

**CITY OF BROOKSVILLE
REGULAR CITY COUNCIL MEETING
COUNCIL CHAMBERS
201 HOWELL AVENUE
BROOKSVILLE, FL 34601**

“REVISED” AGENDA

June 18, 2012

7:00 P.M.

A. CALL TO ORDER

B. INVOCATION AND PLEDGE OF ALLEGIANCE

C. CITIZEN INPUT

D. CONSENT AGENDA

1. Minutes

- a. March 5, 2012 Regular Meeting
- b. March 19, 2012 Regular Meeting

2. 2012 Federal Edward Byrne Memorial Justice Assistance Grant (JAG) Program Funds under the American Recovery and Reinvestment Act of 2009

Consideration of allocation of local Federal Edward Byrne Memorial JAG funding as approved by the Hernando County Substance Abuse Policy Advisory Board and authorize the Mayor to sign the attached letters for submittal to the Florida Department of Law Enforcement.

3. Dauson Stormwater Detention Facility Easements

Consideration to approve easements to Hernando County in conjunction with the stormwater detention facility.

CONSENT AGENDA APPROVAL (√)

Recommendation: Approval of Consent Agenda

Action: Motion to Approve

Attachments: 1) Minutes; 2) Memo from Police Chief dated 06/01/12, Memo from Hernando County Substance Abuse Chair, Mayor’s Letter of Agreement to Allocation, Grant Program Information and Announcement; 3) Memo from Director of Public Works dated 06/01/12, Easement Agreements, Aerial Map Depicting Duke & Armstrong Streets and Saxon Brook, Map Depicting the Dauson Stormwater Detention Facility.

REGULAR COUNCIL MEETING – June 18, 2012

E. PUBLIC HEARINGS

- Entry of Proof of Publication into the Record

1. Ordinance No. 830 – Fire Assessment

Consideration of Ordinance for the imposition and collection of Special Assessments to fund Fire Protection Services.

[First Reading 06/04/12]

Presentation: Fire Chief
Recommendation: Approval of **Second Reading** of Ordinance No. 830 upon roll-call vote
Attachments: Memo from Fire Chief dated 06/05/12, Proposed Ordinance

F. REGULAR AGENDA

1. Resolution No. 2012-05 – Annual Fire Assessment

Consideration of Resolution for the imposition and collection of Special Assessments to fund Fire Protection Services.

Presentation: Mark Lawson and Chris Roe of Bryant, Miller & Olive, P.A. (BMO)
Recommendation: Approval of Resolution upon roll-call vote
Attachments: Memo from Fire Chief dated 06/11/12, Proposed Resolution

2. Resolution No. 2012-06 Fire Assessment Note

Consideration of Bond Resolution in conjunction with imposition of the Fire Assessments.

Presentation: Mark Lawson and Chris Roe of Bryant, Miller & Olive, P.A. (BMO)
Recommendation: Approval of Resolution upon roll-call vote
Attachments: Memo from Fire Chief dated 06/11/12, Proposed Resolution

3. Resolution No. 2012-07 Election Qualifying Ratification

Consideration of Resolution ratifying the results of the qualifying period.

Presentation: City Clerk
Recommendation: Approval of Resolution upon roll-call vote
Attachments: Memo from City Clerk dated 06/08/12; Proposed Resolution

REGULAR COUNCIL MEETING – June 18, 2012

4. Florida League of Cities Voting Delegate

Consideration of designating one official to be the voting delegate of the Florida League of Cities 86th Annual Conference.

Recommendation: Approval of designating one official to be the voting delegate at the Annual Business Session

Attachments: Letter from Florida League of Cities dated May 8, 2012

5. Policy 2-2012 – Great Brooksvillian Screening Committee

Consideration of policy outlining Council's annual appointment of a committee to review application for the Great Brooksvillian.

Presentation: City Clerk

Recommendation: Approval of Appointments

Attachments: Memo from City Clerk dated 06/06/12, Proposed Policy

6. Advisory Board Appointments

Appointment of members to various Advisory Board Positions, either as a result of term expirations or current vacancies, as follows:

[Note - all applicants are registered voters as required]

a. Beautification Board

One (1) full-time position to fill an unexpiring 4-year term of office through December 31, 2015, due to a resignation

Reiko Brown

New Applicant

b. Good Neighbor Trail (GNT)

One (1) full-time position to fill a vacancy due to a resignation. GNT positions are non-expiring.

Reiko Brown

New Applicant

Carole B. Knudson

New Applicant

c. Brooksville Housing Authority

One (1) full-time position to fill an expiring 4-year term of office through June 30, 2016.

Gary E. Schraut

Reapplying (Expiring Term)

Presentation: City Clerk

Recommendation: Approval of Appointments

Attachments: Memo from City Clerk dated 06/01/12, Board Rosters, Applications

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7. **Red Light Camera Introductory Period**
Council discussion regarding the Introductory Period.

Attachment: City Ordinance No. 758-A regarding Red Light Camera page 3 of 7 Section 5 “Introductory Period”, Memo from City Attorney dated October 26, 2011

G. CITIZEN INPUT

H. ITEMS BY COUNCIL

I. 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
REGULAR CITY COUNCIL MEETING
HERNANDO COUNTY MINING ASSOCIATION
ENRICHMENT CENTER
800 JOHN GARY GRUBBS BLVD.
BROOKSVILLE, FL 34601
MINUTES**

March 5, 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 Radack, 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.

The Mayor asked for a motion to add Resolution 2012-02 to the agenda honoring Brenda Joyce Wright Cason.

Motion:

Motion was made by Council Member Bernardini and seconded by Council Member Burnett to add the resolution. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Institute for Elected Municipal Officials

Presentation of Certificate of Completion to Council Member Kevin Hohn for his recent completion of the Florida Institute of Government and Florida League of Cities' "2012 Institute for Elected Municipal Officials".

Mayor Johnston presented Council Member Hohn with the Certificate of Completion.

Proclamation – Girl Scouts 100th Anniversary

Consideration of Proclamation to acknowledge the 100th Anniversary of the Girl Scouts and designating 2012 the "Year of the Girl".

Mayor Johnston read the proclamation in its entirety. There was no one present to receive the certificate; it will be mailed.

Proclamation – Sertoma 100th Anniversary

Consideration of Proclamation to acknowledge the 100th Anniversary of the founding of Sertoma and to declare the month of April "The Month of Sertoma".

Mayor Johnston read the proclamation in its entirety and presented it to Sertoma's Central Florida District Governor Harvey Reinhart.

REGULAR COUNCIL MEETING MINUTES – March 5, 2012

Progress Energy Presentation of Rebate

Presentation of third rebate check for the City Hall Roof the City has installed.

Gary Renfro, Senior Account Executive presented the rebate check in the amount of \$1,136 to City Council.

Resolution No. 2012-02 Honoring Brenda Joyce Wright Cason

City Clerk Peters read Resolution No. 2012-02 by title, as follows:

A RESOLUTION BY THE CITY OF BROOKSVILLE HONORING BRENDA JOYCE WRIGHT CASON.

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 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.

James Davis, of City Electric Supply, regarding the bid of the Generator, asked that Council consider awarding locally.

CONSENT AGENDA

Florida Junior Golf Council Grant Application/Agreement

Consideration of approval of Grant application through the Florida Junior Golf Council in the amount of \$5000, to promote and implement First Tee programming at affiliate golf courses in the community.

Boom Truck Purchase

Consideration to purchase a replacement boom truck via the Florida Sheriff's Association, Association of Counties, and Fire Chief's Association bid list for the not-to-exceed amount of \$140,986 and surplus of the 2000 Peterbilt Boom Truck and body via the next Hernando County auction.

Fire Department Generator Equipment Bid Award

Consideration of bid award to Generx Generators, Inc. for the not-to-exceed amount of \$30,259.

Surplus Equipment

Consideration to surplus obsolete/inoperable equipment.

Motion:

Motion was made by Council Member Burnett and seconded by Council Member Bernardini for approval of the Consent Agenda with discussion.

REGULAR COUNCIL MEETING MINUTES – March 5, 2012

Council Member Bernardini inquired of the generator that was surplus last year, asking could it not have been used? Fire Chief Mossgrove advised it was a mobile generator.

Discussion ensued of the award of the generator bid and what will become of the current one. Fire Chief Mossgrove reviewed. Vice Mayor Bradburn suggested it be used elsewhere in the city such as a utility lift station.

Council Member Bernardini recalled there was discussion of adopting a policy that stated a bid within a certain percentage of lowest bid would be awarded locally. Council Member Burnett agreed the award should go to the lowest bidder unless there is indeed a policy in place that states otherwise. Mayor Johnston confirmed with Attorney Battista that there is no such policy in place.

Attorney Battista will review the City's policy on awards and the item will be revisited.

Vice Mayor Bradburn felt the lowest bidder does not guarantee award of the bid as there are other factors to consider.

Council Member Hohn asked if the bid award could be removed to a later date.

The motion on the floor for approval of the entire consent agenda was withdrawn by Council Member Burnett.

Motion:

Motion was made by Council Member Bernardini and seconded by Council Member Hohn for removal of Item E-3, award of the generator, to the next agenda, pending staff research. Motion carried 5-0.

Motion:

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

REGULAR AGENDA

Bid Protest Procedure – Policy 1-2012

Consideration of procedure for bid protests.

City Attorney Battista reviewed the procedure, changing the timeline to file a protest to seventy-two (72) hours after a bid opening.

Motion:

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

Southern Hills Plantation Project

Update and timeline information for the Southern Hills Plantation Phase 3A-1, Phase 3 Final Asphalt Life & Southern Hills Blvd. Mill and Resurface.

Public Works Director Richard Radacky reviewed the options presented to Council and the status of the project bid and schedule of construction. One option was for bid award at the March 19th meeting of Council. Option two was to postpone award of the bid to April 2nd with extension of the bid closing to allow additional time for contractors to view the site. He requested Council direction as to which option they would like to take.

REGULAR COUNCIL MEETING MINUTES – March 5, 2012

The second item was for relocation of the Gopher Tortoises, which staff recommended, as opposed to bulldozing over them. One option was to include in the work for the Coastal Engineering contract. The other was to hire David McAlpine who specializes in Tortoise removal. His cost was lower than Coastal's cost of \$15,500. There is a 60-day time period for removal.

He requested staff recommendation amendment to allow the City Manager to decide which proposal to accept for the Gopher Tortoise removal.

Council Member Bernardini and Council Member Burnett were in favor of Option 2 as well as relocation of the Tortoises with the City Manager to decide on which proposal to take. Council Member Hohn asked for points of clarification on the timeline, which Mr. Manual provided.

Council Member Hohn, Vice Mayor Bradburn and Mayor Johnston were in favor of Option 1, the current schedule.

Motion:

Motion was made by Council Member Bernardini for approval of Option 2. Motion died for lack of a second.

Motion:

Motion was made by Council Member Hohn and seconded by Vice Mayor Bradburn for approval of Option 1. Motion carried 5-0.

Motion:

Motion was made by Council Member Burnett and seconded by Vice Mayor Bradburn to authorize the City Manager to contract removal of the Gopher Tortoises. Motion carried 5-0.

City Manager Contract

Review and renewal of City Manager Contract.

Mayor Johnston reviewed that the overall evaluation was 4.1. No motion was made to alter her contract so it automatically renewed for another year.

CITIZEN INPUT

Mayor Johnston asked for public input; there was none.

ITEMS BY COUNCIL

Joe Bernardini, Council Member

Red Light Camera Water Bill Insert

Council Member Bernardini referenced the warning period regarding Red Light Cameras included in the water bills and asked if they were in place. Mayor Johnston advised they are not as of yet.

Acquisition of Hernando Park

He asked about the city taking over the park downtown. City Manager Norman-Vacha advised the Brooksville Vision Foundation has been working to acquire the park. Mayor Johnston asked for the financial projection of taking over the park.

Blueberry Festival/Brooksville Vision Foundation

He advised he has gotten telephone calls about the event and feels there needs to be more information put out about the project. He felt that at every meeting Council needs to be brought up to date on the projects by the Blueberry Festival and the Brooksville Vision Foundation.

REGULAR COUNCIL MEETING MINUTES – March 5, 2012

He is concerned that citizens within a few blocks of the Blueberry Festival are not informed as to what is going on and there needs to be better communication in bringing that information forward.

Progress Energy Rates

He advised that in the Tampa Tribune there was an article saying electrical prices are a critical part of economic development. Statewide Florida, Power and Light has the lowest rates and Progress Energy has the highest rates.

Red Light Cameras

He read a letter into the record from Laurie Sowers to the Chief of Police and City Manager Norman-Vacha regarding red light cameras.

Frankie Burnett, Council Member

Southern Hills Project

Council Member Burnett asked that the Home Owners Association be notified of the project schedule.

Commendations

He thanked City Manager Norman-Vacha and staff for the wonderful job they are doing on a daily basis and congratulated the City Manager on her evaluation score of 4.1.

Lara Bradburn, Vice Mayor

Pothole

Vice Mayor Bradburn indicated there is a large pothole at Veterans Avenue and Benton Avenue.

Commendations

She echoed Council Member Burnett in congratulating the City Manager.

Joe Johnston, Mayor

Countdown Light

Mayor Johnston noticed there is a countdown timer at Broad and Main Streets.

Traffic Light

He inquired of any information on fixing the traffic light at the Winn-Dixie plaza. Director Radacky advised he has a call in to the County Engineer and is awaiting a call back.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:20 p.m.



City Clerk

Attest: _____
Mayor

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

March 19, 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, 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.

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

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

New Tom Varn Park ADA Playground Presentation

Director of Parks, Facilities & Recreation Mike Walker gave a presentation highlighting the new ADA Playground. He thanked City Council for their allocation of \$25,000 and the Junior Service League for their donation of \$10,000. He also recognized the Hernando County Builders Association for their contribution, as well as all who contributed to the project.

Angie Woodruff of the Junior Service League indicated they were proud to have been a part of the project. Council thanked all involved.

Presentation and update by the Hernando Vision Foundation on use of Hernando Park during the Florida Blueberry Festival

Sonny Vergara of the Brooksville Vision Foundation updated Council on issues surrounding usage of Hernando Park during the festival.

Vice Mayor Bradburn supported an arborist examining tree removal inside the park.

CITIZEN INPUT

Mayor Johnston asked for public input.

Margaret Bloomquist of Southern Hills Plantation Homeowners Association thanked Council for the improvements in the works for the community. She asked for an advance of \$78,930.80 to begin repairs of the Phase 2 roadway project.

Donna Becker was concerned about cutting down the one diseased tree in Hernando Park. She asked the Vision Foundation if the foundation had enough money for repairs should the tennis courts be damaged. Cliff Manual, President of Coastal Engineering advised this expense is in the budget to restore the courts should they be damaged. He advised the tree has hollow rot, which means it is dying from inside. The arborist he met with explained that pruning would not save the tree. Donna Becker asked how the tree is a safety hazard. Sonny Vergara also commented on the

REGULAR COUNCIL MEETING MINUTES – March 19, 2012

condition of the tree and asked that Ms. Becker include herself in the process of deciding the fate of the tree.

Mayor Johnston advised the City does not have any jurisdiction of what happens within the park. This is just an update of the happenings of the Blueberry Festival.

CONSENT AGENDA

Minutes

January 3, 2011 Regular Meeting
March 21, 2011 Regular Meeting
March 29, 2011 Fire Assessment Workshop

Flagstone Pavers, Inc., Ad Valorem Tax Abatement

Consideration to continue tax abatement incentive.

Jet I.C.U. Application for Certificate of Public Convenience & Necessity (COPCN)

Consideration for Council to recommend that Hernando County Board of County Commissioners grant application of COPCN for Jet I.C.U. to provide ground transportation services to and from their jet.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Hohn for approval of the Consent Agenda. Motion carried 4-0.

REGULAR AGENDA

CDBG Waterline/Fire Hydrant Replacement Bid UD2012-02 Award

Consideration of bid award to BRW Contracting, Inc., for the not-to-exceed amount of \$581,433.

Director of Community Development Bill Geiger reviewed the project and the bid process and recommended that Council approve the award of the bid to BRW Contracting, Inc. for the not-to-exceed amount of \$581,433. He added that the Department of Economic Opportunity will need to review the bid award as well because it is grant funded.

Mayor Johnston clarified that the amount is \$581,433. Vice Mayor Bradburn expressed concern of the figure differences and asked that the winning bidder be advised of the brick removal and replacement. She asked how much the fireflow would be increased. Cliff Manual advised the fireflow would be increased and will benefit domestic fireflow.

A brief discussion of BRW's past and present work ensued. Vice Mayor Bradburn pointed out the grant administrator has a problematic past working on city projects. She would like conditions for the proper vetting approved by Mr. Manual and brought to the City Manager before final sign off.

Motion:

Motion was made by Council Member Hohn and seconded by Council Member Bernardini for approval with vetting process completed by Coastal and turned in to the City Manager. Motion carried 4-0.

REGULAR COUNCIL MEETING MINUTES – March 19, 2012

Donation of Lot

Consideration of donation of City of Brooksville lot to Hernando County for construction of a stormwater detention facility.

Director of Public Works Richard Radacky reviewed the donation of the lot for the Dawson Stormwater Detention Facility to be funded by Hernando County.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Hohn for approval. Motion carried 4-0.

Southern Hills Plantation Phase 3A-1, Phase 3 Final Asphalt Lift, & Southern Hills Blvd. Mill And Resurface Bid No.: PW2012-03

Consideration of bid award.

Director of Public Works Richard Radacky reviewed the project and costs. He advised the plans are drawn and the distance is scaled out, indicating quantity takeoff could vary depending on conditions. The final cost is determined by measuring the pipes, counting the joints and determining the square yards of the base and asphalt. Change orders, if needed, would be issued for the differences.

Cliff Manual advised the whips for the low pressure system he felt should be included in the bid so the contingency is there just in case it is needed.

Vice Mayor Bradburn asked about the requested cost for the Phase 2 road repairs. Cliff Manual advised Goodwin was also the low bidder for the Phase 2 repairs, which Coastal is handling. This is the money requested by the HOA for the critical emergency repair.

Motion:

Motion was made by Council Member Hohn and seconded by Vice Mayor Bradburn for approval of award to Goodwin Brothers for the not-to-exceed amount of \$882,703.35 with \$10,000 GeoTechnical Costs allocations, Engineering in the amount of \$64,750, Tortoise Removal of \$15,500 and an additional \$10,000 staff contingency for a grand total of \$972,953.35.

Motion carried 4-0.

Special Counsel for Fire Protection Assessments

Consideration of Professional Services Agreement to establish a relationship between Bryant Miller and Olive and the City.

Fire Chief Tim Mossgrove reviewed the agreement and tasks presented by Bryant Miller and Olive for Fire Protection Assessments. He advised they are willing to provide services for the amount of \$25,000 which he reviewed, as well as other entities BMO will be working with to accomplish this. Council Member Hohn reviewed how the assessment would work for the benefit of the Southern Hills residents who were present. It was noted that the assessments are funded outside the general fund and requires all to pay for fire services, which is not currently the case.

Mayor Johnston advised they are only agreeing to hear the methodology again at this meeting.

Council Member Bernardini advised that the ad valorem may or may not be reduced by the total amount of the assessment.

City Attorney Battista added that the agreement is a mirror image of the agreement presented previously. General Paragraph A on page 3 is now more extensive and paragraph D was also modified with the addition of the last sentence.

REGULAR COUNCIL MEETING MINUTES – March 19, 2012

Motion:

Motion was made by Council Member Hohn and seconded by Vice Mayor Bradburn for approval of the task order and agreement. Motion carried 4-0.

Fire Department Generator Equipment Bid Award

Consideration of bid award to Genex Generators, Inc. for the not-to-exceed amount of \$30,259.

Fire Chief Tim Mossgrove reviewed the bid award and, per policy and procedure, recommended the award be made to Genex Generators.

Attorney Battista advised that current policy dictates the lowest and best bidder receives the bid award.

Council asked that the process be reviewed.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Hohn for approval. Motion carried 4-0.

CITIZEN INPUT

Mayor Johnston asked for public input.

Margaret Bloomquist of Southern Hills Plantation advised she will be sending a letter of request to the City Manager for the requested funding for the roads.

ITEMS BY COUNCIL

Kevin Hohn, Council Member

Reuse Water

Council Member Hohn thanked Director Radacky for educating him on the subject of reuse, detention, etc.

Ladies Golf Tournament

He thanked Michael Heard for the basket for the Ladies Golf Tournament from the Blueberry Festival

Southern Hills Plantation

Council Member Hohn expressed the urgency of addressing the request for funds from the Southern Hills Plantation Homeowners Association for roadway repairs. He requested putting the item on the next agenda.

Lara Bradburn, Vice Mayor

Boom Truck

Vice Mayor Bradburn asked if there is something wrong with the truck that picks up the debris. Director Radacky advised the boom truck has lost all its power and a new one has been approved for purchase. Once received the backlog will be caught up.

Brooksville Housing Authority Update

She asked that the City Manager extend an invitation to the Brooksville Housing Authority for an update on their plans.

REGULAR COUNCIL MEETING MINUTES – March 19, 2012

Acquiring Foreclosed Properties

She stated there has been vacant property on Fort Dade and Zoller foreclosed on, she wondered if the city should acquire for drainage. She asked that staff look into the issue, possibly for a donation.

Calendar of events for Council

She asked that staff provide Council with a calendar of events for planning purposes.

Telephone for Council Use

She asked if a phone could be put in the conference room for Council to use. City Manager Norman-Vacha indicated there is no phone jack available at this time.

Joe Bernardini, Council Member

Recycle Truck

Council Member Bernardini asked what the status of the new recycle truck is. Director Radacky indicated it is scheduled for delivery in May.

Robert “Butch” Battista, City Attorney

Westchester Matter

Attorney Battista indicated an adverse ruling had been received concerning the Westchester matter and requested an Executive Session before the April 2nd meeting at 6:00 p.m. Council concurred.

Joe Johnston, Mayor

Traffic Light

Mayor Johnston stated the traffic light issue at Winn-Dixie Plaza and Dunkin’ Donuts has been forwarded to the Florida Department of Transportation.

Red Light Cameras

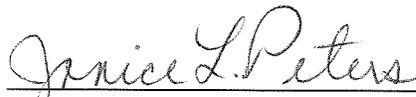
He indicated that since the State is involved in the red light cameras, local jurisdictions’ control of yellow lights has been restricted.

Candlelight Boulevard Right-of-Way

Director Radacky advised he met with the City Attorney, Police and Community Development and they are recommending plantings along that easement to beautify and deter parking. There is no ordinance in place for parking on an easement but that does not give someone the right to destroy property. City Attorney Battista advised there are numerous right-of-ways in which parents park to pick up and drop off their children at bus stops and he recommended adding shrubbery to preclude parking there.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:45 p.m.


City Clerk

Attest: _____
Mayor



AGENDA ITEM NO. D-2
6/18/12

CONSENT AGENDA ITEM

MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL
VIA: T. JENNENE NORMAN-VACHA, CITY MANAGER
FROM: GEORGE TURNER, CHIEF OF POLICE
SUBJECT: Edward Byrne Memorial Justice Assistance Grant (JAG)
Program – County Wide, 2012/2013

DATE: June 1, 2012

GENERAL SUMMARY: The 2012/2013 Edward Byrne Memorial Justice Assistance Grant award amount for Hernando County is \$69,663. These funds are to be used by local units of governments to support approved programs to prevent and control crime and to improve the criminal justice system.

As a condition of participation in this program, the units of government in each county must reach a consensus concerning the expenditure of these funds. This consensus must include the projects to be implemented as well as the agency responsible for such implementation. The Hernando County Board of County Commissioners (BOCC) assumed responsibility as the coordinating unit of government and appointed the Substance Abuse Policy Advisory Board as the county coordinator for this program. The Certificate of Participation was filed by the BOCC as required.

The Substance Abuse Policy Advisory Board met at 10:00am on May 04, 2012, at the County Clerk's meeting room, Hernando County Court House, Brooksville, FL and submitted the following recommendations for the 2012/2013 grant awards:

- *Hernando County Sheriff's Office:* TASER PURCHASE PROGRAM \$25,832
- *City of Brooksville Police Dept.:* PATROL VEHICLE REPLACEMENT PROGRAM \$25,831
- *Hernando County Adult Drug Court:* DRUG TESTING PROGRAM \$18,000

BUDGET IMPACT: Grant award is for the 2012/2013 budget year. There are no matching Funds required. The Brooksville grant amount of \$25,831 will cover the cost of one state bid marked police package vehicle.

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 and acceptance of grant funds.

STAFF RECOMMENDATION: Staff recommends the Brooksville City Council approve and authorize the Mayor to sign the consensus / 51% letter approving the recommendations forwarded by the Substance Abuse Policy Advisory Board and approve the City Manager to sign the Application for Funding as the Authorizing Official of Government Unit/Designated Representative of the City of Brooksville for both the application as well as the acceptance of the grant award in the amount of \$25,831. The final grant application is due in the offices of Florida Department of Law Enforcement no later than July 20, 2012.

ATTACHMENT: Memo from Substance Abuse Policy Advisory Board Chair
Mayor's Letter of Agreement to Allocation
Grant Program Information and Announcement

AGENDA MEMORANDUM

TO: HONORABLE MAYOR AND MEMBERS,
BROOKSVILLE CITY COUNCIL

FROM: DONALD C. BARBEE, JR., CHAIRMAN
SUBSTANCE ABUSE POLICY ADVISORY BOARD

SUBJECT: FEDERAL FISCAL YEAR 2012 EDWARD BYRNE MEMORIAL JUSTICE
ASSISTANCE GRANT PROGRAM

DATE: JUNE 1, 2012

BRIEF OVERVIEW:

The Florida Department of Law Enforcement (FDLE) has notified the County that it has set aside \$69,663 in Federal Fiscal Year 2012 Edward Byrne Memorial Justice Assistance Grant (JAG) Program funds for use by all units of government within Hernando County. As a condition of participation, the units of government must reach a consensus concerning expenditure of the funds. This consensus must include the projects to be implemented as well as the agency responsible for such implementation.

The Substance Abuse Policy Advisory Board (SAPAB) met on May 4, 2012, and voted to recommend that the City Council approve the requested funding, to be allocated as follows: \$25,832 - Hernando County Sheriff's Office Tasers Purchase; \$25,831 - City of Brooksville Police Department Marked Patrol Vehicle Purchase Program; and \$18,000 - Hernando County Court Administration Adult Drug Court Program.

RECOMMENDED ACTION:

The Substance Abuse Policy Advisory Board recommends that the Brooksville City Council agree to the allocation of Federal Fiscal Year 2012 Edward Byrne Memorial Justice Assistance Grant Program funds and authorize the Mayor to sign the necessary grant documents and letters to the Florida Department of Law Enforcement for inclusion in the grant applications.

City of Brooksville



Phone: (352) 540-3810
Fax: (352) 544-5424

June 19, 2012

Mr. Clayton H. Wilder, Administrator
Office of Criminal Justice Grants
Department of Law Enforcement
2331 Phillips Road
Tallahassee, Florida 32308

Dear Mr. Wilder:

In compliance with State of Florida *Rule 11D-9, F.A.C.*, the City of Brooksville approves the distribution of \$69,663 of Federal Fiscal Year 2012 Edward Byrne Memorial Justice Assistance Grant (JAG) Program – JAG Countywide funds for the following projects within Hernando County:

<u>Sub-grantee</u>	<u>Title of Project</u>	<u>Amount</u>
Court Administration Fifth Judicial Circuit	Hernando County Adult Drug Court Program	\$18,000
City of Brooksville	Marked Patrol Vehicle Purchase Program	\$25,831
Hernando County	Sheriff's Office Tasers Purchase	\$25,832

Sincerely,

Joseph E. Johnston, III, Mayor
City of Brooksville



Florida Department of
Law Enforcement

Gerald M. Bailey
Commissioner

Business Support Program
Post Office Box 1489
Tallahassee, Florida 32302-1489
(850) 410-7000
www.fdle.state.fl.us

Rick Scott, *Governor*
Pam Bondi, *Attorney General*
Jeff Atwater, *Chief Financial Officer*
Adam Putnam, *Commissioner of Agriculture*

April 6, 2012

04-13-12 P03:09 RCPD

The Honorable James Adkins
Chairman, Hernando County
Board of Commissioners
6335 Blackbird Avenue
Brooksville, FL 34613

Re: Federal Fiscal Year (FFY) 2012 Edward Byrne Memorial Justice Assistance
Grant (JAG) Program – JAG Countywide – State Solicitation

Dear Chairman Adkins:

The Florida Department of Law Enforcement (FDLE) anticipates an award from the United States Department of Justice for FFY 2012 JAG funds. FDLE will distribute these funds in accordance with the JAG Countywide distribution provisions of Chapter 11D-9, Florida Administrative Code.

FDLE has set aside \$69,663 funds for use by all units of government within Hernando County. The enclosed Program Announcement provides an overview of these funds which can be used by local units of government to support a broad range of activities to prevent and control crime and to improve the criminal justice system. Please note that the Program Announcement includes information from the U.S. Department of Justice relating several areas of national focus and its priorities to help maximize the effectiveness of the Byrne/JAG funding.

