

MEETING DATE

4/28/98

AGENDA ITEM

48

TO

EXHIBIT '1'

THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS

Requested Action

Motion to approve the concept of dissolving Water Control District 4 and dividing up the District's responsibilities between the County and the cities of Pompano Beach, Margate and Fort Lauderdale.

Motion to direct staff to initiate discussions with the cities and to draft interlocal agreements relating to the transition of responsibilities and assets of Water Control District #4.

Summary Explanation and Background

Prior to the adoption of the County Charter, several water control districts were created as a mechanism to provide funding and construct drainage infrastructure in areas spanning multiple jurisdictions.

There are seven water control districts defined by law as "dependent" on the County, even though three of the districts have elected governing boards. When the County Charter was adopted, Water Control Districts #3, #4 and Lauderdale Isles chose to maintain separate elected governing boards consisting of two elected members and a County Commissioner, instead of evolving into an advisory board with the County Commission sitting as the governing board. The County Commission is the governing board for Water Control District #2. Twin Lakes, Cocomar and Ravenswood. These districts have appointed boards serving in an advisory capacity to the County Commission.

Water Control District #4 was created in 1966 to provide drainage infrastructure to serve portions of the unincorporated area, Pompano Beach, Fort Lauderdale, Margate and North Lauderdale. The Water Control District #4 governing board consists of two elected officials and the County Commissioner for County Commission District #2 where a majority of Water Control District #4 is located. The boundaries of the District are approximately: NW 62nd Street on the south, the C-14 canal on the north, State Road 7 on the west, and I-95 on the east. The District is currently divided into four subdistricts (A, B, C and D), each with its own ad valorem tax rate and budget. Each subdistrict contributes a pro-rata share to the "district-wide" budget which includes the cost of managing district operations, maintaining the District's facilities and aquatic weed control. A copy of the Water Control District #4 FY1998 budget is attached (Exhibit A).

Broward County Water Management Division staff manages the operations of the District and serves as a liaison between the elected governing board and the County Commission, who is required to approved its budget and tax rates. County staff

(Continued)

Recommended By

John ...
Department Director's Signature

Date

Source of Additional Information

Division Director's Signature

Phone

Exhibits Attached for Board

Exhibit A - Water Control District #4 Budget
Exhibit B - Resolution Proposed by the WCD#4 Governing Board
Exhibit C - Map of District Including Proposed Distribution of Assets

Documents for Minutes only

Board Action for Minutes only

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coordinates the budget and tax adoption process and makes recommendations to the County Commission on the District budget and tax rates. The remaining staff functions such as accounting, legal and engineering services are contracted by the governing board to private firms

ISSUES

Staff has summarized the issues relating to District #4:

The original mission of providing drainage infrastructure has been accomplished.

All drainage infrastructure to serve District #4 has been constructed. The District's main function has become the maintenance and repair of the water management system. The level of maintenance provided by the District is intended to ensure that the infrastructure functions properly.

The City of Margate is not satisfied with the level of maintenance of Water Control District #4 canals within the city limits.

The City of Margate provides a higher level of service to the other waterways within its jurisdiction than District #4 provides to Subdistrict #4D within the City of Margate. The City charges a monthly storm water utility fee to all property owners to pay for this service. The level of service provided by the City is intended to ensure the canals are aesthetically pleasing, which is more costly than the District's service level. The District's service level is based on maintaining the functionality of the water management system. The resident's dissatisfaction with the District's level of service is exacerbated by the fact they pay both a storm water utility fee to the City and an ad valorem tax to the District. An average Margate home within the boundaries of Water Control District #4 pays approximately \$21 to the City and \$18 to Water Control District #4 for canal maintenance each year.

County staff has been opposed to the property tax increases necessary to provide higher service levels within dependent water control districts in order to avoid further erosion of the County's 10 mill ad valorem tax capacity.

Dependent districts use the County's ad valorem tax authority. The County has one cap of 10 mills for regional services and another 10 mills for unincorporated area services. The County's water control districts are included in the regional services cap. The County's general operating and capital millage rates are added to the highest dependent district millage rate when applying the 10 mill cap. As the County gets closer to the 10 mill cap, the water control districts' tax capacity will be required for county-wide services. The County now levies approximately 7 mills for general operating and capital needs and 0.6 mills for Subdistrict #4D, the highest water control district millage rate. Therefore, the net tax capacity available for regional services is 9.4 mills due to the 0.6 capacity currently utilized by the County's dependent water control districts.

