AGENDA
TAVARES CITY COUNCIL

SEPTEMBER 4 2013
4:00 P.M.
TAVARES CITY HALL COUNCIL CHAMBERS

I. CALL TO ORDER

II. INVOCATION & PLEDGE OF ALLEGIANCE

John Barham, Pastor, United Methodist Church of Tavares

III. APPROVAL OF AGENDA

(The City Council Agenda is subject to change at the time of the Tavares City Council Meeting)

IV. APPROVAL OF MINUTES

Tab 1) City Council Workshop July 24, 2013

V. PROCLAMATIONS/PRESENTATIONS

Tab 2) Presentation by Tavares Chamber of Commerce for Dragonboat Awards — **Mayor Wolfe**

Tab 3) Award to Corporal Michael Woods — **Stoney Lubins**

VI. SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EXPARTE CONTACTS

VII. READING OF ALL ORDINANCES/RESOLUTIONS - GENERAL GOVERNMENT

VIII. CONSENT AGENDA

Tab 4) Approval of Agreement with Utility Rate Consultant — **Lori Houghton**

IX. PUBLIC HEARING – FISCAL YEAR 2014 MILLAGE & BUDGET – 5:05 P.M.

Tab 5) Resolution #2013-12 – Tentative Millage Rate – FY 2013-14 — **Lori Houghton**

Tab 6) Resolution #2013-13 – Tentative Budget – FY 2013-14 — **Lori Houghton**

X. ORDINANCES/RESOLUTIONS

FIRST READING

Tab 7) Ordinance #2013-14 – Amendment to Police Pension Plan Chapter 15 re: Credited Service, Benefit Amounts & Maximum Pension	**Stoney Lubins**
Tab 8) Ordinance #2013-15 – Amendment to Fire Pension Plan Chapter 15 re: Maximum Pension	**Richard Keith**

SECOND READING

Tab 9) Ordinance #2013-12 – Amendment to Utility Lien Ordinance	**Lori Houghton**
Tab 10) Ordinance #2013-13 – Revision to Special Events Ordinance re: Street Closure Procedures	**Bill Neron**

XI. GENERAL GOVERNMENT

Tab 11) Approval of Proposals for First Street Stormwater Rehabilitation Project	**Brad Hayes**
Tab 12) Authorization for Mayor to Support Foreign Trade Zone	**Lauren Farrell**
Tab 13) Approval of Bid Award for Wooton Park Shoreline Clean Up	**Bill Neron**

XII. OLD BUSINESS

Tab 14) Lake County Time Capsule Project	**Councilmember Grenier**

XIII. NEW BUSINESS

XIV. AUDIENCE TO BE HEARD

XV. REPORTS

Tab 15) City Administrator	**John Drury**
Tab 16) Council Reports	**City Councilmembers**

F.S. 286.0105 If a person decides to appeal any decision or recommendation made by Council with respect to any matter considered at this meeting, he will need record of the

proceedings, and that for such purposes 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 to be based.

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least two (2) working days in advance of the meeting date and time at (352) 253-4546.

The Language of Local Government
Definition of Terms

agenda – A list of items to be brought up at a meeting.

annexation – The process by which a municipality, upon meeting certain requirements, expands its corporated limits.

bid – Formal quotation, based on common specifications, for the provision of goods or services. Opened at public for meeting consideration and award.

budget – A comprehensive financial plan to sustain municipal operations during a given year with related explanation

buffer – A strip of land, vegetation and/or opaque wall that sufficiently minimizes the physical or visual intrusion generated by an existing or future use.

call for the question – Term used to end the discussion and vote on the motion.

capital outlay – Expenditures made to acquire fixed assets or additions to them usually made from the general fund or utility fund where the assets are to be used.

conflict of interest – A term used in connection with a public official's relationship to matters of private interest or personal gain and which prohibits participation in the discussion under decision.

consent agenda – A policy of the governing body to approve, in one motion, routine and/or non-controversial items, which can be determined prior to the meeting

contiguous – Sharing a common boundary.

contingency – An appropriation of funds to handle unexpected events and emergencies which occur during the course of the fiscal year.

DCA – Department of Community Affairs

density – The number of families, individuals, dwellings units, or housing structures per unit of land.

development – A physical change, exclusive of new construction and substantial improvement, to improved or unimproved real estate, including, but not limited to mining, dredging, filling, grading, paving, excavating or drilling operations.

easement – An interest in land owned by another that entitles its holder to a specific limited use or enjoyment

emergency measure – An ordinance recognized by the legislative body as requiring immediate passage.

FDOT – Florida Department of Transportation

general fund – The general operating fund of the municipality used to account for all financial resources except those required to be accounted for in a special fund.

impact fees – Set aside fees collected from developers to pay for infrastructure improvements. Monies used as new development further impacts the municipalities.

infrastructure – The facilities and systems shared or used by all citizens such as transportation, water supply, wastewater and solid waste disposal systems.

intergovernmental agreements – Contract between two or more public agencies for the joint exercise of powers common to the agencies.

intergovernmental revenues – Revenues from other governments in the form of grants, entitlements, shared revenues, or payments in lieu of taxes.

line item – A specific item or group of similar items defined by detail in a unique account in the financial records. Revenue, expenditure and justifications are reviewed, anticipated and appropriated at this level.

non-conforming – A use which does not comply with present zoning conditions but which existed lawfully and was created in good faith prior to the enactment of the zoning provisions.

ordinance – An enforceable municipal law, statute or regulation which applies to all citizens within that municipality; penalty provisions may apply.

public hearing – Provides citizens the opportunity to express their position on a specific issue, both pro and con, as mandated by either statute or by order of proper authority after due notice.

PUD – Planned Unit Development

quasi-judicial – A governmental body that hears sworn testimony, obtains evidence and provides for cross examination of witnesses, with the decision based solely on the evidence presented.

quorum – The prescribed number of members of any body that must be present to legally transact business.

request for proposals – RFP – Notice and related information from a municipality requesting proposals for professional services.

resolution – A decision, opinion, policy or directive of a municipality expressed in a formally drafted document and voted upon.

right-of-way – Strip of land owned by a government agency over which the public has right of passage such as streets, parkways, medians, side walks, easements and driveways constructed thereon.

Sunshine Law – Legislation providing that all meetings of public bodies shall be open to the public (a/k/a open public meeting law).

vacate – To annul; to set aside; to cancel or rescind.

variance – Modification from the provisions of a zoning ordinance granted by a legislative body upon submission of an application and a hearing.

CITY OF TAVARES
CITY COUNCIL BUDGET WORKSHOP
MINUTES
JULY 24, 2013
CITY COUNCIL CHAMBERS

COUNCILMEMBERS PRESENT **ABSENT**

Robert Wolfe, Mayor
Kirby Smith, Vice Mayor
Bob Grenier, Councilmember
Norman Hope, Councilmember
Lori Pfister, Councilmember

STAFF PRESENT

John Drury, City Administrator
Nancy Barnett, City Clerk
Lori Houghton, Finance Director
Richard Keith, Fire Chief
Bill Neron, Director of Economic Development
Chris Thompson, Director of Public Works
Brad Hayes, Director of Utilities
Stoney Lubins, Police Chief
Jacques Skutt, Director of Community Development
Tammey Rogers, Director of Community Services

I CALL TO ORDER

Mayor Wolfe called the meeting to order at 4:00 p.m.

II. CONTINUED DISCUSSION ON FY 2014 Budget

City Administrator Presentation

Mr. Drury summarized that staff has provided to Council the general fund, the enterprise funds, the special revenue funds, the capital program, Council has had good discussions, debate and has taken action on some items. He stated the Finance Director, the City Clerk and he had taken notes and will continue to do so as Council's changes are incorporated into the budget.

Mr. Drury said he would like to summarize the budget adjustments staff is making, provide answers to some of the questions made by Council, and then would like to bring back some of the items that need resolution. He said after he has made that presentation he will turn back the meeting to Council to discuss the flagged items.

Mr. Drury then noted he had provided a document entitled "Budget Cleanup Items Fiscal Year 2014."

Budget Adjustments

1. Separating the reserves into a 90% emergency fund and 10% contingency fund – done. The emergency fund will have $1,060,124 in it; the contingency fund has $117,792. This represents about 8.9% of the current budget.
2. Legal fees for the Stark property were removed. $20,000 savings.
3. Fire overtime budget has been reduced from $130,000 down to $100,000 - $30,000 savings – with close management the savings should be realized.
4. Clarifying notations for capital lease programs – done.
5. Administrator's budget – regular salaries needed to be reduced to a 2% increase
6. Pavilion budget changed to reflect partial year funding – overtime has been reduced. First employee will not be hired until January 1. Second and third employees would be hired in April. At the next Council Meeting, Tammy Rogers will go over the grand opening event. Right now the number is in as a placeholder ($37,500).
7. Police Department will pay for its boat slips ($3,258) and the Fire Department will pay for its boat slip ($2,178).

Budget Questions:

1. Millage rate calculation sheet has been provided. Mr. Drury noted that one mil provides $587,965. ½ mil provides $293,983; ¼ mil provides $146,000, etc.
2. The total estimated budget currently that is balanced is $3,814,199 which is at 6.48 mils. The maximum tentative millage rate that was voted on is $4,106,397.
3. The Jacobsen spelling number has been changed to Jacobsen model. The Tora Model was what had been requested. A budget cut was done to a different product. That was changed to the proper model LF510. The price remains unchanged at $40,000 in the current budget.
4. Wastewater Treatment Plant irrigation system coverage acreage - Brad Hayes.stated it is 9.62 acres.
5. Fire Assessment for not for profits to be provided. Ms. Houghton is calculating that based on the updated information. At the next budget the not for profit dollars both at 100%, 50% that would be provided to the General Fund will be provided. Currently not for profits pay zero.
6. Flag Pole donation fund balance is $21,696.04.
7. Maximum tentative millage rate date due to the property appraiser. The rate is due July 31st however this is the last scheduled budget workshop prior to that date.
8. When will staff have all the revenue numbers from the state and the health care plan numbers? Staff has the final revenue numbers from the state; some went up and some went down but overall there was a reduction is revenues of $39,236 which will be reflected in the budget. Staff does not anticipate an increase in the health care cost premiums.

9. Property acquisition – description of two properties identified to be acquired. One is on the east side of 509 Lake Dora Drive (vacant land) to relocate the well from Disston in the future relating to the eventual plans for parking garage. The other is the Caroline plant which has $30,000 budgeted. Progress Energy bought property to put a substation at the location which was never done. The city then ended up using the property. Duke Energy [previously Project Energy] wants to sell the property and the City wishes to purchase the property. This will come from the Utility Fund.
10. Request to change power point to reflect yard waste pick up of once a week instead of twice a week – done
11. Explanation of stormwater fee of .75 per ERU from $5.50 to $6.25. Ms. Houghton has put an explanation in the budget book.
12. Bids for seaplane painting at the splash Park (the mock airplane). This has not been bid out yet. The purchasing manager believes when the specs are done it will be close to $5,000 so this has been left at $5,000 for now.
13. Confirm that the Splash Park attendants were budgeted at $9.00 per hour and that the same rate would apply next year. No increase.
14. The train station staining budget has been changed to reflect that it is the train platform not the train station because the station was just done.

Flagged Items

1. The Shuffleboard courts were flagged for resurfacing. They are not in the budget at this time. They are estimated to cost $16,190. They were last resurfaced in 2006 at a cost of $12,984.
2. Splash Park fee revenues are scheduled to be at $3.00. The resident's annual pass remains budgeted at the same as the current year which is $15,000 for the season.
3. Health care access for council members was flagged.

Notes to think about

1. The Council voted to set the tentative maximum millage rate at 6.9850 which is one mil above the current rate of 5.9850.
2. The changes noted above reflect a balanced general fund budget of $13,428,319 at a millage rate of 6.4810 mils which is a .4960 millage increase. The budget that has been revised is currently at a millage rate of 6.4810 which is less than a half a mil increase.
3. The tentative maximum millage rate of 6.9850 provides additional revenue of $292,738 above the proposed budget currently.
4. The Police Union and Fire Union contracts are under negotiations and should be completed for a recommendation at the next Council meeting in August.

Mayor Wolfe said after he had reviewed the adjustments being saved it came to $55,000 so he asked for confirmation that the .4960 millage increase did not include those savings.

Mr. Drury said it may have not included the decreased revenues. The total would then come to $16,000 difference but it is still close to a balanced budget.

Councilmember Grenier asked about the canal off Rockingham. Mr. Drury said that is a current year item that needs to be repaired this year. Mr. Hayes said he is working on proposals and pricing.

Councilmember Pfister said she felt it is important to approve the $16,190 to resurface the shuffleboard courts. She said the courts are used frequently and the city does not have a lot of elder services.

Discussion followed on the proposal noting that the resurfacing would be good for seven years.

Ms. Rogers said the shuffleboard club locks the courts for their own private use. They are not open to the public. She said the City also provides free rental space to the club in the TRA room and the city also pays for some supplies.

Discussion followed on the club being open to the public. Ms. Rogers noted the club runs the tournaments and provides the services and does an excellent job helping to maintain the area. She said there is a concern that if the courts are opened they might be vulnerable to misuse.

Councilmember Pfister asked if staff receives calls from the public complaining. Ms. Rogers said she has probably only received two calls in the past.

Mayor Wolfe asked if the group pays any funds to the city for any use. Ms. Rogers said they provide some maintenance and cleaning assistance.

Mayor Wolfe noted that the person who spoke at the previous council meeting had indicated they would be happy if half of the courts were done.

Vice Mayor Smith expressed concern regarding the membership issue. He asked the criteria for membership. Ms. Rogers said they charge $5.00 a year and she discussed how the dues are spent. Vice Mayor Smith said he wanted to ensure there are no restrictions on membership. Ms. Rogers said there are no restrictions and the club welcomes participation.

Mr. Drury said he believed that if anyone from the public wants to reserve the shuffleboard courts that can be done through the recreation department. Vice Mayor Smith asked if the club would object to having a sign hung at the courts indicating that the public can make reservations by contacting the Recreation Department. Ms. Rogers said that should be no problem and the staff can advise anyone wishing to use the courts on the use of the equipment and the courts

Mr. Drury said he would be including the resurfacing in the next budget update.

Councilmember Pfister said she had an additional item to bring up after the flagged items.

Councilmember Grenier asked for confirmation that no changes have been made to the budget with regard to the upgrades on the pavilion. Ms. Rogers confirmed.

Mayor Wolfe noted the boat slips payment does not reduce the overall budget. Mr. Drury said that is correct; it just accurately reflects the line item in the budget and in the event a Golden Triangle Fire District is created those costs will be transferred over.

Councilmember Health Insurance

Vice Mayor Smith asked Council to reflect the issue of councilmember health insurance. He said he does not support health insurance for city councilmembers because of the citizens who do not have health care.

Discussion followed on health insurance for councilmembers. Vice Mayor Smith said he would support it if this matter was put on the ballot as a referendum.

Councilmember Hope asked about the cost to put this matter on the election ballot. Mayor Wolfe noted since it is an odd year he understood the cost of having an election is at least $10,000. Ms. Barnett concurred and said she believed she had $12,000 budgeted for a stand alone for the odd year election.

Mayor Wolfe asked if Council wished to make a motion. Mr. Drury said the question is whether or not to put it in the budget and whether to hold a referendum. He said in order to accurately insure the voter is informed it requires funds for educating the public in addition to the costs of the election.

MOTION

Lori Pfister moved to leave the insurance in the budget and offer it to councilmembers just as employees, seconded by Bob Grenier.

Vice Mayor Smith asked that Council consider adding this as a referendum next year since it is an even year election and that would give time to prepare the language.

Discussion followed on various issues concerned with serving the public and the public benefit.

Lori Pfister said she wished to amend her motion to add "and that health insurance be offered to councilmembers only after two full years of service on the Council". The amendment was seconded by Bob Grenier.

Councilmember Grenier asked if a decision had to be made at this meeting noting that he would like more time to consider the issues that had been discussed.

Councilmember Hope agreed stating he would prefer to have some more time to consider this at a future meeting.

Lori Pfister withdrew her motion as amended seconded by Bob Grenier.

Splash Park Fees

Councilmember Hope asked for discussion on the increase in the Splash Park fees from $2.00 to $3.00.

Mayor Wolfe, Councilmember Pfister and Councilmember Hope said they were opposed to the increase.

Vice Mayor Smith said he was in support noting the annual pass cost to the Tavares citizens has not changed. He noted the groups that come from the schools to use the parks, don't utilize the restaurants and the price has not been raised in five years, whereas the chlorine costs have gone up, the electric costs, maintenance and upkeep have gone up.

Mayor Wolfe noted other areas have gone up however the millage is not being raised. Vice Mayor Smith noted the use of the Splash Park is a choice.

Councilmember Pfister said the project was done as a service to the community. Mr. Drury stated the decision to charge a fee was to try to offset some of the costs.

MOTION

Lori Pfister moved to leave the Splash Park fees at $2.00, seconded by Bob Grenier.

Mayor Wolfe noted he hears a lot of feedback from the public from people who come to use the Splash Park and then are drawn back in the future for other events and activities.

Vice Mayor Smith asked that Council be given information as to the percentage of increase on chemicals and cost to run the splash park compared to when it started and how that relates to the fee. Mr. Drury said he could bring back that information.

Vice Mayor Smith asked Councilmember Pfister if she was willing to withdraw her motion. Councilmember Pfister indicated she did not want to withdraw the motion.

Vice Mayor Smith said he recommended that the motion be voted down and said in the future he would bring back the motion when all the facts are known.

The motion carried 3-2 as follows:

Lori Pfister **Yes**

Bob Grenier	**Yes**
Norman Hope	**Yes**
Kirby Smith	**No**
Robert Wolfe	**No**

Mayor Wolfe invited public comment on the budget.

Charlotte Hope

Ms. Hope said corporate America often allows employees to opt out of their health insurance plan and the people who opt out get the difference that the other people have in their paycheck.

Vice Mayor Smith said he wanted to clarify that none of the decisions made by Council are directed at anyone personally and are done for the good of the citizens.

Adjournment

There was no further business and the meeting was adjourned at 5:33 p.m.

Respectfully submitted,

Nancy Barnett

Nancy Barnett, C.M.C.
City Clerk

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TAVARES

America's Seaplane City™

AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: September 4, 2013

AGENDA TAB NO. 2

SUBJECT TITLE: Presentation by Tavares Chamber of Commerce

OBJECTIVE:

To receive a presentation from the Tavares Chamber of Commerce related to the Dragonboat event held April 5-6, 2013 in Tavares.

SUMMARY:

The Tavares Chamber of Commerce has requested to make a presentation to the City regarding their team's participation in the Dragonboat event.

OPTIONS:

1) Receive the presentation from the Tavares Chamber of Commerce

STAFF RECOMMENDATION:

N/A

FISCAL IMPACT:

None

LEGAL SUFFICIENCY: Legally sufficient

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TAVARES

America's Seaplane City™

AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: September 4, 2013

AGENDA TAB NO. 3

SUBJECT TITLE: Presentation to Corporal Michael Woods

OBJECTIVE:

The Police Chief will present the Medal of Valor to Corporal Michael Woods.

SUMMARY:

Police Chief Stoney Lubins will present the Medal of Valor to Corporal Michael Woods for his life saving actions at the Blue Rhino incident.

OPTIONS:

1) Receive the presentation by Chief Lubins to Corporal Woods

STAFF RECOMMENDATION:

N/A

FISCAL IMPACT:

None

LEGAL SUFFICIENCY: Legally sufficient

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TAVARES

America's Seaplane City™

AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: September 4, 2013

AGENDA TAB NO. 4

SUBJECT TITLE: Approval of Agreement with Utility Rate Consultant

OBJECTIVE:

To approve the agreement with Raftelis Financial Consultants for a water, wastewater, reclaimed water and stormwater rate study.

SUMMARY:

It is recommended that utility rate studies be conducted every five years. The previous rate study for water, wastewater, reclaimed and stormwater was done in 2008 by Brown and Caldwell.

Consistent with the policy to update the utility studies every five years, the City put out a Request for Qualifications in 2012 for a utility rate consultant for water, wastewater, stormwater, and reclaim. Five responses were received. The Ranking Committee composed of Lori Houghton, Finance Director; Brad Hayes, Utility Director; and Joan Giesy, Finance Manager, reviewed the responses and ranked them in the following order:

Raftelis Financial Consultants	1
Burton & Associates	2
Public Resources Management	3

Attached is a copy of the negotiated contract.

Staff wishes to proceed to enter into a contract with Rafelis Financial Consultants as the top ranked firm based on experience and expertise of the consulting firm, approach to projects, ability to work with City and regulatory agency staff, ability to complete similar projects in a timely manner, previous experience with the City of Tavares, and client reference list. (See attached ranking sheet.)

OPTIONS:

1) Move to authorize the City Administrator to execute the agreement with Raftelis Financial Consulting Services for a multi-year water, wastewater, reclaimed water and stormwater rate study.

2) Do not authorize the City Administrator to execute the agreement.

STAFF RECOMMENDATION:

Move to authorize the City Administrator to execute the agreement with Raftelis Financial Consulting Services for a multi-year water, wastewater, reclaimed water and stormwater rate study.

