

**CITY OF BROOKSVILLE
REGULAR CITY COUNCIL MEETING
HERNANDO COUNTY MINING ASSOCIATION ENRICHMENT CENTER
800 JOHN GARY GRUBBS BOULEVARD
BROOKSVILLE, FL 34601**

**AGENDA
"Amended"**

May 21, 2012

6:30 P.M.

- A. CALL TO ORDER
- B. INVOCATION AND PLEDGE OF ALLEGIANCE
- C. ADJOURN MEETING AND RECONVENE IN EXECUTIVE SESSION

EXECUTIVE SESSION PURSUANT TO F.S. CHAPTER 286.011(8)

The purpose of the Executive Session is to discuss settlement options and litigation strategy for pending City actions. The persons attending the meeting will be Council Members Joe Bernardini, Lara Bradburn, Frankie Burnett, Kevin Hohn and Joe Johnston; Attorney's for the City of Brooksville, Thomas S. Hogan, Jr., Debbie Hogan and Robert B. Battista; City Manager, T. Jennene Norman-Vacha; and court reporter Holly Kirchman of Carolyn F. Engle & Associates. The meeting is expected to last approximately thirty minutes.

ADJOURN EXECUTIVE SESSION & RECONVENE COUNCIL MEETING

- D. CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

- 1. **Law Enforcement Awareness Proclamation**

Presentation of Proclamations to Officers and representatives of the Brooksville Police Department, Hernando County Sheriff's Office, Florida Highway Patrol and Florida Department of Law Enforcement and the Florida Department of Fish and Game Department, designating and supporting the month of May as Law Enforcement Awareness Month.

Presentation:	Mayor
Attachment:	Proclamation

- 2. **Juneteenth Day Proclamation**

Presentation of a proclamation commemorating June 19, 2012, as Juneteenth Day.

Presentation:	Mayor
Attachment:	Proclamation

REGULAR COUNCIL MEETING – May 21, 2012

3. Eagle Scout McAndrew Proclamation

A proclamation in honor of Nathan Thomas McAndrew achieving the Eagle Scout designation from the Boy Scouts of America.

Presentation: Mayor
Attachment: Proclamation

4. 2012 Hurricane Season Update

Cecilia Patella, Director of Emergency Management, to give an update of the upcoming hurricane season, the CEMP, Post Disaster Recovery Plan and the upcoming Expo at Weeki Wachee State Park on June 2nd.

Presentation: Cecilia Patella, Director of Emergency Management

5. Florida Blueberry Festival

Update on the 2012 Florida Blueberry Festival.

Presentation: Michael Heard, Florida Blueberry Festival Chair

E. CITIZEN INPUT

F. CONSENT AGENDA

1. Minutes

- a) December 5, 2011 Regular Meeting
- b) December 19, 2011 Regular Meeting
- c) January 23, 2012 Regular Meeting

2. Budget Amendment

Consideration of budget amendment for installation of the fire station generator.

3. FY2012/13 Budget Workshop Calendar

Consideration and approval of schedule for FY2012/13 Budget Workshop Sessions.

4. Surplus Equipment

Consideration to surplus obsolete/inoperable equipment.

CONSENT AGENDA APPROVAL (✓)

Recommendation: Approval of Consent Agenda
Action: Motion to Approve
Attachments: 1) Minutes; 2) Memo from Fire Chief dated 04/30/12, Quotes, Budget Amendment; 3) Memo from City Manager dated 05/11/12; 4) Memo from City Clerk dated 05/11/12, Pictures of Surplus

REGULAR COUNCIL MEETING – May 21, 2012

G. REGULAR AGENDA

1. **Ordinance No. 8296 – Mosquito Control Municipal Service Taxing Unit**

Consideration of proposed ordinance providing for inclusion of the City in the Hernando County Mosquito Control Municipal Service Taxing Unit.

Presentation: Director of Public Works & Susan Goebel-Canning, Hernando County Director of Environmental Services

Recommendation: Approval of **First Reading** of Ordinance No. 8296 upon roll-call-vote and schedule second reading for 06/04/12

Attachments: Memo from Director of Public Works dated 05/11/12, Proposed Ordinance, County Resolution

2. **Resolution No. 2012-04 – Fire Assessments**

Consideration of adoption of Resolution No. 2012-04, accepting and approving the Executive Summary pertaining to the apportionment of special assessments to fund fire protection services and further authorizing and directing initiation of the process to allow for consideration of the imposition and collection of special assessments for fire protection.

Presentation: Christopher B. Roe, Bryant Miller Olive P.A.

Recommendation: Approval of Resolution No. 2012-04 upon roll-call-vote

Attachments: Memo from Fire Chief dated 05/11/12, Executive Summary, Critical Events Schedule, Resolution

3. **Ordinance No. 827 – Emergency Management**

Consideration of Ordinance updating Chapter 22 of the City's Code of Ordinances relating to Emergency Management.

Presentation: Fire Chief

Recommendation: Approval of **First Reading** of Ordinance No. 827 upon roll-call-vote and schedule second reading for 06/04/12

Attachments: Memo from Fire Chief dated 05/09/12, Proposed Ordinance

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4. Ordinance No. 828 – Charter Changes for Referendum

Consideration of Ordinance for Charter Amendments to be included on the November 6, 2012 Ballot for Voter Approval.

Presentation:	City Clerk & City Attorney
Recommendation:	Approval of <u>First Reading</u> of Ordinance No. 828 upon roll-call-vote and schedule second reading for 06/04/12
Attachments:	Memo from City Clerk dated 05/09/12, Proposed Ordinance

H. CITIZEN INPUT

I. ITEMS BY COUNCIL

J. ADJOURNMENT

CORRESPONDENCE TO NOTE

In accordance with the Americans with Disabilities Act, persons with disabilities needing a special accommodation to participate in this proceeding should contact the City Clerk's office 48 hours in advance of the meeting at (352) 540-3853. Meeting agendas and supporting documentation are available from the City Clerk's office and on line at www.cityofbrooksville.us.

Any person desiring to appeal any decision with respect to any matter considered at this meeting, may need a record of the proceedings including the testimony and evidence upon which the appeal is to be based, and therefore must make arrangements for a court reporter to ensure that a verbatim record of the proceedings is made.

City of Brooksville
Proclamation

WHEREAS, the law enforcement officers are guardians of life and property, defenders of the constitutional rights of free men and women, and dedicated to the preservation of life, liberty and the pursuit of happiness; and,

WHEREAS, law enforcement officers protect our rights and freedoms, keep our streets and neighborhoods safe, and our families secure; and,

WHEREAS, these dedicated professionals make a valuable difference in our communities by upholding the principle that no one is beyond the protection or reach of the law; and,

WHEREAS, the City of Brooksville would like to recognize the dedication of the brave men and women who devote their lives to protecting and serving our communities, particularly our own police officers.

NOW, THEREFORE, WE THE UNDERSIGNED AS CITY COUNCIL FOR AND ON BEHALF OF THE CITY OF BROOKSVILLE, do hereby proclaim the month of May 2012, as

“Law Enforcement Awareness Month”

in Brooksville and call upon all our citizens in this community to especially honor and show our sincere appreciation for the City of Brooksville Police Department, Hernando County Sheriff's Department, Florida Highway Patrol, the Florida Department of Law Enforcement and the Florida Fish and Game Department by deed, remark and attitude.

IN WITNESS WHEREOF, we have hereunto set our hand and caused the seal of the City of Brooksville, Florida, to be affixed this 21st day of May, 2012, A.D.

CITY OF BROOKSVILLE

Joseph E. Johnston, III, Mayor

Lara Bradburn, Vice Mayor

Joe Bernardini, Council Member

Frankie Burnett, Council Member

Kevin Hohn, Council Member

ATTEST: _____
Janice L. Peters, CMC, City Clerk

City of Brooksville Proclamation

WHEREAS, "Juneteenth" may seem to some, a rather impractical way to denote a date, unless of course, one is familiar with the connotation it invokes. It is actually the date of June 19, 1865, the date the slaves of Galveston, Texas learned they were free, almost two and one-half years after President Abraham Lincoln's issuance of the Emancipation Proclamation (January 1, 1863); and

WHEREAS, "Juneteenth" was and will always be a time for jubilation and celebration, but much more than that, a time when African Americans must reflect, respect and honor, that they were somehow able to rise, and to hope that their future generations would not fall; and,

WHEREAS, "Juneteenth" was originally celebrated primarily in Texas and Louisiana, yet is now celebrated in communities across the United States and beyond, commemorating African American freedom, and historically emphasizing a focus on education and achievement, and providing time for self improvement; and,

WHEREAS, in recent years, "Juneteenth" organizers call for a time of celebration that upholds a mission to promote and cultivate knowledge and appreciation of African American history and culture, while encouraging self-development and respect for all cultures; and,

WHEREAS, "Juneteenth" continues to take on a more national and even global perspective, the events of 1865 in Texas are not forgotten; and yet while these were historical steps for African Americans freedoms, we as a Nation can and do join in celebrating the steps that was for all humanity and our Nation as a whole.

NOW, THEREFORE, WE THE UNDERSIGNED AS CITY COUNCIL FOR AND ON BEHALF OF THE CITY OF BROOKSVILLE, do hereby proclaim June 19, 2012 as

"Juneteenth Day"

in the City of Brooksville to bring awareness and education of the abolition of slavery in America and encourage citizens of all races and nationalities in our community to join hands in celebration of freedom.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Brooksville to be affixed this 21st Day of May, 2012.

CITY OF BROOKSVILLE

Joseph E. Johnston, III, Mayor

Lara Bradburn, Vice Mayor

Joe Bernardini, Council Member

Frankie Burnett, Council Member

Kevin Hohn, Council Member

ATTEST: _____
Janice L. Peters, City Clerk, CMC

City of Brooksville
Proclamation

WHEREAS, the Boy Scouts of America is one of the oldest and largest youth organizations in the United States, dedicated to assist in building character, developing morals, ethics, survival skills and other positive attributes forever engrained in the hearts and minds of its youth; it should be well-publicized and documented that **Nathan Thomas McAndrew** attained the rank of **Eagle Scout**, the highest level achievable in the Boy Scouts of America; and,

WHEREAS, **Eagle Scout Nathan Thomas McAndrew** committed himself to complete the tasks and/or requirements and pass the Board of Review necessary to achieve the rank of Eagle Scout, it is fitting and proper that it be acknowledged that there were others who guided and reassured him, including his family, friends and most assuredly his Boy Scout family, that his abilities and determination made his quest attainable; and,

WHEREAS, **Eagle Scout Nathan Thomas McAndrew** in choosing to become a Boy Scout and pursue the highest rank achievable in the organization, we know that Brooksville, Hernando County, and the country has another young citizen that will always be honorable, selfless and patriotic toward others and his country; and,

WHEREAS, **Eagle Scout Nathan Thomas McAndrew's** eagle project was done at the Hernando County Fairgrounds and included the construction and installation of six Bat condominiums; and,

WHEREAS, the citizens of Brooksville and all Hernando County join in extending their congratulations and well-deserved recognition to **Eagle Scout Nathan Thomas McAndrew** on such a tremendous personal achievement.

NOW, THEREFORE, WE THE UNDERSIGNED AS CITY COUNCIL FOR AND ON BEHALF OF THE CITY OF BROOKSVILLE, do hereby join the Eagle Scout Court of Honor in the recognition of **Eagle Scout Nathan Thomas McAndrew**.

IN WITNESS WHEREOF, we have hereunto set our hand and caused the seal of the City of Brooksville to be affixed this 21st day of May, 2012, A.D.

CITY OF BROOKSVILLE

Joseph E. Johnston, III, Mayor

Lara Bradburn, Vice Mayor

Joe Bernardini, Council Member

Frankie Burnett, Council Member

Kevin Hohn, Council Member

ATTEST: _____
Janice L. Peters, CMC, City Clerk

**CITY OF BROOKSVILLE
REGULAR CITY COUNCIL MEETING
COUNCIL CHAMBERS
201 HOWELL AVENUE
MINUTES**

December 5, 2011

7:00 P.M.

Brooksville City Council met in regular session with Mayor Frankie Burnett, Vice Mayor Joseph E. Johnston, III, Council Members, Joe Bernardini, Lara Bradburn and Kevin Hohn present. Also present were Thomas S. Hogan, Jr., City Attorney; T. Jennene Norman-Vacha, City Manager; Janice L. Peters, City Clerk; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development Director; Richard Radacky, Director of Public Works; George Turner, Police Chief and Tim Mossgrove, Fire Chief. A member of the Hernando Times was present.

The meeting was called to order by Mayor Burnett, followed by an invocation and Pledge of Allegiance.

SELECTION OF OFFICERS

Selection of Mayor

Council Member Bradburn nominated Vice Mayor Johnston for Mayor
Council Member Hohn nominated Mayor Burnett to continue as Mayor

Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Bernardini for approval of Joseph E. Johnston, III for Mayor. Motion carried 5-0.

Selection of Vice Mayor

Council Member Bernardini nominated Council Member Bradburn for Vice Mayor
Vice Mayor Johnston nominated Council Member Bradburn for Vice Mayor

Motion:

Motion was made by Vice Mayor Johnston and seconded by Council Member Bernardini for approval of Lara Bradburn for Vice Mayor. Motion carried 5-0.

Council Member Bradburn commended Frankie Burnett on his leadership as Mayor for the past year.

CITIZEN INPUT

Mayor Johnston asked for public input.

Paul Douglas, President of NAACP, expressed appreciation and pride of Frankie Burnett.

Dennis Wilfong, Ambassador of Commerce, expressed appreciation to Frankie Burnett, as well as all of Council.

Kojack Burnett announced that he would still be in attendance at the Council meetings taking notes even though his brother is no longer Mayor.

REGULAR COUNCIL MEETING MINUTES – DECEMBER 5, 2011

CONSENT AGENDA

Minutes

August 1, 2011 Regular Meeting
August 15, 2011 Regular Meeting
August 22, 2011 Special Meeting

Vice Mayor Bradburn asked that Item 2 be removed for discussion.

Motion:

Motion was made by Bradburn and seconded by Council Member Hohn for approval of Consent Agenda Item 1. Motion carried 5-0.

REGULAR AGENDA

Road/Sidewalk Pavement Management Program

Consideration of approval of Program with Civil-Tech Consulting Engineers, Inc. in the amount of \$91,184 and authorize the Mayor to sign the Agreement.

Council Member Bradburn asked for the completion deadline and does this include the frontage roads. City Manager Norman-Vacha confirmed it does include the frontage road.

Public Works Director Radacky stated the contract is 365 from the notice to proceed. Vice Mayor Bradburn felt the project could be completed sooner. City Manager Norman-Vacha felt they will do it as quickly as possible but it is a huge undertaking. Alan Garman, with Civil-Tech, stated discussions have been about inventory as this will be expending a lot of time and indicated the project should be completed in about ten (10) months then the software and database will be handed over to Public Works Department with training for maintenance/updating.

Public Works Director Radacky stated staff will have a lot of input through every phase of the program.

Council Member Hohn, referencing Step 5, asked could the records show maintenance from the last 5-years for a trend analysis. Mr. Garman advised they will work with staff for that information and gave examples of issues with clay based roads and trees on sidewalks.

Director Radacky felt the city's roads to be the most neglected project in the City and vowed to fix the problem.

Larry Boone with Civil-Tech briefly reviewed that the system will be set up for immediate use and several features can be added in the future.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Bernardini for approval to include the amendment. Motion carried 5-0.

Ordinance No. 770-B – Police Officer's Retirement Trust Fund Amendments

Consideration of approval of ordinance amending City of Brooksville Police Officer's Retirement Trust Fund.

Police Chief Turner reviewed the amendments covered in the Ordinance. He stated the amendment is to conform to the new laws passed by the State Legislature; unused sick and vacation leave after July 1, 2011 not to be included in final average salaries and limitation on amount of overtime.

REGULAR COUNCIL MEETING MINUTES – DECEMBER 5, 2011

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Hohn for approval.

City Clerk Peters read Ordinance No. 770-B by title, as follows:

AN ORDINANCE OF CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING THE CITY OF BROOKSVILLE POLICE OFFICERS RETIREMENT TRUST FUND ADOPTED PURSUANT TO ORDINANCE NO. 770, AS SUBSEQUENTLY AMENDED; AMENDING ARTICLE 2.23, SALARY/COMPENSATION; ADOPTING AN AMENDED AND RESTATED PLAN DOCUMENT; PROVIDING FOR CONFLICT, REPEAL AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion carried 5-0 upon roll call vote, as follows:

Council Member Hohn	Aye
Council Member Bernardini	Aye
Council Member Burnett	Aye
Vice Mayor Bradburn	Aye
Mayor Johnston	Aye

Mayor Johnston announced the second and final reading is scheduled for the December 19, 2011 meeting.

Intergovernmental, Board Assignments and Organizations - City Council

Appointments to various Boards and Committees.

Board appointments were as follows:

City Boards/Committees

Beautification Board
Brooksville Cemetery Advisory Board
CDBG Citizens Task Force
Good Neighbor Trail Advisory Committee
Parks and Recreation Advisory Board

Council Representative

Joe Bernardini
Frankie Burnett
Kevin Hohn
Lara Bradburn
Joe Bernardini

External Boards/Committees

Anti Drug Coalition
Brooksville Business Alliance
Community Alliance
Committee against Assaults on Law Enforcement Officers
Florida League of Cities Legislative Action Committees:
 Intergovernmental Committee
 Energy & Environmental Committee
 Finance & Taxation Committee
 Growth Management & Transportation
 Urban Administration Committee
Metropolitan Planning Organization

Council Representative

Frankie Burnett
Lara Bradburn
Kevin Hohn
Kevin Hohn
Joe Johnston
Kevin Hohn
Frankie Burnett
Lara Bradburn
Joe Bernardini
Lara Bradburn
Joe Johnston, Alternate

REGULAR COUNCIL MEETING MINUTES – DECEMBER 5, 2011

Take Stock in Children
Tourist Development Council
Withlacoochee Regional Water Supply Authority
Youth and Family Alternatives

Frankie Burnett
Joe Johnston
Joe Johnston
Frankie Burnett

Mayor Johnston suggested Council Member Hohn be appointed as an alternate for any of the Florida League of Cities Legislative Action Committees. City Manager Norman-Vacha will look into whether that is an option.

Adopt-a-Trail Program

Consideration to implement a program to allow volunteers to contribute in maintaining and providing a litter-free trail system along the Good Neighbor Trail.

Director of Parks, Facilities & Recreation Walker reviewed the program, which was briefly discussed. This program has been approved in November 2011 by the Good Neighbor Trail Committee and the Brooksville Parks and Recreation Board. The requirement for adoption of a part of the trail is a quarter mile in length and a two-year commitment and maintained up to six (6) times per year. The City's obligation is signage along the trail and safety equipment and pick-up of trash at designated locations. The budget impact will be absorbed in the current Parks Facilities budget with no additional expense.

Vice Mayor Bradburn stated there has already been interest in volunteerism and adoption is longer than a quarter mile for the County. Volunteers provide a great resource to report problems to the City and the County along the trail.

Council Member Hohn suggested an announcement on the City's website for volunteers. City Manager Norman-Vacha confirmed.

Council Member Bernardini supported the issue and asked about the County's responsibility. Vice Mayor Bradburn stated the County has a similar program to this and the City has a great working relationship with them.

Motion:

Motion was made by Council Member Bernardini and seconded by Vice Mayor Bradburn for approval. Motion carried 5-0.