The District #4 governing board agrees that the mission of the district has been accomplished and that there is no longer a need for the district to continue operations.

The District #4 Governing Board is eager to initiate the dissolution of the district and transfer its responsibilities to the County. In fact, the District's attorney drafted the attached resolution (Exhibit B) at the governing board's request to dissolve the district.

The County Commission has expressed concern in the past about the number of drainage districts in Broward County.

In 1996, the County Commission proposed a local bill to study and sunset drainage districts that "have achieved their original purpose".

RECOMMENDATIONS

Water Control District #4 should be dissolved and the district's responsibilities and assets should be redistributed between the County and the Cities of Pompano Beach, Fort Lauderdale and Margate in accordance with the attached map (Exhibit C).

- o It is recommended that the County retain control over the structures serving the unincorporated area and structures with regional impact.
- o It is recommended that responsibility for the remaining structures and the associated assets be transferred to the cities in which they are located.
- o There are no structures within the City of North Lauderdale and therefore no responsibilities will be transferred.
- o All of the cities represented in District #4 currently provide flood control services within the portion of their jurisdiction not included within a water control district.
- o The City of Pompano Beach already maintains the District #4 roadway storm water systems located within the City at no cost to the district.
- o Once all the jurisdictions involved have agreed to the provisions of the transition, the following procedure would be used to dissolve the district and distribute its assets and responsibilities:

Recommended Procedure for Dissolving the District

- o At the request of the District #4 governing board, staff has been researching and discussing these issues for the past year. Once the County Commission has given conceptual approval, staff will:
 - o initiate discussions with the Cities of Pompano Beach, Fort Lauderdale and Margate about the details of the transfer of assets and responsibilities.
 - o inform the Water Control District #4 governing board of the County Commission's conceptual acceptance.
 - o The Water Control District #4 governing board will adopt a resolution transferring the District's assets and responsibilities to the County.
 - o The County Commission would adopt a resolution accepting the transfer of the District's assets and responsibilities to the County.
 - o Interlocal agreements detailing the transition of assets and responsibilities to the cities would be drafted based on discussions with Fort Lauderdale, Pompano Beach and Margate.
 - o The County would hold a public hearing on the dissolution of the District.
 - o The County Commission would adopt an ordinance dissolving Water Control District #4 referencing the interlocal agreements.
- II. Staff should evaluate the remaining dependent water control districts to determine if changes in their status would be beneficial to the taxpayers, the County and the cities located within the districts.**
- o Staff will develop a multi-year plan for implementing any recommended changes.
 - o A recommended plan will be brought back to the Board for approval.

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EXHIBIT A

Water Control District #4

REVENUES

Description	DIST #4	DIST #4A	DIST #4B	DIST #4C	DIST #4D
Ad Valorem Taxes	0	2,170	23,520	151,340	82,480
Special Assessment	0	0	0	0	0
Interest Income	18,100	0	0	0	0
Less 5%	(910)	(410)	(1,180)	(7,570)	(4,120)
Transfer Districts	259,670	(15,810)	16,610	(800)	0
Fund Bal Fwd	31,940	168,380	0	0	310
	<u>308,800</u>	<u>160,330</u>	<u>38,950</u>	<u>142,970</u>	<u>78,670</u>

APPROPRIATIONS

Description	DIST #4	DIST #4A	DIST #4B	DIST #4C	DIST #4D
Professional Fees	60,000	0	0	0	0
Audit Fees	6,000	0	0	0	0
Contractual Services	220,000	0	0	0	0
Travel	1,000	0	0	0	0
Utilities-Electric	0	0	0	0	0
Commissions & Fees	2,500	0	0	0	0
Office Supplies	500	0	0	0	0
Misc Expense	6,000	0	0	0	0
Payment to OGA	12,800	0	0	0	0
Improvements Other Bldg	0	0	0	39,100	770
Renov and Improv	0	0	0	0	0
Other Restr Reserve	0	121,380	0	0	0
Transfer to Sub Dist A	0	0	0	0	0
Transf to Dist 4 Wide	0	38,950	38,950	103,870	77,900
	<u>308,800</u>	<u>160,330</u>	<u>38,950</u>	<u>142,970</u>	<u>78,670</u>

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EXHIBIT B

RESOLUTION NO. 97-1

A RESOLUTION ELECTING TO DISSOLVE OR ABOLISH THE DISTRICT AND TRANSFER THE POWER, DUTIES, OBLIGATIONS AND FUNCTIONS THEREOF TO THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS.

