



**TOWN OF LAKE HAMILTON
TOWN COUNCIL
SPECIAL MEETING AGENDA
FOLLOWED BY A BUDGET WORKSHOP
Tuesday, July 19, 2022
4:30 P.M.**

The Town Council of the Town of Lake Hamilton will hold a Special Meeting followed by a Budget Workshop, on Tuesday, July 19, 2022, at 4:30 PM at the Town Hall, 100 Smith Ave, Lake Hamilton, FL 33851.

- 1. CALL TO ORDER BY THE MAYOR**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. ROLL CALL OF COUNCIL MEMBERS BY THE CLERK**
- 5. ITEMS TO BE DISCUSSED BY THE COUNCIL**
 - a. Resolution R-2022-11 Update Signers on Bank Account
 - b. Ordinance O-22-22 Assessment Procedures
 - c. Consider Engagement with Bryant, Miller, Olive (BMO)
 - d. Recommendation of Award to Low Bidder- WWTF Phase 1
 - e. Recommendation of Award to Low Bidder- SR 17 Septic to Sewer
 - f. Discuss Phase 1 WWTF Funding Sources
 - g. Pennoni Phase 2 WWTF Preliminary Design Report Findings-Consider Approval of Concept Plan
 - h. Consider approval of Pennoni Phase 2 Design Contract
- 6. ADJOURN SPECIAL MEETING**
- 7. OPEN BUDGET WORKSHOP**
 - a. Continued Budget Discussion
- 8. ADJOURNMENT**

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND F. S. 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THESE PROCEEDINGS PLEASE CONTACT TOWN CLERK, BRITTNEY SANDOVALSOTO, TOWN HALL, LAKE HAMILTON, FL AT 863-439-1910 WITHIN TWO (2) WORKING DAYS OF YOUR RECEIPT OF THIS NOTIFICATION. IF A PERSON DESIRES TO APPEAL ANY DECISION MADE BY THE TOWN COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, AFFECTED PERSONS MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE WHICH THE APPEALS IS TO BE BASED. (F.S. 286.26.105)

RESOLUTION R-2022-11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, FLORIDA, ESTABLISHING UPDATED SIGNERS ON THE TOWN BANK ACCOUNTS; PROVIDING FOR CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council conducts finance business with SouthState Bank in Haines City and Axiom Bank in Winter Haven; and

WHEREAS, the Town Council wishes to update the signers on all accounts at SouthState Bank and Axiom Bank; and

WHEREAS, Sara Irvine is working as Town Administrator in transition for the Town of Lake Hamilton and is scheduled to leave employment as of July 29, 2022; and

WHEREAS, Michael Teague has been appointed interim Town Administrator for the Town of Lake Hamilton; and

WHEREAS, the Town Council authorizes the following as signers on all accounts: Mayor Michael Kehoe, Vice Mayor Marlene Wagner, Interim Town Administrator Michael Teague and Town Clerk Brittney Sandovalsoto; and

WHEREAS, Sara Irvine should be removed as a signer from all bank account associated with the Town of Lake Hamilton; and

WHEREAS, the Town Council requires that a combination of town signatures be on all checks.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, FLORIDA AS FOLLOWS:

SECTION 1.

The Town Council does hereby authorize Mayor Michael Kehoe, Vice-Mayor Marlene Wagner, Interim Town Administrator Michael Teague, and Town Clerk Brittney Sandovalsoto to act as signers on the town bank accounts.

SECTION 5. CONFLICTS.

All Resolutions or part of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 6. SEVERABILITY.

If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidated or impair the validity, force, or effect or any other section or part of this Resolution.

SECTION 6. EFFECTIVE DATE.

This Resolution shall take effect upon its approval and adoption by the Town Council.

INTRODUCED and PASSED at the regular meeting of the Town Council of Lake Hamilton, Florida, held this 12th day of JULY 2022.

TOWN OF LAKE HAMILTON, FLORIDA

MICHAEL KEHOE, MAYOR

ATTEST:

BRITTNEY SANDOVALSOTO, TOWN CLERK

Approved as to form:

HEATHER R. MAXWELL, ESQ., TOWN ATTORNEY

Record of Vote	YES	NO
O'Neill		
Roberson		
Tomlinson		
Wagner		
Kehoe		

ORDINANCE O-22-22

AN ORDINANCE OF THE TOWN OF LAKE HAMILTON, FLORIDA RELATING TO THE FUNDING OF CAPITAL IMPROVEMENTS AND ESSENTIAL SERVICES THROUGH THE IMPOSITION OF SPECIAL ASSESSMENTS; PROVIDING THE PROCEDURE FOR THE IMPOSITION OF SUCH SPECIAL ASSESSMENTS; PROVIDING DEFINITIONS AND FINDINGS; AUTHORIZING THE IMPOSITION AND COLLECTION OF SPECIAL ASSESSMENTS TO FUND THE COST OF CAPITAL IMPROVEMENTS AND ESSENTIAL SERVICES PROVIDING A SPECIAL BENEFIT TO REAL PROPERTY WITHIN THE TOWN; AUTHORIZING THE CREATION OF ASSESSMENT AREAS; PROVIDING FOR THE OPTIONAL AND MANDATORY PREPAYMENT OF ASSESSMENTS; ESTABLISHING PROCEDURES FOR NOTICE AND ADOPTION OF ASSESSMENT ROLLS AND FOR CORRECTION OF ERRORS AND OMISSIONS; PROVIDING THAT ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF THE ASSESSMENT ROLLS; ESTABLISHING PROCEDURES AND METHODS FOR COLLECTION OF ASSESSMENTS, INCLUDING ASSESSMENTS IMPOSED ON GOVERNMENT PROPERTY; AUTHORIZING THE ISSUANCE OF OBLIGATIONS SECURED BY ASSESSMENTS; PROVIDING FOR VARIOUS RIGHTS AND REMEDIES OF THE HOLDERS OF SUCH OBLIGATIONS; PROVIDING THAT SUCH OBLIGATIONS WILL NOT CREATE A GENERAL DEBT OR OBLIGATION OF THE TOWN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, FLORIDA, AS FOLLOWS:

ARTICLE I

INTRODUCTION

SECTION 1.01. DEFINITIONS.

When used in this Ordinance, the following terms shall have the following meanings, unless the context clearly requires otherwise:

"Annual Assessment Resolution" means the resolution described in Section 2.08 hereof, approving an Assessment Roll for a specific Fiscal Year.

"Assessment" means a special assessment imposed by the Town Council pursuant to this Ordinance to fund the Capital Cost of Capital Improvements or the Service Cost of Essential Services. The term "Assessment" and the reference to non-ad valorem assessments herein means those assessments which are not based upon millage, and which can become a lien against a homestead as permitted by Article X, Section 4 of the Florida Constitution.

"Assessment Area" means any of specific areas created by resolution of the Town Council pursuant to Section 2.02 hereof, that specially benefit from Capital Improvements or Essential Services.

"Assessment Coordinator" means the Town Administrator or such person's designee.

"Assessment Roll" means the special assessment roll relating to Capital Improvements or Essential Services containing the information specified in Section 2.04 hereof, approved by a Final Assessment Resolution or an Annual Assessment Resolution pursuant to Section 2.07 or Section 2.08 hereof.

"Assessment Unit" means the apportionment unit utilized to determine the Assessment for each parcel of property, as set forth in the Initial Assessment Resolution. "Assessment Units" may include, by way of example and not limitation, one or a combination of the following: front footage, land area, improvement area, equivalent residential connections or units, equivalent benefit units, permitted land use, trip generation rates, rights to future trip generation capacity under applicable concurrency management regulations, property value or any other physical characteristic or reasonably expected use of the property that is related to the Capital Improvements or Essential Services to be funded from proceeds of the Assessment.

