

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

AGENDA

May 18, 2009

7:00 P.M.

A. CALL TO ORDER

B. INVOCATION AND PLEDGE OF ALLEGIANCE

C. CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

1. Law Enforcement Awareness

Presentation of Proclamations designating and supporting the month of May as Law Enforcement Awareness Month.

Presentation: Mayor
Attachment: Proclamation

2. American Legion Auxiliary Poppy Days

Proclamation designating May 22-23, 2009, as "Poppy Days".

Presentation: Mayor
Attachment: Proclamation

3. Fire Department - Muscular Dystrophy Association (MDA) Boot Drive

Consideration of approval to allow on-duty personnel and equipment to be used to collect money on weekends during the months of June and July 2009 from local store fronts.

Presentation: Fire Chief
Attachment: Memo from Fire Chief dated 05/18/09

4. Proclamation - Muscular Dystrophy Association (MDA)

Presentation of Proclamation to MDA proclaiming the week of June 7-13, 2009 as Firefighter Appreciation Week.

Presentation: Mayor
Attachment: Proclamation

D. CITIZEN INPUT

REGULAR COUNCIL MEETING AGENDA – MAY 18, 2009

E. CONSENT AGENDA

1. **Minutes**
January 12, 2009 Workshop
March 2, 2009 Regular Meeting
2. **Appointment of Board Members to Public Risk Management of Florida**
Consideration of appointing Stephen Baumgartner as the Board Member and T. Jennene Norman-Vacha as the Alternate Board Member.
3. **Budget Workshops for FY2009-10**
Consideration of proposed budget meeting for FY2009-10.

CONSENT AGENDA APPROVAL (√)

Recommendation: Approval of Consent Agenda
Action: Motion to Approve
Attachments: 1) Minutes; 2) Memo from Finance Director dated 05/06/09; 3) Memo from City Manager dated 05/08/09, Proposed Schedule

F. PUBLIC HEARINGS

1. **Public Schools Facilities Element Stipulated Settlement Agreement**
Consideration to ratify the State-approved “Stipulated Settlement Agreement” between the City and the Department of Community Affairs.

Presentation: Director of Community Development
Recommendation: Approval of Agreement
Attachments: Memo from Community Development Planner dated 05/16/09; Proposed Agreement

G. REGULAR AGENDA

1. **Ordinance No. 774 – Impoundment**
Consideration of ordinance addressing junked and abandoned vehicles and setting forth procedural requirements for impoundment of vehicles used in conjunction with certain crimes in violation of certain parking statutes and code violation.

Presentation: Chief of Police
Recommendation: Approval of Ordinance upon roll call vote and schedule second reading for 06/01/09
Attachments: Memo from Chief of Police dated 05/06/09; Proposed Ordinance

REGULAR COUNCIL MEETING AGENDA – MAY 18, 2009

2. Ordinance No. 775 – Public School Facility Element

Consideration to ratify the State-approved “Stipulated Settlement Agreement” between the City and the Department of Community Affairs.

Presentation: Director of Community Development
Recommendation: Approval of Ordinance upon roll call vote and schedule second reading for 06/01/09
Attachments: Memo from Community Development Planner dated 05/16/09; Proposed Ordinance

3. Personnel Policy Amendments

Consideration of updates to the Personnel Policy.

- a) Section 7 Orientation & Training
- b) Section 7.1 Employee Performance Evaluations
- c) Section 7.03 Travel Allowances

Presentation: City Attorney
Recommendation: Approval
Attachments: Memo from City Attorney dated 01/20/08; Policies a-c

H. CITIZEN INPUT

I. ITEMS BY COUNCIL

J. ADJOURNMENT

CORRESPONDENCE TO NOTE

Meeting agendas and supporting documentation are available from the City Clerk’s office, and on line at www.cityofbrooksville.us. Persons with disabilities needing assistance to participate in any proceedings should contact the City Clerk’s office 48 hours in advance of the meeting at (352) 540-3810.

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.

Proclamation

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

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

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

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

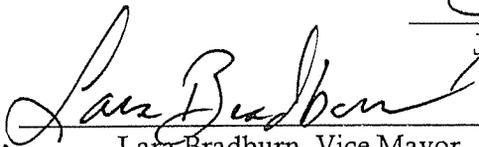
NOW, THEREFORE, on behalf of the City Council for the City of Brooksville, Florida, I, Joe Bernardini, Mayor, do hereby proclaim the week of May 18, 2009, as

“Law Enforcement Awareness Month”

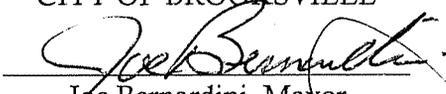
in Brooksville and call upon all our citizens in this community to especially honor and show our sincere appreciation for the City of Brooksville Police Department, Hernando County Sheriff’s Department, Florida Highway Patrol and the Florida Department of Law Enforcement by deed, remark and attitude.

IN WITNESS WHEREOF, we have hereunto set our hand and caused the seal of the City of Brooksville, Florida, to be affixed this 18th day of May, 2009.

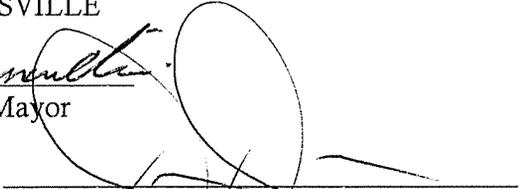
CITY OF BROOKSVILLE



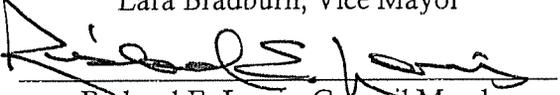
Lara Bradburn, Vice Mayor



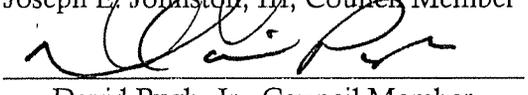
Joe Bernardini, Mayor



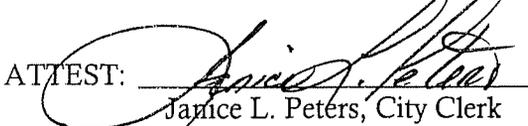
Joseph E. Johnston, III, Council Member



Richard E. Lewis, Council Member



David Pugh, Jr., Council Member

ATTEST: 

Janice L. Peters, City Clerk

Proclamation

WHEREAS, veteran organizations internationally adopted the *Poppy* as the symbol of Remembrance for the ultimate sacrifice of death on the battlefield by servicemen. The American Legion adopted the *Poppy* as its symbol in the early 1920s; and

WHEREAS, the *Poppy* as the symbol of Remembrance and sacrifice is lovingly made with honor and pride by disabled veterans for the purpose to raise funds to ameliorate financial stress for disabled veterans and their families, which also exemplifies the wearing of the *Poppy* to mean, "Honor the dead and help the living;" and,

WHEREAS, approximately 25 million Americans nationally, contribute approximately \$2 million dollars each year to the American Legion and the American Legion Auxiliary humanitarian efforts to assist in the rehabilitation and well-being of veterans, while at the same time remembering and memorializing those who sacrificed their lives for our country by symbolically wearing the "*Poppy*;" and,

WHEREAS, observance of the week of May 18, 2009, throughout the State of Florida will be known as, "*Poppy Days*."

NOW, THEREFORE, ON BEHALF OF THE CITY COUNCIL FOR THE CITY OF BROOKSVILLE, FLORIDA, I, JOE BERNARDINI, MAYOR, do hereby proclaim the week of May 18, 2009, as

"AMERICAN LEGION AUXILIARY POPPY DAYS"

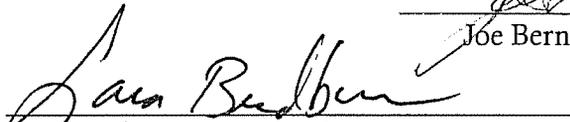
In the City of Brooksville, Florida, and we further encourage citizens to make a donation to the American Legion Auxiliary to benefit American Veterans and their families, and to acknowledge Remembrance of and the sacrifice by the deceased and the living veterans, by proudly wearing a *Poppy* during the proclaimed *Poppy Days* .

IN WITNESS WHEREOF, we have hereunto set our hand and caused the seal of the City of Brooksville to be affixed this 18th Day of May, 2009.

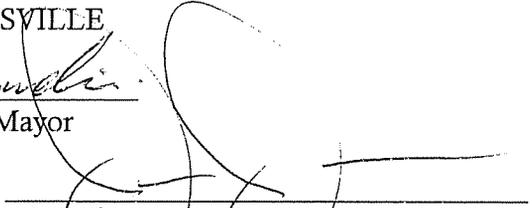
CITY OF BROOKSVILLE



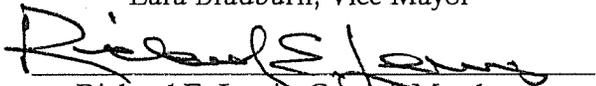
Joe Bernardini, Mayor



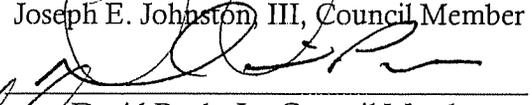
Lara Bradburn, Vice Mayor



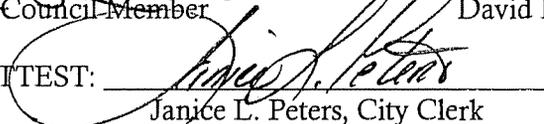
Joseph E. Johnston, III, Council Member



Richard E. Lewis, Council Member



David Pugh, Jr., Council Member

ATTEST: 

Janice L. Peters, City Clerk

5/18/09



**REGULAR AGENDA ITEM
MEMORANDUM**

To: Honorable Mayor and City Council Members

Via: T. Jennene Norman-Vacha, City Manager

From: Timothy A. Mossgrove, Fire Chief

Subject: Muscular Dystrophy Association Boot Drive

Date: May 18, 2009

General Summary / Background:

Annually the Brooksville Fire Department collects money for the Muscular Dystrophy Association and the intent of this request is again to allow the City of Brooksville Fire Department to collect money for the Muscular Dystrophy Association.

Recognizing the benefits from these collections we are currently working with local stores to collect from in front of their stores during the weekends during the months of June and July 2009. The date and times of for these locations are still being worked out.

The Firefighters that would be collecting would be on duty personnel and, if approved to collect from the store fronts they would comply with the policies set forth by the stores we would be collecting from.

Budget Impact:

Cost of on duty personnel and equipment to be on location to collect for MDA

Legal Review: The City Attorney has reviewed the Agreement as to content and form and has determined that it is in good legal form.

Staff Recommendation:

Staff recommends approval for the collection of MDA with the above stated conditions to collect in front of the store fronts.

Ec: Jan Peters, City Clerk

5/18/09

PROCLAMATION

WHEREAS, FIGHTING FIRES IS ONE OF THE MOST HAZARDOUS PROFESSIONS, REQUIRING PHYSICAL STRENGTH, STAMINA, EXTENSIVE TRAINING, COURAGE, AND SELFLESS CONCERN FOR THE WELFARE OF OUR CITIZENS; AND

WHEREAS, IN ADDITION TO THEIR DAILY SERVICE TO COMMUNITIES FIREFIGHTERS THROUGHOUT THE STATE AND ACROSS THE NATION HAVE JOINED THE MUSCULAR DYSTROPHY ASSOCIATION (MDA) FOR THE PAST 52 YEARS IN THE FIGHT AGAINST NEUROMUSCULAR DISEASES; AND

WHEREAS, FLORIDA FIREFIGHTERS COLLECTED A RECORD-BREAKING \$2,569,000 IN OVER 300 COMMUNITIES WITH THEIR 2008 "FILL THE BOOT" CAMPAIGN FOR MDA; AND

WHEREAS, THE FUNDS COLLECTED BY THE CITY OF BROOKSVILLE FIREFIGHTERS WILL ASSIST THE MDA IN PROVIDING MEDICAL SERVICES AT LOCAL CLINICS, SUMMER CAMPS, RESEARCH GRANTS, SUPPORT GROUPS, AND PUBLIC EDUCATION SEMINARS AT NO COST TO LOCAL CHILDREN AND FAMILIES, AND

WHEREAS, IN HONOR OF THE EFFORTS OF THE CITY OF BROOKSVILLE FIREFIGHTERS, THE MDA IS SPONSORING FIREFIGHTERS' APPRECIATION WEEK; AND

WHEREAS, IT IS APPROPRIATE FOR ALL CITIZENS TO JOIN THE MDA IN THIS TRIBUTE TO OUR FIREFIGHTERS.

NOW, THEREFORE, ON BEHALF OF CITY COUNCIL, FOR THE CITY OF BROOKSVILLE, FLORIDA, I, JOE BERNARDINI, MAYOR, DO HEREBY PROCLAIM JUNE 7-13, 2009,

FIREFIGHTERS' APPRECIATION WEEK

AND COMMEND THE CITY OF BROOKSVILLE FIREFIGHTERS FOR THEIR EFFORTS ON BEHALF OF THE MDA.

CITY OF BROOKSVILLE

JOE BERNARDINI, MAYOR

LARA BRADBURN, VICE MAYOR

JOSEPH E. JOHNSTON, III, COUNCIL MEMBER

RICHARD E. LEWIS, COUNCIL MEMBER

DAVID PUGH, JR., COUNCIL MEMBER

ATTEST: _____

JANICE L. PETERS, CITY CLERK

CITY OF BROOKSVILLE
WORKSHOP
COUNCIL CHAMBERS
201 HOWELL AVENUE

MINUTES

January 12, 2009

6:00 P.M.

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

CITY MANAGER GOALS

Discussion of goals as directed by Council.

City Manager Norman-Vacha advised the packet was put together per Council discussion at the December 15, 2008, meeting.

Discussion ensued regarding goals Council would like to see accomplished and how they are presented.

6-Month Priorities

Bathroom Update

Regarding the downstairs bathrooms the dire need for maintenance was pointed out and discussed. Director Walker stated the grout issue was taken care of two (2) weeks ago.

Records Management - Destruction Schedule & Indexing

City Manager Norman-Vacha stated that between October and December, 500 boxes were destroyed with 815 additional boxes as of last week. Interns are working to establish workflow on computer imaging system.

Restructuring of Office Spaces

City Manager Norman-Vacha indicated she is working on the restructuring of office space at City Hall in order to incorporate the Building Department. Discussion ensued of the building department and the possibility of having to re-contract with the County for Building Services if the economy does not pick up and PDCS pulled out.

Personnel Policies

City Attorney Rey indicated they hope to have the majority done by the end of the calendar year.

Management Analyst

This should be completed by February.

6-months to 1 Year

Air Conditioning Unit

Council Member Lewis recommended allocating the money Progress Energy owes the City to replacing the air unit along with the money already allocated towards the project.

COUNCIL WORKSHOP MINUTES - JANUARY 12, 2009

City Manager Norman-Vacha indicated she is working on grant monies from Progress Energy towards the unit.

Building Official

City Manager Norman-Vacha is working on analyzing the possibility of having internal versus outside building services.

Director Geiger indicated a plan reviewer would still have to be hired to review plans even if the City had its own Building Official.

Job Descriptions

City Manager Norman-Vacha indicated all should be revamped and projected 25% this fiscal year. It will be done in house as positions come open.

Progress Energy

Discussion ensued of the City's legal options and its liability to ensure the fees were being paid in the first place. Walmart, Tractor Supply and Lowe's, Council Member Lewis indicated, are the largest commercial entities involved in the shortage. City Manager Norman-Vacha indicated the next step will be to audit kilowatt usage.

Long Term Goals

Records management - Imaging Plan

Storage

Paperless Process

Council Member Pugh recommended going to laptops versus the printing of agendas.

Restructuring of Office Spaces

Restructuring of space in City Hall to better utilize the larger offices in the building.

Administration/City Manager's Office

Vice Mayor Bradburn wanted to see operational audits incorporated into the departments by an outside firm. Council Member Lewis felt the position of Management Analyst the City is looking to hire should be able to cover this process.

City Manager Norman-Vacha explained that Operational Audits should be more focused for full-blown departmental audits and is different than financial audits.

Community Development

There were no additions to the list provided by Community Development.

Mayor Bernardini advised he would like to see enclaves within the City completed this year. Council Member Lewis mentioned the Pet Luv plaza as being one of the worst enclaves. Director Geiger indicated the property owner has been reluctant to annex. Mayor Bernardini requested the properties totally enclaved be worked on first with a completion date of 1 year.

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Each goal was briefly discussed as follows:

Land Development Code - Working draft will be ready by July

Good Neighbor Trail - 6-months to 1 year

Master Drainage Plan - 1 year to Long-term

Mayor Bernardini stated the foundations should be made now for when funding becomes available. A general understanding of exactly what the needs are should be written.

Director Pierce indicated files contain memos that reference the problem areas. He identified a couple parcels via a map (Attachment A), which need to be acquired in order to control downstream flooding of Cloverleaf and across Howell Avenue. He will find previous memos and put together a plan.

US 41 Landscaping - Short Term

Director Geiger stated the landscape architect is working on the project which will include improvements to center medians and at the intersection of SR 50.

Zoning Changes - 6 Months to 1 Year

Cell Phone towers - 1 Year

Discussion of the revenues available was discussed. Vice Mayor Bradburn recommended identifying possible locations and criteria.

Smith Street Properties - Long Term

Council Member Lewis recommended the City focus on the property of the old Yandel Oil Company near Public Works. He indicated minimal cleanup is needed and would like the City to look into an agreement with the property owners, which after clean up would then be donated to the City and sold.

The first step would be to designate the areas as "brown field" to be eligible for future federal funds.

Joint Planning Board - October 2009

South Brooksville Improvements - Long Term

Vice Mayor Bradburn stated the County Administrator has embraced this as a city/county effort and it will be accomplished in pieces.

Seagate Annexation - Short Term to 1 Year

Director Geiger stated a meeting will be scheduled by the week of the 26th for a voluntary annexation or exercising the power of attorney.

Comp Plan/FLUM Update - Short Term

FLUM designation for Urban Service Boundary - Ongoing

Upgrade Increase Code Enforcement - Long Term associated with Code Updates.

Revitalization - Long Term associated with Comp Plan and structured goals.

COUNCIL WORKSHOP MINUTES - JANUARY 12, 2009

Certified Planner Utilization - Short Term

Director Geiger advised he is open to suggestions from Council as to best utilize the City Planner, Steve Gouldman, who is working mainly on Planning and not the day-to-day workings of Community Development. Vice Mayor Bradburn suggested he review plans when they come in. Director Geiger advised he has been doing preliminary reviews.

Building/Permitting to provide on-line access to permitting forms and inspection scheduling processes - Short Term

Director Geiger stated coordination will be done with the County Help Desk.

Finance

Vice Mayor Bradburn indicated she had spoken with Mary Beth Gray who is excited about where the audit process is going. Director Baumgartner briefly reviewed Finance's goals, indicating they are short-term to ongoing.

On the short-term, Microix Software is being installed this week for payroll (electronic timeclocks), which would eventually assist in reducing unnecessary budget amendments in the long-term.

Three-tiered Audit Process - 1-year

Rewrite of policies and Operations Manual - Short-Term by May

E-Business for Utility Bills with the option of paperless e-bills

Director Baumgartner indicated the third party vendor will charge under \$100 a month to process. Council Member Pugh recommended being able to pay online without a fee. The software needed to run Microix was further discussed.

Fire Department

ALS - 6-Months - Long Term

Chief Mossgrrove indicated he could bring back figures and options within 6-months but implementation can take up to 3-years. Initial outlay is the biggest expense but he will bring back estimates of contracting with an outside firm for comparison.

City/County Joint Station

This is an active project surveying already being worked on. The preliminary floor plan is done and the project will be completed in eighteen (18) months. Will be moving dirt and permitted in 6-months. He will supply preliminary floor plan for Council's office along with feedback from firefighters.

The committee consists of Chief Nickerson, Chief Mossgrrove, a District chief and two (2) firefighters for the City and a Captain and two (2) firefighters for the County.

City Fireflow - Long Term

Vice Mayor Bradburn asked what the City would need to do to get fire hydrants in Southway Villa I and II or in other high risk areas. City Manager Norman-Vacha indicated she and legal will meet with Chief Mossgrrove. Discussion of fire hydrants in conjunction with private properties ensued.

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COOP/CEMP - Short Term

Chief Mossgrrove indicated that as of Friday Hernando County Emergency Management has final drafts of the basic plans. City Manager Norman-Vacha indicated they will be meeting with staff as it is a city-wide effort with city-wide participation.

Parks & Recreation

Enrichment Center Project - 6 Months

Quarry/Emergency Shelter - Director Walker indicated the target date is February 2 for the Enrichment Center to move to the Jerome Brown Community Center (JBCC). The Quarry project has been sent to the state. He and Debbie Walker-Druzbeck have met with builders to get rough estimates. Council Member Pugh indicated he would like to volunteer to be on the committee as a liaison if Mayor Bernardini does not wish to be.

Quarry Marketing Plan - 6 Month Plan

Vice Mayor Bradburn recommended contacting like-communities to see what they do for marketing. Director Walker indicated the avid golfer is not going to utilize the golf course. Council Member Pugh recommended considering leasing the facility out as in the past and that the addition of the mine museum may be beneficial.

Paving of Walking Trail

Director Walker advised grant funding will be applied for again this year.

Vice Mayor Bradburn recommended addressing the trouble spots first.

Going Green Initiatives - Short Term

Director Walker indicated lights are being replaced starting with JBCC and will bring Council a plan.

Landscaping - Ongoing

Vice Mayor Bradburn asked that contact be made with Bob Carlton at the main Post Office about upgrading landscaping and maintenance at the downtown Post Office.

Director Walker stated Stewart Tree Service donated six (6) trees at the entrance of the Quarry Golf Course. Council will send a thank you letter from the Mayor to them.

BBQ Festival

Council Member Johnston indicated a twenty (20) team minimum is needed to hold the event and it was not held last year because the teams were not there. It needs a bigger prize fund but the economic times have not allowed for it. Marketing and sponsorship was discussed. Council Member Lewis recommended Director Walker contact Steve Smith at Walmart for sponsorship.

Canopied Streets - Ongoing

Director Walker stated he has looked into an organization mentioned by Council Member Bradburn and that citizens of the City of Largo are planting trees and maintaining them in front of their property. Council Member Pugh stated his concern with the City's liability that goes along with planting trees in right-of-ways and keeping in with "clear zones".

As-builts for Quarry - Ongoing

Mayor Bernardini attended a meeting with SWFWMD in which the enrichment center project was discussed. No permit will be issued

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until the as-builts are completed. Director Walker stated Alan Garman contacted SWFWMD at the end of December to set up a meeting but has not yet received a responded. Mayor Bernardini stated there is a new contact person at SWFWMD due to a change in staff.

Cooperation with County Parks for Joint Projects - Ongoing

Director Walker stated Pat Fagan is open to the idea.

Veteran's Memorial - No equipment available.

Council Member Lewis recommended contacting Ginny Brown-Waite's office for decommissioned equipment at surplus depots. Council Member Pugh suggested contacting Marion County on the Veterans Park project in Ocala as a good starting point.

Improved Advisory Board Involvement

Director Walker felt the board needs to assist with fund-raising events and needs such as the Major League Pitchers Fund.

Communication level

Director Walker is planning to move recreation staff into the park office, which he feels will improve efficiency. The Quarry cannot move because of operations. Mayor Bernardini felt that as long as the Enrichment Center is occupying the Center there should be City staff there, which was the consensus of Council and was discussed. Council Member Pugh agreed that employee representation is important. Council Member Lewis felt that the Recreation Leader, Joann Munford should be there in the case of inquiries to rent the building. Council Member Johnston stated the Enrichment Center people could direct such inquiries to the parks office. Council Member Pugh stated that locating the Enrichment Center at JBCC is temporary and he is concerned that no one will be there after they move out. City Manager Norman-Vacha relayed that Mrs. Mobley will be at the front desk and staff will be there during events. An improved and efficient community center involves all aspects of parks and recreation, not just JBCC. She asked Council to give Parks & Recreation an amount of time to try the change. After discussion Mayor Bernardini will meet with City Manager Norman-Vacha for additional clarification.

Basketball Court Pits - \$7,500 for resurfacing.

Director Walker will try to work into this year's budget.

Police Department

Council realizes the accreditation program is a 3-year process which they are on top of. The drug and prostitution stings are ongoing. The barricades on Union Street are being addressed at the next Council Meeting. The red light camera program will be up and running in March with a 6-month trial period. Media relations are being worked on as well as the SOP program.

Council Member Lewis would like to see the update on the officers taking home vehicles.

Vice Mayor Bradburn pointed out that she notices officers are more spread out throughout the City creating a quicker response time.

Public Works

R/W & Drainage Ditch Maintenance - Ongoing

Vice Mayor Bradburn did not feel cutting back on street sweeping to be a positive thing for the City. Director Pierce offered that after cleaning of the ditches he would expend more time on street

COUNCIL WORKSHOP MINUTES - JANUARY 12, 2009

sweeping. He referenced crushed culverts, which was discussed. Vice Mayor Bradburn indicated she had traveled the City looking at drainage ditches stating many are just severely neglected. Director Pierce is having a crew blow out the culverts during the dry season. Council Member Lewis recommended Director Pierce come up with a plan for the City to install culverts if the homeowner purchases them. Vice Mayor Bradburn indicated she feels culverts are normally on what she considers City right-of-ways.

MLK & City Sidewalks - Ongoing

MLK is underway and Director Pierce is hoping to get approval to fix about 620 linear feet of City sidewalk along Howell and Fort Dade to Olive. He has a plan ready and will bring back to Council for lowering the sidewalk without handrails. Council Member Lewis would like to see a cost analysis for repair versus replacing.

Council would like to see an updated sidewalk repair schedule and an amount to be budgeted each year.

Storage Tank Cleanup/Markings on City Streets

Director Pierce to figure out the markings and will come up with a solution.

Reuse Water - Long Term

Director Pierce stated water has to be treated before being pumped to areas of public access. It is a million dollar project for which there is no funding. Should funding come available there is a plan in place.

Radio Read Meters - 6-Month Short Term

Director Pierce stated this is a personal priority project to be completed by the end of January, along with the Good Neighbor Trail around Russell Street Park and including paving around JBCC.

GPS Mapping of W/S Lines - 6-Month Short Term

Director Pierce will come back to Council requesting a variance to the purchasing policy to allow using written quotes for equipment.

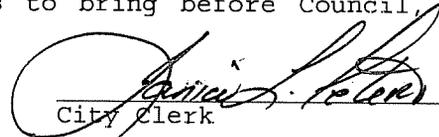
Investigate funding possibilities - Ongoing - Short Term & Long Term

City Manager Norman-Vacha will meet with staff and update the list of goals to submit to Council.

Potential workshop is set for the 2nd Monday of February.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 10:15 p.m.


City Clerk

Attest: _____
Mayor

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

MINUTES

March 2, 2009

7:00 P.M.

Brooksville City Council met in regular session with Mayor Joe Bernardini, Vice Mayor Lara Bradburn and Council Members Joseph E. Johnston, III, Richard E. Lewis and David Pugh 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; Emory Pierce, Director of Public Works; George Turner, Police Chief and Tim Mossgrove, Fire Chief. A member of the St. Pete Times was also present.

The meeting was called to order by Mayor Bernardini, followed by an invocation and Pledge of Allegiance. The meeting was adjourned at 7:03 for the annual Brooksville Fire District Meeting and reconvened at 7:08.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Award to the 2008 Co-Ed Winter League Tournament Champions

Recognition of the Coney Island Drive-In 2008 Co-Ed Winter League softball team and presentation of the 1st Place Trophy for the winter league.

Blair Hensley thanked Council, Mike Walker and all the sponsors for their support.

The team coach, Veronica Vasquez, thanked Council for their continued support. She would like see a concession stand at the park to keep warm on cold nights.

Resolution No. 2009-04 Recognition of Black History Month

A proclamation recognizing Moody Timmons for his contributions to our community in honor of Black History Month.

Mayor Bernardini read Resolution No. 2009-04 in its entirety.

A RESOLUTION TO ACKNOWLEDGE THE OUTSTANDING CONTRIBUTIONS OF MOODY TIMMONS TO THE HERNANDO COUNTY COMMUNITY AS FEBRUARY, BLACK HISTORY MONTH IS CELEBRATED THROUGHOUT THE UNITED STATES.

Motion:

Motion was made by Council Member Lewis and seconded by Vice Mayor Bradburn for approval of Resolution No. 2009-04.

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

REGULAR COUNCIL MEETING MINUTES – MARCH 2, 2009

Council Member Johnston	Aye
Council Member Pugh	Aye
Council Member Lewis	Aye
Vice Mayor Bradburn	Aye
Mayor Bernardini	Aye

The resolution was presented to the Timmons family descendents by Mayor Bernardini.

Vice Mayor Bradburn is inspired by the tradition of the Annual Timmons Family Reunion.

American People Against Cop Killers (A.P.A.C.K.), Inc. 2nd Annual Hernando County Bike Fest ~ Co-sponsored by the City of Brooksville Fine Arts Council

Update on the 2nd Annual Hernando County Bike Fest in conjunction with the Fine Arts Council and in honor of slain Pasco County Deputy, Captain Bo Harrison.

Darryl Garman, President of A.P.A.C.K. reviewed the Event and the fund, stating the event will be April 11th starting in Dade City and ending in Brooksville. He thanked the Fine Arts Council for working with them on the event. Mayor Bernardini thanked them for choosing the City for the event.

A two (2) minute break was taken.

Stimulus Projects Update

Input and direction from Council as it relates to items on the City's Federal Economic Stimulus Funding Project List.

Bill Geiger, Director of Community Development, reviewed the stimulus package. He indicated a lot of coordination had been going on with Hernando County, especially concerning transportation as well as projects related to utilities and other infrastructure. He asked for feedback from Council.

Council Member Johnston, concerning the street paving list, asked if the one and a half inch overlay is a standard paving amount. Director Pierce replied it is usually one inch and this will give a margin. He recommended using funds to restore bricks instead of paving over them.

Vice Mayor Bradburn stated that within this stimulus package she would like to see the reuse program and Governor's Boulevard projects completed which will better the community for decades to come.

Director Geiger advised most projects are shovel-ready or close to it. Vice Mayor Bradburn noted that we are way ahead of the game having so many projects that are ready to go and indicated the County Commission could not be more supportive. She thanked staff that has worked so diligently in getting these projects ready to go.

Metropolitan Planning Organization (MPO) 2035 Long Range Transportation Plan (LRTP) Update

Input and direction from the City Council as it relates to possibly updating or modifying "Policy Constrained Facilities" and "Areas of Concern" within the transportation network that impacts the City (all in conjunction with the 2035 LRTP Update).

REGULAR COUNCIL MEETING MINUTES – MARCH 2, 2009

Paul Douglas requested the City consider putting \$100 million on the stimulus list for funding of the infrastructure revitalization of South Brooksville. He indicated they are working with Coastal Engineering for mapping and the UF to develop an urban plan. The community has taken charge of the project and they are moving forward to find funding. He further reviewed their plans and indicated requests for funding will be made of Washington.

Vice Mayor Bradburn advised that staff is involved in the project, which is slow-going. Last week the Hernando County BOCC raised their request from \$2 million to \$5 million for South Brooksville. She indicated the City is supporting the South Brooksville revitalization plan and that many of the projects submitted includes South Brooksville.

Director Geiger stated that Hernando County submits a transportation plan update every five (5) years.

Dennis Dix, the Hernando County MPO Coordinator, reviewed Hernando County's 2035 Long Range Transportation Plan. He indicated this to be the time for the City to present their ideas for the plan. The reversing of the one-way pairs was discussed along with the widening of 41 and the problem of semi-truck traffic through downtown if the one-way pairs were reversed. Council Member Lewis advised an ideal solution would be a northeast truck bypass from SR 50.

Mr. Dix will look into the bridge issue for a possible weight limit and traffic counters that could measure the weight of a vehicle to determine amount of trucks going through downtown.

Because of cost, the 2035 plan will probably be 35% fewer projects than the current plan and indicated a rail connection will be coming according to TBARTA's 2035 vision.

CITIZEN INPUT

Viennese Black

She asked Council to consider how these plans will impact property on Wiscon Road which is now designated a flood zone.

Director Geiger advised that for development in that area, by state law under SWFWMD permitting, run-off cannot exceed pre-development. The property has always been in a floodplain but has not been designated as such before the flood maps from 1986 were updated. He will look into whether Ms. Black's property is located within the City and direct her to contact the flood mitigation program.

Motion:

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

CITIZEN INPUT

Mayor Bernardini asked for public input.

Dennis Wilfong

He indicated a lot is going on and everyone is excited about going forward. He reviewed a list of businesses and stated he is working on a list of vacant businesses as well as a list of

REGULAR COUNCIL MEETING MINUTES – MARCH 2, 2009

businesses Brooksville needs and can support; he is currently working on three (3) and very close to closing one. Methods of getting more activities downtown are being reviewed also.

Cliff Barnes

He proposed a community farm and requested land to be used for such a project. Vice Mayor Bradburn advised him that there is a community farm underway via the Love Your Neighbor coalition and recommended he speak with John & Lisa Callea at the Rising Sun Café. Council Member Pugh knows of some private land for possibly such an effort.

Margaret Lagone

She asked if there is any update to the petition she submitted at last meeting concerning the reopening of Main Street on Saturdays. City Manager Norman-Vacha indicated she and Mr. Wilfong have been discussing the issue and will be in touch.

CONSENT AGENDA

Surplus Equipment

Consideration of declaring surplus for disposal via the County's auction process.

Award of GPS System Bid No. UD2009-02

Consideration of awarding bid to Navigation Electronics, Inc. for the not-to-exceed amount of \$10,481 and authorize the City Manager to sign Purchase Order for said amount.

Award of Hope Hill Well #3 Pump Installation Bid No. UD2009-03

Consideration of awarding bid to Hausinger & Associates, Inc. for the not-to-exceed amount of \$87,000 and authorize the Mayor to sign an Agreement for Contractor Services for said amount after legal review.

Personnel Policy Amendment – Drug Free Workplace

Consideration of approval and adoption of the personnel policy Drug Free Workplace as proposed and attached to be included as Section 1.15 of the personnel manual.

Motion:

Motion was made by Council Member Lewis and seconded by Council Member Johnston for approval of the Consent Agenda. Motion carried 5-0.

Council Member Johnston clarified that the GPS bid is for the Meter Reading System.

He asked if the money is budgeted or from a grant on the Hope Hill well bid. Director Pierce indicated it is budgeted and eligible for reimbursed funds.

Vice Mayor Bradburn indicated the white foam board could be used by the art gallery and asked that it be pulled from surplus.

Drug Free Workplace

Attorney Rey advised there is a specific statutory provision on prescription drugs at work that is addressed by this amendment and recommended attaching the policy as proposed with the amendment to Section 3.M. without the secondary amendment to Section 3.B. to 3.C.

REGULAR COUNCIL MEETING MINUTES – MARCH 2, 2009

REGULAR AGENDA

Public Schools Facilities Element Interlocal Agreement

- a) Consideration to ratify the State recommended “Stipulated Settlement Agreement” to predicate the PSFE Interlocal Agreement.
- b) Consideration of approval of the fully “restated” Public School Facility Planning and School Concurrence Interlocal Agreement between Hernando County Board of County Commissioners, the City of Brooksville City Council and the School Board of Hernando County as approved at the February 2, 2009 Council Meeting.

Director Geiger advised that Council approved a modified agreement at a previous Council meeting but the state and other agencies wanted a fully extended and restated agreement with the changes but not in the amended underline/strikethrough format. The changes are identical to what Council approved previously and the state has approved both agreements.

Motion:

Motion was made by Council Member Johnston and seconded by Vice Mayor Bradburn for approval of staff recommendations.

Vice Mayor Bradburn added that this was an incredible effort on the part of staff and the county working with DCA.

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

Council Member Pugh	Aye
Council Member Lewis	Aye
Council Member Johnston	Aye
Vice Mayor Bradburn	Aye
Mayor Bernardini	Aye

Resolution No. 2009-05 Floodplain Management Plan

Consideration of resolution ratifying the adoption of the Hernando County Floodplain Management Plan.

The plan was reviewed by Director Geiger who indicated it to be a plan produced through the local mitigation strategy group effort and has been modified to meet the comments and requirements by FEMA. It was approved by Hernando County at their last meeting.

