

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.

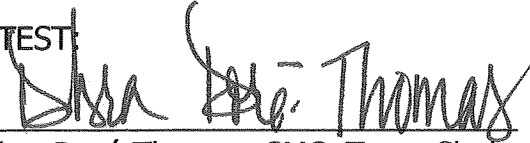
PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 7th day of September, 2010, on a motion by Council Member Fisikelli and seconded by Council Member Breitkreuz.

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]

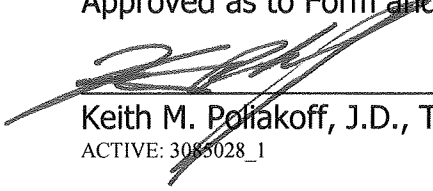


Jeff Nelson, Mayor

ATTEST:


Debra Doré-Thomas, CMC, Town Clerk

Approved as to Form and Correctness:



Keith M. Poliakoff, J.D., Town Attorney
ACTIVE: 3085028_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.

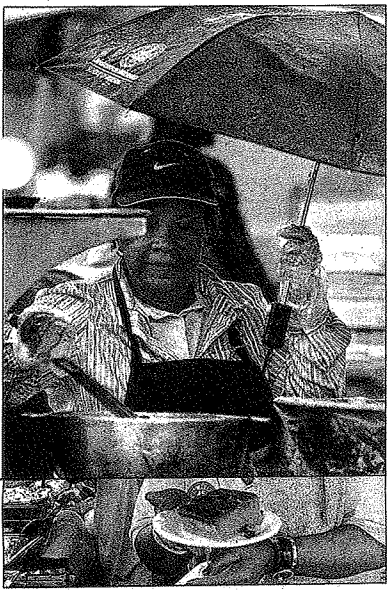
(A) Fire Assessments shall constitute a lien upon the Assessed Property so assessed equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other 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**



BROWARD COUNTY

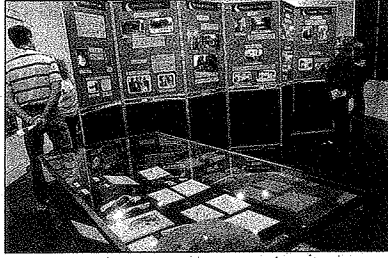
Historical Commission may lose budget funds

*HISTORY, FROM 1

home in Fort Lauderdale's historic West Side Grade School. The commission moved from a dank office in downtown Fort Lauderdale to the new location Sept. 21 after a \$2.4 million restoration on the 1923 landmark structure.

The 11,000-square-foot space at 301 SW 13th Ave. in the Sailboat Bend neighborhood includes an exhibit gallery, 2,000-volume research library and spent the one-third credit expenditure of \$1,400 for a Broward in WWII exhibit.

It was behind the historical designation of Colored Beach at John U.



EILEEN SOLER/FOR THE MIAMI HERALD

HISTORIC OCCASION: The Historical Commission was re-chartered and pulled in '09 but not until the board awarded about a dozen checks for historical projects that included restoration money for the Curci House in Hallan-

HOW TO REACH US

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BROWARD NEWS TIPS

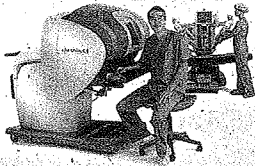
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in Sunday's Miami Herald.



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ROBOTIC GYNECOLOGICAL PROCEDURES: Options and Answers

Tuesday, August 24, 6 - 8pm

Memorial Hospital Miramar, 1901 Southwest 172 Avenue
Royal Palm Conference Room

RSVP to (954) 538-4612

GUEST SPEAKER: Jacob Tangir, MD, Gynecological Oncologist

IS ROBOTIC SURGERY FOR ME?: Ask the Doctors and Get the Facts

Monday, September 20, 6 - 8pm

Memorial Hospital West, 703 North Flamingo Road
Center for Education and Training, Third Floor

RSVP to (954) 844-6209

GUEST SPEAKERS:

Alvaro Garcia, MD, Colorectal Surgeon
Jacob Tangir, MD, Gynecological Oncologist
Stephen Tannenbaum, MD, Urological Surgeon

IS ROBOTIC SURGERY FOR ME?: Ask the Doctors and Get the Facts

Thursday, September 30, 6 - 8pm

Memorial Hospital West, 703 North Flamingo Road
Center for Education and Training, Third Floor

RSVP to (954) 844-6209

GUEST SPEAKERS:

Mark Block, MD, Thoracic Surgeon
Mark Christ, MD, Urological Surgeon
Karen Nishida, MD, Gynecological Oncologist

ROBOTIC UROLOGICAL SURGERY: Learn the Benefits

Tuesday, October 26, 6 - 8pm

Memorial Hospital Pembroke, 2261 North University Drive
Auditorium

RSVP to (954) 883-8888

GUEST SPEAKER: Antonio Reyes, MD, Urological Surgeon

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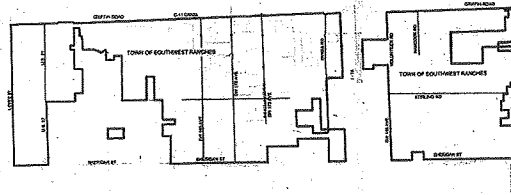
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TOWN OF SOUTHWEST RANCHES, FLORIDA NOTICE OF HEARING TO REIMPOSE AND PROVIDE FOR COLLECTION OF FIRE SPECIAL ASSESSMENTS AND SOLID WASTE SERVICE SPECIAL ASSESSMENTS



Notice is hereby given that the Town Council will conduct a public hearing to consider re-imposing fire special assessments for the provision of fire services and re-imposing solid waste service special assessments within the Town of Southwest Ranches for the Fiscal Year beginning October 1, 2010.

The public hearing will be held at 7:00 p.m. on September 7, 2010, at the Southwest Ranches/SBDD Meeting Chambers, 6591 SW 160 Avenue, Southwest Ranches, Florida, for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at the hearing and to file written objections with the Town Council within twenty (20) days of this notice. If a person decides to appeal any decision made by the Town Council with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Town Clerk's Office at (954) 434-0008 at least seven (7) days prior to the date of the hearing.

The fire assessment for each parcel of property will be based upon each parcel's classification and the total number of billing units attributed to that parcel. The following tables reflect the Proposed Fire Assessment schedule:

FISCAL YEAR 2011 FIRE ASSESSMENT SCHEDULE

Property Use Category	Billing Unit Type	Billing Rate
Residential	Rate per residential unit	\$350.00
Commercial	Rate per building square foot (non-residential)	\$ 0.57
Industrial/Warehouse	Rate per building square foot (non-residential)	\$ 0.57
Institutional	Rate per building square foot (non-residential)	\$ 0.57
Building Lots	Rate Per Lot (regardless of size)	\$113.51
Acreage	Rate Per Acre	\$ 61.18

The following table reflects the Proposed Solid Waste Service Assessment schedule:

SOLID WASTE SERVICE ASSESSMENT SCHEDULE

Property Use Category	Billing Unit Type	FY 2010-11
Residential, Single-Family	Rate Per Dwelling Unit	\$ 687.00

Copies of the Assessment Ordinances, the Initial Assessment Resolutions, the Final Assessment Resolutions, and this Preliminary Rate Resolutions for the Fiscal Year commencing October 1, 2010, initiating the annual process of updating the Assessment Roll and re-imposing the Fire and the Solid Waste Assessments, and the preliminary Assessment Roll for the upcoming fiscal year, are available for inspection at the Town Clerk's Office, Town Hall, located at 6589 SW 160 Avenue (Dykes Road), Southwest Ranches, Florida.

The assessments will be collected on the ad valorem tax bill to be mailed in November 2010, as authorized by Section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property, which may result in a loss of title.

If you have any questions, please contact the Town at (954) 434-0008, Monday through Friday between 8:30 a.m. and 5:00 p.m.

Debra Doré-Thomas, CMC, Town Clerk