"Capital Cost" means all or any portion of the expenses that are properly attributable to the acquisition, design, construction, installation, reconstruction, renewal or replacement (including demolition, environmental mitigation and relocation) of Capital Improvements under generally accepted accounting principles; and including reimbursement to the Town for any funds advanced for Capital Cost and interest on any interfund or intrafund loan for such purposes.

"Capital Improvements" means capital improvements constructed or installed by the Town which provide a special benefit to lands within an Assessment Area.

"County" means Polk County, Florida.

"Essential Services" means the services, facilities, or programs which provide a special benefit to, or relieve a burden attributable to, lands within an Assessment Area.

"Final Assessment Resolution" means the resolution described in Section 2.07 hereof, which shall confirm, modify or repeal the Initial Assessment Resolution and which shall be the final proceeding for the imposition of an Assessment.

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

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

"Initial Assessment Resolution" means the resolution described in Section 2.03 hereof, which shall be the initial proceeding for the imposition of an Assessment.

"Maximum Assessment Rate" means the highest rate of an Assessment established by the Town Council in an Initial Assessment Resolution and included in the notices required by Sections 2.05 and 2.06 hereof. The Maximum Assessment Rate may be established by reference to an index (by way of example and not limitation, the Consumer Price Index) or annual percentage rate.

"Obligations" means bonds or other evidence of indebtedness including but not limited to, notes, commercial paper, capital leases or any other obligation issued or incurred to finance Capital Improvements and secured, in whole or in part, by proceeds of the Assessments.

"Ordinance" means this Capital Improvement and Essential Services Procedural Assessment Ordinance.

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

"Property Appraiser" means the Polk County Property Appraiser.

"Resolution of Intent" means the resolution expressing the Town Council's intent to collect Assessments on the ad valorem tax bill required by the Uniform Assessment Collection Act.

"Service Cost" means all or any portion of the expenses that are properly attributable to the provision of Essential Services under generally accepted accounting principles; and including reimbursement to the Town for any funds advanced for such expenses and interest on any interfund or intrafund loan for such purposes.

"Tax Collector" means Polk County, Florida including, as the context may require, the County department and/or official(s) appointed by the County to administer the levy and collection of ad valorem taxes and non-ad valorem assessments.

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

"Town" means the Town of Lake Hamilton, Florida.

"Town Administrator" means the chief executive officer of the Town, or such person's designee.

"Town Code" means the Code of Ordinances of the Town of Lake Hamilton, Florida.

"Town Council" means the Town Council of the Town of Lake Hamilton, Florida.

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

SECTION 1.02. INTERPRETATION.

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

SECTION 1.03. FINDINGS.

It is hereby ascertained, determined and declared as follows:

(A) Article VIII, section 2 of the Florida Constitution and Section 166.021, Florida Statutes, grant the Town all governmental, corporate, and proprietary powers to enable the Town Council to conduct municipal government, perform municipal functions, and render municipal services, and exercise any power for municipal purposes, except when expressly prohibited by law, and such powers may be exercised by the enactment of Town ordinances.

(B) The Assessments authorized herein shall constitute non-ad valorem assessments within the meaning and intent of the Uniform Assessment Collection Act.

(C) The Assessments imposed pursuant to this Ordinance will be imposed by the Town Council, not the Property Appraiser or Tax Collector. Any activity of the Property Appraiser or Tax Collector under the provisions of this Ordinance shall be construed solely as ministerial.

ARTICLE II

ASSESSMENTS

SECTION 2.01. AUTHORITY AND PURPOSE.

The Town Council is hereby authorized to impose Assessments against property located within an Assessment Area to fund Capital Improvements or Essential Services. The Assessment shall be computed in a manner that fairly and reasonably apportions the Capital Costs or Service Costs among the parcels of property within an Assessment Area, based upon objectively determinable Assessment Units related to the value, use or physical characteristics of the property.

SECTION 2.02. CREATION OF ASSESSMENT AREAS.

(A) The Town Council is hereby authorized to create Assessment Areas by resolution. Each Assessment Area shall encompass only that property specially benefited by the Capital Improvements or Essential Services proposed for funding from the proceeds of Assessments to be imposed therein. Either the Initial Assessment Resolution proposing an Assessment Area or the Final Assessment Resolution creating an Assessment Area shall include brief descriptions of the Capital Improvements or Essential Services proposed for such area, a description of the property to be included within the Assessment Area, and specific legislative findings that recognize the special benefit to be provided by each proposed Capital Improvement or Essential Service to property within the Assessment Area. Properties in any Assessment Area need not be adjacent or contiguous to any other property in an Assessment Area.

(B) Petition Process.

(1) The Town Council may establish an Assessment Area either upon its own motion or upon written petition by a majority of affected property owners.

(2) Property owners, as referred to herein, shall include any persons, firm, partnership, corporation, trust, or other legal entity holding title to any property which would be liable for Assessments hereunder if said Assessments were imposed. The requirements for a majority of such property owners shall mean no less than (a) fifty-one percent (51%) of the owners in number where the Assessment against each parcel is substantially equal, or (b) the owners of parcels liable for fifty-one percent (51%) of the Assessment where the proposed Assessment against each parcel is not substantially equal. For purposes of this section, substantially equal means a variance between the highest and lowest Assessment of not more than twenty (20) per cent.

(3) The property owner petition shall contain:

(i) The name, address and phone number of the property owner(s) submitting the petition and designating the property owner(s), if any, with whom the Town should primarily communicate regarding the petition (the "Petitioners Representative");

(ii) a description of the proposed Capital Improvements to be provided within the Assessment Area;

(iii) a description of the boundaries of the proposed Assessment Area and/or the real property to be included therein, which may be based upon reference to bordering streets, waterways or other defining boundaries, lots or units, and/or tax parcel identification numbers;

(iv) a cost estimate for the proposed Capital Improvements, including the supporting information or documentation upon which such cost estimate is based; and

(v) a statement that the petitioners (a) request that the improvements be constructed, (b) recognize that the determination regarding the imposition of Assessments shall be made solely by the Town Council after public hearing, (c) agree to be assessed for the actual cost for construction of the improvements (regardless of whether such actual cost exceeds the cost estimate included in the petition) and imposing the Assessments, including allowable administrative and other incidental costs connected therewith, and (d) agree to pay the costs of preparing the plans, specifications, and cost estimates required for the project whether or not the project is ultimately constructed.

(4) The property owner petition shall be submitted to the office of the Town Manager which shall make an initial determination (after consultation with the Town Attorney, as or if necessary) as to whether the petition satisfies the requirements of this section. If the petition is determined to be insufficient, the Petitioners Representative shall be so notified and the property owners may at their option resubmit an amended petition correcting the insufficiency. If the petition is determined to be sufficient, the Town Manager shall present the petition to the Town Council which shall take such actions as may be necessary to determine, in its sole discretion, whether to proceed with creation of the Assessment Area, which actions may include but are not limited to investigating the financial and practical feasibility of providing the improvements and any associated legal considerations, conducting its own cost estimate, requesting additional information from the petitioners, etc.

(5) Notwithstanding the petition process established pursuant to this section, the Town Council shall retain the authority to create Assessment Areas on its own motion without property owner petition and/or the concurrence of fifty-one percent (51%) of the property owners.

(C) The Town Council, in its sole discretion, may present a question by mail, ballot or other process, concerning the creation of a proposed Assessment Area to obtain an expression from property owners residing within the proposed area as to whether the Assessment Area should be created. The cost of the ballot shall be added to the cost of the Capital Improvements in the event the Town Council determines to create the proposed Assessment Area. Notwithstanding anything herein to the contrary, the results of any ballot held pursuant to this section are not binding on the Town Council and the Town Council may establish or decline to establish an Assessment Area regardless of the results of any such ballot.

SECTION 2.02. INITIAL ASSESSMENT RESOLUTION.