Motion:

Motion was made by Council Member Lewis and seconded by Vice Mayor Bradburn for approval of Resolution No. 2009-05.

Mayor Bernardini asked for public input; there was none.

Mayor Bernardini read Resolution No. 2009-05 by title, as follows:

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, ADOPTING THE HERNANDO COUNTY FLOODPLAIN MANAGEMENT PLAN.

REGULAR COUNCIL MEETING MINUTES – MARCH 2, 2009

Council Member Johnston reiterated that approving the resolution does not include approving the flood maps or any endorsement of the federally funded flood insurance program.

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

Council Member Lewis	Aye
Council Member Johnston	Aye
Council Member Pugh	Aye
Vice Mayor Bradburn	Aye
Mayor Bernardini	Aye

Union Street Barricades

Report and discussion of the Union Street Barricades/Closure.

Police Chief Turner reviewed the issue indicating the barricades have deteriorated over time and become ineffective. However, they have served a purpose and lessened crime in the area, which included drive-by shootings, high speed chases and drug activities. He indicated there is no emergency response delay to the area because of the barricades and found that most of the residents want them to remain but to be fixed. He advised that Director Pierce has presented three (3) options.

Tommy Brooks, Executive Director of the Brooksville Housing Authority, addressed Council and stated that from his experience the barricades were a step in the right direction by the City. He observed that Union Street is a good access for drug trafficking and recommended keeping the road closed, or removing it and keeping the barricades.

Discussion continued concerning the purpose and effectiveness of the barricades and the options presented to Council.

Motion:

Motion was made by Council Member Johnston and seconded by Council Member Lewis for approval of Option No. 3. Motion carried 5-0.

Council directed staff to return to Council with more design options incorporating the Good Neighbor Trail section.

Take Home Vehicle Report

Report of results following one (1) year implementation of the City of Brooksville's Take Home Vehicle Policy as adopted by City Council January 2008.

Chief Turner indicated it has been a year since the program was implemented. It has increased visibility and availability for fast response and more coverage per day with no increase in fuel consumption. Vehicle maintenance costs have improved because the officers clean them and provide upkeep. There has been 100% compliance with no issues related to the vehicles being taken home. Morale is higher as well because of the program and the officers appreciate it.

REGULAR COUNCIL MEETING MINUTES – MARCH 2, 2009

ITEMS BY COUNCIL

David Pugh, Jr., Council Member

Public Input

Council Member Pugh, referencing Public Input, recommended adding it back to the end as well for citizens who may want to speak at the very end. Council Member Lewis and Vice Mayor Bradburn agreed. Mayor Bernardini indicated he did not have a problem with citizens speaking at the end.

On-line Packet

He commended staff on their efforts in putting the packet on the web and recommended Council consider going green and paperless.

Building Committee

Attorney Rey commented on the Building Committee for the Emergency Shelter. Advising that the possible attendance of two (2) Council Members, would require notice of the meeting, which was discussed.

Joe Johnston, Council Member

Update on Howell Avenue Project

He indicated he would like a monthly update.

Mayor's Office Update

He commented on the update of the Council office.

Lara Bradburn, Vice Mayor

Tuesday, March 10, 5:30

Ribbon cutting of the Hernando/Pasco Hospice will be taking place.

Howell Avenue Repaving

Director Pierce indicated the cost for repaving is included in the price of the project.

Joe Bernardini, Mayor

Enrichment Center

He felt the enrichment center to be a good fit with the Jerome Brown Community Center.

Golf Course

Greens look good and as-builts are coming along.

Seagate Property Annexation

Director Geiger indicated he has been in touch with the owner but no meeting has been set.

Recycling program within departments

Mayor Bernardini would like to provide containers to implement recycling of plastic, cans, etc. and to let lessee's know that we recycle. Staff to contact Coca-Cola about containers.

Captain Beirwiler

He gave his condolences to the family and stated he was proud of our police department,

REGULAR COUNCIL MEETING MINUTES – MARCH 2, 2009

that they looked so professional at the funeral.

CITIZEN INPUT

Kojack Burnett

Union Street Barricades

He expressed his concern regarding lack of emergency vehicle access.

Citizen input on agenda items

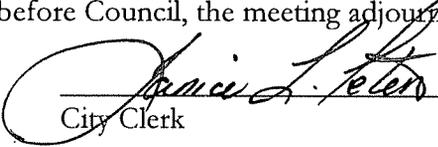
Some citizens are not stating their names when they come to the microphone to speak.

Dan Patrick

Thanked Council Member Lewis for questioning the police department usage of hours on take home vehicles.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 9:35 p.m.



City Clerk

Attest: _____
Mayor



CONSENT AGENDA ITEM
MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCILMEN
VIA: T. JENNENE NORMAN-VACHA, CITY MANAGER
FROM: STEPHEN J. BAUMGARTNER, FINANCE DIRECTOR
SUBJECT: APPOINTED OF BOARD MEMBERS TO PUBLIC RISK
MANAGEMENT OF FLORIDA (PRM)
DATE: MAY 6, 2009

[Handwritten signature of Stephen J. Baumgartner]
SJB

GENERAL SUMMARY/BACKGROUND: The Public Risk Management (PRM) By-Laws (Section 6.5) require that the governing body of the PRM Member (City of Brooksville) appoint/designate a PRM Board Member and an Alternate Board Member to represent the City of Brooksville in business matters and serve on the PRM Board of Directors for the Public Risk Management of Florida.

BUDGET IMPACT: There is no budget impact.

LEGAL REVIEW: Council has the legal authority to appoint staff to serve on the PRM Board.

STAFF RECOMMENDATION: Staff recommends that Council appoint Stephen Baumgartner as the Board Member and T. Jennene Norman-Vacha as the Alternate Board Member to represent the City of Brooksville and serve on the Board of Directors for Public Risk Management of Florida.



AGENDA ITEM
MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCILMEN
FROM: T. JENNENE NORMAN-VACHA, CITY MANAGER
SUBJECT: BUDGET WORKSHOPS FOR FY 2009-10
DATE: May 8, 2009

As we prepare for budget meetings for fiscal year 2009 - 10, we are interested in proposing the following days for Council workshops/meetings/Public Budget Hearings:

- June 29, 2009, 6:00 pm General Overview and Preliminary Discussions
- July 13, 2009, 6:00 pm General Fund/Departmental Discussions
- July 20, 2009, 7:00 pm Regular Council Meeting – Adoption of the
“Proposed Millage Rate” for DR-420 and set
Public Budget Hearings
- August 10, 2009, 6:00 pm Other than General Fund –
Funds/Departmental Discussions
- August 31, 2009, 6:00 pm Council Directed Discussions (as needed)
- September 9, 2009, 6:00 pm Public Budget Hearing
- September 23, 2009, 6:00 pm Public Budget Hearing

We seek direction from City Council to establish our budget meetings and discussions for the upcoming fiscal year of 2009-10.

City of Brooksville

Budget Calendar For the Fiscal Year 2009-2010

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
April				1	2	3	4
April	5	6	7	8	9	10	11
April	12	13	14	15	16	17	18
April	19	20	21	22	23	24	25
April	26	27	28	29	30		

4/29-Microix Budget worksheets from departments due back to Finance

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
May						1	2
May	3	4	5	6	7	8	9
May	10	11	12	13	14	15	16
May	17	18	19	20	21	22	23
May	24	25	26	27	28	29	30
May	31						

City Manager will meet with Department Heads.

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
June		1	2	3	4	5	6
June	7	8	9	10	11	12	13
June	14	15	16	17	18	19	20
June	21	22	23	24	25	26	27
June	28	29	30				

6/1-Preliminary estimate from property appraiser
6/19 Budget Packets for June 29th Workshop due to City Council.
6/29 First Budget workshop with focus on General Fund

City of Brooksville

Budget Calendar For the Fiscal Year 2009-2010

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
July				1	2	3	4
July	5	6	7	8	9	10	11
July	12	13	14	15	16	17	18
July	19	20	21	22	23	24	25
July	26	27	28	29	30	31	

7/01-DR-420 Received from Property Appraiser
7/03 Budget Packets for July 13th Workshop due to City Council.
7/13-Workshops with City Council 6:00 P.M. Purpose: General Fund Departments' 09 10 expenditures are reviewed by City Council. 09 10 Revenues are reviewed by City Council. Determine City's Millage rate for 7/20/09 City Council meeting.
7/20- Setting of tentative millage rate at Council Meeting 7:00 P.M..
7/31 Budget Packets for August 10th Workshop due to City Council.

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
Aug.							1
Aug.	2	3	4	5	6	7	8
Aug.	9	10	11	12	13	14	15
Aug.	16	17	18	19	20	21	22
Aug.	23	24	25	26	27	28	29
Aug.	30	31					

8/4 - Certification of Taxable Value (DR-420) to Property Appraiser By 5:00 P.M.
8/10- City Council Budget Workshop 6:00 P.M. Purpose: Utilities and Special Revenue, Capital Projects, and Trust & Agency Fund are reviewed.
8/14-Property Appraiser mails notice of proposed property taxes.
8/21 Budget Packets for August 31st Workshop due to City Council.
8/31 Council Budget Workshop 6:00 P.M. Purpose: As Needed; any unresolved Budget Issues to prepare for First Hearing on 9/9/09.

City of Brooksville

Budget Calendar For the Fiscal Year 2009-2010

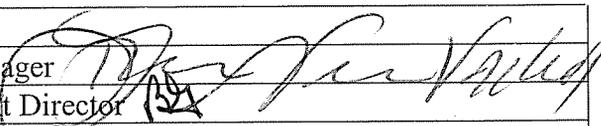
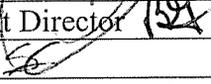
	Sun	Mon	Tue	Wed	Thu	Fri	Sat
Sept.			1	2	3	4	5
Sept.	6	7	8	9	10	11	12
Sept.	13	14	15	16	17	18	19
Sept.	20	21	22	23	24	25	26
Sept.	27	28	29	30			

9/9- Trim required Budget Hearing 6:00 P.M.
9/18- Advertise Budget Summary and Notice of Budget Hearing or Notice of tax increase.
9/23- Trim required Final Budget Hearing 6:00 P.M.
9/25 City forwards resolution adopting final millage to Property Appraiser & Tax Collector.

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
Oct.					1	2	3
	4	5	6	7	8	9	10
	11	12	13	14	15	16	17
	18	19	20	21	22	23	24
	25	26	27	28	29	30	31

10/1-Budget in Effect. Post to Accounting System.
10/22-Certification of Trim Compliance must be mailed to State (DR-422)

MEMORANDUM

To:	Honorable Mayor and City Council
Via:	T. Jennene Norman-Vacha, City Manager 
Via:	Bill Geiger, Community Development Director 
From:	Steven E. Gouldman, AICP, Planner 
Subject:	Stipulated Settlement Agreement between the Florida Department of Community Affairs and the City of Brooksville
Date:	May 16, 2009

GENERAL INFORMATION

This memorandum provides a brief overview of the history and actions that have resulted in the necessity to ratify the attached Stipulated Settlement Agreement between the State of Florida Department of Community Affairs and the City of Brooksville.

Legislation enacted by the 2005 Florida Legislature mandated a comprehensive focus on school planning by requiring local governments and school boards to adopt a school concurrency system. School concurrency ensures coordination between local governments and school boards in planning and permitting developments that affect school capacity and utilization rates. The 2005 legislation specifically mandates that school facilities concurrency be addressed. To implement school concurrency, local governments and school boards are required to:

- Update existing public school interlocal agreements and the Intergovernmental Coordination Element to include coordinated procedures for implementing school concurrency;
- Adopt a Public School Facilities Element into the comprehensive plan;
- Adopt level-of-service standards to establish maximum permissible school utilization rates relative to capacity, and include level of service standards in an amended Capital Improvements Element of the comprehensive plan and in the updated interlocal agreement;
- Establish a financially feasible Public School Capital Facilities Program and include this program in an amended Capital Improvements Element of the comprehensive plan;
- Establish proportionate-share mitigation methodology and options to be included in the Public School Facilities Element and the interlocal agreement; and
- Establish public school Concurrency Service Areas to define the geographic boundaries of school concurrency, and include the Concurrency Service Areas in the updated interlocal agreement and in the supporting data and analysis for the comprehensive plan.

In February 2008 the City acknowledged the State-mandated requirement with the submittal of a Public School Facilities Element (PSFE) to the Florida Department of Community Affairs (DCA). DCA, in their review of the amendments, noted that not all of the above mentioned

components were adequately addressed and, in agreement with the City, Hernando County and the School Board, determined that the Interlocal Agreement required modification. As a result of the determination, the City, Hernando County, the School Board and DCA collaborated to modify the Interlocal Agreement. The Interlocal Agreement was adopted by the City Council on March 2, 2009. The City now must enter into a compliance agreement with DCA and adopt a remedial Comprehensive Plan amendment to implement the terms of the agreement. The attached Stipulated Settlement Agreement represents the necessary compliance agreement and has been approved by DCA.

BUDGET IMPACT

City staff participated in the review of the Stipulated Settlement Agreement. Other direct budget impacts are limited to staff participation in the implementation of the commitments contained in the Comprehensive Plan and Stipulated Settlement Agreement.

LEGAL STATEMENT

The City of Brooksville is a local government with the duty to adopt comprehensive plan amendments that are in compliance with State legislation. The Department of Community Affairs determined the adopted Public Schools Facilities element was not in compliance. The attached Stipulated Settlement Agreement is a State-mandated agreement the City is legally obligated to execute.

STAFF RECOMMENDATION

Staff recommends that the City Council ratify the Stipulated Settlement Agreement between the State of Florida Department of Community Affairs and the City of Brooksville.

Enclosure: Stipulated Settlement Agreement

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

DEPARTMENT OF COMMUNITY AFFAIRS,

Petitioner,

v.

Case No. 08-1807GM

Docket No.: 08-1-NOI-2702-(A)-(N)

CITY OF BROOKSVILLE,

Respondent.

STIPULATED SETTLEMENT AGREEMENT

THIS STIPULATED SETTLEMENT AGREEMENT is entered into by and between the State of Florida, Department of Community Affairs and the City of Brooksville as a complete and final settlement of all claims raised in the above-styled proceedings.

RECITALS

WHEREAS, the State of Florida, Department of Community Affairs (DCA or Department), is the state land planning agency and has the authority to administer and enforce the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes; and

WHEREAS, the City of Brooksville (Local Government) is a local government with the duty to adopt comprehensive plan amendments that are "in compliance;" and

WHEREAS, the Local Government adopted Comprehensive Plan Amendment 08-1 (Plan Amendment) by Ordinance No. 752 on February 4, 2008; and

WHEREAS, the Plan Amendment proposes to create the Public School Facilities Element as part of City's adopted Comprehensive Plan and containing the goals, objectives and policies relating to public school concurrency; and

WHEREAS, the Department issued its Statement and Notice of Intent regarding the Amendment on March 20, 2008; and

WHEREAS, as set forth in the Statement of Intent, the Department contends that the Amendment is not "in compliance" because it fails to clearly adopt by reference the School District's current Five-year Work Plan and related Five-year Schedule of Capital Improvements, proposes school concurrency service areas which are not financially feasible, and fails to include appropriate supporting data and analysis, without limitation; and

WHEREAS, pursuant to Section 163.3184(10), Florida Statutes, DCA has initiated the above-styled formal administrative proceeding challenging the Amendment; and

WHEREAS, the Local Government disputes the allegations of the Statement of Intent regarding the Amendment; and

WHEREAS, the parties wish to avoid the expense, delay, and uncertainty of lengthy litigation and to resolve this proceeding under the terms set forth herein, and agree it is in their respective mutual best interests to do so;

NOW, THEREFORE, in consideration of the mutual covenants and promises hereinbelow set forth, and in consideration of the benefits to accrue to each of the parties, the receipt and sufficiency of which are hereby acknowledged, the parties hereby represent and agree as follows:

GENERAL PROVISIONS

1. Definitions. As used in this agreement, the following words and phrases shall have the following meanings:

a. Act: The Local Government Comprehensive Planning and Land Development Regulation Act, as codified in Part II, Chapter 163, Florida Statutes.

- b. Agreement: This stipulated settlement agreement.
- c. Comprehensive Plan Amendment or Plan Amendment: Comprehensive plan amendment 08-1 adopted by the Local Government on February 4, 2008 as Ordinance No. 752.
- d. DOAH: The Florida Division of Administrative Hearings.
- e. In compliance or into compliance: The meaning set forth in Section 163.3184(1)(b), Florida Statutes.
- f. Notice: The notice of intent issued by the Department to which was attached its statement of intent to find the plan amendment not in compliance.
- g. Petition: The petition for administrative hearing and relief filed by the Department in this case.
- h. Remedial Action: A remedial plan amendment, submission of support document or other action described in the statement of intent or this agreement as an action which must be completed to bring the plan amendment into compliance.
- i. Remedial Plan Amendment: An amendment to the plan or support document, the need for which is identified in this agreement, including its exhibits, and which the local government must adopt to complete all remedial actions. Remedial plan amendments adopted pursuant to this Agreement must, in the opinion of the Department, be consistent with and substantially similar in concept and content to the ones identified in this Agreement or be otherwise acceptable to the Department.
- j. Statement of Intent: The statement of intent to find the Plan Amendment not in compliance issued by the Department in this case.

k. Support Document: The studies, inventory maps, surveys, data, inventories, listings or analyses used to develop and support the Plan Amendment or Remedial Plan Amendment.

2. Department Powers. The Department is the state land planning agency and has the power and duty to administer and enforce the Act and to determine whether the Plan Amendment is in compliance.

3. Negotiation of Agreement. The Department issued its Notice and Statement of Intent to find the Plan Amendment not in compliance, and filed the Petition in this case to that effect. Subsequent to the filing of the Petition the parties conferred and agreed to resolve the issues in the Petition, Notice and Statement of Intent through this Agreement. It is the intent of this Agreement to resolve fully all issues between the parties in this proceeding.

4. Dismissal. If the Local Government completes the Remedial Actions required by this Agreement, the Department will issue a cumulative Notice of Intent addressing both the Remedial Plan Amendment and the initial Plan Amendment subject to these proceedings. The Department will file the cumulative Notice of Intent with the DOAH. The Department will also file a request to relinquish jurisdiction to the Department for dismissal of this proceeding or for realignment of the parties, as appropriate under Section 163.3184(16)(f), Florida Statutes.

5. Description of Provisions not in Compliance and Remedial Actions; Legal Effect of Agreement. Exhibit A to this Agreement is a copy of the Statement of Intent, which identifies the provisions not in compliance. Exhibit B contains Remedial Actions needed for compliance. Exhibits A and B are incorporated in this Agreement by this reference. This Agreement constitutes a stipulation that if the Remedial Actions are accomplished, the Plan Amendment will be in compliance.

6. Remedial Actions to be Considered for Adoption. The Local Government agrees to consider for adoption by formal action of its governing body all Remedial Actions described in Exhibit B no later than the time period provided for in this Agreement.

7. Adoption or Approval of Remedial Plan Amendments. Within 60 days after execution of this Agreement by the parties, the Local Government shall consider for adoption all Remedial Actions or Plan Amendments and amendments to the Support Documents. This may be done at a single adoption hearing. Within 10 working days after adoption of the Remedial Plan Amendment, the Local Government shall transmit 5 copies of the amendment to the Department as provided in Rule 9J-11.011(5), Florida Administrative Code. The Local Government also shall submit one copy to the regional planning agency and to any other unit of local or state government that has filed a written request with the governing body for a copy of the Remedial Plan Amendment and a copy to any party granted intervenor status in this proceeding. The Remedial Plan Amendment shall be transmitted to the Department along with a letter which describes the remedial action adopted for each part of the plan amended, including references to specific portions and pages.

8. Acknowledgment. All parties to this Agreement acknowledge that the “based upon” provisions in Section 163.3184(8), Florida Statutes, do not apply to the Remedial Plan Amendment.

9. Review of Remedial Plan Amendments and Notice of Intent. Within 30 days after receipt of the adopted Remedial Plan Amendments and Support Documents, the Department shall issue a Notice of Intent pursuant to Section 163.3184, Florida Statutes, for the adopted amendments in accordance with this Agreement.

a. In Compliance: If the adopted Remedial Actions satisfy this Agreement, the Department shall issue a cumulative Notice of Intent addressing both the Plan Amendment and the Remedial Plan Amendment as being in compliance. The Department shall file this cumulative notice with DOAH and shall move to realign the parties or to have this proceeding dismissed, as may be appropriate.

b. Not in Compliance: If the Remedial Actions do not satisfy this Agreement, the Department shall issue a Notice of Intent to find the Plan Amendment not in compliance and shall forward the notice to DOAH for consolidation with the pending proceeding.

10. Effect of Amendment. Adoption of any Remedial Plan Amendment shall not be counted toward the frequency restrictions imposed upon plan amendments pursuant to Section 163.3187(1), Florida Statutes.

11. Purpose of this Agreement; Not Establishing Precedent. The parties enter into this Agreement in a spirit of cooperation for the purpose of avoiding costly, lengthy and unnecessary litigation and in recognition of the desire for the speedy and reasonable resolution of disputes arising out of or related to the Plan Amendment. The acceptance of proposals for purposes of this Agreement is part of a negotiated agreement affecting many factual and legal issues and is not an endorsement of, and does not establish precedent for, the use of these proposals in any other circumstances or by any other local government.

12. Approval by Governing Body. This Agreement has been approved by the Local Government's governing body at a public hearing advertised at least 10 days prior to the hearing in a newspaper of general circulation in the manner prescribed for advertisements in Section

163.3184(16)(c), Florida Statutes. This Agreement has been executed by the appropriate officer as provided in the Local Government's charter or other regulations.

13. Changes in Law. Nothing in this Agreement shall be construed to relieve either party from adhering to the law, and in the event of a change in any statute or administrative regulation inconsistent with this agreement, the statute or regulation shall take precedence and shall be deemed incorporated in this Agreement by reference.

14. Other Persons Unaffected. Nothing in this Agreement shall be deemed to affect the rights of any person not a party to this Agreement. This Agreement is not intended to benefit any third party.

15. Attorney Fees and Costs. Each party shall bear its own costs, including attorney fees, incurred in connection with the above-captioned case and this Agreement.

16. Effective Date. This Agreement shall become effective immediately upon execution by the Department and the Local Government.

17. Filing and Continuance. This Agreement shall be filed with DOAH by the Department after execution by the parties. Upon the filing of this Agreement, the administrative proceeding in this matter shall be stayed by the Administrative Law Judge in accordance with Section 163.3184(16)(b), Florida Statutes.

18. Retention of Right to Final Hearing. Both parties hereby retain the right to have a final hearing in this proceeding in the event of a breach of this Agreement, and nothing in this Agreement shall be deemed a waiver of such right. Any party to this Agreement may move to have this matter set for hearing if it becomes apparent that any other party whose action is required by this Agreement is not proceeding in good faith to take that action.

19. Construction of Agreement. All parties to this Agreement are deemed to have participated in its drafting. In the event of any ambiguity in the terms of this Agreement, the parties agree that such ambiguity shall be construed without regard to which of the parties drafted the provision in question.

20. Entire Agreement. This is the entire agreement between the parties and no verbal or written assurance or promise is effective or binding unless included in this document.

21. Governmental Discretion Unaffected. This Agreement is not intended to bind the Local Government in the exercise of governmental discretion which is exercisable in accordance with law only upon the giving of appropriate public notice and required public hearings.

22. Multiple Originals. This Agreement may be executed in any number of originals, all of which evidence one agreement, and only one of which need be produced for any purpose.

23. Captions. The captions inserted in this Agreement are for the purpose of convenience only and shall not be utilized to construe or interpret any provision of this Agreement.

EXHIBIT A

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

IN RE: CITY OF BROOKSVILLE
COMPREHENSIVE PLAN AMENDMENT
08-1; AMENDING THE PUBLIC SCHOOL
FACILITIES ELEMENT, FUTURE LAND
USE ELEMENT AND CAPITAL
IMPROVEMENTS ELEMENT

Docket No. 08-1-NOI-2702-(A)-(N)

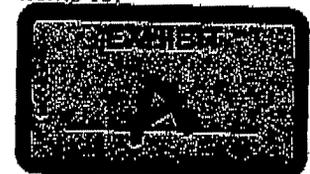
STATEMENT OF INTENT TO FIND A PORTION OF
COMPREHENSIVE PLAN AMENDMENT
NOT IN COMPLIANCE

The Florida Department of Community Affairs, pursuant to Section 163.3184(10), Florida Statutes, and Rule 9J-11.012(6), Florida Administrative Code (F.A.C.), hereby issues this Statement of Intent to find the portion of the Comprehensive Plan Amendment 08-1 ("Amendment") adopted by the City of Brooksville by Ordinance No. 752 on February 4, 2008, Not In Compliance based upon the Objections, Recommendations, and Comments Report (ORC Report) issued by the Department on December 11, 2007, which is hereby incorporated by reference, and based upon the changes the City made to the amendment as adopted. The Department finds that a portion of the Amendment is not "in compliance", as that term is defined in Section 163.3184(1)(b), Florida Statutes (F.S.), for the following reasons:

I. Public Schools Facilities Element

A. Inconsistent provisions. The inconsistent provisions of the Amendment under this subject heading are as follows:

1. The amendment did not clearly adopt by reference the School District's current Five-year Work Plan and did not adopt a Five-year Schedule of Capital Improvements for



school-related projects needed to achieve and maintain the adopted level of service standards for schools. The District Facilities Plan and Tentative Five-year Schedule of School Improvements included in the data and analysis do not include a full five-year schedule through Fiscal Year 2011-2012, and the Tentative Five-year Schedule of School Improvements is not financially feasible since it includes an unfunded elementary school for construction in year two of the schedule.

2. The amendment is not supported by relevant and appropriate data and analysis regarding the existing and projected school deficiencies for the short and long-term planning timeframes based on the adopted School Concurrency Service Areas and the adopted level of service standards which are 100 percent of permanent Fish Capacity based on the Core Facilities. The data and analysis did not identify all of the school-related public facilities (level of service related to public facilities) that are necessary to meet the existing public facility deficiencies, the facilities that are necessary to meet future growth for the five-year and long-term planning timeframes, and the facilities that are necessary to replace obsolete or worn-out facilities. The data and analysis did not demonstrate in an updated (2007-2008 to 2011-2012) Five-year Schedule of Capital Improvements which capital projects are needed to replace existing facilities, and which capital projects are needed to meet future demand.

3. The City has not demonstrated that the adopted level of service standard can be achieved within the Five-year Schedule of Improvements for the Concurrency Service Areas. Part of the inability to demonstrate this is related to the 28 Concurrency Service Areas established by the City. A number of these Concurrency Service Areas do not have any schools in them and are not adjacent to Concurrency Service Areas that have schools or have schools only of a specific type (e.g. elementary). For these Areas there is no existing or planned school

capacity and no ability to utilize capacity in adjacent Areas. Therefore, the Plan is not financially feasible since it does not provide for the maintenance and achievement of the adopted level of service standards in these Concurrency Service Areas.

Therefore, the amendments are not consistent with the following requirements:

Rules 9J-5.005(2) and (5), 9J-5.006(2)(c)(c), 9J-5.015(1)(a) and (2), 9J-5.016(4), and 9J-5.025(2) and (3), F.A.C., and Sections 163.3177(2), (3), and (8), 163.3177(12)(c) and (f), and 163.3180 (a) – (e), F.S.

B. Recommended Remedial Actions.

These inconsistencies may be remedied by:

1. Revising Capital Improvements Element Policy 9.01A(9) to clearly incorporate by reference the District Five-year Facilities Plan, including its date of adoption. The Policy should adopt the most up-to-date schedule, which covers the period of Fiscal Years 2007-2008 through 2011-2012. The City should include in the adopted Five-year Schedule of Capital Improvements the improvements that are needed to achieve and maintain the adopted level of service standards for schools in the five-year planning period. The schedule must be supported by relevant and appropriate data and analysis to demonstrate that the schedule is financially feasible. The funding sources for projects in the first three years of the schedule must be committed. The funding sources for projects in years four and five may be planned or committed, but projects with planned funding sources should also identify an alternative funding source.
2. Providing data and analysis which projects the City's population and school impacts for the five-year period based on the Concurrency Service Areas and which demonstrates that the adopted level of services standards will be achieved and maintained in the

Five-year planning timeframe. The data and analysis should address population growth projections for each of the concurrency service areas and identify existing and projected school deficiencies based on the adopted School Concurrency Service Areas and the adopted level of service standard which is 100 percent of permanent FISH Capacity based on Core Facilities. Thus the data should consider the available capacity for all core facilities, such as dining facilities, at the each school. The data and analysis must demonstrate that the City can achieve its adopted level of service standards for schools in the five-year planning timeframe, or alternatively, a ten year planning timeframe if the City adopts a long-term concurrency management system for schools, including a long-term (ten-year) Schedule of Capital Improvements for Schools, into the Comprehensive Plan.

3. Revising the Concurrency Service Areas to provide for a financially feasible plan that demonstrates that the level of service standards can be achieved and maintained in the five-year planning period for each Concurrency Service Area.

II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

A. Inconsistent provisions. The Amendment is inconsistent with the State Comprehensive Plan goals and policies set forth in Section 187.201, Florida Statutes, including the following provisions:

1. Land Use. The Amendment is inconsistent with the Goal set forth in Section 187.201(15), F.S., and the Policies set forth in Section 187.201(15)(b)1, F.S.

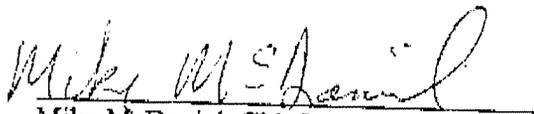
2. Public Facilities. The Amendment is inconsistent with the Goal set forth in Section 187.201(17), F.S., and the Policies set forth in Section 187.201(17)(b)1, 2, 3, 6, 7, and 9, F.S.

B. Recommended remedial action. These inconsistencies may be remedied by revising the Amendment as described above in Section I.

CONCLUSIONS

1. The Amendments identified above are not consistent with the State Comprehensive Plan;
2. The Amendments identified above are not consistent with Chapter 9J-5, F.A.C.;
3. The Amendments identified above are not consistent with the requirements of Chapter 163, Part II, F.S.;
4. The Amendments identified above are not "in compliance," as defined in Section 163.3184(1)(b) F.S.; and,
5. In order to bring the Amendment into compliance, the City may complete the recommended remedial actions described above or adopt other remedial actions that eliminate the inconsistencies.

Executed this 20th day of March 2008, at Tallahassee, Florida.



Mike McDaniel, Chief
Office of Comprehensive Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399

EXHIBIT B

CHAPTER 8
CAPITAL IMPROVEMENTS

Goal: The City shall provide public facilities at an adopted level of service that shall be met for all existing and future development, through the financial commitment of a Capital Improvements Element, a Capital Improvements Program and a development process that permits development in consistent with the city's ability to finance and complete needed public facilities. [9J-5.016(3)(a)]

Timing, Concurrency Priority

Objective 1: Land use decisions (including Future Land Use Map amendments and all development orders) shall be coordinated with the city's financial commitment to expand facilities as stated in the Five-Year Schedule of Capital Improvements and Five-Year Capital Improvements Program, for the purposes of providing facilities that serve existing and future development at the adopted level of service standards. [9J-5.016(3)(b)3], [9J-5.016(4)(b)]

Policy 1-1: Land use development orders shall be granted only when facilities functioning at the adopted level of service exist, or will be available, concurrent with occupancy or use of such developed land with respect to sewer, water and drainage, and within three years for recreation and transportation. [9J-5.016(3)(b)1]

Policy 1-2: The City shall adopt an adequate facilities ordinance to ensure that, at the time a development permit is issued, adequate facility capacity is available or will be available when needed to serve the development. [9J-5.016(3)(b)1], [9J-5.016(3)(c)6]

Policy 1-3: The City shall require all public and private capital facilities to operate and provide service at the level of service adopted in this Comprehensive Plan for existing, previously issued development orders and future permitted development. [9J-5.016(3)(c)5] [9J-5.016(3)(c)6]

Policy 1-4: The level of service standards will be used to determine whether sufficient school capacity exists to accommodate future development projects, and evaluate the sufficiency of the Five-Year Schedule of Capital Improvements. The Five-Year Schedule of Capital Improvements shall be reviewed, updated and adopted annually, thus ensuring the inclusion of those projects necessary to address existing deficiencies, and to meet future needs based upon the adopted level of service standards. The annual update to the Five-Year Schedule of Capital Improvements shall ensure the capital improvements program continues to be financially feasible and the level of service standards will continue to be achieved and maintained.

Policy 1-5: The following levels of service are hereby adopted and shall be maintained for existing and previously permitted development and for new development and redevelopment in the City and the city's utility service areas: [9J-5.016(3)(c)4]

<u>FACILITY</u>	<u>STANDARD</u>
<i><u>Traffic Circulation</u></i>	
<u>Principal Arterials (state)</u>	<u>LOS C at peak hour, or as otherwise noted in this document</u>
<u>Principal Arterials (other)</u>	<u>LOS D at peak hour</u>
<u>Minor Arterials</u>	<u>LOS D at peak hour</u>
<u>Local Collectors</u>	<u>LOS D at peak hour</u>
<i><u>Recreation and Open Space</u></i>	
<u>Picnic Table</u>	<u>20 per 6,000 persons</u>
<u>Swimming Pool</u>	<u>1 per 10,000 persons</u>
<u>Baseball Field (regulation)</u>	<u>1 per 6,000 persons</u>
<u>Tennis Court</u>	<u>1 per 2,000 persons</u>
<u>Basketball Court</u>	<u>1 per 5,000 persons</u>
<u>Volleyball Court</u>	<u>1 per 5,000 persons</u>
<u>Recreational Building</u>	<u>1 per 15,000 persons</u>
<u>Outdoor Theater</u>	<u>1 per 20,000 persons</u>
<u>Shooting Range</u>	<u>1 per 50,000 persons</u>
<u>Golf Course</u>	<u>1 per 25,000 persons</u>
<u>Equipped Play Area</u>	<u>1 per 3,000 persons</u>
<u>Multi-Use Court</u>	<u>1 per 10,000 persons</u>
<u>Shuffleboard</u>	<u>1 per 6,000 persons</u>
<u>Handball Court</u>	<u>1 per 10,000 persons</u>
<u>Horseshoe Court</u>	<u>1 per 5,000 persons</u>
<u>Multi-Sport Play Field</u>	<u>1 per 5,000 persons</u>
<i><u>Sanitary Sewer</u></i>	
<u>Cobb Road Service Area</u>	<u>100 gallons per capita per day</u>
<i><u>Solid Waste</u></i>	
<u>Citywide</u>	<u>6.2 pounds per capita per day</u>
<i><u>Drainage</u></i>	
<u>Citywide</u>	<u>Equivalent to and no less than SWFWMD's regulations for closed basins, as provided in 40D-4 and 40D-40, F.A.C.</u>
<i><u>Potable Water</u></i>	
<u>Citywide</u>	<u>110 gallons per capita per day</u>
<i><u>Public Schools</u></i>	
<u>Elementary</u>	<u>100% of permanent Florida Inventory of School Houses (FISH) Capacity for Permanent Student</u>

<u>FACILITY</u>	<u>STANDARD</u>
	Stations and 100% of Permanent FISH Capacity for Core Facilities (whichever is the greater number will be used for calculating student capacities for LOS).
<u>Middle</u>	100% of permanent FISH Capacity for Permanent Student Stations and 100% of Permanent FISH Capacity for Core Facilities (whichever is the greater number will be used for calculating student capacities for LOS).
<u>High</u>	100% of permanent FISH Capacity for Permanent Student Stations and 100% of Permanent FISH Capacity for Core Facilities (whichever is the greater number will be used for calculating student capacities for LOS).
<u>Magnet</u>	Magnet schools will maintain the level of service standard for the type of school for which it is constructed, whether an elementary, middle or high school.

