform any public service and enact any ordinance unless specifically prohibited by the state. The Florida Constitution restricts local governments to levying taxes that specifically have been enacted by the Florida Legislature. The lone exception is property tax. It is the only local revenue source authorized by the Constitution and is capped at 10 mills for general operating purposes. A mill is equal to \$1 of tax for each \$1,000 of taxable property value.

Ad Valorem Property Tax Revenues [F.S. § 165.041(1)(b)(8)(a)]

Property taxes are based on the value of real and personal property. Each year the Palm Beach County Property Appraiser determines the total value of each parcel of property. The value of residential property is based solely on the value of the real estate, which includes the buildings and improvements. The value of commercial property includes the value of the real estate and all relevant tangible and intangible property. This value is called "assessed value."

All Florida residents are eligible for a Homestead Exemption on their homes, condominiums, coop apartments, and certain mobile home lots if they qualify. Currently there are a number of property tax limitations placed on local governments. Under "Save our Homes" (SOH), the assessed value of homesteaded property cannot increase more than 3 percent each year, unless new construction or improvements occur on the property. The yearly limit varies based on the change in the CPI, but it cannot be more than 3 percent. For most homesteads, this limitation results in an assessed value that is lower than the market value of the home. In addition, *Amendment 1* allows portability of the SOH differential (which is the difference between the assessed value of a homestead and the market value). This portability allows some or all of the difference between the old homesteaded assessed value and its market value can be applied to the assessment of a new home in the first year it is owned. After which the SOH limit will apply for each year thereafter. The value of the portable SOH differential depends on how the value of the new home compares to the value of the old home.

In addition to SOH and Amendment 1 there are other exemptions on property taxes that property owners can claim, including:

- Disability Exemption
- Disability Exemption for Blind Persons
- Exemption for Widowed Persons
- Veteran's Disability Exemption
- Full Exemption for Veteran's Service-Connected Total and Permanent Disability
- Deployed Military Exemption
- Additional Exemption for Combat-Wounded Florida Disabled Veterans
- Full Exemption for Totally and Permanently Disabled Persons
- Surviving Spouse of Military Veteran or First Responder
- "Granny Flat" Exemption
- First Responders Tax Exemption

- Senior Citizen Tax Exemption

Ad valorem taxes are based on taxable value.⁵ The property tax is calculated by multiplying taxable value of property by .001, and then multiplying that number by the rate of taxation, which is referred as "mills" or "millage rate." For example, for a single-family home valued at \$300,000, \$400,000 and \$500,000, with the standard deduction of \$50,000, at a millage rate of 3 mills, they would pay the following:

Table 3: Example of How Much a Single-Family Home would Pay in Property Taxes

Taxable Value of Property	\$300,000	\$400,000	\$500,000
Less Homestead Exemption	(\$50,000)	(\$50,000)	(\$50,000)
Taxable Value	\$250,000	\$350,000	\$450,000
Millage Rate	3 mills	3 mills	3 mills
Tax Bill	\$750	\$1,050	\$1,350

All property taxes are due and payable on November 1 each year or as soon as the assessment roll is certified by the Palm Beach County Property Appraiser. Palm Beach County will mail each property owner a notice of taxes due to the local government and the discount rate for paying taxes (4 percent if paid in November, 3 percent if paid in December, 2 percent if paid in January and 1 percent if paid in February.) There is no discount if taxes are paid in the month of March, and taxes are considered delinquent after April 1.

Identifying Property Tax Values

Assessed value for the Village of Loxahatchee is based on information from the Florida Property Tax Data Portal from the Florida Department of Revenue. Using the GIS parcel shapefile for Palm Beach County, property tax data were joined to the parcel shapefile. Based on the proposed boundary for the Village of Loxahatchee, parcels from the county dataset were selected. Once these parcels were isolated, the data were exported into Microsoft Excel to calculate the assessed value. The property tax categories come from the Property Tax Oversight section of the Florida Department of Revenue.

Table 4: Village of Loxahatchee Property Tax (based on 2020 Assessed Value)

	TOTAL VALUE
Just Value	\$ 4,470,924,966
Assessed Value – School District	\$ 3,240,392,416
Assessed Value – Non-School District	\$ 3,184,130,148
Taxable Value – School District	\$ 2,831,553,994
Taxable Value – Non-School District	\$ 2,487,229,000
New Construction	\$ 53,039,665

⁵ While a complicated formula is used to calculate assessed value, hence property taxes, including deductions, after subtracting all lawful exemptions, the remaining value is called "taxable value."

The Village of Loxahatchee taxable value (non-school district) is \$2,487,229,000.⁶ Based on this valuation, the Village of Loxahatchee property tax revenue for fiscal year 2022-2023 per one mill levied is:

Taxable value	\$2,487,229,000
x the discount factor ⁷	0.95
Revised Taxable Rate	\$2,362,867,550
Millage	1
Estimated Property Tax per mill	\$2,362,868

Using the 2021 taxable value minus the 95% discount factor the following table shows how much revenue the Village of Loxahatchee could collect at different millage rates in FY 2022-2023.

Table 5: Estimated Property Tax Revenue Per Mill

Millage Rate	Estimated Revenue
1	\$2,362,868
2	\$4,725,736
3	\$7,088,604
4	\$9,451,472
5	\$11,814,340
6	\$14,177,208
7	\$16,540,076
8	\$18,902,944
9	\$21,265,812
10	\$23,628,680

Estimating property tax revenues over the 5-year span requires looking specifically at the different components of assessed value of taxable property, including new construction, and the millage rate imposed by the elected body.

- Assessed value of taxable land: Capped consistent with Amendment I and SOH – no more than 3% per annum or the CPI if less than 3%. Please note that this value

⁶ Please note that taxable value for the Village of Loxahatchee does not include property that can be assessed for taxing purposes, including taxable value of personal property for operating purposes, taxable value of centrally assessed property for operating purposes, and new construction. Moreover, the value is based on 2021 assessed values.

⁷ Historically, local governments in Florida have used a 95% discount factor to capture potential property tax appraisal appeals, discounts, delinquencies, and non-payments.

does not account for any future annexations that may occur, the value of new construction, or the sale of current parcels within the Village of Loxahatchee.

