



Southwest Ranches Town Council

REGULAR MEETING Agenda of July 27, 2017

Southwest Ranches Council Chambers
7:00 PM Thursday

13400 Griffin Road
Southwest Ranches, FL 33330

<u>Mayor</u>	<u>Town Council</u>	<u>Town Administrator</u>	<u>Town Attorney</u>
Doug McKay	Freddy Fisikelli	Andrew D. Berns	Keith M. Poliakoff, J.D.
<u>Vice Mayor</u>	Gary Jablonski	<u>Town Financial</u>	<u>Assistant Town</u>
Steve Breitreuz	Denise Schroeder	<u>Administrator</u>	<u>Administrator/Town Clerk</u>
		Martin Sherwood, CPA CGFO	Russell C. Muniz, MMC

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation, a sign language interpreter or hearing impaired to participate in this proceeding should contact the Town Clerk at (954) 434-0008 for assistance no later than four days prior to the meeting.

1. **Call to Order/Roll Call**
2. **Pledge of Allegiance**
3. **Presentation - Steve Geller, Broward County Commissioner, District 5**
4. **Public Comment**
 - All Speakers are limited to 3 minutes.
 - Public Comment will last for 30 minutes.
 - All comments must be on non-agenda items.
 - All Speakers must fill out a request card prior to speaking.
 - All Speakers must state first name, last name, and mailing address.
 - Speakers will be called in the order the request cards were received.
 - Request cards will only be received until the first five minutes of public comment have concluded.
5. **Board Reports**
6. **Council Member Comments**
7. **Legal Comments**
8. **Administration Comments**

Ordinance - 2nd Reading

9. **AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), ARTICLE 10 ENTITLED, "DEFINITIONS" TO AMEND THE DEFINITION OF THE TERM "FAMILY"; CREATING A NEW ARTICLE 141 ENTITLED, "REASONABLE ACCOMMODATION PROCEDURES"; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE. {Approved on 1st Reading - June 22, 2017}**

10. AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), ARTICLE 90 ENTITLED, "SUBDIVISION DESIGN AND ACCESS STANDARDS"; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.{Approved on 1st Reading - June 22, 2017}

Ordinance - 1st Reading

11. AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, RATIFYING ORDINANCE NO. 2017-03's PROHIBITION OF CANNABIS-RELATED USES IN THE TOWN OF SOUTHWEST RANCHES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE. {2nd Reading to be held on August 10, 2017}

Resolutions

12. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, SETTING THE PROPOSED MILLAGE RATE AND CURRENT ROLL BACK RATE PURSUANT TO SECTION 200.065, FLORIDA STATUTES; AND ESTABLISHING THE DATE, TIME AND PLACE AT WHICH PUBLIC HEARINGS WILL BE HELD TO CONSIDER THE PROPOSED MILLAGE RATE AND THE TENTATIVE BUDGET FOR FISCAL YEAR 2018; AND DIRECTING THE TOWN CLERK TO FILE SAID RESOLUTION WITH THE PROPERTY APPRAISER OF BROWARD COUNTY PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE FOR THE STATE OF FLORIDA; DIRECTING THAT A CERTIFIED COPY OF THIS RESOLUTION BE SENT TO THE BROWARD COUNTY PROPERTY APPRAISER AND TAX COLLECTOR; AND PROVIDING AN EFFECTIVE DATE.
13. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE PRELIMINARY FIRE SERVICES ASSESSMENT RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS IN THE TOWN OF SOUTHWEST RANCHES, FLORIDA; PROVIDING PURPOSE AND DEFINITIONS; PROVIDING FOR THE IMPOSITION AND COMPUTATION OF FIRE PROTECTION ASSESSMENTS; INCORPORATING THE FIRE PROTECTION ASSESSMENT REPORT; PROVIDING FOR LEGISLATIVE DETERMINATION OF SPECIAL BENEFIT AND FAIR APPORTIONMENT; ESTABLISHING THE RATE OF ASSESSMENT; DIRECTING THE PREPARATION OF A PRELIMINARY ASSESSMENT ROLL; PROVIDING FOR A DISABLED VETERANS EXEMPTION; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.
14. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, RELATING TO THE PROVISION OF SOLID WASTE SERVICES, FACILITIES AND PROGRAMS TO RESIDENTIAL PROPERTIES IN THE TOWN OF SOUTHWEST

RANCHES, FLORIDA; PROVIDING AUTHORITY FOR SOLID WASTE SERVICES ASSESSMENTS; PROVIDING PURPOSE AND DEFINITIONS; PROVIDING FINDINGS; INCORPORATING THE SOLID WASTE SPECIAL ASSESSMENT METHODOLOGY REPORT; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

15. Adjournment

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

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Town of Southwest Ranches
13400 Griffin Road
Southwest Ranches, FL 33330-2628

(954) 434-0008 Town Hall
(954) 434-1490 Fax

Town Council
Doug McKay, Mayor
Steve Breitkreuz, Vice Mayor
Freddy Fisikelli, Council Member
Gary Jablonski, Council Member
Denise Schroeder, Council Member

Andrew D. Berns, Town Administrator
Keith M. Poliakoff, JD, Town Attorney
Russell Muniz, Assistant Town Administrator/Town Clerk
Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator

COUNCIL MEMORANDUM

TO: Honorable Mayor McKay and Town Council
VIA: Andrew D. Berns, Town Administrator
FROM: Jeff Katims
DATE: 7/27/2017
SUBJECT: Reasonable Accommodation Ordinance - ULDC - 2nd Read

Recommendation

Motion to approved the ordinance.

Strategic Priorities

A. Sound Governance

Background

The proposed Ordinance revises the definition of "family" to ensure that groups of unrelated disabled persons living together as the functional equivalent of a family are not subject to greater occupancy restrictions than groups of unrelated persons without disabilities living in a similar arrangement. The Ordinance also creates a procedure whereby the Town can waive its regulations if necessary to make a reasonable accommodation under the federal Americans with Disabilities Act or federal Fair Housing Act.

Approved on first reading June 22, 2017.

Fiscal Impact/Analysis

None

Staff Contact:

Jeff Katims, AICP

ATTACHMENTS:

Description

Reasonable Accomodation - TA Appoved

Upload Date

7/21/2017

Type

Ordinance

ORDINANCE NO. 2017 -

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), ARTICLE 10 ENTITLED, "DEFINITIONS" TO AMEND THE DEFINITION OF THE TERM "FAMILY"; CREATING A NEW ARTICLE 141 ENTITLED, "REASONABLE ACCOMMODATION PROCEDURES"; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Southwest Ranches Town Council ("Town Council") wishes to amend the ULDC to enact a procedure for making reasonable accommodations consistent with the intent of the federal Fair Housing Act and federal Americans with Disabilities Act; and

WHEREAS, the Town Council finds that the definition of the term “family” in the ULDC should be amended consistent with such federal legislation; and

WHEREAS, the Town Council, sitting as the Local Planning Agency, has reviewed the contents of this Ordinance at a duly noticed public hearing on June 22, 2017, and has issued its recommendation to the Town Council, finding that the Ordinance is consistent with the adopted comprehensive plan.

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

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct, and are hereby incorporated herein and made a part hereof.

Section 2. Section 010-030, "Terms defined" is hereby amended as follows:

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New text is underlined and deleted text is stricken.

1 *Family.* The term "family" means a person living alone, or any of the
2 following groups living together as a single, nonprofit housekeeping unit
3 and sharing common living, sleeping, cooking, and eating facilities:

4 (a) Any number of people related by blood, marriage, adoption,
5 guardianship, or other duly authorized custodial relationship; and their
6 gratuitous guests and domestic workers.

7 (b) Three (3) unrelated people;

8 (c) Two (2) unrelated people and any children related to either of
9 them; or,

10 (d) Not more than six (6) people who residents of a "community
11 residential home" as defined in Chapter 419, F.S.

12 (e) Any of the above groups may also include gratuitous guests and
13 domestic workers, but shall not include paying guests. For the purpose of
14 this provision, a "domestic worker" is a person who is employed and paid
15 to perform duties within their employer's private household. Examples of
16 domestic workers include maids, cooks, housekeepers, butlers, nannies,
17 and caregivers.

18 **Section 3:** A new Article 141 entitled, Reasonable Accommodation
19 Procedures" is hereby created, as follows:

20 **ARTICLE 141. REASONABLE ACCOMMODATION PROCEDURES.**

21 **Sec. 141-010. Applicability.**

22 This article implements the policy of the Town of Southwest Ranches
23 for processing of requests for reasonable accommodation to its
24 ordinances, rules, policies, and procedures for persons with disabilities
25 as provided by the Federal Fair Housing Amendments Act (42 U.S.C.
26 3601, et seq.) ("FHA") and Title II of the Americans with Disabilities
27 Act (42 U.S.C. Section 12131, et seq.) ("ADA"). For purposes of this
28 article, a "disabled" individual or person is an individual that qualifies
29 as disabled and/or handicapped under the FHA and/or ADA. Any
30 person who is disabled (or qualifying entities) may request a
31 reasonable accommodation with respect to the town's land use or
32 zoning laws, rules, policies, practices and/or procedures as provided
33 by the FHA and the ADA pursuant to the procedures set out in this
34 article.

