



CITY OF TAMARAC
REGULAR CITY COMMISSION MEETING
City Hall - Commission Chambers
April 10, 2013

CALL TO ORDER:

7:00 P.M.

ROLL CALL:

PLEDGE OF ALLEGIANCE:

Commissioner Patricia Atkins-Grad

INTRODUCTION

1. PROCLAMATIONS AND PRESENTATIONS:

a. Public Works Week Proclamation

Presentation of a Proclamation by Mayor Beth Talabisco proclaiming the week of May 19th - 25th, 2013 as "Public Works Week". (Requested by Public Services Director Jack Strain)

b. Military Family and Community Covenant Day Proclamation

Presentation of a proclamation by Mayor Beth Talabisco proclaiming April 17, 2013 as "Military Family and Community Covenant Day". (Requested by Assistant City Manager Diane Phillips)

c. Child Abuse Prevention Month Proclamation

Presentation of a proclamation by Mayor Beth Talabisco proclaiming April 2013 as "Child Abuse Prevention Month". (Requested by Mayor Beth Talabisco)

d. Citizen Observer Patrol Month Proclamation

Presentation of a proclamation by Mayor Beth Talabisco proclaiming April 2013 as "Tamarac Citizen Observer Patrol Month". (Requested by BSO Chief Neal Glassman)

e. Paralyzed Veterans of America Awareness Month Proclamation

Presentation of a proclamation by Mayor Beth Talabisco proclaiming the month of April, 2013 as "Paralyzed Veterans of America Awareness Month". (Requested by Mayor Beth Talabisco)

2. CITY COMMISSION REPORTS

a. Commissioner Bushnell

b. Commissioner Atkins Grad

c. Commissioner Glasser

d. Vice Mayor Dressler

e. Mayor Talabisco

3. CITY ATTORNEY REPORT

4. CITY MANAGER REPORT

5. PUBLIC PARTICIPATION

Any member of the public may speak to any issue that is not agendized for public hearing at this meeting. Speakers will be limited to three minutes during this item and at public hearings. There will be a thirty (30) minute aggregate time limit for this item, and speakers are encouraged to sign up in advance with the City Clerk prior to their participation.

When an issue has been designated as quasi-judicial, public remarks shall only be heard during a quasi-judicial hearing that has been properly noticed for that matter.

ANNOUNCEMENT OF TIME ALLOCATIONS-MOTIONS TO TABLE

The Chair at this time will announce those items that have been given a specific time to be heard, and will entertain motions from the Commission members to table those items that require research. The Commission may agendize by majority consent matters of an urgent nature which have come to the Commission's attention after publication.

6. CONSENT AGENDA

Items listed under Consent Agenda are viewed to be routine and the recommendation will be enacted by ONE MOTION in the form listed below. If discussion is desired, then, in accordance with Resolution 2003-15, Sec. 4.5, the item(s) will be removed from the Consent Agenda and will be considered separately.

a. Approval of the March 27, 2013 Regular Commission Meeting Minutes

Approval of the March 27, 2013 Regular Commission Meeting Minutes

b. TR12322 Capital Improvement Refunding Revenue Bonds, Series 2013

A Resolution of the City Commission of the City of Tamarac, Florida authorizing the issuance of not to exceed \$16,000,000 in aggregate principal amount of City of Tamarac, Florida Capital Improvement Refunding Revenue Bonds, Series 2013 for the purpose of advance refunding all or a portion of the City's outstanding Capital Improvement Revenue Bonds, Series 2005; covenanting to Budget and appropriate legally available non-ad valorem revenues to provide for the payment thereof; making certain covenants and agreements for the benefit of the owners of such Bonds; authorizing certain Officials and Employees of the City to take all actions required in connection with the Sale, Issuance, and Delivery of such Bonds; taking certain other actions with respect to such Bonds; authorizing and approving the negotiated sale of such Bonds to the Underwriters named herein subject to the Terms and Conditions contained herein; approving the form and authorizing the distribution of a Preliminary Official Statement and Execution and delivery of a Final Official Statement; authorizing certain Officials to deem final the Preliminary Official Statement for purposes of Securities and Exchange Commission rule 15c2-12; approving the form and authorizing the Execution and Delivery of a Bond Purchase Agreement; appointing the paying agent and registrar; approving the form and authorizing the execution and delivery of an Escrow Deposit Agreement; approving the form and authorizing the execution and delivery of a disclosure dissemination Agent Agreement; appointing the Escrow holder; providing certain other matters relating to the Series 2013 Bonds; providing for conflicts; providing for severability; and providing for an effective date.

c. TR12323 - Fort Lauderdale Temporary Use of Vehicle/Equipment

A Resolution of the City Commission of the City of Tamarac, Florida, authorizing the appropriate City Officials to enter into an agreement by and between the City of Tamarac and the City of Fort Lauderdale, Broward County, Florida providing for temporary use of fire rescue equipment and/or vehicle(s) for the air and sea show on April 18-21, 2013 and other related air and sea show special events as needed throughout the month of April; providing for conflicts; providing for severability; and providing for an effective date.

d. TR12324 - Resolution Awarding Bid No. 13-06B for the Woodlands Blvd North Bikepath to Kailas Corp

A Resolution of the City Commission of the City of Tamarac, Florida, awarding Bid No. 13-06B to and approving an agreement with Kailas, Corp for the Woodlands Blvd. North Bikeway Project at Woodlands Boulevard between Commercial Boulevard and Bailey Road, in accordance with bid no. 13-06B for a contract amount of \$149,661.25; a contingency in the amount of \$14,966.13 will be added to the project account, for a total project budget of \$164,627.38; authorizing an expenditure from the appropriate accounts; authorizing budget amendments for proper accounting purposes; providing for conflicts; providing for severability; and providing for an effective date.

e. **TR12326 - Authorizing Four Week Hiatus for the Mayor & Commission**

A Resolution of the City Commission of the City of Tamarac, Florida, authorizing a four-week consecutive period (July 21, 2013 – August 18, 2013) during which time the City Commission will not schedule any regular meetings pursuant to Section 4.06 (a) of the City Charter; providing for conflicts; providing for severability; and providing an effective date.

7. **REGULAR AGENDA**

8. **ORDINANCE(S) - FIRST READING**

a. **TO2273 - Amending Ordinance 2012-21 FY2013 Budget**

Motion to adopt an Ordinance of the City Commission of the City of Tamarac, Florida, **on first reading** amending Ordinance 2012-21, which amended the City of Tamarac Operating Budget, Revenues and Expenditures, the Capital Budget, and the Financial Policies for the Fiscal year 2013, by increasing the total revenues and expenditures by a total of \$21,215,673 as detailed in Exhibit A attached hereto; providing for conflicts; providing for severability; providing for an effective date.

b. **TO2276 - Stormwater Assessment**

Motion to adopt an Ordinance of the City Commission of the City of Tamarac, Florida, **on first reading** amending Chapter 22, entitled "Utilities," Article VI, entitled "Stormwater Management Utility," to authorize the collection of the Stormwater Management Utility Fee ("fee") using the Uniform Assessment Collection Act, Section 197.3632, Florida Statutes ("Act"); specifically amending Section 22-252, entitled "Definitions," to amend certain definitions and define additional terms associated with the collection of the fee using the provisions of the act; amending Section 22-255, entitled "Billing, Payment, Penalties and Enforcement" to provide for the collection of the fee using the act and that the billing provisions of this section shall be an alternative to using the act; amending Section 22-256, entitled "Adjustment of Fees" to limit this section to fees collected by means other than the act; creating Sections 22-258 through Section 22-268 to be collectively referred to as the City of Tamarac Stormwater Utility Fee Uniform Assessment Collection Act Ordinance to establish the procedures for notice and adoption of the annual stormwater management utility fee roll and for correcting errors and omissions, provide that the fees constitute a lien on assessed property upon adoption of the Stormwater Management Utility Fee R, establish procedures and methods for the collection of stormwater assessments, and establish the priority of the stormwater management utility fee lien over prior recorded liens or mortgages; providing for severability; providing for conflicts; providing for codification; and providing for an effective date.

9. **PUBLIC HEARING(S)**

10. **ORDINANCE(S) - SECOND READING**

a. **TO2271 - Amend Chapter 5 Buildings and Building Regulations**

Motion to adopt an Ordinance of the City Commission of the City of Tamarac, Florida, **on second reading** amending Chapter 5 "Building and Building Regulations" of the Code of Ordinances of the City of Tamarac by amending Article I, entitled "General," Section 5-1, entitled "Building Department Permit Fees;" providing for a refund policy; amending Article II, entitled "Building Standards" by repealing Section 5-34, entitled "Interim Services and Facilities Fees;" providing for codification; providing for conflicts; providing for severability; providing for an effective date.

PASSED ON FIRST READING FEBRUARY 27, 2013

11. **QUASI-JUDICIAL HEARING(S)**

12. **OTHER**

The City Commission may consider and act upon such other business as may come before it. In the event this agenda must be revised, such revised copies will be available to the public at the City Commission meeting.

Pursuant to Chapter 286.0105, Florida Statutes, if a person decides to appeal any decision made by the City Commission with respect to any matter considered at such meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is based.

The City of Tamarac complies with the provisions of the Americans with Disabilities Act. If you are a disabled person requiring any accommodations or assistance, please notify the City Clerk's Office at (954)-597-3505 of such need at least 48 hours (2 days) in advance. Additionally, if you are hearing or speech impaired and need assistance, you may contact the Florida Relay Service at either of the following numbers: 1-800-955-8770 or 1-800-955-8771.

A handwritten signature in blue ink, reading "Patricia Teufel". The signature is fluid and cursive, with the first name "Patricia" and last name "Teufel" clearly distinguishable.

Patricia Teufel, CMC
Interim City Clerk



Title - 7:00 P.M.

7:00 P.M.

ATTACHMENTS:

Name:

Description:

No Attachments Available



Title - Commissioner Patricia Atkins-Grad

Commissioner Patricia Atkins-Grad

ATTACHMENTS:

Name:

Description:

No Attachments Available



Title - Public Works Week Proclamation

Presentation of a Proclamation by Mayor Beth Talabisco proclaiming the week of May 19th - 25th, 2013 as "Public Works Week". (Requested by Public Services Director Jack Strain)

ATTACHMENTS:

Name:

 [Proclamation Public Works April 2013.doc](#)

Description:

Public Works Week Proclamation



Requested by Public Services Director Jack Strain

WHEREAS, the City of Tamarac Public Services Department takes great pride in maintaining Tamarac streets, landscaping, facilities and infrastructure, making the City of Tamarac a safe place for residents and citizens; and

WHEREAS, this year, the theme of Public Works Week is

‘Because of Public Works...’; and

WHEREAS, across the nation, 28,000 members of APWA use this week to energize and educate the public on the importance of the contribution of public services to their daily lives: planning, building, managing and operating the essence of our local communities; and

WHEREAS, the City of Tamarac depends on our Public Services professionals who are always there and always ready.

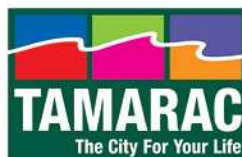
NOW, THEREFORE, I Beth Talabisco, Mayor of the City of Tamarac, Broward County, Florida, do hereby proclaim the week of May 19 – 25, 2013 as

“NATIONAL PUBLIC WORKS WEEK”

in the City of Tamarac, and urge citizens and residents to acquaint themselves with the responsibilities and achievements of the City of Tamarac Public Services Department and to recognize the contributions made by Public Services officials every day to ensure the health, safety, comfort, and quality of life for all those who reside in, work in, or just pass through the City of Tamarac.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Tamarac to be affixed this 10th day of April 2013.



Beth Talabisco

Beth Talabisco, MAYOR



Title - Military Family and Community Covenant Day Proclamation

Presentation of a proclamation by Mayor Beth Talabisco proclaiming April 17, 2013 as "Military Family and Community Covenant Day". (Requested by Assistant City Manager Diane Phillips)

ATTACHMENTS:

Name:

 [Proclamation - Family Military and Community Covenant Day.doc](#)

Description:

Military Family & Community Covenant Day Proclamation



Requested by the Mayor Beth Talabisco

WHEREAS, for more than 230 years, individuals from all walks of life have taken up arms and sworn an oath to support and defend the principles upon which our country was founded; and

WHEREAS, whether serving at home or abroad, Florida's active duty reserve and National Guard military and civil servants, protect our homeland, respond to national disasters, assist humanitarian emergencies and protect against all threats foreign and domestic; and

WHEREAS, created in 2008, the United States Army Community Covenant program was designed to foster and sustain effective state and community partnerships with all of the armed services, improving the quality of life for service men and women and their families; and

WHEREAS, the State of Florida has conducted a state-wide community covenant signing ceremony; and

WHEREAS, Americans recognize that military personnel and their families make considerable sacrifices as they defend the Nation; and

WHEREAS, today, Floridians support service members, veterans, and their families by stepping forward to help mitigate stresses associated with military life while also striving to inspire their fellow Americans to continue to recognize and support military and veteran families in their communities.