First Time Violation Warning with Traffic Infraction Detection and Enforcement Program

Council direction concerning a violation warning to first time offenders.

City Attorney Battista reviewed staff findings concerning the issue. Mayor Johnston recommended a sign be placed at the city's main entrance points indicating the City of Brooksville participates in the program. Vice Mayor Bradburn voiced concern for sign pollution. Council Member Hohn withdrew his support of the first-time offender warning letters, following his description of the day's events in which a red-light runner almost hit him. Council Member Bernardini was in support of a warning letter. Council consensus (3-2) was to add the signs recommended by Mayor Johnston.

CITIZEN INPUT

Mayor Johnston asked for public input.

Kojack Burnett congratulated the new Mayor and Vice Mayor.

REGULAR COUNCIL MEETING MINUTES – DECEMBER 5, 2011

ITEMS BY COUNCIL

Joe Bernardini, Council Member

Beautification Board Christmas Decoration Contest 2011

Council Member Bernardini reminded all of the Beautification Board's Christmas Decoration judging on Tuesday, December 13th.

Water Bill

He pointed out a printing problem on the water bill flier regarding household hazardous waste.

Flavored Tobacco Sales

He was in favor of no candy flavored tobacco sales resolution.

Christmas Parade

He announced that he will not be attending the Christmas Parade.

Frankie Burnett, Council Member

Reason for the Season

He reminded all of the reason for the season of the holidays.

Frederick Kelly Elks Lodge

He advised baskets and gifts would be distributed by the Elks Lodge as they have for 53 years and asked for donations.

Mayoral Service

He was honored to serve as Mayor over the last year and wished all a Merry Christmas.

Kevin Hohn, Council Member

Southern Hills Plantation

Council Member Hohn relayed that the Southern Hills community appreciated Council's assistance for the courtesy extended.

Lara Bradburn, Vice Mayor

Christmas Parade

Vice Mayor Bradburn reminded all of the Christmas parade on Saturday at 10 a.m.

Pot Hole on Mildred Avenue

She noticed on Mildred Avenue at SR41 South a pot hole has opened up.

Mayoral Service

She thanked Council Member Burnett for his term as Mayor.

T. Jennene Norman-Vacha, City Manager

Christmas on Main Street

She reminded all this Thursday evening downtown businesses will have Christmas on Main Street.

REGULAR COUNCIL MEETING MINUTES – DECEMBER 5, 2011

Joe Johnston, Mayor

Christmas on Main Street

Mayor Johnston asked that Vice Mayor Bradburn attend on his behalf as he will be at the Withlacoochee Regional Planning Committee meeting in Ocala.

Christmas Parade

He asked would Council still be on the Junior Service League and Hernando County Builder's Association float. City Manager Norman-Vacha confirmed that they would be.

Municipal Election Tie Vote

Mayor Johnston relayed another municipality's tie-breaker procedure was to put numbers in sealed envelopes and the victor is declared on either highest or lowest number picked.

Countdown Signals on Main Street

He again asked if it would be possible to get countdown signals at Jefferson and Broad Streets. Director Radack advised the sequencing on electronics did not work out for those signals.

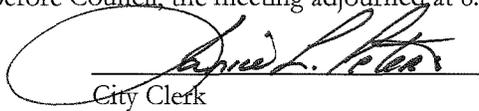
Mayoral Service

He thanked Council Member Burnett for his leadership as Mayor.

Council Member Burnett asked that the citizens visit the Brooksville Historical Cemetery.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:04 p.m.



City Clerk

Attest: _____
Mayor

**CITY OF BROOKSVILLE
REGULAR CITY COUNCIL MEETING
COUNCIL CHAMBERS
201 HOWELL AVENUE
MINUTES**

December 19, 2011

7:00 P.M.

Brooksville City Council met in regular session with Mayor Joseph E. Johnston, III, Vice Mayor Lara Bradburn, Council Members Joe Bernardini, Frankie Burnett and Kevin Hohn present. Also present were Thomas S. Hogan, Jr., City Attorney; T. Jennene Norman-Vacha, City Manager; Janice L. Peters, City Clerk; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development Director; Richard Radacky, Director of Public Works; George Turner, Police Chief and Tim Mossgrove, Fire Chief. Members of the Hernando Today and Hernando Times were also present.

The meeting was called to order by Mayor Johnston, followed by an invocation and Pledge of Allegiance.

COUNCIL MEMBER RECOGNITION

Mayoral Plaque to Frankie Burnett for 2011.

City Council presented Frankie Burnett with a Mayoral Plaque in recognition of his service for 2011.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Beautification Board

Holiday Lights Decoration Contest

Recognition of annual decoration contest winners for the best City of Brooksville Residential and Commercial Displays for the 2011 Holiday Season. [Note: **Winners to be announced at meeting.**]

Board Chair Scott Renz reviewed the awards and presented to those who were present and will deliver the awards to those who could not be here.

Honorary Residential	William and Sara Cotes, of 543 Southern Pine Loop
Honorary Commercial	Brooksville Health Care Center on Chatman Street
1 st Place Commercial	Rising Sun Café on Main Street
1 st Place Residential	Robert & Sherri Pruitt, of 471 Howell Avenue

Certificate of Appreciation for Lou Kavouras

Certification of Appreciation for over 7 years of volunteer work for the Beautification Board.

Chairman Renz spoke of her dedication to the board, read the certificate and will deliver to Ms. Kavouras, who was not present.

Drawing for Holiday Wreath

Drawing from all tickets purchased in support of adding new street decorations for the City.

Chairman Renz reviewed the contest and announced that through Walmart a TV was donated to the top seller. The Pitt's Lounge was the winner of the television and David Dolman. The amount raised for decorations was \$295.

REGULAR COUNCIL MEETING MINUTES – December 19, 2011

Resolution 2011-15 – Vincent Manfredi Retirement

Consideration of Resolution honoring Vincent Manfredi, who will retire from the Streets Division of the Department of Public Works after more than 12 years of service.

Mayor Johnston read the resolution in its entirety, which was presented to Mr. Manfredi.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Bernardini for approval of Resolution No. 2011-15.

City Clerk Peters read Resolution No. 2011-15 by title, as follows:

**A RESOLUTION TO VINCENT MANFREDI, ON THE
OCCASION OF HIS RETIREMENT AND IN GRATEFUL
APPRECIATION OF HIS OUTSTANDING SERVICE TO THE
CITY OF BROOKSVILLE, FLORIDA.**

Motion carried 5-0 upon roll call vote as follows:

Council Member Bernardini	Aye
Council Member Burnett	Aye
Council Member Hohn	Aye
Vice Mayor Bradburn	Aye
Mayor Johnston	Aye

CITIZEN INPUT

Mayor Johnston asked for public input.

Pierre Desjardins spoke in opposition of reinstatement of the red light cameras. He reviewed his history of statistics he provided Council and vowed to fight the reinstatement.

Ernest and Josephine Roberts, who live at 602 Harar, reviewed an incident of the City's water backing up the line and doing damage to his house. He advised the City's insurance company declined the claim. City Manager Norman-Vacha will meet with the Roberts and Director Radacky on the issue.

CONSENT AGENDA

FDEP State Revolving Fund Loan Agreements WW270200 & WW270201

Consideration of Amendment 1 to the Agreements adjusting the project costs and reducing the semi-annual loan payments for the Brooksville Major Sewer Rehabilitation/Replacement Phase III project.

Purchase of Recycle Truck

Consideration of purchase of recycle truck via a piggyback on the City of Tallahassee for the not-to-exceed amount of \$157,497.

Amendment to CEA Professional Services Agreement

Consideration to formalize release of Engineer of Record (CEA) from Southern Hills – Phase 2 Agreement provisions.

Children's Home Society (CHS) - 3rd Floor Rental Waiver

Consideration to waive and suspend the Guaranteed Minimum Rent for the CHS on a pro-rata basis

REGULAR COUNCIL MEETING MINUTES – December 19, 2011

for the actual time they are displaced/dislocated from the third floor to the first floor.

Council Member Bernardini advised he thought ESG agreed to cover any loss, and felt the lost revenue should be made up in ESG's cost estimate, which was discussed. City Manager Norman-Vacha felt it can be added to the cost of the total project and be determined how low it will take to recoup. She also reviewed a brief timeline for completion of the total project.

The item was moved to the regular agenda for further discussion.

Motion:

Motion was made by Council Member Burnett and seconded by Council Member Bernardini for approval of Consent Agenda Items 1-3. Motion carried 5-0.

PUBLIC HEARINGS

Ordinance No. 770-B – Police Officer's Retirement Trust Fund Amendments

Consideration of approval of ordinance amending City of Brooksville Police Officer's Retirement Trust Fund. **[First Reading 12/5/11]**

City Clerk Peters read Ordinance No. 770-B by title, as follows:

AN ORDINANCE OF CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING THE CITY OF BROOKSVILLE POLICE OFFICERS RETIREMENT TRUST FUND ADOPTED PURSUANT TO ORDINANCE NO. 770, AS SUBSEQUENTLY AMENDED; AMENDING ARTICLE 2.23, SALARY/COMPENSATION; ADOPTING AN AMENDED AND RESTATED PLAN DOCUMENT; PROVIDING FOR CONFLICT, REPEAL AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Johnston asked for public input; there was none.

Motion:

Motion was made by Council Member Bernardini and seconded by Council Member Burnett for approval.

Motion carried 5-0 upon roll call vote, as follows:

Council Member Burnett	Aye
Council Member Hohn	Aye
Council Member Bernardini	Aye
Vice Mayor Bradburn	Aye
Mayor Johnston	Aye

REGULAR AGENDA

Children's Home Society (CHS) - 3rd Floor Rental Waiver

Consideration to waive and suspend the Guaranteed Minimum Rent for the CHS on a pro-rata basis for the actual time they are displaced/dislocated from the third floor to the first floor.

Mayor Johnston briefly reviewed options. Council Member Hohn advised he thought ESG agreed to cover any loss. The issue was further discussed, after which Council Member Burnett felt \$15,000 to be a fair amount to credit them.

REGULAR COUNCIL MEETING MINUTES – December 19, 2011

City Manager Norman-Vacha advised CHS would still be paying their electric bill. She advised they currently have around 60 employees. They will be relocated to the Council Chambers and some will be working from home or relocated to other sites. The contractor will be paying for the moving of their furniture but they will pay for relocation of their own data and computers.

Motion:

Motion was made by Council Member Burnett and seconded by Vice Mayor Bradburn for approval. Motion carried 4-1 with Council Member Bernardini voting in opposition.

Resolution No. 2011-14 to Florida Department of Transportation (FDOT) – Florida Blueberry Festival

Consideration of approval of a resolution supporting the Florida Blueberry Festival and closing of SR50/Jefferson Street and US41/Broad Street, with authorization for Police Chief and Mayor to sign FDOT permit application.

City Clerk Peters reviewed corrections to the routing.

City Clerk Peters read Resolution No. 2011-14 by title, as follows:

RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA SUPPORTING A REQUEST TO CLOSE JEFFERSON STREET AND BROAD STREET BETWEEN LEMON STREET AND BELL AVENUE IN DOWNTOWN BROOKSVILLE ON FRIDAY, MAY 4, 2012 FROM 6:15 UNTIL 8:00 PM THEN 12:00 AM ON SATURDAY MAY 5, 2012 THROUGH 5:00 PM ON SUNDAY, MAY 6, 2012; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

Motion:

Motion was made by Council Member Burnett and seconded by Council Member Bernardini for approval of Resolution No. 2011-14.

Mayor Johnston asked for public input; there was none.

Motion carried 5-0 upon roll call vote as follows:

Council Member Hohn	Aye
Council Member Bernardini	Aye
Council Member Burnett	Aye
Vice Mayor Bradburn	Aye
Mayor Johnston	Aye

Resolution No. 2011-16 Flavored Tobacco Products

Consideration of approval of a resolution urging retailers who sell tobacco products to cease the sale and marketing of all flavored tobacco products.

City Clerk Peters reviewed the item. Representatives from the Hernando County Health Department and Tobacco Free Hernando reviewed the item and their efforts. The issue was discussed relating to retailers who offer the products and where they are normally placed.

City Clerk Peters read Resolution No. 2011-16 by title, as follows:

REGULAR COUNCIL MEETING MINUTES – December 19, 2011

A RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA, URGING TOBACCO RETAILERS TO STOP THE SALE AND MARKETING OF FLAVORED TOBACCO IN THE CITY OF BROOKSVILLE.

Motion:

Motion was made by Council Member Bernardini and seconded by Vice Mayor Bradburn for approval of Resolution No. 2011-16.

Motion carried 5-0 upon roll call vote as follows:

Council Member Bernardini	Aye
Council Member Burnett	Aye
Council Member Hohn	Aye
Vice Mayor Bradburn	Aye
Mayor Johnston	Aye

Florida League of Cities Action Committees

Update on procedures for the committees regarding alternate members.

City Clerk Peters reviewed staff findings. Staff will bring the item for appointment to Council in June or July, when applications are received.

Advisory Board Appointments

Appointment of advisory board members whose terms expire December 31, 2011.

Beautification Board

Two (2) full-time positions to fill expiring 4-year terms of office and one (1) vacant full time position through December 31, 2015.

James O. Batten	New Applicant
Tracy Frazier	Reapplying (Expiring Term)

Motion:

Motion was made by Council Member Burnett and seconded Council Member Bernardini for approval. Motion carried 5-0.

Cemetery Advisory Committee

One (1) full-time position to fill an expiring 4-year term of office through December 31, 2015. Applicants must be a City resident or have a documented tie to the Brooksville Cemetery.

Kathleen Hudak	Reapplying (Expiring Term)
----------------	----------------------------

Motion:

Motion was made by Council Member Bernardini and seconded by Council Member Burnett for approval. Motion carried 5-0.

Parks and Recreation Advisory Board

One (1) Alternate position to fill an expiring 4-year term of office through December 31, 2015.

Kelly Lee Lagedrost	New Applicant
---------------------	---------------

REGULAR COUNCIL MEETING MINUTES – December 19, 2011

Motion:

Motion was made by Council Member Burnett and seconded by Council Member Bernardini for approval. Motion carried 5-0.

Planning & Zoning Commission

Three (3) full-time positions and one (1) alternate position to fill expiring 4-year terms of office through December 31, 2015. One (1) vacant alternate position to fill an unexpired 4-year term of office through December 31, 2013. Applicants must be a City resident.

Vice Mayor Bradburn suggested amending the system to stagger the terms, which was discussed. Reappointments thereafter would be for 4 year terms.

Elmer Korbus	Reapplying (Expiring Term)	Appointed to a 4-year term.
Ronald Lawson (Alternate)	Reapplying (Expiring Term)	Appointed to a 2-year term.
Louise Taylor	Reapplying (Expiring Term)	Appointed to a 1-year term as Alternate.
John Wanat	Reapplying (Expiring Term)	Appointed to a 3-year term.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Burnett for approval of staggered terms as indicated with the 4-year terms resuming at the ends of these terms. Motion carried 5-0.

CITIZEN INPUT

Mayor Johnston asked for public input.

Kojack Burnett thanked all the organizations who have donated to the community for Christmas. He wished all a Merry Christmas and Happy New Year.

ITEMS BY COUNCIL

Joe Bernardini, Council Member

CHS Waiver

Council Member Bernardini did not agree with the waiver in light that Council did not support the waivers of fees for activities in the community.

Smoking Area

He asked if an area for smoking had been designated. City Manager Norman-Vacha advised it had not but it will be moved to the picnic tables after construction is complete.

He wished all a Merry Christmas and a Happy New Year.

Frankie Burnett, Council Member

He wished all a Merry Christmas and urged all to remember the reason for the season. He further thanked staff for all they do.

He advised the Frederick Kelly Elks Lodge is trying to help those families not on government assistance that do need help.

Kevin Hohn, Council Member

Council Member Hohn wished all a safe Merry Christmas.

REGULAR COUNCIL MEETING MINUTES – December 19, 2011

Lara Bradburn, Vice Mayor

Vice Mayor Bradburn gave kudos to Council Member Burnett and Kojack Burnett for their efforts every year in helping the less fortunate at this time of year.

Sewer Rehab Project

She recognized Director Radacky and staff for continued efforts to bring projects in on time and under budget. It will have a long-term impact to make things more efficient and save millions of taxpayer dollars.

Brooksville Country Club

She appreciated the event hosted by the Brooksville Vision Committee and the Blueberry Festival folks, as well as Coastal Engineering for their efforts to get both merchants and property owners involved.

T. Jennene Norman-Vacha, City Manager

City Manager Norman-Vacha advised the next Council meeting will be on January 23, 2012 in the John Law Ayers Room at the Court House.

Joe Bernardini, Council Member

Council Member Bernardini reviewed other properties in the City that had been nicely decorated.

Joe Johnston, Mayor

Southern Hills Reboot Groundbreaking

Mayor Johnston was glad to see things getting underway.

He advised the left turn light in front of Winn Dixie is out of sync.

Children's Christmas Tree

He asked if the tree had been vandalized. City Manager Norman-Vacha advised the wind had blown it over.

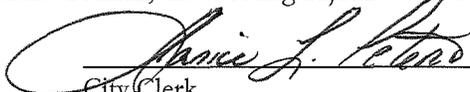
Candlelight Townhouse Incidents

Mayor Johnston advised citizens had complained that people were driving over easements in the townhouse area. Staff will look into it.

He wished all a Merry Christmas.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:33 p.m.


City Clerk

Attest: _____
Mayor

**CITY OF BROOKSVILLE
REGULAR CITY COUNCIL MEETING
HERNANDO COUNTY COURT HOUSE
BOARD OF COUNTY COMMISSIONERS BOARD ROOM
20 NORTH MAIN STREET
MINUTES**

January 23, 2012

7:00 P.M.

Brooksville City Council met in regular session with Mayor Joseph E. Johnston, III, Vice Mayor Lara Bradburn, Council Members Joe Bernardini, Frankie Burnett and Kevin Hohn present. Also present were Thomas S. Hogan, Jr., City Attorney; T. Jennene Norman-Vacha, City Manager; Janice L. Peters, City Clerk; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development Director; Richard Radacky, Director of Public Works; George Turner, Police Chief and Tim Mossgrove, Fire Chief. Members of the Hernando Times were also present.

The meeting was called to order by Mayor Johnston, followed by an invocation and Pledge of Allegiance.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Proclamation – Children’s Week

Consideration of proclamation designating the week of January 29 – February 3, 2012 as “Children’s Week.”

Mayor Johnston read the proclamation in its entirety and presented it to Liz Weber of the Hernando County Community Alliance, Inc. Mrs. Weber reviewed happenings around the county that week in honor of Children’s Week.

CITIZEN INPUT

Mayor Johnston asked for public input; there was none.

REGULAR AGENDA

Ordinance No. 818-A – Cemetery Code Change

Consideration of Code change for clarification of Cemetery Rules and Regulations regarding temporary headstones.

Director of Parks, Facilities & Recreation Mike Walker briefly reviewed the amendment. Council Member Bradburn asked for an update on how the Green Burials are going. Cemetery Sexton Rich Howard gave the update, indicating they have had a little interest.