As a condition of participation in this program, the units of government in each county must reach a consensus concerning the expenditure of these funds. This consensus must include the projects to be implemented as well as the agency responsible for such implementation.

Developing such consensus will require someone to exercise leadership and assume a coordinating role in the development of applications for these funds. FDLE recommends that the Board of County Commissioners assume this responsibility. In the event the county declines to serve in this capacity, the Department will request the governing body of each municipality in the county, in descending order of population, to serve as the coordinating unit of government.

CTN
05-07-12
re: Chief G. Turner
JAW

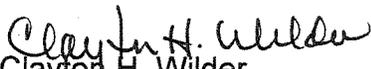
The Honorable James Adkins
April 6, 2012
Page Two

The enclosed Certificate of Participation form requests the identification of an individual coordinator. We will send this individual further information regarding the application process in FDLE's on-line grant management system. Please complete the enclosed Certificate of Participation and return it as soon as possible to:

Florida Department of Law Enforcement
Office of Criminal Justice Grants
2331 Phillips Road
Tallahassee, Florida 32308
Attention: Clayton H. Wilder, Administrator

We look forward to working with you. If you have any questions or if we can provide you with any assistance regarding the JAG Program, please contact me at (850) 617-1250.

Sincerely,


Clayton H. Wilder
Administrator

CHW/JP/st

Enclosures

cc: Mayors in Hernando County
Law Enforcement Agencies in Hernando County
Project Directors in Hernando County

**PROGRAM ANNOUNCEMENT
FEDERAL FISCAL YEAR 2012**

**Edward Byrne Memorial Justice Assistance Grant (JAG) Program
Countywide State Solicitation**

The State of Florida, Department of Law Enforcement (FDLE), anticipates an award from the United States Department of Justice (USDOJ) for \$7,386,640 in Justice Assistance Grant (JAG) funds. FDLE will distribute these funds in accordance with the JAG Countywide distribution provisions of Chapter 11D-9, Florida Administrative Code. This announcement is to notify eligible applicants of program requirements. Please note this Program Announcement includes information from the USDOJ relating several areas of national focus and its priorities to help maximize the effectiveness of the Byrne/JAG funding.

Eligible Applicants

Units of local government are eligible to receive subgrants from FDLE. "Units of local government" means any city, county, town, township, borough, parish, village, or other general-purpose political subdivision of a State and includes Native American Tribes that perform law enforcement functions as determined by the Secretary of the Interior.

Program Strategy and Purposes

JAG blends the previous Byrne Formula and Local Law Enforcement Block Grant (LLEBG) Programs to provide agencies with the flexibility to prioritize and to support a broad range of activities to prevent and control crime based on their own local needs and conditions. JAG funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice. Local units of government receiving JAG funding have the flexibility to implement projects in any of the seven federally approved purpose areas, listed below.

- 1) Law enforcement programs
- 2) Prosecution and court programs
- 3) Prevention and education programs
- 4) Corrections and community corrections programs
- 5) Drug treatment and enforcement programs
- 6) Planning, evaluation, and technology improvement programs
- 7) Crime victim and witness programs

Any law enforcement or justice initiative previously eligible for funding under Byrne or LLEBG is eligible for JAG funding.

Coordination Efforts

Each county is allocated a sum of money for use by all local governments within the county. This amount is determined through a funding algorithm established in the administrative rule.

Chapter 11D-9.005, Florida Administrative Code, requires that units of government in each county reach consensus concerning the expenditure of these funds, including the projects to be implemented and the agency responsible for such implementation. Maximum coordination is required to meet this program requirement, and the Department requests the county board of commissioners to serve as the coordinating unit for all local governments within the county. The Chairman, Board of County Commissioners, in each county so notified is requested to return to the Department a statement of certification indicating the county's willingness to serve. This certification must be returned within 30 days from the date of receipt of notification. In the event the county declines to serve in this capacity, the Department will request the governing body of each municipality in the county, in descending order of population, to serve as the coordinating unit of government.

Each county or coordinating unit of government is encouraged to form a criminal justice coordinating/planning group to identify and implement criminal justice priorities for the county, to plan strategies to address those priorities, to identify areas of greatest need, and to review all possible sources of revenue to make sure that funds go to the programs or issues that need them most.

Furthermore, FDLE requires that units of government in each county reach consensus concerning the expenditure of the JAG funds, including the projects to be implemented and the agency responsible for such implementation. Each county must document this consensus by submitting letters from at least 51 percent of the units of government which also represent at least 51 percent of the population located in said county.

Match Requirements

There is no match requirement under the guidelines of the JAG program.

DOJ/Bureau of Justice Assistance (BJA) Priorities

BJA wishes to ensure that recipients are aware of several areas of national focus and priority and to encourage recipients to maximize the effective use of JAG funds. The following is a brief list of key priorities:

- 1) Funding Evidence-Based Programs
- 2) Statewide Criminal Justice Planning
- 3) Recidivism Reduction and Community Corrections
- 4) Indigent Defense
- 5) Evidence-Based "Smart Policing" Programs
- 6) Officer Safety and Wellness

For more information on BJA's priorities, recipients may access: <https://www.bja.gov/Funding/12JAGLocalSol.pdf> (see pages 11-14). This is for informational purposes only; do not apply for any funds through this solicitation. Recipient must still submit application for funding through SIMON.

Application Requirements and Deadlines

Once the Certificate of Participation form designating the coordinator for your county is received, the Office of Criminal Justice Grants will send this individual further information regarding the application process.

Applicants must apply on-line using FDLE's grant management system. The deadline for the on-line submission is **5:00 P.M., Friday, July 13, 2012**. In addition, applicants must print out the completed application and submit **two (2) hard copies** (both with *original signatures*) no later than **5:00 P.M., Friday, July 20, 2012**. **A separate application must be submitted for each proposed project.** Applications should be mailed or hand delivered to the Florida Department of Law Enforcement, Office of Criminal Justice Grants, 2331 Phillips Road, Tallahassee, Florida 32308, Attention: Clayton H. Wilder, Administrator.

Applications must be accompanied by letters of approval representing agreement among at least 51 percent of all units of local government representing at least 51 percent of the county population as to the allocation of dollars to each project in the county.

Questions regarding this Program Announcement should be directed to Clayton H. Wilder, Florida Department of Law Enforcement, at (850) 617-1250.



AGENDA ITEM NO. D-3
6/18/12

CONSENT AGENDA ITEM MEMORANDUM

TO: THE HONORABLE MAYOR AND CITY COUNCILMEN
VIA: T. JENNENE NORMAN-VACHA, CITY MANAGER *[Signature]*
FROM: RICHARD W. RADACKY, DIRECTOR OF PUBLIC WORKS *[Signature]*
DATE: JUNE 1, 2012
RE: DAUSON STORMWATER DETENTION FACILITY-EASEMENTS

GENERAL SUMMARY/BACKGROUND: The Hernando County, Department of Environmental Services, is requesting easements (Attachment 1) where Duke and Armstrong Streets cross or encroach upon Saxon Brook. Saxon Brook is the source of water to the Dauson Stormwater Detention Facility. The easements are road right-of-ways only at the end of Duke and Armstrong Streets and would provide access to the County for construction and future maintenance of the proposed Dauson Stormwater Facility. Attachment 2 shows Duke and Armstrong Streets in relation to Saxon Brook. It is staff's opinion that granting the easements will not affect access by the City and that the City will continue to control the property after the grant of easements.

The Dauson Stormwater Detention Facility (Attachment 3) is funded by Hernando County, partly through a cooperative funding grant from the Southwest Florida Water Management District. The facility, when constructed, will collect stormwater runoff mainly from the northern area of Brooksville, and is a welcomed stormwater improvement project for the City.

In the past, stormwater runoff events, during heavy rainfall, have backed up and flooded streets and resident's yards to the south of Martin Luther King, Jr., Boulevard. Controlling and minimizing the stormwater runoff will not only improve and benefit the neighboring area; but, City residents also. Another benefit to city and area residents is the improvement of stormwater quality by filtering and removing pollutants before it can discharge into the groundwater, our main source of drinking water.

BUDGET IMPACT: Granting of easements will not have a monetary impact upon the City.

LEGAL REVIEW: The City Council has Home Rule Authority (Article VIII, 2(b), Florida Constitution/Florida Statute §166.011) to consider and take action on this matter. Legal has reviewed the Perpetual Easement Agreement for form and legality.

STAFF RECOMMENDATION: Staff recommends that the City Council approve granting the easements for the road right-of-ways at the end of Duke Street and Armstrong Street to Hernando County to provide access for use in construction and future maintenance of the Dauson Stormwater Detention Facility. Also, that the Council authorize the Mayor to execute the Easement Agreements on behalf of the City.

ATTACHMENTS:

1. Easement Agreements
2. Aerial Map Depicting Duke and Armstrong Streets and Saxon Brook
3. Map Depicting the Dauson Stormwater Detention Facility

Attachment 1

Easement Agreements

PERPETUAL EASEMENT

THIS NON-EXCLUSIVE GRANT OF PERPETUAL EASEMENT made this _____ day of _____, 2012, between **CITY OF BROOKSVILLE**, a municipal corporation of the State of Florida, whose address is 201 Howell Avenue, Brooksville, FL 34601, hereinafter referred to as "Grantor", and **HERNANDO COUNTY WATER AND SEWER DISTRICT**, a body corporate and politic of the State of Florida, whose address is 20 North Main Street, Brooksville, FL 34601, hereinafter referred to as "Grantee", and

WITNESSETH:

The Grantor in consideration of the sum of ten dollars and no cents (\$10.00) and other good and valuable consideration in hand paid by the said Grantee to the Grantor, receipt whereof is hereby acknowledged, has granted, quitclaimed and conveyed unto the said Grantee, its successors and assigns forever, a Perpetual Easement and right-of-way, hereinafter referred to as the "Easement", for the purpose of clearing, excavating, constructing, inspecting, improving, repairing and/or maintaining public stormwater, surface water, drainage and retention facilities in, upon, under, over, across and through the following described land in the County of Hernando, State of Florida, to wit:

Begin at the Northeast corner of Lot 25, T.S. Rice Subdivision, as recorded in Plat Book 5, Page 3 of the Public Records of Hernando County, Florida, said point also being the Southeast corner of the Duke Street right-of-way line and the Easterly boundary line of T.S. Rice Subdivision; thence run S89°18'09"W along the South right-of-way line of Duke Street for 50.02 feet to the Northwest corner of said Lot 25; thence leaving said South right-of-way line run N00°49' 17"W for 40.00 feet to the Southwest corner of Lot 1 of said T.S. Rice Subdivision; thence run N89°18'09"E along the North right-of-way line of Duke Street for 50.00 feet to the Southeast corner of said Lot 1, said point also being the Northeast corner of Duke Street right-of-way line and the Easterly boundary line of T.S. Rice Subdivision; thence leaving said North right-of-way line, run S00°50'59"E along the Easterly boundary line of T.S. Rice Subdivision for 40.00 feet to the Northeast corner of said Lot 25 and the point of beginning.

Containing 0.05 acres more or less.

TO HAVE AND TO HOLD the same unto said Grantee, its successors and assigns forever, together with the reasonable right to enter and depart over and upon adjoining lands of the Grantor for the purpose of exercising the rights herein granted, so long as the land is restored to as good or better condition than originally found upon completion of construction or maintenance. Should Grantees ongoing occupation of this easement result in any harm to Grantors remaining interest, or Grantors adjoining lands, Grantee shall restore such real property to as good or better condition as existed prior to the harm occurring.

Grantor hereby covenants and agrees that no building or permanent structures or obstacles shall be located, constructed or created within the Easement and shall not interfere with the Grantee's facilities within the Easement, subject to such other easement(s) and matters previously recorded in the Public Records of Hernando County, Florida.

This Easement shall be recorded in the Public Records of Hernando County, Florida.

IN WITNESS WHEREOF, Grantor has executed this Grant of Easement on the date first written above.

ATTEST:

GRANTOR
City of Brooksville
Name of Municipality

City Clerk

Mayor

Janice L. Peters
Printed or Typed Name

Joseph E. Johnston, III, Mayor
Printed or Typed Name

SIGNED SEALED AND DELIVERED
IN THE PRESENCE OF:

Grantor(s) mailing address:
201 Howell Avenue
Brooksville, FL 34601

Signature of First Witness

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

Print or Type Name of First Witness

Signature of Second Witness

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

Print or Type Name of Second Witness

STATE OF FLORIDA

COUNTY OF HERNANDO

The foregoing instrument was acknowledged before me this ____ day of _____ 2012, by Joseph E. Johnston, III and Janice L. Peters, as its Mayor and City Clerk, respectively of the City of Brooksville, who are personally known to me or have produced _____ as identification and who did/did not take an oath.

NOTARY SEAL

Name of Notary Public



SURVEYING & MAPPING, LLC
 2389 Knoll Drive
 Spring Hill, Florida 34608



PHONE (352)683-7722 FAX (352)683-0995

Party Chief: S. OSBORNE W.O. 12-021-DUKE-SKT

Drawn By: S. OSBORNE DATE: 04/19/12

Checked By: W. CALHOUN F.B. _____ PG. _____

CERTIFIED TO THE FOLLOWING ONLY:

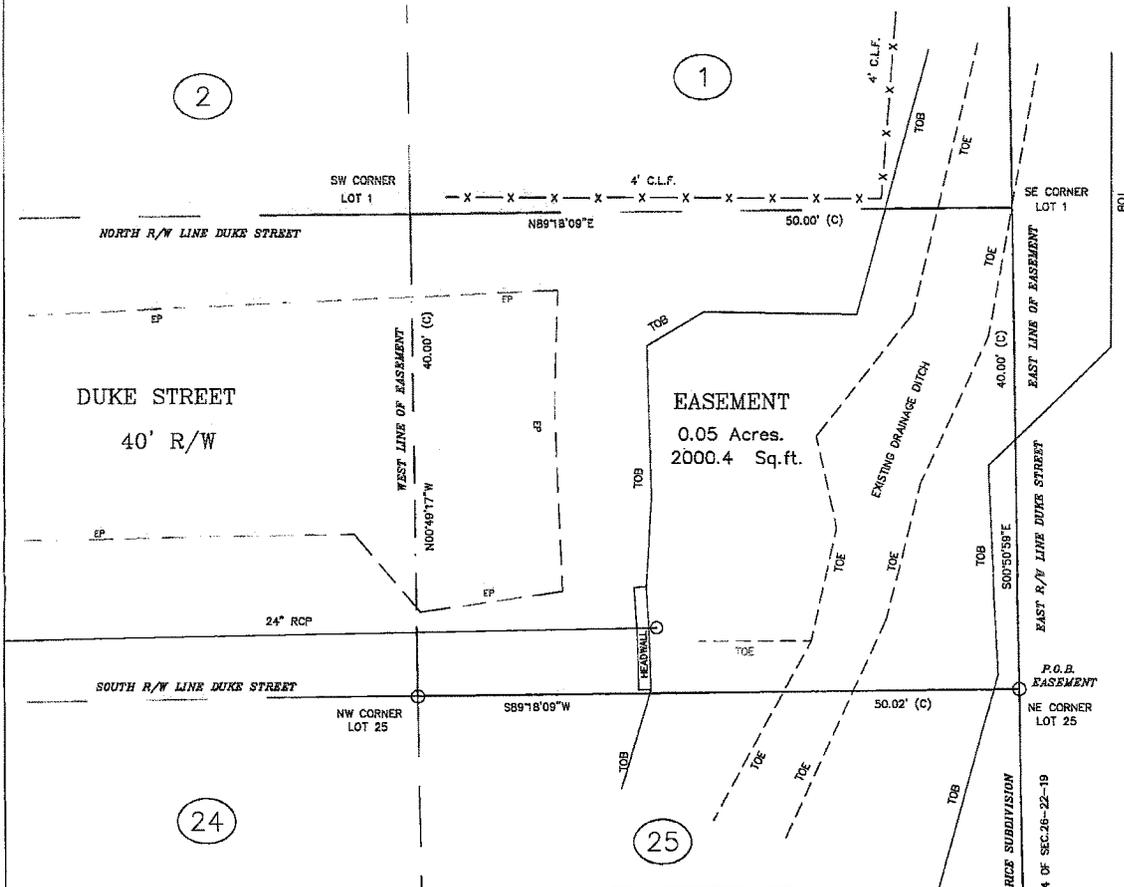
HERNANDO COUNTY UTILITIES DEPT.

DESCRIPTION:

SEE LEGAL DESCRIPTION BELOW

SECTION: 26 TOWNSHIP: 22 S. RANGE: 19 E

**SKETCH ONLY
FOR LEGAL DESCRIPTION**

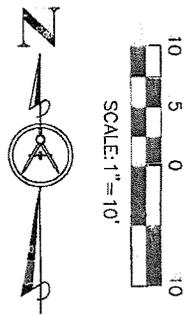


LEGAL DESCRIPTION FOR:

INGRESS/EGRESS/UTILITY & DRAINAGE EASEMENT:

Begin at the Northeast corner of lot 25, T.S. RICE subdivision, as recorded in plat book 5, page 3 of the public records of Hernando County, Florida, said point also being the Southeast Corner of the Duke Street right-of-way line and the easterly boundary line of T.S. RICE subdivision; Thence run S89°18'09"W along the South right-of-way line of Duke street for 50.02 feet to the Northwest corner of said lot 25; Thence leaving said South right-of-way line run N00°49'17"W for 40.00 feet to the Southwest corner of lot 1, of said T.S. RICE subdivision; Thence run N89°18'09"E along the North right-of-way line of Duke Street for 50.00 feet to the Southeast corner of said lot 1, said point also being the Northeast Corner of the Duke Street right-of-way line and the easterly boundary line of T.S. RICE subdivision; Thence leaving said North right-of-way line, run S00°50'59"E along the Easterly boundary line of T.S. RICE subdivision for 40.00 feet to the Northeast corner of said lot 25 and the point of beginning.

containing 0.05 acres more or less.



PARCEL 23.0
O.R. BOOK 2310, PG. 1880

** BASIS FOR BEARINGS **
THE BASIS FOR BEARINGS SHOWN ON THIS SKETCH IS N00°50'59"W ALONG THE EAST LINE OF T.S. RICE SUBDIVISION.

© 2012, ARCPPOINT SURVEYING AND MAPPING, LLC.

THIS CERTIFIES THAT A SKETCH OF THE PROPERTY DESCRIBED HEREON WAS MADE UNDER MY SUPERVISION AND THAT THE SKETCH HEREON IS A TRUE AND ACCURATE REPRESENTATION THEREOF TO THE BEST OF MY KNOWLEDGE AND BELIEF. SUBJECT TO NOTES AND NOTATIONS SHOWN HEREON.

Scott M. Osborne 04/19/12
 Scott M. Osborne P.S.M.,
 Professional Surveyor and Mapper
 Florida Registration LS # 6028
 ArcPoint Surveying & Mapping, LLC. LB # 7223

N/A
 DATE OF
 LAST FIELD WORK

Elevations Show Refer to: Mean Seal Level or Assumed Datum.

LEGEND: A complete list of abbreviations used in this survey are shown on the back of this page.

Flood Plane Certification: According to the F.I.R.M. Map, Community Panel Dated:	REVISIONS	DATE
The property appears to be Flood Zones _____ and the Base Flood Elevation is _____ Mean Seal Level.		

PERPETUAL EASEMENT

THIS NON-EXCLUSIVE GRANT OF PERPETUAL EASEMENT made this _____ day of _____, 2012, between **CITY OF BROOKSVILLE**, a municipal corporation of the State of Florida, whose address is 201 Howell Avenue, Brooksville, FL 34601, hereinafter referred to as "Grantor", and **HERNANDO COUNTY WATER AND SEWER DISTRICT**, a body corporate and politic of the State of Florida, whose address is 20 North Main Street, Brooksville, FL 34601, hereinafter referred to as "Grantee", and

WITNESSETH:

The Grantor in consideration of the sum often dollars and no cents (\$10.00) and other good and valuable consideration in hand paid by the said Grantee to the Grantor, receipt whereof is hereby acknowledged, has granted, quitclaimed and conveyed unto the said Grantee, its successors and assigns forever, a Perpetual Easement and right-of-way, hereinafter referred to as the "Easement", for the purpose of clearing, excavating, constructing, inspecting, improving, repairing and/or maintaining public stormwater, surface water, drainage and retention facilities in, upon, under, over, across and through the following described land in the County of Hernando, State of Florida, to wit:

Begin at the Southeast corner of Lot 26, T.S. Rice Subdivision, as recorded in Plat Book 5, Page 3 of the Public Records of Hernando County, Florida, said point also being the Northeast Corner of Armstrong Street right-of-way line and the easterly boundary line of T.S. Rice Subdivision; thence run S00°50'59"E along the Easterly boundary line of T.S. Rice Subdivision for 40.60 feet to the Northeast Corner of Lot 48 of said T.S. Rice Subdivision, said point also being the Southeast corner of the Armstrong Street right-of-way line; thence run S89°29'20"W along the South right-of-way line of Armstrong Street for 49.93 feet to the Northwest Corner of said Lot 48; thence leaving said South right-of-way line run N00°56' 59"W for 40.60 feet to the Southwest Corner of said Lot 26; thence run N89°29'20"E along the North right-of-way line of Armstrong Street for 50.00 feet to the Southeast Corner of said Lot 26, said point also being the Northeast Corner of the Armstrong Street right-of-way line and the easterly boundary line of T.S. Rice Subdivision, and the point of beginning.

Containing 0.05 acres more or less.

TO HAVE AND TO HOLD the same unto said Grantee, its successors and assigns forever, together with the reasonable right to enter and depart over and upon adjoining lands of the Grantor for the purpose of exercising the rights herein granted, so long as the land is restored to as good or better condition than originally found upon completion of construction or maintenance. Should Grantees ongoing occupation of this easement result in any harm to Grantors remaining interest, or Grantors adjoining lands, Grantee shall restore such real property to as good or better condition as existed prior to the harm occurring.

Grantor hereby covenants and agrees that no building or permanent structures or obstacles shall be located, constructed or created within the Easement and shall not interfere with the Grantee's facilities within the Easement, subject to such other easement(s) and matters previously recorded in the Public Records of Hernando County, Florida.

This Easement shall be recorded in the Public Records of Hernando County, Florida.

IN WITNESS WHEREOF, Grantor has executed this Grant of Easement on the date first written above.

ATTEST:

GRANTOR
City of Brooksville
Name of Municipality

City Clerk

Mayor

Janice L. Peters
Printed or Typed Name

Joseph E. Johnston, III, Mayor
Printed or Typed Name

SIGNED SEALED AND DELIVERED
IN THE PRESENCE OF:

Grantor(s) mailing address:
201 Howell Avenue
Brooksville, FL 34601

Signature of First Witness

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

Print or Type Name of First Witness

Signature of Second Witness

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

Print or Type Name of Second Witness

STATE OF FLORIDA

COUNTY OF HERNANDO

The foregoing instrument was acknowledged before me this ____ day of _____ 2012, by Joseph E. Johnston, III and Janice L. Peters, as its Mayor and City Clerk, respectively of the City of Brooksville, who are personally known to me or have produced _____ as identification and who did/did not take an oath.

NOTARY SEAL

Name of Notary Public



SURVEYING & MAPPING, LLC
 2389 Knoll Drive
 Spring Hill, Florida 34608

PHONE (352)683-7722

FAX (352)683-0995

Party Chief: S. OSBORNE

W.O. 12-021-ARM-SKT

Drawn By: S. OSBORNE

DATE: 04/19/12

Checked By: W. CALHOUN

F.B. _____ PG. _____

CERTIFIED TO THE FOLLOWING ONLY:

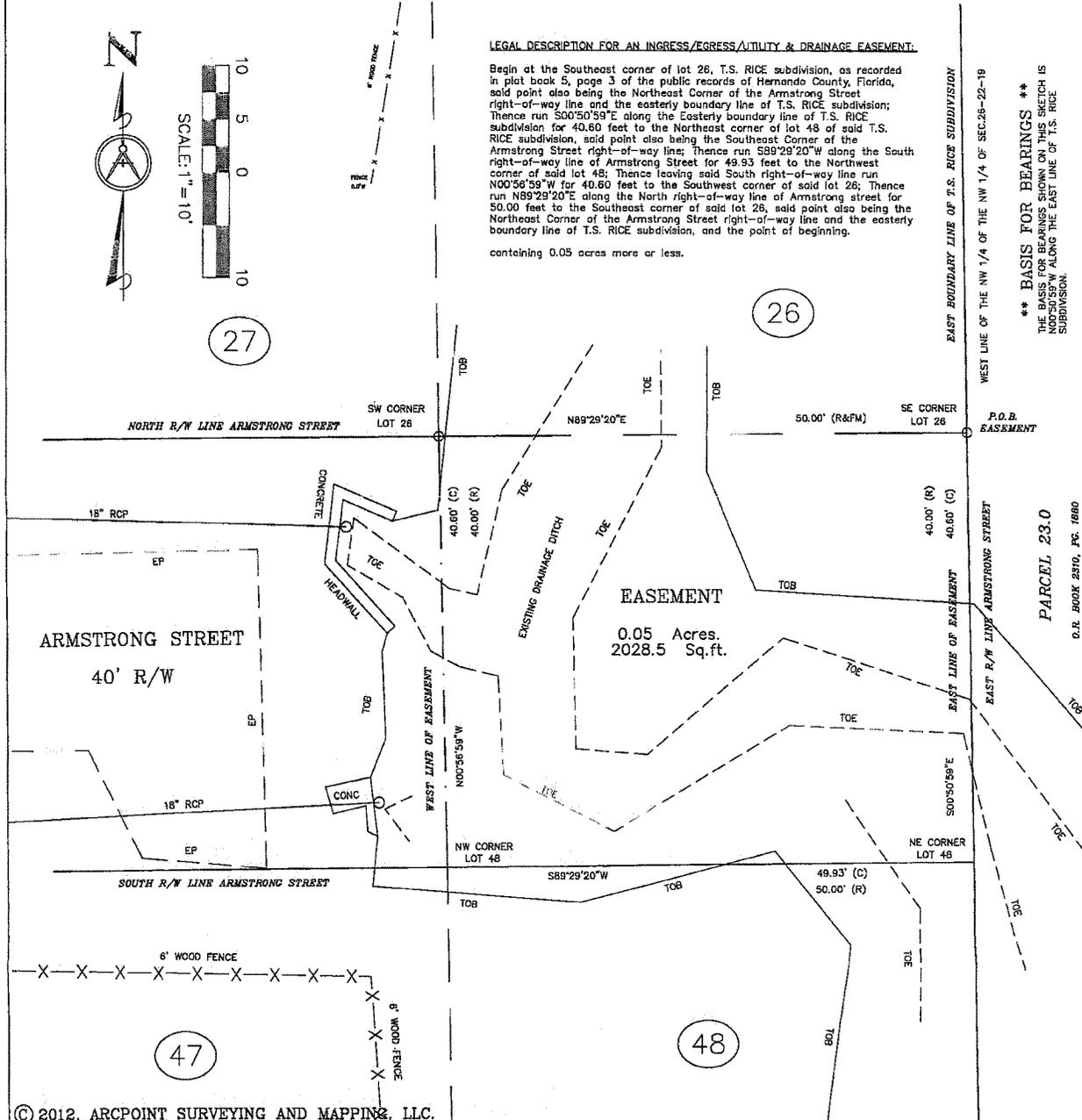
HERNANDO COUNTY UTILITIES DEPT.

DESCRIPTION:

SEE LEGAL DESCRIPTION BELOW

SECTION: 26 TOWNSHIP: 22 S, RANGE: 19 E

SKETCH ONLY FOR LEGAL DESCRIPTION



© 2012, ARCPPOINT SURVEYING AND MAPPING, LLC.

THIS CERTIFIES THAT A SKETCH OF THE PROPERTY DESCRIBED HEREON WAS MADE UNDER MY SUPERVISION AND THAT THE SKETCH HEREON IS A TRUE AND ACCURATE REPRESENTATION THEREOF TO THE BEST OF MY KNOWLEDGE AND BELIEF. SUBJECT TO NOTES AND NOTATIONS SHOWN HEREON.

