

RESOLUTION NO. 2023-074

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA PROVIDING FINDINGS; PROVIDING PURPOSE; PROVIDING FOR PROVISION AND FUNDING OF FIRE PROTECTION SERVICES; PROVIDING FOR IMPOSITION AND COMPUTATION OF FIRE PROTECTION ASSESSMENTS; PROVIDING LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT AND FAIR APPORTIONMENT; APPROVING THE FINAL FIRE SERVICES ASSESSMENT RATES AND FINAL ROLL RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS IN THE TOWN FOR FISCAL YEAR 2023-24; CONFIRMING AN EXEMPTION FOR VETERAN'S WITH SERVICE-CONNECTED TOTAL AND PERMANENT DISABILITY; PROVIDING FOR EFFECT OF ADOPTION OF RESOLUTION; PROVIDING FOR APPLICATION OF ASSESSMENT PROCEEDS; PROVIDING FOR CONFLICTS AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the Town Council desires to reimpose a Fire Services Assessment within the Town using the procedures in the Ordinance, including the tax bill collection method for the Fiscal Year beginning on October 1, 2023; and

WHEREAS, pursuant to Ordinance 2001-09, the imposition of a Fire Services Assessment for fire services, facilities, and programs for Fiscal Year 2023-24 requires certain processes which the Town has fulfilled; and

WHEREAS, annually, a Preliminary Fire Services Assessment 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 imposition of Fire Assessments; and

WHEREAS, annually, after a public hearing noticed by mail and publication, an Annual Fire Services Assessment Resolution approves the final rates and final roll for the Fire Assessments and directs submittal of the final roll to the Tax Collector's Office for billing on the annual property tax bills; and

WHEREAS, the Town Council has previously imposed a Fire Assessment, and the imposition of a Fire Assessment for fire services, facilities, and programs each fiscal year

continues to be an equitable and efficient method of allocating and apportioning Fire Assessed Costs among parcels of Assessed Property for FY 2023-24; and

WHEREAS, the Town Council, during the Fiscal Year 2013, made an initial policy decision and adopted Resolution 2012-034, regarding legally recognized disabled veterans who live on homesteaded properties titled in their name in the Town, and who have received a Veteran's Service-Connected Total and Permanent Disability ad valorem tax exemption providing them with a 100% exemption for Fire Service Assessments pursuant to a June 23, 2011 unanimous vote and wish to provide for such exemption for the Fiscal Year 2023-24; and

WHEREAS, on July 27, 2023, the Town Council adopted Resolution 2023-061 ("2023 Preliminary Resolution") accepting, concurring with, and approving the methodology and proposed assessment rates in the Town of Southwest Ranches Fire Protection Special Assessment Methodology Report dated July 19, 2023 prepared by Munitytics ("2023 Report"), which 2023 Report was incorporated into the 2023 Preliminary Resolution; and

WHEREAS, the Town Council of the Town of Southwest Ranches, Florida, desires to reimpose a fire service assessment program within the Town using the tax bill collection method, and deems it to be in the best interests of the citizens and residents of the Town of Southwest Ranches to adopt this Annual Fire Assessment Rate Resolution to impose Fire Assessments for Fiscal Year 2023-24; and

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

Section 1. That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

Section 2. Authority. This resolution is adopted pursuant to the provisions of Ordinance No. 2001-9, the Initial Assessment Resolution (Resolution 2011-084), the Final Assessment Resolution (Resolution 2011-098), and all subsequently adopted Preliminary and Annual Assessment Resolutions, and sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law. This Annual Resolution confirms, modifies, supersedes, and amends, any previous Fire Assessment Resolutions. Where any conflicts occur between this Resolution and any previous Fire Assessment Resolution, this Resolution shall prevail. However, nothing in this Resolution amends or affects the validity of any Fire Protection Assessments adopted and imposed by any previously adopted resolutions. The 2023 Preliminary Resolution (Resolution No. 2023-061) adopted and incorporated the 2023 Report, approved a new definition, and established the proposed Fire Assessment rates. This Annual Resolution modifies and amends the 2023 Preliminary Resolution by approving and incorporating final assessment rates, by approving a final assessment roll based on the final assessment rates, and further confirms and modifies the 2023 Preliminary Resolution as may be determined necessary by the Town Council.

Section 3. Purpose and Definitions. This Resolution constitutes the Annual Fire Services Assessment Resolution as defined in the Ordinance (codified as Sections 12-19 through 12-85 in the Town of Southwest Ranches Code of Ordinances) and adopts and imposes Fire Assessments as presented in Section 7 for the Fiscal Year beginning October 1, 2023. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance and in Resolution No. 2011-084, as may have been amended and supplemented by subsequent resolutions.

Section 4. Provision and Funding of Fire Protection Services. Upon the imposition of a Fire Protection Assessment for fire protection services, facilities, or programs against Assessed Property located within the Town as determined by the Broward County Property Appraiser (BCPA), the Town shall provide fire protection services to such Assessed Property. Proceeds of the Fire Protection Assessments shall be used to fund all or a portion of the costs of the provision of fire protection services to assessed properties within the Town. The remaining costs of providing fire protection services, facilities, and programs shall be funded by lawfully available Town revenues other than Fire Protection Assessment proceeds. Costs related to the provision of Emergency Medical Services (EMS) have not been included in the Fire Protection Assessed Costs and shall be paid for by the Town from other lawfully available funds and shall not be paid out of Fire Assessment revenues.