The initial proceeding for imposition of an Assessment shall be the Town Council's adoption of an Initial Assessment Resolution. The Initial Assessment Resolution shall:

(A) describe the proposed Assessment Area;

- (B) describe the Capital Improvements or Essential Services proposed for funding from proceeds of the Assessments;
- (C) estimate the Service Cost or Capital Cost;
- (D) establish a Maximum Assessment Rate if desired by the Town Council;
- (E) describe with particularity the proposed method of apportioning the Service Cost or Capital Cost among the parcels of property located within the Assessment Area, including any applicable Assessment Unit;
- (F) include specific legislative findings that recognize the equity provided by the apportionment methodology;
- (G) schedule a public hearing at a meeting of the Town Council, which meeting shall be a regular, adjourned or special meeting, at which to hear objections of all interested persons and to consider adoption of the Final Assessment Resolution and approval of the Assessment Roll; and
- (H) direct the Assessment Coordinator to (1) prepare the Assessment Roll pursuant to Section 2.04 hereof, (2) publish the notice required by Section 2.05 hereof, and (3) mail the notice required by Section 2.06 hereof using information then available from the Property Appraiser.

SECTION 2.04. ASSESSMENT ROLL.

- (A) The Assessment Coordinator shall prepare a preliminary Assessment Roll that contains the following information:
 - (1) a summary description of each parcel of property (conforming to the description contained on the Tax Roll) subject to the Assessment;
 - (2) the name of the owner of record of each parcel, as shown on the Tax Roll;
 - (3) the number of Assessment Units attributable to each parcel;
 - (4) if applicable, the estimated maximum annual Assessment to become due in any Fiscal Year for each Assessment Unit; and
 - (5) if applicable, the estimated maximum annual Assessment to become due in any Fiscal Year for each parcel.
- (B) Copies of the Initial Assessment Resolution and the preliminary Assessment Roll shall be on file in the office of the Assessment Coordinator and open to public inspection. The foregoing shall not be construed to require that the Assessment Roll be in printed form if the amount of the Assessment for each parcel of property can be determined by use of a computer terminal or otherwise accessible through the internet or similar data base.

SECTION 2.05. NOTICE BY PUBLICATION.

After filing the Assessment Roll in the office of the Assessment Coordinator, as required by Section 2.04(B) hereof, the Assessment Coordinator shall publish once in a newspaper of general circulation within Polk County a notice stating that at a meeting of the Town Council on a certain day and hour, not earlier than 20 calendar days from such publication, which meeting shall be a regular, adjourned or special meeting, the Town Council will hear objections of all interested persons to the Final Assessment Resolution and approval of the Assessment Roll. The published notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. Such notice shall include (A) a geographic depiction of the property subject to the Assessment; (B) the proposed schedule of the Assessment; (C) the method by which the Assessment shall be collected; (D) the Maximum Assessment Rate in the event one was adopted in the Initial Assessment Resolution; and (E) a statement that all affected property owners have the right to appear at the public hearing and to file written objections within 20 days of the publication of the notice. Notwithstanding anything herein to the contrary, notice of a proposed Assessment may be given in any manner authorized by law.

SECTION 2.06. NOTICE BY MAIL.

In addition to the published notice required by Section 2.05 hereof, the Assessment Coordinator shall provide notice of the proposed Assessment by first class mail to the owner of each parcel of property subject to the Assessment. The mailed notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. Such notice shall include (A) the purpose of the Assessment; (B) the total Assessment to be levied against each parcel of property including a Maximum Assessment Rate in the event one was adopted by the Initial Assessment Resolution; (C) the Assessment Unit to be applied to determine the Assessment; (D) the number of such Assessment Units contained in each parcel; (E) the total revenue to be collected by the Assessment; and (F) a statement that failure to pay the Assessment will cause a tax certificate to be issued against the property or foreclosure proceedings may be instituted, either of which may result in a loss of title to the property; (G) a statement that all affected property owners have a right to appear at the hearing and to file written objections with the Town Council within 20 days of the notice; and (H) the date, time and place of the hearing. Notice shall be mailed at least 20 calendar days prior to the hearing to each property owner at such address as is shown on the Tax Roll at least thirty (30) days prior to the date of mailing; provided, however, that failure to mail or receive such notice shall not invalidate any Assessment imposed hereunder. Notice shall be deemed mailed upon delivery thereof to the possession of the U.S. Postal Service. The Assessment Coordinator may provide proof of such notice by affidavit. Notwithstanding anything herein to the contrary, notice of a proposed Assessment may be given in any manner authorized by law.

SECTION 2.07. ADOPTION OF FINAL ASSESSMENT RESOLUTION.

(A) At the time named in such notices, or to which an adjournment or continuance may be taken, the Town Council shall conduct a public hearing to receive written

objections and hear testimony of interested persons and may then, or at any subsequent meeting of the Town Council, adopt the Final Assessment Resolution which shall:

- (1) confirm, modify or repeal the Initial Assessment Resolution with such amendments, if any, as may be deemed appropriate by the Town Council;
- (2) create the Assessment Area;
- (3) establish the maximum amount of the Assessment for each Assessment Unit;
- (4) approve the Assessment Roll, with such amendments as it deems just and right; and
- (5) determine the method of collecting the Assessments and when collection shall commence.

(B) In any instance where the public hearing is adjourned or continued prior to adoption of the Final Assessment Resolution or any Annual Assessment Resolution requiring mailed notice as provided in Section 2.08 hereof, the Town shall not be required to provide additional notices pursuant to Sections 2.05 and/or 2.06 hereof, provided:

- 1) The public hearing is continued to a time and date certain as determined by majority vote of the Town Council at the public hearing included in the original mailed notices; and
- (2) Such time and date certain is within sixty (60) days of the public hearing date included in the original mailed notices.

SECTION 2.08. ANNUAL ASSESSMENT RESOLUTION.

The Town Council shall adopt an Annual Assessment Resolution during its budget adoption process for each Fiscal Year in which Assessments will be imposed to approve the Assessment Roll for such Fiscal Year. The Final Assessment Resolution shall constitute the Annual Assessment Resolution for the initial Fiscal Year. The Assessment Roll, as prepared in accordance with the Initial Assessment Resolution and confirmed or amended by the Final Assessment Resolution, shall be confirmed or amended by the Annual Assessment Resolution to reflect the then applicable portion of the cost of the Capital Improvements or Essential Services, or both, to be paid by Assessments. If the proposed Assessment for any parcel of property exceeds the Maximum Assessment Rate established in the Initial Assessment Resolution for the area and described in the notices provided pursuant to Sections 2.05 and 2.06 hereof or if an Assessment is imposed against property not previously subject thereto, the Town Council shall provide notice to the owner of such property in accordance with Section 2.06 hereof and conduct a public hearing prior to adoption of the Annual Assessment Resolution. In the case of an Annual Assessment Resolution which approves an Assessment against property not previously subject thereto, notice and public hearing shall not be required if all owners of the newly

affected property provide written consent to the imposition of the Assessment. Failure to adopt an Annual Assessment Resolution during the budget adoption process may be cured at any time.

SECTION 2.09. EFFECT OF ASSESSMENT RESOLUTIONS.

The adoption of the Final Assessment Resolution or of an Annual Assessment Resolution requiring notice as provided in Section 2.08 hereof, shall be the final adjudication of the issues presented (including, but not limited to, the apportionment methodology, the rate of assessment, the maximum annual Assessment of each parcel, the adoption of the Assessment Roll and the levy and lien of the Assessments), unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of the Town Council's adoption of the Final Assessment Resolution. The Assessments for each Fiscal Year shall be established upon adoption of the Annual Assessment Resolution. If the Assessments are to be collected pursuant to the Uniform Assessment Collection Act, the Assessment Roll, as approved by the Annual Assessment Resolution, shall be certified to the Tax Collector.

SECTION 2.10. PREPAYMENT OF ASSESSMENTS.