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Sec. 141-020. Procedure.

(A) A request by an applicant for reasonable accommodation under this article shall be made in writing by completion of a reasonable accommodation request form, which form shall be maintained by (and shall be submitted to) the town administrator. The reasonable accommodation form shall contain such questions and requests for information as are necessary for processing the reasonable accommodation request.

(B) Should the information provided by the disabled individual to the town include medical information or records, including records indicating the medical condition, diagnosis or medical history of the disabled individual, such individual may, at the time of submitting such medical information, request that the town, to the extent allowed by law, treat such medical information as confidential information of the disabled individual. The town shall thereafter endeavor to provide written notice to the disabled individual, and/or their representative, or any request received by the town for disclosure of the medical information or documentation which the disabled individual has previously requested be treated as confidential by the town. The town will cooperate with the disabled individual, to the extent allowed by law, in actions initiated by such individual to oppose the disclosure of such medical information or documentation, but the town shall have no obligation to initiate, prosecute or pursue any such action, or to incur any legal or other expenses (whether by retention of outside counsel or allocation of internal resources) in connection therewith, and may comply with any judicial order without prior notice to the disabled individual.

(C) The town administrator shall have the authority to consider and act on requests for reasonable accommodation, after notice and public hearing to receive comments, input and information from the public, provided, however, the town administrator shall not be required to render a decision at said public hearing. Once a reasonable accommodation request form has been completed and submitted to the town administrator, he or she shall have forty-five (45) days from the date of receipt of the completed application to request additional information pursuant to subsec. (D), or issue a written determination and may, in accordance with

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1 federal law, (1) grant the accommodation request, (2) grant a
2 portion of the request and deny a portion of the request, and/or
3 impose conditions upon the grant of the request, or (3) deny the
4 request, in accordance with federal law.

5 (1) Any such denial shall be in writing and shall state the
6 grounds therefore.

7 (2) All written determinations shall give notice of the right to
8 appeal.

9 (3) The notice of determination shall be sent to the requesting
10 party (i.e. the disabled individual or his/her representative)
11 by certified mail, return receipt requested.

12 (D) If reasonably necessary to reach a determination on the request
13 for reasonable accommodation, the town administrator may,
14 prior to the end of said forty-five (45)-day period, request
15 additional information from the requesting party, specifying in
16 sufficient detail the additional information that is required. The
17 requesting party shall have fifteen (15) days after the date of the
18 request for additional information to provide the requested
19 information.

20 (1) In the event a request for additional information is made,
21 the forty-five (45)-day period to issue a written
22 determination shall no longer be applicable, and the town
23 administrator shall issue a written determination pursuant
24 to subsec. (C) within thirty (30) days after receipt of the
25 additional information.

26 (2) If the requesting party fails to provide the requested
27 additional information within said fifteen (15)-day period,
28 the town administrator shall issue a written notice advising
29 that the requesting party had failed to timely submit the
30 additional information and therefore the request for
31 reasonable accommodation shall be deemed abandoned
32 and/or withdrawn, and no further action by the town with
33 regard to said reasonable accommodation request shall be
34 required.

35 (E) In determining whether the reasonable accommodation request
36 shall be granted or denied, the requesting party shall be required

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1 to establish that they are protected under the FHA and/or ADA
2 by demonstrating that they are handicapped or disabled, as
3 defined in the FHA and/or ADA. Although the definition of
4 disability is subject to judicial interpretation, for purposes of this
5 ordinance the disabled individual must show: (i) a physical or
6 mental impairment which substantially limits one or major life
7 activities; (ii) a record of having such impairment; or (iii) that
8 they are regarded as having such impairment. Next, the
9 requesting party will have to demonstrate that the proposed
10 accommodations being sought are reasonable and necessary to
11 afford handicapped/disabled persons equal opportunity to use
12 and enjoy housing. The foregoing (as interpreted by the courts)
13 shall be the basis for a decision upon a reasonable
14 accommodation request made by the town administrator or by
15 the town council in the event of an appeal.

16 (F) Within thirty (30) days after the town administrator's
17 determination on a reasonable accommodation request is mailed
18 to the requesting party, such applicant may appeal the decision.
19 All appeals shall contain a statement containing sufficient detail
20 of the grounds for the appeal. Appeals shall be to the town
21 council who shall, after public notice and a public hearing, render
22 a determination as soon as reasonably practicable, but in no
23 event later than sixty (60) days after an appeal has been filed.

24 (G) There shall be no fee imposed by the town in connection with a
25 request for reasonable accommodation under this section or an
26 appeal of a determination on such request to the town council,
27 and the town shall have no obligation to pay a requesting or
28 appealing party's attorney's fees or costs in connection with the
29 request, or an appeal.

30 (H) While an application for reasonable accommodation, or appeal or
31 a determination of same, is pending before the town, the town
32 will not enforce against the applicant the particular ordinance,
33 rule, policy, or procedure from which reasonable accommodation
34 has been requested.

35 (I) The following general provisions shall be applicable:

36 (1) The town shall display a notice on the town's public notice
37 bulletin board advising the public that disabled individuals

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1 and qualifying entities may request reasonable
2 accommodation as provided herein.

3 (2) The town shall maintain copies available for review in the
4 town clerk's office,

5 (3) A disabled individual may apply for a reasonable
6 accommodation on his/her own behalf or may be
7 represented at all stages of the reasonable accommodation
8 process by a person designated by the disabled individual.

9 (4) The town shall provide such assistance and accommodation
10 as is required pursuant to FHA and ADA in connection with
11 a disabled person's request for reasonable accommodation,
12 including, without limitation, assistance with reading
13 application questions, responding to questions, completing
14 the form, filing an appeal; and appearing at a hearing, etc.
15 to ensure the process is accessible.

16 **Section 4: Codification.** The Town Clerk shall cause this ordinance to
17 be codified as a part of the ULDC during the next codification update cycle.

18 **Section 5: Conflicts.** All Ordinances or parts of Ordinances, Resolutions or
19 parts of Resolutions in conflict herewith, be and the same are hereby repealed to the
20 extent of such conflict.

21 **Section 6: Severability.** If any word, phrase, clause, sentence or section of
22 this Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof
23 shall not affect the validity of any remaining portions of this Ordinance.

24 **Section 7: Effective Date.** This Ordinance shall take effect immediately upon
25 passage and adoption.

26
27 [Signatures on Following Page]
28
29

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PASSED ON FIRST READING this ____ day of _____, 2017 on a motion made
by _____ and seconded by _____.

PASSED AND ADOPTED ON SECOND READING this ____ day of _____,
2017, on a motion made by _____ and seconded by
_____.

McKay _____
Breitkreuz _____
Fisikelli _____
Jablonski _____
Schroeder _____

Ayes _____
Nays _____

Absent _____
Abstaining _____

Doug McKay, Mayor

ATTEST:

Russell Muñiz, MMC, Assistant Town Administrator/Town Clerk

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Approved as to Form and Correctness:

Keith Poliakoff, J.D., Town Attorney

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Ordinance No. 2017-____
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(954) 434-0008 Town Hall
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Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator

COUNCIL MEMORANDUM

TO: Honorable Mayor McKay and Town Council
VIA: Andrew D. Berns, Town Administrator
FROM: Jeff Katims
DATE: 7/27/2017
SUBJECT: Streets and Access ULDC Amend Ord - 2nd Read

Recommendation

Motion to approve the ordinance.

Strategic Priorities

A. Sound Governance

Background

The proposed Ordinance amends the ULDC to discourage the creation of through-streets.

Approved on first reading June 22, 2017.

Fiscal Impact/Analysis

None

Staff Contact:

Jeff Katims, AICP

ATTACHMENTS:

Description	Upload Date	Type
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ORDINANCE NO. 2017 -

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), ARTICLE 90 ENTITLED, "SUBDIVISION DESIGN AND ACCESS STANDARDS"; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article 90 of the ULDC establishes standards for the layout of streets during the subdivision of land; and

WHEREAS, the standards were largely adopted from the Broward County Land Development Code, which applies countywide; and

WHEREAS, Broward County is predominantly an urban county, and the standards adopted from the Broward County Code do not fully reflect the Town's existing conditions and the development pattern that the Town desires; and

WHEREAS, the primary directive of the Town's adopted Comprehensive Plan ("Plan") is to protect the Town's rural character; and

WHEREAS, the Town continues to update and adapt the various zoning and land development standards that originated from the county's zoning and land development regulations to conform with the Town's rural character; and

WHEREAS, the Town Council, sitting as the Local Planning Agency, has reviewed the contents of this Ordinance at a duly noticed public hearing on June 22, 2017 and has issued its recommendation to the Town Council, finding that the Ordinance is consistent with the adopted comprehensive plan;

Ordinance No. 2017-

New text is underlined and deleted text is stricken.

1 **WHEREAS**, the Town Council finds that the enactment of this Ordinance will
2 further protect and enhance the Town's rural character.

3 **NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE**
4 **TOWN OF SOUTHWEST RANCHES, FLORIDA:**

5 **Section 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed
6 as being true and correct, and are hereby incorporated herein and made a part hereof.