<u>FACILITY</u>	<u>STANDARD</u>
<u>Traffic Circulation:</u>	
<u>i. Principal Arterials (State)</u>	<u>FDOT to set standard Level of Service C at peak hour; or as otherwise noted in this document</u>
<u>ii. Principal Arterials (other)</u>	<u>Level of Service D at peak hour</u>
<u>iii. Minor Arterials</u>	<u>Level of Service D at peak hour</u>
<u>iv. Local Collectors</u>	<u>Level of Service D at peak hour</u>
<u>b.) Recreation and Open Space:</u>	
<u>i. Picnic Table</u>	<u>20 per 6,000 persons</u>
<u>ii. Swimming Pool</u>	<u>1 per 10,000 persons</u>
<u>iii. Baseball Field (Regulation)</u>	<u>1 per 6,000 persons</u>
<u>iv. Tennis Court</u>	<u>1 per 2,000 persons</u>
<u>v. Basketball Court</u>	<u>1 per 5,000 persons</u>
<u>vi. Volleyball Court</u>	<u>1 per 5,000 persons</u>
<u>vii. Recreational Building</u>	<u>1 per 15,000 persons</u>
<u>viii. Outdoor Theater</u>	<u>1 per 20,000 persons</u>
<u>ix. Shooting Range</u>	<u>1 per 50,000 persons</u>
<u>x. Golf Course</u>	<u>1 per 25,000 persons</u>

- ~~xi. Equipped Play Area ————— 1 per 3,000 persons~~
- ~~xii. Multi use Court ————— 1 per 10,000 persons~~
- ~~xiii. Shuffleboard ————— 1 per 6,000 persons~~
- ~~xiv. Handball Court ————— 1 per 10,000 persons~~
- ~~xv. Horseshoe Court ————— 1 per 5,000 persons~~
- ~~xvi. Multi sport Play field ————— 1 per 5,000 persons~~

~~e.) Sanitary Sewer:~~

~~————— Cobb Road Service Area ————— 100 gallons per capita per day~~

~~d.) Solid Waste:~~

~~————— City wide ————— 6.2 pounds per capita per day~~

~~e.) Drainage:~~

~~————— City wide ————— Equivalent to and no less than the regulations of the Southwest Florida Water Management District for closed basins, as provided for in the Florida Administrative Codes 40D-4 and 40D-40 as effective on March 1, 1988.~~

~~FACILITY~~

~~STANDARD~~

~~f.) Potable Water:~~

~~————— City wide ————— 110 gallons per capita per day~~

~~g.) Public Schools: The LOS standards to implement school concurrency shall be calculated as a percentage of Florida Inventory of School Houses ("FISH") as follows:~~

- ~~i. Elementary: 100% of permanent FISH Capacity for permanent student stations or permanent FISH Capacity for based on the [#]Core Facilities of the particular elementary school. Whichever is the greater number will be used for calculating student capacities for Level of Service determinations.~~
- ~~ii. Middle: 100% of permanent FISH Capacity for permanent student stations or permanent FISH Capacity for based on the [#]Core Facilities of the particular middle school. Whichever is the greater number will be used for calculating student capacities for Level of Service determinations.~~
- ~~iii. High: 100% of permanent FISH Capacity for permanent student stations or permanent FISH Capacity for based on the [#]Core Facilities of the particular high school. Whichever is the greater number will be used for calculating student capacities for Level of Service determinations.~~
- ~~iv. K-8: 100% of permanent FISH Capacity based on the Core Facilities of the particular middle (K-8) school [Note: The Florida Department of Education presently treats a K-8 school as a middle school for purposes of FISH]~~

~~[#] For the purpose of determining Level of Service, CORE FACILITIES are identified as Cafeteria Permanent Capacity for 100% of the FISH Capacity for the Core Facilities, based on a particular school type.~~

~~[9J-5.016(3)(c)(4)]~~

Policy 1-56: Proposed capital improvement projects shall be evaluated and ranked in order of priority according to the following guidelines: [9J-5.016(3)(c)1]

- a. Whether the project is needed to protect the public health and safety, to fulfill the city's legal commitment to provide facilities and services or to preserve or achieve full use of existing facilities [9J-5.016(3)(c)1.a]
- b. Whether the project increases efficiency of use of existing facilities, prevents or reduces future improvement cost, provides service to developed areas lacking full service, or promotes infill development; ~~and~~ [9J-5.016(3)(c)1.b]
- c. Whether the project represents a logical extension of facilities and service from the City to the urban fringe, or is compatible with the plans of the state agencies or the Southwest Florida Water Management District--[9J-5.016(3)(c)1.g]
- d. The City shall work to avoid capacity deficits while minimizing adverse impact to the local budget when implementing a financially feasible plan of capital improvements. [9J-5.016(3)(c)1.c] [9J-5.016(3)(c)1.f]
- e. Determination of future capital improvement needs shall be based on anticipated future growth or redevelopment patterns and whether a particular improvement advances the goals, policies and objectives of the Comprehensive Plan. [9J-5.016(3)(c)1.b] [9J-5.016(3)(c)1.d] [9J-5.016(3)(c)1.e] [9J-5.016(3)(c)9]
- f. Formulation of the city's Five-Year Schedule of Capital Improvements shall account for where other local governments, state agencies, and water management district improvement plans may fund an improvement that impacts municipal LOS.

Policy 1-67: The City shall include in its land development regulations a program for land dedication, or payment-in-lieu-of dedication or some other form of exaction, as a requirement of land subdivision or land development for the purpose of retaining easements for utility and traffic circulation systems and for meeting all adopted levels of service. [9J-5.016(3)(c)1.b], [9J-5.016(3)(b)5]

Policy 1-78: As needed, the City will pursue specific financing strategies such as special assessments to ensure that developments approved by previously issued development orders bear a proportionate cost of public services and improvements from which they derive benefit, so that facility and infrastructure needs do not exceed the ability of the City to fund needed capital improvements and to ensure private funding of improvements that deliver private benefits. [9J-5.016(3)(b)5]

Policy 1-89: The City shall implement a method to monitor and track de minimis impacts on all roadways within the City. All de minimis impacts (an impact that would not affect more than one percent of the maximum volume at the adopted level of service for the given transportation facility) shall be compiled into an annual report and submitted to the state land planning agency with the annual update of the Capital Improvements Element.

~~**Policy 1-910:**~~ ~~The City shall adopt by reference all external agency plans that have a significant impact on quality of life or otherwise possess a nexus to adopted LOS standards.~~

Objective 2: Decisions regarding the issuance of development orders and permits will be based upon coordination of the development requirements included in this plan, the city's land development regulations, and the availability of necessary public facilities needed to support proposed development.

Policy 2-1: It shall be the responsibility of the city's development review ~~Committee process~~ to certify that all development orders are consistent with the Land Development Regulations, Comprehensive Plan, and Five-Year Schedule of Capital Improvements.

Policy 2-2: Future development will bear a proportionate cost of all capital improvements necessary to maintain LOS standards adequately. [9J-5.016(3)(b)4] [9J-5.016(3)(c)8]

Policy 2-3: The City shall continue to make public services and facilities available concurrent with the impacts of development. In cases of phased development, the City shall determine when public facilities and services are necessary to maintain concurrency. [9J-5.016(3)(b)4]

Budgetary Procedure

Objective 3-0:—The Capital Improvements Element and the Five-Year Schedule of Capital Improvements shall be updated annually to reflect existing and projected capital needs in accordance with the adopted level of service standards, for the purpose of assessing the costs of those needs against projected revenues and expenditures. [9J-5.016(5)]

Policy 3-0-1: Review and update the Capital Improvements Element annually to ensure close coordination of the annual budget and comprehensive plan update requirements, scheduling capital improvements to meet existing deficiencies, accommodate future growth, and replace obsolete or worn-out facilities. [9J-5.016(3)(b)1]

Objective 3-1: The City shall continue to collect and receive a ~~proportion of impact fees under the auspices of Hernando County~~ for the purpose of subsidizing the costs of public facility improvements.

Policy 3-1: Debt service shall not exceed 20% of annually budgeted gross revenues. [9J-5.016(3)(c)2.b]

- Policy 3-2:** The City shall reserve Enterprise Fund surpluses, unless indicated otherwise, for major capital expenditures. [9J-5.016(3)(c)2]
- Policy 3-3:** Efforts shall be made to secure grants or private funds whenever available to finance the provision of capital improvements. [9J-5.016(3)(c)2]
- Policy 3-4:** All new development that has a direct or indirect impact on roads, schools, parks, potable water, sewer, sanitation, drainage, fire, police, or emergency medical services shall continue to be subject to impact fees as collected and administered by the City and/or Hernando County. Monies collected as impact fees shall be utilized according to guidelines established for the specific impact fee program.
- Policy 3-5:** Limitation on the use of revenue bonds as a percentage of total public debt shall remain consistent with applicable Florida statutes and acceptable financial practices. [9J5.016(3)(c)2.a]
- Policy 3-6:** The maximum ratio of outstanding capital indebtedness to the property tax base shall remain consistent with applicable Florida statutes and acceptable financial practices. [9J5.016(3)(c)2.c]
- Policy 3-7:** The City shall comply with all State of Florida law regarding management of the public debt. [9J5.016(3)(c)2.c] [9J5.016(3)(c)1.c]
- Policy 3-8:** Funds that are not under the control of the City during the annual update of the Capital Improvements Element shall be considered planned funds and may not be utilized in years 1-3 of the Five-Year Schedule of Capital Improvements.
- Policy 3-9:** Prior to initiation of the annual budgeting process, the City shall review all potential sources of revenue not previously utilized as revenue and shall obtain and evaluate potential benefits from new revenue sources.
- Policy 3-10:** The City shall rely on private contributions to fund capital improvements listed on the five-year schedule only when a private, external entity's obligation to pay is addressed in an enforceable development agreement or development order. When the five-year schedule lists the cost of a capital improvement as funded by private contribution, it shall not be the responsibility of the City to fund the improvement. Should any private party or developer fail to successfully complete the construction of a given capital improvement listed in the five-year schedule, then a Comprehensive Plan amendment is required to delete said improvement from the five-year schedule.
- Objective 4:** A Five-Year Capital Improvements Plan shall be incorporated into the Annual Budget in order to reserve funds for needed future capital facilities. [9J-5.016(3)(c)7]
- Policy 4-1:** The city's Finance Director shall prepare the Five-Year Capital Improvement Plan on an annual basis as part of the city's Annual Budget; it shall address all capital needs of the City. [9J-5.016(3)(c)3]

Policy 4-2: As a part of the annual update process for the Capital Improvements Element, municipal department heads should provide input to the City Manager and Finance Director regarding capital improvement needs and the adequacy of existing and planned funding sources.

Policy 4-3: As a part of the annual update process for the Capital Improvements Element the City should focus on a multi-year funding strategy to identify new funding resources.

Five-Year Schedule of Capital Improvements

Objective 5: Capital improvements will be provided to correct existing deficiencies, to accommodate desired future growth, and to replace worn-out or obsolete facilities, as indicated in the Five-Year Schedule of Capital Improvements of this element. ~~(Exhibit 8-1)~~ [9J-5.016(4)(a)1]

Policy 5-1: A Capital Improvements Coordinating Committee composed of the Director of Public Works, Director of Utilities, Director of ~~Planning and~~ Community Development, Finance Director, and City Manager shall meet for the purpose of evaluating and ranking in order of priority, projects proposed for inclusion in the Five-Year Schedule of Capital Improvements. The City Manager will make the specific appointments to the Capital Improvements Coordinating Committee as necessary.

Policy 5-2: The Five-Year Schedule of Capital Improvements shall describe, locate and identify funding sources, and demonstrate consistency with all relevant Comprehensive Plan content. [9J-5.016(4)(a)1.a] [9J-5.016(4)(a)1.b] [9J-5.016(4)(a)2]

Policy 5-3: ~~The Hernando County School District Five Year District Facilities Work Program, as adopted by Hernando County School Board on February 19, 2008, is considered a part of the Capital Improvements Element of the City of Brooksville's Comprehensive Plan. This includes the annual update of the School Board Five Year Work Plan to add a new fifth year to the document. The City of Brooksville hereby adopts by reference the Hernando County School Board Five Year Work Program for FY 2008-2009 to FY 2012-2013, which was adopted on March 12, 2009. The City of Brooksville will adopt by reference each subsequently adopted work program by the Hernando County School Board into the Capital Improvements Element. NOTE: Any project listed as unfunded in the Five Year Work Program will not be considered for determining whether the adopted Level of Service is met in the five years of the work program.~~

Policy 5-4: The Five-Year Schedule of Capital Improvements shall demonstrate financial feasibility. [9J-5.016(3)(a)] [9J-5.016(3)(c)1.f]

Implementation of Five-Year Schedule of Capital Improvements

The Five-Year Schedule of Capital Improvements is the mechanism by which the City can effectively stage the timing, location, projected cost, and revenue sources for the capital improvements derived from

the other comprehensive plan elements, in support of the Future Land Use Element. The Five-Year Schedule of Capital Improvements has been used to document the economic feasibility of the Comprehensive Plan based upon the preceding data and analysis.

**TABLE 8-2
FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS WITH FINANCIAL FEASIBILITY BALANCE STATEMENT**

CAPITAL PROJECTS	FUNDING SOURCE	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13
		TOTAL CITY REVENUE BY FISCAL YEAR					
		\$34,754,113	\$36,150,719	\$37,564,799	\$38,978,699	\$40,392,689	\$41,906,747
			\$35,796,535	\$37,235,032	38,731,935	\$40,287,768	
1. Governor Blvd	Development Agreement, Impact Fees	\$00,000					\$300,000
2. Good Neighbor Trail	General Fund	\$271,000	\$511,824				
3. Sanitation Truck	General Fund	\$180,000	\$180,000	\$200,000	\$200,000	\$200,000	\$200,000
4. Mekethan Park Improvements	General Fund	\$35,000					
5. Utility Relocation for FDOT CR 485 Widening Project	Reserves				\$200,000		
WATER SYSTEM IMPROVEMENTS							
5. New Well Field NW	Reserves, Impact Fees		\$80,000	\$80,000	\$80,000	\$80,000	
6. Hope Hill Well Replacement & Tank Modification	Reserve, Grant, Impact Fees		\$175,000	\$165,000	\$1,000,000	\$90,000	
7. Downtown Fire Flow	Legislative Appropriation, Grant	\$477,000	\$250,000	\$250,000	\$250,000	\$250,000	
8. Water Valves Replacement Program	Water Utility Reserves	\$50,000	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000
9. Lamar Avenue Water Plant Rehab	Water Utility Reserves	\$60,000		\$10,000			
10. Emergency Generator Installation (Hope Hill Wellfield and Lamar Avenue Water Plant)	Debt Water Utility Reserves	\$80,000		\$80,000			
11. Southern Hills Water Improvements (Line oversizing on Governor & Cotillion Blvds.)	Water Impact Fees	\$327,000	\$25,000	\$259,000			
12. SR 50 Water Line Loop (Hospital line extension along Wiscon Rd. to Walmart)	Debt Service/ Water Impact Fees			\$700,000			
13. US 41 Water Line Ext. (SHP Blvd. to Powell Rd.)	Debt Service/ Water Impact Fees		\$500,000	\$325,000			
14. Radio Read Meters	Debt Service/USDA Grant	\$190,000	\$190,000	\$190,000	\$190,000	\$190,000	
15. Hillside Water Plant Electrical Equipment	Reserves		\$12,000				
16. Liberty St. Water Tower Painting	Reserves		\$150,000				
SEWER SYSTEM IMPROVEMENTS							

CAPITAL PROJECTS	FUNDING SOURCE	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13
157a. Southern Hills Sewer Improvements (Additional Improved [Reuse] Treatment Capacity Plant Upgrade & Line Oversizing	Reserves, Debt Service & Impact Fees	\$180,000				\$2,576,655	
157b. Southern Hills Sewer Improvements (Additional Improved [Reuse] Treatment Capacity Plant Upgrade	Private funding through Development Agreement					\$7,600,000	
168. Majestic Oaks Forcemain Oversizing	Sewer Impact Fees		\$150,000				
179. Sewer System Rehabilitation	Legislative Appropriation	\$660,000	\$660,000				
1920. SR 50 Sewer Line Extension (Extension from Hospital to Mobley Rd. along Wiscon Rd.)	Sewer Impact Fees			\$550,000			
1921. US 41 Sewer Line Extension from SHP to Powell Rd.	Sewer Impact Fees	\$143,350	\$256,650	\$55,000			
202. Mobley Road Reuse Line Oversizing	Sewer Impact Fees	\$225,000					
243. Miscellaneous Equipment (Howell Ave. Lift Station/Yontz Rd. Forcemain)	Sewer Impact Fees	\$100,000	\$100,000				
TOTAL CAPITAL IMPROVEMENTS EXPENDITURES BY FISCAL YEAR							
		\$3,278,350	\$1,656,650	\$2,020,000	\$690,000	\$10,946,655	\$560,000
			\$4,099,356	\$2,230,000	\$1,987,000	\$10,436,655	
TOTAL CITY EXPENDITURES BY FISCAL YEAR							
		\$94,754,113	\$36,150,719	\$37,564,709	\$38,978,699	\$40,392,689	\$41,906,747
			\$35,796,535	\$37,235,032	38,731,335	\$40,287,768	
TOTAL BALANCE SUMMARY BY FISCAL YEAR							
		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

*Note: All grant funds in current year are confirmed as dedicated funding sources.
 Projection of future year revenues and expenditures represent values of horizontal analysis as applied to exponential smoothing model.
 [91-5.016(4)(a)(1)(2)] [91-5.016(1)(f)(1)]

CHAPTER 11

PUBLIC SCHOOL FACILITIES

Goal A: To provide for future availability of public school facilities in a manner consistent with the adopted level of service standard.

Level of Service Standards for Public School Capacity

Objective 1: Establish level of service guidelines for public school capacity.

Policy 1-1: The Level of Service (LOS) standard set forth herein shall be applied consistently by the City and the School Board district-wide to all schools of the same type. The LOS standards to implement school concurrency shall be calculated as a percentage of Florida Inventory of School Houses (“FISH”) as follows:

- a. Elementary: 100% of permanent Florida Inventory of School Houses (FISH) Capacity based on the for Permanent Student Stations and 100% of Permanent FISH Capacity for Core Facilities of the particular elementary school (whichever is the greater number will be used for calculating student capacities for LOS).
- b. Middle: 100% of permanent FISH Capacity based on the for Permanent Student Stations and 100% of Permanent FISH Capacity for Core Facilities of the particular elementary school (whichever is the greater number will be used for calculating student capacities for LOS).
- c. High: 100% of permanent FISH Capacity based on the for Permanent Student Stations and 100% of Permanent FISH Capacity for Core Facilities of the particular elementary school (whichever is the greater number will be used for calculating student capacities for LOS).
- d. K-8: 100% of permanent FISH Capacity based on the Core Facilities of the particular middle (K-8) school [note: the Florida Department of Education presently treats a K-8 school as a middle school for purposes of FISH]. Magnet schools will maintain the level of service standard for the type of school for which it is constructed, whether an elementary, middle or high school.
- e. For purposes of this section, “Core Facilities” shall mean ‘Permanent Cafeteria Capacity’ based on FISH standards.

Policy 1-2: For the purposes of the level of service standard for public school capacity, FISH capacity shall refer to the Florida Inventory of School Houses (FISH) report of

permanent capacity of existing public school facilities. The FISH Capacity is the number of students that may be housed in a facility (school) at any given time based upon a percentage by school type (i.e., elementary, middle, high and K-8) of the total number of existing student stations and a designated size for each program. In the City of Brooksville, permanent capacity does not include temporary classrooms unless they meet the standards for long-term use pursuant to s. 1013.20. *Florida Statutes*.

- Policy 1-3:** The adopted level of service standard shall become applicable to development orders with the adoption of the Public Schools Facility Element and the land development regulations shall be amended to include the level of service standards.
- Policy 1-4:** The issuance of development orders for new residential units shall be predicated on the availability of school capacity.
- Policy 1-5:** Where capacity will not be available to serve students from the property seeking a land use or zoning change or other development approval, then the City may use the lack of school capacity as a basis for denying a development order.
- Policy 1-6:** The level of service standards will be used to determine whether sufficient school capacity exists to accommodate future development projects, and evaluate the sufficiency of the Five-Year Schedule of Capital Improvements. The Five-Year Schedule of Capital Improvements shall be reviewed, updated and adopted annually, thus ensuring those projects necessary to address existing deficiencies are adequately planned, and to meet future needs based upon the adopted level of service standards. The annual update to the Five-Year Schedule of Capital Improvements shall ensure the capital improvements program continues to be financially feasible and the level of service standards will continue to be achieved and maintained.
- Policy 1-7** The level of service standard is also measured to account for programmatic changes which have consistent and measurable capacity impacts including but not limited to double sessions, floating teachers, year-round operations and special education programs. To determine available capacity as a result of programmatic changes, there must be student stations at each grade level for the particular schools in the Concurrency Service Areas (CSA) affected.
- Policy 1-8** In order to determine if the available adjacent capacity can be utilized, the following additional criteria shall apply:
- a. Travel time and distance: School bus route from the school to the site of the proposed development should not exceed 50 minutes;
 - b. Areas established for the purpose of establishing student diversity at

schools shall not be used to determine capacity;

- c. If the boundary is adjacent based on its connection by the Withlacoochee State Forest, it should not be deemed adjacent;
- d. Where capacity is reserved for a specific academic program, it cannot be claimed in an adjacent concurrency service area.

Concurrency Service Areas

Objective 2: Establish school concurrency service areas to be used to determine the availability of public school capacity to serve new residential development.

Policy 2-1: Concurrency Service Areas (CSAs) shall be established to determine whether there is adequate school capacity available based on the adopted level of service standards, and a proper analysis can be conducted to examine the availability of capacity in adjacent CSAs if capacity is not available in the primary CSA.

Policy 2-2: CSAs will be generally based upon the school attendance zones for elementary, middle, high and K-8 schools and the best available data and methodology so that there is school capacity available in each CSA to meet the adopted LOS standard within the five-year period contained in the Florida Statutes.

Policy 2-3: CSAs shall be established and subsequently modified to maximize available school capacity and make efficient use of new and existing public school facilities in accordance with the LOS standards, and taking into account policies to:

- a. minimize transportation costs;
- b. limit maximum student travel times;
- c. effect desegregation plans;
- d. achieve socio-economic, racial and cultural diversity objectives;
- e. recognize capacity commitments resulting from the development approvals for the CSA; and,
- f. recognize capacity commitments resulting from development approvals for contiguous CSAs.

Policy 2-4: All CSAs will be described geographically and appropriately mapped.

- Policy 2-5:** Future amendments to the CSAs may be made by the School Board in accordance with the criteria in Goal A, Policy 2-3, and only after review and comment by the County and the City, respectively.
- Policy 2-6:** Upon adoption of CSAs by the School Board, said CSAs and supporting maps will be incorporated as amendments to the adopted comprehensive plans of the County and the City, respectively, in accordance with the Growth Management Act (*see* Section 163.3180(13)(g)(5), *Florida Statutes*: Rule 9J-5.003, *Florida Administrative Code*).

Land Use and Facility Coordination

- Objective 3:** Ensure that Comprehensive Plan Amendments and other land use decisions are simultaneously evaluated with school capacity availability within the primary CSA and those CSAs which are contiguous.
- Policy 3-1:** The City shall consider Hernando County School Board comments on the availability of adequate school capacity when considering the decision to approve Comprehensive Plan Amendments and other land use decisions as provided for in Section 163.3177(6)(a)F.S.
- Policy 3-2:** The City shall identify methods to direct development to areas with adequate school capacity or to where school sites adequate to serve potential growth have been acquired by the School Board, provided such location of the development is consistent with the City's Comprehensive Plan.
- Policy 3-3:** In any instance where capacity will not be available to serve students to be generated by a development seeking approval, and subsequent to the contiguous CSA analysis that demonstrates there is no available capacity, and proportionate share mitigation is not an option, the school capacity deficiency shall be a basis for denial of the proposal.
- Policy 3-4:** The School Board shall review potential new subdivision conditional plats and residential site plans for student generation impacts and available school capacity. Where capacity will not be available to serve students from the property seeking to increase residential density, and subsequent to the contiguous CSA analysis that demonstrates there is no available capacity, and proportionate share mitigation is not an option, the School Board shall not issue a favorable concurrency determination. The City shall use lack of school capacity demonstrated by an unfavorable concurrency determination as a reason for denial of a development order.
- Policy 3-5:** During the process of land use decision making, the City will ensure the compatibility of proposed land uses in the vicinity of either existing or planned public schools, and protect existing and planned schools from incompatible uses.

School Facility Siting

Objective 4: Ensure that the planning and construction of educational facilities are coordinated with regard to timing, location, compatibility, and the availability of required infrastructure.

Policy 4-1: The following issues will be considered by the School Board when evaluating potential new school sites or significant renovations of existing schools:

- a. Site acquisition and development cost.
- b. Compatibility of the school site with present and projected uses of adjacent properties.
- c. Adequate public facilities and services to support the proposed school are available, or will be available, concurrent with the impacts of the school.
- d. Safe access to and from the school site by pedestrians and vehicles.
- e. The proposed location is not in conflict with local government stormwater management plans or watershed management plans.
- f. The proposed site is well drained and soils are suitable for development, or are adaptable for development for educational purposes with identified drainage improvements.
- g. The proposed location is not immediately adjacent to water treatment plants or wastewater treatment plants.
- h. There are no significant environmental constraints that would preclude development of a public school on the site.
- i. The proposed location lies outside the area regulated by s. 333.03, *Florida Statutes*, regarding the construction of public educational facilities in the vicinity or flight path of an airport.
- j. There will be no adverse impact on archaeological or historic sites listed in the National Register of Historic Places or designated by the affected local government as a locally significant historic or archaeological resource.
- k. The proposed site can accommodate the required parking, circulation, and adequate queuing of vehicles onsite.

- i. Whenever possible and where appropriate, existing schools will be expanded, renovated, or revitalized to support community redevelopment, in-fill development, and revitalization.
- m. The location of schools, where possible, should be proximate to and within walking distance of the residential neighborhoods served.

Policy 4-2: The School Board Staff will meet with and review potential school sites with planning staff of the City. The recommendations and comments from these meetings will be submitted to the School Board as needed. The School Board will take the respective recommendations into consideration.

Policy 4-3: The City shall advise the School Board as to the consistency of the proposed new site with their adopted comprehensive plan, including the appropriate processes under which the School Board may request an amendment to the comprehensive plan for school siting. The consistency determination with the comprehensive plan is made through the development review process.

Policy 4-4: Within the City, schools are permitted in all land use categories except Conservation. Schools may be allowed in any zoning district as a special exception use.

Policy 4-5: The decision of the City of Brooksville City Council shall be the final local government action of any comprehensive plan amendment or rezoning decision.

Policy 4-6: Where an identified school site requires a rezoning or special exception use approval to accommodate a proposed school, the School Board shall provide all property owners of record within a 250' radius of the site written notification of the proposed school siting request.

Policy 4-7: The submittal, processing and review of any proposed school site design or development plan shall be filed with the Community Development Department of the City and shall include at a minimum, the following:

- a. Location, size, height, and use of all proposed structures;
- b. Proposed or existing location of fire hydrants and distance to structures;
- c. Location and method of buffering from adjacent residential zoning districts;
- d. Location and method of storm water retention;
- e. Location, size and total amount of recreation areas;

- f. Location and dimensions of proposed parking and service areas; and,
- g. Proposed means of vehicular and pedestrian access from the site to adjacent streets and/or alleys.

Policy 4-8: The review and processing of any site design or development plan submitted by the School Board shall be in accordance with the adopted comprehensive plan of the City and all applicable land development regulations (noting that the School Board is exempt from certain regulations).

Policy 4-9: The School Board and City shall cooperate in determining the need for and timing of on-site and off-site improvements necessary to support each new school or the proposed renovation or expansion of an exiting school.

Policy 4-10 In conjunction with the School Board’s approval of a new school site, the School Board and City will jointly determine the need for and timing of on-site and off-site improvements necessary to support each new school.

Collocation of Facilities

Objective 5: Coordinate location of public school facilities relative to the location of other public facilities such as parks, libraries and community centers to the extent possible.

Policy 5-1: The City will look for opportunities to collocate and share use of their facilities with the School Board when preparing the annual update to the adopted comprehensive plan’s schedule of capital improvements and when planning new or renovating existing community facilities.

Policy 5-2: A separate agreement may be developed for each instance of collocation or shared use which addresses operating and maintenance costs, scheduling use of the facilities, facility supervision, legal liability, or any other issues that may arise from collocation or shared use.

Goal B: To establish a process for the implementation of school concurrency through capacity determination standards, concurrency determination process, and proportionate share mitigation.

Capacity Determination Standards

Objective 1: The City shall cooperate with the School Board in the implementation of capacity determination standards.

Policy 1-1: The School Board will determine whether adequate school capacity exists for a proposed development, based on the Level of Service (LOS) standards, CSAs, and other standards as follows:

- a. Calculate total school facilities by adding the capacity provided by existing school facilities except magnet/lottery schools to the capacity of any planned school facilities.
- b. Calculate available school capacity by subtracting from the total school facilities the sum of:
 - i. used capacity;
 - ii. the portion of reserved capacity projected to be developed within three (3) years;
 - iii. the portion of previously approved development projected to be developed within three (3) years; and,
 - iv. the demand on schools created by the proposed development.

Policy 1-2:

In determining whether there is sufficient school capacity to accommodate a proposed development in a specific CSA, the School Board will:

- a. Subject CSA. Consider whether the CSA in which the proposed development is situated has available school capacity, based on the formula in Goal B, Policy 1-1.
- b. Contiguous CSA. If the projected student growth from a residential development causes the adopted LOS to be exceeded in the subject CSA, a contiguous CSA will be reviewed for available capacity. In conducting the contiguity review, the School Board shall first use the contiguous CSA with the most available capacity to evaluate projected enrollment and, if necessary, shall continue to the CSA with the next most available capacity until all contiguous CSAs have been evaluated or the available capacity has been identified to allow a determination letter approving school concurrency to be issued. If a contiguous CSA is identified as having available capacity, then the actual development impacts shall be shifted to that CSA having available capacity (this shift shall be accomplished in accordance with School Board Policy which may include, without limitation, appropriate boundary changes or shifting future student assignments).
- c. Available capacity is based on no students being bussed to any contiguous CSA farther than the average bussing travel distance throughout the District.

Policy 1-3:

Except as provided in Goal B, Policy 1-4, school concurrency shall apply to all

new residential development and uses that generate demands for public school facilities and are proposed or established after the effective date of the school concurrency ordinance (as adopted by the City). School concurrency shall not apply to non-residential uses such as professional, commercial or industrial.

Policy 1-4: The following residential uses shall be considered exempt from the requirements of school concurrency:

- a. Single family lots of record having received final plat approval (or otherwise deemed grandfathered as a valid residential lot under the land development regulations of the City) prior to the effective date of the school concurrency ordinance.
- b. Multi-family residential development having received final site plan approval prior to the effective date of the applicable school concurrency ordinance.
- c. Amendments to residential development approvals issued prior to the effective date of the adopted school concurrency ordinance, which do not increase the number of residential units or change the kind of residential units proposed to a type that would produce a larger number of school age children (i.e., changing unit types from resort residential to Single Family Residential).

Concurrency Determination Process

Objective 2: The City shall cooperate with the School Board in the implementation of the concurrency determination process.

Policy 2-1: The school concurrency ordinance to be adopted by the City will include, among other things, application procedures and processes for evaluating school capacity and making concurrency determinations.

Following the adoption of the school concurrency ordinance, the City will:

- a. accept and process final plat and residential site plans, only after the applicant has complied with the terms of its school concurrency ordinance. The City may approve a school concurrency application earlier in the approval process, upon request by the applicant, if the School Board reviews and approves the determination, allocations of capacity, and proportionate share mitigation commitments, as provided in this Element and the Growth Management Act.
- b. upon receipt of a complete school concurrency application, timely transmit the application to the School Board for a determination of

whether there is adequate school capacity, for each level of school, to accommodate the proposed development based on the LOS standards, CSAs, and other standards set forth in this Element and the Interlocal Agreement between Hernando County, the City of Brooksville and the Hernando County School Board, dated August 7, 2006, as may be amended from time to time.

Policy 2-2: Within thirty (30) days of receipt of the initial transmittal from the City, the School Board will review the school concurrency application and, based on the standards set forth in this Element and the Interlocal Agreement between Hernando County, the City of Brooksville and the Hernando County School Board, dated August 7, 2006, as may be amended from time to time, and will report in writing to the City:

- a. that adequate school capacity exists for each level of school, based on the standards set forth in this Element and the Interlocal Agreement between Hernando County, the City of Brooksville and the Hernando County School Board, dated August 7, 2006, as may be amended from time to time, and report in writing to the City; or
- b. if adequate capacity does not exist, whether appropriate mitigation can be accepted, and if so, acceptable options for mitigation, consistent with this Element and the Interlocal Agreement between Hernando County, the City of Brooksville and the Hernando County School Board, dated August 7, 2006, as may be amended from time to time, and report such determination in writing to the City.

Policy 2-3: The School Board shall conduct a concurrency review that includes findings and recommendations of whether there is adequate school capacity to accommodate students generated by the proposed development for each type of school within the affected CSA consistent with the adopted LOS standard and will take into consideration that:

- a. Adequate school facilities will be in place or under actual construction within three (3) years after the issuance of the subdivision plat or site plan (or functional equivalent); or,
- b. Adequate school facilities are available in an adjacent CSA and the impacts of development can be shifted to that area; or,
- c. The developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by the actual development of the property subject to the final plat or site plan (or functional equivalent) pursuant to this Element, the Interlocal Agreement and the adopted School Concurrency Ordinance.

Policy 2-4: If the impact of the proposed development will not occur until years 2 or 3 of the School Board's financially feasible work plan, then any relevant programmed improvements in those years shall be considered available capacity for the project and factored into the level of service analysis. If the impact of the project will not be felt until years 4 or 5 of the work plan, then any relevant programmed improvements shall not be considered available capacity for the project unless funding of the improvements is assured through School Board funding to accelerate the project, through proportionate share mitigation, or some other means.

Policy 2-5: If the School Board determines that adequate capacity does not exist but that mitigation is an acceptable alternative, the development application will remain active pending the conclusion of the mitigation negotiation period described in Goal B, Objective 3 and associated policies.

Policy 2-6: The City will issue a School Concurrency Determination only upon:

- a. the School Board's written determination that adequate school capacity will be in place or under actual construction within three (3) years after the issuance of final subdivision or site plan approval for each level of school without mitigation; or,
- b. the execution of a legally binding mitigation agreement between the applicant, the School Board and the City pursuant to this Element, applicable Interlocal Agreement and adopted School Concurrency Ordinance.

Proportionate Share Mitigation

Objective 3: The City shall coordinate with the School Board to establish proportionate share mitigation alternatives which are financially feasible and will achieve and maintain the adopted level of service standards consistent with the adopted capital improvements plan.

Policy 3-1: In the event that the School Board reports that mitigation may be accepted in order to offset the impacts of a proposed development, where the LOS standards set forth in this Element, applicable Interlocal Agreement and adopted School Concurrency Ordinance otherwise would be exceeded, the following procedure shall be used:

- a. The applicant shall initiate in writing a mitigation negotiation period with the School Board in order to establish an acceptable form of mitigation, pursuant to s. 163.3180(c), *Florida Statutes*, the adopted School Concurrency Ordinance, and this Element.

- b. Acceptable forms of mitigation may include:
 - i. The donation, construction, or funding of school facilities sufficient to offset the demand for public school facilities to be created by the proposed development.
 - ii. The creation of mitigation banking based on the developer's construction and/or financing of a public school facility in exchange for the right to sell excess capacity credits (the selling of excess credits shall be limited to that area within the subject CSA or any abutting CSA) and as may be further limited by the school concurrency ordinance.

- c. The following standards apply to any mitigation accepted by the School Board:
 - i. Relocatable classrooms will not be accepted as mitigation.
 - ii. Mitigation shall be directed to projects on the School Board's financially feasible 5-year work plan that the School Board agrees will satisfy the demand created by that development approval, and shall be assured by a legally binding development agreement between the School Board, the City, and the applicant. The development agreement shall be executed prior to the issuance of the applicable subdivision plat, site plan or functional equivalent in the development review process.
 - iii. The Student Generation Formula used for calculating mitigation shall be as follows:

$$\begin{aligned} &\text{Number of Student Stations (by school type)} = \\ &\text{Number of Dwelling units (by housing type)} \times \\ &\text{Student Generation Multiplier (by housing type} \\ &\text{and school type)}^* \end{aligned}$$

[* Student Generation Multipliers shall be based upon the best available data and professionally accepted methodology]
 - iv. Cost per Student Station estimates shall include, at a minimum, all costs of providing instructional and core capacity including land, site improvements, design, buildings, equipment, furniture, and costs of financing (if applicable). The capital costs associated with transportation of students shall not be included in the Cost per Student Station estimate used for mitigation.