WHEREAS, WATER CONTROL DISTRICT #4 (the "DISTRICT") was duly created pursuant to Chapter 61-1969, Laws of Florida, as amended, and has performed its functions in providing for the construction of the necessary drainage facilities to service the property within its boundaries; and

WHEREAS, all projects envisioned by the DISTRICT to provide adequate drainage have been completed, or are soon to be completed; and

WHEREAS, pursuant to the applicable provisions of Chapter 78-482, Laws of Florida, Special Acts of 1978 and §36-14.5(a), Broward County Code, the Governing Board of the DISTRICT wishes to dissolve or abolish the DISTRICT and transfer the powers, duties, obligations and functions thereof to the Broward County Board of County Commissioners, as provided for therein.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF WATER CONTROL DISTRICT #4, FORT LAUDERDALE, FLORIDA:

SECTION 1: That WATER CONTROL DISTRICT #4, through its duly constituted Governing Board, does hereby elect to dissolve or abolish the DISTRICT and transfer the power, duties, obligations and functions thereof to the Broward County Board of County Commissioners as set forth in §36-14.5, of the Broward County Code.

SECTION 2: That counsel for the DISTRICT and the Broward

County Water Resources Management Division shall take all steps necessary to provide the Broward County Board of County Commissioners with a one hundred twenty (120) day notice of this election, as required in §36-14.5(a), of the Broward County Code.

SECTION 3. That pursuant to this election, the Broward County Board of County Commissioners is requested to do all acts necessary in accordance with any applicable state laws and/or county ordinances, to abolish WATER CONTROL DISTRICT #4 and transfer to Broward County all of its powers, duties, responsibilities, obligations and functions, together with all of its assets and any liabilities, all as provided for in the aforesaid statute and ordinance.

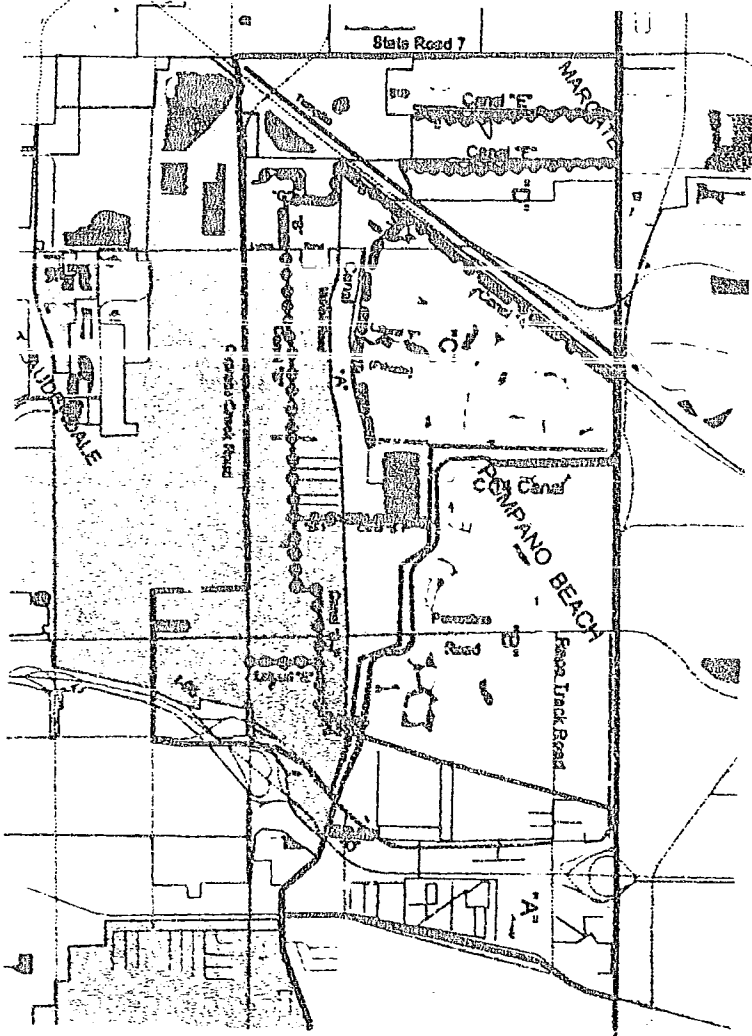
SECTION 4. That this resolution shall take effect one hundred twenty (120) days from the delivery of notification of this election to the Broward County Board of County Commissioners or on or before such other date as shall be determined by that body.