NOW, THEREFORE, I, Beth Talabisco, Mayor of the City of Tamarac, Broward County, Florida do hereby proclaim April 17, 2013 as

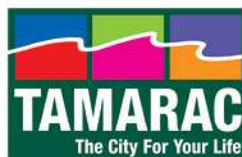
"MILITARY FAMILY AND COVENANT DAY"

and hereby express unwavering support and admiration to all current and former military personnel true and faithful service and further recognize the tremendous sacrifices of their families

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of Tamarac to be affixed this 10th day of April, 2013.

Beth Talabisco

Beth Talabisco, MAYOR





Title - Child Abuse Prevention Month Proclamation

Presentation of a proclamation by Mayor Beth Talabisco proclaiming April 2013 as "Child Abuse Prevention Month". (Requested by Mayor Beth Talabisco)

ATTACHMENTS:

Name:

 [Child Abuse Proclamation.doc](#)

Description:

Child Abuse Prevention Month Proclamation



Proclamation

Requested by Mayor Beth Talabisco

WHEREAS, Florida's future prosperity depends on nurturing the healthy development of the children currently living, growing and learning within our diverse community; and

WHEREAS, research shows that safe and nurturing relationships and stimulating and stable environments improve brain development and the wellbeing of children while abusive experiences and unstable environments increase the odds of poor childhood outcomes; and

WHEREAS, research also shows that parents and caregivers who have social networks and know how to seek help in times of trouble are more resilient and better able to provide safe environments for their children; and

WHEREAS, individuals, businesses, schools, faith-based and community organizations must make children a top priority and take action to support the physical, social, emotional and educational development of all children; and

NOW, THEREFORE, I Beth Talabisco, Mayor of the City of Tamarac, Broward County, Florida, do hereby proclaim the month of April, 2013 as

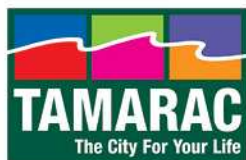
"CHILD ABUSE PREVENTION MONTH"

in the City of Tamarac, and urge citizens to join in a coordinated effort to prevent child abuse and neglect by promoting the awareness of healthy child development through positive parenting practices and solid family support within the community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Tamarac to be affixed this 10th of April, 2013.

Beth Talabisco

Beth Talabisco, MAYOR





Title - Citizen Observer Patrol Month Proclamation

Presentation of a proclamation by Mayor Beth Talabisco proclaiming April 2013 as "Tamarac Citizen Observer Patrol Month". (Requested by BSO Chief Neal Glassman)

ATTACHMENTS:

Name:

 [Citizen Observer Patrol Proclamation.doc](#)

Description:

Citizen Observer Month Proclamation



Requested by Chief Neal Glassman

WHEREAS, the Broward Sheriff's Office has determined that community policing best serves the needs of residents of Broward County and the Broward Sheriff's Office; and

WHEREAS, this philosophy is predicated upon the creation of partnerships with the community to prevent crime; and

WHEREAS, the Citizen Observer Patrol was created to gain the assistance of selected residents and provide a mechanism for residents to take an active role in crime prevention efforts within their neighborhoods by becoming the eyes and ears of the working deputy sheriff; and

WHEREAS, this program is an integral part of the effort to suppress crime, and to improve the quality of life in their communities; and

WHEREAS, the Tamarac Citizen Observer Patrol has over 560 members that are assigned to 11 posts that cover 29 communities as well as 10 city parks; and

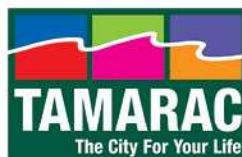
WHEREAS, during 2012 the Tamarac Citizen Observer Patrol volunteered 3549 hours and logged over 27,000 miles in their crime prevention efforts. They also assisted deputies on various scenes as well as providing much needed assistance during events such as July 4th, National Night Out, Taste of Tamarac, Turkey Trot 5k race, as well as many other events; and

WHEREAS, the volunteers of the Citizen Observers Patrol have become an integral part of the duties conducted by the Tamarac District/Broward Sheriff's Office within the City of Tamarac.

NOW, THEREFORE, I, Beth Talabisco, Mayor of the City of Tamarac, Broward County, Florida do hereby proclaim the month of April 2013 as

"TAMARAC CITIZEN OBSERVER PATROL MONTH"

and call upon each citizen and business in Tamarac to recognize the personal sacrifice and contributions made by the volunteers of this worthy program.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Tamarac to be affixed this 10th day of April, 2013.

Beth Talabisco

Beth Talabisco, MAYOR



Title - Paralyzed Veterans of America Awareness Month Proclamation

Presentation of a proclamation by Mayor Beth Talabisco proclaiming the month of April, 2013 as "Paralyzed Veterans of America Awareness Month". (Requested by Mayor Beth Talabisco)

ATTACHMENTS:

Name:

 [Paralyzed Vets 2013.doc](#)

Description:

Paralyzed Veterans of America Awareness Month Proclamation



Requested by Mayor Beth Talabisco

WHEREAS, the City of Tamarac is home to many who have served as members of the Armed Forces; and

WHEREAS, in the line of duty, these brave and honorable men and women made sacrifices on our behalf for which we can never repay them; and

WHEREAS, this year, the theme of Paralyzed Veterans of America Awareness Month is, **“The Big Push for Progress”**; and

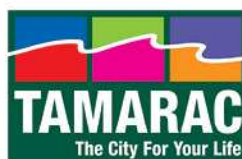
WHEREAS, paralyzed veterans personify the highest ideals of service to country, sacrifice of self, and perseverance in overcoming adversity, and their stories of hardship and triumph provide life-affirming lessons for all of us.

NOW, THEREFORE, I, Beth Talabisco, Mayor, of the City of Tamarac, Broward County, Florida, hereby proclaim the month of April 2013 as

“PARALYZED VETERANS OF AMERICA AWARENESS MONTH”

in the City of Tamarac, and encourage Tamarac’s residents to reflect upon the sacrifices borne by our paralyzed veterans and honor those who served so that we may live free.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Tamarac to be affixed this 10th day of April 2013.



Beth Talabisco

Beth Talabisco, Mayor



Title - 7:00 P.M.

7:00 P.M.

ATTACHMENTS:

Name:

Description:

No Attachments Available



Title - TO2273 - Amending Ordinance 2012-21 FY2013 Budget

Motion to adopt an Ordinance of the City Commission of the City of Tamarac, Florida, **on first reading** amending Ordinance 2012-21, which amended the City of Tamarac Operating Budget, Revenues and Expenditures, the Capital Budget, and the Financial Policies for the Fiscal year 2013, by increasing the total revenues and expenditures by a total of \$21,215,673 as detailed in Exhibit A attached hereto; providing for conflicts; providing for severability; providing for an effective date.

ATTACHMENTS:

Name:

- ❏ [CM-Budget Amendment #1 TO 2273 - Final.docx](#)
- ❏ [Ordinance No 2013- \(1st Budget Amendment 2013\).docx](#)
- ❏ [Exhibit A TO2273.pdf](#)
- ❏ [Exhibit B TO 2273.pdf](#)

Description:

- TO2273 Memo
- TO2273-Ordinance-1st Budget Amendment FY2013
- Exhibit A
- Exhibit B

CITY OF TAMARAC
INTEROFFICE MEMORANDUM
FINANCE DEPARTMENT
ADMINISTRATION DIVISION

TO: Michael C. Cernech
City Manager

DATE: March 27, 2013

FROM: Mark C. Mason, Director of
Financial Services

RE: TO 2273 Amending
Ordinance 2012-21 FY 2013
Budget

Recommendation:

I recommend approval of TO 2273 amending Ordinance 2012-21 which adopted the FY 2013 Annual Budget, in the amount of \$21,215,673 from \$111,461,250 to \$132,676,932.

Issue:

On September 19, 2012, the City Commission adopted Ordinance 2012-21 which adopted the annual Operating Budget, Revenues and Expenditures, Capital Budget and Financial Policies for Fiscal Year 2013. Pursuant to Section 166.241(3), a municipality may amend its budget at any time during the course of the year or within 60 days following the end of the fiscal year. In addition, if any fund is increased or decreased then the budget amendment must be adopted in the same manner as the original budget unless otherwise specified in the charter of the respective municipality. The original budget was adopted via ordinance and the City of Tamarac's charter is silent on the subject matter.

Background:

Following is a summary of the recommended adjustments to the Fiscal Year 2013 Budget.

FUND TYPE	Adpoted Budget		Amendment #1	
	Ord. 2012-21	Change	TO #2273	
General Fund	\$ 45,866,768	\$ 97,465	\$	45,964,233
Special Revenue Funds	\$ 24,620,770	\$ 131,868	\$	24,752,638
Debt Service Funds	\$ 2,746,800	\$ 15,600,000	\$	18,346,800
Capital Project Funds	\$ 4,301,822	\$ 1,244,356	\$	5,546,178
Enterprise Funds	\$ 31,246,205	\$ 36,725	\$	31,282,930
Internal Service Funds	\$ 2,678,885	\$ 4,105,259	\$	6,784,144
Total	\$ 111,461,250	\$ 21,215,673	\$	132,676,923

Amendments to the Budget generally reflect actions approved by the City Commission since the budget was adopted but not included in the original budget due to their unknown nature at the time, allocation of encumbrances, i.e. purchases approved in one fiscal year and being paid in the following fiscal year, transfer of funds from a Non-Departmental account to other departments in the General Fund, and items that have been evaluated for recommended inclusion in the current year budget due to updated information, debt issuances and additional capital improvements that have been identified and recommended to be started in the current year due to timing, pricing, etc.

Since the beginning of the fiscal year, the City Commission has approved a number of resolutions that affect the budget for various grants, additional funding for projects as well as a change in health insurance from fully insured to partially self-insured. As was discussed at the meeting regarding health insurance, the mechanism used for to properly account for the cost of health insurance by fund/departments and account full/total cost in one single fund would be an internal service fund similar to the Risk Fund. This budget amendment creates the fund for health insurance in the amount of \$4,105,259 representing 19.3% of the budget amendment.

In addition, staff has presented an opportunity to obtain debt service savings by advance refunding the Capital Improvement Revenue Bonds, Series 2005. In anticipation of a successful refunding, included in this budget amendment is the bond proceeds and offsetting expenses, increasing the budget by \$15,000,000, or 70.7% of the amendment.

In addition, as noted above, several grants have been approved in the amount of \$426,206 and agreements received so the budgets now need to be adopted to allow for expenditures and reimbursements as they occur. Also, a number of items have been evaluation for inclusion in the amendment and are enumerated below.

General Fund adjustments to the budget include the following:

Transferring the budget for encumbrances from non-departmental to the departmental budgets to which they apply in the amount of \$109,000. In addition, at the end of the year additional encumbrances that exceeded the original estimate of \$109,000, were rolled into FY 2013 and require adjustments to the departmental budgets with an offsetting decrease in contingency.

Increasing Information Technology Department budget to support charges from Novusoulutions to cover video hardware and services for video streaming in the amount of \$17,375, this includes the first year broadcasting charges of \$9,000/year (\$750/month). Adjustment is funded from the Non-Departmental Contingency budget. This was approved at the final budget hearing.

Capital improvement adjustments to the budget include the following:

Appropriating additional funding in Fund 310 in the amount of \$323,030 for the Mainlands Park, Project PW11A and accepting grant award from the Florida Department of Environmental Protection through the Land and Water

Conservation Fund, the grant requires the City to provide a one-to-one match in local funds in the amount of \$200,000. Although this grant agreement was approved in June 2012, it was not included in the FY 2013 budget although the full funding concept was approved in June 2012.

Increasing funding for contract agreement with JMW Construction for the design/build of the Sport Complex Press Box Project, project exceeds the FY13 Adopted Capital Improvement Program in the amount of \$22,450 – a contingency in the amount of \$23,800 (15% of the contract cost) will be added to the project account GP12E, which increased the total project budget. Approved by City Commission on November 28, 2012.

Increasing Parks and Recreation Department budget for the swimming pool management fee and shared revenues at the Caporella Aquatic Center – Due to Pool Management, LLC, failing to meet contractual obligations, the City of Tamarac terminated their contract and awarded a new contract agreement with Jeff Ellis Management, LLC. Contract amount negotiated exceed department budget in the amount of \$39,839. The additional amount is funded from the General Fund Non-Departmental contingency budget. Approved by the City Commission on December 12, 2012.