- v. The proportional mitigation share amount shall be calculated as follows:

$$\text{Proportionate Share Amount} = \text{Number of Student Stations (by school type)} \times \text{Cost per Student Station (by school type)**}$$

[** The above formula shall be calculated for each housing type within the proposed development and for each school type (elementary, middle, high) for which a capacity deficiency has been identified. The sum of these calculations shall be the proportionate share amount for the development under review.]

- vi. Finally, if the School Board agrees to the mitigation, the School Board must commit to adding the improvement required for mitigation to its work plan. Further, the development agreement shall include the landowner’s commitment to continuing renewal of the development agreement upon its expiration.

- d. In accordance with this Element, s. 163.3180(13)(e), *Florida Statutes*, and Rule 9J-5.025, Florida Administrative Code, the applicant’s total proportionate-share mitigation obligation to resolve a capacity deficiency shall be based on the following formula, for each school level:

- i. Multiply the number of new student stations required to serve the new development by the average cost per student station.
- ii. The average cost per student station shall include school facility development costs and land costs.
- iii. The applicant’s proportionate-share mitigation obligation will be credited toward any other impact fee or exaction imposed by local ordinance for the same need (*see* s. 163.3180(13)(e)(2). *Florida Statutes*).

- e. If within 90 days of the date the applicant initiates the mitigation negotiation period, the applicant and the School Board are able to agree to an acceptable form of mitigation, a legally binding mitigation agreement shall be executed by the applicant, the School Board and the City which sets forth the terms of the mitigation, including such issues as the amount, nature, and timing of donations, construction, or funding to be provided by the developer, and any other matters necessary to effectuate mitigation in accordance with this Element. The mitigation

agreement shall specify the amount and timing of any impact fee credits or reimbursements, if any, that the developer expects to receive in connection with its mitigation payment/ donation under said agreement.

- f. If, after 90 days, the applicant and the School Board are unable to agree to an acceptable form of mitigation, the School Board will report an impasse to the City in writing and the City will not issue a School Concurrency Determination for the proposed development.
- g. The School Board may grant up to two (2) 90-day extensions to the mitigation negotiation period.
- h. To the extent required under Florida law, mitigation must be proportionate to the demand for public school facilities to be created by the actual development of the property.

**AGENDA ITEM
MEMORANDUM**



TO: HONORABLE MAYOR AND CITY COUNCIL

VIA: T. JENNENE NORMAN-VACHA
CITY MANAGER

FROM: GEORGE TURNER, CHIEF OF POLICE

SUBJECT: ORDINANCE NO. 774 - IMPOUNDMENT

DATE: MAY 6, 2009

GENERAL SUMMARY: As part of the City's effort to update and modernize its Code of Ordinances, Ordinance No. 774, regarding Impoundment is being proposed for City Council's consideration. In supplement to the Ordinance No. 765 addressing junked and abandoned vehicles, Ordinance No. 774 is being proposed to set forth the procedural requirements for impoundment of vehicles used in conjunction with certain crimes and in violation of certain parking statutes and code violations.

BUDGET IMPACT: There is no budget impact as a result of this ordinance.

LEGAL REVIEW: Pursuant to home rule authority provided for by Article VII, Section 2 of the Constitution of the State of Florida, Chapter 166, Florida Statutes, and Section 1.03 and Section 2.13 of the Charter of the City of Brooksville, the City Council has the power to conduct municipal functions and to adopt ordinances.

STAFF RECOMMENDATION: Staff recommends approval and adoption of Ordinance No. 774.

ATTACHMENTS: Ordinance No. 774 Impoundment

ORDINANCE NO. 774

AN ORDINANCE PROVIDING FOR THE IMPOUNDMENT OF VEHICLES USED IN CRIMES; PROVIDING FOR REMOVAL OF VEHICLES FROM UNLAWFUL PARKING IN PARKING SPACES DESIGNATED FOR PHYSICALLY DISABLED PERSONS; PROVIDING FOR PRELIMINARY AND FINAL HEARINGS ON SEIZURES AND IMPOUNDMENTS; ESTABLISHING PENALTIES AND FINES; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

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

WHEREAS, pursuant to Section 1.03 and Section 2.13 of the Charter of the City of Brooksville, the City has the power to enable it to conduct municipal functions and to adopt ordinances; and,

WHEREAS, Chapters 901 and 943, Florida Statutes, define and provide for municipal law enforcement; and,

WHEREAS, use of vehicles in the commission of crimes is detrimental to the safety, health and welfare of the City's residents; and

WHEREAS, pursuant to §316.1955, Florida Statutes, law enforcement officers are authorized to remove vehicles parked in a designated parking spot for use by physically disabled persons in violation of §316.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Brooksville, Florida as follows:

SECTION 1. DEFINITIONS. The following definitions shall apply for the purposes of this ordinance:

- (a.) Business Days means any day, Monday through Friday, which is not designated as an official City holiday.
- (b.) Owner means the person(s) or entity to whom a particular motor vehicle is registered or titled; such term shall also mean all other persons whom can be reasonably identified as having a legal interest in the vehicle including lessors, renters or lien holders.

- (c.) Vehicle means any device capable of being moved upon a public highway or public waterway and in, upon or by which any person or property may be transported or drawn upon a public highway or public waterway.
- (d.) Special Master means the code enforcement special master(s) or hearing officer(s) appointed by the City Council pursuant to Sections 2-191 to 2-200 of the City Code of Ordinances.
- (e.) Stolen means the trespassory taking and carrying away of the tangible personal property of another with the intent to permanently deprive.
- (f.) Police Officer means any person who is elected, appointed, or employed by the City; who is vested with authority to bear arms, and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal criminal, traffic or highway laws of the state, county or city. This definition includes all certified supervisory and command personnel of the police department, but does not include support personnel employed by the City Police Department.

SECTION 2. SEIZURE AND IMPOUNDMENT OF VEHICLES USED IN CRIMES. A vehicle shall be subject to seizure and impoundment whenever a police officer has probable cause to believe that the vehicle:

- (a.) Was parked in a designated parking space for physically disabled persons in violation of Fla. Stat. §316.1955; or
- (b.) Was used to facilitate the commission or attempted commission of an act of prostitution, assignation or lewdness as defined in F.S. § 796.07, as amended; or
- (c.) Contains any controlled substance as defined in F.S. § 893.02, as amended; or
- (d.) Was used, intended or attempted to be used, to facilitate the commission of any violation of F.S. ch. 893 (drug abuse, prevention and control), as amended; or
- (e.) Was used, intended or attempted to be used, to facilitate the commission of any violation of F.S. § 316.061 (leaving the scene of an accident); or
- (f.) Was used, intended or attempted to be used, to facilitate the commission of any violation of F.S. § 322.34(2), driving while license suspended, revoked, canceled, disqualified (with knowledge); or

- (g.) Was used to facilitate the commission of any violation of F.S. § 316.3045 (operation of radios or other sound making devices in vehicles); or Section 58-8 of the Code of Ordinances.

This section shall not apply and no vehicle shall be seized or impounded pursuant to this section if a law enforcement agency seizes the vehicle pursuant to the Florida Contraband Forfeiture Act.

SECTION 3. PROCEDURES UPON SEIZURE OR IMPOUNDMENT. Upon seizing a vehicle, the police officer or other officer or agent of the city police department shall:

- (a.) Arrange for the towing or removal of the vehicle; and,
- (b.) Provide written notice to any present owner, or person in control of the vehicle, of the fact of the seizure, the right to request a preliminary hearing pursuant to Section 4 and the right to request a final hearing pursuant to Section 5; and,
- (c.) Provide notice of seizure by hand delivery or send notice by certified mail to all other owner(s) of the vehicle at address(es) set forth in the vehicle registration, if any, within three (3) business days of the date of seizure; and,
- (d.) Notices as required by paragraph (b) and (c) of this Section 3 shall include the fact of the seizure, the right to request a preliminary hearing pursuant to Section 4 and the right to request a final hearing pursuant to Section 5.

SECTION 4. PRELIMINARY HEARING. Any owner of a seized or impounded vehicle may request a preliminary hearing in accordance with the following requirements:

- (a.) Within five (5) calendar days of receipt of the notice of seizure any owner may request a preliminary hearing, by delivering to the city, at the address set forth in the notice, a written request for a preliminary hearing. The written request must be received by the city within the allotted time or the right to a preliminary hearing shall be waived. The request must include a telephone number(s) where the owner or the owner's designated agent can be telephonically notified of the date, time and location of the preliminary hearing, and the hours indicating when the owner or designated agent will be available for such telephonic notification.
- (b.) Upon timely receipt of an owner's written request for a preliminary hearing, the city shall schedule a hearing to be held within five (5) calendar days following the date of receipt of the request, or as soon as practicable thereafter. Notice of the preliminary hearing shall be provided in accordance with notice requirements set forth in Section 2-196 of the Code of Ordinances

and shall include the date, time and location of the preliminary hearing. If the requesting owner fails to attend the preliminary hearing, and the special master finds that the city has complied with the notice procedures, as set forth herein, then such failure shall constitute a waiver of the owner's right to a preliminary hearing. Any failure of the requesting owner to receive actual notice of the preliminary hearing shall not otherwise invalidate the administrative penalty proceedings as set forth herein.

- (c.) The preliminary hearing shall be held before a special master. The sole issue to be considered by the special master is whether the seizing police officer had probable cause under this section to seize and impound the vehicle. The formal rules of evidence shall not apply and hearsay evidence, including any relevant police report, is admissible. The burden of demonstrating probable cause is on the city.
- (d.) If a preliminary hearing is not requested, or if it was waived, or if the special master finds that there was probable cause to seize and impound the vehicle, then the vehicle shall continue to be impounded pending final hearing or the payment of the appropriate administrative civil penalty or fine, as designated in subsection 9, together with all towing costs and storage. Alternatively, the owner may secure release of the vehicle by posting a cash bond, either by money order or certified check, in the amount of the administrative penalty together with all towing and storage costs, plus final hearing costs of fifty dollars (\$50.00). If no probable cause is found at the preliminary hearing, the vehicle shall be released to the owner as soon as practical without the imposition of an administrative fine, towing and storage costs or hearing costs.

SECTION 5. FINAL HEARING. A final hearing may be requested by any owner in accordance with the following provisions:

- (a.) The vehicle owner may request a final hearing by delivering to the city, within fifteen (15) calendar days of receipt of the notice of seizure, a request for a final hearing. The request must be delivered to the address provided in the notice of seizure and must include an address where the owner or the owner's designated agent can be notified of the date, time, and place of the final hearing.
- (b.) Upon timely receipt of a request for final hearing, the city shall schedule a hearing to be held within thirty (30) calendar days of the receipt of the request, or as soon as practicable thereafter. The city shall provide written notice, in accordance with notice requirements set forth in Section 2-196 of the Code of Ordinances, to the requesting owner at the address on the request for final hearing. The notice shall state the date, time and location of the final hearing to be conducted by the special master pursuant to this section.

- (c.) If an owner fails to timely request a final hearing, or if the owner fails to attend the final hearing, and the special master finds, that the city has complied with the notice procedures, as set forth herein, then such failure shall constitute a waiver of the owner's right to a final hearing and it shall be deemed admitted that the seized vehicle was used in violation of Section 2.
- (d.) If not waived, the final hearing shall be held before the special master. The formal rules of evidence will not apply at the final hearing and hearsay evidence shall be admissible. The city shall have the burden to prove by clear and convincing evidence that the vehicle was used as set forth in Section 2. It shall be a defense that the vehicle was stolen at the time that it was seized and impounded; or that the owner was without knowledge as to the use of the vehicle in violation of section 2. The owner of the vehicle shall have the burden to prove said defense by a preponderance of the evidence.
- (e.) If the final hearing has been waived, or if, after the hearing, the special master finds by a clear and convincing evidence that the vehicle was used as set forth in Section 2, the special master shall enter an order authorizing the continued impoundment of the vehicle pending payment of the appropriate administrative civil penalty prescribed in Section 9, towing and storage costs, plus hearing costs of fifty dollars (\$50.00) or until otherwise released by the city. Any bond posted shall be applied against the imposed penalty and costs. If the special master finds that the city did not meet its burden of proof, or that the vehicle owner has proven by a preponderance of the evidence a valid defense as set forth in paragraph (f) above, the vehicle shall be released to the vehicle owner as soon as practicable without the imposition of an administrative penalty, storage or hearing costs, and any cash bond posted shall be returned.

SECTION 6. ENFORCEMENT; LIEN. A certified copy of an order of the special master imposing an administrative civil penalty and assessing towing, storage and hearing costs may be recorded in the public records of any county. Upon recording, the order shall constitute a lien against any real or personal property owned by the vehicle owner. Such lien shall be superior to all other liens, except a lien for taxes and shall bear interest at the maximum rate allowed by law, as set forth in F.S. § 687.03, as amended from time to time, from the date of its filing. Upon petition to the circuit court, such order may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the real or personal property, but such order shall not be deemed to be a court judgment except for enforcement purposes. The city attorney or his designee is authorized to foreclose any lien established hereby in the same manner as is provided by law for the foreclosure of other municipal liens or alternatively, as provided by law for the foreclosure of mortgages. No lien created pursuant to this chapter may be foreclosed on real property which is homestead under § 4, Art. X of the State Constitution. In an action to enforce an order or to foreclose on a lien as provided in this section, the city shall be entitled to recover all costs, including a reasonable attorney's fee, which it incurs thereby.

SECTION 7. EXCEPTIONS.

- (a.) The city Police Chief, or his designee, is hereby authorized to enter into settlement agreements as may be appropriate to accomplish the objectives of this section.
- (b.) Nothing herein shall prohibit the city from releasing a vehicle seized under the provisions of this section, if such release is determined to be in the best interests of the city.
- (c.) Nothing herein shall be construed to prohibit the city from enforcing the provisions of this section against a vehicle initially seized pursuant to the Florida Contraband Forfeiture Act (but not both) if in the best interest of the city.

SECTION 8. APPEALS. The owner of the vehicle which was seized and impounded may appeal a ruling or order of the special master by proceedings in the circuit court for the county in accordance with Rule 9.190, the Florida Rules of Appellate Procedure. An appeal shall be filed within thirty (30) calendar days of the execution of the order to be appealed. The nature of the appeal shall be from a final administrative order.

SECTION 9. ADMINISTRATIVE CIVIL PENALTIES AND FINES. The following administrative civil penalties and fines apply for vehicles impounded pursuant to this Ordinance:

- (a.) Criminal Offenses:
 - 1. A first violation shall be subject to an administrative civil penalty of two hundred dollars (\$200.00).
 - 2. A second violation shall be subject to an administrative civil penalty of two hundred fifty dollars (\$250.00).
 - 3. A third violation shall be subject to an administrative civil penalty of five hundred dollars (\$500.00).
- (b.) Non-Criminal Offenses, Code Violations, Loud Music, and Handicap Parking:
 - 1. A first violation shall only be subject to the towing and storage costs, as well as any hearing costs. No additional penalty shall be imposed for a first violation.
 - 2. A second violation shall be subject to an administrative civil penalty of two hundred and fifty dollars (\$250.00), plus all towing and storage fees as well as any applicable hearing costs; and any other applicable penalties or fines provided for in the City's Code of Ordinances.
 - 3. A third or subsequent violation shall be subject to an administrative penalty of five hundred dollars (\$500.00) in addition to any towing and storage costs, plus any hearing costs; and any other applicable penalties or fines provided for in the City's Code of Ordinances.

SECTION 10. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 11. CONFLICTS AND REPEALER. This Ordinance shall be cumulative of all provisions of the ordinances of the City of Brooksville, Florida, except where provisions of this Ordinance are in direct conflict with the provisions of such ordinance, which event all ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 12. AMENDMENT TO CODE. This Ordinance shall be and become a part of the Code of the City of Brooksville, Florida, to amend and supplement the Chapter for Police and Law Enforcement as directed herein.

SECTION 13. CODIFICATION. The provisions of this Ordinance, including its recitals, shall become and be made a part of the *Code of Ordinances of the City of Brooksville, Florida* and the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections 10, 11, 12, and 13 shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION 14. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its adoption.

CITY OF BROOKSVILLE

Attest: _____
Janice L. Peters
City Clerk, CMC

By: _____
Joe Bernardini, Mayor

PASSED on First Reading _____
NOTICE Published on _____
PASSED on Second & Final Reading _____

Approved as to form and content
for the reliance of the City of
Brooksville only:

VOTE OF COUNCIL:
Bernardini _____
Bradburn _____
Johnston _____
Lewis _____
Pugh _____

Thomas S. Hogan, Jr., City Attorney

MEMORANDUM

To:	Honorable Mayor and City Council
Via:	T. Jennene Norman-Vacha, City Manager 
Via:	Bill Geiger, Community Development Director 
From:	Steven E. Gouldman, AICP, Planner 
Subject:	CPA 2009-L1, Remedial Public School Facilities Element and Capital Improvements Element Comprehensive Plan Amendment
Date:	May 16, 2009

GENERAL INFORMATION

The purpose of this memorandum is to allow for review, comment and adoption of amendments to the City of Brooksville's Comprehensive Plan Public School Facilities Element (PSFE) and Capital Improvements Element (CIE).

On February 4, 2008, the City Council adopted Comprehensive Plan Amendment CPA 2007-L1 (Ordinance No. 752) establishing a Public School Facilities Element in the Plan. The PSFE was subsequently transmitted to the Department of Community Affairs (DCA) for review and a determination of compliance. Following their review, DCA informed the City that the Department found the element not in compliance. Since the Department's determination was issued, the City has worked with the School District and the County to respond to issues that the DCA had with the new Public School Facilities Element. A description of DCA's objections and the City's proposed remedial actions is attached.

As a result of the School District's cooperation, as well as that of Hernando County and the Department of Community Affairs, the City Council has adopted a Stipulated Settlement Agreement and a restated and amended Interlocal Agreement designed to obtain a finding of compliance by DCA. The attached Comprehensive Plan Amendments are required by the Stipulated Settlement Agreement and the Interlocal Agreement and have been previously adopted by the City Council as part of the EAR-based Comprehensive Plan amendment. Minor modifications have been incorporated into the PSFE and CIE to reflect compliance with the adopted Stipulated Settlement Agreement.

BUDGET IMPACT

City staff prepared the responses to the Department of Community Affairs' objections.

LEGAL STATEMENT

The Public School Facilities Element and related text within the Capital Improvements Element are State-mandated components of the Comprehensive Plan that the City is legally obligated to adopt.

PLANNING & ZONING COMMISSION RECOMMENDATION

At their meeting on September 12, 2007, the Planning & Zoning Commission reviewed and considered the proposed draft Comprehensive Plan Amendment CPA 2007-L1, Public School Facilities Element (and additional text amendments), accepted public comment, and concurred with the staff to recommend to the Local Planning Agency (LPA) and the City Council that the proposed amendments to the City's adopted Comprehensive Plan be transmitted to the Florida Department of Community Affairs and the associated review agencies with review requested.

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*Remedial Public School Facilities Element and
Capital Improvements Element Amendment
May 16, 2009*

RECOMMENDATION

It is recommended that City Council approve at the first reading Ordinance No. 775 as modified and authorize staff to advertise the Ordinance for a public hearing to be held on June 1, 2009 at 7:00 P.M. in the Brooksville City Council chambers.

Enclosures:

Ordinance No. 775

DCA Transmittal Letter

DCA Findings

Remedial Actions Narrative

Exhibit 1: School District Five-Year Work Plan

Exhibit 2: General Population Estimates

Exhibit 3: Student Population by CSA

Capital Improvements Element

Public School Facilities Element

Concurrency Service Area Maps

ORDINANCE NO. 775

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, MODIFYING CHAPTER 11, PUBLIC SCHOOL FACILITIES ELEMENT, OF THE CITY'S COMPREHENSIVE PLAN, AND MODIFYING THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN; SAID AMENDMENTS BEING ADOPTED PURSUANT TO PROCEDURES ESTABLISHED IN SECTIONS 163.3161 THROUGH 163.3215, FLORIDA STATUTES; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 166.021, Florida Statutes, empowers the City Council of the City of Brooksville, Florida, hereinafter referred to as the City Council, to prepare, adopt, implement and amend city ordinances; and

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, The Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the City Council to prepare, adopt, implement and amend a Comprehensive Plan by ordinance; and

WHEREAS, During the 2005 Legislative Session, the Florida Legislature adopted SB 360, which in part, requires all local governments in Florida to create and implement a school concurrency system when residential developments are considered;

WHEREAS, the City of Brooksville is required by legislation to adopt a Public School Facilities Element by January 1, 2008; and

WHEREAS, following adoption of a Public School Facilities Element via Ordinance Number 752, the Florida Department of Community Affairs issued a finding of noncompliance with Chapter 163 of the Florida Statutes; and

WHEREAS, the City entered into a Stipulated Settlement Agreement with the Department of Community Affairs which requires the amendments to the Comprehensive Plan as described herein; and

WHEREAS, application CPA 2009-L1, to amend the Capital Improvements and Public School Facilities Elements of the City's Comprehensive Plan, have been filed with the City; and

WHEREAS, the City Council of the City of Brooksville, Florida, has been designated as the Local Planning Agency of the City of Brooksville, Florida, hereinafter referred to as the Local Planning Agency; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, the City Council, serving also as the Local Planning Agency, held the required public hearing, with public notice having been provided, on said application for amendments, as described herein, to the text of the City's Comprehensive Plan, and at said public hearing, the City Council, serving also as the Local Planning Agency, reviewed and considered all comments received during said public hearing concerning said applications for amendments, as described herein, to the text of

the City's Comprehensive Plan, and endorsed the approval of said application for amendments, as described below, to the City's Comprehensive Plan; and

WHEREAS, the City Council did on May 16, 2009, hold the required public hearing, with public notice having been provided, under the provisions of the large scale development amendment procedures established in Sections 163.3161 through 163.3215, Florida Statutes, on said application for amendments, as described herein, to the text of the City's Comprehensive Plan, and at said public hearing, the City Council (serving as the Local Planning Agency) reviewed and considered all comments received during the public hearing, including recommendations of the City's Planning and Zoning Commission, and the Comprehensive Plan Amendments Reports concerning said application for amendments, as described herein, to the text of the City's Comprehensive Plan; and

WHEREAS, the City Council determined and found said application for amendments, as described herein, to the text of the City's Comprehensive Plan to be consistent with other affected elements of the City's Comprehensive Plan and Land Development Regulations; and

WHEREAS, the City Council determined and found that approval of said application for amendments, as described below, to the text of the City's Comprehensive Plan, would promote the public health, safety, morals, order, comfort, appearance, prosperity, or general welfare of the community;

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

Section 1: The following amendments to the City of Brooksville Comprehensive Plan are hereby approved:

- a. Chapter Eight, Capital Improvements Element, is hereby approved as written (with changes noted using strikethrough/underline format) and attached to this Ordinance as Exhibit "A."
- b. Chapter Eleven, Public School Facilities Element, is hereby approved as written (with changes noted using strikethrough/underline format) and attached to this Ordinance as Exhibit "B."

Section 2. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of and to exercise the authority set out in the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3161 through 163.3215, Florida Statutes and Chapter 97-351 Laws of Florida, as amended.

Section 3. Adoption of Amendments to Comprehensive Plan. Proposed amendments to select portions of the City of Brooksville's Comprehensive Plan (Capital Improvements and Public School Facilities Elements), as referenced in their respective attached Exhibits "A" and "B," are hereby adopted by the City of Brooksville.

Section 4. Severability. If any provision, word, sentence, or paragraph of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions, words, sentences, paragraphs and portions of this Ordinance shall remain in full force and effect.

Section 5. Conflict. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 6. Effective Date. The effective date of this plan amendment shall be the date a final order is issued by the Florida Department of Community Affairs finding this plan amendment to be in compliance in accordance with Section 163.3184, Florida Statutes; or the date a final order is issued by the Florida Administration Commission finding the amendment in compliance in accordance with Chapter 163.3184, Florida Statutes. Further, the Department's notice of intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed. Any affected person may file a petition with the agency within twenty-one (21) days after the publication of the notice pursuant to Chapter 163.3184(9), Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Bureau of Local Planning, Plan Processing Team, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

CITY OF BROOKSVILLE

Attest: _____
Janice L. Peters
City Clerk, CMC

By: _____
Joe Bernardini, Mayor

PASSED on First Reading _____

NOTICE Published on _____

PASSED on Second & Final Reading _____

Approved as to form and content
for the reliance of the City of
Brooksville only:

VOTE OF COUNCIL:
Bernardini _____
Bradburn _____
Johnston _____
Lewis _____
Pugh _____

Thomas S. Hogan, Jr., City Attorney

Exhibit "A"

**Chapter Eight
Capital Improvements Element
Proposed Goals, Objectives and Policies**

CITY OF BROOKSVILLE
COMPREHENSIVE PLAN

CHAPTER 8
CAPITAL IMPROVEMENTS

Goal: The City shall provide public facilities at an adopted level of service that shall be met for all existing and future development, through the financial commitment of a Capital Improvements Element, a Capital Improvements Program and a development process that permits development in consistent with the city's ability to finance and complete needed public facilities. [9J-5.016(3)(a)]

Timing, Concurrency Priority

Objective 1: Land use decisions (including Future Land Use Map amendments and all development orders) shall be coordinated with the city's financial commitment to expand facilities as stated in the Five-Year Schedule of Capital Improvements and Five-Year Capital Improvements Program, for the purposes of providing facilities that serve existing and future development at the adopted level of service standards. [9J-5.016(3)(b)3], [9J-5.016(4)(b)]

Policy 1-1: Land use development orders shall be granted only when facilities functioning at the adopted level of service exist, or will be available, concurrent with occupancy or use of such developed land with respect to sewer, water and drainage, and within three years for recreation and transportation. [9J-5.016(3)(b)1]

Policy 1-2: The City shall adopt an adequate facilities ordinance to ensure that, at the time a development permit is issued, adequate facility capacity is available or will be available when needed to serve the development. [9J-5.016(3)(b)1] [9J-5.016(3)(c)6]

Policy 1-3: The City shall require all public and private capital facilities to operate and provide service at the level of service adopted in this Comprehensive Plan for existing, previously issued development orders and future permitted development. [9J-5.016(3)(c)5] [9J-5.016(3)(c)6]

Policy 1-4: The level of service standards will be used to determine whether sufficient school capacity exists to accommodate future development projects, and evaluate the sufficiency of the Five-Year Schedule of Capital Improvements. The Five-Year Schedule of Capital Improvements shall be reviewed, updated and adopted annually, thus ensuring the inclusion of those projects necessary to address existing deficiencies, and to meet future needs based upon the adopted level of service standards. The annual update to the Five-Year Schedule of Capital Improvements shall ensure the capital improvements program continues to be financially feasible and the level of service standards will continue to be achieved and maintained.

Policy 1-5: The following levels of service are hereby adopted and shall be maintained for existing and previously permitted development and for new development and redevelopment in the City and the city's utility service areas: [9J-5.016(3)(c)4]

<u>FACILITY</u>	<u>STANDARD</u>
<i>Traffic Circulation</i>	
Principal Arterials (state)	LOS C at peak hour, or as otherwise noted in this document
Principal Arterials (other)	LOS D at peak hour
Minor Arterials	LOS D at peak hour
Local Collectors	LOS D at peak hour
<i>Recreation and Open Space</i>	
Picnic Table	20 per 6,000 persons
Swimming Pool	1 per 10,000 persons
Baseball Field (regulation)	1 per 6,000 persons
Tennis Court	1 per 2,000 persons
Basketball Court	1 per 5,000 persons
Volleyball Court	1 per 5,000 persons
Recreational Building	1 per 15,000 persons
Outdoor Theater	1 per 20,000 persons
Shooting Range	1 per 50,000 persons
Golf Course	1 per 25,000 persons
Equipped Play Area	1 per 3,000 persons
Multi-Use Court	1 per 10,000 persons
Shuffleboard	1 per 6,000 persons
Handball Court	1 per 10,000 persons
Horseshoe Court	1 per 5,000 persons
Multi-Sport Play Field	1 per 5,000 persons
<i>Sanitary Sewer</i>	
Cobb Road Service Area	100 gallons per capita per day
<i>Solid Waste</i>	
Citywide	6.2 pounds per capita per day
<i>Drainage</i>	
Citywide	Equivalent to and no less than SWFWMD's regulations for closed basins, as provided in 40D-4 and 40D-40, F.A.C.
<i>Potable Water</i>	
Citywide	110 gallons per capita per day
<i>Public Schools</i>	
Elementary	100% of permanent Florida Inventory of School Houses (FISH) Capacity for Permanent Student

<u>FACILITY</u>	<u>STANDARD</u>
	Stations and 100% of Permanent FISH Capacity for Core Facilities (whichever is the greater number will be used for calculating student capacities for LOS).
<u>Middle</u>	100% of permanent FISH Capacity for Permanent Student Stations and 100% of Permanent FISH Capacity for Core Facilities (whichever is the greater number will be used for calculating student capacities for LOS).
<u>High</u>	100% of permanent FISH Capacity for Permanent Student Stations and 100% of Permanent FISH Capacity for Core Facilities (whichever is the greater number will be used for calculating student capacities for LOS).
<u>Magnet</u>	Magnet schools will maintain the level of service standard for the type of school for which it is constructed, whether an elementary, middle or high school.

<u>FACILITY</u>	<u>STANDARD</u>
Traffic Circulation:	
i. Principal Arterials (State)	FDOT to set standard Level of Service C at peak hour; or as otherwise noted in this document
ii. Principal Arterials (other)	Level of Service D at peak hour
iii. Minor Arterials	Level of Service D at peak hour
iv. Local Collectors	Level of Service D at peak hour
b.) Recreation and Open Space:	
i. Picnic Table	20 per 6,000 persons
ii. Swimming Pool	1 per 10,000 persons
iii. Baseball Field (Regulation)	1 per 6,000 persons
iv. Tennis Court	1 per 2,000 persons
v. Basketball Court	1 per 5,000 persons
vi. Volleyball Court	1 per 5,000 persons
vii. Recreational Building	1 per 15,000 persons
viii. Outdoor Theater	1 per 20,000 persons
ix. Shooting Range	1 per 50,000 persons
x. Golf Course	1 per 25,000 persons

xi. Equipped Play Area	1 per 3,000 persons
xii. Multi use Court	1 per 10,000 persons
xiii. Shuffleboard	1 per 6,000 persons
xiv. Handball Court	1 per 10,000 persons
xv. Horseshoe Court	1 per 5,000 persons
xvi. Multi sport Play field	1 per 5,000 persons

~~e.) Sanitary Sewer:
Cobb Road Service Area 100 gallons per capita per day~~

~~d.) Solid Waste:
City wide 6.2 pounds per capita per day~~

~~e.) Drainage:
City wide Equivalent to and no less than the regulations of the Southwest Florida Water Management District for closed basins, as provided for in the Florida Administrative Codes 40D-4 and 40D-40 as effective on March 1, 1988.~~

~~**FACILITY** **STANDARD**~~

~~f.) Potable Water:
City wide 110 gallons per capita per day~~

~~g.) Public Schools: The LOS standards to implement school concurrency shall be calculated as a percentage of Florida Inventory of School Houses ("FISH") as follows:~~

- ~~i. Elementary: 100% of permanent FISH Capacity for permanent student stations or permanent FISH Capacity for based on the *Core Facilities of the particular elementary school. Whichever is the greater number will be used for calculating student capacities for Level of Service determinations.~~
- ~~ii. Middle: 100% of permanent FISH Capacity for permanent student stations or permanent FISH Capacity for based on the *Core Facilities of the particular middle school. Whichever is the greater number will be used for calculating student capacities for Level of Service determinations.~~
- ~~iii. High: 100% of permanent FISH Capacity for permanent student stations or permanent FISH Capacity for based on the *Core Facilities of the particular high school. Whichever is the greater number will be used for calculating student capacities for Level of Service determinations.~~
- ~~iv. K-8: 100% of permanent FISH Capacity based on the Core Facilities of the particular middle (K-8) school [Note: The Florida Department of Education presently treats a K-8 school as a middle school for purposes of FISH]~~

~~* For the purpose of determining Level of Service, CORE FACILITIES are identified as Cafeteria Permanent Capacity for 100% of the FISH Capacity for the Core Facilities, based on a particular school type.~~

[9J-5.016(3)(c)(4)]

Policy 1-56: Proposed capital improvement projects shall be evaluated and ranked in order of priority according to the following guidelines: [9J-5.016(3)(c)1]

- a. Whether the project is needed to protect the public health and safety, to fulfill the city's legal commitment to provide facilities and services or to preserve or achieve full use of existing facilities [9J-5.016(3)(c)1.a]
- b. Whether the project increases efficiency of use of existing facilities, prevents or reduces future improvement cost, provides service to developed areas lacking full service, or promotes infill development; ~~and,~~ [9J-5.016(3)(c)1.b]
- c. Whether the project represents a logical extension of facilities and service from the City to the urban fringe, or is compatible with the plans of the state agencies or the Southwest Florida Water Management District-[9J-5.016(3)(c)1.g]
- d. The City shall work to avoid capacity deficits while minimizing adverse impact to the local budget when implementing a financially feasible plan of capital improvements. [9J-5.016(3)(c)1.c] [9J-5.016(3)(c)1.f]
- e. Determination of future capital improvement needs shall be based on anticipated future growth or redevelopment patterns and whether a particular improvement advances the goals, policies and objectives of the Comprehensive Plan. [9J-5.016(3)(c)1.b] [9J-5.016(3)(c)1.d] [9J-5.016(3)(c)1.e] [9J-5.016(3)(c)9]
- f. Formulation of the city's Five-Year Schedule of Capital Improvements shall account for where other local governments, state agencies, and water management district improvement plans may fund an improvement that impacts municipal LOS.

Policy 1-67: The City shall include in its land development regulations a program for land dedication, or payment-in-lieu-of dedication or some other form of exaction, as a requirement of land subdivision or land development for the purpose of retaining easements for utility and traffic circulation systems and for meeting all adopted levels of service. [9J-5.016(3)(c)1.b], [9J-5.016(3)(b)5]

Policy 1-78: As needed, the City will pursue specific financing strategies such as special assessments to ensure that developments approved by previously issued development orders bear a proportionate cost of public services and improvements from which they derive benefit, so that facility and infrastructure needs do not exceed the ability of the City to fund needed capital improvements and to ensure private funding of improvements that deliver private benefits. [9J-5.016(3)(b)5]

Policy 1-89: The City shall implement a method to monitor and track de minimis impacts on all roadways within the City. All de minimis impacts (an impact that would not affect more than one percent of the maximum volume at the adopted level of service for the given transportation facility) shall be compiled into an annual report and submitted to the state land planning agency with the annual update of the Capital Improvements Element.

Policy 1-910: The City shall adopt by reference all external agency plans that have a significant impact on quality of life or otherwise possess a nexus to adopted LOS standards.

Objective 2: Decisions regarding the issuance of development orders and permits will be based upon coordination of the development requirements included in this plan, the city's land development regulations, and the availability of necessary public facilities needed to support proposed development.

Policy 2-1: It shall be the responsibility of the city's development review Committee ~~process~~ to certify that all development orders are consistent with the Land Development Regulations, Comprehensive Plan, and Five-Year Schedule of Capital Improvements.

Policy 2-2: Future development will bear a proportionate cost of all capital improvements necessary to maintain LOS standards adequately. [9J-5.016(3)(b)4] [9J-5.016(3)(c)8]

Policy 2-3: The City shall continue to make public services and facilities available concurrent with the impacts of development. In cases of phased development, the City shall determine when public facilities and services are necessary to maintain concurrency. [9J-5.016(3)(b)4]

Budgetary Procedure

Objective 3-0:—The Capital Improvements Element and the Five-Year Schedule of Capital Improvements shall be updated annually to reflect existing and projected capital needs in accordance with the adopted level of service standards, for the purpose of assessing the costs of those needs against projected revenues and expenditures. [9J-5.016(5)]

Policy 3-0-1: Review and update the Capital Improvements Element annually to ensure close coordination of the annual budget and comprehensive plan update requirements, scheduling capital improvements to meet existing deficiencies, accommodate future growth, and replace obsolete or worn-out facilities. [9J-5.016(3)(b)1]

Objective 3-1: The City shall continue to collect and receive a ~~proportion of impact fees under the auspices of Hernando County~~ for the purpose of subsidizing the costs of public facility improvements.