Scott M. Osborne 04/20/12

Scott M. Osborne P.S.M.,
 Professional Surveyor and Mapper
 Florida Registration LS # 6028
 ArcPoint Surveying & Mapping, LLC. LB # 7223

N/A

DATE OF LAST FIELD WORK

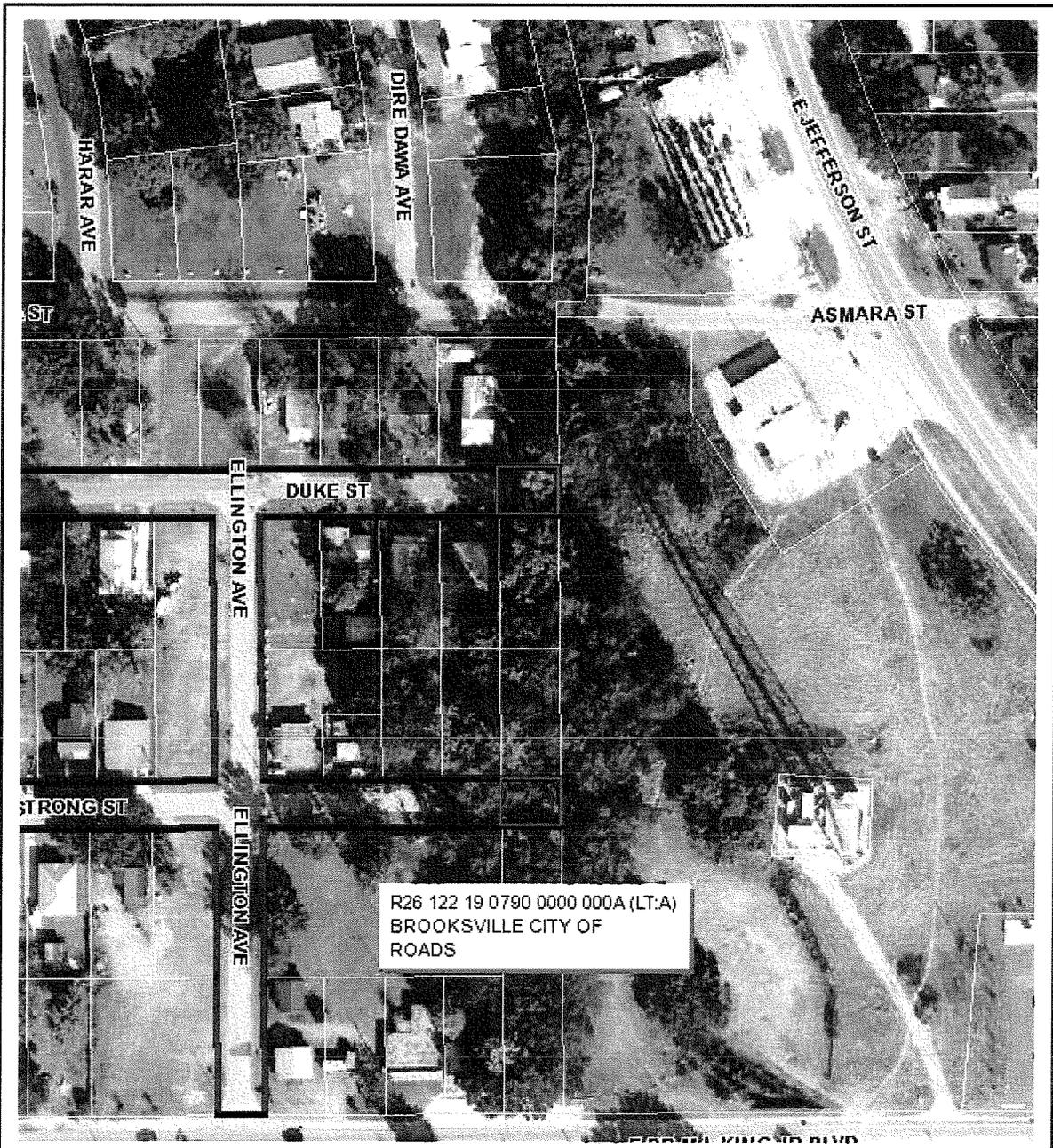
Elevations Show Refer to: Mean Seal Level or Assumed Datum.

LEGEND: A complete list of abbreviations used in this survey are shown on the back of this page.

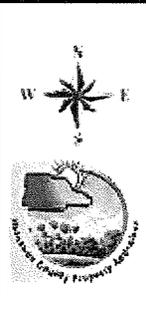
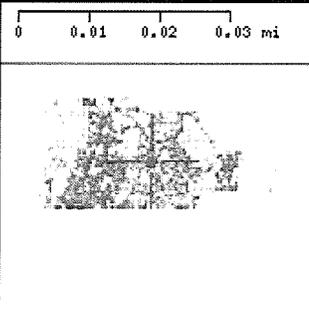
Flood Plane Certification: According to the F.I.R.M. Map, Community Panel	REVISIONS	DATE
Dated: _____		
The property appears to be Flood Zones _____ and the Base Flood Elevation is _____ Mean Seal Level.		

Attachment 2

Aerial Map Depicting Duke and Armstrong Streets
And
Saxon Brook



Hernando County Property Appraiser	
Alvin R. Mazourek CFA - Brooksville, Florida - 352-754-4190	
PARCEL: R26 122 19 0790 0000 000A KEY: 01645321	
TS RICE SUB TRACT A BEING ALL ROADS	
Name: BROOKSVILLE CITY OF ROADS	LandVal \$3,200.00
Site: DUKE ST	BldgVal \$0.00
Mail: 201 HOWELL AVE	JustVal \$3,200.00
BROOKSVILLE FL 34601	Assd \$3,200.00
Sales Info 1/1/2007 \$0.00 V (S)	Exmpt \$3,200.00
	Taxable \$0.00
Levy: CRBRES	Map: 85B1 GIS: B044 Class: Quality: TPPCnt: 0



This information was derived from data which was compiled by the Hernando County Property Appraiser Office solely for the governmental purpose of property assessment. This information should not be relied upon by anyone as a determination of the market value, ownership, or zoning of the property. Zoning information should be obtained from the Hernando County Development Department. No warranties, expressed or implied, are provided for the accuracy of the data herein, it's use, or it's interpretation. Although it is periodically updated, this information may not reflect the data currently on file in the Property Appraiser's office. The assessed values are NOT certified values and therefore are subject to change before being finalized for ad valorem assessment purposes.
 CAMA updated: 6/1/2012 | GIS updated: 6/1/2012 | © Copyright 2003 All Rights Reserved - Hernando County Property Appraiser

Attachment 3

Map Depicting the Dauson Stormwater Detention Facility



AGENDA ITEM MEMORANDUM

To: The Honorable Mayor and City Council Members

Via: T. Jennene Norman-Vacha, City Manager *T. Jennene Norman-Vacha*

From: Tim Mossgrove, Fire Chief *Tim Mossgrove*

Subject: Ordinance No. 830 – Home Rule procedure for the imposition and collection of Special Assessments to fund Fire Protection Services

Date: June 5, 2012

GENERAL SUMMARY: Council, at its June 4th meeting, approved Ordinance 830 for first reading. The Ordinance provides a home rule procedure for the imposition and collection of special assessments by the City of Brooksville to fund fire protection services. The procedure for initial implementation of an assessment generally involves adoption of an Annual Assessment Resolution following a duly noticed public hearing (the public hearing for consideration of the Annual Assessment Resolution for Fiscal Year 2012-13 was scheduled for June 18, 2012, immediately following second reading of this ordinance; the assessment roll has been posted to and is currently available for review on the City website).

In the future, City Council would consider subsequent Annual Assessment Resolutions as a part of and during its annual budget adoption process to establish the amount of the assessment for the forthcoming fiscal year. The ordinance also provides for collection of the assessments, either by direct billing of affected property owners or by inclusion of the assessment on the annual property tax bill administered by the county tax collector.

Since Ordinance No. 830 contemplates imposition of the assessments by the City through its home rule powers, staff has determined that there is no need for the continued existence of the Brooksville Fire District (the "BFD"), a dependent special district created in 2004 by City Ordinance No. 682 for the primary purpose of administering a special assessment program to fund fire protection services. Dissolving the BFD will eliminate an unnecessary layer of governmental administration. Ordinance No. 830 repeals Ordinance No. 682 as well as Ordinance No. 788 which established the procedure for the imposition of assessments by the BFD. That procedure is no longer necessary and could be a potential source of confusion if it remains in the City Code.

BUDGET IMPACT: The ordinance is purely procedural in nature and does not by its own operation impose any assessments. It merely sets forth the process to be followed to enable the City Council to consider the imposition of and collection of special assessments to fund fire protection services. The ordinance provides that such assessments may only be imposed by resolution after a duly noticed public hearing. Accordingly, the ordinance itself will have no impact on the budget.



LEGAL IMPACT: The City possesses home rule authority for the levy and collection of special assessments and has considerable latitude with respect to adopting a home rule procedure for the levy and collection of special assessments.

RECOMMENDATION: Staff recommends enactment of Ordinance No. 830 upon second reading upon roll-call vote.

ATTACHMENTS: Ordinance No. 830

CITY OF BROOKSVILLE, FLORIDA

FIRE SERVICE ASSESSMENT ORDINANCE

FIRST READING JUNE 4, 2012

SECOND READING AND ADOPTION JUNE 18, 2012

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ORDINANCE NO. 830

AN ORDINANCE RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES, AND PROGRAMS IN THE CITY OF BROOKSVILLE, FLORIDA; AUTHORIZING THE IMPOSITION AND COLLECTION OF FIRE SERVICE ASSESSMENTS AGAINST PROPERTY THROUGHOUT THE CITY; PROVIDING CERTAIN DEFINITIONS; ESTABLISHING THE PROCEDURES FOR IMPOSING AND COLLECTING FIRE SERVICE ASSESSMENTS; PROVIDING THAT FIRE SERVICE ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY EQUAL IN RANK AND DIGNITY WITH THE LIENS OF ALL STATE, COUNTY, DISTRICT, OR MUNICIPAL TAXES AND ASSESSMENTS AND SUPERIOR IN DIGNITY TO ALL OTHER PRIOR LIENS, MORTGAGES, TITLES, AND CLAIMS; AUTHORIZING THE ISSUANCE OF OBLIGATIONS SECURED BY ASSESSMENTS; PROVIDING FOR VARIOUS RIGHTS AND REMEDIES OF THE HOLDERS OF SUCH OBLIGATIONS; PROVIDING THAT SUCH OBLIGATIONS WILL NOT CREATE A GENERAL DEBT OR OBLIGATION OF THE CITY; PROVIDING FOR SEVERABILITY; REPEALING CITY ORDINANCE NOS. 682 AND 788; AND PROVIDING AN EFFECTIVE DATE.

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

ARTICLE I

INTRODUCTION

SECTION 1.01. DEFINITIONS. As used in this Ordinance, the following words and terms shall have the following meanings, unless the context clearly otherwise requires:

“Annual Assessment Resolution” means the resolution described in Article II hereof, establishing the rate at which an Assessment for a specific Fiscal Year will be computed; and the adoption of which, after a duly noticed public hearing, shall be the final proceeding for the imposition of assessments for fire protection services and facilities.

“Assessed Property” means all parcels of land included in the Fire Service Assessment Roll that receive a special benefit from the continual availability of fire protection services and facilities.

“Assessment” or **“Fire Service Assessment”** means a special assessment imposed by the Council pursuant to this Ordinance, after a public hearing, to fund the Fire Service Assessed Cost. The term **“Assessment”** and the reference to special assessments or non-ad valorem assessments herein means those assessments which are not based solely upon millage and which can become a lien against a homestead as permitted by Article X, Section 4 of the Florida Constitution, as amended.

“Assessment Coordinator” means the City Manager, or such person’s designee, responsible for coordinating calculation and collection of Assessments as provided herein.

“Assessment Ordinance” or **“Ordinance”** means this Ordinance.

“Assessment Roll” or **“Fire Service Assessment Roll”** means the special assessment roll relating to an Assessment confirmed by the City Council after a public hearing required in Article II hereof.

“City” means the City of Brooksville, Florida.

“City Clerk” means the Clerk to the City Council, or such person’s designee.

“City Council” means the governing body of the City of Brooksville, Florida.

“City Manager” means the chief administrative office of the City.

“Fire Service Assessed Cost” means that portion of the annual budget for any Fiscal Year representing all or some portion of the cost of maintaining continual readiness to provide fire protection to Tax Parcels within the City which will be funded through the imposition of Fire Service Assessments. In the event the City also imposes an impact fee upon new growth or development for capital improvements related to fire protection, the Fire Service Assessed Cost shall not include costs attributable to capital improvements necessitated by new growth or development which were included in the computation of such impact fee or which are otherwise funded by such impact fee.

“Fiscal Year” means that period commencing October 1st of each year and continuing through the next succeeding September 30th, or such other period as may be prescribed by law as the fiscal year for the City.

“Government Property” means property owned by the United States of America or any agency thereof, a sovereign state or nation, the State of Florida or any agency thereof, a county, a special district or a municipal corporation.

“Obligations” means bonds or other evidence of indebtedness including but not limited to, notes, commercial paper, capital leases or any other obligation issued or incurred to finance fire protection facilities and equipment and secured, in whole or in part, by proceeds of the Assessments.

“Pledged Revenue” means, as to any series of Obligations, (A) the proceeds of such Obligations, including investment earnings, (B) proceeds of the Assessments pledged to secure the payment of such Obligations, and (C) any other legally available non-ad valorem revenue pledged, at the City Council's sole option, to secure the payment of such Obligations, as specified by this Ordinance and any resolution authorizing such Obligations.

“Property Appraiser” means the Property Appraiser of Hernando County, Florida.

“Tax Collector” means the Tax Collector of Hernando County, Florida.

“Tax Parcel” means a parcel of property to which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

“Tax Roll” means the real property ad valorem tax assessment roll and data base maintained by the Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

“Uniform Assessment Collection Act” means Sections 197.3632 and 197.3635, Florida Statutes, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

SECTION 1.02. INTERPRETATION. Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms “hereof,” “hereby,” “herein,” “hereto,” “hereunder” and similar terms refer to this Ordinance; and the term “hereafter” means after, and the term “heretofore” means before, the effective date of this Ordinance. Words of any gender include the correlative words of the other genders, unless the sense indicates otherwise.

SECTION 1.03. FINDINGS. It is hereby ascertained, determined, and declared that:

(A) Pursuant to Article VIII, Section 2(b) of the Florida Constitution, and Sections 166.021 and 166.041, Florida Statutes, the City Council has all powers of local self-government to perform municipal functions and render municipal services except when prohibited by law and such power may be exercised by the enactment of City ordinances.

(B) The City Council may exercise any governmental, corporate, or proprietary power for a municipal purpose except when expressly prohibited by law, and the City Council may legislate on any subject matter on which the Florida Legislature may act, except those subjects described in (a), (b), (c), and (d) of section 166.021(3), Florida Statutes. The subject matter of paragraphs (a), (b), (c), and (d) of section 166.021(3), Florida Statutes, are not relevant to the imposition of assessments related to fire protection services, facilities or programs.

(C) The special benefits to affected lands provided as a result of an Assessment include by way of example and not limitation, the continual availability and use of fire protection services to each tax parcel within the City, protection of public safety, stable or decreasing insurance costs, a potential increase in value to property, and an assured level of service to landowners and tenants.

(D) The constant and continued preparedness to provide fire protection services, facilities and programs possess a logical relationship to the value, use and enjoyment of real property by: (1)

protecting the value of the improvements and structures through the continual availability of fire control and provision of fire protection and associated rescue services; (2) protecting the life and safety of intended occupants in the use and enjoyment of real property; (3) lowering the cost of fire insurance by the presence of a professional and comprehensive fire protection and associated rescue program within the City; (4) providing protection for uninsured or underinsured property and property owners; and (5) containing the spread of fire incidents, sometimes occurring on vacant or undeveloped property, with the potential to spread and endanger the structures and occupants of nearby improved property, thereby limiting liability.

(E) The combined fire control and associated basic life support emergency medical services of the City under its existing consolidated fire protection program enhances and strengthens the relationship of such services to the value, use and enjoyment of the parcels of property within the City.

(F) The Assessment imposed pursuant to this Ordinance is imposed by the City Council, not the Property Appraiser or Tax Collector. Any activity of the Property Appraiser or Tax Collector under the provisions of this Ordinance shall be construed as ministerial.

(G) The annual Assessments to be imposed pursuant to this Ordinance are special assessments and may also constitute and be described as non-ad valorem assessments within the meaning and intent of the Uniform Assessment Collection Act.

(H) The purpose of this Ordinance is to: (1) provide procedures and standards for the imposition of city-wide Assessments under the home rule powers of a municipality to impose special assessments, (2) authorize a procedure for the funding of fire protection services, facilities, or programs providing special benefits to property within the City, and (3) establish a significant tax equity tool which can be used to reduce a dependence on property taxes alone as a source of funding for fire protection services, facilities and programs, reduce demand on other legally available funds, allow for local policy discretion as difficult overall budget choices are made by the City Council each year, and give the community a more equitable, balanced, sustainable and dedicated means of funding essential fire protection related services and capital improvements.

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ARTICLE II
ANNUAL FIRE SERVICE ASSESSMENTS

SECTION 2.01. GENERAL AUTHORITY.

(A) The City Council is hereby authorized to impose an annual Assessment to fund all or any portion of the Fire Service Assessed Cost upon benefitted property at a rate of assessment based on the special benefit accruing to such property from the City's provision of fire protection services, facilities, or programs. For purposes of this Ordinance, references to 'benefit', 'special benefit', 'benefitted property' or the like also include the relief of a burden to continually stand in readiness created by real property as well as improvements thereon. All Assessments shall be imposed in conformity with the procedures set forth in this Article II.

(B) The amount of the annual Assessment imposed each Fiscal Year against each parcel of Assessed Property shall be determined pursuant to an apportionment methodology based upon a fair and reasonable apportionment of the Fire Service Assessed Cost among properties on a basis reasonably related to the special benefit provided by fire protection services, facilities, or programs funded with Assessment proceeds. The amount of the annual Assessment imposed each Fiscal Year shall include administration and collection costs associated with the annual Assessment. In the event the Assessments are collected pursuant to the Uniform Assessment Collection Act, the amount of the annual Assessment will also include fees imposed by the Property Appraiser and Tax Collector and will be adjusted as necessary to account for any statutory discounts which are necessitated when employing the efficiencies of collecting the Assessments annually on the same bill as property taxes. Nothing contained in this Ordinance shall be construed to require the imposition of Assessments against Government Property.

SECTION 2.02. PROCEEDINGS. The proceedings for the imposition of an Assessment shall include a public hearing noticed in the manner set forth in Section 2.04 hereof, and the adoption at or anytime thereafter of an Annual Assessment Resolution which shall (A) contain a brief and general description of the fire protection services, facilities or programs to be provided, (B) describe the method or methods of apportioning the Fire Service Assessed Cost among affected Tax Parcels, (C) describe the Tax Parcels, if any, to be exempted from the Fire Service Assessment for legal or public policy purposes, (D) identify the rate or rates of assessment and approve and adopt the annual Assessment Roll, consistent with the requirements of Section 2.03 hereof, and (E) determine the method of collecting the Fire Service Assessment.

SECTION 2.03. ASSESSMENT ROLL.

(A) The Assessment Coordinator shall prepare, or direct the preparation of, the Assessment Roll, which shall contain the following:

(1) A summary description of all Assessed Property by Tax Parcel conforming to the description contained on the Tax Roll.

(2) The name of the owner of the Assessed Property.

(3) The extension or application of the rates of the proposed Assessment to be imposed against each such Tax Parcel of Assessed Property.

(B) The Assessment Roll shall be retained by the Assessment Coordinator and shall be open to public inspection. The foregoing shall not be construed to require that the Assessment Roll be in printed form if the amount of the Assessment for each Tax Parcel of property can be determined by use of the internet, a computer terminal available to the public or similar technology available to the public.

SECTION 2.04. NOTICE. At least twenty (20) days prior to the public hearing, the City shall notice the public hearing by publication in a newspaper generally circulated within the boundaries of the City. The notice shall provide the date, time and place of the hearing. The notice shall contain a general statement that the City Council will consider a special assessment throughout the City on the various parcels of property within the City to fund all or a portion of the cost to continually be available and stand ready to provide fire protection services, facilities and programs, the proposed rates or explanation of the schedule of Assessments and include general information pertaining to the proposed apportionment methodology, the method of collection and a statement that all affected property owners have a right to appear at the public hearing and the right to file written objections within twenty (20) days of the publication of the notice. The notice shall direct all interested persons to the Assessment Roll and information concerning the amount of the proposed Assessment applicable to each parcel of property; provided, however, that such Assessment Roll need not be in printed form if the amount of the Assessment for each parcel of property can be determined by use of the internet, a computer terminal available to the public, or similar technology available to the public.

SECTION 2.05. ANNUAL ASSESSMENT RESOLUTION. At the time named in such notice, or to which an adjournment or continuance may be taken by the City Council, the City Council shall receive any written comments or objections of interested persons and may then, or at any subsequent meeting of the City Council, adopt the Annual Assessment Resolution which shall (A) establish the rate of assessment to be imposed in the designated Fiscal Year; (B) approve and adopt the Assessment Roll, with such amendments and directions as it deems just and right; and (C) provide

direction as to the method of collection. All parcels assessed shall derive a special benefit from the fire protection services, facilities, or programs to be provided or constructed and the Assessment shall be fairly and reasonably apportioned between the properties that receive the special benefit. All objections to the Annual Assessment Resolution shall be made in writing, and filed with the Assessment Coordinator at or before the time or adjourned time of such hearing. The Annual Assessment Resolution as confirmed shall constitute the final action necessary annually to impose or re-impose Assessments hereunder.

SECTION 2.06. EFFECT OF ANNUAL ASSESSMENT RESOLUTION.

The Assessments for the initial Fiscal Year and each subsequent Fiscal Year shall be established upon adoption and confirmation of the Annual Assessment Resolution. The adoption and confirmation of the Annual Assessment Resolution shall be the final adjudication of the issues presented (including, but not limited to, the method of apportionment and assessment, the rate of assessment, the Assessment Roll, and the levy and lien of the Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within twenty (20) days from the date of the City Council action confirming on the Annual Assessment Resolution. The initial Assessment Roll, as approved by the Annual Assessment Resolution, shall be delivered for collection using the traditional direct billing method of collection described in Section 3.02 hereof to collect the Assessments, or such other method as the City Council by resolution shall designate.

SECTION 2.07. ADOPTION OF SUBSEQUENT ANNUAL ASSESSMENT RESOLUTIONS.

The City Council may adopt subsequent Annual Assessment Resolutions as a part of and during its budget adoption process for each Fiscal Year following the initial Fiscal Year for which an Assessment is imposed hereunder. The Annual Assessment Resolution shall approve the Assessment Roll for the upcoming Fiscal Year. The Assessment Roll may be prepared in accordance with the methods of apportionment set forth in the prior Assessment Resolution but may include modifications as a matter of policy as to what, if any, portion or portions of the City's budget is paid for from legally available funds other than Assessment revenues. Failure to adopt an Annual Assessment Resolution during the budget adoption process may be cured at any time.

SECTION 2.08. ALTERNATIVE USE OF UNIFORM ASSESSMENT COLLECTION ACT.

(A) The City may determine to use the uniform method of collection provided for in the Uniform Assessment Collection Act; provided, however that all of the extraordinary procedures required by the Uniform Assessment Collection Act can be and are timely complied with.

(B) In the event the uniform method of collection provided for in the Uniform Assessment Collection Act is determined to be used, the Assessment Coordinator shall publish notice which shall conform to the requirements set forth in the Uniform Assessment Collection Act and, in addition to the requirements set forth in this Ordinance, the Assessment Coordinator shall provide notice of the proposed Assessment by first class mail to the owner of each parcel of property subject to the Assessment which shall conform to the requirements set forth in the Uniform Assessment Collection Act. Such mailed notice may be provided by including the Assessment in the Property Appraiser's notice of proposed property taxes and proposed or adopted non-ad valorem assessments under s. 200.069, Florida Statutes, or its successor in function. The Assessment Coordinator may provide proof of such notice by affidavit. Failure of the owner to receive notice due to mistake or inadvertence shall nevertheless not affect the validity of the Assessment Roll nor release or discharge any obligation for payment of an Assessment imposed by the City Council pursuant to this Ordinance.

(C) The City Council may also establish by resolution or directive such reasonable procedures or directions to confirm and comply with the Uniform Assessment Collection Act as may be practicable and necessary.

(D) Nothing herein shall preclude the City Council from establishing by resolution a maximum rate of assessment provided that notice of such maximum assessment rate is provided pursuant to the Uniform Assessment Collection Act. In the event that the uniform method of collection provided for in the Uniform Assessment Collection Act is used and (1) the proposed Assessment for any Fiscal Year exceeds the maximum rate of assessment adopted by the City Council and included in notice previously provided to the owners of Assessed Property pursuant to the Uniform Assessment Collection Act, (2) the method of apportionment is changed or the purpose for which the Assessment is imposed is substantially changed from that represented by notice previously provided to the owners of Assessed Property pursuant to the Uniform Assessment Collection Act, (3) Assessed Property is reclassified in a manner which results in an increased Assessment from that represented by notice previously provided to the owners of Assessed Property pursuant to the Uniform Assessment Collection Act, or (4) an Assessment Roll contains Assessed Property that was not included on the Assessment Roll approved for the prior Fiscal Year, notice and opportunity to be heard shall be provided to the owners of such Assessed Property. Such notice shall substantially conform to the notice requirements set forth in the Uniform Assessment Collection Act and inform the owner of the time, date and place for adoption of the Annual Assessment Resolution. The failure of the owner to receive such notice due to mistake or inadvertence shall not affect the validity of the Assessment Roll nor

release or discharge any obligation for payment of an Assessment imposed by the City Council pursuant to this Ordinance.

(E) The Assessment Roll, as approved by the Annual Assessment Resolution, shall be certified and delivered to the Tax Collector as required by the Uniform Assessment Collection Act.

SECTION 2.09. LIEN OF FIRE SERVICE ASSESSMENTS. Upon the adoption of the Assessment Roll, all Assessments shall constitute a lien against such property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and special assessments. Except as otherwise provided by law, until paid such lien shall be superior in dignity to all other prior liens, mortgages, titles, and claims. The lien for an Assessment shall be deemed perfected upon adoption by the City Council of the Annual Assessment Resolution. The lien for an Assessment collected under the Uniform Assessment Collection Method shall attach to the property included on the Assessment Roll as of the prior January 1, the lien date for ad valorem taxes imposed under the Tax Roll. The lien for an Assessment collected under the traditional method of collection provided in Section 3.02 hereof shall be deemed perfected upon adoption and confirmation by the City Council of the Annual Assessment Resolution, after a public hearing, and shall attach to the property on such date of each such Annual Assessment Resolution.

SECTION 2.10. REVISIONS TO FIRE SERVICE ASSESSMENTS. If any Assessment made under the provisions of this Ordinance is either in whole or in part annulled, vacated, or set aside by the judgment of any court, or if the City Council is satisfied that any such Assessment is so irregular or defective that the same cannot be enforced or collected, or if the City Council has omitted any property on the Assessment Roll which property should have been so included, the City Council may take all necessary steps to impose a new Assessment against any property benefited by the Fire Service Assessed Costs, following as nearly as may be practicable, the provisions of this Ordinance and in case such second Assessment is annulled, vacated, or set aside, the City Council may obtain and impose other Assessments until a valid Assessment is imposed.

SECTION 2.11. PROCEDURAL IRREGULARITIES. Any informality or irregularity in the proceedings in connection with the levy of any Assessment under the provisions of this Ordinance shall not affect the validity of the same after the approval thereof, and any Assessment as finally approved shall be competent and sufficient evidence that such Assessment was duly levied, that the Assessment was duly made and adopted, and that all other proceedings adequate to such Assessment were duly had, taken, and performed as required by this Ordinance; and no variance from the directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured

thereby. Notwithstanding the provisions of this Section, any party objecting to an Assessment imposed pursuant to this Ordinance must file an objection with a court of competent jurisdiction within the time periods prescribed herein.

SECTION 2.12. CORRECTION OF ERRORS AND OMISSIONS.

(A) No act of error or omission on the part of the Property Appraiser, Tax Collector, Assessment Coordinator, City Council, or their deputies, employees, or agents shall operate to release or discharge any obligation for payment of an Assessment imposed by the City Council under the provision of this Ordinance.

(B) When it shall appear that any Assessment should have been imposed under this Ordinance against a parcel of property specially benefited by the provision of fire protection services, facilities, or programs, but that such property was omitted from the Assessment Roll, the City Council may, upon provision of notice to the owner by first class mail, impose the applicable Assessment for the Fiscal Year in which such error is discovered, in addition to the applicable Assessment due for the prior two Fiscal Years. Such total Assessment shall become delinquent if not fully paid upon the expiration of sixty (60) days from the date of the adoption of said resolution. The Assessment so imposed shall constitute a lien against such property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and special assessments, and superior in rank and dignity to all other prior liens, mortgages, titles and claims in and to or against the real property involved and may be collected as provided in Article III hereof.

(C) The Assessment Coordinator shall have the authority at any time, upon his or her own initiative or in response to a timely filed petition from the owner of any property subject to an Assessment, based upon presentation of competent and substantial evidence, to correct any error in applying the Assessment apportionment method to any particular parcel of property not otherwise requiring the provision of mailed notice pursuant to this Ordinance or the Uniform Assessment Collection Act. Any such correction shall be considered valid ab initio and shall in no way affect the enforcement of the Assessment imposed under the provisions of this Ordinance. All requests from affected property owners for any such changes, modifications or corrections shall be referred to, and processed by, the Assessment Coordinator and not the Property Appraiser or Tax Collector.

(D) After the Assessment Roll has been delivered to the Tax Collector in accordance with the Uniform Assessment Collection Act, any changes, modifications, or corrections thereto shall be made in accordance with the procedures applicable to correcting errors and insolvencies on the Tax Roll upon timely written request and direction of the Assessment Coordinator.