City Clerk Peters read Ordinance No. 818-A by title, as follows:

**AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA,
AMENDING CHAPTER 18, ARTICLE II SECTION 18-44 BROOKSVILLE
CITY CEMETERY OF THE CITY OF BROOKSVILLE CODE OF
ORDINANCES, PROVIDING FOR CONFLICT AND SERVERABILITY;
PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE
DATE.**

REGULAR COUNCIL MEETING MINUTES – January 23, 2012

Motion:

Motion was made by Council Member Burnett and seconded by Council Member Bernardini for approval.

Motion carried 5-0 upon roll call vote, as follows:

Council Member Bernardini	Aye
Council Member Burnett	Aye
Council Member Hohn	Aye
Vice Mayor Bradburn	Aye
Mayor Johnston	Aye

Mayor Johnston advised the second reading is set for the February 6th meeting of Council.

Resolution No. 2012-01 – Beautification Award

Consideration for the name change of the award to have it better reflect its purpose.

Beautification Board Chair Scott Renz reviewed the change, which was briefly discussed.

City Clerk Peters read Resolution No. 2012-01 by title, as follows:

**A RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA,
AMENDING THE NAME OF THE MONTHLY BEAUTIFICATION
AWARD; PROVIDING FOR CONFLICT, SEVERABILITY AND AN
EFFECTIVE DATE.**

Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Burnett for approval.

Motion carried 5-0 upon roll call vote as follows:

Council Member Burnett	Aye
Council Member Hohn	Aye
Council Member Bernardini	Aye
Vice Mayor Bradburn	Aye
Mayor Johnston	Aye

Charter Review Committee

Appointment of Charter Review Committee pursuant to Section 6.08 of the Brooksville City Charter.

City Clerk Jan Peters advised that all nominations had accepted except Hazel Land.

Motion:

Motion was made by Council Member Bernardini and seconded by Council Member Hohn for appointment of all nine that confirmed.

CITIZEN INPUT

Mayor Johnston asked for public input; there was none

REGULAR COUNCIL MEETING MINUTES – January 23, 2012

ITEMS BY COUNCIL

Frankie Burnett, Council Member

Holiday Donations

Council Member Burnett indicated he and his brother Kojack are grateful for all that helped ensure that those less fortunate received food and gifts this past holiday season.

Kevin Hohn, Council Member

Institute for Elected Officials

Council Member Hohn advised he attended the institute and felt it to be the best conference he has ever been to. He only regretted that there was not more time for learning.

Lara Bradburn, Vice Mayor

Early Voting

Vice Mayor Bradburn reminded all that early voting has begun, indicating the locations for voting are at courthouse and Forest Oaks Blvd. She encouraged all to vote

T. Jennene Norman-Vacha, City Manager

City Welcome Sign

City Manager Norman-Vacha indicated the welcome sign is complete and the unveiling ceremony will be on January 31st at 5:30 p.m.

Financial Workshop

She requested the Financial Workshop scheduled for February 13th be moved to the 23rd. Council concurred.

Joe Johnston, Mayor

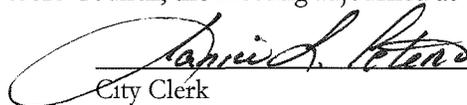
Board of County Commissioners Fees

Mayor Johnston, because of the \$75 per hour the City is being charged to use the Commissioners meeting chambers, asked about the possibility of holding the meetings at the Enrichment Center. He was informed that use of Government Broadcasting outside of the Board of County Commissioners chambers would be \$92 per hour. The third alternative to suspend the television recordings for the time chambers are being renovated.

Council Member Burnett recommended checking with the school board. City Manager Norman-Vacha advised staff will investigate alternatives.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 7:30 p.m.


City Clerk

Attest: _____
Mayor



**CONSENT AGENDA ITEM
 MEMORANDUM**

TO: HONORABLE MAYOR AND CITY COUNCILMEN
VIA: T. JENNENE NORMAN-VACHA, CITY MANAGER *[Signature]*
FROM: TIMOTHY MOSSGROVE, FIRE CHIEF *[Signature: Timothy A. Mossgrove]*
SUBJECT: BUDGET AMENDMENT REQUEST TO USE IMPACT FEES FOR INSTALLATION OF FIRE STATION GENERATOR
DATE: APRIL 30, 2012

GENERAL SUMMARY/BACKGROUND: On March 19, 2012, City Council approved a bid award to purchase a new 100 Kw emergency backup generator, including the automatic transfer switch (ATS), to replace the existing generator currently in use. The estimate for the 2011/2012 budget request for this purchase and installation was \$34,000 (\$28,000-\$30,000 for generator with ATS purchase and \$5,000-\$7,000 for installation). The bid was awarded to Generx Generators in the amount of \$30,259 for the generator and ATS only, leaving a balance of \$3,741 for installation of the generator.

Subsequently, staff solicited quotes (Attachment 1) for the installation of the generator, which exceeds the estimated balance left for this project. The reason found for this overage is due to the fact that the estimates received during the 2011/2012 budget process did not take into account the increase of wiring costs, additional electrical equipment and gas connection needed for the installation. The additional electrical equipment needed is a 400 amp fused disconnect box and the wiring needed to upgrade the current service to the building to be in compliance with the National Electric Code.

Quotes received for electrical and fuel installations are as follows:

Electrical

Vendor	Quote	Permit Fee	Total
Generx Generators	\$12,745.65	\$350.20	\$13,095.85
Darling Electric	\$12,000.00	\$350.20	\$12,350.20
Covell Electric	\$11,729.00	\$350.20	\$12,079.20

Fuel

Vendor	Quote	Permit Fee	Total
Plumbing Unlimited	\$1,950.00	Included	\$1,950.00
Advanced Gas	\$1,657.50	Included	\$1,657.50
Charlie's Plumbing	\$1,420.00	Included	\$1,420.00

BUDGET IMPACT: ^{SB} The City of Brooksville approved 11/12 Budget has \$34,000 budgeted in Machinery & Equipment in Fund 114 (Fire Impact Fees) for the generator purchase and installation. There are sufficient reserves in Fire Impact Fees for the \$9,758.20 budget amendment increase. The present reserves are approximately \$61,141 (includes the deduction of the \$30,259 generator purchase). See the 2011/12 Budget Amendment form (Attachment 3).

LEGAL REVIEW: The City is vested with home rule authority pursuant to Article VII, Section 2 of the Constitution of the State of Florida and Chapter 166, Florida Statutes. Pursuant to Section 1.03 of the Charter, the City has all governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions and render municipal services to include matters of fiscal impact. Pursuant to Hernando County Code Sec. 23-50, relating to impact fees and which applies to the City because the City opted-in to the County's impact fee ordinance, "...funds collected from fire protection and emergency medical services capital facilities impact fees shall be used exclusively for the purpose of capital improvements which are of direct benefit to the benefit district from which the funds were collected." The ordinance also defines "*capital equipment*" as equipment with an expected use life of three (3) years or more.

STAFF RECOMMENDATION: Staff recommends approval from Council for release of monies from reserves for contingencies within Fund 114, Fire Impact Fees in the amount of \$9,758.20 for the installation of the emergency backup generator at the fire department. In addition, staff recommends approval of FY 11/12 Budget Amendment as attached.

ATTACHMENTS:

1. Quotes
2. Budget Amendment

Attachment 1

Quotes



Proposal
Date: 3/29/2012
Estimate #: 5439A

Prices based upon in-stock units and good for 15 days from
above date.

1745 GRAND BOULEVARD HOLIDAY, FLORIDA 34690

To: Brooksville Fire Dept.
85 Veterans Avenue
Brooksville, Florida 34601

We are pleased to provide the following estimate for your consideration:



Job: Generac Generator Industrial Installation

Size: 100kw – Model # SG100G Industrial Generator Install Only

Job to include the following:

1. Install Customer Provided Generator And Transfer Switch
2. **Modify Existing Concrete Slab To Accommodate New Generator**
3. Delivery, Set Up, and Position Generator Onto New Concrete Pad
4. Connect To Existing Natural Gas Meter And Existing Propane Tank
5. **All Gas Connections To Be Provided By Others**
6. **All Gas Connections To Be Provided By Others**
7. 75' Electrical Line Run To New Transfer Switch (*Below Ground in Existing Conduit*)
8. 400 Amp Automatic Transfer Switch (**Provides Power To Entire Building**)
9. 400 Amp Service Disconnect
10. Electrical Hook Up
11. **Gas and Electrical Permit Is Extra (Approximately \$250.00)**
12. Any Necessary Engineering
13. 12 Volt Automotive Grade *Interstate* Battery
14. *Two Years Manufactures Warranty (Parts & Labor)*

Total Cost: \$12,745.65 Plus Sales Tax

Payment **10%** down, **65%** at Delivery of Generator,
Balance upon completion

MARK COSTIS

FIELD ENGINEER 727-365-1498

Acceptance of Proposal- The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above. Failure to make payments in accordance will result in additional cost for attorney fees.

X _____

Generex Generator

X _____ Date: _____

Print _____

Richard J. Darling Electric, Inc.
 15405 Vanessa Lane
 Brooksville, FL 34604 
 352-796-5809

Estimate

Date	Estimate #
4/30/2012	6486

City Of Brooksville
 201 Howell Avenue
 Brooksville, Florida 34601

Description	Project/Job Location		
	Brooksville Fire Department		
	Qty	Rate	Total
REVISED ESTIMATE: Unload new generator from transport vehicle. Load old generator onto transport vehicle and unload at Jerome Brown Park. Wire up new single phase 400 amp generator. Install new single phase generator transfer switch to right side of existing service meter. Install new 400 amp single phase disconnect to the left side of existing service meter. Install raceway from new 400 amp disconnect that shuts off power from the new generator to the new transfer switch. Install ground rod and ground wire at new generator location. Connect new single phase transfer switch to existing service. Remove old transfer switch inside electrical room and transport it to Jerome Park location. Rewire existing electrical service to new transfer switch and ground equipment. Apply for permit and call for inspection. No Fees apply for external fuel hookup. (Fire Station's responsibility.)		12,000.00	12,000.00
PLEASE SIGN AND FAX APPROVAL TO (352) 848-0225.	Total		\$12,000.00

The amount of this estimate shall be valid for 30 days only. By signing, this estimate is approved and accepted by the customer. Changes shall be made by written change orders only. Upon completion of work done, payment is due upon receipt of invoice. If payment is delinquent for 30 days we shall be entitled to interest at the maximum rate allowed by law until payment is received. Non payments will be turned over to our collection department. All Attorney fees and Court costs will be paid by non paying party.

Signature _____

PROPOSAL
A.L. Covell Electric, Inc.
#EC0002535 / #EC0002536 / #EC13003834
600 South Main Street
Brooksville, Florida 34601
(352)544-0680 Fax (352)544-1170

To: City of Brooksville 201 Howell Ave. Brooksville, FL 34601	Job: Fire Department 85 Veterans Ave. Brooksville, FL 34601
--	--

We hereby submit specifications and estimates for:

Provide material and labor to:

1. Remove old emergency generator from pad (hailed away by others).
2. Connect Brooksville Fire Department's 70kw generator to provide temporary power to station while work is being completed.
3. Provide all electrical material and labor to install new emergency generator to comply with the National Electrical Code. **Note: Emergency generator provided by others.

Total: \$11,249.00

In the event any work is necessary on overtime, add: \$ 480.00

***Sales Tax and permit costs not included in proposal price**

WE PROPOSE hereby to furnish material and labor-in accordance with these specifications, for the sum:

See Above _____ Dollars See Above _____

Payable as follows:

Payable in full upon completion of work. _____

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alterations or deviation from the above specifications involving extra cost will be executed only upon written order, and will become an extra charge over and above the proposal. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry necessary liability and workers compensation insurance.



Authorized Signature
Anna Liisa Covell

April 30, 2012

Date (This proposal may be withdraw if not accepted within 30 days)

Acceptance of Proposal (sign & print name)

Date

The prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

From: Sean Kessler
Sent: Friday, May 11, 2012 1:32 PM
To: Tim Mossgrove
Subject: Plumbing Unlimited QUOTE GENERATOR COB FD.

See below...

Sean M. Kessler, C.P.M.
City of Brooksville
Parks/Facilities and Recreation Supervisor
Cell: (813) 267-5378
O: (352)540-3834 * Fax(352)544-5496
skessler@cityofbrooksville.us

**It Starts
in Parks**

From: dbeyer [mailto:dbeyer2@tampabay.rr.com]
Sent: Friday, May 11, 2012 1:03 PM
To: Sean Kessler
Subject: QUOTE GENERATOR / PD. / FD.

FROM DOUG, PLBG. UNL.

PARTS , LABOR AND MATERIALS FOR :

1 OR 1 1/4 " PERMANENT (COMBINATION) LP. AND NATURAL GAS SERVICE, VALVES AND CONNECTION TO PROPOSED GENERATOR (PROVIDED BY OTHERS) .

COST INCLUDES PERMIT : \$ 1,950 .00

1

COST EXCLUDES : EQUIP. SET- UP, OR TRANSPORT ; GAS REGULATORS

Estimate

Date	Estimate #
5/8/2012	3120991

Advanced Gas Services, Inc.
 11284 N. Roble Terrace
 Citrus Springs, Fl. 34434
 Phone 352-400-5449
 Fax 352-533-3297
 Email advancedgasservices@yahoo.com

City of Brooksville

Description	Qty	Rate	Total
Proposal to install natural gas line from gas meter to generator location and also tie in existing LP gas piping to new generator at fire station at 85 Veterans			
Natural gas piping	55	12.50	687.50
misc parts/fitings/consumables	1	150.00	150.00
LP gas work	1	300.00	300.00
2 man labor per hour-65.00/man/hour	4	130.00	520.00
Thank you for your business.		Subtotal	\$1,657.50
		Sales Tax (0.0%)	\$0.00
		Total	\$1,657.50

RECEIVED
 May 9, 2012

From: Sean Kessler
Sent: Friday, May 11, 2012 1:33 PM
To: Tim Mossgrove
Subject: FW: Generator piping

See Below... I have not hear from Ray Johnson

Sean M. Kessler, C.P.M.
City of Brooksville
Parks/Facilities and Recreation Supervisor
Cell: (813) 267-5378
O: (352)540-3834 * Fax(352)544-5496
skessler@cityofbrooksville.us

**It Starts
in Parks**

From: Charlie@Charlies-Plumbing.com [mailto:Charlie@Charlies-Plumbing.com]
Sent: Friday, May 11, 2012 12:59 PM
To: Sean Kessler
Subject: Generator piping

Plan A. We will pipe in the new generator utilizing existing 7" W.C. natural gas system and change the existing LP regulator as it is too small and pipe in the LP as well.

For the sum of \$1,907.00 plus sales tax.

Plan B. Teco will change their incoming regulator to convert this system to a 2 PSI gas system. We will furnish and install one new regulator to supply the building, pipe in the new generator utilizing the now available 2 PSI gas system and furnish and install a second regulator at the generator. The LP portion of the job is the same as plan A.

For the sum of \$1,420.00

Thank You

Charles W. Jorgensen

Attachment 2

Budget Amendment Form



**CONSENT AGENDA ITEM
MEMORANDUM**

TO: HONORABLE MAYOR AND CITY COUNCILMEN

VIA: T. JENNENE NORMAN-VACHA, CITY MANAGER

FROM: STEVE BAUMGARTNER, FINANCE DIRECTOR

SUBJECT: FY 2012-13 BUDGET WORKSHOPS CALENDAR

DATE: MAY 11, 2012

GENERAL SUMMARY/BACKGROUND: Staff is interested in formally establishing the Budget Workshop Sessions with the City Council for discussions on the fiscal year 2012-13 City Budget. We are seeking approval for the following dates/times:

- ◆ July 31, 2012 – 6:00 pm
- ◆ August 14, 2012 – 6:00 pm
- ◆ August 28, 2012 – 6:00 pm

Our proposed Budget Hearings are established for September 12, and September 26, 2012; both scheduled for 6:00 pm.

BUDGET IMPACT: There is no budget impact for this item.

LEGAL REVIEW: The City Council has home- rule authority (Article VII, (2), Florida Constitution / Section 166.011, Florida Statutes) to consider matters of fiscal and intergovernmental benefit.

STAFF RECOMMENDATION: Staff recommends adoption of the above dates and times for FY 2012-13 Budget Workshop Sessions.



**CONSENT AGENDA ITEM
MEMORANDUM**

To: Honorable Mayor and City Council Members

Via: T. Jennene Norman-Vacha, City Manager

From: Janice L. Peters, CMC, City Clerk

Subject: Surplus Equipment

Date: May 11, 2012

GENERAL SUMMARY/BACKGROUND: Below is a list of property determined to be obsolete, inoperative or otherwise no longer feasible in the City.

Description	Serial Number
2 Mower Decks (DPW)	
Brother Fax Machine	MFC-722FN
2-Door Wooden Table	

With Council's approval, all saleable items will be delivered to the auction site compound at the School Board Offices. Any items determined to have no value will be disposed of at the County landfill.

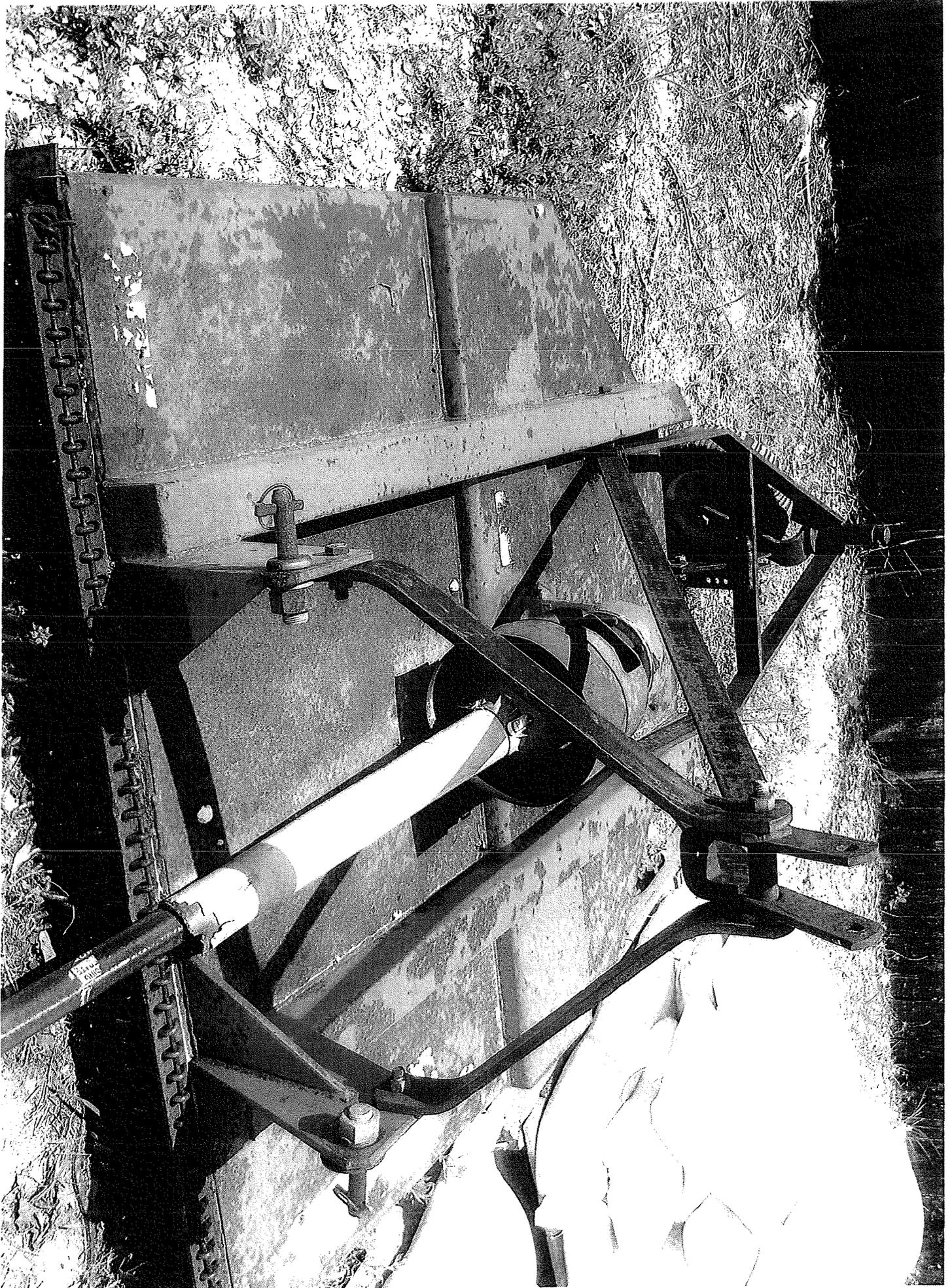
BUDGET IMPACT: The items that can be put together and sold as one pallet will be combined and the remainder of pieces of equipment will be sold as is. Revenues received will be deposited in the appropriate revenue accounts within the City's Funds. A nominal financial impact is expected from the sale of this surplus equipment.