- Millage rate: Given this is a policy decision by the elected officials of the Village of Loxahatchee, no attempt was made to estimate future millage rate changes. Therefore, a 3-mill rate is imposed across all five years.
- New construction: As noted on table 4, new construction within the Village of Loxahatchee was \$53,180, 640. Since the community is rather stable in terms of new construction over the last five years, and applying a 3-mill rate to this amount generates \$212,723. Please note that this figure does not account for any future land development occurring within the Village's boundaries.

Based on these conditions, the annual growth rate for property tax revenues in the Village of Loxahatchee will be based on the average taxable value growth based on Palm Beach County Property Tax Appraisers Office (<https://www.pbcgov.org/papa/asps/web/TaxRollInfo.aspx>). The average county growth rate from 2017 to 2020 is based on the total assessed value (line 25) of \$208,805,696,217 in 2017 and 246,164,733,165 in 2020. This represents a 5.97% average increase in county taxable value. To provide more conservative estimates despite this county increase in value, a 4% annual growth rate will be used for this study (which includes the value of new construction).

Table 6: 5-Year Estimate of Property Tax Revenues

	Taxable Value (95% @ 4%)	Estimated Property Tax Revenues Per Mill	Property Tax Revenues - 3 Mills
FY 2022-2023 (Base Year)	\$2,362,868	\$2,362,868	\$7,088,604
FY 2023-2024	\$2,457,383	\$2,457,383	\$7,372,148
FY 2024-2025	\$2,555,678	\$2,555,678	\$7,667,034
FY 2025-2026	\$2,657,905	\$2,657,905	\$7,973,715
FY 2026-2027	\$2,764,221	\$2,764,221	\$8,292,664

Non-Ad Valorem Taxes

According to the Government Finance Officers Association, a non-ad valorem assessment is a special assessment or service charge which is not based on the value of the property. Non-ad valorem assessments are assessed to provide certain benefits to specific properties located within the municipality.

Currently the Indian Trail Improvement District (ITID) is funded, in large part, by a special assessment collected through Palm Beach County's Tax Collector's Office. Each acre or part thereof is assessed based on the services provided to the property. The District is comprised of "Units of Development" which have varying levels of service and assessments. Assessments (Non-Ad Valorem) require developed and undeveloped acres to be assessed by the District at the

same level. These assessments are not ad valorem taxes or millage taxes that vary depending on the appraised value of the property.

Although most properties located in the new municipality will not pay non-ad valorem taxes, there are two sections (the M1 and M2 Basins) that will continue to pay their share of the non-ad valorem tax. Based on projections provided by the ITID, for FY 2022-2023, the expected revenues will be:

M1 Basin is \$2,306,744

M2 Basin is \$241,911

These figures will be included in the operational revenues for the Village of Loxahatchee. Moreover, given the age of the infrastructure located within these two Basins, it is estimated to increase 5% per annum.

Public Service Tax

The Public Service Tax, also called the "Utility Tax", is another substantial revenue source for local governments in Florida. This tax is levied by the local government on specific utility services collected by the utility provider, even if the provider is the local government itself. The tax is incorporated into the utility bill and is based on relative consumption.

Florida Statutes § 166.231 provides local governments the authority to assess a tax based on the purchase of electricity, telephone and telegraph, water and heating fuels (natural gas, propane, fuel oil and kerosene) at a rate not to exceed 10 percent. Many local governments apply this tax on a broader definition of telecommunications, which include intrastate long distance, cellular, pagers, etc. In this case the maximum rate allowed is 7 percent on all applicable telecommunications.

State Shared Revenues

This category is referred to as "revenue sharing." These revenues are collected by one government and shared with other governmental units. The statutory requirements for eligibility in state revenue sharing are addressed in the preceding section of this report. For this study, it is assumed that Indian Trail will comply with all the provisions of state law to qualify for state shared revenues. A one-year lag has been included to recognize that population estimates for state revenue sharing purposes are based on the population of the prior year.

The half-cent sales tax allocation factor for each municipal government is computed by dividing the municipality's total population by the sum of the county's total population plus two-thirds of the county's incorporated population. Each municipality's distribution is determined by multiplying the allocation factor by the sales tax monies earmarked for distribution within its respective county. A one-year lag in population reporting for purposes of computing the half-cent sales tax revenue has been incorporated into the per capita estimates for Indian Trail.

Franchise Fees

Franchise fees are typically levied on a company or utility for the privilege of doing business within the local government's jurisdiction and/or for utilizing a local government's right-of-way to transact business. A 1987 Florida League of Cities survey indicates that franchise fees are levied on electricity, telephone (1 percent maximum), water, sewer, natural gas, cable television (5 percent maximum), solid waste collection, taxis, marinas, mass transit and golf courses. These fees are generally levied at rates of up to 6 percent of gross billings, except where noted above.

Intergovernmental Revenues, Licenses and Permit Fees

No attempt was made to model the various formulas used by the Florida Department of Revenue for determining state shared revenues. In addition, no effort was made to estimate potential federal or state grants or other intergovernmental revenues, such as federal payments in lieu of taxes (Chapter 69, Title 31 of the United States Code). These revenue sources, although typically minor in comparison to shared revenues, are dependent on the Village of Loxahatchee and various levels of government agreeing to establish these payments.

For each of the revenue items identified below, a simplified procedure was used. It is based on the premise that since the Village of Loxahatchee is located in unincorporated Palm Beach County, the per capita share of the County's revenues can be used to estimate these revenue sources for the Village of Loxahatchee. The formula applied is:

- Palm Beach County FY 2021 Revenue Estimates
- 2020 Unincorporated Population of Palm Beach County: 1,466,494⁸
- Palm Beach County Revenue Per Capita
- Village of Loxahatchee Population 2021 Estimate (42,987)

In addition to the standard Intergovernmental revenues where Palm Beach County was used to base the projections on for the Village of Loxahatchee, an additional source has to be computed. Again, as a policy decision by the Village of Loxahatchee's legislative body, they can impose an additional 1/6 cent sales tax. For this study, it is assumed that the Village of Loxahatchee will impose this additional sales tax.

Table 7: Intergovernmental and Franchise Revenue Estimates

Revenue Category	Palm Beach County FY 2021 Budget	Palm Beach County Population	Per Capita Rate	Village of Loxahatchee Population	Village of Loxahatchee Estimated Base Revenues
Licenses, Permits & Other Taxes					
Franchise Fee	35,245,000	1,466,494	24.0335	42,987	1,033,128

⁸ The unincorporated population of Palm Beach County was taken from the "Population Allocation Model" developed by the County Planning Division, and retrieved from <https://discover.pbcgov.org/pzb/planning/Projects-Programs/Population-Demographics.aspx>.

