A PROCLAMATION OF THE TOWN OF MELBOURNE BEACH, FLORIDA, DECLARING A LOCAL STATE OF EMERGENCY

WHEREAS, the Town of Melbourne Beach (the "Town") and Brevard County are currently under a Flash Flood Warning; and

WHEREAS, the National Weather Service in Melbourne reported between 15 and 20 inches of rainfall had fallen across the warned area, including the Town, and an additional 1 to 3 inches of rainfall is possible; and

WHEREAS, the amount of rainfall received has resulted in localized flooding in areas within the Town and constitutes a serious threat of injury, loss of life, damage to property, disruption of services, and impairment of the public health, safety and welfare of the inhabitants of the Town; and

WHEREAS, the adverse conditions are imminent or already occurring within the Town and may case widespread damage to public infrastructure, private property, utilities, roadways, stormwater systems and may hamper normal government functions; and

WHEREAS, on November 2, 2026, Governor DeSantis issued Executive Order 26-227 declaring a state of emergency for seven counties, including Brevard County, and the Town has complied with all of its mandatory reporting and coordination requirements under Chapter 252, Florida Statutes, and will continue to do so during this state of local emergency; and

WHEREAS, the Town of Melbourne Beach has continued to monitor the increased risk to the community and is preparing to execute its Emergency Preparedness Plan and establish an emergency command center, if necessary; and

WHEREAS, Chapter 252, Florida Statutes, grants political subdivisions authority to declare a state of local emergency; and specifically, Section 252.38(3)(a), *Florida Statutes*, provides the ability for local governing bodies to waive certain formalities and take whatever actions necessary to preserve the health, safety, and welfare of the community; and

WHEREAS, Section 2.07 of the Town Charter provides the Mayor of the Town of Melbourne Beach "shall be responsible for civil defense and military law"; and

WHEREAS, per the Town's *Code of Ordinances*, Chapter 16, the Mayor of the Town of Melbourne Beach "shall have the right to declare civil emergency by proclamation"; and

WHEREAS, after declaration of an emergency, the Mayor may, in the interest of public safety and welfare, issue orders as declared in said Chapter 16 which are imminently necessary to protect the public health, safety, and welfare; and

WHEREAS, per the Town's *Code of Ordinances*, Chapter 16, it is in the interest of public health, safety, and welfare to prohibit or limit the public's use of public facilities including but not limited to, parks, government buildings, rights-of-way, and beaches; and

WHEREAS, this emergency proclamation shall be effective for up to 7 days unless terminated in accordance with Section 16-4, Town *Code of Ordinances*.

NOW THEREFORE, I, Alison Dennington, Mayor of the Town of Melbourne Beach, Brevard County, Florida, hereby declare the existence of a civil emergency in the Town of Melbourne Beach, Florida pursuant to Chapter 16 of the Town of Melbourne Beach *Code of Ordinances* and Section 252.38(3)(a), *Florida Statutes*.

Dated this 3rd day of November, 2026, at 4:45 p.m.

Alison Dennington, Mayor

ATTEST:

Cyd Jones, Town Clerk

TOWN OF MELBOURNE BEACH, FLORIDA • FOUNDED 1883 • SEAL

TOWN OF MELBOURNE BEACH, FLORIDA

Historic Rainfall & Flooding

Understanding the damage from the November 1-3, 2026 storm

20+″

of rain recorded in Melbourne Beach, Nov. 1–3, 2026

Briefing for Town Commission | November 2026

WHY IT FLOODED

More rain than the drainage system could move

1

Moisture feed

An upper-level disturbance and a low-pressure system over the Gulf pushed persistent onshore flow across the peninsula.

2

A stalled storm

Rounds of heavy rain began Sunday, and the system sat over Brevard County through Monday.

3

Drainage overwhelmed

Officials said stormwater systems, however robust, cannot move that much water that quickly.

4

Water with nowhere to go

Neighborhoods, roads and beachside canals filled and overflowed; saturated ground added to the damage.

“One in a 1,000-year event.” The National Weather Service used this description for rainfall in southern Brevard County; other forecasters cited a 1-in-100-year flood in the hardest-hit areas.

DAMAGE AND DISRUPTION

Flooding reached homes, roads and daily life

Homes

Neighborhoods were swamped; at least 30 residents reported water intrusion into their homes in Melbourne Beach.

Roads and vehicles

Many roads were impassable, and abandoned vehicles blocked roadways.

Schools and business

Brevard Public Schools closed Monday and Tuesday; businesses were disrupted.

Water service

The City of Melbourne remains under a boil-water advisory; no major plant failures were reported.

Trees and power lines

Saturated ground caused trees to fall, threatening power lines.