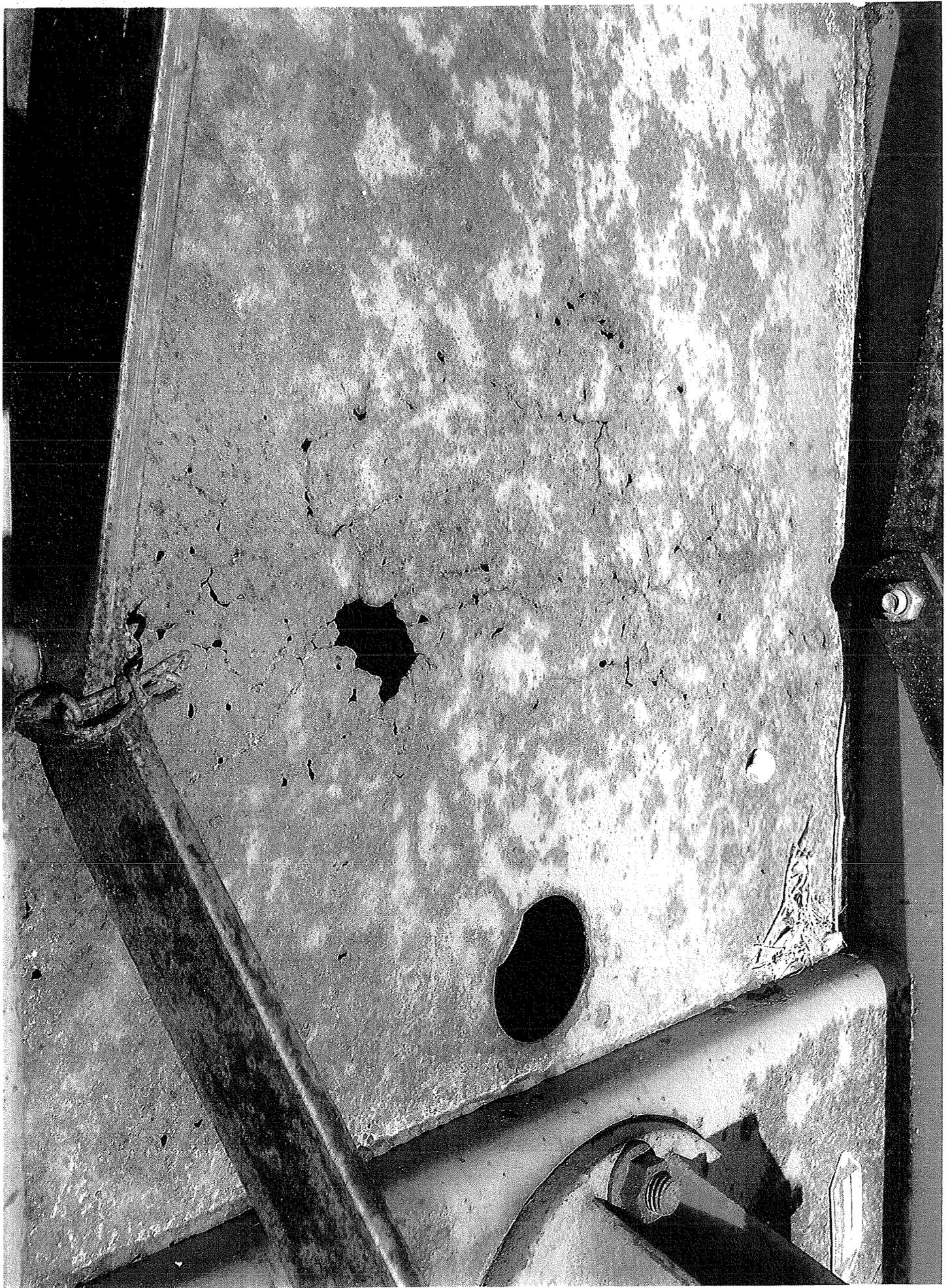
LEGAL REVIEW: Pursuant to Fla. Stat. §274.05 Surplus property, City Council has the authority and discretion to classify as surplus any of its property that is obsolete or the continued use of which is uneconomical or inefficient, or which serves no useful function. In addition, within the reasonable exercise of its discretion and having consideration for the best interests of the City, the value and condition of property classified as surplus, and the probability of such property's being desired by a prospective bidder in the event of surplus, the City Council may offer surplus property to other governmental units in the county for sale or donation.

STAFF RECOMMENDATION: City Council to declare items included on the list as "surplus" and authorize the City Manager to dispose of through the joint County/School Board/City auction or as appropriate.

ATTACHMENTS: Pictures of Surplus Items











**AGENDA ITEM
MEMORANDUM**

To: The Honorable Mayor and City Council Members
Via: T. Jennene Norman-Vacha, City Manager *T. Jennene Norman-Vacha*
From: Richard W. Radacky, Director of Public Works *Richard Radacky*
Subject: Ordinance No. ~~826~~ - Mosquito Control Municipal Service Taxing Unit
829
Date: May 11, 2012

GENERAL SUMMARY/BACKGROUND: In the final hearings of the fiscal year 2011-12 budget process, the Hernando County Board of County Commissioners approved for the creation and adoption of a new Municipal Service Taxing Unit (MSTU) for mosquito control services. The Mosquito Control MSTU millage initially established by Hernando County Board of County Commissioners is .1 mil. County code as adopted (Attachment 1), allows for municipality inclusion in the MSTU when "such municipality consents by ordinance in accordance with the provisions of section 125.01 (1)(q), Florida Statutes, as it may be amended from time to time, to the imposition of the MSTU within the municipality."

Additionally, the Hernando County Board of County Commissioners adopted Resolution 2012-25 (Attachment 2) on January 24, 2012, calling for a ballot referendum asking whether County voters want the County Commission to continue to levy a property tax of up to one-tenth of one mil to fund mosquito control activities. The ballot question will appear on the General Election ballot, Tuesday, November 6, 2012.

In order for the City to be included in Hernando County's MSTU for mosquito control services, City Council must adopt the attached Ordinance 826⁹ (Attachment 3), and subsequently file the same with the Hernando County Property Appraiser's Office, not later than June 5, 2012.

Please note that the City Council can decide not to "opt in" to the Hernando County Mosquito Control MSTU, should Council desire seeking other service delivery options for mosquito control services. Service delivery options could include contracting with Hernando County for such service or another public/private provider/vendor. This approach would require an allocation from the City's general fund budget.

BUDGET IMPACT: Considering the 2011-12 property values of the City at 95%, a tax of 0.1 mil would generate \$37,052. As values are projected to decrease for FY 2012-13, we project that approximately \$35,000 would be generated through the City's portion of the MSTU.

LEGAL REVIEW: The City is vested with home rule authority pursuant to Article VII, Section 2, of the Constitution of the State of Florida and Chapter 166, Florida Statutes, to enact ordinances; and pursuant to Section 1.03 and Section 2.13 of the Charter, the City has the power to enable it to conduct municipal functions and to adopt ordinances to carry out those functions.

STAFF RECOMMENDATION: Staff recommends approval of Ordinance ~~826~~⁸²⁹ upon first reading and schedule the second reading for June 4, 2012.

- ATTACHMENTS:**
- 1) County Code – Article VIII – Mosquito Control
 - 2) Hernando County Resolution 2012-25
 - 3) City Ordinance ~~826~~ 829

Attachment 1

Hernando County, Florida, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 15 - HEALTH AND SANITATION >> ARTICLE VIII. - MOSQUITO CONTROL >>

ARTICLE VIII. - MOSQUITO CONTROL

Sec. 15-221. - Findings of fact and purpose.

Sec. 15-222. - Definitions.

Sec. 15-223. - Creation of unit; Hernando County Mosquito Control Municipal Service Taxing Unit; service outside jurisdictional territory.

Sec. 15-224. - Administration.

Sec. 15-225. - Powers and duties of the board of county commissioners.

Sec. 15-226. - Consent of municipalities.

Secs. 15-227—15-244. - Reserved.

Sec. 15-221. - Findings of fact and purpose.

Pursuant to section 388.0101, Florida Statutes, it is declared to be the public policy of the Board of County Commissioners of Hernando County, Florida, to achieve and maintain such levels of arthropod control as will protect human health and safety and foster the quality of life of the people, promote the economic development of Hernando County, and facilitate the enjoyment of its natural attractions by reducing the number of pestiferous and disease-carrying arthropods. It is further declared to be the policy of the Board of County Commissioners of Hernando County, Florida, to conduct arthropod control in a manner consistent with protection of the environmental and ecological integrity of all lands and waters throughout Hernando County.

(Ord. No. 2011-11, § 1, 6-14-11)

Sec. 15-222. - Definitions.

As used in this article:

Arthropod means those insects of public health or nuisance importance, including all mosquitoes, midges, sand flies, dog flies, yellow flies, and house flies.

County means Hernando County, Florida.

Integrated arthropod control means the implementation of arthropod control measures, including, but not limited to, the use of pesticides and biological control agents and source reduction, to control arthropods without an unreasonable adverse effect on the environment. Pursuant to section 388.021(2), Florida Statutes, the provision of integrated arthropod control services constitutes a "municipal service."

Mosquito control means integrated arthropod control measures.

MSTU means the "Hernando County Mosquito Control Municipal Service Taxing Unit."

Nuisance means a condition in which pestiferous arthropods occur in such numbers as to be annoying, obnoxious, or inimical to human comfort.

Source reduction means the physical land or water management of arthropod breeding areas to reduce the area's suitability for arthropod breeding.

(Ord. No. 2011-11, § 2, 6-14-11)

Sec. 15-223. - Creation of unit; Hernando County Mosquito Control Municipal Service Taxing Unit; service outside jurisdictional territory.

- (a) Pursuant to sections 125.01(q) and 388.021(2), Florida Statutes, there is hereby created a municipal service taxing unit to be known as the "Hernando County Mosquito Control Municipal Service Taxing Unit."
- (b) The geographic boundaries of the MSTU shall include all of the unincorporated lands that are situated within the boundaries of Hernando County, Florida.
- (c) The MSTU shall exist solely to finance the provision of integrated arthropod control services by the county. Except as provided for herein, the MSTU shall have no independent existence apart from that of the county.
- (d) The MSTU shall also be empowered to provide integrated arthropod control services outside its jurisdictional territory upon authorization of the board of county commissioners, provided that those services are funded by sources other than properties contained within the jurisdictional boundaries of the MSTU. Under no circumstances shall properties within the MSTU be assessed to finance integrated arthropod control services provided to areas outside its territory.

(Ord. No. 2011-11, § 3, 6-14-11)

Sec. 15-224. - Administration.

- (a) The governing body of the MSTU shall be the board of county commissioners of the county.
- (b) The MSTU shall be administered in accordance with the policies and procedures adopted by the board of county commissioners for the administration of all county departments, divisions and operations.
- (c) The county administrator shall be responsible for the day-to-day administration of the MSTU and shall be responsible for the implementation of this article.
- (d) The MSTU is specifically made subject to all applicable federal, state, and county laws.

(Ord. No. 2011-11, § 4, 6-14-11)

Sec. 15-225. - Powers and duties of the board of county commissioners.

- (a) The board of county commissioners shall have the authority to fund integrated arthropod control services within the MSTU through a levy of such amounts of ad valorem tax not exceeding one-tenth of one mil (.1).
- (b) The board of county commissioners shall annually adopt a budget for the MSTU pursuant to chapter 129 and chapter 200, Florida Statutes.
- (c) The board of county commissioners is empowered to set up reserves in the MSTU's budget in excess of the MSTU's estimated expenditures for the ensuing fiscal year, for the purpose of creating reasonable reserves for the purchase of equipment and making other necessary capital expenditures.

(Ord. No. 2011-11, § 5, 6-14-11)

Sec. 15-226. - Consent of municipalities. 

The provisions of this article creating a MSTU shall not be effective within any municipality in Hernando County unless and until such municipality consents by ordinance in accordance with the provisions of section 125.01(1)(q), Florida Statutes, as it may be amended from time to time, to the imposition of the MSTU within the municipality.

(Ord. No. 2011-11, § 6, 6-14-11)

Secs. 15-227—15-244. - Reserved. 

Attachment 2

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RESOLUTION NO. 2012- 25 -

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, CALLING FOR A REFERENDUM ELECTION TO BE HELD IN CONJUNCTION WITH THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012, TO DETERMINE WHETHER THE HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS SHALL CONTINUE TO FUND MOSQUITO AND OTHER PEST INSECT CONTROL ACTIVITIES WITH AN AD VALOREM TAX LEVY; PROVIDING FOR THE SUBMISSION TO THE ELECTORS FOR APPROVAL OR DISAPPROVAL OF THE REQUIRED BALLOT QUESTION; PROVIDING FOR REQUISITE BALLOT LANGUAGE; PROVIDING FOR NOTICE; PROVIDING FOR RELATED MATTERS; AND PROVIDING FOR EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Referendum Election Called.

The Supervisor of Elections of Hernando County is hereby directed to hold a referendum election in conjunction with the 2012 General Election, presently scheduled for Tuesday, November 6, 2012, to present to the qualified electors residing within the unincorporated areas of Hernando County with the ballot question provided for herein. The Board of County Commissioners may, by subsequent resolution, alter the date of the special election in the event that it finds that unforeseen circumstances require it to do so.

Section 2. Form of Ballot.

The Supervisor of Elections of Hernando County shall cause the following ballot title, ballot summary, and question to be placed on the ballot of the referendum election held as required by this resolution:

BALLOT TITLE: NON-BINDING REFERENDUM REGARDING THE CONTINUANCE OF MOSQUITO AND OTHER PEST INSECT CONTROL SERVICES IN HERNANDO COUNTY.

1 BALLOT SUMMARY: SINCE 2011, HERNANDO COUNTY HAS FUNDED
2 THE PROVISION OF MOSQUITO AND OTHER PEST INSECT CONTROL
3 SERVICES WITH A PROPERTY TAX LEVY, AT A RATE NOT TO EXCEED
4 ONE-TENTH OF ONE MILL (.1 MILS). THE REFERENDUM ASKS
5 WHETHER THE LEVY SHALL BE CONTINUED.

6
7 BALLOT QUESTION: SHALL THE BOARD OF COUNTY COMMISSIONERS
8 CONTINUE TO LEVY A PROPERTY TAX OF UP TO ONE-TENTH OF ONE
9 MILL (.1 MIL) TO FUND THE PROVISION OF MOSQUITO AND OTHER
10 PEST INSECT CONTROL SERVICES?

11 _____ YES

12 _____ NO

13 **Section 3. Notice of Election.**

14 The County Administrator shall ensure that notice of said election is published, in
15 accordance with Fla. Stat. § 100.342, in a newspaper of general circulation within Hernando
16 County at least thirty (30) days prior to said election, the first publication to be in the fifth week
17 prior to the election (to-wit: during the week commencing on Sunday, October 7, 2012), and the
18 second publication to be in the third week prior to the election (to-wit: during the week
19 commencing on Sunday, October 14, 2012), and shall be in substantially the following form:

1 NOTICE OF SPECIAL ELECTION

2 PUBLIC NOTICE IS HEREBY GIVEN THAT PURSUANT TO RESOLUTION
3 NO. _____ ADOPTED BY THE BOARD OF COUNTY
4 COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, A SPECIAL
5 ELECTION HAS BEEN CALLED AND ORDERED TO BE HELD WITHIN THE
6 JURISDICTION OF HERNANDO COUNTY ON TUESDAY, THE 6TH DAY OF
7 NOVEMBER, 2012, AT WHICH TIME THE FOLLOWING BALLOT
8 QUESTION SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF
9 HERNANDO COUNTY FOR APPROVAL OR REJECTION:

10 BALLOT QUESTION: SHALL THE BOARD OF COUNTY COMMISSIONERS
11 CONTINUE TO LEVY A PROPERTY TAX OF UP TO ONE-TENTH OF ONE
12 MILL (.1 MILL) TO FUND THE PROVISION OF MOSQUITO AND OTHER
13 PEST INSECT CONTROL SERVICES?

14 _____ YES

15 _____ NO

16
17 THE COUNTY REGISTRATION BOOKS SHALL REMAIN OPEN AT THE
18 OFFICE OF THE COUNTY SUPERVISOR OF ELECTIONS UNTIL TWENTY-
19 NINE DAYS PRIOR TO THE ELECTION, AT WHICH DATE THE
20 REGISTRATION BOOKS SHALL CLOSE IN ACCORDANCE WITH THE
21 PROVISIONS OF THE ELECTION LAWS.

22

1 **Section 4. Copies.**

2 Copies of this Resolution shall be made available for public inspection during regular
3 business hours at the offices of the County Administrator.

4 **Section 5. Effectiveness of Proposed Ad Valorem Taxing Authority.**

5 The expanded ad valorem taxing authority of the Hernando County Board of County
6 Commissioners, as provided for herein, shall become effective only if the majority of the qualified
7 electors voting on the ballot question provided for herein, vote in the affirmative. It then shall be
8 considered adopted and effective upon certification of election results.

9 **Section 6. Referendum Non-Binding as to Future Tax Levies.**

10 Should the electorate favorably approve the ballot question, the subsequent levy of millage
11 and expenditure of any ad valorem tax funds for said lands will be authorized only if first duly
12 approved and levied by the Board of County Commissioners on an annual basis as required by Fla.
13 Stat. §§ 129.01 and 200.01.

14 **Section 7. Severability.**

15 That the provisions of this Resolution are declared to be severable, and if any section,
16 sentence, clause or phrase of this Resolution shall for any reason be held to be invalid or
17 unconstitutional such decision shall not affect the validity of the remaining sections, sentences,
18 clauses, and phrases of this Resolution but they shall remain in effect, it being the legislative intent
19 that this Resolution shall stand notwithstanding the invalidity of any part.