(A) Unless determined otherwise in the applicable Initial Assessment Resolution, Final Assessment Resolution or any Annual Assessment Resolution, the Assessment imposed against any parcel of property to fund Capital Improvements shall be subject to prepayment at the option of the property owner, as follows:

(1) Prior to the issuance of Obligations, the Assessment Coordinator shall provide first class mailed notice to the owner of each parcel of property subject to the Assessment of the Town Council's intent to issue such Obligations. On or prior to the date specified in such notice (which shall not be earlier than the thirtieth day following the date on which the notice is delivered to the possession of the U.S. Postal Service), or such later date as the Town Council may allow in its sole discretion, the owner of each parcel of property subject to the Assessment shall be entitled to prepay the total Assessment obligation.

(2) Following the date specified in the notice provided pursuant to Section 2.10(A)(1) hereof, or such later date as the Town Council may allow in its sole discretion, the owner of each parcel of property subject to the Assessment shall be entitled to prepay the total remaining Assessment upon payment of an amount equal to the sum of (a) such parcel's share of the principal amount of Obligations then outstanding, (b) the premium associated with redemption of such parcel's share of the principal amount of Obligations then outstanding, and (c) interest on such parcel's share of the principal amount of Obligations then outstanding, from the most recent date to which interest has been paid to the next date following such prepayment on which the Town can redeem Obligations after providing all notices required by the ordinance or resolution authorizing issuance of such Obligations; provided however, that during any period commencing on the date the annual Assessment Roll is certified for collection pursuant to the Uniform Assessment

Collection Act and ending on the next date on which unpaid ad valorem taxes become delinquent, the Town may reduce the amount required to prepay the Assessments imposed against any parcel of property by the amount of the Assessment certified for collection with respect to such parcel.

(B) At the Town's election, the Assessment imposed against any parcel of property may be subject to acceleration and mandatory prepayment if at any time a tax certificate has been issued and remains outstanding in respect of such property. In such event, the amount required for mandatory prepayment shall be the same as that required for an optional prepayment authorized by Section 2.10(A)(2) hereof.

(C) The amount of all prepayments computed in accordance with this Section 2.10 shall be final. The Town shall not be required to refund any portion of a prepayment if (1) the Capital Cost is less than the amount upon which such prepayment was computed, or (2) annual Assessments will not be imposed for the full number of years anticipated at the time of such prepayment.

SECTION 2.11. LIEN OF ASSESSMENTS.

(A) Upon adoption of the Annual Assessment Resolution for each Fiscal Year, Assessments to be collected under the Uniform Assessment Collection Act shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid. The lien shall be deemed perfected upon adoption by the Town Council of the Annual Assessment Resolution and shall attach to the property included on the Assessment Roll as of the prior January 1, the lien date for ad valorem taxes.

(B) Upon adoption of the Final Assessment Resolution, Assessments to be collected under the alternative method of collection provided in Section 3.02 hereof shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid. The lien shall be deemed perfected on the date notice thereof is recorded in the Official Records of Polk County, Florida.

(C) The lien of any Assessment imposed against any tax parcel hereunder shall survive a tax sale, and the purchaser of such parcel shall take title thereto subject to the lien of the Assessment.

SECTION 2.12. REVISIONS TO ASSESSMENTS.

If any Assessment made under the provisions of this Ordinance is either in whole or in part annulled, vacated or set aside by the judgment of any court, or if the Town Council is satisfied that any such Assessment is so irregular or defective that the same cannot be enforced or collected, or if the Town Council has omitted the inclusion of any property on the Assessment Roll which property should have been so included, the Town Council

may take all necessary steps to impose a new Assessment against any property benefited by the Capital Improvement or Essential Service, following as nearly as may be practicable the provisions of this Ordinance, and in case such second Assessment is annulled, the Town Council may levy and impose other Assessments until a valid Assessment is imposed.

SECTION 2.13. PROCEDURAL IRREGULARITIES.

Any informality or irregularity in the proceedings in connection with the levy of any Assessment under the provisions of this Ordinance shall not affect the validity of the same after the approval thereof, and any Assessment as finally approved shall be competent and sufficient evidence that such Assessment was duly levied, that the Assessment was duly made and adopted, and that all proceedings related to such Assessment were duly had, taken and performed as required by this Ordinance; and no variance from the directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured thereby. Notwithstanding the provisions of this Section 2.13, any party objecting to an Assessment imposed pursuant to this Ordinance must file an objection with a court of competent jurisdiction within the time periods prescribed herein.

SECTION 2.14. CORRECTION OF ERRORS AND OMISSIONS.

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

(B) The number of Assessment Units attributed to a parcel of property may be corrected at any time by the Assessment Coordinator, including upon presentation of competent substantial evidence by the owner of such parcel. Any such correction which reduces an Assessment shall be considered valid from the date on which the Assessment was imposed and shall in no way affect the enforcement of the Assessment imposed under the provisions of this Ordinance. Any such correction which increases an Assessment or imposes an assessment on omitted property shall first require notice to the affected owner at the address shown on the Tax Roll notifying the owner of the date, time and place that the Town Council will consider confirming the correction and offering the owner an opportunity to be heard.

(C) After the Assessment Roll has been delivered to the Tax Collector in accordance with the Uniform Assessment Collection Act, any changes, modifications or corrections thereto shall be made in accordance with the procedures applicable to errors and insolvencies for ad valorem taxes.

ARTICLE III

COLLECTION OF ASSESSMENTS

SECTION 3.01. METHOD OF COLLECTION.

Unless directed otherwise by the Town Council, Assessments (other than Assessments imposed against Government Property) shall be collected pursuant to the Uniform Assessment Collection Act, and the Town shall comply with all applicable provisions thereof, including but not limited to (1) entering into a written agreement with the Property Appraiser and the Tax Collector for reimbursement of necessary expenses, (2) certifying the Assessment Roll to the Tax Collector, and (3) adopting a Resolution of Intent after publishing weekly notice of such intent for four consecutive weeks preceding the hearing. The Resolution of Intent may be adopted either prior to or following the Initial Assessment Resolution; provided however, that the Resolution of Intent must be adopted prior to January 1 (March 1 with consent of the Property Appraiser and Tax Collector) of the year in which the Assessments are first collected on the ad valorem tax bill. This section shall not be construed to require adoption of an additional Resolution of Intent, and notice thereof, if a Resolution of Intent was previously adopted and is currently in effect for the area in question. Any hearing or notice required by this Ordinance may be combined with any other hearing or notice required by the Uniform Assessment Collection Act.

SECTION 3.02. ALTERNATIVE METHOD OF COLLECTION.

In lieu of using the Uniform Assessment Collection Act, the Town may elect to collect the Assessment by any other method which is authorized by law or provided by this Section 3.02 as follows:

- (A) The Town shall provide Assessment bills by first class mail to the owner of each affected parcel of property, other than Government Property. The bill or accompanying explanatory material shall include (1) a brief explanation of the Assessment, (2) a description of the Assessment Units used to determine the amount of the Assessment, (3) the number of Assessment Units attributable to the parcel, (4) the total amount of the parcel's Assessment for the appropriate period, (5) the location at which payment will be accepted, (6) the date on which the Assessment is due, and (7) a statement that the Assessment constitutes a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments.
- (B) A general notice of the lien resulting from imposition of the Assessments shall be recorded in the Official Records of Polk County, Florida. Nothing herein shall be construed to require that individual liens or releases be filed in the Official Records.
- (C) The Town shall have the right to appoint or retain an agent to foreclose and collect all delinquent Assessments in the manner provided by law. An Assessment shall become delinquent if it is not paid within thirty (30) days from the due date. The Town or its agent shall notify any property owner who is delinquent in payment of an Assessment within sixty (60) days from the date such Assessment was due. Such notice shall state in effect that the Town or its agent will initiate a foreclosure action and cause the foreclosure of such property subject to a delinquent Assessment in a method now or hereafter provided by law for foreclosure of mortgages on real estate, or otherwise as

provided by law.