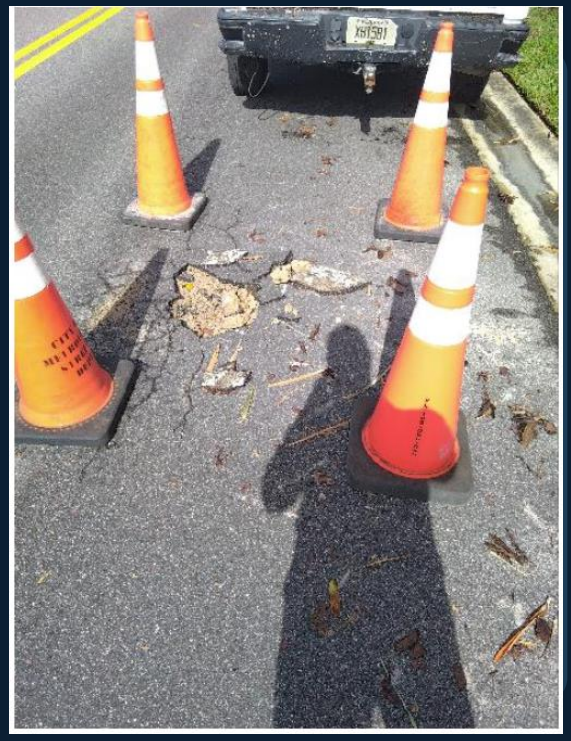
Public services

Trash pickup was paused and area hospitals canceled elective surgeries.

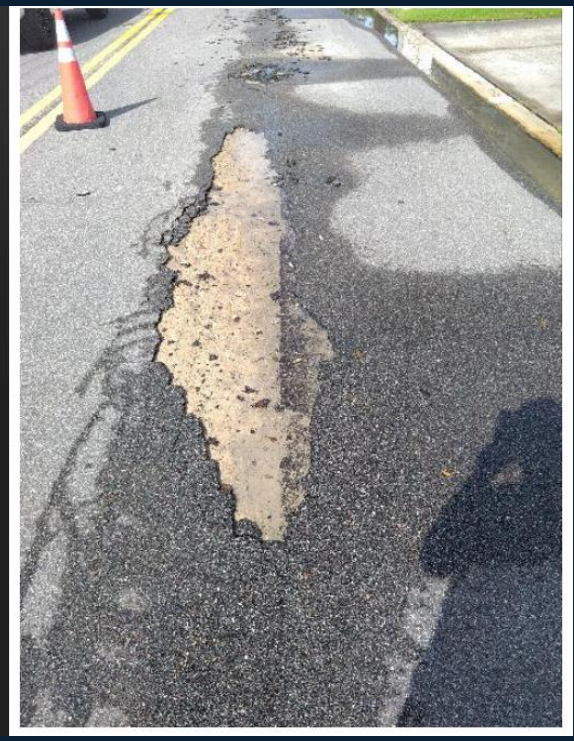
Sources: Yahoo/ABC News (Nov. 3, 2026); WKMG ClickOrlando; WESH; City of Melbourne advisory (Nov. 2, 2026)

