

**ATTACHMENT A
CITY OF HOLLYWOOD FLORIDA
HISTORY OF STORMWATER FEES BILLING ISSUE WITH
BROWARD COUNTY SCHOOL BOARD**

SEPTEMBER 2004

The City mailed a letter to the School Board advising that an inspection of the exterior property at Sheridan Vocational Center indicated that the school was being undercharged for stormwater fees, and that adjustments would be made to the school's utility account including backbilling for one year's prior service.

OCTOBER 2004

The City received a letter from Juana Romaniuk, School Board Project Manager, disputing the stormwater fee for Sheridan Vocational Center based on an interpretation of the Florida Building Code and Florida Statutes.

JANUARY TO MARCH 2005

The City's legal department researched the School Board's arguments including all relevant case law.

APRIL 2005

The City's legal department opined that the provisions of the Florida Building Code and Florida Statutes referenced in the School Board's letter do not apply to stormwater utility fees.

MAY 2005

The City responded to the School Board setting forth the City Attorney's opinion that the provisions of the Florida Building Code and Florida Statutes referenced in the School Board's letter do not apply to stormwater utility fees. It also stated the City would proceed to add the revised stormwater charge, as well as the adjustments previously referenced, to the utility account of Sheridan Vocational Center.

JUNE 2005

The City further notified other Broward County schools in Hollywood about changes to their stormwater fee rates, and that the changes and any related adjustments would be billed on their utility bills beginning July 2005 as a result of on-site inspections of the school locations.

JULY 2005

The City placed the additional charges on the individual schools' utility bills.

The City received a telephone call from Patrick Pierre, Utility Coordinator, Broward County Public Schools, indicating the School Board was in receipt of the bills and would only pay the previous stormwater fees billed while the issue was under dispute. The City indicated it would continue to bill the charges while the issue was under dispute, but would not do any further delinquency processing such as water service disconnection.

August 2005

Rob Jindracek, Manager, Energy Conservation Utility Management for the Broward County Public Schools, called the City and requested a meeting to discuss the issue. A meeting was scheduled for September 14, 2005.

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BROWARD COUNTY SCHOOL BOARD**

September 2005

The City met with Rob Jindracek at his office at the School Board Maintenance and Operations Center. Juan Izquierdo, Project Manager for Water Company of America, the City's consultant who did the inspections, and Roland Newhouse, Senior Facilities Engineer of the Portolan Group, the School Board's consultant, also attended the meeting.

The meeting focused on how the revised stormwater fees for the schools were determined and calculated.

It was determined at this meeting that a representative of the School Board would meet with Mr. Izquierdo at the various school locations to verify the measurements used by the City to calculate the additional fees. Upon verification and agreement of the measurements by the City and the School Board the appropriate fees would be paid based upon these measurements.

October 2005

Several weeks after the meeting, Rob Jindracek, Manager of Energy Conservation Utility Management for the Schools, informed the City that he just became aware of the School Board's dispute, and had not yet assigned anyone to verify the measurements used to calculate the additional fees.

The City mailed copies of the City's "Stormwater Management Ordinance" to Rob Jindracek and Roland Newhouse, the School Board's consultant.

November – March 2006

The City maintained contact with Rob Jindracek. Mr. Jindracek indicated he was also discussing the issue with Mike Garrieton, Deputy Superintendent of Facilities, but no progress had been made. The City also contacted Mr. Garrieton and nothing further was resolved.

April 2006

Hollywood's Deputy City Attorney spoke with Edward Marko, General Counsel of the School Board. He indicated that the matter was under review.

May 2006

The Deputy City Attorney called Edward Marko's office for his email address and was told to send any emails regarding the City's issue to Joanne Fritz of the Office of the General Counsel. The Deputy City Attorney emailed Joanne Fritz to find out the School Board's decision regarding payment of the revised stormwater fees, indicating enough time had passed to form an opinion.

October 2006

The Deputy City Attorney emailed Edward Marko, General Counsel for the School Board, and reiterated the City's request for the School Board's decision regarding payment of the stormwater fees, as stated in the previous email to Joanne Fritz.

November 2006

The Deputy City Attorney emailed Joanne Fritz of the Office of the General Counsel for the School Board to advise the City of the School Board's decision regarding payment of the stormwater fees by November 30, 2006. The Deputy City Attorney specified that this email would be the final communication prior to recommending that the City commence the intergovernmental dispute resolution process.