FISCAL IMPACT:

The cost of the contract is $32,500 for the water, wastewater and reclaimed water rate study and $35,050 for the Stormwater Fee Study both of which have been budgeted in the respective utility funds.

LEGAL SUFFICIENCY:

Legally sufficient.

PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TAVARES and RAFTELIS FINANCIAL CONSULTANTS, INC.

This Consulting Agreement ("Agreement") is entered into this ___ day of_____, 2013 (hereinafter referred to as the effective date of the agreement) by and between the City of Tavares (the "City") and Raftelis Financial Consultants, Inc., 950 S. Winter Park Drive, Suite 240, Casselberry, Florida 32707 ("RFC" or the "Consultant").

Witnesseth

WHEREAS, RFC has substantial skill and experience in water, wastewater, reclaimed water and stormwater finance, management, and pricing, and

WHEREAS, The City desires to hire RFC and RFC desires to provide services to the City,

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree to the terms and conditions set forth herein.

Article 1. Statement of Work

RFC shall provide professional consulting services to prepare: (i) a multi-year water, wastewater and reclaimed water rate study Task 1; and (ii) a stormwater fee rate study Task 2. RFC will perform the services for Task 1 and Task 2 as set forth in more detail in Attachment A.

Article 2. Time for Completion

This agreement will commence upon approval by the City and remain in effect for a period of one year. Further renewals of this Agreement are at the option of the Parties and shall be in writing.

Article 3. Compensation

City shall pay to RFC for Task 1 a lump sum of Thirty Two Thousand Five Hundred Dollars ($32,500.00) including reimbursable expenses and for Task 2 a lump sum fee of Thirty Five Thousand and Fifty Dollars ($35,050.00) including reimbursable expenses. The parties understand that these sums are based upon the scope of work contained herein at RFC's current Standard Billing Rates included in Attachment B. Any expansion of the scope of work or Additional Services requested by or resulting from the City shall involve the discussion of additional fees by both parties.

RFC shall submit invoices to the City on a monthly basis for services rendered to the date thereof. Such invoices shall be supported by appropriate documentation: if a lump sum fee the percent complete; otherwise at a minimum, the task performed, the individuals working on such task, the level of each such individual, and expenses incurred. Upon receipt of monthly invoice, the City shall pay RFC in accordance with the Florida Prompt Payment Act.

Article 4. Additional Services

At the City's request, RFC may submit proposals for additional professional services. Each proposal submitted shall detail: (1) scope of work for the additional services, (2) period of services to be performed, and (3) method and amount of compensation. The City shall provide written acceptance and authorization to RFC prior to the commencement of work on any proposed additional services. Each proposal for additional services accepted and approved by the City shall become part of this Agreement and shall be governed by the terms and conditions contained herein.

Article 5. Place of Performance

RFC shall be responsible for maintaining its own office facilities and will not be provided with either office facilities or support by the City.

Article 6. Indemnification

RFC hereby agrees to indemnify the City and to hold the City harmless against any and all claims, action, or demands against the City and against any and all damages for injury to or death of any person and for loss of or damage to any and all property arising out of the negligent acts, errors or omissions of RFC under this Agreement. RFC shall not be held responsible for any claims caused by the negligence of the City.

Article 7. Insurance

RFC shall maintain the types and levels of insurance during the life of this Agreement as specified below. The City will be named as additional insured on the RFC's Certificates of Insurance and the RFC will provide the City with these Certificates of Insurance.

Commercial general liability insurance - $1,000,000 for each occurrence and $2,000,000 in the aggregate

Comprehensive automobile liability insurance - $1,000,000 combined single limit each occurrence

Workers Compensation insurance – Statutory limits

Professional liability insurance - $1,000,000 in the aggregate

Excess or Umbrella Liability - $3,000,000 in the aggregate

Article 8. Confidential Information

RFC acknowledges and agrees that in the course of the performance of the services pursuant to this Agreement RFC may be given access to, or come into possession of, or may prepare documents that qualify as public records subject to inspection and copying in accordance with §119, *Florida Statutes*. RFC shall allow public access to such documents and materials in accordance with the provisions of §119, *Florida Statutes.* Any public record request received by RFC shall be immediately delivered to the Town Clerk for processing and RFC will submit any documents responsive to such public records request to the Town Clerk directly and not to the requesting party.

Article 9. Independent Contractor Status

RFC acknowledges and agrees that in the course of the performance of the services pursuant to this Agreement RFC may be given access to, or come into possession of, or may prepare documents that qualify as public records subject to inspection and copying in accordance with §119, *Florida Statutes*. RFC shall allow public access to such documents and materials in accordance with the provisions of §119, *Florida Statutes*. Any public record request received by RFC shall be immediately delivered to the Town Clerk for processing and RFC will submit any documents responsive to such public records request to the Town Clerk directly and not to the requesting party.

Article 10. Reliance on Data

In performance of the services, it is understood that the City and/or others may supply RFC with certain information and/or data, and that RFC will rely on such information. It is agreed that the accuracy of such information is not within RFC's control and RFC shall not be liable for its accuracy, nor for its verification, except to the extent that such verification is expressly a part of RFC's scope of services.

Article 11. Opinions and Estimates

RFC's opinions, estimates, projections, and forecasts of current and future costs, revenues, other levels of any sort, and events shall be made on the basis of available information and RFC's expertise and qualifications as a professional. RFC does not warrant or guarantee that its opinions, estimates, projections or forecasts of current and future levels and events will not vary from the City's estimates or forecasts or from actual outcomes. RFC identifies costs, allocates costs to customer classes and provides rate models. It does not establish rates, which is the legislative responsibility of the City.

Article 12. No Consequential Damages

To the fullest extent permitted by law, neither party shall be liable to the other for any special, indirect, consequential, punitive or exemplary damages resulting from the performance or non-performance of this Agreement notwithstanding the fault, tort (including negligence), strict liability or other basis of legal liability of the party so released or whose liability is so limited and shall extend to the officers, directors, employees, licensors, agents, subcontractors, vendors and related entities of such party.

Article 13. Termination of Work

This Agreement may be terminated as follows:

1. **By City** (a) for its convenience on 30 days' notice to RFC, or (b) for cause, if RFC materially breaches this Agreement through no fault of City and RFC neither cures such material breach nor makes reasonable progress toward cure within 15 days after City has given written notice of the alleged breach to RFC.
2. **By RFC** (a) for cause, if City materially breaches this Agreement through no fault of RFC and City neither cures such material breach nor makes reasonable progress toward cure within 15 days after RFC has given written notice of the alleged breach to City, or (b) upon five days'

notice if Work under this Agreement has been suspended by either City or RFC in the aggregate for more than 30 days.

3. **Payment upon Termination**. In the event of termination, RFC shall be compensated for all work performed prior to the effective date of termination. Except for termination of RFC by City for cause, RFC shall also receive a termination fee equal to 15 percent of the total compensation yet to be earned under existing authorizations at the time of termination.

Article 14. Notices

All notices required or permitted under this Agreement shall be in writing and shall be deemed deliverable when delivered in person or deposited in the United States mail, postage prepaid, addressed as follows:

If for the City:

Lori Houghton
Finance Director
City of Tavares
201 East Main Street
Tavares, Fl 32778

If for RFC:

Marco H. Rocca
Director of Florida Operations
Raftelis Financial Consultants, Inc.
950 S. Winter Park Drive, Suite 240
Casselberry, Fl 32707

Article 15. Compliance with Applicable Laws

RFC agrees not to discriminate in its employment practices, and will render services under this Agreement without regard to race, color, religion, sex, national origin, veteran status, political affiliation or disabilities.

Any act of discrimination committed by RFC, or failure to comply with these statutory obligations when applicable, shall be grounds for termination of this Agreement.

Article 16. General Provisions

A. Entire Agreement: This Agreement represents the entire and sole agreement between the Parties with respect to the subject matter hereof.

B. Waiver: The failure of either Party to require performance by the other of any provision hereof shall in no way affect the right to require performance at any time thereafter, nor shall the waiver of a breach of any provision hereof be taken to be a waiver of any succeeding breach of such provision or as a waiver of the provision itself. All remedies afforded in this Agreement shall be taken and construed as cumulative; that is, in addition to every other remedy available at law or in equity.

C. Relationship: Nothing herein contained shall be construed to imply a joint venture, partnership, or principal-agent relationship between RFC and the City; and neither Party shall have the right, power, or authority to obligate or bind the other in any manner whatsoever, except as otherwise agreed to in writing.

D. Assignment and Delegation: Neither Party shall assign or delegate this Agreement or any rights, duties, or obligations hereunder without the express written consent of the other. Subject to the foregoing, this Agreement shall inure to the benefit of and be binding upon the successors, legal representatives, and assignees of the Parties hereto.

E. Severability: If any provision of this Agreement is declared invalid or unenforceable, such provision shall be deemed modified to the extent necessary and possible to render it valid and enforceable. In any event, the unenforceability or invalidity of any provision shall not affect any other provision of this Agreement, and this Agreement shall continue in force and effect, and be construed and enforced, as if such provision had not been included, or had been modified as above provided, as the case may be.

F. Governing Law: This Agreement shall be governed by, and construed in accordance with, the laws of the State of Florida. Venue and jurisdiction shall be in Lake County, Florida, Circuit Court.

G. Paragraph Headings: The paragraph headings set forth in this Agreement are for the convenience of the Parties, and in no way define, limit, or describe the scope or intent of this Agreement and are to be given no legal effect.

H. Third Party Rights Nothing in this Agreement shall be construed to create or confer any rights or interest to any third party or third party beneficiary. It is the intent of the parties that no other outside, non-party claimant shall have any legal right to enforce the terms of this Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement by their duly authorized representatives.

RAFTELIS FINANCIAL CONSULTANTS, INC.	**CITY OF TAVARES**
By:	By:
Marco H Rocca	
Marco H. Rocca, CMC	Print Name:
Director of Florida Operations	Title:
Date: August 28, 2013	Date:

ATTACHMENT A – STATEMENT OF WORK
MULTI-YEAR WATER, WASTEWATER, RECLAIMED WATER AND STORMWATER RATE STUDY

Pursuant to the City's request the assignment is divided into two primary tasks, the first is associated with development of multi-year rates for water, wastewater and reclaimed water, and the second is associated with reestablishment of criteria for stormwater equivalencies, fees and credit policies.

TASK 1. WATER, WASTEWATER AND RECLAIMED WATER RATE STUDY

Project Understanding
General
It is the Consultant's understanding that the City desires a comprehensive review of the water, wastewater and reclaimed water user rates to identify the ability of the user rates to provide sufficient revenues to meet the operating, bond resolution and capital improvement program (CIP) requirements. It is additionally understood that the Consultant will work closely with City staff to adjust customer data to reflect actual and forecasted impacts of existing conversions and new connections to reclaimed water. The study includes:

(a) Identifying customer characteristics for rate setting and revenue projection purposes;
(b) Evaluation of reclaimed water connections on an existing and forecasted customer base;
(c) Allocation of fiscal requirements based on community standards and cost of service principles;
(d) Projection of fiscal requirements based on escalation factors relevant to each budgeted line item;
(e) Development of equitable and appropriate user rates and charges, which together with certain other revenues are sufficient to pay 100 percent of all operating expenses, debt service associated with the outstanding and projected debt, renewal and replacement requirements, debt service coverage provisions, capital provided through user fee revenues, required transfers, support of projected capital improvement program and other authorized fiscal requirements;
(f) Development of a computer rate model with provisions for multi-year projections to address future operating and capital requirements; and
(g) Meetings, discussions and presentations to City staff, members of the City council and at public hearings.

SCOPE OF SERVICES
To accomplish the study objectives, the Consultant will perform the following Scope of Services:

Item 1. Multi -Year Rate Study

A modified cost of service methodology will be used that incorporates the reviews, investigations and analyses necessary to identify the costs of services and customer determinants required to establish appropriate user rates that reflect just and equitable recovery of water, wastewater and reclaimed water service costs. The approach includes the development of a computer rate and financial feasibility model platform to analyze, develop, review and provide forecasts of customers, usage, fiscal requirements and strategic CIP funding.

1. Project Initiation – A meeting with City staff will be held to initiate the study process, which in general includes:
    a) Discussion of primary goals and objectives;
    b) Data availability and acquisition;
    c) Operating and administrative policies and procedures;
    d) Current and future economic constraints;
    e) Customer base and other service agreements;

f) Customer growth;
g) Forecasted Reclaimed Water Connections;
h) Capital improvements;
i) Consultant/City staff communications; and
j) Time schedules, meetings and deliverable formats.

2. Customer Data – A review and evaluation of historic and current water, wastewater and reclaimed water customer activity and user fee revenue data will be conducted to identify customer characteristics. To facilitate this task a request for data will be directed to the City for either a comprehensive billing frequency analysis if available through the current billing system, or an electronic file containing information for 12 consecutive months ending September 30, 2012 of bills by customer classification and meter size on the number of: (i) accounts; (ii) dwelling units if applicable; (iii) equivalencies; (iv) usage; and (v) the user fee amount for each bill. The billing frequency analysis is necessary to identify the water, wastewater and reclaimed water usage characteristics by customer class and size of service. Once the billing frequency analysis is completed, the Consultant will coordinate with the City to verify the results and obtain concurrence on the findings for use in developing the user rates and charges. Upon verification the Consultant will request an electronic download of customers by class and meter size for the most current month.
3. Fiscal and Revenue Requirements – A review and evaluation will be conducted of utility financial and accounting information, including budgets, historical and current financial records, operation and maintenance reports, capital improvement programs and schedules of existing and proposed debt service. The results and findings will be discussed with City staff to obtain concurrence and then used as the basis for fiscal and revenue requirements. This item includes reconciling affiliated activities such as allocation of interest income and capital accounts.
4. Rate and Fee Architecture – The Consultant will utilize the existing Rate Structure.
5. Allocation of Cost and Rate Adjustments – Net revenue requirements for each utility function will be allocated to individual rate structure components pursuant to the existing rate structure. Based on customer classes, equivalency/demand determinants and allocated revenue requirements, user rates will be developed independently for water, wastewater and reclaimed water. Tables and schedules identifying changes in the proposed rates together with customer impacts and comparison to other communities will also be developed and included in the study process.
6. Forecast of Customer Equivalencies and Billable Usage – Pursuant to historical and planning data provided by the City, projections of the number of equivalencies and billable flows by customer class and rate structure configuration for each utility service will be developed and reviewed with City staff for concurrence. Of particular importance is an analysis of the impact the anticipated expansion of reclaimed water will have on both potable water for both existing and new connections. The Consultant will work close with City staff to identify actual events and develop assumptions on future activities.
7. Forecast of Revenue Requirements and Operating Results – A 5-year proforma operating statement will be developed for each utility service and combined into one consolidated statement. The proforma will include projections of revenue, O&M expenses, net revenue, debt service, transfer from other utility funds and other fiscal activities/requirements of the utility. The projected operating results will be used to demonstrate the sufficiency of recommended rates and feasibility to provide for scheduled capital improvement program.
8. Preliminary Findings – Upon completion of the initial analysis, the Consultant will meet with City staff for the purpose of: (i) reviewing the findings and conclusions; (ii) discussing any issues or concerns City staff may have regarding the findings; and (iii) obtaining City staff comments and observations along with directions on proceeding with the development of an initial draft report.
9. Draft Reports – A draft report will be prepared containing discussions, tables and supporting documentation associated with the major elements of the study, including but not limited to customer data, fiscal requirements, rate design and projections of operations. Copies of the draft report will be provided in electronic format to City staff for review and comments.
10. Draft Report Meeting – One meeting is contemplated between the Consultant and City staff to present and discuss the draft report. It is anticipated that upon completion of this meeting City staff

will provide a sufficient level of comments and directions to allow the Consultant to finalize the study.

11. Final Report – One printed signed copy together with an electronic copy of the final report will be provided to the City.
12. Assist City Attorney with Draft Ordinance/Resolutions – As requested the Consultant will assist with preparation of draft ordinance/resolution fee changes and credit provisions together with providing reviews and comments of the final ordinance/resolution as prepared by City or City Attorney.
13. Final Meeting – The Consultant will attend one public hearing for the purpose of assisting with the presentation of the findings of the Final Report to the City Council.
14. Rate Model Consolidation – A Stormwater Fee study will be conducted concurrently with this Water, Wastewater and Reclaimed Water rate study, and upon completion the Consultant will combine the computer rate models to reflect the consolidated Water, Wastewater, Reclaimed Water and Stormwater Enterprise.

Item II. Additional Services

Pursuant to Item I of the above Scope of Services, the Consultant will respond to requests by the City for additional services. The additional services may include, but are not limited to: verification of customer data at City level; requests for development of alternative rate structures and/or customer classes after preparation of draft report; development of independent Large User Rates, additional meetings not identified above including any one-on-one meetings with City officials or large users; preparation in lieu of assisting in developing the draft ordinance/resolution; implementation assistance; negotiations with other entities relative to bulk services; capital funding assistance and utility strategic planning.

PROJECT SCHEDULE

Item I subtasks 1 through 8 of the Scope of Services will be completed within Ninety (90) days from receipt of Notice to Proceed except for delays beyond the reasonable control of the Consultant.

Item I subtasks 9 through 14 and Item II of the Scope of Services will be completed as mutually agreed.

TASK 2. STORMWATER FEE STUDY

Project Understanding
General
It is the Consultant's understanding that the City desires a review of the Stormwater Fee to: 1) identify the impervious area criteria used to establish an Equivalent Single Family Unit (ESFU); 2) provide sufficient revenues to address forecasted operating and capital requirements; and 3) review alternative fee structures to recover costs based on allocated service provisions. The Stormwater Rate Study includes:

(a) Reestablishing the criteria associated with ESFUs;
(b) Tabulation of ESFUs based on updated criteria;
(c) Allocation of fiscal requirements based on identified service categories;
(d) Projection of revenue requirements based on existing and proposed debt, and escalation factors relevant to each budgeted line item;
(e) Forecast of revenue sufficiency based on existing Stormwater Fees;
(f) Forecast of Stormwater Fee adjustments for revenue sufficiency;
(g) Review and evaluation of Stormwater Fee credit provisions;
(h) Development of a computer model with provisions for multi-year projections to address operating and capital requirements;
(i) Incorporation of computer model components into the computer water, wastewater and reclaimed water rate model; and
(j) Meetings, discussions and presentations to City staff, members of the City council and at public hearings.

SCOPE OF SERVICES
To accomplish the study objectives, the Consultant will perform the following Scope of Services:

Item I. Comprehensive Stormwater Fee Study

The study will use the established methodology of determining the stormwater fee based on the property's impervious area. The approach incorporates data acquisition, analysis, reviews and investigations necessary to identify an appropriate ESFU criterion, fiscal requirements and alternative fee structures to establish appropriate fees that reflect just and equitable recovery of stormwater service costs. The approach also includes the development of a computer model with a financial element to analyze, develop, review and provide forecasts of ESFUs, fiscal requirements and strategic funding of future capital needs.

1. Project Initiation – A meeting with City staff will be held to initiate the study process, which in general includes:
   a) Discussion of primary goals and objectives;
   b) Data availability and acquisition;
   c) Operating and administrative policies and procedures;
   d) Current and future economic constraints;
   e) Existing ESFU data;
   f) Capital needs;
   g) Consultant/City staff communications; and
   h) Time schedules, meetings and deliverable formats.
2. ESFU Criterion – The Consultant will acquire property data from Lake County and develop a sampling process to determine within a 95 percent confident level the average impervious area associated with single family residential parcels.
3. ESFU Data – Current ESFU data organized by classification data and billing requirements will be acquired from the City and updated to reflect any changes in the ESFU criterion. Once the data is compiled, the Consultant will coordinate with the City to verify the results and obtain concurrence on the findings for use in the study process.
4. Fiscal and Revenue Requirements – A review and evaluation will be conducted of stormwater financial and accounting information, including budgets, historical and current financial records,

operation reports and forecasts of capital needs. The results and findings will be discussed with City staff to obtain concurrence and then used as the basis for fiscal and revenue requirements.

