



TOWN OF PALM BEACH

Town Manager's Office

**TENTATIVE-
SUBJECT TO
REVISION**

SHORE PROTECTION BOARD MEETING

AGENDA

THURSDAY, MARCH 24, 2022

9:00 AM

**TOWN COUNCIL CHAMBERS
360 SOUTH COUNTY ROAD**

WELCOME!

The progress of this meeting may be monitored by visiting the Town's website (www.townofpalmbeach.com) and selecting "Live Meeting Audio" under the "Your Government" tab. If you have questions regarding that feature, please contact the Office of Information Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting under "Agendas, Minutes, and Audio."

I. CALL TO ORDER

II. ROLL CALL

Melissa Cerialle, Acting Chair
Warren Belmar, Shore Protection Board Member
Peter Matwiczuk, Shore Protection Board Member
Ronald Matzner, Shore Protection Board Member
Vladimir Rapoport, Shore Protection Board Member
Erick Reickert, Shore Protection Board Member
Doug Rogers, Shore Protection Board Member

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF AGENDA

V. SWEARING IN OF APPOINTED MEMBERS

VI. ELECTION OF CHAIR FOR 2022 SHORE PROTECTION BOARD

VII. ELECTION OF VICE-CHAIR FOR 2022 SHORE PROTECTION BOARD

VIII. APPROVAL OF THE MINUTES OF THE NOVEMBER 18, 2021 MEETING

- IX. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE
- X. INTRODUCTION AND REVIEW OF SUNSHINE LAW AND PUBLIC RECORDS LAW
[John Randolph, Town Attorney]
- XI. ADVISORY FUNCTION OF THE SHORE PROTECTION BOARD
[Patricia Strayer, P.E., Town Engineer]
- XII. CURRENT SHORELINE CONDITIONS
[Robert Weber, Coastal Program Manager]
- XIII. 2021 TOWNWIDE SEDIMENT BUDGET REVIEW AND EROSION RATES DISCUSSION
[Robert Weber, Coastal Program Manager, and Michael Jenkins, Ph.D., P.E., Coastal Engineering Principal, Applied Technology & Management, Inc.]
- XIV. COASTAL PROJECTS UPDATE
[Robert Weber, Coastal Program Manager]
- Lake Worth Inlet
 - o Maintenance Dredging
 - o 2022 Sand Forepassing
 - o Sand Transfer Plant
 - 2022 Dune Restoration
 - Coastal Resiliency
- XV. ESTABLISH SHORE PROTECTION BOARD GOALS FOR 2022 CALENDAR YEAR AND 10-YEAR OUTLOOK
[Patricia Strayer, P.E., Town Engineer]
- XVI. SCHEDULING OF FUTURE MEETINGS
[Patricia Strayer, P.E., Town Engineer]
- Regular SPB Meeting, April 28, 2022
- XVII. COMMUNICATIONS FROM SHORE PROTECTION BOARD MEMBERS
- XVIII. ANY OTHER MATTERS
- XIX. ADJOURNMENT

Note: Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.



TOWN OF PALM BEACH

Town Manager's Office

MINUTES OF THE SHORE PROTECTION BOARD MEETING HELD ON THURSDAY, NOVEMBER 18, 2021

I. CALL TO ORDER

The Shore Protection Board meeting was called to order on Thursday, November 18, 2021, at 9:05 a.m.

II. ROLL CALL

All of the Board Members and alternate Board Members were present with the exception of Reuben B. Johnson, III, Vice-Chair.

Kane Baker, Chair
Warren Belmar, Shore Protection Board Member
Melissa Ceriale, Shore Protection Board Member
James C. Gavigan, Shore Protection Board Member
Vladimir Rapoport, Shore Protection Board Member
Erick Reickert, Shore Protection Board Member

III. PLEDGE OF ALLEGIANCE

Chair Kane Baker led the Pledge of Allegiance.

IV. APPROVAL OF AGENDA

Motion was made by Board Member Melissa Ceriale to approve agenda. Motion seconded by Board Member James Gavigan. Motion carried unanimously.

V. APPROVAL OF THE MINUTES OF THE MAY 27, 2021 MEETING

Motion to approve minutes of the May 27, 2021 meeting was made by Chair Warren Belmar, seconded by Board Member Melissa Ceriale. Motion carried unanimously.

VI. COMMUNICATIONS FROM CITIZENS – 3 MINUTE LIMIT PLEASE

No citizens were present.

**MINUTES OF THE SHORE PROTECTION BOARD MEETING
HELD ON THURSDAY, NOVEMBER 18, 2021**

VII. CURRENT SHORELINE CONDITIONS

[Robert Weber, Coastal Program Manager]

Robert Weber, Coastal Program Manager made a presentation of the shoreline conditions.

VIII. Omitted from Agenda

IX. COASTAL PROJECTS UPDATE

[Robert Weber, Coastal Program Manager]

- Level-Up Palm Beach Coastal Resiliency Implementation Plan
- 2022 Lake Worth Inlet
 - o Sand Transfer Plant Assessment
 - o Maintenance Dredging
 - o Sand Forepassing
- 2022 Dune Restoration in Reaches 4 and 9

Robert Weber, Coastal Program Manager, provided an update on the ongoing and upcoming coastal projects. Discussion ensued.

X. REACH 8 DISCUSSION

[Robert Weber, Coastal Program Manager]

Tom Pierro, Coastal Protection Engineering, offered an Environmental Impact Statement (EIS) slide presentation.

Discussion ensued.

Motion made by Board Member Warren Belmar to approve recommendation to the Town Council to authorize the continuation of the pursuit the EIS. Motion seconded by Board Member James Gavigan.

XI. DRAFT ANNUAL SHORE PROTECTION BOARD REPORT TO TOWN COUNCIL

[Robert Weber, Coastal Program Manager]

Motion made by Board member Melissa Ceriale to accept the Shore Protection Report. Motion seconded by Board Member Warren Belmar.

Discussion ensued.

XII. SCHEDULE OF FUTURE MEETINGS

[Patricia Strayer, P.E. Town Engineer]

The next scheduled Shore Protection Board meeting will be held on January 27, 2022.

XIII. COMMUNICATIONS FROM SHORE PROTECTION BOARD MEMBERS

Board Member Melissa Ceriale read a "Farewell Thoughts" letter to the Board from Board Member Reuben Johnson. Mr. Johnson's letter is attached to these minutes.

Chair Kane Baker shared he is proud of how well the Town has been protected. Board Member James Gavigan thanked staff. Board Member Warren Belmar also thanked staff.

XIV. ANY OTHER MATTERS

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XVII. ADJOURNMENT

APPROVED:

Meeting audio is located at:

https://townofpalmbeach.granicus.com/MediaPlayer.php?view_id=5&clip_id=2429

TOWN OF PALM BEACH

Information for Shore Protection Board Meeting on: March 24, 2022

TO: Shore Protection Board

FROM: Kirk W. Blouin, Town Manager

VIA: Robert Weber, Coastal Program Manager

RE: Introduction and Review of the Sunshine Law and Public Records Law
Item X.

DATE: March 18, 2022

STAFF RECOMMENDATION

Town staff requests that the Shore Protection Board (SPB) review the attached information and provide direction deemed necessary.

GENERAL INFORMATION

John “Skip” Randolph, Town Attorney, provides an introduction to the Sunshine Law and Public Records Law at the first SPB meeting of the year when new members have been appointed in an effort to inform the new members of the laws that must be adhered to as an appointed municipal official in Florida. The last time that Mr. Randolph provided this information was on March 21, 2019. Since that date, two members have been promoted by Town Council from alternate members to regular members in December 2019 and three new members were appointed in January 2022.

The Town Attorney’s Office has provided an 18-page write-up that describes Florida’s Sunshine Law in detail. Mr. Randolph will virtually attend the March 24 SPB Meeting to discuss further.

Attachment

cc: Jay Boodheshwar, Deputy Town Manager
H. Paul Brazil, P.E., Director of Public Works
Patricia Strayer, P.E., Town Engineer
John Randolph, Town Attorney

GOVERNMENT IN THE SUNSHINE

PRESENTATION AT SYMPOSIUM FOR BETTER LOCAL GOVERNMENT JOHN C. RANDOLPH, ESQUIRE

In my many years of practice in the area of local governmental law, I have never heard one law more maligned than Florida's Government in the Sunshine Law. I would venture to guess that I have heard more four letter words used in conjunction with this law than with any other law in the State of Florida. Some of the complaints I have heard over the years include the following.

"How can we possibly get anything done under that Sunshine Law?"

"I am used to running a multi-million dollar business and I would never have been able to run it if I had to comply with a crazy law like this."

"Must everything we do have to be in a public meeting?"

"This law just isn't fair to the people we want to discuss. Must we discuss the firing of our police chief in public?"

"Do we have to air our dirty laundry in public?"

Many of you have experienced these and similar frustrations with the Sunshine Law. Many of you may be new to local government and may yet have the pleasure of experiencing these frustrations.

Florida is the leader when it comes to open government. Many other jurisdictions within the United States have enacted similar legislation to that of Florida's, but none has the scope and history of Florida's statutes. In answer to one of the questions I raised as to the operation of a private business, the legislature of the State of Florida decided long ago, with some prompting

from the media, that the business of the public, unlike private business, should be conducted in the public. And like it or not, you are bound by it.

Florida's Government in the Sunshine Law is derived from Florida Statute 286.011, which reads in part as follows:

"All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting."

There are three basic requirements of the Sunshine Law:

First, meetings of public boards or commissions must be open to the public;

Second, reasonable notice of such meetings must be given; and

Third, minutes of the meetings must be taken.

The statute and case law interpreting the statute give us guidance as to what is required in order to comply with the Sunshine Law. We know first, that the heart of the law prohibits two or more members of a commission from meeting together outside of a public meeting to discuss business of the government of which they are a part.

Notice must be given of the public meeting in order that the public and/or the press will have an opportunity to attend. The length of the notice, prior to the meeting, will depend upon your own codes and charters. However, it has been held that the length of notice must be reasonable. If no notice is given to the public a potential violation exists even though the meeting is of general knowledge and is not conducted in a closed door manner. Notice may not necessarily have to be published in order to abide with the requirements of the Sunshine Law. The purpose of the law is to simply notice the public of the meeting, and the type of notice may

vary with the situation. In some instances, posting notice in an area set aside for that purpose may be sufficient. Other situations may require notice by publication. For example, notice by posting has been determined not sufficient notice for a meeting dealing with a rezoning. In the event of emergency meetings that may not allow time for written notice, it would be wise for your staffs to contact each of the local newspapers which normally cover your meetings. You should give at least twenty-four hours notice of a meeting if possible. A court held in a case in Gainesville that notice given by the City of Gainesville at 1:35 p.m. of a special meeting at 3:00 p.m. was insufficient notice to the public.

The statute requires that minutes of public meetings be taken. This does not necessarily mean that you have to have a taped recordation of the meeting, but only that minutes be taken in order that such records shall be open to public inspection. This is an important requirement of the law and one that can be easily overlooked. For example, if as part of a commission meeting the commission determines that it is important during the course of a meeting to visit a particular site, in the event it adjourns to visit that site, it should be made certain that not only are the press and the public included, but that your clerk or stenographer attend to take minutes of what takes place at the meeting.

I will go into more of the requirements and the nuances of the Sunshine Law, but first I think it important that you understand the penalties for violation of the law.

The law provides that any public officer who violates any provision of the Sunshine Law is guilty of a non criminal infraction, punishable by fine not exceeding \$500.00. In addition, the statute provides that any person who is a member of any board or commission who knowingly violates the provisions of this section by attending a meeting not held in accordance with the

provisions of the statute is guilty of a misdemeanor of the second degree punishable as provided by law. The punishment for being convicted of a misdemeanor of the second degree includes a definite term of imprisonment not exceeding sixty days.

Although the State Attorney's office is not anxious to prosecute such actions, and historically has seldom prosecuted under this statute, it is not unheard of.

I am aware, for example, of a case in St. Augustine Beach, Florida, which received some notoriety throughout the state where two commissioners were allegedly discussing the hiring of one of the commissioner's relatives as a building official. The problem with the discussions other than the fact that they violated the Sunshine Law is that they took place on a cellular phone. As you may know, conversations on cellular phones are not considered private and can be intercepted from the airwaves. In this case they were intercepted and the discussions were reported. The State Attorney, apparently because of the blatant abuse of the Sunshine Law, prosecuted the commissioners in this case. Ultimately the commissioners worked out a plea agreement. No jail time was served, but the commissioners were fined. In addition, they were suspended from their offices by the Governor, after having been charged with the violation of the law. In addition to that, a civil suit was brought by an individual who alleged a conspiracy by the commissioners against him. Ultimately that case was settled. All of these were quite serious repercussions. It appears that whether or not the State Attorney prosecutes a violation of the Sunshine Law will depend upon the intent of the individuals, the substance of the matter or whether or not the violations are simply technical. But, as you can see, there are severe implications which can be suffered as a result of violating said law.

Of perhaps more importance than the possibility of criminal prosecution under the Sunshine Law, is the possibility of what may happen to actions taken which result from a violation of the law. As the law states, no action shall be considered binding except as taken at a public meeting. Therefore, a violation of the Sunshine Law risks that the action ultimately taken by your council or by a committee of your council shall be rescinded. This could have far reaching implications.

