



CITY OF DELRAY BEACH

OFFICE OF THE CITY MANAGER

100 N.W. 1ST AVENUE • DELRAY BEACH • FLORIDA 33444 • (561) 243-7015



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City Commission Information Letter

September 15, 2023

External Collaborations to Address Citywide Littering Involving the Delray Beach Solid Waste Transfer Station

In response to excessive trash spillage in our community due to private haulers operating unsecured load vehicles on route to the Delray Beach Solid Waste Transfer Station, please be advised that direction is currently being offered to implement an enforcement strategy to offer relief.

As referenced in the attached electronic mail message from Assistant Chief of Police Jeffrey Rasor, guidance to this effect involves collaborating with leadership of the Solid Waste Authority of Palm Beach County to help educate drivers and haulers relative to the importance of securing loads to help prevent the proliferation of litter.

Enforcement is a function of an existing Florida State Statute that requires “vehicles to not be driven or moved on any highway unless it is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking, blowing, or otherwise escaping therefrom...”

With advanced notification of pending enforcement by both the Delray Beach Police Department and the Code Enforcement Division of the Department of Neighborhood and Community Services having been initiated two weeks ago, applicable enforcement activities will begin Monday, September 18th.

Palm Beach County Office of the Inspector General Onsite Risk Assessment Review

As leadership of municipalities throughout Palm Beach County were recently contacted by representatives of the Palm Beach County Office of the Inspector General (OIG) relative to its risk assessment exercise and expectations for participation and involvement accordingly, the Office of the City Manager hosted a kick-off meeting to this effect last Friday for the City of Delray Beach’s process.

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As referenced in the attached electronic mail message from Palm Beach County Inspector General John Carey, the primary basis for this exercise is to support countywide efforts to review risks/concerns facing government entities, as well as to ensure compliance relative to various OIG notification and public awareness requirements. Ancillary benefits of participating include learning more relative to associated best practices for internal controls, proactive strategies for fraud prevention, and other considerations to support sound municipal financial management and operational functions.

With this exercise anticipated to conclude in the next few months, we will extend an invitation for OIG leadership to join us for a City Commission presentation on the subject during a regular meeting. Meanwhile, leadership representing Police, Fire Rescue, Utilities, Public Works, Human Resources, Finance, Development Services, Information Technology, and Parks and Recreation, have all been asked to participate in the evaluation and review process.

Updated Direction and Guidance for Ancillary Federal Grant Opportunities and Relevant Support from Legislative Delegation

As a follow-up to a recent update regarding current efforts to secure various federal grants and appropriations, the Office of the City Manager convened a discussion with representatives of the City's Washington DC based lobbyist firm, The Color Nine Group, to offer specific guidance to engage legislative delegation support.

As noted in the attached electronic mail message from The Color Nine Group President Michael Willis, direction to this effect includes collaboration with the Office of Congresswoman Lois Frankel, enabling effective communication relative to specific announcements from federal agencies that are currently working with the City of Delray Beach to consider respective funding opportunities. These include the United States Department of Justice, the Environmental Protection Agency, and the Army Corp of Engineers.

Meanwhile, staff continues to appreciate Mr. Willis for his consistent and effective ability to connect our team with agency and legislative representatives that support the goals and objectives of our community.

Jurisdictional Inability to Cite Property Owned and Operated by School Districts

In response to thoughts offered during last week's regular City Commission meeting relative to citation or enforcement actions for School District of Palm Beach County (SDPBC) properties that are in disrepair (notably, Old Plumosa School), a brief about the City's legal capabilities to respond was offered during the following morning's Executive Leadership Team meeting.

Both the Office of the City Attorney and that of the Fire Rescue Chief have since confirmed that Florida State Statute (Chapter 1013, Educational Facilities) provisions do not enable municipalities to administer citations. Individual school districts are likewise responsible for the enforcement of the Building Code and the Fire Prevention Code in respective jurisdictions.