5. Fee Architecture – In addition to the existing single component stormwater fee, the Consultant, based on the revenue requirements, will explore an alternative utilizing two fee components for the purpose of achieving a more equitable cost recovery basis through the fee structure.
6. Allocation of Cost and Rate Adjustments – Revenue requirements will be reviewed and allocated pursuant to the existing rate structure, customer class and service criteria. Based on the results of the allocated revenue requirements, adjustments to the existing rates will be identified to maintain revenue sufficiency on an equitable basis. Tables and schedules identifying rate adjustments and changes in the rates together with customer impacts and comparison to other communities will also be developed and included in the study process.
7. Development of Credit Provisions – The Consultant will review the existing ordinance and discuss with City staff alternative provisions directed at providing a format for properties with permitted and self-maintained stormwater facilities to apply for a credit. It is understood that the City will provide information on those developments that may qualify for such credits.
8. Forecast of Revenue Requirements and Operating Results – A 5-year proforma operating statement will be developed reflecting projections of revenue, O&M expenses, net revenue, capital needs and other fiscal activities/requirements of the utility. The projected operating results will be used to demonstrate the sufficiency of the recommended fees and feasibility to provide for scheduled capital needs.
9. Preliminary Findings – Upon completion of the initial analysis, the Consultant will meet with City staff for the purpose of: (i) reviewing the findings and conclusions; (ii) discussing any issues or concerns City staff may have regarding the findings; and (iii) obtaining City staff comments and observations along with directions on proceeding with the development of an initial draft report.
10. Draft Reports – A draft report will be prepared containing discussions, tables and supporting documentation associated with the major elements of the study, including but not limited to property data, fiscal requirements, rate comparisons and projections of operating results. An electronic copy of the draft report will be provided to City staff for review and comments.
11. Draft Report Meeting – One meeting is contemplated between the Consultant and City staff to present and discuss the draft report. It is anticipated that upon completion of this meeting City staff will provide a sufficient level of comments and directions to allow the Consultant to finalize the study.
12. Assistance with Billing Process – The Consultant will assist the City in coordinating each property's stormwater fee to the appropriate water and wastewater billing account. Since all properties do not have a specific water and wastewater billing account it is understood that certain properties may require to be billed individually, consolidated with other properties or divided among more than one billing account. The Consultant will rely on the information provided by the City, any verification of the data will be addressed pursuant to Item II Additional Services.
13. Final Report – One printed signed copy together with an electronic copy of the final report will be provided to the City.
14. Assist City Attorney with Draft Ordinance/Resolutions – As requested the Consultant will assist with preparation of draft ordinance/resolution rate changes together with providing reviews and comments of the final ordinance/resolution as prepared by City or City Attorney.
15. Final Meeting – The Consultant will attend one public hearing for the purpose of assisting with the presentation of the findings of the Final Report to the City Council.
16. Rate Model Consolidation – It is anticipated that this Stormwater Fee Study will be conducted concurrently with a Water, Wastewater and Reclaimed Water Rate Study, and upon completion the Consultant will combine the computer rate models to reflect the consolidated Water, Wastewater, Reclaimed Water and Stormwater Enterprise.

Item II. Additional Services

Pursuant to Item I of the above Scope of Services, the Consultant will respond to requests by the City for additional services. The additional services may include, but are not limited to: verification of property

data at City level; requests for development of alternative fee structures after preparation of draft report; additional meetings not identified above including any one-on-one meetings with City officials or large users; preparation in lieu of assisting in developing the draft ordinance/resolution; capital funding assistance and utility strategic planning.

PROJECT SCHEDULE

Item I subtasks 1 through 12 of the Scope of Services will be completed within eighty (80) days from receipt of Notice to Proceed except for delays beyond the reasonable control of the Consultant.

Item I subtasks 13 through 16 and Item II of the Scope of Services will be completed as mutually agreed.

ATTACHMENT B – RFC's 2013 STANDARD BILLING RATES

Position	Hourly Billing Rate
Vice President	$240
Senior Manager	$220
Manager & Director of Fl Operations	$200
Senior Consultant	$185
Consultant	$160
Associate	$130
Technician	$90
Administration	$60
Technology Expense	$10 *

* Technology/Communications Charge – this is an hourly fee charged monthly for each hour worked on the project to recover telephone, facsimile, computer, postage/overnight delivery, conference calls, electronic/computer (i.e. WebEx, GoToMeetings), photocopies, etc.

Ranking Vote Shortlist			
GAI Consultants, Inc.	85	82	83
Public Resources Management Group, Inc. (PRMG)	94	85	90
Willdan Financial Services.	92	83	80
Burton & Associates	95	87	96
Raftelis Financial Consultants, Inc	100	94	98

Ranking Vote Final			
Public Resources Management Group, Inc. (PRMG)	**3**	3	2
Burton & Associates	**2**	2	3
Raftelis Financial Consultants, Inc	**1**	1	1

	Rank
250	**5**
269	**3**
255	**4**
278	**2**
292	**1**

Rank
3
2
1

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CITY OF TAVARES
REQUEST FOR QUALIFICATIONS FOR: UTILITIY RATES CONSULTANT

Pursuant to Section 287.055, Florida Statutes, the City of Tavares (the "City") invites qualified engineering firms to submit statements of their qualifications to provide rate consulting services to the City in response to this Request for Qualifications (the "RFQ").

Sealed bids are invited by the City of Tavares, to be received at the office of the City Clerk, 201 East Main Street, Tavares, Florida 32778 so as to be received not later than 2:00 PM on Thursday, September 20 2012. Bids received after this specified time and date will not be considered. Please submit one original clearly marked, 6 (six) copies and 1 (one) digital copy (preferably in PDF format).

The purpose of this Request for Qualifications (RFQ) is to seek qualified firms to provide Utility Rate Consultant Services in compliance with City policy.

Copies of contract (bid) documents consisting of bidding requirements, contract forms, and conditions of the contract may be examined at City Hall, 201 E. Main St., Tavares, Florida, telephone (352) 742-6131. Bidders with access to DemandStar.com can obtain the front end documents by calling 1- 800-711-1712, or on the web at http://www.demandstar.com.

John Rumble, Purchasing Manager
jrumble@tavares.org

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Homes Lake County for Rent

CLERMONT — 2BR/2BA/2cg, in cul-de-sac, good neighborhood. $895/mo+sec dep. 352-243-2604

TAVARES — 3BR/1.5BA, all appls, garage, carport, deck, fenced backyard. Close to hospital & schools. $875/mo+$875 dep &

Homes Lake County for Rent

EUSTIS — 3/2, available, great neighborhood, recently remodeled, fenced yard, $850/mo. 352-406-9325

LOOK

MT DORA/EUSTIS — Attractive 3/2, tiled, florida room, screen room, fenced yard, $1,500/mo. 321-689-6091

TAVARES - ROYAL HARBOR — Lakefront 55+ gated comm. 3BR/2BA on quiet cul-de-sac w/beautiful upgrades incl. steam room & energy features. Comm. includes Resort style amenities incl. heated pool, gym, tennis, activities. $950/mo 352-516-4960

TAVARES — 3BR/1.5BA. 1325SF, super clean, cul-de-sac. $800/mo, $990 dep. 1155 Elm Ct. Avail. 9/1. 407-466-1800

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TAVARES — office w/ kitchen, 600 sq ft, 12 cubicles, computer hook-ups, phones. $800/mo (neg). 407-947-3477

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Homes Lake County for Sale

MOUNT DORA —Beautiful custom build pool home. 4br/2/2 fireplace. 405 Sasafrass Ln. $324k. 352-223-0096

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Manufactured Homes for Sale

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TAVARES

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AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: September 4, 2013

AGENDA TAB NO. 5

SUBJECT TITLE: Public Hearing to Adopt Resolution 2013-12 Adopting the Tentative Millage Rate for FY 2014

OBJECTIVE:
To receive public input and consider the approval of Resolution 2013-12 to adopt the Tentative Millage Rate for Fiscal Year 2014

SUMMARY:
The Tentative Millage Rate for the General Fund is proposed at **6.4531** mills which is **.4681** mills over the Current FY 2013 Millage rate of 5.985 mils. The Tentative Millage Rate for Voted Debt Service is .**4533** mills. The Tentative Millage is based on the following assumptions and details:

- Ad valorem millage rate of 6.4531 mills is 5.22% above the rollback rate of 6.1332 mills, and .4681 mills more than the current millage rate of 5.9850 mills.
- An assessed taxable property value of $599,061,342 which is a decrease of 1.19% from the prior year.
- A Fire Assessment at 100% of assessed costs. Rates remain unchanged from the prior year..
- A balanced Tentative Budget of $13,398,786.
- 2.5% Pay Increase for employees
- PBA & IAFF Union Negotiation Changes (IAFF-$3,211.78; PBA-$23,473.32
- FRS employer contributions are budgeted at blended rates as rate increases are effective July 1, 2013 (*7.095% Regular Class & 18.742% Senior Management Class*).
- Staffing level decreases – Part-time Library Page
- Increase Part-time Budget Position in Finance Department to Full-time.
- Increase Fire Services by one entry level Firefighter/ALS position effective April 1, 2013
- Increase Police Services by one entry level Police Officer effect September 1, 2013.
- The Fire Pension contribution rate is budgeted at 22.46%
- The Police Pension contribution rate is budgeted at to 21.10%.
- Health insurance is budgeted at an overall increase of 5.57% over prior year and reflects a negotiated package for single and family coverage, life, short and long term disability.
- A workers' compensation rate increase of 5%.

- A general liability rate increase of 10%.
- The Tentative Budget includes the acquisition of 12 new police vehicles (6 replacements, 6 new).
- The Tentative Budget funds only operational costs critical to the service delivery mission.
- The Tentative Budget maintains a similar level of service.
- The Tentative Budget maintains an estimated reserve balance of $1,137,988 or 8.5% of the Tentative Budget to be broken out as follows:
  (Assumes all revenue budgeted in FY 2013 will be received.)
  Reserves for unforeseen Emergencies: $1,024,189 (90%)
  Reserves for unforeseen Contingencies: $ 113,970 (10%)

Previously the City Council discussed the proposed Fiscal Year 2013 Budget at the following public meetings:

- March 6th – City Council Meeting – City Council set broad budget goals
- June 20th - Draft Budget To City Council
- July 3rd – Draft Budget Presentation to City Council
- July 10th – City Council Budget Workshop
- July 17th – City Council Budget Workshop – Council sets Tentative Maximum Millage
- July 24th – City Council Budget Workshop
- August 7th – City Council Budget Workshop
- August 21st – City Council Budget Workshop

A Tentative Budget has been prepared for the City Council based on discussions at the previous City Council Budget Workshops and the Proposed Budget presented on July 3, 2013.

A summary of changes made to the FY 2013 DRAFT Budget for the General Fund and Enterprise Funds to arrive at the Tentative Budget are shown below:

FUND NAME	NUMBER	DRAFT BUDGET	TENTATIVE BUDGET	CHANGE
GENERAL	001	13,467,555	13,397,526	(70,029)
WATER/SEWER	401	7,462,910	7,478,448	15,538
SOLID WASTE	402	2,772,427	2,773,629	1,202
STORMWATER	403	632,450	634,437	1,987
SEAPLANE BASE	405	729,811	708,929	(20,882)
PAVILION	406	532,972	311,341	(221,631)
TOTAL		**25,598,125**	**25,304,310**	**(293,815)**

The Tentative Budget is balanced at $13,397,526 and reflects a Final Millage Rate of 6.4531 mills with a Fire Assessment at 100% of the assessable Fire budget to fund Fire Services.

OPTIONS:

1. Take Public input and approve the Tentative Millage for Fiscal Year 2014 as reflected in Resolution 2013-12.

2. Take Public input and approve the Tentative Millage for Fiscal Year 2014 as reflected in Resolution Number 2013-12 and to reflect additional revisions to the Final Budget.

STAFF RECOMMENDATION:

Take public input and move to approve the tentative Millage for Fiscal Year 2014 as reflected in Resolution No. 2013-12.

FISCAL IMPACT: At this point all budgets are balanced assuming a Final Millage Rate of 6.4531, a Final Voted Debt Service Millage of .4533, and a 100% Fire Assessment. Changes will require revisions to the Final Budget.

RESOLUTION 2013 - 12

A RESOLUTION ADOPTING A FINAL MILLAGE RATE OF 6.4531 FOR THE CITY OF TAVARES, FLORIDA, FOR AD VALOREM TAXES FOR FISCAL YEAR 2013-2014; SETTING FORTH THE PERCENT BY WHICH THE MILLAGE RATE IS GREATER THAN THE "ROLLED-BACK" RATE.

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

WHEREAS, the City of Tavares of Lake County, Florida on September 4, 2013, adopted the 2013-2014 Fiscal Year Tentative Millage Rate following a public hearing as required by Florida Statute 200.065.

WHEREAS, the City of Tavares of Lake County, Florida, following due public notice as required by law, held a second public hearing on September 18, 2013, as required by Florida Statute 200.065 on the 2012-2013 Millage Rate; and

WHEREAS, the gross taxable value for operating purposes not exempt from taxation within Lake County has been certified by the County Property Appraiser to the City of Tavares as $599,061,342.

NOW THEREFORE, BE IT RESOLVED by the City of Tavares of Lake County, Florida, that:

1. The City of Tavares Fiscal Year 2013-2014 operating millage rate to be levied is hereby set at 6.4531 mills, which millage rate is greater than the rolled back rate of 6.1332 by 5.22%.

2. The voted debt service millage is .4533.

3. This Resolution will take effect immediately upon its adoption.

PASSED AND RESOLVED this 18th day of September 2013 by the City Council of the City of Tavares, Florida. Time Adopted:_____.

_____
Robert Wolfe, Mayor
Tavares City Council

ATTEST:

_____
Nancy A. Barnett
City Clerk

_____
Approved as to form:
Robert Q. Williams,
City Attorney

AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: September 4, 2013

AGENDA TAB NO. 6

SUBJECT TITLE: Public Hearing to Adopt Resolution 2013-13 Adopting the Tentative Budget for FY 2014

OBJECTIVE:

To receive public input and consider the approval of Resolution 2013-13 to adopt the Tentative Budget for Fiscal Year 2013

SUMMARY:

The Tentative Budget for the General Fund is balanced at $13,398,786, and is based on the following assumptions and details:

- Ad valorem millage rate of 6.4531 mills is 5.22% above the rollback rate of 6.1332 mills, and .4681 mills over the current millage rate of 5.9850 mills.
- An assessed taxable property value of $599,061,342 which is a decrease of 1.19% from the prior year.
- A Fire Assessment at 100% of assessed costs. Rates remain unchanged from the prior year..
- A balanced Tentative Budget of $13,398,786.
- 2.5% Pay Increase for employees
- PBA & IAFF Union Negotiation Changes (IAFF-$3,211.78; PBA-$23,473.32
- FRS employer contributions are budgeted at blended rates as rate increases are effective July 1, 2013 (*7.095% Regular Class & 18.742% Senior Management Class*).
- Staffing level decreases – Part-time Library Page
- Increase Fire Services by one entry level Firefighter/ALS position effective April 1, 2013
- Increase Police Services by one entry level Police Officer effect September 1, 2013.
- The Fire Pension contribution rate is budgeted at 22.46%
- The Police Pension contribution rate is budgeted at to 21.10%.
- Health insurance is budgeted at an overall increase of 5.57% over prior year and reflects a negotiated package for single and family coverage, life, short and long term disability.
- A workers' compensation rate increase of 5%.
- A general liability rate increase of 10%.

- The Tentative Budget includes the acquisition of 12 new police vehicles (6 replacements, 6 new).
- The Tentative Budget funds only operational costs critical to the service delivery mission.
- The Tentative Budget maintains a similar level of service.
- The Tentative Budget maintains an estimated reserve balance of $1,137,988 or 8.5% of the Tentative Budget to be broken out as follows:
  (Assumes all revenue budgeted in FY 2013 will be received.)
  Reserves for unforeseen Emergencies: $1,024,189 (90%)
  Reserves for unforeseen Contingencies: $ 113,970 (10%)

Previously the City Council discussed the proposed Fiscal Year 2014 Budget at the following public meetings:

- March 6th – City Council Meeting – City Council set broad budget goals
- June 20th - Draft Budget To City Council
- July 3rd – Draft Budget Presentation to City Council
- July 10th – City Council Budget Workshop
- July 17th – City Council Budget Workshop – Council sets Tentative Maximum Millage
- July 24th – City Council Budget Workshop
- August 7th – City Council Budget Workshop
- August 21st – City Council Budget Workshop

A Tentative Budget has been prepared for the City Council based on discussions at the previous City Council Budget Workshops and the Proposed Budget presented on July 3, 2013.

The following table provides a brief overview of changes made to the General Fund and the Enterprise funds to arrive at the Tentative Budget.

FUND NAME	NUMBER	DRAFT BUDGET	TENTATIVE BUDGET	CHANGE
GENERAL	001	13,467,555	13,397,526	(70,029)
WATER/SEWER	401	7,462,910	7,478,448	15,538
SOLID WASTE	402	2,772,427	2,773,629	1,202
STORMWATER	403	632,450	634,437	1,987
SEAPLANE BASE	405	729,811	708,929	(20,882)
PAVILION	406	532,972	311,341	(221,631)
TOTAL		**25,598,125**	**25,304,310**	**(293,815)**

The Tentative Budget is balanced at $13,397,526 and reflects a Final Millage Rate of 6.4531 mills with a Fire Assessment at 100% of the assessable Fire budget to fund Fire Services.

OPTIONS:

1. Take Public input and approve the Tentative Budget for Fiscal Year 2014 as reflected in Resolution 2013-13.

2. Take Public input and approve the Tentative Budget for Fiscal Year 2014 as reflected in Resolution Number 2013-13 and to reflect additional revisions to the Tentative Budget.

STAFF RECOMMENDATION:

Take public input and move to approve the Tentative Budget for Fiscal Year 2014 as reflected in Resolution No. 2013-13.

FISCAL IMPACT: At this point all budgets are balanced. Changes will require revisions to the Tentative Budget.

RESOLUTION 2013 - 13

A RESOLUTION ADOPTING THE FINAL BUDGET FOR THE CITY OF TAVARES, FLORIDA, FOR THE FISCAL YEAR 2013 - 2014.

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

WHEREAS, a public hearing on the proposed 2013-2014 budget was held at the Tavares City Hall Council Chambers in the City of Tavares, Florida, Lake County, Florida on September 4th 2013, at 5:05 p.m., as required by Florida Statutes 200.065; and

WHEREAS, the general public was given an opportunity to express its views pertaining to the proposed budget, and

WHEREAS, the City Council approved the tentative budget for 2013-2014, and

WHEREAS, a second public hearing on the proposed 2013-2014 budget was held in the Council Chambers at the Tavares City Hall, 201 East Main Street in the City of Tavares, Florida, on September 18, 2013, at 5:05 p.m.,

NOW, THEREFORE, BE IT RESOLVED that the Budget for 2013-2014 fiscal year for the City of Tavares, Florida is hereby adopted by the Tavares City Council in the amount of $29,782,821, at public hearing this 18th day of September, 2013.

Fund Name	Fund Number	Estimated Revenues [1]	Reserve Appropriations or (Non-Appropriated Revenues) [2,3]	Estimated Appropriations/ Expenditures
General Fund	001	$ 13,408,263	$ (10,737)	$ 13,397,526
Water/Wastewater Utility	401	7,639,961	(161,513)	7,478,448
Water/Wastewater Impacts	441	-	1,054,300	1,054,300
W/WW RR&I Fund	443	300,000	(151,000)	149,000
SRF Construction Fund	444	-	-	-
W/WW SRF Loan	445	1,076,472	-	1,076,472
Solid Waste	402	2,785,522	(11,893)	2,773,629
Stormwater	403	685,325	(50,888)	634,437
Seaplane Base Fund	405	708,929	-	708,929
Pavilion Fund	406	261,179	50,162	311,341
Police Education	102	1,500	-	1,500
Police Automation	103	-	-	-
Community Redevelopment	105	157,960	(6,146)	151,814
Police Impacts	110	-	-	-
Fire Impacts	111	-	-	-
Forfeiture Fund	112	-	-	-
Park Impacts	114	-	-	-
Fire Assessment Fund	122	1,569,134	-	1,569,134
Infrastructure Sales Tax	150	1,385,763	(61,732)	1,324,031
Grant Fund	151	268,478	-	268,478
Debt Service Fund	201	271,508	-	271,508
Capital Project Fund	301	250,000	-	250,000
Dental Insurance Fund	501	-	-	-
Municipal Police Pension	601	715,841	(505,169)	210,672
Firefighter's Pension	602	910,191	(665,516)	244,675
Mildred Hunter Trust	605	183	(133)	50
Woodlea Park Playground Trust	606	196	-	196
		$ 32,396,405	$ (520,265)	$ 31,876,140

[1] *Estimated Revenues = anticipated revenue collections*

[2] *Negative Reserve Appropriations assumes unappropriated revenues*

[3] *Positive Reserve Appropriations assumes appropriating (spending) an amount of reserves.*

This resolution will take effect immediately upon its adoption.

PASSED AND RESOLVED this 18th day of September, 2013, by the City Council of the City of Tavares, Florida. Time Adopted: _____P.M.

_____
Robert Wolfe, Mayor
Tavares City Council

ATTEST:

_____
Nancy A. Barnett
City Clerk

_____
Approved as to form:
Robert Q. Williams
City Attorney

AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: September 4, 2013

AGENDA TAB NO. 7

SUBJECT TITLE: Ordinance #2013-14 – Amendment to Chapter 15 of the Police Pension Plan – Sections 15-71, 15-76 and 15-85 – First Reading

OBJECTIVE:

To approve Ordinance #2013-14 amending Chapter 15 of the Police Pension Plan

SUMMARY:

Ordinance #2013-14 has been prepared by the Police Pension Attorney and reviewed and approved by the Board. It amends Section 15-71 to amend the definition of Credited Service and Section 15-85 to comply with recent changes to the Internal Revenue Code relating to tax qualified pension plans. The changes must be approved by October 1 to ensure the continuation of the plan's tax qualified status.