Increasing funding for the replacement of the roof at the Colony West Clubhouse building in the amount of \$25,000. The combined projects (Golf Cart Building, Maintenance Building and Clubhouse increased the contingency in the project budget PW12D. Approved by the City Commission on January 23, 2013.

Increasing Fund 301 Capital Vehicle Replacement budget due to encumbrance in the amount of \$12,918 for a vehicle purchased at year end Fiscal year 2012.

Increasing Fund 326 for final invoice in the amount of \$16,831 for MPC Kalwall R & R project GP10B.

Increase Fund 320 for updated project estimate not included in FY 2013 budget for GP13C Woodlands Boulevard North \$144,127.

Increase in Fund 380 – Tamarac Village fund in the amount of \$600,000 resulting from a transfer of funds from Fund 239 – Debt Service Fund which is also increased for the purpose of funding expected interest payments on the 2011 Line of Credit.

Personnel adjustments to the budget include the following:

Increase Commission Department – Increase budget to reflect back pay and benefits adjustment for reinstated Commissioner in the amount of \$153,770 offset by a decrease in Non-Departmental Contingency.

Building Department – Adding an additional “will call” position, there is no impact to the budget.

Increase Human Resources Department – The HR Department, with this additional staff, assumed the administration of the General Employees’ Pension Plan eliminating the \$48,000 annual administrative fees of the outside contractor.

Reclassification of Systems and Network Manager Position to Assistant Director of Information Technology in the amount of \$2,680 offset by a decrease in Non-Departmental Contingency.

The Exhibits to the budget amendment provide detailed information for all adjustments included in the amendment. Specifically, Exhibit A provides the information regarding increases and decreases as well as the amended budget amount with a reference to Exhibit B that provides the detail associated with each adjustment. A presentation will be made supporting the recommended adjustments.

ORDINANCE NO. 2013- _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA, AMENDING ORDINANCE 2012-21, WHICH AMENDED THE CITY OF TAMARAC OPERATING BUDGET, REVENUES AND EXPENDITURES, THE CAPITAL BUDGET, AND THE FINANCIAL POLICIES FOR THE FISCAL YEAR 2013, BY INCREASING THE TOTAL REVENUES AND EXPENDITURES BY A TOTAL OF \$21,215,673 AS DETAILED IN EXHIBIT A ATTACHED HERETO; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Tamarac, pursuant to Section 200.065, Florida Statutes adopted its Operating Budget, Revenues and Expenditures, the Capital Budget and the Financial Policies for the Fiscal year 2013 by approving Ordinance 2012-21 on September 19, 2012; and

WHEREAS, the City Commission desires to amend its Operating Budget, Revenues and Expenditures, Capital Budget pursuant to Section 166.241(3).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA, AS FOLLOWS:

Section 1. The foregoing "WHEREAS" clauses are true and correct and are hereby ratified and confirmed by the City Commission.

Section 2. City of Tamarac Ordinance 2012-21 which amended the City of Tamarac Operating Budget, Revenues and Expenditures, the Capital Budget and the Financial Policies for the Fiscal year 2013, is hereby amended as detailed in Exhibit "A" and summarized in Exhibit "B," both of which are attached hereto and incorporated herein.

Section 3. All ordinances or parts of ordinances, or resolutions or parts of resolutions, in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the remaining portions or applications remaining in full force and effect.

Section 5. This Ordinance shall become effective immediately after its adoption by the Tamarac City Commission.

PASSED, FIRST READING this _____ day of _____, 2013.

PASSED, SECOND READING this _____ day of _____, 2013.

BY: _____
MAYOR BETH TALABISCO

ATTEST:

PAT TUEFEL, CMC
INTERIM CITY CLERK

RECORD OF COMMISSION VOTE: 1ST Reading

MAYOR TALABISCO	_____
DIST 1: COMM. BUSHNELL	_____
DIST 2: COMM. ATKINS-GRAD	_____
DIST 3: COMM. GLASSER	_____
DIST 4: V/M. DRESSLER	_____

I HEREBY CERTIFY that
I have approved this
ORDINANCE as to form:

RECORD OF COMMISSION VOTE: 2ND Reading

MAYOR TALABISCO	_____
DIST 1: COMM. BUSHNELL	_____
DIST 2: COMM. ATKINS-GRAD	_____
DIST 3: COMM. GLASSER	_____
DIST 4: V/M. DRESSLER	_____

SAMUEL S. GOREN
CITY ATTORNEY

CITY OF TAMARAC, FLORIDA
FY 2013 BUDGET
ATTACHMENT TO TEMPORARY ORDINANCE 2273

ATTACHMENT A

FUND	FY 2013 BUDGET ORDINANCE TO 2273	BA #1 INCREASE	Reference - Exhibit B	BA #1 (DECREASE)	AMENDED BUDGET #1	BA #1 NET CHANGE
General Fund						
Revenues						
Taxes	\$ 25,486,126				\$ 25,486,126	\$ -
Licenses & Permits	4,965,000				4,965,000	-
Intergovernmental Revenue	6,921,471	57,613	2/27/13 I		6,979,084	57,613
Charges for Services	1,234,500				1,234,500	-
Fines & Forfeitures	391,000				391,000	-
Miscellaneous	1,065,318				1,065,318	-
Appropriation From Fund Balance	735,938	39,852	#1		775,790	39,852
Other Sources	5,067,415				5,067,415	-
Total General Fund Revenue	\$ 45,866,768	\$ 97,465		\$ -	\$ 45,964,233	\$ 97,465
Expenditures						
City Commission	\$ 614,331	\$ 153,770	#4		\$ 768,101	\$ 153,770
City Manager	1,407,584	25,428	#1		1,433,012	25,428
City Attorney	590,580	1,500	#1		592,080	1,500
City Clerk	614,363	10,003	#1		624,366	10,003
Finance	2,583,770				2,583,770	-
Human Resources	1,037,601	24,515	#4		1,062,116	24,515
Community Development	1,731,507				1,731,507	-
Police	13,261,255				13,261,255	-
Public Works	6,766,352	80,864	#1		6,847,216	80,864
		57,613	2/27/13 I			
Parks & Recreation	4,115,151	28,898	#1		4,144,049	28,898
Information Technology	1,700,149	39,839	12/12/12 G		1,739,988	39,839
		2,159	#1			
		17,375	#2			
Non-Departmental	11,444,125	2,680	#4		11,446,805	2,680
			#1	109,000		
			#2	17,375		
			#4	180,965		
			12/12/12 G	39,839	11,096,946	(347,179)
Total General Fund Expenditures	\$ 45,866,768	\$ 444,644		\$ 347,179	\$ 45,964,233	\$ 97,465
Fire Rescue Fund						
Revenues						
Intergovernmental Revenue	\$ 112,197	\$ 8,164	09/12/12 C		\$ 120,361	\$ 8,164
Emergency Service Fees	2,248,000				2,248,000	-
Interest Income	16,000				16,000	-
Special Assessment	10,471,978				10,471,978	-
Interfund Transfers	6,015,223				6,015,223	-
Appropriation From Fund Balance	23,899				23,899	-
Other Sources	531,230				531,230	-
Total Fire Rescue Fund Revenue	\$ 19,418,527	\$ 8,164		\$ -	\$ 19,426,691	\$ 8,164
Expenditures						
Personal Services	\$ 15,053,774				\$ 15,053,774	\$ -
Operating Expenses	1,184,911	8,164	09/12/12 C		1,193,075	8,164
Capital Outlay	738,326				738,326	-
Other Uses	2,103,742				2,103,742	-
Debt Service	317,774				317,774	-
Reserves	20,000				20,000	-
Total Fire Rescue Fund Expenditures	\$ 19,418,527	\$ 8,164		\$ -	\$ 19,426,691	\$ 8,164
Public Art Fund						
Revenues						
Charges for Service	\$ 50,000				\$ 50,000	\$ -
Interest Income	15,000				15,000	-
Appropriation From Fund Balance	1,435,000				1,435,000	-
Total Public Art Fund Revenues	\$ 1,500,000	\$ -		\$ -	\$ 1,500,000	\$ -
Expenditures						
Contingency	\$ 1,497,400				\$ 1,497,400	\$ -
Reserve	2,600				2,600	-
Total Public Art Fund Expenditures	\$ 1,500,000	\$ -		\$ -	\$ 1,500,000	\$ -
Local Option Gas Tax 3-Cents Fund						
Revenues						
Taxes	\$ 364,367				\$ 364,367	\$ -
Appropriation From Fund Balance	752,747				752,747	-
Total Local Option Gas Tax Revenue	\$ 1,117,114	\$ -		\$ -	\$ 1,117,114	\$ -
Expenditures						
Reserve	\$ 1,117,114				\$ 1,117,114	\$ -
Total Local Option Gas Tax Expenditures	\$ 1,117,114	\$ -		\$ -	\$ 1,117,114	\$ -
Building Fund						
Revenues						
Licenses & Permits	\$ 1,909,000				\$ 1,909,000	\$ -
Charges for Services	8,500				8,500	-
Fines & Forfeitures	200,000				200,000	-
Interest Income	1,500				1,500	-
Appropriation From Fund Balance	76,019				76,019	-
Total Building Fund Revenues	\$ 2,195,019	\$ -		\$ -	\$ 2,195,019	\$ -
Expenditures						
Personal Services	\$ 1,630,150				\$ 1,630,150	\$ -
Operating Expenses	147,300				147,300	-
Other Uses	417,569				417,569	-
Total Building Fund Expenditures	\$ 2,195,019	\$ -		\$ -	\$ 2,195,019	\$ -
RCMP Grant Fund						
Revenues						
Intergovernmental Revenue	\$ -	\$ 100,000	10/24/12 D		\$ 100,000	\$ 100,000
Total RCMP Revenues	\$ -	\$ 100,000		\$ -	\$ 100,000	\$ 100,000
Expenditures						
Operating Expenses	\$ -	\$ 100,000	10/24/12 D		\$ 100,000	\$ 100,000
Total RCMP Expenditures	\$ -	\$ 100,000		\$ -	\$ 100,000	\$ 100,000
Community Development Block Grant (CDBG) Fund						
Revenues						
Intergovernmental Revenue	\$ 307,277				\$ 307,277	\$ -
Total CDBG Revenues	\$ 307,277	\$ -		\$ -	\$ 307,277	\$ -
Expenditures						
Personal Services	\$ 104,754				\$ 104,754	\$ -
Operating Expenses	202,523				202,523	-
Total CDBG Expenditures	\$ 307,277	\$ -		\$ -	\$ 307,277	\$ -