As an illustration, many years ago, in fact in 1969, the Town of Palm Beach entered into a contract with a land planning firm for the purpose of preparing and submitting to the Town Council for consideration a comprehensive zoning plan. The Town Council designated five citizens as a citizens planning committee to act strictly in an advisory capacity to guide the professional planners to assure that the plan was in character with the Town. It was the committee's function to transmit to the planner that information and to advise the planner so that the eventual plan would be compatible with the known desires of the community. As far as the Town Council was concerned this committee was strictly advisory. The committee made no decision which bound either the Zoning Commission or the Town Council. Much of what the planning committee did with the planner could have been done by the Town Manager or some of the Town's Staff, or the planner could have sought out citizens on its own initiative for advice and assistance in preparing the plan. The advisory committee never gave any notice of its meetings with the planner, nor were the meetings open to the public, nor were minutes taken. After the planners had produced a comprehensive zoning plan by and with the advice of the citizens planning committee, the plan was submitted to the Zoning Commission and at that time noticed public hearings were held and subsequently, upon the Zoning Commission's

recommendation to the Town Council, the Town Council held full public hearings pursuant to law and the zoning ordinance was ultimately approved and enacted by the Town Council. It was determined in this case that the Government in the Sunshine Law applied to the activities of the citizen's planning committee and because the meetings of said committee were private, and no minutes were taken, the Sunshine Law was violated. This was an interesting result particularly when the committee had no authority other than to act in an advisory capacity to the hired consultant and, more importantly when the ultimate action relating to the adoption of the zoning code took place at public meetings. The court held and stated:

"It is axiomatic that public officials cannot do indirectly what they are prevented from doing directly. Those to whom public officials delegate de facto authority to act on their behalf in the formulation, preparation and promulgation of plans on which foreseeable action will be taken by such public officials stand in the shoes of such public officials insofar as the application of the Government in the Sunshine Law is concerned."

The court pointed out further:

"That the application of the Government in the Sunshine Law is not dependent upon the good intentions, sincerity of purpose or noble motives of the public body when it proceeds to act in the shade. The gravamen is the doing of the very act itself rather than the motivation for the doing of the act. The determination of the applicability of the Sunshine Law is therefore not ascertained by whether the establishment of the citizens planning committee was a subterfuge to avoid the effect of the statute."

As a result of these violations the Town's entire Zoning Code was rescinded. You might raise the question, even though the committee may have violated the Sunshine Law, why weren't the Council's actions in passing the Zoning Code upheld, since their meetings were held in public? The Supreme Court went on to state that a council cannot ratify in the sunshine an action which was conceived in the dark. As a result of these apparent innocent actions on behalf of the Town Council, the action of the Town in adopting its comprehensive zoning ordinance was invalid.

My point in advising you of this case is to stress the gravity of what a violation of the Sunshine Law may lead to. From my standpoint, as a municipal attorney, it is this portion of the law which has the greater consequence for the municipality, than that portion of the law which deals with the prosecution of an individual for a misdemeanor. However, I am sure you will want to keep both in mind when considering the implications of violating the law.

There are other portions of the statute which may have severe implications for your community. For example, in the event an action is filed against your board, council or commission to enforce the provisions of the statute or to invalidate actions taken in violation of the statute and it is determined by the court that the action taken was in violation of the statute, the court shall assess a reasonable attorney's fee against the agency. These types of actions may be costly and, in the event the agency loses, your taxpayers may be faced with a hefty bill not necessarily for just your attorney, but for the attorney who filed the suit against you. The statute does provide that the court may assess a reasonable attorney's fee against an individual filing an action against a municipality if the court finds that the suit was filed in bad faith or was frivolous. The interesting dichotomy here, however, is that in the event the municipality loses, the statute states that the court shall assess a reasonable attorney's fee against the municipality. However, in the event the plaintiff filing the claim loses, the court is only required to assess an attorney's fee if it finds that the suit was filed in bad faith or was frivolous. It is very difficult to show that a claim was filed in bad faith or was frivolous, particularly in the event as in most cases there is found to be some reasonable reason for bringing the action in the first instance. Another interesting provision in the statute relating to this which may be of importance to you is that it provides that any fees assessed may be assessed against the individual member or

members of the board or commission. That is another good reason for not violating the Sunshine Law. Those fees, however, will not be assessed against the individuals in a case where they had sought the advice of the attorney and the advice was followed.

There are related sections of the Sunshine Law that are worth noting at this point:

Florida Statute 286.0105 provides that notices of meetings and hearings must advise that a record is required to appeal. Your agenda notices relating to your meetings and hearings should have a statement that reads essentially as follows:

"If a person decides to appeal any decision made by the agency or commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

The importance of this provision is simply to advise the members of the public that they should not entirely rely upon the minutes or the tape which may be made by the municipality at hearing, but that they may wish to have their own court stenographer present in order to have a full record of the proceedings.

Florida Statute 286.012 also relates to the Sunshine Law in that it provides the voting requirement at meetings of governmental bodies. That section provides that no member of any governmental board, commission or agency who is present at any meeting of any such body at which an official decision, ruling or other official act is to be taken or adopted may abstain from voting in regard to any such decision, ruling or act and a vote shall be recorded or counted for each such member present except with respect to any such member there is or appears to be a possible conflict of interest. In such cases said members shall announce their conflicts, recuse themselves, and comply with the disclosure requirements provided by law.

In other words, you must vote if you do not have a conflict of interest. In the event that you simply do not record a voice vote in response to a call on the motion, your silence will be considered an affirmative vote.

Those are the technicalities of the law. Now let us get into its practical application. How does it apply to us in our day to day activities as public officials?

I think it important that we keep in mind, as we approach this subject, not only what constitutes a violation of the Government in the Sunshine Law, but what may be perceived by others as a violation. Sometimes the perception of wrongful activity can be just as harmful as the wrongful activity itself.

For example, the intent of the law is to preclude the discussion of public business outside the presence of the public. In other words, it is a clear violation of the Sunshine Law to meet with a fellow commissioner at lunch and discuss business of the commission, upon which the commission may ultimately act. It is not a violation of the Sunshine Law for the same two commissioners to meet for lunch and discuss their golf game, their tennis game, their bridge game or other non commission related activity. The problem, however, with that second type of luncheon meeting is the perception that it may create in the minds of other persons who happen to observe the meeting that the Sunshine Law is being violated. That perception can lead to allegations, even though they may not ultimately be proven, of violations of the law and may put you on the defensive. It is very easy for you and the commissioner with whom you have met to say, "but we did not discuss public business". It is another thing to be believed by your detractors and it is another thing for your meeting to be reported in the local media with you

having to defend yourself against the media's interpretation of your meeting. As you may suspect the media is a strong supporter of the open government law.

Therefore, a strict constructionist of the Sunshine Law should advise you to simply avoid having meetings with other members of your commission, whether you are discussing commission business or not. Now, I realize, particularly in small communities, that it is sometimes very difficult to avoid these types of meetings, particularly where you may be attending the same parties, where you may be involved in a golf game, or some other social activity. I feel it is necessary, however, even though it may not be possible to avoid all meetings with other members of your commission, that you be cognizant of this problem so that you can avoid such meetings to the extent possible. Sometimes, the difficulty in such meetings, even if they begin innocently and are intended to be strictly social, is that they ultimately turn to a discussion of business of the commission. The best way to avoid that is simply not to meet outside the sunshine.

Let's discuss other potential violations of the law.

It is a violation of the Sunshine Law for one council or commission member not only to personally meet with another, but to telephone that other member and discuss the business of the commission. That telephone conversation is a meeting outside of the public and, if council business is discussed, is a violation of the Sunshine Law.

What about gatherings of the commission where you are assembling prior to the meeting taking place, or where you get together during a break in the meeting, or at the conclusion of the meeting you are simply standing around talking to other commissioners?

It is certainly not a violation of the Sunshine Law for one commissioner, during such occasions to speak directly to a member of the public relating to the business of the local government. It is, however, a violation if you talk to one of your fellow council members about such business. It is, in fact, very dangerous to have discussions with other council members at these periods of time because very often you are observed by others and/or overheard by others who are very likely to complain about this informal and seemingly innocent chat which you may be having. Again, we get into the area of whether or not there is actually a violation of the Sunshine Law or whether there is a perception by others that the Sunshine Law is being violated. If you are discussing business of the commission during these breaks in the meeting then you may indeed be violating the Sunshine Law. In the event you are not discussing such business, you still stand the risk of creating the perception with the electorate and with the press that you are violating such law. Indeed, in my capacity as municipal attorney I have had complaints lodged with me about commissioners standing outside council chambers after a meeting and apparently discussing council business. This same perception, of course, can apply if you go to lunch with other commissioners during a break in the meeting, or if you have private discussions during any breaks in the meeting at the dias. As a matter of fact, I have heard complaints from residents that there is an apparent violation of the Sunshine Law when one member of a commission will lean over to another member of the commission during the public meeting itself and have a discussion which cannot be heard by members of the public. That discussion, even though taking place in a public room, with the public and the press present, is not being heard by the public, minutes are not being taken, and if council business is being discussed, is a technical violation of the Sunshine Law.

I mention these things, not to frighten you, but to put you on notice, from a practical standpoint, of how your actions may be perceived by others when you involve yourself in private meetings with other council members or commissioners, however innocent those meetings may be.

Questions come up from time to time as to whether or not a commission, at a duly called public meeting, may take a secret ballot. The issue under discussion at the meeting may be a sensitive one relating to the appointment of a manager, or even an appointment to one of your municipality's commissions. Rather than stand the embarrassment of having to cast a vocal vote, perhaps antagonizing or embarrassing that person for whom you did not vote, commissions often wish to conduct a paper ballot, write down their choice and then simply have the ballot counted to determine who gets the appointment. Indeed, there is nothing wrong with this process, but it will not provide you with the anonymity you may desire because, in order for this process to meet the requirements of the Sunshine Law, you will have to sign your ballot so that your vote can be identified and your vote will be made part of the public record.

Other activities to avoid include taking trips together which do not involve the public or the press. For example, I have seen commissions who have wanted to visit properties for which perhaps an application for a special exception is pending and they are invited by the property owner to visit the property. Or perhaps a commission would wish to take a field trip to a solid waste facility or another fire department to see if their community wishes to engage in a similar activity. If these sorts of trips are going to be made, then they should be either made by you individually or, in the event they are made in a group, then the press and the public should be invited to attend. Often times such invitations will require you to charter a bus which may go

well beyond what you had initially intended by the trip. You will also be required to have someone in attendance taking minutes at the meeting.

I have seen from time to time commissions adjourn a meeting temporarily in order to visit a particular site, and in order to comply with the Sunshine Law everyone in the room has been invited to attend and minutes were taken at the meeting.

Use of memoranda and written communications among members of a public board or commission may constitute a violation of the Sunshine Law and should be avoided. However, the use of a written report by one commissioner to inform other commissioners of a subject which will be discussed at a public meeting is not a violation of the Sunshine Law if prior to the meeting there is no interaction related to the report among the commissioners. If, however, the report is circulated among board members for comments, with such comments being provided to other member, there is interaction among the board members which is subject to the Sunshine Law. It is good practice for any communication of this sort, even where legal and not requiring interaction between council members, to go through the town manager and allow the town manager to copy any commissioners with the information rather than to communicate directly with another council member.

In some instances a single individual can be subject to the Sunshine Law, particularly when that individual has been delegated the authority by the board or commission to act on its behalf. For example, a meeting between representatives of a private organization and a city commissioner appointed by the city commission to act on its behalf in considering the construction and funding of a cultural center and performing arts theater would be subject to the

Sunshine Law. However, when that individual has only been authorized to gather information for the board, the Sunshine Law would not apply.

Can a single member of your zoning commission meet with a single member of your town council?

Yes. The Sunshine Law does not apply to a meeting between individuals who are members of different boards. The exception to this would be the same as that for an individual who has been delegated the authority to act for his or her commission. If one or more of the individuals has been delegated the authority to act on behalf of his board, then there would be a violation of the law.

Are persons elected, but not yet sitting on a commission subject to the Sunshine Law?

Yes. Members elect of boards or commissions are subject to the Sunshine Law. An individual, upon immediate election to public office loses his or her status as a private individual and acquires the position more akin to that of a public trustee, thus such individuals as members elect to a public board or commission are subject to the Sunshine Law.

What about candidates forums during the election process?

Candidates forums are not violations of the Sunshine Law unless the council members discuss issues coming before the council among themselves. The mere expression by any incumbent council member at such a forum, where other council members may be participating or in attendance, of his or her position on a matter which may come before the council does not necessarily subject the meeting to the Sunshine Law.

What about a meeting between the mayor and council member?

A meeting between a mayor and a member of the city council would be a violation of the Sunshine Law if the mayor has the opportunity to break tie votes or can vote at a meeting.

Where, however, the mayor is not a member of the city council and does not possess any power to vote even in the case of a tie vote, but only possesses the power to veto legislation, then the mayor may privately meet with an individual member of the city council without violating the Sunshine Law, provided he is not acting as a liaison between members and neither he nor the council member has been delegated the authority to act on behalf of the council.

Polling of council members has also been determined to be a violation of the Sunshine Law. It is not appropriate for individual council members to be polled individually in order to determine what their collective thought is in regard to a particular issue on which action may be taken at a public meeting. This has been determined as conducting the business of the public outside of the sunshine. The Sunshine Law, of course, does not preclude you from meeting on a one on one basis with your own staff to discuss whatever business of the commission you deem fit. The law only precludes you from having such discussions with other commission or council members. Indeed, it would be difficult for you to function or for your staffs to function if you were precluded from talking to each other except at a public meeting.

There is a caveat to this, however, because there are instances in which members of staff can be determined to be committees which are required to meet in the sunshine.

Be aware that in the event your commission appoints an ad hoc advisory committee to conduct some activity on behalf of the council, and to ultimately advise the council, that committee may be subject to the requirements of the Sunshine Law. For instance, even though your town manager, your building official and your town attorney as staff members are not

precluded from meeting with each other outside of a public meeting to discuss public business, in the event a commission were to formalize an activity of that same group of persons by appointing them as a committee to investigate something on your behalf and to come back and advise you of same, you may be running the risk of subjecting that group to the Sunshine Law.

