



5. **REGULAR BUSINESS**

- A. Agreement between the School Board of Orange County and the City of Winter Garden for The School Resource Officer Program – Police Chief Brennan
- B. Recommendation to approve the bids and award the Annual Construction Services Contract to TD Thompson Construction and to Emerald Utilities – Public Services Director Cochran
- C. Request by the Rotary Club of Winter Garden to host a music festival on Plant St. on October 18, 2008 – Lisa Bennett, Rotary Club of Winter Garden
- D. Recommendation to approve Quit-Claim Deed for Lot 9, Pavex Park with conditions – Planning Director Williams

6. **MATTERS FROM CITIZENS** (*Limited to 3 minutes per speaker*)

7. **MATTERS FROM CITY ATTORNEY** – Kurt Ardaman

8. **MATTERS FROM CITY MANAGER** – Mike Bollhoefer

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

**ADJOURN** to a budget hearing and regular City Commission meeting on September 25, 2008 at 6:00 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1st floor

Please Note: In accordance with Florida Statutes 286.0105: Any person who desires to appeal any decision at this meeting will need a record of the proceedings and for this purpose may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is based, which such written record is not provided by the City of Winter Garden.

Also, in accordance with Florida Statute 286.26: Persons with disabilities needing assistance to participate in any of these proceedings should contact the Office of the City Clerk, 300 W. Plant Street, Winter Garden, FL 34787, (407) 656-4111 x 2254 48 hours in advance of the meeting.

**ORDINANCE 08-47**

**AN ORDINANCE LEVYING TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2008 AND ENDING ON SEPTEMBER 30, 2009**

**WHEREAS**, in order to provide the revenue necessary for the operation of the City for its Fiscal Year beginning October 1, 2008 and ending September 30, 2009, the City Commission of the City of Winter Garden has determined the rate of ad valorem tax levy that must be assessed for the year 2008; and

**WHEREAS**, the provisions of Chapter 200 of the Florida Statutes prescribing the method of fixing millage has been complied with.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:**

**SECTION 1:** The City Commission of the City of Winter Garden hereby adopts, establishes and levies a millage rate for ad valorem taxation of real and tangible personal property within the City of Winter Garden for the Fiscal Year beginning October 1, 2008 and ending on September 30, 2009, at the rate of 3.3866 mills (\$3.3866 for every \$1,000 of assessed valuation) upon the assessed valuation of property within the corporate limits of the City of Winter Garden, Florida. This millage rate is less than the rolled back rate of 3.6554 mills by 7.35 percent.

**SECTION 2:** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**SECTION 3:** Should any portion of this Ordinance be held invalid, then such portions as are not declared to be invalid shall remain in full force and effect.

**SECTION 4:** This Ordinance shall become effective immediately upon its becoming a law.

**READ FIRST TIME AND PUBLIC HEARING HELD:** \_\_\_\_\_

**READ SECOND TIME AND PUBLIC HEARING HELD:** \_\_\_\_\_

APPROVED:

\_\_\_\_\_  
Mayor/Commissioner John Rees

ATTEST:

\_\_\_\_\_  
Kathy Golden, City Clerk

**ORDINANCE 08-48**

**AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2008 AND ENDING ON SEPTEMBER 30, 2009**

**WHEREAS**, the amount necessary as determined by the City Commission of the City of Winter Garden, Florida to defray the actual operating requirements of the municipal government of said City for the Tax Collection Year which begins October 1, 2008 and which ends on September 30, 2009 is the sum of \$25,441,160; and

**WHEREAS**, tax levy on all taxable real and tangible personal property within said City is necessary to be made in the total amount of 3.3866 mills (\$3.3866 for every \$1,000 of assessed valuation) to be allocated to the General Fund; and

**WHEREAS**, it is anticipated that there will be available for use and disbursement from the general funds of said City, revenue in the following amounts:

Collection of Ad Valorem	\$ 8,653,952
Revenue other than Ad Valorem	<u>16,787,208</u>
TOTAL REVENUES	\$25,441,160

**BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:**

**SECTION 1:** That the sum of \$25,441,160 and such portion thereof as may be realized from the collection of the remainder of current taxes and other anticipated revenue is hereby allocated and appropriated to the General Fund of said City.

**SECTION 2:** All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

**SECTION 3:** Should any portion of this Ordinance be held invalid, then such portions as are not declared to be invalid shall remain in full force and effect.