7 **Section 2.** Section 090-010 "Arrangement of streets" is hereby amended
8 as follows:

9 **Sec. 090-010. - Arrangement of streets.**

10 (A) No subdivision may occur unless every lot or parcel created or altered through
11 the subdivision of land has access to a street, and such access complies with
12 the standards of this article.

13 (B) .

14 (C) Streets shall be arranged and limited in extent so as to prevent or discourage
15 their use by through traffic. Residential streets shall not connect with industrial
16 areas except in cases where it is unavoidable.

17 (D) New through-streets, and connections between streets that facilitate through
18 traffic, are prohibited. This provision does not apply to established trafficway
19 corridors. (E) Where development borders on or contains a right-of-way for
20 a railroad, U.S. Highway 27, drainage canal or waterway, a street may be
21 required approximately parallel to and on each side of such right-of-way, at a
22 distance suitable for the appropriate use of the intervening land and in
23 compliance with all provisions of this section.

24 (F) Reserve strips controlling access to streets shall be prohibited.

25 (G) New half or partial streets shall not be permitted unless the half or partial
26 street constitutes adequate public access to the development as determined
27 by the town engineer. Whenever a tract borders on an existing half or partial
28 street, the other part of the street shall be dedicated within such tract unless
29 the town council determines that the additional right-of-way is no longer
30 necessary.

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(H) New streets, and extensions of existing streets, that provide additional means of ingress and egress from arterial and collector roads on the town's perimeter are prohibited, unless the town council finds that such street is necessary to provide access to property that has no other means of access that complies with the requirements of this article.

Section 3. Section 090-020, "Residential collector streets" is hereby amended to read as follows:

Sec. 090-020. - Residential collector streets.

(A) The residential collector street serves as the principal circulation facility within the residential neighborhood unit. Its function is to collect traffic from the interior and deliver it to the closest perimeter intra-neighborhood transportation between the residential units and the local centers of attraction such as neighborhood shopping centers, schools, and neighborhood parks.

(B) Collectors shall not form a continuous network, thus discouraging through traffic. When discontinuity of local collectors is obtained by offsetting the intersections with the arterials or other collector streets, such offsetting shall comply with the requirements of the county land development code, section 5-195(b)(3)a), as may be amended from time to time, regulating the spacing of street intersections with trafficways.

Section 4. Section 090-100, "Roadway capacity, construction and design standards" is hereby amended to read as follows:

Sec. 090-100. - Roadway capacity, construction and design standards.

* * * * *

(F) *Local street requirements.* Local streets are required when connections of driveways or private streets to a collector would be otherwise closer than two hundred fifty (250) feet.

(1) *Minimum distance between intersecting streets.* There shall be a minimum distance of two hundred fifty (250) feet between the intersection of any two (2) local streets with a single collector, except that there may be a minimum distance of one hundred twenty-five (125) feet between T intersections.

(2) *Streets shall be patterned to prohibit continuous traffic between collectors.* Local streets shall be patterned in such a way that continuous traffic from

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one collector to another collector, or from a collector to an arterial, is not possible.

(3) *Dead end streets.*

- a. Dead end streets shall be designed and constructed with a turnaround at the closed end pursuant to the requirements of the building code, and providing a minimum fifty (50) foot radius, accommodating at least WB-40 geometric design vehicles.
- b. The turnaround shall be paved except for unpaved streets permitted pursuant to section 90-80(C)(1), "Access to development for private streets." Adequate easement or right-of-way area shall be provided for construction of the paved surface, roadway drainage, and sidewalks, if required, adjacent to the turnaround.
- c. Where existing right-of-way or ingress/egress easement width is inadequate to accommodate the required turnaround, and additional right-of-way or easement area cannot practically be obtained, an alternate turnaround consistent with figure 90-1 may be provided subject to approval by the fire marshal and town engineer.

* * * * *

Section 5: Codification. The Town Clerk shall cause this ordinance to be codified as a part of the ULDC during the next codification update cycle.

Section 6: Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 7: Severability. If any word, phrase, clause, sentence or section of this Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

Section 8: Effective Date. This Ordinance shall take effect immediately upon passage and adoption.

PASSED ON FIRST READING this ____ day of _____, 2017 on a motion made by _____ and seconded by _____.

Ordinance No. 2017-____

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PASSED AND ADOPTED ON SECOND READING this ____ day of _____,
2017, on a motion made by _____ and seconded by
_____.

McKay	_____	Ayes	_____
Breitkreuz	_____	Nays	_____
Fisikelli	_____		
Jablonski	_____	Absent	_____
Schroeder	_____	Abstaining	_____

Doug McKay, Mayor

ATTEST:

Russell Muñiz, MMC, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff, J.D., Town Attorney

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(954) 434-0008 Town Hall
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COUNCIL MEMORANDUM

TO: Honorable Mayor McKay and Town Council
VIA: Andrew D. Berns, Town Administrator
FROM: Keith Poliakoff, Town Attorney
DATE: 7/27/2017
SUBJECT: Cannabis Related Uses

Recommendation

Motion to approve the ordinance.

Strategic Priorities

A. Sound Governance

C. Reliable Public Safety

Background

On February 23, 2017, pursuant to Ordinance No. 2017-03, the Town amended its list of permitted, conditional, and prohibited uses set forth in the ULDC. Since the Florida Legislature had not yet enacted rules and regulation for cannabis dispensaries, the Town listed them as a prohibited use in all zoning categories, but agreed to revisit the matter once the Legislature had acted.

On June 23, 2017, Governor Scott signed Senate Bill 8A into law. Although Senate Bill 8A prohibits municipalities from establishing distance requirements between cannabis dispensaries, it allows municipalities to ban them completely.

The Town is a rural municipality with limited police resources and cannabis-related uses are generally an all cash business, which has resulted in them being targeted for illicit activity. As a direct result of the Town's fiscal inability to provide additional public safety personnel to help protect this use and the general public, and the Town's inability

to control the locations for this use, the Town believes that it is in the best interest of the health, safety, and welfare of its residents to maintain its complete ban on cannabis-related uses.

Fiscal Impact/Analysis

N/A

Staff Contact:

Keith Poliakoff, Town Attorney

ATTACHMENTS:

Description	Upload Date	Type
Ordinance - TA Approved	7/3/2017	Ordinance

ORDINANCE NO. 2017 -

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, RATIFYING ORDINANCE NO. 2017-03's PROHIBITION OF CANNABIS-RELATED USES IN THE TOWN OF SOUTHWEST RANCHES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on February 23, 2017, pursuant to Ordinance No. 2017-03, the Town of Southwest Ranches, Florida amended its list of permitted, conditional, and prohibited uses set forth in the ULDC; and

WHEREAS, since the Florida Legislature had not yet enacted rules and regulation for cannabis dispensaries, the Town listed them as a prohibited use in all zoning categories, but agreed to revisit the matter once the Legislature had acted; and

WHEREAS, on June 23, 2017, Governor Scott signed Senate Bill 8A into law;

WHEREAS, although Senate Bill 8A prohibits municipalities from establishing distance requirements between cannabis dispensaries, it allows municipalities to ban them completely; and

WHEREAS, the Town of Southwest Ranches is a rural municipality with limited police resources; and

WHEREAS, cannabis-related uses are generally an all cash business, which has resulted in them being targeted for illicit activity; and

WHEREAS, municipalities in both Colorado and Nevada have seen a substantial increase in robberies at cannabis dispensaries; and

Ordinance No. 2017-

New text is underlined and deleted text is stricken.

1 **WHEREAS**, as a direct result of the Town's fiscal inability to provide additional
2 public safety personnel to help protect this use and the general public, and the Town's
3 inability to control the locations for this use, the Town believes that it is in the best interest
4 of the health, safety, and welfare of its residents to maintain its complete ban on
5 cannabis-related uses.

6 **NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE**
7 **TOWN OF SOUTHWEST RANCHES, FLORIDA:**

8 **Section 1:** The foregoing "WHEREAS" clauses are hereby ratified and confirmed
9 as being true and correct, and are hereby incorporated herein and made a part hereof.

10 **Section 2:** The Town hereby ratifies Ordinance No. 2017-03, and it
11 maintains its complete ban on cannabis-related uses.

12 **Section 3: Conflicts.** All Ordinances or parts of Ordinances, Resolutions or
13 parts of Resolutions in conflict herewith, be and the same are hereby repealed to the
14 extent of such conflict.

15 **Section 4: Severability.** If any word, phrase, clause, sentence or section of
16 this Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof
17 shall not affect the validity of any remaining portions of this Ordinance.

18 **Section 5: Effective Date.** This Ordinance shall take effect immediately upon
19 passage and adoption.

20
21
22
23
24
25 **[Signatures on Following Page]**

Ordinance No. 2017-__

New text is underlined and deleted text is ~~stricken~~

PASSED ON FIRST READING this ____ day of _____, 2017 on a motion made
by _____ and seconded by _____.

PASSED AND ADOPTED ON SECOND READING this ____ day of _____,
2017, on a motion made by _____ and seconded by
_____.