I call your attention to the case of Wood v. Marsten, which is a case which involved the application of the Sunshine Law to a faculty committee at the University of Florida which sought out and screened applicants for a university position to which the university president would make the final appointment. The president's appointment according to the constitution of the university provided that the president should give consideration to the opinion of the faculty of the college concerned by consultation with a special committee of at least three faculty members. Nothing required the university president to make the final choice from the recommended panel. In this case the president of the university instructed the law school faculty to elect a search and screen committee proposed of ten persons. The purpose of this committee was to solicit and screen applications for the deanship and to submit for faculty approval a list of the best qualified applicants. The university intended to hold these meetings in private. An injunction was filed and a final judgment was entered enjoining the president of the university from closing to the public any meetings of the search and screen committee during which official acts, including evaluation of candidates, would take place. The court in holding that this committee's actions were subject to the Sunshine Law stated as follows:

"This court recognizes the necessity for the free exchange of ideas in academic forums, without fear of governmental reprisal, to foster deep thought and intellectual growth. Nonetheless, this freedom is not to be used as a shield which could, in some other case on other facts, be used to mask abuses of the rights of others."

The court further quoted from the case of Newspress Publishing Company where it was stated:

"When a member of the staff ceases to function in his capacity as a member of the staff and is appointed to a committee which is delegated authority normally within the governing body, he loses his identity as staff while operating on that committee and is accordingly included within the Sunshine Law."

Therefore, even though a staff member is not normally required to follow the Sunshine Law, there are occasions when a staff member can be subject to same. Be careful then in the appointment of ad hoc committees.

That gets us into the area of what types of bodies are bound by the Sunshine Law.

Obviously, the Sunshine Law is applicable not only to the council or commission, but to any boards or committees which function under your direction including standing committees, ad hoc committees, and the like. It does not matter whether or not your committees are simply advisory, as has been pointed out. It is the nature of the act performed by the board or committee, not its makeup or proximity in the final decision, which determines whether an advisory committee is subject to the Sunshine Law. There is a limited exception to the applicability of Sunshine Law to advisory committees which has been recognized for committees established for fact finding only. However, when a committee possesses or exercises not only the authority to conduct fact finding, but also to make recommendations, the committee is ruled to be participating in the decision making process and is subject to the Sunshine Law.

The statute does provide exceptions to matters which are required to be discussed in the sunshine, but they are few, in fact, there are two which relate to functions in which many of you may find yourselves involved. Meetings relating to collective bargaining are exempt. Additionally, the legislature has provided an exception for attorney/client relationship so as to

allow the local governmental attorney to meet with the commission in order to discuss pending litigation. There are very specific conditions which must be met in regard to such sessions.

Does the Sunshine Law dictate where meetings can take place?

Meetings must be accessible to the physically handicapped. Further they cannot be held in a place that discriminates.

Although the Sunshine Law does not preclude discussions with others, outside of your own fellow council members, such contacts must be announced in quasi-judicial sessions.

So, be careful.

It is really not difficult to comply with the Sunshine Law. Just remember its goal and intent - the public's business should be conducted in public. If you remember that you shouldn't go wrong. As the song says -

"Let the sun shine in; take it with a grin."

Thank you.

TOWN OF PALM BEACH

Information for Shore Protection Board Meeting on: March 24, 2022

TO: Shore Protection Board

FROM: Kirk W. Blouin, Town Manager

VIA: Robert Weber, Coastal Program Manager

RE: Advisory Function of the Shore Protection Board
Item XI.

DATE: March 18, 2022

STAFF RECOMMENDATION

Town staff requests that the Shore Protection Board (SPB) review the attached information and provide direction deemed necessary.

GENERAL INFORMATION

On December 14, 2021, Town Council discussed the advisory capacity of the Shore Protection Board during their regular meeting.

Consistent with the comments made by Town Council, Town staff prepared a red-lined draft of the revisions made by the Town Council in December. The scope was adjusted to reflect the Board's refocused duties to include long term planning, public education, and assisting Town staff in applicable communication with the public. Budgeting, lobbying, and intergovernmental coordination were stricken, as they are responsibilities of the Mayor and Town Council. Other revisions were suggested by staff because those items were no longer applicable as they were put in place to assist with the creation of the Board. The red-lined draft was provided to Town Council on February 8th and no additional changes suggested. Town staff is preparing to have these changes made to Chapter 2, Article X, Section 2-636 adopted by Town Council during the first reading of an Ordinance during the April Town Council meeting.

Attachment

cc: Jay Boodheshwar, Deputy Town Manager
H. Paul Brazil, P.E., Director of Public Works
Patricia Strayer, P.E., Town Engineer
John Randolph, Town Attorney

ARTICLE X. - SHORE PROTECTION BOARD^[14]

Sec. 2-636. - Shore protection board created; appointments; terms; qualifications; advisory function; requirements; officers; procedure.

(a)

Generally. A board of the town to be known as the "Shore Protection Board" is hereby created; such board to be composed of seven members to be appointed by the town council. ~~Two of such board members shall hold office from the date of their appointment for a period of one year; two of such board members shall hold office from the date of their appointment for a period of two years and three of such board members shall hold office from the date of their appointment for a period of three years. Thereafter, m~~Members of the shore protection board shall hold office for three year terms. Any member who has served two full three year terms shall no longer be eligible for reappointment, however, a member may be reappointed by town council upon the expiration of one full year subsequent to their terms having expired. ~~This provision shall not be applicable to those members subject to reappointment in 2017 who, upon reappointment, may serve one additional three year term.~~ Members of the board shall be residents of the town. If a vacancy shall occur other than by the expiration of a term, it may be filled by the town council for the unexpired term.

(b)

Removal provisions. All members of the shore protection board serve at the pleasure of the town council and may be removed from the board with or without cause. Members of the board shall be automatically removed for lack of attendance. Lack of attendance shall be defined as a failure to attend three regularly scheduled meetings in any one calendar year. Excused absence due to illness, a death in the family, religious holidays and requirements of legal process shall not constitute lack of attendance. The member shall notify the town manager's office in writing of the board member's intended absence at least seven business days prior to the regularly scheduled meeting. Failure to do so, absent an emergency which prevents timely notice, will cause the absence to be ~~unexecuted~~unexcused. Excused absences shall be entered into the minutes of the next regularly scheduled meeting of the board after the absence. A member may petition the town council, in the event of extenuating circumstances, to excuse an absence otherwise not automatically excused pursuant to the provisions of this Code.

(c)

Frequency of meetings. The board shall meet on an irregular schedule, whenever such meetings shall be called either at the discretion of the chairman or at the direction of the town council.

(d)

Officers, rules of procedure. The shore protection board shall elect a chairman and a vice chairman and may adopt procedures for the conduct of its meetings. Four voting members of the board shall constitute a quorum, however, the affirmative or negative vote of a majority of the entire membership of the board shall be necessary for it to take action.

(e)

Advisory capacity. The shore protection board shall act in an advisory capacity to the town council and shall make recommendations to the town council on all matters relating to shore protection in the town including, but not limited to, issues relating to ~~the beaches nourishment, coastal armoring, the sand transfer plant and specific resiliency matters relating to~~along the town's Lake Worth Lagoon shoreline ~~as directed by Town Council~~. In addressing these matters, the scope of the shore protection board's duties shall include long term planning, ~~budgeting, lobbying~~, public education, and ~~intergovernmental coordination assisting Town staff in applicable communication with the public.~~

(Ord. No. 1-08, § 1, 6-10-08; Ord. No. 16-2011, § 4, 9-13-11; Ord. No. 17-2014, § 1, 11-13-14; Ord. No. [06-2017](#), § 1, [2](#)-14-17; Ord. No. [2](#)-2018, § 1, 3-20-18; [Ord. No. 03-2021](#), § 1, [2](#)-9-21)

[Secs. 2-620—2-635. - Reserved.](#)

TOWN OF PALM BEACH

Information for Shore Protection Board Meeting on: March 24, 2022

TO: Shore Protection Board

FROM: Kirk W. Blouin, Town Manager

VIA: Robert Weber, Coastal Program Manager

RE: 2021 Town-wide Sediment Budget Review and Erosion Rates Discussion
Item XIII.

DATE: March 18, 2022

STAFF RECOMMENDATION

Town staff requests that the Shore Protection Board (SPB) review the attached information and provide direction deemed necessary.

GENERAL INFORMATION

Each year, the Town contracts with a consultant to complete Town-wide physical surveys. This year, the survey was performed by Applied Technology & Management, Inc. (ATM). These surveys are generally conducted in the late summer/fall season. This data is used to compare the short-term change (annual) and the long-term change (20+ years, since the 1990 baseline) of both shoreline position and sand volume.

ATM organizes all physical monitoring data into a Town-wide report that is referred to as the Sediment Budget. The purpose of the Sediment Budget is to provide an analysis of the Town-wide coastal processes including volumetric change data. This analysis aids the Town in planning and implementing appropriate shore protection projects.

The Executive Summary of the Sediment Budget is attached. An explanation of the attached text, maps and figures will be provided in a presentation by ATM at the March 24, 2022 SPB meeting.

FUNDING/FISCAL IMPACTS

There are no funding or fiscal impacts from this item. The Coastal Management Program budget includes funding for the annual physical monitoring and reporting efforts.

Attachments

cc: Jay Boodheshwar, Deputy Town Manager
H. Paul Brazil, P.E., Director of Public Works
Patricia Strayer, P.E., Town Engineer
Mike Jenkins, Ph.D., P.E., ATM

Town of Palm Beach Town-Wide 2021 Physical Monitoring Report

Prepared By:



Prepared For:



Palm Beach Island Beach Management Agreement (BMA)

IPA Permit Number: 0328802-002-BMA &

IPA Permit Number: 0328802-003-BMA

February 2022

Town of Palm Beach
2021 Town-Wide Physical Monitoring Report

EXECUTIVE SUMMARY

This report provides a summary of the Town of Palm Beach shoreline and beach volumetric performance based on physical monitoring data collected in July 2021 as compared to previous monitoring surveys. Additional analysis is provided regarding shoreline conditions north of the Lake Worth Inlet.

During this monitoring period, the 2021 Phipps Nourishment Construction Project was executed between March 2021 and May 2021. A total amount of 495,000 cubic yards (cy) were installed in Reach 7 between Florida Department of Environmental Protection (FDEP) monuments R-119 - 400 feet and T-125 -240 feet, including 85,000 cy stockpiled as an elevated berm feature in the vicinity of Phipps Park. This stockpiled material was utilized as the source material for dune construction in Reach 7 between FDEP monuments R-116 and R-119 (19,000 cy) and Reaches 8 and 9 between FDEP monuments R-128 and R-138 (23,297 cy in Reach 8, and 20,000 cy in Reach 9).

Analysis of the 2021 Town-wide survey data suggest that during the most recent monitoring period, the Town's beaches exhibited overall gains in volume throughout the Town, with a total net volumetric gain of 1,155,630 cy, as measured out to a depth of -26.2 feet. The only exception to the overall gains observed in the Town was in Reaches 3 & 4, where overall losses of 112,548 cy were observed.

The gains above the depth of closure (DOC, -26.2 foot contour) were greatest in Reach 7 (Phipps), with gains measuring 685,770 cy. Reaches 5 and 8 also saw significant gains of 259,154 cy and 162,770 cy, respectively. The gains within Reaches 7 and 8 are directly associated with the placement of material from the 2021 Phipps/Reach 8 Nourishment Project and the observed within Reach 5 are directly associated with the equilibration and downdrift effects from the 2020 nourishment project, which placed material along the Mid-Town segment of the Town's shoreline. The Mid-Town beach project placed approximately 838,647 cy of sand in 2020 and the Phipps beach project placed approximately 590,994 cy of sand in 2021.

Gains were observed in almost every portion of all profiles throughout reaches 1, 5, 7 and 8 while minimal gains and losses were observed in reaches 2 and 6. The gains in reaches 1, 5, 7, and 8 are associated with direct sand placement (reaches 1, 7 and 8) and indirectly into Reach 5 from the losses in Reach 3 & 4. Losses were observed in Reaches 3 & 4 throughout all portions of the profiles except between the -13.1-foot contour and the -26.2-foot contour. The losses above mean high water line (MHW) and in the nearshore are directly related to equilibration of the 2020 project.

Gains and losses are observed above the MHW throughout the Town, with an overall gain of 159,679 cy. The greatest gains of 222,450 cy total was observed in Reaches 7 and 8 and directly related to the placement of sand within the Phipps region of the Town. Additional gains of 27,493 cy were observed above MHW in Reach 5. Lesser gains were also observed in Reach 1 with a total of 7,286. Losses were observed in Reaches 2, 3 & 4, and 6. Reaches 3 & 4 saw the greatest loss of 93,333 cy above MHW, with minor losses above MHW of 2,747 cy and 1,471 cy in reaches 2 and 6, respectively.

There is a total overall gain of 1,155,630 cy in the region of the profile above the DOC. While the DOC is generally the limit in which observable changes occur, analysis of the full profile out to the -40-foot contour showed additional gains seaward of the DOC of 292,532 cy, not including the borrow area used for the Phipps Project. Gains were observed in all reaches out to the DOC with the exception of Reaches 3 & 4, which experienced a loss of 112,548 cy.

Long term, the Town's beaches have shown positive trends in both shoreline position and average beach volume, although these gains are not evenly distributed. In comparison to 1990 conditions, approximately 9.87 miles or 81 percent of the Town's shoreline has exhibited shoreline advance. Since 1990, the Town's beaches have exhibited a net volumetric gain of 5,132,812 cy.

Over this monitoring period, approximately 6.27 miles (51 percent) of the Town's shoreline has experienced net volumetric gains [above the -26.2 feet contour referenced to the North American Vertical Datum of 1988 (NAVD88)]. This represents a decrease in comparison to the 2020 estimate of 9.3 miles (76 percent).