**SECTION 4:** This Ordinance shall become effective immediately upon its becoming a law.

**READ FIRST TIME AND PUBLIC HEARING HELD:** \_\_\_\_\_

**READ SECOND TIME AND PUBLIC HEARING HELD:** \_\_\_\_\_

APPROVED:

\_\_\_\_\_  
Mayor/Commissioner John Rees

ATTEST:

\_\_\_\_\_  
Kathy Golden, City Clerk

**ORDINANCE 08-49**

**AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE COMMUNITY REDEVELOPMENT AGENCY (CRA) OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2008 AND ENDING ON SEPTEMBER 30, 2009**

**WHEREAS**, the amount necessary as determined by the City Commission of the City of Winter Garden, Florida to defray the actual operating requirements and appropriations to Fund Balance of the CRA of said City for the Tax Collection Year which begins October 1, 2008 and which ends on September 30, 2009 is the sum of \$864,549; and

**WHEREAS**, tax levy on all taxable real and tangible personal property within said CRA in excess of the base year 1991 taxable value of \$23,063,944 is necessary to be allocated to the CRA for Area I; and

**WHEREAS**, tax levy on all taxable real and tangible personal property within said CRA in excess of the base year 1996 taxable value of \$548,114 is necessary to be allocated to the CRA for Area II; and

**WHEREAS**, it is anticipated that there will be available for use and disbursement from the CRA funds of said City, revenue in the following amounts:

Collection of Ad Valorem	\$362,900
Revenue other than Ad Valorem	<u>501,649</u>
TOTAL REVENUES	\$864,549

**BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:**

**SECTION 1:** That the sum of \$864,549 and such portion thereof as may be realized from the collection of the remainder of current taxes and other anticipated revenue is hereby allocated and appropriated to the CRA of said City.

**SECTION 2:** All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

**SECTION 3:** Should any portion of this Ordinance be held invalid, then such portions as are not declared to be invalid shall remain in full force and effect.

**SECTION 4:** This Ordinance shall become effective immediately upon its becoming a law.

**READ FIRST TIME AND PUBLIC HEARING HELD:** \_\_\_\_\_

**READ SECOND TIME AND PUBLIC HEARING HELD:** \_\_\_\_\_

APPROVED:

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Mayor/Commissioner John Rees

ATTEST:

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Kathy Golden, City Clerk

**ORDINANCE 08-50**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, AUTHORIZING THE APPROPRIATIONS OF CITY FUNDS FOR FISCAL YEAR 2008-09 IN ACCORDANCE WITH ARTICLE 3 SECTION 30 (5) OF THE CITY CHARTER OF THE CITY OF WINTER GARDEN, FLORIDA AND FLORIDA STATUTE 166.241 FOR THE PURPOSE OF FULFILLING THE FINANCIAL OBLIGATIONS OF THE CITY**

**WHEREAS**, the City Manager of the City of Winter Garden, Florida has submitted an estimate of the expenditures necessary to carry on the City government for the Fiscal Year beginning October 1, 2008 and ending September 30, 2009; and

**WHEREAS**, the estimated revenues to be received by the City during said period from ad valorem taxes and other sources has been submitted to the City Commission; and

**WHEREAS**, all applicable legal requirements pertaining to public notices and hearings have been satisfied within specified deadlines and prior to final adoption of this Ordinance; and

**WHEREAS**, the City Commission has examined and carefully considered the proposed budget;

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AS FOLLOWS:**

**SECTION 1. Authority.** The City Commission of the City of Winter Garden has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapters 166 and 200, Florida Statutes.

**SECTION 2. Adoption of Final Budget.** Attached hereto as Exhibit "A" and incorporated herein by reference is the final budget for the City of Winter Garden for the Fiscal Year beginning October 1, 2008 and ending September 30, 2009, said final budget being hereby confirmed, adopted and approved in all respects by the City Commission of the City of Winter Garden.

**SECTION 3. Appropriations.** There are hereby expressly appropriated out of anticipated revenues all funds and monies necessary to meet the appropriations stipulated by and in said final budget.

