

RESOLUTION NO. 2010 - 089

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, RELATING TO THE PROVISION OF FIRE SERVICES, FACILITIES AND PROGRAMS IN THE TOWN OF SOUTHWEST RANCHES, FLORIDA; REIMPOSING FIRE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN OF SOUTHWEST RANCHES; ESTABLISHING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Southwest Ranches, Florida, has enacted Ordinance No. 2001-09 (the "Ordinance"), which authorizes the imposition of Fire Assessments for fire services, facilities, and programs against Assessed Property located within the Town; and

WHEREAS, pursuant to the Ordinance, the re-imposition of a Fire Assessment for fire services, facilities, and programs for Fiscal Year 2011 requires certain processes such as the preparation of the Preliminary Assessment Roll; and

WHEREAS, annually, a Preliminary Rate Resolution describing the method of assessing fire costs against assessed property located within the Town, directing the preparation of an assessment roll, authorizing a public hearing and directing the provision of notice thereof is required by the Ordinance for re-imposition of Fire Assessments; and

WHEREAS, the Town Council imposed a Fire Assessment for the previous fiscal year (FY 2010), and the re-imposition of a Fire Assessment for fire services, facilities, and programs each fiscal year is an equitable and efficient method of allocating and apportioning Fire Assessed Costs among parcels of Assessed Property; and

WHEREAS, the Town Council, at a public hearing on March 14, 2002, made a policy decision regarding lowering the assessment rate for "Institutional" Property to a level reflective of twenty-five percent (25%) of the original rate approved during FY 2002; and

WHEREAS, the Town Council, during its initial deliberations and adoption of the original assessment rates during Fiscal Year 2002, made a policy decision regarding the phasing in of the full rate for the Property Use Category classified as "Acreage" over a three-year period; and

WHEREAS, the rates contained within the rate schedule herein shall impose the same rates as in the prior fiscal year and are reflective of prior Town Council policy direction regarding "Institutional" and "Acreage" properties; and

WHEREAS, the Town Council of the Town of Southwest Ranches, Florida, desires to re-impose a fire assessment program within the Town using the tax bill collection method for the Fiscal Year beginning on October 1, 2010, and deems it to be in the best interests of the citizens and residents of the Town of Southwest Ranches to adopt this Annual Rate Resolution so that the Town may re-impose Fire Assessments for Fiscal Year 2011.

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

Section 1: AUTHORITY. This Resolution is adopted pursuant to the provisions of the Ordinance (Fire Assessment Ordinance No. 2001-09), the Initial Assessment Resolution (Resolution 2001-74), Final Assessment Resolution (Resolution 2001-82), and Sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

Section 2: PURPOSE AND DEFINITIONS. This Resolution constitutes the Annual Rate Resolution as defined in the Ordinance, which re-imposes Fire Assessments for the Fiscal Year beginning October 1, 2010. All capitalized terms not otherwise defined herein shall have the meanings defined in such Ordinance, the Initial Assessment Resolution, and the Final Assessment Resolution.

Section 3: PROVISION AND FUNDING OF FIRE SERVICES.

(A) Upon the imposition of Fire Assessments for fire services, facilities, or programs against Assessed Property located within the Town, the Town shall provide fire services to such Assessed Property. A portion of the cost to provide such fire services, facilities, or programs shall be funded from proceeds of the Fire Assessments. The remaining cost required to provide fire services, facilities, and programs shall be funded by available Town revenues other than Fire Assessment proceeds.

(B) It is hereby ascertained, determined, and declared that each parcel of Assessed Property located within the Town will be benefited by the Town's provision of fire services, facilities, and programs in an amount not less than the Fire Assessment imposed against such parcel, computed in the manner set forth in this Annual Rate Resolution.

Section 4: IMPOSITION AND COMPUTATION OF FIRE ASSESSMENTS. Fire Assessments shall be imposed against all tax Parcels within the Property Use Categories. Fire Assessments shall be computed in the manner set forth in the Initial Assessment Resolution and Final Assessment Resolution referenced herein.

Section 5: LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT AND FAIR APPORTIONMENT. The legislative determinations of special benefit and fair apportionment embodied in the Initial Assessment Resolution and Final Assessment Resolution are affirmed and incorporated herein by reference.