Section 5. Imposition and Computation of Fire Protection Assessments. Fire Protection Assessments shall be imposed against all Assessed Parcels. Fire Protection Assessments shall be computed in the manner set forth in the 2023 Preliminary Assessment Resolution and the 2023 Report, and in this Annual Resolution.

Section 6. Legislative Determination of Special Benefit and Fair Apportionment. The legislative determinations of special benefit and fair apportionment embodied in the Ordinance (codified as Sections 12-19 through 12-85 in the Town of Southwest Ranches Code of Ordinances), the Initial Assessment Resolution (Resolution 2011-084), the Final Resolution (Resolution 2011-098), and in all subsequent Preliminary and Annual Resolutions, including the 2023 Preliminary Resolution and 2023 Report, are affirmed, amended, modified, and incorporated herein by reference. In addition, it is hereby ratified, confirmed, and declared that the fire protection services to be funded by the Fire Protection Assessments provide special benefit to the Assessed Property and that the Fire Protection Assessed Costs are fairly and reasonably allocated to Assessed Properties based upon the findings and data contained in the 2023 Report and the 2023 Preliminary Resolution, as confirmed, amended and supplemented by this Annual Resolution. It is hereby ascertained, determined and declared that each parcel of Assessed Property located within the Town will be benefitted by the Town's provision of fire protection services, facilities, and programs in an amount not less than the Fire Protection Assessment adopted and imposed against such parcel by this Annual Resolution.

Section 7. Approval of Final Fire Protection Assessment Rates and Final Fire Protection Assessment Roll.

A. Notice of the proposed Fire Assessments and a public hearing have been provided by mail and by publication. Notice by mail was provided in the annual notice of ad valorem property taxes mailed by the BCPA. The rates established in the 2023 Preliminary Resolution were used to prepare the Preliminary Assessment Roll, which information was available at the public hearing. The public hearing was held on September 14, 2023, and comments and objections of all interested persons have been heard, in person or virtually as may have been authorized, and considered by the Town Council. The Fire Protection Assessed Costs to be assessed and apportioned among benefitted parcels for Fiscal Year 2023-24, is the amount determined in the 2023 Report.

B. The Fire Protection Assessments to be assessed on benefitted parcels are hereby established as follows:

Fiscal Year 2023-24 Final Fire Protection Assessment Rates

Rate Category	Assessment Unit	Final Fire Assessment Rate
"A" Acreage	Per Acre	\$ 89.12
"R" Residential/Other	Per Dwelling Unit	\$ 758.63
Combined Non-residential	Per Sq Ft Bldg Area	\$ 0.9812

C. The above rates of assessment are hereby finally approved. The above Final Fire Assessment Rates shall be used to update and amend the Assessment Roll as needed and are hereby levied and imposed on all parcels of Assessed Property on the Final Assessment Roll. The Final Assessment Roll, as may have been updated or amended, is hereby adopted and approved. Approval by adoption of this Annual Resolution shall constitute a lien upon the 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.

D. The Mayor, or the Town Manager as the Mayor's designee, shall certify the Final Assessment Roll and Final Assessment Rates to the Broward County Tax Collector no later than September 15, 2023, as required by statute.

Section 8. Recognized Disabled Veterans Exemption. Legally recognized Disabled Veterans, who live on homesteaded properties titled in their name within the Town, who have received a veteran's service-connected total and permanent disability ad valorem tax exemption, shall be exempt from the collection of the Fire Assessment. The Town shall buy down this 100% exemption with lawfully available, non-assessment funds.

Section 9. Effect of Adoption of Resolution. The adoption of this Annual 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 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 Annual Rate Resolution.

Section 10. Application of Assessment Proceeds. Proceeds derived by the Town from the Fire Protection Assessments shall be deposited into the Fire Protection Assessment Fund and used for the provision of fire protection services, facilities, and programs. In the event there is any fund balance remaining at the end of the Fiscal Year, such balance shall be carried forward and used only to fund fire protection services, facilities, and programs.

Section 11. Conflict. All resolutions or parts of resolutions in conflict herewith are hereby superseded to the extent of such conflict.

Section 12. 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 16. Effective Date. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 14th day of September, 2023 on a motion by Chm Jablonski and seconded by Chm Hartman.

Breitkreuz Yes
Allbritton Yes
Hartman Yes
Jablonski Yes
Kuczenski Yes

Ayes 5
Nays 0
Absent 0
Abstaining 0

Attest: Russell Muñiz
Russell Muñiz, Assistant Town Administrator/Town Clerk

Steve Braitkreuz
Steve Braitkreuz, Mayor

Approved as to Form and Correctness:

Keith Poliakoff
Keith Poliakoff, Town Attorney
1001.2385.01