(D) All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any foreclosure action as described herein shall be included in any judgment or decree rendered therein. At the sale pursuant to decree in any such action, the Town may be the purchaser to the same extent as an individual person or corporation. The Town may join in one foreclosure action the collection of Assessments against any or all property assessed in accordance with the provisions hereof. All delinquent property owners whose property is foreclosed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the Town and its agents, including reasonable attorney fees, in collection of such delinquent Assessments and any other costs incurred by the Town as a result of such delinquent Assessments including, but not limited to, costs paid for draws on a credit facility and the same shall be collectible as a part of or in addition to, the costs of the action.

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

SECTION 3.03. RESPONSIBILITY FOR ENFORCEMENT.

The Town and its agents, if any, shall maintain the duty to enforce the prompt collection of Assessments by the means provided herein. The duties related to collection of Assessments may be enforced at the suit of any holder of Obligations in a court of competent jurisdiction by mandamus or other appropriate proceedings or actions.

SECTION 3.04. GOVERNMENT PROPERTY.

(A) If Assessments are imposed against Government Property, the Town shall provide Assessment bills by first class mail to the owner of each affected parcel of Government Property. The bill or accompanying explanatory material shall include (1) a brief explanation of the Assessment, (2) a description of the Assessment Units used to determine the amount of the Assessment, (3) the number of Assessment Units attributable to the parcel, (4) the total amount of the parcel's Assessment for the appropriate period, (5) the location at which payment will be accepted, and (6) the date on which the Assessment is due.

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

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

(D) All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any mandamus or other action as described herein shall be included in any judgment or decree rendered therein. All delinquent owners of Government Property against which a mandamus or other appropriate action is filed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the Town or its agents, including reasonable attorney fees, in collection of such delinquent Assessments and any other costs incurred by the Town as a result of such delinquent Assessments including, but not limited to, costs paid for draws on a credit facility and the same shall be collectible as a part of, or in addition to, the costs of the action.

(E) As an alternative to the foregoing, an Assessment imposed against Government Property may be collected on the bill for any utility service provided to such Government Property. The Town Council may also contract for such billing services with any utility not owned by the Town.

(F) Nothing herein shall require the imposition of Assessments against Government Property.

ARTICLE IV

ISSUANCE OF OBLIGATIONS

SECTION 4.01. GENERAL AUTHORITY.

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

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

SECTION 4.02. TERMS OF THE OBLIGATIONS.

The Obligations shall be dated, shall bear interest at such rate or rates, shall mature at such times as may be determined by ordinance or resolution of the Town Council, and may be made redeemable before maturity, at the option of the Town, at such price or prices and under such terms and conditions, all as may be fixed by the Town Council. Said Obligations shall mature not later than forty (40) years after their issuance. The Town Council shall determine by ordinance or resolution the form of the Obligations, the manner of executing such Obligations, and shall fix the denominations of such Obligations, the place or places of payment of the principal and interest, which may be at

any bank or trust company within or outside of the State of Florida, and such other terms and provisions of the Obligations as it deems appropriate. The Obligations may be sold at public or private sale for such price or prices as the Town Council shall determine by ordinance or resolution. The Obligations may be delivered to any contractor to pay for the provision of Capital Improvements or may be sold in such manner and for such price as the Town Council may determine by ordinance or resolution to be for the best interests of the Town.

SECTION 4.03. VARIABLE RATE OBLIGATIONS.

At the option of the Town Council, Obligations may bear interest at a variable rate.

SECTION 4.04. TEMPORARY OBLIGATIONS.

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

SECTION 4.05. ANTICIPATION NOTES.

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

SECTION 4.06. TAXING POWER NOT PLEDGED.

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

SECTION 4.07. TRUST FUNDS.

The Pledged Revenue received pursuant to the authority of this Ordinance shall be deemed to be trust funds, to be held and applied solely as provided in this Ordinance and in the ordinance or resolution authorizing issuance of the Obligations. Such Pledged Revenue may be invested by the Town, or its designee, in the manner provided by the ordinance or resolution authorizing issuance of the Obligations. The Pledged Revenue upon receipt thereof by the Town shall be subject to the lien and pledge of the holders of any Obligations or any entity other than the Town providing credit enhancement on the Obligations.

SECTION 4.08. REMEDIES OF HOLDERS.

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

SECTION 4.09. REFUNDING OBLIGATIONS.

The Town may, by ordinance or resolution of the Town Council, issue Obligations to refund any Obligations issued pursuant to this Ordinance, or any other obligations of the Town issued to finance Capital Improvements, and provide for the rights of the holders hereof. Such refunding Obligations may be issued in an amount sufficient to provide for the payment of the principal of, redemption premium, if any, and interest on the outstanding Obligations to be refunded. If the issuance of such refunding Obligations results in an annual Assessment that exceeds the estimated maximum annual Assessments set forth in the notice provided pursuant to Section 2.06 hereof, the Town Council shall provide notice to the affected property owners and conduct a public hearing in the manner required by Article III of this Ordinance.

**ARTICLE V
GENERAL PROVISIONS**

SECTION 5.01. SEVERABILITY.

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

SECTION 5.02. ALTERNATIVE METHOD.

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

SECTION 5.03. TOWN CODE.

The appropriate officers and agents of the Town are authorized and directed to codify, include and publish the provisions of this Ordinance within the Town Code, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. The provisions of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article" or other appropriate word whenever necessary or convenient to accomplish such codification.

SECTION 5.04. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon second reading.

INTRODUCED AND PASSED on first reading this 19th day of July 2022.

PASSED AND ADOPTED on second reading this day of 2022.

TOWN OF LAKE HAMILTON, FLORIDA

MICHAEL KEHOE, MAYOR

ATTEST:

BRITTNEY SANDOVALSOTO, TOWN CLERK

Approved as to form:

HEATHER R. MAXWELL, ESQ., TOWN ATTORNEY

Record of Vote	Yes	No
O'Neill		
Roberson		
Tomlinson		
Wagner		
Kehoe		

July 13, 2022

VIA EMAIL ONLY

Michael Teague, Interim Town Administrator
100 Smith Ave
Lake Hamilton, FL 33851
teaguem@townoflakehamilton.com

Re: Provision of Special Counsel Services

Dear Mr. Teague:

Bryant Miller Olive (the "Firm") is pleased to submit this proposal for special counsel services to the Town of Lake Hamilton, Florida (the "Town"). Based on our understanding of the Town's objectives, the Town wishes to negotiate and enter into one or more developer agreements providing the terms by which the developers would design, construct and install wastewater facilities necessary to serve their respective developments, with associated reservation of capacity and provision for payment of or credit toward the Town's wastewater impact fees. The Town may also consider implementation of non-ad valorem special assessments to fund utility expansion improvements related to the developer agreements. The Firm has extensive experience with utility matters and special assessments, and we would be pleased to provide related special counsel services to the Town.

The anticipated scope of services for our engagement is outlined below.

SCOPE OF SERVICES

We expect to perform special counsel services related to special assessments which may include but are not limited to the following:

1. Draft and negotiate one or more developer agreements with respective developers as directed by Town staff; confer with and advise Town staff and officials regarding same.
2. Assist the Town with the potential adoption of special assessments or other charges as a new funding source to pay for utility improvements; conduct related research and prepare memoranda and/or presentations summarizing related options.

3. Research and advise the Town with respect to the development and implementation of special assessments generally, including the timeframe and steps involved with adopting and administering the assessment program, and any unique issues or circumstances associated with potential use of special assessments by the Town.

4. Review and comment upon existing Town ordinances, if any, providing for the levy and collection of special assessments or other charges; suggest revisions or amendments, if any, necessary or advantageous for achieving the Town's objectives.

5. Prepare any ordinances, resolutions and notices related to the development and implementation of special assessments, or review any such ordinances, resolutions and notices as prepared by Town staff.

6. Review and comment upon methodology studies or reports, including addenda or supplements, prepared by other consultants engaged for Town assessment programs; or assist Town staff in the preparation of such supporting documentation.