**SECTION 4. Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereto.

**SECTION 5. Effective Date.** This Ordinance shall become effective immediately upon it becoming a law.

**READ FIRST TIME AND PUBLIC HEARING HELD:** \_\_\_\_\_

**READ SECOND TIME AND PUBLIC HEARING HELD:** \_\_\_\_\_

**APPROVED:**

**CITY OF WINTER GARDEN, FLORIDA**

\_\_\_\_\_  
Commissioner H. Gerald Jowers

\_\_\_\_\_  
Mayor/Commissioner John Rees

\_\_\_\_\_  
Commissioner James R. Buchanan

\_\_\_\_\_  
Commissioner Harold L. Boulter

\_\_\_\_\_  
Commissioner Colin P. Sharman

ATTEST:

\_\_\_\_\_  
Kathy Golden, City Clerk

**ORDINANCE NO. 08 -41**

**AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE II, PENSION PLAN FOR GENERAL EMPLOYEES, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; AMENDING SECTION 54-26, DEFINITIONS; AMENDING SECTION 54-35, OPTIONAL FORMS OF BENEFITS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE**

**BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:**

**SECTION 1:** That Chapter 54, Pensions and Retirement, Article II, Pension Plan for General Employees, of the City of Winter Garden Code of Ordinances, is hereby amended by amending Section 54-26, Definitions, to amend the definition of *Actuarial Equivalent*, to read as follows:

*Actuarial equivalent* means a benefit or amount of equal value, based upon the ~~1983 Group Annuity RP-~~ 2000 Combined Healthy Mortality Table-Sex Distinct Projected to 2025 by Scale AA and an interest rate of seven and one quarter percent per annum, ~~except that for purposes of determining the accrued value of a benefit to be transferred from the system to the city defined contribution plan as provided for in section 54-27(b), an interest rate of seven and one half percent shall be utilized.~~

**SECTION 2:** That Chapter 54, Pensions and Retirement, Article II, Pension Plan for General Employees, of the City of Winter Garden Code of Ordinances, is hereby amended by amending Section 54-35, Optional forms of benefits, subsection (a) to read as follows:

(a) In lieu of the amount and form of retirement income payable in the event of normal or early retirement as specified herein, a member, upon written request to the board, may elect to receive a retirement income or benefit of equivalent actuarial value payable in accordance with one of the following options:

- (1) A retirement income of a monthly amount payable to the retiree for his lifetime, but with 120 monthly payments guaranteed in any event.
- (2) A retirement income of a modified monthly amount, payable to the retiree during the lifetime of the retiree and following the death of the retiree, 100 percent, 75 percent, 66 2/3 percent or 50 percent of such monthly amount payable to a joint pensioner for his lifetime. Except where the retiree's joint pensioner is his spouse, the payments to the joint pensioner as a percentage of the payments to the Retiree shall not exceed the applicable percentage provided for in the applicable table in the Treasury regulations.
- (3) If a member retires prior to the time at which social security benefits are payable, he may elect to receive an increased retirement benefit until such time as social security benefits shall be assumed to commence and a reduced benefit thereafter in order to provide, to as great an extent as possible, a more level retirement allowance during the entire period of retirement. The amounts payable shall be as recommended by the actuaries for the system, based upon the social security law in effect at the time of the member's retirement.
- (4) A member may elect a percentage of benefit in a lump sum as follows:
  - a. 10 percent lump sum benefit with 90 percent paid under the normal form or as per (1), (2) or (3) above.
  - b. 15 percent lump; sum benefit with 85 percent paid under the normal form or as per (1), (2) or (3) above.
  - c. 20 percent lump sum benefit with 80 percent paid under the normal form or as per (1), (2) or (3) above.
  - d. 25 percent lump sum benefit with 75 percent paid under the normal form or as per (1), (2) or (3) above.

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

**SECTION 4:** Section 2 of this Ordinance shall be codified and made a part of the City of Winter Garden Code of Ordinances.

**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 adoption.

PASSED ON FIRST READING, this 14th day of August, 2008.

PASSED AND ADOPTED ON SECOND READING, this 10th day of September, 2008.