Utility Service Tax	44,690,000	1,466,494	30.474	42,987	1,309,986
Local Option Gas Taxes	52,420,000	1,466,494	35.7451	42,987	1,536,575
Communications Services Tax	17,412,000	1,466,494	11.8732	42,987	510,393
Building Permits	24,000,000	1,466,494	16.3656	42,987	703,508
Other Licenses, Permits & Other Taxes	9,456,621	1,466,494	6.4485	42,987	277,202
Licenses, Permits & Other Taxes	\$183,223,621				\$5,370,791

Intergovernmental Revenues

State Shared Revenue	34,230,000	1,466,494	23.3414	42,987	1,003,377
½ Cent Sales Tax	94,290,000	1,466,494	64.2962	42,987	2,763,901
Constitutional Gas Tax	18,784,000	1,466,494	12.8088	42,987	550,612
Intergovernmental Revenues	\$147,304,000				\$4,317,889

Population growth rate factor produced by ESRI (1.45%) is used to annualize the base moving forward.⁹

Table 8: Village of Loxahatchee Intergovernmental Revenue Estimates

Revenue Category	FY 2022-2023	FY 2023-2024	FY 2024-2025	FY 2025-2026	FY 2026-2027
Licenses, Permits & Other Taxes					
Franchise Fee	1,033,128	1,048,108	1,063,306	1,078,724	1,094,365
Utility Service Tax	1,309,986	1,328,981	1,348,251	1,367,800	1,387,634
Local Option Gas Taxes	1,536,575	1,558,855	1,581,458	1,604,389	1,627,653
Communications Services Tax	510,393	517,794	525,302	532,919	540,646
Building Permits	703,508	713,709	724,058	734,557	745,208
Other Licenses, Permits & Other Taxes	277,202	281,221	285,299	289,436	293,632
Licenses, Permits & Other Taxes	\$5,370,791	\$5,448,668	\$5,527,674	\$5,607,825	\$5,689,138
Intergovernmental Revenues					
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
Intergovernmental Revenues	\$5,240,816	\$5,316,808	\$5,393,902	\$5,472,114	\$5,551,459

User Fees (Charges for Services)

The Florida Comptroller defines user fees as "voluntary payments based on direct measurable consumption of publicly provided goods and services." User fees are derived from charges for water, waste water, natural gas, electricity, mass transit, garbage collection, parks and recreation,

⁹ According to the Palm Beach County Planning Department the population growth of the unincorporated area from 2020 – 2025 is estimated to be 5.50%. Therefore, the ESRI estimate may underestimate the actual growth of these revenue sources.

building inspections, public transportation, special public safety services and a variety of other goods and services.

User fees have substantially increased as a proportionate share of a municipal budget since the 1970's. For some services, fees are charged at rates below the actual cost and partially are offset by taxes. This is necessary for some services so that residents on fixed incomes are not excluded due to high prices. For other services, user fees cover the full cost of service delivery.

For the purpose of this study, it is assumed that the Village of Loxahatchee will charge for various services, including planning and zoning fees, athletic programs and summer camps, and lot mowing and clearing. However, since the actual rate and what is to be charged are policy decisions, revenues from this source is estimated to be \$300,000. This value was based on a Sister-City analysis conducted for this study (please refer to Appendix A for a discussion of the Sister-City benchmark process). More importantly, if the Village of Loxahatchee decided not to charge for these services, it would have no material effect on this feasibility study, i.e. no significant impact on the ability of the Village of Loxahatchee to pay for expected operational expenses.

Fine and Forfeitures

Fines and forfeitures are financial penalties imposed for violations of the law. Fines include moving and parking tickets (including those from traffic cameras), court-imposed fines, and other criminal justice-related charges and penalties. A forfeiture is when the police seize property that is believed to be connected to a crime. (The US Census Bureau excludes library fines, sales of confiscated property, and any penalties relating to tax delinquency from these totals).

Although fines constitute a small share of the overall revenue for local governments in the State, depending on the nature of certain forfeitures, this could be material. However, for this feasibility study, only code enforcement, public safety, and false alarm fines are included in the revenue mix. Moreover, since the amounts are insignificant to the overall revenue total, these sources are projected to remain the same over the study horizon at \$5,000 for code enforcement fines, \$4,000 for public safety fines, and \$1,000 for false alarm fines.

Interest Income

During any fiscal year, local governments will have idle cash that should be invested, even short-term. According to the Government Finance Officers Association (GFOA), *Best Practices: Investment Policy*, local governments should develop an investment policy that describes how the entity will invest government funds, including investment objectives, preferences or tolerance for risk, constraints on the investment portfolio, and how the investment program will be managed and monitored.

For this study, a minimum amount of interest income is provided. This is based in part on the Village of Loxahatchee developing an investment policy, and in part on the fact that during certain times during the year, the Village of Loxahatchee will have cash to pay bills. Given there is no policy in place currently, it is assumed that the majority of interest income will come from short-term investments, as defined by the GFOA.

For this study, only \$20,000 in interest income was used, and no adjustments for future growth was offered.

Miscellaneous Income

Miscellaneous income basically represents all other sources that are not expressly captured from the revenue categories discussed above. These typically include sale of surplus equipment, rents and royalties, sponsorships, and donations.

Like charges for operating services, fines and forfeitures, and interest income, miscellaneous income typically produces limited revenues for local governments in Florida. Therefore, a minimum of \$50,000 is used for this study. Moreover, no projections were made for future years.

Table 9 provides the base and projected revenues by source for the Village of Loxahatchee. It becomes quickly apparent that a number of other revenue sources could have been included for this study, but since many of these others sources are immaterial to the overall fiscal health of a local government, they were not included herein.