McKay _____
Breitkreuz _____
Fisikelli _____
Jabolonski _____
Schroeder _____

Ayes _____
Nays _____

Absent _____
Abstaining _____

Doug McKay, Mayor

ATTEST:

Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff, J.D., Town Attorney

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Ordinance No. 2017-__

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Town of Southwest Ranches
13400 Griffin Road
Southwest Ranches, FL 33330-2628

(954) 434-0008 Town Hall
(954) 434-1490 Fax

Town Council
Doug McKay, Mayor
Steve Breitkreuz, Vice Mayor
Freddy Fisikelli, Council Member
Gary Jablonski, Council Member
Denise Schroeder, Council Member

Andrew D. Berns, Town Administrator
Keith M. Poliakoff, JD, Town Attorney
Russell Muniz, Assistant Town Administrator/Town Clerk
Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator

COUNCIL MEMORANDUM

TO: Honorable Mayor McKay and Town Council
VIA: Andrew D. Berns, Town Administrator
FROM: Martin D. Sherwood, Town Financial Administrator
DATE: 7/27/2017
SUBJECT: FY 2017-2018 Proposed Preliminary Millage Rate

Recommendation

It is recommended that the Town Council ratify the attached Resolution to set the proposed preliminary Millage Rate for Fiscal Year 2017 – 2018 at not higher than 4.7605 mills (\$4.7605 per \$1,000 in taxable value).

Strategic Priorities

- A. Sound Governance
- B. Enhanced Resource Management
- C. Reliable Public Safety
- D. Improved Infrastructure
- E. Cultivate a Vibrant Community

Background

Issue:

To ratify a proposed preliminary Budget Millage rate for Fiscal Year 2017-2018

The Town of Southwest Ranches received the 2017 Certification of Taxable Value from the Broward County Property Appraiser by July 1, 2017. The Town must now establish a proposed (not-to-exceed) millage that can be mailed with the notice, date, time, and location of our public

budget hearings to all property owners. The deadline for returning our proposed millage for our 2017-2018 budget to the Property Appraiser, Tax Collector and Florida Department of Revenue is Friday, August 4, 2017.

The current proposed rate is equal to the maximum super majority millage rate and can only be established by ratification of 4 out of 5 Council members. This rate comprises the Town of Southwest Ranches regular operating rate (4.3801) plus the impact from the Transportation Surface Drainage Ongoing Rehabilitation (TSDOR-.3804 mills) restricted capital project resulting in a net increase of approximately \$141 (\$46 + \$95, respectively) or approximately \$11.75 monthly in total per \$250,000 in taxable property value. Accordingly, the proposed rate is also considered an increase and as a percentage change of the rolled back rate is 13.42%.

It should be noted that individual properties of comparable market value likely have different taxable values depending upon several factors. A common exemption which may influence taxable value is the \$50,000 Homestead exemption as is the "Save Our Homes." The latter prohibits taxes on any (non-improved) home with that exemption from rising more than 3% annually in taxable value irrespective of the increase in market value.

The proposed millage rate funds vital Public Safety services as well as several Town Council priorities which improve quality of life for those using the services and operational improvements and, ultimately, are expected to raise market values throughout the Town. In addition to TSDOR, a few of these improvements include continued funding for "Guardrails Installation", "Drainage Improvements", "Pavement Striping and Markers", and "PROS Entranceway Signage." Another budgetary item of note is the transfer of funds to pay the normal amortization of borrowed funds/Debt previously obtained for public purpose land/PROS acquisition and capital projects. Finally, to help reduce the millage (property tax) burden, utilization of \$98,425 in unassigned General Fund fund balance is proposed to be transferred to the Capital Projects Fund to cover the Town Hall complex safety, lightning, and drainage improvements while \$50,000 is proposed to be utilized within the General Fund for the Stormwater master plan program modification. Therefore, \$148,425 in total is proposed to be utilized for FY 17/18. The Towns' projected unassigned General Fund fund balance at September 30, 2018 is \$2,491,096 which represents slightly over 20% of the FY 17-18 proposed total General Fund expenditures and transfers. A Government Finance Officers Association (GFOA) "best practice" recommends the maintenance of unassigned General Fund fund balance 15%-18%.

The resolution before the Town Council tonight does not address budgetary allocations directly.

Rather, it establishes an advertised rate for the Truth-In-Millage (TRIM) notices as below explained and notices the community of the public hearing set for:

Wednesday, September 13, 2017 @ 6:00 PM

Town of Southwest Ranches

13400 Griffin Road

Southwest Ranches, FL 33330

Fiscal Impact/Analysis

Establishing a preliminary Budget millage rate that requires a super majority vote (4 out of 5 members and also known as the Town of Southwest Ranches regular operating + TSDOR - see Exhibit A) with total resulting net revenues of \$6,195,159 will enable the Town Council to evaluate all managements proposed budgeted FY 2017-2018 operating, capital improvement and program modification recommendations (23 funded and 10 unfunded) while also receiving public discussion and input during our scheduled budget workshop and hearings. Since the rates are a

not-to-exceed rate, it can be lowered with no additional “notice” costs. Raising the rate later would require the expense of an additional first class mailing to all Southwest Ranches property owners.

Staff Contact:

Martin D. Sherwood, Town Financial Administrator
Richard Strum, Controller

ATTACHMENTS:

Description	Upload Date	Type
Reso-Proposed 17-18 Millage Rate-TA Approved	7/21/2017	Resolution
FY 2017-2018 millage maximums-Exhibit A	7/17/2017	Resolution

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RESOLUTION NO. 2017-

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, SETTING THE PROPOSED MILLAGE RATE AND CURRENT ROLL BACK RATE PURSUANT TO SECTION 200.065, FLORIDA STATUTES; AND ESTABLISHING THE DATE, TIME AND PLACE AT WHICH PUBLIC HEARINGS WILL BE HELD TO CONSIDER THE PROPOSED MILLAGE RATE AND THE TENTATIVE BUDGET FOR FISCAL YEAR 2018; AND DIRECTING THE TOWN CLERK TO FILE SAID RESOLUTION WITH THE PROPERTY APPRAISER OF BROWARD COUNTY PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE FOR THE STATE OF FLORIDA; DIRECTING THAT A CERTIFIED COPY OF THIS RESOLUTION BE SENT TO THE BROWARD COUNTY PROPERTY APPRAISER AND TAX COLLECTOR; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on July 1, 2017 the Property Appraiser of Broward County served upon the Town of Southwest Ranches (the "Town"), a "Certification of Taxable Value" certifying to the Town its 2016 taxable value; and

WHEREAS, the provisions of Section 200.065, Florida Statutes, require that within thirty-five (35) days of service of the Certification of Taxable Value upon a municipality, said municipality shall be required to furnish to the Property Appraiser of Broward County the proposed operating millage rate, the current year rolled-back rate, and the date, time and place at which a first public hearing will be held to consider the proposed millage and the tentative budget; and

WHEREAS, pursuant to Section 200.065, Florida Statutes, the taxing authority must advise the Property Appraiser of said proposed millage rate and of the date, time and place at which a public hearing will be held to consider the proposed millage rate and the tentative budget for the preparation of the Notice of Proposed Property Taxes (TRIM Notice).

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southwest Ranches, Florida, as follows:

Section 1. Recitals Adopted. That each of the above stated recitals is hereby adopted and confirmed.

Section 2. That the proposed operating Millage Rate for the first public hearing shall be 4.7605 mills, which is \$4.7605 dollars per \$1,000 of assessed property within the Town of Southwest Ranches for the 2017-2018 fiscal year.

Section 3. That the current year rolled-back rate, computed pursuant to 200.065 Florida Statutes, is 4.1972 dollars per \$1,000.

Section 4. That the proposed operating millage rate is greater than the rolled-back rate by 13.42%.

Section 5. The date, time and place of the public hearings to consider the above-referenced proposed millage rate and tentative budget shall be as follows:

Date: Wednesday, September 13, 2017
Time: 6:00 PM
Place: Southwest Ranches Council Chambers
13400 Griffin Road
Southwest Ranches, Florida 33330

Date: Thursday, September 28, 2017
Time: 6:00 PM
Place: Southwest Ranches Council Chambers
13400 Griffin Road
Southwest Ranches, Florida 33330

Section 6. The Town Clerk or designee is hereby directed to send a Certified Copy of this Resolution to the Property Appraiser and Tax Collector for Broward County.

[Signatures on Following Page]

PASSED AND ADOPTED by the Town Council of the Town of Southwest

Ranches, Florida, this 27th day of July, 2017, on a motion by _____

and seconded by _____.