Nevertheless, as staff and administration continue to engage with SDPBC leadership, we will work to achieve a collegial environment that will yield responsiveness and attentiveness.

Calendar of Meetings, Activities, and Functions

Earlier this week, my office hosted a meeting with leadership of Palm Tran to discuss expanded collaborative efforts concerning the placement of future bus shelters in our community. This included an updated orientation relative to areas with multiple stops that lack bus shelter presence, as well as other long-term considerations for proactive mass transportation planning.

It was likewise agreed during this discussion that additional (and coordinated) placement of both new and replacement bus shelters (where specifically warranted) would begin in early 2024.

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Enclosures:

Electronic Mail Message from Jeffrey Rasor – Fine for Unsecured Load
Electronic Mail Message from John Carey – Follow-Up Involving September 8, 2023 Meeting (Risk Assessment Kickoff)
Excerpt Attachment – Onsite Risk Assessment Review Questions
Electronic Mail Message from Michael Wilis, The Color Nine Group – Recap of Recent Federal Priority Discussion
Electronic Mail Message from Lynn Gelin – FS Chapter 1013
Calendar for Business Week of September 11, 2023

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Terrence R. Moore

From: Rasor, Jeffrey
Sent: Tuesday, August 29, 2023 9:13 AM
To: Patrick Carroll
Cc: Mager, Russ; Hunter, Darrell; Terrence R. Moore; Walthour, Sammie; Barletto, Missie
Subject: RE: Fine for unsecured Load

Patrick,

Please see the below for the Florida State Statue governing secured loads being transported. If you have any questions, please give me a call. Thank you for all assistance in this matter.

[Title XXIII](#) [Chapter 316](#) [View Entire Chapter](#)
MOTOR VEHICLES STATE UNIFORM TRAFFIC CONTROL

316.520 Loads on vehicles.—

(1) A vehicle may not be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking, blowing, or otherwise escaping therefrom, except that sand may be dropped only for the purpose of securing traction or water or other substance may be sprinkled on a roadway in cleaning or maintaining the roadway.

(2) It is the duty of every owner and driver, severally, of any vehicle hauling, upon any public road or highway open to the public, dirt, sand, lime rock, gravel, silica, or other similar aggregate or trash, garbage, any inanimate object or objects, or any similar material that could fall or blow from such vehicle, to prevent such materials from falling, blowing, or in any way escaping from such vehicle. Covering and securing the load with a close-fitting tarpaulin or other appropriate cover or a load securing device meeting the requirements of 49 C.F.R. s. 393.100 or a device designed to reasonably ensure that cargo will not shift upon or fall from the vehicle is required and shall constitute compliance with this section.

(3)(a) Except as provided in paragraph (b), a violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

(b) Any person who willfully violates the provisions of this section which offense results in serious bodily injury or death to an individual and which offense occurs as a result of failing to comply with subsections (1) and (2) commits a criminal traffic offense and a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

(4) The provision of subsection (2) requiring covering and securing the load with a close-fitting tarpaulin or other appropriate cover does not apply to vehicles carrying agricultural products locally from a harvest site or to or from a farm on roads where the posted speed limit is 65 miles per hour or less.

[Title XXIII](#) [Chapter 316](#) [View Entire Chapter](#)
MOTOR VEHICLES STATE UNIFORM TRAFFIC CONTROL

316.525 Requirements for vehicles hauling loads.—

(1) It is the duty of every owner, licensee, and driver, severally, of any truck, trailer, semitrailer, or pole trailer to use such stanchions, standards, stays, supports, or other equipment, appliances, or contrivances, together with one or more lock chains, when lock chains are the most suitable means of fastening the load, or together with nylon strapping, when nylon strapping is the most suitable means of securing the load, so as to fasten the load securely to the vehicle.

(2) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

History.—s. 1, ch. 71-135; s. 1, ch. 76-31; ss. 1, 2, ch. 80-229; s. 190, ch. 81-259; s. 236, ch. 99-248; s. 25, ch. 2013-18.