The 2021 sediment budget suggests that over this time period, the beaches of the Town (out to a depth of -26.2 feet) have gained sand at a rate of 165,575 cubic yards per year (cy/yr), on average, since 1990. The long-term construction of beach projects in Mid-Town and Phipps have contributed significantly to this positive rate, adding approximately 240,185 cy/yr, on average, to the system. Accounting for this placement, the beaches of the Town have exhibited a net volumetric deficit on the order of 74,611 cy/yr over this time period. This value is a decrease in the deficit estimate in comparison to the 2020 deficit value of 91,790 cy/yr. The 2021 volumetric deficit quantifies the annual volumetric need for the Town's shoreline and does not account for inlet sand bypassing at Lake Worth Inlet [both through maintenance dredging and the Sand Transfer Plant (STP)]. This analysis suggests that a volume on the order of 74,611 cy/yr must be placed on an average-annual basis to maintain the current volume of sand within the Town's boundaries (independent of sand bypassing operations at the inlet).

Table ES 1. Data Analysis Results

Location	Change (cy)
Short-Term Changes - August 2020 to July 2021	
Average (MHW) Shoreline Change:	
Reach 1: (R-76 to R-78)	85.3
Reach 2: (R-78 to R-90+400)	0.4
Reaches 3 & 4: R-90+400 to R-102+300)	-23.9
Reach 5: (R-102+300 to R-110+100)	25.0
Reach 6: (R-110+100 to R-116+500)	-3.0
Reach 7: (R-116+500 to R-128+500)	52.3
Reach 8: (R-128+500 to R-134)	6.4
Town-Wide	12.5
Volumetric Changes (to -26.2* feet):	
Reach 1: (R-76 to R-78)	99,379
Reach 2: (R-78 to R-90+400)	40,448
Reaches 3 & 4: R-90+400 to R-102+300)	-112,548
Reach 5: (R-102+300 to R-110+100)	259,154
Reach 6: (R-110+100 to R-116+500)	20,657
Reach 7: (R-116+500 to R-128+500)	685,770
Reach 8: (R-128+500 to R-134)	162,770
Town-Wide	1,155,630
Long-Term Changes - August 1990 to July 2021	
Average (MHW) Shoreline Change:	
Reach 1: (R-76 to R-78)	128.0
Reach 2: (R-78 to R-90+400)	37.9
Reaches 3 & 4: R-90+400 to R-102+300)	72.7
Reach 5: (R-102+300 to R-110+100)	48.2
Reach 6: (R-110+100 to R-116+500)	46.0
Reach 7: (R-116+500 to R-128+500)	73.1
Reach 8: (R-128+500 to R-134)	2.7
Town-Wide	53.8
Volumetric Changes (to -26.2* feet):	
Reach 1: (R-76 to R-78)	583,268
Reach 2: (R-78 to R-90+400)	72,604
Reaches 3 & 4: R-90+400 to R-102+300)	1,298,949
Reach 5: (R-102+300 to R-110+100)	979,080
Reach 6: (R-110+100 to R-116+500)	411,191
Reach 7: (R-116+500 to R-128+500)	1,562,253
Reach 8: (R-128+500 to R-134)	225,467
Town-Wide	5,132,812

SUMMARY OF SHORELINE PERFORMANCE BY REACH

Reach 1: (R-76 to R-78)

Reach 1 experienced a net shoreline advancement of 85.3 feet during this monitoring period. Total volumetric gains were 99,379 cy, with 83 percent of the gain occurring between the -13.1 foot contour and the DOC (-26.2 ft (NAVD88)). Losses of 23,330 cy were observed beyond the DOC to -40 feet. This trend is the opposite of what was observed last year.

Overall, this reach has exhibited a long-term substantial net shoreline advance of 128.0 feet and volumetric gain (to the DOC) of 583,268 cy since 1990. This long-term advance in shoreline and volume is directly associated with discharge by the STP located on the north side of the Lake Worth Inlet and direct placement of material from inlet maintenance operations.

Reach 2: (R-78 to R-90+400)

Over this monitoring period, the Reach 2 shoreline had an average recession of 0.4 foot. In total, the reach gained a net volume of 40,448 cy over the past year. Large volumetric gains occurred at the northern end the reach and were most significant within the offshore between the -13.1 foot depth contour and the DOC. This gain is largely attributable to the STP.

Since 1990, the reach has exhibited a net shoreline advance of 37.9 feet, although this gain primarily occurs within the northernmost portion of the reach between R-78 and R-80. Overall, this reach has gained a net volume of 72,604 cy since 1990. Reach 2 historically exhibits the most significant net long-term loss of volume between R-80 and R-82.

Reaches 3 & 4: (R-90+400 to R-102+300)

This segment comprises both north and south segments of the Mid-Town Beach Renourishment project. Over this monitoring period, the reach exhibited a net shoreline recession of 23.9 feet. Losses were observed throughout most of the segment. These losses can be attributed to the equilibrium from the most recent Mid-Town beach nourishment in early 2020, which placed 838,647 cy of material. In total, this segment had observed gains in all segments and at all locations throughout the reach.

Since 1990, this shoreline segment has exhibited a net increase in volume of 1,298,949 cy and an average advance in shoreline position of 72.7 feet due to direct sand placement. These significant gains are directly attributable to repeated renourishment efforts within this area.

Reach 5: (R-102+300 to R-110+100)

Over the current monitoring period, Reach 5 has experienced a net average shoreline advance of 25.0 feet, with gains occurring throughout the reach. The reach exhibited a net volumetric gain of 259,154 cy. While gains were observed throughout almost every region of the profile, gains were greatest in the nearshore region between the MHW line and the -13.1-foot contour, with gains of 195,916 cy.

Long term, this area has experienced a net shoreline advance of 48.2 feet since 1990 and has gained approximately 979,080 cy (above -26.2 feet NAVD) throughout the entire shoreline segment. Gains in shoreline position and volume are directly attributable to the movement of material into Reach 5 from repeated Mid-Town beach nourishment projects within Reaches 3 & 4. Lacking regular renourishment of the Mid-Town Project, this reach would likely revert to a net

erosion/recession condition consistent with conditions present prior to the initiation of the beach nourishment program.

Reach 6: (R-110+100 to R-116+500)

Over the most recent monitoring period, Reach 6 exhibited a net shoreline recession of 3.0 feet, with the highest loss occurring at R-113 with a loss of 23.8 feet. This loss occurred in the vicinity of the Florida Department of Transportation (FDOT) revetment. Reach 6 exhibited a net volumetric gain (to the DOC) of 20,657 cy over this monitoring period.

Since 1990, Reach 6 has exhibited a shoreline advancement of 46.0 feet and volumetric gains of 411,191 cy of material.

In general, Reach 6 has remained stable, with a long-term trend of shoreline advance and volumetric gains. Much of this behavior can be attributed to the downdrift effect of the Mid-Town nourishment projects, which have provided a sediment source to both Reaches 5 and 6. The monitoring data suggest that the functional limit of this beneficial downdrift effect occurs within Reach 6, in the vicinity of the FDOT revetment (between R-111 and R-116).

Reach 7: (R-116+500 to R-128+500)

Over the most recent monitoring period, the Reach 7 shoreline has experienced an advancement of 52.3 feet, with largest gains observed in the middle of the reach from R-119 to R-127. This is due to direct placement of sand during the 2020-2021 Phipps-Reach 8 Renourishment Project. Over this monitoring period, Reach 7 gained a net volume of 685,770 cy.

Since 1990, Reach 7 has exhibited a net average shoreline advance of 73.1 feet. The reach has exhibited a net volumetric gain of 1,562,253 cy above the DOC since 1990. Gains have occurred throughout the reach and are attributable to repeated nourishment of the beach in this reach.

Reach 8: (R-128+500 to R-134)

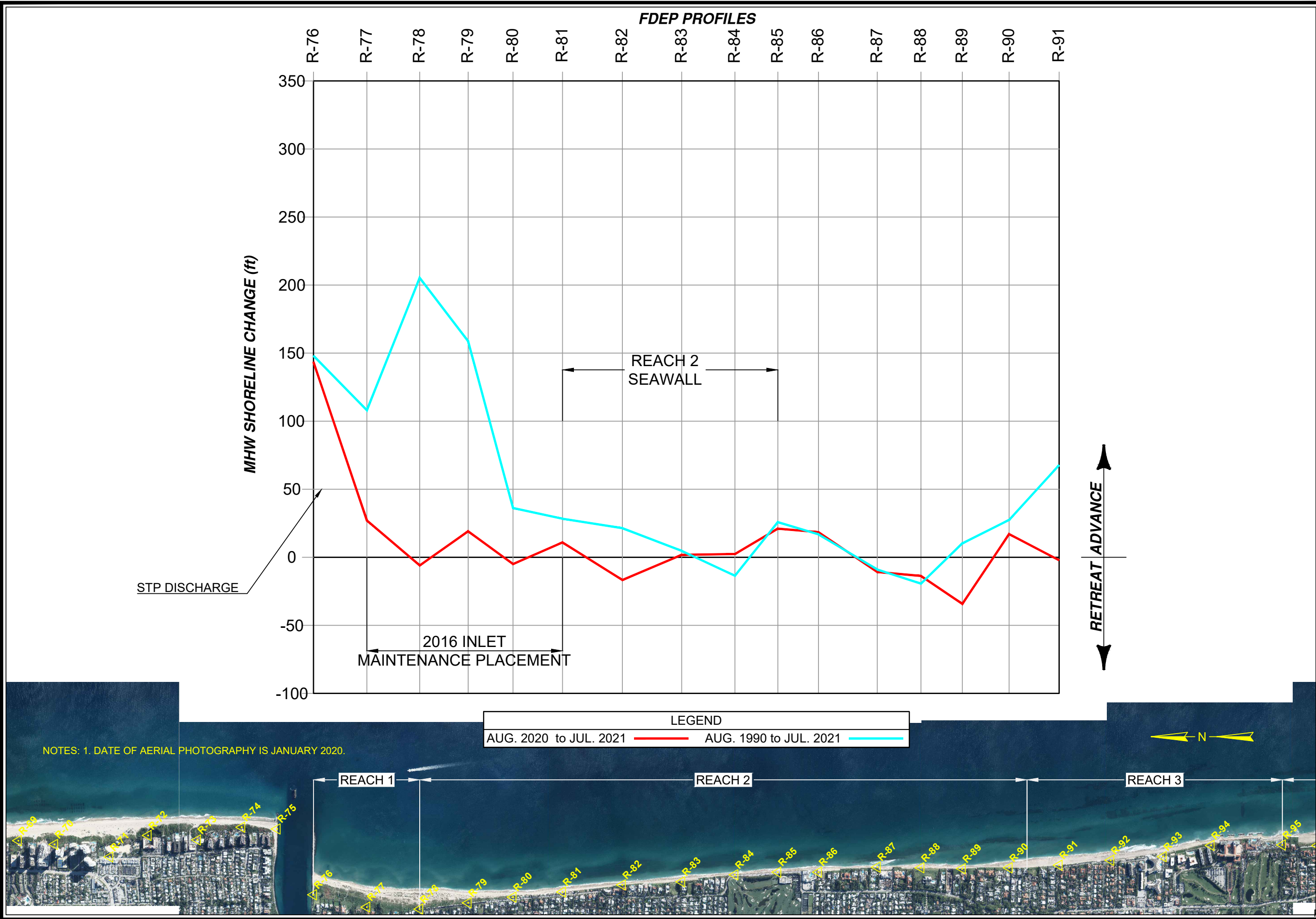
Over the past year, Reach 8 exhibited a net shoreline advancement of 6.4 feet. Shoreline gains occurred throughout the reach.. This reach exhibited a net volumetric gain above the DOC of 162,770 cy over this monitoring period, directly attributable to the dune placement during the 2020-2021 project. The beach experienced a net volumetric gain above MHW of 35,334 cy. Net gains of 72,967 cy were observed in the offshore portion, between the -13.1 and the -26.2-foot contour.

Since 1990, Reach 8 has exhibited a net average shoreline recession of 2.7 feet. Since 1990, the reach has exhibited a net volumetric gain of 225,467 cy (to the DOC).