McKay _____
Breitkreuz _____
Fisikelli _____
Jablonski _____
Schroeder _____

Ayes _____
Nays _____
Absent _____

Doug McKay, Mayor

ATTEST:

Russell Muniz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith M. Poliakoff, Town Attorney

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EXHIBIT A

Fiscal Year 2018 Millage Maximums and Related Information (Based on Certified Assessment Information)					
Millage Name	Votes Required	Maximum Millage	Total Resulting Net Revenues	Net Revenue Change (from proposed funding level)	FY 2018 levy increase on \$250,000 taxable value
Current Year Roll-Back Rate	3	4.1972	\$5,462,099	(\$733,060)	\$0
Maximum Majority Vote	3	4.3277	\$5,631,927	(\$563,232)	\$33
FY 2016-2017 Adopted Rate (Town of SWR Operating 4.0579 + TSDOR .4050 Rates)	4	4.4629	\$5,807,872	(\$387,287)	\$66
FY 2017-2018 Proposed Rate (Town of SWR Operating 4.3801 + TSDOR .3804 Rates)	4	4.7605	\$6,195,159	\$0	\$141
Unanimous	5	10.0000	\$13,013,673	\$6,818,514	\$1,451

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Town of Southwest Ranches
13400 Griffin Road
Southwest Ranches, FL 33330-2628

(954) 434-0008 Town Hall
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Town Council
Doug McKay, Mayor
Steve Breitkreuz, Vice Mayor
Freddy Fisikelli, Council Member
Gary Jablonski, Council Member
Denise Schroeder, Council Member

Andrew D. Berns, Town Administrator
Keith M. Poliakoff, JD, Town Attorney
Russell Muniz, Assistant Town Administrator/Town Clerk
Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator

COUNCIL MEMORANDUM

TO: Honorable Mayor McKay and Town Council
VIA: Andrew D. Berns, Town Administrator
FROM: Martin D. Sherwood, Town Financial Administrator
DATE: 7/27/2017
SUBJECT: FY 2017-2018 Initial Fire Assessment Rates

Recommendation

It is recommended that the Town Council ratify the attached Resolution to set the initial Fire specie assessment maximums in accordance with Exhibit A and which includes ratification for an annual special tax exemption for disabled veterans.

Strategic Priorities

- A. Sound Governance
- B. Enhanced Resource Management
- C. Reliable Public Safety
- D. Improved Infrastructure
- E. Cultivate a Vibrant Community

Background

This resolution is necessary in order to comply with Florida Statutes, to facilitate the preparation of the Truth in Millage (TRIM) Notices, and to authorize the Town Administrator and Town Financial Administrator to prepare, or cause to be prepared, a preliminary Assessment Roll for the 2017-2018 Fiscal Year.

Since the rates are a not-to-exceed rate, they can be lowered without additional transaction costs. Raising the rate later would require the expense of an additional first class mailing to all

Southwest Ranches property owners. Without adoption of this (or similar) resolution no funding would be available to cover the expenses of fire protective services.

Chapter 197.3632, Florida Statutes, and Town Ordinance No. 2001-09, requires the annual adoption of an Initial Fire Protection Assessment Resolution. Proceeds derived by the Town from the Fire Protection Assessment will be utilized for the provision of Fire Protective contract services, planning, facilities, machinery, programs and volunteer fire activities. In the event there any fund balance remaining at the end of the Fiscal Year, such balance shall be carried forward and used exclusively to fund the qualified expenditures above stated.

The approval of the Preliminary Fire Services Assessment Rate Schedule by the adoption of the Initial Assessment Resolution determines the amount of the Fire Services Assessed Costs to be advertised. This initial assessment rate is necessary in order to notify the Property Appraiser of the initial assessment rate and hearing schedule for purposes of the Truth in Millage (TRIM) notifications. The initial assessment rates being proposed are based on a consultant study utilizing operating costs, work volume (% effort) per property category and the number of assessable taxable units within each property type.

Proposed rates for property categories are higher from the current year's (FY 2016-2017) rates. Increases within all property categories result primarily from a newly negotiated and approved five (5) year Public Safety – Fire contract with the Town of Davie effective October 1, 2017. The proposed budget also funds significant program modifications related to the Volunteer Fire Rescue operations to improve the quality of safety equipment for personnel (i.e. SCBA & Bunker Gear) and to enable the procurement of TDMA technology communication equipment compatible throughout all of Broward County. All of these items have been discussed and are presented in the FY 17-18 Proposed Budget Book.

The final Fire assessment hearing is scheduled for:

Wednesday, September 13, 2017 @ 6:00 PM

Southwest Ranches Town Hall, 13400 Griffin Road, Southwest Ranches, FL 33330

Fiscal Impact/Analysis

Total proposed Fire Services Assessment expenses are estimated at \$2,117,944 per Exhibit A. The proposed initial rate(s) reflect a net increase in total assessment expenses of \$297,364 as compared to the prior years (FY 2016-2017) total adopted assessment expenses of \$1,820,580. This increase provides for all the previously mentioned contractual and capital expenditures as well as an annual provision for a new Town Fire vehicle while also providing the greatest financial liability and maintaining operational status quo residents expect and desire from both the Davie Fire Rescue and Volunteer Fire Rescue components.

Finally, the Town of Southwest Ranches Resolution No. 2012-034 initially provided for the complete exemption of qualified disabled veterans from Fire Services Assessments pursuant to a unanimous vote on June 23, 2011. For FY 2017-2018, seven veterans have qualified for and claimed this exemption (a decrease from 9 in the prior year). The total dollar impact to the Town

General Fund from seven (7) Property Appraiser qualified disabled veterans are \$3,629 (\$518.49 per 7 residents).

Without adoption, funding for Townwide fire protection services would not be possible.

Staff Contact:

Martin D. Sherwood, Town Financial Administrator
Richard Strum, Controller

ATTACHMENTS:

Description	Upload Date	Type
Reso-FY 2017-2018 Initial Fire Assessment - TA Approved	7/21/2017	Resolution
Reso-FY 2018 Fire Assessment worksheet-Exhibit A	7/17/2017	Resolution

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RESOLUTION NO. 2017 -

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE PRELIMINARY FIRE SERVICES ASSESSMENT RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS IN THE TOWN OF SOUTHWEST RANCHES, FLORIDA; PROVIDING PURPOSE AND DEFINITIONS; PROVIDING FOR THE IMPOSITION AND COMPUTATION OF FIRE PROTECTION ASSESSMENTS; INCORPORATING THE FIRE PROTECTION ASSESSMENT REPORT; PROVIDING FOR LEGISLATIVE DETERMINATION OF SPECIAL BENEFIT AND FAIR APPORTIONMENT; ESTABLISHING THE RATE OF ASSESSMENT; DIRECTING THE PREPARATION OF A PRELIMINARY ASSESSMENT ROLL; PROVIDING FOR A DISABLED VETERANS EXEMPTION; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; 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 Service Assessments for fire services, facilities, and programs against Assessed Property located within the Town; and

WHEREAS, pursuant to Ordinance 2001-09, the imposition of a Fire Services Assessment for fire services, facilities, and programs for Fiscal Year 2018 requires certain processes such as the preparation of the Preliminary Fire Services Assessment Roll; 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, the Town Council imposed a Fire Assessment for the previous fiscal year (FY 2017), and the 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, 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 Disabled Veterans 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 2018.

WHEREAS, the Town Council of the Town of Southwest Ranches, Florida, desires to impose a fire service assessment program within the Town using the tax bill collection method for the Fiscal Year beginning on October 1, 2017, and deems it to be in the best interests of the citizens and residents of the Town of Southwest Ranches to adopt this Preliminary Annual Rate Resolution so that the Town may impose Fire Assessments for Fiscal Year 2018.

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 Preliminary Assessment Resolution (Resolution 2017 -) and sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

Section 3. Purpose and Definitions. This Resolution constitutes the Preliminary 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), which imposes Fire Assessments for the Fiscal Year beginning October 1, 2017. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance. Unless the context indicates otherwise, words imparting the singular number include the plural number, and vice versa. As used in this resolution, the following terms shall have the following meanings, unless the context hereof otherwise requires:

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, the Town shall provide fire protection services to such Assessed Property. A portion of the cost to provide such fire protection services, facilities, or programs shall be funded from proceeds of the Fire Protection Assessments. 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.

A. 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 imposed against such parcel, computed in the manner set forth in this Preliminary Assessment Resolution.

Section 5. Imposition and Computation of Fire Protection Assessments.

Fire Protection Assessments shall be imposed against all Assessed Parcels within the Assessment Property Categories. Fire Protection Assessments shall be computed in the manner set forth in this Preliminary Assessment Resolution, more specifically as presented in Attachment "A" which utilizes the Assessment methodology in the Fire Assessment (Willdan) Report dated September 12, 2011 and approved by Council on September 12, 2011. Where the use of a building or buildings on a parcel indicates a use different from the DOR Code assigned to the parcel, the Town has the authority to impose the appropriate rate based on the use of the building or buildings regardless of the DOR Code assigned to the parcel. Where multiple buildings on a parcel have different uses, the Town shall impose the appropriate rate based on the use of each individual building. The Fire Protection Assessment imposed on the parcel shall be the total of the Fire Protection Assessments calculated for all buildings on the parcel, excluding for barns on Residential Property with an assessed Dwelling Unit or non-commercial barns on Vacant/Agricultural Property.

Section 6. Legislative Determination of Special Benefit and Fair Apportionment. The legislative determinations of special benefit and fair apportionment embodied in the Preliminary Assessment Resolution are affirmed and incorporated herein by reference.

Section 7. Determination of Fire Protection Assessment costs; Establishment of Preliminary Fire Protection Assessment Rates.