In addition to the mandatory changes a proposed amendment is being made to Section 15-76, Benefit Amounts and Eligibility to allow for a prorated initial cost-of-living adjustment to retirees who have been retired more than twelve months on the July 1 of their first adjustment. At the current time if an employee retires just before July 1st they are required to wait a full year before receiving any COLA increases.

This ordinance has been reviewed by the Board Actuarial Foster & Foster who has indicated its adoption will have no impact on the assumptions used in determining the funding requirements of the program. (See attached letter.)

In addition the retirement benefits consultant for the City has reviewed the ordinance and determined there are no financial impacts to the city. See attached letter.

OPTIONS:

1. Move to approve Ordinance #2013-14 amending Chapter 15 of the Police Pension Plan
2. Do not approve Ordinance #2013-14.

STAFF RECOMMENDATION:

Option 1: Move to approve Ordinance 2013-14 as, in compliance with changes to the Internal Revenue Code

FISCAL IMPACT: No fiscal impact.

LEGALLY SUFFCIENCY: The ordinance is legally sufficient

ORDINANCE NO. 2013-14

AN ORDINANCE OF THE CITY OF TAVARES AMENDING CHAPTER 15, PENSIONS AND RETIREMENT, ARTICLE IV, POLICE OFFICERS' PENSION TRUST FUND, OF THE CODE OF ORDINANCES OF THE CITY OF TAVARES; AMENDING SECTION 15-71, DEFINITIONS TO AMEND THE DEFINITION OF "CREDITED SERVICE"; AMENDING SECTION 15-76, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 15-85, MAXIMUM PENSION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAVARES, FLORIDA;

SECTION 1: That Chapter 15, Pensions and Retirement, Article IV, Police Officers' Pension Trust Fund, of the Code of Ordinances of the City of Tavares, is hereby amended by amending Section 15-71, Definitions, to amend the definition of "*Credited Service*" to read as follows:

* * * * *

Credited service means the total number of years and fractional parts of years of service as a police officer with member contributions, when required, omitting intervening years or fractional parts of years when such member was not employed by the city as a police officer. A member may voluntarily leave his accumulated contributions in the fund for a period of five (5) years after leaving the employ of the Tavares Police Department pending the possibility of being reemployed as a police officer, without losing credit for the time that he was a member of the system. If a vested member leaves the employ of the Tavares Police Department, his accumulated contributions will be returned only upon his written request. If a member who is not vested is not reemployed as a police officer with the Tavares Police Department within five (5) years, his accumulated contributions, if one-thousand dollars ($1,000.00) or less shall be returned. If a Member who is not vested is not reemployed within five (5) years, his Accumulated Contributions, if more

than one-thousand dollars ($1,000.00), will be returned only upon written request and upon completion of a written election to receive a cash lump sum or to rollover the lump sum amount on forms designated by the Board. Upon return of a member's accumulated contributions, all of his rights and benefits under the system are forfeited and terminated. Upon any reemployment, a police officer shall not receive credit for the years and fractional parts of years of service for which he has withdrawn his accumulated contributions from the fund, unless the police officer repays into the fund the contributions he has withdrawn, with interest, as determined by the board, within ninety (90) days after his reemployment.

The years or fractional parts of a year that a member performs "Qualified Military Service" consisting of voluntary or involuntary "service in the uniformed services" as defined in the Uniformed Services Employment and Reemployment Rights Act (USERRA) (P.L.103-353), after separation from employment as a police officer with the city to perform training or service, shall be added to his years of credited service for all purposes, including vesting, provided that:

(1) The member is entitled to reemployment under the provisions of USERRA.

(2) The member returns to his employment as a police officer within one (1) year from the earlier of the date of his military discharge or his release from active service, unless otherwise required by USERRA.

(3) The maximum credit for military service pursuant to this paragraph shall be five (5) years.

(4) This paragraph is intended to satisfy the minimum requirements of USERRA. To the extent that this paragraph does not meet the minimum standards of USERRA, as it may be amended from time to time, the minimum standards shall apply.

In the event a member dies on or after January 1, 2007, while performing USERRA Qualified Military Service, the beneficiaries of the member are entitled to any benefits

(other than benefit accruals relating to the period of qualified military service) as if the member had resumed employment and then died while employed.

Beginning January 1, 2009, to the extent required by section 414(u)(12) of the code, an individual receiving differential wage payments (as defined under section 3401(h)(2) of the code) from an employer shall be treated as employed by that employer, and the differential wage payment shall be treated as compensation for purposes of applying the limits on annual additions under section 415(c) of the code. This provision shall be applied to all similarly situated individuals in a reasonably equivalent manner.

* * * * *

SECTION 2: That Chapter 15, Pensions and Retirement, Article IV, Police Officers' Pension Trust Fund, of the Code of Ordinances of the City of Tavares, is hereby amended by amending Section 15-76, Benefit Amounts and Eligibility, subsection (e), *Cost of Living Adjustment*, to read as follows:

* * * * *

(e) *Cost of living adjustment.* On July 1 of each year, following the receipt of benefits (or crediting of benefits for DROP participants) for at least one full year, the monthly benefit of all current and future retirees, including disability retirees and DROP participants, terminated vested persons (in pay status) and the beneficiaries and joint pensioners of these benefit recipients, shall, be increased by two (2) percent. In the event that the first adjustment as determined above is more than twelve (12) months following the actual retirement date, the first adjustment shall be increased by a fraction, the numerator of which is the number of whole months that the first adjustment date exceeds twelve (12) months and the denominator of which shall be twelve (12). Beneficiaries and joint pensioners of Retirees described in this subsection shall receive the adjustment on the date that the deceased Retiree would have been eligible.

* * * * *

SECTION 3: That Chapter 15, Pensions and Retirement, Article IV, Police Officers' Pension Trust Fund, of the Code of Ordinances of the City of Tavares, is hereby amended by amending Section 15-85, Maximum Pension, to read as follows:

Sec. 15-85. Maximum pension.

(a) *Basic limitation*. Notwithstanding any other provisions of this system to the contrary, the member contributions paid to, and retirement benefits paid from, the system shall be limited to such extent as may be necessary to conform to the requirements of Code Section 415 for a qualified retirement plan. Before January 1, 1995, a plan member may not receive an annual benefit that exceeds the limits specified in Code Section 415(b), subject to the applicable adjustments in that section. On and after January 1, 1995, a plan member may not receive an annual benefit that exceeds the dollar amount specified in Code Section 415(b)(1)(A) ($160,000), subject to the applicable adjustments in Code Section 415(b) and subject to any additional limits that may be specified in this System. For purposes of this section, "limitation year" shall be the calendar year.

For purposes of Code Section 415(b), the "annual benefit" means a benefit payable annually in the form of a straight life annuity (with no ancillary benefits) without regard to the benefit attributable to after-tax employee contributions (except pursuant to Code Section 415(n) and to rollover contributions (as defined in Code Section 415(b)(2)(A)). The "benefit attributable" shall be determined in accordance with Treasury Regulations.

(b) *Adjustments to Basic Limitation for Form of Benefit*. ~~If the form of benefit without regard to any benefit increase feature is not a straight life annuity, then the Code Section 415(b) limit applicable at the annuity starting date is reduced to an actuarially equivalent amount (determined using the assumptions specified in Treasury Regulation Section 1.415(b)-1(c)(2)(ii)) that takes into account the death benefits under the form of benefit.~~ If the benefit under the plan is other than the annual benefit described in subsection (a), then the benefit shall be adjusted so that it is the equivalent of the annual

benefit, using factors prescribed in Treasury Regulations. If the form of the benefit without regard to any automatic benefit increase feature is not a straight life annuity or a qualified joint and survivor annuity, then the preceding sentence is applied by either reducing the Code Section 415(b) limit applicable at the annuity starting date or adjusting the form of benefit to an actuarially equivalent amount (determined using the assumptions specified in Treasury Regulation Section 1.415(b)-1(c)(2)(ii)) that takes into account the additional benefits under the form of benefit as follows:

(1) For a benefit paid in a form to which section 417(e)(3) of the code does not apply (generally, a monthly benefit), the actuarially equivalent straight life annuity benefit that is the greater of:

a. The annual amount of the straight life annuity (if any) payable to the member under the plan commencing at the same annuity starting date as the form of benefit to the member, or

b. The annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the form of benefit payable to the member, computed using a 5 percent interest assumption (or the applicable statutory interest assumption) and (i) for years prior to January 1, 2009, the applicable mortality tables described in Treasury Regulation Section 1.417(e)-1(d)(2) (Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Rulings 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in section 417(e)(3)(B) of the code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing section 417(e)(3)(B) of the code); or

(2) For a benefit paid in a form to which section 417(e)(3) of the code applies (generally, a lump sum benefit), the actuarially equivalent straight life annuity benefit that is the greatest of:

a. The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable, computed using the interest rate and mortality table, or tabular factor, specified in the plan for actuarial experience;

b. The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable, computed using a 5.5 percent interest assumption (or the applicable statutory interest assumption) and (i) for years prior to January 1, 2009, the applicable mortality tables for the distribution under Treasury Regulation Section 1.417(e)-1(d)(2) (the mortality table specified in Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Ruling 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in section 417(e)(3)(B) of the code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing section 417(e)(3)(B) of the code); or

c. The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable (computed using the applicable interest rate for the distribution under Treasury Regulation Section 1.417(e)-1(d)(3) (the 30-year Treasury rate (prior to January 1, 2007, using the rate in effect for the month prior to retirement, and on and after January 1, 2007, using the rate in effect for the first day of the plan year with a one-year stabilization period)) and (i) for years prior to January 1, 2009, the applicable mortality tables for the distribution under Treasury Regulation Section 1.417(e)-1(d)(2) (the mortality

table specified in Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Ruling 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in section 417(e)(3)(B) of the code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing section 417(e)(3)(B) of the code), divided by 1.05.

(3) The actuary may adjust the 415(b) limit at the annuity starting date in accordance with subsections (1) and (2) above.

(c) Benefits Not Taken into Account. For purposes of this Section, the following benefits shall not be taken into account in applying these limits:

(1) Any ancillary benefit which is not directly related to retirement income benefits;

(2) Any other benefit not required under §415(b)(2) of the Code and Regulations thereunder to be taken into account for purposes of the limitation of Code Section 415(b)(1)); and

(3) That portion of any joint and survivor annuity that constitutes a qualified joint and survivor annuity.

(d) *COLA Effect.* Effective on and after January 1, 2003, for purposes of applying the limits under Code Section 415(b) (the "Limit"), the following will apply:

(1) A member's applicable limit will be applied to the member's annual benefit in the member's first ~~calendar~~ limitation year of benefit payments without regard to any automatic cost of living adjustments;

(2) thereafter, in any subsequent ~~calendar~~ limitation year, a member's annual benefit, including any automatic cost of living increases, shall be tested under the then applicable benefit limit including any adjustment to the Code

Section 415(b)(1)(A) dollar limit under Code Section 415(d), and the regulations thereunder; but

(3) in no event shall a member's benefit payable under the system in any ~~calendar~~ limitation year be greater than the limit applicable at the annuity starting date, as increased in subsequent years pursuant to Code Section 415(d) and the regulations thereunder.

Unless otherwise specified in the system, for purposes of applying the limits under Code Section 415(b), a Member's applicable limit will be applied taking into consideration cost of living increases as required by Section 415(b) of the Internal Revenue Code and applicable Treasury Regulations.

(e) *Other Adjustments in Limitations.*

(1) In the event the member's retirement benefits become payable before age sixty-two (62), the limit prescribed by this section shall be reduced in accordance with regulations issued by the Secretary of the Treasury pursuant to the provisions of Code Section 415(b) of the Code, so that such limit (as so reduced) equals an annual straight life benefit (when such retirement income benefit begins) which is equivalent to a one hundred sixty thousand dollar ($160,000) annual benefit beginning at age sixty-two (62).

(2) In the event the member's benefit is based on at least fifteen (15) years of credited service as a full-time employee of the fire or police department of the City, the adjustments provided for in (e)(1) above shall not apply.

(3) The reductions provided for in (e)(1) above shall not be applicable to disability benefits pursuant to Sec. 15-78, or pre-retirement death benefits paid pursuant to Sec. 15-77.

(4) In the event the member's retirement benefit becomes payable after age sixty-five (65), for purposes of determining whether this benefit meets the limit set forth in subsection (a) herein, such benefit shall be adjusted so that

it is actuarially equivalent to the benefit beginning at age sixty-five (65). This adjustment shall be made in accordance with regulations promulgated by the Secretary of the Treasury or his delegate.

(f) *Less than Ten (10) Years of Participation or Service.* The maximum retirement benefits payable under this section to any member who has completed less than ten (10) years of credited service with the City shall be the amount determined under subsection (a) of this section multiplied by a fraction, the numerator of which is the number of the member's years of credited service and the denominator of which is ten (10). The reduction provided by this subsection cannot reduce the maximum benefit below 10% of the limit determined without regard to this subsection. The reduction provided for in this subsection shall not be applicable to pre-retirement disability benefits paid pursuant to Sec. 15-78, or pre-retirement death benefits paid pursuant to Sec. 15-77.

(g) *Participation in Other Defined Benefit Plans.* The limit of this section with respect to any member who at any time has been a member in any other defined benefit plan as defined in Code Section 414(j) maintained by the City shall apply as if the total benefits payable under all City defined benefit plans in which the member has been a member were payable from one plan.

(h) *Ten Thousand Dollar ($10,000) Limit; Less Than Ten Years of Service.* Notwithstanding ~~the foregoing~~ anything in this Sec. 15-85, the retirement benefit payable with respect to a member shall be deemed not to exceed the limit set forth in this subsection (h) of Sec. 15-85 if the benefits payable, with respect to such member under this system and under all other qualified defined benefit pension plans to which the City contributes, do not exceed ten thousand dollars ($10,000) for the applicable ~~plan~~ limitation year and for any prior ~~plan~~ limitation year and the City has not any time maintained a qualified defined contribution plan in which the member participated; provided, however, that if the member has completed less than ten (10) years of credited service with the City, the limit under this subsection (h) of Sec. 15-85 shall be a reduced limit equal to ten thousand dollars ($10,000) multiplied by a fraction, the numerator of

which is the number of the member's years of credited service and the denominator of which is ten (10).

(i) *Reduction of Benefits.* Reduction of benefits and/or contributions to all plans, where required, shall be accomplished by first reducing the member's benefit under any defined benefit plans in which member participated, such reduction to be made first with respect to the plan in which member most recently accrued benefits and thereafter in such priority as shall be determined by the board and the plan administrator of such other plans, and next, by reducing or allocating excess forfeitures for defined contribution plans in which the member participated, such reduction to be made first with respect to the plan in which member most recently accrued benefits and thereafter in such priority as shall be established by the board and the plan administrator for such other plans provided, however, that necessary reductions may be made in a different manner and priority pursuant to the agreement of the board and the plan administrator of all other plans covering such member.

(j) *Service Credit Purchase Limits.*

(1) Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, if a member makes one or more contributions to purchase permissive service credit under the system, as allowed in Sections 15-96 and 15-97, then the requirements of this section will be treated as met only if:

a. the requirements of Code Section 415(b) are met, determined by treating the accrued benefit derived from all such contributions as an annual benefit for purposes of Code Section 415(b), or

b. the requirements of Code Section 415(c) are met, determined by treating all such contributions as annual additions for purposes of Code Section 415(c).

~~c.~~ For purposes of applying subparagraph (j)(1)a., the System will not fail to meet the reduced limit under Code Section 415(b)(2)(C) solely by reason of

this subparagraph ~~c.~~, and for purposes of applying subparagraph (j)(1)b. the System will not fail to meet the percentage limitation under Section 415(c)(1)(B) of the Internal Revenue Code solely by reason of this subparagraph ~~c.~~.

(2) For purposes of this subsection the term "permissive service credit" means service credit—

a. recognized by the system for purposes of calculating a member's benefit under the plan,

b. which such member has not received under the plan, and

c. which such member may receive only by making a voluntary additional contribution, in an amount determined under the system, which does not exceed the amount necessary to fund the benefit attributable to such service credit.

Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, such term may, if otherwise provided by the system, include service credit for periods for which there is no performance of service, and, notwithstanding clause (j)(2)b., may include service credited in order to provide an increased benefit for service credit which a member is receiving under the system.

(k) *Contribution Limits.*

(~~3~~ 1) For purposes of applying the Code Section 415(c) limits ~~in this subsection (j).~~ which are incorporated by reference and for purposes of this subsection (k), only and for no other purpose, the definition of compensation where applicable will be compensation actually paid or made available during a ~~calendar~~ limitation year, except as noted below and as permitted by Treasury Regulations Section 1.415(c)-2, or successor regulations. Unless another definition of compensation that is permitted by Treasury

Regulations Section 1.415(c)-2, or successor regulation, is specified by the system, compensation will be defined as wages within the meaning of Code Section 3401(a) and all other payments of compensation to an employee by an employer for which the employer is required to furnish the employee a written statement under Code Sections 6041(d), 6051(a)(3) and 6052 and will be determined without regard to any rules under Code Section 3401(a) that limit the remuneration included in wages based on the nature or location of the employment or the services performed (such as the exception for agricultural labor in Code Section 3401(a)(2).

a. However, for ~~calendar~~ limitation years beginning after December 31, 1997, compensation will also include amounts that would otherwise be included in compensation but for an election under Code Sections 125(a), 402(e)(3), 402(h)(1)(B), 402(k), or 457(b). For ~~calendar~~ limitation years beginning after December 31, 2000, compensation will also include any elective amounts that are not includible in the gross income of the employee by reason of Code Section 132(f)(4).

b. For limitation years beginning on and after January 1, 2007, compensation for the ~~calendar~~ limitation year will also include compensation paid by the later of 2½ months after an employee's severance from employment or the end of the ~~calendar~~ limitation year that includes the date of the employee's severance from employment if:

    1. the payment is regular compensation for services during the employee's regular working hours, or compensation for services outside the employee's regular working hours (such as overtime or shift differential), commissions, bonuses or other similar payments, and, absent a severance from

employment, the payments would have been paid to the employee while the employee continued in employment with the employer; or

2. the payment is for unused accrued bona fide sick, vacation or other leave that the employee would have been able to use if employment had continued.

c. Back pay, within the meaning of Treasury Regulations Section 1.415(c)-2(g)(8), shall be treated as compensation for the limitation year to which the back pay relates to the extent the back pay represents wages and compensation that would otherwise be included under this definition.

(4 2) Notwithstanding any other provision of law to the contrary, the board may modify a request by a member to make a contribution to the system if the amount of the contribution would exceed the limits provided in Code Section 415 by using the following methods:

a. If the law requires a lump sum payment for the purchase of service credit, the board may establish a periodic payment deduction plan for the member to avoid a contribution in excess of the limits under Code Sections 415(c) or 415(n).

b. If payment pursuant to subparagraph ~~(j)(4)a~~ (k)(2)a. will not avoid a contribution in excess of the limits imposed by Code Section 415(c), the board may either reduce the member's contribution to an amount within the limits of that section or refuse the member's contribution.

(3) If the annual additions for any member for a limitation year exceed the limitation under section 415(c) of the code, the excess annual addition will be corrected as permitted under the Employee Plans Compliance Resolution System (or similar IRS correction program).

(4) For limitation years beginning on or after January 1, 2009, a member's compensation for purposes of this subsection (k) shall not exceed the annual limit under section 401(a)(17) of the code.

(~~k~~ l) *Additional Limitation on Pension Benefits.* Notwithstanding anything herein to the contrary:

(1) The normal retirement benefit or pension payable to a retiree who becomes a member of the system and who has not previously participated in such system, on or after January 1, 1980, shall not exceed one hundred percent (100%) of his average final compensation. However, nothing contained in this section shall apply to supplemental retirement benefits or to pension increases attributable to cost-of-living increases or adjustments.

(2) No member of the system shall be allowed to receive a retirement benefit or pension which is in part or in whole based upon any service with respect to which the member is already receiving, or will receive in the future, a retirement benefit or pension from a different employer's retirement system or plan. This restriction does not apply to social security benefits or federal benefits under Chapter 67, Title 10, U.S. Code.

SECTION 4: Specific authority is hereby granted to codify and incorporate this Ordinance in the existing Code of Ordinances of the City of Tavares.

SECTION 5: All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 6: If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court,

administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION 7: That this Ordinance shall become effective upon its adoption.

PASSED AND ORDAINED ON this _____ day of _____, 2013, by the City Council of the City of Tavares, Florida.

_____
Robert Wolfe, Mayor
Tavares City Council

Passed First Reading:_____

Passed Second Reading:_____

ATTEST:

_____
Nancy A. Barnett
CITY CLERK

Approved as to form:

_____
Robert Q. Williams
CITY ATTORNEY

Law Offices
Christiansen & Dehner, P.A.
63 Sarasota Center Blvd. Suite 107 Sarasota, Florida 34240 • 941-377-2200 • Fax 941-377-4848

June 11, 2013

Mr. Sean Dison
Tavares Police Officers' Pension Trust Fund
P. O. Box 1068
Tavares, Florida 32778-1068

Re: City of Tavares Police Officers' Pension Trust Fund

Dear Sean:

Enclosed please find a proposed ordinance amending the City of Tavares Police Officers' Pension Trust Fund. This ordinance amends Section 15-71, Definitions to amend the definition of Credited Service, and Section 15-85, Maximum Pension, to comply with recent changes to the Internal Revenue Code (IRC) relating to tax qualified pension plans such as this plan. These amendments clarify language required by the IRC and are mandatory amendments that must be made by September 30, 2013 to ensure the continuation of the plan's tax qualified status. With these additional changes, the pension plan will comply with all required applicable IRC changes and updates.