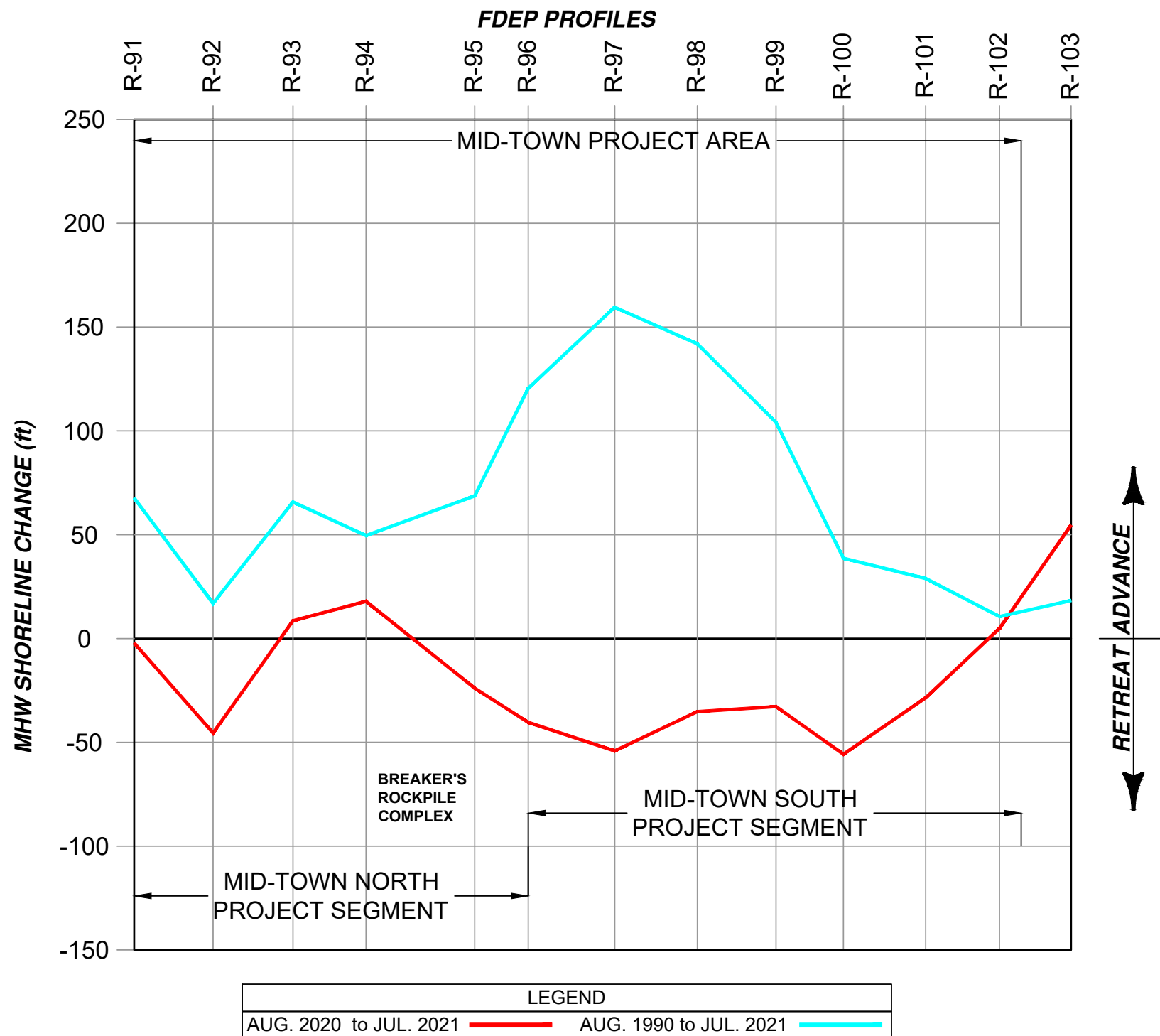
Beaches North of Lake Worth Inlet

Given concerns regarding the potential interruption of the sand supply to the STP, the Town's monitoring program has been extended north to include monuments updrift of the inlet. Over this monitoring period, the 7,152-foot shoreline segment north of the inlet (from R-68 to R-75) exhibited a net volumetric loss of 30,549 cy. over the last year. Review of the profile at R-75 shows evidence of infilling of the expanded settling basin but suggests that there is still capacity for additional deposition.

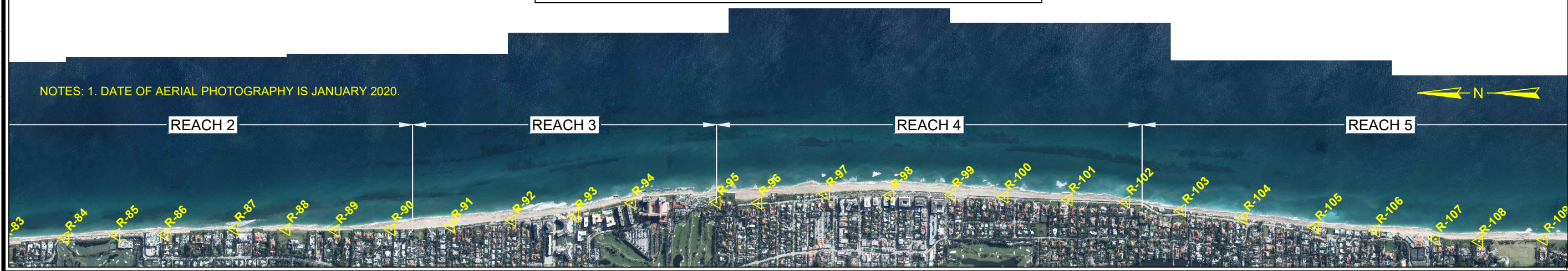
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DATE: 12/1/2021
DRAWN BY: JLM
CHECKED BY: JLM
APPROVED BY: JLM



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NOTES: 1. DATE OF AERIAL PHOTOGRAPHY IS JANUARY 2020.



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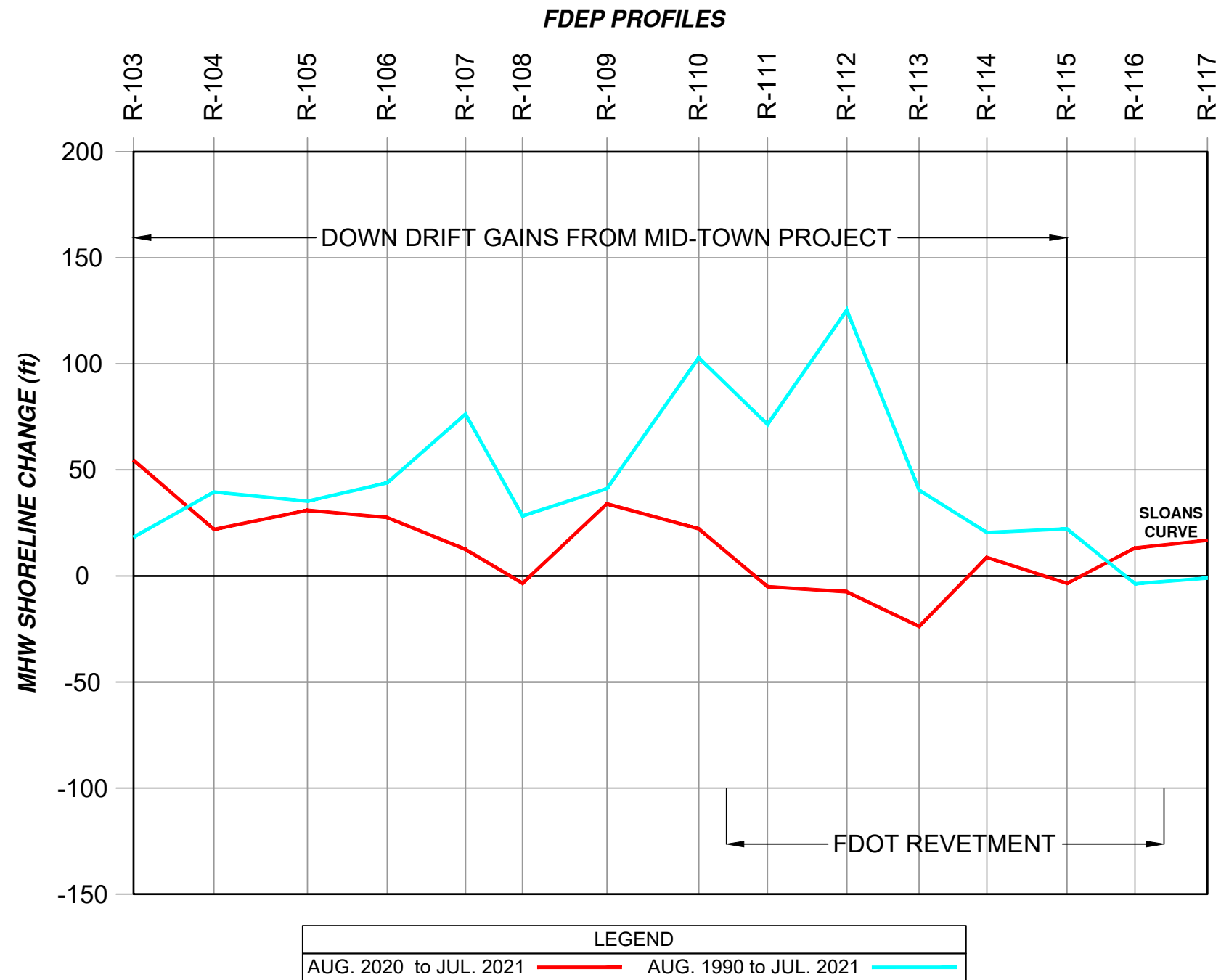
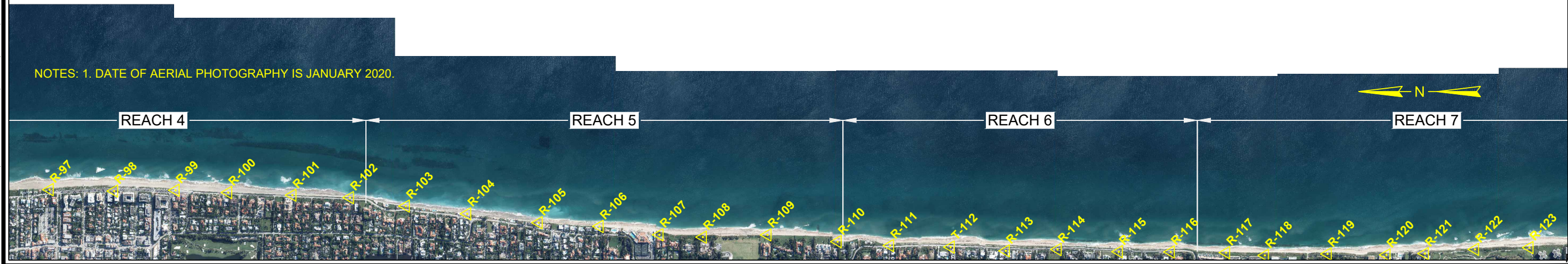


Figure 1c
Shoreline Changes

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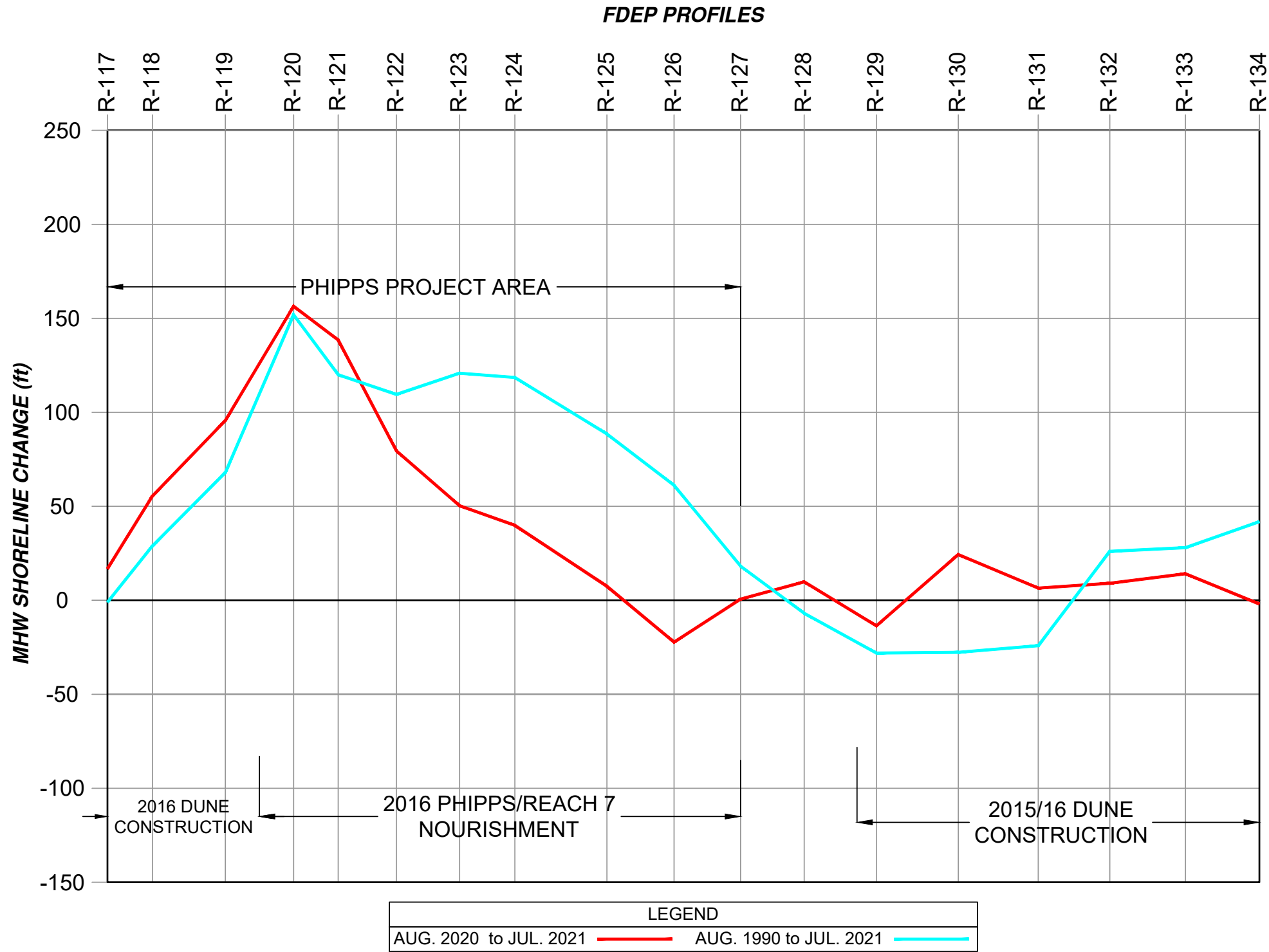


Figure 1d
Shoreline Changes

COYERS LOCATION G:\WESTPALMBEACH SHORES\DRAWINGS\PROJECTS\21-3666 TOPB TOWN-WIDE MONITORING\TOWN WIDE\T_20-21 VOL CHANGES_R1-2.dwg