Table 9: 5-Year Village of Loxahatchee Revenue Projections

REVENUES	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027
AD VALOREM TAXES					
Ad Valorem Taxes (3 mills)	7,088,604	7,372,148	7,667,034	7,973,715	8,292,664
Non-Ad Valorem Taxes	2,548,655	2,676,088	2,809,892	2,950,387	3,097,906
Total Ad Valorem	9,637,259	10,048,236	10,476,926	10,924,102	11,390,570
UTILITY SERVICE TAX					
Utility Service Tax	1,309,986	1,328,981	1,348,251	1,367,800	1,387,634
Total Utility Service	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
Total Other Taxes	2,046,968	2,076,649	2,106,760	2,137,308	2,168,299
FRANCHISE FEES					
Electric Franchise Fees	1,033,128	1,048,108	1,063,306	1,078,724	1,094,365
Total 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	1,000	500	500	500	500
Total Permits and Fees	709,508	719,209	729,558	740,057	750,708
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
Total State Shared Revenue	5,240,816	5,316,808	5,393,902	5,472,114	5,551,459
CHARGES FOR SERVICES					
Charges for Services	300,000	300,000	300,000	300,000	300,000
Total 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
Total Fines & Forfeitures	10,000	10,000	10,000	10,000	10,000
INVESTMENT INCOME					
Interest Income	20,000	20,000	20,000	20,000	20,000
Total Interest Income	20,000	20,000	20,000	20,000	20,000
MISCELLANEOUS INCOME					
Debt Revenue	1,734,250	1,734,250	1,734,250	1,734,250	1,734,250
Miscellaneous Income	50,000	50,000	50,000	50,000	50,000
Total Miscellaneous	1,784,250	1,784,250	1,784,250	1,784,250	1,784,250
TOTAL G/F REVENUES	22,091,915	22,652,241	23,232,953	23,834,355	24,457,285

Section 4.2: Village of Loxahatchee Expenditures

According to F.S. 165.041(1)(b), a feasibility study for incorporation requires a listing of the services to be provided within the proposed incorporation area and their estimated costs. This section details the expenditures associated with operating the Village of Loxahatchee government. As noted in the proposed Charter, the Village of Loxahatchee will be a full-service municipality. Moreover, since there are two Basins currently within the ITID (the M1 and M2 Basins), and given these two units will be identified as a dependent district within the Village of Loxahatchee, the expenditures associated with the two Basins are included in the General Fund.

Exclusions from Village of Loxahatchee Operational Budget

Certain operations that some local governments provide, such as solid waste, water and wastewater treatment services, and even electrical power, will not be provided directly by the Village of Loxahatchee. Each one of these major services, and justification for not including them in the operational plan for Village of Loxahatchee is provided below.

Solid Waste: If the voters in the Village of Loxahatchee vote for incorporation, consistent with current practices, the existing solid-waste contracts will be honored for, at minimum, five years [F.S. § 165.041(1)(b)(11)]. The Local Government Formation Manual specifically states “The plan for any incorporation must honor existing contracts

for solid waste collection services in the affected areas for the shorter of five years or the remainder of the contract term” (p. 19). Therefore, the Solid Waste Authority of Palm Beach will continue to collect residential and commercial garbage and trash within the Village of Loxahatchee. Since residents and businesses in the Village of Loxahatchee currently pay for these services, there is no additional expenses included in this feasibility study.

Water and Wastewater Services: In the Village of Loxahatchee, a significant majority of residential units are currently on well-water and septic. Moreover, for those commercial and residential units who currently receive Palm Beach County Water Utilities Department services, there are no additional expenses associated with providing water and wastewater for the Village of Loxahatchee.

Contracted Services

The second important part of the expenditures analysis regards specific services that will be contracted rather than actually provided by the Village of Loxahatchee. Here is the list of contracted services.

Legal Services: For the entire part of this feasibility study, it is assumed that the Village of Loxahatchee will contract with a legal firm that specializes in local government law. The original agreement will be for three years, with one-year renewable contracts thereafter. The base price is estimated to be \$316,000 with an escalation clause that increases the contract price 5% in the 4th year.

Police: Palm Beach County Sheriff’s Department currently provides policing services within the proposed municipal boundaries of the Village of Loxahatchee. The Sheriff’s Office noted that if they were to provide the same level of services to the area, it would cost around \$6,500,000 (email to Mr. Hanson from Major Eric Coleman, Palm Beach County Sheriff’s Office). Consequentially this amount will be used for the first three years (contractual arrangement) for estimating future costs. From there, it is anticipated that a new contract with the Village of Loxahatchee will be negotiated, with a potential escalation of costs. This increase is projected to be 10% from the current base for the final two years of the projections.

Fire and EMS: Pursuant to F.S. 125.01(1)(q) and (r), the Florida Legislature has empowered counties to establish Municipal Service Taxing Units (“MSTU”s) and to levy a tax within the MSTU for certain essential municipal services, including the provision of fire-rescue services. Currently, Palm Beach County Fire Rescue operates a MSTU for unincorporated areas, as well as providing services to a number of local governments in the county. Therefore, the Village of Loxahatchee, pursuant to Section 125.01(1)(q), will remain within the Fire Rescue MSTU. As a result, there is no additional costs associated with providing these services.

General Governmental Expenditures

The three major expenditure categories as defined by the State of Florida *Uniform Accounting System Manual*¹⁰ are used herein to estimate expenditures for each department in the general fund.

Personnel Expenses

For each position used to compute personnel expenditures, two approaches were used. For those positions that are currently occupied by ITID personnel, those actual costs are included. For any new position, the Bureau of Labor Statistics (BLS), *Occupational Outlook Handbook* was used to establish baseline salaries. For example, according to the BLS, the median pay for a code enforcement officers were \$62,860, while a recreation supervisor is \$28,440 per year. In addition to new positions salaries, calculations for Social Security/FICA, Medicare, unemployment, workmen's compensation, healthcare, and retirement were estimated based on the U.S. Small Business Administration, which states that it generally costs between 1.25 to 1.4 times the annual salary for employees for these benefits. Therefore, each salary line includes a 1.3% multiplier to capture these additional personnel expenses. These additional expenses were also compared to the ITID average costs, which was approximately 30%. Other personnel expenses, such as accumulated vacation and sick leave were not added to the estimated costs. For future year estimates, all personnel costs are expected to increase 2.5%.

Operating Expenditures:

Operating expenditures typically include all the materials and supplies, and other associated operating costs (i.e. utilities and rent, training and travel) that are related to providing the programs/services of each department. Basically, these expenditures include goods and services, which primarily benefit the current period, and are not defined as personal services or capital outlays.