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BROWARD COUNTY SCHOOL BOARD

In a subsequent discussion between Edward Marko, General Counsel of the School Board, the Hollywood's Deputy City Attorney, Mr. Marko indicated he would have a final decision by January 15, 2007. The reason he gave for this date was that he was attending a conference of Florida School Board Attorneys and the issue would be discussed with attorneys from other local governments.

JANUARY 2007

The City did not hear from Mr. Marko's office regarding a decision.

FEBRUARY 2007

The City contacted Rob Jindracek, who again requested copies of Hollywood's City Code or other information establishing the City's authority to charge the stormwater fee, and the City again provided this information. Mr. Jindracek indicated that the matter had been given back to him and other School Board staff to research further.

APRIL 2007

The City contacted Rob Jindracek who indicated a meeting of School Board Staff would be held in April to discuss the matter. He also indicated Claudia Monroe, Executive Director of Design at the School Board was asked to review the matter. The City contacted Ms. Monroe who indicated she had not looked into the issue yet and would review what Mr. Jindracek had sent her.

The Department of Financial Services and City Attorney's Office concluded that since the City's position had not changed and the City had not received any formal correspondence from the School Board to resolve the issue, the best option for the City would be seek City Commission approval to proceed with the "Intergovernmental Dispute Resolution" process to bring closure to this matter.

MAY 2007

The Department of Financial Services met with the City's Director of Intergovernmental Affairs and the Deputy City Attorney to decide how to proceed with the matter.

JUNE 2007

The Director of Intergovernmental Affairs arranged a meeting with Eleanor Sobel of the School Board and City Staff. The matter was discussed at length and Eleanor Sobel indicated she would assist the City with the matter.

The Director of Financial Services wrote a letter to I. Benjamin Leong, Chief Financial Officer of the Broward County Public Schools requesting payment, or a meeting to discuss resolution of payment of the stormwater fees. A consolidated statement of all amounts due by schools located in Hollywood was enclosed.

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BROWARD COUNTY SCHOOL BOARD

JULY 2007

The Director of Financial Services received a letter from the Chief Financial Officer of the School Board indicating the School Board would get back to the City in about 30 days.

AUGUST 2007

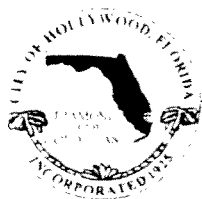
Since the City did not receive a response from the School Board, the Department of Financial Services contacted the School Board's Chief Financial Officer. He indicated he has not received any further direction from the School Board Attorney or staff. He further suggested the City write to the Superintendent of Schools to assist with the matter.

SEPTEMBER 2007

The City Manager wrote a letter to the Superintendent of Schools requesting assistance to resolve the matter.

OCTOBER 2007

The Interim City Attorney received a call from the School Board General Counsel, who indicated the School Board still disputes the matter and he would forward a letter to the Interim City Attorney regarding this issue. No further correspondence has been received to date.



CITY of HOLLYWOOD, FLORIDA

OFFICE OF THE CITY MANAGER

2600 Hollywood Blvd. • P.O. Box 229045 • Hollywood, Florida 33022-9045
Phone (954) 921-3201 • Fax (954) 921-3314 • www.hollywoodfl.org

Cameron D. Benson
City Manager

September 21, 2007

Mr. James F. Notter, Superintendent of Schools
Broward County Public Schools
KC Wright Building, 10th Floor
600 S.E. 3rd Avenue
Fort Lauderdale, FL 33301

Dear Mr. Notter:

I am writing to request your assistance in resolving an outstanding issue between the City of Hollywood and the Broward County Public Schools. To date, we have been communicating with Rob Jindrcek of the Schools' Energy Conservation Utility Management Department, and most recently with Chief Financial Officer I. Benjamin Leong. The issue concerns outstanding charges totaling \$332,375.15 for stormwater utility fees that remain unpaid to the City of Hollywood. (See Attachment A for a detailed schedule) The City has been attempting to collect these past due charges (which continue to accumulate) for several years, and the School Board has not responded to confirm or deny the outstanding fees.

A letter detailing all the issues, the outstanding amounts due, and the City's attempts to collect the fee was sent to Mr. Leong in June 2007. (Attachment B). Copies of the attached letter were also mailed to the School Board's General Counsel and the Energy Conservation Utility Management Department. On July 3, 2007 Mr. Leong responded (Attachment C), indicating he would provide a response in about 30 days. In a recent phone conversation with the City, Mr. Leong indicated he was not able to further respond to the City's request as he has not received a resolution from the Schools' General Counsel or Energy Conservation Utility Management Department. This has brought us back "full circle" to where we have been for several years with no forward movement.