CITY OF TAMARAC, FLORIDA
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FUND	FY 2013 BUDGET ORDINANCE TO 2273	BA #1 INCREASE	Reference - Exhibit B	BA #1 (DECREASE)	AMENDED BUDGET #1	BA #1 NET CHANGE
State Housing Initiative Program Fund						
Revenues						
Intergovernmental Revenue	\$ -	\$ 23,704	04/14/10 A	\$ -	\$ 23,704	\$ 23,704
Total State Housing Initiative Revenues	\$ -	\$ 23,704		\$ -	\$ 23,704	\$ 23,704
Expenditures						
Operating Expenses	\$ -	2,370	04/14/10 A	\$ -	2,370	2,370
Other Uses	-	21,334	04/14/10 A	-	21,334	21,334
Total State Housing Initiative Expenditures	\$ -	\$ 23,704		\$ -	\$ 23,704	\$ 23,704
Home (HUD) Fund						
Revenues						
Intergovernmental Revenue	\$ 82,833	-		\$ 82,833	\$ -	-
Total Home Revenues	\$ 82,833	\$ -		\$ -	\$ 82,833	\$ -
Expenditures						
Operating Expenses	\$ 77,833	-		\$ 77,833	\$ -	-
Reserves	5,000	-		5,000	-	-
Total Home Expenditures	\$ 82,833	\$ -		\$ -	\$ 82,833	\$ -
General Obligation (GO) Debt Service						
Revenues						
Taxes	\$ 261,800	-		\$ 261,800	\$ -	-
Interest Income	600	-		600	-	-
Total GO Debt Service Revenues	\$ 262,400	\$ -		\$ -	\$ 262,400	\$ -
Expenditures						
Debt Service	\$ 262,400	-		\$ 262,400	\$ -	-
Total GO Debt Service Expenditures	\$ 262,400	\$ -		\$ -	\$ 262,400	\$ -
Revenue Bond Fund						
Revenues						
Interest Income	\$ 5,000	-		\$ 5,000	\$ -	-
Interfund Transfers	2,479,400	-		2,479,400	-	-
Debt Proceeds	-	15,000,000	#6	15,000,000	15,000,000	15,000,000
Appropriation from Fund Balance	-	600,000	#3	600,000	600,000	600,000
Total Revenue Bond Fund Revenues	\$ 2,484,400	\$ 15,600,000		\$ -	\$ 18,084,400	\$ 15,600,000
Expenditures						
Debt Service	\$ 2,484,400	15,000,000	#6	\$ 17,484,400	15,000,000	15,000,000
Transfer Out	-	600,000	#3	600,000	600,000	600,000
Total Revenue Bond Fund Expenditures	\$ 2,484,400	\$ 15,600,000		\$ -	\$ 18,084,400	\$ 15,600,000
Capital Equipment Fund						
Revenues						
Interfund Transfers	\$ 282,000	-		\$ 282,000	\$ -	-
Appropriation from Fund Balance	167,000	12,918	#1	179,918	12,918	12,918
Total Capital Equipment Fund Revenues	\$ 449,000	\$ 12,918		\$ -	\$ 461,918	\$ 12,918
Expenditures						
Capital Outlay	\$ 449,000	12,918	#1	\$ 461,918	12,918	12,918
Total Capital Equipment Fund Expenditures	\$ 449,000	\$ 12,918		\$ -	\$ 461,918	\$ 12,918
Golf Course CIP Fund						
Revenues						
Miscellaneous	\$ 118,750	-		\$ 118,750	\$ -	-
Total Golf Course CIP Fund Revenues	\$ 118,750	\$ -		\$ -	\$ 118,750	\$ -
Expenditures						
Reserves	\$ 118,750	-		\$ 118,750	\$ -	-
Total Golf Course CIP Fund Expenditures	\$ 118,750	\$ -		\$ -	\$ 118,750	\$ -
General Capital Improvements Fund						
Revenues						
Intergovernmental Revenue	\$ -	200,000	06/13/12 B	\$ 200,000	\$ 200,000	200,000
Appropriation From Fund Balance	631,700	323,030	06/13/12 B	954,730	348,030	348,030
		25,000	01/23/13 H			
Total Gen. Capital Improvements Revenues	\$ 631,700	\$ 523,030		\$ -	\$ 1,179,730	\$ 548,030
Expenditures						
Capital Outlay	\$ 631,700	200,000	06/13/12 B	\$ 831,700	548,030	548,030
		323,030	06/13/12 B			
		25,000	01/23/13 H			
Total Gen. Capital Improvements Expenditures	\$ 631,700	\$ 200,000		\$ -	\$ 1,179,730	\$ 548,030
Public Service Facilities Fund						
Revenues						
Intergovernmental Revenue	\$ 1,216,740	-		\$ 1,216,740	\$ -	-
Interest Income	25,000	-		25,000	-	-
Appropriation From Fund Balance	900,632	22,450	11/28/12 E	923,082	66,577	66,577
		44,127	#5			
Total Public Service Facilities Revenues	\$ 2,142,372	\$ 66,577		\$ -	\$ 2,208,949	\$ 66,577
Expenditures						
Operating Expenditures	\$ 40,144	-		\$ 40,144	\$ -	-
Capital Outlay	2,102,228	22,450	11/28/12 E	2,124,678	66,577	66,577
		44,127	#5			
Total Public Service Facilities Expenditures	\$ 2,142,372	\$ 66,577		\$ -	\$ 2,208,949	\$ 66,577
CIP 05 Revenue Bond Fund						
Revenues						
Appropriation From Fund Balance	\$ 960,000	16,831	#5	\$ 976,831	16,831	16,831
Total CIP 05 Revenue Bond Fund Revenues	\$ 960,000	\$ 16,831		\$ -	\$ 976,831	\$ 16,831
Expenditures						
Capital Outlay	\$ 960,000	16,831	#5	\$ 976,831	16,831	16,831
Total CIP 05 Revenue Bond Fund Expenditures	\$ 960,000	\$ 16,831		\$ -	\$ 976,831	\$ 16,831
Tamarac Village Fund						
Revenues						
Transfer From Fund 239	\$ -	600,000	#3	\$ 600,000	600,000	600,000
Total Tamarac Village Fund Revenues	\$ -	\$ 600,000		\$ -	\$ 600,000	\$ 600,000
Expenditures						
2011 Line of Credit	\$ -	600,000	#3	\$ 600,000	600,000	600,000
Total Tamarac Village Fund Expenditures	\$ -	\$ 600,000		\$ -	\$ 600,000	\$ 600,000

CITY OF TAMARAC, FLORIDA
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ATTACHMENT A

FUND	FY 2013 BUDGET ORDINANCE TO 2273	BA #1 INCREASE	Reference - Exhibit B	BA #1 (DECREASE)	AMENDED BUDGET #1	BA #1 NET CHANGE
Stormwater Management Fund						
Revenues						
Stormwater Drainage Fees	\$ 5,386,859				\$ 5,386,859	-
Investment Income & Misc Rev	60,000				60,000	-
Total Stormwater Management Revenues	\$ 5,446,859	\$ -		\$ -	\$ 5,446,859	\$ -
Expenses						
Personal Services	\$ 1,710,534				\$ 1,710,534	-
Operating Expenses	1,961,746				1,961,746	-
Capital Outlay	172,620				172,620	-
Other Uses	400,000				400,000	-
Debt Service	399,400				399,400	-
Contingency	802,559				802,559	-
Total Stormwater Management Expenditures	\$ 5,446,859	\$ -		\$ -	\$ 5,446,859	\$ -
Stormwater Capital Project						
Revenues						
Interfund Transfers	\$ 400,000				\$ 400,000	-
Total Stormwater Capital Project Fund Revenues	\$ 400,000	\$ -		\$ -	\$ 400,000	\$ -
Expenditures						
Capital Outlay	\$ 400,000				\$ 400,000	-
Total Stormwater Capital Project Fund Expenditures	\$ 400,000	\$ -		\$ -	\$ 400,000	\$ -
Utilities Fund						
Revenues						
Charges for Services	\$ 22,670,846				\$ 22,670,846	-
Interest Income	8,500				8,500	-
Miscellaneous	70,000				70,000	-
Interfund Transfers	2,650,000				2,650,000	-
Intergovernmental Revenue	-	36,725	12/12/12 F		36,725	36,725
Total Utilities Fund Revenues	\$ 25,399,346	\$ -		\$ -	\$ 25,436,071	\$ 36,725
Expenses						
Personal Services	\$ 5,609,923				\$ 5,609,923	-
Operating Expenses	12,515,695	36,725	12/12/12 F		12,552,420	36,725
Capital Outlay	3,019,200				3,019,200	-
Other Uses	2,375,000				2,375,000	-
Debt Service	904,400				904,400	-
Contingency	821,028				821,028	-
Reserves	154,100				154,100	-
Total Utilities Fund Expenses	\$ 25,399,346	\$ 36,725		\$ -	\$ 25,436,071	\$ 36,725
Health Insurance Fund						
Revenues						
Charges for Services	\$ -	\$ 4,105,259	#7		\$ 4,105,259	4,105,259
Total Health Insurance Fund Revenues	\$ -	\$ 4,105,259		\$ -	\$ 4,105,259	\$ 4,105,259
Expenses						
Operating Expenses	\$ -	\$ 3,947,931	#7		\$ 3,947,931	3,947,931
Contingency	-	157,328	#7		157,328	157,328
Total Health Insurance Fund Expenses	\$ -	\$ 4,105,259		\$ -	\$ 4,105,259	\$ 4,105,259
Risk Management Fund						
Revenues						
Charges for Services	\$ 1,259,300				\$ 1,259,300	-
Interest Income	50,000				50,000	-
Miscellaneous	15,000				15,000	-
Appropriation from Net Assets	1,354,585				1,354,585	-
Total Risk Management Fund Revenues	\$ 2,678,885	\$ -		\$ -	\$ 2,678,885	\$ -
Expenses						
Personal Services	\$ 374,108				\$ 374,108	-
Operating Expenses	2,054,777				2,054,777	-
Contingency	250,000				250,000	-
Total Risk Management Fund Expenses	\$ 2,678,885	\$ -		\$ -	\$ 2,678,885	\$ -
Total FY12 Budget	\$ 111,461,250				\$ 132,676,923	

FY 2013 BUDGET AMENDMENT #1			
BA#	Item	Summary of Adjustments	Dollar Amount
Approved 04/14/10			
A	Approval funding for FY 12 - FY 13 SHIP Funds - Temporary Resolution 11770 - Project GT13E		
		Increase grant revenues and expenditures	23,704
Approved 06/13/12			
B	Approved Temporary Resolution 12213 - Acceptance of Grant Award from the National Park Service through Florida Department of Environmental Protection for Mainlands Park - Project PW11A		
		Increase grant revenues and expenditures	200,000
		Increase appropriation from fund balance and expenditure - Match	323,030
Approved 09/12/12			
C	Approval of grant funding from the US Department of Homeland Security through Florida Department of Emergency Management for CERT (Community Emergency Response Team) program - Temporary Resolution #12240		
		Increase grant revenues and expenditures	8,164
Approved 10/24/12			
D	Approved Temporary Resolution 12233 - Acceptance of Grant Award from Florida Division of Emergency Management for Residential Construction Mitigation Program - Project GT13D		
		Increase grant revenues and expenditures	100,000
Approved 11/28/12			
E	Approved Temporary Resolution 12258 - Increase funds for agreement with JMW Construction Corp. for the design/build of the Sport Complex Press Box Project - Project GP12E		
		Increase appropriation from fund balance and expenditures	22,450
Approved 12/12/12			
F	Approved Temporary Resolution 12273 - Acceptance of Grant Award from South Florida Water Management District for Water Saving Incentive Grant Program - Project GT13H		
		Increase grant revenues and expenditures	36,725
Approved 12/12/12			
G	Approved Temporary Resolution 12283 - Increase funds for the Swimming Pool Management Services of the Caporella Aquatic Center		
		Increase expenditures	39,839
		Decrease:	
		Non-Departmental - contingency	(39,839)
Approved 1/23/13			
H	Approved Temporary Resolution 12298 - Approval of Change Order No. 1 to the agreement with RCU for the replacement of the roof at the Colony West Clubhouse building - Project PW12D		
		Increase appropriation from fund balance and expenditures	25,000
Approved 2/27/13			
I	Approved Temporary Resolution 12306 - Acceptance of Broward County Tree Preservation Committee Grant		
		Increase grant revenues and expenditures	57,613
SUBTOTAL ITEMS PREVIOUSLY APPROVED BY CITY COMMISSION AT THE ABOVE INDICATED MEETINGS			\$ 796,686
#1	Encumbrance Roll		
	General Fund:		
		Increase appropriation from fund balance and expenditures	
		City Manager Department	25,428
		City Attorney	1,500
		City Clerk	10,003
		Public Services	80,864
		Parks and Recreation	28,898
		Information Technology	2,159
		Decrease Non-Departmental - contingency	(109,000)
		Capital Equipment Fund:	
		Increase appropriation from fund balance and expenditures	12,918
#2	Information Technology - Increase funds for NovusAGENDA Video Services		
		Increase expenditure	17,375
		Decrease:	
		Non-Departmental - contingency	(17,375)
#3	Appropriate funds to support remaining amount of interest payments and refund the interest paid to date for the Line of Credit Facility for land acquisition		
		Increase transfer in Fund 380 and interest expenditure	600,000
		Increase appropriation from fund balance and transfer out Fund 239	600,000
#4	Personnel Adjustments		
		Commission Department - Increase for wages for reinstated Commissioner	153,770
		Building Department - Add a Will-Call Inspector position to the department authorized positions	-

FY 2013 BUDGET AMENDMENT #1			
BA#	Item	Summary of Adjustments	Dollar Amount
		Human Resources - Increase for new position HR Support Specialist I - PT/Temp	24,515
		Information Technology - Reclassification of System and Network Manager position to Assistant Director of Information Technology	2,680
		Decrease:	
		Non-Departmental - contingency	(180,965)
	#5	Capital Projects	
		Increase appropriation from fund balance and expenditure - Project GP10B -MPC Kalwall R&R	16,831
		Increase appropriation from fund balance and expenditure - Project GP13C -Bikeways Path Woodland North	44,127
	#6	Debt Service Fund	
		Increase revenue and expenditure - 2005 Capital Improvement Revenue Bond, Series 2005	15,000,000
	#7	Health Insurance	
		Increase revenue and expenditure - A new Internal Service Fund 502 for health insurance is created to account for cost of health insurance	4,105,259
		Total Budget Changes	\$ 21,215,673
		Total Ordinance	\$ 21,215,673
		Difference	\$ -



Title - TO2276 - Stormwater Assessment

Motion to adopt an Ordinance of the City Commission of the City of Tamarac, Florida, **on first reading** amending Chapter 22, entitled "Utilities," Article VI, entitled "Stormwater Management Utility," to authorize the collection of the Stormwater Management Utility Fee ("fee") using the Uniform Assessment Collection Act, Section 197.3632, Florida Statutes ("Act"); specifically amending Section 22-252, entitled "Definitions," to amend certain definitions and define additional terms associated with the collection of the fee using the provisions of the act; amending Section 22-255, entitled "Billing, Payment, Penalties and Enforcement" to provide for the collection of the fee using the act and that the billing provisions of this section shall be an alternative to using the act; amending Section 22-256, entitled "Adjustment of Fees" to limit this section to fees collected by means other than the act; creating Sections 22-258 through Section 22-268 to be collectively referred to as the City of Tamarac Stormwater Utility Fee Uniform Assessment Collection Act Ordinance to establish the procedures for notice and adoption of the annual stormwater management utility fee roll and for correcting errors and omissions, provide that the fees constitute a lien on assessed property upon adoption of the Stormwater Management Utility Fee R, establish procedures and methods for the collection of stormwater assessments, and establish the priority of the stormwater management utility fee lien over prior recorded liens or mortgages; providing for severability; providing for conflicts; providing for codification; and providing for an effective date.