In addition to the above mandatory changes, a proposed amendment is being made to Section 15-76, Benefit Amounts and Eligibility, to allow for a prorated initial cost-of-living adjustment to retirees who have been retired more than twelve months on the July 1 of their first adjustment.

Please provide a copy of this ordinance to each member of the board for review and approval at the next meeting.

By copy of this letter to the plan's actuary, Foster & Foster, Inc., I am requesting that they provide you with a letter indicating that there is no cost associated with the adoption of this ordinance.

If you have any questions, please feel free to give me a call.

Yours very truly,

Scott R. Christiansen

SRC/dm
enclosure

cc: Doug Lozen, with enclosure
Nancy Barnett ✓

FOSTER & FOSTER
ACTUARIES AND CONSULTANTS

June 26, 2013

VIA EMAL AND MAIL

Mr. Sean Dison
City of Tavares Police Officers' Pension Trust Fund
PO Box 1068
Tavares, FL 32778

Re: City of Tavares Police Officers' Pension Trust Fund

Dear Sean:

In response to the letter from Scott Christiansen dated June 11, 2013, we have reviewed the proposed Ordinance (identified on page 14 as dm/tav/pol/06-07-13.ord) modifying the language to comply with changes in the Internal Revenue Code, and also amending the Plan to allow for a prorated initial cost-of-living adjustment. We have determined that its adoption will have no impact on the assumptions used in determining the funding requirements of the program.

Because the changes do not result in a change in the valuation results, it is our opinion that a formal Actuarial Impact Statement is not required in support of its adoption. However, since the Division of Retirement must be aware of the current provisions of all public pension programs, it is recommended that you send a copy of this letter and a copy of the fully executed Ordinance to each of the following offices:

Mr. Keith Brinkman
Bureau of Local Retirement Systems
Division of Retirement
P. O. Box 9000
Tallahassee, FL 32315-9000

Patricia Shoemaker
Municipal Police and Fire
Pension Trust Funds
Division of Retirement
P.O. Box 3010
Tallahassee, FL 32315-3010

If you have any questions, please let me know.

Sincerely,

Douglas H. Lozen, EA, MAAA
DHL/lke

cc: Scott R. Christiansen, Plan Attorney
cc: Captain David Myers
cc: Nancy Barnett, City Clerk

THE BOGDAHN GROUP
simplifying your investment and fiduciary decisions

MEMORANDUM

FROM:	The Bogdahn Group; Daniel Johnson, Steve Gordon, and Mike Welker, CFA
TO:	**City of Tavares Police Officers' Pension Trust Fund**
DATE:	August 16, 2013
RE:	Summary of Proposed Pension Ordinance Revisions

We have provided below our initial review of the proposed ordinance revisions for the City of Tavares Police Officers' Pension Trust Fund ("Police Plan"). The review encompasses a proposed ordinance which covers mandatory changes to the Police Plan per Internal Revenue Code requirements but additionally introduces a revision to language in the Plan to indicate a prorated initial cost-of living adjustment. We have indicated our review of this ordinance to cover each section of the ordinance separately including "Internal Revenue Code Changes" as well as "Prorated Initial Cost of Living Adjustment"

AN ORDINANCE OF THE CITY OF TAVARES AMENDING CHAPTER 15, PENSIONS AND RETIREMENT, ARTICLE IV, POLICE OFFICERS' PENSION TRUST FUND, OF THE CODE OF ORDINANCES OF THE CITY OF TAVARES; AMENDING SECTION 15-71, DEFINITIONS TO AMEND THE DEFINITION OF "CREDITED SERVICE"; AMENDING SECTION 15-76, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 15-85, MAXIMUM PENSION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS

Items pertaining to Internal Revenue Code Changes:

It is important to note that this ordinance has been provided by the legal counsel from the Pension Boards along with indication that it needs to be adopted by September 30, 2013 for each of the plans.

The ordinance revisions have been provided separately for each of the Police and Fire Plans, but each represents the same compliance language that is requested to be revised. As the Police and Fire Plans are tax-exempt entities, they each must comply with certain Internal Revenue Code regulations to continue to maintain this tax-exempt status. Periodically, IRS regulatory requirements will require compliance changes to local ordinance and plan descriptions even though the language itself does not create any financial impact to the Plan.

Considerations: It is our understanding the Pension Plans utilize legal counsel that provides oversight to these required compliance updates from the IRS. Accordingly, this proposed revision to the ordinance covers current changes needed to amend the language in the ordinance to allow the Plans to continue to maintain compliance with the current Internal Revenue Code. Similar language has been proposed across the State of Florida for other local government clients of The Bogdahn Group in accordance with these compliance provisions, and we would not understand the requested provisions to be unique.

Conclusion: This ordinance revision, in our opinion, should include a ***"no-cost" impact letter*** from the actuary. With the understanding that these revisions are proposed by legal counsel for the purpose of maintaining compliance with the Internal Revenue Code and have a no-cost impact to the Plan; we would recommend adoption of the "Compliance" ordinances by the requested timeframe of September 30, 2013.

Cost of Living Modification per letter dated June 11, 2013. This letter was addressed to Mr. Sean Dison, from Scott R. Christiansen.

<u>Items pertaining to Prorated Initial Cost of Living Adjustment:</u>

The ordinance revision for the Police Plan indicates a proposed modification to the interpretation of the Cost-of Living Adjustment "COLA" in the Plan. Currently the Plan offers a 2% COLA to members on July 1st of each year following the receipt of benefits for 1 full year. The clarification proposed in the Ordinance Changes would address the time prior to the members full year of service and the first July 1st COLA adjustment. While the ordinance does propose a revision to the language, we cannot be certain as to the true intended nature of the COLA benefit.

Considerations: We agree that there is a need for clarification of this item. A contrasting point of view to the proration of the initial time period could be that the language was written to indicate a two-fold criteria:

1) member must be retired for twelve months, and
2) realization of July 1st COLA adjustment time period.

As the letter from the Plan's legal counsel indicates that this language is accompanied by a no-cost impact letter from the actuary, we are led to believe that the proration methodology may have been used for historical calculations and accordingly the change is intended to be a language clarification.

Conclusion: Since we cannot attest to the intention of the original benefit, the City must consider if this provision is consistent with historical applications and/or determine if it wishes to apply the COLA for all members equally regardless of calendar date of entry into retirement service. If so, then the revision would properly clarify future interpretations of the ordinance.

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TAVARES

America's Seaplane City™

AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: September 4, 2013

AGENDA TAB NO. 8

SUBJECT TITLE: Ordinance #2013-15 – Amendment to Chapter 15 of the Fire Pension Plan – Sections 15-01 and 15-115 – First Reading

OBJECTIVE:

To approve Ordinance #2013-15 amending Chapter 15 of the Fire Pension Plan

SUMMARY:

Ordinance #2013-15 has been prepared by the Police Pension Attorney and reviewed and approved by the Board. It amends Section 15-101 to amend the definition of Credited Service and Section 15-115, Maximum Pension to comply with recent changes to the Internal Revenue Code relating to tax qualified pension plans. The changes must be approved by October 1 to ensure the continuation of the plan's tax qualified status.

This ordinance has been reviewed by the Board Actuarial Foster & Foster who has indicated its adoption will have no impact on the assumptions used in determining the funding requirements of the program. See attached letter.

In addition the retirement benefits consultant for the City has reviewed the ordinance and determined there are no financial impacts to the city. See attached letter.

OPTIONS:

1. Move to approve Ordinance #2013-15 amending Chapter 15 of the Fire Pension Plan
2. Do not approve Ordinance #2013-15.

STAFF RECOMMENDATION:

Option 1: Move to approve Ordinance 2013-15 in compliance with changes to the Internal Revenue Code

FISCAL IMPACT: No fiscal impact.

LEGALLY SUFFCIENCY: The ordinance is legally sufficient

ORDINANCE NO. 2013-15

AN ORDINANCE OF THE CITY OF TAVARES AMENDING CHAPTER 15, PENSIONS AND RETIREMENT, ARTICLE V, FIREFIGHTERS' PENSION TRUST FUND, OF THE CODE OF ORDINANCES OF THE CITY OF TAVARES; AMENDING SECTION 15-101, DEFINITIONS; AMENDING SECTION 15-115, MAXIMUM PENSION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAVARES, FLORIDA;

SECTION 1: That Chapter 15, Pensions and Retirement, Article V, Firefighters' Pension Trust Fund, of the Code of Ordinances of the City of Tavares, is hereby amended by amending Section 15-101, Definitions, to amend the definitions of "*Credited Service*" and *"Salary"*, to read as follows:

* * * * *

Credited service means the total number of years and fractional parts of years of service as a firefighter with member contributions, when required, omitting intervening years or fractional parts of years when such member was not employed by the city as a firefighter. A member may voluntarily leave his accumulated contributions in the fund for a period of five (5) years after leaving the employ of the Tavares Fire Department pending the possibility of being reemployed as a firefighter, without losing credit for the time that he was a member of the system. If a vested member leaves the employ of the Tavares Fire Department, his accumulated contributions will be returned only upon his written request. If a member who is not vested is not reemployed as a firefighter with the Tavares Fire Department within five (5) years, his accumulated contributions, if one-thousand dollars ($1,000.00) or less shall be returned. If a Member who is not vested is not reemployed within five (5) years, his Accumulated Contributions, if more than one-thousand dollars ($1,000.00), will be returned only upon written request and upon completion of a written election to receive a cash lump sum or to rollover the lump

sum amount on forms designated by the Board. Upon return of a member's accumulated contributions, all of his rights and benefits under the system are forfeited and terminated. Upon any reemployment, a firefighter shall not receive credit for the years and fractional parts of years of service for which he has withdrawn his accumulated contributions from the fund, unless the firefighter repays into the fund the contributions he has withdrawn, with interest, as determined by the board, within ninety (90) days after his reemployment.

The years or fractional parts of a year that a member performs "Qualified Military Service" consisting of voluntary or involuntary "service in the uniformed services" as defined in the Uniformed Services Employment and Reemployment Rights Act (USERRA) (P.L.103-353), after separation from employment as a firefighter with the city to perform training or service, shall be added to his years of credited service for all purposes, including vesting, provided that:

(1) The member is entitled to reemployment under the provisions of USERRA.

(2) The member returns to his employment as a firefighter within one (1) year from the earlier of the date of his military discharge or his release from active service, unless otherwise required by USERRA.

(3) The maximum credit for military service pursuant to this paragraph shall be five (5) years.

(4) This paragraph is intended to satisfy the minimum requirements of USERRA. To the extent that this paragraph does not meet the minimum standards of USERRA, as it may be amended from time to time, the minimum standards shall apply.

In the event a member dies on or after January 1, 2007, while performing USERRA Qualified Military Service, the beneficiaries of the member are entitled to any benefits (other than benefit accruals relating to the period of qualified military service) as if the member had resumed employment and then died while employed.

Beginning January 1, 2009, to the extent required by section 414(u)(12) of the code, an individual receiving differential wage payments (as defined under section 3401(h)(2) of the code) from an employer shall be treated as employed by that employer, and the differential wage payment shall be treated as compensation for purposes of applying the limits on annual additions under section 415(c) of the code. This provision shall be applied to all similarly situated individuals in a reasonably equivalent manner.

* * * * *

Salary means total compensation paid to a member for services rendered to the City as Firefighter reportable on the Member's W-2 form plus all tax deferred, tax sheltered, or tax exempt items of income derived from elective employee payroll deductions or salary reductions, but not including lump sum payments of vacation and sick time ~~or any payments for extra duty or a special detail work performed on behalf of a second party employer~~. For service earned after November 21, 2012 (the "effective date"), Salary shall not include more than three hundred (300) hours of overtime per fiscal year. Provided however, in any event, payments for overtime in excess of three hundred (300) hours per year accrued of the effective date and attributable to service earned prior to the effective date, may still be included in Salary for pension purposes even if the payment is not actually made until on or after the effective date. Additional hours worked pursuant to the Fair Labor Standards Act (FLSA) shall not be deemed to be overtime.

Compensation in excess of the limitations set forth in Section 401(a)(17) of the Code as of the first day of the plan year shall be disregarded for any purpose, including employee contributions or any benefit calculations. The annual compensation of each member taken into account in determining benefits or employee contributions for any plan year beginning on or after January 1, 2002, may not exceed $200,000, as adjusted for cost-of-living increases in accordance with Code Section 401(a)(17)(B). Compensation means compensation during the fiscal year. The cost-of-living adjustment in effect for a

calendar year applies to annual compensation for the determination period that begins with or within such calendar year. If the determination period consists of fewer than 12 months, the annual compensation limit is an amount equal to the otherwise applicable annual compensation limit multiplied by a fraction, the numerator of which is the number of months in the short determination period, and the denominator of which is 12. If the compensation for any prior determination period is taken into account in determining a member's contributions or benefits for the current plan year, the compensation for such prior determination period is subject to the applicable annual compensation limit in effect for that prior period. The limitation on compensation for an "eligible employee" shall not be less than the amount which was allowed to be taken into account hereunder as in effect on July 1, 1993. "Eligible employee" is an individual who was a Member before the first Plan Year beginning after December 31, 1995.

SECTION 2: That Chapter 15, Pensions and Retirement, Article V, Firefighters' Pension Trust Fund, of the Code of Ordinances of the City of Tavares, is hereby amended by amending Section 15-115, Maximum Pension, to read as follows:

* * * * *

Sec. 15-115. Maximum pension.

(a) *Basic limitation.* Notwithstanding any other provisions of this system to the contrary, the member contributions paid to, and retirement benefits paid from, the system shall be limited to such extent as may be necessary to conform to the requirements of Code Section 415 for a qualified retirement plan. Before January 1, 1995, a plan member may not receive an annual benefit that exceeds the limits specified in Code Section 415(b), subject to the applicable adjustments in that section. On and after January 1, 1995, a plan member may not receive an annual benefit that exceeds the dollar amount specified in Code Section 415(b)(1)(A) ($160,000), subject to the applicable adjustments in Code Section 415(b) and subject to any additional limits that may be specified in this System. For purposes of this section, "limitation year" shall be the calendar year.

For purposes of Code Section 415(b), the "annual benefit" means a benefit payable annually in the form of a straight life annuity (with no ancillary benefits) without regard to the benefit attributable to after-tax employee contributions (except pursuant to Code Section 415(n) and to rollover contributions (as defined in Code Section 415(b)(2)(A)). The "benefit attributable" shall be determined in accordance with Treasury Regulations.

(b) *Adjustments to Basic Limitation for Form of Benefit.* ~~If the form of benefit without regard to any benefit increase feature is not a straight life annuity, then the Code Section 415(b) limit applicable at the annuity starting date is reduced to an actuarially equivalent amount (determined using the assumptions specified in Treasury Regulation Section 1.415(b)-1(c)(2)(ii)) that takes into account the death benefits under the form of benefit.~~ If the benefit under the plan is other than the annual benefit described in subsection (a), then the benefit shall be adjusted so that it is the equivalent of the annual benefit, using factors prescribed in Treasury Regulations. If the form of the benefit without regard to any automatic benefit increase feature is not a straight life annuity or a qualified joint and survivor annuity, then the preceding sentence is applied by either reducing the Code Section 415(b) limit applicable at the annuity starting date or adjusting the form of benefit to an actuarially equivalent amount (determined using the assumptions specified in Treasury Regulation Section 1.415(b)-1(c)(2)(ii)) that takes into account the additional benefits under the form of benefit as follows:

(1) For a benefit paid in a form to which section 417(e)(3) of the code does not apply (generally, a monthly benefit), the actuarially equivalent straight life annuity benefit that is the greater of:

a. The annual amount of the straight life annuity (if any) payable to the member under the plan commencing at the same annuity starting date as the form of benefit to the member, or

b. The annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value

as the form of benefit payable to the member, computed using a 5 percent interest assumption (or the applicable statutory interest assumption) and (i) for years prior to January 1, 2009, the applicable mortality tables described in Treasury Regulation Section 1.417(e)-1(d)(2) (Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Rulings 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in section 417(e)(3)(B) of the code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing section 417(e)(3)(B) of the code); or

(2) For a benefit paid in a form to which section 417(e)(3) of the code applies (generally, a lump sum benefit), the actuarially equivalent straight life annuity benefit that is the greatest of:

a. The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable, computed using the interest rate and mortality table, or tabular factor, specified in the plan for actuarial experience;

b. The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable, computed using a 5.5 percent interest assumption (or the applicable statutory interest assumption) and (i) for years prior to January 1, 2009, the applicable mortality tables for the distribution under Treasury Regulation Section 1.417(e)-1(d)(2) (the mortality table specified in Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Ruling 2001-62), and (ii) for years

after December 31, 2008, the applicable mortality tables described in section 417(e)(3)(B) of the code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing section 417(e)(3)(B) of the code); or

c. The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable (computed using the applicable interest rate for the distribution under Treasury Regulation Section 1.417(e)-1(d)(3) (the 30-year Treasury rate (prior to January 1, 2007, using the rate in effect for the month prior to retirement, and on and after January 1, 2007, using the rate in effect for the first day of the plan year with a one-year stabilization period)) and (i) for years prior to January 1, 2009, the applicable mortality tables for the distribution under Treasury Regulation Section 1.417(e)-1(d)(2) (the mortality table specified in Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Ruling 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in section 417(e)(3)(B) of the code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing section 417(e)(3)(B) of the code), divided by 1.05.

(3) The actuary may adjust the 415(b) limit at the annuity starting date in accordance with subsections (1) and (2) above.

(c) *Benefits Not Taken into Account.* For purposes of this Section, the following benefits shall not be taken into account in applying these limits:

(1) Any ancillary benefit which is not directly related to retirement income benefits;

(2) Any other benefit not required under §415(b)(2) of the Code and Regulations thereunder to be taken into account for purposes of the limitation of Code Section 415(b)(1); and

(3) That portion of any joint and survivor annuity that constitutes a qualified joint and survivor annuity.

(d) *COLA Effect.* Effective on and after January 1, 2003, for purposes of applying the limits under Code Section 415(b) (the "Limit"), the following will apply:

(1) A member's applicable limit will be applied to the member's annual benefit in the member's first ~~calendar~~ limitation year of benefit payments without regard to any automatic cost of living adjustments;

(2) thereafter, in any subsequent ~~calendar~~ limitation year, a member's annual benefit, including any automatic cost of living increases, shall be tested under the then applicable benefit limit including any adjustment to the Code Section 415(b)(1)(A) dollar limit under Code Section 415(d), and the regulations thereunder; but

(3) in no event shall a member's benefit payable under the system in any ~~calendar~~ limitation year be greater than the limit applicable at the annuity starting date, as increased in subsequent years pursuant to Code Section 415(d) and the regulations thereunder.

Unless otherwise specified in the system, for purposes of applying the limits under Code Section 415(b), a Member's applicable limit will be applied taking into consideration cost of living increases as required by Section 415(b) of the Code and applicable Treasury Regulations.

(e) *Other Adjustments in Limitations.*

(1) In the event the member's retirement benefits become payable before age sixty-two (62), the limit prescribed by this section shall be reduced in accordance with regulations issued by the Secretary of the Treasury pursuant to the provisions of Code Section 415(b) of the Code, so that such

limit (as so reduced) equals an annual straight life benefit (when such retirement income benefit begins) which is equivalent to a one hundred sixty thousand dollar ($160,000) annual benefit beginning at age sixty-two (62).

(2) In the event the member's benefit is based on at least fifteen (15) years of credited service as a full-time employee of the fire or police department of the City, the adjustments provided for in (e)(1) above shall not apply.

(3) The reductions provided for in (e)(1) above shall not be applicable to disability benefits pursuant to Sec. 15-108, or pre-retirement death benefits paid pursuant to Sec. 15-107.

(4) In the event the member's retirement benefit becomes payable after age sixty-five (65), for purposes of determining whether this benefit meets the limit set forth in subsection (a) herein, such benefit shall be adjusted so that it is actuarially equivalent to the benefit beginning at age sixty-five (65). This adjustment shall be made in accordance with regulations promulgated by the Secretary of the Treasury or his delegate.

(f) *Less than Ten (10) Years of Participation or Service.* The maximum retirement benefits payable under this section to any member who has completed less than ten (10) years of credited service with the City shall be the amount determined under subsection (a) of this section multiplied by a fraction, the numerator of which is the number of the member's years of credited service and the denominator of which is ten (10). The reduction provided by this subsection cannot reduce the maximum benefit below 10% of the limit determined without regard to this subsection. The reduction provided for in this subsection shall not be applicable to pre-retirement disability benefits paid pursuant to Sec. 15-108, or pre-retirement death benefits paid pursuant to Sec. 15-107.