The stormwater fee is not a special assessment; it is a fee for utility service. All other government properties the City of Hollywood bills, including federal government and county government properties pay the stormwater charges.

I thank you for your assistance in resolving this matter. Please contact Mr. Carlos Garcia, Finance Director, at (954) 921-3231 or my office at (954) 921-3201 to settle this matter.

Sincerely,


Cameron D. Benson
City Manager

Attachments

Our Mission: We are dedicated to providing municipal services for our diverse community in an atmosphere of cooperation, courtesy and respect. We do this by ensuring all who live, work and play in the City of Hollywood enjoy a high quality of life.

CITY OF HOLLYWOOD FLORIDA						
STATEMENT OF STORMWATER UTILITY FEES DUE THE CITY OF HOLLYWOOD/						
BROWARD COUNTY PUBLIC SCHOOLS						
At September 19, 2007						
		Billing	Regular	Back Billed		
		Start Date	Monthly	Amount Due		
		for Regular	Charges	for 12-Month		
		Monthly	Due Since	Period Prior		
		Charges	Billing	to Billing		
School	Utility Account Number	Start Date	Start Date	Start Date		
		Through	August 2007			
Stirling Elementary	186639 222610	07/01/05	\$ 8,201.30	\$ 3,593.93	\$ 11,795.23	
Oakridge Elementary	118321 211948	07/01/05	\$ 2,947.34	\$ 1,006.45	\$ 3,953.79	
South Broward High	138735 214574	07/01/05	\$ 7,150.22	\$ 3,004.00	\$ 10,154.22	
McArthur High	242175 231438	07/01/05	\$ 39,003.57	\$ 17,117.40	\$ 56,120.97	
West Hollywood Elementary	202071 224332	07/01/05	\$ 4,592.43	\$ 1,690.57	\$ 6,283.00	
Orangebrook Elementary	172019 220374	07/01/05	\$ 11,881.51	\$ 4,295.80	\$ 16,177.31	
Attucks Middle	153571 218140	07/01/05	\$ 22,606.24	\$ 5,764.08	\$ 28,370.32	
Bethun Elementary	153597 218154	07/01/05	\$ 6,573.44	\$ 2,932.80	\$ 9,506.24	
Hollywood Park Elementary	242413 116332	07/01/05	\$ 5,519.77	\$ 2,160.12	\$ 7,679.89	
Apollo Middle	242441 231546	07/01/05	\$ 17,427.45	\$ 7,952.40	\$ 25,379.85	
Hollywood Hills Elementary	158381 218452	07/01/05	\$ 3,946.30	\$ 1,201.92	\$ 5,148.22	
Hollywood Central Elementary	129277 212922	07/01/05	\$ 8,385.20	\$ 2,377.81	\$ 10,763.01	
Sheridan Park Elementary	209345 224748	07/01/05	\$ 8,852.27	\$ 3,465.67	\$ 12,317.94	
Colbert Elementary	103563 197510	10/06/04	\$ 735.31	\$ -	\$ 735.31	
Sheridan Hills Elementary	189807 222726	10/06/04	\$ 9,428.42	\$ 3,055.00	\$ 12,483.42	
Sheridan Vocational	189093 222716	10/06/04	\$ 30,311.45	\$ 9,368.04	\$ 39,679.49	
Driftwood Elementary	288303 241930	07/01/05	\$ 22,770.31	\$ 10,123.80	\$ 32,894.11	
Driftwood Middle	208475 224740	07/01/05	\$ 29,675.70	\$ 13,257.13	\$ 42,932.83	
TOTALS			\$ 240,008.23	\$ 92,366.92	\$ 332,375.15	



CITY of HOLLYWOOD, FLORIDA

1600 HOLLYWOOD BOULEVARD • P. O. BOX 229045 • ZIP 33022-9045

OFFICE OF THE DIRECTOR

DEPARTMENT OF
FINANCIAL SERVICES

June 8, 2007

TELEPHONE (954) 921-3231
SECURITY (954) 921-3231
FAX (954) 921-3064
WEBSITE www.hollywoodfl.org