7. Attend phone-conference and/or in-person meetings with Town staff.

8. Attend Town meetings, workshops and/or public hearings regarding the assessments, either virtually or in-person, as directed by Town staff.

9. Any other services related to developer agreements, special assessments or other local government matters, at the direction of the Town.

FEES AND EXPENSES

The Firm will provide the legal services required for the scope of services at the discounted hourly rate of \$325.00 per hour. In addition to professional fees, the Firm will invoice for reimbursement for actual costs incurred, such as computer printing or photocopies, long distance telephone charges, travel expenses, and overnight delivery charges. Any travel expenses will be reimbursed in accordance with Section 112.061, Florida Statutes. We will bill periodically, but not less often than monthly, by detailed invoice reflecting hours and expenses with all appropriate back-up materials typically required by governmental entities. The hourly rate specified herein is only for professional fees related to development and implementation of the assessment program and does not include expenses associated with any required notice mailings or publications, posting of the assessment roll or related information to the Town's website, or billing of the assessment. The fees and expenses incurred in developing, implementing and maintaining a special assessment program (including legal, consulting and notice expenses) are generally recoverable or reimbursable to the Town through proceeds of the assessment.

CONFLICTS

The rules regulating The Florida Bar provide that a conflict of interest exists whenever a lawyer represents one client in a matter adverse to another client. The lawyer may proceed with the representation of one client if, after disclosure of the conflict, both clients consent to the representation; however, common representation of multiple parties is permissible where the clients are generally aligned in their interests, even though there is some difference in the interests among them. In particular, it is our understanding that the Town may borrow money from the lending program offered by the Florida League of Cities as administrator of the Florida Municipal Loan Council ("FMLC"), by issuing bonds or notes (the "Note") to finance utility system improvements in conjunction with the developer agreements and/or special assessments contemplated herein. The Firm represents FMLC as bond counsel with respect to its lending program. In any such transaction involving issuance of the Note by the Town, we would represent the FMLC and the Town. In our opinion, we can effectively represent the FMLC and the Town as note counsel and the discharge of our professional responsibilities to the FMLC and the Town will not be prejudiced as a result. This is the case because the interests of the FMLC and the Town with respect to the issuance of the Note are generally aligned and the potential for prejudice is remote and minor.

In addition, we have disclosed to the Town that we have, currently do, and may in the future, serve as bond, disclosure, or special counsel to other local governments. Specifically, the firm has represented, and may in the future represent, the Town as bond counsel in certain unrelated financing transactions not involving the FMLC. In our opinion, we can effectively represent the FMLC and the Town as note counsel in the issuance of the Note and represent the FMLC and the Town as bond counsel in unrelated financing transactions, and the discharge of our professional responsibilities to the FMLC and the Town, respectively, will not be prejudiced as a result. This is the case because such engagements are sufficiently different and the potential for such prejudice is remote, minor, and outweighed by consideration that it is unlikely advice given to the other client will be relevant in any respect to the subject matter.

Furthermore, we have, currently do, and may in the future act as bank's counsel and/or underwriter's counsel on unrelated public finance matters in the State of Florida. From time to time, we may represent the firms which may underwrite the FMLC's and the Town's bonds, notes, or other obligations on financings for other governmental entities or entities in the State of Florida on unrelated matters. In either case, such representations are standard and customary within the municipal bond industry. In our opinion, we can effectively represent the FMLC and the Town and the discharge of our professional responsibilities to the FMLC and the Town will not be prejudiced as a result. This is the case because such engagements will be sufficiently different or because the potential for such prejudice is remote, minor, and outweighed by consideration that it is unlikely advice given to the other client will be relevant in any respect to the subject matter.

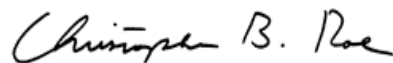
Michael Teague
Interim Town Administrator
July 13, 2022
Page 4 of 4

The FMLC and the Town expressly acknowledge the common representation and such other representations consistent with the circumstances herein described. The Town acknowledges and agrees that our role (i) as special counsel to the Town with respect to developer agreements and the imposition of special assessments, (ii) as note counsel to the FMLC and the Town in the issuance of the Note, (iii) as bond counsel to the FMLC and the Town in certain unrelated financing transactions, and (iv) our role as bond counsel, disclosure counsel, or counsel to any other local governmental entity or financial institution, or in conjunction with other public finance transactions, is not likely to create or cause any actual conflict, and such representations will not per se be construed as a conflict or be objectionable to the FMLC or the Town. Execution of this letter will signify the Town's consent to the common representation of the FMLC and the Town by the Firm as note counsel in a transaction involving issuance of the Note, our representation of the FMLC and the Town as bond counsel in certain unrelated financing transactions, and our representation of other local governmental entities or financial institutions in certain unrelated public finance transactions for purposes of Rule 4-1.7(b)(4) of the Rules regulating The Florida Bar.

The Town may cancel or terminate this engagement at any time upon written notice to the Firm. In the event of termination of this engagement, the Firm will immediately cease work and shall be reimbursed for eligible and documented time and reimbursable expenses incurred prior to the notice to stop work.

If the terms and conditions described in this letter are acceptable, please direct us to proceed by returning a signed copy for our files. We look forward to working with you and greatly appreciate this opportunity to serve the Town of Lake Hamilton.

Sincerely,



Christopher B. Roe

Direction to proceed this _____ day of _____, 2022:

By: _____

Print: _____

Title: _____

cc: Rodney Walton, Florida League of Cities

Preliminary Engineering Report

PHASE 2 LAKE HAMILTON WASTEWATER TREATMENT FACILITY

Lake Hamilton, Florida 33851



Prepared For:

Town of Lake Hamilton

Post Office Box 126

Lake Hamilton, Florida 33851

Date: July 15, 2022

Pennoni Project Number: LAKHA22005



PARTNERS FOR WHAT'S POSSIBLE

www.pennoni.com

July 15, 2022

Project No. LAKHA22005

Mr. Michael Teague, Interim Town Administrator
Town of Lake Hamilton
Post Office Box 126
Lake Hamilton, Florida 33851

RE: DRAFT LETTER REPORT – PHASE 2 WWTF PRELIMINARY ENGINEERING LETTER REPORT

Dear Mr. Teague:

We are pleased to submit the attached **DRAFT** Preliminary Design documents for your consideration as follows:

Attachment A - Basis of Design Summary
Figure 1 – Conceptual WWTF Site Layout Plan
Figure 2 – WWTF Process Flow Diagram
Attachment B – Preliminary Opinion of Probable Cost

Please contact our office if you have any questions related to our findings. We sincerely appreciate the opportunity to assist the Town of Lake Hamilton with this important Project.

Sincerely,
Pennoni Associates Inc.



Steven L. Elias, PE
Associate Vice President



Tim Daily, PE
Senior Engineer

ATTACHMENT A

BASIS OF DESIGN SUMMARY

ATTACHMENT A
Lake Hamilton Phase 2, Re-use, and Phase 3 Capacity Upgrade Outline
7-14-22

Phases' Capacities

- Phase 2 – 1.25 MGD
- Phase 3 – 2.0 MGD

Regulatory Limitations

- Once the RIB application loading exceeds 9 inches per day / sq ft, the discharge limits are tightened.

FDEP. 62-610.525: Projects Involving Additional Levels of Preapplication Treatment paragraph (1) (e) states applicable projects include those involving average annual loading rates greater than 9 inches per day. The treatment plant would need to meet a maximum annual average for Total Nitrogen as 10 mg/l and other drinking water standards. In addition, the effluent would require filtration.

- The property is bisected by the Lake Okeechobee Basin boundary.

RIBS 1 and 2 discharge outside of the Lake Okeechobee Basin. If RIB 3 is added, the water that is discharged to that RIB would need to meet Lake Okeechobee Basin limits.