Like personnel costs, actual ITID operating expenses are used to establish the baseline estimates. For those new activities/departments, according to U.S. Census Bureau, *2019 State & Local Government Finance Historical Datasets and Tables*,¹¹ approximately 42% of the actual cost of direct local government expenditures are associated with operating and capital expenses. This was computed by taking current operational expenses for local government (\$1,276,519,167) and divide this by salaries and wages (\$736,643,392). The next step was to isolate the operating expenses by removing capital outlays, assistance and subsidies, interest on debt, and insurance benefits and repayments. Based on this analysis, it was determined that operating expenses represented 26% of all local government expenditures, and was used for those departments where actual operating costs had to be estimated.

¹⁰ Uniform Accounting System File, Retrieved from

<https://www.myfloridacfo.com/division/aa/manuals/localgovernment/2011uasmanualcounty122910.pdf>

¹¹ Annual Survey of State and Local Government Finances, Retrieved from <https://www.census.gov/programs-surveys/gov-finances.html>

Capital Outlays:

Capital outlays are divided into two separate classes. Those typically associated with operating a department and cost less than \$10,000 are classified as capital expenditures and are treated as part of the department's budget. For example, general operating capital would include office furniture, office equipment, and computer hardware and software. Using the same logic as operating expenses above, capital expenditures account for 16% of local government expenditures.

Those capital items which are projected to last longer than three years and cost more than \$10,000 are typically itemized within the Capital Fund. Capital grouped under this category would include major equipment, buildings, and technology infrastructure. Moreover, how the Village of Loxahatchee may want to finance these items is a policy decision beyond this study – for example the Village of Loxahatchee could issue debt, use pay-as-you-go financing, or even lease these items through a public-private partnership. Therefore, major capital expenditures are not captured herein.

The current capital assets of the ITID that will be rolled forward to the Village of Loxahatchee are as follow:

Table 10: Capital Assets Rolled Forward Schedule

	Balance 9/30/2019	Additions	Reductions	Balance 9/30/2020
Not being depreciated:				
Land	2,610,721	-	-	2,610,721
Land improvements	14,831,986	-	-	14,831,986
Construction in progress	5,918,877	2,105,531		8,024,407
	23,361,584			25,467,114
Being depreciated:				
Park improvements	5,760,362			5,760,362
Roads and pathways	22,849,681			22,849,681
Buildings	874,980			874,980
Drainage structures	8,103,541	66,198.00		8,169,739
Machinery and equipment	6,649,655	1,185,824	833,076	7,002,403
	44,238,219			44,657,164
Accumulated depreciation:				
Park improvements	(4,288,504)	(186,241)		(4,474,745)
Roads and pathways	(11,970,595)	(779,959)		(12,750,553)
Buildings	(850,209)	(3,009)		(853,218)
Drainage structures	(4,778,211)	(311,999)		(5,090,210)
Machinery and equipment	(4,624,840)	(454,893)	(724,700)	(4,355,033)
	(26,512,358)	(1,736,101)	(724,700)	(27,523,759)

Total being depreciated, net	17,725,860	(1,736,101)	(724,700)	17,133,405
Grand total, net	41,087,444	(1,736,101)	(724,700)	42,600,520

The following table itemizes the positions, associated operating and capital expenditures for the Village of Loxahatchee along with the five-year operational forecast. Please note that that the amount for the Mayor and Council Members are solely for their pay and benefits per the Code, with a 1% annual growth rate. All other expenses, such as travel, memberships, etc. are included in the operating expenses for the Village.

Table 11: 5-Year Village of Loxahatchee Expenditure Projections

EXPENDITURES		2022-2023	2023-2024	2024-2025	2025-2026	2026-2027
ADMINISTRATION						
Mayor and Commission		119,600	120,796	122,004	123,224	124,456
City Manager's Office						
	Village Manager	261,947	268,496	275,208	282,088	289,140
	Chief Construction Officer	173,697	178,039	182,490	187,053	191,729
	Administrative Secretary	85,180	87,310	89,492	91,730	94,023
Legal Counsel	Contract Services	316,000	316,000	316,000	316,000	328,640
City Clerk	Village Clerk	67,331	69,014	70,740	72,508	74,321
Information Technology						
	Network and Media Specialist	83,959	86,058	88,209	90,415	92,675
Human Resources						
	Chief Human Resources Officer	121,134	124,162	127,266	130,448	133,709
	Total Administration	1,228,848	1,249,875	1,271,410	1,293,465	1,328,694
FINANCE						
Director's Office						
	Chief Financial Officer	145,055	148,681	152,398	156,208	160,114
	Finance Director	95,000	97,375	99,809	102,305	104,862
Financial Operations						
	Senior Accountant	88,785	91,005	93,280	95,612	98,002

	Accountant	79,946	81,945	83,993	86,093	88,245
	Accounting Specialist	68,592	70,307	72,064	73,866	75,713
Purchasing	Purchasing Specialist	83,112	85,190	87,320	89,503	91,740
	Total Finance	560,490	574,502	588,865	603,586	618,676

PLANNING AND ZONING

Director's Office and Staff

	Planning Director	126,750	129,919	133,167	136,496	139,908
	Development Review Coordinator	66,950	68,624	70,339	72,098	73,900
	Administrative Assistant	50,180	51,435	52,720	54,038	55,389

Code Enforcement

	Code Enforcement Officer	88,004	90,204	92,459	94,771	97,140
	Code Enforcement Officer	88,004	90,204	92,459	94,771	97,140

	Total Planning and Zoning	419,888	430,385	441,145	452,173	463,478
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BUILDING DEPARTMENT

Director's Office and Staff

	Building Official	123,714	127,425	131,248	135,185	139,241
	Administrative Assistant	50,180	51,685	53,236	54,833	56,478

Inspectors

	Building Inspector	75,009	77,259	79,577	81,965	84,424
	Plumbing Inspector	70,361	72,472	74,646	76,886	79,192
	Mechanical Inspector	59,031	60,802	62,626	64,505	66,440
	Electrical Inspector	72,100	74,263	76,491	78,786	81,149
	Building Permit Supervisor	89,522	92,207	94,973	97,823	100,757

Building Code Compliance Officer	61,564	63,411	65,313	67,272	69,290
Total Building Department	601,480	619,525	638,111	657,254	676,971