I. Benjamin Leong
Chief Financial Officer
Broward County Public Schools
KC Wright Building, 8th Floor
600 S.E. 3rd Avenue
Fort Lauderdale, Florida 33301

Dear Mr. Leong:

I am forwarding to you a consolidated statement of outstanding charges totaling \$304,554.37 for stormwater utility fees that remain unpaid by Broward County schools to the City of Hollywood. As you may be aware, the City maintains a stormwater utility - a system of storm and surface water management facilities (such as manholes, channels, drainage easements, retention and detention basins, and infiltration facilities) that provide for the ongoing collection, storage, treatment, and conveyance of stormwater (rainfall water). The maintenance of this utility and these facilities benefit and provide services to all properties within the City of Hollywood, and the City pays for the costs of this utility by way of the stormwater utility fee.

Based on a consultant's review of the City's stormwater charges in 2004, it was determined that the fees charged to Broward County schools located in Hollywood were incorrectly assessed. The stormwater utility fee for non-residential properties is to be based on the amount of impervious, or surface, area impacted by stormwater drainage. The consultant found that in almost all cases the schools were being charged a minimal amount for the fee that was not based on the impervious area of the properties.

In 2005, the City notified the schools of the increase in rates and implemented the new rates on the City's monthly utility billings to the schools. The City also notified the schools that the charge would be retroactive to one year, and included this backbilled amount on the bills as well. The City's monthly utility bills to the schools include water, sewer and stormwater charges. Since the new charges were implemented, the School Board has paid the water and sewer charges, but not the stormwater utility charges. The School Board's position is that it is exempt from paying this fee.

The stormwater fee is not a special assessment, it is a fee for a utility service. All other government properties that the City of Hollywood bills, including federal government and county government properties, pay the stormwater charge. We have talked to the Broward County Public Schools many times on this issue with Rob Jindrcek of the Broward County Public Schools' Energy Conservation Utility Management department as well as Edward Marko and Joanne Fritz of the Office of the General Counsel for the Schools. Yet while this issue has been disputed, there has been no resolution or attempt at resolution of the issue to date. Nor have we been contacted recently by anyone at the Broward County Public Schools.

TO LEONG/FROM GARCIA
June 8, 2007
Page 2

I am therefore writing to request payment of the attached statement, or a meeting to discuss resolution of the payment of the past due charges, as well as the payment of all future stormwater charges on a timely basis.

If you have any questions, or wish to schedule a meeting, please call me at (954) 921-3231.

Sincerely,



Carlos E. Garcia, C.P.A.
Director of Financial Services

Copies to:

Alan Fallik, Interim City Attorney, City of Hollywood
Robert Jindrcek, Manager, Energy Conservation Utility Management, BCPS
Edward Marko, Office of the General Counsel

ATTACHMENT B

CITY OF HOLLYWOOD FLORIDA						
STATEMENT OF STORMWATER UTILITY FEES DUE THE CITY OF HOLLYWOOD/						
BROWARD COUNTY PUBLIC SCHOOLS						
At June 11, 2007						
		Billing	Regular	Back Billed		
		Start Date	Monthly	Amount Due		
		for Regular	Charges	for 12-Month		
		Monthly	Due Since	Period Prior		
		Charges	Billing	to Billing		
School	Utility Account Number	Start Date	Start Date	Start Date	Through	June 2007
Blvd Hts Elementary School	242447 231552	07/01/05	\$ 704.03	\$ 323.45	\$ 1,027.48	
Stirling Elementary	186639 222610	07/01/05	\$ 7,515.68	\$ 3,593.93	\$ 11,109.61	
Oakridge Elementary	118321 211948	07/01/05	\$ -	\$ 1,006.45	\$ 1,006.45	
South Broward High	138735 214574	07/01/05	\$ 8,808.16	\$ 3,004.00	\$ 9,812.16	
McArthur High	242175 231438	07/01/05	\$ 31,702.02	\$ 17,117.40	\$ 48,819.42	
West Hollywood Elementary	202071 224332	07/01/05	\$ 3,344.08	\$ 1,690.57	\$ 5,034.65	
Orangebrook Elementary	172019 220374	07/01/05	\$ 9,174.25	\$ 4,295.80	\$ 13,470.05	
Attucks Middle	153571 218140	07/01/05	\$ 17,959.03	\$ 5,764.08	\$ 23,723.11	
Bethune Elementary	153597 218154	07/01/05	\$ 6,247.93	\$ 2,932.80	\$ 9,180.73	
Hollywood Park Elementary	242413 116332	07/01/05	\$ 4,518.70	\$ 2,160.12	\$ 6,678.82	
Apollo Middle	242441 231546	07/01/05	\$ 15,904.91	\$ 7,952.40	\$ 23,857.31	
Hollywood Hills Elementary	158381 218452	07/01/05	\$ 3,356.66	\$ 1,201.92	\$ 4,558.58	
Hollywood Central Elementary	129277 212922	07/01/05	\$ 7,066.39	\$ 2,377.81	\$ 9,444.20	
Sheridan Park Elementary	209345 224748	07/01/05	\$ 7,565.19	\$ 3,465.67	\$ 11,030.86	
Colbert Elementary	103563 197510	10/06/04	\$ 1,851.59	\$ 1,244.33	\$ 3,095.92	
Sheridan Hills Elementary	189807 222726	10/06/04	\$ 8,627.24	\$ 3,055.00	\$ 11,682.24	
Sheridan Vocational	189093 222716	10/06/04	\$ 27,383.04	\$ 9,368.04	\$ 36,751.08	
Driftwood Elementary	288303 241930	07/01/05	\$ 22,035.42	\$ 10,123.80	\$ 32,159.22	
Driftwood Middle	208475 224740	07/01/05	\$ 28,855.35	\$ 13,257.13	\$ 42,112.48	
TOTALS			\$ 210,619.67	\$ 93,934.70	\$ 304,554.37	