(g) *Participation in Other Defined Benefit Plans.* The limit of this section with respect to any member who at any time has been a member in any other defined benefit plan as defined in Code Section 414(j) maintained by the City shall apply as if the total benefits payable under all City defined benefit plans in which the member has been a member were payable from one plan.

(h) *Ten Thousand Dollar ($10,000) Limit; Less Than Ten Years of Service.* Notwithstanding ~~the foregoing~~ anything in this Sec. 15-115, the retirement benefit payable with respect to a member shall be deemed not to exceed the limit set forth in this subsection (h) of Sec. 15-115 if the benefits payable, with respect to such member under this system and under all other qualified defined benefit pension plans to which the City contributes, do not exceed ten thousand dollars ($10,000) for the applicable ~~plan~~ limitation year and for any prior ~~plan~~ limitation year and the City has not any time maintained a qualified defined contribution plan in which the member participated; provided, however, that if the member has completed less than ten (10) years of credited service with the City, the limit under this subsection (h) of Sec. 15-115 shall be a reduced limit equal to ten thousand dollars ($10,000) multiplied by a fraction, the numerator of which is the number of the member's years of credited service and the denominator of which is ten (10).

(i) *Reduction of Benefits.* Reduction of benefits and/or contributions to all plans, where required, shall be accomplished by first reducing the member's benefit under any defined benefit plans in which member participated, such reduction to be made first with respect to the plan in which member most recently accrued benefits and thereafter in such priority as shall be determined by the board and the plan administrator of such other plans, and next, by reducing or allocating excess forfeitures for defined contribution plans in which the member participated, such reduction to be made first with respect to the plan in which member most recently accrued benefits and thereafter in such priority as shall be established by the board and the plan administrator for such other

plans provided, however, that necessary reductions may be made in a different manner and priority pursuant to the agreement of the board and the plan administrator of all other plans covering such member.

(j) *Service Credit Purchase Limits.*

(1) Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, if a member makes one or more contributions to purchase permissive service credit under the system, as allowed in Sections 15-126 and 15-127, then the requirements of this section will be treated as met only if:

a. the requirements of Code Section 415(b) are met, determined by treating the accrued benefit derived from all such contributions as an annual benefit for purposes of Code Section 415(b), or

b. the requirements of Code Section 415(c) are met, determined by treating all such contributions as annual additions for purposes of Code Section 415(c).

~~c.~~ For purposes of applying subparagraph (j)(1)a., the System will not fail to meet the reduced limit under Code Section 415(b)(2)(C) solely by reason of this subparagraph ~~c.~~, and for purposes of applying subparagraph (j)(1)b. the System will not fail to meet the percentage limitation under Section 415(c)(1)(B) of the Code solely by reason of this subparagraph ~~c.~~.

(2) For purposes of this subsection the term "permissive service credit" means service credit—

a. recognized by the system for purposes of calculating a member's benefit under the plan,

b. which such member has not received under the plan, and

c. which such member may receive only by making a voluntary additional contribution, in an amount determined under the system,

which does not exceed the amount necessary to fund the benefit attributable to such service credit.

Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, such term may, if otherwise provided by the system, include service credit for periods for which there is no performance of service, and, notwithstanding clause (j)(2)b., may include service credited in order to provide an increased benefit for service credit which a member is receiving under the system.

(k) *Contribution Limits.*

(~~3~~ 1) For purposes of applying the Code Section 415(c) limits ~~in this subsection (j).~~ which are incorporated by reference and for purposes of this subsection (k), only and for no other purpose, the definition of compensation where applicable will be compensation actually paid or made available during a ~~calendar~~ limitation year, except as noted below and as permitted by Treasury Regulations Section 1.415(c)-2, or successor regulations. Unless another definition of compensation that is permitted by Treasury Regulations Section 1.415(c)-2, or successor regulation, is specified by the system, compensation will be defined as wages within the meaning of Code Section 3401(a) and all other payments of compensation to an employee by an employer for which the employer is required to furnish the employee a written statement under Code Sections 6041(d), 6051(a)(3) and 6052 and will be determined without regard to any rules under Code Section 3401(a) that limit the remuneration included in wages based on the nature or location of the employment or the services performed (such as the exception for agricultural labor in Code Section 3401(a)(2).

a. However, for ~~calendar~~ limitation years beginning after December 31, 1997, compensation will also include amounts that would otherwise be included in compensation but for an election under Code Sections

125(a), 402(e)(3), 402(h)(1)(B), 402(k), or 457(b). For ~~calendar~~ limitation years beginning after December 31, 2000, compensation will also include any elective amounts that are not includible in the gross income of the employee by reason of Code Section 132(f)(4).

b. For limitation years beginning on and after January 1, 2007, compensation for the ~~calendar~~ limitation year will also include compensation paid by the later of 2½ months after an employee's severance from employment or the end of the ~~calendar~~ limitation year that includes the date of the employee's severance from employment if:

1. the payment is regular compensation for services during the employee's regular working hours, or compensation for services outside the employee's regular working hours (such as overtime or shift differential), commissions, bonuses or other similar payments, and, absent a severance from employment, the payments would have been paid to the employee while the employee continued in employment with the employer; or

2. the payment is for unused accrued bona fide sick, vacation or other leave that the employee would have been able to use if employment had continued.

c. Back pay, within the meaning of Treasury Regulations Section 1.415(c)-2(g)(8), shall be treated as compensation for the limitation year to which the back pay relates to the extent the back pay represents wages and compensation that would otherwise be included under this definition.

(~~4~~ 2) Notwithstanding any other provision of law to the contrary, the board may modify a request by a member to make a contribution to the system if the amount of the contribution would exceed the limits provided in Code Section 415 by using the following methods:

a. If the law requires a lump sum payment for the purchase of service credit, the board may establish a periodic payment deduction plan for the member to avoid a contribution in excess of the limits under Code Sections 415(c) or 415(n).

b. If payment pursuant to subparagraph ~~(j)(4)a~~ (k)(2)a. will not avoid a contribution in excess of the limits imposed by Code Section 415(c), the board may either reduce the member's contribution to an amount within the limits of that section or refuse the member's contribution.

(3) If the annual additions for any member for a limitation year exceed the limitation under section 415(c) of the code, the excess annual addition will be corrected as permitted under the Employee Plans Compliance Resolution System (or similar IRS correction program).

(4) For limitation years beginning on or after January 1, 2009, a member's compensation for purposes of this subsection (k) shall not exceed the annual limit under section 401(a)(17) of the code.

(~~k~~ l) *Additional Limitation on Pension Benefits.* Notwithstanding anything herein to the contrary:

(1) The normal retirement benefit or pension payable to a retiree who becomes a member of the system and who has not previously participated in such system, on or after January 1, 1980, shall not exceed one hundred percent (100%) of his average final compensation. However, nothing contained in this section shall apply to supplemental retirement benefits or to pension increases attributable to cost-of-living increases or adjustments.

(2) No member of the system shall be allowed to receive a retirement benefit or pension which is in part or in whole based upon any service with respect to which the member is already receiving, or will receive in the future, a retirement benefit or pension from a different employer's retirement system or plan. This restriction does not apply to social security benefits or federal benefits under Chapter 67, Title 10, U.S. Code.

* * * * *

SECTION 3: Specific authority is hereby granted to codify and incorporate this Ordinance in the existing Code of Ordinances of the City of Tavares.

SECTION 4: All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 5: If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION 6: That this Ordinance shall become effective upon its adoption.

PASSED AND ORDAINED ON this _____ day of _____, 2013, by the City Council of the City of Tavares, Florida.

_____
Robert Wolfe, Mayor
Tavares City Council

Passed First Reading:_____

Passed Second Reading:_____

ATTEST:

_____
Nancy A. Barnett
CITY CLERK

Approved as to form:

_____
Robert Q. Williams
CITY ATTORNEY

dm/tav/fire/06-06-13.ord

Law Offices
Christiansen & Dehner, P.A.
63 Sarasota Center Blvd. Suite 107 Sarasota, Florida 34240 • 941-377-2200 • Fax 941-377-4848

June 11, 2013

Chief Richard Keith
Tavares Firefighters Pension Trust Fund
424 E. Alfred St.
Tavares, Florida 32778

Re: City of Tavares Firefighters' Pension Trust Fund

Dear Rich:

Enclosed please find a proposed ordinance amending the City of Tavares Firefighters' Pension Trust Fund. This ordinance amends Section 15-101, Definitions to amend the definition of Credited Service, and Section 15-115, Maximum Pension, to comply with recent changes to the Internal Revenue Code (IRC) relating to tax qualified pension plans such as this plan. These amendments clarify language required by the IRC and are mandatory amendments that must be made by September 30, 2013 to ensure the continuation of the plan's tax qualified status. With these additional changes, the pension plan will comply with all required applicable IRC changes and updates. Please provide a copy of this ordinance to each member of the board for review and approval at the next meeting.

By copy of this letter to the plan's actuary, Foster & Foster, Inc., I am requesting that they provide you with a letter indicating that there is no cost associated with the adoption of this ordinance.

If you have any questions, please feel free to give me a call.

Yours very truly,

Scott R. Christiansen

SRC/dm
enclosure

cc: Doug Lozen, with enclosure

7.B.1

FOSTER & FOSTER
ACTUARIES AND CONSULTANTS

June 26, 2013

VIA EMAL AND MAIL

Chief Richard Keith
City of Tavares Firefighters' Pension Trust Fund
424 E. Alfred St.
Tavares, FL 32778

Re: City of Tavares Firefighters' Pension Trust Fund

Dear Chief Keith:

In response to the letter from Scott Christiansen dated June 11, 2013, we have reviewed the proposed Ordinance (identified on page 14 as dm/tav/fire/06-06-13.ord) modifying the language to comply with changes in the Internal Revenue Code, and have determined that its adoption will have no impact on the assumptions used in determining the funding requirements of the program.

Because the changes do not result in a change in the valuation results, it is our opinion that a formal Actuarial Impact Statement is not required in support of its adoption. However, since the Division of Retirement must be aware of the current provisions of all public pension programs, it is recommended that you send a copy of this letter and a copy of the fully executed Ordinance to each of the following offices:

Mr. Keith Brinkman
Bureau of Local Retirement Systems
Division of Retirement
P. O. Box 9000
Tallahassee, FL 32315-9000

Patricia Shoemaker
Municipal Police and Fire
Pension Trust Funds
Division of Retirement
P.O. Box 3010
Tallahassee, FL 32315-3010

If you have any questions, please let me know.

Sincerely,

Douglas H. Lozen, EA, MAAA
DHL/lke

Cc: Scott R. Christiansen, Plan Attorney

THE BOGDAHN GROUP
simplifying your investment and fiduciary decisions

MEMORANDUM

FROM:	The Bogdahn Group; Daniel Johnson, Steve Gordon, and Mike Welker, CFA
TO:	**City of Tavares Firefighters' Pension Trust Fund**
DATE:	August 30, 2013
RE:	Summary of Proposed Pension Ordinance Revisions

We have provided below our initial review of the proposed ordinance revisions for the City of Tavares Firefighters' Pension Trust Fund "Fire".

AN ORDINANCE OF THE CITY OF TAVARES AMENDING CHAPTER 15, PENSIONS AND RETIREMENT, ARTICLE V, FIREFIGHTERS' PENSION TRUST FUND, OF THE CODE OF ORDINANCES OF THE CITY OF TAVARES; AMENDING SECTION 15-101, DEFINITIONS; AMENDING SECTION 15-115, MAXIMUM PENSION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS

It is important to note that this ordinance has been provided by the legal counsel from the Pension Boards along with indication that it needs to be adopted by September 30, 2013 for each of the plans.

The ordinance revisions have been provided separately for each of the Police and Fire Plans, but each represents the same compliance language that is requested to be revised. As the Police and Fire Plans are tax-exempt entities, they each must comply with certain Internal Revenue Code regulations to continue to maintain this tax-exempt status. Periodically, IRS regulatory requirements will require compliance changes to local ordinance and plan descriptions even though the language itself does not create any financial impact to the Plan.

Considerations: It is our understanding the Pension Plans utilize legal counsel that provides oversight to these required compliance updates from the IRS. Accordingly, this proposed revision to the ordinance covers current changes needed to amend the language in the ordinance to allow the Plans to continue to maintain compliance with the current Internal Revenue Code. Similar language has been proposed across the State of Florida for other local government clients of The Bogdahn Group in accordance with these compliance provisions, and we would not understand the requested provisions to be unique.

Conclusion: This ordinance revision, in our opinion, should include a ***"no-cost" impact letter*** from the actuary. With the understanding that these revisions are proposed by legal counsel for the purpose of maintaining compliance with the Internal Revenue Code and have a no-cost impact to the Plan; we would recommend adoption of the "Compliance" ordinances by the requested timeframe of September 30, 2013.

AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: September 4, 2013

AGENDA TAB NO. 9

SUBJECT TITLE: Ordinance #2013-12 – Amendment to Utility Lien Ordinance, Section 17-57 – Second Reading

OBJECTIVE:

To consider the approval of Ordinance #2013-12 to amend Section 17-57 of the Utility Lien ordinance related to collection of charges.

SUMMARY:

On October 5, 2011, the City Council adopted Ordinance No. 2011-12 which amended Section 17-57 of the Land Development Regulation which provided for liens for unpaid utility charges incurred by property owners. **The City Attorney has recommended a revision to Ordinance #2011-12.**

The current ordinance authorizes the City to impose a lien for unpaid utility charges and penalties and provides "interest late fees, attorneys fees, and costs." The ordinance states that if the unpaid service charge continues for a period of ninety (90) days, the City will send a notice by certified mail and that if the City has not received payment 10 days after that date the City is entitled to impose a lien as allowed by law.

Charges on unpaid accounts may continue to accrue after the lien has been recorded which may result in a higher fee than what has been recorded initially. The ordinance has been amended to specify that the lien secures and includes subsequent unpaid utility and base rate charges so that all costs are addressed when the City takes action to release and satisfy the lien when it is paid.

OPTIONS:

1. Move to approve Ordinance #2013-12 to amend Section 17-57 of the utility lien ordinance #2011-12
2. Do not approve Ordinance #2013-12

STAFF RECOMMENDATION:

Move to approve Ordinance #2013-12 to amend Section 17-57 of the Utility Lien Ordinance #2011-12

FISCAL IMPACT: None

LEGAL SUFFICIENCY:

The ordinance was prepared by the City Attorney.

ORDINANCE 2013-12

AN ORDINANCE AMENDING SECTION 17-57 OF THE CITY OF TAVARES LAND DEVELOPMENT REGULATIONS RELATING TO LIENS FOR UNPAID WATER, WASTEWATER, RECLAIMED WATER CHARGES; PROVIDING THAT SAID LIEN, WHEN RECORDED, SHALL ALSO INCLUDE AND SECURE SUBSEQUENT UTILITY CHARGES, BASE RATES AND PENALTIES UNTIL SATISFIED; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAVARES, FLORIDA:

Section 17-57 of the City of Tavares Land Development Regulations is hereby amended to provide as follows:

Sec. 17-57 <u>Collection of Charges; Late Fees</u>.

<u>(A)</u> All water, reclaimed water, and wastewater utility treatment charges shall be due and payable at the city hall within twenty (20) days following the date of billing. There shall be added to and collected on each and every charge for water, reclaimed water, wastewater provided by the city, and not paid within twenty (20) days from the date of billing, a late fee of five (5) percent of the total bill.

<u>(B)</u> If the failure to pay the service charge continues for a period of ninety (90) days from when said charge has become due, the City shall send to the person responsible for said bill a notice that a lien for the unpaid utility service charges will be placed upon the real property so served. This notice shall be sent by certified mail return receipt requested. If, within ten (10) days of the mailing of this letter, the City has not received payment in full, it shall be entitled to impose a lien upon the real property so served as allowed by law. This lien shall be recorded in the Public Records of Lake County, Florida and may be foreclosed upon in a manner as provided in Section 159.17, Florida Statutes. The City will be authorized to include in the lien amount the late fees, its attorneys' fees, and costs in the foreclosure proceedings. <u>The lien shall be a continuing lien on the property and shall include and secure all subsequent utility charges, base rates and related penalties incurred on the subject property until such time as the lien is satisfied.</u> The lien shall have priority over all other liens on such lands or premises served except the lien relating to State, County and municipal taxes and shall be on a parity with the lien of such State, County and municipal taxes.

This Ordinance shall take effect immediately upon adoption.

PASSED AND ORDAINED this ____ day of _____, 2013, by the City Council of the City of Tavares, Florida.

_____
Robert Wolfe, Mayor
Tavares City Council

ATTEST:

_____
Nancy Barnett, City Clerk

Approved as to Form:

_____
Robert Q. Williams, City Attorney

Passed First Reading:_____

Passed Second Reading:_____

Orlando Sentinel/Lake Sentinel
Sunday, August 25, 2013 Edition
Ordinance 2013-12

Public Hearing Notices

CITY OF TAVARES

NOTICE IS HEREBY GIVEN that the Tavares City Council will consider the Ordinance 2013-12, Second Reading, on September 4, 2013 at 4:00 p.m. Tavares City Hall, 201 E. Main Street, Tavares, FL 32778.

ORDINANCE 2013-12

AN ORDINANCE AMENDING SECTION 17-57 OF THE CITY OF TAVARES LAND DEVELOPMENT REGULATIONS RELATING TO LIENS FOR UNPAID WATER, WASTEWATER, RECLAIMED WATER CHARGES; PROVIDING THAT SAID LIEN, WHEN RECORDED, SHALL ALSO INCLUDE AND SECURE SUBSEQUENT UTILITY CHARGES, BASE RATES AND PENALTIES UNTIL SATISFIED; PROVIDING AN EFFECTIVE DATE.

The Ordinance may be inspected by the public at the Office of the City Clerk, at the Tavares City Hall, 201 E. Main Street, Tavares, Florida, between the hours of 8 a.m. and 5 p.m. on business days. All interested parties may appear at the meeting and be heard or submit their comments prior to the meeting.

LAK1250566 8/25/2013

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TAVARES

America's Seaplane City™

AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: September 4, 2013

AGENDA TAB NO. 10
SUBJECT TITLE: Ordinance #2013-13 - Amendment to Special Events Ordinance

OBJECTIVE:

To consider approval of Ordinance #2013-13 to allow City Administrator to approve street closures related to Special Event Permit Applications.

SUMMARY:

Ordinance 2013-13 revises the procedures and guidelines relating to the issuance of a Special Events permit which requests road closures.

The current ordinance (#2008-26) calls for City Council approval of any event that necessitates street closings, city co-sponsorship or crowd attendance in excess of 2,000 people per day at least 60 days prior to the event. All other non Council required approvals only require a 30 day notice prior to the event.

When any special event permit application is filed with the Community Development Department, it is then circulated for review by Police, Fire, Parks and Recreation, Economic Development and other agencies depending on the type of the event. After review, it is sent to the City Administrator for approval unless it meets the criteria that it must be sent to the City Council for approval.

In an effort to streamline the Special Event permitting process and save time in the Special Event approval process, it is being requested that the current ordinance be amended to allow the City Administrator to approve all Special Event permits including those that involves a street closure, city co-sponsorship or crowd attendance in excess of 2,000 people per day.

Over the last several years the number of special events hosted by the City has increased from 5 to over 20 events per year. Many of these events are held annually for the last 5 years and the staff and community are very familiar with the event requirements. If a new event is programmed or if an event requires funding from the City, street closures, or is expected to generate 2,000 plus visitors, the City Administrator has in the past and would continue to keep the Council apprised in his City Administrator report, annual budget presentation and during his one- on - one meetings.

This ordinance will be advertised in the newspaper for second reading per legal requirements.

OPTIONS:

1. Move to approve Ordinance #2013-13 to authorize the City Administrator to approve all special event permit applications including those that involve a street closure, city co-sponsorship or crowd attendance in excess of 2,000 people per day.

2. Do not approve Ordinance #2013-13

RECOMMENDATION

1. Move to approve Ordinance #2013-13 to authorize the City Administrator to approve all special event permit applications including those that involve a street closure, city co-sponsorship or crowd attendance in excess of 2,000 people per day.

FISCAL IMPACT:

Approximately $25 to advertise the ordinance. Note: Any co-sponsored events are approved by Council during the budget process and/or by written agreement.

LEGAL SUFFICIENCY:

The City Attorney has reviewed and approved of the proposed changes from a legal sufficiency standpoint.

ORDINANCE 2013-13

AN ORDINANCE AMENDING SECTION 294, 297 AND 298 OF ARTICLE IX OF CHAPTER 10.5 OF THE CITY OF TAVARES CODE OF ORDINANCES RELATING TO THE APPROVAL OF STREET CLOSURES FOR SPECIAL EVENT PERMITS; PROVIDING DEFINITIONS; PROVIDING FOR AUTHORITY; PROVIDING FOR PROCEDURES; PROVIDING FOR A FEE; PROVIDING FOR PUBLICATION ACCORDING TO LAW; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Tavares wishes to regulate special events that occur within the City of Tavares and which may impact the public infrastructure, public safety, sanitation, and general welfare of the residents of Tavares; and

WHEREAS, the City of Tavares wishes to establish a procedure for organizers of special events to apply for permitting and review by City Staff in order to ensure that the proposed event will not have an adverse effect on public infrastructure, public safety, sanitation and the general welfare of the residents of the City of Tavares; and

WHEREAS, the City of Tavares desires to encourage outdoor special events but also desires to regulate such events in such a manner so as to ensure public safety; therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAVARES, FLORIDA:

Section I. Article IX of Chapter 10.5, Licenses and Business Regulations of the City of Tavares Code of Ordinances is hereby created, as follows:

Section 10.5-281 – 10.5-289 Reserved

Article IX. Special Events

Section 10.5-290. Short Title

This article may be known and cited as the City of Tavares Special Events Ordinance.