ATTACHMENTS:

Name:

Description:

❏ [TO 2276 CM-Stormwater Assess Ord Memo - 03 27 13.docx](#)

TO 2276 STORMWATER ASSESSMENT ORDINANCE MEMO

❏ [TO2276 Ordinance Amending Chap 22 \(stormwater utility\) FINAL.pdf](#)

TO2276 Ordinance

CITY OF TAMARAC
INTEROFFICE MEMORANDUM
FINANCE DEPARTMENT
ADMINISTRATION DIVISION

TO: Michael C. Cernech
City Manager

DATE: March 27, 2013

FROM: Mark C. Mason, Director of
Financial Services



RE: TO # 2276 Amending
Chapter 22 "Stormwater"
Utility"

Recommendation:

I recommend that TO 2276 Amending Chapter 22 "Stormwater Utility" providing for an optional collection method using the tax bill for collection of stormwater management utility fee be placed on the April 10, 2013 Agenda for first reading and April 24, 2013 for adoption by the City Commission.

Issue:

Stormwater Management Utility Fees for all properties served by water are currently billed monthly via the Water Bill. Other and/or non-improved properties are billed separately by the Customer Service/Utility Billing division of the Department of Financial Services.

Background:

City Staff presented an option to the City Commission at a workshop on October 12, 2011 to bill the Single Family Solid Waste fees and Stormwater Fees as special assessments via the Uniform Method of Collection on the annual tax bill beginning in November 2012. Considerations and benefits for the collection method are as follows:

- ▶ Better and Greater Consistency of Cash Flow.
- ▶ Reduction of Delinquencies on Utility Bills.
- ▶ Reduction in overall average water & sewer bill.
- ▶ Anticipated decrease in collection costs.
- ▶ Potential to include delinquent amounts for both fees in first year.

A Notice of Intent Resolution for both solid waste and stormwater fees was approved on December 14, 2011. The City subsequently moved forward with the solid waste assessment approving the final resolution in September 2012 for tax bills beginning November 2012.

As the City Commission will recall, City staff did not move forward with the stormwater assessment due to circumstances regarding the individual properties and the accounts

billed in the utility system. Staff has completed the work establishing the impervious surface calculations per parcel based on the parcel coding data from the BCPA.

In consideration of these issues, staff brought forward and the City Commission approved Resolution 2012-144, a Notice of Intent Resolution on December 12, 2012. During the Notice of Intent discussion, the City Commission was advised that staff would bring back the ordinance providing for the mechanism to implement the Stormwater Management Utility Fee on the tax bill.

Section 403.0893, Florida Statutes, authorizes the City to collect the Stormwater Management Utility Fee using the Uniform Assessment Collection Act, which enables the City to collect the Stormwater Management Utility Fees on an annual basis on property tax bills. Temporary Ordinance 2276 provides the necessary authority and mechanism to use the property tax bills for collection.

Following adoption of the ordinance, the next step will be the Initial Resolution which will be brought forward on July 10, 2013 setting the preliminary rates, authorizing the use of the TRIM notices for notice purposes and setting the final resolution date for September 16, 2013.

Fiscal Impact:

There is no fiscal impact associated with the adoption of this ordinance.

C: Diane Phillips, Assistant City Manager

CITY OF TAMARAC, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA, AMENDING CHAPTER 22, ENTITLED "UTILITIES," ARTICLE VI, ENTITLED "STORMWATER MANAGEMENT UTILITY," TO AUTHORIZE THE COLLECTION OF THE STORMWATER MANAGEMENT UTILITY FEE ("FEE") USING THE UNIFORM ASSESSMENT COLLECTION ACT, SECTION 197.3632, FLORIDA STATUTES ("ACT"); SPECIFICALLY AMENDING SECTION 22-252, ENTITLED "DEFINITIONS," TO AMEND CERTAIN DEFINITIONS AND DEFINE ADDITIONAL TERMS ASSOCIATED WITH THE COLLECTION OF THE FEE USING THE PROVISIONS OF THE ACT; AMENDING SECTION 22-255, ENTITLED "BILLING, PAYMENT, PENALTIES AND ENFORCEMENT" TO PROVIDE FOR THE COLLECTION OF THE FEE USING THE ACT AND THAT THE BILLING PROVISIONS OF THIS SECTION SHALL BE AN ALTERNATIVE TO USING THE ACT; AMENDING SECTION 22-256, ENTITLED "ADJUSTMENT OF FEES" TO LIMIT THIS SECTION TO FEES COLLECTED BY MEANS OTHER THAN THE ACT; CREATING SECTIONS 22-258 THROUGH SECTION 22-268 TO BE COLLECTIVELY REFERED TO AS THE CITY OF TAMARAC STORMWATER UTILITY FEE UNIFORM ASSESSMENT COLLECTION ACT ORDINANCE TO ESTABLISH THE PROCEDURES FOR NOTICE AND ADOPTION OF THE ANNUAL STORMWATER MANAGEMENT UTILITY FEE ROLL AND FOR CORRECTING ERRORS AND OMISSIONS, PROVIDE THAT THE FEES CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF THE STORMWATER MANAGEMENT UTILITY FEE ROLL, ESTABLISH PROCEDURES AND METHODS FOR THE COLLECTION OF STORMWATER ASSESSMENTS, AND ESTABLISH THE PRIORITY OF THE STORMWATER MANAGEMENT UTILITY FEE LIEN OVER PRIOR RECORDED LIENS OR MORTGAGES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA:

WHEREAS, pursuant to Chapter 22 of the City's Code of Ordinances, the City has been charging property owners a Stormwater Utility Management Fee and collecting such on City-issued utility bills; and,

WHEREAS, Section 403.0893, Florida Statutes, authorizes the City to collect the Stormwater Management Utility Fee using the Uniform Assessment Collection Act, which enables the City to collect the Stormwater Management Utility Fees on an annual basis on property tax bills; and,

WHEREAS, on December 12, 2012, the City Commission adopted Resolution 2012 - 144 , commonly referred to as the "Intent Resolution," which initiates the City's use of the Uniform Assessment Collection Act and expresses the City's intent to use the Uniform Assessment Collection Act to collect the Stormwater Management Utility Fee commencing with the Fiscal Year beginning on October 1, 2013; and,

WHEREAS, the City Commission of the City of Tamarac finds it is in the best interest of the City to amend Chapter 22, and adopt the City of Tamarac Stormwater Utility Fee Uniform Collection Act Ordinance, which will authorize the use of the Uniform Assessment Collection Act to collect the Stormwater Management Utility Fee on an annual basis on the annual tax bills, and provide for the process and procedure for doing so.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF TAMARAC, FLORIDA, THAT:

SECTION 1. Chapter 22, entitled "Utilities," Article VI, entitled "Stormwater Management Utility," is amended as follows:

Sec. 22-251. – Short title.

This article shall be known and may be cited as the "Stormwater Management Utility" article, and the provisions hereof shall pertain to all lands within the city except as is otherwise herein provided.

Sec. 22-252. - Definitions.

For the purpose of this article, the following definitions shall apply; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined herein shall be construed to have the meanings given by common and ordinary use.

Annual Fee Resolution means the Resolution described in Section 22-262(b)(2) hereof, approving a Stormwater Management Utility Fee Roll for a specific Fiscal Year.

Assessed Property means all parcels of real property included on the Stormwater Management Utility Fee Roll that receives a special benefit from the Stormwater Improvements and Stormwater Management System identified in an Annual Fee Resolution.

Capital Cost means all or any portion of the expenses that are properly attributable to the acquisition, construction, design, installation, reconstruction, renewal or replacement (including demolition, environmental mitigation, and relocation) of Stormwater Improvements under

generally accepted accounting principles and including reimbursement to the City for any moneys advanced for Capital Cost and interest on any interfund or intrafund loan for such purposes.

City shall mean the City of Tamarac.

City Manager means the Chief Administrative Officer of the City or such person's designee.

City Commission means the City Commission for the City.

Clerk means the City Clerk, or such other person as may be duly authorized to act on such person's behalf.

Comprehensive Plan means the Comprehensive Plan adopted by the City pursuant to Chapter 163, Part II, Florida Statutes.

County means Broward County, Florida.

Developed ~~P~~property shall mean any parcel which contains man-made impervious area.

Director shall mean the director of public services.

Equivalent ~~R~~esidential ~~U~~nit (ERU) shall mean the statistical average impervious area of residential property per dwelling unit within the city. The numerical value of one (1) ERU shall be an impervious area that shall be adopted by the city commission by resolution.

Final Fee Resolution means the Resolution described in Section 22-262(a)(3) hereof, which shall confirm, modify, or repeal the Initial Assessment Resolution and which shall be the final proceeding for the levy and collection of the Stormwater Management Utility Fee in the initial year using the Uniform Assessment Collection Act.

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

Government Property means property owned by the United States of America, the State of Florida, a sovereign state or nation, a county, a special district, a municipal corporation, or any of their respective agencies or political subdivisions.

Initial Fee Resolution means the Resolution described in Section 22-262(a)(1) hereof, which shall be the initial proceeding for the levy and collection of the Stormwater Management Utility Fee using the Uniform Assessment Collection Act.

Impervious ~~A~~area shall mean roofed and paved areas including, but not limited to, areas covered by roofs, roof extensions, slabs, patios, porches, driveways, sidewalks, parking areas and athletic courts/areas.

Nonresidential ~~P~~property shall mean property that is classified by the property appraiser as land use types ten (10) through ninety-nine (99) under the Florida Department of Revenue Land Use Codes, as may be amended from time to time, and shall be deemed to include, but not be limited to, commercial and industrial uses, dormitories, hospitals, nursing homes, sanitariums, recreational vehicle spaces, hotels and motels. Any property that contains both residential and nonresidential facilities shall be treated as the type of property that will result in the larger number of equivalent residential units (ERU's).

Obligations mean a series of bonds or other evidence of indebtedness, including, but not limited to, notes, commercial paper, capital leases or any other obligations of the City issued or incurred to finance any portion of the Capital Cost of a Stormwater Improvement and secured, in whole or in part, by proceeds of the Stormwater Management Utility Fees.

Ordinance means this Stormwater Ordinance as amended from time to time.

Preliminary Fee Resolution means the Resolution described in Section 22-262(b)(1) that initiates the levy and collection of the Stormwater Management Utility Fee in fiscal years subsequent to the initial year that the Stormwater Management Utility Fee is collected using the Uniform Assessment Collection Act.

Property Appraiser means the Broward County Property Appraiser.

Residential ~~P~~property shall mean property that is classified by the property appraiser as land use types zero (00) through ~~eight~~none (089) under the Florida Department of Revenue Land Use Codes, as may be amended from time to time, and shall be deemed to include, but not be limited to, any property which has the majority use as a single-family residence including condominiums and apartments.

Stormwater means the flow of water which results from, and which occurs following, a rainfall event.

Stormwater Improvement means land, capital facilities and improvements acquired or provided to detain, retain, convey, or treat Stormwater.

Stormwater Improvement Area means the City, or any portion or portions thereof, as identified in the Initial Fee Resolution, encompassing those parcels of property specially benefited by the construction, reconstruction, or installation of all or any portion of a Stormwater Improvement that removes, detains, retains, or treats, in whole or in part, the Stormwater burden expected to be generated by the physical characteristics and use of the Assessed Property. Each Stormwater Improvement Area will include either (A) the property which is hydrologically connected, directly or indirectly, to the Stormwater Improvement; or (B) all property located

within a hydrologically defined area in which the City constructs one or more Stormwater Improvements to correct existing deficiencies with respect to a specific level of service and provide a consistent level of Stormwater management.

