



# Southwest Ranches Town Council

## REGULAR MEETING

Agenda of July 9, 2020

Southwest Ranches Council Chambers  
7:00 PM Thursday

13400 Griffin Road  
Southwest Ranches, FL 33330

<b><u>Mayor</u></b> Doug McKay	<b><u>Town Council</u></b> Delsa Amundson Bob Hartmann	<b><u>Town Administrator</u></b> Andrew D. Berns	<b><u>Town Attorney</u></b> Keith M. Poliakoff, J.D.
<b><u>Vice Mayor</u></b> Denise Schroeder	<b><u>Gary Jablonski</u></b>	<b><u>Town Financial Administrator</u></b> Martin Sherwood, CPA CGFO	<b><u>Assistant Town Administrator/Town Clerk</u></b> 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 - GIS Update**
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 CODE OF ORDINANCES, BY CREATING CHAPTER 9 ENTITLED "NOISE" TO ESTABLISH STANDARDS FOR THE ACCEPTABLE LEVELS OF NOISE AND TO PREVENT NUISANCES THAT MAY ADVERSELY AFFECT THE QUIET ENJOYMENT AND QUALITY OF LIFE EXPECTED BY TOWN RESIDENTS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. {Approved on First Reading on June 25, 2020}**

## **Resolutions**

**10. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, ACCEPTING AND APPROVING THE FINDINGS, DATA, METHODOLOGY, AND PROPOSED FY2020-21 FIRE PROTECTION ASSESSMENT RATES INCORPORATED IN "TOWN OF SOUTHWEST RANCHES, FLORIDA FIRE PROTECTION SERVICES ASSESSMENT REPORT, JULY 9, 2020"; AND PROVIDING AN EFFECTIVE DATE.**

**11. Approval of Minutes**

- a. May 14, 2020 Regular Meeting**
- b. June 11, 2020 Regular Meeting**

**12. 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.



**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**  
**Denise Schroeder, Vice Mayor**  
**Delsa Amundson, Council Member**  
**Bob Hartmann, Council Member**  
**Gary Jablonski, 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:** Russell Muniz, Assistant Town Administrator/Town Clerk  
**DATE:** 7/9/2020  
**SUBJECT:** Noise Ordinance - Second Reading

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### **Recommendation**

Town Council consideration for a motion to approve the ordinance.

### **Unanimous Vote of the Town Council Required?**

No

### **Strategic Priorities**

- A. Sound Governance
- E. Cultivate a Vibrant Community

### **Background**

The Town has fielded numerous complaints from residents about excessive noise in their neighborhoods. Without an effective standard and ordinance in place excessive noise complaints cannot effectively be resolved. This ordinance establishes a standard for excessive noise and provides enforcement provisions to protect the residents' quiet enjoyment of their property.

### **Fiscal Impact/Analysis**

None.

### **Staff Contact:**

Russell Muñiz, Assistant Town Administrator/Town Clerk  
Julio Medina, Community Development Director  
Keith Poliakoff, Town Attorney

**ATTACHMENTS:**

Description	Upload Date	Type
Noise Ordinance - TA Approved	6/30/2020	Ordinance

## **ORDINANCE NO. 2020-XXX**

**AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES CODE OF ORDINANCES, BY CREATING CHAPTER 9 ENTITLED "NOISE" TO ESTABLISH STANDARDS FOR THE ACCEPTABLE LEVELS OF NOISE AND TO PREVENT NUISANCES THAT MAY ADVERSELY AFFECT THE QUIET ENJOYMENT AND QUALITY OF LIFE EXPECTED BY TOWN RESIDENTS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Article VIII, Section 2 of the Florida Constitution and Chapter 166 of the Florida Statutes, the Town of Southwest Ranches is authorized to protect the public health, safety, and welfare of its residents and has the power and authority to enact regulations for valid governmental purposes that are not inconsistent with general or special law; and

**WHEREAS**, the Town Council of the Town of Southwest Ranches finds it in the best interest of the Town to create Chapter 9, entitled "Noise" in order to establish standards for the acceptable levels of noise to protect the quiet enjoyment of the Town; and

**WHEREAS**, the Town Council finds that the additions to the Code contained herein are in the best interest of and will reasonably protect the health, safety, and welfare of the Town's residents.