20

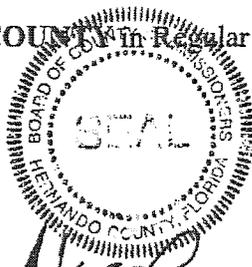
1 **Section 8. Conflicts.**

2 In the event that the provisions of this Resolution conflict with any other Resolution or
3 Ordinance of Hernando County, the provisions of this Resolution shall prevail to the extent of any
4 such conflict. In the event that the provisions of this Resolution conflict with any Special Act or
5 General Law, the provisions of the applicable Special Act or General Law shall prevail to the
6 extent of any such conflict.

7 **Section 9. Effective Date.**

8 This Resolution shall take effect immediately upon adoption.

9 **BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF**
10 **HERNANDO COUNTY** in Regular Session this 24 day of January 2012.



BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

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16 Attest: Karen Nicolai
17 **KAREN NICOLAI**
18 **Clerk**

By: Wayne Dukes
The Hon. Wayne Dukes
Chairman

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20
21
22 Approved for Form and Legal Sufficiency

23
24
25 By: [Signature]
26 **Jon A. Jouben**
27 **Assistant County Attorney**

I hereby certify that the foregoing is a true and correct copy of the original.
Karen Nicolai, Clark Circuit Court, Hernando County, Florida.

By: Jeanne E. Minter D.C.

Attachment 3

ORDINANCE NO. ~~826~~ 829

**AN ORDINANCE OF THE CITY OF BROOKSVILLE,
CONSENTING TO BE INCLUDED IN THE
HERNANDO COUNTY MOSQUITO CONTROL
MUNICIPAL SERVICE TAXING UNIT CREATED BY
HERNANDO COUNTY ORDINANCE NO. 2011-11;
PROVIDING FOR CONFLICT AND SEVERABILITY;
AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Hernando County Board of County Commissioners created the Hernando County MOSQUITO CONTROL MUNICIPAL SERVICE TAXING UNIT (hereinafter, "the Unit") by its Ordinance No. 2011-11; and,

WHEREAS, Section 6 of the Hernando County Ordinance No. 2011-11 provides that "The provisions of this ordinance creating a MSTU shall not be effective within any municipality in Hernando County unless and until such municipality consents by ordinance in accordance with the provisions of Section 125.01(1)(q), Florida Statutes, as it may be amended from time to time, to the imposition of the MSTU within the municipality;" and,

WHEREAS, the City of Brooksville anticipates the approval of an interlocal agreement with Hernando County which will provide for the development of a comprehensive long-range county-wide mosquito control program with project funding and implementation schedules; and,

WHEREAS, the City of Brooksville City Council deems it to be advisable to consent to inclusion of the City of Brooksville in the Unit for the purposes of mosquito control;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AS FOLLOWS:

SECTION 1. Inclusion of City in Unit. The City of Brooksville, by this Ordinance, hereby consents to the inclusion of the City of Brooksville in the Hernando County Mosquito Control Municipal Service Taxing Unit created by Hernando County Ordinance No. 2011-11.

SECTION 2. Conflict. Any ordinance or code of the city, or any portion thereof, in conflict with the provisions of this ordinance, is hereby repealed to the extent of such conflict.

SECTION 3. Severability. In the event that any portion or section of this ordinance is determined to be invalid, unlawful or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this ordinance, which shall remain in full force and effect.

SECTION 4. Effective Date. This ordinance shall take effect immediately upon its adoption by the Brooksville City Council.

CITY OF BROOKSVILLE

Attest: _____
Janice L. Peters, CMC, City Clerk

By: _____
Joseph E. Johnston, III, Mayor

PASSED on First Reading _____

NOTICE Published on _____

PASSED on Second & Final Reading _____

APPROVED AS TO FORM FOR THE RELIANCE
OF THE CITY OF BROOKSVILLE ONLY:

VOTE OF COUNCIL:

Bernardini _____

Bradburn _____

Burnett _____

Hohn _____

Johnston _____

Thomas S. Hogan, The Hogan Law Firm, LLC
City Attorney



**AGENDA ITEM
MEMORANDUM**

TO: HONORABLE MAYOR AND CITY COUNCILMEN
VIA: T. JENNENE NORMAN-VACHA, CITY MANAGER *[Signature]*
FROM: TIM MOSSGROVE, FIRE CHIEF *[Signature]*
SUBJECT: EXECUTIVE SUMMARY ON SIMPLIFIED FIRE ASSESSMENTS
DATE: MAY 11, 2012

GENERAL SUMMARY/BACKGROUND: Attached is the Executive Summary (Attachment 1) prepared by Real Estate Research Consultants in collaboration with Bryant Miller Olive and Ennead, LLC. This Summary describes an apportionment method for allocating all or some portion of the benefits, burdens and the budgeted costs associated with the provision of fire protection services by the Brooksville Fire Department through the implementation and collection of special assessments. Utilizing Staff's input for information and data specific to our Brooksville Fire Department, the consulting team put in a considerable amount of time on this project all the while communicating status updates to City Staff. The Executive Summary has been internally reviewed by the City Manager, Assistant City Attorney Robert Battista and myself. This Summary is being provided to you this date in accordance with the target date for presentation as previously established.

We believe the Executive Summary provides the information as contractually agreed. We are particularly pleased with the flexibility offered by the contemplated approach in terms of the policy-making opportunities for the City Council, the essential adherence to the relevant legal constraints, and the fact that the exemplary budget analyzed in the summary pulls out any hint of advanced life support (which is a prohibited cost of assessment) and identifies the dollar amount of such costs.

Please note that this document is provided to the City as a decision-making tool. In essence, an exemplary fire budget has been analyzed and two distinct tiers for allocating costs to properties has been identified. We have been advised that these tiers adhere to accepted general law standards (i.e. benefit to property and fair and reasonable apportionment). The City Council is presented with the ability to make policy decisions in terms of overall funding of the fire department using both the contemplated assessments and the general fund. We believe that this Summary is exactly what was anticipated as it gives you, the policymakers, flexibility in your decision-making. Your decisions will determine what portion of the general fund is to be supplied to the fire department budget (directly affecting the amount to be contributed through assessment revenue), and which tax parcels, if any, are to be excluded from the assessment program for public policy reasons.

The Executive Summary includes various funding examples to assist City Council during the decision-making process and we have received a Critical Events Schedule (Attachment 2) for implementing the assessments. Implementation would proceed through the adoption of the attached resolution No. 2012-04 (Attachment 3) authorizing and directing City staff along with the consulting team to move forward.

BUDGET IMPACT: City Council will have the desired flexibility with respect to how much of the fire department budget is recovered each fiscal year through the special assessment. The resulting savings to the general fund may be utilized to reduce millage, to fund other essential services and/or improvements provided by the City, or some combination of the two. The exact dollar amount to be recovered through the special assessment will be determined by City Council during the assessment implementation phase during which the financial impact to every tax parcel in the City can be ascertained on the internet.

LEGAL REVIEW: The City possess home rule authority for the levy and collection of special assessments and has considerable latitude with respect to selecting an apportionment methodology and the use of the general fund which is best suited to local needs.

STAFF RECOMMENDATION: After careful review, staff recommends that the City Council fund approximately \$600,000 of the upcoming fire protection budget with assessments in accordance with the apportionment method summarized in the Executive Summary, and that the City Council directs staff and the consultants to proceed by adopting Resolution No. 2012-04 as provided.

ATTACHMENTS:

1. Executive Summary
2. Critical Events Schedule
3. Authorizing Resolution No. 2012-04

Attachment 1

MEMORANDUM

TO: T. Jennene Norman-Vacha, City Manager
Timothy A. Mossgrove, Fire Chief, City of Brooksville

FROM: Owen M. Beitsch, PhD, CRE, FAICP
Real Estate Research Consultants, Inc.

DATE: May 11, 2012

RE: **City of Brooksville, Florida**
Executive Summary; Overview of Simplified Fire Assessment Apportionment Strategy

INTRODUCTION AND PURPOSE

The Brooksville Fire Department (BFD), the local government fire protection unit associated with the City of Brooksville (the "City") in Hernando County, Florida, has expressed an interest in defraying at least some part of its annual operating and capital costs through means of a special assessment which may be collected either through the City's direct billing of affected property owners or by inclusion on the annual property tax bill, a procedure known as the *uniform collection method*.¹ Special assessments are levies made against certain real property to recover all or part of the cost of a specific service or capital improvement deemed to benefit those real properties.² Real Estate Research Consultants (RERC) was retained³ to describe and analyze an approach which focuses on special benefits or relief of burdens associated with each of the various tax parcels of property in the City⁴ should an assessment be implemented, and to provide a reasoned and equitable methodology for allocating all or some portion of such benefits and burdens and the budgeted costs associated with the provision of BFD's essential services and facilities.

This memorandum is provided for initial decision-making purposes. Included is a summary of the law governing special assessments, a description of the special benefits conveyed by fire protection services and a reasoned apportionment methodology premised upon two distinct tiers or classes of assessment allocations: Tier 1 – a sharing of benefits, burdens and costs for fire protection services and facilities based upon the *relative value of improvements* for each tax parcel in the City as compared to the value of improvements for all tax parcels in the City; and, Tier 2 – a sharing of benefits, burdens and costs for fire protection services and facilities on a

¹ See § 197.3632, Fla. Stat. (2012).

² See, e.g., *City of Gainesville v. State*, 863 So. 2d 138 (Fla. 2003).

³ This memorandum is an agreed upon deliverable; and, has been reviewed by the data consultant, Ennead LLC, special counsel, Bryant Miller Olive, and developed with collaboration and review of various City staff and officials.

⁴ The use of the maintained database of tax parcels employed by the local property appraiser and tax collector is a relatively accurate, fair and efficient means to allocate or distribute costs. For allocating costs as discussed herein, the use of tax parcels is typically fair, effective and efficient for all tax parcels, including statutorily defined parcels such as individual condominium or cooperative units.

per tax parcel allocation premised upon maintaining a continual state of preparedness and *readiness to serve* whether or not a request for actual assistance is ever received.⁵ These two distinct tiers are used to digest the BFD's estimated budget after a conservative reduction for potential advanced life support costs (ALS) is first applied to avoid any misunderstanding that any emergency medical services are being funded improperly with the resulting special assessments.⁶

Several funding examples based upon such methodology are included in order to give City decision-makers an accurate understanding of the consequences of funding varying amounts of the anticipated budget for fire protection services and facilities.⁷ Finally, an anticipated schedule of critical events necessary is also being contemporaneously provided for reference in the decision-making process.

SUMMARY OF FLORIDA LAW GOVERNING SPECIAL ASSESSMENTS

Special assessments are a dedicated revenue source available to many local governments to fund capital improvements or essential services. As established by Florida case law, two requirements exist for the imposition of a valid special assessment. First, the property assessed must derive a ***special benefit*** from the improvement or service provided. Second, the assessment must be ***fairly and reasonably apportioned*** among the properties receiving the special benefit.⁸

Under both Florida's case law and certain statutory components, it is well settled that the benefit required for a valid special assessment may be measured or benchmarked against something other than simply an increase in real property market value.⁹ The concept of benefit also includes the relief of a burden or demand created by property as well as added use and enjoyment of the real property.¹⁰ The benefits then can be conceptual but they must be capable of being evaluated by some metric and being apportioned in some reasonable manner.

Similarly, the benefits are apt to be distinguishable or different, and Florida's case law, as well as its statutory regime relating to special assessments, suggest substantial latitude both in the means by which *benefit to or relief of burden created by* real property is defined and the subsequent manner by which an assessment itself is *calculated or apportioned*.¹¹ Though Florida law requires that special assessments funding improvements or services which specially benefit assessed properties must be fairly and reasonably apportioned, the state's Supreme Court has held that the method of an apportionment is immaterial and may vary provided that

⁵ Although either of these two tiers might be used singularly to address a significant portion of the budget for special assessment apportionment purposes, together they provide a simplified and powerful equity tool for the City to share assessable benefits, burdens and costs among assessable tax parcels in the City.

⁶ See ADDRESSING THE BUDGET – REMOVING EMS. *Infra*.

⁷ See Appendix B.

⁸ *Sarasota County v. Sarasota Church of Christ, Inc.*, 667 So.2d 180 (Fla. 1995).

⁹ *Meyer v. City of Oakland Park*, 219 So. 2d 417, 420 (Fla. 1969) (the term "benefit" as regards validity of improvement assessments, does not mean simply an advance or increase in market value but also potential or actual, or added use and enjoyment of the property)

¹⁰ *Id.* See also *Donnelly v. Marion County*, 851 So. 2d 256, 262 (Fla. 5th DCA 2003) (special assessments may be used to fund certain services required to relieve a burden created by the property, such as fire protection services, solid waste disposal, and storm water services); *Sarasota Church of Christ, Id.*

¹¹ *Sarasota Church of Christ*, 667 So. 2d at 183-84.

the amount of the assessment for each property does not exceed the proportional benefits that it receives compared to other properties.¹² It is not necessary that improvements supported with assessments be adjacent or even completely within a specially designated area although excluded parcels would reasonably receive only insignificant advantages from the activity to be funded.¹³

BENEFIT TO PROPERTY AND RELIEF OF BURDEN IDENTIFIED

It is well settled factually and legally that fire protection activities undertaken by the BFD create special benefits for real property. For the purposes of this memorandum, the reference to benefits also includes the relief of a burden to continually stand in readiness created by the very existence of the various tax parcels in the City.¹⁴ Although several of the benefits realized may overlap, it is useful for analytical purposes to think of them separately since they respond to or satisfy different expectations or needs and assume varying qualities. The method of apportionment, described in a subsequent section of this memorandum, elaborates on the collective and relative benefits enjoyed by various properties through the availability of fire protection of services and facilities budgeted for continual readiness to serve annually and made available by the BFD.

- **Assured Fire Protection On Call.** First and foremost, BFD has a combined department of approximately 20 personnel consisting as well as a small group of paid-on-call trained firefighters whose primary responsibilities are to continually stand in readiness to secure individual properties in this area from the threat of fire and to render these services if required. These persons are the dedicated *first responders* charged with continually being available to provide fire protection and associated basic medical aid.
- **Assured First Response Medical Aide On Call.** Among the responsibilities of the department and its staff is to stand in readiness to provide first response medical aide stemming from fire incidents or related emergency conditions to persons visiting, residing in, working in, or otherwise occupying and/or associated with the residential and non-residential properties in its service area. As with fire protection services that are always on call, the obvious special benefit to real property is assured life safety, and health for residents, visitors, and employees of protected parcels, residences, businesses, and institutions within the City.
- **Maintenance of Minimum Insurance Rating(s).** The Insurance Service Office, Inc. (ISO) sets minimum standards for fire and emergency response teams. These standards are a critical determinant in actual insurance rates imposed by Florida's insurers for various classes of properties. A basic complement of coverage is necessary to assure that a minimum fire rating is achieved for actuarial purposes. There are distinct differences in insurance ratings for properties protected by trained fulltime personnel and those protected by voluntary staff with comparably less equipment and training. That such ratings and the cost of individual coverage for fire insurance vary by

¹² *City of Boca Raton v. State*, 595 So. 2d 25, 31 (Fla. 1992) (while front foot or square foot methodologies for apportioning costs are more traditional, other methods are permissible).

¹³ See *Martin v. Dade Muck Land Co.*, 116 So. 449 (Fla. 1928).

¹⁴ *Sarasota Church of Christ, Id.*

location and structural conditions is itself an indicator of the value to property implied in a well-staffed and easily deployed fire unit.

- **Assured Coverage for Other Emergency Conditions.** As with most departments engaged in fire protection and associated life safety activities, the sworn fire personnel and their support team provide coverage to real property, incidental services (often to individuals living, working and visiting thereon) associated with a wide range of emergency and potentially hazardous conditions, for example, fire events, accident clearance, spilled contaminants, and control of noxious or incendiary materials.
- **Protection for the Uninsured.** Those tax parcels without mortgages and/or fire insurance are materially advantaged by supporting a fire assessment program which becomes, by default, an alternate means to shield equity in property. In this case, the benefits associated with continual readiness to deploy are easily evaluated by the value of the improvements which are the measure of potential loss when a fire incident is experienced.
- **Enjoyment of Property and Protection of Value Therein.** The combination of available fire protection for tax parcels in the City, enhanced life safety, personal security and financial advantage yields materially greater enjoyment in real property. As the basic complement of fire protection is enhanced through the assessment, the *reduced potential* for structural fire losses or liabilities stemming from incidents therein become their own benefits to real property. When calls are actually received and personnel deployed to a scene of an incident, the economic value of the department's ability to act becomes more apparent as losses are minimized or contained. The losses, or potential losses, are measured in terms of the value attributed to any improvements on the underlying real property. The more valuable the improvements associated with the tax parcel, the greater the value shielded from loss.
- **Readiness to Serve Benefits Improved and Unimproved Properties.** Clearly the improvements on improved tax parcels benefit from the readiness to provide fire protection, but unimproved properties also benefit. Unimproved tax parcels benefit from fire protection services and facilities when the BFD is ready to put out brush fires, ready to put out fires as a result of illegal dumping, ready to stop the spread of fires from vacant to improved properties, and unimproved properties benefit from the increased value and marketability of unimproved properties held for development.
- **Relief of Burden.** The benefits, burdens and costs reasonably associated with a budget that underwrites a continual readiness to serve the various tax parcels in the City in the event of fire incidents can be addressed through a direct assessment vehicle. The burden of these costs is assigned to all tax parcels to which services in the event of a fire are continually available throughout each fiscal year, while other funding sources are relieved of this financial encumbrance.
- **Economic Leverage.** The above benefits, viewed in the aggregate, provide a distinct economic advantage to the various unimproved tax parcels, as well as improved residential and non-residential tax parcels in the City. Properties protected by the availability of fulltime departments with trained personnel typically receive more

attractive insurance rates than those properties that are not so protected resulting in direct benefit to property. The availability of more attractive insurance rates positively impacts both already improved tax parcels as well as making unimproved tax parcels more attractive for development.

APPORTIONMENT METHOD – GENERAL

That local governments are afforded great latitude under Florida law with respect to legislative determinations concerning special benefit and reasonable apportionment is well settled law. No single apportionment methodology has emerged as preferable in the governing case law for a given service or improvement. So long as the apportionment is reasonable and not arbitrary, the assessment is generally capable of withstanding legal challenge. That is not to say, however, that local governments considering the use of special assessments should adopt a particular apportionment methodology solely on the basis of its use elsewhere; rather the implication is that local governments are free to select an apportionment methodology which provides competent and substantial means to share the benefits, burdens and costs of the fire protection budget and represents the best fit in terms of cost and ease of implementation, not only with respect to affected landowners but also in consideration of the staff required and resources involved with maintenance of the assessment program from year to year.

The parcel identification and classification system employed by the public database required by law to be maintained by the local property appraiser and tax collector will be continued and maintained over the years as properties within the City develop and change. The use of such classification and mass appraisal system and description of tax parcels is stable, readily accessible, reasonably accurate, maintained without cost to the City and capable of being accessed from year to year without wasteful or extraordinary consumption of resources which could be better expended to address other fire protection related issues. Accordingly, the assessment approach herein is premised upon such system as a stable, reasonable and standardized resource.

The apportionment approach herein does not rely upon demand-based fire call data maintained by the City or State Fire Marshall which can be misleading or erode the efficiency of the approach over time; nor does it rely upon attempts to categorize demand among property uses; nor does it rely upon strained statistical analysis which necessarily disregards a litany of non-specific calls and the reality that the fire protection service, first and foremost, stands ready to serve and protect real property, and is not actually mobilized to fight fires as often as the average citizen might think. An appealing alternative to demand-based approaches (which attempt to allocate costs among different property classifications on the basis of often limited annual fire call data) focuses instead upon the relative value of the improvements¹⁵ protected and the reality of the continual state of readiness to serve.

