

RESOLUTION NO. 2011 - 098

A RESOLUTION OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS IN THE TOWN OF SOUTHWEST RANCHES, FLORIDA; REIMPOSING FIRE PROTECTION ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN OF SOUTHWEST RANCHES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011; DIRECTING THAT THE RATE FOR RESIDENTIAL PROPERTY BE FINALLY ADOPTED AFTER MAILING OF CORRECTED NOTICES, PUBLICATION OF NOTICE OF A HEARING AND A FUTURE PUBLIC HEARING ON SUCH RATES; DIRECTING THAT AFTER ADOPTION, THE FIRE PROTECTION ASSESSMENTS IMPOSED ON RESIDENTIAL PROPERTY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011 BE IMPOSED AND COLLECTED USING AN ALTERNATIVE METHOD; APPROVING THE RATES OF ASSESSMENT FOR NONRESIDENTIAL PROPERTY FOR IMPOSITION USING THE UNIFORM ASSESSMENT COLLECTION ACT; APPROVING THE ASSESSMENT ROLL FOR NONRESIDENTIAL PROPERTY; CONFIRMING AND AMENDING THE INITIAL RATE RESOLUTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of Southwest Ranches, Florida (the "Town Council"), has enacted Ordinance No. 2001-9 (the "Ordinance" codified as Sections 12-19 through 12-85 in the Town of Southwest Ranches Code of Ordinances) which authorizes the imposition of Fire Protection Assessments for fire protection services, facilities, and programs against Assessed Property located within the Town;

WHEREAS, the reimposition of a Fire Protection Assessment for fire protection services, facilities, and programs each fiscal year is an equitable and efficient method of allocating and apportioning the Fire Protection Assessed Cost among parcels of Assessed Property;

WHEREAS, the Town Council desires to reimpose a Fire Protection Assessment within the Town based on an updated and modified assessment methodology as detailed in the "Southwest Ranches, Florida – Fire Protection Assessment Report" dated September 12, 2011, attached hereto as Appendix A and as further modified by the Addendum reflecting Town Council action on September 12, 2011, and using the

procedures provided by the Ordinance, including the tax bill collection method and an alternative collection method for the Fiscal Year beginning on October 1, 2011;

WHEREAS, the Town Council, on August 11, 2011, adopted Resolution No. 2011-084 (the "Initial Rate Resolution") as amended herein, containing and referencing a brief and general description of the fire protection facilities and services to be provided to Assessed Property, describing the method of apportioning the Fire Protection Assessed Cost to compute the Fire Protection Assessment for fire protection services, facilities, and programs against Assessed Property, estimating a rate of assessment, and directing the updating and preparation of the Assessment Roll, provision of published notice required by the Ordinance and mailed notice;

WHEREAS, in order to reimpose Fire Protection Assessments for the Fiscal Year beginning October 1, 2011 with a modified assessment methodology, the Town Council has adopted an Initial Resolution, Resolution No. 2011-084 adopted on August 11, 2011, and shall adopt this Final Rate Resolution, which establishes the rate of assessment and approves the Assessment Roll for the upcoming Fiscal Year, with such amendments as the Town Council deems appropriate, after hearing comments and objections of all interested parties;

WHEREAS, the updated Assessment Roll and the "Southwest Ranches, Florida - Fire Protection Assessment Report," updated and attached hereto as Appendix A, have been made available for inspection by the public, as required by the Ordinance and the Initial Resolution;

WHEREAS, notice of a public hearing has been published and mailed as required by the terms of the Ordinance with notices mailed to Nonresidential Property as part of the TRIM notice mailed by the Broward County Property Appraiser and an affidavit regarding the mailed notice to Residential Property being attached hereto as Appendix B and proof of publication being attached hereto as Appendix C;

WHEREAS, the notices mailed to assessed residential parcels contained errors that may have caused the notices to not adequately inform the property owner of the proposed residential Fire Assessment for their parcel, and the Town has chosen to defer finally adopting a Fire Protection Assessment rate for Residential Property until after a public hearing to be held on October 13, 2011;

WHEREAS, the Town will mail corrected notices to all residential parcels to be assessed the Fire Protection Assessment, will publish notice of a public hearing, and will hold a public hearing prior to finally adopting the residential rate and billing residential property owners using an alternative collection method pursuant to Sec. 12-84 of the Town Code;

WHEREAS, a public hearing was held on September 12, 2011, and comments and objections of all interested persons have been heard and considered as required by the terms of the Ordinance.