A. The Fire Protection Assessed Costs to be assessed and apportioned among benefitted parcels pursuant to the Cost Apportionment and the Parcel Apportionment for Fiscal Year 2017-2018, is the amount determined in the Estimated Fire Protection Assessment Rate Schedule as described in the Report, attached as Exhibit "A". The approval of the Preliminary Fire Protection Assessment Rate Schedules by the adoption of this Preliminary Assessment Resolution determines the amount of the Fire Protection Assessed Costs. The remainder, if any, of such Fiscal Year budget for fire protection services, facilities, and programs shall be funded from available Town revenue other than Fire Protection Assessment proceeds.

B. The estimated Fire Protection Assessments specified in the Preliminary Fire Protection Assessment Rate Schedules as described in the Report are hereby established to fund the specified Fire Protection Assessed Costs determined to be assessed in Fiscal Year 2017-2018 commencing on October 1, 2017.

C. The estimated Fire Protection Assessments established in this Preliminary Assessment Resolution for Fiscal Year 2017-2018 shall be the proposed assessment rates applied by the Town Administrator in the preparation of the Preliminary Assessment Roll for the Fiscal Year commencing October 1, 2017, as provided in Section 7 of this Preliminary Assessment Resolution.

Section 8. Preliminary Assessment Roll.

A. The Town Administrator is hereby directed to prepare, or cause to be prepared, a preliminary Assessment Roll for the Fiscal Year commencing October 1, 2017, in the manner provided in the Code. The Assessment Roll shall include all Assessed Parcels within the Property Use Categories. The Town Administrator shall apportion the estimated Fire Protection Assessed Cost to be recovered through Fire Protection Assessments in the manner set forth in this Initial Assessment Resolution and the Report.

B. A copy of this Preliminary Assessment Resolution, documentation related to the estimated amount of the Fire Protection Assessed Cost to be recovered through the imposition of Fire Protection Assessments, and the Preliminary Assessment Roll shall be maintained on file in the Office of the Town Clerk and open to public inspection. The foregoing shall not be construed to require that the preliminary Assessment Roll be in printed form if the amount of the Fire Protection Assessment for each parcel of property can be determined by the use of a computer terminal available to Town staff.

C. It is hereby ascertained, determined, and declared that the method of determining the Fire Protection Assessments for fire protection services as set forth in this Preliminary Assessment Resolution and the Report attached as Exhibit "A" is a fair and reasonable method of apportioning the Fire Protection Assessed Cost among parcels of Assessed Property located within the Town.

Section 9. Recognized Disabled Veterans Exemption. Legally recognized Disabled Veterans, who live on homesteaded properties titled in their name within the Town, who have received a disabled veteran's ad valorem tax exemption, shall be exempt from the collection of the Fire Assessment. The Town shall buy down this 100% exemption with non-assessment funds.

Section 10. Authorization of Public Hearing. There is hereby established a public hearing to be held at 6:00 p.m. on Wednesday, September 13, 2017 in the Council Chambers in Southwest Ranches Town Hall, 13400 Griffin Road, Southwest Ranches, Florida, at which time the Town Council will receive and consider any comments on the Fire Protection Assessments from the public and affected property owners and consider imposing Fire Protection Assessments and collecting such assessments on the same bill as ad valorem taxes.

Section 11. Notice by Publication. The Town Administrator shall publish a notice of the public hearing authorized by Section 10 hereof in the manner and time provided in Section 12-53 of the Code. The notice shall be published no later than August 24, 2017.

Section 12. Notice by Mail. The Town Administrator shall also provide notice by first class mail to the owner of each Assessed Parcel, as required by Section 12-54 of the Code. Such notices shall be mailed no later than August 24, 2017. The Town

Administrator may direct that such notice be combined with the TRIM notices prepared and mailed by the Broward County Property Appraiser.

Section 13. 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 14. 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 15. 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 27th day of July, 2017, on a motion by _____ and seconded by _____.

McKay _____
Breitkreuz _____
Fisikelli _____
Jablonski _____
Schroeder _____

Ayes _____
Nays _____
Absent _____

Doug McKay, Mayor

ATTEST:

Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff, Town Attorney

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Town of Southwest Ranches
Proposed FY 2017/2018
Fire Assessment Worksheet

EXHIBIT A

Sources:

Fire Administration Department
 Volunteer Fire Service Department
 Volunteer Fire Fund

Expenditures	Total FY 2017-2018 Proposed	General Fund Portion	Fire Assessment Portion
% Allocation per Consultant Study for FR Contractual Services Only		57.70%	42.30%

Direct Expenses:

Fire Rescue Contractual Service	\$ 3,185,000	\$ 1,837,745	\$ 1,347,255
Operating Expenses	243,224	N/A	243,224
Non-Operating Debt	29,485	N/A	29,485
Capital Outlay	187,721	N/A	187,721
Sub-Total	\$ 3,645,430	\$ 1,837,745	\$ 1,807,685

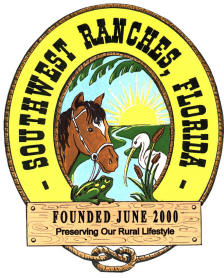
Other Expenses

Publication & Notification Costs	1,512
Statutory Discount	91,356
Collections Cost	17,923
Fire Assessment Cost Allocation of Townwide Personnel/Contractual Costs	199,469
Total Fire Assessment Expenses	\$ 2,117,944

Based On Consultant Study

Property Category	Assess Unit Type	% Effort Allocation	Amount	Total Proposed Rates FY 17/18	Total Assessed Rates FY 16/17	Difference: Increase
Residential - 2569 Units	Per Dwelling Unit	62.8912%	\$ 1,332,000	\$ 518.49	\$ 448.13	\$ 70.36
Commercial - 353,511 SF	Per Sq.Ft. Bldg Area	15.0283%	\$ 318,291	\$ 0.90	\$ 0.80	\$ 0.10
Indust/Warehouse - 116,081 SF	Per Sq.Ft. Bldg Area	9.5818%	\$ 202,937	\$ 1.75	\$ 1.47	\$ 0.28
Institutional - 481,088 SF	Per Sq.Ft. Bldg Area	6.2499%	\$ 132,369	\$ 0.28	\$ 0.24	\$ 0.04
Vacant/Agricultural - 1,436 Acres	Per Acre	6.2488%	\$ 132,346	\$ 92.16	\$ 79.44	\$ 12.72
Total		100%	\$ 2,117,943			

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Town of Southwest Ranches
13400 Griffin Road
Southwest Ranches, FL 33330-2628

(954) 434-0008 Town Hall
(954) 434-1490 Fax

Town Council
Doug McKay, Mayor
Steve Breitreuz, Vice Mayor
Freddy Fisikelli, Council Member
Gary Jablonski, Council Member
Denise Schroeder, Council Member

Andrew D. Berns, Town Administrator
Keith M. Poliakoff, JD, Town Attorney
Russell Muniz, Assistant Town Administrator/Town Clerk
Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator

COUNCIL MEMORANDUM

TO: Honorable Mayor McKay and Town Council
VIA: Andrew D. Berns, Town Administrator
FROM: Martin D. Sherwood, Town Financial Administrator
DATE: 7/27/2017
SUBJECT: FY 2017-2018 Initial Solid Waste Assessment Rates

Recommendation

It is recommended that the Town Council ratify the attached Resolution to set the initial Solid Waste special assessment maximums in accordance with Exhibit A.

Strategic Priorities

- A. Sound Governance
- B. Enhanced Resource Management
- E. Cultivate a Vibrant Community

Background

This resolution is necessary in order to comply with Florida Statutes, to facilitate the preparation of the Truth in Millage (TRIM) Notices, and to authorize the Town Administrator and Town Financial Administrator to prepare, or cause to be prepared, a preliminary Assessment Roll for the 2018 Fiscal Year.

Since the rates are a not-to-exceed rate, they can be lowered without additional transaction costs. Raising the rate later would require the expense of an additional first class mailing to all Southwest Ranches property owners. Without adoption of this (or similar) resolution no funding would be available to cover the expenses of solid waste & recycling and bulk waste collection and disposal.

Chapter 197.3632, Florida Statutes, and Town Ordinance No. 2002-08, requires the annual adoption of an Initial Solid Waste Assessment Resolution. Proceeds derived by the Town from the Solid Waste Service Assessments will be utilized for the provision of solid waste services, planning administration, equipment 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 exclusively to fund the qualified expenditures above stated.

The approval of the Estimated Solid Waste Assessment Rate Schedule by the adoption of the Initial Assessment Resolution determines the amount of the Solid Waste Assessed Costs advertised. This initial assessment rate is necessary in order to notify the Property Appraiser of the initial assessment rate and hearing schedule for purposes of the Truth in Millage (TRIM) notifications. The initial assessment rates being proposed are based on a consultant study utilizing tranches of minimums/maximums based on lot square footage ranging from \$455.54 to \$683.60 for residential (not commercial) properties.