AUG. 2020 - JULY 2021 VOLUME CHANGES ABOVE -26.2' NAVD

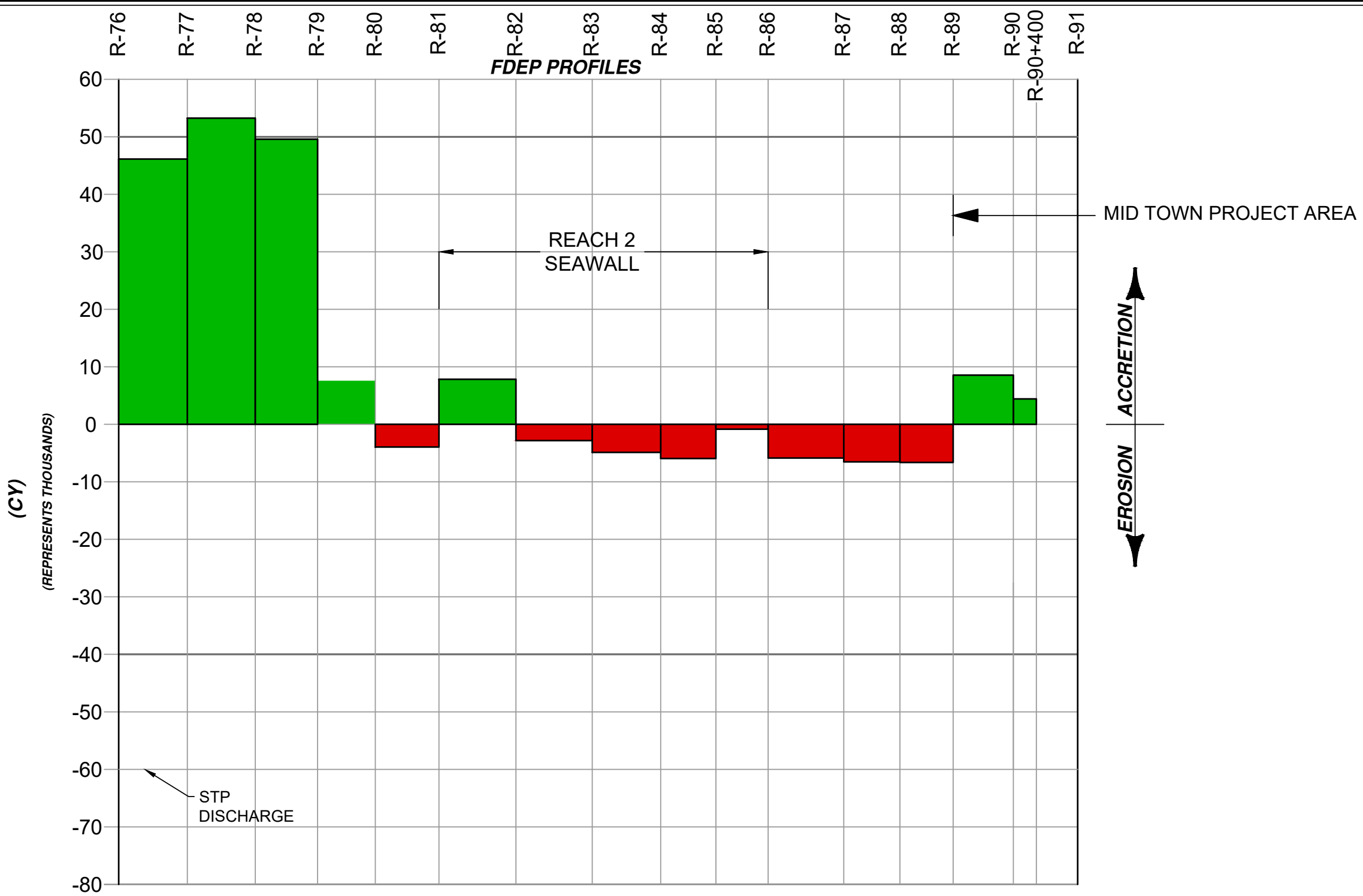


Figure 2a
Aug. 2020 - July 2021 Volume Changes



AUG. 2020 - JULY 2021 VOLUME CHANGES ABOVE -26.2' NAVD

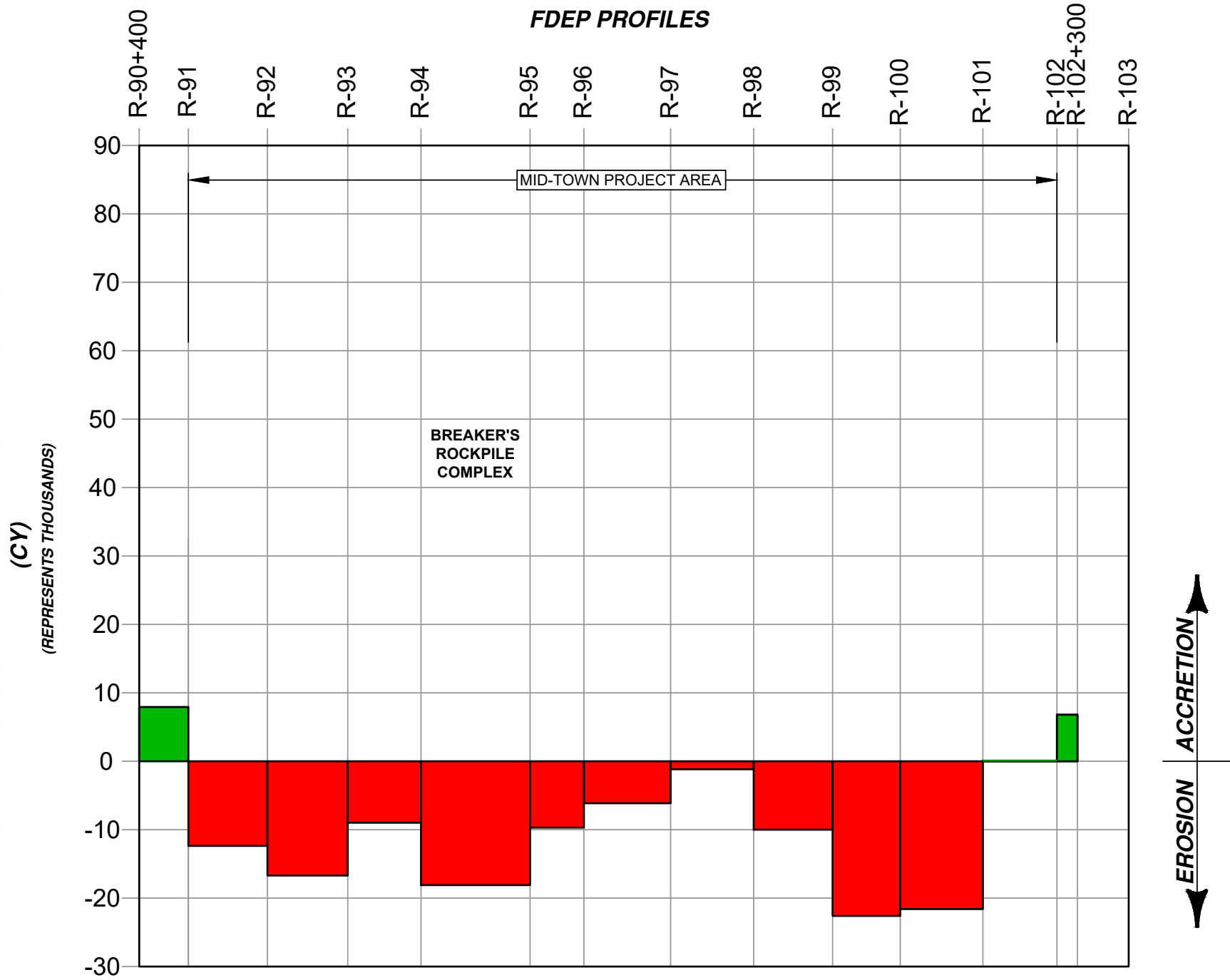
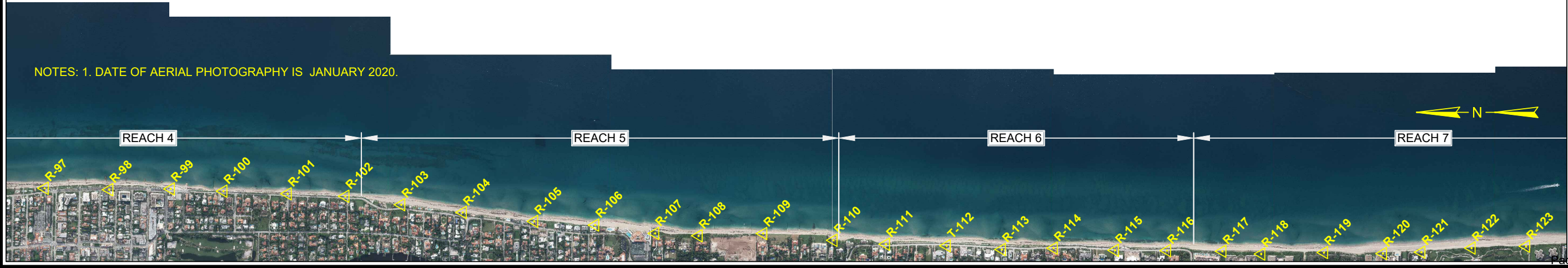