SECTION 2.13. INTERIM ASSESSMENTS.

(A) An interim Assessment shall be imposed against all property for which a Certificate of Occupancy is issued after adoption and confirmation of the Annual Assessment Resolution. The amount of the interim Assessment shall be calculated upon a monthly rate, which shall be one-twelfth of the annual rate for such property computed in accordance with the Annual Assessment Resolution for the Fiscal Year in which the Certificate of Occupancy is issued. Such monthly rate shall be imposed for each full calendar month remaining in the Fiscal Year. In addition to the monthly rate, the interim Assessment shall also include an estimate of the subsequent year's Assessment. No Certificate of Occupancy shall be issued until full payment of the interim Assessment is received by the City. Issuance of the Certificate of Occupancy by mistake or inadvertence, and without the payment in full of the interim Assessment, shall not relieve the owner of such property of the obligation of full payment. For the purpose of this provision, such interim Assessment shall be deemed due and payable on the date the Certificate of Occupancy was issued and shall constitute a lien against such property as of that date. Said lien shall be equal in rank and dignity with the liens of all State, county, district or municipal taxes and special assessments, and superior in rank and dignity to all other liens, encumbrances, titles and claims in and to or against the real property involved.

(B) Exclusive of property for which an interim Assessment was paid pursuant to subsection (A) hereof, an interim Assessment shall also be imposed against any property which for any reason was omitted from the Fire Service Assessment Roll or was not listed on the Tax Roll as an individual Tax Parcel as of the effective date of the Assessment Roll approved by the Annual Assessment Resolution for any upcoming Fiscal Year. For the purpose of this provision, such interim Assessment shall be deemed due and payable and shall constitute a lien against such property for which it is imposed. Said lien shall be equal in rank and dignity with the liens of all State, county, district or municipal taxes and special assessments, and superior in rank and dignity to all other liens, encumbrances, titles and claims in and to or against the real property involved.

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ARTICLE III
COLLECTION OF FIRE SERVICE ASSESSMENTS

SECTION 3.01. COLLECTION.

(A) The process of collection is driven by many equitable, practical and economic factors. The traditional direct billing method is initially far less expensive and provides fair and adequate notice and opportunity to be heard through publication in a newspaper of general circulation. The uniform method of collection additionally provides extraordinary notice by individual mailing, but such notice is many times more expensive than published notice. The individually mailed notice required by the Uniform Assessment Collection Act is extraordinary and unique to collection of an Assessment occurring along with and included on the same bill as for ad valorem taxes.

(B) Unless otherwise directed by the City Council, the Assessments shall be collected pursuant to the traditional direct billing method provided in Section 3.02 hereof. Any hearing or notice required by this Ordinance may be combined with any other hearing or notice required by this Ordinance or the Uniform Assessment Collection Act.

SECTION 3.02. TRADITIONAL METHOD OF COLLECTION. The City may elect to collect the Assessments by any other method which is authorized by law or provided by this Section as follows:

(A) The City shall provide Assessment bills by first class mail to the owner of each affected parcel of property, other than Government Property. The bill or accompanying explanatory material shall include (1) a brief explanation of the Assessment, (2) a description of the unit of measurement used to determine the amount of the Assessment, (3) the number of units contained within the parcel, (4) the total amount of the Assessment imposed against the parcel for the appropriate period, (5) the location at which payment will be accepted, (6) the date on which the Assessment is due, and (7) a statement that the Assessment constitutes a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments.

(B) A general notice of the lien resulting from imposition of the Assessments throughout the City may be recorded in the Official Records of the County. Nothing herein shall be construed to require that individual liens or releases be filed in the Official Records.

(C) The City shall have the right to appoint or retain an agent to foreclose and collect all delinquent Assessments in the manner provided by law.

(D) An Assessment shall become delinquent if it is not paid within thirty (30) days from the date any installment is due. The City or its agent shall notify any property owner who is delinquent in payment of his or her Assessment within ninety (90) days from the date such assessment was due. Such notice shall state in effect that the City or its agent may either (1) initiate a foreclosure action or suit in equity and cause the foreclosure of such property subject to a delinquent Assessment in a method now or hereafter provided by law for foreclosure of mortgages on real property; or (2) cause an amount equivalent to the delinquent Assessment, not previously subject to collection using the uniform method under the Uniform Assessment Collection Act, to be collected on the tax bill for a subsequent year.

(E) All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any foreclosure action as described herein shall be included in any judgment or decree rendered therein. At the sale pursuant to decree in any such action, the City may be the purchaser to the same extent as an individual person or corporation. The City may join in one foreclosure action the collection of Assessments against any or all property assessed in accordance with the provisions hereof. All delinquent owners whose property is foreclosed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the City and its agents, including reasonable attorney fees, in collection of such delinquent Assessments and any other costs incurred by the City as a result of such delinquent Assessments and the same shall be collectible as a part of or in addition to, the costs of the action.

(F) In lieu of foreclosure, any delinquent Assessment and the costs, fees and expenses attributable thereto, may be collected subsequently pursuant to the Uniform Assessment Collection Act; provided however, that (1) notice is provided to the owner in the manner required by the Uniform Assessment Collection Act and this Ordinance, and (2) any existing lien of record on the affected parcel for the delinquent Assessment is supplanted by the lien resulting from certification of the Assessment Roll, as applicable, to the Tax Collector.

(G) Any City Council action required in the collection of Assessments may be by resolution.

SECTION 3.03. UNIFORM METHOD OF COLLECTION.

(A) In lieu of utilizing any other method of collection available to the City, the City may elect to collect Assessments using the uniform method pursuant to the Uniform Assessment Collection Act; and, for any specific parcel of benefitted property may include an amount equivalent to the payment delinquency, delinquency fees and recording costs for a prior year's assessment for a comparable service, facility, or program provided, (1) the collection method used in connection with the prior year's

assessment did not employ the use of the uniform method of collection authorized by the Uniform Assessment Collection Act, (2) notice is provided to the owner, and (3) any lien on the affected parcel for the prior year's assessment is supplanted and transferred to such Assessment upon certification of a non-ad valorem roll to the Tax Collector by the City.

(B) If the City Council determines the Assessments are to be collected on the same bill as for ad valorem taxes, then the Assessment coordinator shall comply and conform to the extraordinary requirements of the Uniform Assessment Collection Act.

SECTION 3.04. GOVERNMENT PROPERTY.

(A) To the extent permitted by law, the City reserves the right to impose a charge or fee comparable in amount to Assessments on Governmental Property. As used in this section, the context of the term 'Assessment' shall refer to such a charge or fee. If Assessments are imposed against Government Property, the City shall provide Assessment bills by first class mail to the owner or agent of each affected parcel of Government Property. The bill or accompanying explanatory material shall include (1) a brief explanation of the Assessment, (2) a description of the unit of measurement used to determine the amount of the Assessment, (3) the number of units contained within the parcel, (4) the total amount of the parcel's Assessment for the appropriate period, (5) the location at which payment will be accepted, and (6) the date on which the Assessment is due.

(B) Assessments imposed against Government Property shall be due on the same date as all other Assessments and, if applicable, shall be subject to the same discounts for early payment.

(C) An Assessment shall become delinquent if it is not paid within thirty (30) days from the date any installment is due. The City shall notify the owner of any Government Property that is delinquent in payment of its Assessment within sixty (60) days from the date such assessment was due. Such notice shall state that the City will initiate a mandamus or other appropriate judicial action to compel payment.

(D) All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any mandamus or other action as described herein shall be included in any judgment or decree rendered therein. All delinquent owners of Government Property against which a mandamus or other appropriate action is filed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the City, including reasonable attorney fees, in collection of such delinquent Assessments and any other costs incurred by the City as a result of such delinquent Assessments and the same shall be collectible as a part of or in addition to, the costs of the action.

(E) As an alternative to the foregoing, an Assessment imposed against Government Property may be collected as a surcharge on a utility bill provided to such Government Property in twelve installments with a remedy of a mandamus action in the event of non-payment. The City Council may also contract for such billing services with any utility not otherwise owned by the City.

[Remainder of page intentionally left blank.]

ARTICLE IV
ISSUANCE OF OBLIGATIONS

SECTION 4.01. GENERAL AUTHORITY.

(A) The City Council shall have the power and is hereby authorized to provide by ordinance or resolution, at one time or from time to time in series, for the issuance of Obligations to fund fire protection facilities and equipment and any amounts to be paid or accrued in connection with issuance of such Obligations including but not limited to capitalized interest, transaction costs and reserve account deposits.

(B) The principal of and interest on each series of Obligations shall be payable from Pledged Revenue. The City Council may agree, by ordinance or resolution, to budget and appropriate funds to make up any deficiency in the reserve account established for the Obligations or in the payment of the Obligations, from other non-ad valorem revenue sources. The City Council may also provide, by ordinance or resolution, for a pledge of or lien upon proceeds of such non-ad valorem revenue sources for the benefit of the holders of the Obligations. Any such ordinance or resolution shall determine the nature and extent of any pledge of or lien upon proceeds of such non-ad valorem revenue sources.

SECTION 4.02. TERMS OF THE OBLIGATIONS. The Obligations shall be dated, shall bear interest at such rate or rates, shall mature at such times as may be determined by ordinance or resolution of the City Council, and may be made redeemable before maturity, at the option of the City, at such price or prices and under such terms and conditions, all as may be fixed by the City Council. Said Obligations shall mature not later than forty (40) years after their issuance. The City Council shall determine by ordinance or resolution the form of the Obligations, the manner of executing such Obligations, and shall fix the denominations of such Obligations, the place or places of payment of the principal and interest, which may be at any bank or trust company within or outside of the State of Florida, and such other terms and provisions of the Obligations as it deems appropriate. The Obligations may be sold at public or private sale for such price or prices as the City Council shall determine by ordinance or resolution. The Obligations may be delivered to any contractor to pay for the provision of fire protection facilities and equipment or may be sold in such manner and for such price as the City Council may determine by ordinance or resolution to be for the best interests of the City.

SECTION 4.03. VARIABLE RATE OBLIGATIONS. At the option of the City Council, Obligations may bear interest at a variable rate.

SECTION 4.04. TEMPORARY OBLIGATIONS. Prior to the preparation of definitive Obligations of any series, the City Council may, under like restrictions, issue interim receipts, interim certificates, or temporary Obligations, exchangeable for definitive Obligations when such Obligations have been executed and are available for delivery. The City Council may also provide for the replacement of any Obligations which shall become mutilated, destroyed or lost. Obligations may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions or things which are specifically required by this Ordinance.

SECTION 4.05. ANTICIPATION NOTES. In anticipation of the sale of Obligations, the City Council may, by ordinance or resolution, issue notes and may renew the same from time to time. Such notes may be paid from the proceeds of the Obligations, the proceeds of the Assessments, the proceeds of the notes and such other legally available moneys as the City Council deems appropriate by ordinance or resolution. Said notes shall mature within five (5) years of their issuance and shall bear interest at a rate not exceeding the maximum rate provided by law. The City Council may issue Obligations or renewal notes to repay the notes. The notes shall be issued in the same manner as the Obligations.

SECTION 4.06. TAXING POWER NOT PLEDGED. Obligations issued under the provisions of this Ordinance shall not be deemed to constitute a general obligation or pledge of the full faith and credit of the City within the meaning of the Constitution of the State of Florida, but such Obligations shall be payable only from Pledged Revenue and, if applicable, proceeds of the Assessments, in the manner provided herein and by the ordinance or resolution authorizing the Obligations. The issuance of Obligations under the provisions of this Ordinance shall not directly or indirectly obligate the City to levy or to pledge any form of ad valorem taxation whatsoever. No holder of any such Obligations shall ever have the right to compel any exercise of the ad valorem taxing power on the part of the City to pay any such Obligations or the interest thereon or to enforce payment of such Obligations or the interest thereon against any property of the City, nor shall such Obligations constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City, except the Pledged Revenue.

SECTION 4.07. TRUST FUNDS. The Pledged Revenue received pursuant to the authority of this Ordinance shall be deemed to be trust funds, to be held and applied solely as provided in this Ordinance and in the ordinance or resolution authorizing issuance of the Obligations. Such Pledged Revenue may be invested by the City, or its designee, in the manner provided by the ordinance or resolution authorizing issuance of the Obligations. The Pledged Revenue upon receipt thereof by the

City shall be subject to the lien and pledge of the holders of any Obligations or any entity other than the City providing credit enhancement on the Obligations.

SECTION 4.08. REMEDIES OF HOLDERS. Any holder of Obligations, except to the extent the rights herein given may be restricted by the ordinance or resolution authorizing issuance of the Obligations, may, whether at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights under the laws of the state or granted hereunder or under such ordinance or resolution, and may enforce and compel the performance of all duties required by this part, or by such ordinance or resolution, to be performed by the City.

SECTION 4.09. REFUNDING OBLIGATIONS. The City may, by ordinance or resolution of the City Council, issue Obligations to refund any Obligations issued pursuant to this Ordinance, or any other obligations of the City issued to finance fire protection facilities and equipment, and provide for the rights of the holders hereof. Such refunding Obligations may be issued in an amount sufficient to provide for the payment of the principal of, redemption premium, if any, and interest on the outstanding Obligations to be refunded. If the issuance of such refunding Obligations results in an annual Assessment that exceeds the estimated maximum annual Assessments set forth in an Annual Assessment Resolution or other resolution, the City Council shall provide notice to the affected property owners and conduct a public hearing in the manner required by this Ordinance.

[Remainder of page intentionally left blank.]

**ARTICLE V
GENERAL PROVISIONS**

SECTION 5.01. APPLICABILITY This Ordinance and the City's authority to impose assessments pursuant hereto shall be applicable throughout the City.

SECTION 5.02. SEVERABILITY. The provisions of this Ordinance are severable; and if any section, subsection, sentence, clause or provision is held invalid by any court of competent jurisdiction, the remaining provisions of this Ordinance shall not be affected thereby.

SECTION 5.03. ALTERNATIVE METHOD. This Ordinance shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing or which may hereafter come into existence. This Ordinance, being necessary for the welfare of the inhabitants of the City, shall be liberally construed to effect the purposes hereof.

SECTION 5.04. REPEALER. City Ordinance Nos. 682 and 788 are hereby repealed. All ordinances, resolution or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5.05. EFFECTIVE DATE. This Ordinance shall be in force and take effect immediately upon its passage and adoption by the City Council.

(SEAL)

**CITY COUNCIL OF THE
CITY OF BROOKSVILLE, FLORIDA**

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

By: _____
Joseph E. Johnston, III, Mayor

PASSED on First Reading June 4, 2012
NOTICE Published on June 8, 2012
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 *T. Jennene Norman-Vacha*

FROM: TIMOTHY MOSSGROVE, FIRE CHIEF *Timothy Mossgrove*

SUBJECT: RESOLUTION NO. 2012-05 - ANNUAL ASSESSMENT

DATE: JUNE 11, 2012

GENERAL SUMMARY/BACKGROUND: Attached for consideration is Resolution No. 2012-05 (the "Annual Assessment Resolution") which provides for the imposition and collection of special assessments to fund fire protection services for the fiscal year commencing October 1, 2012. The procedure for initial implementation of an assessment is set forth in Ordinance No. 830 and involves adoption of an Annual Assessment Resolution following a duly noticed public hearing. The public hearing has been noticed as required by Ordinance No. 830 and the assessment roll has been posted to and is currently available for review on the City website.

The Annual Assessment Resolution implements the two-tiered apportionment methodology summarized in the Executive Summary prepared by Real Estate Research Consultants in collaboration with Bryant Miller Olive and Ennead, LLC, and presented to City Council on May 21, 2012. The proposed assessment for each tax parcel as set forth therein is based upon \$.078 per \$1,000 of improvement value for Tier 1 (relative value of improvements) and \$106 per parcel for Tier 2 (readiness to serve per parcel).

Additionally, the Annual Assessment Resolution approves the assessment roll, describes the use or parcel categories which will be exempt from the fire assessment (i.e. governmentally-owned property, submerged lands, property owned by churches, etc.) and provides for direct billing of the first annual cycle of assessments. If the assessment is adopted, collection on the annual property tax bill may commence with the November, 2013 tax bill. City Council will have the flexibility in subsequent fiscal years to address the dollar amount of assessment imposed, as well as exemptions, during the annual budget cycle.

sb **BUDGET IMPACT:** In accordance with Resolution No. 2012-04 adopted on May 21, 2012, the Annual Assessment Resolution provides for imposition and collection of fire service assessments in such amounts as will generate approximately \$600,000 in assessment proceeds. The balance of the fire department budget will be funded through other legally available revenues of the City. The exact amount of the assessment may be refined by City Council during the its annual budget adoption process, though the amounts of \$.078 per \$1,000 of improvement value for Tier 1 and \$106 per parcel for Tier 2 cannot be increased without new notice and public hearing, as required by Ordinance No. 830.

Page 2 of 2

RE: Resolution No. 2012-05 – Annual Assessment

June 11, 2012



LEGAL REVIEW: The City possesses home rule authority for the levy and collection of special assessments and has considerable latitude with respect to adopting an apportionment method which provides the best fit in terms of cost and implementation, not only with respect to affected landowners but also to the staff and officials charged with maintenance of the assessment program from year to year.

STAFF RECOMMENDATION: Staff recommends adoption of Resolution No. 2012-05 after conclusion of the public hearing.

ATTACHMENTS: Resolution No. 2012-05

CITY OF BROOKSVILLE, FLORIDA

**FIRE SERVICE ASSESSMENT
ANNUAL ASSESSMENT RESOLUTION**

**PUBLISHED NOTICE OF PUBLIC HEARING MAY 26, 2012
ASSESSMENT ROLL POSTED ON CITY WEBSITE MAY 27, 2012
PUBLIC HEARING AND ADOPTION JUNE 18, 2012**

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APPENDIX A FORM OF PUBLISHED NOTICE

RESOLUTION NO. 2012-05

A RESOLUTION OF THE CITY COUNCIL OF BROOKSVILLE, FLORIDA, RELATING TO THE AVAILABILITY AND FUNDING OF FIRE PROTECTION AND RELATED ESSENTIAL SERVICES WITHIN THE CITY; PROVIDING FOR THE IMPOSITION OF SPECIAL ASSESSMENTS WITHIN THE CITY TO FUND, IN PART, THE SERVICES, FACILITIES AND PROGRAMS ASSOCIATED WITH THE CONTINUAL READINESS TO PROVIDE FIRE PROTECTION; IDENTIFYING BENEFITS, BURDENS AND COSTS TO BE ASSESSED; ESTABLISHING THE METHOD OF APPORTIONING BENEFITS, BURDENS AND COSTS AMONG SPECIALLY BENEFITED PROPERTY; ADOPTING AN ASSESSMENT ROLL; PROVIDING THE METHOD OF COLLECTION; PROVIDING FOR ASSOCIATED POLICY DIRECTION; AND PROVIDING AN EFFECTIVE DATE.

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

ARTICLE I

INTRODUCTION

SECTION 1.01. AUTHORITY. This Resolution of the City of Brooksville, Florida is adopted pursuant to Ordinance No. 830 (the "Assessment Ordinance"), Sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 1.02. DEFINITIONS. This Resolution constitutes the Annual Assessment Resolution as defined in the Assessment Ordinance. All capitalized words and terms not otherwise defined herein shall have the meaning set forth in the Assessment Ordinance, unless the context hereof otherwise requires.

SECTION 1.03. INTERPRETATION. Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this Resolution; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of this Resolution. Words of any gender include the correlative words of the other gender, unless the sense indicates otherwise.

SECTION 1.04. FINDINGS. It is hereby ascertained, determined and declared as follows:

(A) The constant and continued preparedness to provide fire protection services, facilities and programs possesses a logical relationship to the use and enjoyment of real property by: (1) protecting the value of the improvements and structures through the continual availability of fire control and provision of fire protection and associated rescue services; (2) protecting the life and safety of intended occupants in the use and enjoyment of real property; (3) lowering the cost of fire insurance by the presence of a professional and comprehensive fire protection and associated rescue program within the City; (4) providing protection for uninsured or underinsured property and property owners; and (5) containing the spread of fire incidents, sometimes occurring on vacant or undeveloped property, with the potential to spread and endanger the structures and occupants of nearby improved property, thereby limiting liability.

(B) The 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 could conceivably serve alone as a fair and reasonable means to apportion entirely the Fire Service Assessed Cost. Such approach removes the underlying land values from consideration and reasonably focuses upon the built environment on the land protected by fire services, facilities and programs. This is a direct and logically related means to share benefits, burdens and costs of fire protection services, facilities and programs.

(C) It is also clear that the relative improvement value of improvements to land may be utilized as one factor among others considered in a given formula or calculus since the resulting Assessments are formed from a reasoned or logical base against which the special benefits, burdens and costs may be multiplied or determined.

(D) Apportionment on the basis of relative improvement value (as determined by data derived from Tax Roll prepared by the Property Appraiser) recognizes the relatively higher benefit accruing to properties which face greater financial loss in the event of fire incident.

(E) 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 relative improvement value is also advantageous because it is self-correcting. Relative value of improvements 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 updated improvement 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 updated improvement value city-wide, that Tax Parcel's relative percentage to the total amount assessed for that Tax Parcel and all Tax Parcels would also increase or decrease proportionately.

(F) The mere availability of fire protection services and facilities benefits each Tax Parcel of real property in the City in a substantially uniform fashion by relieving the common burden placed upon City services and facilities collectively created by individual Tax Parcels whether a fire event occurs or not. Fundamentally, the presence of each Tax Parcel within the City creates a comparable and similar requirement to stand ready to serve and continually maintain a preparedness to provide fire protection and associated services and facilities for all Tax Parcels.

(G) The City's core preparedness costs are generally those necessary to maintain the readiness of fire personnel to respond in the event of random emergency calls and to assure an effective network of coverage for basic insurance ratings. Such preparedness is continual and predominantly lies in wait for the emergency of a fire incident.

(H) The Council has carefully considered the report prepared by Real Estate Research Consultants describing a special assessment apportionment methodology designed to fund all or some portion of the City's annual budget expenditures

corresponding to fixed (as opposed to more variable) costs incurred in maintaining common or similar continual readiness to provide fire protection to all parcels.

(I) These core preparedness costs of lying in wait 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 constant availability of services and facilities. Such core costs must be absorbed even when firefighting capabilities remain exclusively in standby mode.

(J) Fixed costs can generally be described as those costs incurred in providing services, facilities and programs required for readiness to provide fire protection which do not vary from parcel to parcel based upon property classification, parcel-specific physical characteristics (improvements) or actual demand in the event of deployment. Variable costs are those dependent upon or which more closely bear a direct relationship to property classification and/or parcel-specific physical characteristics such as value of improvements, and therefore are more likely to vary from parcel to parcel.

(K) The constant potential for the outbreak of a fire represents the predominant requirement for service. When and where a fire incident occurs is essentially an unknown and difficult variable to accurately predict. The scale of this potential defines the basic underlying cost of being prepared to limit fire loss and to protect property values. From a policy and public purpose standpoint, preparedness is the predominant activity of the City's fire services and facilities. The City, in this state of readiness, must consider the

committable personnel, necessary equipment and facilities, and the time likely required to extinguish a fire (planning or preparing for the potential incident or event) prior to the emergency allocation of direct resources enabling a fire to be extinguished as quickly as possible (deploying to or intervening in the incident or event itself). The amount of resources for fire protection service, facilities and programs made available in such a continual preparedness exercise each year is a public administration and policy decision which necessarily focuses in the aggregate on all property within the City.

(L) In developing a recurring revenue source to fund a portion of the core fixed cost component of the City's annual budget associated with a continued readiness to provide fire protection services, facilities and programs, it is not necessary to solely focus on the size, value or physical characteristics of individual Tax Parcels for fire protection. Instead, in this context, each individual Tax Parcel contributes similarly to the required state of readiness, and similarly and substantially shares the same benefits from such core fixed cost component; and, therefore it is fair and reasonable to ask the owner of each Tax Parcel to contribute equally toward funding all or a portion of the core fixed costs associated with such continual readiness to provide fire protection services and facilities.

(M) The findings contained herein are premised upon information, input, analysis and review from City staff, officials and experts, and public comment, as well as careful consideration by the City Council. A combination of the foregoing yields a reasoned apportionment methodology premised upon two distinct tiers or classes of apportionment

allocation: 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. 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 fairly and reasonably share assessable benefits, burdens and costs among all assessable Tax Parcels in the City.

(N) Allocating a portion of the fixed costs attributable to the City's continual readiness to provide fire protection services and facilities on a Tax Parcel basis reasonably avoids cost inefficiencies and unnecessary administration, and is a fair, efficient and reasonable mechanism to allocate such costs among all Tax Parcels.

(O) The use of data derived from the Tax Roll (both in form and content), which is a publicly and uniformly maintained database of all Tax Parcels employed by the Property Appraiser and Tax Collector, is an accurate, fair and efficient means to allocate or distribute Fire Service Assessed Costs associated with standing ready to provide fire protection and associated services and facilities.

(P) It is fair, reasonable, effective, and efficient for all Tax Parcels, including statutorily defined parcels such as individual condominium or cooperative units with extraordinary alienability, to share equally in the core fixed costs represented by the special assessments to be imposed hereby, particularly since such costs are not necessarily dependent upon or determined by physical characteristics or demand in the event of deployment.

(Q) It is also fair and reasonable that some portion of fixed costs and variable costs be shared and distributed among Tax Parcels, including statutorily defined parcels such as individual condominium or cooperative units with extraordinary alienability, using the apportionment methods which are weighted more heavily on the Fire Assessment Roll (using data from the Tax Roll) toward physical characteristics, such as those represented by the relative value of improvements.

(R) Real Estate Research Consultants has reviewed current and prior year budget information related to the provision of fire protection services and facilities and conducted a reasoned analysis of advanced life support services (“ALS”), and culled just over 16% of the exemplary budget to avoid any question that the Fire Service Assessed Cost improperly includes emergency medical services other than first response medical services routinely delivered by fire fighters. This is a well-considered means to isolate such advanced life support medical services from fire service related responses and avoid debate as to case law validity of the resulting Fire Service Assessment.

(S) Real Estate Research Consultants has reviewed current and prior year budget information related to the provision of fire protection services and facilities and conducted a reasoned analysis of fixed and variable cost budget components, resulting in the determination that all Tax Parcels benefit in a substantially uniform manner from services, facilities and programs characterized as fixed and otherwise necessary to provide a continual readiness to provide fire protection. Real Estate Research Consultants has determined that almost sixty percent (60%) of the fire department budget could be reasonably allocated per Tax Parcel to core fixed cost expenditures incurred in maintaining readiness to provide fire protection and associated services and facilities (Tier 2); and, at least twenty-four percent (24%) of the fire department budget could be reasonably allocated to both fixed and variable cost expenditures based upon the relative value of improvements associated with each Tax Parcel (Tier 1).

(T) It is fair and reasonable to fund all or a portion of the Fire Service Assessed Cost on the basis of the relative value of improvements associated with each Tax Parcel compared to the total value of all improvements in the City in order to recognize the proportional benefit accruing to properties which face greater financial loss in the event of fire incident.

(U) It is fair and reasonable to multiply the estimated budget for fire protection services, facilities and programs by an identified proportion of the core fixed costs associated with the continual readiness to provide fire protection, in order to determine a

proportional amount of the estimated budget allocable to such core fixed costs; and, then divide such amount by a reasonable estimate of the total number of Tax Parcels within the City in order to determine the proposed annual rate of assessment per Tax Parcel in an attempt to uniformly and proportionally fund such core fixed costs.

(V) The City is not required to fully fund any given essential service or improvement cost through a special assessment. So long as the application of funds is for a public purpose and funds are legally available, the City may alternatively determine to fund all or some discrete portion of an essential service or improvement, such as fire protection services, facilities and programs, with general fund or other legally available revenues. The determination as to whether to contribute other legally available revenues, and how much to contribute, lies solely in the discretion of the City Council.

(W) There is no requirement that the City impose an assessment for the maximum amount of the budget which can be funded by special assessments. Stated in the alternative, the City Council may annually determine as a tax equality tool to impose special assessments at a rate less than necessary to fund all or any specific portion of the costs which might otherwise be funded by special assessments associated with fire protection services and facilities. Costs incurred in providing fire protection services, facilities and programs not otherwise funded through Fire Service Assessments may be paid with general fund or other legally available revenues. Such legally available revenues as a matter of policy may be applied exclusively to any tier or class of budget allocation or

expense otherwise funded by a special assessment, in part to one tier or class of any budget allocation or expense, or in any combination thereof, and maintain the validity of each apportionment approach used for the remaining portion of the budget attributed to the Fire Service Assessed Cost. The flexibility is implemented through a policy and legislative determination employed through careful adherence to case law, statutory law, and the State Constitution, as well as the exercise of annual budget responsibility, discretion and equity vested in the City Council. However, in no event shall any annual rate of special assessment exceed that previously noticed to the affected land owners without further notice and public hearing pursuant to the Assessment Ordinance.

(X) The City Council is cognizant that any system, metric or analytical view of appraising benefits or assessing costs will be open to some criticism or suggestion of alternative methods or approaches, and has labored to educate itself as to the facts, analysis, law and policy latitudes available to it in determining the Fire Service Assessed Cost and the rate of the Fire Service Assessment and approving the Fire Service Assessment Roll.