Between FY 2013 and FY 2015, the Town of Southwest Ranches was able to reduce the total costs for these services by approximately thirty-seven percent (37%) to arrive at a tightly budgeted proprietary fund where service fees roughly matched fund expenditures. FY 2016 required slight increases to primarily offset mandated contractual consumer price and fuel indices adjustments while in FY 2017 rates were held flat. The rate reductions in the past resulted from the negotiation of a contract which has now expired. Accordingly, a competitive bid process was initiated and resulted in a new service contract with increases of approximately 73% for FY 2018 (\$1,380,865 vs. \$797,582).

The final assessment hearing is scheduled for:

Wednesday, September 13, 2017 at 6:00 PM
Southwest Ranches Town Hall
13400 Griffin Road
Southwest Ranches, FL 33330

Fiscal Impact/Analysis

For FY 2018 and pursuant to Exhibit A attached, Staff continues to keep an eye toward balancing burdens while maintaining effective and desirable services. Therefore, we are recommending a general increase below market utilizing unrestricted Solid Waste fund net assets of \$300,894 resulting in an approximate 25% net increase of total solid waste assessment expenses “smoothed” across all collection parcel sizes. The residential assessment rate for up to 41,200 in lot square footage would increase from \$389.65 to \$455.54 (approximately 17%) while the assessment rate for more than 106,999 of lot square footage would increase from \$510.01 to \$683.60 (approximately 34%). Future year increases seem probable to obtain then remain a fully user based funded operation.

Staff Contact:

Martin D. Sherwood, Town Financial Administrator

Richard Strum, Controller

ATTACHMENTS:

Description	Upload Date	Type
Reso-FY 2017-2018 Initial SW Assessment - TA Approved	7/21/2017	Resolution
Reso FY 2017-2018 SW Assessment-Exhibit A	7/17/2017	Resolution

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RESOLUTION NO. 2017 -

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, RELATING TO THE PROVISION OF SOLID WASTE SERVICES, FACILITIES AND PROGRAMS TO RESIDENTIAL PROPERTIES IN THE TOWN OF SOUTHWEST RANCHES, FLORIDA; PROVIDING AUTHORITY FOR SOLID WASTE SERVICES ASSESSMENTS; PROVIDING PURPOSE AND DEFINITIONS; PROVIDING FINDINGS; INCORPORATING THE SOLID WASTE SPECIAL ASSESSMENT METHODOLOGY REPORT; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council has adopted a Solid Waste Service Assessment Ordinance, Ordinance Number 2002-8 (the "Ordinance") on final reading at the Town Council meeting of June 24, 2002; and

WHEREAS, the adoption of solid waste assessment rates resulting from the Town Council's policy direction requires the annual adoption of a Preliminary Assessment Resolution and the annual adoption of a Final Assessment Resolution, as required under the Ordinance as well as under the Uniform Method of Collection provided under Florida Statutes Chapter 197.3632;

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. 2002-8 as codified and as may have been amended, sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

Section 2. Purpose and Definitions. This resolution constitutes the Preliminary Assessment Resolution as defined in the Ordinance (codified as Sections 16-108 through 16-173 in the Town of Southwest Ranches Code of Ordinances, hereinafter "Code"). All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance. Unless the context indicates otherwise, words imparting the singular number include the plural number, and vice versa. As used in this resolution, the following terms shall have the following meanings, unless the context hereof otherwise requires:

"Assessed Parcel" means those parcels with one or more Dwelling Units which are specially benefitted by the provision of solid waste collection and disposal services

and which are subject to the Solid Waste Assessments authorized by this Initial Resolution.

"Bulk Waste" means materials including yard trash, white goods, and clean debris, as such terms are defined in §16-108 of the Code, as may be amended, generated from residential activities and those materials generally outlined in §16-19 of the Code as acceptable for bulk trash pickup.

"Commercial Property" or "Non-residential Property" means collectively those Parcels with DOR Codes or Use Codes indicating uses other than single-family residential uses and that have no Dwelling Units present on the parcel. Commercial Property or Non-residential Property, for the purposes of this Resolution, includes commercial, institutional, industrial, vacant/agricultural and other all uses, except for Residential Property as defined in this Initial Resolution. As Non-residential Properties are billed directly for services by the Town's Solid Waste Provider, such parcels are not subject to the Assessments authorized by this Initial Resolution.

"DOR Code" means a property land use code established in Rule 12D-8.008, Florida Administrative Code, assigned by the Property Appraiser to Parcels within the Town. Additionally, the Broward County Property Appraiser assigns property Use Codes to parcels and structures. DOR Codes and associated Use Code descriptions are used in the development of the Solid Waste Assessments set forth in this Resolution and in preparation of the Assessment Roll.

"Dwelling Unit" means (1) a building, or portion thereof, available to be used for residential purposes, consisting of one or more rooms arranged, designed, used, or intended to be used as living quarters for one family only, or (2) the use of land in which lots or spaces are offered for rent or lease for the placement of mobile homes or the like for residential purposes. A mobile home is an individual Dwelling Unit. For purposes of this Resolution and imposition of the Solid Waste Assessment, a Dwelling Unit, as defined herein, may be located on parcels other than residential property under the Town's zoning and development regulations.

"Estimated Solid Waste Assessment Rate Schedule" means that rate schedule as specified in the Report set forth in Exhibit "A", attached hereto and incorporated herein by reference, specifying the Solid Waste Assessed Costs and the estimated Solid Waste Assessments.

"Household Waste" means and includes garbage, rubbish, and recovered materials, as those terms are defined in §16-108 of the Code, as may be amended, and recyclable materials as defined in §16-24 of the Code, as may be amended, generated from residential activities and excluding Bulk Waste.

"Report" or "Town of Southwest Ranches Solid Waste Assessment Report" means the report detailing the development of the Solid Waste Assessment Rates by New Community Strategies amended and revised per Council action dated September 12, 2011.

"Residential Property" means those Assessed Parcels with a DOR Code number on the following list or range: 1 - 9, 63 used as residential, 66 - 69 used as residential, 71 used as residential, or otherwise designated as residential property under the DOR Codes and Use Codes. Residential Property includes single family/duplex as well as single family developed property with multiple dwelling units. Residential Property, for purposes of this Resolution and imposition of Solid Waste Assessments, shall include all parcels with one or more Dwelling Units present on the parcel regardless of the DOR Code number or Use Code assigned to the parcel. All Residential Property shall be assessed based on the number of Dwelling Units for Household Waste and based on parcel size for Bulk Waste according to the rate schedule in the Report, by New Community Strategies amended and revised per Council action dated September 12, 2011, as may be modified in the Final Resolution adopted after the September 12, 2013 Public Hearing.

"Vacant/Agricultural Property" means those Assessed Parcels designated as vacant or agricultural in the Property Appraiser's Data Base and that have no dwelling units on the parcel. For purposes of this Resolution, Vacant/Agricultural Property is treated as Commercial or Non-residential Property.

Section 3. Provision and Funding of Solid Waste Services.

A. Upon the imposition of a Solid Waste Assessment for solid waste collection and disposal services, facilities, or programs against Assessed Property located within the Town, solid waste collection and disposal services shall be provided to such Assessed Property. It is the Town's intent to fully fund residential solid waste services, facilities, or programs from proceeds of the Solid Waste Assessments. Any costs not funded by the Solid Waste Assessments or costs related to Property on which Solid Waste Assessments are not collected, for example due to the difficulties of collection from property owned by governmental entities or pursuant to a policy decision of the Town Council, shall be paid by the Town from lawfully available funds of the Town and shall not be paid out of Solid Waste Assessment revenues.

B. 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 solid waste services, facilities, and programs in an amount not less than the Solid Waste Assessment imposed against such parcel, computed in the manner set forth in this Initial Assessment Resolution.

Section 4. Imposition and Computation of Solid Waste Assessments.

Solid Waste Assessments shall be imposed against all Assessed Parcels according to the applicable property size rate classification. Solid Waste Assessments shall be computed and imposed in the manner set forth in this Preliminary Assessment Resolution, more specifically as presented in the Report by New Community Strategies amended and revised per Council action dated September 12, 2011.

Section 5. Legislative Determination of Special Benefit and Fair Apportionment. It is hereby ascertained, determined, and declared that the solid waste services to be funded by the Solid Waste Assessments provide special benefit to the Assessed Property based upon the following legislative determinations.

A. Upon the adoption of this Initial Assessment Resolution determining the Solid Waste Assessed Costs and identifying the Assessed Property to be included in the Assessment Roll, the legislative determinations of special benefit ascertained and declared in Sections 16-109 and 16-110 of the Code are hereby ratified and confirmed.

B. It is fair and reasonable to use the DOR Codes, Use Codes, number of Dwelling Units, and parcel size data maintained by the Property Appraiser in the apportionment methodology because: (1) the Tax Roll database employing the use of such property use codes is the most comprehensive, accurate, and reliable information readily available to determine the property use and acreage for property within the Town, and (2) the Tax Roll database employing the use of such property use codes is maintained by the Property Appraiser and is thus consistent with parcel designations on the Tax Roll. This compatibility permits the development of an Assessment Roll in conformity with the requirements of the Uniform Method of Collection.

C. Where data available from the Property Appraiser was insufficient, the Town has verified and/or supplemented such data as needed for use in the determination of the Cost Apportionment and the Parcel Apportionment. It is fair and reasonable to use such additional data provided by the Town because such data provides a more accurate and complete record of property use and the structures on property.