This appealing simplified alternative to demand-based approaches more simply focuses instead upon an understandable and reasoned two-tiered approach involving the value of improvements protected and the core costs of continual readiness to serve.

¹⁵ Such values are fundamental to mass appraisal systems used by the local property appraiser and are updated, or self-correcting, annually.

APPORTIONMENT METHOD – RELATIVE VALUE OF IMPROVEMENTS (TIER 1)

The manner of apportioning a given assessment is immaterial and may vary from jurisdiction to jurisdiction, as long as the assessment for each tax parcel is not in excess of the proportional benefits as compared to the assessments on other tax parcels. Therefore fire protection assessments, like other service or capital assessments may be apportioned in any number of different ways. Conceivably, the entire cost of fire protection services could be apportioned among benefited property solely on the basis of the value of improvements on each parcel relative to the total value of improvements throughout the jurisdiction. This approach removes the underlying land from the equation and focuses upon the built environment protected by fire services and facilities. This is a direct and logically related means to share costs, benefits and burdens of fire protection services and facilities. It is also clear that improvement value may be utilized as one factor among several considered in a given formula or calculus since the resulting assessments form a logical valuation base against which the special benefits, burdens and costs may be multiplied or determined.

Apportionment on the basis of relative improvement value (as determined by the latest available real property assessment roll prepared by the county property appraiser) recognizes the relatively higher benefit accruing to properties which face greater financial loss in the event of fire incident. Besides the advantage of relying upon data prepared by the property appraiser in the normal conduct of his or her responsibilities, an approach based in whole or in part upon value is also advantageous because it is self-correcting – that is, value may change from year to year in accordance with market conditions and other factors and such variation will be adjusted automatically each subsequent year in accordance with the latest value determined by the property appraiser. If the improvements on a given tax parcel were to increase or decrease in value with the passage of time relative to the improvement value city-wide, that tax parcel's percentage of the total amount assessed would also increase or decrease proportionately.

It is also well-settled that local governments are not required to fully fund a given service or improvement through a special assessment. The local government may instead determine, entirely in its own discretion, to fund some portion of the overall cost with general fund or other legally available revenues. In our experience this is usually the case with fire assessments where fully funding a given department may result in assessed amounts which are deemed politically unacceptable. Accordingly, a local government may determine to underwrite a certain portion of the fire department budget through general fund transfers, and fund the balance through a special assessment premised upon several factors – one of which may be relative improvement value.

APPORTIONMENT METHOD – READINESS TO SERVE (TIER 2)

Apportionment based upon continual readiness to serve is primarily based upon the premise that a significant portion of the benefit derived from or burden relieved by fire protection services lies in the fact that the fire department maintains a continual readiness to serve whether or not a fire-related distress call is ever received. BFD's preparedness costs are generally those *necessary to maintain the readiness of BFD's fire personnel to respond* to periodic calls and to assure an effective network of coverage for basic insurance ratings. These core costs are largely recurring, almost fixed over the course of a budgetary period, because they are strongly associated with wages, salaries, administration, and overhead which support the department's

basic manpower infrastructure without regard to the nature of an event. That is, these core costs must be absorbed even when the department's firefighting capabilities remain exclusively in standby mode. In this context, these costs *are not* an accounting concept. Rather, they represent, or are associated with, a functional concept for purposes of classification. Their characterization as *fixed* serves only to distinguish basic and nominally changing costs correlated to the department's capacity to respond to a fire event or incident.

The BFD stands alert, ready to respond to the potential of a fire and associated basic life support in such an emergency event. The constant *potential* for the outbreak of a fire represents the predominant requirement for service. The scale of this potential defines the basic underlying cost of the department's fire infrastructure. Even *prior* to an incident, BFD's personnel and equipment remain in readiness or preparedness. From a policy and public purpose standpoint, this is the predominant activity of the BFD. To limit fire loss and to preserve property values, the City and its fire unit, in this state of readiness, must consider the committable personnel, necessary equipment, and the time likely required to extinguish a fire (*planning or preparing* for the potential incident or event) prior to allocating the direct resources enabling the fire to be extinguished as quickly as possible (*deploying to or intervening* in the incident or event itself). The amount of resources made available each year is a public administration and policy decision.

The emphasis on capacity as a kind of infrastructure that *may or may not* be called into service differentiates fire protection services from most other services normally offered by local government such as garbage collection or the provision of water and wastewater treatment. In these other examples, demand is generated by discrete system users, is measurable within some level of accuracy, is typically constant, not sporadic, and can normally be programmed in advance. In any case, the immediate provision of these services is not typically required in an emergency circumstance to prevent substantial loss of property or life.

Stated somewhat differently, fixed costs associated with readiness to serve logically apply to every tax parcel of real property in the City and will be incurred without regard to that tax parcel's character, use or composition. On the other hand, other more variable costs can be logically associated with the relative value of the improvements to the various array of properties in the City. Most staffing stems from equipment and procedural specifications, and their costs are relatively fixed or predetermined for a budget period. The costs of fuel and equipment damage incurred in response to incidents, by contrast, are obvious examples of variable costs.

Additionally, some costs may have both fixed and variable characteristics such as capital expenditures which, although possibly required for a state of readiness, are arguably of greater benefit to more valuable properties (or which, due to the extent of development on a given parcel, place a greater burden on the fire infrastructure necessary to maintain continual readiness).

Accordingly, the apportionment methodology contemplated herein involves a two-tiered approach corresponding to fixed costs and those costs other than fixed (referred to herein as variable). This allows for a reasoned balance of these budgeted costs each fiscal year between fixed and variable costs, and also to what degree the City funds its mission of continually being ready to provide fire protection facilities and services with assessments and other legally available resources.

ADDRESSING THE BUDGET – REMOVING EMS

The estimated fire department budget utilized for the analysis summarized herein is included in Appendix A which includes an initial assignment of individual line item expenditures to each of the two tiers comprising the overall assessment. The total amount of the estimated budget, \$1,485,349, was determined through collaboration with City staff and includes an allowance for anticipated capital expenditures. In order to determine the portion of the budget appropriate for recovery through special assessment, it is important to understand certain limitations established by Florida case law regarding emergency medical services. The Florida Supreme Court has determined that advanced life support services (ALS) or emergency medical services (EMS) primarily benefit persons instead of real property and therefore such *services other than first response medical aid routinely delivered by firefighters* cannot be funded through special assessments.¹⁶ To the extent the costs of these services, if any, may be reflected in a fire department budget, such costs must be isolated from other fire related tasks or responsibilities and funded separately in order to avoid debate as to the case law validity of any fire related special assessment.

BFD does provide some medical services in support of its firefighting activities, though such services are primarily *first response*. In Florida, first response aid is considered one of the primary professional obligations of a trained firefighter, a point made clear by the Florida Supreme Court when that body affirmed these roles in the North Lauderdale case. Indeed, every fire professional must have a specified minimum number of hours of training related to the provision of such aid. Not atypically, in Florida, first response often takes the form of basic life support (BLS) provided by firefighters also trained as emergency medical technicians (EMT). Such aid is rendered as the first response to those victims, patients or others confronted with an incident, life-threatening illness, or injury needing immediate stabilization until the patient can be transported and given full medical care by other clinicians. Although the lines between first response and more intensive care may be blurred, in Brooksville the role of life support and transport falls primarily to EMS units under control of Hernando County and is a cost recognized in the county budget.

Recognizing that EMS is a county funded responsibility and that case law acknowledges the potential for integration of duties in a fire rescue unit, adjustments to BFD's budget might reconsider the role of and differences among first response medical aid and ALS as these are implemented or paid for within the procedures of BFD. Again, every BFD firefighter can be expected to have EMT certification as a requirement of employment but several also have ALS training. In future periods, it has been discussed that the County may contract EMS responsibilities to the City so the boundaries between first responder and EMS are important even at this point. That said, it should be assumed that in the future that the costs and revenues associated with those activities, if assigned to the City, will be identified and funded through sources other than special assessments so as to observe the limitations set forth in Florida case law as summarized above.

¹⁶ *City of N. Lauderdale v. SMM Properties, Inc.*, 825 So. 2d 343, 345 (Fla. 2002).

In order to ensure compliance with Florida law regarding the funding of EMS, the City should consider a conservative approach which acknowledges the potential for costs in BFD's budget that *might be* considered in some cases to be associated with EMS services (i.e. costs stemming from ALS training) and excludes such costs from the assessment. Those costs would be funded instead by other legally available means, and the balance of the budget would comprise legally assessable costs. Table 1 below summarizes the percentage allocation between the two tiers as more fully described in Appendix A.

Table 1: Range of Costs

	Tier 1 Relative Value of Improvements	Tier 2 Readiness to Serve	ALS	TOTAL
Distribution	23.7%	59.9%	16.4%	100.0%
Dollar	\$351,700.40	\$890,067.80	\$243,580.80	\$1,485,349.00

By removing emergency medical services costs which may be construed as ALS-related, the available assessable cost of fire protection services is for analytical purposes \$1,241,768.

IDENTIFYING AND ALLOCATING COSTS TO BE ASSESSED FOR READINESS TO SERVE (TIER 2)

In virtually every fire department, labor costs comprise the largest share of total costs on an annualized basis. Such costs are those associated with wages, salaries, general administration, payroll taxes and mandated contributions to retirement. They are relatively determinant based on an expected staffing level and are largely, but not altogether fixed. These are core costs of being continually ready to serve and must be incurred whether a fire event occurs or not. The functional fixed nature of these costs logically can be attributed as the result of the existence of the number of tax parcels and not the various improvements protected or other physical characteristics. Thus, sharing these core fixed costs is equitably and reasonably shared by all of the tax parcels which benefit in a substantially similar degree from the predominant readiness to serve aspect of such costs. This allocation is further strengthened from an equitable standpoint in that other fixed costs and variable costs are also shared by the relative value of improvements approach in the Tier 1 allocation.

IDENTIFYING AND ALLOCATING COSTS TO BE ASSESSED BASED UPON RELATIVE VALUE OF IMPROVEMENTS (TIER 1)

These are costs of the department, many of which are largely, but not exclusively, variable and often indeterminate. Many are a direct function of annual negotiated contracts for service or may be the result of changing demand or needs. Even when they can be anticipated in the course of budgetary planning, they may show up as a sudden rise in the budget. In this category then would be infrequent purchases of capital items, gasoline, health contracts, repair and other similar services needed periodically or on demand as well as infrequent overtime labor which together may drive costs on an occasional or, so-called, "lumpy basis". By their very nature and their level of use, capital goods depreciate, lose value, and need periodic replacement so they are properly included in this tier or class. Additionally, this tier or class could in theory, logically justifies the entirety of the assessable budget based upon the relative

value of the improvements on each tax parcel. However, by also incorporating the alternative and supplemental use of the Tier 2 (certain readiness to serve costs allocated by tax parcel) class, the City achieves a "blended" approach that achieves better equity, and allows policy-makers close to the funding consequences in their community more flexibility in achieving both a reasoned and fair approach. The combination of both approaches which have logical and identified relationships to the benefits, burdens and costs of the affected tax parcels creates a strong and reasoned equity tool.

EXCLUSION OF CERTAIN PARCELS

Today, there are a total of approximately 4,105 tax parcels within the boundaries of the City that are potentially affected by the analysis and approach outlined herein. Among these are several tax parcels which, because of their institutional or civic form (example: churches, schools), tax treatment (example: tax exempt), ownership (example: government), physical configuration (example: submerged lands), and use (example: workforce or affordable housing), may practically or legally be considered for exclusion.

Just as something less than a fully-funded assessment could serve a valid policy objective or public purpose, the selected exclusion of these parcels may also be appropriate. In this case, to provide fire protection to these tax parcels, the local legislative body must recognize that any charges to, or financial burden caused by, these parcels relative to their share of the benefits, burdens and costs of fire protection *must* be paid for through a legally available alternative revenue source. A specific determination will need to be made to satisfy legal sufficiency of the exclusions or exemptions but that determination does not affect the basic logic or approach of the program. That determination must not have any direct economic impacts within the special assessment regime relative to the cost allocated to each remaining parcel. Accordingly such costs are to be addressed in the amount of supplemental funding from the general fund or other legally available revenue.

FUNDING EXAMPLES

Various funding examples illustrating the two-tiered apportionment approach summarized herein are included in Appendix B. These are examples to assist in decision-making based upon an assumed budget.

APPLYING SOUND PUBLIC ADMINISTRATION AND POLICY DECISION-MAKING

This analysis also included, among other things, a review of budgets for multiple years, staffing, and calls as well as a review of impact fee collections to confirm that the funds realized through this fee structure were not evident in the operating capital budget but were, in fact, properly confined to capital accounts addressed elsewhere. Based on the analysis of costs as they are currently estimated and the determination that all parcels benefit similarly from services associated with certain core fixed costs as these have been defined in this analysis, there is a logically reasoned premise for BFD to employ a two-tier apportionment method. One tier simply allocates a special or non-ad valorem assessment, stemming from the identified array of fixed costs, to each benefited property on a per tax parcel basis. Then essentially the other tier allocates all or a substantial portion of the remaining fixed and variable assessable costs in some proportion to the relative value of improvements on the tax parcel (which is itself a proxy

for physical characteristics, location, structural conditions and other special attributes or features of the structure).

This memorandum strongly supports a layered or tiered assessment strategy from an equitable, legally sufficient and practical perspective. The two distinct tiers are designed to maximize public administration and policy decision-making within the legal context of using valid special or non-ad valorem assessments, and exemplary, other legally available or general funds. To reiterate the methodology is premised upon two distinct tiers or classes of assessment allocations: Tier 1 – a sharing of benefits, burdens and costs for fire protection services and facilities based upon the *relative value of improvements* for each tax parcel in the City as compared to the value of improvements for all tax parcels in the City; and, Tier 2 – a sharing of benefits, burdens and costs for fire protection services and facilities on a per tax parcel allocation premised upon maintaining a continual state of preparedness and *readiness to serve* whether or not a request for actual assistance is ever received

Accordingly, as a matter of policy or financial flexibility, the City Council as the local legislative body may find it useful to levy an assessment for the identified core fixed costs in an amount *less* than the total assessable amount, supporting or offsetting the balance of the same costs through general revenues or other legally available means. The apportionment methodology described herein is responsive to the need for political flexibility and readily accommodates policy determinations regarding the relevant variables.

As directed, this approach is designed to meet the fair and reasoned legal requirement, but goes beyond that fundamental. This approach allows for a careful dissecting of a proposed budget and gives public administrators and elected officials a flexible set of parameters to meet the political and policy demands of sharing the funding source for fire protection among not only the two tiers, but to augment with greater or lesser funding by the general fund in order to achieve a blend and palatable consensus of how much each source (special assessments and general funding) to use in order to pay for these essential community services.

In determining the reasonableness of any apportionment approach, Florida courts have shown deference to the legislative determinations of the governing body imposing the assessment, and it is our reasoned belief that this executive summary and the methodology described herein consistent with the provisions of both statutory and case law with respect to allocating these assessments. Accordingly, the City has the means to proceed to augment the funding of its budget in a rational, fair and reasoned manner.

POLICY DIRECTION AND AUTHORIZATION TO IMPLEMENT

A contemporaneous critical events schedule has been provided which indicates the key dates and required actions should the City elect to proceed with development and implementation of the apportionment approach outlined above. Necessary policy direction and authorization to proceed to implement the approach can be rendered by resolution. As a courtesy, a copy or form of resolution will also be provided contemporaneously with this Executive Summary.

Appendix A – Exemplary Line Item Budget Analysis
Appendix B – Funding Examples

**APPENDIX A
 EXEMPLARY LINE ITEM BUDGET ANALYSIS**

Appendix A: Adjusted budget, net of staff and related costs stemming from advanced training

Category: Group:	Expense	Budget 2012	Adjusted Budget 2012	Tier 1 Costs		Tier 2 Costs	
				Relative value of Improvements		Readiness to Serve (per parcel)	
				% of Adjusted budget	Amount	% of Adjusted budget	Amount
51102001 014522	Financial & Administrative	\$ 71,303.00	\$ 71,303.00	0.00%	\$ -	100.00%	\$ 71,303.00
51102001 014522	Regular Salaries & Wages	\$ 693,564.00	554,851.20	0.00%	-	100.00%	554,851.20
51400001 014522	Overtime - Unscheduled	\$ 30,000.00	24,000.00	100.00%	24,000.00	0.00%	-
51400001 014522	Overtime - Scheduled	\$ 22,000.00	17,600.00	100.00%	17,600.00	0.00%	-
51500001 014522	Incentive/ Special Pay	\$ 2,520.00	2,016.00	0.00%	-	100.00%	2,016.00
51807001 014522	Reserves - Public Safety	\$ 29,151.00	23,320.80	0.00%	-	100.00%	23,320.80
51812001 014522	Hazmat Team	\$ 13,328.00	10,862.40	0.00%	-	100.00%	10,862.40
52100 001 014522	FICA Taxes	\$ 65,633.00	52,748.40	0.00%	-	100.00%	52,748.40
52200 001 014522	Retirement Contributions	\$ 218,960.00	175,168.00	0.00%	-	100.00%	175,168.00
52300 001 014522	Health Insurance	\$ 100,367.00	80,293.60	100.00%	80,293.60	0.00%	-
52301 001 014522	Life Insurance	\$ 5,378.00	4,302.40	100.00%	4,302.40	0.00%	-
52303 001 014522	Long Term Disability	\$ 1,683.00	1,588.40	100.00%	1,588.40	0.00%	-
52320 001 014522	Dental employee	\$ 5,953.00	4,762.40	100.00%	4,762.40	0.00%	-
52400 001 014522	Workers Comp Insurance	\$ 27,267.00	21,813.60	100.00%	21,813.60	0.00%	-
53101 001 014 522	Medical Services	\$ 1,600.00	1,200.00	100.00%	1,200.00	0.00%	-
54000 001 014522	Travel and Per Diem	\$ 2,500.00	2,500.00	100.00%	2,500.00	0.00%	-
54100 001 014522	Communication & Freight C	\$ 9,088.00	9,088.00	100.00%	9,088.00	0.00%	-
54110001 014522	Postage	\$ 50.00	50.00	100.00%	50.00	0.00%	-
54210001 014522	Automotive Repair Service	\$ 7,000.00	7,000.00	100.00%	7,000.00	0.00%	-
54540001 014522	Fiduciary Liability Insurance	\$ 130.00	130.00	100.00%	130.00	0.00%	-
54800 001 014522	Repair & Maintenance Service	\$ 8,200.00	8,200.00	100.00%	8,200.00	0.00%	-
54810 001 014 522	Apparatus-Repair & Maint	\$ 1,800.00	1,800.00	100.00%	1,800.00	0.00%	-
54700001 014522	Printing & Binding Services	\$ 300.00	300.00	100.00%	300.00	0.00%	-
54800 001 014522	Advertising Activities	\$ 300.00	300.00	100.00%	300.00	0.00%	-
55100 001 014522	Office Supplies	\$ 700.00	700.00	100.00%	700.00	0.00%	-
55210 001 014522	Operating Supplies	\$ 1,275.00	1,275.00	100.00%	1,275.00	0.00%	-
55211 001 014522	Medical Supplies	\$ 1,443.00	1,443.00	100.00%	1,443.00	0.00%	-
55225 001 014522	Chemicals Supplies	\$ 500.00	500.00	100.00%	500.00	0.00%	-
55228001 014522	Safety Supplies & Gear	\$ 1,845.00	1,845.00	100.00%	1,845.00	0.00%	-
55230 001 014 522	Clothing and uniforms	\$ 8,860.00	8,860.00	100.00%	8,860.00	0.00%	-
55250 001 014522	Fuels & Lubricants	\$ 14,000.00	14,000.00	100.00%	14,000.00	0.00%	-
55252001 014522	Small Tools	\$ 500.00	500.00	100.00%	500.00	0.00%	-
55253 001 014522	Auto Repair Supplies	\$ 4,000.00	4,000.00	100.00%	4,000.00	0.00%	-
55400 001 014522	Books, Publications, Subscr	\$ 4,795.00	4,795.00	100.00%	4,795.00	0.00%	-
55410 001 014522	Training and Education	\$ 3,940.00	3,940.00	100.00%	3,940.00	0.00%	-
55500 001 014 522	Uncapitalized Equipment	\$ 2,190.00	2,190.00	100.00%	2,190.00	0.00%	-
55840 001 014 522	Machinery & Equipment	\$ 6,700.00	6,700.00	100.00%	6,700.00	0.00%	-
56501 001 014522	Transfer Out to 501	\$ 4,177.00	4,177.00	100.00%	4,177.00	0.00%	-
56809001 014522	Transfer Out to 606	\$ 4,500.00	4,500.00	100.00%	4,500.00	0.00%	-
57100 001 014 517	Interest	\$ 18,879.00	18,879.00	100.00%	18,879.00	0.00%	-
57200 001 014 517	Principal	\$ 38,590.00	38,590.00	100.00%	38,590.00	0.00%	-
	Anticipated Debt Service for capital	\$ 52,500.00	52,500.00	100.00%	52,500.00	0.00%	-
	Total Budget 2012	\$ 1,485,349.00			\$ 351,700.40		\$ 890,067.80
	Adj Total budget		\$ 1,241,788.20				
	% of Adj Total budget				28.32%		71.68%
	% of Total Budget 2012				23.68%		59.92%