PASSED AND ADOPTED this _____ day of _____, 1997.

Chairman, WATER CONTROL DISTRICT #4

ATTEST:

Secretary, WATER CONTROL DISTRICT #4



WATER CONTROL DISTRICT 4

Transfer to:	Surface Water	Percentage
Broward County	30.45 Acres	42%
Fort Lauderdale	13.24 Acres	18%
Margate	20.80 Acres	28%
Pompano Beach	8.82 Acres	12%

City	Facility	Location	Acres	Type
Broward County	Canal 'A'	Abree Turnpike	11.81	Canal Easement
Broward County	Canal 'B'	W of Lyons Road	8.47	Canal RW
Broward County	Canal 'C'	W of Lyons Road	8.37	Lateral/Canal RW
Fort Lauderdale	Canal 'D'	E of Lyons Road	8.40	Canal Easement
Fort Lauderdale	Canal 'E'	S of Richards Road	1.48	Canal Easement
Fort Lauderdale	Canal 'F'	S of Richards Road	2.71	Canal RW
Fort Lauderdale	Canal 'G'	N of Cypress Road	0.64	Canal Easement
Fort Lauderdale	Direct Drainage	Caneway Ind Pk	0.00	Direct RW
Margate	Canal 'H'	W of Turnpike	11.80	Canal Easement
Pompano Beach	Canal 'I'	W of Turnpike	0.21	Canal Easement
Pompano Beach	Canal 'J'	S of Turnpike	0.09	Canal Easement
Pompano Beach	Canal 'K'	N of Richard Road	2.18	Canal Easement
Pompano Beach	Canal 'L'	N of Richard Road	0.66	Canal Easement
Pompano Beach	System 'M'	E of Andrews Av	0.00	Canal Easement
Pompano Beach	Storm Drains	E & W of 1st	0.00	Street RW
Pompano Beach	Storm Drains	N of Richard Road	0.00	Canal Easement



Broward County Office of Environmental Services
Water Management Division

June, 1997

EXHIBIT ' ' 2 ' '

RESOLUTION NO. 98-1

A RESOLUTION OF THE GOVERNING BOARD OF WATER CONTROL DISTRICT #4 ELECTING TO DISSOLVE OR ABOLISH THE DISTRICT AND TRANSFER THE POWER, DUTIES, OBLIGATIONS AND FUNCTIONS THEREOF TO THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR A LIST OF ASSETS AND REAL AND PERSONAL PROPERTY THAT WILL BE TRANSFERRED TO BROWARD COUNTY; PROVIDING FOR A LIST OF MONEYS THAT WILL BE TRANSFERRED TO BROWARD COUNTY AND HELD IN A SEPARATE ACCOUNT FOR THE OPERATION OF THE DISTRICT; PROVIDING FOR A LIST OF ALL CONTRACTS AND AGREEMENTS TO WHICH THE BOARD OF COUNTY COMMISSIONERS SHALL BE SUBSTITUTED; PROVIDING THAT THE TRANSFER SHALL NOT AFFECT THE LIEN OF ANY JUDGMENT OR THE PENDENCY OF ANY CAUSE OF ACTION; PROVIDING THAT NO INDEBTEDNESS OF THE DISTRICT SHALL BE PAID FROM OR BECOME THE LIABILITY OF FUNDS OR MONEYS OF BROWARD COUNTY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, WATER CONTROL DISTRICT #4 (the "DISTRICT") was duly created in 1966 pursuant to Chapter 61-1969, Laws of Florida, as amended, ("Chapter 61-1969") and has performed its functions in providing for the construction of the necessary drainage facilities to service the property within its boundaries; and