D. Apportioning Solid Waste Assessed Costs among residential property based upon studies of demand for service and waste generation quantities by type of waste stream and by service areas within the Town is fair and reasonable and proportional to the special benefit received.

E. The value of Residential Property does not determine the scope of the required solid waste collection and disposal services. The Town has determined that the special benefit to Assessed Parcels and the demand for solid waste services varies by the type of waste stream. Household Waste has been determined to relate primarily to the number of Dwelling Units on Assessed Parcels. Bulk Waste has been

determined to relate primarily to the size of the parcel. Based upon studies conducted for the Town, the relative potential demand for solid waste services to residential properties is driven by the number of dwelling units for Household Waste and the size of the assessed parcel for Bulk Waste.

F. A Solid Waste Services Assessment Report (SWSAR) by New Community Strategies amended and revised per Council action dated September 12, 2011, analyzed waste generation by type of waste and incorporates findings of several studies of waste generation in the Town. Based on such studies, it has been determined that nearly half of the Town's waste stream results from Bulk Waste, which primarily consists of vegetative debris. Given the high rate of Bulk Waste generation in the Town, it is fair and reasonable to separately analyze the costs of and demand for solid waste services by the following types of waste: Household Waste and Bulk Waste.

G. Household Waste is generated relatively consistently on a per dwelling unit basis. Therefore, it is fair and reasonable to assess for costs related to Household Waste based on the number of Dwelling Units on each Assessed Parcel. Such per dwelling unit rates for Household Waste are fair and reasonable and do not exceed the special benefit to Assessed Parcels.

H. Bulk Waste, including but not limited to vegetative debris and livestock waste, generation rates are generally proportionate to the size of the parcel. Waste generation studies have concluded that areas of the town with larger lots generate substantially greater tonnage of Bulk Waste per parcel than areas of the Town with smaller parcels.

I. It is fair and reasonable to create assessment rate classes for Bulk Waste based on lot square footage ranges identified through analysis of solid waste generation and collection studies performed for the Town. It is fair and reasonable to allocate Bulk Waste assessed costs to each rate class in a manner that increases the share of costs on the assessed parcel as the parcel size increases. Therefore, the proposed Bulk Waste services assessment rates presented in the SWSAR Report are fair and reasonable and do not exceed the special benefit to Assessed Parcels.

Section 6. Determination of Solid Waste Assessed Costs; **Establishment of Initial Solid Waste Assessment Rates.**

A. The Solid Waste Assessed Costs to be assessed and apportioned among benefitted parcels for Fiscal Year 2017-2018 commencing October 1, 2017, is the amount determined in the Solid Waste Assessment worksheet, attached as Exhibit "A" to this Resolution. The approval of the Estimated Solid Waste Assessment Rate Schedule by the adoption of this Preliminary Assessment Resolution determines the amount of the Solid Waste Assessed Costs. The remainder, if any, of such Fiscal Year

budget for solid waste services, facilities, and programs shall be funded from available Town revenue other than Solid Waste Assessment proceeds.

B. The estimated Solid Waste Assessments specified in the Estimated Solid Waste Assessment Rate worksheet are hereby established to fund the specified Solid Waste Assessed Costs determined to be assessed in Fiscal Year 2017-2018 commencing on October 1, 2017.

C. The estimated Solid Waste Assessments established in this Preliminary Assessment Resolution for Fiscal Year 2017-2018 shall be the estimated assessment rates applied by the Town Administrator in the preparation of the preliminary Assessment Roll for the Fiscal Year commencing October 1, 2017, as provided in Section 7 of this Preliminary Assessment Resolution.

Section 7. Preliminary Assessment Roll. The Town Administrator is hereby directed to prepare, or cause to be prepared, a Preliminary Assessment Roll for the Fiscal Year commencing October 1, 2017, in the manner provided in the Code. The Assessment Roll shall include all Residential Assessed Parcels within the Assessment Rate Categories. The Town Administrator shall apportion the estimated Solid Waste Assessed Cost to be recovered through Solid Waste Assessments in the manner set forth in this Initial Assessment Resolution and the Report.

A. A copy of this Preliminary Assessment Resolution, documentation related to the estimated amount of the Solid Waste Assessed Cost to be recovered through the imposition of Solid Waste Assessments, and the Preliminary Assessment Roll shall be maintained on file in the Office of the Town Clerk and open to public inspection. The foregoing shall not be construed to require that the Preliminary Assessment Roll be in printed form if the amount of the Solid Waste Assessment for each parcel of property can be determined by the use of a computer terminal available to Town staff.

B. It is hereby ascertained, determined, and declared that the method of determining the Solid Waste Assessments for residential solid waste services as set forth in this Preliminary Assessment Resolution and the SWSAR report is represented in Exhibit "A" and is a fair and reasonable method of apportioning the Solid Waste Assessed Cost among parcels of Assessed Property located within the Town.

Section 8. Authorization of Public Hearing. There is hereby established a public hearing to be held at 6:00 p.m. on Wednesday, September 13, 2017, in the Council Chambers in Southwest Ranches Town Hall, 13400 Griffin Road, Southwest Ranches, Florida, at which time the Town Council will receive and consider any comments on the Solid Waste Assessments from the public and affected property owners and consider imposing Solid Waste Assessments and collecting such assessments on the same bill as ad valorem taxes.

Section 9. Notice by Publication. The Town Administrator shall publish a notice of the public hearing authorized by Section 8 hereof in the manner and time provided in Section 16-143 of the Code. The notice shall be published no later than August 24, 2017.

Section 10. Notice by Mail. The Town Administrator shall also provide notice by first class mail to the Owner of each parcel of Assessed Property, as required by Section 16-144 of the Code. Such notices shall be mailed no later than August 24, 2017. The Town Administrator may direct that such notices be combined with the TRIM notices prepared and mailed by the Property Appraiser.

Section 11. Severability. If any word, phrase, clause, sentence, or section of this resolution is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Resolution.

Section 12. Application of Assessment Proceeds. Proceeds derived by the Town from the Solid Waste Assessments shall be deposited into the Solid Waste Assessment Fund and used for the provision of solid waste 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 solid waste services, facilities, and programs.

Section 13: Conflicts. All Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of the conflict.

Section 14: Severability. If any clause, section, or other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 15. This Resolution shall take effect immediately upon its adoption.

[Signatures on Following Page]

PASSED AND ADOPTED by the Town Council of the Town of

Southwest Ranches, Florida, this 27th day of July 2017, on a motion by

_____ and seconded by _____.

McKay _____
Breitkreuz _____
Fisikelli _____
Jablonski _____
Schroeder _____

Ayes _____
Nays _____
Absent _____

Doug McKay, Mayor

ATTEST:

Russell Muniz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff, Town Attorney

114251669.1

Town of Southwest Ranches
Proposed FY 2017/2018
Solid Waste Assessment Worksheet

Sources:

WastePro of Florida, Inc Contract
 Broward County Property Appraiser
 Munilytics Consultant Study

EXHIBIT A

Description	Solid Waste & Recycling	Bulk Waste	Total Proposed FY 17/18
% Allocation Direct Expenses Only	47%	53%	

Direct Expenses:

Solid Waste Collection	\$ 395,986	\$ -	\$ 395,986
Recycling Collection	\$ 102,309	\$ -	\$ 102,309
Bulk Waste Collection	\$ -	\$ 364,553	\$ 364,553
Solid Waste Disposal	\$ 144,527	\$ -	\$ 144,527
Bulk Waste Disposal	\$ -	\$ 373,490	\$ 373,490
Sub-Total Cost of Service	\$ 642,822	\$ 738,043	\$ 1,380,865
Less: Utilization of Unrestricted Net Position			\$ (300,894)
Sub-Total	\$ 642,822	\$ 738,043	\$ 1,079,971

Other Expenses

Statutory Discount	\$ 55,186
Collections Cost	\$ 18,722
Townwide Personnel\Contractual Costs	\$ 225,765
Total Solid Waste Assessment Expenses	\$ 1,379,644

Based On Consultant Study

Assessment	Lot Sq Ft. Range	Number of Units in Range	Solid Waste Cost Per Unit	Bulk Waste Cost Per Unit	Total Proposed Rates FY 17/18	Total Assessed Rates FY 16/17	Difference: Increase
A	- 41,200	405	\$ 250.10	\$ 205.34	\$ 455.44	\$ 389.65	\$ 65.79
B	41,201 46,999	423	\$ 250.10	\$ 240.98	\$ 491.08	\$ 409.45	\$ 81.62
C	47,000 62,999	411	\$ 250.10	\$ 291.87	\$ 541.97	\$ 433.30	\$ 108.66
D	63,000 95,999	446	\$ 250.10	\$ 314.37	\$ 564.47	\$ 445.84	\$ 118.63
E	96,000 106,999	452	\$ 250.10	\$ 355.37	\$ 605.47	\$ 469.34	\$ 136.13
F	107,000 >107,000	431	\$ 250.10	\$ 433.50	\$ 683.60	\$ 510.01	\$ 173.59