Figure 2b
Aug. 2020 - July 2021 Volume Changes



**AUG. 2020 - JULY 2021 VOLUME CHANGES ABOVE -26.2' NAVD
(CY)**

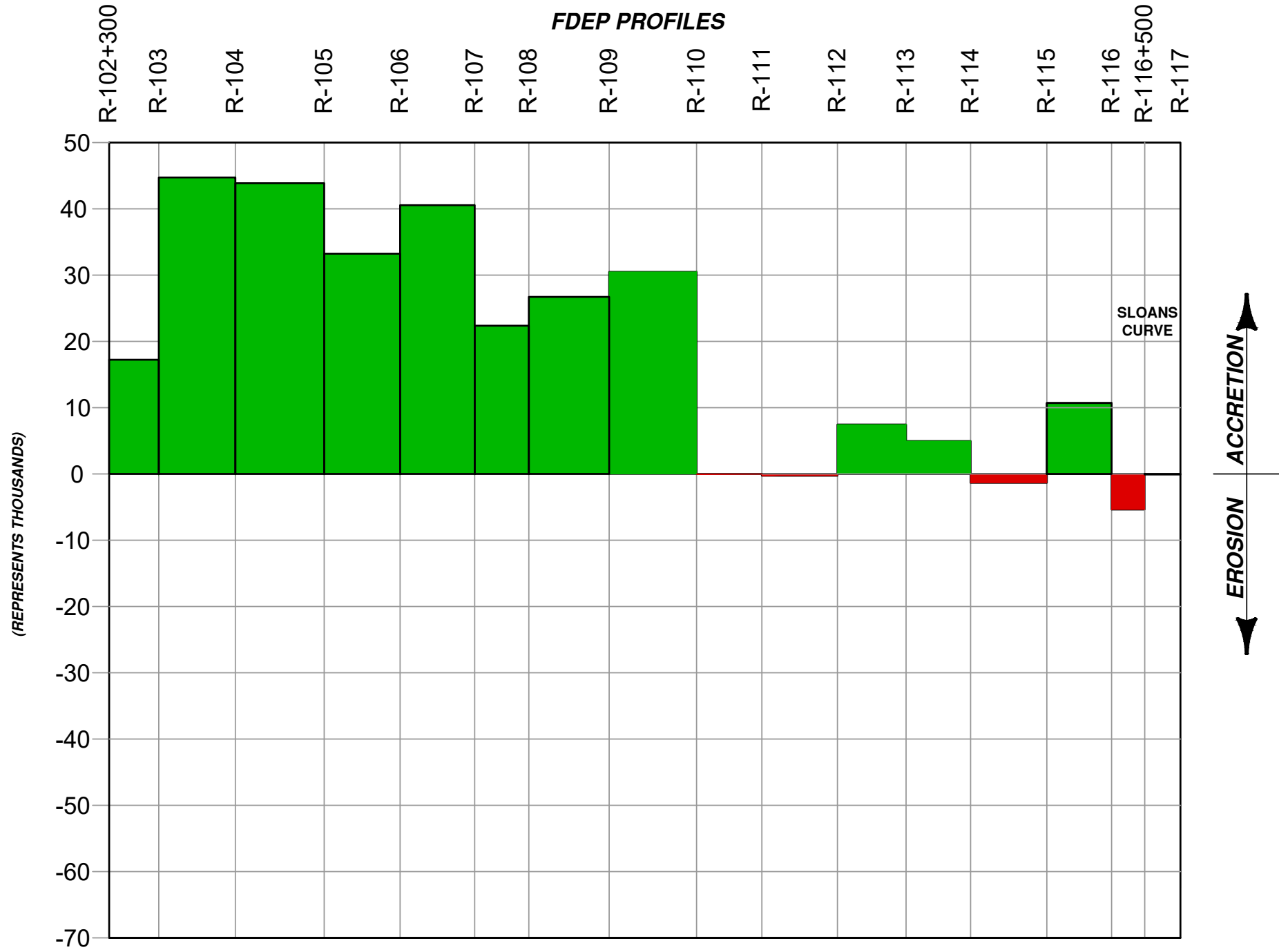


Figure 2c
Aug. 2020 - July 2021 Volume Changes

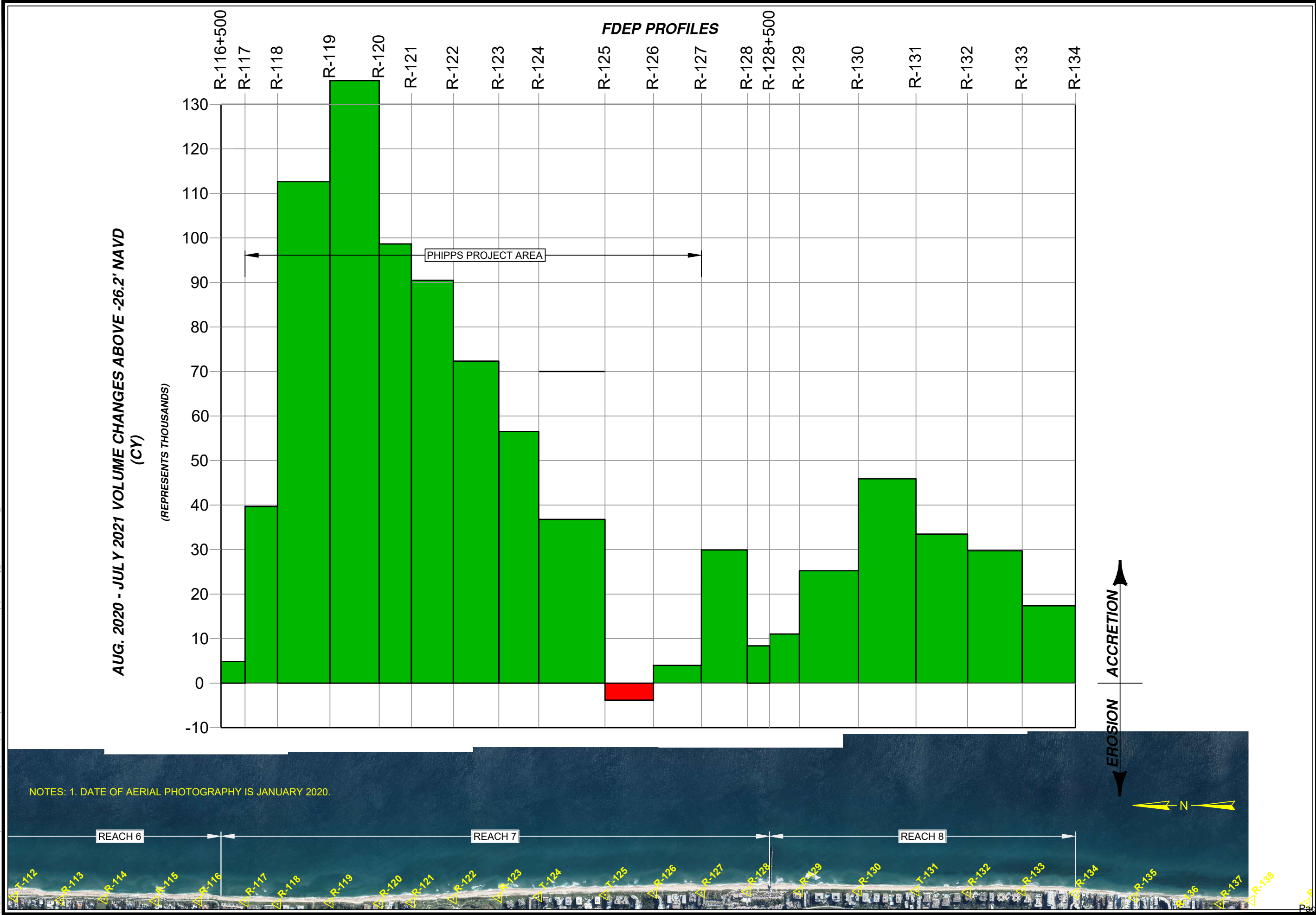
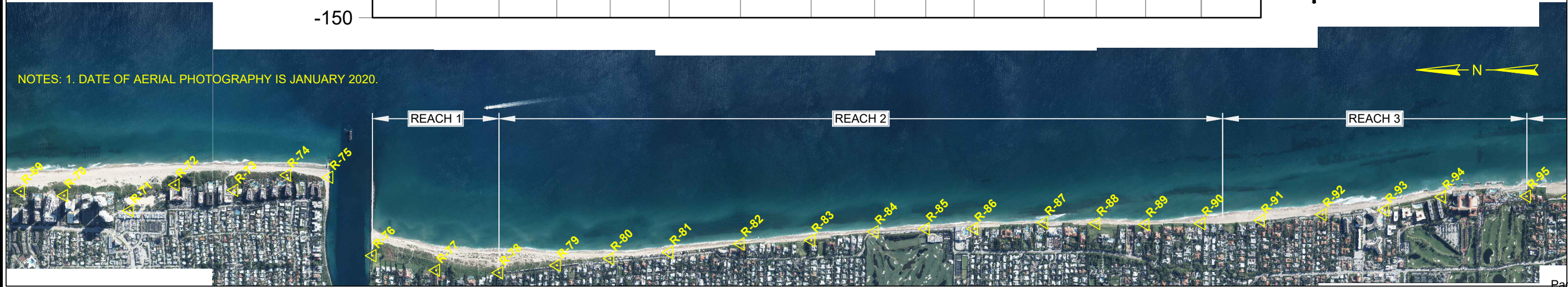


Figure 2d
Aug. 2020 - July 2021 Volume Changes

NOTES: 1. DATE OF AERIAL PHOTOGRAPHY IS JANUARY 2020.



AUG. 1990 - JULY 2021 VOLUME CHANGES ABOVE -26.2' NAVD

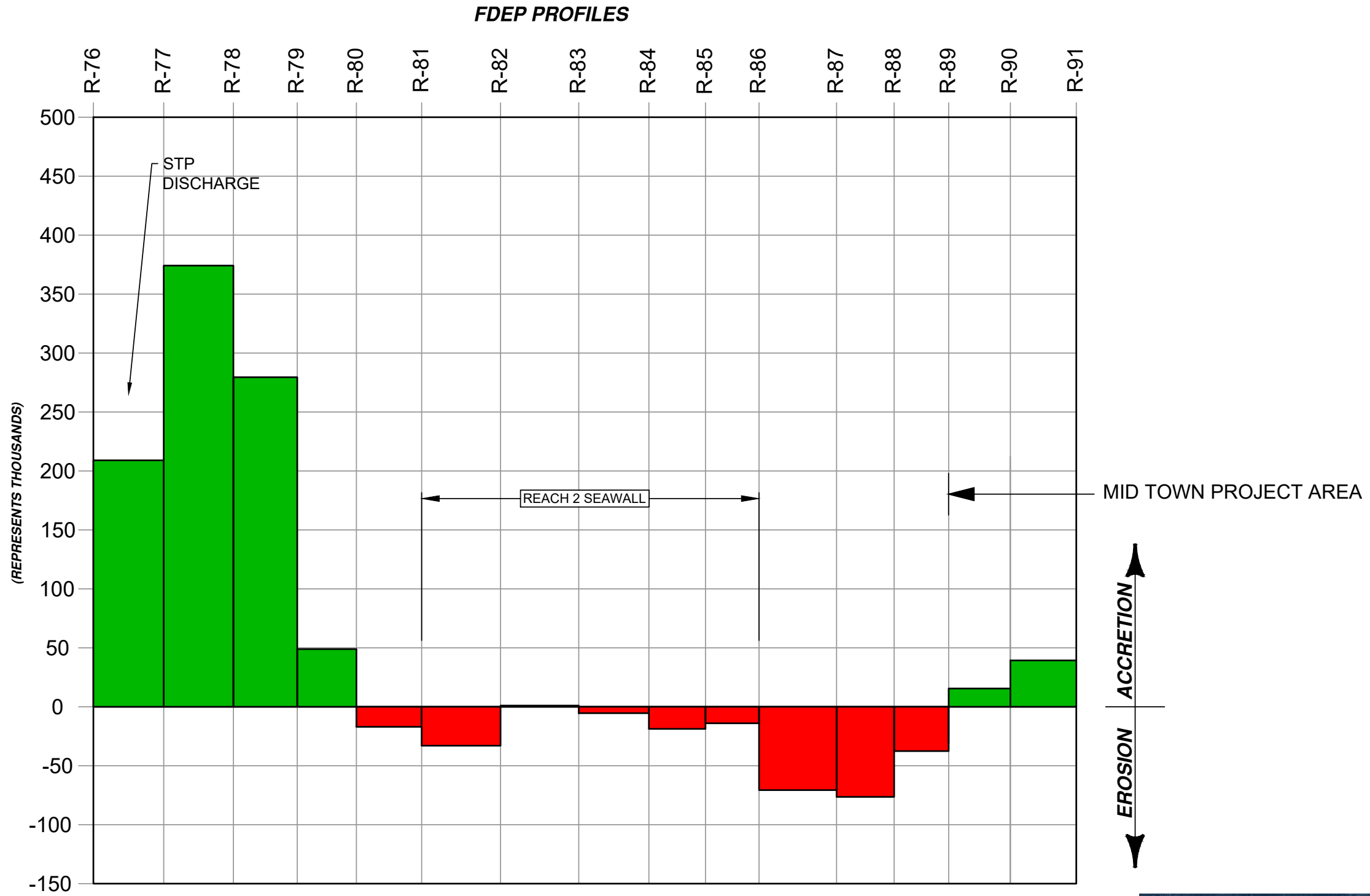


Figure 3a

Aug. 1990 - July 2021 Volume Changes



AUG. 1990 - JULY 2021 VOLUME CHANGES ABOVE -26.2' NAVD
(CY)

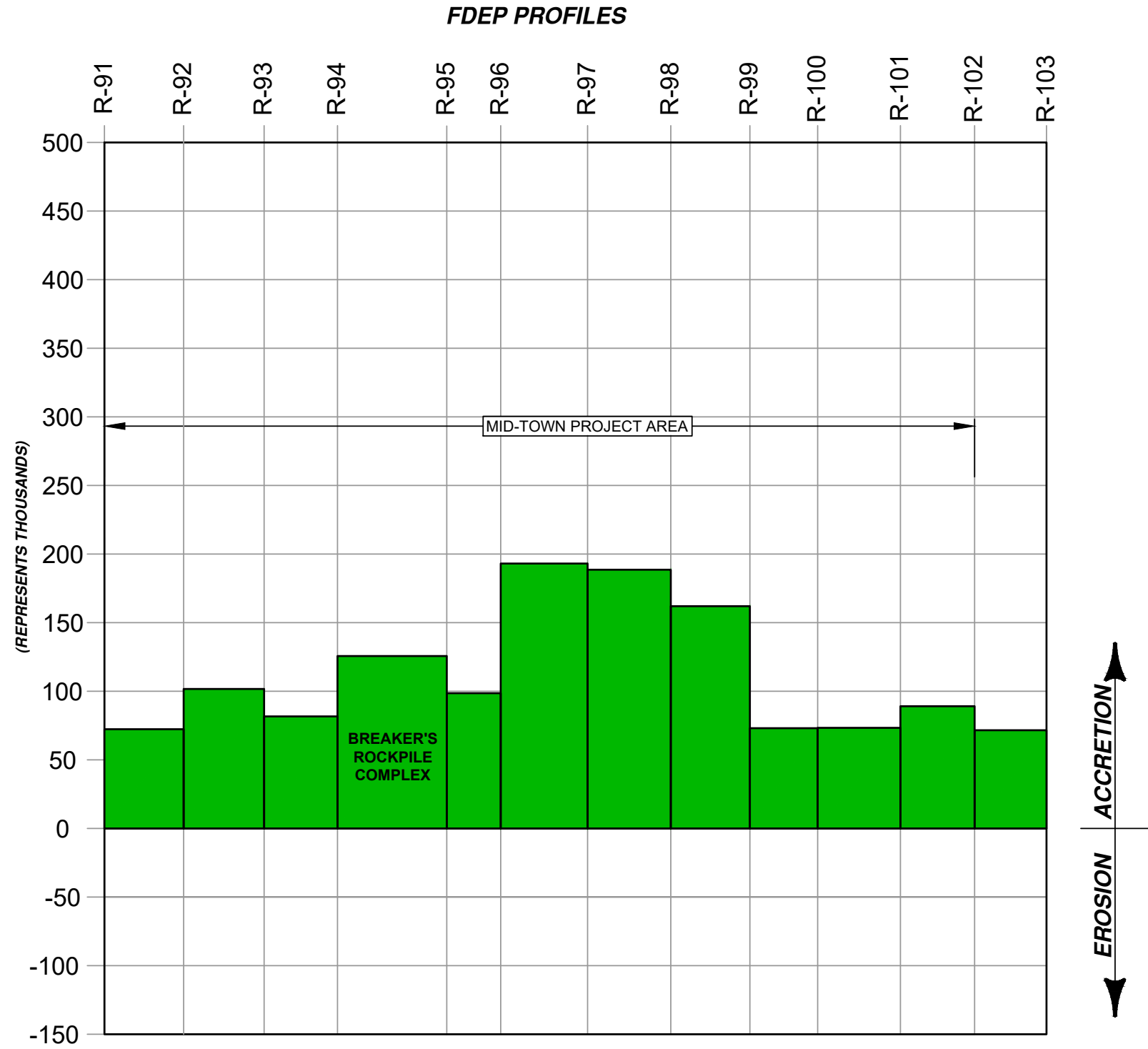
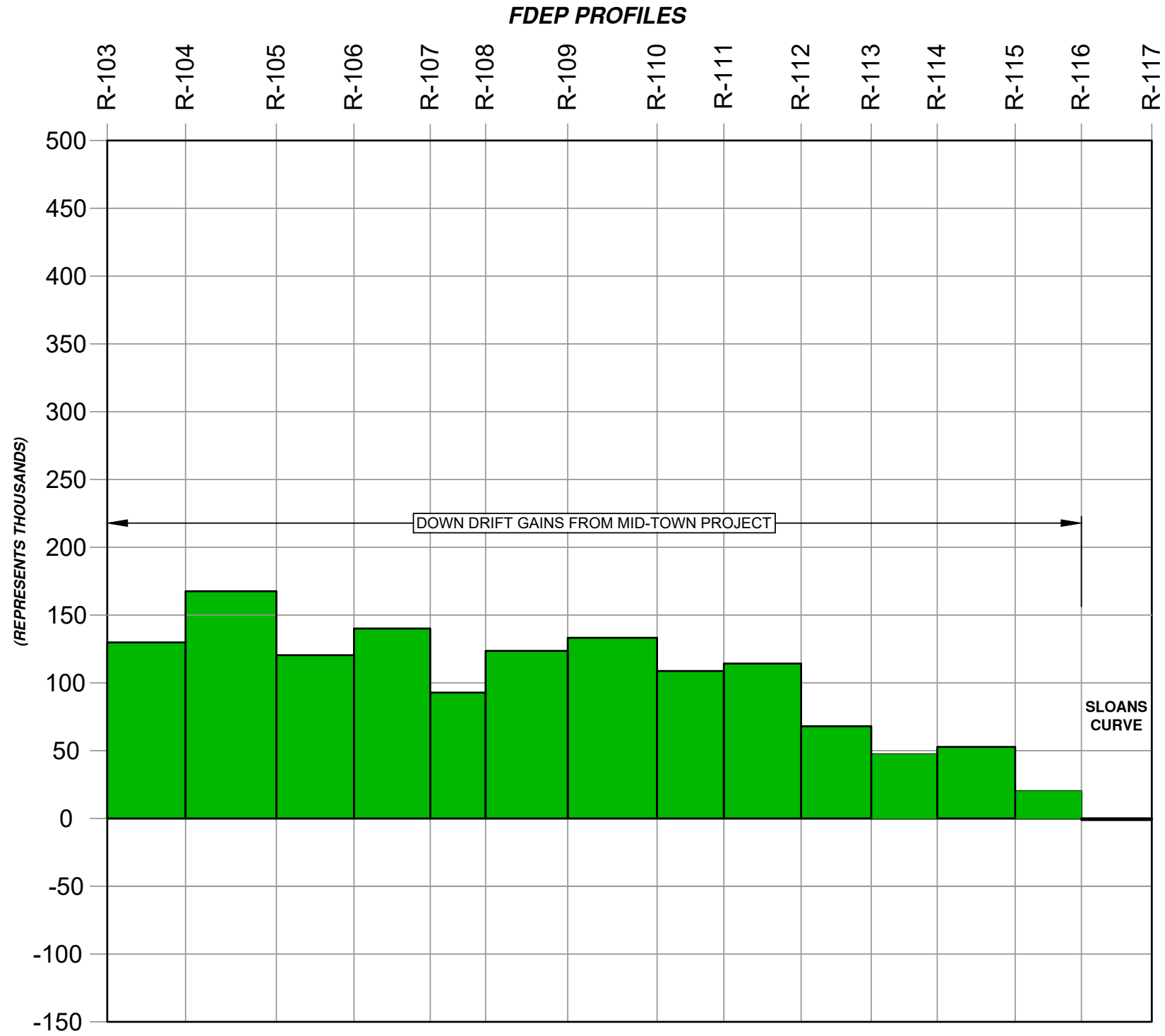