Policy 3-1: Debt service shall not exceed 20% of annually budgeted gross revenues. [9J-5.016(3)(c)2.b]

- Policy 3-2:** The City shall reserve Enterprise Fund surpluses, unless indicated otherwise, for major capital expenditures. [9J-5.016(3)(c)2]
- Policy 3-3:** Efforts shall be made to secure grants or private funds whenever available to finance the provision of capital improvements. [9J-5.016(3)(c)2]
- Policy 3-4:** All new development that has a direct or indirect impact on roads, schools, parks, potable water, sewer, sanitation, drainage, fire, police, or emergency medical services shall continue to be subject to impact fees as collected and administered by the City and/or Hernando County. Monies collected as impact fees shall be utilized according to guidelines established for the specific impact fee program.
- Policy 3-5:** Limitation on the use of revenue bonds as a percentage of total public debt shall remain consistent with applicable Florida statutes and acceptable financial practices. [9J5.016(3)(c)2.a]
- Policy 3-6:** The maximum ratio of outstanding capital indebtedness to the property tax base shall remain consistent with applicable Florida statutes and acceptable financial practices. [9J5.016(3)(c)2.c]
- Policy 3-7:** The City shall comply with all State of Florida law regarding management of the public debt. [9J5.016(3)(c)2.c] [9J5.016(3)(c)1.c]
- Policy 3-8:** Funds that are not under the control of the City during the annual update of the Capital Improvements Element shall be considered planned funds and may not be utilized in years 1-3 of the Five-Year Schedule of Capital Improvements.
- Policy 3-9:** Prior to initiation of the annual budgeting process, the City shall review all potential sources of revenue not previously utilized as revenue and shall obtain and evaluate potential benefits from new revenue sources.
- Policy 3-10:** The City shall rely on private contributions to fund capital improvements listed on the five-year schedule only when a private, external entity's obligation to pay is addressed in an enforceable development agreement or development order. When the five-year schedule lists the cost of a capital improvement as funded by private contribution, it shall not be the responsibility of the City to fund the improvement. Should any private party or developer fail to successfully complete the construction of a given capital improvement listed in the five-year schedule, then a Comprehensive Plan amendment is required to delete said improvement from the five-year schedule.
- Objective 4:** A Five-Year Capital Improvements Plan shall be incorporated into the Annual Budget in order to reserve funds for needed future capital facilities. [9J-5.016(3)(c)7]
- Policy 4-1:** The city's Finance Director shall prepare the Five-Year Capital Improvement Plan on an annual basis as part of the city's Annual Budget; it shall address all capital needs of the City. [9J-5.016(3)(c)3]

Policy 4-2: As a part of the annual update process for the Capital Improvements Element, municipal department heads should provide input to the City Manager and Finance Director regarding capital improvement needs and the adequacy of existing and planned funding sources.

Policy 4-3: As a part of the annual update process for the Capital Improvements Element the City should focus on a multi-year funding strategy to identify new funding resources.

Five-Year Schedule of Capital Improvements

Objective 5: Capital improvements will be provided to correct existing deficiencies, to accommodate desired future growth, and to replace worn-out or obsolete facilities, as indicated in the Five-Year Schedule of Capital Improvements of this element. ~~(Exhibit 8-1)~~ [9J-5.016(4)(a)1]

Policy 5-1: A Capital Improvements Coordinating Committee composed of the Director of Public Works, Director of Utilities, Director of ~~Planning and~~ Community Development, Finance Director, and City Manager shall meet for the purpose of evaluating and ranking in order of priority, projects proposed for inclusion in the Five-Year Schedule of Capital Improvements. The City Manager will make the specific appointments to the Capital Improvements Coordinating Committee as necessary.

Policy 5-2: The Five-Year Schedule of Capital Improvements shall describe, locate and identify funding sources, and demonstrate consistency with all relevant Comprehensive Plan content. [9J-5.016(4)(a)1.a] [9J-5.016(4)(a)1.b] [9J-5.016(4)(a)2]

Policy 5-3: ~~The Hernando County School District Five Year District Facilities Work Program, as adopted by Hernando County School Board on February 19, 2008, is considered a part of the Capital Improvements Element of the City of Brooksville's Comprehensive Plan. This includes the annual update of the School Board Five Year Work Plan to add a new fifth year to the document. The City of Brooksville hereby adopts by reference the Hernando County School Board Five Year Work Program for FY 2008-2009 to FY 2012-2013, which was adopted on March 12, 2009. The City of Brooksville will adopt by reference each subsequently adopted work program by the Hernando County School Board into the Capital Improvements Element. NOTE: Any project listed as unfunded in the Five Year Work Program will not be considered for determining whether the adopted Level of Service is met in the five years of the work program.~~

Policy 5-4: The Five-Year Schedule of Capital Improvements shall demonstrate financial feasibility. [9J-5.016(3)(a)] [9J-5.016(3)(c)1.f]

Implementation of Five-Year Schedule of Capital Improvements

The Five-Year Schedule of Capital Improvements is the mechanism by which the City can effectively stage the timing, location, projected cost, and revenue sources for the capital improvements derived from

the other comprehensive plan elements, in support of the Future Land Use Element. The Five-Year Schedule of Capital Improvements has been used to document the economic feasibility of the Comprehensive Plan based upon the preceding data and analysis.

TABLE 8-2

FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS WITH FINANCIAL FEASIBILITY BALANCE STATEMENT

CAPITAL PROJECTS	FUNDING SOURCE	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13
		TOTAL CITY REVENUE BY FISCAL YEAR					
		\$34,754,413	\$36,150,719 \$35,796,535	\$37,564,709 \$37,235,032	\$38,978,699 38,731,335	\$40,392,689 \$40,287,768	\$41,906,747
1. Governor Blvd	Development Agreement, Impact Fees	300,000					\$300,000
2. Good Neighbor Trail	General Fund	\$274,000	\$511,824				
3. Sanitation Truck	General Fund	\$180,000	\$180,000 \$395,532	\$200,000	\$120,000 \$200,000	\$200,000	\$200,000
4. McKethan Park Improvements	General Fund	\$35,000					
5. Utility Relocation for FDOT CR 485 Widening Project	Reserves				\$200,000		
WATER SYSTEM IMPROVEMENTS							
5. New Well Field NW	Reserves, Impact Fees		\$80,000 \$175,000	\$80,000 \$165,000	\$80,000 \$1,000,000	\$80,000	
6. Hope Hill Well Replacement & Tank Modification	Reserve, Grant, Impact Fees		\$195,000	\$276,000	\$377,000		
7. Downtown Fire Flow	Legislative Appropriation, Grant	\$477,000	\$250,000 \$440,000	\$250,000	\$250,000	\$250,000	
8. Water Valves Replacement Program	Water Utility Reserves	\$50,000	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000
9. Lamar Avenue Water Plant Rehab	Water Utility Reserves	\$60,000		\$10,000			
10. Emergency Generator Installation (Hope Hill Wellfield and Lamar Avenue Water Plant)	Debt Water Utility Reserves	\$80,000		\$80,000			
11. Southern Hills Water Improvements (Line oversizing on Governor & Cottillion Blvds.)	Water Impact Fees	\$327,000	\$25,000	\$259,000			
12. SR 50 Water Line Loop (Hospital line extension along Wiscon Rd. to Walmart)	Debt Service/ Water Impact Fees			\$700,000			
13. US 41 Water Line Ext. (SHP Blvd. to Powell Rd.)	Debt Service/ Water Impact Fees		\$500,000	\$325,000			
14. Radio Read Meters	Debt Service/USDA Grant	\$190,000	\$190,000 \$1,200,000	\$190,000	\$190,000	\$190,000	
15. Hillside Water Plant Electrical Equipment	Reserves		\$12,000				
16. Liberty St. Water Tower Painting	Reserves		\$150,000				
SEWER SYSTEM IMPROVEMENTS							

Exhibit "B"

**Chapter Eleven
Public School Facilities Element
Goals, Objectives and Policies**

CITY OF BROOKSVILLE
COMPREHENSIVE PLAN

CHAPTER 11

PUBLIC SCHOOL FACILITIES

Goal A: To provide for future availability of public school facilities in a manner consistent with the adopted level of service standard.

Level of Service Standards for Public School Capacity

Objective 1: Establish level of service guidelines for public school capacity.

Policy 1-1: The Level of Service (LOS) standard set forth herein shall be applied consistently by the City and the School Board district-wide to all schools of the same type. The LOS standards to implement school concurrency shall be calculated as a percentage of Florida Inventory of School Houses (“FISH”) as follows:

- a. Elementary: 100% of permanent Florida Inventory of School Houses (FISH) Capacity based on the for Permanent Student Stations and 100% of Permanent FISH Capacity for Core Facilities of the particular elementary school (whichever is the greater number will be used for calculating student capacities for LOS).
- b. Middle: 100% of permanent FISH Capacity based on the for Permanent Student Stations and 100% of Permanent FISH Capacity for Core Facilities of the particular elementary school (whichever is the greater number will be used for calculating student capacities for LOS).
- c. High: 100% of permanent FISH Capacity based on the for Permanent Student Stations and 100% of Permanent FISH Capacity for Core Facilities of the particular elementary school (whichever is the greater number will be used for calculating student capacities for LOS).
- d. K-8: 100% of permanent FISH Capacity based on the Core Facilities of the particular middle (K-8) school [*note:* the Florida Department of Education presently treats a K-8 school as a middle school for purposes of FISH]. Magnet schools will maintain the level of service standard for the type of school for which it is constructed, whether an elementary, middle or high school.
- e. For purposes of this section, “Core Facilities” shall mean ‘Permanent Cafeteria Capacity’ based on FISH standards.

Policy 1-2: For the purposes of the level of service standard for public school capacity, FISH capacity shall refer to the Florida Inventory of School Houses (FISH) report of

permanent capacity of existing public school facilities. The FISH Capacity is the number of students that may be housed in a facility (school) at any given time based upon a percentage by school type (i.e., elementary, middle, high and K-8) of the total number of existing student stations and a designated size for each program. In the City of Brooksville, permanent capacity does not include temporary classrooms unless they meet the standards for long-term use pursuant to s. 1013.20. *Florida Statutes*.

- Policy 1-3:** The adopted level of service standard shall become applicable to development orders with the adoption of the Public Schools Facility Element and the land development regulations shall be amended to include the level of service standards.
- Policy 1-4:** The issuance of development orders for new residential units shall be predicated on the availability of school capacity.
- Policy 1-5:** Where capacity will not be available to serve students from the property seeking a land use or zoning change or other development approval, then the City may use the lack of school capacity as a basis for denying a development order.
- Policy 1-6:** The level of service standards will be used to determine whether sufficient school capacity exists to accommodate future development projects, and evaluate the sufficiency of the Five-Year Schedule of Capital Improvements. The Five-Year Schedule of Capital Improvements shall be reviewed, updated and adopted annually, thus ensuring those projects necessary to address existing deficiencies are adequately planned, and to meet future needs based upon the adopted level of service standards. The annual update to the Five-Year Schedule of Capital Improvements shall ensure the capital improvements program continues to be financially feasible and the level of service standards will continue to be achieved and maintained.
- Policy 1-7** The level of service standard is also measured to account for programmatic changes which have consistent and measurable capacity impacts including but not limited to double sessions, floating teachers, year-round operations and special education programs. To determine available capacity as a result of programmatic changes, there must be student stations at each grade level for the particular schools in the Concurrency Service Areas (CSA) affected.
- Policy 1-8** In order to determine if the available adjacent capacity can be utilized, the following additional criteria shall apply:
- a. Travel time and distance: School bus route from the school to the site of the proposed development should not exceed 50 minutes;
 - b. Areas established for the purpose of establishing student diversity at

schools shall not be used to determine capacity;

- c. If the boundary is adjacent based on its connection by the Withlacoochee State Forest, it should not be deemed adjacent;
- d. Where capacity is reserved for a specific academic program, it cannot be claimed in an adjacent concurrency service area.

Concurrency Service Areas

Objective 2: Establish school concurrency service areas to be used to determine the availability of public school capacity to serve new residential development.

Policy 2-1: Concurrency Service Areas (CSAs) shall be established to determine whether there is adequate school capacity available based on the adopted level of service standards, and a proper analysis can be conducted to examine the availability of capacity in adjacent CSAs if capacity is not available in the primary CSA.

Policy 2-2: CSAs will be generally based upon the school attendance zones for elementary, middle, high and K-8 schools and the best available data and methodology so that there is school capacity available in each CSA to meet the adopted LOS standard within the five-year period contained in the Florida Statutes.

Policy 2-3: CSAs shall be established and subsequently modified to maximize available school capacity and make efficient use of new and existing public school facilities in accordance with the LOS standards, and taking into account policies to:

- a. minimize transportation costs;
- b. limit maximum student travel times;
- c. effect desegregation plans;
- d. achieve socio-economic, racial and cultural diversity objectives;
- e. recognize capacity commitments resulting from the development approvals for the CSA; and,
- f. recognize capacity commitments resulting from development approvals for contiguous CSAs.

Policy 2-4: All CSAs will be described geographically and appropriately mapped.

- Policy 2-5:** Future amendments to the CSAs may be made by the School Board in accordance with the criteria in Goal A, Policy 2-3, and only after review and comment by the County and the City, respectively.
- Policy 2-6:** Upon adoption of CSAs by the School Board, said CSAs and supporting maps will be incorporated as amendments to the adopted comprehensive plans of the County and the City, respectively, in accordance with the Growth Management Act (*see* Section 163.3180(13)(g)(5), *Florida Statutes*: Rule 9J-5.003, *Florida Administrative Code*).

Land Use and Facility Coordination

- Objective 3:** Ensure that Comprehensive Plan Amendments and other land use decisions are simultaneously evaluated with school capacity availability within the primary CSA and those CSAs which are contiguous.
- Policy 3-1:** The City shall consider Hernando County School Board comments on the availability of adequate school capacity when considering the decision to approve Comprehensive Plan Amendments and other land use decisions as provided for in Section 163.3177(6)(a)F.S.
- Policy 3-2:** The City shall identify methods to direct development to areas with adequate school capacity or to where school sites adequate to serve potential growth have been acquired by the School Board, provided such location of the development is consistent with the City's Comprehensive Plan.
- Policy 3-3:** In any instance where capacity will not be available to serve students to be generated by a development seeking approval, and subsequent to the contiguous CSA analysis that demonstrates there is no available capacity, and proportionate share mitigation is not an option, the school capacity deficiency shall be a basis for denial of the proposal.
- Policy 3-4:** The School Board shall review potential new subdivision conditional plats and residential site plans for student generation impacts and available school capacity. Where capacity will not be available to serve students from the property seeking to increase residential density, and subsequent to the contiguous CSA analysis that demonstrates there is no available capacity, and proportionate share mitigation is not an option, the School Board shall not issue a favorable concurrency determination. The City shall use lack of school capacity demonstrated by an unfavorable concurrency determination as a reason for denial of a development order.
- Policy 3-5:** During the process of land use decision making, the City will ensure the compatibility of proposed land uses in the vicinity of either existing or planned public schools, and protect existing and planned schools from incompatible uses.

School Facility Siting

Objective 4: Ensure that the planning and construction of educational facilities are coordinated with regard to timing, location, compatibility, and the availability of required infrastructure.

Policy 4-1: The following issues will be considered by the School Board when evaluating potential new school sites or significant renovations of existing schools:

- a. Site acquisition and development cost.
- b. Compatibility of the school site with present and projected uses of adjacent properties.
- c. Adequate public facilities and services to support the proposed school are available, or will be available, concurrent with the impacts of the school.
- d. Safe access to and from the school site by pedestrians and vehicles.
- e. The proposed location is not in conflict with local government stormwater management plans or watershed management plans.
- f. The proposed site is well drained and soils are suitable for development, or are adaptable for development for educational purposes with identified drainage improvements.
- g. The proposed location is not immediately adjacent to water treatment plants or wastewater treatment plants.
- h. There are no significant environmental constraints that would preclude development of a public school on the site.
- i. The proposed location lies outside the area regulated by s. 333.03, *Florida Statutes*, regarding the construction of public educational facilities in the vicinity or flight path of an airport.
- j. There will be no adverse impact on archaeological or historic sites listed in the National Register of Historic Places or designated by the affected local government as a locally significant historic or archaeological resource.
- k. The proposed site can accommodate the required parking, circulation, and adequate queuing of vehicles onsite.

- l. Whenever possible and where appropriate, existing schools will be expanded, renovated, or revitalized to support community redevelopment, in-fill development, and revitalization.
- m. The location of schools, where possible, should be proximate to and within walking distance of the residential neighborhoods served.

Policy 4-2: The School Board Staff will meet with and review potential school sites with planning staff of the City. The recommendations and comments from these meetings will be submitted to the School Board as needed. The School Board will take the respective recommendations into consideration.

Policy 4-3: The City shall advise the School Board as to the consistency of the proposed new site with their adopted comprehensive plan, including the appropriate processes under which the School Board may request an amendment to the comprehensive plan for school siting. The consistency determination with the comprehensive plan is made through the development review process.

Policy 4-4: Within the City, schools are permitted in all land use categories except Conservation. Schools may be allowed in any zoning district as a special exception use.

Policy 4-5: The decision of the City of Brooksville City Council shall be the final local government action of any comprehensive plan amendment or rezoning decision.

Policy 4-6: Where an identified school site requires a rezoning or special exception use approval to accommodate a proposed school, the School Board shall provide all property owners of record within a 250' radius of the site written notification of the proposed school siting request.

Policy 4-7: The submittal, processing and review of any proposed school site design or development plan shall be filed with the Community Development Department of the City and shall include at a minimum, the following:

- a. Location, size, height, and use of all proposed structures;
- b. Proposed or existing location of fire hydrants and distance to structures;
- c. Location and method of buffering from adjacent residential zoning districts;
- d. Location and method of storm water retention;
- e. Location, size and total amount of recreation areas;

- f. Location and dimensions of proposed parking and service areas; and,
- g. Proposed means of vehicular and pedestrian access from the site to adjacent streets and/or alleys.

Policy 4-8: The review and processing of any site design or development plan submitted by the School Board shall be in accordance with the adopted comprehensive plan of the City and all applicable land development regulations (noting that the School Board is exempt from certain regulations).

Policy 4-9: The School Board and City shall cooperate in determining the need for and timing of on-site and off-site improvements necessary to support each new school or the proposed renovation or expansion of an exiting school.

Policy 4-10 In conjunction with the School Board’s approval of a new school site, the School Board and City will jointly determine the need for and timing of on-site and off-site improvements necessary to support each new school.

Collocation of Facilities

Objective 5: Coordinate location of public school facilities relative to the location of other public facilities such as parks, libraries and community centers to the extent possible.

Policy 5-1: The City will look for opportunities to collocate and share use of their facilities with the School Board when preparing the annual update to the adopted comprehensive plan’s schedule of capital improvements and when planning new or renovating existing community facilities.

Policy 5-2: A separate agreement may be developed for each instance of collocation or shared use which addresses operating and maintenance costs, scheduling use of the facilities, facility supervision, legal liability, or any other issues that may arise from collocation or shared use.

Goal B: To establish a process for the implementation of school concurrency through capacity determination standards, concurrency determination process, and proportionate share mitigation.

Capacity Determination Standards

Objective 1: The City shall cooperate with the School Board in the implementation of capacity determination standards.

Policy 1-1: The School Board will determine whether adequate school capacity exists for a proposed development, based on the Level of Service (LOS) standards, CSAs, and other standards as follows:

- a. Calculate total school facilities by adding the capacity provided by existing school facilities except magnet/lottery schools to the capacity of any planned school facilities.
- b. Calculate available school capacity by subtracting from the total school facilities the sum of:
 - i. used capacity;
 - ii. the portion of reserved capacity projected to be developed within three (3) years;
 - iii. the portion of previously approved development projected to be developed within three (3) years; and,
 - iv. the demand on schools created by the proposed development.

Policy 1-2:

In determining whether there is sufficient school capacity to accommodate a proposed development in a specific CSA, the School Board will:

- a. Subject CSA. Consider whether the CSA in which the proposed development is situated has available school capacity, based on the formula in Goal B, Policy 1-1.
- b. Contiguous CSA. If the projected student growth from a residential development causes the adopted LOS to be exceeded in the subject CSA, a contiguous CSA will be reviewed for available capacity. In conducting the contiguity review, the School Board shall first use the contiguous CSA with the most available capacity to evaluate projected enrollment and, if necessary, shall continue to the CSA with the next most available capacity until all contiguous CSAs have been evaluated or the available capacity has been identified to allow a determination letter approving school concurrency to be issued. If a contiguous CSA is identified as having available capacity, then the actual development impacts shall be shifted to that CSA having available capacity (this shift shall be accomplished in accordance with School Board Policy which may include, without limitation, appropriate boundary changes or shifting future student assignments).
- c. Available capacity is based on no students being bussed to any contiguous CSA farther than the average bussing travel distance throughout the District.

Policy 1-3:

Except as provided in Goal B, Policy 1-4, school concurrency shall apply to all

new residential development and uses that generate demands for public school facilities and are proposed or established after the effective date of the school concurrency ordinance (as adopted by the City). School concurrency shall not apply to non-residential uses such as professional, commercial or industrial.

Policy 1-4: The following residential uses shall be considered exempt from the requirements of school concurrency:

- a. Single family lots of record having received final plat approval (or otherwise deemed grandfathered as a valid residential lot under the land development regulations of the City) prior to the effective date of the school concurrency ordinance.
- b. Multi-family residential development having received final site plan approval prior to the effective date of the applicable school concurrency ordinance.
- c. Amendments to residential development approvals issued prior to the effective date of the adopted school concurrency ordinance, which do not increase the number of residential units or change the kind of residential units proposed to a type that would produce a larger number of school age children (i.e., changing unit types from resort residential to Single Family Residential).

Concurrency Determination Process

Objective 2: The City shall cooperate with the School Board in the implementation of the concurrency determination process.

Policy 2-1: The school concurrency ordinance to be adopted by the City will include, among other things, application procedures and processes for evaluating school capacity and making concurrency determinations.

Following the adoption of the school concurrency ordinance, the City will:

- a. accept and process final plat and residential site plans, only after the applicant has complied with the terms of its school concurrency ordinance. The City may approve a school concurrency application earlier in the approval process, upon request by the applicant, if the School Board reviews and approves the determination, allocations of capacity, and proportionate share mitigation commitments, as provided in this Element and the Growth Management Act.
- b. upon receipt of a complete school concurrency application, timely transmit the application to the School Board for a determination of

whether there is adequate school capacity, for each level of school, to accommodate the proposed development based on the LOS standards, CSAs, and other standards set forth in this Element and the Interlocal Agreement between Hernando County, the City of Brooksville and the Hernando County School Board, dated August 7, 2006, as may be amended from time to time.

Policy 2-2: Within thirty (30) days of receipt of the initial transmittal from the City, the School Board will review the school concurrency application and, based on the standards set forth in this Element and the Interlocal Agreement between Hernando County, the City of Brooksville and the Hernando County School Board, dated August 7, 2006, as may be amended from time to time, and will report in writing to the City:

- a. that adequate school capacity exists for each level of school, based on the standards set forth in this Element and the Interlocal Agreement between Hernando County, the City of Brooksville and the Hernando County School Board, dated August 7, 2006, as may be amended from time to time, and report in writing to the City; or
- b. if adequate capacity does not exist, whether appropriate mitigation can be accepted, and if so, acceptable options for mitigation, consistent with this Element and the Interlocal Agreement between Hernando County, the City of Brooksville and the Hernando County School Board, dated August 7, 2006, as may be amended from time to time, and report such determination in writing to the City.

Policy 2-3: The School Board shall conduct a concurrency review that includes findings and recommendations of whether there is adequate school capacity to accommodate students generated by the proposed development for each type of school within the affected CSA consistent with the adopted LOS standard and will take into consideration that:

- a. Adequate school facilities will be in place or under actual construction within three (3) years after the issuance of the subdivision plat or site plan (or functional equivalent); or,
- b. Adequate school facilities are available in an adjacent CSA and the impacts of development can be shifted to that area; or,
- c. The developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by the actual development of the property subject to the final plat or site plan (or functional equivalent) pursuant to this Element, the Interlocal Agreement and the adopted School Concurrency Ordinance.

- Policy 2-4:** If the impact of the proposed development will not occur until years 2 or 3 of the School Board's financially feasible work plan, then any relevant programmed improvements in those years shall be considered available capacity for the project and factored into the level of service analysis. If the impact of the project will not be felt until years 4 or 5 of the work plan, then any relevant programmed improvements shall not be considered available capacity for the project unless funding of the improvements is assured through School Board funding to accelerate the project, through proportionate share mitigation, or some other means.
- Policy 2-5:** If the School Board determines that adequate capacity does not exist but that mitigation is an acceptable alternative, the development application will remain active pending the conclusion of the mitigation negotiation period described in Goal B, Objective 3 and associated policies.
- Policy 2-6:** The City will issue a School Concurrency Determination only upon:
- a. the School Board's written determination that adequate school capacity will be in place or under actual construction within three (3) years after the issuance of final subdivision or site plan approval for each level of school without mitigation; or,
 - b. the execution of a legally binding mitigation agreement between the applicant, the School Board and the City pursuant to this Element, applicable Interlocal Agreement and adopted School Concurrency Ordinance.

Proportionate Share Mitigation

Objective 3: The City shall coordinate with the School Board to establish proportionate share mitigation alternatives which are financially feasible and will achieve and maintain the adopted level of service standards consistent with the adopted capital improvements plan.

- Policy 3-1:** In the event that the School Board reports that mitigation may be accepted in order to offset the impacts of a proposed development, where the LOS standards set forth in this Element, applicable Interlocal Agreement and adopted School Concurrency Ordinance otherwise would be exceeded, the following procedure shall be used:
- a. The applicant shall initiate in writing a mitigation negotiation period with the School Board in order to establish an acceptable form of mitigation, pursuant to s. 163.3180(c), *Florida Statutes*, the adopted School Concurrency Ordinance, and this Element.

- b. Acceptable forms of mitigation may include:
 - i. The donation, construction, or funding of school facilities sufficient to offset the demand for public school facilities to be created by the proposed development.
 - ii. The creation of mitigation banking based on the developer’s construction and/or financing of a public school facility in exchange for the right to sell excess capacity credits (the selling of excess credits shall be limited to that area within the subject CSA or any abutting CSA) and as may be further limited by the school concurrency ordinance.

- c. The following standards apply to any mitigation accepted by the School Board:
 - i. Relocatable classrooms will not be accepted as mitigation.
 - ii. Mitigation shall be directed to projects on the School Board’s financially feasible 5-year work plan that the School Board agrees will satisfy the demand created by that development approval, and shall be assured by a legally binding development agreement between the School Board, the City, and the applicant. The development agreement shall be executed prior to the issuance of the applicable subdivision plat, site plan or functional equivalent in the development review process.
 - iii. The Student Generation Formula used for calculating mitigation shall be as follows:

Number of Student Stations (by school type) =
 Number of Dwelling units (by housing type) x
 Student Generation Multiplier (by housing type
 and school type)*

[* Student Generation Multipliers shall be based upon the best available data and professionally accepted methodology]
 - iv. Cost per Student Station estimates shall include, at a minimum, all costs of providing instructional and core capacity including land, site improvements, design, buildings, equipment, furniture, and costs of financing (if applicable). The capital costs associated with transportation of students shall not be included in the Cost per Student Station estimate used for mitigation.

- v. The proportional mitigation share amount shall be calculated as follows:

Proportionate Share Amount = Number of
Student Stations (by school type) x Cost per
Student Station (by school type)**

[** The above formula shall be calculated for each housing type within the proposed development and for each school type (elementary, middle, high) for which a capacity deficiency has been identified. The sum of these calculations shall be the proportionate share amount for the development under review.]

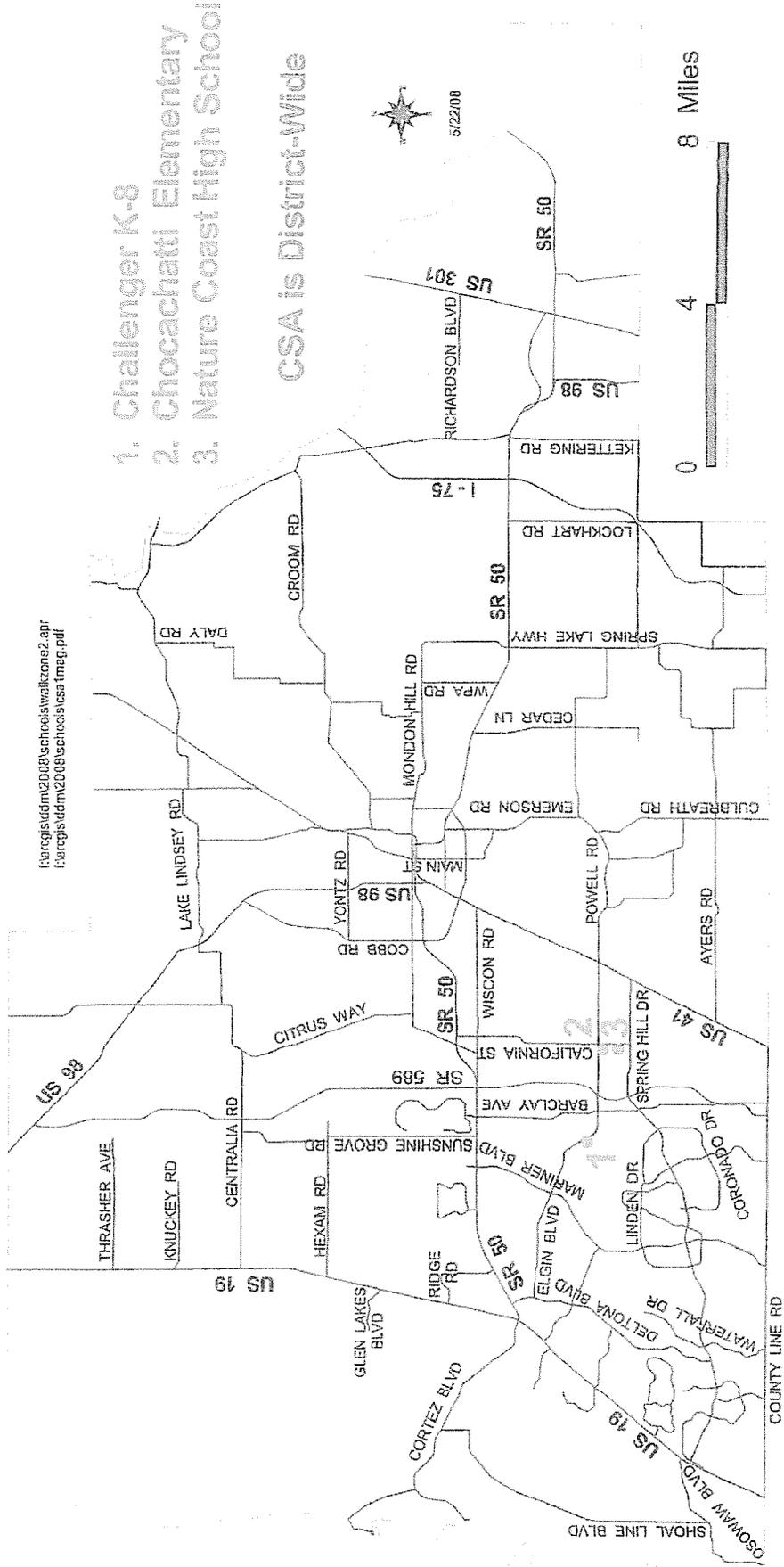
- vi. Finally, if the School Board agrees to the mitigation, the School Board must commit to adding the improvement required for mitigation to its work plan. Further, the development agreement shall include the landowner's commitment to continuing renewal of the development agreement upon its expiration.
- d. In accordance with this Element, s. 163.3180(13)(e), *Florida Statutes*, and Rule 9J-5.025, Florida Administrative Code, the applicant's total proportionate-share mitigation obligation to resolve a capacity deficiency shall be based on the following formula, for each school level:
- i. Multiply the number of new student stations required to serve the new development by the average cost per student station.
 - ii. The average cost per student station shall include school facility development costs and land costs.
 - iii. The applicant's proportionate-share mitigation obligation will be credited toward any other impact fee or exaction imposed by local ordinance for the same need (*see* s. 163.3180(13)(e)(2). *Florida Statutes*).
- e. If within 90 days of the date the applicant initiates the mitigation negotiation period, the applicant and the School Board are able to agree to an acceptable form of mitigation, a legally binding mitigation agreement shall be executed by the applicant, the School Board and the City which sets forth the terms of the mitigation, including such issues as the amount, nature, and timing of donations, construction, or funding to be provided by the developer, and any other matters necessary to effectuate mitigation in accordance with this Element. The mitigation

agreement shall specify the amount and timing of any impact fee credits or reimbursements, if any, that the developer expects to receive in connection with its mitigation payment/ donation under said agreement.

- f. If, after 90 days, the applicant and the School Board are unable to agree to an acceptable form of mitigation, the School Board will report an impasse to the City in writing and the City will not issue a School Concurrency Determination for the proposed development.
- g. The School Board may grant up to two (2) 90-day extensions to the mitigation negotiation period.
- h. To the extent required under Florida law, mitigation must be proportionate to the demand for public school facilities to be created by the actual development of the property.

FIGURE XI-4

Concurrency Service Area: Magnet Schools



1. Challenger K-8
2. Chocachatti Elementary
3. Nature Coast High School

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June 2, 2009

Mr. D. Ray Eubanks, Planning Manager
Florida Department of Community Affairs
Bureau of Local Planning
Plan Processing Team
Sadowski Building
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

MAILED VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RE: City of Brooksville's Adopted Capital Improvements and Public School Facilities Elements (CPA 2009-L1)

Dear Mr. Eubanks:

Please find enclosed, in accordance with Sections 163.3161 through 163.3215, Florida Statutes and Chapters 9J-5 and 9J-11.006, Florida Administrative Code, one hard-copy and two electronic copies of the above-referenced adopted amendments to the Comprehensive Plan.

The City Council serving also as the Local Planning Agency held the first public hearing concerning the amendments to the Comprehensive Plan on May 16, 2009 and authorized their transmittal to DCA for review. At the second public hearing on June 1, 2009, the City Council adopted the amendments by Ordinance No. 775. There are no findings by the local governing body which were not included in the adoption Ordinance No. 775.

The amendments are adopted as noted below and in the enclosed response to the Department's Objections Recommendations and Comments (ORC) Report, which was received by the City on March 24, 2008. DCA raised objections to the absence of language clearly adopting the Hernando County School District's current five-year work plan and five-year schedule of Capital Improvements, as well as the absence of data and analysis projecting the City's population and school impacts for the Concurrency Service Areas (CSA) demonstrating the adopted level of service will be met and maintained. DCA also indicated the Concurrency Service Areas required revision. In response to the ORC Report, the text in the Capital Improvements Element has been modified to clarify adoption of adopting the Hernando County School District's current five-year work plan and five-year schedule of Capital Improvements. Additionally, text within the Public School Facilities Element has been modified to reflect responses addressing the issues identified by the Department. There are no other changes to the amendments not previously reviewed. The amendments have been prepared in underline / ~~strikethrough~~ format to facilitate the Department's review. The City's enclosed response includes additional information, data and analysis as requested by the Department. Copies of the notices for the public hearings are also enclosed. No one signed the Courtesy Information List.

In accordance with Chapter 9J-11.011(5), Florida Administrative Code, the City hereby certifies that the adopted Comprehensive Plan amendments and support documents, which include data and analysis, have been transmitted in electronic form to the Withlacoochee Regional Planning Council, Southwest Florida Water Management District, Florida Department of Transportation District Seven, Florida Department of Environmental Protection, Florida Department of State, Florida Department of Education, Hernando

D. Ray Eubanks, Planning Manager
Page 2
June 2, 2009

County Local Planning Agency, the Hernando County School Board and to all other review agencies listed in Chapter 9J-11.009(8)(a) through (h), Florida Administrative Code via cover of this letter, dated June 2, 2009.