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 Ordinance No. 2001-09, (the "Ordinance", codified as Sec. 12-19 – 12-85 of the Town of Southwest Ranches Code of Ordinances) and Resolution No. 2011-084, as amended (the "Initial Resolution"), Article VIII, Section 2, Florida Constitution; sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 2. DEFINITIONS AND INTERPRETATION. This resolution constitutes the Final Rate Resolution as defined in the Ordinance as relates to the calculation, adoption and imposition of the Fire Protection Assessment on Nonresidential Property. All capitalized terms in this resolution shall have the meanings defined in the Ordinance and the Initial Assessment Resolution, as amended.

SECTION 3. REIMPOSITION OF FIRE PROTECTION ASSESSMENTS.

(A) This Final Resolution will establish the Fire Protection Assessment rates to be imposed on Nonresidential Property. Fire Protection Assessments imposed on Nonresidential Property shall be imposed and collected through property tax bills mailed by the Broward County Tax Collector.

(B) A separate Final Resolution to finally adopt the Fire Protection Assessment rate to be imposed on Residential Property will be considered after mailing of corrected notices, publication of notice of a public hearing, and a public hearing to be conducted on October 13, 2011 at 6:00 pm at Southwest Ranches/SBDD Meeting Room, 6591 SW 160 Ave./Dykes Rd., Southwest Ranches, Florida. The Town shall use an alternative collection method for the Fire Protection Assessment imposed on Residential Property for FY2011-2012 as a delay in fulfilling statutory notice requirements prevents billing on the property tax bill under the Uniform Assessment Collection Act for this budget year. Such alternative method of collection is specifically authorized in Sec. 12-84 of the Town Code. As with assessments collected under the Uniform Assessment Collection Act, all costs, fees and expenses related to billing and collection under this alternative method may be included in the assessment billed to Residential Property. Costs, fees and expenses, including reasonable attorney fees, related to the collection of any delinquent assessments billed pursuant to Sec. 12-84 may be imposed on the delinquent property owner as part of a collections action or may be collected pursuant to the Uniform Assessment Collection Act on a subsequent year's property tax bill.

(C) It is hereby ascertained, determined and declared that each parcel of Assessed Property within the Town will be specially benefited by the Town's provision of

fire protection services, facilities, and programs in an amount not less than the Fire Protection Assessment for such parcel, computed in the manner set forth in the Initial Rate Resolution and in the "Southwest Ranches, Florida – Fire Protection Assessment Report" dated September 12, 2011, attached hereto as Appendix A as further modified by the Addendum reflecting Town Council action on September 12, 2011. Adoption of this Final Rate Resolution constitutes a legislative determination that all parcels assessed derive a special benefit in a manner consistent with the legislative declarations, determinations and findings as set forth in the Ordinance and the Initial Assessment Resolution, as amended, from the fire protection services, facilities, or programs to be provided and a legislative determination that the Fire Protection Assessments are fairly and reasonably apportioned among the properties that receive the special benefit as set forth in the Initial Rate Resolution. The parcels of Assessed Property described in the Assessment Roll, as updated, which is hereby amended and approved for all Nonresidential Property, are hereby found to be specially benefited by the provision of the fire protection services, facilities, and programs described or referenced in the Initial Rate Resolution, in the amount of the Fire Protection Assessment set forth in the updated Assessment Roll, a copy of which was present or available for inspection at the above referenced public hearing and is incorporated herein by reference.

(D) The method for computing Fire Protection Assessments and the Parcel Apportionment methodology as detailed in the "Southwest Ranches, Florida – Fire Protection Assessment Report" dated September 12, 2011, attached hereto as Appendix A, are hereby approved and reaffirmed. The provisions of the Initial Resolution (Resolution No. 2011-084), as amended and confirmed by this Final Resolution, are hereby reaffirmed.