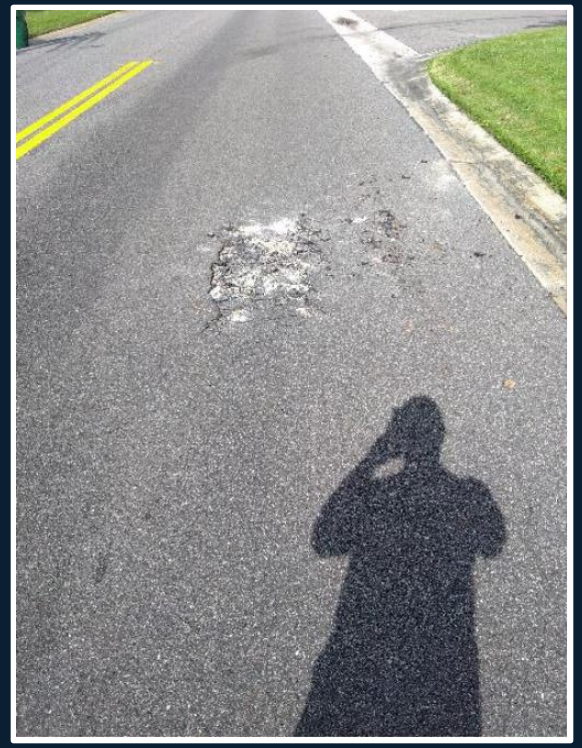
STORM DAMAGE AT A GLANCE

Riverside Drive



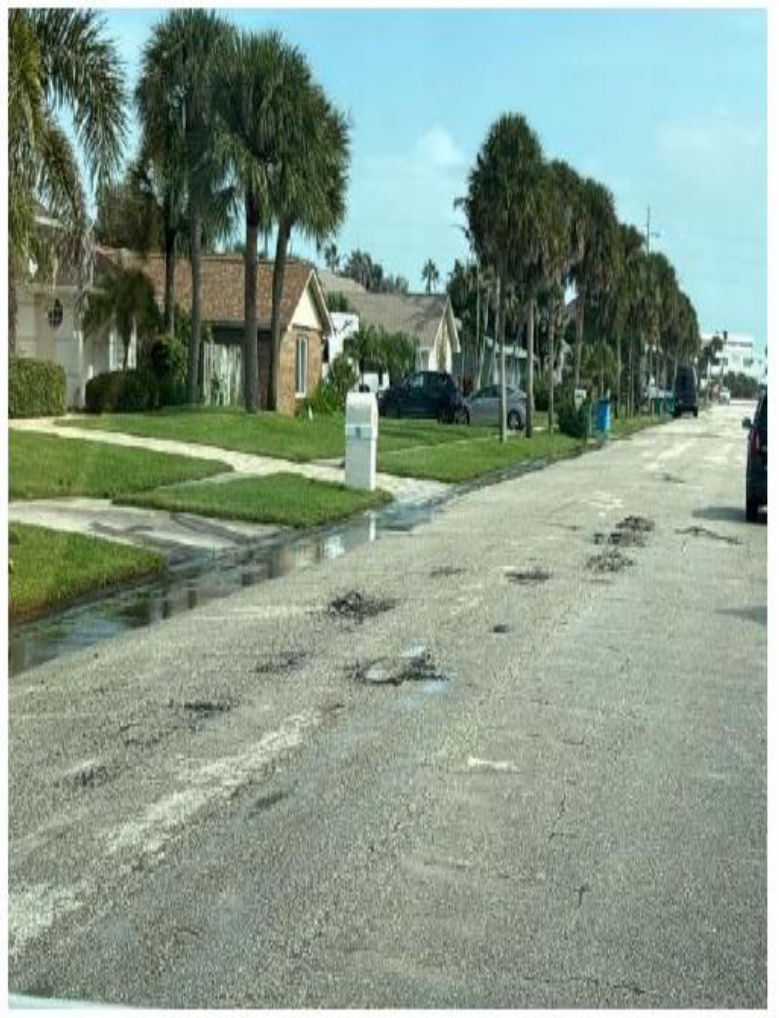






STORM DAMAGE AT A GLANCE

Cherry Drive, Elm Avenue and Avenue B







STORM DAMAGE AT A GLANCE

6th Avenue Boat Ramp





TIMELINE

Three days from first rain to damage assessment

SUN, NOV. 1

Rain begins

- Rounds of heavy rain start across Central Florida
- Onshore flow keeps feeding the system

MON, NOV. 2

Peak flooding

- Rescues by airboat, helicopter and high-water vehicles
- Shelter-in-place advisories; schools closed
- Rain moves out in the evening

TUE, NOV. 3

Assessment begins

- Floodwaters slowly recede
- County starts damage assessments
- Palm Bay confirms two deaths; state of emergency declared

Sources: USA TODAY; WKMG ClickOrlando; ABC News; WESH; Fox Weather (Nov. 2–3, 2026)

WHAT WE DON'T KNOW YET

The full extent of damage is still being measured

Months

Brevard County Emergency Management says assessment and repairs "could go on for months and months."

Roadways beneath floodwater

Officials warn pavement and subgrade may be damaged under flooded areas.

Water treatment plants

Being examined; no major plant failures reported so far.

Power and tree damage

Saturated ground continues to bring down trees and lines.

Hardest-hit areas

Assessments will map the worst damage and set repair priorities.

Source: WESH, Nov. 3, 2026; WKMG ClickOrlando, Nov. 2, 2026

MELBOURNE BEACH ASSESSMENT

Documenting the Town's damage, area by area

Area	What is documented	Lead	Status
Homes and structures	Flooded properties, water depth, habitability	Fire and Building Departments	**Figures pending**
Streets and drainage	Road damage, blocked drains, canal overflow	Public Works	**Figures pending**
Water and Sewer	Service interruptions and system condition	Town Manager/Public Works (liaison with utilities)	**Figures pending**
Town facilities	Buildings, equipment and records	Public Works	**Figures pending**
Costs and funding	Response costs, repair estimates, aid eligibility	Town Manager/Finance	**Figures pending**

Town-specific damage figures will be added here as each assessment is completed and verified.