Green items are costs net of salaries or related fringes for staff with current or pending ALS certifications. Overall at 80%

APPENDIX B FUNDING EXAMPLES

The following funding examples are provided for illustrative purposes to demonstrate application of the contemplated methodology. The dollar amounts are approximations and may reflect minor rounding errors. The annual amount of any assessments actually imposed will depend upon direction of City Council, its staff and fire officials with respect to the underlying variables (such as the tax parcels to be excluded from the assessment for legal or public policy reasons and the authorized level of assessment funding). It should be noted that the percentage of costs attributable to each tier in a given fire department's budget may vary from year to year, and the percentage allocations for the BFD budget may be quite different from the allocations for fire department budgets in other municipalities or counties. Clearly, the City Council has great policy flexibility in determining the level of assessment funding each year, and the greater the contribution from the general fund, the lower the amount of the assessment imposed against each tax parcel to fund the budget. This combination of funding sources is itself a significant tax equity tool.

The examples are based upon (i) assessable fire protection costs of \$1,241,768, (ii) Tier 1 (relative value of improvements) assessable costs of \$351,700, (iii) Tier 2 (readiness to serve per parcel) assessable costs of \$890,067, (iv) 4,105 assessable, non-excluded parcels,¹⁷ and (v) a total improvement value throughout the City of \$330,696,993.¹⁸ The examples also assume and that the City elects to partially fund the fire department budget with special assessments, with the balance funded through other legally available revenues (general fund contributions). As discussed elsewhere herein, while it is legally permissible to assess for the entire cost of providing fire protection service, most jurisdictions choose to continue to pay for some portion of the overall cost through general fund transfers so as to implement and maintain the assessment at a politically acceptable level. The level of assessment funding may increase or decrease over time, depending on the policy determinations of the governing body. Note that there is no need to distinguish between residential and commercial classification for purposes of calculating either tier of the assessment. The first tier is derived from the relative value of improvements on the tax parcel (excluding land) as determined solely by the Hernando County Property Appraiser from year to year, while the second tier focuses on the core fixed costs per tax parcel necessary to continually be ready to serve; and the latter is obviously dependent upon the number of tax parcels within the City.

The examples (with the exception of the fully funded Example 5) assume that any general or legally available funding is applied equally.

¹⁷ The total 2011 parcel count for the City, as determined by the Hernando County Property Appraiser, was 4,261. For purposes of the examples set forth herein, the estimated tax parcel count assumes all properties capable of development are assessed and does not exclude tax parcels for legal, policy or other reasons.

¹⁸ The total value of improvements within the City for 2011, as determined by the Hernando County Property Appraiser.

Example 1: City elects to collect assessments in the amount of \$500,000 (\$457,453.51 in anticipated assessment revenue net of estimated exempt tax parcels).¹⁹

Amount recovered via Tier 1 of the assessment (relative value of improvements):	\$ 140,000
Amount recovered via Tier 2 of the assessment (readiness to serve per parcel):	\$ 360,000
Total amount recovered through special assessments:	\$ 500,000

Improvement value:	\$0.00
Tier 1 assessment (relative value of improvements): =	\$0.00
Tier 2 assessment (per parcel) =	\$87.70
Base annual assessment²⁰ =	\$87.70

“Median” improvement value:	\$45,998.00
Tier 1 assessment (relative value of improvements): =	\$19.47
Tier 2 assessment (per parcel) =	\$87.70
Base annual assessment =	\$107.17

“Average” improvement value:	\$77,610.00
Tier 1 assessment (relative value of improvements): =	\$32.86
Tier 2 assessment (per parcel) =	\$87.70
Base annual assessment =	\$120.56

Improvement value:	\$150,000.00
Tier 1 assessment (relative value of improvements): =	\$63.50
Tier 2 assessment (per parcel) =	\$87.70
Base annual assessment =	\$151.20

Improvement value:	\$350,000.00
Tier 1 assessment (relative value of improvements): =	\$148.17
Tier 2 assessment (per parcel) =	\$87.70
Base annual assessment =	\$235.87

Improvement value:	\$1,000,000.00
Tier 1 assessment (relative value of improvements): =	\$423.35
Tier 2 assessment (per parcel) =	\$87.70
Base annual assessment =	\$511.05

Improvement value (Walmart):	\$5,963,271.00
Tier 1 assessment (relative value of improvements): =	\$2,524.54
Tier 2 assessment (per parcel) =	\$87.70
Base annual assessment =	\$2,612.24

¹⁹ Amounts not funded by the assessment, including the \$243,580 required to fund expenditures which may be considered ALS related, would be funded through other legally available revenues of the City.

²⁰ The base annual assessment for each tax parcel is typically adjusted or "grossed up" to include a pro rata share of administration and collection costs associated with the assessment program and, where the uniform collection method is utilized to collect the assessments, to account for the fees of the property appraiser and tax collector and the maximum statutory discount for the early payment of ad valorem taxes and non-ad valorem assessments. Such costs generally do not exceed 8% of the base annual assessment.

Example 2: City elects to collect assessments in the amount of \$600,000 (\$548,944.21 in anticipated assessment revenue net of estimated exempt tax parcels).²¹

Amount recovered via Tier 1 of the assessment (relative value of improvements):	\$ 168,000
Amount recovered via Tier 2 of the assessment (readiness to serve per parcel):	\$ 432,000
Total amount recovered via special assessments:	\$ 600,000

Improvement value:	\$0.00
Tier 1 assessment (relative value of improvements): =	\$0.00
Tier 2 assessment (per parcel) =	\$105.24
Base annual assessment²² =	\$105.24

“Median” improvement value:	\$45,998.00
Tier 1 assessment (relative value of improvements): =	\$23.37
Tier 2 assessment (per parcel) =	\$105.24
Base annual assessment =	\$128.61

“Average” improvement value:	\$77,610.00
Tier 1 assessment (relative value of improvements): =	\$39.43
Tier 2 assessment (per parcel) =	\$105.24
Base annual assessment =	\$144.66

Improvement value:	\$150,000.00
Tier 1 assessment (relative value of improvements): =	\$76.20
Tier 2 assessment (per parcel) =	\$105.24
Base annual assessment =	\$181.44

Improvement value:	\$350,000.00
Tier 1 assessment (relative value of improvements): =	\$177.81
Tier 2 assessment (per parcel) =	\$105.24
Base annual assessment =	\$283.05

Improvement value:	\$1,000,000.00
Tier 1 assessment (relative value of improvements): =	\$508.02
Tier 2 assessment (per parcel) =	\$105.24
Base annual assessment =	\$613.26

Improvement value (Walmart):	\$5,963,271.00
Tier 1 assessment (relative value of improvements): =	\$3,029.45
Tier 2 assessment (per parcel) =	\$105.24
Base annual assessment =	\$3,134.69

²¹ See Footnote 19.

²² See Footnote 20.

Example 3: City elects to collect assessments in the amount of \$700,000 (\$640,434.91 in anticipated assessment revenue net of estimated exempt tax parcels).²³

Amount recovered via Tier 1 of the assessment (relative value of improvements):	\$ 196,000
Amount recovered via Tier 2 of the assessment (readiness to serve per parcel):	\$ 504,000
Total amount recovered through special assessments:	\$ 700,000

Improvement value:	\$0.00
Tier 1 assessment (relative value of improvements): =	\$0.00
Tier 2 assessment (per parcel) =	\$122.78
Base annual assessment²⁴ =	\$122.78

“Median” improvement value:	\$45,998.00
Tier 1 assessment (relative value of improvements): =	\$27.26
Tier 2 assessment (per parcel) =	\$122.78
Base annual assessment =	\$150.04

“Average” improvement value:	\$77,610.00
Tier 1 assessment (relative value of improvements): =	\$46.00
Tier 2 assessment (per parcel) =	\$122.78
Base annual assessment =	\$168.78

Improvement value:	\$150,000.00
Tier 1 assessment (relative value of improvements): =	\$88.90
Tier 2 assessment (per parcel) =	\$122.78
Base annual assessment =	\$211.68

Improvement value:	\$350,000.00
Tier 1 assessment (relative value of improvements): =	\$207.44
Tier 2 assessment (per parcel) =	\$122.78
Base annual assessment =	\$330.22

Improvement value:	\$1,000,000.00
Tier 1 assessment (relative value of improvements): =	\$592.69
Tier 2 assessment (per parcel) =	\$122.78
Base annual assessment =	\$715.46

Improvement value (Walmart):	\$5,963,271.00
Tier 1 assessment (relative value of improvements): =	\$3,534.36
Tier 2 assessment (per parcel) =	\$122.78
Base annual assessment =	\$3,657.13

²³ See Footnote 19.

²⁴ See Footnote 20.

Example 4: City elects to collect assessments in the amount of \$800,000 (\$731,925.61 in anticipated assessment revenue net of estimated exempt tax parcels).²⁵

Amount recovered via Tier 1 of the assessment (relative value of improvements):	\$ 224,000
Amount recovered via Tier 2 of the assessment (readiness to serve per parcel):	\$ 576,000
Total amount recovered through special assessments:	\$ 800,000

Improvement value:	\$0.00
Tier 1 assessment (relative value of improvements): =	\$0.00
Tier 2 assessment (per parcel) =	\$140.32
Base annual assessment²⁶ =	\$140.32

“Median” improvement value:	\$45,998.00
Tier 1 assessment (relative value of improvements): =	\$31.16
Tier 2 assessment (per parcel) =	\$140.32
Base annual assessment =	\$171.48

“Average” improvement value:	\$77,610.00
Tier 1 assessment (relative value of improvements): =	\$52.57
Tier 2 assessment (per parcel) =	\$140.32
Base annual assessment =	\$192.89

Improvement value:	\$150,000.00
Tier 1 assessment (relative value of improvements): =	\$101.60
Tier 2 assessment (per parcel) =	\$140.32
Base annual assessment =	\$241.92

Improvement value:	\$350,000.00
Tier 1 assessment (relative value of improvements): =	\$237.08
Tier 2 assessment (per parcel) =	\$140.32
Base annual assessment =	\$377.40

Improvement value:	\$1,000,000.00
Tier 1 assessment (relative value of improvements): =	\$677.36
Tier 2 assessment (per parcel) =	\$140.32
Base annual assessment =	\$817.67

Improvement value (Walmart):	\$5,963,271.00
Tier 1 assessment (relative value of improvements): =	\$4,039.27
Tier 2 assessment (per parcel) =	\$140.32
Base annual assessment =	\$4,179.59

²⁵ See Footnote 19.

²⁶ See Footnote 20.

Example 5: City elects to collect assessments in the amount of \$1,241,768 (i.e. all assessable costs are recovered through the assessment) (\$1,136,087.62 in anticipated assessment revenue net of estimated exempt tax parcels).²⁷

Amount recovered via Tier 1 of the assessment (relative value of improvements):	\$ 347,695.04
Amount recovered via Tier 2 of the assessment (readiness to serve per parcel):	\$ 894,072.96
Total amount recovered through special assessments:	\$1,241,768.00

Improvement value:	\$0.00
Tier 1 assessment (relative value of improvements): =	\$0.00
Tier 2 assessment (per parcel) =	\$217.80
Base annual assessment²⁸ =	\$217.80

“Median” improvement value:	\$45,998.00
Tier 1 assessment (relative value of improvements): =	\$48.36
Tier 2 assessment (per parcel) =	\$217.80
Base annual assessment =	\$266.16

“Average” improvement value:	\$77,610.00
Tier 1 assessment (relative value of improvements): =	\$81.60
Tier 2 assessment (per parcel) =	\$217.80
Base annual assessment =	\$299.40

Improvement value:	\$150,000.00
Tier 1 assessment (relative value of improvements): =	\$157.71
Tier 2 assessment (per parcel) =	\$217.80
Base annual assessment =	\$375.51

Improvement value:	\$350,000.00
Tier 1 assessment (relative value of improvements): =	\$367.99
Tier 2 assessment (per parcel) =	\$217.80
Base annual assessment =	\$585.78

Improvement value:	\$1,000,000.00
Tier 1 assessment (relative value of improvements): =	\$1,051.39
Tier 2 assessment (per parcel) =	\$217.80
Base annual assessment =	\$1,269.19

Improvement value (Walmart):	\$5,963,271.00
Tier 1 assessment (relative value of improvements): =	\$6,269.71
Tier 2 assessment (per parcel) =	\$217.80
Base annual assessment =	\$6,487.51

²⁷ See Footnote 19.

²⁸ See Footnote 20.

Attachment 2

**City of Brooksville/Brooksville Fire District
2012 Fire Assessment Program
Critical Events Schedule**

	Task	By
1.	Presentation of executive summary to City Council; focus upon revenue decision making; adoption of direction resolution	May 21, 2012
2.	Prepare (update and further develop) preliminary assessment roll	By May 25, 2012
3.	Draft and revise (update and further develop) procedural ordinance; forward to City staff for inclusion in June 4 agenda package	By May 25, 2012
4.	Publish notice of June 18 public hearing	By May 25, 2012
5.	Determine capital expenditure requirements as required for validation	By May 30, 2012
6.	Draft and revise bond assessment and resolution; circulate to City staff for review and comment; update and revisit executive summary	By June 1, 2012
7.	City meeting: first reading of ordinance	June 4, 2012
8.	Draft and revise validation complaint, forward to City Attorney for review and comment; develop evidentiary documentation	By June 5, 2012
9.	Receive and address City staff comments to evidentiary documentation, assessment resolution and bond resolution; finalize and forward resolution to City for inclusion in June 18 agenda package	By June 8, 2012
10.	City Attorney provides comments on validation complaint	By June 14, 2012
11.	City meeting: second reading of ordinance, public hearing; adoption of assessment resolution; adoption of bond resolution	June 18, 2012
12.	File validation complaint	June 19, 2012
13.	Obtain hearing date	By June 22, 2012
14.	Publish first notice of validation	20 days before hearing
15.	Publish second notice of validation hearing	1 week later
16.	Conduct validation; obtain rendered final judgment	By July 31, 2012
17.	Appeal period runs	By August 30, 2012
18.	Provide text of direct bill; advise City to facilitate mailing for Fiscal Year 2012-2013 funding	By September 1, 2012
For Fiscal Year 2013-2014 Funding:		
19.	Draft and revise resolution(s) pertaining to tax bill collection, forward to City for inclusion in September agenda package	10 days in advance of agenda deadline
20.	Forward copies of intent resolution to DOR, property appraiser and tax collector	Within 1 week of adoption (prior to January 10, 2013)

City of Brooksville
 Brooksville Fire District 2012 Fire Assessment Program
 Critical Events Schedule
 Page 2 of 2

	Task	By
21.	Monitor and account for direct bill payment delinquencies	Ongoing
22.	Recurring budget and policy-making exercise; prepare proposed	Ongoing
23.	Facilitate mailing of notice for purposes of compliance with s. 197.3632, FS, anticipated to be via TRIM	By June 30, 2013
24.	Mailing of TRIM notice	By second week of August 2013
25.	Publish notices for purposes of complying with s. 197.3632, FS	By June 30, 2013
26.	Prepare assessment roll including first year delinquencies, public hearing, and adopt annual assessment resolution approving roll and certifying to tax collector for inclusion on November 2013 tax bill	By September 1, 2013
27.	City meeting: adopt resolution(s) necessary to collect assessments on tax bill commencing in November 2013	By September 1, 2013

Attachment 3

RESOLUTION NO. 2012-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, ACCEPTING AND APPROVING THE EXECUTIVE SUMMARY PERTAINING TO THE APPORTIONMENT OF SPECIAL ASSESSMENTS TO FUND FIRE PROTECTION SERVICES; AUTHORIZING AND DIRECTING INITIATION OF THE PROCESS NECESSARY FOR CITY COUNCIL CONSIDERATION OF THE IMPOSITION AND COLLECTION OF SPECIAL ASSESSMENTS TO FUND FIRE PROTECTION SERVICES; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA:

SECTION 1. AUTHORITY FOR THIS RESOLUTION. This Resolution is adopted pursuant to the provisions of Chapter 166, Florida Statutes, the Amended Charter of the City (the "Charter"), sections 166.021 and 166.041, Florida Statutes and other applicable provisions of law (collectively, the "Act").

SECTION 2. FINDINGS. It is hereby ascertained, determined and declared that:

(A) Through execution of the Professional Services Agreement between the City of Brooksville, Florida (the "City") and Bryant Miller Olive P.A. and related Work Order No. 2012-1, the City Council of the City engaged Bryant Miller Olive, Real Estate Research Consultants, and Ennead, LLC (collectively, the "Assessment Professionals") to prepare an Executive Summary describing an apportionment approach pertaining to special assessments for fire protection services, and such Executive Summary has been presented to, and received and considered by, the City Council at a regularly scheduled meeting and is hereby accepted.

(B) City Council desires to initiate the process necessary for consideration of the imposition and collection of such assessments, allocated substantially in accordance with the method set forth in the Executive Summary, in order to provide assessment revenue for the City's fire department budget commencing with Fiscal Year 2012-13.