From Lake Okeechobee Basin Management Action Plan, “ The limits for RRLA [rapid-rate land application] effluent disposal systems apply at the compliance well located at the edge of the zone of discharge for domestic wastewater facilities, RRLAs, or reuse activities having sites such as rapid infiltration basins and absorption fields.”

Based on Table 20 of the plan, the limits at the zone of discharge down gradient edge are:

Phosphorous – 1 mg/l

Total nitrogen -

Less than 0.1 MGD TN of 10 mg/l

Less than 0.5 MGD TN of 6 mg/l

Greater than 0.5 MGD TN of 3 mg/l

Assumptions

- RIBs will be used for the disposal of off-spec water for public water reuse operation
- Phase 2 assumes 0.249 MGD effluent disposal capacity until flow vs groundwater mounding can be evaluated and thus the effluent disposal rate may limit the overall Phase 2 permit capacity initially. that FDEP will allow least 1.0 MGD can be disposed in the RIBS and that as the capacity of the system increases towards 1.0 MGD one of three alternatives will occur: FDEP will allow an additional 250,000 GPD of flow onto the RIBS; addition land will be purchased to construct more RIB area; or RIB #3 will be constructed.
- Water re-use treatment will be included in the Phase 2 WWTF

ATTACHMENT A

Lake Hamilton Phase 2, Re-use, and Phase 3 Capacity Upgrade Outline

7-14-22

- The Carrousel treatment system is being designed to produce less than 5 mg/ total nitrogen.

Phase Construction.

Phase 2 - 1.25 MGD

- Propose constructing an elevated head works with one mechanical fine screen, a bypass static screen, and two grit chambers.
- Comparing 1.25 and 2.0 MGD head works equipment and configuration, the incremental cost will be relatively small, so we would suggest construction the headworks for 2.0 MPD.
- Construct a two basin Carrousel treatment system. Each basin would be rated to treat 0.67 MGD.
- Construct two 55' diameter clarifiers with space reserved for a third clarifier.
- Add basic disinfection tanks sized for 2.0 MGD
- Convert the Mack Plant to Sludge Digestion
- Install Plant Recycle Water Pumps and a Yard Drain pump Station.
- To discharge 1.25 MGD into two RIBS, the annual loading for the two basins would need to be 11.25"/day/sq ft. The hydraulic study's finding was that the RIBS could accept 1.0 MGD. 1.25 MGD would need to be evaluated.
- Once the daily loading exceeds 9 inches per day / sq ft, the treatment plant would need to meet a maximum annual average for Total Nitrogen as 10 mg/l and other drinking water standards. The effluent would require filtration.
- If FDEP finds 11.25"/day/ sq ft unacceptable, construct third RIB. Since the third rib is within the Okeechobee Basin low total nitrogen treatment would need be required.
- To maintain the current treatment limits, the other alternative would be to purchase additional land outside of the Okeechobee Basin Management Action Plan (BMAP) to construct additional RIBS.
- Construct a reduced size 3rd RIB, which will fit into available land. Since the third RIB is within the Okeechobee Basin low total nitrogen treatment would need to be added.
- Construct a Chemical Storage and Feed Building
- Construct a Control building with these rooms:

Entrance
Office 1
Office 2
Control / SCADA Room
Process Laboratory
Electrical room
Mechanical room
Kitchen / Dining

ATTACHMENT A

Lake Hamilton Phase 2, Re-use, and Phase 3 Capacity Upgrade Outline 7-14-22

Bathroom with shower #1
Bathroom with shower #2
Sleeping
Garage / Storage

Phase 2 - 1.25 MGD Public Water Reuse

- Add filtration
- Construct High Level Disinfection for 2 MGD
- Construct a one 1.0 MG storage tank
- Add transfer pumps
- Off spec water would be discharged to the RIBS for disposal.

Phase 3 - 2.0 MGD Public Water Re-use

- Construct the third 0.67 MGD Carrousel treatment tank
- Construct the third 55' diameter clarifiers.
- Add additional filter discs to bring filter capacity to 2.6 MGD
- Add second 1.0 MG storage tank and increase high service pumping capacity
- Add reuse hydro-pneumatic tanks and high service pumps
- To discharge 2.0 MGD into two RIBS, the annual loading would need to be 18"/day. The hydraulic study's finding was that the RIBS could accept 1.0 MGD. 2.0 MGD would need to be evaluated.
- Once the loading exceeds 9 inches per day / sq ft, the discharge limits are tightened. the treatment plant would need to meet a maximum annual average for Total Nitrogen as 10 mg/l and other drinking water standards. The effluent filtration would be required.
- The other alternative would be to purchase an additional land outside of the Okeechobee Basin to construct additional RIBS.
- Off spec water would be discharged to the RIBS for disposal.

ATTACHMENT A

Lake Hamilton Phase 2, Re-use, and Phase 3 Capacity Upgrade Outline 7-14-22

	Phase 2	Phase 2 Reuse	Phase 3 Reuse
Flow, MGD	1.25	1.25	2.0
Nitrate	6	6	1.5
TN	10	10	3
Screening	El. Head Works		El. Head Works
Grit	El. Head Works		El. Head Works
Treatment Tank	2-train 0.67 MGD oxidation ditches		3-train 0.67 MGD oxidation ditches
RAS / WAS Pumping	RAS/ WAS / Scum		RAS/ WAS / Scum
Filtration	2 filters		2 filters with additional discs
Basic Disinfection	Two-basin		Two-basin
High Level Disinfection		Two-basin	Two-basin
Rib #1	4.5"/day	9"/day	18"/day
Rib #2	4.5"/day	9"/day	18"/day
Rib #3			
Sludge Thickening	Mack EQ	Mack EQ	Mack EQ
Sludge Digestion	Mack Tank P1/P2	Mack Tank P1/P2	Mack Tank P1/P2
Transfer Pumps	-	Duplex	Duplex
Storage Re-use Tank		One 65' dia x 40'dp	Two 65' dia x 40'dp
Off spec tank		-	-
High Service Pumps		Duplex with jockey	Triplex with jockey
Recycle Plant Water	Duplex	Duplex	Duplex
Yard Drain PS	Duplex	Duplex	Duplex