APPROVED:

JOHN REES, MAYOR/COMMISSIONER

ATTEST:

\_\_\_\_\_  
KATHY GOLDEN, CITY CLERK

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**CITY OF WINTER GARDEN, FLORIDA**

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**FINAL ASSESSMENT RESOLUTION**

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**ADOPTED SEPTEMBER 10, 2008**

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**RESOLUTION NO. 08-14**

**A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF WINTER GARDEN, FLORIDA; IMPOSING FIRE RESCUE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of Winter Garden, Florida (the "City Commission"), has enacted Ordinance No. 08-42 (the "Ordinance"), which authorizes the imposition of Fire Rescue Assessments for fire rescue services, facilities, and programs against Assessed Property located within the City;

**WHEREAS**, the imposition of a Fire Rescue Assessment for fire rescue services, facilities, and programs each fiscal year is an equitable and efficient method of allocating and apportioning the Fire Rescue Assessed Cost among parcels of Assessed Property;

**WHEREAS**, the City Commission desires to implement a fire rescue assessment program in the City using the procedures provided by the Ordinance, including the tax bill collection method for the Fiscal Year beginning on October 1, 2008;

**WHEREAS**, the City Commission, on August 14, 2008, adopted Resolution No. 08-13 (the "Initial Assessment Resolution");

**WHEREAS**, the Initial Assessment Resolution contains and references a brief and general description of the fire rescue services, facilities and programs to be provided to Assessed Property; describes the method of apportioning the Fire Rescue

Assessed Cost to compute the Fire Rescue Assessment for fire rescue services, facilities, and programs against Assessed Property; estimates rates of assessment; and directs the updating and preparation of the Assessment Roll and provision of the notice required by the Ordinance;

**WHEREAS**, in order to impose Fire Rescue Assessments for the Fiscal Year beginning October 1, 2008, the Ordinance requires the City Commission to adopt a Final Assessment Resolution which establishes the rates of assessment and approves the Assessment Roll for the upcoming Fiscal Year, with such amendments as the City Commission deems appropriate, after hearing comments and objections of all interested parties;

**WHEREAS**, the Assessment Roll has heretofore been made available for inspection by the public, as required by the Ordinance;

**WHEREAS**, notice of a public hearing has been published and mailed, as required by the terms of the Ordinance, which provides notice to all interested persons of an opportunity to be heard; an affidavit regarding the form of notice mailed being attached hereto as Appendix A and the proof of publication being attached hereto as Appendix B; and

**WHEREAS**, a public hearing was held on September 10, 2008, and comments and objections of all interested persons have been heard and considered as required by the terms of the Ordinance.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA:**

**SECTION 1. AUTHORITY.** This resolution is adopted pursuant to Ordinance No. 08-42; Resolution No. 08-13; Article VIII, Section 2, Florida Constitution; sections 166.021 and 166.041, Florida Statutes; and other applicable provisions of law.

**SECTION 2. DEFINITIONS AND INTERPRETATION.** This resolution constitutes the Final Assessment Resolution as defined in Ordinance No. 08-42. All capitalized terms in this resolution shall have the meanings defined in the Ordinance and the Initial Assessment Resolution.

**SECTION 3. IMPOSITION OF FIRE RESCUE ASSESSMENTS.**

(A) The parcels of Assessed Property described in the Assessment Roll, which is hereby approved, are hereby found to be specially benefited by the provision of the fire rescue services, facilities, and programs described or referenced in the Initial Assessment Resolution, in the amount of the Fire Rescue Assessment set forth in the Assessment Roll, a copy of which was present or available for inspection at the above referenced public hearing and is incorporated herein by reference. It is hereby ascertained, determined and declared that each parcel of Assessed Property within the City will be specially benefited by the City's provision of fire rescue services, facilities, and programs in an amount not less than the Fire Rescue Assessment for such parcel, computed in the manner set forth in the Initial Assessment Resolution. Adoption of this Final Assessment Resolution constitutes a legislative determination that all parcels assessed derive a special benefit in a manner consistent with the legislative declarations, determinations and findings as set forth in the Ordinance, the Initial Assessment Resolution, and this Final Assessment Resolution from the fire rescue services, facilities, or programs to be provided and a legislative determination that the

Fire Rescue Assessments are fairly and reasonably apportioned among the properties that receive the special benefit as set forth in the Initial Assessment Resolution.

(B) The method for computing Fire Rescue Assessments described and referenced in the Initial Assessment Resolution is hereby approved. The Parcel Apportionment methodology described in Appendix E of the Initial Assessment Resolution and adopted in Section 7 of the Initial Assessment Resolution is hereby approved.