CPA 2009-L1 is an application by the City Council of the City of Brooksville to amend the Capital Improvements Element and the Public School Facilities Element of the Comprehensive Plan, based upon the requirements of the Stipulated Settlement Agreement entered into between the Department of Community Affairs and the City of Brooksville. The amendments were not adopted under a joint planning agreement pursuant to Section 163.3171, Florida Statutes.

Bill Geiger, Community Development Director, is the person who is familiar with the proposed amendment and can be contacted in writing at 201 Howell Avenue, Brooksville, Florida 34601 or by telephoning (352) 544-5430 (fax number 352-544-5429.) Copies of the Plan amendments are available for public inspection during regular business hours at the Brooksville Community Development Department located at 201 Howell Avenue, Brooksville, Florida.

Sincerely,

Joe Bernardini
Mayor

Enclosures

xc: Florida Department of Education and SMART Schools Clearinghouse
Florida Department of Environmental Protection
Florida Department of State, Division of Historic Resources
Florida Department of Transportation, District 7
Southwest Florida Water Management District
Withlacoochee Regional Planning Council
Hernando County Local Planning Agency
Hernando County School Board



MAR 24 2008

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

March 20, 2008

The Honorable David Pugh, Mayor
City of Brooksville
201 Howell Avenue
Brooksville, Florida 34601

Dear Mayor Pugh:

The Department of Community Affairs (Department) has completed its review of the comprehensive plan amendment for the City of Brooksville (Department No. 08-1) as adopted on February 4, 2008, by Ordinance Nos. 752 and 753, and has determined that the amendment adopted by Ordinance 753 and a portion of the amendment adopted by Ordinance 752 (amendment to Transportation Element Policy 7-7) meet the requirements of Chapter 163, Part II, Florida Statutes (F.S.), for compliance while the remainder of Ordinance 752, including those amendments related to the Public Schools Facilities Element and related elements, do not meet the requirements of Chapter 163, Part II, F.S. for compliance. The Department is issuing a Notice of Intent to find the Comprehensive Plan amendments adopted by Ordinance 752, including those amendments related to the Public Schools Facilities Element and related elements "Not In Compliance" and those amendments adopted by Ordinance 753 and Ordinance 752 (amendment to Transportation Element Policy 7-7) "In Compliance." The Notice of Intent has been sent to *Hernando Today* for publication on March 24, 2007. The Department is also issuing a Statement of Intent regarding the Public Schools Facilities Element and related elements amendments adopted by Ordinance 752 found not in compliance.

Please note that a copy of the adopted City of Brooksville Comprehensive Plan amendment, the Department's Objections, Recommendations, and Comments Report dated December 11, 2007, and the Notice of Intent must be available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the City of Brooksville, Department of Community Development, 201 Howell Avenue, Brooksville, Florida. Please be advised that Section 163.3184(8)(c)2, F.S., requires a local government that has an internet site to post a copy of the Department's Notice of Intent on the site within 5 days after receipt of the mailed copy of the agency's notice of intent.

2555 SHUMARD OAK BOULEVARD TALLAHASSEE, FL 32399-2100
Phone: 850-488-8466/SUNCOM 278-8466 Fax: 850-921-0781/SUNCOM 291-0781
Website: www.dca.state.fl.us

COMMUNITY PLANNING
Phone: 850-488-2356/SUNCOM 278-2356
Fax: 850-488-3309/SUNCOM 278-3309

AREAS OF CRITICAL STATE CONCERN FIELD OFFICE
Phone: 305-289-2402
Fax: 305-289-2442

HOUSING AND COMMUNITY DEVELOPMENT
Phone: 850-488-7956/SUNCOM 278-7956
Fax: 850-922-5623/SUNCOM 292-5623

The Honorable David Pugh

March 20, 2008

Page Two

In addition, the Statement of Intent and Notice of Intent will be forwarded along with a petition to the Division of Administrative Hearings for the Scheduling of an administrative hearing pursuant to Section 120.57, F.S. We are interested in meeting with you and your staff at your convenience for the purpose of developing an acceptable solution to this not in compliance finding.

If you have any questions regarding this matter, please contact Brenda Winningham, Regional Planning Administrator, at (850) 922-1800.

Sincerely,

A handwritten signature in black ink that reads "Mike McDaniel". The signature is written in a cursive, flowing style.

Mike McDaniel, Chief
Office of Comprehensive Planning

MM/rh

Enclosures: Notice of Intent
Statement of Intent

cc: Mr. Michael Moehlman, Executive Director, Withlacoochee RPC
Mr. Bill Geiger, Community Development Director, City of Brooksville

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
NOTICE OF INTENT TO FIND THE CITY OF BROOKSVILLE
COMPREHENSIVE PLAN AMENDMENT ADOPTED BY
ORDINANCE NO. 752 (AMENDMENT CPA 2007-L1) NOT IN COMPLIANCE
AND THE REMAINING COMPREHENSIVE PLAN AMENDMENTS ADOPTED BY
ORDINANCE NOS. 752 AND 753 IN COMPLIANCE.
DOCKET NO. 08-1-NO1-2702-(A)-(N)

The Department gives notice of its intent to find a portion of the Amendment(s) to the Comprehensive Plan for City of Brooksville, adopted by Ordinance No. 752 (Amendment CPA 2007-L1) on February 4, 2008, NOT IN COMPLIANCE, and the remaining amendments adopted by Ordinance No(s). 752 and 753 on February 4, 2008 IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S.

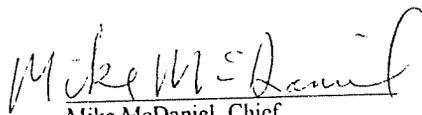
The adopted City of Brooksville Comprehensive Plan Amendment(s), the Department's Objections, Recommendations, and Comments Report (if any), and the Department's Statement of Intent to find the Comprehensive Plan Amendment(s) Not In Compliance will be available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the City of Brooksville, City Hall, 201 Howell Avenue, Brooksville, Florida 34601.

Any affected person, as defined in Section 163.3184, F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Amendment(s) to the City of Brooksville Comprehensive Plan are In Compliance, as defined in Subsection 163.3184(1), F.S. The petition must be filed within twenty-one (21) days after publication of this notice, a copy must be mailed or delivered to the local government and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

This Notice of Intent and the Statement of Intent for those amendment(s) found Not In Compliance will be forwarded by petition to the Division of Administrative Hearings (DOAH) of the Department of Management Services for the scheduling of an Administrative Hearing pursuant to Sections 120.569 and 120.57, F.S. The purpose of the administrative hearing will be to present evidence and testimony on the noncompliance issues alleged by the Department in its Objections, Recommendations, and Comments Report and Statement of Intent in order to secure a recommended order for forwarding to the Administration Commission.

Affected persons may petition to intervene in either proceeding referenced above. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. Pursuant to Section 163.3184(10), F.S., no new issues may be alleged as a reason to find a plan amendment not in compliance in a petition to intervene filed more than twenty one (21) days after publication of this notice unless the petitioner establishes good cause for not alleging such new issues within the twenty one (21) day time period. The petition for intervention shall be filed at DOAH, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060, and a copy mailed or delivered to the local government and the Department. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing pursuant to Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

Administrative hearing petition is timely filed, mediation is available pursuant to Subsection 163.3189(3)(a), F.S., to any affected person who is made a party to the proceeding by filing that request with the administrative law judge assigned by the Division of Administrative Hearings. The choice of mediation shall not affect a party's right to an administrative hearing.



Mike McDaniel, Chief
Office of Comprehensive Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

IN RE: CITY OF BROOKSVILLE
COMPREHENSIVE PLAN AMENDMENT
08-1; AMENDING THE PUBLIC SCHOOL
FACILITIES ELEMENT, FUTURE LAND
USE ELEMENT AND CAPITAL
IMPROVEMENTS ELEMENT

Docket No. 08-1-NOI-2702-(A)-(N)

STATEMENT OF INTENT TO FIND A PORTION OF
COMPREHENSIVE PLAN AMENDMENT
NOT IN COMPLIANCE

The Florida Department of Community Affairs, pursuant to Section 163.3184(10), Florida Statutes, and Rule 9J-11.012(6), Florida Administrative Code (F.A.C.), hereby issues this Statement of Intent to find the portion of the Comprehensive Plan Amendment 08-1 (“Amendment”) adopted by the City of Brooksville by Ordinance No. 752 on February 4, 2008, Not In Compliance based upon the Objections, Recommendations, and Comments Report (ORC Report) issued by the Department on December 11, 2007, which is hereby incorporated by reference, and based upon the changes the City made to the amendment as adopted. The Department finds that a portion of the Amendment is not “in compliance”, as that term is defined in Section 163.3184(1)(b), Florida Statutes (F.S.), for the following reasons:

I. Public Schools Facilities Element

A. Inconsistent provisions. The inconsistent provisions of the Amendment under this subject heading are as follows:

1. The amendment did not clearly adopt by reference the School District’s current Five-year Work Plan and did not adopt a Five-year Schedule of Capital Improvements for

school-related projects needed to achieve and maintain the adopted level of service standards for schools. The District Facilities Plan and Tentative Five-year Schedule of School Improvements included in the data and analysis do not include a full five-year schedule through Fiscal Year 2011-2012, and the Tentative Five-year Schedule of School Improvements is not financially feasible since it includes an unfunded elementary school for construction in year two of the schedule.

2. The amendment is not supported by relevant and appropriate data and analysis regarding the existing and projected school deficiencies for the short and long-term planning timeframes based on the adopted School Concurrency Service Areas and the adopted level of service standards which are 100 percent of permanent Fish Capacity based on the Core Facilities. The data and analysis did not identify all of the school-related public facilities (level of service related to public facilities) that are necessary to meet the existing public facility deficiencies, the facilities that are necessary to meet future growth for the five-year and long-term planning timeframes, and the facilities that are necessary to replace obsolete or worn-out facilities. The data and analysis did not demonstrate in an updated (2007-2008 to 2011-2012) Five-year Schedule of Capital Improvements which capital projects are needed to replace existing facilities, and which capital projects are needed to meet future demand.

3. The City has not demonstrated that the adopted level of service standard can be achieved within the Five-year Schedule of Improvements for the Concurrency Service Areas. Part of the inability to demonstrate this is related to the 28 Concurrency Service Areas established by the City. A number of these Concurrency Service Areas do not have any schools in them and are not adjacent to Concurrency Service Areas that have schools or have schools only of a specific type (e.g. elementary). For these Areas there is no existing or planned school

capacity and no ability to utilize capacity in adjacent Areas. Therefore, the Plan is not financially feasible since it does not provide for the maintenance and achievement of the adopted level of service standards in these Concurrency Service Areas.

Therefore, the amendments are not consistent with the following requirements:

Rules 9J-5.005(2) and (5), 9J-5.006(2)(c)(c), 9J-5.015(1)(a) and (2), 9J-5.016(4), and 9J-5.025(2) and (3), F.A.C., and Sections 163.3177(2), (3), and (8), 163.3177(12)(c) and (f), and 163.3180 (a) – (e), F.S.

B. Recommended Remedial Actions.

These inconsistencies may be remedied by:

1. Revising Capital Improvements Element Policy 9.01A(9) to clearly incorporate by reference the District Five-year Facilities Plan, including its date of adoption. The Policy should adopt the most up-to-date schedule, which covers the period of Fiscal Years 2007-2008 through 2011-2012. The City should include in the adopted Five-year Schedule of Capital Improvements the improvements that are needed to achieve and maintain the adopted level of service standards for schools in the five-year planning period. The schedule must be supported by relevant and appropriate data and analysis to demonstrate that the schedule is financially feasible. The funding sources for projects in the first three years of the schedule must be committed. The funding sources for projects in years four and five may be planned or committed, but projects with planned funding sources should also identify an alternative funding source.

2. Providing data and analysis which projects the City's population and school impacts for the five-year period based on the Concurrency Service Areas and which demonstrates that the adopted level of services standards will be achieved and maintained in the

Five-year planning timeframe. The data and analysis should address population growth projections for each of the concurrency service areas and identify existing and projected school deficiencies based on the adopted School Concurrency Service Areas and the adopted level of service standard which is 100 percent of permanent FISH Capacity based on Core Facilities. Thus the data should consider the available capacity for all core facilities, such as dining facilities, at the each school. The data and analysis must demonstrate that the City can achieve its adopted level of service standards for schools in the five-year planning timeframe, or alternatively, a ten year planning timeframe if the City adopts a long-term concurrency management system for schools, including a long-term (ten-year) Schedule of Capital Improvements for Schools, into the Comprehensive Plan.

3. Revising the Concurrency Service Areas to provide for a financially feasible plan that demonstrates that the level of service standards can be achieved and maintained in the five-year planning period for each Concurrency Service Area.

II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

A. Inconsistent provisions. The Amendment is inconsistent with the State Comprehensive Plan goals and policies set forth in Section 187.201, Florida Statutes, including the following provisions:

1. Land Use. The Amendment is inconsistent with the Goal set forth in Section 187.201(15), F.S., and the Policies set forth in Section 187.201(15)(b)1, F.S.

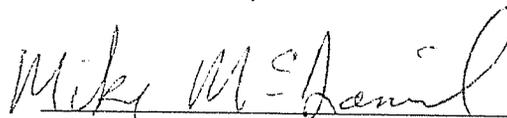
2. Public Facilities. The Amendment is inconsistent with the Goal set forth in Section 187.201(17), F.S., and the Policies set forth in Section 187.201(17)(b)1, 2, 3, 6, 7, and 9, F.S.

B. Recommended remedial action. These inconsistencies may be remedied by revising the Amendment as described above in Section I.

CONCLUSIONS

1. The Amendments identified above are not consistent with the State Comprehensive Plan;
2. The Amendments identified above are not consistent with Chapter 9J-5, F.A.C.;
3. The Amendments identified above are not consistent with the requirements of Chapter 163, Part II, F.S.;
4. The Amendments identified above are not “in compliance,” as defined in Section 163.3184(1)(b) F.S.; and,
5. In order to bring the Amendment into compliance, the City may complete the recommended remedial actions described above or adopt other remedial actions that eliminate the inconsistencies.

Executed this 20th day of March 2008, at Tallahassee, Florida.



Mike McDaniel, Chief
Office of Comprehensive Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399

REMEDIAL ACTIONS
CPA 08-1
STIPULATED SETTLEMENT AGREEMENT
May 16, 2009

Detailed below are the issues identified by the Florida Department of Community Affairs relative to the "Not in Compliance" finding for the City of Brooksville's Comprehensive Plan Amendment, adopted on February 4, 2008, and the City's proposed remedial actions. The format of this document includes a restatement of each of the issues present in the Statement of Intent, followed by proposed remedial actions. The proposed remedial actions are in the form of a readopted comprehensive plan amendment and data and analysis provided in conjunction with the readopted comprehensive plan amendment.

I. Public Schools Facilities Element

A. Inconsistent provisions. The inconsistent provisions of the Amendment under this subject heading are as follows:

- 1. The amendment did not clearly adopt by reference the School District's current Five-year Work Plan and did not adopt a Five-year Schedule of Capital Improvements for school-related projects needed to achieve and maintain the adopted level of service standards for schools. The District Facilities Plan and Tentative Five-year Schedule of School Improvements included in the data and analysis do not include full five-year schedule through Fiscal Year 2012-2013, and the Tentative Five-year Schedule of School Improvements is not financially feasible since it includes an unfunded elementary school for construction in year two of the schedule.*

B. Recommended Remedial Actions.

- 1. Revising Capital Improvements Policy 5.3 to clearly incorporate by reference the District Five-year Facilities Plan, including its date of adoption. The Policy should adopt the most up-to-date schedule, which covers the period of Fiscal Years 2008-2009 through 2012-2013. The City should include in the adopted Five-year Schedule of Capital Improvements the improvements that are needed to achieve and maintain the adopted level of service standards for schools in the five-year planning period. The schedule must be supported by relevant and appropriate data and analysis to demonstrate that the schedule is financially feasible. The funding sources for projects in the first three years of the schedule must be committed. The funding sources for projects in years four and five may be planned or committed, but projects with planned funding sources should also identify an alternative funding source.*

Remedial Action Description:

The City of Brooksville will adopt by reference the School Board's most recent Five-year Work Program for the years 2008-2009 to 2012-2013. The Work Program was adopted by the

Hernando County School Board on March 12, 2009. A copy of the Work Program is attached (Exhibit 1).

The language in Policy 5-3 of the Capital Improvements Element is amended to reflect adoption of the Work Program and is as follows:

Policy 5-3: ~~The current Hernando County School Board Five-Year Work Plan is adopted by reference and is considered a part of the Capital Improvements Element of the City of Brooksville's Comprehensive Plan. This includes the annual update of the School Board Five-Year Work Plan to add a new fifth year to the document.~~ The City of Brooksville hereby adopts by reference the Hernando County School Board Five-year Work Program for FY 2008-2009 to FY 2012-2013, which was adopted on March 12, 2009. The City of Brooksville will adopt by reference each subsequently adopted work program by the Hernando County School Board into the Capital Improvements Element. NOTE: Any project listed as unfunded in the Five Year Work Program will not be considered for determining whether the adopted Level of Service is met in the five years of the work

I. Public Schools Facilities Element

A. Inconsistent provisions. The inconsistent provisions of the Amendment under this subject heading are as follows:

- 2. The amendment is not supported by relevant and appropriate data and analysis regarding the existing and projected school deficiencies for the short and long-term planning time frames based on the adopted School Concurrency Service Area and the adopted level of service standards which are 100 percent of permanent Fish Capacity based on the Core Facilities. The data and analysis did not identify all of the school-related public facilities (level of service related to public facilities) that are necessary to meet the existing public facility deficiencies, the facilities that are necessary to meet future growth for the five-year and long-term planning time frames, and the facilities that are necessary to replace obsolete or worn-out facilities. The data and analysis did not demonstrate in an updated (2008-2009 to 2012-2013) Five-year Schedule of Capital Improvements which capital projects are needed to meet future demand.*

B. Recommended Remedial Actions.

- 2. Providing data and analysis which projects the City's population and school impacts for the five-year period based on the Concurrency Service Areas and which demonstrates that the adopted level of service standards will be achieved and maintained in the Five-year planning time frame. The data and analysis should address population growth projections for each of the concurrency service areas and identify existing and projected school deficiencies based on the School Concurrency Service Areas and the adopted level of service standard which is 100 percent of permanent FISH Capacity based on Core Facilities. Thus the data should consider the available*

capacity for all core facilities, such as dining facilities, at each school. The data and analysis must demonstrate that the City can achieve its adopted level of service standards for schools in the five-year planning time frame, or alternatively, a ten year planning time frame if the City adopts a long-term concurrency management system for schools, including a long-term (ten-year) Schedule of Capital Improvements for Schools, into the Comprehensive Plan.

Remedial Action Description:

Data and analysis is provided in attachments demonstrating that the level of service standard will be achieved in all concurrency service areas by the end of the five-year planning period. Exhibit 2, General Population Estimates, April 1, 2008 through April 1, 2013, provides population projections by CSA for the five year period corresponding to the Hernando County School Board’s Five Year Work Program (Exhibit 1). Exhibit 3 details student population estimates by CSA for each of the academic years from 2008-2009 to 2012-2013. The exhibit addresses, by CSA, permanent student stations, added capacity, dining capacity, school dining capacity for LOS, total permanent capacity, projected enrollment and the percent of utilization of permanent capacity. Exhibit 3 also provides data for 2017-2018 and demonstrates that the level of service will be met in the 10 year time frame.

As indicated in Exhibit 3, redistricting and additional capacity at Explorer K-8 (middle) results in all but one of the elementary schools meeting the LOS standard in the 2008-2009 school year. All middle and high schools will meet the LOS standard, while one of the three magnet schools continues to exceed the standard. With additional capacity at Deltona and Suncoast Elementary Schools in school year 2009-2010, it is projected that none of the elementary schools exceed the LOS standard. All middle schools and all high schools meet the standard. The level of service standard continues to be exceeded by one of the three magnet schools. In school year 2010-2011, the addition of a K-8 facility results in no elementary school exceeding the LOS standard. All middle, high and magnet schools will meet the LOS in 2010-2011. In school years 2011-2012 and 2012-2013, all elementary, middle schools, high schools and magnet schools will meet the level of service standard.

The following table represents what the School District staff currently uses to determine the number of school age children generated by single family, multi-family, and mobile home units for each of the school types. This table represents the best available data for student generation rates.

	STUDENT GENERATION RATES		
	Single Family	Multi-family	Mobile Home
Elementary School	0.16	0.065	0.123
Middle School	0.105	0.02	0.062
High School	0.11	0.05	0.082
Total	0.375	0.135	0.267

Source: Henderson, Young & Company, Hernando County Educational System Impact Fee Study, 2007

I. Public Schools Facilities Element

A. Inconsistent provisions. *The inconsistent provisions of the Amendment under this subject heading are as follows:*

3. *The City has not demonstrated that the adopted level of service standard can be achieved within the Five-year Schedule of Improvements for the Concurrency Service Areas. Part of the inability to demonstrate this is related to the 28 Concurrency Service Areas established by the City. A number of these Concurrency Service Areas do not have any schools in them and are not adjacent to Concurrency Service Areas that have schools or have schools only of a specific type (e.g. elementary). For these Areas there is no existing or planned school capacity and no ability to utilize capacity in adjacent Areas. Therefore, the Plan is not financially feasible since it does not provide for the maintenance and achievement of the adopted level of service standards in these Concurrency Service Areas.*

Remedial Action Description:

In conjunction with the Hernando County School Board, a series of maps providing service areas by school attendance zones has been created. The series includes four separate maps to correspond to the High School, Middle School, Elementary School and Magnet School attendance zones. The High School map contains 4 zones, while the Middle School map contains 6 zones, 11 zones are shown on the Elementary School map and one county-wide zone has been created for Magnet Schools. The High School, Middle School and Elementary School maps anticipate a zone for a new school facility in each. In the Element's section regarding Capacity Determination Standards, a new subparagraph is also added to address the bussing of students to contiguous CSAs for capacity purposes. The language limits the distance a student may travel on a bus.

Each CSA zone will contain a school and will provide capacity for each school type for any area within the County, thus allowing the adopted level of service standard to be achieved within the five year period required by Statute.

The following revised Public School Facilities Element policy addresses how the Concurrency Service Area maps will help ensure that the adopted school level of service standard will be achieved in the five year period:

Policy 2-2: CSAs will be based upon the school attendance zones for elementary, middle, high and K-8 schools and the best available data and methodology so that there is school capacity available in each CSA to meet the adopted LOS standard within the five-year period contained in the Florida Statutes.

Revisions to the level of service standard contained in Policy 1-1 of the Public School Facilities Element to clarify the interrelationship between the capacity of an individual school based on the FISH Capacity of Permanent Student Stations and the FISH Capacity for Core Facilities are proposed. The policy defines Core Facilities as permanent cafeteria capacity. An additional

policy is included to address the potential effect of program changes on school capacity (Policy 1-7). Proposed Policy 1-8 provides criteria to determine if available capacity in adjacent CSAs can be utilized. The amended language is as follows:

Policy 1-1: The Level of Service (LOS) standard set forth herein shall be applied consistently by the City and the School Board district-wide to all schools of the same type. The LOS standards to implement school concurrency shall be calculated as a percentage of Florida Inventory of School Houses (“FISH”) as follows:

- (a) Elementary: 100% of permanent Florida Inventory of School Houses (FISH) Capacity based on the for Permanent Student Stations and 100% of Permanent FISH Capacity for Core Facilities of the particular elementary school (whichever is the greater number will be used for calculating student capacities for LOS).
- (b) Middle: 100% of permanent FISH Capacity based on the for Permanent Student Stations and 100% of Permanent FISH Capacity for Core Facilities of the particular middle school (whichever is the greater number will be used for calculating student capacities for LOS).
- (c) High: 100% of permanent FISH Capacity based on the for Permanent Student Stations and 100% of Permanent FISH Capacity for Core Facilities of the particular high school (whichever is the greater number will be used for calculating student capacities for LOS).
- (d) K-8: 100% of permanent FISH Capacity based on the Core Facilities of the particular middle (K-8) school [note: the Florida Department of Education presently treats a K-8 school as a middle school for purposes of FISH]. Magnet schools will maintain the level of service standard for the type of school for which it is constructed, whether an elementary, middle or high school.
- (e) For purposes of this section, Core Facilities shall mean Permanent Cafeteria Capacity based on FISH standards.

Policy 1-7 The level of service standard is also measured to account for programmatic changes which have consistent and measurable capacity impacts including but not limited to double sessions, floating teachers, year-round operations and special education programs. To determine available capacity as a result of programmatic changes, there must be student stations at each grade level for the particular schools in the Concurrency Service Areas (CSA) affected.

Policy 1-8

In order to determine if the available adjacent capacity can be utilized, the following additional criteria shall apply:

- (a) Travel time and distance: School bus route from the school to the site of the proposed development should not exceed 50 minutes;
- (b) Areas established for the purpose of establishing student diversity at schools shall not be used to determine capacity;
- (c) If the boundary is adjacent based on its connection by the Withlacoochee State Forest, it should not be deemed adjacent;
- (d) Where capacity is reserved for a specific academic program, it cannot be claimed in an adjacent concurrency service area.

EXHIBIT 1

INTRODUCTION

The 5-Year District Facilities Work Program is a very important document. The Department of Education, Legislature, Governor's Office, Division of Community Planning (growth management), local governments, and others use the work program information for various needs including funding, planning, and as the authoritative source for school facilities related information.

The district's facilities work program must be a complete, balanced capital outlay plan that is financially feasible. The first year of the work program is the districts capital outlay budget. To determine if the work program is balanced and financially feasible, the "Net Available Revenue" minus the "Funded Projects Costs" should sum to zero for "Remaining Funds".

If the "Remaining Funds" balance is zero, then the plan is both balanced and financially feasible.
 If the "Remaining Funds" balance is negative, then the plan is neither balanced nor feasible.
 If the "Remaining Funds" balance is greater than zero, the plan may be feasible, but it is not balanced.

Summary of revenue/expenditures available for new construction and remodeling projects only.

	2008 - 2009	2009 - 2010	2010 - 2011	2011 - 2012	2012 - 2013	Five Year Total
Total Revenues	\$ 169,849,268	\$ 4,097,499	\$ 5,691,616	\$ 7,843,481	\$ 6,288,471	\$ 193,770,335
Total Project Costs	\$ 161,357,557	\$ 4,097,499	\$ 5,691,616	\$ 7,843,481	\$ 6,288,471	\$ 185,278,624
Difference (Remaining Funds)	\$ 8,491,711	\$ 0	\$ 0	\$ 0	\$ 0	\$ 8,491,711

District HERNANDO COUNTY SCHOOL DISTRICT
Fiscal Year Range

CERTIFICATION

By submitting this electronic document, we certify that all information provided in this 5-year district facilities work program is accurate, all capital outlay resources are fully reported, and the expenditures planned represent a complete and balanced capital outlay plan for the district. The district Superintendent and Chief Financial Officer have approved the information contained in this 5-year district facilities work program, and they have approved this submission and certify to the Department of Education, Office of Educational Facilities, that the information contained herein is correct and accurate. We understand that any information contained in this 5-year district facilities work program is subject to audit by the Auditor General of the State of Florida.

DISTRICT SUPERINTENDENT Wayne S. Alexander, Ed.D
CHIEF FINANCIAL OFFICER Desiree Henegar
DISTRICT POINT-OF-CONTACT PERSON Desiree Henegar and Roland Bavota
JOB TITLE CFO and Director of Facilities
PHONE NUMBER 352 797-7004
E-MAIL ADDRESS henegar_d@hcsb.k12.fl.us or bavota_r@hcsb.k12.fl.us

Expenditures

Expenditure for Maintenance, Repair and Renovation from 2-Mills and PECO

Annually, prior to the adoption of the district school budget, each school board must prepare a tentative district facilities work program that includes a schedule of major repair and renovation projects necessary to maintain the educational and ancillary facilities of the district.

Item	2008 - 2009 Actual Budget	2009 - 2010 Projected	2010 - 2011 Projected	2011 - 2012 Projected	2012 - 2013 Projected	Total
HVAC	\$739,707	\$140,000	\$140,000	\$100,000	\$100,000	\$1,219,707
Locations:	DISTRICT MAINTENANCE/PLANT OPERATIONS, EASTSIDE ELEMENTARY, FRANK W SPRINGSTEAD SENIOR HIGH, NATURE COAST TECHNICAL HIGH, PINE GROVE ELEMENTARY, POWELL MIDDLE, WEST HERNANDO MIDDLE					
Flooring	\$278,047	\$200,000	\$200,000	\$100,000	\$100,000	\$878,047
Locations:	BROOKSVILLE ELEMENTARY, CENTRAL SENIOR HIGH, CHOCACHATTI ELEMENTARY, DELORES S PARROTT MIDDLE, DISTRICT MAINTENANCE/PLANT OPERATIONS, EASTSIDE ELEMENTARY, FOX CHAPEL MIDDLE, HERNANDO SENIOR HIGH, NATURE COAST TECHNICAL HIGH, PINE GROVE ELEMENTARY, POWELL MIDDLE, SUNCOAST ELEMENTARY, WEST HERNANDO MIDDLE					
Roofing	\$1,341,915	\$0	\$500,000	\$500,000	\$500,000	\$2,841,915
Locations:	CENTRAL SENIOR HIGH, DELTONA ELEMENTARY, DISTRICT MAINTENANCE/PLANT OPERATIONS, EASTSIDE ELEMENTARY, HERNANDO SENIOR HIGH, POWELL MIDDLE, TRANSPORTATION 2, WEST HERNANDO MIDDLE, WESTSIDE ELEMENTARY					
Safety to Life	\$440,285	\$113,341	\$100,000	\$100,000	\$100,000	\$853,626
Locations:	CENTRAL SENIOR HIGH, CHOCACHATTI ELEMENTARY, DELORES S PARROTT MIDDLE, DISTRICT MAINTENANCE/PLANT OPERATIONS, EASTSIDE ELEMENTARY, FOX CHAPEL MIDDLE, FRANK W SPRINGSTEAD SENIOR HIGH, HERNANDO SENIOR HIGH, NATURE COAST TECHNICAL HIGH, PINE GROVE ELEMENTARY, POWELL MIDDLE, SUNCOAST ELEMENTARY, WEST HERNANDO MIDDLE					
Fencing	\$47,449	\$1,000	\$50,000	\$50,000	\$50,000	\$198,449
Locations:	DISTRICT MAINTENANCE/PLANT OPERATIONS, HERNANDO SENIOR HIGH, PINE GROVE ELEMENTARY					
Parking	\$18,449	\$50,000	\$50,000	\$50,000	\$50,000	\$218,449
Locations:	DELTONA ELEMENTARY, DISTRICT MAINTENANCE/PLANT OPERATIONS					
Electrical	\$0	\$0	\$0	\$0	\$0	\$0
Locations:	No Locations for this expenditure.					
Fire Alarm	\$68,135	\$50,000	\$50,000	\$27,562	\$30,000	\$225,697
Locations:	DISTRICT MAINTENANCE/PLANT OPERATIONS, FRANK W SPRINGSTEAD SENIOR HIGH, POWELL MIDDLE, SUNCOAST ELEMENTARY, WEST HERNANDO MIDDLE					
Telephone/Intercom System	\$0	\$0	\$0	\$0	\$0	\$0
Locations:	No Locations for this expenditure.					
Closed Circuit Television	\$0	\$0	\$0	\$0	\$0	\$0
Locations:	No Locations for this expenditure.					
Paint	\$19,551	\$21,540	\$20,000	\$20,000	\$33,033	\$114,124
Locations:	DISTRICT MAINTENANCE/PLANT OPERATIONS					
Maintenance/Repair	\$0	\$0	\$0	\$0	\$0	\$0
Locations:	No Locations for this expenditure.					
Sub Total:	\$2,953,538	\$575,881	\$1,110,000	\$947,562	\$963,033	\$6,550,014

PECO Maintenance Expenditures	\$853,454	\$1,024,932	\$1,371,724	\$1,297,562	\$1,293,033	\$5,840,705
Two Mill Sub Total:	\$3,878,659	\$0	\$0	\$0	\$0	\$3,878,659

Other Items	2008 - 2009 Actual Budget	2009 - 2010 Projected	2010 - 2011 Projected	2011 - 2012 Projected	2012 - 2013 Projected	Total
Ctywide Asbestos	\$92,165	\$100,000	\$90,000	\$50,000	\$30,000	\$362,165
Locations	DISTRICT MAINTENANCE/PLANT OPERATIONS, FRANK W SPRINGSTEAD SENIOR HIGH					
Indoor Air Quality	\$762,220	\$0	\$100,000	\$200,000	\$100,000	\$1,162,220
Locations	DISTRICT MAINTENANCE/PLANT OPERATIONS, HERNANDO SENIOR HIGH, JOHN D FLOYD ELEMENTARY, MOTON ELEMENTARY, PINE GROVE ELEMENTARY					
Ctywide Building Maintenance	\$866,308	\$349,051	\$71,724	\$100,000	\$100,000	\$1,487,083
Locations	BROOKSVILLE ELEMENTARY, CENTRAL SENIOR HIGH, CHALLENGER K-8 SCHOOL OF SCIENCE AND MATHEMATICS, CHOCACHATTI ELEMENTARY, DELORES S PARROTT MIDDLE, DELTONA ELEMENTARY, DISTRICT MAINTENANCE/PLANT OPERATIONS, EASTSIDE ELEMENTARY, FOX CHAPEL MIDDLE, FRANK W SPRINGSTEAD SENIOR HIGH, HERNANDO SENIOR HIGH, JOHN D FLOYD ELEMENTARY, MOTON ELEMENTARY, PINE GROVE ELEMENTARY, POWELL MIDDLE, SPRING HILL ELEMENTARY, STAR EDUCATION CENTER, SUNCOAST ELEMENTARY, TRANSPORTATION 2, WESTSIDE ELEMENTARY					
Ctywide Restrooms	\$144	\$0	\$0	\$0	\$50,000	\$50,144
Locations	MOTON ELEMENTARY					
Ctywide Theaters	\$25,500	\$0	\$0	\$0	\$50,000	\$75,500
Locations	FRANK W SPRINGSTEAD SENIOR HIGH					
Technology Wiring	\$32,238	\$0	\$0	\$0	\$0	\$32,238
Locations	HERNANDO ADMINISTRATIVE SUPPORT					
Total:	\$4,732,113	\$1,024,932	\$1,371,724	\$1,297,562	\$1,293,033	\$9,719,364

Local Two Mill Expenditure For Maintenance, Repair and Renovation

Anticipated expenditures expected from local funding sources over the years covered by the current work plan.