Framework for Town staff; leads are suggested and can be adjusted

NEXT STEPS

Recovery starts with staying safe

Floodwaters can take several days to drain, even after the rain stops.

Stay off flooded roads

Avoid standing water, fast-moving water and downed power lines. FOR YOUR SAFETY, adhere to traffic cones and police tape.

Document damage

Take photos and notes before cleanup to support insurance and aid claims.

Watch for advisories

Follow Town and county notices on boil-water, road closures and services.

Report damage to the Town

Contact the Town Office so staff can include your property in assessments.

Guidance reflects advice from Brevard County officials (Nov. 2–3, 2026); Town of Melbourne Beach, Florida

If resident’s homes have been damaged or flooded by the rain, please use the QR code (or link: https://crisistrack.juvare.com/public/brevardFL/request.html) to help Brevard County Emergency Management assess community impacts and guide recovery efforts.

This form is not an application for assistance.

The Emergency SandBank Residential Flood Mitigation Pilot

Nov 4, 2026 · @Alison

Executive summary

The Emergency SandBank Residential Flood Mitigation Pilot lets the Town fill sandbags for residents within about three hours of a flood threat, using sand already sitting on permitted construction sites and the full-time Fire and Public Works crews the Town already pays. The Town keeps a registry of active sites with unused sand, builders pre-sign a one-page participation agreement, and every yard taken is replaced in kind within 24–72 hours or reimbursed at invoice price. Setup costs about $5,000–$8,000; each activation costs roughly $1,500–$3,000, almost all of it replacement sand.

The October 31–November 2, 2026 storm is the case for it. Roughly 20 inches of rain fell, homes flooded, the Town had no sand, and several residential sites lost their fill piles into the Indian River Lagoon. Crews and trucks were on duty and could have bagged that sand for the homes a few blocks away; nothing but a list, an agreement, and a procedure was missing.

The program is positive-sum. Builders lose nothing (sand that would have washed away comes back as fresh fill), residents get bags in hours instead of never, the lagoon is spared a pulse of sediment, and the Town gets a flood reserve already distributed across the neighborhoods that flood, with no stockpile yard, no storage cost, and no new staff.

What is requested

- A 12-month pilot resolution covering the 2027 hurricane season.
- Approval of the form Builder Participation Agreement and pilot terms (see the Sample agreements tab).
- Up to $8,000 for bags, two hopper funnels, and a standing replacement-sand purchase order.
- A report back to the Commission in December 2027 with a recommendation on permanent adoption.

The rest of this proposal gives the problem, the design, the operating procedure, the legal basis, roles, cost, timeline, risks, and the Commission action requested.

The problem the October 31–November 2, 2026 storm exposed

About 20 inches of rain fell on Melbourne Beach over three days, and homes flooded while usable sand sat unused a few blocks away. Several residential construction sites held piles of fill sand that had not yet been placed; much of it washed off-site into the Indian River Lagoon, becoming a pollutant instead of a resource. At the same time the Town had no sand on hand, so residents who saw water rising toward their doors had nothing to bag.

The Town did have what it needed in people and equipment. The Fire Department and Public Works are staffed full time, on site, with trucks and loaders, and they were available during the storm. What was missing was sand within reach and a plan that let crews go get it.

The mismatch is the whole case for the pilot:

- Sand was present in Town, on private sites, loose and about to wash away.
- Labor and trucks were present and paid for, but idle on this task.
- Residents needed filled bags in a window of a few hours, not a few days.
- No one had authority, a list, or a procedure to connect the three.

The idea in one page

SandBank treats unused sand on construction sites as a borrowed emergency reserve, not Town inventory. Four pieces make it work:

1. **Registry.** The Building Department logs every active permit with a sand or fill pile on site, its approximate volume, access point, and the builder's after-hours contact. The list is refreshed at each inspection and reviewed monthly during hurricane season (June 1–November 30).
2. **Pre-signed participation agreement.** At permit issuance (or by letter to existing permits), the builder signs a one-page agreement allowing the Town to take sand during a declared flood emergency in exchange for guaranteed replacement or reimbursement. Participation is voluntary; the registry notes who has signed.
3. **Activation and bagging.** When the Town Manager (or designee) declares a SandBank activation under an existing weather warning, Public Works pulls sand from the nearest registered sites, and Fire and Public Works crews fill bags at a staging point or directly at the site. Residents collect bags, and crews deliver to residents who cannot.

4. **Replacement within 24–72 hours.** The Town orders replacement sand from a pre-arranged vendor the moment sand is taken, delivers it to the site within 72 hours, and documents volume both ways. If the builder prefers, the Town pays the builder's invoice price instead.