Figure 3b
Aug. 1990 - July 2021 Volume Changes



AUG. 1990 - JULY 2021 VOLUME CHANGES ABOVE -26.2' NAVD
(CY)

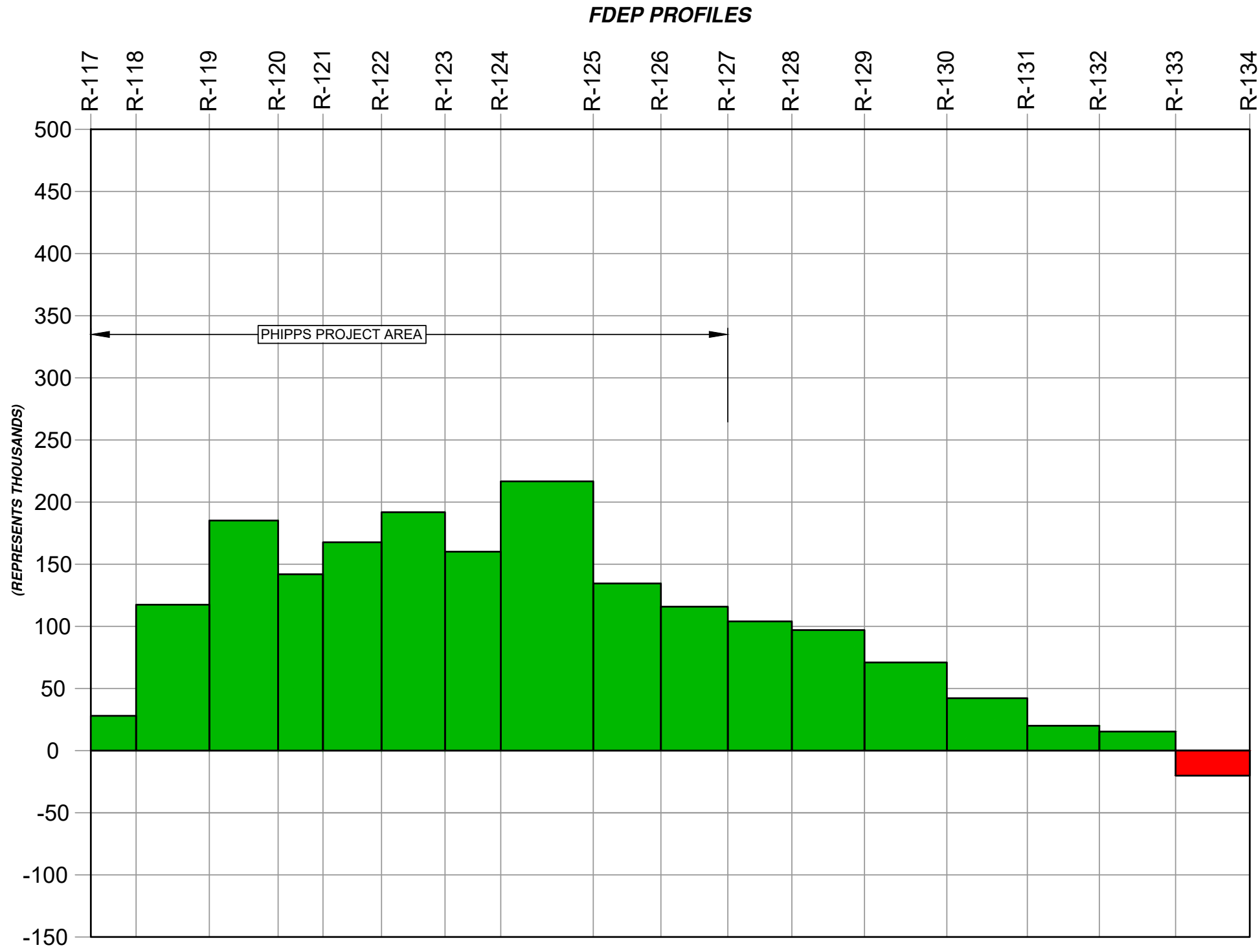


EROSION ACCRETION

Figure 3c
Aug. 1990 - July 2021 Volume Changes



**AUG. 1990 - JULY 2021 VOLUME CHANGES ABOVE -26.2' NAVD
(CY)**



EROSION ACCRETION

Figure 3d
Aug. 1990 - July 2021 Volume Changes

TOWN OF PALM BEACH

Information for Shore Protection Board Meeting on: March 24, 2022

TO: Shore Protection Board

FROM: Kirk W. Blouin, Town Manager

VIA: Robert Weber, Coastal Program Manager

RE: Coastal Projects Update
Item XIV.

DATE: March 18, 2022

STAFF RECOMMENDATION

Town staff requests the Shore Protection Board (SPB) review the attached information and provide any additional input deemed necessary.

GENERAL INFORMATION

Listed below is a brief update of the ongoing activities for the Coastal Management Program. Town staff can provide more details of each item during the SPB meeting.

2022 Lake Worth Inlet

Maintenance Dredging

- The U.S. Army Corps of Engineers contractor, Cashman Dredging, continues to perform the inlet maintenance dredging project was sand placed on the dry beach.
- More than 100,000 cubic yards have been placed to date between the inlet and Mediterranean Road.
- The anticipated total volume is on the order of 400,000 cubic yards of sand.
- The work started in January and is expected to be completed by April 30, 2022.

Sand Forepassing

- The Town solicited bids for this project to take place in late April 2022.
- An award will be considered by Town Council at their April meeting.
- The scope includes moving 20,000 cubic yards of sand placed by the inlet maintenance dredging project to add a small dune against the seawall from Palmo Way south to approximately Queens Lane.
- The project would be cost shared 75% with a state grant.

Sand Transfer Plant Assessment

- Town consultant GHD performed an integrity assessment of the facility's components inspected the pipelines and submitted reports of their findings to the Town in 2021.
- GHD is currently completing their risk assessment of the Sand Transfer Plant. This final report is expected sometime this month.
- A scheduled 5-year capital improvement program to keep the plant operational, based on the draft report, has been included in the draft FY 2023 Coastal Management Program budget and 10-year outlook.
- The plant is currently operational and is actively bypassing sand and met its bypassing goal in 2021.

2022 Dune Restoration

- In February, Town contractor Rio-Bak hauled approximately 12,000 cubic yards of sand from the beach stockpile in Reach 7 to construct dunes along the seawall between Hammon Avenue and El Brillo Way in Reach 4.
- This project is to receive 75% reimbursement from FEMA.
- Due to unfavorable shoreline conditions, dune restoration in Reach 9 (South Palm Beach and Lantana) could not be possible this construction season. The sand stockpile remains in place and, if conditions allow, the project could be completed after November 1, 2022.

Coastal Resiliency

- Woods Hole Group assisted Town staff with submitting state grant applications for applicable capital improvement projects. These projects were successfully included in the approved list for FY 22/23 and will be issued grants later this calendar year.
- The Town is preparing a request for qualifications solicitation to conduct a coastal resiliency consultant search to assist the Town with current and future flooding and climate change concerns.
- Town staff is preparing a program to improve water level monitoring which will obtain real and accurate data to help make informed future decisions about sea level rise by installing tide gauges in the Lake Worth Lagoon.

cc: Jay Boodheshwar, Deputy Town Manager
H. Paul Brazil, P.E., Director of Public Works
Patricia Strayer, P.E., Town Engineer

TOWN OF PALM BEACH

Information for Shore Protection Board Meeting on: March 24, 2022

TO: Shore Protection Board

FROM: Kirk W. Blouin, Town Manager

VIA: Robert Weber, Coastal Program Manager

RE: Establish Shore Protection Board Goals for 2022 Calendar Year and 10-Year Outlook Discussion
Item XV.

DATE: March 18, 2022

STAFF RECOMMENDATION

Town staff requests that the Shore Protection Board (SPB) review the attached information and determine goals for 2022.

GENERAL INFORMATION

Attached are the 2021 Goals established by the Shore Protection Board. Given the pending changes to Town Code to amend the advisory capacity of the Board, the 2021 goals and objectives, as well as the topics to be further considered, will need revision for 2022.

Town staff is currently preparing a draft Coastal Management Program Budget for FY 2023 that includes a 10-year outlook. With the Town Code revisions, the Board will not need to provide a recommendation on this budget to Town Council. This draft budget will be shared with the Board at the March 24, 2022 meeting to go over the anticipated construction schedule of planned projects out to FY 2032.

Attachments

cc: Jay Boodheshwar, Deputy Town Manager
H. Paul Brazil, P.E., Director of Public Works
Patricia Strayer, P.E., Town Engineer

SHORE PROTECTION BOARD

GOALS AND OBJECTIVES FOR 2021

Section 2-636 (f), Town of Palm Beach Code of Ordinances: The Shore Protection Board shall act in an advisory capacity to the Town Council and shall make recommendations to the Town Council on all matters relating to shore protection in the Town including, but not limited to, issues related to beach nourishment, coastal armoring, the sand transfer plant and matters relating to the Town's Lake Worth Lagoon shoreline. In addressing these matters, the scope of the Shore Protection Board's duties shall include long-term planning, budgeting, lobbying, public education, and intergovernmental coordination.

2021 SHORE PROTECTION BOARD STATED PURPOSE AND COMMITMENT

The purpose of the Shore Protection Board is to share what we perceive to be the important coastal issues facing our Town and commit to making recommendations to the Town Council and Staff on behalf of the community.

GOALS AND OBJECTIVES

1. Improve communication and public relations

- ***Develop better procedures for communications with the Town Council, Town Staff, and with board members in compliance with State law***
- ***Enhance communications with the community at-large with respect to shore protection issues***

2. Support and implement a coastal vulnerability and resiliency implementation plan that will consider the oceanfront and the lagoon. A plan is currently being prepared by Woods Hole Group.

3. Develop and implement permitted coastal hard structure technology where appropriate.

- ***Includes a rehabilitation program for Town-owned seawalls and groins on both the ocean and intracoastal waterway***
- ***Includes continued Town Council consideration for implementation of a Seawall and Groin Rehabilitation Plan in coordination with oceanfront residences for private funding***

4. Work with state and federal agencies and governments to implement projects to protect our shoreline.

- ***Includes continued implementation of monitoring and the construction of projects as identified within the Beach Management Agreement (BMA)***
- ***Includes developing solutions for shoreline projects not currently identified in the BMA, especially Reach 8***

5. Continue maximal sand bypassing and inlet dredging. This includes placement of dredged sand on or near the dry beach extending south of Reach 1, the Lake Worth Inlet Maintenance Dredging by the U.S. Army Corps of Engineers, and Operation and Maintenance of the Sand Transfer Plant.

DISCUSSION TOPICS FOR FURTHER CONSIDERATION (LISTED IN NO PARTICULAR ORDER)

- Issues regarding securing Federal and Town easements needed for construction and implications for State and Federal cost sharing
- Responsibility and methods for beach cleaning and disposal
- Policy on dune vegetation
- Implications for State and Federal funding pertaining to public beach access restrictions