Item	2008 - 2009 Actual Budget	2009 - 2010 Projected	2010 - 2011 Projected	2011 - 2012 Projected	2012 - 2013 Projected	Total
Remaining Maint and Repair from 1.75 Mills	\$3,878,659	\$0	\$0	\$0	\$0	\$3,878,659
Maintenance/Repair Salaries	\$1,547,501	\$3,250,000	\$3,250,000	\$3,250,000	\$3,250,000	\$14,547,501
School Bus Purchases	\$211,700	\$1,500,000	\$1,522,834	\$1,546,910	\$1,583,996	\$6,365,440
Other Vehicle Purchases	\$0	\$0	\$0	\$0	\$0	\$0
Capital Outlay Equipment	\$1,991,132	\$3,000,000	\$3,045,668	\$2,319,661	\$3,167,993	\$13,524,454
Rent/Lease Payments	\$1,820,392	\$2,024,865	\$2,024,865	\$2,024,865	\$2,024,865	\$9,919,852
COP Debt Service	\$7,831,636	\$7,889,640	\$8,648,333	\$8,358,240	\$8,358,240	\$41,086,089
Rent/Lease Relocatables	\$0	\$0	\$0	\$0	\$0	\$0
Environmental Problems	\$0	\$0	\$0	\$0	\$0	\$0
s. 1011.14 Debt Service	\$0	\$0	\$0	\$0	\$0	\$0
Special Facilities Account	\$0	\$0	\$0	\$0	\$0	\$0
Ctywide Safety	\$258,860	\$258,860	\$158,860	\$258,860	\$258,860	\$1,194,300

Ctywide Maintenance	\$400,000	\$0	\$0	\$0	\$0	\$400,000
Roofing	\$449,938	\$400,000	\$450,000	\$505,000	\$400,000	\$2,204,938
HVAC	\$0	\$454,692	\$100,000	\$800,000	\$215,217	\$1,569,909
Flooring	\$40,000	\$0	\$24,774	\$0	\$0	\$64,774
Ctywide ADA/Indoor Air	\$0	\$300,000	\$44,503	\$400,000	\$400,000	\$1,144,503
Land	\$136,683	\$0	\$0	\$0	\$0	\$136,683
Ctywide Fencing	\$29,000	\$0	\$0	\$0	\$0	\$29,000
Telecom	\$392,674	\$100,000	\$100,000	\$100,000	\$100,000	\$792,674
Local Expenditure Totals:	\$18,988,175	\$19,178,057	\$19,369,837	\$19,563,536	\$19,759,171	\$96,858,776

Revenue

2 Mill Revenue Source

Schedule of Estimated Capital Outlay Revenue from each currently approved source which is estimated to be available for expenditures on the projects included in the tentative district facilities work program. All amounts are NET after considering carryover balances, interest earned, new COP's, 1011.14 and 1011.15 loans, etc. Districts cannot use 2-Mill funds for salaries except for those explicitly associated with maintenance/repair projects. (1011.71 (5), F.S.)

Item	Fund	2008 - 2009 Actual Value	2009 - 2010 Projected	2010 - 2011 Projected	2011 - 2012 Projected	2012 - 2013 Projected	Total
(1) Non-exempt property assessed valuation		\$11,421,458,627	\$11,535,673,213	\$11,651,029,945	\$11,767,540,245	\$11,885,215,647	\$58,260,917,677
(2) The Millege projected for discretionary capital outlay per s.1011.71		1.75	1.75	1.75	1.75	1.75	
(3) Full value of the 2-Mill discretionary capital outlay per s.1011.71		\$18,988,175	\$19,178,057	\$19,369,837	\$19,563,536	\$19,759,171	\$96,858,776
(4) Value of the portion of the 2-Mills ACTUALLY levied	370	\$18,988,175	\$19,178,057	\$19,369,837	\$19,563,536	\$19,759,171	\$96,858,776
(5) Difference of lines (3) and (4)		\$0	\$0	\$0	\$0	\$0	\$0

PECO Revenue Source

The figure in the row designated "PECO Maintenance" will be subtracted from funds available for new construction because PECO maintenance dollars cannot be used for new construction.

Item	Fund	2008 - 2009 Actual Budget	2009 - 2010 Projected	2010 - 2011 Projected	2011 - 2012 Projected	2012 - 2013 Projected	Total
PECO New Construction	340	\$3,684,106	\$0	\$830,149	\$2,537,901	\$1,014,495	\$8,066,651
PECO Maintenance Expenditures		\$853,454	\$1,024,932	\$1,371,724	\$1,297,562	\$1,293,033	\$5,840,705
		\$4,537,560	\$1,024,932	\$2,201,873	\$3,835,463	\$2,307,528	\$13,907,356

CO & DS Revenue Source

Revenue from Capital Outlay and Debt Service funds.

Item	Fund	2008 - 2009 Actual Budget	2009 - 2010 Projected	2010 - 2011 Projected	2011 - 2012 Projected	2012 - 2013 Projected	Total
CO & DS Cash Flow-through Distributed	360	\$201,499	\$201,499	\$201,499	\$201,499	\$201,499	\$1,007,495
CO & DS Interest on Undistributed CO	360	\$20,557	\$20,557	\$20,557	\$20,557	\$20,557	\$102,785
		\$222,056	\$222,056	\$222,056	\$222,056	\$222,056	\$1,110,280

Fair Share Revenue Source

All legally binding commitments for proportionate fair-share mitigation for impacts on public school facilities must be included in the 5-year district work program.

Nothing reported for this section.

Sales Surtax Referendum

Specific information about any referendum for a 1-cent or ½-cent surtax referendum during the previous year.

Did the school district hold a surtax referendum during the past fiscal year 2007 - 2008? No

Additional Revenue Source

Any additional revenue sources

Item	2008 - 2009 Actual Value	2009 - 2010 Projected	2010 - 2011 Projected	2011 - 2012 Projected	2012 - 2013 Projected	Total
Proceeds from a s. 1011.14/15 F.S. Loans	\$0	\$0	\$0	\$0	\$0	\$0
District Bonds - Voted local bond referendum proceeds per s 9, Art VII State Constitution	\$0	\$0	\$0	\$0	\$0	\$0
Proceeds from Special Act Bonds	\$0	\$0	\$0	\$0	\$0	\$0
Estimated Revenue from CO & DS Bond Sale	\$0	\$0	\$0	\$0	\$0	\$0
Proceeds from Voted Capital Improvements millage	\$0	\$0	\$0	\$0	\$0	\$0
Other Revenue for Other Capital Projects	\$488,029	\$147,445	\$147,445	\$147,445	\$147,445	\$1,077,809
Proceeds from 1/2 cent sales surtax authorized by school board	\$16,720,656	\$9,726,838	\$10,485,531	\$10,915,438	\$10,915,438	\$58,763,901
Proceeds from local governmental infrastructure sales surtax	\$0	\$0	\$0	\$0	\$0	\$0
Proceeds from Certificates of Participation (COP's) Sale	\$46,179,461	\$0	\$0	\$0	\$0	\$46,179,461
Classrooms First Bond proceeds amount authorized in FY 1997-98	\$0	\$0	\$0	\$0	\$0	\$0
Classrooms for Kids	\$30,671,335	\$0	\$0	\$0	\$0	\$30,671,335
District Equity Recognition	\$0	\$0	\$0	\$0	\$0	\$0

Federal Grants	\$0	\$0	\$0	\$0	\$0	\$0
Proportionate share mitigation (actual cash revenue only, not in kind donations)	\$0	\$0	\$0	\$0	\$0	\$0
Impact fees received	\$7,039,515	\$109,755	\$109,755	\$109,755	\$109,755	\$7,478,535
Private donations	\$0	\$0	\$0	\$0	\$0	\$0
Grants from local governments or not-for-profit organizations	\$0	\$0	\$0	\$0	\$0	\$0
Interest, Including Profit On Investment	\$2,456,482	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$6,456,482
Revenue from Bonds pledging proceeds from 1 cent or 1/2 cent Sales Surtax	\$47,511,807	\$0	\$0	\$0	\$0	\$47,511,807
Fund Balance Carried Forward	\$33,192,968	\$0	\$0	\$0	\$0	\$33,192,968
Obligated Fund Balance Carried Forward	(\$10,062,698)	\$0	\$0	\$0	\$0	(\$10,062,698)
Special Facilities Account	\$0	\$0	\$0	\$0	\$0	\$0
One Cent - 1/2 Cent Sales Surtax Debt Service	(\$8,254,449)	(\$7,108,595)	(\$7,103,320)	(\$7,089,114)	(\$7,120,718)	(\$36,676,196)
Subtotal	\$165,943,106	\$3,875,443	\$4,639,411	\$5,083,524	\$5,051,920	\$184,593,404

Total Revenue Summary

Item Name	2008 - 2009 Budget	2009 - 2010 Projected	2010 - 2011 Projected	2011 - 2012 Projected	2012 - 2013 Projected	Five Year Total
Local 1.75 Mill Discretionary Capital Outlay Revenue	\$18,988,175	\$19,178,057	\$19,369,837	\$19,563,536	\$19,759,171	\$96,858,776
PECO and 1.75 Mill Maint and Other 1.75 Mill Expenditures	(\$18,988,175)	(\$19,178,057)	(\$19,369,837)	(\$19,563,536)	(\$19,759,171)	(\$96,858,776)
PECO Maintenance Revenue	\$853,454	\$1,024,932	\$1,371,724	\$1,297,562	\$1,293,033	\$5,840,705
Available 2 Mill for New Construction	\$0	\$0	\$0	\$0	\$0	\$0

Item Name	2008 - 2009 Budget	2009 - 2010 Projected	2010 - 2011 Projected	2011 - 2012 Projected	2012 - 2013 Projected	Five Year Total
CO & DS Revenue	\$222,056	\$222,056	\$222,056	\$222,056	\$222,056	\$1,110,280
PECO New Construction Revenue	\$3,684,106	\$0	\$830,149	\$2,537,901	\$1,014,495	\$8,066,651
Other/Additional Revenue	\$165,943,106	\$3,875,443	\$4,639,411	\$5,083,524	\$5,051,920	\$184,593,404
Total Additional Revenue	\$169,849,268	\$4,097,499	\$5,691,616	\$7,843,481	\$6,288,471	\$193,770,335
Total Available Revenue	\$169,849,268	\$4,097,499	\$5,691,616	\$7,843,481	\$6,288,471	\$193,770,335

Project Schedules

Capacity Project Schedules

A schedule of capital outlay projects necessary to ensure the availability of satisfactory classrooms for the projected student enrollment in K-12 programs.

Project Description	Location		2008 - 2009	2009 - 2010	2010 - 2011	2011 - 2012	2012 - 2013	Total	Funded
roll forward prior yr (formerly Elementary "J") opened 8/08	EXPLORER K-8	Planned Cost:	\$5,498,762	\$0	\$0	\$0	\$0	\$5,498,762	Yes
		Student Stations:	2,103	0	0	0	0	2,103	
		Total Classrooms:	97	0	0	0	0	97	
		Gross Sq Ft:	273,355	0	0	0	0	273,355	
roll forward project prior year Classroom Additions/Cafeteria	HERNANDO SENIOR HIGH	Planned Cost:	\$3,905,415	\$0	\$0	\$0	\$0	\$3,905,415	Yes
		Student Stations:	200	0	0	0	0	200	
		Total Classrooms:	8	0	0	0	0	8	
		Gross Sq Ft:	17,791	0	0	0	0	17,791	
roll forward prj p/y Classroom Addition and other improvements	FRANK W SPRINGSTEAD SENIOR HIGH	Planned Cost:	\$2,458,008	\$0	\$0	\$0	\$0	\$2,458,008	Yes
		Student Stations:	400	0	0	0	0	400	
		Total Classrooms:	16	0	0	0	0	16	
		Gross Sq Ft:	1	0	0	0	0	1	
roll forward project prior yr - Add 9th Grade Center	CENTRAL SENIOR HIGH	Planned Cost:	\$710,666	\$0	\$0	\$0	\$0	\$710,666	Yes
		Student Stations:	700	0	0	0	0	700	
		Total Classrooms:	27	0	0	0	0	27	
		Gross Sq Ft:	44,914	0	0	0	0	44,914	
Phase I Master Plan	PINE GROVE ELEMENTARY	Planned Cost:	\$9,030,184	\$0	\$0	\$0	\$0	\$9,030,184	Yes
		Student Stations:	432	0	0	0	0	432	
		Total Classrooms:	23	0	0	0	0	23	
		Gross Sq Ft:	23,520	0	0	0	0	23,520	
Phase I Master Plan	JOHN D FLOYD ELEMENTARY	Planned Cost:	\$9,027,556	\$0	\$0	\$0	\$0	\$9,027,556	Yes
		Student Stations:	507	0	0	0	0	507	
		Total Classrooms:	23	0	0	0	0	23	

		Gross Sq Ft:	30,347	0	0	0	0	30,347	
roll forward project prior yr - Classrooms/Cafeteria	SPRING HILL ELEMENTARY	Planned Cost:	\$158,240	\$0	\$0	\$0	\$0	\$158,240	Yes
		Student Stations:	216	0	0	0	0	216	
		Total Classrooms:	12	0	0	0	0	12	
		Gross Sq Ft:	26,829	0	0	0	0	26,829	
roll forward project prior yrs - Classroom Addition	POWELL MIDDLE	Planned Cost:	\$22,429	\$0	\$0	\$0	\$0	\$22,429	Yes
		Student Stations:	220	0	0	0	0	220	
		Total Classrooms:	10	0	0	0	0	10	
		Gross Sq Ft:	15,210	0	0	0	0	15,210	
New High School "EEE"	Location not specified	Planned Cost:	\$57,504,257	\$0	\$0	\$0	\$0	\$57,504,257	Yes
		Student Stations:	0	0	1,609	0	0	1,609	
		Total Classrooms:	0	0	62	0	0	62	
		Gross Sq Ft:	0	0	204,196	0	0	204,196	
New Elementary/High School I-75 PDD	Location not specified	Planned Cost:	\$1,449,942	\$0	\$1,490,665	\$3,523,681	\$2,011,026	\$8,475,314	Yes
		Student Stations:	0	0	0	0	1,558	1,558	
		Total Classrooms:	0	0	0	0	90	90	
		Gross Sq Ft:	0	0	0	0	260,803	260,803	
K-8 Elementary K---- at US 19 on same site as High School EEE	Location not specified	Planned Cost:	\$34,905,510	\$0	\$0	\$0	\$0	\$34,905,510	Yes
		Student Stations:	0	0	0	1,412	0	1,412	
		Total Classrooms:	0	0	0	64	0	64	
		Gross Sq Ft:	0	0	0	142,866	0	142,866	
Purchase Portables/Upgrade and prin/int exist portables	Location not specified	Planned Cost:	\$1,606,932	\$1,000,000	\$1,018,506	\$1,037,355	\$1,056,553	\$5,719,346	Yes
		Student Stations:	1	1	1	1	1	5	
		Total Classrooms:	0	0	0	0	0	0	
		Gross Sq Ft:	1	1	1	1	1	5	

roll forward project prior year - Building Addition	NATURE COAST TECHNICAL HIGH	Planned Cost:	\$54,823	\$0	\$0	\$0	\$0	\$54,823	Yes
	Student Stations:		226	0	0	0	0	226	
	Total Classrooms:		9	0	0	0	0	9	
	Gross Sq Ft:		15,924	0	0	0	0	15,924	
Master Plan	DELTONA ELEMENTARY	Planned Cost:	\$8,608,822	\$0	\$0	\$0	\$0	\$8,608,822	Yes
	Student Stations:		0	0	500	0	0	500	
	Total Classrooms:		0	0	27	0	0	27	
	Gross Sq Ft:		0	0	25,500	0	0	25,500	
Master Plan	WESTSIDE ELEMENTARY	Planned Cost:	\$9,039,068	\$0	\$0	\$0	\$0	\$9,039,068	Yes
	Student Stations:		0	0	0	0	500	500	
	Total Classrooms:		0	0	0	0	27	27	
	Gross Sq Ft:		0	0	0	0	25,500	25,500	
Master Plan	SUNCOAST ELEMENTARY	Planned Cost:	\$9,186,049	\$0	\$0	\$0	\$0	\$9,186,049	Yes
	Student Stations:		0	0	500	0	0	500	
	Total Classrooms:		0	0	27	0	0	27	
	Gross Sq Ft:		0	0	25,500	0	0	25,500	

Planned Cost:	\$153,166,663	\$1,000,000	\$2,509,171	\$4,561,036	\$3,067,579	\$164,304,449
Student Stations:	5,005	1	2,610	1,413	2,059	11,088
Total Classrooms:	225	0	116	64	117	522
Gross Sq Ft:	447,892	1	255,197	142,867	286,304	1,132,261

Other Project Schedules

Major renovations, remodeling, and additions of capital outlay projects that do not add capacity to schools.

Project Description	Location	2008 - 2009 Actual Budget	2009 - 2010 Projected	2010 - 2011 Projected	2011 - 2012 Projected	2012 - 2013 Projected	Total	Funded
Land	Location not specified	\$3,224,535	\$3,015,054	\$3,100,000	\$3,200,000	\$3,138,447	\$15,678,036	Yes
Gulf Coast Academy Charter School - Capital Outlay	Location not specified	\$82,445	\$82,445	\$82,445	\$82,445	\$82,445	\$412,225	Yes
Curb stops	CHALLENGER K-8 SCHOOL OF SCIENCE AND MATHEMATICS	\$6,810	\$0	\$0	\$0	\$0	\$6,810	Yes

Restrooms/Concession	FRANK W SPRINGSTEAD SENIOR HIGH	\$298,508	\$0	\$0	\$0	\$0	\$298,508	Yes
Bus Access	JOHN D FLOYD ELEMENTARY	\$4,498	\$0	\$0	\$0	\$0	\$4,498	Yes
Walkway covers Various Schools	Location not specified	\$387,366	\$0	\$0	\$0	\$0	\$387,366	Yes
Auxillary Fuel Tank	TRANSPORTATION 2	\$27,137	\$0	\$0	\$0	\$0	\$27,137	Yes
County Office Renovations	HERNANDO ADMINISTRATIVE SUPPORT	\$42,500	\$0	\$0	\$0	\$0	\$42,500	Yes
Additional Parking	SPRING HILL ELEMENTARY	\$30,000	\$0	\$0	\$0	\$0	\$30,000	Yes
Parent Pickup	DELTONA ELEMENTARY	\$77,436	\$0	\$0	\$0	\$0	\$77,436	Yes
Countwide Paving	HERNANDO SENIOR HIGH	\$50,000	\$0	\$0	\$0	\$0	\$50,000	Yes
Countywide Paving	DISTRICT MAINTENANCE/PLANT OPERATIONS	\$81,000	\$0	\$0	\$0	\$0	\$81,000	Yes
Capital Outlay Equipment	Location not specified	\$3,878,659	\$0	\$0	\$0	\$0	\$3,878,659	Yes
		\$8,190,894	\$3,097,499	\$3,182,445	\$3,282,445	\$3,220,892	\$20,974,175	

Additional Project Schedules

Any projects that are not identified in the last approved educational plant survey.

Project Description	Location	Num Classrooms	2008 - 2009 Actual Budget	2009 - 2010 Projected	2010 - 2011 Projected	2011 - 2012 Projected	2012 - 2013 Projected	Total	Funded
Phase II Master Plan	JOHN D FLOYD ELEMENTARY	0	\$1	\$0	\$0	\$0	\$0	\$1	No
Phase II Master Plan	PINE GROVE ELEMENTARY	0	\$1	\$0	\$0	\$0	\$0	\$1	No
Phase II Master Plan	WESTSIDE ELEMENTARY	0	\$1	\$0	\$0	\$0	\$0	\$1	No
Phase II Master Plan	SUNCOAST ELEMENTARY	0	\$1	\$0	\$0	\$0	\$0	\$1	No
Classroom Expansion	HERNANDO SENIOR HIGH	0	\$1	\$0	\$0	\$0	\$0	\$1	No
		0	\$5	\$0	\$0	\$0	\$0	\$5	

Non Funded Growth Management Project Schedules

Schedule indicating which projects, due to planned development, that CANNOT be funded from current revenues projected over the next five years.

Nothing reported for this section.

Tracking

Capacity Tracking

Location	2008 - 2009 Satis. Stu. Sta.	Actual 2008 - 2009 FISH Capacity	Actual 2007 - 2008 COFTE	# Class Rooms	Actual Average 2008 - 2009 Class Size	Actual 2008 - 2009 Utilization	New Stu. Capacity	New Rooms to be Added/Re moved	Projected 2012 - 2013 COFTE	Projected 2012 - 2013 Utilization	Projected 2012 - 2013 Class Size
HERNANDO SENIOR HIGH	1,878	1,784	1,424	78	18	80.00 %	190	8	1,487	75.00 %	17
BROOKSVILLE ELEMENTARY	941	941	774	50	15	82.00 %	0	0	840	89.00 %	17
STAR EDUCATION CENTER	141	141	78	13	6	55.00 %	0	0	79	56.00 %	6
WESTSIDE ELEMENTARY	1,032	1,032	954	56	17	92.00 %	0	0	797	77.00 %	14
EASTSIDE ELEMENTARY	754	754	659	41	16	87.00 %	0	0	659	87.00 %	16
FRANK W SPRINGSTEAD SENIOR HIGH	2,527	2,401	2,015	98	21	84.00 %	380	16	2,079	75.00 %	18
FOX CHAPEL MIDDLE	1,298	1,168	956	56	17	82.00 %	0	0	1,038	89.00 %	19
SPRING HILL ELEMENTARY	1,345	1,345	1,013	70	14	75.00 %	216	12	696	45.00 %	8
POWELL MIDDLE	1,199	1,079	1,238	51	24	115.00 %	198	10	1,096	86.00 %	18
JOHN D FLOYD ELEMENTARY	1,508	1,357	1,612	74	22	119.00 %	456	23	1,750	97.00 %	18
DELORES S PARROTT MIDDLE	1,187	1,068	823	53	16	77.00 %	0	0	893	84.00 %	17
CENTRAL SENIOR HIGH	2,434	2,312	1,988	102	19	86.00 %	665	27	2,052	69.00 %	16
PINE GROVE ELEMENTARY	1,252	1,252	1,355	65	21	108.00 %	432	23	1,216	72.00 %	14
WEST HERNANDO MIDDLE	1,494	1,345	1,112	66	17	83.00 %	0	0	1,122	83.00 %	17
DELTONA ELEMENTARY	1,156	1,156	973	61	16	84.00 %	500	27	1,056	64.00 %	12
MOTON ELEMENTARY	808	808	764	47	16	95.00 %	0	0	829	103.00 %	18
SUNCOAST ELEMENTARY	1,006	1,006	934	53	18	93.00 %	500	27	972	65.00 %	12
CHOCACHATTI ELEMENTARY	963	963	924	49	19	96.00 %	0	0	924	96.00 %	19
NATURE COAST TECHNICAL HIGH	1,368	1,231	1,418	58	24	115.00 %	203	9	1,418	99.00 %	21
CHALLENGER K-8 SCHOOL OF SCIENCE AND MATHEMATICS	1,732	1,559	1,469	79	19	94.00 %	0	0	1,469	94.00 %	19
DAWN CENTER	0	0	0	0	0	0.00 %	0	0	0	0.00 %	0

EXPLORER K-8	2,103	0	0	97	0	0.00 %	0	0	2,000	0.00 %	21
	28,126	24,702	22,482	1,317	17	91.01 %	3,740	182	24,472	86.04 %	16

The COFTE Projected Total (24,472) for 2012 - 2013 must match the Official Forecasted COFTE Total (24,472) for 2012 - 2013 before this section can be completed. In the event that the COFTE Projected Total does not match the Official forecasted COFTE, then the Balanced Projected COFTE Table should be used to balance COFTE.

Projected COFTE for 2012 - 2013		Grade Level Type	Balanced Projected COFTE for 2012 - 2013
Elementary (PK-3)	7,915	Elementary (PK-3)	0
Middle (4-8)	9,442	Middle (4-8)	0
High (9-12)	7,115	High (9-12)	0
	24,472		24,472

Relocatable Replacement

Number of relocatable classrooms clearly identified and scheduled for replacement in the school board adopted financially feasible 5-year district work program.

Location	2008 - 2009	2009 - 2010	2010 - 2011	2011 - 2012	2012 - 2013	Year 5 Total
Total Relocatable Replacements:	0	0	0	0	0	0

Charter Schools Tracking

Information regarding the use of charter schools.

Location-Type	# Relocatable units or permanent classrooms	Owner	Year Started or Scheduled	Student Stations	Students Enrolled	Years in Contract	Total Charter Students projected for 2012 - 2013
Gulf Coast Academy	5	LEASE RENT	2003	120	108	15	120
	5			120	108		120

Special Purpose Classrooms Tracking

The number of classrooms that will be used for certain special purposes in the current year, by facility and type of classroom, that the district will, 1), not use for educational purposes, and 2), the co-teaching classrooms that are not open plan classrooms and will be used for educational purposes.

School	School Type	# of Elementary K-3 Classrooms	# of Middle 4-8 Classrooms	# of High 9-12 Classrooms	# of ESE Classrooms	# of Combo Classrooms	Total Classrooms
Total Educational Classrooms:		0	0	0	0	0	0

School	School Type	# of Elementary K-3 Classrooms	# of Middle 4-8 Classrooms	# of High 9-12 Classrooms	# of ESE Classrooms	# of Combo Classrooms	Total Classrooms
Total Co-Teaching Classrooms:		0	0	0	0	0	0

Infrastructure Tracking

Necessary offsite infrastructure requirements resulting from expansions or new schools. This section should include infrastructure information related to capacity project schedules and other project schedules (Section 4).

Not Specified

Proposed location of planned facilities, whether those locations are consistent with the comprehensive plans of all affected local governments, and recommendations for infrastructure and other improvements to land adjacent to existing facilities. Provisions of 1013.33(12), (13) and (14) and 1013.36 must be addressed for new facilities planned within the 1st three years of the plan (Section 5).

Not Specified

Consistent with Comp Plan? No

Net New Classrooms

The number of classrooms, by grade level and type of construction, that were added during the last fiscal year.

List the net new classrooms added in the 2007 - 2008 fiscal year.					List the net new classrooms to be added in the 2008 - 2009 fiscal year.			
"Classrooms" is defined as capacity carrying classrooms that are added to increase capacity to enable the district to meet the Class Size Amendment.					Totals for fiscal year 2008 - 2009 should match totals in Section 15A.			
Location	2007 - 2008 # Permanent	2007 - 2008 # Modular	2007 - 2008 # Relocatable	2007 - 2008 Total	2008 - 2009 # Permanent	2008 - 2009 # Modular	2008 - 2009 # Relocatable	2008 - 2009 Total
Elementary (PK-3)	0	0	0	0	107	0	0	107
Middle (4-8)	0	0	0	0	58	0	0	58
High (9-12)	0	0	0	0	60	0	0	60
	0	0	0	0	225	0	0	225

Relocatable Student Stations

Number of students that will be educated in relocatable units, by school, in the current year, and the projected number of students for each of the years in the workplan.

Site	2008 - 2009	2009 - 2010	2010 - 2011	2011 - 2012	2012 - 2013	5 Year Average
BROOKSVILLE ELEMENTARY	190	0	0	0	0	38
STAR EDUCATION CENTER	45	0	0	0	0	9
WESTSIDE ELEMENTARY	458	0	0	0	0	92
EASTSIDE ELEMENTARY	18	0	0	0	0	4
HERNANDO SENIOR HIGH	230	0	0	0	0	46
SUNCOAST ELEMENTARY	262	0	0	0	0	52
CHOCACHATTI ELEMENTARY	226	0	0	0	0	45
NATURE COAST TECHNICAL HIGH	0	0	0	0	0	0

DELTONA ELEMENTARY	413	0	0	0	0	83
MOTON ELEMENTARY	118	0	0	0	0	24
POWELL MIDDLE	0	0	0	0	0	0
JOHN D FLOYD ELEMENTARY	794	0	0	0	0	159
DELORES S PARROTT MIDDLE	57	0	0	0	0	11
CENTRAL SENIOR HIGH	150	0	0	0	0	30
PINE GROVE ELEMENTARY	564	0	0	0	0	113
WEST HERNANDO MIDDLE	220	0	0	0	0	44
EXPLORER K-8	0	0	0	0	0	0
CHALLENGER K-8 SCHOOL OF SCIENCE AND MATHEMATICS	0	0	0	0	0	0
FRANK W SPRINGSTEAD SENIOR HIGH	820	0	0	0	0	164
FOX CHAPEL MIDDLE	220	0	0	0	0	44
SPRING HILL ELEMENTARY	541	0	0	0	0	108
DAWN CENTER	0	0	0	0	0	0

Totals for HERNANDO COUNTY SCHOOL DISTRICT						
Total students in relocatables by year.	5,326	0	0	0	0	1,065
Total number of COFTE students projected by year.	22,831	23,174	23,527	23,899	24,472	23,581
Percent in relocatables by year.	23 %	0 %	0 %	0 %	0 %	5 %

Leased Facilities Tracking

Existing leased facilities and plans for the acquisition of leased facilities, including the number of classrooms and student stations, as reported in the educational plant survey, that are planned in that location at the end of the five year workplan.

Location	# of Leased Classrooms 2008 - 2009	FISH Student Stations	Owner	# of Leased Classrooms 2012 - 2013	FISH Student Stations
BROOKSVILLE ELEMENTARY	0	0		0	0
STAR EDUCATION CENTER	2	20		0	0
WESTSIDE ELEMENTARY	2	40		0	0
EASTSIDE ELEMENTARY	0	0		0	0
HERNANDO SENIOR HIGH	4	80		0	0
JOHN D FLOYD ELEMENTARY	0	0		0	0
DELORES S PARROTT MIDDLE	3	57		0	0
CENTRAL SENIOR HIGH	0	0		0	0
WEST HERNANDO MIDDLE	1	22		0	0
FRANK W SPRINGSTEAD SENIOR HIGH	10	350		0	0
FOX CHAPEL MIDDLE	0	0		0	0

SPRING HILL ELEMENTARY	0	0		0	0
POWELL MIDDLE	0	0		0	0
PINE GROVE ELEMENTARY	0	0		0	0
DELTONA ELEMENTARY	0	0		0	0
MOTON ELEMENTARY	0	0		0	0
SUNCOAST ELEMENTARY	0	0		0	0
CHOCACHATTI ELEMENTARY	0	0		0	0
NATURE COAST TECHNICAL HIGH	0	0		0	0
CHALLENGER K-8 SCHOOL OF SCIENCE AND MATHEMATICS	0	0		0	0
DAWN CENTER	0	0		0	0
EXPLORER K-8	0	0		0	0
	22	569		0	0

Failed Standard Relocatable Tracking

Relocatable units currently reported by school, from FISH, and the number of relocatable units identified as 'Failed Standards'.

Nothing reported for this section.

Planning

Class Size Reduction Planning

Plans approved by the school board that reduce the need for permanent student stations such as acceptable school capacity levels, redistricting, busing, year-round schools, charter schools, magnet schools, public-private partnerships, multitrack scheduling, grade level organization, block scheduling, or other alternatives.

Established CSA's and Level Of Service that meets the Public School Facilities Element which provides 100% permanent FISH capacity as approved by the DCA.

School Closure Planning

Plans for the closure of any school, including plans for disposition of the facility or usage of facility space, and anticipated revenues.

None.

Long Range Planning

Ten-Year Maintenance

District projects and locations regarding the projected need for major renovation, repair, and maintenance projects within the district in years 6-10 beyond the projects plans detailed in the five years covered by the work plan.

Nothing reported for this section.

Ten-Year Capacity

Schedule of capital outlay projects projected to ensure the availability of satisfactory student stations for the projected student enrollment in K-12 programs for the future 5 years beyond the 5-year district facilities work program.

Project	Location,Community,Quadrant or other general location	2012 - 2013 / 2017 - 2018 Projected Cost
New PK-8 School L	Eastside of County	\$1,000,000
New PK-8 School M	Westside of County	\$1,000,000
		\$2,000,000

Ten-Year Planned Utilization

Schedule of planned capital outlay projects identifying the standard grade groupings, capacities, and planned utilization rates of future educational facilities of the district for both permanent and relocatable facilities.

Grade Level Projections	FISH Student Stations	Actual 2007 - 2008 FISH Capacity	Actual 2007 - 2008 COFTE	Actual 2007 - 2008 Utilization	Actual 2008 - 2009 / 2017 - 2018 new Student Capacity to be added/removed	Projected 2017 - 2018 COFTE	Projected 2017 - 2018 Utilization
Elementary - District Totals	9,337	9,337	8,349.26	89.42 %	2,108	14,078	123.01 %
Middle - District Totals	5,254	4,728	4,128.97	87.33 %	1,936	6,263	93.98 %
High - District Totals	13,013	12,200	9,925.90	81.36 %	2,095	7,425	51.94 %
Other - ESE, etc	2,244	141	77.75	55.32 %	0	0	0.00 %
	29,848	26,406	22,481.88	85.14 %	6,139	27,766	85.32 %

Ten-Year Infrastructure Planning

Proposed Location of Planned New, Remodeled, or New Additions to Facilities in 06 thru 10 out years (Section 28).

Nothing reported for this section.

Plans for closure of any school, including plans for disposition of the facility or usage of facility space, and anticipated revenues in the 06 thru 10 out years (Section 29).

Nothing reported for this section.

Twenty-Year Maintenance

District projects and locations regarding the projected need for major renovation, repair, and maintenance projects within the district in years 11-20 beyond the projects plans detailed in the five years covered by the work plan.

Nothing reported for this section.

Twenty-Year Capacity

Schedule of capital outlay projects projected to ensure the availability of satisfactory student stations for the projected student enrollment in K-12 programs for the future 11-20 years beyond the 5-year district facilities work program.

Project	Location, Community, Quadrant or other general location	2017 - 2018 / 2027 - 2028 Projected Cost
New High School	McKeithen Road	\$1,000,000
New K-8	McKeithen Road	\$1,000,000
		\$2,000,000

Twenty-Year Planned Utilization

Schedule of planned capital outlay projects identifying the standard grade groupings, capacities, and planned utilization rates of future educational facilities of the district for both permanent and relocatable facilities.

Grade Level Projections	FISH Student Stations	Actual 2007 - 2008 FISH Capacity	Actual 2007 - 2008 COFTE	Actual 2007 - 2008 Utilization	Actual 2008 - 2009 / 2027 - 2028 new Student Capacity to be added/removed	Projected 2027 - 2028 COFTE	Projected 2027 - 2028 Utilization
Elementary - District Totals	9,337	9,337	8,349.26	89.42 %	12,880	20,571	92.59 %
Middle - District Totals	5,254	4,728	4,128.97	87.33 %	8,099	9,168	71.47 %
High - District Totals	13,013	12,200	9,925.90	81.36 %	13,200	10,496	41.32 %
Other - ESE, etc	2,244	141	77.75	55.32 %	0	110	78.01 %
	29,848	26,406	22,481.88	85.14 %	34,179	40,345	66.59 %

Twenty-Year Infrastructure Planning

Proposed Location of Planned New, Remodeled, or New Additions to Facilities in 11 thru 20 out years (Section 28).

New transportation and fuel depot for East side of County at I 75&50 corridor

Plans for closure of any school, including plans for disposition of the facility or usage of facility space, and anticipated revenues in the 11 thru 20 out years (Section 29).