SECTION 3. AUTHORITY AND DIRECTION. The City Manager, City Attorney, Fire Chief and other necessary City officials and employees along with the Assessment Professionals are authorized and directed to undertake the actions contemplated by Work Order 2012-1 necessary to initiate the public hearing process necessary for City Council consideration of a special assessment to fund fire protection services in Fiscal Year 2012-13 in conformance with the schedule presented. The City Manager and City staff are hereby authorized and directed to assist in such undertaking and to provide such information and

assistance as may be necessary in order for the City Council to determine to fund at a later date a net amount not to exceed \$600,000, through the imposition of such assessments generally apportioned in the manner set forth in the Executive Summary.

SECTION 4. ADOPTED in regular session this 21st day of May, 2012, A.D.

CITY OF BROOKSVILLE

BY: _____
Joseph E. Johnston, III, Mayor

ATTEST: _____
Janice L. Peters, CMC, City Clerk

Approved as to Form for the Reliance
of The City of Brooksville Only:

Thomas S. Hogan, Jr., City Attorney

VOTE OF CITY COUNCIL

Bernardini _____
Bradburn _____
Burnett _____
Hohn _____
Johnston _____



**AGENDA ITEM
MEMORANDUM**

TO: HONORABLE MAYOR AND CITY COUNCIL MEN

VIA: T. JENNENE NORMAN-VACHA, CITY MANAGER

[Handwritten signature: T. Jennene Norman-Vacha]
[Handwritten signature: Timothy Mossgrove, Fire Chief]

FROM: TIMOTHY MOSSGROVE, FIRE CHIEF

**SUBJECT: ORDINANCE NO. 827 EMERGENCY MANAGEMENT
ORDINANCE UPDATE**

DATE: May 9, 2012

GENERAL SUMMARY/BACKGROUND: Chapter 22 of the code of ordinances Article II States of Emergency created by Ordinance 540 outlines certain lines of authority in declaring a state of local emergency. Hernando County Comprehensive Emergency Management Plan (CEMP) as currently adopted by Hernando County Board of County Commissioners recognizes and includes the City of Brooksville as it relates to declared emergencies such as natural, technological, manmade disaster, emergency or imminent threats. We have been working as part of a county-wide team on updating the current CEMP as applicable under Florida Statue 252. The update will be approved in the upcoming months by the Hernando County Board of County Commissioners.

BUDGET IMPACT: In staff's view, the adoption of this Ordinance has no current budget impact.

LEGAL REVIEW: Pursuant to home rule authority provided for by Article VII, Section 2 of the Constitution of the State of Florida, Chapter 166, Florida Statutes, and Section 1.03 of the Charter of the City of Brooksville, the City Council has the power to conduct municipal functions and to adopt ordinances.

STAFF RECOMMENDATION: Staff recommends for council's consideration the approval of the first reading of Ordinance 827 and schedule of second reading for June 4, 2012.

ATTACHMENTS: Ordinance No. 827

ORDINANCE NO. 827

AN ORDINANCE RELATING TO DECLARATION OF A STATE OF LOCAL EMERGENCY IN THE EVENT OF A NATURAL, TECHNOLOGICAL OR MANMADE DISASTER OR THE IMMINENT THREAT THEREOF; PROVIDING THE PURPOSE AND INTENT OF THE ORDINANCE; PROVIDING DESIGNATION OF CERTAIN CITY OFFICIALS WITH AUTHORITY TO DECLARE A STATE OF LOCAL EMERGENCY; PROVIDING DEFINITION OF EMERGENCY; PROVIDING FOR LENGTH OF TIME AUTHORIZED FOR A DECLARED STATE OF LOCAL EMERGENCY AND PROVISIONS FOR EXTENSION AND/OR TERMINATION OF SAME; PROVIDING FOR ACTIVATION OF DISASTER EMERGENCY PLANS; PROVIDING FOR IMPOSITION OF CERTAIN EMERGENCY MEASURES OR REGULATIONS; PROVIDING DISCLAIMER OF LIMITATION OF AUTHORITY; PROVIDING PENALTIES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Brooksville, Florida is vested with home rule authority pursuant to Article VII, Section 2 of the Constitution of the State of Florida and Chapter 166, Florida Statutes, to enact ordinances; and,

WHEREAS, the City Council has previously adopted Ordinance No. 540 relating state of local emergency; and,

WHEREAS, the City Council of the City of Brooksville, Florida desires to amend its Code of Ordinances, relating to its local state of emergency and repealing Ordinance No. 540 in it's entirety; and,

WHEREAS, With the possibility of the occurrence of natural, manmade, technological or other disasters and or emergencies resulting in destruction of property, and in order to ensure the readiness of the City of Brooksville to adequately respond to such disasters and provide for the protection of the life safety, health, property, welfare or the public peace of the people of the City of Brooksville, it is hereby determined to be in the best interests of the City of Brooksville that the following Ordinance be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA:

SECTION 1. PURPOSE AND INTENT OF ORDINANCE

It is the intent of the City to designate a City official to declare a state of local emergency in conjunction with Hernando County Emergency Management Comprehensive Emergency Management Plan (CEMP) as currently adopted and updated in accordance with Florida Statutes, Chapter 252, in the event of a natural, technological or manmade disaster or emergency, or the imminent threat thereof, and to authorize certain actions relating thereto when a quorum of the City Council is unable to meet.

SECTION 2. DESIGNATION OF CERTAIN CITY OFFICIALS WITH AUTHORITY TO DECLARE A STATE OF LOCAL EMERGENCY

Pursuant to Chapter 252, Florida Statutes, which authorizes the waiver of procedures and formalities otherwise required of political subdivisions to take whatever prudent action is necessary to ensure the health, safety and welfare of the community in the event of a state of emergency, when a quorum of the city council is unable to meet, the Mayor of the City Council, or the Vice Mayor in his absence, or the Senior Council Member in succession, in the absence of the Mayor and Vice Mayor, is hereby designated and empowered to declare a state of local emergency whenever he or she shall determine that a natural, manmade disaster, technological or emergency has occurred or that the occurrence or threat of one is imminent and requires immediate and expeditious action.

SECTION 3. DEFINITION OF "EMERGENCY"

As defined in Florida Statutes, Chapter 252.34(3), "Emergency" means any occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property.

SECTION 4. LENGTH OF TIME AUTHORIZED FOR A DECLARED STATE OF LOCAL EMERGENCY AND PROVISIONS FOR EXTENSION AND/OR TERMINATION OF DECLARED EMERGENCY

A state of local emergency shall be declared by proclamation by the City Official designated in Section 2 herein for a period of time up to seven (7) days, which may be extended as necessary in seven (7) day increments by subsequent proclamation, pursuant to Florida Statutes, Chapter 252.38(3)(a)5. The state of local emergency shall continue until terminated by proclamation by the designated City Official when he finds that the threat or danger no longer exists and/or until an emergency meeting of a quorum of the City Council can take place to terminate the state of local emergency.

SECTION 5. ACTIVATION OF DISASTER EMERGENCY PLANS

A declaration of a state of local emergency shall activate the disaster emergency plans applicable to the City of Brooksville as described in Hernando County's CEMP and shall be the authority for emergency measures such as evacuation orders and declaration of certain areas as being off limits, as well as authorize the use or distribution of any supplies, equipment, materials, and facilities assembled or arranged to be made available pursuant to such plans.

SECTION 6. IMPOSITION OF CERTAIN EMERGENCY MEASURES OR REGULATIONS

Upon the declaration of a state of local emergency pursuant to this Ordinance, the following emergency measures or regulations may be imposed by resolution duly approved and adopted by City Council or as set forth in emergency ordinance or resolution issued during the period of such emergency pursuant to Brooksville City Charter or Code to protect the life, health, property, welfare or public peace of the community. The purpose of this Ordinance is to provide authority and enforcement power to:

- A. Suspend or limit the sale, dispensing or transportation of alcoholic beverages, firearms, explosives and combustibles.
- B. Establish curfews, including but not limited to the prohibition of or restrictions on pedestrian and vehicular movement, standing and parking, except for the provision of designated, essential services, such as fire, police, emergency medical services and hospital services, including the transportation of patients, utility emergency repairs and emergency calls by physicians.
- C. Utilize all available resources of the City government as reasonably necessary to cope with the disaster emergency, including emergency expenditures not to exceed amount reflected in Section 2-254 of the Brooksville City Code.
- D. Make provisions for availability and use of temporary emergency housing and emergency warehousing of materials.
- E. Establish emergency operating centers and shelters in addition to or in place of those provided for in Hernando County's Emergency Management Plan.
- F. Declare that during an emergency it shall be unlawful and an offense against the City of Brooksville for any person, firm or corporation to use the fresh water supplied by the City for any purpose other than cooking, drinking or bathing.
- G. Declare that during an emergency it shall be unlawful and an offense against the City of Brooksville for any person, firm or corporation operating within the City to charge more than the normal average retail price for any merchandise, goods or services sold during the emergency. The average retail price as used herein is defined to be that price at which similar merchandise, goods or services were being sold during the ninety (90) days immediately preceding the emergency or at a mark-up which is a larger percentage over wholesale cost than was being added to wholesale cost prior to the emergency.
- H. Confiscate merchandise, equipment, vehicles or property needed to alleviate the emergency. Reimbursement shall be within sixty (60) days and at customary value charged for the items during the ninety (90) days immediately preceding the emergency.
- I. Allow the Mayor, or the Vice Mayor in his absence, or the Senior Council Member in succession, in the absence of the Mayor and Vice Mayor, on behalf of the City, to call on the National Guard, Army, or Coast Guard, through Hernando County Emergency Services, or other law enforcement, fire or public works divisions as necessary, to assist in the mitigation of the emergency or to help maintain law and order, rescue and traffic control.

SECTION 7. DISCLAIMER OF LIMITATION OF AUTHORITY

Nothing in this Ordinance shall be construed to limit the authority of the City Council to declare or terminate a state of local emergency and take any action authorized by law when sitting in regular or special session.

SECTION 8. PENALTIES

Any person, firm or corporation who refuses to comply with or violates any section of this Ordinance, or the emergency measures or regulations which may be made effective pursuant to this Ordinance, shall be punished according to law and upon conviction for such offense, shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment not to exceed sixty (60) days in the County Jail, or both. Each day of continued non-compliance or violation shall constitute a separate offense. In addition to the foregoing, any licensee of the City of Brooksville found guilty of

violating any provision of this Ordinance, or the emergency measures or regulations which may be made effective pursuant to this Ordinance, may have his license suspended or revoked by the City Council of the City of Brooksville, Florida.

Nothing herein contained shall prevent the City from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any refusal to comply with, or violation of, this Ordinance or the emergency measures or regulations which may be made effective pursuant to this Ordinance. Such other lawful action shall include, but shall not be limited to, an equitable action for injunctive relief or an action at law for damages.

SECTION 9. CONFLICT AND SEVERABILITY

In the event this Ordinance conflicts with any other Ordinance of the City of Brooksville or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION 10. EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption.

CITY OF BROOKSVILLE

Attest: _____
Janice L. Peters, CMC, City Clerk

By: _____
Joseph E. Johnston, III, Mayor

PASSED on First Reading _____

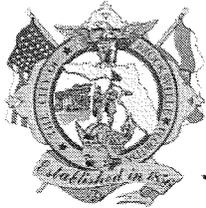
NOTICE Published on _____

PASSED on Second & Final Reading _____

APPROVED AS TO FORM FOR THE RELIANCE
OF THE CITY OF BROOKSVILLE ONLY:

VOTE OF COUNCIL:
Bernardini _____
Bradburn _____
Burnett _____
Hohn _____
Johnston _____

Thomas S. Hogan, The Hogan Law Firm, LLC
City Attorney



**CONSENT AGENDA ITEM
MEMORANDUM**

To: Honorable Mayor and City Council Members
Via: T. Jennene Norman-Vacha, City Manager *[Signature]*
From: Janice L. Peters, CMC, City Clerk *[Signature]*
Subject: Ordinance No. 828 – Referendum Charter Changes
Date: May 8, 2012

GENERAL SUMMARY / BACKGROUND: Council, at its May 7th meeting, approved the recommendations of the Charter Review Committee to amend Sections 2.02 and 2.04 of the City’s Charter.

Ordinance No. 828, provides the ballot layout for referendum to be included in the November 6, 2012 General Election.

BUDGET IMPACT: *SB* None anticipated pursuant to preliminary notification from the Hernando County Supervisor of Elections Office.

LEGAL IMPACT: Pursuant to home rule authority provided for by Article VII, Section 2 of the Constitution of the State of Florida, Chapter 166, Florida Statutes, and Section 1.03 of the Charter of the City of Brooksville, the City Council has the power to conduct municipal functions and to adopt ordinances.

STAFF RECOMMENDATION: Council adoption of Ordinance No. 828 upon first reading and schedule second reading for June 4, 2012.

ATTACHMENT: Ordinance No. 828

ORDINANCE NO. 828

AN ORDINANCE AMENDING CERTAIN SECTIONS OF ORDINANCE NO. 287 RELATING TO THE GOVERNMENT OF THE CITY OF BROOKSVILLE; PROMULGATING, ESTABLISHING AND PROVIDING FOR A REVISED CHARTER OF THE CITY OF BROOKSVILLE; PROVIDING FOR A REFERENDUM; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, there is hereby promulgated, established, and provided for amendments to the existing Charter of the City of Brooksville, and said amendments hereto are as set forth herein.

SECTION 1. The following charter sections 2.02 and 2.04 are hereby amended to read as follows:

Sec. 2.02. Qualification of city council members; term of office.

- (a) Any elector who has continuously resided in the City of Brooksville for at least one (1) year, immediately prior to qualifying, shall be eligible to hold the office of city council member.
- (b) Members shall be elected for a four-year term. Consecutive terms shall be limited to three (3), full, four (4) year terms with a minimum of a one-year period of time out of office before being allowed to run for council subsequently.

Sec. 2.04. Disqualification and forfeiture of office.

The council shall be the judge of the disqualification of its members and of the grounds for forfeiture of their office. Forfeiture of office by a council member shall be limited to the following:

- (1) Permanent inability to perform official duties.
- (2) Conviction of a felony.
- (3) Neglect of duty for failure to attend a majority of council meetings within the immediate prior six (6) months' term of office without just cause.
- (4) Council member no longer meets residency requirements of having primary residence within the city limits.

SECTION 2. This ordinance shall be posted and published as provided by law and each of the new or amended charter provisions set out in SECTION 1 hereof shall become effective and operative when and only if it is approved by a majority vote of the electors of the City of Brooksville voting on the question of the approval or disapproval of the same in and at the General Election to be held in the City of Brooksville on the 6th day of November, 2012.

SECTION 3. The form of the ballot questions in the referendum shall be as follows:

NO. 1
CHARTER AMENDMENT
SECTION 2.02

Increases consecutive term limits for Council Members to three (3) full four (4)-year terms of office.

Shall the amendment to the Charter as set out and proposed by City of Brooksville Ordinance No. 828, enacted by the City Council on the 2nd day of July, 2012, be ratified and approved?

YES - FOR THE AMENDMENT
NO - AGAINST THE AMENDMENT

NO. 2
CHARTER AMENDMENT
SECTION 2.04

Allows for forfeiture of office should the Council member no longer meet residency requirements of having primary residence within the city limits.

Shall the amendment to the Charter as set out and proposed by City of Brooksville Ordinance No. 828, enacted by the City Council on the 2nd day of July, 2012, be ratified and approved?

YES - FOR THE AMENDMENT
NO - AGAINST THE AMENDMENT

SECTION 4. If a majority of the electors of the City of Brooksville actually voting on such questions in such referendum shall vote for the approval of any of such amendments to the Charter, the Charter amendments so approved shall become operative and effective at 0001 a.m. of the 1st day of January, 2013; if a majority vote against the approval of any of such amendments to the Charter, then this ordinance, as to such amendments, shall not become effective and shall be no further force and effect.

SECTION 5. A certified copy of this Ordinance shall be submitted to the Hernando County Supervisor of Elections, and the Supervisor of Elections is requested to take such steps necessary to place the foregoing questions on the ballot for the General Election on the 6th day of November, 2012.

SECTION 6. This ordinance shall take effect immediately upon being passed and adopted by the City Council of the City of Brooksville, Hernando County, Florida.

CITY OF BROOKSVILLE

Attest: _____
Janice L. Peters, CMC, City Clerk

By: _____
Joseph E. Johnston, III, Mayor

PASSED on First Reading _____

NOTICE Published on _____

PASSED on Second & Final Reading _____

APPROVED AS TO FORM FOR THE RELIANCE
OF THE CITY OF BROOKSVILLE ONLY:

VOTE OF COUNCIL:

Bernardini _____
Bradburn _____
Burnett _____
Hohn _____
Johnston _____

Thomas S. Hogan, The Hogan Law Firm, LLC
City Attorney

CORRESPONDENCE-TO-NOTE
REGULAR COUNCIL MEETING – May 21, 2012

1. **TYPE:** Memor
 DATED: May 11, 2012
 RECEIVED FROM: T. Jennene Norman-Vacha, City Manager
 ADDRESSED TO: Honorable Mayor and City Councilmen
 SUBJECT: Southern Hills Plantation Phase 3A-1, 3, & Southern Hills Boulevard
 Construction Schedule.



MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCILMEN
FROM: T. JENNENE NORMAN-VACHA, CITY MANAGER
SUBJECT: SOUTHERN HILLS PLANTATION – PHASE 3A-1, 3, AND SOUTHERN HILLS BOULEVARD CONSTRUCTION SCHEDULE
DATE: MAY 11, 2012

Please consider this a status update on improvements within the Southern Hills Plantation, as authorized by the City Council on March 19, 2012.

As you will recall, City Council approved the award of bid for the improvements to Goodwin Brothers Construction, Inc., inclusive of the following three (3) subdivision work phases within the Southern Hills Plantation:

Phase 3A-1: Consists of improvements for a 33-acre single-family development of 13 lots, vegetation and tree removal, earthwork, 40 storm drainage structures, 5 ponds, 2,000 linear feet of water distribution lines, 1,600 linear feet of sanitary sewer force main, 1,600 linear feet of roadway construction with curbs, construction materials testing, and survey work.

Phase 3: Final Asphalt Lift: Consists of 15,000 square yards of 1-inch asphalt overlay on previously paved roads, limited roadway repair, herbicide treatment of curbs, roadway signage and striping, and construction materials testing; sidewalk.

Southern Hills Boulevard: Consists of 17,000 square yards of asphalt mill & resurface of roadway, maintenance of traffic, limited roadway base repair, and construction materials testing.

Following receipt of documents required of the contractor and a pre-construction meeting, City staff issued a Notice to Proceed to Goodwin Brothers Construction, Inc. for May 7, 2011. The contract provides that the final construction will be complete in 150 days, following the Notice to Proceed, or on October 4, 2012.

The projected construction schedule is as follows:

Phase 3A-1:

- May 7th – September 25th Surveying
- May 14th – 16th Silt Fence
- May 21st – 30th Clearing
- May 31st – June 20th Earthwork

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Phase 3A-1 continued

- June 20th – July 18th Storm Drainage
- June 20th – July 30th Water, Sanitary Sewer and Reuse Main
- August 1st – September 19th Road Base, Curbing and Paving

Phase 3:

- June 12th – 20th Paving
- June 4th – 12th Sidewalk

Southern Hills Boulevard:

- September 15th – 25th Milling and Paving

We will keep you advised as the project progresses. Should you have any questions or concerns, just let us know.

ec: Richard Radacky, Public Works Director
Bill Geiger, Development Director
Steve Baumgartner, Finance Director
Thomas S. Hogan, City Attorney