PUBLIC WORKS/OPERATIONS

Director's Office

Chief Operating Officer	128,566	131,780	135,075	138,452	141,913
Assistant Director of Ops	118,193	121,148	124,177	127,281	130,463
Administrative Assistant	50,180	51,435	52,720	54,038	55,389
Customer Service Rep	51,462	52,749	54,067	55,419	56,804
Capital Improvement Sup.	79,750	81,744	83,787	85,882	88,029
Total Director's Office	428,151	438,855	449,826	461,072	472,599

Roads

Crew Chief	307,223	314,903	322,776	330,845	339,117
Grader MEO III	401,883	411,930	422,228	432,784	443,604
Maint Equip Oper 1	94,732	97,100	99,527	102,015	104,566
Maint Equip Oper 2	386,188	395,843	405,739	415,883	426,280
Maint Equip Oper 3	390,806	400,576	410,591	420,855	431,377
Roadway Management Sup.	92,390	94,700	97,067	99,494	101,981
Sign Tech	50,267	51,524	52,812	54,132	55,485
Total Roads	1,723,489	1,766,576	1,810,740	1,856,009	1,902,409

Stormwater

Assistant Pump Operator	52,444	53,755	55,099	56,476	57,888
Pump Ops Supervisor	67,349	69,033	70,759	72,528	74,341

Total Stormwater	119,793	122,788	125,858	129,004	132,229
Canal Maintenance					
Crew Chief	153,611	157,452	161,388	165,423	169,558
Mowing MEO I	139,702	143,195	146,774	150,444	154,205
Mowing MEO II	156,279	160,186	164,191	168,295	172,503
Mowing MEO III	63,697	65,289	66,922	68,595	70,310
Maint Equip Oper 1	47,366	48,550	49,764	51,008	52,283
Maint Equip Oper 2	165,509	169,647	173,888	178,235	182,691
Maint Equip Oper 3	130,269	133,525	136,864	140,285	143,792
Total Canal Maintenance	856,433	877,844	899,790	922,285	945,342
Fleet					
Dump Truck MEO 3	195,549	200,438	205,449	210,585	215,850
Fleet Mechanic	159,207	163,187	167,267	171,449	175,735
Fleet Supervisor	102,851	105,422	108,058	110,759	113,528
Total Fleet	457,607	469,047	480,773	492,793	505,113
Capital Projects					
Crew Chief	76,806	78,726	80,694	82,711	84,779
Maint Equip Oper 1	47,366	48,550	49,764	51,008	52,283
Maint Equip Oper 2	110,340	113,098	115,925	118,824	121,794
Maint Equip Oper 3	65,134	66,763	68,432	70,143	71,896
Total Capital Projects	299,645	307,136	314,815	322,685	330,752

Total Public Works/Operations		3,885,118	3,982,246	4,081,802	4,183,847	4,288,443
PUBLIC SAFETY						
Police Fire & EMS	Contract with PBSO	6,500,000	6,500,000	6,500,000	7,150,000	7,150,000
	MSTU	0	0	0	0	0
Total Public Safety		6,500,000	6,500,000	6,500,000	7,150,000	7,150,000
PARKS AND RECREATION						
Director's Office						
Parks & Rec Director		121,722	124,765	127,884	131,081	134,358
Facilities, Parks & Rec. Manager		77,940	79,889	81,886	83,933	86,031
Parks & Recreation						
Equestrian Specialist		58,558	60,022	61,522	63,061	64,637
Park Specialist I		316,627	324,543	332,656	340,973	349,497
Park Specialist II		158,227	162,183	166,237	170,393	174,653
Recreation Specialists		53,909	55,257	56,638	58,054	59,505
Total Parks and Recreation		786,983	806,658	826,824	847,495	868,682
OPERATING EXPENSES						
Accounting & Auditing Fees		70,000	70,000	70,000	70,000	70,000
Books, Publications, Dues, Subscriptions		6,310	6,310	6,310	6,310	6,310
Charges and Fees		9,281	9,281	9,281	9,281	9,281
Chemicals		100,000	100,000	100,000	100,000	100,000
Computer Programming & Maintenance		145,900	145,900	145,900	145,900	145,900
Contractual Services - Janitorial		24,900	24,900	24,900	24,900	24,900

Contractual Services - Other	389,165	389,165	389,165	389,165	389,165
Contractual Services - Professional	148,400	148,400	148,400	148,400	148,400
Deputy Sheriffs	35,000	35,000	35,000	35,000	35,000
Dyed Diesel Fuel	315,000	315,000	315,000	315,000	315,000
Education & Training	10,000	10,000	10,000	10,000	10,000
Engineering Fees	339,000	339,000	339,000	339,000	339,000
Equipment Leasing, Long-Term (Non - Capital)	213,195	213,195	213,195	213,195	213,195
Equipment Rental, Short - Term	110,100	110,100	110,100	110,100	110,100
Gasoline	15,000	15,000	15,000	15,000	15,000
General Insurance	260,000	260,000	260,000	260,000	260,000
Grass Carp	10,000	10,000	10,000	10,000	10,000
Janitorial Supplies	14,600	14,600	14,600	14,600	14,600
Lubricants And Fluids	34,222	34,222	34,222	34,222	34,222
Maintenance - Asphalt Roads And All Sidewalks (Unit Specific)	143,400	143,400	143,400	143,400	143,400
Maintenance - Canals (Basin Specific)	687,100	687,100	687,100	687,100	687,100
Maintenance-Non - Asphalt Roads (Unit Specific)	1,350,000	1,350,000	1,350,000	1,350,000	1,350,000
Maintenance - Pumps And Structures (Basin Specific)	98,300	98,300	98,300	98,300	98,300
Meetings/Meals	2,750	2,750	2,750	2,750	2,750
NPDES	16,300	16,300	16,300	16,300	16,300
Postage & Delivery	600	600	600	600	600
Printing, Signage & Forms	4,000	4,000	4,000	4,000	4,000
Public Relations, Legal Notices	17,500	17,500	17,500	17,500	17,500
Records Management	8,000	8,000	8,000	8,000	8,000
Reimbursable Expenses	-13,699	-13,699	-13,699	-13,699	-13,699
Repairs & Maintenance - Building	88,650	88,650	88,650	88,650	88,650
Repairs & Maintenance - Equipment	263,100	263,100	263,100	263,100	263,100
Repairs & Maintenance - Fields & Grounds	164,400	164,400	164,400	164,400	164,400

