



OFFICE OF THE TOWN CLERK

6591 ORANGE DRIVE • DAVIE, FLORIDA 33314-3399  
PHONE: 954.797.1023 • FAX: 954.797.1087 • WWW.DAVIE-FL.GOV

## Town Council Agenda Report

**TO:** Mayor and Councilmembers

**FROM:** Russell C. Muniz, MBA, CMC,  
Acting Assistant Town Administrator

**SUBJECT:** Resolution

**AFFECTED DISTRICT:** Town-Wide

**TITLE OF AGENDA ITEM:** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE FIRM OF NABORS, GIBLIN, & NICKERSON, P.A. TO PERFORM LEGAL SERVICES RELATED TO THE SOLID WASTE SERVICES ASSESSMENT PROGRAM FOR FISCAL YEAR 2006-2007, AND PROVIDING FOR AN EFFECTIVE DATE.

**REPORT IN BRIEF:** The Town's solid waste collection assessment program, which placed the cost of solid waste on property owner's tax bills was promulgated in 2005. The firm of Nabors, Giblin, & Nickerson, P.A. was utilized to advise the Town on the legal requirements for imposing such a program, and assisted with drafting the enabling legislation. The firm seeks to serve as legal counsel for the program for fiscal year 2006-07, and will again provide the legislation required on an annual basis.

**PREVIOUS ACTIONS:** R-2005-255

**CONCURRENCES:** N/A

**FISCAL IMPACT:** \$6,000 from Professional Services/Other Legal Services  
001-1810-514-3102

**RECOMMENDATION(S):** Motion to approve the resolution.

**ATTACHMENT(S):** Resolution, Proposal & Scope of Services, Memo from Town Attorney

RESOLUTION \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE FIRM OF NABORS, GIBLIN, & NICKERSON, P.A. TO PERFORM LEGAL SERVICES RELATED TO THE SOLID WASTE SERVICES ASSESSMENT PROGRAM FOR FISCAL YEAR 2006-2007, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Davie promulgated a solid waste services assessment program in 2005 to ensure efficient collection of solid waste collection fees charged to property owners by the Town's exclusive franchisee; and

WHEREAS, as part of the solid waste services assessment program legal consultation will be periodically required; and

WHEREAS, the firm of Nabors, Giblin, & Nickerson, P.A. advised the Town on the legal requirements for the enabling legislation that established the solid waste services assessment program and assisted with the assessment procedures; and

WHEREAS, the firm of Nabors, Giblin, & Nickerson, P.A. are desirous of continuing to assist the Town with the annual rate resolutions and other legal requirements of the solid waste services assessment program for fiscal year 2006-2007.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

Section 1. The Town of Davie authorizes the Mayor to enter into an agreement with Nabors, Giblin & Nickerson, P.A., for legal services relative to the solid waster services assessment program for fiscal year 2006-2007.

Section 2. Funding shall come from Professional Services/Other Legal Services account # 001-1810-514-3102.

Section 2. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006.

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006.

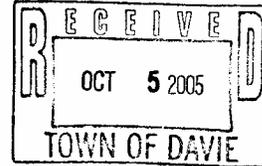
TALLAHASSEE  
Suite 200  
1500 Mahan Drive  
Tallahassee, Florida 32308  
(850) 224-4070 Tel  
(850) 224-4073 Fax

**Nabors  
Giblin &  
Nickerson** P.A.

September 30, 2005

Via U. S. Mail

TAMPA  
The Pointe, Suite 1060  
2502 Rocky Point Drive  
Tampa, Florida 33607  
(813) 281-2222 Tel  
(813) 281-0129 Fax



Ken Cohen  
Assistant Town Administrator  
Town of Davie  
6591 Orange Drive  
Davie, Florida 33314-3399

Re: Proposal for the Town of Davie - Solid Waste Services - FY 2006-07

Dear Mr. Cohen:

Enclosed please find this firm's proposal for special assessment legal services for the Town of Davie (the "Town") for the Town's annual solid waste assessment services program for Fiscal Year 2006-07.

Enclosed as Appendix A you will find our scope of services, proposed lump sum fee of \$6,000, and a payment schedule to assist the Town in the ongoing updating and implementation of its solid waste services assessment program for Fiscal Year 2006-07.

Please review the attached scope of services. The execution of this letter agreement indicates acceptance of this proposal and notice to proceed. Upon execution of this agreement, please provide me with one signed copy for our file.

We have enjoyed our past relationship with the Town and look forward to working together again on this project. Please feel free to call me with any questions or concerns you may have.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Heather Encinosa".

Heather J. Encinosa

HJE:sib  
Enclosure

Accepted and Agreed To:

Date:

By: \_\_\_\_\_  
Town of Davie, Florida

\_\_\_\_\_

## ANNUAL SOLID WASTE ASSESSMENT PROGRAM

### Scope of Services

- 1) Advise the Town on the legal requirements for imposing an annual solid waste special assessment, including special benefit, fair apportionment, and procedures.
- 2) Draft the preliminary and annual rate resolutions that conform to the solid waste assessment ordinance, already adopted.
- 3) Assist with the legal requirements for the adoption of the preliminary and annual rate resolutions and certification of the assessment roll in accordance with section 197.3632, Florida Statutes, including: (a) the development of the first class notice or TRIM notice, (b) publication of the public hearing, and (c) certification of the assessment roll.

### Fees and Costs

For legal services provided by Nabors, Giblin & Nickerson the Town will be billed a lump sum fee of \$6,000. The fees will be due and payable as follows:

<u>Payment</u>	<u>Schedule</u>
25% of lump sum fee	June 2006
25% of lump sum fee	July 2006
25% of lump sum fee	August 2006
25% of lump sum fee	September 2006

(Assuming notice to proceed occurs in May 2006.)

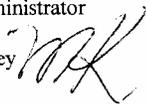
The lump sum fee includes reimbursement for all actual costs incurred, including by way of example and not limitation, photocopies, long distance telephone charges, and overnight delivery services.

Any on-site meetings with the Town may be arranged at our standard hourly rates. Expenses related to meetings will be billed in conformance with section 112.061, Florida Statutes. In lieu of on-site visits, we are available to participate in telephone conferences to discuss project status, assessment issues, and procedural concerns.

MONROE D. KIAR  
TOWN ATTORNEY  
TOWN OF DAVIE  
6191 SW 45<sup>th</sup> Street, Suite 6151A  
Davie, Florida 33314  
(954) 584-9770

RCVD FEB 22 '06

MEMORANDUM

DATE: February 22, 2006  
TO: Russell Muniz, Acting Assistant Town Administrator  
CC: Mayor and Councilmembers  
Ken Cohen, Acting Town Administrator  
FROM: Monroe D. Kiar, Town Attorney   
RE: Control Number: 050807  
Draft Solid Waste Assessment Ordinance

Pursuant to your request, this office has reviewed the Solid Waste Assessment Ordinance and the procedures to be utilized relative to the yearly Solid Waste Assessment to be imposed by the Town under that ordinance. As indicated in the ordinance, the Town will be required to adopt several resolutions as part of the assessment procedures. These resolutions include the passage of an assessment role, final assessment resolution, and annual rate resolution. The Town Council may also be required to sit as an equalization board to hear any potential objections to the assessment. Due to the fact that the firm of Nabors, Giblin & Nickerson, P.A. has already worked on the initial ordinance and has established the assessment procedures, it is acceptable to the Town Attorney's Office to allow that firm to continue with this year's assessment procedures as these procedures will simply elaborate upon the mechanism already established.

SCANNED

FEB 22 2006

INITIALS: \_\_\_\_\_

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