Stormwater ~~M~~management ~~S~~ystem shall mean the system by which the city manages and controls stormwater within the city. The system includes management services such as designing, permitting, planning and reviewing stormwater related infrastructure; and the operations, maintenance, repair and replacement, and improvement of such infrastructure including waterways, consistent with the capital improvement and stormwater management elements of the city's comprehensive plan.

Stormwater ~~M~~management ~~U~~tility ~~F~~ee ~~shall mean a non-ad valorem assessment benefiting property parcels.~~ (“Fee”) means a fee imposed by the City within a Stormwater Service Area to fund the Stormwater Management System, the Capital Cost or the debt service and related cost of Obligations issued to finance the costs of a Stormwater Improvement, and the Stormwater Service Costs.

Stormwater Management Utility Fee Roll means the roll created that includes all parcels within the City and their assigned Stormwater Management Utility Fee relating to Stormwater Improvements or Stormwater Management System approved by a Final Fee Resolution or an Annual Fee Resolution pursuant to Sections 22-262(A)(4) and 22-262(B)(3) hereof.

Stormwater Service Area means the geographic area described in the Initial Fee Resolution that encompasses all parcels within the City which specially benefit from the Stormwater Management Service and all parcels to which services from the Stormwater Management System are provided.

Stormwater Service Cost means the estimated amount for any Fiscal Year of all expenditures and reasonable reserves that are properly attributable to the Stormwater Management Service provided within the Stormwater Service Area under generally accepted accounting principles, including, without limiting the generality of the foregoing, reimbursement to the City for any moneys advanced for the Stormwater Management Service, and interest on any interfund or intrafund loan for such purpose.

Stormwater Utility means the entity that implements the Stormwater management program of the City.

Tax Collector means the Broward County Division of Financial Management, which performs tax collection duties in Broward County.

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

Undeveloped property shall mean any parcel which does not contain man-made impervious areas.

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

Sec. 22-253. - Stormwater management utility fee created.

- (a) A stormwater management utility fee (the "fee") is hereby created and imposed on all property within the city for services and facilities provided by the stormwater management system. The property owner or tenant is responsible for payment of the fee. For the purpose of imposing the fee, all property within the city shall be classified either as:
 - (1) Undeveloped property; or
 - (2) Residential property; or
 - (3) Nonresidential property.
- (b) The city manager or his designee shall obtain a list each year from the county property appraiser of property within the city and shall assign each parcel a classification of undeveloped property, residential property or nonresidential property.

Sec. 22-254. - Schedule of rates.

- (a) The stormwater management utility fee shall be adopted by resolution, Commencing on October 1, 2005, and effective on October 1, of each year thereafter, all stormwater management utility fees then in effect will be adjusted automatically, without further action by the city commission, by the greater of three (3) percent or the U.S. Consumer Price Index as determined in June of the calendar year of adjustment. The stormwater management utility fee shall be calculated for each property as follows:
 - (1) The fee for undeveloped property is a set rate based on acreage.
 - (2) The fee for residential property is the rate for one (1) ERU.
 - (3) The fee for nonresidential property is the rate for one (1) ERU multiplied by the numerical factor. The numerical factor is obtained by dividing the total impervious area in square feet of the nonresidential property by the square footage for one (1) ERU as set forth in the rate resolution. The resulting calculation is $\text{Fee} = \text{ERU rate} \times (\text{parcel impervious area expressed in square feet} / \text{the square footage for one (1) ERU})$.

- (b) The minimum fee for property, whether residential or nonresidential, is equal to the rate for one ERU, subject to reduction as set forth in subparagraph (c) below.
- (c) Facility credit:
 - (1) In order to encourage the improvement of the quality of stormwater runoff, a reduction in the stormwater management utility fee is authorized for those properties which have a stormwater management facility designed and constructed for the purpose of stormwater pollution reduction.
 - (2) A reduction in the fee is allowed for a particular property only if the stormwater runoff from the property is treated by a stormwater management facility that has been designed, constructed, and is maintained properly for the purpose of stormwater pollution reduction. A pollution retardant basin shall be excluded from such consideration. If it is determined by the director that the stormwater management facility has not been or is not currently being properly maintained as designed, the director may disallow the on-site stormwater quality management facility credit.
 - (3) For applicable properties as determined by the director, the fee shall be reduced by twenty-five (25) percent. The reduced fee will, therefore, be calculated as the fee pursuant to the rate resolution multiplied by the factor of 0.75 ($\text{fee} \times 0.75$).

Sec. 22-255. - Billing, payment, penalties and enforcement.

- (a) The Stormwater Management Utility Fee may be collected using the Uniform Collection Assessment Act pursuant to Sections 22-258 through 22-268, hereinafter; or, alternatively, through billing as set forth in this Section.
- (b) Should the City not use the Uniform Collection Assessment Act to collect the Stormwater Management Utility Fee, it shall be collected as follows:
 - (1) Statements for the stormwater management utility fee shall be rendered monthly in accordance with a monthly billing cycle administered by the city for all properties subject to the fee. Unless exempted by this Article, all property shall be subject to the fee.
 - (2) The stormwater management utility fee is for services furnished to the property, and the fee, therefore, must be paid by the property owner. If the property is tenant occupied, the tenant will be responsible for the fee. In the event the fees are not satisfied by the tenant, the responsibility will be that of the property owner of record.

(3) Any fee remaining unpaid on a property for ninety (90) days shall constitute a lien in favor of the city against such property, and the city clerk is authorized and directed to record a lien for such unpaid fee in the public records of the county. Such lien shall be superior in dignity to any encumbrances on such property, whether incurring prior to or subsequent to such lien being recorded, except for tax liens, and may be foreclosed by the city as provided by law.

(4) Statements for the stormwater management utility fee shall be payable at the same time, in the same manner, and subject to the same penalties as they are otherwise set forth for other utility fees administered by the city. The property owner will be notified of any delinquency in the payment of the stormwater management utility fee in the same manner that delinquent water and sewer bills are notified, and the failure to pay such fee as is otherwise provided in the statement shall subject the owner of the property to all other penalties and charges available under the law relative to the discontinuance of such utility services.

(5) The owner of property that is not billed for water and/or sewer service by the city shall be required to pay the city a stormwater management utility fee deposit in an amount equivalent to one (1) year of fees for the property. The deposit may be adjusted in accordance with any applicable fee credit as provided for herein. If the owner fails to pay this fee according to statement as provided herein, then a prorata share of the deposit shall be deducted to compensate for the delinquent fee. The property owner will be required to reestablish the deposit to the appropriate monetary sum equivalent to one (1) year of utility fees.

(6) Utility service may be discontinued pursuant to Section 22-127 of this Code, as amended, for nonpayment of stormwater utility fees.

(7) In the event a person desires to seek an administrative appeal and hearing as a result of discontinuance of utility services, such person or authorized agent shall file a petition in such form as prescribed by the city and shall simultaneously, with the filing of such form, pay a petition fee. The amount of the filing fee shall be established by resolution of the city commission. The fee shall be used for the purpose of setting administrative expenses incurred by the city in the processing of the petition. The original petition form shall contain the following information and shall be submitted to the city manager:

- a. Name, address and telephone number of the petitioner.
- b. If not a single-family residence, location and name of the building, structure or shopping center where the delinquent fee exists.
- c. Hardship claimed.

The completed original petition along with seven (7) copies shall be submitted through the city manager to the city clerk, who shall then cause the petition to be placed on the agenda of the city commission for its consideration; and the petition

shall be accompanied by the written recommendation of the city manager. In the event the waiver and exception are granted by the city commission, the city commission shall cause a resolution to be issued, stating the terms and conditions upon which the waiver has been granted.)

Sec. 22-256. - Adjustment of fees.

Any fee collected by the City by means other than the Uniform Assessment Collection Act, may be adjusted as follows:

- (a) Any owner, tenant or occupant who has paid the stormwater utility fee assigned against his property and who believes that the fee is in error may, subject to the limitations set forth in this section, submit an adjustment request to the city manager.
 - (1) Adjustment requests shall be made in writing and shall set forth in detail the grounds upon which the request is made.
 - (2) The city manager shall review the adjustment request within ninety (90) days of the submittal of the request and shall respond in writing to the applicant, either denying or granting the request with the reasons therefor stated in such response.
 - (3) The rate of adjustment, if granted, will apply retroactively to the date on which the erroneous information was applied to the applicant's fee, but not to exceed one (1) year prior to the adjustment request.
 - (4) If this adjustment request is denied, the applicant may, within thirty (30) days of the receipt of the denial, petition for a review of the adjustment request by the city commission. The city commission shall review the adjustment request in accordance with the provisions set forth in this article as well as the evidence provided in the original adjustment request and supplemental evidence requested by the city manager or provided by the applicant prior to the decision made by the city manager. Within sixty (60) days after the applicant files the petition, the city commission shall, in writing, either grant or deny the petition. If the petition is granted, the city manager will apply the adjustment to the fee for the requesting customer for the retroactive period identified by the city commission. If the petition is denied, the petitioner may appeal to circuit court, provided such appeal is filed within thirty (30) days after the commission renders its decision.
- (b) The city manager, upon discovering an error or oversight in the calculation of the fee, may initiate an adjustment request. The request must be made in writing documenting the reasons for the adjustment. In the event that the adjustment would require an increase in the fee, the city manager must provide the adjustment request

to the affected fee payer thirty (30) days prior to adjusting the fee and offer the fee payer an opportunity within the stated thirty (30) days to request an adjustment pursuant to the provisions of subsection (a) above. An increase or decrease in fee shall not be retroactively effective more than one (1) year from the date of adjustment.

Sec. 22-257. - Stormwater management utility fund.

- (a) There shall be established a stormwater management utility fund (the "fund") for the deposit of all fees collected pursuant to this article. The fund shall be used exclusively to pay for costs associated with the stormwater management system including, but not limited to:
- (1) Operation and maintenance of stormwater management facilities under the jurisdiction of the city;
 - (2) Costs for the expansion of stormwater management facilities under the jurisdiction of the city;
 - (3) Administrative costs related to the management of the stormwater management system;
 - (4) Management services such as permit review and planning and development review related to the stormwater management system; and
 - (5) Debt service financing of capital improvements related to the stormwater management system.

Sec. 22-258. Collection of stormwater utility fee pursuant to the Uniform Assessment Collection Act.

Sections 22-258 through 22-268, shall be known as the City of Tamarac Stormwater Management Utility Fee Uniform Assessment Collection Act Ordinance, referred to as the "Ordinance".

Section 22-259. General and legislative findings.

It is hereby ascertained, determined, and declared that:

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

- (b) The City Commission may exercise any governmental, corporate, or proprietary power for a municipal purpose except when expressly prohibited by law, and the City Commission may legislate on any subject matter on which the Florida Legislature may act, except those subjects described in (a), (b), (c), and (d) of Section 166.021(3), Florida Statutes. The subject matter of paragraphs (a), (b), (c), and (d) of Section 166.021(3), Florida Statutes, are not relevant to the imposition of Stormwater Management Utility Fees by the City.
- (c) The purpose of this Ordinance is to (1) provide procedures and standards for the imposition of Stormwater Management Utility Fees under the constitutional and statutory power of the City; (2) authorize a procedure for the funding of Stormwater Management System, facilities, or programs provided to properties within the Stormwater Service Area; and (3) legislatively determine the special benefit provided to Assessed Property from the Stormwater Utility.
- (d) The Florida Legislature has mandated that local governments in the State of Florida, including the City, have the responsibility for developing mutually compatible Stormwater management programs consistent with the rules and regulations of the Florida Department of Environmental Protection, the Federal Clean Water Act, and the water management districts and the Stormwater management programs established and maintained by other local governments.
- (e) The Stormwater Management Utility Fees levied and collected hereby are consistent with the authority granted in Section 403.0893, Florida Statutes. That statutory provision is additional and supplemental authority to the constitutional and statutory power of self-government granted to a municipality.
- (f) It is hereby ascertained and declared that the Stormwater Utility, the Stormwater Management System, and the Stormwater Improvements provide a special benefit to the Assessed Property based upon the following legislative determinations:
 - (1) The Stormwater Utility possesses a logical relationship to the use and enjoyment of all Developed property by treating and controlling contaminated Stormwater generated by improvements constructed on Developed property, which resulted in the alteration of such property from its natural state to accommodate such improvements.
 - (2) The special benefit received by Assessed Property is the control, management and treatment of the Stormwater burden generated by the improvements on Developed Property.
 - (3) Substantially all of the Stormwater burden managed, controlled, and treated by the Stormwater Utility is generated by Developed property and the amount of Stormwater generated by property in its natural state that is managed, controlled, and treated by the Stormwater Utility is inconsequential.