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

**SECTION 1.** Recitals. The above recitals are true, correct and incorporated herein by reference.

**SECTION 2.** Creation. Chapter 9, entitled "Noise" of the Code of Ordinances of the Town is hereby created to state as follows:

Sec. 9-1 ***Intent***

The Town of Southwest Ranches finds and declares that excessive sound is a serious hazard to the public health, welfare, safety, and quality of life; that a substantial body of science and technology exists by which excessive sound may be substantially abated; and that people have a right to and should be ensured an environment free from excessive sound that may jeopardize their health, welfare or safety or degrade the quality of life. Therefore, it is the policy of Southwest Ranches to prevent excessive sound which may jeopardize the health, welfare or safety of the citizens

of the town or degrade the quality of life.

## Sec. 9-2 ***Definitions***

All terminology used in this chapter, not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

- (1) Construction means any site preparation, assembly, erection, substantial repair, alteration, demolition or similar action on public or private property, utilities or similar property.
- (2) Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action; economic loss shall not be a factor in the determination of an emergency. It shall be the burden of an alleged violator to prove an "emergency. "
- (3) Emergency work means any work performed for the purpose of preventing or alleviating the physical trauma or property damage, but not economic loss, threatened or caused by an emergency.
- (4) Noise means any sound which annoys or disturbs humans or animals, or which causes or tends to cause any adverse psychological or physiological effect on humans or animals.
- (5) Noise disturbance means any noise or sound, including subharmonic frequencies that can be heard or felt beyond a real property boundary that would be determined to be objectionable by a reasonable person.
- (6) Person means any natural person, individual, public corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer, or any other entity whatsoever or any combination of such, jointly or severally.
- (7) Public right-of-way means any street, avenue, sidewalk, or similar place normally accessible to the public which is owned or controlled by a governmental entity.
- (8) Public space means any property or structures thereon normally accessible to the public.

- (9) Real property line means any imaginary line along the surface, and its vertical plane extension, which separates the real property owned, rented or leased by one person from that owned, rented or leased by another person.
- (10) Receiving land means the land located within the Town which is receiving the noise or sound.
- (11) Sound means an oscillation in pressure, particle displacement, particle velocity or other physical parameter in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.
- (12) Vibration means an oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity or acceleration with respect to a given reference point.

Sec. 9-3. ***Noise Disturbance Prohibited.***

No person shall make, continue, or cause to be made or continued, any noise disturbance as defined herein.

Sec. 9-4. - ***Maximum Permissible Sound Levels By Receiving Land.***

No person shall operate or cause to be operated any sound in such manner as to create a noise disturbance that is audible in a receiving land.

Sec. 9-5. - ***Exemptions.***

The provisions of section 9-3 shall not apply at any time to:

- (1) Motor vehicles legally operating on a public right-of-way;
- (2) The unamplified human voice;
- (3) Any noise generated by new products or interstate motor and rail carrier vehicles to the extent that local regulation of noise levels of such new products and interstate motor and rail carrier vehicles has been preempted by the Noise Control Act of 1972 (49 U. S. C. Section 4901 et seq.) or other applicable federal laws or regulations;
- (4) Farming equipment;
- (5) Any noise generated by the movement of aircraft in accordance with or

- pursuant to applicable federal laws or regulations;
- (6) Maintenance and installation of public service utilities;
  - (7) Noise generated for the purpose of alerting persons to the existence of an emergency or noise generated in the performance of emergency work;
  - (8) Any noise generated by any noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way pursuant to lawful authority; and
  - (9) Any noise generated by the operation or testing of engines, landscaping equipment, generators, pumps, mechanical equipment, construction tools, emergency equipment or similar noises that are common to residential properties;
  - (10) Refuse collection;
  - (11) Construction in accordance with the construction hours set forth in the Town Code;
  - (12) Any noise generated on a Town owned property, which is authorized by the Town;
  - (13) Any noise generated by the Town or by a Town event;
  - (14) Farm animals;
  - (15) Non-farm animals provided that they do not constitute a nuisance, as defined by the Town's Code; and
  - (16) Home workshops in accordance with the construction hours set forth in the Town Code; and
  - (17) Any special event that has been approved by the Town.