The builder loses nothing: sand that would have been lost to the river or sat idle during a storm comes back as fresh fill a day or two later. The Town gains a reserve that is already distributed across the neighborhoods that flood, with no yard, no stockpile, and no storage cost.

Why this is positive-sum

Every party is better off than under the status quo, and the gains come from the same event that would otherwise produce only losses.

Less waste. Fill sand left loose on a site during a storm is partly or wholly lost: it washes off, compacts into mud, or has to be re-graded and topped up at the builder's cost. SandBank converts that about-to-be-lost sand into bags that protect homes, then returns clean fill after the storm. The Town also avoids buying and storing a stockpile that sits for years, hardens, grows weeds, and is itself at risk of washing out during the exact event it was bought for.

Fast activation. The Town's barrier to sandbags today is not labor or trucks; it is that sand is miles away and no one is authorized to go get it. With sites registered and agreements pre-signed, the Manager can activate on a Flood Watch and crews can be filling bags within the hour, because the sand is already inside Town limits, often on the same streets that flood. Target: first bags in residents' hands within three hours of activation.

Keeps sand out of the river and the stormwater system. Sand that washes off a site does not disappear. It enters swales, catch basins, and outfalls, reduces the capacity of the stormwater system the Town maintains, and ends up as sediment in the Indian River Lagoon, where it smothers seagrass and carries whatever was on the site with it. Moving that sand into bags before the peak of the storm, and replacing it after, removes a sediment source at the moment it is most likely to mobilize. It also aligns the pilot with the Town's stormwater utility purposes and the Lagoon basin management goals the Town is already expected to support.

No loser in the transaction

Party	Gives	Gets
Builder	Temporary use of sand that was at risk of washing away	Fresh fill within 72 hours or invoice-price reimbursement; a site that sheds less sediment; goodwill with neighbors
Resident	Nothing	Filled bags within hours, at the doorstep if they cannot self-serve
Town	Bags, funnels, a replacement-sand reserve, a registry	A distributed flood reserve with no yard or storage cost; fewer flooded homes; less sediment in Town stormwater infrastructure; a FEMA-reimbursable protective measure
Lagoon and stormwater system	Nothing	Less sediment and debris during the highest-flow hours of the storm

How it works: operating procedure

Before the season (standing)

1. Building Department adds a "sand on site" field to the permit record and updates it at each inspection; the registry is exported to Fire and Public Works monthly.
2. Town Clerk mails the participation agreement to every open permit holder; new permits sign at issuance.
3. Public Works keeps 2,000 empty sandbags, ties, two hopper funnels, and shovels on the PW truck or at the station.
4. Finance holds a purchase order with a sand vendor for up to 100 cubic yards, deliverable within 48 hours of a call.

Trigger

5. A National Weather Service Flood Watch or Flash Flood Warning for south Brevard, or a Town or County emergency declaration, lets the Town Manager (or Fire Chief if the Manager is unreachable) declare a SandBank activation. The declaration names the

sites to draw from and the staging point.

During the event

6. Public Works notifies each builder by phone or text (no response required), photographs the pile, and takes sand by loader or by hand; the crew records the estimated yards taken.
7. Fire and PW crews fill bags at the staging point (Town Hall or the fire station) or at the site if it is closer to the homes at risk.
8. The Town posts pickup instructions on its website, social media, and the emergency text list; crews deliver to residents who are elderly, disabled, or already cut off, with a cap of 10–15 bags per home during the pilot.
9. Residents are reminded that bags are for door and garage thresholds and that sandbags do not stop rising groundwater or sewer backup.

After the event (24–72 hours)

10. Public Works calls the replacement order the same day sand is taken and delivers it to each site within 72 hours; the builder signs a receipt or elects reimbursement.
11. The Town retrieves used bags from the right-of-way on request and disposes of them as flood debris (bags that touched sewer-mixed water are not reused).
12. The Fire Chief files a one-page after-action report: sites used, yards taken, bags filled, homes served, replacement completed, cost.

Legal basis and the preferred voluntary-agreement route

The pilot should run on consent, with Chapter 252 emergency powers held in reserve. A pre-signed participation agreement makes the sand a contracted resource, so taking it is performance of a contract rather than a taking of private property. That avoids any Article X, § 6 compensation claim, any argument over valuation, and any need to declare a local state of emergency just to fill bags. Citations below are from memory and should be confirmed by the Town Attorney before adoption.

Statutory backstop (Fla. Stat. ch. 252, State Emergency Management Act)

- § 252.38(3)(a) gives municipalities emergency management powers, including the authority to declare a local state of emergency, to obtain and distribute materials and supplies for emergency purposes, and to use available resources of the political subdivision as reasonably necessary to cope with the emergency.