- (4) The City has adopted the Infrastructure Element of the Comprehensive Plan which sets forth goals that make it necessary and essential to construct improvements and extensions to the existing Stormwater system so the collection, storage, treatment, and conveyance of Stormwater within the City adequately protects the health, safety, and welfare of the citizens of the City. The creation and maintenance of the Stormwater Utility is designed to implement the Stormwater sub-element of the Infrastructure Element and other municipal, federal, and state policies mandating Stormwater management programs by local governments.

Section 22-260. Use of stormwater utility fees collected through the Ordinance.

The City Commission intends to fund the cost of providing services and capital facilities for the Stormwater management system through the Stormwater Management Utility Fee collected as provided herein. The City Commission has further concluded that periodic determination of revenues earned and expenses incurred in connection with the provision of services and capital facilities for the Stormwater management system will enhance accountability and management control of the City's Stormwater Utility and will facilitate implementation of the City Commission's funding policy for the Stormwater management system. Accordingly, proceeds of the Stormwater Management Utility Fee shall be used for payment of the Stormwater Service Cost, the payment of the Capital Cost of Stormwater Improvements, and the payment of debt service on obligations issued to finance Stormwater Improvements.

Sec. 22-262. Levy and collection of stormwater utility fees pursuant to the Uniform Assessment Collection Act.

- (a) Initial fiscal year.

- (1) The initial proceeding for collection of the Stormwater Management Utility Fee using the Uniform Assessment Collection Act shall be the City Commission's adoption of an Initial Fee Resolution. The Initial Fee Resolution shall (A) describe the Stormwater Improvement or Stormwater Management Service proposed for funding from the proceeds of the Stormwater Management Utility Fees; (B) estimate the Capital Cost or Stormwater Service Cost; (C) describe with particularity the proposed method of apportioning the Capital Cost or Stormwater Service Cost among the parcels of property located within the Stormwater Service Area, such that the owner of any parcel of property can objectively determine the amount of the Stormwater Management Utility Fees, based upon its value, use or physical characteristics; (D) set forth the date, time and location for the City Commission to consider public comments on the adoption of the Final Fee Resolution; (E) direct the requisite notice be provided to affected property owners for a public hearing to adopt the Final Fee Resolution; and (F) include specific legislative findings that recognize the equity provided by the

apportionment methodology and specific legislative findings that recognize the special benefit provided by the Stormwater Management Service. At its option, the City Commission may adopt separate Initial Fee Resolutions for the Stormwater Management Utility Fee and each separate Stormwater Management Utility Fee.

- (2) The City Manager shall prepare, or direct the preparation of, a preliminary Stormwater Management Utility Fee Roll that contains the following information:
 - (A) a summary description of each parcel of property (conforming to the description contained on the Tax Roll) subject to the Stormwater Management Utility Fee;
 - (B) the name of the owner of record of each parcel as shown on the Tax Roll;
 - (C) the number of ERUs attributable to each parcel;
 - (D) the estimated maximum Stormwater Management Utility Fee to become due in the Fiscal Year for each ERU;
 - (E) the estimated maximum Stormwater Management Utility Fee to become due in the Fiscal Year for each parcel; and
 - (F) at the option of the City Commission the Stormwater Management Utility Fee Roll may also include the estimated maximum annual Stormwater Management Utility Fee to become due in any future Fiscal Year for each ERU and each parcel.
 - (G) at the option of the City Commission, for delinquent parcels, the unpaid Stormwater Utility Management Fees, including delinquency charges, interest and penalties, incurred prior to the use by the City of the Uniform Assessment Collection Act.
- (3) Copies of the Initial Fee Resolution and the preliminary Stormwater Management Utility Fee Roll shall be on file in the office of the City Clerk and open to public inspection. The foregoing shall not be construed to require that the Stormwater Management Utility Fee be in printed form if the amount of the Stormwater Management Utility Fee for each parcel of property can be determined by use of a computer terminal available for use by the public.
- (4) At the time named in the notices, or such time to which an adjournment or continuance may be taken, the City Commission shall conduct a public hearing to receive written objections and hear testimony of interested persons

and may then, or at any subsequent meeting of the City Commission, adopt the Final Fee Resolution which shall (A) confirm, modify, or repeal the Initial Fee Resolution with such amendments, if any, as may be deemed appropriate by the City Commission; (B) approve the Stormwater Management Utility Fee Roll, with such amendments as it deems just and right; and (C) determine the method of collection. All objections to adoption of the Final Fee Resolution shall be made in writing, and filed with the Clerk at or before the time or adjourned time of such hearing. The City shall provide notice of the public hearing in accordance with Section 22-263.

(b) Levy of Fee in subsequent years. In years subsequent to the initial year using the Uniform Assessment Collection Act, the process for the levy and collection of the Stormwater Management Utility Fees shall be as follows:

(1) The City Commission shall adopt a Preliminary Fee Resolution, which shall include:

(A) A brief description of the Stormwater Management System provided by the City;

(B) The amount of the cost of the Stormwater Management System to be assessed upon specially benefited properties within the City;

(C) Setting forth the date, time and location for the City Commission to consider public comments on the adoption of the Annual Fee Resolution;

(D) Directing the City Manager, or his or her designee, to update the Stormwater Management Utility Fee Roll; and,

(E) Directing the requisite notice be provided to affected property owners for a public hearing to adopt the Annual Fee Resolution.

(2) Copies of the Preliminary Fee Resolution and the preliminary Stormwater Management Utility Fee Roll shall be on file in the office of the City Clerk and open to public inspection. The foregoing shall not be construed to require that the Stormwater Management Utility Fee Roll be in printed form if the amount of the Stormwater Management Utility Fee for each parcel of property can be determined by use of a computer terminal available for use by the public.

(3) During its budget adoption process, the City Commission shall adopt an Annual Fee Resolution-. The Final Fee Resolution shall constitute the Annual Fee Resolution for the initial Fiscal Year. The Annual Fee Resolution shall approve the Stormwater Management Utility Fee Roll for such Fiscal Year.

The Stormwater Management Utility Fee Roll shall be prepared in accordance with the Preliminary Fee Resolution, as confirmed or amended by the Annual Fee Resolution. The City shall provide notice to the owners of such property in accordance with Section 22-263 hereof and conduct a public hearing prior to adoption of the Annual Fee Resolution; provided that should the City use the Uniform Assessment Collection Act, a public hearing is necessary only when such is required under the Uniform Assessment Collection Act. Failure to adopt an Annual Fee Resolution during the budget adoption process for a Fiscal Year may be cured at any time.

- (c) The adoption of the Final Fee Resolution or Annual Fee Resolution shall be the final adjudication of the issues presented (including, but not limited to, the apportionment methodology, the rate of assessment, the adoption of the Stormwater Management Utility Fee Roll and the levy and lien of the Stormwater Management Utility Fees, unless proper steps are initiated in a court of competent jurisdiction to secure relief within twenty (20) days from the date of City Commission adoption of the Final or Annual Fee Resolution. The Stormwater Management Utility Fees for each Fiscal Year shall be established upon adoption of the Annual Fee Resolution. The Stormwater Management Utility Fee Roll, as approved by the Final Fee Resolution or Annual Fee Resolution shall be delivered to the Tax Collector or such other official as the City Commission, by Resolution, deems appropriate.
- (d) Upon adoption of the Annual Fee Resolution for each Fiscal Year, Stormwater Management Utility Fees to be collected under the Uniform Assessment Collection Act shall constitute a lien against Assessed Property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other prior liens, titles and claims, until paid. The lien shall be deemed perfected upon adoption by the City Commission of the Annual Fee Resolution and shall attach to the property included on the Stormwater Management Utility Fee Roll as of the prior January 1, the lien date for ad valorem taxes.
- (e) Upon adoption of the Annual Fee Resolution, Stormwater Management Utility Fees to be collected under the alternative method of collection provided in Section 22-255 hereof shall constitute a lien against Assessed Property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other prior liens, titles and claims, until paid. The lien shall be deemed perfected on the date notice thereof is recorded in the Official Records of Broward County, Florida.

Sec. 22-263. Notice.

- (a) Notice by publication.

When a public hearing is required under the Uniform Assessment Collection Act, the City Manager shall cause to be published once in a newspaper of general circulation within the City a notice stating that a public hearing of the City Commission will be held on a certain day and hour, not earlier than twenty (20) calendar days from such publication, at which hearing the City Commission will receive written comments and hear testimony from all interested persons regarding adoption of the Final or Annual Fee Resolution and approval of the Stormwater Management Utility Fee Roll. The form of the published notice shall conform to the requirements set forth in the Uniform Assessment Collection Act for purposes of the Stormwater Management Utility Fees.

(b) Notice by mail.

When a public hearing is required under the Uniform Assessment Collection Act, the City Manager shall cause to be provided notice of the proposed Stormwater Management Utility Fees by mail to the owner of each parcel of property subject to the Stormwater Management Utility Fees. The form of such notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. The notice shall be mailed by either first class mail, or by use of the Annual Truth in Millage Notices, at least twenty (20) calendar days prior to the hearing to each property owner, at such address as is shown on the Tax Roll at the time the notices are prepared for mailing. Notice shall be deemed mailed upon delivery thereof to the possession of the U.S. Postal Service. Failure of the owner to receive such notice due to mistake or inadvertence shall not affect the validity of the Stormwater Management Utility Fee Roll, nor release or discharge any obligation for the payment of a Stormwater Management Utility Fee imposed by the City Commission pursuant to this Ordinance.

Sec. 22-264. Method of collection of Stormwater Management Utility Fees.

- (a) Unless directed otherwise by the City Commission, Stormwater Management Utility Fees shall be collected pursuant to the Uniform Assessment Collection Act and this Ordinance, and the City shall comply with all applicable provisions thereof. Any hearing or notice required by this Ordinance may be combined with any other hearing or notice required by the Uniform Assessment Collection Act. In lieu of using the Uniform Assessment Collection Act, the City may collect the Stormwater Management Utility Fee through Section 22-255, or by any other method which is authorized by law.
- (b) The City shall have the right to record a lien for unpaid Stormwater Management Utility Fees in the public records of Broward County, Florida.
- (c) The City shall have the right to appoint or retain an agent to foreclose and collect all delinquent Stormwater Management Utility Fees in the manner provided by law. All costs, fees and expenses, including reasonable attorney fees and title search expenses related to any foreclosure action as described herein shall be included in any judgment or decree rendered therein. At the sale pursuant to decree in any such action, the City may be the purchaser to the same extent as an individual person or

corporation. The City may join in one foreclosure action the collection of Stormwater Management Utility Fees against any or all property assessed in accordance with the provisions hereof. All delinquent property owners whose property is foreclosed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the City and its agents, including reasonable attorney fees, in collection of such delinquent Stormwater Management Utility Fees and any other costs incurred by the City as a result of such delinquent Stormwater Management Utility Fees including, but not limited to, costs paid for draws on a credit facility and the same shall be collectible as a part of or in addition to, the costs of the action.

- (d) In lieu of foreclosure, any delinquent Stormwater Management Utility Fee and costs, fees, and expenses attributable thereto, may be rolled into the Fee for such parcel in a subsequent fiscal year.
- (e) In lieu of foreclosure, any delinquent Stormwater Management Utility Fee and the costs, fees and expenses attributable thereto, may be collected pursuant to the Uniform Assessment Collection Act; provided however, that (1) notice is provided to the owner in the manner required by law and this Ordinance; and (2) any existing lien of record on the affected parcel for the delinquent Stormwater Management Utility Fee is supplanted by the lien resulting from certification of the Stormwater Management Utility Fee Roll to the Tax Collector.

Sec. 22-265. Collection of Stormwater Management Utility Fees from government property.

- (a) City-owned Property. Unless directed otherwise by the City Commission, the City will be responsible for its Stormwater Management Utility Fee. Evidence of payment for such may be by a transfer of City funds into the Stormwater Utility Fund.
- (b) Government Property owned by a Government entity other than the City. Government Property located in the City owned by a governmental entity other than the City shall be exempt from the Stormwater Management Utility Fee to the extent required by law.

Sec. 22-266. Revisions to Stormwater Management Utility Fees.

- (a) If any Stormwater Management Utility Fee levied and collected under the provisions of this Ordinance is either in whole or in part annulled, vacated or set aside by the judgment of any court, or if the City Commission is satisfied that any such Stormwater Management Utility Fee is so irregular or defective that the same cannot be enforced or collected, or if the City Commission has failed to include any property on the Stormwater Management Utility Fee Roll that should have been so included, the City Commission may take all necessary steps to impose a new Stormwater Management Utility Fee against any such property, following as nearly

as may be practicable, the provisions of this Ordinance and in case such second Stormwater Management Utility Fee is annulled, the City Commission may obtain and impose other Stormwater Management Utility Fees until a valid Stormwater Management Utility Fee is imposed.