Sec. 9-6. - **Noise measurement.**

For the purpose of determining and classifying any noise disturbance, the test measurement shall consist of an inspection by an authorized Town representative who shall determine if the noise can be heard within a receiving land and whether a reasonable person would find the noise, sound or vibration to be objectionable during the time of day the noise is observed.



Sec. 9-7. - ***Display of permit.***

A person who has been granted a permit for a special event shall firmly affix such permit so that it is visible from the adjacent street to enable neighbors to know of the terms, conditions, and duration of the special event.

Sec. 9-8. - ***Enforcement & Penalty.***

This regulation shall be enforced by all appropriate administrative and judicial proceedings in accordance with the Town's Code and the Florida Statutes.

**SECTION 3.** Severability. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word hereof be declared unconstitutional or invalid, the invalidity thereof shall not affect the validity of any of the remaining portions of this Ordinance.

**SECTION 4.** Effective Date. This Ordinance shall take effect immediately upon its Passage and adoption.

**PASSED ON FIRST READING** this 25<sup>th</sup> day of June, 2020 on a motion made by Council Member Jablonski and seconded by Council Member Hartmann.

**PASSED ON SECOND READING** this \_\_\_\_ day of \_\_\_\_\_ 2020 on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_.

McKay \_\_\_\_\_  
Schroeder \_\_\_\_\_  
Amundson \_\_\_\_\_  
Hartmann \_\_\_\_\_  
Jablonski \_\_\_\_\_

Ayes \_\_\_\_\_  
Nays \_\_\_\_\_  
Absent \_\_\_\_\_  
Abstaining \_\_\_\_\_

**[Signatures on Next Page]**

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Doug McKay, Mayor

Attest:

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Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

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Keith Poliakoff, Town Attorney  
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**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 Sherwood, Town Financial Administrator  
**DATE:** 7/9/2020  
**SUBJECT:** Updated Fire Protection Assessment Methodology Report

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### **Recommendation**

We recommend that the attached resolution pertaining to the proposed fire assessment methodology update be accepted as presented.

### **Strategic Priorities**

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

### **Background**

#### **Issue**

The Town levies an annual fire assessment to collect revenue that supports its Fire Rescue programs. In order to support the assessment, the Town relies upon an assessment methodology report that determines if and to what extent properties benefit from fire services. The assessment cannot recover expected costs for rescue (EMS) services as those costs are not held to benefit property.

Chapter 197.3632, Florida Statutes, and Town Ordinance No. 2001-09, allow for the annual levy of a non-ad valorem special assessment for the purpose of funding the costs of providing

fire services to benefitted properties. Proceeds from the assessment will be utilized for the provision of Fire Protective contractual services, planning, facilities, machinery, programs, and volunteer fire activities. In the event any of the levied funds are not used by the end of the fiscal year, the remaining balance will be carried forward and used exclusively to fund the qualified expenditures in subsequent years.

While the Town levies the assessment, it is collected through the annual property tax billing and collection process, so the amounts show up on property tax bills and are collected by the tax collector, who then remits amounts received to the Town.

Periodically, the Town needs to update the assessment methodology that forms the basis for determining the benefit and the apportionment of costs. The methodology does not by itself levy the assessment. The Town will need to adopt an initial or preliminary assessment (typically done in late July). This initial assessment will allow for a notice to be included on the property tax bills mailed out in August. The notice, much like with property taxes, lets the property owner know of the date, place, and time of the public hearing where the assessment will be considered (usually between the 10th and 15th of September). The notice will also have the maximum amount of the proposed assessment, which can be lowered or equalized at the final meeting. At the final hearing in September, the Council will have a public hearing on the proposed assessment and property owners will have the opportunity to have input on the assessment and whether it benefits their property and whether their share of the cost has been fairly apportioned. After closing the hearing, the Council can consider amending the roll based upon the testimony and comments they have received. Once approved, a 20-day appeal period tolls during which a property owner may appeal the decision of the Council. The assessment is then billed by the tax collector (usually in late October).