No plans for closure of any schools in the district in years 11-20

EXHIBIT 2

HIGH SCHOOL	2017-2018	PERMANENT CAPACITY	ADD CAPACITY	PERMANENT CAPACITY W/ADDITIONS	DINING CAPACITY	PROJECTED PERMANENT CAPACITY PER ILA	PROJECTED ENROLLMENT	% UTILIZATION PERMANENT CAPACITY
CSA								
HERNANDO	1760		0	1760	1990	1990	1924	97%
HIGH SCHOOL EEE	1529		0	1529	1250	1529	1448	95%
SPRINGSTEAD	1670		0	1670	1960	1960	1960	100%
CENTRAL	2169		0	2169	1720	2169	1718	79%
NEW K-12 "PDD" (High)	493		0	493	396	493	450	91%
	7621		0	7621	7316	8141	7500	
MAGNET SCHOOLS	2017-2018							
CSA								
CHALLENGER K-8 (Elementary)	779		0	779	770	779	731	94%
CHALLENGER K-8 (Middle)	779		0	779	770	779	731	94%
COCACHATTI K-5	737		0	737	800	800	700	88%
NATURE COAST TECH HIGH	1231		0	1231	1520	1520	1350	89%
	3526		0	3526	3860	3878	3512	
MAGNET SCHOOL ENROLLMENTS ARE REDUCED BY APPLICATION PROCESS								
FLOYD ELEMENTARY CURRENTLY HOLDS A MIDDLE SCHOOL ENVIRONMENTAL PROGRAM								
							10537	
							6270	
							7500	
						COFTE 2017/18	3512	
						27536	27819	283

ELEMENTARY SCHOOL	2008-09	PERMANENT CAPACITY	ADDED CAPACITY	PERMANENT CAPACITY W/ADDITIONS	DINING CAPACITY	PROJECTED PERMANENT CAPACITY PER ILA	PROJECTED ENROLLMENT	% UTILIZATION PERMANENT CAPACITY
CSA								
BROOKSVILLE	751	0	751	560	751	725	97%	
DELTONA	743	0	743	520	743	740	100%	
EASTSIDE	736	0	736	680	736	735	100%	
EXPLORER K-8 (Elementary)	947	947	947	445	947	900	95%	
FLOYD	626	456	1082	910	1082	1008	93%	
MOTON	672	0	672	1160	1160	1100	95%	
PINE GROVE	688	432	1120	890	1120	1105	99%	
SPRINGHILL	588	216	804	700	804	754	94%	
SUNCOAST	744	0	744	760	760	740	97%	
WESTSIDE	574	0	574	580	580	570	98%	
	7069	2051	8173	7205	8683	8377		
MIDDLE SCHOOL	2008-09							
CSA								
FOX CHAPEL	970	0	970	1000	1000	900	90%	
PARROTT	1017	0	1017	1700	1700	944	56%	
POWELL	881	198	1079	1150	1150	1092	95%	
WEST HERNANDO	1146	0	1146	1790	1790	1044	58%	
EXPLORER K-8 (Middle)	946	946	946	445	946	900	95%	
	4960	1144	5158	6085	6586	4880		

HIGH SCHOOL	2008-09	PERMANENT CAPACITY	ADDED CAPACITY	PERMANENT CAPACITY W/ADDITIONS	DINING CAPACITY	PROJECTED PERMANENT CAPACITY PER ILA	PROJECTED ENROLLMENT	% UTILIZATION PERMANENT CAPACITY
CSA								
HERNANDO	1570	190	1760	1990	1990	1990	1417	71%
SPRINGSTEAD	1290	380	1670	1960	1960	1960	2107	108%
CENTRAL	1504	665	2169	1720	2169	2169	2027	93%
	4364	1235	5599	5670	6119	6119	5551	
MAGNET SCHOOLS	2008-09							
CSA								
CHALLENGER K-8 (Elementary)	779	0	779	770	779	779	775	99%
CHALLENGER K-8 (Middle)	779	0	779	770	779	779	775	99%
CHOCACHATTI	737	0	737	800	800	800	900	113%
NATURE COAST	1028	203	1231	1520	1520	1520	1360	89%
	3323		3526	3860	3878	3878	3810	
MAGNET SCHOOL ENROLLMENTS ARE REDUCED BY APPLICATION PROCESS								
FLOYD ELEMENTARY CURRENTLY HOLDS A MIDDLE SCHOOL ENVIRONMENTAL PROGRAM								
							TOTAL ENROLLMENTS	
							8377	
							4880	
							5551	
							3810	
						COFTE 2008/09	22652	
							22618	-34

ELEMENTARY SCHOOL	2009-10					PERMANENT CAPACITY	ADDED CAPACITY	PERMANENT CAPACITY W/ADDITIONS	DINING CAPACITY	PROJECTED PERMANENT CAPACITY PER ILA	PROJECTED ENROLLMENT	% UTILIZATION PERMANENT CAPACITY
	PERMANENT CAPACITY	ADDED CAPACITY	PERMANENT CAPACITY W/ADDITIONS	DINING CAPACITY	PROJECTED PERMANENT CAPACITY PER ILA							
CSA												
BROOKSVILLE	751	0	751	560	751	0	751	560	751	732	97%	
DELTONA	743	0	743	520	743	0	743	520	743	1000	135%	
EASTSIDE	736	0	736	680	736	0	736	680	736	648	88%	
EXPLORER K-8 (Elementary)	947	0	947	445	947	0	947	445	947	950	100%	
FLOYD	1082	0	1082	910	1082	0	1082	910	1082	1080	100%	
MOTON	672	0	672	1160	672	0	672	1160	1160	1075	93%	
PINE GROVE	1120	0	1120	890	1120	0	1120	890	1120	1120	100%	
SPRINGHILL	804	0	804	700	804	0	804	700	804	800	100%	
SUNCOAST	744	0	744	760	744	0	744	760	760	1000	132%	
WESTSIDE	574	0	574	580	574	0	574	580	580	650	112%	
	8173	0	8173	7205	8173	0	8173	7205	8683	9055		
MIDDLE SCHOOL												
CSA												
FOX CHAPEL	970	0	970	1000	970	0	970	1000	1000	920	92%	
PARROTT	1017	0	1017	1700	1017	0	1017	1700	1700	992	58%	
POWELL	1079	0	1079	1150	1079	0	1079	1150	1150	1035	90%	
WEST HERNANDO	1146	0	1146	1790	1146	0	1146	1790	1790	1083	61%	
EXPLORER K-8 (Middle)	946	0	946	445	946	0	946	445	946	900	95%	
	5158	0	5158	6085	5158	0	5158	6085	6586	4930		

HIGH SCHOOL	2009-10	PERMANENT CAPACITY	ADDED CAPACITY	PERMANENT CAPACITY W/ADDITIONS	DINING CAPACITY	PROJECTED PERMANENT CAPACITY PER ILA	PROJECTED ENROLLMENT	% UTILIZATION PERMANENT CAPACITY
CSA								
HERNANDO	1760	0	1760	1990	1990	1431	72%	
SPRINGSTEAD	1670	0	1670	1960	1960	2115	108%	
CENTRAL	2169	0	2169	1720	2169	2047	94%	
	5599	0	5599	5670	6119	5593		
MAGNET SCHOOLS	2009-10							
CSA								
CHALLENGER K-8 (Elementary)	779	0	779	770	779	731	94%	
CHALLENGER K-8 (Middle)	779	0	779	770	779	731	94%	
CHOCACHATTI K-5	737	0	737	800	800	890	111%	
NATURE COAST TECH HIGH	1231	0	1231	1520	1520	1370	90%	
	3526		3526	3860	3878	3722		
MAGNET SCHOOL ENROLLMENTS ARE REDUCED BY APPLICATION PROCESS								
FLOYD ELEMENTARY CURRENTLY HOLDS A MIDDLE SCHOOL ENVIRONMENTAL PROGRAM								
						9055		
						4930		
						5593		
						COFTE 2009/10		
						22983		
						23300		317

ELEMENTARY SCHOOL	2011-2012				PERMANENT CAPACITY W/ADDITIONS	DINING CAPACITY	PROJECTED PERMANENT CAPACITY PER ILA	PROJECTED ENROLLMENT	% UTILIZATION PERMANENT CAPACITY
	PERMANENT CAPACITY	ADDED CAPACITY	PERMANENT CAPACITY	ADDED CAPACITY					
CSA									
BROOKSVILLE	751	0	751	560	751	747	99%		
DELTONA	1243	0	1243	520	1243	1031	83%		
EASTSIDE	736	0	736	680	736	661	90%		
EXPLORER K-8 (Elementary)	947	0	947	445	947	900	95%		
FLOYD	1082	0	1082	910	1082	1100	102%		
MOTON	672	0	672	1160	1160	1132	98%		
NEW K-8 (Elementary)	636	636	636	770	770	625	81%		
PINE GROVE	1120	0	1120	890	1120	1250	112%		
SPRINGHILL	804	0	804	700	804	770	96%		
SUNCOAST	1244	0	1244	760	1244	800	64%		
WESTSIDE	574	0	574	580	580	500	86%		
	9809	636	9809	7975	10437	9516			
MIDDLE SCHOOL	2011-2012								
CSA									
FOX CHAPEL	970	0	970	1000	1000	805	81%		
PARROTT	1017	0	1017	1700	1700	711	42%		
POWELL	1079	0	1079	1150	1150	1035	90%		
WEST HERNANDO	1146	0	1146	1790	1790	1032	58%		
EXPLORER K-8 (Middle)	946	0	946	445	946	900	95%		
NEW K-8 (Middle)	635	636	636	770	770	625	81%		
	5793		5794	6855	7356	5108			

HIGH SCHOOL	2011-2012	PERMANENT CAPACITY	ADDED CAPACITY	PERMANENT CAPACITY W/ADDITIONS	DINING CAPACITY	PROJECTED PERMANENT CAPACITY PER ILA	PROJECTED ENROLLMENT	% UTILIZATION PERMANENT CAPACITY
CSA								
HERNANDO	1760		0	1760	1990	1990	1459	73%
HIGH SCHOOL EEE	1529		0	1529	1250	1529	1304	85%
SPRINGSTEAD	1670		0	1670	1960	1960	1748	89%
CENTRAL	2169		0	2169	1720	2169	1798	83%
	7128		0	7128	6920	7648	6309	
MAGNET SCHOOLS	2011-2012							
CSA		PERMANENT CAPACITY	ADDED CAPACITY	PERMANENT CAPACITY W/ADDITIONS	DINING CAPACITY	PROJECTED PERMANENT CAPACITY PER ILA	PROJECTED ENROLLMENT	% UTILIZATION PERMANENT CAPACITY
CHALLENGER K-8 (Elementary)	779		0	779	770	779	731	94%
CHALLENGER K-8 (Middle)	779		0	779	770	779	731	94%
COCACHATTI K-5	737		0	737	800	800	700	88%
NATURE COAST TECH HIGH	1231		0	1231	1520	1520	1275	84%
	3526		0	3526	3860	3878	3437	
MAGNET SCHOOL ENROLLMENTS ARE REDUCED BY APPLICATION PROCESS								
							9516	
FLOYD ELEMENTARY CURRENTLY HOLDS A MIDDLE SCHOOL ENVIRONMENTAL PROGRAM								
							5108	
							6309	
						COFTE 2011/12	3437	
						23697	24370	673

ELEMENTARY SCHOOL		2012-2013											
CSA		PERMANENT CAPACITY	ADDED CAPACITY	PERMANENT CAPACITY W/ADDITIONS	DINING CAPACITY	PROJECTED PERMANENT CAPACITY PER ILA	PROJECTED ENROLLMENT	% UTILIZATION	PERMANENT CAPACITY				
	BROOKSVILLE	751	0	751	560	751	747	99%					
	DELTONA	1243	0	1243	520	1243	1031	83%					
	EASTSIDE	736	0	736	680	736	661	90%					
	EXPLORER K-8 (Elementary)	947	0	947	445	947	875	92%					
	FLOYD	1802	0	1802	910	1802	1300	72%					
	MOTON	672	0	672	1160	1160	1135	98%					
	NEW K-8 (Elementary) "K"	636	0	636	770	770	500	65%					
	PINE GROVE	1120	0	1120	890	1120	1120	100%					
	SPRINGHILL	804	0	804	700	804	770	96%					
	SUNCOAST	1244	0	1244	760	1244	800	64%					
	WESTSIDE	574	500	1074	580	1074	630	59%					
		10529	500	11029	7975	11651	9569						
MIDDLE SCHOOL		2012-2013											
CSA		PERMANENT CAPACITY	ADDED CAPACITY	PERMANENT CAPACITY W/ADDITIONS	DINING CAPACITY	PROJECTED PERMANENT CAPACITY PER ILA	PROJECTED ENROLLMENT	% UTILIZATION	PERMANENT CAPACITY				
	FOX CHAPEL	970	0	970	1000	1000	840	84%					
	PARROTT	1017	0	1017	1700	1700	983	58%					
	POWELL	1079	0	1079	1150	1150	1035	90%					
	WEST HERNANDO	1146	0	1146	1790	1790	1032	58%					
	EXPLORER K-8 (Middle)	946	0	946	445	946	875	92%					
	NEW K-8 (Middle)	635	0	635	770	770	500	65%					
		5793	0	5793	6855	7356	5265						

HIGH SCHOOL	2012-2013	PERMANENT CAPACITY	ADD CAPACITY	PERMANENT CAPACITY W/ADDITIONS	DINING CAPACITY	PROJECTED PERMANENT CAPACITY PER ILA	PROJECTED ENROLLMENT	% UTILIZATION PERMANENT CAPACITY
CSA								
HERNANDO	1760	0	1760	1990	1990	1990	1459	73%
HIGH SCHOOL EEE	1529	0	1529	1250	1250	1529	1303	85%
SPRINGSTEAD	1670	0	1670	1960	1960	1960	1848	94%
CENTRAL	2169	0	2169	1720	1720	2169	2049	94%
	7128	0	7128	6920	6920	7648	6659	
MAGNET SCHOOLS	2012-2013							
CSA								
		PERMANENT CAPACITY	ADD CAPACITY	PERMANENT CAPACITY W/ADDITIONS	DINING CAPACITY	PROJECTED PERMANENT CAPACITY PER ILA	PROJECTED ENROLLMENT	% UTILIZATION PERMANENT CAPACITY
CHALLENGER K-8 (Elementary)	779	0	779	770	770	779	731	94%
CHALLENGER K-8 (Middle)	779	0	779	770	770	779	731	94%
COCACHATTI K-5	737	0	737	800	800	800	700	88%
NATURE COAST TECH HIGH	1231	0	1231	1520	1520	1520	1275	84%
	3526	0	3526	3860	3860	3878	3437	
MAGNET SCHOOL ENROLLMENTS ARE REDUCED BY APPLICATION PROCESS								
FLOYD ELEMENTARY CURRENTLY HOLDS A MIDDLE SCHOOL ENVIRONMENTAL PROGRAM								
							9569	
							5265	
							6659	
						COFTE 2012/13	3437	
						24258	24930	672

EXHIBIT 3

Hernando County Schools: Concurrency Service Areas (CSA)							
General Population Estimates: April 1, 2008 through April 1, 2013							
Estimated Growth Rates: 1% per year							
CSA	4/1/08	4/1/09	4/1/10	4/1/11	4/1/12	4/1/13	Notes
Central High School	35,013	35,363	35,717	36,074	36,435	36,799	Plus Wiscon etc.
Hernando High School	32,744	33,072	33,402	33,736	34,074	34,414	Minus Wiscon
New EEE High School	22,335	22,558	22,784	23,011	23,241	23,474	Plus Sorrel, Crowell etc.
Springstead High School	74,816	75,564	76,320	77,083	77,854	78,633	Minus Sorrel, Crowell etc.
Totals: (4)	164,908	166,557	168,223	169,905	171,604	173,320	
Explorer 6-8	15,227	15,379	15,533	15,688	15,845	16,004	Minus Bromley etc.
Fox Chapel Middle School	41,840	42,258	42,680	43,107	43,538	43,974	Plus VW Hills etc.
Future 6-8	3,424	3,459	3,493	3,528	3,563	3,599	Minus VW Hills
Parrott Middle School	40,219	40,621	41,027	41,437	41,852	42,270	Plus Landfill etc.
Powell Middle School	34,874	35,223	35,575	35,931	36,290	36,653	Plus Bromley etc.
West Hernando Middle School	29,325	29,618	29,914	30,213	30,515	30,820	Minus Landfill etc.
Totals: (6)	164,908	166,557	168,223	169,905	171,604	173,320	
Brookville Elementary School	14,340	14,483	14,628	14,775	14,922	15,072	Plus Landfill One etc.
Deltona Elementary School	22,129	22,350	22,574	22,800	23,028	23,258	Minus Abeline One etc.
Eastside Elementary School	13,698	13,835	13,973	14,113	14,254	14,396	Plus Croom etc.
Explorer K-5	16,014	16,174	16,336	16,500	16,665	16,831	Plus Abeline One etc.
Floyd Elementary School	11,565	11,681	11,797	11,915	12,035	12,155	Minus South Sterling etc.
Future K-5	3,424	3,459	3,493	3,528	3,563	3,599	Minus VW Hills
Moton Elementary School	18,849	19,037	19,228	19,420	19,614	19,810	Plus Avalon etc.
Pine Grove Elementary School	18,684	18,871	19,060	19,251	19,443	19,637	Minus Landfill One
Spring Hill Elementary School	13,982	14,122	14,263	14,406	14,550	14,695	Plus South Sterling etc.
Suncoast Elementary School	16,140	16,301	16,464	16,629	16,795	16,963	Minus Avalon etc.
Westside Elementary School	16,082	16,243	16,406	16,570	16,735	16,903	Plus VW Hills etc.
Totals: (11)	164,908	166,557	168,223	169,905	171,604	173,320	

Source: Hernando County Property Appraiser; Census 2000 Ratios;
Map Series: see f:\arcgis\ddm\2008\schools\csa1elem.pdf
f:\arcgis\ddm\2010\census\2010rcbg.shp
f:\arcgis\ddm\2008\schools\csa2013.xls



5/18/09

AGENDA ITEM MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL

VIA: T. JENNENE NORMAN-VACHA
CITY MANAGER

FROM: JENNIFER C. REY, ESQ.
THE HOGAN LAW FIRM, LLC
AS CITY ATTORNEY

T. Jennene Norman-Vacha
JCR

SUBJECT: PERSONNEL POLICIES AND PROCEDURES: ORIENTATION AND TRAINING; PERFORMANCE EVALUATION; TRAVEL ALLOWANCES.

DATE: MAY 6, 2009

GENERAL SUMMARY: Staff has initiated a comprehensive review of the City's existing personnel policy manual. As a result, a variety of personnel policies will be researched, revised and updated over the course of the coming year. These proposed policies, if approved, shall apply to all employees except those employees in collective bargaining units unless the union waives its right to bargain on these policies, the union has approved these policies, or as provided in a collective bargaining agreement. The following policies are proposed for Council's approval:

- ***Section 7.00 Orientation & Training.*** The proposed policy replaces Section 3.01 Induction and Orientation Procedures and Section 7.00 Employee Development and Training of the City's current policy manual. It sets forth the City's policy with respect to new employee orientation and ongoing training.
- ***Section 7.01 Employee Performance Evaluation.*** The proposed policy replaces Section 3.04 Performance Rating Plan of the current policy manual. This policy sets forth the policy and procedure on performance evaluation and addresses the issue that merit raises are not guaranteed based on performance evaluation results.
- ***Section 7.03 Travel Allowances.*** This proposed policy replaces Section 7.02 Seminars, Conventions, and Conferences and Section 12.07 Travel and Other Expenditures of the current policy manual. This policy sets forth the statutory requirements for travel and the City's policy on mileage, hotel, meals, and other incidental travel expense reimbursement.

BUDGET IMPACT: There is no budget impact as result of the Orientation and Training Policy, Performance Evaluation Policy, and Travel Allowances.

LEGAL REVIEW: Council has the legal authority to set policy for operations and management of its employees. The policies on equal employment opportunity and employment of relatives are drafted to meet statutory requirements regarding those topics. With respect to collective bargaining units, in the absence of a negotiated collective bargaining agreement, the proposed policies will not apply to members of the collective bargaining units until such time as the policies are approved by the union, the union waives its right to bargain on the policy, or until a collective bargaining agreement is in place.

STAFF RECOMMENDATION: Staff recommends approval and adoption of the personnel policies Section 7.00 Orientation & Training, Section 7.01 Employee Performance Evaluation, Section 7.03 Travel Allowances, as proposed. Said policies shall be effective upon adoption, except with respect to collective bargaining units.

ATTACHMENTS: Section 7.00 Orientation & Training
 Section 7.01 Employee Performance Evaluation
 Section 7.03 Travel Allowances

Chapter VII Employee Relations

Section 7.00 Employee Orientation and Training

(Replaces Chapter III, Section 3.01 Induction and Orientation Procedures and Chapter VII, Section 7.00 Employee Development and Training)

I. POLICY

Employees are offered training opportunities periodically throughout their employment with the City.

II. DEFINITIONS

A. New Employee means an Employee who has not yet completed ninety (90) days of continuous services with the City.

III. PROCEDURE

A. New Employee Orientation.

1. New Employees are provided orientation training at the organizational, departmental or team level.

a. Human Resources provides New Employees with an organizational orientation training which may include the following: an overview of City administration, organization, policies, personnel rules, benefit plans, rates of pay, terms and conditions of employment and all other matters related to general conditions of employment.

b. Departments provide New Employees with departmental/team orientation which may include the following: an overview of the Department administration, organization, and policies, duties to be performed, scheduled hours of work, standards of performance, safety rules, and other matters related to the job and to departmental operations.

2. New Employees are required to be familiar with the various City and Department rules and procedures.

B. Other Periodic Training.

1. Employees are encouraged to participate in training opportunities as offered and approved in order to improve their level of service rendered to the public.

2. The City may establish standards for training programs and employee training attendance requirements.
 3. Employees are required to meet any minimum required training requirements for the position in which they are currently employed. A failure to meet required training standards may be cause for disciplinary action up to and including termination of employment.
 4. Employees interested in participating in internal/in-house or external training opportunities shall request approval to attend the training from their Department Director, or designee.
 5. For any training opportunities requiring travel, please refer to the Travel Policy contained in this manual.
- C. Funding Limitations. Training opportunities may be offered and approved for payment by the City subject to the sole discretion of the City Manager and contingent upon budgeting limitations as set forth in the budget adopted by the City Council.

Chapter VIII Employee Relations
Section 7.01 Employee Performance Evaluation
(Replaces Chapter III, Section 3.04 Performance Rating Plan)

I. POLICY

Employee work performance is evaluated on a regular basis, against various performance standards and measurements, to assess and monitor overall work performance and to assist Employees in improving performance.

II. DEFINITION

A. Performance Evaluation is a written report of an Employee's job performance.

III. PROCEDURE

A. A performance evaluation is prepared by the Department Director, or designee, (rater) to establish a record of performance and to provide the Employee with feedback. The rater is responsible for preparing the performance evaluation.

B. Regular Evaluation. Eligible Employees may receive a regular performance Evaluation from time to time during employment. The Employee may receive a Performance Evaluation in the City's regular annual cycle; however, no merit pay increase is guaranteed.

C. Significant Appraisal. A Significant Evaluation may be conducted at any time and at the discretion of the Department Director, or designee, to evaluate New Employee performance, to document any significant increases or decreases in job performance, to follow-up on a previous Performance Evaluation indicating improvement was needed; or as otherwise determined to be appropriate by the Department Director, or designee.

Chapter VII Employee Relations

Section 7.03 Travel Allowances

(Replaces Chapter VII, Section 7.02 Seminars, Conventions and Conferences and Chapter XII, Section 12.07 Travel and Other Expenditures)

I. POLICY

The City may pay or reimburse Employees for official business travel which has been authorized by the City. Travel may be authorized for official business purposes only. All travel subject to reimbursement must be approved in advance in writing by the City Manager or designee.

II. DEFINITIONS

- A. Class A Travel means continuous travel of twenty-four hours or more away from official headquarters. The travel day for Class A Travel shall be a calendar day. Class A Travel shall include any assignments on official business outside of the regular office hours and away from regular places of employment when it is considered reasonable and necessary to stay overnight and for which travel expenses are approved as provided within this policy.
- B. Class B Travel means continuous travel of less than twenty-four hours which involves overnight absences from headquarters. The travel day for Class B Travel shall begin at the same time as the travel period. Class B Travel shall include any assignments on official business outside of the regular office hours and away from regular places of employment when it is considered reasonable and necessary to stay overnight and for which travel expenses are approved as provided within this policy.
- C. Class C Travel means travel for short or day trips where the Employee traveling is not away from the official headquarters overnight. Class C Travel is eligible for reimbursement of certain travel expenses.

III. PROCEDURE

A. Travel Authorization.

- 1. Travel may be authorized for official City business purposes only. All travel subject to reimbursement must be approved by the Department Director, or designee, of the Department to which the travel will be charged. Class A and Class B Travel must also be approved by the City Manager.
- 2. Class A and B Travel will generally not be authorized for destinations less than 60 miles from the City and, to the extent

possible, overnight travel expenses will be paid directly to the vendor.

B. Reimbursement of Travel Expenses.

1. Reimbursement of eligible expenses will be made in accordance with the City's accounts payable procedures.
2. Travel expenses of Employees traveling under this policy will be limited to those expenses necessarily incurred by them, while traveling, in the performance of a public purpose.
3. Seminars and Conferences. Travel for seminars/conferences will only be authorized if the Seminar/Conference is directly related to the training/development of an Employee's current position. Attendance at seminars and conferences is subject to the recommendation and approval of the Department Director, or designee, of the Employee requesting to attend. Seminar and conference registration fees and expenses may be paid in advance directly to the vendor where possible, but only after authorization from the Department Director, or designee has been obtained. Where advanced payment is not possible, Employees who have obtained prior approval to incur the expense may request reimbursement of expenses incurred.
4. Air/Car/Accommodations will be authorized for actual expenses substantiated by paid receipts. However, when a variety of hotels, motels, air/cars can be used, Employees will be reimbursed for the most economical accommodations. Any deviation will require prior approval by the City Manager, or designee, with reasonable explanation. The difference in the rate for more elaborate accommodations/ lodging/air/car can be paid by the Employee.
5. Meals. The City provides a per diem payment for meals taken during periods of City travel. No one will be reimbursed for any meal that is included/provided in the per diem payment or included in a conference or seminar registration fee. No allowance for meals is provided where travel is contained within the immediate vicinity of the City.
6. Mileage. When travel is authorized for a privately owned vehicle, the Employee (driver of the private vehicle) will be entitled to a mileage allowance at a fixed rate established by the City. Other expenses of a privately owned vehicle, e.g., operations, maintenance, ownership, will not be reimbursed. Mileage will be reimbursable from the point of origin to the point of destination based on a highway mileage map. Certain Employees may be

granted use of a City vehicle or a monthly allowance in a fixed amount for the use of privately owned vehicles on official business in lieu of the mileage rate. Such allowances shall be in the sole discretion of the City and subject to the provisions of the City Vehicle and Take Home Policy. When two or more Employees are traveling to the same destination, when feasible, car pooling should be utilized to minimize the total cost of travel.

7. Incidental Travel Expenses.

a. Incidental travel expenses may be reimbursed, with proper receipts and documentation, including:

- i. Taxi fare.
- ii. Ferry fares; bridge, road, and tunnel tolls.
- iii. Storage or parking fees.
- iv. Official City business communication, e.g., telephone or fax expenses.

b. Expenses that are not reimbursable include, but are not limited to:

- i. Tips, Bell Boy assistance.
- ii. Movie rentals in hotel/motel rooms.
- iii. Hotel/motel safes.
- iv. Parking tickets or traffic fines.
- v. Communication/telephone charges that are not official business

8. Rights to Refuse Reimbursement. The City reserves the right to refuse to pay for reimbursement of travel expenses until all required receipts and proof of payment are provided by the Employee.

CORRESPONDENCE-TO-NOTE

REGULAR COUNCIL MEETING – MAY 18, 2009

1. **TYPE:** Letter
 DATE: April 2009
 RECEIVED FROM: Mickey Cook, Committee Against Assaults on Law Enforcement Officers
 ADDRESSED TO: (General Letter)
 SUBJECT: Notification of the 7th Annual Law Enforcement Appreciation Luncheon

2. **TYPE:** Letter
 DATE: March 31, 2009
 RECEIVED FROM: Bright House Networks
 ADDRESSED TO: T. Jennene Norman-Vacha, City Manager
 SUBJECT: Notification of delay of NESN on Channel 810.

3. **TYPE:** Letter
 DATE: April 8, 2009
 RECEIVED FROM: Mike McDaniel, Department of Community Affairs
 ADDRESSED TO: Robert Pianta, Hernando County Planning Director
 cc: City of Brooksville
 SUBJECT: Hernando County School Interlocal Agreement

4. **TYPE:** Letter
 DATE: April 13, 2009
 RECEIVED FROM: R. Alexander Glenn, Progress Energy
 ADDRESSED TO: Mayors of Municipalities
 SUBJECT: Synopsis of March 20, 2009 Rate Request

5. **TYPE:** Letter
 DATE: April 28, 2009
 RECEIVED FROM: June Zepp, Insurance Services Offices
 ADDRESSED TO: T. Jennene Norman-Vacha, City Manager
 SUBJECT: Building Code Effectiveness Grading Schedule

6. **TYPE:** Letter
 DATE: May 1, 2009
 RECEIVED FROM: Bright House Networks
 ADDRESSED TO: T. Jennene Norman-Vacha, City Manager
 SUBJECT: Notification of changes to channel line-up.

NOTE: COPIES OF ALL CORRESPONDENCE ON FILE IN THE OFFICE OF THE CITY CLERK

Founded March 1981 at Miami, Dade County, Florida
Hernando County Chapter Organized 1999

HONORARY MEMBER
Richard B. Nugent, Sheriff

HONORARY MEMBER
Retired Sheriff Thomas A. Mylander

**COMMITTEE AGAINST ASSAULTS
ON
LAW ENFORCEMENT OFFICERS**

GREETINGS:

HERNANDO COUNTY HAS DECLARED THE MONTH OF MAY AS LAW ENFORCEMENT MONTH, AND ON MAY 20th, 2009, THE COMMITTEE AGAINST ASSAULTS ON LAW ENFORCEMENT OFFICERS IS SPONSORING OUR 7th ANNUAL LAW ENFORCEMENT APPRECIATION LUNCHEON. IT WILL BE HELD FROM 12p.m. UNTIL 3p.m. AT THE HERNANDO COUNTY SHERIFF'S OFFICE AT 18900 CORTEZ BLVD., BROOKSVILLE, FL..

WE REQUEST THE HONOR OF YOUR PRESENCE AT THIS LUNCHEON. OUR SHERIFF, RICHARD B. NUGENT HAS IMPLEMENTED AND SUPPORTED EVENTS AND PROGRAMS FOR ALL AGES IN OUR COUNTY, AS WELLAS BEING VIGILANT IN FIGHTING CRIME, ESPECIALLY DRUGS AND CHILD ABUSE. HE IS SUPPORTED BY OUR BROOKSVILLE POLICE DEPT., F.D.L.E. AND F.H.P., AND LOCAL CRIME WATCH GROUPS. HE MANAGES ALL OF THIS WHILE MAINTAINING A VERY EFFICIENT AND FRIENDLY OFFICE ENVIRONMENT.

WE ARE SEEKING TO GO STATE WIDE AND THROUGHOUT THE U.S.A. TO BRING AWARENESS OF THE MANY DANGERS OUR LAW ENFORCEMENT OFFICERS FACE ON A DAILY BASIS. OUR PROGRAM ORIGINATED IN MIAMI DADE COUNTY IN MARCH 1981 AND REACHED AS FAR AWAY AS ONTARIO, CANADA. MOST CHAPTERS DISBANDED AFTER A FEW YEARS, BUT IN HERNANDO COUNTY IT IS CONTINUING TO GROW AND NOW WE WANT TO ATTRACT OTHER COUNTIES AND STATES TO BUILD THEIR OWN ORGANIZATIONS.

WE WOULD BE VERY HONORED TO HAVE YOU ATTEND OUR LUNCHEON AND TO HONOR THE MANY HEROS WHO SERVE AND PROTECT OUR COMMUNITY.

SINCERELY,

MS. MICKEY COOK
1030 CLOVERLEAF CIR.
BROOKSVILLE, FL. 34601-8302

Mickey Cook

**1030 Cloverleaf Circle ~ Brooksville, FL 34701-8302
(352)-797-9102**

*CTN
5.04.09
TH*

1004 U.S. Highway 92 West
Auburndale, FL 33823

tel 863.965.7733

fax 863.288.2299

**bright
house**
NETWORKS



March 31, 2009

VIA FEDERAL EXPRESS

Ms. T. Jennene Norman-Vacha
City Manager
City of Brooksville
201 Howell Avenue
Brooksville, FL 34601

Dear Ms. Norman-Vacha,

We recently contacted you to announce the addition of NESN on Channel 810 of our Sports Pack effective April 1, 2009. The addition of NESN has now been delayed until sometime after May 1, 2009.

Bright House Networks continues to be at the forefront of bringing new technology, additional programming and excellent customer service to the Tampa Bay area community.

Information on our services is available on our website at www.tampabay.mybighthouse.com. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Drew Gillan".

Drew Gillan
Manager of Public Relations

CTN
5.04.09
TJG



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

April 8, 2009

Mr. Robert F. Pianta, AICP
Planning Director
Hernando County
20 North Main Street, Room 262
Brooksville, Florida 34601

RE: Hernando County School Interlocal Agreement

Dear Mr. Pianta:

The Department has completed its review of the Public Schools Interlocal Agreement ("Agreement") entered into between Hernando County School Board and the following local government(s): Hernando County and the City of Brooksville pursuant to Section 163.31777, Florida Statutes (F.S.). The Department is issuing a Notice of Intent to find the Agreement consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S. **The Notice of Intent has been sent to the Florida Administrative Weekly for publication on April 17, 2009.**

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S. If no petition is filed, this Notice of Intent will become final agency action.

Please note that a copy of the executed Agreement and the Notice of Intent must be available for public inspection Monday through Friday, except legal holidays, during normal business hours, at the Hernando County Planning Department, 20 North Main Street, Room 262, Brooksville, Florida 34601-2828.

2555 SHUMARD OAK BOULEVARD ♦ TALLAHASSEE, FL 32399-2100
850-488-8466 (p) ♦ 850-921-0781 (f) ♦ Website: www.dca.state.fl.us

♦ COMMUNITY PLANNING 850-488-2356 (p) 850-488-3309 (f) ♦ FLORIDA COMMUNITIES TRUST 850-922-2207 (p) 850-921-1747 (f) ♦
♦ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) ♦

Handwritten signature: M. Mayer



(Writer's Direct Dial No. 727-820-5587)

R. ALEXANDER GLENN
General Counsel

Sent Via U.S. Mail

April 13, 2009

All County Board of Commissioners
All Mayors of Municipalities
All Main County Libraries
In Progress Energy Florida's
Service Area

Re: Progress Energy Florida, Inc.'s Synopsis of March 20, 2009 Rate Request

To Whom It May Concern:

In accordance with Rule 25-22.0406(4)(a), F.A.C., I am enclosing a copy of Progress Energy Florida, Inc.'s synopsis of its March 20, 2009 rate request filed with the Florida Public Service Commission.

Sincerely,

R. Alexander Glenn

RAG/lms
Enclosures

CTM



4 B EVES DRIVE SUITE 200 MARLTON, NJ 08053 (856) 985-5600 FAX: (856) 985-6464

April 28, 2009

Ms. T. Jeannene Norman-Vacha, City Manager
Brooksville
201 Howell Ave
Brooksville, FL 34601

RE: Building Code Effectiveness Grading Schedule
Brooksville, Hernando County, FL

Dear Ms. Norman-Vacha:

My name is June Zepp, Field Representative, and I am employed by the Insurance Services Office, Inc. (ISO). ISO will be administering a program called the Building Code Effectiveness Grading Schedule (BCEGS).

BCEGS was developed through the combined efforts of the three national model building code organizations and the property/casualty insurance industry. The program evaluates a community's building code enforcement - focusing on natural hazard mitigation. The intent is to encourage code compliant construction thus ultimately reducing catastrophe-related damage and lower insurance costs. The program also includes advisory premium discounts for property insurance written in municipalities with effective codes that are well-enforced. Please note that the Building Code Effectiveness Grading Schedule is an insurance underwriting and information rating tool. It is not for the purposes of determining compliance with any state or local law or regulation, nor is it for making property/casualty loss prevention or life safety recommendations. Please visit www.isomitigation.com for information including common questions and answers regarding the BCEGS program; if you do not have access to the internet and would like additional information contact ISO and we will be happy to mail the information to you.

ISO has previously visited Brooksville to evaluate the fire defenses. The classification number from that evaluation is one of many factors used to determine insurance premiums for properties in your community. That program, which has been used effectively by the insurance industry since 1916, served as a model for the Building Code Effectiveness Grading Schedule.

CTN
5-18-09
Rec'd
5-1-09

1004 U.S. Highway 92 West
Auburndale, FL 33823
tel 863.965.7733



VIA FEDERAL EXPRESS

May 1, 2009

Ms. T. Jennene Norman-Vacha
City Manager
City of Brooksville
201 Howell Avenue
Brooksville, FL 34601

Dear Ms. Norman-Vacha,

We are pleased to announce the following changes to our channel line-up.

This notice is to inform our Bright House Networks customers of upcoming changes to their cable programming lineup effective May 31, 2009.

- Smithsonian HD will launch on channel 711 in the HD Pack
- MavTV HD will launch on channel 712 in the HD Pack

The following channels will be available to HD customers with Digital Basic level of service:

- HD Showcase On Demand, channels 355 and 709
- WGN HD will launch on channel 746
- Fox News HD will launch on channel 747
- AMC HD will launch on channel 749

IMPORTANT NOTICE TO HD Pack Customers:

Our agreements with programming services routinely expire from time to time. Our agreement with HD Nets expires on May 31, 2009, and at such time HD Net and/or HD Net Movies may either be dropped from the HD Pack or repositioned to another tier of service

Bright House Networks continues to be at the forefront of bringing new technology, additional programming and excellent customer service to the Tampa Bay area community.

Information on our services is available on our website at www.mybriighthouse.com. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Drew Gillan".

Drew Gillan
Manager of Public Relations

CTN
5-18-09
[initials]