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August 11, 2025

**Via Email**

Mayor Tom Carney  
Vice-Mayor Rob Long  
Deputy Vice Mayor Angela Burns  
Commissioner Tom Markert  
Commissioner Juli Casale  
100 NW 1<sup>st</sup> Avenue  
Delray Beach, FL 33444

Re: **Palm Beach County Police Benevolent Association and the City of Delray Beach, PERC Case Numbers SM-2025.008 and SM-2025-009**

Dear Honorable Mayor and City Commissioners:

I write to address several assertions made by the Palm Beach County Police Benevolent Association ("PBA") in President John Kazanjian's August 4, 2025 letter to the City Commission regarding the above-referenced impasses. In the letter, the PBA asserts that: (i) the City "failed to meet" the deadline for submission of its recommendations for settling the parties' impasse; (ii) the "only matter legally before [the Commission] for resolution is the PBA's rejection of Special Magistrate Young's wage recommendation;" and (iii) "all other recommendations of the special magistrate have been accepted by both the PBA and the City." The PBA's assertions are incorrect, disingenuous, and nothing more than a last ditch attempt to avoid the potential imposition of several contract articles by the City Commission during its August 21, 2025 meeting.

Section 447.403, FS, titled "Resolution of impasses," states in pertinent part:

(3) . . . Within 15 calendar days after the close of the final hearing, the special magistrate shall transmit his or her

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recommended decision to the commission<sup>1</sup> and to the representatives of both parties by registered mail, return receipt requested. Such recommended decision shall be discussed by the parties, and each recommendation of the special magistrate shall be deemed approved by both parties unless specifically rejected by either party by written notice filed with the commission within 20 calendar days after the date the party received the special magistrate's recommended decision. . . .

Similarly, Section 60CC-3.007 of the Florida Administrative Code, titled "Recommended Decision of Special Magistrate," states: (2) [w]ithin fifteen (15) calendar days after the close of the hearing(s), the special magistrate shall transmit his or her recommended decision to the Commission and to representatives of both parties, by registered mail, return receipt requested."

PERC has determined that the 20-day clock for rejecting a special magistrate's recommendations ("Recommendations") starts from the date on which the parties receive the Recommendations by registered mail, return receipt requested. *See Florida Public Employees Council 79, American Federation Of State, County And Municipal Employees, AFL-CIO, Charging Party, v. City Of Hialeah, Respondent, 37 FPER 70 (2011)* (noting "**neither Section 447.403, Florida Statutes, nor Florida Administrative Code Rule 60CC-3, authorize an email submission of a special magistrate's recommended decision. Rather, the recommended decision is required to be sent to the commission and to the representatives of both parties by registered mail, return receipt requested. See § 447.403(3), Fla. Stat.; Fla. Admin. Code Rule 60CC-3.007(2)**"). In the foregoing case, PERC addressed whether the 20-day clock starts from email or mail receipt of Recommendations, and conclusively determined that the clock is triggered by regular mail receipt.

Here, Special Magistrate Young emailed and mailed the parties his Recommendations on Friday, July 4, 2025. Both the City and PBA received the Recommendations on July 7, 2025, as evidenced by the Special Magistrate's Case Closing Report filed with PERC (enclosed). As such, the parties' rejections of the

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<sup>1</sup> The term "commission" as used in this provision refers to the State of Florida Public Employees Relations Commission ("PERC").

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Recommendations were due to PERC no later than 5:00 pm on July 27, 2025. Here, the City emailed its rejections to the Recommendations to PERC Impasse Coordinator Jennifer Okwabi (with a copy to PBA counsel Brennan Keeler, Esq.) at 12:37 pm on July 24, 2025, and thereafter submitted its rejections to the Recommendations on PERC's online portal at approximately 5:15 pm on July 24, 2025. As such, the City's rejections of the Recommendations are clearly timely filed.

In addition, even assuming the due date for the parties' rejections to the Recommendations was 20 days from e-mail receipt of the Special Magistrate's Recommendations (which it is clearly not), the City still undoubtedly timely submitted its rejections. Indeed, as set forth above, the City emailed its rejections to the Recommendations to Ms. Okwabi midday July 24, 2025. Not surprisingly, the PBA omits that important fact from its letter. In addition, neither PBA counsel Mr. Keeler nor Ms. Okwabi responded to the City's July 24, 2025 email filing objecting to the manner in which the City filed its rejections. After seeing a notice of filing of the PBA's rejections of the Recommendations onto PERC's online portal, the City – out of an abundance of caution – thereafter also filed its rejections to the Recommendations on PERC's online portal, albeit shortly after 5:00 pm.

In light of the foregoing, it is clear that: (i) the City timely filed its rejections to the Recommendations; (ii) all four articles addressed in the Recommendations have been rejected; and (iii) all four articles are before the City Commission at its August 21, 2025 meeting.

Sincerely,



Brett J. Schneider  
Special Labor Counsel

Enclosure

cc: Terrence Moore, City Manager  
Lynn Gelin, Esq., City Attorney  
Duane D'Andrea, Director of Human Resources  
Paul Weber, Labor/Employee Relations Administrator  
Darrell Hunter, Interim Chief of Police  
Brennan Keeler, Esq.