FIGURE 1

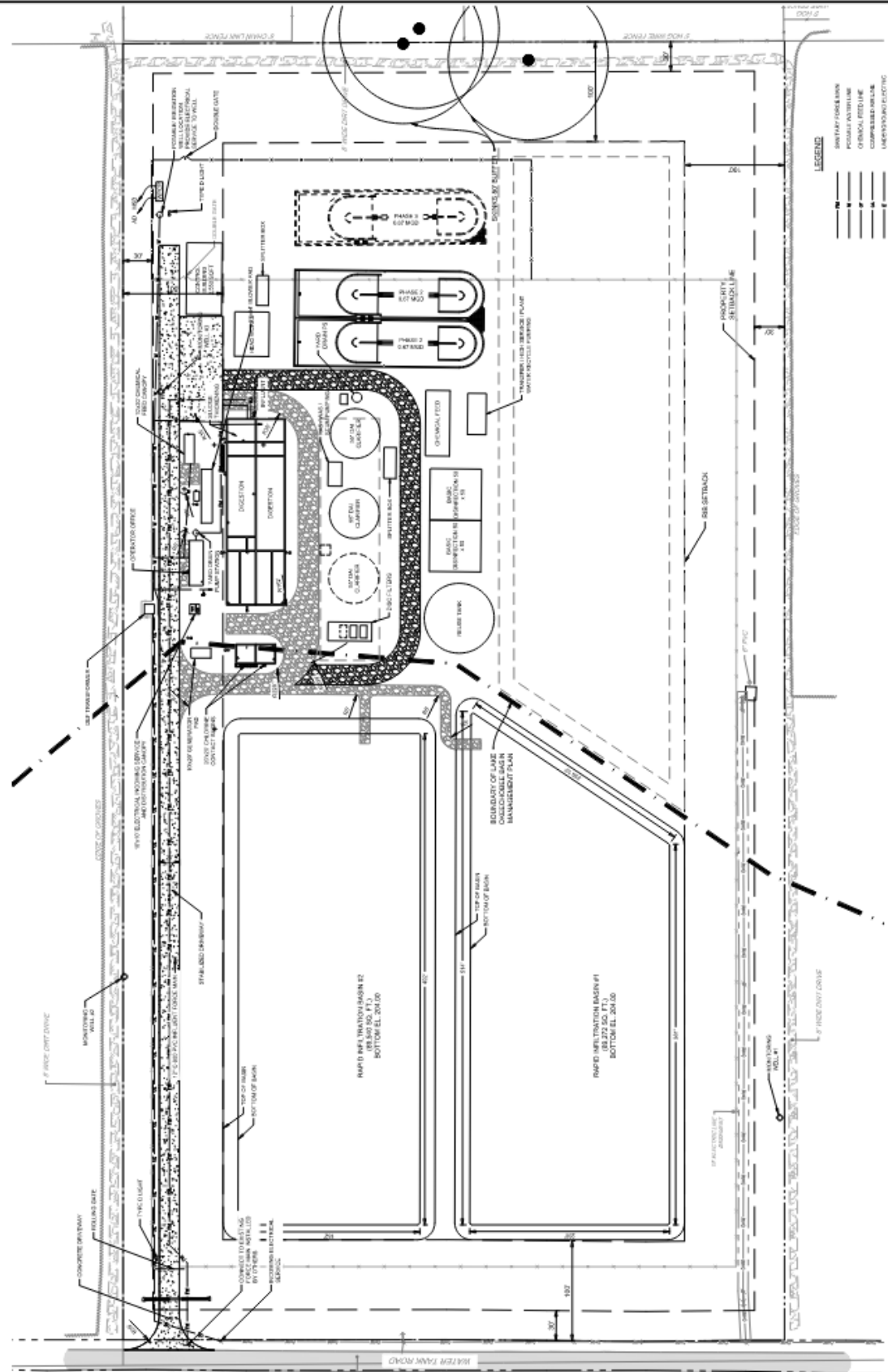
Conceptual WWTF Site Layout Plan

STARTING FORCE, LBIN	70
POSSIBLE ADJUSTMENT	0
ORIGINAL TEST LINE	0
COMPRESSED AIR LINE	0
LOADING AND ELECTRIC	0
END OF TEST	0

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE. DATE 01-11-2001 BY 60322 UCBAW

[illegible]

ANY OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK



ATTACHMENT B

WWTF Process Flow Diagram

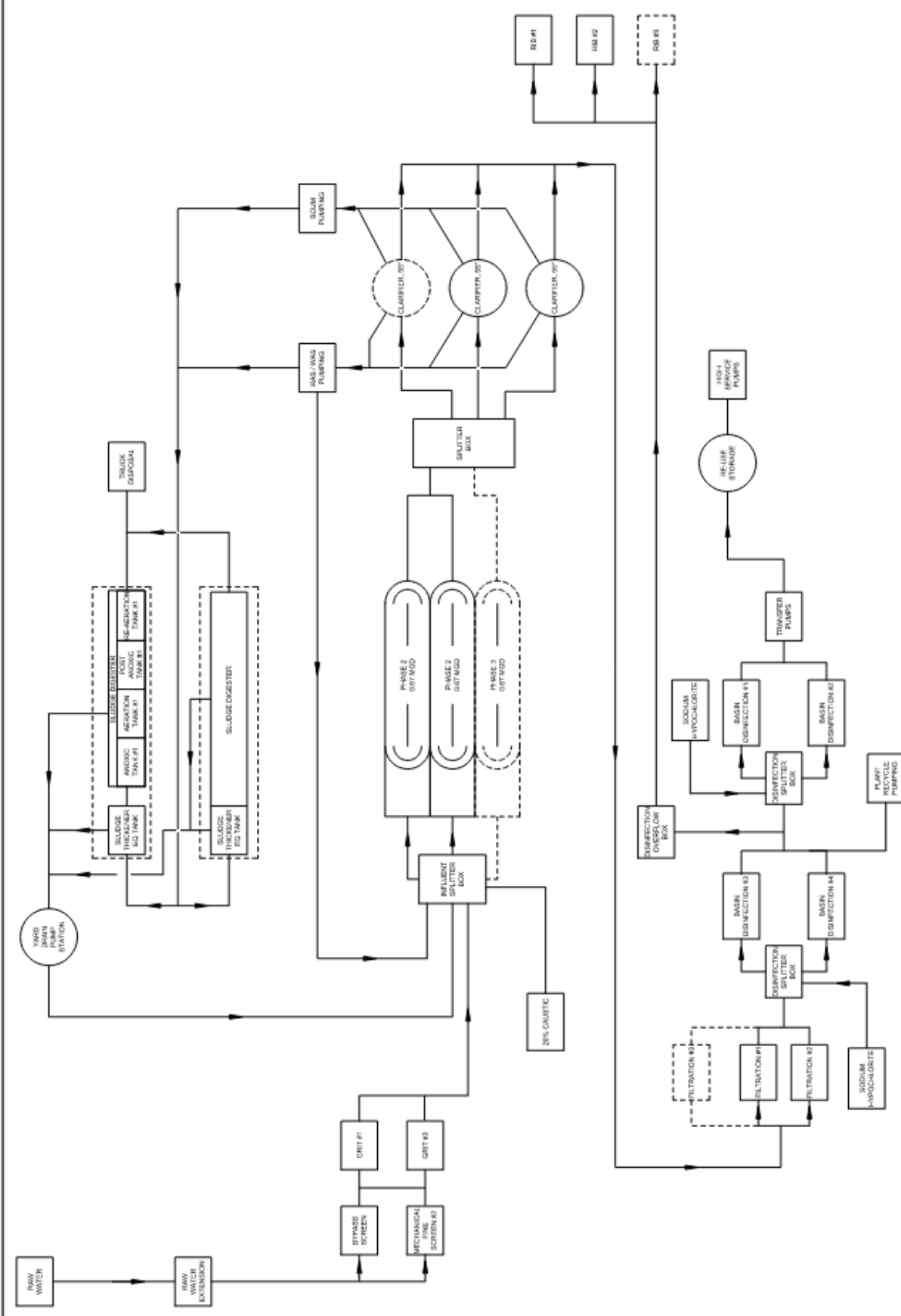
DATE	LAKHNA220065
TIME	2000 BT+3
LOCATION NAME	W T.S.
STATUS	U.S.
UNITED BY	TD

© 1987 by The McGraw-Hill Companies, Inc.

[illegible]

PHASE 2 - CAPACITY EXPANSION
WATER TREAT PLANT
PROCESS FLOW
TOWN OF LAKE HAMILTON
100 SOUTH AVENUE
LAKE HAMILTON, ONTARIO L8M 3K6

AND CHECK MUST BE NOTED BY ANY
DISCOUNTS OR ONE PROCEEDING WITH ROOM



ATTACHMENT B

Engineer's Opinion of Probable Cost

Summary Sheet

Project Name: **Lake Hamilton Phase 2 WWTF Preliminary Design**

Date: 7/15/2022

Description	Percentage	Engineer's Estimate of Probable Cost	
Civil and General Works			\$377,000
RIBs			\$140,000
Treatment Equipment			\$10,743,000
Yard Piping			\$978,000
Buildings			\$1,335,000
		Subtotal	\$13,573,000
Electrical Power	10%		\$1,357,000
I&C Wiring	5%		\$679,000
SCADA	6%		\$814,000
Reuse Storage/Transmission			TBD
Contractor O&P, Bonds, Insurance, Tax	15%		\$2,463,000
		Subtotal	\$18,886,000
Design, Permitting, Geotech, Environmental	6.3%		\$1,190,000
Construction Technical Services	3.7%		\$699,000
		Subtotal	\$20,775,000
Contingency	25%		\$5,194,000
		Grand Total	\$25,969,000