Repairs & Maintenance - Vehicles	81,730	81,730	81,730	81,730	81,730
Safety Supplies	4,700	4,700	4,700	4,700	4,700
Surveying Supplies	7,900	7,900	7,900	7,900	7,900
Telemetry	3,500	3,500	3,500	3,500	3,500
Telephones & Communications	54,500	54,500	54,500	54,500	54,500
Tools	22,410	22,410	22,410	22,410	22,410
Trash Pickup	69,900	69,900	69,900	69,900	69,900
Travel	12,000	12,000	12,000	12,000	12,000
Uniforms	40,875	40,875	40,875	40,875	40,875
Utilities	180,650	180,650	180,650	180,650	180,650
Water Quality Sampling	14,400	14,400	14,400	14,400	14,400
Total Operating	5,573,039	5,573,039	5,573,039	5,573,039	5,573,039

CAPITAL – OPERATING

Capital Outlay-Computer Equipment	30,000	30,000	30,000	30,000	30,000
Capital Outlay-Vehicles	70,000	70,000	70,000	70,000	70,000
Total Capital - Operating	100,000	100,000	100,000	100,000	100,000

DEBT SERVICE

Principal Payments	1,520,000	1,520,000	1,520,000	1,520,000	1,520,000
Interest Payments	207,950	207,950	207,950	207,950	207,950
Other Debt Service Costs	6,300	6,300	6,300	6,300	6,300
Total Debt Service	1,734,250	1,734,250	1,734,250	1,734,250	1,734,250

TOTAL EXPENDITURES

21,390,097	21,570,480	21,755,446	22,595,110	22,802,234
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Data and Analysis to Support that Incorporation is Necessary and Financially Feasible under [F.S. § 165.041(1)(b)(9)]

The ability of the Village of Loxahatchee to develop a self-governed, multi-purpose municipality in order to maintain and preserve, on a local level, its rural charm and community identity, is limited by the fact that it is an unincorporated section of Palm Beach County. Self-governance will allow the Village of Loxahatchee to meet its stated goals of preserving the existing quality of life and maintaining the existing natural environment, providing residents direct control over future land use and other quality of life issues within the Village of Loxahatchee, and to take a long-range look at what future impacts and adjacent land development will have on the Village of Loxahatchee. Ultimately incorporation is necessary so the Village of Loxahatchee can return a greater share of statewide collected tax dollars to the community and build a community-centered land use plan that maintains the rich quality of life and living environment under the control of current and future residents.

Despite much of the area existing as a Census Designated Place, the U.S. Census and the State of Florida do not have accurate, current data, nor are projections applicable to this geographic area at either the federal, state, or county level. Given these issues regarding the lack of available data, ESRI 5-year projections were used. These projections combine publicly-available data and privately-purchased data to create their projections at the local level. These projections, based on multiple sources of data, are used to triangulate local projects. Specifically, their Methodology Statement: 2020/2025 ESRI Updated Demographics white paper (available at <https://doc.arcgis.com/en/esri-demographics/reference/methodologies.htm>) points out that using recent U.S. Census data, whether from the most recent decennial census and/or American Community Survey, may result in great inaccuracy related to smaller geographies in unincorporated areas. Moreover, the ESRI projections use cohort-survival methodologies similar to what the State of Florida's Office of Economic & Demographic Research for their projections. The difference is that the Office of Economic & Demographic Research projections cannot easily be applied to smaller-scale, unincorporated geographies. Finally, ESRI made conservative adjustments based on the population and employment impacts from COVID-19.

To measure population, change at smaller geographic levels, ESRI utilizes three different sources: Experian, the U.S. Postal Service, Metrostudy, and Axiometrics. The U.S. Postal Service has monthly counts of residential deliveries for every single postal route in the entire country. This data source provides a far more accurate picture of household growth and decline than other public data sources. Mail carrier routes, though, often overlap, especially in smaller areas that are unincorporated. To address this overlap issue, ESRI created a database called Address Based Allocation back in 2005 to provide better baseline data for their projections. This database links carrier routes to block groups. Perhaps more importantly, the accuracy of these data was independently tested by four different outside vendors, with the accuracy of ESRI's methodology existing as the most accurate estimate. The data from Metrostudy include construction projects by location. These data contain the number of units planned, an inventory of units under construction, sold, and/or closed, the type of housing, and the target markets. Axiometrics housing data is used to ensure that the multifamily housing market is included for rental properties as well as student apartments. The newest estimates generated by ESRI, with the inclusion of the Axiometrics rental data, means that the most recent projections are far more accurate in capturing rental properties.

Evaluation of Available Alternatives to Address Policy Concerns under [F.S. § 165.041(1)(b)(10)]

Status Quo: If the residents in the proposed area do not vote in favor of incorporation, all current services will remain under the provision of the Indian Trail Improvement District and Palm Beach County.

Special Taxing District: Unlike a municipality, a special district does not have the same legal rights, such as the ability to use Home Rule for governance to its fullest extent. In addition, if the Village of Loxahatchee is not incorporated, the Indian Trail Improvement District will continue to provide certain services. Those services not directly provided by Indian Trail Improvement District would not qualify for creating another special district in the proposed municipal boundaries.

Annexation/Merger with an Existing Municipality: One of the major reasons that the Village of Loxahatchee wants to create its own municipality is to control land use. A quick review of surrounding localities, one can quickly see that their land use philosophy and that of the Village of Loxahatchee are not necessarily in unison. In fact, given the Village of Loxahatchee is the only remaining area in the county that provides equestrian trails, dirt roads, and similar rural characteristics, none of the surrounding communities would provide a fit.

County Neighborhood Overlay: The community could work with the County to try to create an overlay that would protect the existing land uses and create codes specific to the area. However, this option is not likely to be a successful option. This option would require support from the county commission. It would be lengthy process. It would increase costs to the county to create separate rules, as well as provide separate and unique code enforcement for rules created in the overlay. This option would subject the County to other unincorporated areas requesting the same privileges resulting in unique rules for many areas in the County. Discussions with the County staff regarding this option, does not seem appealing or desirable to the staff. Furthermore, it would not address the potential to have areas of the community annexed into other municipalities.

Information about the County's Municipal Overlay [F.S. § 165.041(1)(c)]

No municipal overlay was adopted or exists for the Village of Loxahatchee by Palm Beach County.