(Y) The apportionment among Tax Parcels of a portion of the City's annual budget for fire protection services, facilities and programs represented by the assessment rates and Fire Service Assessments hereby adopted, are reasonably characterized as necessary for providing the continual readiness to provide fire protection, notwithstanding

whether fire incidents or fire calls materialize or not; and, is hereby determined to be a fair and reasonable means to annually allocate and share such benefits, burdens and costs.

(Z) The benefits derived or burdens relieved from the continual readiness to provide fire protection services, facilities and programs as to each Tax Parcel subjected to the Fire Service Assessments equal or exceed the amount of the special assessments levied and imposed hereunder. The Assessment for any Tax Parcel within the City in employing such an approach also does not exceed the proportional benefits that such Tax Parcel will receive compared to any other Tax Parcel so assessed within the City.

(AA) The Council hereby finds and determines that the Fire Service Assessments to be imposed in accordance with this Resolution provide a proper and equitable method of funding associated fire protection services and facilities by fairly and reasonably allocating a portion of the cost thereof among specially benefited property.

[Remainder of page intentionally left blank.]

ARTICLE II
NOTICE AND PUBLIC HEARING

SECTION 2.01. ESTIMATED FIRE SERVICE ASSESSED COST; RATE OF ASSESSMENT.

(A) The estimated Fire Service Assessed Cost to be recovered through Fire Service Assessments for the Fiscal Year commencing October 1, 2012 is \$256,550 (for Tier 1 – relative value of improvement for each Tax Parcel) and \$431,950 (for Tier 2 – per Tax Parcel for readiness to serve).

(B) The Fire Service Assessments established in this Annual Assessment Resolution are determined by the assessment rates prepared for consideration by the public and City Council in the preparation of the Fire Service Assessment Roll for the Fiscal Year commencing October 1, 2012.

(C) The rate of Fire Service Assessment is (1) \$0.78 per thousand dollars of improvements, or fraction thereof, for each Tax Parcel as reflected in the Tax Roll (Tier 1), plus (2) \$106 per Tax Parcel (Tier 2).

SECTION 2.02. FIRE SERVICE ASSESSMENT ROLL

(A) The Assessment Coordinator has prepared a preliminary Fire Service Assessment Roll that contains the following information:

(1) a summary description of each Tax Parcel (conforming to the description contained on the Tax Roll maintained by the Property Appraiser for the

purpose of levying and collecting ad valorem taxes) which is intended to be subject to the Fire Service Assessment;

(2) the name of the owner of record of each Tax Parcel, as shown on the Tax Roll; and

(3) the proposed amount of the total Fire Service Assessment for each affected Tax Parcel for the fiscal year commencing October 1, 2012, exclusive of anticipated costs of collection and administration.

(B) In the event the City also imposes or collects an impact fee upon new growth or development for capital improvements related to fire protection, the special assessments provided for hereunder shall not include costs attributable to capital improvements necessitated by new growth or development which were included in the computation of such impact fee or which are otherwise funded by such impact fee.

(C) Copies of the Assessment Ordinance, this Resolution and the preliminary Fire Service Assessment Roll have been made available in the City Clerk's office at 201 Howell Avenue, Suite 300, Brooksville, Florida or have been open to public inspection in a manner consistent with the Assessment Ordinance. The amount of the proposed Assessment for each Tax Parcel has been noticed since May 27, 2012 at or through the City's website and accessible through the internet at www.cityofbrooksville.us.

SECTION 2.03. NOTICE BY PUBLICATION. The Assessment Coordinator directed the publication of notice of a public hearing in the manner and time provided in

the Assessment Ordinance. Proof of publication of the notice is attached hereto as Appendix A.

SECTION 2.04. PUBLIC HEARING. A public hearing was held on June 18, 2012 at 7:00 p.m. in Council Chambers at City Hall, 201 Howell Avenue, Brooksville, Florida, at which time the Council received and considered information and comments on the Fire Service Assessments from City officials, staff and advisors, as well as the public and affected property owners, and considered imposing Fire Service Assessments and the method of collection thereof as required by the Assessment Ordinance.

[Remainder of page intentionally left blank.]

**ARTICLE III
ASSESSMENTS**

SECTION 3.01. IMPOSITION THROUGHOUT CITY. Fire Service Assessments are to be imposed throughout the entire area within the boundaries of the City.

SECTION 3.02. IMPOSITION OF ASSESSMENTS. Fire Service Assessments shall be imposed against Tax Parcels located within the City, the annual amount of which shall be computed for each Tax Parcel in accordance with this Resolution. When imposed, the Fire Service Assessment for each Fiscal Year shall constitute a lien upon Assessed Property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments as provided in the Assessment Ordinance.

SECTION 3.03. APPORTIONMENT APPROACH.

(A) As provided for herein, the Fire Service Assessed Cost shall be apportioned among all Tax Parcels within the City, not otherwise exempted hereunder, and including statutorily defined parcels such as individual condominium or cooperative units with extraordinary alienability. The estimated Fire Service Assessed Cost and rate of Fire Service Assessment shall be that described in Section 2.01 hereof.

(B) It is hereby ascertained, determined, and declared that the method of determining the Fire Service Assessments as set forth in this Annual Assessment Resolution

is a fair and reasonable method of apportioning the Fire Service Assessed Cost among Tax Parcels of Assessed Property located within the City.

(C) The Fire Service Assessment Roll is hereby approved.

SECTION 3.04. APPLICATION OF ASSESSMENT PROCEEDS. Proceeds derived by the City from the Fire Service Assessments, after payment of costs and expenses associated with collection and administration of the Assessments, shall be utilized for the provision of fire protection related services, facilities, and programs associated with maintaining continual readiness to serve. In the event there is any fund balance remaining at the end of the Fiscal Year, such balance shall be carried forward and used only to fund costs associated with fire protection related services, facilities, and programs.

SECTION 3.05. COLLECTION OF ASSESSMENTS; VALIDATION.

(A) Unless otherwise determined by the Council, collection of the Fire Service Assessments shall take place pursuant to the traditional direct billing method of collection described in Article III of the Assessment Ordinance.

(B) The amount of the Assessment billed to each owner of Assessed Property may include a pro rata share of the costs and expenses associated with collection and administration of the Assessments.

(C) Capital equipment and facilities are fundamental components to the preparedness necessary to continually stand ready to provide fire protection services, facilities and programs. Following adoption of this Annual Assessment Resolution, but

prior to the date on which the Fire Service Assessment Roll is certified for collection, the Assessment Coordinator and counsel for the City are directed and authorized to promptly institute proceedings pursuant to Chapter 75, Florida Statutes, for validation of any Obligations to be secured by the Assessments. Unless directed otherwise by resolution of the City Council, the imposition and collection of Assessments as provided herein shall be contingent upon the validation of any such Obligations and the appeal period having expired without an appeal having been taken and/or any appeal having been resolved in favor of the City. Any Obligations issued by the City shall contain a covenant by the City to adopt an Annual Assessment Resolution imposing Assessments for each Fiscal Year until the Obligations have been paid in full.

SECTION 3.06. EXEMPTION.

(A) Tax Parcels which are statutorily exempted from the payment of ad valorem taxes are not subject to the Fire Service Assessments contemplated hereunder. Such Tax Parcels include those classified or described by the Property Appraiser as institutionally tax exempt, including the following classifications: (1) vacant institutional, (2) churches & temples, (3) private schools & colleges, (4) privately-owned hospitals, (5) homes for the aged, (6) mortuary, cemetery & crematorium, (7) clubs, lodges & union halls, (8) sanitarium, convalescent & rest home, and (9) cultural organization facilities.

(B) Tax parcels comprising Government Property are not subject to the Fire Service Assessments contemplated hereunder. Such Tax Parcels include those classified or

described by the Property Appraiser as government-owned, including the following: (1) military, (2) forest, parks, recreational, (3) public county schools, (4) public colleges, (5) public hospitals, (6) other county-owned property, (7) other state-owned property, (8) other federal-owned property, and (9) other municipal-owned property.

(C) The following Tax Parcel classifications are special designations used by the Property Appraiser for recordkeeping purposes and do not represent actual or assessable Tax Parcels and are not subject to the Fire Service Assessments contemplated hereunder: (1) common element, (2) header record, and (3) notes parcel.

(D) Certain Tax Parcels associated with the following classifications used by the Property Appraiser typically do not receive a special benefit from the provision of fire protection services and facilities or are infeasible or impractical to assess, and therefore are not subject to the Fire Service Assessments contemplated hereunder: (1) utility, (2) mining, petroleum and gas lands, (3) subsurface rights, (4) right-of-way, (5) rivers, lakes & submerged land, (6) sewage disposal & waste lands, and (7) outdoor recreation or parkland.

(E) The foregoing classifications of properties are reasonably determined to be inappropriate, infeasible or impracticable to assess, and either benefit marginally or create a lesser or nominal demand or burden on the City's costs associated with readiness to serve, do not merit the expenditure of public funds to impose or collect the Fire Service Assessments, are tax exempt and/or otherwise generally serve in some respect to promote

the public health, safety, morals, general welfare, security, prosperity and contentment of the inhabitants or residents of the City. The Assessment Coordinator, or her designee, is authorized and directed to use sound judgment in extending such determinations and guidance as the Fire Service Assessment Roll is collected. The foregoing classifications of properties not to be assessed do not include Government Property that is leased for private use.

(F) Based upon the foregoing, there are relatively few exempt properties within the City. Using legally available funds other than the proceeds of the Fire Service Assessments, the City shall otherwise fund or contribute an amount equal to the Fire Service Assessments that would have been otherwise derived from such exempt properties.

(G) Provided, however, the City Council reserves the right and ability in the future to impose Fire Service Assessments against Tax Parcels determined to be exempt hereunder to the extent permitted by law or otherwise in the event required or directed to do so by a court of competent jurisdiction.

SECTION 3.07. EFFECT OF ANNUAL ASSESSMENT RESOLUTION. The adoption of this Annual Assessment Resolution shall be the final adjudication of the issues presented herein (including, but not limited to, the method of apportionment and assessment, the rate or rates of assessment, the Assessment Roll, and the levy and lien of the Assessments), unless proper steps are initiated in a court of competent jurisdiction to

secure relief within twenty (20) days from the date of City Council's adoption of this Annual Assessment Resolution.

[Remainder of page intentionally left blank.]

**ARTICLE IV
GENERAL PROVISIONS**

SECTION 4.01. AUTHORIZATIONS. The Mayor and any member of the City Council, the City Manager, the City Attorney, the Clerk, the Fire Chief and such other officials, employees or agents of the City as may be designated by the City Manager are authorized and empowered, collectively or individually, to take all action and steps and to execute all instruments, documents, and contracts on behalf of the City that are necessary or desirable in connection with the imposition and collection of the Fire Service Assessments contemplated hereunder, and which are specifically authorized or are not inconsistent with the terms and provisions of this Resolution.

SECTION 4.02. CONFLICTS. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4.03. SEVERABILITY. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are declared to be severable.

[Remainder of page intentionally left blank.]

SECTION 4.04. EFFECTIVE DATE. This Annual Assessment Resolution

shall take effect immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED as of the 18th day of June, 2012.

**CITY COUNCIL OF BROOKSVILLE,
FLORIDA**

(SEAL)

By: _____
Joseph E. Johnston, III, Mayor

Attest:

By: _____
Janice L. Peters, 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 _____

APPENDIX A

PROOF OF PUBLICATION

Tampa Bay Times

Published Daily

St. Petersburg, Pinellas County, Florida

STATE OF FLORIDA
COUNTY OF Pinellas

} S.S.

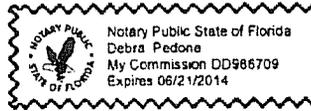
Before the undersigned authority personally appeared **D. Almeida** who on oath says that he/she is **Legal Clerk** of the *Tampa Bay Times* a daily newspaper published at St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a **Legal Notice** in the matter **RE: Notice of Public Hearing 2012-11** was published in said newspaper in the issues of **Classified Hernando & Citrus**, 5/26/2012.

Affiant further says the said **Tampa Bay Times** is a newspaper published at St. Petersburg, in said Pinellas County, Florida and that the said newspaper has heretofore been continuously published in said Pinellas County, Florida, each day and has been entered as second class mail matter at the post office in St. Petersburg, in said Pinellas County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he /she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper

Signature of Affiant

Sworn to and subscribed before me
this 28th day of May A.D.2012

Signature of Notary Public



Personally known X or produced identification _____
Type of identification produced _____

CITY OF BROOKSVILLE, FLORIDA NOTICE OF PUBLIC HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF SPECIAL ASSESSMENTS TO FUND, IN PART, THE BENEFITS, BURDENS AND COSTS ASSOCIATED WITH THE CONTINUAL READINESS TO PROVIDE FIRE PROTECTION

The City of Brooksville (the "City") is in the process of establishing a dedicated funding source for the provision of fire protection services and facilities through the imposition of non-ad valorem assessments, sometimes referred to as special assessments, against certain real property located within the City limits. The special assessments, if approved by the City Council, will be allocated among assessable tax parcels according to a two tiered methodology pursuant to which a portion of the costs attributable to the City's continual readiness to provide fire protection services will be shared equally among all tax parcels on a per parcel basis (Tier 2), and a portion of the remaining costs will be shared in accordance with the relative value of improvements for each parcel in the City as compared to the value of improvements for all parcels in the City (Tier 1).

A public hearing will be held at 7:00 p.m. on June 18, 2012, in Council Chambers at City Hall, 201 Howell Avenue, Brooksville, Florida 34601, to receive public comment on the proposed special assessments. All affected property owners have a right to appear at the hearing and to file written objections with the City within twenty days of this notice. If a person decides to appeal any decision made by the City Council with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made.

The contemplated special assessment offers a reasoned approach for cost sharing 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. Each tax parcel within the City is uniquely identified by the county property appraiser using a parcel identification or folio number. A more specific description of the calculations and the reasoned method of computing the assessment for each tax parcel of property and the preliminary fire service assessment roll are available on-line at www.cityofbrooksville.us or at the offices of the City Clerk, located at City Hall, 201 Howell Avenue, Brooksville, Florida, 34601.

The special assessment will fund, in part, the costs associated with providing fire protection services and facilities each year beginning October 1, 2012. The remainder of the fire protection budget will be funded with other legally available revenues of the City. The combination of funding sources offers a significant tax equity tool which will reduce dependence on property taxes alone as the sole source of funding for fire protection services, reduce the demand on the City's other legally available funds, and is intended to achieve a more equitable, balanced, sustainable and dedicated means of funding the City Fire Department's service mission over time.

The special assessment is an annual assessment which will continue from year to year. For the upcoming fiscal year, any assessment will be billed directly by the City to the property owner at the address shown on the records maintained by the county tax collector. In future fiscal years, the assessment may be collected pursuant to the tax bill collection method authorized by Section 197.3632, Florida Statutes, in which case the annual assessment will include fees imposed by the county property appraiser and tax collector and will be adjusted as necessary to account for any statutory discounts which are necessitated when employing the efficiencies of collecting the assessments annually on the same bill as property taxes.

If approved by City Council at the conclusion of the public hearing, the special assessment for each tax parcel will equal the sum of (i) \$0.78 per \$1,000 of the value of improvements attributed to the tax parcel by the county property appraiser (Tier 1) plus (ii) \$106.00 per tax parcel (Tier 2), together with a share of administration and collections costs associated with annual assessment. The dollar amount of the proposed special assessment attributable to each tax parcel is available online at www.cityofbrooksville.us or at the offices of the City Clerk, located at City Hall, 201 Howell Avenue, Brooksville, Florida 34601.

This Notice is intended to inform all constituents about the City's efforts to effectively budget and use a blend of legally available revenues to meet its fire service obligations, reduce costs, be efficient and continue to provide a reasonable level of service. The mission of the City's Fire Department is to always stand ready to protect the lives and property of the community through exemplary fire education, prevention, suppression and associated emergency rescue services. This special assessment provides a supplemental and dedicated means to accomplish these responsibilities.

PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE CITY CLERK AT LEAST 48 HOURS IN ADVANCE OF THE MEETING AT (352) 540-3910.

s/Janice L. Peters
By: Janice L. Peters
City Clerk
FILE: 2012-11
PUBLISH: Saturday, May 26, 2012 (003753378)



**AGENDA ITEM
MEMORANDUM**

TO: HONORABLE MAYOR AND CITY COUNCILMEN
VIA: T. JENNENE NORMAN-VACHA, CITY MANAGER *T. Jennene Vacha*
FROM: TIMOTHY MOSSGROVE, FIRE CHIEF *Timothy Mossgrove*
SUBJECT: RESOLUTION NO. 2012-06 - NOTE RESOLUTION
DATE: JUNE 11, 2012

GENERAL SUMMARY/BACKGROUND: Attached for consideration is Resolution No. 2012-06 (the "Note Resolution") which authorizes issuance of the City's Fire Service Assessment Revenue Note, Series 2012, in a principal amount not to exceed \$435,000 (the "Note"). The Note Resolution is contemplated and authorized by City Ordinance No. 830.

The Note Resolution authorizes the issuance of a promissory note or lease-purchase obligation for purposes of financing the acquisition and/or construction of capital improvements and equipment for the City's fire protection services. Any such debt obligation would be payable from and secured solely by the Fire Service Assessments imposed and collected in accordance with Ordinance No. 830 and Annual Assessment Resolutions adopted hereunder (including Resolution No. 2012-05); such debt obligations would not be or constitute a general obligation or indebtedness of the City, and the holder of the obligation would not have any right to compel the exercise of any ad valorem taxing power to pay such obligation.

The Note Resolution provides for certain terms and conditions applicable to the Note. The maturity date, interest rate and payment provisions applicable to the Note would be set forth in a supplemental resolution. Adoption of such supplemental resolution is required before any debt obligation would be issued. The Note Resolution authorizes and directs commencement of a validation proceeding in circuit court pursuant to Chapter 75, Florida Statutes, prior to issuance of the Note.

JB

BUDGET IMPACT: The Note Resolution authorizes issuance of the Note in an amount not to exceed \$435,000 to be repayable solely from proceeds of the Fire Service Assessments. The balance of Fire Service Assessment proceeds after payment of the annual debt service requirements for the Note would be used to fund fire protection services, facilities, and programs provided by the City.

Page 2 of 2

RE: Resolution No. 2012-06 – Note Resolution

June 11, 2012

LEGAL REVIEW: The City possesses authority under Article VIII, Section 2 of the Constitution of the State of Florida and Chapter 166, Florida Statutes, for the issuance of debt obligations secured by special assessments.

STAFF RECOMMENDATION: After careful review, staff recommends adoption of Resolution No. 2012-06.

ATTACHMENTS: Resolution No. 2012-06

RESOLUTION NO. 2012-06

A RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA AUTHORIZING THE ISSUANCE OF ITS FIRE SERVICE ASSESSMENT REVENUE NOTE, SERIES 2012, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$435,000 TO FUND THE ACQUISITION OF CERTAIN CAPITAL EQUIPMENT OF THE CITY; PROVIDING THAT THE SERIES 2012 NOTE SHALL BE A LIMITED OBLIGATION OF THE CITY PAYABLE SOLELY FROM CERTAIN SPECIAL ASSESSMENTS AS PROVIDED HEREIN; PROVIDING FOR THE RIGHTS AND REMEDIES FOR THE OWNER OF THE SERIES 2012 NOTE; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. AUTHORITY FOR THIS RESOLUTION. This Resolution is adopted pursuant to the provisions of Article VIII, Section 2 of the Constitution of the State of Florida, Chapter 166, Florida Statutes, the Charter of the City of Brooksville, Florida, Ordinance No. 830, and other applicable provisions of law.

SECTION 2. DEFINITIONS. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Assessment Ordinance, unless the context herein otherwise requires. Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa. The following words and phrases shall have the following meanings when used herein:

“Act” means Article VIII, Section 2 of the Constitution of the State of Florida, Chapter 166, Florida Statutes, the Charter of the Issuer, the Assessment Ordinance and other applicable provisions of law.

“Additional Notes” means additional obligations issued in compliance with the terms, conditions and limitations contained in Section 12 hereof which will have an equal lien on the Pledged Revenues, to the extent herein provided and rank equally in all other respects with the Series 2012 Note and other Additional Notes issued hereunder.

“Annual Debt Service Requirement” means the principal and interest on the Note coming due in the forthcoming Fiscal Year.

“Assessment Ordinance” means Ordinance No. 830 adopted by the Issuer on June 18, 2012.

“Business Day” means any day except any Saturday or Sunday or day on which the principal office of the Owner of a Note is closed.

“City Attorney” shall mean the City Attorney or any special counsel of the Issuer.

“City Manager” shall mean the City Manager or assistant, deputy, interim or acting City Manager of the Issuer.

“Clerk” shall mean the City Clerk or assistant or deputy City Clerk of the Issuer, or such other person as may be duly authorized by the City Council of the Issuer to act on his or her behalf.

“Code” means the Internal Revenue Code of 1986, as amended, and any Treasury Regulations, whether temporary, proposed or final, promulgated thereunder or applicable thereto.

“Debt Service Fund” means the Debt Service Fund established herein with respect to the Series 2012 Note.

“Fiscal Year” means the period commencing on October 1 of each year and continuing through the following September 30, or such other period as may be prescribed by law as the Fiscal Year for the City.

“Fire Service Assessments” shall mean the special assessments, sometimes referred to as non-ad valorem assessments, imposed and collected by the Issuer pursuant to the Assessment Ordinance and any assessment resolution provided for therein.

“Issuer” means the City of Brooksville, Florida, a municipal corporation of the State of Florida.

“Mayor” means the Mayor of the Issuer or in his or her absence or inability to act, the Vice Mayor of the Issuer or such other person as may be duly authorized by the City Council to act on his or her behalf.

“Notes” means the Series 2012 Note and any outstanding Additional Notes.

“Owner” means the Person in whose name a Series 2012 Note shall be registered on the books of the Issuer kept for that purpose in accordance with provisions of this Resolution.

“Original Purchaser” means the original purchaser of the Series 2012 Note.

“Person” means natural persons, firms, trusts, estates, associations, corporations, partnerships and public bodies.

“Pledged Revenues” means (i) the Fire Service Assessments, (ii) the moneys on deposit in the Debt Service Fund and the Project Fund established herein, and (iii) investment earnings on moneys in deposit in such funds.

“Project” means the acquisition and/or construction of capital improvements and equipment for the City’s fire protection services including, without limitation, the construction of fire stations and the acquisition of equipment necessary for the suppression of and protection from fires (including, but not limited to, fire engines or trucks), the plans and specifications of which shall be on file with the Clerk from time-to-time.

“Project Fund” means the Project Fund established herein with respect to the Series 2012 Note.

“**Resolution**” means this Resolution, pursuant to which the Series 2012 Note is authorized to be issued, including any supplemental resolution(s).

“**Series 2012 Note**” shall mean the Issuer's Fire Service Assessment Revenue Note, Series 2012, authorized by Section 4 hereof.

“**State**” means the State of Florida.

“**Supplemental Resolution**” means any resolution of the Issuer amending or supplementing this Resolution.

SECTION 3. FINDINGS.

(A) For the benefit of its inhabitants and property owners, and in order to maintain a continual state of preparedness to address fire incidents, the Issuer finds, determines and declares that it is necessary for the continued preservation of the health, welfare, convenience and safety of the Issuer and its inhabitants to acquire the Project. Issuance of the Series 2012 Note to finance the Project satisfies a paramount public purpose.

(B) Debt service on the Notes will be payable from a pledge of the Pledged Revenues as provided herein. The Pledged Revenues will be sufficient to pay the principal and interest on the Series 2012 Note herein authorized, as the same become due, and to make all deposits required by this Resolution.

(C) In consideration of the purchase and acceptance of the Series 2012 Note authorized to be issued hereunder by those who shall be the Owner thereof from time to time, this Resolution shall constitute a contract between the Issuer and the Owner.

(D) The Issuer does hereby authorize the acquisition of the Project.

SECTION 4. AUTHORIZATION OF SERIES 2012 NOTE. Subject and pursuant to the provisions of this Resolution, an obligation of the Issuer to be known as City of Brooksville, Florida, Fire Service Assessment Revenue Note, Series 2012 (the “Series 2012 Note”) is hereby authorized to be issued under and secured by the Pledged Revenues pursuant to this Resolution, in the principal amount of not to exceed \$435,000 for the purpose of providing funds to pay the costs of the Project and paying the costs of issuing the Series 2012 Note. The maturity date, interest rate and payment provisions shall be established by Supplemental Resolution following the validation of the Series 2012 Note pursuant to Section 22 hereof.

SECTION 5. DESCRIPTION OF NOTES. The Notes shall be dated the date of their respective execution and delivery, which shall be a date agreed upon by the Issuer and the Original Purchaser. Obligations may, if and when authorized by the Issuer pursuant to this Resolution and any Supplemental Resolution, be issued in one or more Series, with such further appropriate particular designations added to or incorporated in such title for the Notes of any particular series as the Issuer may determine. The Notes shall bear interest at such rate or rates not exceeding the maximum rate permitted by law as provided in the Supplemental Resolution; and shall be payable and/or prepayable in lawful money of the United States of America on such dates all as determined herein or by Supplemental Resolution. The Notes may bear interest at fixed or variable rates and may be issued as current interest bonds, capital appreciation bonds, lease-purchase

obligations subject to annual appropriation or other legal structures as approved by Supplemental Resolution. The Notes shall be in the form set forth by Supplemental Resolution.

SECTION 6. REGISTRATION AND EXCHANGE OF NOTES; PERSONS TREATED AS OWNER. The Person in whose name the Notes shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of principal and interest on such Note shall be made only to or upon the written order of the Owner. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid.

SECTION 7. PAYMENT OF PRINCIPAL AND INTEREST; LIMITED OBLIGATION. The Issuer promises that it will promptly pay the principal of and interest on the Notes at the place, on the dates and in the manner provided herein and by Supplemental Resolution according to the true intent and meaning hereof and thereof. The Notes shall not be or constitute a general obligation or indebtedness of the Issuer as a “bond” within the meaning of Article VII, Section 12 of the Constitution of Florida, but shall be payable solely from the Pledged Revenues in accordance with the terms hereof. No holder of any Note issued hereunder shall ever have the right to compel the exercise of any ad valorem taxing power to pay such Note, or be entitled to payment of such Note from any funds of the Issuer except from the Pledged Revenues as described herein.

SECTION 8. DEBT SERVICE FUND.

(A) The Issuer hereby covenants that it will establish with a depository in the State of Florida, which is eligible under the laws of the State of Florida to receive municipal funds, a fund to be known as the “City of Brooksville, Florida, Fire Service Assessment Revenue Note, Series 2012 Debt Service Fund” (the “Debt Service Fund”).

(B) Upon receipt, the Issuer shall deposit all proceeds of the Fire Service Assessments, after payment of any collection costs and administration costs associated therewith (whether imposed by the Tax Collector, Property Appraiser, or otherwise), into the Debt Service Fund until such time as moneys sufficient to pay the Annual Debt Service Requirement for the then current Fiscal Year are on deposit therein.

(C) Upon deposit of the Annual Debt Service Requirement in any Fiscal Year, no further deposits shall be made into the Debt Service Fund and the Fire Service Assessments shall be transferred to the general fund or other appropriate fund of the Issuer and shall be used for any lawful purpose and shall no longer be considered Pledged Revenues hereunder.

(D) Moneys on deposit in the Debt Service Fund shall be used solely to pay the Annual Debt Service Requirement as it becomes due.

SECTION 9. COLLECTION OF PLEDGED REVENUES.

(A) The principal of and interest on the Notes will be secured solely by a lien upon and pledge of the Pledged Revenues.

(B) The Issuer does hereby irrevocably pledge the Pledged Revenues to the payment of principal of and interest on the Series 2012 Note in accordance with the provisions hereof. The Pledged Revenues shall immediately be subject to the lien of this pledge without any physical

delivery thereof or further act, and the lien of this pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Issuer.

(C) The Issuer covenants to do all things necessary on its part to collect the Pledged Revenues. The Issuer will not amend or modify the ordinances pursuant to which the Pledged Revenues are assessed so as to impair or adversely affect the power and obligation of the Issuer to assess such Pledged Revenues or impair or adversely affect in any manner the pledge of such Pledged Revenues made herein or the rights of the Owner.

(D) The Issuer shall annually and timely adopt an assessment resolution as required by the Assessment Ordinance imposing Fire Service Assessments for each Fiscal Year in an amount sufficient to satisfy the Annual Debt Service Requirement until the Notes have been paid in full.

SECTION 10. APPLICATION OF PROCEEDS OF SERIES 2012 NOTE; PROJECT FUND.

(A) At the time of delivery of the Series 2012 Note, proceeds from the sale of the Series 2012 Note shall be used to reimburse and fund the Project and associated costs of issuance (including, but not limited to, legal fees and expenses) in accordance with the provisions in this Section.

(B) The Issuer hereby covenants that it will establish with a depository in the State of Florida, which is eligible under the laws of the State of Florida to receive municipal funds, one fund to be known as the “City of Brooksville, Florida, Fire Service Assessment Revenue Note, Series 2012, Project Fund” (the “Project Fund”).