Note.—Former s. 316.280.

Assistant Chief Jeffrey Rasor
Field Operations
300 West Atlantic Avenue
Delray Beach, FL 33444
(561) 243-7802



Serving with H.E.A.R.T.

From: Patrick Carroll <pcarroll@swa.org>
Sent: Tuesday, August 29, 2023 8:41 AM
To: Rasor, Jeffrey <rasorj@mydelraybeach.com>
Subject: Fine for unsecured Load

****Please be cautious****

This email originated from outside of The City of Delray Beach. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Chief Rasor:

Can you provide me with the statute and the fine for litter/unsecured load. I would like to include it in our notice.

Thanks Patrick

Please note: Florida has a very broad public records law. Most communications to or from the Solid Waste Authority are considered to be public records and will be made available to the public and the media upon request. Therefore, your e-mail message may be subject to public disclosure.

Terrence R. Moore

From: John Carey A. <JCarey@pbcgov.org>
Sent: Tuesday, September 12, 2023 10:47 AM
To: Terrence R. Moore
Cc: Anthony Montero
Subject: Follow Up from our Mtg on Sept 8, 2023

****Please be cautious****

This email originated from outside of The City of Delray Beach. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Terrance,

Thanks for including most of your senior staff in our meeting last Friday regarding our office's current county-wide review of 1.) risks/concerns facing government entities along with 2.) compliance with the County IG Ordinance related to IG notification and employee/public awareness requirements. After discussing a number of previous IG reviews and investigations that served the City and public in promoting transparency, accountability and overall trust in government, we discussed our two objectives of the review.

We appreciate the candid and open input from your staff on risks. Additionally, we assess the City is in general compliance with the County IG Ordinance. We appreciate that your staff included some of our updated information brochures in you public displays while we were on-site.

I want to reiterate that I and my staff are ready to support you in training (such as best practices/lessons learned in procurement, internal controls, fraud red flags) and I would be happy to speak to any City Commissioner individually or as a whole at a Commission meeting. I look forward to our continued partnership in promoting integrity, efficiency and effectiveness in government.

Best regards,
John

John Carey
Inspector General
Palm Beach County
100 Australian Ave.
West Palm Beach, FL 33406
Office: 561-233-2350
Hotline: 877-OIG-TIPS
"Enhancing Public Trust in Government"

To report waste, fraud or abuse, please send to: inspector@pbcgov.org
Please visit our website at: <http://www.pbcgov.com/OIG>
Follow us on Twitter at: <https://twitter.com/OIGPBC>
Follow us on Facebook at: <https://www.facebook.com/Office-of-Inspector-General-Palm-Beach-County>

NOTICE: Florida has a broad public records law. Most written communications to or from local government officials or employees that involve official business are public records that will be disclosed to the public and the media upon request. E-mail communications may be subject to public disclosure.

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Attachment A:
CA-2023-0034: OIG Risk Compliance Review
Onsite Risk Assessment Review

1. Updated Organizational Chart and Purchasing Policy?
2. Number of FTE's and Annual Budget.
3. What are your top 3 critical contracts or agreements?
4. What are your top 3 critical programs, functions, divisions, or departments?
5. What are your top 3 major projects (e.g. infrastructure, construction, IT system/application/hardware transition or update, business process reengineering, personnel training initiatives, outsourcing, etc.)?
6. What is the area with biggest risk for fraud (from internally or externally)?
7. Was there an increased turnover of personnel in the last year? If so, in what programs, functions, divisions, or departments?
8. Was there a turnover of senior management in the last year? If so, what programs, functions, divisions, or departments did they manage?
9. Has an organizational risk assessment and/or IT risk assessment been performed? If so, when was the last time? Performed internally or outsourced?
10. Who does the IG contact for a list of employee emails?