(E) The Fire Protection Assessments, as adopted in the Initial Resolution, for the Fiscal Year commencing October 1, 2011, are hereby amended and established as follows:

FY2011-12 Fire Protection Assessment Rates

Property Category	Maximum Rate Per Unit Indicated	
	RESIDENTIAL RATE FOR NOTICE PURPOSES ONLY	
Residential	Rate per Dwelling Unit	\$473.71 <u>442.51</u>
	NONRESIDENTIAL RATES TO BE IMPOSED FOR FY2011-12	
Nonresidential		
Commercial	Rate per Square Foot Building Area	\$ 0.85 <u>0.80</u>
Industrial/Warehouse	Rate per Square Foot Building Area	\$ 1.40 <u>1.32</u>
Institutional	Rate per Square Foot Building Area	\$ 0.22 <u>0.21</u>
Vacant/Agricultural	Rate per Acre	\$ 52.87 <u>49.80</u>

(F) The above rates of assessment for Nonresidential Property are hereby approved for imposition and collection pursuant to the Uniform Assessment Collection Act. Fire Protection Assessments for fire protection services, facilities, and programs in the amounts set forth in the updated Assessment Roll, as herein amended and approved, are hereby levied and reimposed on all parcels of Assessed Property described in such Assessment Roll for the Fiscal Year beginning October 1, 2011.

(G) The Town hereby authorizes a Fire Protection Assessment Rate of \$442.51 per Dwelling Unit for Residential Property for notice and advertising purposes and for consideration at a public hearing to be held on October 13, 2011 at 6:00 pm at at 6:00 pm at Southwest Ranches/SBDD Meeting Room, 6591 SW 160 Ave./Dykes Rd., Southwest Ranches, Florida. After final adoption of the Fire Protection Assessment Rate for Residential Property, the Town shall proceed with imposition and collection of the Fire Protection Assessment on Residential Property using an alternative method of collection pursuant to Sec. 12-84 of the Town Code.

(H) Any shortfall in the expected Fire Protection Assessment proceeds due to any reduction or exemption from payment of the Fire Protection 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 Protection Assessments.

(I) Fire Protection Assessments imposed shall constitute a lien upon the Assessed Property 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.

(J) The Assessment Roll, as herein approved for Nonresidential Property, 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. The Assessment Roll, as delivered to the Tax Collector, shall be accompanied by a Certificate to Fire Protection Non-Ad Valorem Assessment Roll in substantially the form attached hereto as Appendix D.

SECTION 4. CONFIRMATION OF INITIAL RATE RESOLUTION. The Initial Rate Resolution No. 2011-084, as modified, supplemented and amended herein, is hereby confirmed.

SECTION 5. EFFECT OF ADOPTION OF RESOLUTION. The adoption of this Final Rate Resolution shall be the final adjudication of the issues presented (including, but not limited to, the determination of special benefit and fair apportionment to the Assessed Property, the method of apportionment and assessment, the rate of assessment, the Assessment Roll and the levy and lien of the Fire Protection Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the adoption of this Final Rate Resolution.

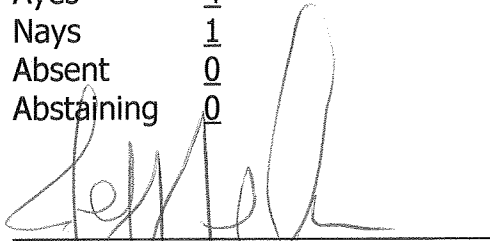
SECTION 6. SEVERABILITY. If any clause, section or other part of this resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this resolution.

SECTION 7. EFFECTIVE DATE. This Final 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 12th day of September, 2011, on a motion by Vice Mayor Fisikelli and seconded by Council Member Breitkreuz.


Nelson YES
Fisikelli YES
Breitkreuz YES
Jablonski YES
McKay NO

Ayes 4
Nays 1
Absent 0
Abstaining 0




Jeff Nelson, Mayor

ATTEST:



Erika Gonzalez - Santamaria, CMC, Town Clerk

Approved as to Form and Correctness:



Keith Poliakoff, Town Attorney

ACTIVE: 3499120_1