Section 10.5-291. Purpose

The purpose and intent of this article is to establish a permitting process for special events held on private or public property that, because of their nature, may create potential traffic control, crowd control, noise, public safety, sanitation, and other public health, safety and welfare issues or potential environmental impacts sufficient to require review by City Staff.

Section 10.5-292 Definitions

Special Event: A Special Event is a type of temporary use event providing a community-wide activity which is temporary in nature and would not typically be permitted on a permanent basis and which therefore requires a Special Event Permit.

Special Event Activities are defined as, but not limited to, any organized public activity held or conducted on a temporary basis which is apart from or in addition to, activities and uses normally associated with and permitted at that specific location. This definition does not include functions put on by the City of Tavares on its own property, or functions in structures that have been issued a Certificate of Occupancy permitting such uses. This ordinance specifically applies only to those events in which attendance is expected to exceed 300 persons per day (including staff, volunteers and attendees).

Public Property means property owned by the City of Tavares, Lake County School System, Lake County Government, State of Florida, the United States Government and any other authorized governmental entity.

Special Events Permit: is a permit issued by the City of Tavares that authorizes the special event.

Event Organizer: is defined as a business, corporation, limited liability company, or any other legal entity or individual which organizes, sponsors, or operates a special event.

Property Owner means the owner of record according to the Lake County Property Appraiser of the property on which the Special Event will be held.

10.5-293 – Permit Required

No person shall advertise, engage in, organize or otherwise hold any Special Event within the City of Tavares unless a Special Event Permit has first been obtained as required by this Article. Persons engaged in a Special Event without a permit or in violation of a permit shall be subject to enforcement of this ordinance by City Police or Code Compliance Officers as provided by the Tavares Code of Ordinances and all other applicable Federal, State and local laws. Violation of this Section shall be punishable as set forth in Section 1-15 of this Code.

10.5-294 –Application for Permit

~~a)~~ A Special Event application, provided by the City of Tavares, shall be signed by authorized representatives of the event organizer and property owner and shall be completed and submitted to the City of Tavares at least thirty (30) days prior to the proposed date of the event~~. If the event requires Council approval as set forth in Section 10.5-297, the application must be submitted at least sixty (60) days prior to the date of the event.~~.

b) The applicant may be required to produce proof of general liability insurance coverage, depending on the nature of the event, in an amount deemed appropriate by the City. This requirement may be waived by the City Administrator if it is

determined that this requirement would be unduly financially burdensome.

c) The application shall be given final approval by the City Administrator or his designee upon the determination that such Special Event application satisfies the approval criteria contained in this Article.

d) The Event Organizer and owner shall sign an indemnification agreement on a form supplied by the City that shall stipulate, contract and agree that they will jointly and severally indemnify and hold the City of Tavares harmless against any and all liability, including court costs and attorney's fees, and attorney's fees on appeal, for any and all claims for damage to property, environmental resources, and injury to or death of persons arising out of or resulting from the Special Event.

e) The declaration of an emergency or threat, including extreme weather, shall be just cause for the denial or revocation of a Special Events Permit. Under extreme weather conditions, including lightning storms, the City may temporarily suspend all operations or cancel an event.

f) Event Organizers, planning a Special Event that may exceed 200 persons per day, shall notify the City. The City shall review the event's attendance expectation, may revise the number if underestimated and require the Event Organizer to obtain a Special Event Permit.

10.5 – 295 – Events held on Public Property

Applications for Special Events proposed to be held on public property, including city parks, will granted on the basis of availability and scheduling. City parks are maintained for the enjoyment of the general public and the granting of Special Events Permits within city parks may be limited by this policy.

10.5 – 296 – Approval Criteria

a) The permit application has been fully completed.

b) Sufficient city support personnel are available to assist in the conduct of the event.

c) Adequate support facilities are available for the event. Support facilities include but are not limited to parking, refuse collection, sanitation, fire protection, police protection, emergency medical services and safe electrical service and lighting.

d) No conflict exists with the requested event and other approved and previously scheduled events at the same location.

e) The event will not result in the over-utilization of city facilities or one area of the city.

f) No outstanding balances are due the city for assistance from previous activities from the applicant.

g) Amplification of sound has been justified and is established at a level acceptable to the community.

h) Crowd size has been determined to be a manageable size for the proposed event.

i) The event is generally compatible with the character of the City and/or the locale requested.

j) All Special Events must be designed and operated in manner to be in compliance with the Florida Accessibility Code under the Americans with Disabilities Act where required by State and Federal law.

k) The applicant complied with terms and conditions of any previously granted permits.

l) The applicant has obtained all permits and licenses from the Federal Government, the State of Florida or agencies with jurisdiction as may be required by law for the event.

~~**10.5 – 297 – Council Approval**~~

~~City Council is required for any event that necessitates street closings, city co-sponsored or crowd attendance in excess of 2,000 people per day.~~

10.5 – 298 – Notice of Permit Application Decision

The City Administrator or designee shall act promptly on any timely filed and complete Special Event application received and give notice of decision to the applicant within thirty (30) days, excluding holidays and weekends, of receiving such application ~~or within sixty (60) days if Council approval is required.~~.. If the Special Event application is denied, the City Administrator or designee shall include the reasons for such denial in the notice of decision.

10.5 – 299 – Appeal to City Council

Any party directly affected by the decision of the City Administrator or his/her designee shall have the right to appeal the denial of the Special Event Permit by appealing the decision to the City Council by submitting written notice of intent to appeal to the City Clerk within ten (10) days of the City Administrator's decision. Upon receipt of a written notice of appeal, the City Clerk shall place the special event application on the agenda for the next regularly scheduled City Council meeting.

The City Council shall review the application together with all supporting documentation and departmental comments, if any, and shall either uphold or overturn the decision of the City Administrator.

10.5 – 300 – Exemptions

Nothing contained herein shall be construed as requiring a Special Event Permit for the following:

(a) Activities conducted by a public or private school on school grounds.

(b) Activities conducted by any church on church grounds bearing a tax-exempt status.

(c) Funerals and funeral processions.

10.5 – 301 – Permit Fee

The City Council may establish a reasonable fee to cover the City's costs of reviewing any application submitted under this Article. Said fee may be amended from time to time by resolution of the City Council.

10.5 – 302 City Support Staff, Facilities and Equipment

Prior to issuance of a permit, the event organizer may be required to enter into an agreement with the City providing for financial compensation for expenses incurred by the city should the city be providing support staff, facilities and equipment. The economic benefits that the City may derive from the proposed Special Event will be considered when determining the required financial compensation.

Section 2. All ordinances or parts of Ordinances in conflict here with are hereby repealed.

Section 3. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not effect the validity of the remaining sections, sentence, clauses or phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. It is the intention of the City Council of the City of Tavares that the provisions of this Ordinance shall become and be made a part of the City of Tavares Code of Ordinances and that the word "Ordinance" may be changed to "Section", "Article" or such other appropriate word or phrase to accomplish such intentions.

Section 5: This Ordinance shall be published in accordance with requirements of law.

PASSED AND ORDAINED this ____ day of _____, 2013, by the City Council of the City of Tavares, Florida.

_____
Robert Wolfe, Mayor
Tavares City Council

First Reading: _____

Passed Second Reading: _____

ATTEST

_____
Nancy Barnett, City Clerk

Approved as to Form:

_____
Robert Q. Williams, City Attorney

Orlando Sentinel/Lake Sentinel
Sunday, August 25, 2013 Edition
Ordinance 2013-13

Miscellaneous Legals

CITY OF TAVARES

NOTICE IS HEREBY GIVEN that the Tavares City Council will consider the Ordinance 2013-13, Second Reading, on September 4, 2013 at 4:00 p.m. Tavares City Hall, 201 E. Main Street, Tavares, FL 32778.

ORDINANCE 2013-13

AN ORDINANCE AMENDING SECTION 294, 297 AND 298 OF ARTICLE IX OF CHAPTER 10.5 OF THE CITY OF TAVARES CODE OF ORDINANCES RELATING TO THE APPROVAL OF STREET CLOSURES FOR SPECIAL EVENT PERMITS; PROVIDING DEFINITIONS; PROVIDING FOR AUTHORITY; PROVIDING FOR PROCEDURES; PROVIDING FOR A FEE; PROVIDING FOR PUBLICATION ACCORDING TO LAW; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE

The Ordinance may be inspected by the public at the Office of the City Clerk, at the Tavares City Hall, 201 E. Main Street, Tavares, Florida, between the hours of 8 a.m. and 5 p.m. on business days. All interested parties may appear at the meeting and be heard or submit their comments prior to the meeting.

LAK1250568 8/25/2013

AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: September 4, 2013

AGENDA TAB NO. 11
SUBJECT TITLE: Request to Repair 1st Street Stormwater infrastructure

OBJECTIVE: To Rehabilitate the dual 205' length and 54" diameter stormwater culverts under first street with the recommended lowest proposal and to repair the sidewalk and railing area.

SUMMARY:

The City shares ownership of a stormwater drainage easement with the FDOT in Vista Del Largo sub-division. This sub-division was developed and approved by the City on July 5, 1973. The existing culvert piping are made of a metal material that was approved for construction in that era. Today's standards call for concrete piping, but do to the fact that this is a rehabilitation project that has existing streets and yards, then that piping is not cost effective or recommended for this project. The metal piping has deteriorated and is in need of rehabilitation to prevent street and property damage. This project calls for a CIPP lining that will be at least 18 mm thickness that will create a good solid pipe with a life expectancy of approximately 50 years. The three proposals received were:

- Miller Pipeline Corp. $124,291.50
- Layne Inliner $124,516.00
- Instituform $206,763.00

The Headwall and sidewalk area need to be restored, which will be completed by another contractor after the above contractor has completed his work.. There are 2 quotes for this work.

Dallas 1	$4,327.66
Professional Dirt	$9,980.00

The 3rd cost for this project is a safety rail along the sidewalk area to prevent accidental falling into the drainage ditch. This is a local sole source provider Environmental Composites at $ 3, 058.93, which will be installed by City staff.

Based on the above proposals and the cost of the railing material ($3,058.93) and the sidewalk area ($4,327.66) and the lining ($124,291.50), the total combined cost of all the work is $131,678.09 plus 2.5% contingency (3,291.95) which equals $134,970.04.

OPTIONS:

1. To approve the lowest proposals (Miller Pipeline & Dallas 1), the project as written and utilize Utility reserves to pay for Rehabilitation Project in the amount of $134,970.04 and authorize the City Administrator to sign the contracts.

2. Do not approve the lowest proposals (Miller Pipeline & Dallas 1), the project as written and utilize Utility reserves to pay for Rehabilitation Project in the amount of $134,970.04 and authorize the City Administrator to sign the contracts.

STAFF RECOMMENDATION:

Move to approve the lowest proposals (Miller Pipeline & Dallas 1), the project as written and utilize Utility reserves to pay for Rehabilitation Project in the amount of $134,970.04 and authorize the City Administrator to sign the contracts

FISCAL IMPACT: .
Funding Source: The funding will be coming from Utility Reserves in the amount of $134,970.04. Sufficient reserves exist in the reserves fund balance. That amount will be provided to Council at the meeting.

LEGAL SUFFICIENCY: This meets Legal Sufficiency

Miller Pipeline Corp.

Corporate Headquarters
8850 Crawfordsville Rd.
Indianapolis, IN 46234
Toll Free : (800) 428-3742
Phone : (317) 293-0278
Fax : (317) 293-8502
www.millerpipeline.com

August 15, 2013

Quote No: 54" Lining

Jason Spann
City of Tavares
2770 Woodlea Rd.
Tavares, Florida 32778

Phone: 352-742-8240
Fax: 352-742-6110

RE: Proposal for Lining 54" Stormwater Line

Dear Mr. Spann

General

Thank you for contacting Miller Pipeline Corporation for your pipeline rehabilitation needs. We are pleased to submit our proposal for providing materials and services for the above referenced project.

Scope of Service

To meet the requirements of this project, we propose to furnish the following items:

1. Mobilize and demobilize our Lining Installation crew, equipment, and materials to the specified project location.
2. Pre-televise each pipeline section.
3. Post-televise the installed pipe.

Proposal

Item	Description	Qty	U/M	Price	Amount
1	Furnish and Install 54" CIPP	410	LF	$270.25	$110,802.50
2	Isolate and Clean and Televise 54" Stormwater	410	LF	$32.90	$13,489.00
				Total	**$124,291.50**

City of Tavares Responsibilities

We will expect that the following will be furnished to Miller Pipeline Corporation at no cost to us:

1. Free and legal access to the project site.
2. All approvals and permits as applicable.
3. Access to a fire hydrant or other source of water near the project location.
4. All bypass pumping as may be required larger than a three-inch pump.
5. All traffic control during the project over and above normal cones and traffic signs.

General Conditions

1. Any delays or work stoppages not the fault of Miller Pipeline Corporation will be billed at daily crew costs.
2. The project does not contain hazardous materials.

3. This proposal will expire in thirty (30) days without a signed contractual agreement. Furthermore, this proposal will become part of any executed contractual agreement. After expiration of this offer, pricing is subject to adjustment or can be withdrawn. This pricing is subject to adjustment if the actual job site conditions differ from the requirement and conditions at time of proposal.
4. Payment should be made within thirty (30) days after date of invoice from Miller Pipeline Corporation.
5. The submitted pricing does not include any taxes. All applicable taxes should be added to the pricing unless we are provided with tax-exempt statement from the buyer.
6. This proposal is based on Miller Pipeline Corp.'s standard wages. Pricing is subject to change if prevailing wage requirements apply to this work.

Closing

We thank you for the opportunity to offer this firm proposal and look forward to providing this service. If you have any need for further assistance, please do not hesitate to contact me in our New Smyrna, FL, office.

Sincerely,

Louis Woska
Regional Manager

cc: Emy Belich

This proposal is proprietary and confidential, and the exclusive property of Miller Pipeline Corporation and shall not be copied or disseminated without prior written consent. Disclosure to third parties, in whole or in part, is not authorized.

PROPOSAL

DATE: **July 16, 2013**

SUBMITTED TO: **City of Tavares**
2770 Woodlea Road
Tavares, FL 32778
Attn: Jason Spann, Stormwater Supervisor

JOB LOCATION: **1st Street 54-inch Storm**

We propose hereby to furnish material and labor - complete in accordance with specifications below, for the sum of

One Hundred Twenty-Four Thousand Five Hundred Sixteen and no cents ($124,516.00)

Payment terms - 100% within thirty (30) days upon completion and acceptance.
All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from specifications below involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation insurance. Note This proposal may be withdrawn by us if not accepted within thirty days.

We hereby submit specifications and estimates as follows:
Layne Inliner, LLC shall supply all equipment, materials and labor to perform the work as follows:

DESCRIPTION	QTY	UNIT	PRICE	TOTAL
Furnish/Install 54" CIPP (19.5 mm)	**408**	**LF**	**$275.00**	**$112,200.00**
CCTV/Clean	**408**	**LF**	**$14.50**	**$5,916.00**
Install/Remove Dirt Berm/Aqua Barrier	**1**	**LS**	**$6,400.00**	**$6,400.00**
			TOTAL	**$124,516.00**

NOTES:
1. Inliner to be installed as per ASTM & manufacturer's specifications.
2. Payment shall be based on actual field measurements from center of inlet to center of outlet.
3. This proposal is subject to pre-TV inspection by Layne Inliner, LLC indicating that line conditions are acceptable for installation of Inliner.
4. Price quoted does not include point repairs if required prior to installing Inliner.
5. The City of Tavares to provide water for cleaning/liner installation and processing.
6. The City of Tavares to provide dump site for disposal of debris removed from sewer system.

Signature _____
Tommy Robertson, Project Manager

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

Date of Acceptance _____ Authorized Signature _____

Insituform
Technologies, LLC

3016 N. US Hwy 301
Suite #900
Tampa, FL 33619
www.insituform.com

Name: Ian A. Lancaster
Title: Business Dev. Manager
Phone: 813-944-7068

Fax: 813-627-0006
Email: ilancaster@insituform.com

August 12, 2013

Mr. Brad Hayes
City of Tavares
2770 Woodlea Road
Tavares, FL 32778

Project Name: Storm Pipeline Rehabilitation (Piggyback)
Project #: City of Naples, FL – Pipe Lining Services - #11-00017

Start Date: TBD

Completion Date: TBD

PROPOSAL PRICING:

Insituform Technologies, LLC proposes the following for the scope of services described herein based on the existing annual agreement with the City of Naples, FL:

Item	Description	U/M	Qty	U/P	Total
1	Heavy Cleaning - 48" to 72"	LF	410.00	$ 13.80	$ 5,658.00
2	F&I CIPP Lining - 22.5mm	LF	410.00	$ 461.10	$ 189,051.00
3	1.5mm Thickness Increase	LF	820.00	$ 14.70	$ 12,054.00
				Total	$ 206,763.00

Submitted By:

Ian A. Lancaster
Business Development Manager
Insituform Technologies, LLC

ENVIRONMENTAL COMPOSITES, INC.
4250 LAKE INDUSTRIAL BLVD. TAVARES, FL 32778-9506
Phone: 352-343-3449 Fax: 352-343-5577
Website: www.eci1.org FEIN: 59-3016409

FDOT Certified Metals Fabricator
Facility Number: MM-FL-007

QUOTATION
1307015
July 02, 2013

ATTN: **JASON**
Fax #
Phone# 352-742-6240
Mobile #

CITY OF TAVARES STORMWATER
2770 WOODLEA ROAD
TAVARES, FL 32778
Fax:
Phone: 352-742-6240

Customer Job: N/A
Job Name: **NEW HAMPSHIRE**

Ship To Information:
CITY OF TAVARES STORMWATER
2770 WOODLEA ROAD
TAVARES, FL 32778

Contact Name:

Quoted By: CHRIS MCAULIFFE Salesman: CHRIS MCAULIFFE Terms: CREDIT CARD FOB: TAVARES

Line Item	Qty	U/M	Part ID / Description	Unit Price	Extended Price
1	1	LT	FGHANDRAIL FRP HEAVY DUTY HANDRAIL 50 LF Provided into (3) sections 2 @ 20FT 1 @ 10FT Environmental Composites Fabricated FRP Heavy Duty Handrail.System to be Made Up of 2" x 1/4 Square Tube Posts and 2" x 1/4" Square Tube Rails with 4" Kick Plate. Material to be VFR, Vinyl EsterFlame Retardant Resin, OSHA Safety Yellow in Color. System to be Base or Side Mounted. Standard Height to be 3'-6" to Top of Rail. **STR#:**	3,058.93	3,058.93

QUOTE TOTAL: **$3,058.93**

THANK YOU FOR THE OPPORTUNITY TO SUBMIT THIS PROPOSAL
Prices are Valid Until Saturday, August 31, 2013
PRICES QUOTED DO NOT INCLUDE INSTALLATION OR APPLICABLE SALES/USE TAX

Mission Statement
The purpose of our business is to glorify God by serving, ministering, and providing the highest quailty infrastructure construction. That by this, our Lord Jesus Christ might be able to say...
Well done, good and faithful servant.

Dallas1
Construction & Development®

10328 Main Street
Thonotosassa, FL 33592
Main: (813) 986-1922
Fax: (813) 986-4250
www.d1cd.com

To:	City Of Tavares	**Contact:**	Brad Hayes
Address:	Tavares FL USA	**Phone:**	
		Fax:	
Project Name:	City Of Tavares- 1st Ave Concrete Repair	**Bid Number:**	
Project Location:		**Bid Date:**	

MISSION STATEMENT
The purpose of our business is to glorify God by serving you with the most excellent product possible, that by this our Lord Jesus might be able to say... "Well done, good and faithful servant."

Line #	Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
	10100	Sod - Bahia	25.00	SY	$6.73	$168.25
	100010.06	Concrete Paving - 04"	23.00	SY	$116.67	$2,683.41
	100137	Sidewalk - 04' (4" Thick)	100.00	LF	$14.76	$1,476.00
					Total Price for above Items:	**$4,327.66**

Total Bid Price: $4,327.66

Notes:

- Job Specific Notes:
- Material testing is not included.
- Construction survey and as-builts are not included.
- Permit fees are not included.
- Concrete flatwork is not included.
- Landscaping / Irrigation is not included.
- Bond is not included.
- All private utilities are to be relocated by others.
- If contaminated or unsuitable soil is encountered during excavation, a negotiated fee will be established to remove and replace this material.
- This proposal is good for 30 days from the above date.
- Asphalt Prices are Subject to F-DOT Asphalt Index (MyFlorida.com/Search:Fuel & Bituminous Index, Item Asphalt Cement 20/30).
- This bid was prepared off of plans dated
- Waiver of Subrogation for Worker's Compensation is not included in this Bid, there will be a additional cost of $250.00 if required.
- Additional insurance, in excess of industry standard insurance requirements, not already carried by Dallas 1, required by the owner/contractor will be charged at the appropriate rate. Examples: Products/Completed Operations Coverage; Owner/Contractors Protection Liability and Professional Liability; Auto Additional Insured; Waiver for Auto etc.