(C) Proceeds from the sale of the Series 2012 Note herein authorized shall be deposited into the Project Fund and shall be used as described above. When the acquisition of the Project has been completed and all acquisition-related costs and other costs of issuance have been paid in full, all funds remaining in the Project Fund shall be used to redeem the outstanding balance of the Series 2012 Note corresponding to the Project and the Project Fund shall be closed. All moneys deposited in said Project Fund shall be and constitute a trust fund created for the purposes herein stated, and there is hereby created a lien upon such fund in favor of the holders of the Series 2012 Note until the moneys thereof shall have been applied in accordance with this Resolution.

SECTION 11. SPECIAL FUNDS. The funds created and established by this Resolution shall constitute trust funds for the purpose provided herein for such funds. All of such funds shall be continuously secured in the same manner as municipal deposits of funds are required to be secured by the laws of the State of Florida. Moneys on deposit to the credit of all funds created hereunder may be invested pursuant to applicable law and the Issuer's investment policy and Supplemental Resolution; and, shall mature not later than the dates on which such moneys shall be needed to make payments in the manner herein provided. The securities so purchased as an investment of funds shall be deemed at all times to be a part of the fund from which the said investment was withdrawn, and the interest accruing thereon and any profit realized therefrom shall be credited to such fund, and any loss resulting from such investment shall likewise be charged to said fund.

SECTION 12. TAX COVENANT. The Issuer covenants to the Owner of the Notes provided for in this Resolution that the Issuer will not make any use of the proceeds of the

Notes which, if such use had been reasonably expected on the date the Note was issued, would have caused such Note to be an “arbitrage bond” within the meaning of the Code. The Issuer will comply with the requirements of the Code and any valid and applicable rules and regulations promulgated thereunder necessary to ensure the exclusion of interest on the Note from the gross income of the holders thereof for purposes of federal income taxation.

SECTION 13. ADDITIONAL BONDS.

(A) The Issuer will not issue any obligations payable from the Fire Service Assessments or voluntarily create or cause to be created any debt, lien, pledge, assignment, encumbrance or other charge having priority to or being on a parity with the lien of any Note issued pursuant to this Resolution upon the Pledged Revenues except under the terms and conditions and in the manner provided herein. Any obligations issued by the Issuer other than in accordance with this Section and payable from the Fire Service Assessments shall contain an express statement that such obligations are junior and subordinate in all respects to the Notes issued hereunder as to lien on, and source of and security for payment from, the Pledged Revenues.

(B) No Additional Notes may be issued under this ordinance unless the Issuer's City Manager shall sign and issue a certificate that shall state and certify that the Fire Service Assessments for the most recently audited fiscal year of the Issuer preceding the issuance of Additional Notes equaled at least one (1) times the maximum Annual Debt Service Requirement for Notes then outstanding and on the Additional Notes proposed to be issued.

(C) Each ordinance, resolution or enabling instrument authorizing the issuance of such Additional Notes will recite that all of the covenants herein contained will be fully applicable to such Additional Notes as if originally issued hereunder.

SECTION 14. LIMITATION OF RIGHTS. With the exception of any rights herein expressly conferred, nothing expressed or mentioned in or to be implied from this Resolution or the Notes is intended or shall be construed to give to any Person other than the Issuer and the Owner any legal or equitable right, remedy or claim under or with respect to this Resolution or any covenants, conditions and provisions herein contained; this Resolution and all of the covenants, conditions and provisions hereof being intended to be and being for the sole and exclusive benefit of the Issuer and the Owner.

SECTION 15. AMENDMENT; IMPAIRMENT OF CONTRACT. This Resolution shall not be modified or amended in any respect subsequent to the issuance of the Notes except with the written consent of the Owner of the Note. The Issuer covenants with the Owners of the Note that it will not, without the written consent of the Owners of the Note, enact any ordinance or adopt any resolution which repeals, impairs or amends in any manner adverse to the Owners the rights granted to the Owners of the Note hereunder.

SECTION 16. EVENTS OF DEFAULT; REMEDIES OF OWNER.

(A) The following shall constitute “Events of Default”: (i) if the Issuer fails to pay any payment of principal of or interest on any Note as the same becomes due and payable; (ii) if the Issuer defaults in the performance or observance of any covenant or agreement contained in this Resolution or the Note (other than set forth in (i) above) and fails to cure the same within thirty (30) days after written notice to the Issuer by the Owner; or (iii) filing of a petition by or against the Issuer relating to bankruptcy, reorganization, arrangement or readjustment of debt of the Issuer or

for any other relief relating to the Issuer under the United States Bankruptcy Code, as amended, or any other insolvency act or law now or hereafter existing, or the involuntary appointment of a receiver or trustee for the Issuer, and the continuance of any such event for 90 days undismissed or undischarged.

(B) Any Owner of the Note may either at law or in equity, by suit, action, mandamus or other proceedings in any court of competent jurisdiction, protect and enforce any and all rights, including the right to the appointment of a receiver, existing under the Laws of the State of Florida, or granted and contained in this Resolution, and may enforce and compel the performance of all duties required by this Resolution or by any applicable State or Federal statutes to be performed by the Issuer or by any officer thereof. Nothing herein, however, shall be construed to grant to any Owner of the Note any lien on any real property of the Issuer.

SECTION 17. SEVERABILITY. If any provision of this Resolution shall be held or deemed to be or shall, in fact, be illegal, inoperative or unenforceable in any context, the same shall not affect any other provision herein or render any other provision (or such provision in any other context) invalid, inoperative or unenforceable to any extent whatever.

SECTION 18. APPLICABLE PROVISIONS OF LAW. This Resolution shall be governed by and construed in accordance with the laws of the State.

SECTION 19. MEMBERS OF THE CITY COUNCIL OF THE ISSUER EXEMPT FROM PERSONAL LIABILITY. No recourse under or upon any obligation, covenant or agreement of this Resolution or the Notes or for any claim based thereon or otherwise in respect thereof, shall be had against any member of the City Council of the Issuer, as such, past, present or future, either directly or through the Issuer it being expressly understood (1) that no personal liability whatsoever shall attach to, or is or shall be incurred by, the members of the City Council of the Issuer, as such, under or by reason of the obligations, covenants or agreements contained in this Resolution or implied therefrom, and (2) that any and all such personal liability, either at common law or in equity or by constitution or statute, of, and any and all such rights and claims against, every such member of the City Council of the Issuer, as such, are waived and released as a condition of, and as a consideration for, the execution of this Resolution and the issuance of the Notes, on the part of the Issuer.

SECTION 20. AUTHORIZATIONS. The Mayor and any member of the City Council, the City Manager, the City Attorney, the Clerk and such other officials, employees and agents of the Issuer as may be designated by the Issuer are each designated as agents of the Issuer in connection with the issuance and delivery of the Series 2012 Note and are authorized and empowered, collectively or individually, to take all action and steps and to execute all instruments, documents, and contracts on behalf of the Issuer that are necessary or desirable in connection with the execution and delivery of the Series 2012 Note, and which are specifically authorized or are not inconsistent with the terms and provisions of this Resolution.

SECTION 21. SALE OF BONDS. The Notes may be issued and sold at public or private sale at one time or in installments from time to time and at such price or prices as shall be consistent with the provisions of the requirements of this Resolution, as further approved by a Supplemental Resolution and other applicable provisions of law.

SECTION 22. VALIDATION. The City Attorney is hereby directed and authorized to institute appropriate proceedings for the validation pursuant to Chapter 75, Florida Statutes, of the Series 2012 Note and any and all matters connected therewith or other proceedings necessary for the Issuer to determine its authority to issue the Series 2012 Note, construct or acquire the Project, including the validity and use of the Pledged Revenues in all respects, and the proper officers of the Issuer are hereby authorized to verify on behalf of the Issuer any pleadings in such proceedings.

SECTION 23. DECLARATION OF INTENT. The Issuer hereby expresses its intention to be reimbursed from proceeds of a future tax-exempt financing for expenditures to be paid by the Issuer in connection with the Project. Pending reimbursement, the Issuer has used and will use funds on deposit in its general fund to pay costs of the Project. It is reasonably expected that the total amount of debt to be incurred by the Issuer with respect to the Project will not exceed \$435,000. This Resolution is intended to constitute a “declaration of official intent” within the meaning of Section 1.150-2 of the Code with respect to the Project.

SECTION 24. REPEALER. All ordinances or resolutions or parts thereof in conflict herewith are hereby repealed.

SECTION 25. EFFECTIVE DATE. This Resolution shall become effective immediately upon its adoption.

PASSED, ADOPTED AND APPROVED as of this 18th day of June, 2012.

**CITY COUNCIL OF THE
CITY OF BROOKSVILLE, FLORIDA**

(SEAL)

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

By: _____
Joseph E. Johnston, III, Mayor

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



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

VOTE OF COUNCIL:

Bernardini ___
Bradburn ___
Burnett ___
Hohn ___
Johnston ___



AGENDA ITEM NO. F-3
6/18/12

AGENDA ITEM MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL

VIA: T. JENNENE NORMAN-VACHA, CITY MANAGER

FROM: JANICE L. PETERS, CMC, CITY CLERK

SUBJECT: RESOLUTION NO. 2012-07 - ELECTION QUALIFYING RATIFICATION

DATE: June 8, 2012

GENERAL SUMMARY: Qualifying for the November 6, 2012, Municipal Election for Council Seat Nos. 2, 3 & 4 officially closed at noon on Friday, June 8, 2012.

Qualifying results were as follows:

Two candidates qualified for City Council Seat No. 2, Frankie Lee Burnett and Betty J. Erhard for the 4 Yr. Term 12/03/2012 – 12/05/2016

The only candidate qualified for City Council Seat No. 3 was Joseph E. Johnston, III, for the 4 Yr. Term 12/03/2012 - 12/05/2016. No election required.

The only candidate qualified for City Council Seat No. 4 was Kevin Scott Hohn for the balance of the 4 Yr. Term ending 12/01/2014. No election required.

Pursuant to Section 2.10(a) of the City Charter, "In the event that no more than one (1) person qualifies as a candidate, either for ballot listing or write-in, for a designated seat on the city council, that seat or office shall not be listed on the regular city election ballot. The city council by resolution shall designate the qualified candidate as the council member for the designated seat."

Additionally on June 4, 2012, City Council adopted Ordinance No. 828, requesting a referendum proposition be placed on the General Election Ballot, providing for an increase in consecutive term limits for council members to three (3) full four (4)-year terms of office and to allow for forfeiture of office should a council member no longer meet residency requirements of having primary residence within the city limits.

Resolution No. 2012-07 is hereby attached, so ratifying the November 6, 2012, election to the City Council Seat No. 2 as referenced above and allowing for the referendum proposition.

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

June 8, 2012

LEGAL REVIEW: The City is vested with home rule authority pursuant to Article VII, Section 2, Fla. Const. and Chapter 166, Fla. Stat. 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 and legal impact.

RECOMMENDATION: Staff recommends the adoption of the proposed Resolution No. 2012-07 ratifying the results of qualifying for the 2012 City Election. Declaring that no election be held for City Council Seats No. 3 and No. 4 with the placement of City Council Seat No. 2 and ratifying the proposed referendum on the ballot for the November 6, 2012, General Election.

ATTACHMENTS: Proposed Resolution No. 2012-07

RESOLUTION NO. 2012-07

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, APPROVING REFERENDUM PROPOSITION FOR THE NOVEMBER 6, 2012, PRIMARY ELECTION; DECLARING APPOINTMENT OF CERTAIN CANDIDATES TO FILL THE CITY COUNCIL MEMBER SEAT NOS. 2; DECLARING THAT NO MUNICIPAL ELECTION SHALL BE HELD FOR SEAT NOS. 3 & 4, PROVIDING FOR REFERENDUM; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, qualifying for the November 6, 2012, municipal election ended at Noon on June 8, 2012, for City Council Seat No. 2 currently held by Frankie Burnett, City Council Seat No. 3 currently held by Joe Johnston and City Council Seat No. 4 currently held by Kevin Hohn for the balance of a term ending in 2014; and,

WHEREAS, additionally on June 4, 2012, City Council adopted Ordinance No. 828, requesting a referendum proposition be placed on the General Election Ballot, providing for an increase in consecutive term limits for Council Members to three (3) full four (4)-year terms of office and allows for forfeiture of office should a Council member no longer meet residency requirements of having primary residence within the city limits; and,

WHEREAS, Frankie Lee Burnett and Betty J. Erhard are the two candidates who qualified to fill Seat No. 2, which term ends in December 2016; and,

WHEREAS, Joseph E. Johnston, III, is the only candidate who qualified to fill Seat No. 3, which term ends in December 2016; and,

WHEREAS, Kevin Scott Hohn is the only candidate who qualified to fill Seat No. 4, which unexpired term ends in December 2014; and,

WHEREAS, Section 2.10(a) of the City Charter states that should only one person qualify as a candidate for a designated seat scheduled for election, City Council by resolution shall designate the qualified candidate as the council member for the designated seat.

NOW, THEREFORE, be it resolved by the City Council of the City of Brooksville, Florida as follows:

Section 1. That the regular municipal election, scheduled for November 6, 2012, shall continue for the purpose of the electorate deciding on the Charter referendum propositions and Council Seat No. 2 thereupon scheduled, with the names of the candidates to appear on the ballot as follows:

Frankie Lee Burnett
Betty J. Erhard

Section 2. That *Joseph E. Johnston, III*, is qualified and shall fill the designated Council Member Seat No. 3 and that he shall serve on the City Council for the four year term beginning at the first regular Council Meeting in December, 2012 (12/03/2012) and ending at the first regular Council Meeting in December, 2016.

Section 3. That *Kevin Scott Hohn* is qualified and shall fill the designated Council Member Seat No. 4 and that he shall serve on the City Council for the unexpired four-year term beginning at the first regular Council Meeting in December, 2012 (12/03/2012) and ending at the first regular Council Meeting in December, 2014.

Section 4. This resolution shall become effective upon adoption.

PASSED AND ADOPTED this 18th day of June, 2012, A.D.

City of Brooksville

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, The Hogan Law Firm, LLC
City Attorney

VOTE OF COUNCIL:

Bernardini _____
Bradburn _____
Burnett _____
Hohn _____
Johnston _____



AGENDA ITEM NO. F-4
6/18/12

301 South Bronough Street, Suite 300 ♦ Post Office Box 1757 ♦ Tallahassee, FL 32302-1757
(850) 222-9684 ♦ Fax (850) 222-3806 ♦ Web site: www.flcities.com

TO: Municipal Key Official

FROM: Michael Sittig, Executive Director 

DATE: May 8, 2012

SUBJECT: 86th Annual FLC Conference – *FLC University; A Commitment to Life Long Learning*
VOTING DELEGATE AND RESOLUTION INFORMATION
August 23-25, 2012 – Westin Diplomat, Hollywood

As you know, the Florida League of Cities' Annual Conference will be held at the Westin Diplomat, Hollywood, Florida on August 23-25. This year we are celebrating *FLC University; A Commitment to Life Long Learning*, which will provide valuable educational opportunities to help Florida's municipal officials serve their citizenry more effectively.

It is important that each municipality designate one official to be the voting delegate. Election of League leadership and adoption of resolutions are undertaken during the business meeting. One official from each municipality will make decisions that determine the direction of the League.

In accordance with the League's by-laws, each municipality's vote is determined by population, and the League will use the Estimates of Population from the University of Florida for 2011.

Registration materials will be sent to each municipality the week of June 1st. Materials will also be posted on-line. Call us if you need additional copies. The League adopts resolutions each year to take positions on commemorative, constitutional or federal issues. We have attached the procedures your municipality should follow for proposing resolutions to the League membership. A resolution is not needed to become a voting delegate. If you have questions regarding resolutions, please call Allison Payne at the League at (850) 701-3602 or (800) 616-1513, extension 3602. **Proposed resolutions must be received by the League no later than July 18, 2012.**

If you have any questions on voting delegates, please call Gail Dennard at the League (850) 701-3619 or (800) 616-1513, extension 3619. **Voting delegate forms must be received by the League no later than August 15, 2012.**

Attachments: Form Designating Voting Delegate
Procedures for Submitting Conference Resolution

President **Patricia J. Bates**, Mayor, Altamonte Springs
First Vice President **Manny Maroño**, Mayor, Sweetwater ♦ Second Vice President **P.C. Wu**, Councilman, Pensacola
Executive Director **Michael Sittig** ♦ General Counsel **Harry Morrison, Jr.**

CTN
06.04.12


**86th Annual Conference
Florida League of Cities, Inc.
August 23-25, 2012
Hollywood, Florida**

It is important that each member municipality sending delegates to the Annual Conference of the Florida League of Cities, designate one of their officials to cast their votes at the Annual Business Session. League By-Laws requires that each municipality select one person to serve as the municipalities voting delegate. Municipalities do not need to adopt a resolution to designate a voting delegate.

Please fill out this form and return it to the League office so that your voting delegate may be properly identified.

Designation of Voting Delegate

Name of Voting Delegate: _____

Title: _____

Municipality of: _____

AUTHORIZED BY:

Name

Title

Return this form to:

Gail Dennard
Florida League of Cities, Inc.
Post Office Box 1757
Tallahassee, FL 32302-1757
Fax to Gail Dennard at (850) 222-3806 or email gdennard@flcities.com

Procedures for Submitting Resolutions
Florida League of Cities' 86th Annual Conference
Westin Diplomat
Hollywood, Florida
August 23-25, 2012

In order to fairly systematize the method for presenting resolutions to the League membership, the following procedures have been instituted:

- (1) Proposed resolutions must be submitted in writing, to be received in the League office by July 18, 2012, to guarantee that they will be included in the packet of proposed resolutions that will be submitted to the Resolutions Committee.
- (2) Proposed resolutions will be rewritten for proper form, duplicated by the League office and distributed to members of the Resolutions Committee. (Whenever possible, multiple resolutions on a similar issue will be rewritten to encompass the essential subject matter in a single resolution with a listing of original proposers.)
- (3) Proposed resolutions may be submitted directly to the Resolutions Committee at the conference; however, a favorable two-thirds vote of the committee will be necessary to consider such resolutions.
- (4) Proposed resolutions may be submitted directly to the business session of the conference without prior committee approval by a vote of two-thirds of the members present. In addition, a favorable weighted vote of a majority of members present will be required for adoption.
- (5) Proposed resolutions relating to state legislation will be referred to the appropriate standing policy committee. Such proposals will not be considered by the Resolutions Committee at the conference; however, all state legislative issues will be considered by the standing policy councils and the Legislative Committee, prior to the membership, at the annual Legislative Conference each fall. At that time, a state Legislative Action Agenda will be adopted.

Municipalities unable to formally adopt a resolution before the deadline may submit a letter to the League office indicating their city is considering the adoption of a resolution, outlining the subject thereof in as much detail as possible, and this letter will be forwarded to the Resolutions Committee for consideration in anticipation of receipt of the formal resolution.

Important Dates

May 30, 2012

Notice to Local and Regional League Presidents and Municipal Associations
regarding the Resolutions Committee

June 29

Appointment of Resolutions Committee Members

July 18

Deadline for Submitting Resolutions to the League office

August 23

League Standing Council Meetings
Resolutions Committee Meeting
Voting Delegates Registration

August 25

Immediately Following Breakfast – Pick Up Voting Delegate Credentials
Followed by Annual Business Session



AGENDA ITEM NO. F-5
6/18/12

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: Policy 2-2012 Great Brooksvillian Screening Committee

Date: June 6, 2012

GENERAL SUMMARY/BACKGROUND: Council, at its June 4th meeting, requested staff bring back a separate policy for general guidelines for Great Brooksvillian Screening Committee members. The Screening Committee reviews nominations submitted annually for the Great Brooksvillian designation.

Attached for Council consideration is Policy 2-2012 with proposed guidelines for the committee.

BUDGET IMPACT: There is no budget impact associated with accepting the recommended changes to the policy.

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

RECOMMENDATION: Staff recommends Council approval of the general guidelines for the Great Brooksvillian Screening Committee.

ATTACHMENTS: Policy No. 2-2012

CITY OF BROOKSVILLE

OFFICIAL POLICY NO. 2-2012

Great Brooksvillian Screening Committee

The City Council for the City of Brooksville, in association with recognizing outstanding men and women who have made significant positive contributions to the history, culture and/or economy of our community, wish to annually appoint a committee to review nominations for the Great Brooksvillian.

General Guidelines:

1. In February, staff will bring an item to Council for approval of the start of the process to solicit nominations for the Great Brooksvillian.
2. Staff will, during March through April, and simultaneously with the requests for nominees for the Great Brooksvillian, issue a press release seeking applications from those wishing to serve on the Committee, as well as any further direction or recommendations from Council.
4. Council will appoint the Committee at a Council meeting in May. The Screening Committee shall be representatives of the City at large, consisting of at least one (1) member from the Historical Association and four (4) members appointed by City Council.
5. Staff will contact the appointed Committee members, setting the first meeting at a date and time agreed upon by all members.
6. The Committee shall meet bi-weekly between May and June, or as necessary.
7. At the first meeting, a Chair and Vice Chair will be appointed and the packets distributed containing all nominations received for the Great Brooksvillian.
8. The board, at their first meeting, will set a schedule of meetings, which will be forwarded to the City Manager and all Council Members. Separate time slots will be scheduled for any Council Members wishing to meet with the Board individually.

9. The Committee shall review the applications to make sure the applicants meet the selection criteria.
10. The Committee shall submit the nominees to City Council in July for selection.
11. Committee members must be willing and able to properly review materials submitted in the nomination packages for accuracy and sufficient data compilation.
12. Committee members will decide amongst themselves how these tasks should be completed either by individual research or collectively. The final recommendations to Council will be made by the majority of the committee membership.
13. Consideration should be given to the historical perspective of nominees.
14. At the close of its deliberations, committee members may submit recommended changes to the process. The committee is also free to create an ongoing file of potential nominees, to be managed by the City Clerk.

For questions or assistance, contact:

**The Office of the City Clerk
City of Brooksville, Florida
(352) 540-3853**

APPROVED BY CITY COUNCIL: _____
Amended _____

CERTIFIED POLICY NO. 2-2012:

**T. Jennene Norman-Vacha
City Manager**



AGENDA ITEM NO. F-6
6/18/12

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: ADVISORY BOARD POSITIONS

DATE: June 13, 2012

GENERAL SUMMARY/BACKGROUND: The following advisory board positions are subject to appointment due to expiring terms and resignations. The vacancies are posted on the City's website continuously and press releases advertised in the media regularly. Additionally, the vacancies on the Brooksville Housing Authority board were posted within the Housing Authority communities.

The applications received are as follows and are being submitted to City Council for consideration of appointment:

Beautification Board

One (1) full-time position to fill an unexpired 4-year term of office through December 31, 2015, due to a resignation.

Reiko Brown

New Applicant

Good Neighbor Trail (GNT)

One (1) full-time position to fill a vacancy due to a resignation. GNT positions are non-expiring.

Reiko Brown

New Applicant

Carole B. Knudson

New Applicant

Brooksville Housing Authority

One (1) full-time position to fill an expiring 4-year term of office through June 30, 2016.

Gary E. Schraut

Reapplying (Expiring Term)

Staff continues with advertising of vacant positions.

BUDGET IMPACT: None.

LEGAL REVIEW: Council has the authority pursuant to per Sec. 2-261 of the City's Code of Ordinances to appoint any advisory board composed of persons who shall be deemed qualified to act in an advisory capacity. Official Policy 4-2008, adopted by the City Council, sets forth the

procedure for creation, appointments, reappointments, replacements, and removal from office for advisory board members.

Pursuant to Fla. Stat. 421.05, members of the Brooksville Housing Authority Board are appointed by the Mayor of the City of Brooksville with approval of City Council.

STAFF RECOMMENDATION:

Staff requests appointment of members to the position vacancies as provided and the Mayor to appoint, with Council concurrence, a member to fill the vacancy on the Brooksville Housing Authority as set forth in Fla. Stat. 421.05.

ATTACHMENT:

1. Beautification Board Roster & Application
2. GNT Board Roster & Applications
3. Brooksville Housing Authority Board Roster & Application

Attachment 1

Beautification Board Roster & Application

BEAUTIFICATION BOARD

The Beautification Board is appointed by City Council and consists of seven (7) voting members, a City Council Member and a Student Representative (1-year term). This board is responsible for the beautification of the City of Brooksville through education of the citizens, utilizing contests, information, award programs, etc. The Board Members serve for 4-year staggered terms of office, all expiring in December of their respective term, as amended by Policy No. 4-2008 adopted by City Council 10/6/2008 and are governed by Articles adopted by the Board and approved by City Council.

The following is a list of members of the Beautification Board, their terms of office, their home addresses and phone numbers:

Scott Renz, Chairman, 25180 Lake Lindsey Rd., Brooksville, 34601; 727-251-7353 (work); 544-2971 (home); Email: captainscottycsa@yahoo.com . Mr. Renz was reappointed December 20, 2010, to a 4-year term of office through December 31, 2014.

Sarah L. "Sally" Sperling, Vice Chairman, 520 Oakhill Court, Brooksville, 34601; 797-7070 ext. 456 (work), 848-0696 (home) or 848-4583 (cell); Email: sperling@tampabay.rr.com. Ms. Sperling was reappointed on January 7, 2008, to a 4-year term of office through December 31, 2012.

Tracy Frazier, 521 Colonial Drive, Brooksville, 34601; 797-7024 (work), 754-9516 (home); Email: tmfseminole@tampabay.rr.com . Ms. Frazier was appointed December 19, 2011, to a 4-year term of office through December 31, 2015.

James O. Batten, 27151 Soult Rd., Brooksville, 34602; 540-5123 (work); Email: suz4911@aol.com. Mr. Batten was appointed December 19, 2011, to a 4-year term of office through December 31, 2015 replacing Lou Kavouras.

Kim Lemon, 400 South Brooksville Ave, Brooksville, 34601; 262-331-4009 (home); Email: kimmyl1@live.com. Ms. Lemon was appointed on December 20, 2010, to a 4-year term of office through December 31, 2014.

 **VACANT**, due to resignation of Isha McCarty, through December 31, 2015.

Bonnie Meriwether, 6119 Soffel Drive, Brooksville, 34602; 813-215-7372 (work), 813-765-5328 (cell); Email: bonnie@campoengineering.com . Ms. Meriwether was appointed September 21, to a vacant 4-year term of office through December 31, 2012.

Ex-Officio & Support Staff:

Joe Bernardini, Council Member, City Council Liaison (non-voting), 201 Howell Avenue, Brooksville, FL 34601; 540-3810 (work); Email: jbernardini@cityofbrooksville.us . Mr. Bernardini was re-appointed December 20, 2010.

Lindsay Morgan, Secretary to the Board, 201 Howell Avenue, Brooksville, FL 34601; 540-3810, ext. 37163 (work); Email: lmorgan@cityofbrooksville.us .

Student Representative (non-voting):

Tiffany Rose Lufcy, 8440 Kindewood Trail, 34613; 352-796-5056 (home); Email: tlufcy@yahoo.com . Ms. Lufcy was appointed on February 7, 2011 to a one-year term of office through February 29, 2012.



CITY OF BROOKSVILLE

Application for Volunteer Board Positions

201 Howell Avenue
Brooksville, Florida 34601-2041
Telephone: (352) 540-3810
Facsimile: (352) 544-5424
Web: www.cityofbrooksville.us

New Application Re-application

- Beautification Board (4 year terms – 7 members)
- Brooksville Housing Authority (4 year terms – 7 members)
- CDBG Citizen's Advisory Task Force (4 year terms – 5 members & 1 alternate)
- Cemetery Advisory Committee (4 year terms – 7 members – city residency or documented tie to Cemetery)
- EZDA Advisory Board (4 year terms – 11 members)
- Firefighters Pension Trust Fund Board of Trustees* (2 year terms – 5 members)
- Good Neighbor Trail (Non-Expiring Terms – 10 members)
- Parks & Recreation Advisory Board (4 year terms – 7 members & 2 alternates)
- Planning & Zoning Commission* (4 year terms – 5 members & 2 alternates)
- Police Officers Pension Trust Fund Board of Trustees* (2 year terms – 5 members)
- Other _____

Name: Brown Reiko Irene
(Last) (First) (Middle)

Address: 460 Hale Ave #7

Brooksville FL 34601

Mailing Address (if different): _____

Business Address: _____

Occupation: CNA - PCT - Author

Business Phone: _____ Home Phone: (352) 942 7840

Email address: theauthor313@jplho.com

Do you reside within the City limits? Yes No

Are you a Registered Voter in Hernando County? Yes No Voter ID # 110701026

Please rank your board preference(s):
1. Good Neighbor Trail
2. Beautification Board
3. _____

* These positions require City Residency and that a Financial Disclosure Statement be filed with the Supervisor of Elections Office within 30 days of appointment and then subsequently on a yearly basis.

Have you ever served on a volunteer board or in a volunteer capacity with the City of Brooksville before? Yes No If yes, please indicate name of board and dates of service: _____

Why would you like to serve on this board? The organization that I am the Vice-President of has adopted 1/4 mile of the trail located on the E. Johnson Side. I feel personally that this trail is a great & beautiful addition to Brooksville and I would like to help preserve it.