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

600 SOUTH EAST THIRD AVENUE • FORT LAUDERDALE, FLORIDA 33301 • TEL 754-321-1990 • FAX 754-321-1999

I. BENJAMIN LEONG, CPA
Chief Financial Officer

SCHOOL BOARD

BEVERLY A. GALLAGHER
ROBIN BARTLEMAN
MAUREEN S. DINNEN
JENNIFER GOTTUEB
PHYLLIS C. HOPE
STEPHANIE ARMSTRONG, ESQ.
ROBERT D. PARKS, ED.D.
ELEANOR SOBEL
BENJAMIN J. WILLIAMS

JAMES F. NOTTER
Interim Superintendent of Schools

July 3, 2007

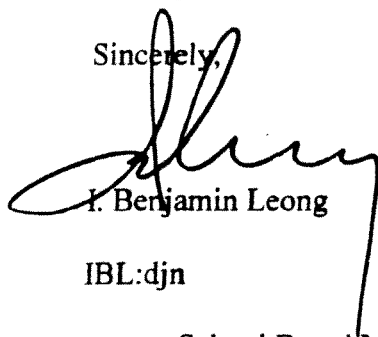
Mr. Carlos E. Garcia
Director of Financial Services
City of Hollywood, Florida
Post Office Box 229045
Hollywood, Florida 33022-9045

Dear Mr. Garcia:

I am in receipt of your letter dated June 8, 2007.

I met with our facilities and legal departments. The School Board of Broward County is in the process of researching this matter. We will get back to you in about 30 days.

Sincerely,



I. Benjamin Leong

IBL:djn

c: School Board Members (with attachment)
James F. Notter (with attachment)
Edward J. Marko, Esq.
Michael Garretson

CFO 900 20 1480

CITY OF HOLLYWOOD FLORIDA	
STATEMENT OF ALARM FEES DUE THE CITY OF	
HOLLYWOOD BY BROWARD COUNTY PUBLIC SCHOOLS	
At 1/31/08	
	Alarm
	Charges Due
	Through
School	Jan 31 08
Bldv Hts Elementary School	\$ -
Stirling Elementary	\$ -
Oakridge Elementary	\$ 50.00
South Broward High	\$ 750.00
McArthur High	\$ 3,200.00
West Hollywood Elementary	\$ -
Orangebrook Elementary	\$ 300.00
Attucks Middle	\$ 50.00
Bethune Elementary	\$ 200.00
Hollywood Park Elementary	\$ -
Apollo Middle	\$ 550.00
Hollywood Hills Elementary	\$ -
Hollywood Central Elementary	\$ -
Sheridan Park Elementary	\$ -
Colbert Elementary	\$ 50.00
Sheridan Hills Elementary	\$ -
Sheridan Vocational	\$ -
Driftwood Elementary	\$ 850.00
Driftwood Middle	\$ 50.00
Hollywood Hills High	\$ 350.00
TOTALS	\$ 6,400.00