Mission Statement

The purpose of our business is to glorify God by serving, ministering, and providing the highest quailty infrastructure construction. That by this, our Lord Jesus Christ might be able to say...

Well done, good and faithful servant.

Dallas1 Construction & Development®

10328 Main Street
Thonotosassa, FL 33592
Main: (813) 986-1922
Fax: (813) 986-4250
www.d1cd.com

To:	City Of Tavares	**Contact:**	Brad Hayes
Address:	Tavares FL USA	**Phone:**	
		Fax:	
Project Name:	City Of Tavares- 1st Ave Concrete Repair	**Bid Number:**	
Project Location:		**Bid Date:**	

ACCEPTED:	**CONFIRMED:**
The above prices, specifications and conditions are satisfactory and are hereby accepted.	**Dallas 1 Construction & Development**
Buyer: _____	
Signature: _____	**Authorized Signature:** _____
Date of Acceptance: _____	**Estimator:** Garth Noble 813-986-1922 garth.noble@d1cd.com

8/27/2013

PROFESSIONAL DIRT SERVICE, INC.

10 W. Lakeview Avenue,
Eustis, Florida 32726
(352) 589-7000
(352) 589-7008 FAX

PROJECT TITLE:

CITY OF TAVARES, FLORIDA

NEW HAMPSHIRE AVENUE SIDEWALK REPLACEMENT AND DRAINAGE HEADWALL RESEALING WITH FLOWABLE FILL

OWNER:
THE CITY OF TAVARES, FLORIDA
P. O. BOX 1068
TAVARES, FLORIDA 32778

BASE BID:

1	MOBILIZATION AND DEMOBILIZATION	1 LS	-	-
2	MAINTENANCE OF TRAFFIC (2 WEEKS)	1 LS	2,000.00	2,000.00
3	INSTALL SILTFENCE AND MAINTENANCE	100 LF	2.00	200.00
4	DEMOLITION AND DISPOSAL (CONCRETE SIDEWALK,		-	-
	4' FENCE	1 LS	1,250.00	1,250.00
5	SUBGRADE EXCAVATION AND DISPOSAL	1 LS	850.00	850.00
6	FURNISH AND INSTALL FLOWABLE FILL TO SEAL		-	-
	EXISTING SEAWALL (2 LOADS OF 9 CY)	18 CY	100.00	1,800.00
7	IMPORT FILL AND GRADING FOR NEW SIDEWALK	1 LS	500.00	500.00
8	4" THICK SIDEWALK REPLACEMENT (7.5' WIDE X 32 LF)	240 SF	3.50	840.00
9	4" THICK SIDEWALK REPLACEMENT (4' WIDE X 60 LF)	240 SF	3.50	840.00
10	BAHIA SOD FOR DISTURBED AREA	300 SY	3.00	900.00
11	CONSTRUCTION LAYOUT AND AS-BUILT	1 LS	800.00	800.00
			-	-
	TOTAL			9,980.00

QUALIFICATION:

1. No removal of unsuitable, contaminated or hazardous materials included in our bid.
2. No landscape and or asphalt removal/replacement are included in the proposal, sod restoration only.
3. No relocation and / or removal of any conflicting utilities are included in the proposal.
4. No SLEEVES/STUB for proposed new FDOT Handrail are included.

Submitted By:
Professional Dirt Service, Inc.

Signed:

Lito B. de Torres 8-26-2013
Chief Estimator

AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING:

AGENDA TAB NO. 12

SUBJECT TITLE: Authorization for the Mayor to Support a Foreign Trade Zone

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OBJECTIVE:

The City of Tavares would like to file a letter to the U.S. Department of Commerce in support of a Foreign Trade Zone for the City of Leesburg in addition to expressing the City of Tavares' interest in being part of a FTZ in the future.

SUMMARY:

The City of Leesburg passed a resolution on July 22, 2013 authorizing Staff to apply and proceed with the establishment of a Foreign Trade Zone (FTZ). The FTZ will include the Leesburg International Airport and other areas throughout Lake County. The FTZ is intended to serve the Lake County area.

As part of The City of Leesburg's application, the City of Tavares has the opportunity to express support and interest in being part of the FTZ at a future time.

A Foreign Trade Zone encourages foreign direct investment in addition to retaining and expanding current business in a region. A FTZ allows special customs-related benefits to businesses locating their international operations in a U.S. FTZ. When fitting, the City can explore further the specific benefits and market the advantages and savings available through the Foreign Trade Zone program to current and prospective businesses.

Including a letter expressing the City's interest as a part of Leesburg's FTZ application will allow the City to purse a FTZ in the future with greater ease.

OPTIONS:

1. To authorize the Mayor to support a Foreign Trade Zone for The City of Leesburg and express interest in being a part of a FTZ in the future.

2. To not authorize the Mayor to support a Foreign Trade Zone for The City of Leesburg and express interest in being a part of a FTZ in the future.

3. To authorize the Mayor to support a Foreign Trade Zone for The City of Leesburg.

STAFF RECOMMENDATION:

To authorize the Mayor to support a Foreign Trade Zone for The City of Leesburg and express interest in being a part of a FTZ in the future.

FISCAL IMPACT:

There is no fiscal impact.

LEGAL CONSIDERATIONS:

September 4, 2013

Mr. Andrew McGilvray
Executive Secretary
Foreign-Trade Zones Board
U.S. Department of Commerce
1401 Constitution Ave., NW, Room 21013
Washington, DC 20230

RE: City of Leesburg, Florida, Application for General Purpose Foreign Trade Zone under the Alternative Site Framework

Dear Mr. McGilvray:

The City of Tavares has been made aware of the possibility that the Leesburg International Airport in Leesburg, FL may become a Foreign Trade Zone site. We would like to express our strong support for the City of Leesburg's Application for General Purpose Foreign Trade Zone. This project is important to our region's economic development and deserves thoughtful consideration.

The City of Leesburg and Lake County, as a whole, have transitioned from a primarily agriculture base to a diverse economic environment including but not limited to: healthcare, aviation, retail and manufacturing. The region's strategic multi-modal transportation development allows for flexible and efficient transportation with the general aviation industry supported via Leesburg International Airport and Tavares Seaplane Base.

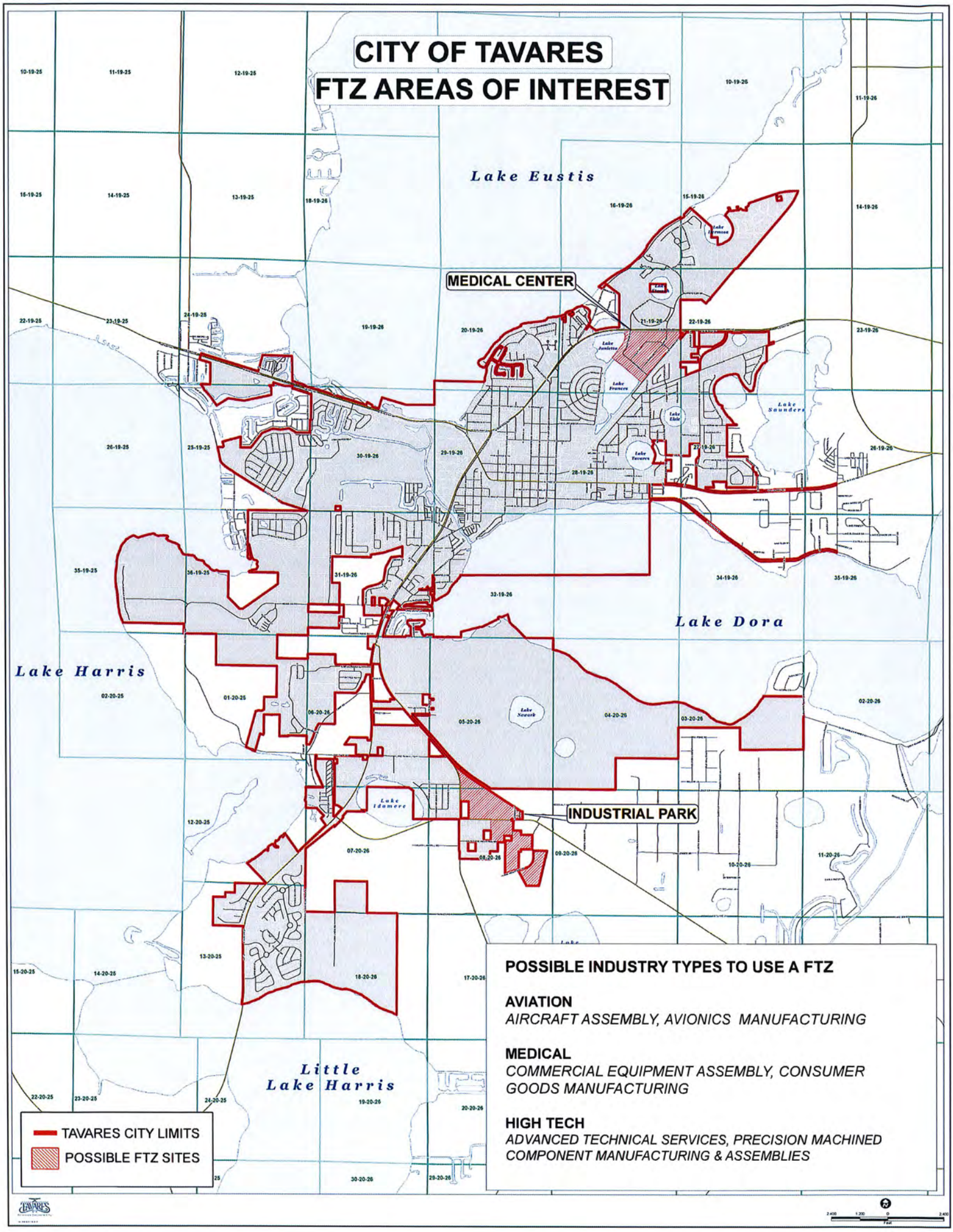
If the Leesburg International Airport were designated as a FTZ site, the City of Tavares, would like, at a future time, to explore further the specific benefits and market the advantages and savings available through the Foreign Trade Zone program to current and prospective businesses. Attached is a map of Tavares highlighting the areas and industries we believe could possibly benefit from a FTZ site in the future, without listing specific locations or businesses.

The proposed FTZ will be a tremendous asset to the area and an important factor in the region's continuing efforts to attract new industry and investment, in addition to expanding existing businesses. We commend The City of Leesburg for pursuing the project.

Sincerely,

Mayor Robert Wolfe, City of Tavares

CITY OF TAVARES
FTZ AREAS OF INTEREST



AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: September 4, 2013

AGENDA TAB NO. 13

SUBJECT TITLE: Request to Award the Bid for Shoreline Enhancement Per ITB 2013-02014

OBJECTIVE: To award the Bid for the City of Tavares Shoreline Enhancement to **TSI Disaster Recovery LLC** in the amount of **$94,700.00**

SUMMARY:

The City of Tavares had previously acquired 3.61 acres of additional adjacent waterfront property for the expansion of Wooton Park. The enhancement of the shoreline and removal of invasive vegetation for the entire Wooton Park shoreline is the first phase of the Wooton Park expansion project. In May of 2013 permitting was received from the Florida Fish and Wildlife Conservation Commission for the removal of the invasive vegetation. On July 14th 2013 bid # 2013-0014 was posted for this work with a closing date of August 15th 2013. The bid also included the option for disposal of the spoils material by the contractor. Staff has worked with other departments to arrange disposal using city equipment with the resulting cost savings

There were 3 responses :

1)Perry Construction Co., Inc. (PCCI) 2176 NW 60th Avenue Micanopy, FL 32667	Base Bid: Disposal:	$302,500.00 $ 75,000.00
2)C&M Dredging, Inc. P.O. Box 490026 Leesburg, FL 34749	Base Bid: Disposal:	$107,042.00 $ 12,000.00
3)TSI Disaster Recovery, LLC 4130 Canoe Creek Road Saint Cloud, FL 34772	Base Bid: Disposal:	$ 94,700.00 $ 21,900.00

The Project Engineer Elaine Imruglia of Modica and Associates has reviewed the bid submittals and recommends the low bidder TSI Disaster Recovery as the lowest and responsible bidder.

As part of the $3.2 million bond issue approved for the Wooton Park Expansion Project, approximately $900,000 has been set aside for design, engineering, permitting and construction of the TAV-LEE Trail extension, a new boat ramp, restrooms and other amenities. To date the City has received a $248,000 TDC grant for the boat ramp facility and a programmed FDOT grant of $650,000 to construct the TAV-LEE Trail extension and related improvements. These funds will be sufficient to design and construct all of the improvements committed to the voters in the 2012 bond referendum.

Additionally, on May 1, 2013 City Council approved the sale of the City's two water taxis for $75,000.
Council directed that proceeds from this sale were to be put in a "restricted" line item in the CRA-TIF budget and could only be spent with approval of the City Council for projects within the Wooton Park Expansion.

Funds for the shoreline clean-up were not budgeted as part of the original bond issue since it was uncertain as to whether or not the City could obtain the needed environmental permit. An FWC permit for this work has now been issued with State DEP sign-off being imminent.

In order to enhance the funding for the shoreline clean-up, staff is recommending that the proceeds from the sale of the water taxis (an estimated $70,000 plus after sale closing costs) be allocated toward the cost of the bid cost for the shoreline clean-up with the balance to be funded from the construction and grant funds for the Wooton Park project.

OPTIONS:

Award the Bid and the Project to the lowest Qualified Bidder **TSI Disaster Recovery LLC**. in the amount of $ **94,700.00** with the funds to be provided from the sale of the water taxis (an estimated $70,000 plus) with the balance to be funded from the construction and grant funds for the Wooton Park project.

Do **not** Award the Bid and the Project to the lowest Qualified Bidder **TSI Disaster Recovery LLC**. in the amount of $ **94,700.00**

STAFF RECOMMENDATION:

That Council Award the Bid and the Project to the lowest Qualified Bidder **TSI Disaster Recovery LLC**. in the amount of $ **94,700.00** with the funds to be provided from the sale of the water taxis (an estimate $70,000 plus) with the balance to be funded from the construction and grant funds for the Wooton Park project.

FISCAL IMPACT: This project is being funded by proceeds from the sale of the water taxis and the balance to be funded from the construction and grant funds for the Wooton Park project.

LEGAL SUFFICIENCY: This summary and bid met legal sufficiency.

ADVERTISEMENT/ INVITATION ITB 2013-0014
CITY OF TAVARES
INVITATION TO BID FOR:

CITY OF TAVARES LAKESHORE ENHANCEMENT

Scope: For the cleanup and remediation of 2,150 linear feet of shoreline with alternate contractor disposal of material.

There will be a mandatory Pre-bid Wednesday, July 24, 2013 at 10:00 am at Tavares City Hall, 201 East Main Street, Tavares FL 32778.

Sealed bids are invited by the City of Tavares, to be received at the office of the City Clerk, 201 East Main Street, Tavares, Florida 32778 so as to be received not later **than 2:00 PM on Thursday, August 8, 2013. Bids received after this specified time and date will not be considered. Please submit one (1) original, four (4) copies and one (1) digital copy, preferably in pdf format.**

Copies of contract (bid) documents consisting of bidding requirements, contract forms and conditions of the contract may be examined at City Hall, 201 E. Main St., Tavares, Florida, telephone (352) 742-6131. Bidders with access to DemandStar.com can obtain the front end documents by calling 1- 800-711-1712, or on the web at http://www.demandstar.com

John Rumble FCPM CPPB
Purchasing Manager
City of Tavares
201 East Main St Tavares 32778
jrumble@tavares.org

LAK1246581 07/14/2013

From: Judy Reid [mailto:jreid@tavares.org]
Sent: Wednesday, August 14, 2013 12:06 PM
To: Solozano, Humberto Espinoza
Subject: FW: Acct# CU00112565

I still haven't received the ad as requested below.
Could you send as soon as possible?
Thanks

Judy Reid
Accounting Clerk
City of Tavares
352-742-6414
352-742-6001-Fax

America's Seaplane City

CITY OF TAVARES
MINUTES OF BID OPENING
August 15, 2013
Request for Proposals
City of Tavares Lakeshore Enhancement
Bid No. 2013-0014

TAVARES CITY HALL

PRESENT

Bill Neron, Economic Development Director
John Rumble, Purchasing Manager
Kay Mayes, Admin Assistant, Finance

Mr. Rumble noted today's date as Thursday, August 15, 2013. This is the opening of submission packages received in response to RFP 2013-0041, Tavares Shoreline Cleanup. There were three proposals received; Mr. Rumble read the Total Amount of Bid and the Disposal of Material amount:

1)	Perry Construction Co., Inc. (PCCI) 2176 NW 60th Avenue Micanopy, FL 32667	Base Bid: Disposal:	$302,500.00 $ 75,000.00
2)	C&M Dredging, Inc. P.O. Box 490026 Leesburg, FL 34749	Base Bid: Disposal:	$107,042.00 $ 12,000.00
3)	TSI Disaster Recovery, LLC 4130 Canoe Creek Road Saint Cloud, FL 34772	Base Bid: Disposal:	$ 94,700.00 $ 21,900.00

It was noted the packages would be forwarded to Engineer of Record for review and evaluation. The bid opening concluded at approximately 2:15 p.m.

Respectfully submitted,

Kay Mayes

Kay Mayes
Admin Assistant, Finance

August 26, 2013

MODICA
& ASSOCIATES

ENVIRONMENTAL
PLANNING
DESIGN &
PERMITTING

John Rumble FCPM CPPB
Purchasing Manager
City of Tavares
201 East Main St Tavares 32778

Re: Bid No: 2013-0014
City of Tavares Lakeshore Enhancement

Dear Mr. Rumble:

I reviewed the bids that were submitted for the City of Tavares Shoreline Clean-up (Bid No. 2013-0014). I found the bids from both C&M Dredging, Inc. and TSI Disaster Recovery, LLC to be complete and both of the companies are well qualified. The bid from Perry Construction was more than twice the cost of the other two bids; all companies are qualified to do the work.

Therefore I recommend that the contract be awarded to the responsive low-bidder, which is TSI Disaster Recover, LLC.

Thank you,

Elaine Imruglia

PHONE 352.394.2000 FAX 352.394.1159
MODICA & ASSOCIATES

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TAVARES

America's Seaplane City™

AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: September 4, 2013

AGENDA TAB NO. 14

SUBJECT TITLE: Report for Lake County Time Capsule Project

OBJECTIVE:

At a previous City Council meeting, Councilmember Grenier was designated to prepare a report on Tavares' history for the VIVA Florida 500 project for the Lake County Time Capsule.

SUMMARY:

Councilmember Grenier to present his report.

OPTIONS:

N/A

STAFF RECOMMENDATION:

N/A

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

N/A

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TAVARES

America's Seaplane City™

AGENDA SUMMARY
TAVARES CITY COUNCIL
September 4, 2013

AGENDA TAB NO. 15

SUBJECT TITLE: City Administrator Report

OBJECTIVE:

To inform Council on city related matters.

SUMMARY: Will be presented at meeting

UPCOMING MEETINGS: (check with Susie Novack for any last minute changes)

- City Council Regular Meeting & Adoption of Budget & Millage Rate – September 18, 2013
- Code Enforcement Special Magistrate Hearing – September 24, 2013 – 5:30 p.m.
- Lake County League of Cities – September 13, 2013 – 11:30 a.m.
- Lake Sumter MPO – September 25, 2013 MPO Board Room – 4:00 p.m. MPO Board Room - 1616 South 14th Street, Leesburg, FL
- Library Board – September 11, 2013 – 2:00 p.m. Library Conference Room
- Planning & Zoning Board – September 19, 2013 – City Council Chambers
- Dedication of Ingraham Park Basketball Court – September 14, 2013 – 10:00 a.m.

OTHER EVENTS

September 14-15, Florida Bass Nation
September 27-29 – Rifles, Rails & History
October 5-6 – Fashion Designer's Showcase
October 19 – Z-Fest 2013
October 25-26 – Howl O Fest
October 26 – The Monster Splash
November 8-10 – Fall Thunder Regatta
December 7 – Christmas Parade & Celebration

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TAVARES

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AGENDA SUMMARY
TAVARES CITY COUNCIL
September 4, 2013

AGENDA TAB NO. 16

SUBJECT TITLE: City Councilmembers Report

OBJECTIVE:

To inform Council on city related matters.

SUMMARY:

Council will be offered an opportunity to provide a report at the meeting.

OPTIONS:

N/A

STAFF RECOMMENDATION:

N/A

FISCAL IMPACT:

N/A

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