Terrence R. Moore

From: michael.willis@thecolorninegroup.com
Sent: Wednesday, September 13, 2023 4:35 PM
To: Terrence R. Moore; Oris, Jeff
Subject: Recap of Recent Federal Priority Discussion

****Please be cautious****

This email originated from outside of The City of Delray Beach. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Moore and Mr. Oris,

I trust this email finds you both well. I would like to quickly recap our recent discussions on the City's federal priorities.

Post their August break, Congress is back to work on the FY24 spending plans. These plans notably contain funding for the City's Water Repump Stations (\$959,757) and License Plate Reader Program (\$963,000) projects. It has become evident that neither spending measure containing the City's projects will clear Congress before the federal Fiscal Year kicks off on October 1st. We're still optimistic about the measures passing at the end of 2023. Please be assured, we're actively liaising with Rep. Frankel and your Senators to ensure both of these important projects are included in any final spending measures agreed to by Congress.

With 2024 on the horizon, we're gearing up for the next Congressional funding cycle. We've already begun to equip the City's team with insights into prospective project types and funding levels poised for Congressional favorability. This intel will prove invaluable to the staff and Commissioners as they shape the City's federal financial priorities for the upcoming year.

Our combined effort last year (Rep. Frankel, the City's staff, and CNG) resulted in a \$3.5 million allocation for water resources. As fresh funding opportunities emerge to address the City's water resources needs, you have our commitment: CNG will work with the city's staff and your Congressional Delegation to pursue these resources in a timely manner.

On another positive note, we've been eyeing federal grant opportunities in alignment with the City's broader objectives. Our recent interactions with a federal agency have been encouraging, particularly surrounding an imminent funding prospect. Kudos to the City's staff for crafting a project proposal that is not only fiscally astute but has also piqued the agency's interest due to its potential long-term community impact. We promise to keep the lines of communication open with the City's team and your Congressional Delegation as these discussions evolve.

As always, we eagerly await the chance to present our annual federal priorities update to the Commissioners in early 2024, as well as to further discuss the City's key endeavors for the forthcoming year.

Your trust in our partnership is truly appreciated. For any assistance or further discussions on these matters, please feel free to reach out to me anytime.

Sincerely,

Michael

Michael D. Willis
President

Terrence R. Moore

From: Gelin, Lynn
Sent: Thursday, September 7, 2023 12:59 PM
To: Terrence R. Moore; Oris, Jeff; Tomey, Keith
Cc: Brandon, Kelly
Subject: FS Chapter 1013

Terrence et al: After reviewing the above-referenced Chapter 1013, Educational Facilities, of the Florida Statutes, I do not believe the City has the ability to cite the School Board for the incident that happened at the Plumosa site earlier this week. Chapter 1013 makes each school board responsible for the enforcement of the Building Code and the Fire Prevention Code in the areas of their jurisdiction. And, as we discussed at ELT, the City's Building Official has no authority over the School Board facilities, as they have their own CBO. Below is the link to Chapter 1013 for your reference. Feel free to call me if you have any questions.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=1000-1099/1013/1013.html

Lynn Gelin, Esq. | City Attorney

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CITY OF DELRAY BEACH



PUBLIC RECORDS NOTE: Florida has a very broad public records law. Most written communications to or from local officials, employees, or the general public regarding city business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

September 11, 2023 - September 17, 2023

September 2023

Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

October 2023

Su	Mo	Tu	We	Th	Fr	Sa
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8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Monday, September 11

- 12:00am Chief Tomey - Out →
- 7:30am - 8:30am Begin CIL (CM Office) ↻
- 8:00am - 8:30am Conference Call Mayor mtg w/CM Moore Re: Agenda & Updates (Telephone Call) - Rangel, Delores ↻
- 8:30am - 9:30am Orientation - Executive Administrative Assistant (Mayor) (CM CONFERENCE ROOM) - Terrence R. Moore
- 11:30am - 12:00pm HEL Adjust (CM Office)
- 2:30pm - 3:00pm Organizational Structure Considerations Involving the BTR Function (Conference Room - City Manager) - Terrence R. Moore
- 3:00pm - 4:00pm Potential Analysis for Possible Additional Bus Shelters (CM Conference Room) - Terrence R. Moore