Section 6: COST APPORTIONMENT AND PARCEL APPORTIONMENT METHODOLOGIES. The Cost Apportionment and Parcel Apportionment, as explained and calculated in the Initial Assessment Resolution and Final Assessment Resolution, and as described in the applicable explanatory appendices incorporated therein, are affirmed and incorporated herein by reference and are supplemented by the additional information contained in **Appendix A** herein.

Section 7: DETERMINATION OF FIRE ASSESSED COSTS; ESTABLISHMENT OF ANNUAL FIRE ASSESSMENT RATES.

(A) The Fire Assessed Costs to be assessed and apportioned among benefited parcels, pursuant to the Cost Apportionment and the Parcel Apportionment for the Fiscal Year commencing October 1, 2010, are in the amounts determined in the Estimated Fire Assessment Rate Schedule attached hereto as Appendix A. The approval of the Estimated Fire Assessment Rate Schedule by the adoption of this Annual Rate Resolution determines the amount of the Fire Assessed Costs. The remainder of such Fiscal Year budget for fire services, facilities and programs shall be funded from available Town revenue other than Fire Assessment proceeds.

(B) The estimated Fire Assessments specified in the Estimated Fire Assessment Rate Schedule are hereby established to fund the specified Fire Assessed Costs determined to be assessed in the Fiscal Year commencing October 1, 2010. No portion of such Fire Assessed Costs are attributable to capital improvements that are funded by impact fee proceeds.

(C) The estimated Fire Assessments established in this Annual Rate Resolution shall be the estimated assessment rates applied by the Town Administrator, or his designee, using the updated Assessment Roll for the Fiscal Year commencing October 1, 2010, as provided in Section 8 of the Preliminary Rate Resolution.

Section 8: ASSESSMENT ROLL.

(A) The Town Administrator caused to be prepared a Preliminary Assessment Roll for the Fiscal Year commencing October 1, 2010, in the manner provided in the Ordinance. The Assessment Roll for the upcoming Fiscal Year is hereby approved and contains such adjustments as the Town Council deems just and right.

(B) It is hereby ascertained, determined, and declared that the method of determining the Fire Assessments for fire services as set forth in the Initial Assessment Resolution, the Final Assessment Resolution and the Preliminary Rate Resolution is a fair and reasonable method of apportioning the Fire Assessed Cost among parcels of Assessed Property located within the Town.

Section 9: CONFIRMATION OF PUBLIC HEARING. The Town Council hereby confirms that a public hearing was held at 7:00 p.m. on September 7, 2010, at the Southwest Ranches/South Broward Drainage District Meeting Chambers, 6591 SW 160 Avenue, Southwest Ranches, Florida, 33331, at which time the Town Council received and considered comments on Fire Assessments from the public and affected property owners and considered imposing Fire Assessments for the Fiscal Year beginning October 1, 2010, and collecting such assessments on the same bill as ad valorem taxes.

Section 10: NOTICE BY PUBLICATION. The Town Council confirms that a notice of the September 7, 2010, public hearing for the Preliminary Rate Resolution has been published in the manner and time provided in the Ordinance. The published notice is attached hereto as Appendix B.

Section 11: NOTICE BY MAIL. The Town Council confirms, in the event circumstances described in the Ordinance so require, that the Town has provided notice by mail to the Owner of each parcel of Assessed Property. Notices were mailed no later than August 18, 2010. The notices are in compliance with the provisions of section 200.069(10)(a), Florida Statutes, and are consistent with the requirements of the Uniform Assessment Collection Act and the Ordinance.

Section 12: EFFECT OF ADOPTION OF RESOLUTION. The adoption of the Annual Assessment Resolution shall establish the Fire Assessment Rates for Fiscal Year 2010.

Section 13: CONFLICTS. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

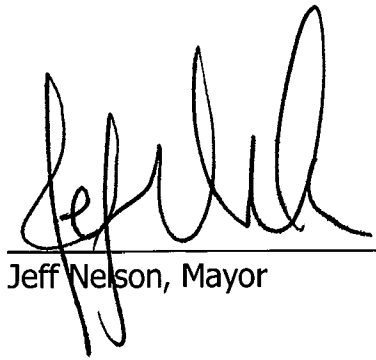
Section 14: SEVERABILITY. If any clause, section or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Resolution.

Section 15: EFFECTIVE DATE. This Annual Rate Resolution shall take effect immediately upon its passage and adoption.