- § 252.43 provides compensation for property commandeered or used under the chapter, measured by fair value, which is why a builder who has not signed is still protected if the Town ever has to take sand without consent.
- § 252.38 also requires that municipal emergency plans be consistent with the County's; the Fire Chief should file the SandBank procedure with Brevard County Emergency Management as an annex to the Town's plan.

Why the agreement does the real work

- Consent removes the takings question and the need for an emergency declaration before crews can act.
- It fixes the remedy in advance: replacement sand in kind within 72 hours, or payment at the builder's documented invoice price, builder's choice.
- It allocates risk: the Town's crews are covered by the Town's sovereign immunity and workers' compensation (§ 768.28), the builder is released from liability for Town personnel on site during the activation, and the Town indemnifies the builder for damage its crews cause to the site.
- It is short enough to sign at the permit counter: one page, plus a site sketch showing the pile and access.

Procurement and budget

- Replacement sand is purchased under a standing purchase order within the Manager's existing spending authority; an activation does not require Commission action.
- Costs are tracked by activation so they can be claimed under a FEMA Public Assistance declaration (Category B, emergency protective measures) if one is later issued for the event.

Adoption vehicle

- A Commission resolution adopting the pilot and the form agreement, directing the Manager to build the registry, and authorizing the standing purchase order. No ordinance is needed because the program creates no new regulation; it is an operational procedure under existing emergency and purchasing authority.

Roles and responsibilities

Who	Before the season	During activation	After
Town Commission	Adopts the pilot resolution and form agreement; funds bag inventory and sand reserve	None required	Receives after-action report; decides whether to make the program permanent
Town Manager	Owns the program; signs standing sand purchase order	Declares activation; names sites and staging point	Approves replacement orders and reimbursements
Fire Chief	Files the procedure with County Emergency Management; trains crews on bagging and distribution	Runs the staging point; leads bagging and resident delivery	Writes the one-page after-action report
Public Works Director	Stores bags, ties, funnels; keeps loader and truck ready	Draws sand from registered sites; records yards taken; hauls to staging	Orders and delivers replacement sand within 72 hours; retrieves used bags
Building Official	Maintains the sand-on-site registry; collects signed agreements at permit issuance	Confirms site access and contacts	Updates registry after replacement
Town Clerk	Mails agreements to existing permit holders; keeps signed originals	Posts pickup notices	Files receipts and reimbursements with Finance
Finance	Sets up the purchase order and a SandBank cost code	Tracks activation costs	Prepares FEMA reimbursement package if a declaration follows

Who	Before the season	During activation	After
Participating builders	Sign agreement; keep pile accessible and mapped	Take the notification call; no action required	Sign replacement receipt or submit invoice

Resources and estimated cost

The pilot costs about $7,000 to stand up and roughly $1,500–$3,000 per activation, almost all of it replacement sand. Figures are planning estimates from memory and should be replaced with Public Works quotes.

Item	Quantity	Est. cost (USD)	Notes
Empty polypropylene sandbags, 14 × 26 in.	2,000	700–1,000	Reorder point at 500
Bag ties or zip ties	2,500	150	
Sandbag hopper funnels (2-person)	2	400–600	Doubles fill rate
Shovels, gloves	10 sets	300	Mostly on hand
Replacement-sand reserve (standing PO)	100 cu yd	3,500–5,000	Delivered fill sand, south Brevard; drawn down only on activation
Registry and agreement setup	Staff time	0	Building and Clerk, existing staff
Printing, signage, mailing	—	200	
Total to launch		~5,300–7,300	

Per activation

- Sand taken: 20–40 cu yd fills roughly 800–1,600 bags (a cubic yard fills about 40 bags at 35–40 lb each).
- Replacement sand: 20–40 cu yd at $35–$50 per yard delivered = $700–$2,000.

- Labor: existing on-duty Fire and Public Works staff; overtime only if the event already triggers it.
- Each activation is logged under a SandBank cost code for possible FEMA Category B reimbursement.

What the Town does not need

- No sand stockpile yard, no storage lease, no annual sand purchase that goes stale or washes away.
- No new positions or seasonal hires.

Pilot scope, timeline and success measures

The pilot runs 12 months from adoption, covering the 2027 hurricane season, and reports back to the Commission in December 2027.

Scope

- Town limits only; all open residential and commercial building permits with fill or sand on site.
- Residents only during the pilot (no businesses), capped at 10–15 bags per home, priority to homes with a documented flooding history and to residents who cannot self-serve.
- Replacement in kind or reimbursement, builder's choice; no cash payments to residents.