(C) For the Fiscal Year beginning October 1, 2008, the estimated Fire Rescue Assessed Cost to be assessed is \$1,312,464.00. The Fire Rescue Assessments to be assessed and apportioned among benefited parcels pursuant to the Cost Apportionment and Parcel Apportionment to generate the estimated Fire Rescue Assessed Cost for the Fiscal Year commencing October 1, 2008, are hereby established as follows:

<b>Residential Property Use Categories</b>	<b>Rate Per Dwelling Unit</b>
Single Family Residential	\$69.00
Multi-family Residential	\$38.00
<b>Non-Residential Property Use Categories</b>	<b>Rate Per Square Foot</b>
Commercial	\$0.11
Industrial/Warehouse	\$0.02
Institutional	\$0.17
Nursing Homes	\$0.17

(D) The above rates of assessment are hereby approved. Fire Rescue Assessments for fire rescue services, facilities, and programs in the amounts provided in paragraph (C) above, which are set forth in the Assessment Roll, as herein approved, are hereby levied and imposed on all parcels of Assessed Property described in such Assessment Roll for the Fiscal Year beginning October 1, 2008.

(E) Institutional Property whose use is exempt from ad valorem taxation under Florida law provide facilities and uses to the ownership, occupants, membership as well as the public in general that otherwise might be requested or required to be provided by the City and such property uses serve a legitimate public purpose and provide a public benefit. Therefore, it is fair and reasonable not to impose Fire Rescue Assessments upon such Buildings of Institutional Property whose Building use is wholly exempt from ad valorem taxation under Florida law. Accordingly, no Fire Rescue Assessment shall be imposed upon a Building of Institutional Property whose Building use is wholly exempt from ad valorem taxation under Florida law.

(F) Government Property provides facilities and uses to the community, local constituents and the public in general that serve a legitimate public purpose and provide a public benefit. Therefore, it is fair and reasonable not to impose Fire Rescue Assessments upon such parcels of Government Property. Accordingly, no Fire Rescue Assessment shall be imposed upon Government Property.

(G) Any shortfall in the expected Fire Rescue Assessment proceeds due to any reduction or exemption from payment of the Fire Rescue Assessments required by law or authorized by the City Commission shall be supplemented by any legally available funds, or combination of such funds, and shall not be paid for by proceeds or funds derived from the Fire Rescue Assessments.

(H) As authorized in Section 2.13 of the Ordinance, interim Fire Rescue Assessments are also levied and imposed against all property for which a Certificate of Occupancy is issued after adoption of this Final Assessment Resolution based upon the rates of assessment approved herein.

(I) Fire Rescue Assessments shall constitute a lien upon the Assessed Property so assessed equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid.

(J) The Assessment Roll, as herein approved, together with the correction of any errors or omissions as provided for in Ordinance No. 08-42, shall be delivered to the Tax Collector for collection using the tax bill collection method in the manner prescribed by the Ordinance. The Assessment Roll, as delivered to the Tax Collector, shall be accompanied by a Certificate to Non-Ad Valorem Assessment Roll in substantially the form attached hereto as Appendix C.

**SECTION 4. CONFIRMATION OF INITIAL ASSESSMENT RESOLUTION.** The Initial Assessment Resolution is hereby confirmed.

**SECTION 5. EFFECT OF ADOPTION OF RESOLUTION.** The adoption of this Final Assessment Resolution shall be the final adjudication of the issues presented (including, but not limited to, the determination of special benefit and fair apportionment to the Assessed Property, the method of apportionment and assessment, the rate of assessment, the Assessment Roll and the levy and lien of the Fire Rescue Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of this Final Assessment Resolution.

**SECTION 6. SEVERABILITY.** If any clause, section or other part of this resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this resolution.

**SECTION 7. EFFECTIVE DATE.** This Final Assessment Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED this 10th day of September, 2008.

CITY OF WINTER GARDEN, FLORIDA

\_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
City Clerk

(Corporate Seal)

APPROVED AS TO FORM AND CORRECTNESS:

\_\_\_\_\_  
City Attorney

**APPENDIX A**

**AFFIDAVIT REGARDING NOTICE MAILED TO PROPERTY OWNERS**

## **AFFIDAVIT OF MAILING**

BEFORE ME, the undersigned authority, personally appeared Mike Bollhoefer, Sandi Melgarejo, and Kathryn L. Griffith, who, after being duly sworn, depose and say:

1. Mike Bollhoefer, as City Manager of the City of Winter Garden, Florida ("City"), pursuant to the Fire Services Assessment Program Proposal (Phase Two) dated July 3, 2008 between Government Services Group, Inc. ("GSG") and the City and the authority and direction received from the City Commission, timely directed the preparation of the Assessment Roll and the preparation, mailing, and publication of notices in accordance with the Fire Rescue Assessment Ordinance adopted by the City Commission on August 14, 2008 (the "Assessment Ordinance") and in conformance with the Initial Assessment Resolution adopted by the City Commission on August 14, 2008 (the "Initial Assessment Resolution").