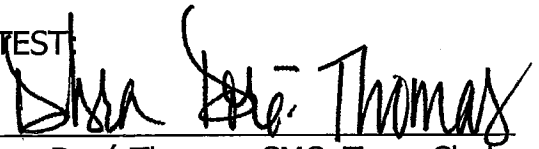
PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 7th day of September, 2010, on a motion by Council Member Fisikelli and seconded by Council Member Breitkreuz.

Nelson	<u>AYE</u>	Ayes	<u>4</u>
Knight	<u>AYE</u>	Nays	<u>1</u>
Breitkreuz	<u>AYE</u>	Absent	<u>0</u>
Fisikelli	<u>NO</u>	Abstaining	<u>0</u>
McKay	<u>AYE</u>		

[Signatures on Following Page]

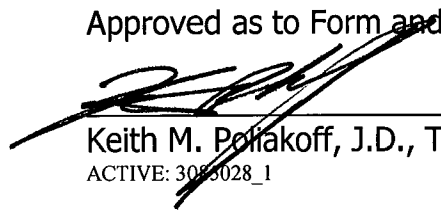


Jeff Nelson, Mayor

ATTEST:


Debra Doré-Thomas, CMC, Town Clerk

Approved as to Form and Correctness:



Keith M. Polakoff, J.D., Town Attorney
ACTIVE: 3083028_1

APPENDIX A

ESTIMATED FIRE ASSESSMENT RATE SCHEDULE

SECTION A-1. DETERMINATION OF FIRE ASSESSED COSTS.

The estimated Fire Assessed Costs to be assessed for the Fiscal Year commencing October 1, 2010 is \$1,297,532.

SECTION A-2. ESTIMATED FIRE ASSESSMENTS.

The estimated Fire Assessments to be assessed and apportioned among benefited parcels, pursuant to the Cost Apportionment and Parcel Apportionment, to generate the estimated Fire Assessed Cost for the Fiscal Year commencing October 1, 2010, are hereby established as follows for the purpose of this Preliminary Assessment Resolution:

PROPERTY USE CATEGORY	BILLING UNIT TYPE	FY 2010-11
RESIDENTIAL	Rate Per Residential Unit	\$ 350.00
NON-RESIDENTIAL PROPERTY USE CATEGORIES	Rate per building square foot (non-residential)	
Commercial		\$.57
Industrial/Warehouse		\$.57
Institutional		\$.14
BUILDING LOTS	Rate Per Lot (regardless of size)	\$ 113.51
ACREAGE	Rate Per Acre	\$ 61.18

The above rates of assessment reflect the three-year phase in of the Acreage rate as contemplated in the original assessment study. The Fire Assessment rates for fire services, facilities and programs as listed above and as set forth in the Assessment Roll, as herein approved, are hereby levied and imposed on all parcels of Assessed Property described in such Assessment Roll for the Fiscal Year beginning October 1, 2010.

SECTION A-3. SUPPLEMENT AUTHORIZATION.

The Apportionment Methodology, as provided in the Initial Assessment Resolution, is hereby amended as follows: "It is fair and reasonable to partially exempt from the assessment certain institutionally classified properties that provide some public purpose and public benefits to include churches and non-profit organizations. As determined by the Town Council

at a public hearing on March 14, 2002, those institutionally classified properties comprised of churches and non-profits shall receive an exemption of 75 percent (75%) of their fire assessment so that they are charged only 25 percent (25%) of the calculated full cost apportionment. The rates contained in this Preliminary Assessment Resolution reflect this policy change. Any shortfall in the expected Fire Assessment proceeds due to any reduction or exemption from payment of the Fire Assessments required by law or authorized by the Town Council shall be supplemented by any legally available funds, or combination of such funds, and shall not be paid for by proceeds or funds derived from the Fire Assessments."

SECTION A-4. MISCELLANEOUS.

(A) Fire Assessments shall constitute a lien upon the Assessed Property so assessed 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.

(B) The Preliminary Assessment Roll, as herein approved, together with the correction of any errors or omissions as provided for in the Ordinance, shall be delivered to the Tax Collector for collection, using the tax bill collection method in the manner prescribed by the Ordinance, upon approval of the Annual Rate Resolution.

APPENDIX B

PUBLISHED AD

**NOTICE OF HEARING TO REIMPOSE AND PROVIDE FOR
COLLECTION OF FIRE SPECIAL ASSESSMENTS**