What special skills would you bring to this position? I have a passion to keep & maintain such a beautiful place. And I would be very dedicated to the beautification of it.

List fields of work experience: I am a published Author
CNA 2008 - present

List any licenses and/or degrees (location & year): Author 2010
CNA 182-770FL, Bariatric Skin + Wound FL 1/30/2012, EARLY HEMORRHOID ATTACK CARE FL 2012
Legal Aspects & Guidelines FL 2012, CLOSTRIDIUM DIFFICILE FL 2012, CPR FL 1/19/2012
CAUTI FL 2012, ADDICTION IN HEALTHCARE FL 12/2011, ALCOHOL WITHDRAWAL FL 1/20/2012
IDENTIFYING AND ASSESSING VICTIMS OF DOMESTIC ABUSE FL 5/13/2012

Local References (Please list three (3)):

- Mr. Malcolm Joseph Johnston III (352) 796-5123
- Mr. David Steiner (352) 796-5123 (LAWYER)
- Mr. Dan Dewitt (352) 584-1391 (ST. PETERSBURG TIME EDITOR)

Would you have a problem with the meeting dates and times for the board/agency?

Yes No

If yes, please explain: _____

Signed: Ms. Linda Renee Jones

Date: 5.16.2012

SCHEDULE OF BOARD MEETINGS

[Note - Balance of Boards meet quarterly or as needed]

BEAUTIFICATION BOARD	2 nd TUES of each MONTH - 5:30 PM in Council Chambers
BROOKSVILLE HOUSING AUTHORITY	3 rd TUES of each MONTH - 6:00 PM in Council Chambers
PLANNING & ZONING COMMISSION	2 nd WED of each MONTH - 5:30 PM in Council Chambers

Attachment 2

GNT Board Roster & Applications

GOOD NEIGHBOR TRAIL ADVISORY COMMITTEE

On Monday, March 6, 2000, City Council appointed the following individuals to serve on the twelve (12) member "Good Neighbor Trail Advisory Committee". In 2003, City Council updated the Committee membership to include a trails enthusiast and reduced the number of committee members to ten (10). This Committee is a sub-committee of the City's Parks & Recreation Advisory Board. The purpose of the Committee is to assist in the implementation of the Good Neighbor Trail Management Plan, which includes annual surveying of the site for exotic pest vegetation, animals, natural resources-ecosystem (including a specimen tree survey), and an initial historic resource survey. It is envisioned that the Committee will also assist in restoration plan development and design planning for the Good Neighbor Trail Head facilities and hiking and nature trail. The Good Neighbor Trail Advisory Committee will submit its' recommendations to the Parks & Recreation Board for consideration and subsequent approval by City Council. It is anticipated that this Committee will serve through the complete implementation of the Good Neighbor Trail to Russell Street Station Management Plan. Board appointments have no expirations.

The members of this Committee are:

Vincent Morris (appt. 3/6/00) State of Florida Division of Forestry 610 Brierfield Court Brooksville, Florida 34601 Telephone 352-754-6777 x129 morrisv@doacs.state.fl.us	Eugene Kelly, Vice Chair (appt. 3/6/00) 10418 Nottingham Forest Drive Brooksville, Florida 34601 Home 352-754-8945 Cell 407-709-7042 ekelly@tnc.org
Jan Knowles (appt. 3/6/00) 26287 Soult Rd. Brooksville, FL 34601 796-4811 (home) 279-5182 (cell) janknowles@earthlink.net	Mikel Hannigan (appt.) ✱ Resigned 11/01/11
LeeAnne Shoeman (appt. 6/20/11) 1267 Meredith Dr. Spring Hill, FL 34608 352-688-6504 (home) 352-797-7025 (business) leeanneshoeman@yahoo.com	Steve Diez, Chairman (appt. 12/02) Hernando County Planning Department 20 N. Main Street; Room 262 Brooksville, Florida 34601 Telephone 352-754-4057 Ext. 28013 stevend@co.hernando.fl.us
Lara Bradburn (Council Rep. appt. by City Council 12/3/07 - Annually) City of Brooksville 201 Howell Avenue Brooksville, Florida 34601 Telephone 352-540-3810 lbradburn@ci.brooksville.fl.us	Richard D. Gant (appt. 3/6/00) City of Brooksville Parks & Recreation Advisory Board 4235 Nancy Creek Blvd Brooksville, Florida 34602 Telephone 352-796-1342 Richard.Gant@swfwmd.state.fl.us
Dawn E. Fish (Appt. 12/01/08) 408 N. Lemon Avenue Brooksville, FL 34601 Telephone (352) 232-0297 DFISH@jud5.flcourts.org	Dennis Rhodes, Historical Society 14403 Missouri Skylark Road Weeki Wachee, FL 34614-1732 GILES4@BELLSOUTH.NET 352-596-1040
John Beatty 10069 Amidon Street Spring Hill, FL 34608 Telephone 352-683-3570 jbeatty7@tampabay.rr.com	(trail enthusiast - position created by GNT on 6/11/03 & rep. appt. by Council 12/15/03)

Ex-officio Support Staff

Mike Walker, Parks & Recreation Director
Bill Geiger, Community Development Director
Judith A. Kilgore, Recording Secretary

All support staff may be contacted at:

City of Brooksville
201 Howell Ave.
Brooksville, FL 34601
Telephone 352-540-3850

Have you ever served on a volunteer board or in a volunteer capacity with the City of Brooksville before? Yes No If yes, please indicate name of board and dates of service: _____

Why would you like to serve on this board? The organization that I am the Vice-president of has adopted 1/4 mile of the trail located on the E Jefferson Side. I feel personally that this trail is a great & beautiful Middle treasure of Brooksville and I would like to help preserve it.

What special skills would you bring to this position? I have a passion to keep & maintain such a beautiful place. And I would be very decide to the beautification of it.

List fields of work experience: I am a published Author
CNA 2008 - present

List any licenses and/or degrees (location & year): Author 2010
CNA 182770FL, Biostatist Skin & Wounds FL 1/30/2012, EARLY HEART ATTACK CARE FL 2012
Legal Aspects & Guidelines FL 2012, CLOSTRIDIUM DIFFICILE FL 2012 CPR FL 1/19/2012
CAUTI FL 2012 ADDICTIONS IN HEALTHCARE FL 12/2011 ALCOHOL WITHDRAWAL FL 1/20/2012
IDENTIFYING AND ASSESSING VICTIMS OF DOMESTIC ABUSE FL 5/13/2012

Local References (Please list three (3)):
1. Malcolm Daph Johnston III (352) 796-5123
2. Ms. T. Donald Sasser (352) 796-5123 (LAWYER)
3. Mr. Dan Dewitt (352) 584-1391 (ST. PETERSBURG TIME EDITOR)

Would you have a problem with the meeting dates and times for the board/agency?
 Yes No
If yes, please explain: _____

Signed: [Signature] Date: 5.16.2012

SCHEDULE OF BOARD MEETINGS
[Note - Balance of Boards meet quarterly or as needed]

BEAUTIFICATION BOARD	2 nd TUES of each MONTH - 5:30 PM in Council Chambers
BROOKSVILLE HOUSING AUTHORITY	3 rd TUES of each MONTH - 6:00 PM in Council Chambers
PLANNING & ZONING COMMISSION	2 nd WED of each MONTH - 5:30 PM in Council Chambers



CITY OF BROOKSVILLE

Application for Volunteer Board Positions

201 Howell Avenue
Brooksville, Florida 34601-2041
Telephone: (352) 540-3810
Facsimile: (352) 544-5424
Web: www.cityofbrooksville.us

New Application Re-application

- Beautification Board (4 year terms - 7 members)
- Brooksville Housing Authority (4 year terms - 7 members)
- CDBG Citizen's Advisory Task Force (4 year terms - 5 members & 1 alternate)
- Cemetery Advisory Committee (4 year terms - 7 members - city residency or documented tie to Cemetery)
- EZDA Advisory Board (4 year terms - 11 members)
- Firefighters Pension Trust Fund Board of Trustees* (2 year terms - 5 members)
- Good Neighbor Trail (Non-Expiring Terms - 10 members)
- Parks & Recreation Advisory Board (4 year terms - 7 members & 2 alternates)
- Planning & Zoning Commission* (4 year terms - 5 members & 2 alternates)
- Police Officers Pension Trust Fund Board of Trustees* (2 year terms - 5 members)
- Other _____

Name: KNUDSON, CAROLE B.
(Last) (First) (Middle)

Address: 24173 BALMORAL LANE
BROOKSVILLE FL 34601

Mailing Address (if different): _____

Business Address: HERNANDO COUNTY TOURISM BUREAU
31085 CORTEZ BLVD, BROOKSVILLE, FL 34602

Occupation: INFORMATION SPECIALIST

Business Phone: 352-754-4405 Home Phone: 352-428-9177 (cell)

Email address: cknudson@tampabay.fl.com

Do you reside within the City limits? Yes No

Are you a Registered Voter in Hernando County? Yes No Voter ID # 104371483

Please rank your board preference(s):
1. Good Neighbor Trail
2. _____
3. _____

* These positions require City Residency and that a Financial Disclosure Statement be filed with the Supervisor of Elections Office within 30 days of appointment and then subsequently on a yearly basis.

City of Brooksville
Application for Volunteer Board Position
Page 2 of 4

Have you ever served on a volunteer board or in a volunteer capacity with the City of Brooksville before? Yes No If yes, please indicate name of board and dates of service: _____

Why would you like to serve on this board? Most interested in trails for all ages in the City and the County; Board position is also relative to Tourism and it would be a good liaison and synergy opportunity

What special skills would you bring to this position? Knowledge of the area; interests of residents and visitors determined from their inquiries about biking and hiking; Photography

List fields of work experience: Tourism; information dissemination, administrative work. Photography and arts;

List any licenses and/or degrees (location & year): Associate Deg. + courses - Augusta, Maine. 1972

Local References (Please list three (3)):

1. Steve Diez - Hernando County MPO
2. Jan Knowles -
3. Kevin Tennie - SunTrust Bank Ridge Manor 852-540-4521

Would you have a problem with the meeting dates and times for the board/agency?

Yes No

If yes, please explain: as long as the meeting time is after 5:00pm

Signed: Carole B. Knudson Date: 6/12/12

SCHEDULE OF BOARD MEETINGS

[Note - Balance of Boards meet quarterly or as needed]

BEAUTIFICATION BOARD	2 nd TUES of each MONTH - 5:30 PM in Council Chambers
BROOKSVILLE HOUSING AUTHORITY	3 rd TUES of each MONTH - 6:00 PM in Council Chambers
PLANNING & ZONING COMMISSION	2 nd WED of each MONTH - 5:30 PM in Council Chambers

Attachment 3

Brooksville Housing Authority
Board Roster & Application

BROOKSVILLE HOUSING AUTHORITY

The Brooksville Housing Authority Board is appointed by the Mayor of the City of Brooksville with approval of City Council, as set forth in F.S. 421.05. The Authority consists of seven voting members. All reasonable efforts will be made to seek applications from residents within the housing complex to serve on this board, striving to appoint two resident members* if possible. This commission is a decision-making public body, responsible for setting policy, guidelines and budgets for total management, operation and maintenance of the Housing Authority properties pursuant to Chapter 421, Florida Statutes, and any state and federal laws, rules and regulations applicable to the operation of a housing project via public funding sources. The terms of office are for 4-year terms.

(Resolution No. 256 adopted January 29, 1968 and Resolution No. 91-10 increasing number of members. Note: Res. #2003-06 adopted 5/5/03 rescinded provisions for alternate members).

The following list represents the members of the Brooksville Housing Authority Board. Their addresses and phone numbers are as follows:

Randy Woodruff, CHAIRMAN, 801 S. Broad St., Brooksville, FL 34601; 796-3224 (Work); E-mail: randy.woodruff@suncoastcpagroup.com. Re-appointed May 16, 2011, to a 4-year term of office expiring on May 31, 2015.

Clifford E. Manuel, Jr., VICE-CHAIRMAN 966 Candlelight Blvd., Brooksville, FL 34601; 799-3303 (home), 796-9423 (wk); E-mail: cliff@coastal-engineering.com. Re-appointed July 6, 2009, to a 4-year term of office expiring on June 30, 2013.

James V. Brooks, Jr., 6400 Quarterhorse Ln., Brooksville, FL 34604; 796-5017 (home), 585-2928 (wk); E-mail: brooks@mynaturecoast.net. Re-appointed August 16, 2010, to a 4-year term of office expiring on June 30, 2014.

★ **VACANT***, Brenda Colondres removed by Council on 11/21/11. Unexpired 4-year term of office expiring on May 31, 2015.

★ **Gary E. Schraut**, 702 S. Broad St., Brooksville, FL 34601; 799-3000 (Work); E-mail: gary@schraut.com. Re-appointed June 16, 2008 to a 4-year term of office expiring on June 30, 2012.

Yvette D. Taylor*, 814 Continental Drive, Brooksville, FL 34601; 397-3697 (Home), 544-4983 (wk), 238-9059 (cell); E-mail: ytaylor1970@yahoo.com. Re-appointed June 20, 2011, to a four year term of office expiring on June 30, 2015.

Francine S. Ward, 508 Underwood Ave., Brooksville, FL 34601; 754-1087 (Home), E-mail: fward24@tampabay.rr.com. Re-appointed May 16, 2011, to a 4-year term of office expiring on May 31, 2015.

Brooksville Housing Authority Ex-officio & Support Staff - 800 Continental Dr., Brooksville, FL 34601 796-6547.

Tommy L. Brooks, Executive Director; email tlbrooks@tampabay.rr.com

Alice Beatty, BHA Office Secretary, abeatty1@tampabay.rr.com

Nicki Braz, BHA Property Manager, nbraz@tampabay.rr.com



CITY OF BROOKSVILLE

Application for Volunteer Board Positions

201 Howell Avenue
Brooksville, Florida 34601-2041
Telephone: (352) 540-3810
Facsimile: (352) 544-5424
Web: www.cityofbrooksville.us

New Application

Re-application

- Beautification Board (4 year terms – 7 members)
- Brooksville Housing Authority (4 year terms – 7 members)
- CDBG Citizen's Advisory Task Force (4 year terms – 5 members & 1 alternate)
- Cemetery Advisory Committee (4 year terms – 7 members – city residency or documented tie to Cemetery)
- EZDA Advisory Board (4 year terms – 11 members)
- Firefighters Pension Trust Fund Board of Trustees* (2 year terms – 5 members)
- Good Neighbor Trail (Non-Expiring Terms – 10 members)
- Parks & Recreation Advisory Board (4 year terms – 7 members & 2 alternates)
- Planning & Zoning Commission* (4 year terms – 5 members & 2 alternates)
- Police Officers Pension Trust Fund Board of Trustees* (2 year terms – 5 members)
- Other _____

Name: Schraut, Gary E.
(Last) (First) (Middle)

Address: 9860 Domingo Drive Brooksville, Florida, 34601

Mailing Address (if different): _____

Business Address: 702 South Broad Street, Brooksville, Florida 34601

Occupation: Realtor

Business Phone: 352-796-7991 Home Phone: 352-796-1373

Email address: Gary@GarySchraut.com

Do you reside within the City limits? Yes No

Are you a Registered Voter in Hernando County? Yes No Voter ID # 104436764

Please rank your board preference(s):
1. Housing Authority
2. _____
3. _____

* These positions require City Residency and that a Financial Disclosure Statement be filed with the Supervisor of Elections Office within 30 days of appointment and then subsequently on a yearly basis.

Have you ever served on a volunteer board or in a volunteer capacity with the City of Brooksville before? Yes No If yes, please indicate name of board and dates of service: Appeals & Zoning Board (1989 to 1991?) parks & Rec 1990 to present

Why would you like to serve on this board? Appointed by Mayor Pugh, would like to finish the job we started.

What special skills would you bring to this position? Extensive real estate background

List fields of work experience: Extensive real estate and governmental volunteering
See attached resume.

List any licenses and/or degrees (location & year): See resume

Local References (Please list three (3)):

1. Dennis Wilfong
2. Terry Bickel
3. Robert Morris

Would you have a problem with the meeting dates and times for the board/agency?

Yes No

If yes, please explain: _____

Signed: _____

Date: 5/23/12

SCHEDULE OF BOARD MEETINGS

[Note – Balance of Boards meet quarterly or as needed]

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BROOKSVILLE HOUSING AUTHORITY	3 rd TUES of each MONTH – 6:00 PM in Council Chambers
PLANNING & ZONING COMMISSION	2 nd WED of each MONTH – 5:30 PM in Council Chambers

Gary E Schraut, CCIM, CRS, GRI, GREEN

9860 Domingo Drive
Brooksville, Florida 34601

Phone: 352.796.1373
Cell: 352.279.7124
gary@garyschraut.com

Executive Profile

Accomplished Real Estate Broker and Community Leader with demonstrated ability to deliver mission-critical results with a long history of commitment to his local, state community and real estate profession.

Proactive in efforts to work with City and County leaders to help build a better Brooksville, Hernando County and Florida. Involved in every aspect of the community from Parks and Recreation, Housing Authority to Law Enforcement, Regional Planning Counsels and Statewide Planning Commissions.

Award winning High-performing sales representative with over 25 years working hands on real estate experience in Hernando County real estate market. In-depth knowledge of real estate operations and transactions at all levels. Experienced with demonstrated proficiency in commercial, industrial and residential development and marketing and sales of commercial, industrial, residential and vacant land properties.

Skill Highlights

Leadership/communication skills, Customer Relations, Community Leadership, Market Analysis and Market Knowledge,

- Contract Negotiations
- Community Outreach
- Hard-Worker
- Time Tested Track Record

Core Accomplishments

Achieved multi million dollar sales level second year in business (1987). Owned first independent franchise office in 1987 (Century 21 Apple Realty & Investments). Rolled out under a new brand Coldwell Banker Schraut & Associates in 2000 prior to acquiring an interest in Century 21 Alliance Realty in 2009. Century 21 Alliance Realty is now one of the largest property management and real estate firms located in Hernando County Florida.

Advised partners on acquisition of two major local competitors resulting in increased market share and enhanced exposure in the Hernando County real estate market place.

Managed land acquisitions that have resulted in significant economic impact to the principles and to Hernando County, Monitored the liquidation of special assets for corporate owners. The aforementioned projects implemented for the benefit of the following clients and customers:

- 1) Pasco Hernando Community College
- 2) Federal Express
- 3) York Hanover Pharmaceuticals
- 4) Sonny's BBQ
- 5) Burger King
- 6) Capital City Bank
- 7) Micro Tel Inn & Suites
- 8) Regions Bank
- 9) St. Petersburg Times
- 10) Huddle House
- 11) Suzuki Motors
- 12) Heritage Bank
- 13) Express One Oil
- 14) BankFirst
- 15) GreenTree Financial Services
- 16) Arch Diocese of St. Petersburg
- 17) Hernando County Board of County Commission
- 18) City of Brownsville's City Counsel

A solid commitment to community and profession. A legacy of contributions in the planning of community assets that include the construction of community Golf course at Brookville's McKethan Park. Installation of an Instrument Landing System (ILS) at the Hernando County Airport. Orchestrated and led the effort to construct a Fire Station at the Hernando County Airport and construction of the ATCT (Air Traffic Control Tower) at Hernando County Airport. Donation of land for FOP (Fraternal Order of Police) Lodge in Brooksville.

Long term, time tested commitment to Hernando County's business community and community leaders.

Professional Experience

Century 21 Alliance Realty March 2009 to Current

Vice President of Commercial Sales

Brooksville, Florida

One of Hernando County's largest and oldest real estate franchises.

Counsel For Stronger Neighborhoods January 2009 to Current

President

Tallahassee, Florida

CCE supporting statewide candidates that support home ownership, private property rights and economic growth for Florida.

Moose Reclouse, LLC August 2002 to Current

President

Brooksville, Florida

Manages and acquires specific assets located in the northern mountain regions of the State of Georgia.

Marion City Investments Real Estate Investment March 1999 to Current

Vice President

Brooksville, Florida

Manages commercial investment portfolios.

VLT, Inc Real Estate Investment Co. May 1998 to Current

Vice President

Brooksville, Florida

Manages and acquires commercial real estate

Gary E. Schraut, PA June 1996 to Current

President

Brooksville, Florida

Marketing and sales of Hernando County real estate.

Hernando Investments, Inc October 1993 to Current

Director/Secretary/Treasurer

Brooksville, Florida

Commercial & Industrial real estate development

FLORIDA REALTOR PAC January 2006 to December 2011

Past Chairman/Past Trustee

Tallahassee, Florida

Political Action Committee supporting policies that promote and protect private property rights for the citizens of Florida.

Florida Referral Group

June 2001 to March 2011

President

Brooksville, Florida

Property management company and license base for real estate agents who desired to stay involved without being active in a full time roll in marketing and sales. Company created as a referral source.

Coldwell Banker Schraut & Associates

June 2000 to March 2008

President

Brooksville, Florida

Full service real estate company specializing in transitional properties, commercial, industrial and residential

Smokey Ridge BBQ

January 2000 to October 2003

President

Brooksville, Florida

Acquisition company used to acquire "Florida Boys BBQ" one of Hernando County's oldest BBQ restaurant's.

HCAR Charitable Funds, Inc

October 1998 to September 1999

Director

Brooksville, Florida

Laurel Oaks, Inc

March 1995 to January 1999

Director

Brooksville, Florida

Residential subdivision development project

Gallup Development Corporation

August 1992 to July 1994

President

Brooksville, Florida

Industrial warehousing

Education

RMI-Realtor Marketing Institute

2009

ECO-Friendly Real Estate

Commercial Green designation

Chicago, Illinois, USA

NAR's Green Designation Core educationCourse provides real estate professionals with knowledge and awareness of green building principles applied in residences, commercial properties, developments, and communities so that they can help consumers in purchasing, retrofitting, and operating green properties. The course encourages the real estate professional to be an advocate for green principles in the design and use of homes and commercial buildings and a positive force for creating sustainable communities.

In order to earn NAR's Green Designation, the student must successfully complete the Core Course and one of three elective course. Elective courses are Green Residential Real Estate, Green Commercial Real Estate, and Green Property Management.

NAR's Green Designation is supported by the NAR Green Resource Council. Students who complete the Core Course receive a one-year membership in NAR's Green Resource Council.

Learning Objectives:

Integrate green concepts and benefits into a personal viewpoint that informs choices in real estate business practice.

Acquire the concepts and vocabulary of the green paradigm as applied in real estate and use this terminology correctly in interactions with customers and clients.

Recognize, validate, and respond to concerns and priorities of the green-generation consumer—seller, buyer, tenant, builder, developer.

Make the appropriate disclosures consistent with NAR Code of Ethics and state regulations.

Describe the interrelationships of sustainable communities, smart growth, natural habitat conservation, New Urbanism, and land planning with green homes and buildings.

Acquire awareness of trends in public and consumer sentiment on quality of life issues and community economic development.

Identify how the green philosophy can be employed in housing of all types.

Recognize the features that make a home or building green and resource efficient in construction or remodeling, use, and operation.

Recognize and respond to obstacles—regulatory, zoning, building codes, costs, perceptions, lack of knowledge—that can impede green development and construction.

Inform customers and clients of the significance of LEED, Energy Star, and other rating systems.

Discuss the cost-benefit of resource-efficient building and home systems, materials, land usage, and maintenance.

Adapt listing presentations and buyer-counseling sessions to address concerns and priorities of the green consumer.

Price and market resource-efficient properties.

Guide buyers in finding and making an offer on a resource-efficient property.

Guide consumers in finding qualified professionals who are familiar with and practice green home/building principles.

Inform customers and clients of green mortgage options and state/local incentives that encourage and enable resource efficiency.

Use the course material and green designation as marketing tools.

Implement resource-efficient and green practices in the real estate office environment.

Form coalitions with community planners and groups to foster resource-efficient communities and lifestyles.

CCIM Institute

1992

Commercial Investment Real Estate

CCIM Designation

Chicago, Illinois, USA

A CCIM (Certified Commercial Investment Member) is a recognized expert in the commercial and investment real estate industry. The CCIM is earned after successfully completing a designation process that ensures CCIMs are proficient not only in theory, but also in practice. This elite corps of CCIMs includes brokers, leasing professionals, investment counselors, asset managers, appraisers, corporate real estate executives, property managers, developers, institutional investors, commercial lenders, attorneys, bankers, and other allied professionals.

A CCIM is part of a global commercial real estate network with members across North America and more than 30 countries. This professional network has enabled CCIM members to close thousands of transactions annually, representing more than \$200 billion in value. As a result, the experts who possess the CCIM designation are an invaluable resource for commercial real estate owners, investors, and users.

CCIMs have completed a designation curriculum that covers essential CCIM skill sets including ethics, interest-based negotiation, financial analysis, market analysis, user decision analysis, and investment analysis for commercial investment real estate. CCIMs have completed a portfolio demonstrating the depth of their commercial real estate experience. Finally, they have demonstrated their proficiency in the CCIM skill sets by successfully completing a comprehensive examination. Only then is a designation candidate awarded the coveted CCIM pin, joining the ranks of highly skilled commercial and investment real estate experts.

Of the over 900,000 members of the National Association of Realtors less 1% have earned the CCIM Designation. Since its inception 15,000 commercial real estate professionals have earned the designation. Currently, 5,500 professionals are pursuing their CCIM designation.

RMI - Realtors Marketing Institute 1990

Residential Real Estate Marketing

CRS Designation

Chicago, Illinois, USA

The Certified Residential Specialist (CRS) is the highest Designation awarded to sales associates in the residential sales field. The CRS Designation recognizes professional accomplishments in both experience and education.

Of the over 900,000 members of the national Association of Realtors less than 3% have earned the CRS designation.

Since 1977 the Council of Residential Specialists has been conferring the CRS Designation on agents who meet its stringent requirements. Currently, there are more than 30,000 active CRS Designees.

RMI - Realtors Marketing Institute 1988

Real Estate Marketing

GRI- Graduate Realtor Institute

Chicago, Illinois, USA

- GRI course of study represents the minimum common body of knowledge for progressive real estate professionals.
- GRI develops a solid foundation of knowledge and skills to navigate the current real estate climate—no matter what its condition.
- GRI's are recognized nationally.
- GRI's are instructed to act with professionalism are disciplined and committed to serving their clients and customers with the highest ethical standards.

Attended Bergen County Community College 1980

Marketing and Sales

Paramus, New Jersey, USA

Indian Hills High School 1978

Oakland, New Jersey, USA

Awards

- * Florida Realtors Honor Society, member for 17 years (1994 to 2011)
- * Hernando County Association of Realtors Honor Society, member 24 years (1988 to 2011)
- * 1999 Hernando County Realtor of the Year
- * 2005 Hernando County Free Enterprise Award
- * 1998 Hernando County Association of Realtors Civic Achievement
- * 2003 Hernando County Association of Realtors Civic Achievement
- * 2012 City of Brooksville's "Spirit" Award for Community Involvement and Volunteering.

Interests

- * RV Travel

- * All terrain travel (Jeep)
- * Kayaking
- * ATV Riding
- * Reading
- * Music/Guitar
- * Pets (2 Cocker spaniels, Casey & Magic, Shitzu ,Chopper)

Additional Information

- PERSONAL INFORMATION
- Date of Birth: December 27th, 1959
- Place of Birth: Oakland, New Jersey

Professional Affiliations

Hernando County Association of Realtors

Florida Realtors

National Association of Realtors

Florida Real Estate Sales person's License 1986

Florida Real Estate Broker's license 1987 #BL0472534

Graduate of the Florida Realtors Institute 1988 (GRI)

National Association of Realtors, Certified Residential Specialist 1990 (CRS)

National Association of Realtors, Certified Commercial Investment Member 1992 (CCIM) #4655

National Association of Realtors Certified "Commercial Green" designation 2010

Hernando County Chamber of Commerce

Leadership Hernando Graduate Class of 1992

Georgia State Licensed Developer (2005)

Florida CCIM Chapter member since 1991

Florida Realtors Key Contact to Florida House Representative David Russell District 44 1998 -2006

Florida Realtors Key Contact to Florida House Representative Robert Schenk District 44 2006 -2012

Florida Realtors Executive committee 2009 (appointed by Florida Realtors President Cynthia Shelton)

REALTOR PAC Trustee 2006 - 2011

REALTOR PAC Vice Chair 2008 (State of Florida)

REALTOR PAC Chair 2009 (State of Florida)

National Association of Realtors Federal Political Coordinator to United States Congresswoman Ginny

Brown Waite Florida's 5th District 2002- 2010

National Association of Realtors Federal Political Coordinator to United States Congressman Richard B. Nugent Florida's 5th District 2011- 2012

National Association of Realtors Fundraising WHIP for Florida 2009/2011

Community Service

- * Appointed by Brooksville City Council Zoning and Appeals Board served 1989 to 1991
- * Appointed by Brooksville City Council Parks and Recreation Advisory Board 1990 to present. Parks and Recreation Advisory Board Chairman 1997, 1998, 1999, 2000, 2001, 2002
- * Appointed by Hernando County Board of County Commission Hernando County Aviation Authority 1991 to 2004 Aviation Authority. Re-Appointed to the Aviation Authority in 2005 by Hernando County Board of County Commissioners.
- * Chairman Hernando County Aviation Authority 1995, 1996, 2009, 2010, 2011 and 2012.
- * Appointed by Florida BAR to serve on Florida BAR's Grievance Committee 5a serving Citrus & Marion County's. 1998 to 2000
- * Appointed by Sheriff Thomas A. Mylander as Hernando County's Director on Gold Shield foundation 1999 to 2000
- * Re-appointed by Sheriff Richard Nugent as Director Gold Shield Foundation 2001 to 2011
- * Re-appointed by Sheriff Al Neinhuis as Director Gold Shield Foundation 2012.
- * Appointed by Governor Jeb Bush Withlacoochee Regional Planning Council 2000 to 2004
- * Rotary (Paul Harris Fellowship) 2002 to 2004
- * Appointed by Florida House Speaker Alan Benes as a commissioner on Century Commission for Sustainable Florida 2006 to 2008
- * Appointed by Mayor City of Brooksville Brooksville Housing Authority 2007 to present
- * Confirmed for service to the State of Florida by the Florida Senate twice, Withlacoochee Regional Planning Council, Century Commission for a Sustainable Florida.
- * 2012 Career Service Appeals Board Hernando County Sheriffs Office nominated by the employees of the Hernando County Sheriffs office
Appointed by Sheriff Al Neinhuis

AGENDA ITEM NO. F-7
6/18/10

owner of a vehicle. Such term shall also mean a lessee of a motor vehicle pursuant to a lease of six months or more.