2. Sandi Melgarejo is Project Coordinator for GSG. GSG has caused the notices required by the Assessment Ordinance to be prepared in conformance with the Initial Assessment Resolution. An exemplary form of such notice is attached hereto. GSG has caused such individual notices for each affected property owner to be prepared and each notice included the following information: the purpose of the assessment; the total amount proposed to be levied against each parcel; the unit of measurement to be applied against each parcel to determine the assessment; the number of such units contained within each parcel; the total revenue the City expects to collect by the assessment; a statement that failure to pay the assessment could result in foreclosure proceedings against the property as well as the initiation of proceedings to compel payment by any means authorized by law, including the collection of any delinquent amounts on a subsequent years' tax bill, which, if not paid, would cause a

tax certificate to be issued against the property which may result in a loss of title; a statement that all affected property owners have a right to appear at the hearing and to file written objections with the local governing board within 20 days of the notice; and the date, time, and place of the hearing.

3. On or before August 20, 2008, GSG delivered and directed the mailing of the above-referenced notices by Modern Mailers, Inc. ("Modern Mailers"), in accordance with Sections 2.05 of the Assessment Ordinance and the Initial Assessment Resolution by First Class Mail to each affected owner, at the addresses then shown on the real property assessment tax roll database maintained by the Orange County Property Appraiser for the purpose of the collection of ad valorem taxes. Notices to property owners receiving multiple individual notices were mailed, or caused to be mailed by GSG on or before August 20, 2008.

4. Kathryn L. Griffith is Assistant General Manager of Modern Mailers. As directed above, Modern Mailers, mailed or caused to be mailed on or before August 20, 2008, the above-referenced notices delivered to Modern Mailers by GSG.

FURTHER AFFIANTS SAYETH NOT.

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Mike Bollhoefer, affiant

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Sandi Melgarejo, affiant

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Kathryn L. Griffith, affiant

STATE OF FLORIDA  
COUNTY OF ORANGE COUNTY

The foregoing Affidavit of Mailing was sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 2008 by Mike Bollhoefer, City Manager, City of Winter Garden, Florida. He is personally known to me or has produced \_\_\_\_\_ as identification and did take an oath.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary Public, State of Florida  
At Large  
My Commission Expires: \_\_\_\_\_  
Commission No.: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF LEON

The foregoing Affidavit of Mailing was sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 2008 by Sandi Melgarejo, Project Coordinator, Government Services Group, Inc., a Florida corporation. She is personally known to me or has produced \_\_\_\_\_ as identification and did take an oath.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary Public, State of Florida  
At Large  
My Commission Expires: \_\_\_\_\_  
Commission No.: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF LEON

The foregoing Affidavit of Mailing was sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 2008 by Kathryn L. Griffith, Assistant General Manager, Modern Mailers, Inc., a Florida corporation. She is personally known to me or has produced \_\_\_\_\_ as identification and did take an oath.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary Public, State of Florida  
At Large  
My Commission Expires: \_\_\_\_\_  
Commission No.: \_\_\_\_\_

**APPENDIX B**  
**PROOF OF PUBLICATION**

**APPENDIX C**

**FORM OF CERTIFICATE TO  
NON-AD VALOREM ASSESSMENT ROLL**

**CERTIFICATE  
TO  
NON-AD VALOREM ASSESSMENT ROLL**

I HEREBY CERTIFY that, I am the Chairman of the City Commission of the City of Winter Garden, or authorized agent of the City of Winter Garden, Florida (the "City"); as such I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for fire rescue services (the "Non-Ad Valorem Assessment Roll") for the City is properly assessed so far as I have been able to ascertain; and that all required extensions on the above described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law.

I FURTHER CERTIFY that, in accordance with the Uniform Assessment Collection Act, this certificate and the herein described Non-Ad Valorem Assessment Roll will be delivered to the Orange County Tax Collector by September 15, 2008.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the Orange County Tax Collector and made part of the above described Non-Ad Valorem Assessment Roll this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

**CITY OF WINTER GARDEN, FLORIDA**

By: \_\_\_\_\_  
Chairman

**[to be delivered to Tax Collector prior to September 15]**