The last time the Town considered a methodology for the fire assessment was in 2011 for FY 2012. At that time, the Town had considered, and adopted, a change that would have levied the assessment on residential properties based upon the square footage of the residential structure. After adoption, the Council reconsidered that change to square footage and reverted back to the original "dwelling unit" approach for FY 2012 and for all fiscal years subsequently.

Last year, the Town attempted to levy the assessment on newly discovered assessable farm structures and other properties that had heretofore not been assessed. Originally, some of these properties were considered commercial in nature and initially were noticed with a proposed assessment. Following the received notices, the Town received several complaints. Accordingly, the Council directed Town management to have the issued reviewed and established a fire assessment review committee comprised of several Town property owners. Concomitant with that action, the Town also solicited for companies that could provide an update to the 2011 methodology and assist the Town with some of the various issues regarding the assessment.

The Town awarded the engagement to Munilytics, Inc (Munilytics) and the study was begun with detailed records being requested from the Broward County Property Appraiser and the Town of Davie. The Committee then met, and issues were discussed. Unfortunately, after two meetings, the COVID-19 crisis occurred and delayed or interfered with everyone's ability

to effectively meet and discuss in person the issues. However, at its last physical meeting, the Committee appointed a committee member to work with Munilytics to discuss certain agricultural properties and how they might be assessed. Munilytics met twice in person with the delegate and more over the phone to go over in detail most of the subject properties.

Munilytics began roll development with the following approach that seemed to be the most equitable, given the needs and concerns of the Town:

1. Otherwise assessable farm structures, such as barns and stables, should be assessed at the same rate as residential structures, but only if there wasn't a residential structure on the same parcel as the farm structure.
2. If one or more barn structures were on the same parcel as a residential structure or structures, then only the residential structures would be assessed.
3. If a parcel did not have a residential structure on it but had one or more otherwise assessable farm structures, then it would be assessed for only one of the farm structures.
4. If an agricultural use of a parcel, whether or not it had an agricultural exemption, had a commercial activity on it such as a retail operation or a commercial nursery, then those structures would be assessed according to their use or mixed-use.
5. Other categories of assessed properties that were being assessed as commercial, institutional, warehouse/industrial and by the square footage of their structures is a fair method of apportionment.

The categories and descriptions of the different property classes are summarized on pages 8 and 9 of the attached methodology report (Exhibit "A").

A comparison of the units and rates of the current year and those in the report are displayed in Exhibit "B".

The final methodology approach used by Munilytics uses the call volume by class (or use) of property as the basis for apportioning costs to benefited property. This is consistent with prior studies.

Proposed rates will be considered formally at the July 30th, 2020 meeting where the initial assessment resolution is adopted and will be based upon the methodology adopted tonight.

The Town typically recovers 100% of its fire protective services cost through this assessment.

A final workshop with the Fire Assessment Review Committee and some members of the Town Council was held virtually on June 30, 2020, and final thoughts and comments were heard and some minor changes to the report were done.

### **Fiscal Impact/Analysis**

The Town currently has total fire assessment expenses of \$2,174,225 gross of exemptions for fire protection services in FY 2019-2020. Because of the revised methodology which impacted property category apportionment due to utilization as well as increased contractual

costs, the total fire assessment expenses are initially proposed at \$2,966,206 gross of exemptions per Exhibit B. This will be part of the FY 2020-2021 budget discussions. We expect to continue to collect 100% of the cost of fire protective services through the levy of this assessment. On July 30<sup>th</sup>, 2020, an initial assessment resolution will be presented which will formally incorporate this study and set initial rates for FY 2020-2021. Subsequently, a public hearing and a final assessment resolution will be held and adopted at the September 14<sup>th</sup>, 2020 meeting.