- (f) *Recorded images* means images recorded by a traffic infraction detector including but not limited to photographic images, electronic images, or streaming video images.
- (g) *Red zone infraction* means a traffic offense whereby a traffic infraction detector established that a motor vehicle entered an intersection controlled by a duly erected traffic control signal at a time when the traffic control signal for such motor vehicle's direction of travel was emitting a steady red signal.
- (h) *Traffic control signal* means a device exhibiting different colored lights or colored lighted arrows, successively, one at a time, or in combination, using only the colors green, yellow, and red which indicate and apply to drivers of motor vehicles as provided in F.S. § 316.075.
- (i) *Traffic infraction detector* means a vehicle sensor installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record two or more sequenced photographic or electronic images or streaming video of only the rear of a motor vehicle at the time the vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red light.
- (j) *Traffic infraction enforcement officer* means the City Police Department employee designated, pursuant to Section 7 herein, to review recorded images and issue notices of violation based on those images.

Section 3. Adherence to Red Light Traffic Control Signals. A motor vehicle facing a traffic control signal's steady red light indication shall stop before entering the crosswalk on the near side of an intersection or, if none, then before entering the intersection and shall remain standing until a green indication is shown on the traffic control signal; provided, however, the driver of a motor vehicle facing a traffic control signal's steady red light may make a right-hand turn in a careful and prudent manner at an intersection where right-hand turns are permissible.

Section 4. Use of Traffic Infraction Detectors. The City shall utilize recorded images from traffic infraction detectors as a supplemental means of monitoring compliance with the laws related to traffic control signals and as an ancillary deterrent to traffic control and red zone infractions. This ordinance shall not supersede, infringe, curtail or impinge upon any state laws related to red light signal violations or conflict with such laws.

Section 5. Introductory Period. The City may establish by resolution a period of time defined as the Introductory Period. During the Introductory Period, red zone infractions captured on recorded images by a traffic infraction detector shall not be assessed a penalty. The owner of the motor vehicle shall receive a courtesy notice of the violation. Infractions of traffic control signals including red zone infractions may be enforced at any time in accordance with normal traffic enforcement techniques and citations from a law enforcement officer.

Section 6. Penalties for Failure to Adhere to Red Light Traffic Control Signals. A violation of Section 3 of this ordinance (adherence to red light traffic control signals) established by a traffic infraction detector (red zone infraction) shall be enforced and assessed a penalty as set forth in Fla. Stat. §316.003, as may be amended from time to time.

THE HOGAN LAW FIRM®

We mean businessSM

MEMORANDUM

TO: T. JENNENE NORMAN-VACHA, CITY MANAGER

FROM: ROBERT B. BATTISTA, ESQ.
THE HOGAN LAW FIRM, AS CITY ATTORNEY

CC: THOMAS S. HOGAN, ESQ.
CHIEF GEORGE TURNER

RE: RED LIGHT CAMERA – FIRST TIME VIOLATION WARNING

DATE: OCTOBER 26, 2011

ISSUE

Should the City of Brooksville amend its Red Light Camera Ordinance to implement a first time violation warning with a public awareness campaign?

DISCUSSION

The current City Code only addresses the authority of the council to establish an introductory period after the installation of red light cameras. Should the Council desire to proceed with a warning for all first time violations, such would be the subject of an amendment adding that process to the existing code.

The actual warnings/citations are issued to registered owners of the vehicles involved at the time of the violation and not to the actual driver. Should the Council decide to proceed with a first time violation warning it would be given to the registered owner of the vehicle.

In a discussion with Brian Haskell of Sensys America, Inc., he indicated that if the City implemented a first time violation warning, it would significantly affect their

company's revenue assumptions and would require a renegotiation of the contract between Sensys America, Inc. and the City of Brooksville.

CONCLUSION

If the City chooses to amend its Red Light Camera ordinance to provide for a first time violation warning with an accompanying public awareness campaign, the current contract with Sensys America, Inc. will have to be renegotiated and the City will likely have to amend its budget accordingly for the difference as well as the costs of the public awareness campaign.

CORRESPONDENCE-TO-NOTE
REGULAR COUNCIL MEETING – June 18, 2012

1. **TYPE:** Letter
 DATED: May 24, 2012
 RECEIVED FROM: United States Environmental Protection Agency
 ADDRESSED TO: Mayor
 SUBJECT: Negotiations to award cooperative agreements for two assessment grants

2. **TYPE:** Letter
 DATE RECEIVED: May 29, 2012
 RECEIVED FROM: Florida Department of Economic Opportunity
 ADDRESSED TO: Mayor
 SUBJECT: On-Site Monitoring Report

3. **TYPE:** Letter
 DATE RECEIVED: May 31, 2012
 RECEIVED FROM: Hernando County Property Appraiser
 ADDRESSED TO: Stephen J. Baumgartner, Finance Director
 SUBJECT: 2012 City of Brooksville Good Faith Estimate of Taxable Value

4. **TYPE:** Letter
 DATE RECEIVED: June 5, 2012
 RECEIVED FROM: Florida Department of Law Enforcement
 ADDRESSED TO: Mayor
 SUBJECT: Contract No. 2012-JAGD-HERN-1-C5-044

5. **TYPE:** Letter
 DATE RECEIVED: June 5, 2012
 RECEIVED FROM: Florida Department of Law Enforcement
 ADDRESSED TO: Mayor
 SUBJECT: Contract No. 2012-JAGD-HERN-1-C4-140

6. **TYPE:** Letter
 DATE RECEIVED: June 11, 2012
 RECEIVED FROM: Progress Energy
 ADDRESSED TO: City Manager
 SUBJECT: 2012 Hurricane Season Preparation



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 24 2012

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

Honorable Joseph Johnston
Mayor of Brooksville
201 Howell Avenue
Brooksville, FL 34601

Dear Mayor Johnston:

On behalf of the United States Environmental Protection Agency (EPA), I am pleased to congratulate you and confirm that the City of Brooksville was selected as one of the entities EPA will begin negotiations with to award cooperative agreements for two assessment grants. The City of Brooksville submitted an outstanding grant proposal, and we deeply appreciate the tremendous commitment of time and energy that went into its preparation.

Through the Small Business Liability Relief and Brownfields Revitalization Act of 2002, EPA is working to help states and communities around the country clean up and revitalize brownfield sites. We fully expect that these brownfield projects will provide benefits to the environment and economy of local communities. Phil Vorsatz, your Regional Brownfields Coordinator (404-562-8789), will work closely with the City of Brooksville to negotiate the cooperative agreements prior to the grant awards.

We look forward to working with your staff on the Brownfields program in continued Federal, state, and local government cooperation.

Sincerely,

A handwritten signature in black ink that reads "David R. Lloyd".

David R. Lloyd, Director
Office of Brownfields and Land Revitalization

cc: Phil Vorsatz

CTN
6-18-12

Handwritten initials in black ink, possibly "JMW".

Rick Scott
GOVERNOR



Hunting F. Deutsch
EXECUTIVE DIRECTOR

May 29, 2012

CERTIFIED MAIL RETURN RECEIPT REQUESTED

The Honorable Joseph E. Johnston, III
Mayor, City of Brooksville
201 Howell Avenue
Brooksville, Florida 34601

RE: On-Site Monitoring Report – April 24, 2012
Florida Small Cities Community Development Block Grant (CDBG) Program
Contract Number: 11DB-C5-05-37-02-N11

Dear Mayor Johnston:

On April 24, 2012, Tammy Anderson, of our staff, met with representatives of your community to monitor the CDBG project identified above. This letter, which contains no findings and one concern, is a summary of that visit. Monitoring is based on an examination of documentation that supports the grant Recipient's compliance with the CDBG program rules, state statutes, and federal regulations. We monitored the following areas for compliance.

- Audit Review
- Environmental Fund Release Monitoring
- Environmental Record Review
- Equal Opportunity, Section 3, and Section 504 Requirements
- Fair Housing Requirements
- Financial Management System Review
- National Objective / Benefit Monitoring
- Program Administration

A "finding" is a specific issue of noncompliance with federal or state regulatory requirements. Please respond to a monitoring finding within 35 days after receipt of this letter. A "concern" is an issue that, if not addressed and corrected, may later result in a finding. Some concerns may require a written response. The response should be submitted within 35 days of the day the letter is received. The Department will grant one 15-day extension to the response period if an undue hardship exists. If you require an extension, it must be requested within the 35-day response period.

Following is a summary of the areas examined and the results of the monitoring.

The Caldwell Building 107 E. Madison Street Tallahassee, Florida 32399-4120 850.245.7105
www.FloridaJobs.org www.twitter.com/FLDEO www.facebook.com/FLDEO

*CTN
06-18-12
copy: Steve Baumgartner
Bill Gentry
Richard Radabaugh
Talina Dowell*

Audit Review

A Single Audit under Office of Management and Budget (OMB) Circular A-133 must be performed and submitted to the Department for any year during which the grant is open and the total of all federal funds you received during the year is at least \$500,000. Submittal of the audit is due to the Department by June 30 for each fiscal year an audit is required. The audit is submitted to ensure continued compliance with any previously addressed findings or concerns noted in the audit, or to ensure that the local government has begun any corrective action it promised earlier.

The audit for FFY 2011 was submitted to DEO staff at the monitoring visit and is currently under review by the Department.

Environmental Fund Release Monitoring

We reviewed the Recipient's files to ensure the Recipient has provided the Department with all necessary environmental review records as required by statute, regulations and contract.

The review indicates that all timely comments resulting from the Intergovernmental Coordination and Review (IC&R) process were addressed in the assessment.

Environmental Record Review

As required by 24 Code of Federal Regulations (CFR), Part 58.5, all Recipients of federal funds must conduct an environmental review of the project and its activities and certify compliance with applicable federal regulations, as well as state and local laws. The Recipient has taken appropriate action to assess the environmental impact of the project and its activities and has informed the public of the environmental requirements by publishing a Concurrent Notice of Finding of No Significant Impact and Intent to Request Release of Funds. The environmental review record, particularly the assessment action, was reviewed in detail. The Department completed and approved the environmental review on August 1, 2011, releasing the project funds. We reviewed the expenditures to determine that no more than \$5,000 was expended prior to the release of funds.

There were no findings or concerns noted under the area of Environmental Record Review.

Equal Opportunity, Section 3 and Section 504 Requirements

Recipients of federal funds must comply with Equal Opportunity requirements. The monitoring consisted of a review of the Recipient's employment policy, employment advertising and hiring practices.

We reviewed compliance with Section 3 of the Housing and Community Development Act of 1968 (24 CFR Part 135). Section 3 requires Recipients of United States Department of Housing and Urban Development (HUD) funds and the contractors they employ to make efforts to ensure economic opportunities generated by HUD funds are open to local low-income residents and businesses owned and operated by low-income persons.

There were no findings or concerns on Equal Opportunity or Section 3 requirements.

Section 504 of the Rehabilitation Act of 1973 (29 USC 794) required federal fund Recipients to complete a self-evaluation of their physical facilities and to make all public facilities handicap accessible by July 1, 1991. If structural changes could not be accomplished by that date, the Recipient was required to develop a transition plan and document the progress toward making the facility accessible to physically and mentally disabled people. In our monitoring, we observed the CDBG program office for accessibility, reviewed the self-evaluation for completeness, and ensured the Recipient is on schedule with its Transition Plan.

There is one concern regarding Section 504, Americans with Disabilities Act (Section 504/ADA) requirements.

Concern: The Section 504/ADA Policy adopted in February of 1994, does not accurately reflect the structure that is currently designated as City Hall located at 201 Howell Avenue in Brooksville. In addition, renovations to City Hall are taking place at this time which caused the City of Brooksville CDBG staff to be temporarily relocated to 306 Darby Lane which is not in compliance with the Section 504 and ADA policy. However, DEO staff has been assured that any accommodations required regarding Section 504/ADA persons will be made at the Jerome Brown Community Center, an ADA compliant facility, located next door.

Required Action: No later than July 31, 2012, a self-assessment of the facilities at City Hall located at 201 Howell Avenue in Brooksville shall be conducted to determine if the facility in any way prevents access to handicapped individuals. A copy of the plan shall be provided to the Department upon completion and include any implementation activities, a time table for completing the activities, and identify the responsible entity for implementating any corrective action.

Fair Housing Requirements

We reviewed the Recipient's Fair Housing Ordinance in accordance with Sections 760.20 through 760.23, Florida Statutes, and Title VI of the Civil Rights Act of 1968. The Recipient has developed a public information program using the City's website located at http://www.cityofbrooksville.us/index.php?option=com_content&view=article&id=200&Itemid=140 to inform all segments of the community of their rights and responsibilities under the local Fair Housing Ordinance. The City has undertaken the following quarterly Fair Housing activities:

- First Quarter 2012: The City posted the fair housing contact information as well as a fair housing Public Service Announcement video titled "Accents" on the City's website.
- Fourth Quarter 2011: The City provided fair housing posters to the City of Brooksville's Housing Authority's administration offices thereby providing fair housing information to the residents.
- Third Quarter 2011: Fair housing business cards containing fair housing tips, as well as local contact information, were developed and placed in the reception area of City Hall.

- Second Quarter 2011: The City of Brooksville coordinated with the Hernando County Library to display fair housing posters at all library branches located in Brooksville and within the County.

There were no findings or concerns noted under the area of Fair Housing Requirements.

Financial Management System Review

We reviewed the Financial Management System to ensure compliance with requirements for fund control, cost allowability and accountability stated as identified in OMB Circular A-87, 24 CFR Part 85, and other applicable regulations. In reviewing the Recipient's record-keeping system, we examined documentation to confirm that the CDBG funds were incorporated into the Recipient's annual operating budget; reviewed how accounting records, including case receipts and disbursement ledgers were maintained; checked for evidence that duties were segregated; checked for timely expenditure of funds; established whether the request for funds file was complete; and ensured compliance with audit procedures.

There were no findings or concerns noted under the area of Financial Management System Review.

National Objective/Benefit Monitoring

We reviewed program files to ensure each CDBG-assisted activity was eligible under the provisions of Section 105 of the Housing and Community Development Act and that each activity met the national objectives of benefit to low- and moderate-income persons (24 CFR Part 570.490). The documentation included evidence of compliance with the certification that at least 51 percent of the persons to be served are low- or moderate-income, as well as evidence that 70 percent of the CDBG funds principally benefit low- and moderate-income persons. Each Recipient under the Small Cities Program must ensure and maintain evidence that each of its activities assisted with CDBG funds meets a national objective as contained in its certification. The Recipient appears to be in compliance with all requirements to meet a national objective, based on a review of sample records and files on the project.

There were no findings or concerns noted under the area of National Objective/Benefit Monitoring.

Program Administration

This review focuses on whether the Recipient has a project management system that complies with program requirements. We reviewed the filing system and record retention procedures for compliance with 24 CFR Part 570.490 (b), (c), and (d). Project progress was compared to the Work Activity Plan to determine on-time performance and expenditures. If non-CDBG funds were pledged in the application, we reviewed the amount expended to date. If program income was generated, its disposition was examined. Finally, if the Recipient received a citizen complaint, the file was reviewed to ensure that the Recipient followed its Citizen Participation Plan while resolving the complaint.

There were no findings or concerns noted under the area of Program Administration.

Please be aware that this report does not relieve your jurisdiction of its obligation to continue to administer the grant according to federal and state laws, the program rules, and sound management practices. During future monitoring trips, we will monitor the following areas:

- Equal Opportunity, Section 3, and Section 504 Requirements
- Fair Housing Requirements
- Financial Management Transaction Testing
- Labor Standards
- National Objective / Benefit Monitoring
- Neighborhood Revitalization
- Program Administration
- Procurement

We appreciate the helpful and cooperative attitude of those who provided assistance during the visit. If you have questions on this report or need additional information, please call Tammy Anderson, Community Assistance Consultant, at (850) 717-8425 or contact her via e-mail at tammy.anderson@deo.myflorida.com.

Sincerely,



Bob Dennis
Community Program Manager

BD/RD/ta

cc: Mr. Bill Geiger, Community Development Director, City of Brooksville
Andy Easton, Andy Easton and Associates

ALVIN R. MAZOUREK, CFA
HERNANDO COUNTY PROPERTY APPRAISER
PHONE: (352) 754-4190

WEBSITE: www.hernandocounty.us/pa

◆ **BROOKSVILLE OFFICE** ◆
20 North Main Street, Room 463
Brooksville, FL 34601-2893
Fax: (352) 754-4198
Homestead Fax: (352) 754-4194

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Spring Hill, FL 34606-2400
Tangible Fax: (352) 688-5087

May 31, 2012

Mr. Stephen J. Baumgartner, Finance Director
City of Brooksville
201 Howell Avenue
Brooksville, FL 34601-2042

Re: 2012 City of Brooksville Good Faith Estimate of Taxable Value

Dear Mr. Baumgartner:

Pursuant to Florida Statutes 200.065 (7), following is the *good faith estimate* of taxable value for the City of Brooksville.

We are still receiving and analyzing market information, including income and expense returns and Tangible Personal Property returns (which were due on May 15 for the majority of accounts). Thus, the following estimates will change between now and July 1.

Additionally, utilizing last year's millage rate and taxable value, the estimated revenue change from 2011 is provided for comparison.

Levy District	Taxable Value	Revenue Change
City of Brooksville	\$380,000,000	(\$115,000)

Please note these figures are exclusive of current Net New Taxable Value, pursuant to F.S. 200.065 (1), which is estimated to be approximately \$1.8 million.

I will notify you if any drastic change in the estimate occurs.

Sincerely,

Alvin R. Mazourek, CFA
Hernando County Property Appraiser

CTN
06-18-12
JMW



Florida Department of
Law Enforcement

Office of Criminal Justice Grants
Post Office Box 1489
Tallahassee, Florida 32302-1489
(850) 617-1250
www.fdle.state.fl.us

Rick Scott, Governor
Pam Bondi, Attorney General
Jeff Atwater, Chief Financial Officer
Adam Putnam, Commissioner of Agriculture

Gerald M. Bailey
Commissioner

JUN 5 2012

The Honorable Frankie Burnett
Mayor
City of Brooksville
201 North Howell
Brooksville, FL 34601

Re: Contract No. 2012-JAGD-HERN-1-C5-044

Dear Mayor Burnett:

This letter confirms our receipt and acceptance of all financial and programmatic reports applicable to the referenced project. While this concludes active administration of the subgrant agreement by the Florida Department of Law Enforcement, you are reminded that all supporting records must be maintained for a period of not less than five years from termination date for audit and examination. An audit performed in accordance with OMB Circular No. A-133 must also be conducted and submitted to the Office of Criminal Justice Grants, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308.

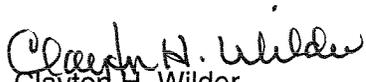
All non-expendable property acquisitions must be accounted for and maintained for as long as the equipment is in service. The Department must be notified prior to any disposition of non-expendable property and must be advised immediately of any lost or stolen items.

*CTN
6-18-12
cc: Chief G. Turner
Kalle Baumgardner
JW*

The Honorable Frankie Burnett
Page Two

Any further inquiries relative to this project should be directed to your grant manager
at 850/617-1250.

Sincerely,


Clayton H. Wilder
Administrator

CHW/JP/st

cc: Lieutenant Richard C. Hankins



Florida Department of
Law Enforcement

Gerald M. Bailey
Commissioner

Office of Criminal Justice Grants
Post Office Box 1489
Tallahassee, Florida 32302-1489
(850) 617-1250
www.fdle.state.fl.us

Rick Scott, Governor
Pam Bondi, Attorney General
Jeff Atwater, Chief Financial Officer
Adam Putnam, Commissioner of Agriculture

JUN 5 2012

The Honorable Frankie Burnett
Mayor
City of Brooksville
201 North Howell
Brooksville, FL 34601

Re: Contract No. 2012-JAGC-HERN-1-C4-140

Dear Mayor Burnett:

This letter confirms our receipt and acceptance of all financial and programmatic reports applicable to the referenced project. While this concludes active administration of the subgrant agreement by the Florida Department of Law Enforcement, you are reminded that all supporting records must be maintained for a period of not less than five years from termination date for audit and examination. An audit performed in accordance with OMB Circular No. A-133 must also be conducted and submitted to the Office of Criminal Justice Grants, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308.

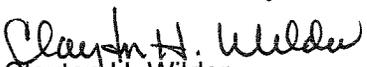
All non-expendable property acquisitions must be accounted for and maintained for as long as the equipment is in service. The Department must be notified prior to any disposition of non-expendable property and must be advised immediately of any lost or stolen items.

Handwritten notes:
CTN
6-18-12
Chief G. T. Wilson
Have [unclear]
[Signature]

The Honorable Frankie Burnett
Page Two

Any further inquiries relative to this project should be directed to your grant manager
at 850/617-1250.

Sincerely,


Clayton H. Wilder
Administrator

CHW/JP/st

cc: Lieutenant Richard C. Hankins



June 4, 2012

T. Jennene Norman-Vacha, City Manager
 City of Brooksville
 201 Howell Avenue
 Brooksville, FL 34601-2042

Dear Jennene:

As we enter storm season here in Florida, the employees of Progress Energy Florida continue to work to prepare for significant storms as well as any type of catastrophic event. For us, storm preparation and planning is a year-round activity. In 2011 alone, Progress Energy invested thousands of staff hours and more than \$162 million to strengthen its Florida system against storms.

Progress Energy's commitment to excellence in storm response has earned the utility the Emergency Response Award from the Edison Electric Institute (EEI) five times in the program's 11-year history. Progress Energy also won the EEI Emergency Assistance Award for its role in aiding utilities and citizens in Texas and Ohio following Hurricane Ike in 2008 and in the Gulf Coast region in 2005.

Planning to support communities during storms is a key part of our preparations. Progress Energy Florida has created easy to access information that provides outage information and an online outage reporting tool to the public. This information can be found on our new and improved website at www.progress-energy.com/florida/home/storms-outages/index.page. This site will provide the areas of your county that are the most impacted by a storm event.

The new online outage reporting tool, found on our website at www.progress-energy.com/storm, allows customers using compatible mobile devices or computers to report outages online after registering their account. Alternatively, to report a power outage, the general public may call **1-800-228-8485**. In addition, customers can follow us at www.twitter.com/progressenergy or at www.facebook.com/ProgressEnergyFlorida.

During a major storm event, our objective at Progress Energy Florida is to restore power as quickly and safely as possible. Progress Energy Florida works closely with the county Emergency Operations Centers (EOC) to provide up-to-date information regarding restoration efforts. Progress Energy coordinates all restoration activities for critical infrastructure through the county EOC. Over the several last months, we have conducted meetings with county EOC officials and participated in drills and other storm preparation activities in coordination with the EOCs.

We welcome your feedback on our process to help us enhance our joint efforts to serve the residents in our service territory during major events. If you have any questions, please feel free to call me at 352-563-4495.

Sincerely,

Amy Mangan

Progress Energy Florida, Inc.
 8202 W Venable Street
 Crystal River, FL 34429

Alachua – Citrus – Hernando – Levy – Marion – Sumter

CTN
 6-18-12
 cc: Chief T. Mosser
 JNV

Progress Energy prepared for 2012 hurricane season

Customers can report outages by telephone, online and by mobile device

ST. PETERSBURG, Fla. (May 31, 2012) – The hurricane season officially begins June 1, but there have been two named storms already in 2012. Progress Energy Florida’s storm response is ready year-around for whatever Mother Nature brings. Progress Energy has a detailed plan in place to activate employees directly involved with power restoration quickly and decisively in response to major storms. The plan also enables the company to mobilize thousands of other employees who train outside their normal jobs for storm-specific duties in support of restoration efforts.

“While the forecasters are calling for a less active hurricane season this year, it only takes one to disrupt our lives, so we work to prepare for every scenario,” said Vincent Dolan, president and CEO of Progress Energy Florida. “We’re prepared to respond in the event that major storms damage the electric system that our customers depend on. We know our customers rely on us to keep them informed and restore service quickly after storms.”

Progress Energy works year-round to maintain the company's 35-county, 20,000 square-mile service area. In 2011 alone, Progress Energy invested thousands of staff hours and more than \$162 million to strengthen its Florida system against storms. This includes the replacement of poles and other equipment upgrades to minimize the likelihood of outages when storms strike. This companywide focus has enabled Progress Energy to reduce outage times and speed restoration significantly over the years.

Options for reporting and tracking outages

Progress Energy introduced a new tool in advance of the 2011 hurricane season to help customers report power outages more easily. In addition to its automated outage reporting phone line, the utility has expanded its online resources to allow customers to report outages using computers and compatible mobile devices. From January 2011 through mid-May of this year, Progress Energy customers have used the company’s website more than 8,000 times to report outages.

Customers can also call Progress Energy’s automated outage reporting line at **1.800.228.8485**. Progress Energy’s automated outage reporting system is capable of handling more than 120,000 calls per hour.

For information on all of the utility’s outage reporting options, visit progress-energy.com/storm. Progress Energy encourages customers interested in using mobile devices or computers to report outages to register in advance of storm season. Customers will need their account number, located on their bill, to register.

To keep customers informed following a storm, the company has developed an online outage map showing up-to-date information about current outages and estimated restoration times. The outage map can be viewed at www.progress-energy.com/outagemap.

Progress Energy Florida, Inc.

24-hour media line (866) 520-NEWS (6397)
299 1st Ave. N.
St. Petersburg, FL 33701
www.progress-energy.com

Progress Energy also sends updates on storm-related outage restorations via Twitter and Facebook. Customers can follow Progress Energy at www.twitter.com/progressenergy and www.facebook.com/ProgressEnergyFlorida.

Tips to stay ahead of the storm

Progress Energy urges customers to take steps now to be prepared in advance of hurricane season:

- Create (or inventory and update) an emergency supply kit containing the following items: portable radio with fresh batteries, flashlight, first-aid kit, non-cordless landline phone, canned or packaged food that can be prepared without cooking or refrigeration, several days' supply of drinking water, medicine and cash.
- Review your insurance policy and put a copy in your supply kit along with copies of other important paperwork.
- Review your evacuation plan and decide where you will stay if you need to leave your home. Don't forget to include your pets in the plan. Many shelters don't accept animals.
- If you or someone you provide care for relies on electric-powered life-support equipment, make plans to move him to a facility outside the storm's projected path to avoid the risk of an extended power outage.
- Check outside your home for trees or shrubs that need to be trimmed or appear weak. Call a professional to trim any trees or shrubs near power lines.

For additional storm information and safety tips, visit the Progress Energy website at www.progress-energy.com/storm.

Excellence in storm response

Progress Energy's commitment to excellence in storm response has earned the utility the Emergency Response Award from the Edison Electric Institute (EEI) five times. Progress Energy also won the EEI Emergency Assistance Award for its role in aiding utilities and citizens in Texas and Ohio following Hurricane Ike in 2008, and in the Gulf Coast region after Hurricanes Katrina and Rita in 2005. In 2011, Progress Energy crews deployed to Alabama and Georgia to assist with restorations following destructive tornadoes that struck that region.

Progress Energy Florida, a subsidiary of Progress Energy (NYSE: PGN), provides electricity and related services to more than 1.6 million customers in Florida. The company is headquartered in St. Petersburg, Fla., and serves a territory encompassing more than 20,000 square miles including the cities of St. Petersburg and Clearwater, as well as the Central Florida area surrounding Orlando. Progress Energy Florida is pursuing a balanced approach to meet the future energy needs of the region. That balance includes increased energy-efficiency programs, investments in renewable energy technologies and a state-of-the-art electricity system. For more information about Progress Energy, visit <http://www.progress-energy.com/>.

###

Media contact: Progress Energy Florida 24-hour media line (866) 520-6397

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