Timeline

When	Milestone
December 2026	Commission adopts resolution and form agreement; Town Attorney review complete
January 2027	Registry built; agreements mailed to existing permit holders; bags and funnels purchased
February 2027	Standing sand purchase order in place; procedure filed with Brevard County Emergency Management
March 2027	Crew training and one tabletop drill with Fire, Public Works, Building

When	Milestone
May 2027	Pre-season registry review; resident notice in Town newsletter and website
June–November 2027	Live season; activate as triggered
December 2027	After-action review and Commission decision on permanent adoption

Success measures

- At least 75% of open permits with sand on site have a signed agreement before June 1, 2027.
- First filled bags available to residents within 3 hours of an activation declaration.
- Replacement sand delivered to every drawn site within 72 hours, 100% of the time.
- Zero builder complaints unresolved after 30 days.
- Per-activation cost at or under $3,000.
- Resident survey after each activation: bags received in time, yes or no.

Risks and mitigations

Risk	Mitigation
Builders refuse to sign or see it as a taking	Voluntary program; replacement or invoice-price reimbursement, their choice; the sand would otherwise wash away. Chapter 252 remains the backstop only for a declared emergency.
Sand is unsuitable (clay, debris, already wet)	Registry notes material type; crews use judgment on site; any clean fill sand works for a threshold bag.
Replacement sand not available within 72 hours after a regional event	Standing purchase order with a named vendor and a backup vendor; agreement allows reimbursement in lieu when delivery slips.

Risk	Mitigation
Crew injury on a private site	Town workers' compensation and sovereign immunity apply; agreement releases the builder; crews use their own equipment and PPE.
Damage to the construction site (ruts, silt fence, stakes)	Photograph before and after; Town repairs or pays; access route agreed in advance on the site sketch.
Fire and Public Works are consumed by rescue or road work	Fire Chief sets priority; bagging is a between-calls task; resident self-serve pickup needs only one person at the staging point.
Residents expect bags to stop all water	Written notice with every pickup: thresholds and garage doors only; no protection from groundwater or sewer backup.
Used bags left in rights-of-way	Town retrieves on request and disposes as flood debris; no reuse of bags exposed to contaminated water.
Registry goes stale between inspections	Monthly in-season refresh by Building; builders asked to notify when a pile is placed or removed.

Alternative names considered

SandBank is recommended: it says the sand is on deposit and comes back, which is the point of the 72-hour replacement promise. Other options if the Commission prefers:

- **Operation Sand Loan** — plain and accurate; reads well in a press release.
- **Borrowed Beach** — memorable, but implies beach sand, which the Town is not taking.
- **Pile to Porch** — describes the path from site to doorstep.
- **SandShare** — friendly, but sounds like an app.
- **Dune Reserve** — evocative, but again suggests beach sand.
- **S.A.N.D. (Site Aggregate for Neighborhood Defense)** — works as an acronym if a formal program title is wanted.

Requested Commission action and next steps

Staff requests that the Commission adopt a resolution establishing the SandBank pilot for 12 months, approving the form participation agreement, and authorizing up to $8,000 from the General Fund (or the stormwater fund, at Finance's recommendation) for bags, equipment, and a replacement-sand reserve.

- [ ] Town Attorney reviews the form agreement and the Chapter 252 citations
- [ ] Public Works obtains sand and bag quotes to replace the estimates above
- [ ] Building Official pulls the current list of open permits with sand on site
- [ ] Fire Chief confirms the activation trigger with Brevard County Emergency Management
- [ ] Clerk places the resolution on the December 2026 agenda

Attachments to prepare: (A) draft resolution, (B) one-page participation agreement with site sketch, (C) registry template, (D) resident pickup notice.

Draft forms A–C are in `Sample agreements`.

Sample agreements and pilot terms

The Emergency SandBank Residential Flood Mitigation Pilot — Town of Melbourne Beach
Draft for Town Attorney review · November 4, 2026

Three short forms carry the pilot: a builder participation agreement signed at the permit counter, pilot terms the Commission adopts by resolution, and a resident acknowledgment handed out with each pickup. All three are drafts for Town Attorney review; bracketed items are fill-ins.