Evidence that the Proposed Municipality Meets the Requirements for Incorporation under [F.S. § 165.061]

The proposed boundaries for the Village of Loxahatchee meet all the feasible requirements with the exception of being located at least two miles from the nearest municipality. Despite this distance issue, the Village of Loxahatchee meets the population size and density requirements, is amenable to separate municipal government, has a charter that prescribes a council-manager form of government, and enables the legislative body to levy taxes under the Florida Constitution.

Conclusion

This feasibility study demonstrated that the Village of Loxahatchee satisfies all the requirements stated in Florida State statutes and conforms to the criteria for incorporation identified in the *Local Government Formation Manual, 2020-2022* except for the 2-mile separation between the proposed municipality and surrounding municipalities. The existing population meets the population requirement as well as the population density requirement. Due to the fast rate of growth and development in Palm Beach County over the last two decades, the minimum distance requirement is not met due to municipalities that were recently incorporated. Moreover, several surrounding municipalities annexed properties over the last decade that border the area to be incorporated. The fact that the area meets the population requirements based on existing, not proposed, population benchmarks demonstrate the feasibility of this area to be self-governed. Finally, the creation of the municipal charter provides a viable framework for governance of the area to be incorporated.

Appendix A: Sister-City Benchmark Analysis for Village of Loxahatchee

To establish a reasonable baseline to judge the estimates used in this feasibility study, a benchmark analysis was conducted. A benchmark is defined as “a standard or point of reference against which things may be compared or assessed” (Oxford Languages). To establish a benchmark, and consistent with benchmarking practices, a sister city comparison was used in this study to judge the validity of certain estimates.

Sister City Comparison for Benchmark Analysis

Data were gathered from 18 comparable cities in Florida based upon population, median household income, and per capita income. Of these 18 comparable cities, the list was narrowed to the following 5 communities. These cities were selected based on the fact that they were the closest in terms of population to the Village of Loxahatchee within the State.

Table 12: Cities Used for Benchmark Purposes

<u>City</u>	<u>Population</u>	<u>Median Household Income</u>
Greenacres	41,117	49,884
Altamonte Springs	44,143	52,888
North Miami Beach	43,041	43,788
Village of Loxahatchee	42,987	92,144
Winter Garden	46,051	73,739
Royal Palm Beach	40,396	82,852

For each of the benchmark cities, FY 2020 budget data was collected regarding their individual revenues and expenditures. The full results of this analysis are provided on Table 13. Based on these calculations, revenues and expenditures are compared using the sister cities estimates and the estimates provided above. Again, this is solely for benchmarking purposes and to check the validity of the estimated revenues and expenditures for the Village of Loxahatchee.

Table 13: Table A1: Sister-City Comparison

	Greenacres	Altamonte Springs	North Miami Beach	Winter Garden	Royal Palm Beach	Average	Village of Loxahatchee
Population	41,117	44,143	43,041	46,051	40,396		42,987
Median Household Income	\$49,884	\$52,888	\$43,788	\$73,739	\$82,852	for All Cities	\$92,144
GENERAL FUND REVENUES							
Ad Valorem	12,117,534	10,420,878	20,020,335	16,172,254	5,436,026	12,833,405	7,117,701
Utility Services	3,025,165	4,206,800		5,561,982	4,572,387	4,341,584	1,309,986
Other Taxes	2,211,004	3,405,000	15,940,450	275,642	2,681,564	4,902,732	5,628,751
Intergovernmental Revenues	5,470,120	5,101,000	7,052,876	10,315,853	5,364,528	6,660,875	5,240,816
Permit and Fees	2,567,875	4,961,000	877,750	5,420,508	1,122,868	2,990,000	709,508
Charges for Services	4,740,682	7,169,161	1,560,456	4,676,113	475,300	3,724,342	300,000

Fines and Forfeitures	113,400	205,000	1,755,000	53,727	446,500	514,725	10,000
Miscellaneous Revenues	778,211	718,400	12,665,680	910,161	1,121,935	3,238,877	1,804,250
TOTAL G/F REVENUES	31,023,991	36,187,239	59,872,547	43,386,240	21,221,108	39,206,542	22,121,012

GENERAL FUND EXPENDITURES

City Commission	238,809	240,000	513,683	241,273	301,652	307,083	119,600
City Manager	392,403	317,967	1,573,766	1,257,434	1,839,723	1,076,259	725,917
Communications/Marketing	-	-	529,861			529,861	0
City Attorney	230,000	550,000 ^a	988,040	339,162	320,000	375,440	316,000
Financial Services	1,002,096	1,720,853	2,003,814	2,048,736	939,308	1,542,961	560,490
Information Technology Services	767,787	4,136,000		1,389,909	1,009,280	1,825,744	0
Human Resources	368,477	628,698	747,181	618,487		590,711	0
City Clerk	314,370	545,225	594,961	280,604		433,790	67,331
Police	10,722,058	12,267,272	25,141,960	12,121,533	8,098,508	13,670,266	6,500,000
Fire & EMS	8,282,064	-		8,336,374		8,309,219	0
Development-Support Services		1,033,496			1,392,917	1,213,207	0
Building	1,216,182	153,733	769,981	2,404,304		1,136,050	529,380
Engineering				770,077	1,029,934	900,006	0
Planning and Zoning	663,133		748,322	533,176		648,210	419,888
Economic Development				304,823		304,823	0
Public Works	2,851,925	844,235	15,241,224	546,637	2,682,035	4,433,211	1,404,377
Facilities Management		2,634,573		1,030,750		1,832,662	299,645
Fleet Management		1,871,615		819,877		1,345,746	457,607
Roads & Streets				1,118,982		1,118,982	1,723,489
Recreation		4,541,057	7,531,535	1,497,405		4,523,332	786,983
Parks & Grounds	993,495	2,549,881		6,709,267	5,610,602	3,965,811	0
Other	3,264,982	1,742,738	1,305,322			2,104,347	7,407,289

TOTAL G/F EXPENDITURES	31,307,781	35,227,343	57,689,650	42,368,810	23,223,959	52,187,722	21,317,997
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Notes: Total expenditures for the Average and the Village of Loxahatchee captures all possible departments.
Altamonte Springs: Estimated based on City Commission and City Attorney itemized in City Manager budget
North Miami Beach: Budget for Mayor/Commission included \$8,774,049 for non-departmental expenditures
North Miami Beach: Misc. Revenues includes \$12,156,600 in Fund Balance Carryforward

Appendix B: Proposed Charter