**Staff Contact:**

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

**ATTACHMENTS:**

Description	Upload Date	Type
Fire Assessment Methodology Acceptance - TA Approved	7/9/2020	Resolution
FA Methodology Report - 070920 - Exhibit A	7/9/2020	Exhibit
Fire Methodology CC - Exhibit B	7/9/2020	Exhibit

**RESOLUTION NO. 2020 -**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, ACCEPTING AND APPROVING THE FINDINGS, DATA, METHODOLOGY, AND PROPOSED FY2020-21 FIRE PROTECTION ASSESSMENT RATES INCORPORATED IN "TOWN OF SOUTHWEST RANCHES, FLORIDA FIRE PROTECTION SERVICES ASSESSMENT REPORT, JULY 9, 2020"; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on February 27, 2020, the Town Council approved a contract with Munilytics, Inc., a consulting firm experienced in developing and updating fire assessments for local governments, for professional services related to updating the Town's Fire Protection Services Assessment; and

**WHEREAS**, the services provided by Munilytics included review and modifications to the methodology for allocating costs, updating of the demand allocations based on calls for service, review and updating of the property database and assessment roll, and calculation of the proposed and final Fire Protection Services Assessment rates for Fiscal Year 2020-21; and

**WHEREAS**, Munilytics worked with the Town's Fire Assessment Review Committee to identify community issues and alternative solutions for the Fire Protection Services Assessment;

**WHEREAS**, Munilytics incorporated updated cost, financial and budget information provided by the Town in the calculation of proposed Fire Protection Services Assessment rates for Fiscal Year 2020-21;

**WHEREAS**, the results of the analysis performed by Munilytics is presented in "Town of Southwest Ranches, Florida Fire Protection Assessment Methodology Report, July 9, 2020", (hereinafter "2020 Methodology Report") which report is attached hereto as Exhibit "A" and incorporated herein by reference; and

**WHEREAS**, the results of the updated analysis by Munilytics was presented to members of the Town Council and the Town's Fire Assessment Review Committee in a workshop, held virtually, on June 30, 2020; and

**WHEREAS,** the 2020 Methodology Report attached to this Resolution incorporates the updated data, methodology, costs, and reflects input from the Town Council and Fire Assessment Review Committee to provide documentation supporting the proposed Fire Protection Services Assessment rates and proposed assessment roll to be adopted in a Preliminary Fire Assessment Rate Resolution considered by the Town Council on July 30, 2020; and

**WHEREAS,** adoption of the Preliminary Fire Assessment Rate Resolution on July 30, 2020 will initiate the process of advertising and noticing the proposed rates through the annual property tax notice (TRIM) and published notice and will establish a date and time for a public hearing on the final rates and assessment roll to be held on September 14, 2020; and

**WHEREAS,** after receiving testimony prior to and during the September 14, 2020 public hearing, the Town Council will consider and adopt an Annual Fire Assessment Rate Resolution approving the final Fire Protection Services Assessment rates and the final Fire Protection Services Assessment roll; and

**WHEREAS,** no later than September 15, 2020, the Town Council, through its Mayor or other authorized representative, will certify the final Fire Protection Services Assessment roll to the Broward County Tax Collector so that the assessment may be included on the annual property tax bill and collected in the same manner as property taxes by the Tax Collector's Office;

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

**Section 1:** Recitals. The above recitals are true and correct and are incorporated herein by this reference.

**Section 2:** The Town Council of the Town of Southwest Ranches, Florida hereby accepts, concurs with and approves the "Town of Southwest Ranches, Florida Fire Protection Assessment Methodology Report, July 9, 2020", attached hereto as Exhibit "A".



**Section 3:** Effective Date. This Resolution shall become effective immediately upon its adoption.

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

Ranches, Florida, this 9th day of July 2020 on a motion by

\_\_\_\_\_ and seconded by \_\_\_\_\_.

McKay \_\_\_\_\_  
Schroeder \_\_\_\_\_  
Amundson \_\_\_\_\_  
Hartmann \_\_\_\_\_  
Jablonski \_\_\_\_\_

Ayes \_\_\_\_\_  
Nays \_\_\_\_\_  
Absent \_\_\_\_\_  
Abstaining \_\_\_\_\_

\_\_\_\_\_  
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, Florida Fire Protection Assessment Methodology Report**