Form A — Builder Site Participation Agreement

Town of Melbourne Beach — Emergency SandBank Residential Flood Mitigation Pilot

Permit No. [_____] Site address: [_____]
Owner/Contractor: [_____]
After-hours contact (name, mobile): [_____]
Estimated sand/fill on site: [_____] cubic yards Material: [fill sand / other: _____]
Access point and pile location: [see attached sketch]

1. **Purpose.** The undersigned ("Participant") allows the Town of Melbourne Beach ("Town") to remove sand or fill from the site above during a SandBank activation to fill sandbags for Town residents.
2. **Activation.** An activation is declared by the Town Manager or designee under a National Weather Service flood watch or warning, or a Town or County emergency declaration. The Town will attempt to notify Participant by phone or text before entry; no response is required and entry is not conditioned on reaching Participant.
3. **Entry and removal.** Town employees and equipment may enter the site by the access route shown on the sketch, photograph the pile before and after, and remove sand by loader or by hand. The Town will record the estimated volume removed.
4. **Replacement.** Within 72 hours after the activation ends, the Town will deliver clean fill sand of at least the volume removed to the site, at Participant's choice of location on the site, OR, at Participant's written election, pay Participant the documented delivered invoice price of the volume removed within 30 days. Participant selects: [ ] replacement in kind [ ] reimbursement.
5. **Site damage.** The Town will repair, or pay the reasonable cost to repair, damage to erosion controls, grading, stakes, or improvements caused by Town personnel during an activation, as shown by the before-and-after photographs.
6. **Liability.** Town personnel act as Town employees under § 768.28, Florida Statutes, and are covered by the Town's workers' compensation and sovereign immunity. Participant is released from liability for injury to Town personnel arising from an activation except to the extent caused by Participant's gross negligence or willful misconduct. The Town will indemnify Participant for third-party claims arising from the Town's activities on site, to the limits of § 768.28.
7. **Permit status.** Participation does not alter any permit condition, inspection schedule, or erosion-control obligation. Temporary removal of sand during an activation will not be cited as a permit or erosion-control violation.
8. **Changes and withdrawal.** Participant will notify the Building Department when sand is placed, used, or removed from the site. Participant may withdraw on 7 days' written notice, except during an active activation.
9. **Term.** This agreement runs for the life of the permit or the pilot period, whichever ends first, and renews with any permit extension unless withdrawn.
10. **No compensation for consent.** Participation is voluntary and uncompensated except as provided in paragraphs 4 and 5.

Participant signature: _____ Date: _____

Town of Melbourne Beach, by: _____ Title: _____ Date: _____

Attachment: site sketch showing pile location and access route.

Form B — Pilot Program Terms (adopted by resolution)

1. **Name and duration.** The Emergency SandBank Residential Flood Mitigation Pilot runs 12 months from adoption and ends unless renewed by the Commission.
2. **Eligible sand.** Sand or fill on any site in Town limits with an open building permit and a signed Form A. Sand not covered by a Form A may be used only under a declared local state of emergency with compensation under Chapter 252, Florida Statutes.
3. **Activation authority.** The Town Manager, or the Fire Chief if the Manager is unreachable, declares and ends an activation and names the sites to draw from and the staging point.
4. **Eligible recipients.** Owners and occupants of residential property in Town limits, up to [15] bags per household per activation, with priority to homes with documented prior flooding and to residents who cannot self-serve. Bags are not for businesses or for properties outside Town limits during the pilot.
5. **Delivery.** Residents collect bags at the staging point. Town crews deliver to residents who are elderly, disabled, or cut off by water, as crew availability allows after life-safety calls.
6. **Replacement guarantee.** The Town replaces sand taken under Form A within 72 hours or reimburses at invoice price within 30 days, funded from the SandBank reserve within the Manager's purchasing authority.
7. **Registry.** The Building Official keeps the sand-on-site registry, updates it at each inspection, and reviews it monthly from June 1 to November 30.
8. **Records.** Each activation is recorded: sites drawn, yards taken, bags filled, homes served, replacement completed, cost, under a SandBank cost code for possible FEMA Public Assistance reimbursement.
9. **Used bags.** The Town retrieves used bags from the right-of-way on request and disposes of them as flood debris. Bags exposed to sewer-mixed water are not reused.
10. **Limits.** Sandbags reduce water entry at doors and garage thresholds. They do not stop rising groundwater, sewer backup, or sustained flooding, and the Town makes no warranty that bags will prevent damage.
11. **Reporting.** The Fire Chief reports to the Commission after each activation and at the end of the pilot with a recommendation on permanent adoption.

Form C — Resident Sandbag Acknowledgment (one half-sheet, handed out at pickup)

Emergency SandBank — Town of Melbourne Beach

Name: [_____] Address: [_____]
Bags received: [_____] Date: [_____]

- These bags are provided free during a declared SandBank activation for use at a residence in Town limits.
- Place bags at door sills and garage thresholds. Sandbags do not stop groundwater, sewer backup, or deep or sustained flooding.
- The Town makes no guarantee that sandbags will prevent water damage. Use is at your own risk.
- After the event, bags may be left curbside for Town pickup; call Public Works at [_____]. Do not open bags that touched floodwater.
- The sand in these bags was borrowed from a nearby construction site and will be replaced by the

Town.

Signature: _____