



01-06-11 P12:33 IN
AGENDA ITEM REQUEST FORM

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Item No. [Signature]

Stuart Dodd

Department Submitting Request

Dept Head's Signature

REGULAR COMMISSION MTG Meeting Dates - 7:00 PM

DEADLINE TO Town Clerk

ROUNDTABLE MEETING Meeting Dates - 7:00 PM

DEADLINE TO Town Clerk

- Nov 9, 2010
Dec 7, 2010
Jan 25, 2011
Feb 22, 2011
Mar 22, 2011

- Oct 29 (5:00 pm)
Nov 30 (5:00 pm)
Jan 14 (5:00 pm)
Feb 11 (5:00 pm)
Mar 11 (5:00 pm)

- Nov 22, 2010
Dec 14, 2010
Jan 11, 2011
Feb 8, 2011
Mar 8, 2011

- Nov 12 (5:00 pm)
Dec 3 (5:00 pm)
Dec 30 (5:00 pm)
Jan 28 (5:00 pm)
Feb 25 (5:00 pm)

*Subject to Change

- Presentation, Reports, Consent, Ordinance, Resolution, Quasi Judicial, Old Business, New Business

SUBJECT TITLE:

Sea Ranch Sewer problem

EXPLANATION:

In 1998 when Sea Ranch Condo's were courted to join LBTS they asked for the same sewer rate that was charged for the condo's in the South end of town. They were assured by Town Manager Bob Baldwin in a letter and in a flier that the Commission wanted to comply. The Commission held a special meeting on the annexation and gave direction to go to Pompano Beach to ask that they include the four condos once annexed in. If Pompano Beach did not agree to allow the inclusion the next step was to go for a declaratory judgment to enact the inclusion and the rate change. The minutes from that meeting clearly show no subsidy was to be offered due to the negative impact that would have on any legal actions that arose. After the annexation Sea Ranch Condos were informed by the Town to start paying their sewer bill to LBTS directly. Such direction from the Town and no further action taken by the Town to go for a declaratory judgment made for the assumption the Town successfully enacted the inclusion for the condos with Pompano Beach. There does not appear to be supporting written evidence of any such agreement happening at that time and the current consultant has shown Pompano Beach can find no record of even being asked back then. The Town has honored the desired rate equity and charged Sea Ranch Condo's accordingly for over a decade with the knowledge of only a few behind closed doors in Town Hall that a subsidy was indeed being passed on and attached to the funds received from Sea Ranch Condos when the Town paid the bill for the four condos to Pompano Beach. Now that we know such actions were taken and no such equitable rate deal ever happened we find ourselves today in the position of correcting the situation. It is time that LBTS stopped acting as a pass through banker and admit that the town did not uphold their end of the agreement and did not make Sea Ranch part of the Master Sewer agreement at the time they were annexed in and again in 2007 when it was renegotiated for an additional 15 years.

10/26/2010



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There is no incentive and no bargaining power for LBTS to continue with the illusion that Pompano is going to allow Sea Ranch Condos to become part of the single consumer rate enjoyed by residents in the south. That is due in part to the fact that the sewers that service the four condos belong to and are maintained by Pompano Beach as they always were. In fact the annexation of the North in 2001 specifically excluded the newly annexed in unincorporated Broward area from becoming a part of the LBTS Master Sewer Agreement. The North also pay Pompano Beach directly and their sewers are owned and maintained by Pompano Beach as well. It needs to be remembered that both the single user agreement in the South and the four units of Sea Ranch condos are both subject to the 25% profit that Pompano can legally enjoy as the price we have to pay for our sewerage treatment.

Many questioned the actions of the Town after they gave away the new 10 million dollar investment in sewers for the North. Such actions further point to the fact there will be no way to remedy any future town-wide inclusion as many desire. Therefore, it seems pointless to go back and carry out the direction given by that Commission in order to implement the 1998 promises made at the time Sea Ranch was annexed into the town.

My recommendation however unpalatable is to recommend Sea Ranch Condos start paying Pompano directly as all those properties north of Pine Ave. do currently

RECOMMENDATION:

Request Sea Ranch start paying Pompano Beach directly

EXHIBITS:

FISCAL IMPACT AND APPROPRIATION OF FUNDS:

- Amount \$ _____
- Acct # _____
- Transfer of funds required
- From Acct # _____

Reviewed by Town Attorney
 Yes No

Town Manager Initials CA

This item was discussed @ The JANUARY 11, 2011 Roundtable Meeting and deferred to The JANUARY 25, 2011 Commission Mtg