WHEREAS, Chapter 61-1969 was subsequently incorporated into the Broward County Code of Ordinances as Chapter 36, "Water Resources and Management" ("Chapter 36"); and

WHEREAS, the boundaries of the DISTRICT include portions of the unincorporated area and the municipalities of Fort Lauderdale, Margate, Pompano Beach and North Lauderdale; and

WHEREAS, the DISTRICT is a dependent special district pursuant to Section 189.403, Florida Statutes; and

WHEREAS, the DISTRICT has retained its separate Governing Board; and

WHEREAS all projects envisioned by the DISTRICT to provide adequate drainage have been completed; and

WHEREAS pursuant to the applicable provisions of Sections 34-14.5(a), "Transfer of Assets, Books and Liabilities," and 36-28, "Dissolution" (that incorporates Chapter 78-

482, Laws of Florida, Special Acts of 1978), the Governing Board of the DISTRICT wishes to dissolve or abolish the DISTRICT and transfer the powers, duties, obligations and functions thereof to the Broward County Board of County Commissioners, as provided for therein; and

WHEREAS, Section 36-14.5(a) requires the DISTRICT to give the Broward County Board of County Commissioners one hundred-twenty (120) days notice of its election to transfer the powers, duties, obligations and functions of the DISTRICT to Broward County; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF WATER CONTROL DISTRICT #4, FORT LAUDERDALE FLORIDA:

Section 1. The recitals set forth above are true and accurate and are incorporated into this Resolution.

Section 2. That WATER CONTROL DISTRICT #4 through its duly constituted Governing Board, does hereby elect to dissolve or abolish the DISTRICT and transfer the power, duties, obligations and functions thereof to Broward County pursuant to Sections 36-14.5 and 36-28.

Section 3. Pursuant to Section 36-14.5(b):

1. Exhibit "A-1" contains a map of the DISTRICT;
2. Exhibit "A-2" is available for inspection at the Broward County Water Management Division Office, 2255 West Copens Road, Pompano Beach, Florida 33069 ("Division Office"), and consists of maps indicating all the real property of the DISTRICT and all the DISTRICT'S rights and interests therein, and all easements and rights-of-way belonging to the DISTRICT, and descriptions of the DISTRICT'S drainage and control structures and other drainage facilities, all of which will be transferred to Broward County.
3. Exhibit "A-3" is available for inspection at the Division Office and consists of a list of all personal assets, books and records belonging to the DISTRICT, including but not limited to all personal and intangible property, and all rights

and interests therein, belonging to the DISTRICT that shall be transferred to Broward County.

Section 4. Pursuant to Section 36-14.5(b), Exhibit "B" contains a list of all moneys of the DISTRICT that will be transferred to Broward County and held in a separate fund for the operation of the DISTRICT.

Section 5. Pursuant to Section 36-14.5(c), Exhibit "C" contains a list of all contracts and agreements to which the DISTRICT is currently a party, and to which the County Commission, as Trustee and as the new Governing Board, shall be substituted for the Governing Board upon the effective date of this transfer. Pursuant to Section 36-14.5(c), the County Commission, as Trustee, shall be entitled to all benefits and subject to all liabilities under such contracts and agreements and shall have the same right and liability to perform, to require performance, and to modify or terminate such contracts and agreements, by mutual consent or otherwise, as the prior substituted party would have had.

Section 6. Section 36-14.5(d), states that this transfer shall not affect the lien of any judgment entered pursuant to Chapter 36, nor the pendency of any action instituted under Chapter 36, and that the County Commission shall acquire all the rights and obligations of the DISTRICT as to such liens and actions. To the best knowledge and belief of the Governing Board, there are currently no such liens or actions.

Section 7. Pursuant to Section 36-14.5(e), in no event shall any indebtedness of the DISTRICT be paid from or become the liability of funds or moneys of Broward County.

Section 8. That pursuant to this election, the Broward County Board of County Commissioners is requested to do all acts necessary in accordance with any applicable state laws and/or county ordinances to transfer to Broward County all of the powers, duties, responsibilities, obligations and functions of the DISTRICT, together with all of its assets and any liabilities, and subsequently dissolve the DISTRICT, all as provided in applicable statutes and ordinances.

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