Tuesday, September 12

- ← Chief Tomey - Out →
- 9:00am - 10:00am Compile Information Letter Report - External Collaborations to Address Citywide Litter Involving the Delray Beach Transfer Station (CM Office) - Terrence R. Moore
- 10:00am - 10:30am Biweekly Meeting Gina Carter (CM Office) - Terrence R. Moore ↻
- 11:00am - 12:00pm Sponsor Opportunities (CM Office) - Terrence R. Moore
- 2:00pm - 3:00pm Compile Information Letter Report - Palm Beach County Office of the Inspector General Onsite Risk Assessment Review (CM Office)
- 3:00pm - 4:00pm Amerant Introductory Meeting (CM Office) - Terrence R. Moore

Wednesday, September 13

- ← 8:00pm Chief Tomey - Out →
- 12:00am J. Stacy - Out →
- 7:30am - 8:30am Kiwanis Club of Delray (Delray Beach Golf Club (2200 Highland Ave, Delray Beach, FL 33445)) ↻
- 8:30am - 9:00am Sam Metott Bi-Weekly Meeting (Office of the City Manager) - Terrence R. Moore ↻
- 10:00am - 11:00am Meeting w/Atty. Jim Linn re: Pension Ordinance (Microsoft Teams Meeting) - Graikowski, Beverly
- 11:00am - 12:00pm Compile Information Letter Report - Updated Direction and Guidance for Ancillary Federal Grant Opportunities
- 2:00pm - 2:30pm Jay Stacy Bi-Weekly Meeting (City Manager Office) - Vilain, Amanda ↻
- 3:00pm - 4:00pm Compile Information Letter Report - Jurisdictional Inability to Cite Property Owned and Operated by
- 4:00pm - 4:30pm Chief Tomey Bi-Weekly Meeting (City Manager's

Thursday, September 14

- ← J. Stacy - Out →
- D. D'Andrea - Out 1/2 day Training
- 8:30am - 9:00am City Partner's Meeting (Bee's Knees) - Stephanie Immelman
- 10:00am - 10:30am Sammie Walthour - Bi-weekly Meeting with ACM Jeff Oris (City Manager's Office) - Walthour, Sammie ↻
- 11:30am - 12:00pm JANAI BOWENS - BI-WEEKLY MEETING (CM OFFICE) - Oris, Jeff ↻
- 2:00pm - 3:00pm Clean and Safe Update (CM office) - Terrence R. Moore
- 2:00pm - 2:30pm Katerri Johnson Bi-Weekly Meeting (Office of the City Manager) - Vega, Brenda ↻
- 3:00pm - 4:30pm Various (Various) ↻
- 3:30pm - 4:30pm CANCELED: Monthly Meeting with Renee
- 5:00pm - 6:00pm Compile and Deliver (CM Office)

Friday, September 15

- ← 12:00am J. Stacy - Out →
- D. D'Andrea - Out Training
- L. Gelin - Out
- 7:30am - 9:00am Finalize CIL (CM Office) ↻
- 9:00am - 10:00am Comm. Boylston mtg w/CM Moore Re: Bi-Weekly Updates (City Manager's Office) - Rangel, Delores ↻
- 9:00am - 10:00am NDC+Economic Development (CM Office) - Terrence R. Moore
- 10:00am - 10:30am Wells Fargo (Wells Fargo)
- 10:30am - 11:00am Car Zelle (CM Office)
- 11:00am - 12:30pm Various (Various)
- 3:00pm - 4:00pm Process FPL; SWMC; HEL (CM Office)

Saturday, September 16

- 10:00am - 11:00am Delray Beach Tennis Center (Hard Court #1) ↻
- 11:00am - 1:00pm Various, CIL Notes, etc. (CM Office) ↻

Sunday, September 17