- (b) Any irregularity in the proceedings in connection with the levy of any Stormwater Management Utility Fee under the provisions of this Ordinance shall not affect the validity of the same after the approval thereof, and any Stormwater Management Utility Fee as finally approved shall be competent and sufficient evidence that such Stormwater Management Utility Fee was duly levied, that the Stormwater Management Utility Fee was duly made and adopted, and that all other proceedings adequate to such Stormwater Management Utility Fee were duly had, taken and performed as required by this Ordinance; and no variance from the directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured thereby. Notwithstanding the provisions of this Section 22-266, any party objecting to a Stormwater Management Utility Fee imposed pursuant to this Ordinance must file an objection with a court of competent jurisdiction within the time periods prescribed in Section 22 - 262(c) of this Ordinance,
- (c) No act of error or omission on the part of the City Commission, City Manager, Property Appraiser, Tax Collector, City Clerk, or their respective deputies, employees or designees, shall operate to release or discharge any obligation for payment of any Stormwater Management Utility Fee imposed by the City Commission under the provisions of this Ordinance.
- (d) The number of ERUs attributed to a parcel of property may be corrected. Any such correction which reduces a Stormwater Management Utility Fee shall be considered valid from the date on which the Stormwater Management Utility Fee was imposed and shall in no way affect the enforcement of the Stormwater Management Utility Fee imposed under the provisions of this Ordinance. Any such correction which increases a Stormwater Management Utility Fee or imposes a Stormwater Management Utility Fee on omitted property shall first require notice to the affected owner in the manner described in Section 22.263(b) hereof, providing the date, time and place that the City Commission will consider confirming the correction and offering the owner an opportunity to be heard.
- (e) The City Commission may provide by Resolution each year a process for considering mitigation or exemptions of parcels from the Stormwater Management Utility Fee based on criteria established in such Resolution.
- (f) After the Stormwater Management Utility Fee Roll has been delivered to the Tax Collector, any changes, modifications or corrections thereto shall be made in accordance with the procedures applicable to errors and insolvencies for ad valorem taxes.

Sec. 22-267. Applicability.

This Ordinance and the City's authority to impose Stormwater Management Utility Fees pursuant hereto shall be applicable throughout the City.

Sec. 22-268. Alternative method.

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

SECTION 2. CODIFICATION. It is the intention of the City Commission that the provisions of this Ordinance shall become a part of the City's Code of Ordinances, as amended. The provisions of this Ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section," "article" or other appropriate word to accomplish such intention.

SECTION 3. SEVERABILITY. The provisions of this Ordinance are severable, and if any section, subsection, sentence, clause or provision is held invalid by any court of competent jurisdiction, the remaining provisions of this Ordinance shall not be affected thereby.

SECTION 4. CONFLICTS. All ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective as provided by law.

PASSED, FIRST READING this ____ day of _____, 2013.

PASSED, SECOND READING this ____ day of _____, 2013.

ATTEST:

BY: _____
MAYOR BETH TALABISCO

PAT TUEFEL, CMC,
INTERIM CITY CLERK

RECORD OF COMMISSION VOTE: 1ST Reading

MAYOR TALABISCO _____
DIST 1: COMM BUSHNELL _____
DIST 2: COMM ATKINS-GRAD _____
DIST 3: COMM GLASSER _____

I HEREBY CERTIFY that
I have approved this
ORDINANCE as to form:

SAMUEL S. GOREN
CITY ATTORNEY

DIST 4: V/M DRESSLER _____

RECORD OF COMMISSION VOTE: 2ND Reading

MAYOR TALABISCO _____

DIST 1: COMM BUSHNELL _____

DIST 2: COMM. ATKINS-GRAD _____

DIST 3: COMM GLASSER _____

DIST 4: V/M DRESSLER _____



Title - TO2271 - Amend Chapter 5 Buildings and Building Regulations

Motion to adopt an Ordinance of the City Commission of the City of Tamarac, Florida, **on second reading** amending Chapter 5 "Building and Building Regulations" of the Code of Ordinances of the City of Tamarac by amending Article I, entitled "General," Section 5-1, entitled "Building Department Permit Fees;" providing for a refund policy; amending Article II, entitled "Building Standards" by repealing Section 5-34, entitled "Interim Services and Facilities Fees;" providing for codification; providing for conflicts; providing for severability; providing for an effective date.

PASSED ON FIRST READING FEBRUARY 27, 2013

ATTACHMENTS:

Name:

[!\[\]\(e3f8612927870f2e0f9f5989e6dd3064_img.jpg\) TO#2271 MEMO ORD Permit Refunds \(Building Code Revisions\) Sec 5-34 Rev#2 3-19-13.docx](#)

[!\[\]\(003082e50e3009141f59bd5df831749f_img.jpg\) TO#2271 Ordinance No 2012-xx \(Building Code Revisions\) Sec 5-34 2-13-13.docx](#)

Description:

TO#2271 MEMO Building Code Revisions Sec 5-34

TO#2271 ORD Amend Chapter 5 Bldgs and Bldg Regulations

**CITY OF TAMARAC
INTEROFFICE MEMORANDUM
BUILDING DEPARTMENT**

TO: Michael C. Cernech, City Manager DATE: February 1, 2013
Revised: March 14, 2013

FROM: Claudio Grande, Chief Building RE: Chapter 5 Permit Fee Refunds
Official/Director **Temp. Ord. # 2271**



Recommendation:

The Building Department Director recommends approval for Amending Chapter 5 "Building and Building Regulations" of the Code of Ordinances of the City of Tamarac by amending Article 1 General, Section 5-1 "Building Department Permit Fees" providing for a refund policy; and amending Article II "Construction Standards" by repealing section 5-34 "Interim Services and Facilities Fees."

Issue:

The City of Tamarac should amend Chapter 5, "Buildings and Building Regulations", Section 5-1 "Building Department Permit Fees" of the Code of Ordinances of the City of Tamarac to provide for a refund policy.

Background:

The Building Department is instructed by ordinance to collect fees as established by resolution of the City Commission for the review of plans of certain structural, plumbing, electrical and mechanical permits required to be issued prior to the initiation of construction, development or other improvements. A plan processing fee is required to be paid at the time a permit is submitted, to cover the cost of plan review before the issuance of the permit; permitting fees are paid at the time the permit is issued.

The permitting guidelines set forth in the Broward County Administrative Provisions of Chapter 1, to the Florida Building Code, section 105.11.2.1 states that ***"Every permit issued shall become null and void if work, as defined by this code and authorized by such permit is not commenced within 180 days from the date of the permit or if the work authorized by such permit is suspended or abandoned for a period of 90 days after the work is commenced"***.

Furthermore, section 105.11.2.4 states, ***"If work has commenced and the permit is revoked, becomes null and void or expires because of lack of progress or abandonment, a new permit covering the proposed construction shall be obtained before proceeding with the work"***.

In FY2011, a major developer was issued a permit for a major renovation in the City of Tamarac. After several extensions of the permit, the same developer in FY2012 requested a refund of the permit fees paid in FY2011 due to the fact that their corporate office decided not to start the project. After reviewing the amount of money paid for this permit, the Building Department recommended that because the actual work on the project was never started the City should refund 50% of the fees that were paid for the permit in the amount of \$73,495. This was approved by the City Commission.

In response, in 2012, the Building Department fees were adjusted as required by section 5-1 "Building Department Permit Fees". The resolution noted that plan processing fees at time of permit submittal that are applied to the permit fee at time of issuance would be non-refundable.

The Building Department recommends at this time that all other fees collected in the issuance of the permit shall only be refunded to an applicant upon request made in writing within 30 days after the day the permit is issued, or in the alternative, the applicant shall be entitled to a credit, that must be used within 90 days after the permit is issued, against the fee for another.

A survey of other Cities in Broward County such as Coral Springs, Parkland, Lauderdale Lakes, Pompano, Fort Lauderdale, Sunrise, Margate, Coconut Creek, Dania Beach, Hallandale and Broward County showed that none of these Cities provide a refund of the permit fee after the permit has been issued. Therefore the proposed refund policy in Tamarac will provide for a more customer-friendly approach, in support of Strategic Goal #1 Inclusive Community.

In addition, in reviewing Article II, "Construction Standards", it was noticed that the language for interim service fees was still being carried in the Code. For general housekeeping purposes, Section 5-34 that deals with interim service fees is recommended to be repealed since the Florida Supreme Court found them to be unconstitutional in 1999.

Fiscal Impact:

The fiscal impact for this change is to insure that permits issued in previous years, extended and subsequently abandoned will not receive refunds for failing to do the work.

CG

ORDINANCE NO. 2013- _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA, AMENDING CHAPTER 5 "BUILDING AND BUILDING REGULATIONS" OF THE CODE OF ORDINANCES OF THE CITY OF TAMARAC BY AMENDING ARTICLE I, ENTITLED "GENERAL," SECTION 5-1, ENTITLED "BUILDING DEPARTMENT PERMIT FEES;" PROVIDING FOR A REFUND POLICY; AMENDING ARTICLE II, ENTITLED "BUILDING STANDARDS" BY REPEALING SECTION 5-34, ENTITLED "INTERIM SERVICES AND FACILITIES FEES;" PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 5 of the Code of Ordinances of the City of Tamarac establishes regulations governing Buildings and Building Regulations; and

WHEREAS, the City has an expectation that when a permit is issued, the work for which the permit was issued will be performed, and

WHEREAS, the City Building Department invests considerable time and resources in reviewing plans and permit applications prior to issuance of permits; and

WHEREAS, the City Building Department has determined that any refunds issued when a decision is made not to proceed following the issuance of any permit should only be made for those requests received within 30 days of the issuance of the permit; and

WHEREAS, interim services fees have been determined to be unconstitutional by the Florida Supreme Court; and

WHEREAS, the City Commission deems the amendments to Chapter 5 Building and Building Regulations to be in the best interests of the health, safety, and welfare of the citizens and residents of the City of Tamarac.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA, THAT:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. The City Commission of the City of Tamarac, Florida hereby amends Chapter 5 of the City Code of Ordinances, entitled "Buildings and Building Regulations", by amending Section 5-1, entitled "Building department permit fees" as follows:

Sec. 5-1. - Building department permit fees.

(a) The city commission shall have the power and the duty to review, alter, add to, modify, deduct from or in any way change any fees or any categories on any schedule of building permit fees in existence or to be in existence by a resolution adopted by the city commission. Commencing on October 1, 2009, and effective on October 1, of each year thereafter, all building department permit fees then in effect shall be adjusted automatically, without further action by the city commission, by the greater of three (3) percent or the U.S. Consumer Price Index as determined in June of the calendar year of adjustment. Every two years, the city manager, or his designee, shall review the effects of inflation and other costs, such as labor and materials, to determine whether the building permit fees require further adjustment, with the first such fee adjustment to be effective beginning October 1, 2010.

(b) The building department of the city is instructed to collect the fees as established by resolution of the city commission for the obtaining of certain structural, plumbing, electrical and mechanical permits required to be issued prior to the initiation of construction, development or other improvements.

(c) Refund policy. There are no refunds for plan processing fees. All other fees charged pursuant to this section shall only be refunded to an applicant upon request made in writing within 30 days of the issuance of a permit, or, in the alternative, the applicant shall be entitled to a credit, that must be used within 90 days after the issuance of a permit that is cancelled, against the fee for another permit.

Section 3. That Chapter 5, entitled "Buildings and Building Regulations", Section 5-34 Interim services and facilities fee of the Code of Ordinances of the City of Tamarac is hereby repealed in its entirety.

Section 4. It is the intention of the City Commission of the City of Tamarac that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Tamarac, Florida, and that the Sections of this ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

Section 5. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the remaining portions or applications remaining in full force and effect.

Section 6. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 7. This Ordinance shall become effective on immediately upon adoption, as provided by Florida law.

PASSED, FIRST READING this _____ day of _____, 2013.

PASSED, SECOND READING this _____ day of _____, 2013.

ATTEST: BY: _____
MAYOR BETH TALABISCO

PAT TUEFEL, CMC,
INTERIM CITY CLERK

RECORD OF COMMISSION VOTE: 1ST Reading

MAYOR TALABISCO	_____
DIST 1: COMM BUSHNELL	_____
DIST 2: COMM ATKINS-GRAD	_____
DIST 3: COMM GLASSER	_____
DIST 4: V/M DRESSLER	_____

I HEREBY CERTIFY that
I have approved this
ORDINANCE as to form:

RECORD OF COMMISSION VOTE: 2ND Reading

MAYOR TALABISCO	_____
DIST 1: COMM BUSHNELL	_____
DIST 2: COMM. ATKINS-GRAD	_____
DIST 3: COMM GLASSER	_____
DIST 4: V/M DRESSLER	_____

SAMUEL S. GOREN
CITY ATTORNEY