

**RESOLUTION NO. 2011 - 099**

**A RESOLUTION OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, RELATING TO THE PROVISION OF SOLID WASTE SERVICES, FACILITIES AND PROGRAMS IN THE TOWN OF SOUTHWEST RANCHES, FLORIDA; REIMPOSING SOLID WASTE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN OF SOUTHWEST RANCHES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011; APPROVING THE RATES OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; 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. 2002-8 (the "Ordinance" codified as Sections 16-108 through 16-173 in the Town of Southwest Ranches Code of Ordinances) which authorizes the imposition of Solid Waste Assessments for solid waste services, facilities, and programs against Assessed Property located within the Town;

**WHEREAS**, the reimposition of a Solid Waste Assessment for solid waste services, facilities, and programs each fiscal year is an equitable and efficient method of allocating and apportioning the Solid Waste Assessed Cost among parcels of Assessed Property;

**WHEREAS**, the Town Council desires to reimpose a Solid Waste Assessment within the Town based on an updated and modified assessment methodology as detailed in the "Southwest Ranches, Florida – Solid Waste Special Assessment Methodology Report," attached hereto as Appendix A 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 for the Fiscal Year beginning on October 1, 2011;

**WHEREAS**, the Town Council, on August 1, 2011, adopted Resolution No. 2011-075 (the "Initial Rate Resolution") as amended herein, containing and referencing a brief and general description of the solid waste facilities and services to be provided to Assessed Property, describing the method of apportioning the Solid Waste Assessed Cost to compute the Solid Waste Assessment for solid waste 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 Solid Waste Assessments for the Fiscal Year

beginning October 1, 2011 with a modified assessment methodology, the Town Council has adopted an Initial Resolution, Resolution No. 2011-075 adopted on August 1, 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 - Solid Waste Special Assessment Methodology 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 and an affidavit regarding the mailed notice being attached hereto as Appendix B and proof of publication being attached hereto as Appendix C.

**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. 2002-08, (the "Ordinance") and Resolution No. 2011-075, 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. 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 SOLID WASTE ASSESSMENTS.**

(A) The parcels of Assessed Property described in the Assessment Roll, as updated, which is hereby amended and approved, are hereby found to be specially benefited by the provision of the solid waste services, facilities, and programs described or referenced in the Initial Rate Resolution, in the amount of the Solid Waste 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. 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 solid

waste services, facilities, and programs in an amount not less than the Solid Waste Assessment for such parcel, computed in the manner set forth in the Initial Rate Resolution and in the "Southwest Ranches, Florida – Solid Waste Special Assessment Methodology Report," attached hereto as Appendix A. 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 solid waste services, facilities, or programs to be provided and a legislative determination that the Solid Waste Assessments are fairly and reasonably apportioned among the properties that receive the special benefit as set forth in the Initial Rate Resolution.

(B) The method for computing Solid Waste Assessments and the Parcel Apportionment methodology as detailed in the "Southwest Ranches, Florida – Solid Waste Special Assessment Methodology Report," attached hereto as Appendix A, are hereby approved and reaffirmed. The provisions of the Initial Resolution (Resolution No. 2011-075), as amended and confirmed by this Final Resolution, are hereby reaffirmed.

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

**FY2011-12 Solid Waste Assessment Rates**

<b>Total Solid Waste Assessment per Parcel will equal the Bulk Waste Assessment Component calculated per residential parcel plus the Household Waste Assessment Component per Dwelling Unit on each parcel.</b>	
<b><u>Bulk Waste Assessment Component</u></b>	
<b>Rate Class (based on parcel size)</b>	<b>Rate per Residential Parcel</b>
A : less than or equal to 41,200 sf	\$ <del>154.65</del> <u>149.65</u>
B : 41,201sf – 46,999sf	\$ <del>181.48</del> <u>175.61</u>
C : 47,000sf – 62,999sf	\$ <del>218.71</del> <u>211.10</u>
D : 63,000sf – 95,999sf	\$ <del>242.56</del> <u>234.15</u>
E : 96,000sf - 106,999sf	\$ <del>276.29</del> <u>266.03</u>
F : 107,000sf and larger	\$ <del>328.27</del> <u>315.98</u>
<b><u>Household Waste Assessment Component</u></b>	
	<b>Rate per Dwelling Unit</b>
	\$ <del>460.75</del> <u>442.24</u>

(D) The above rates of assessment are hereby approved. Solid Waste Assessments for solid waste 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.

(E) Any shortfall in the expected Solid Waste Assessment proceeds due to any reduction or exemption from payment of the Solid Waste 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 Solid Waste Assessments.

(F) Solid Waste Assessments 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.

(G) The 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. The Assessment Roll, as delivered to the Tax Collector, shall be accompanied by a Certificate to Solid Waste 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. 2011-075, 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 Solid Waste 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.

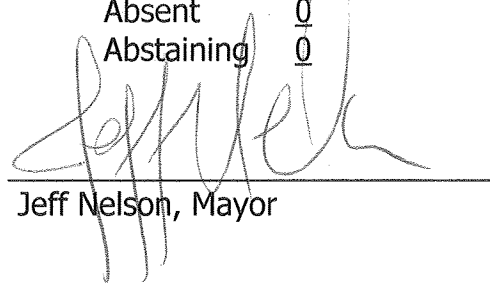
**SECTION 6. SEVERABILITY.** If any clause, section or other part of this resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions 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 12<sup>th</sup> day of September, 2011, on a motion by Council Member McKay and seconded by Council Member Jablonski.

Nelson        YES  
Fisikelli     YES  
Breitkreuz   YES  
Jablonski    YES  
McKay        YES

Ayes            5  
Nays            0  
Absent          0  
Abstaining    0



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Jeff Nelson, Mayor

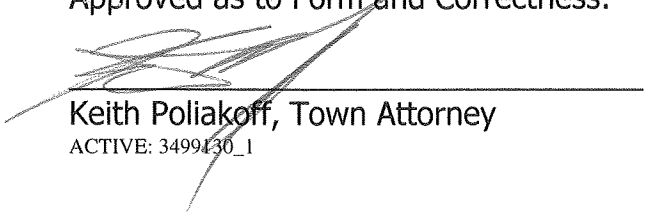
ATTEST:



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Erika Gonzalez-Santamaria, CMC, Town Clerk

Approved as to Form and Correctness:



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Keith Poliakoff, Town Attorney  
ACTIVE: 3499430\_1