**Prepared for the  
Town of Southwest Ranches**

**July 9, 2020**



## Introduction

The Fire Protection Special Assessment discussed and developed in this report is intended to provide funding for the provision of fire protection services in the Town of Southwest Ranches (the “Town”). The Town provides fire rescue services (along with police services) through a contractual arrangement with the Town of Davie (“Davie”). The Town also supplements this arrangement with a contractual relationship with the Southwest Ranches Volunteer Fire Rescue, Inc., (“Volunteers”). The Town fire rescue services include 2 Class A Pumpers and 2 Advance Life Support EMS transport-capable rescue vehicles. The Volunteer Fire Services component supplements both equipment and personnel. The Volunteer equipment provided are an attack truck and a fire engine pumper. Historically, the area that is now incorporated was serviced by Broward County and a volunteer fire department. Once incorporated in 2000, the Town gradually expanded services through contracts with other service providers. Of late, the Town hired Davie to provide this service. Davie currently operates 7 fire rescue stations, including Station 91, which is located within the Town of Davie, and Station 112, which is located in the Town of Southwest Ranches. Both stations have a rescue unit and a pumper. Each rescue unit normally is staffed with either a lieutenant or captain and a firefighter/paramedic. Each pumper is staffed with either a lieutenant or captain, a driver engineer and a firefighter paramedic. Volunteer firefighters either supplement or add to staffing for each shift. The volunteer operation is predominantly fire-related and includes personnel who provide Basic Life Support (BLS). The Davie pumpers are staffed primarily for fire services, but can be dispatched for advanced life support (ALS) services when rescue units are unavailable. While the Davie pumpers do carry ALS equipment and supplies, they are not capable of patient transport. Likewise, paramedics normally assigned to Davie rescue units can also be used when necessary for fire duties. In both cases, however, the rescue units and fire apparatus exist primarily for either EMS calls (in the case of rescue units) or Fire calls (in the case of fire apparatus). The availability of cross-trained personnel is considered an additive value for both rescue services and fire services. The overwhelming amount of time spent by personnel performing fire services is while they are assigned to the fire apparatus. Likewise, personnel assigned to rescue units are almost always involved in rescue services. Like most departments, the origins of its operations are rooted in firefighting. The Department protects property with an

estimated market value of approximately \$2.3 billion, and about 76% of this value is residential while only 2.6% is commercial or industrial. Much of the Town's tax base is agricultural (14%). Through various interlocal agreements, the Town and Davie provide and receive mutual aid from other departments. The prior fire protection assessment methodology was done in 2011.

## **Legal and Procedural Requirements**

Non-ad valorem special assessments for fire protection services, as repeatedly upheld by the Florida Supreme Court, "must meet two requirements: (1) the property assessed must derive a special benefit from the service provided; and (2) the assessment must be fairly and reasonably apportioned according to the benefits received." Morris v. Town of Cape Coral, 163 So.3d 1174 (Fla. 2015) (citing Sarasota County v. Sarasota Church of Christ, 667 So.2d 180, 183 (Fla. 1995)). The special benefits to assessed properties provided by fire protection services in the Town include, but are not limited to, protecting the value and integrity of improvements, structures, and land, protecting the life and safety of intended occupants in the use and enjoyment of property, lowering the cost of fire insurance by the presence of a comprehensive fire protection program within the Town and limiting potential financial liability for uninsured or underinsured property, containing and extinguishing the spread of fire incidents occurring on property, and reducing the potential of damage and danger to structures and occupants of property from the spread of fire. Fire services funded by special assessments may include traditional fire department services such as fire suppression as well as educational programs, inspections, and basic life support medical services historically provided by first responders such as fire fighters. The assessments may not include or fund costs related to ambulance transport or advanced life support services as the Florida Supreme Court determined that such services do not provide the required special benefit to property. See Town of North Lauderdale v. SMM Properties, Inc., 825 So. 2d 343 (Fla. 2002). Often, the broad term EMS is applied to both BLS and ALS responses. Because all front-line personnel are both firefighters and paramedics and are capable of providing ALS services, and, by extension, BLS services, we must segregate those costs which are exclusively attributed to ambulance transport or advance life support. The fire protection services to be provided to properties within the Town of Southwest Ranches are the type of costs and services that may be included in and funded from a fire protection assessment such as the one presented in this Report.

The Town adopted Ordinance Number 2001-9, codified as Sections 12-19 through 12-85 in the Code of Ordinances, Town of Southwest Ranches, Florida, to provide general authority, procedures, and standards for the imposition of annual fire assessments. The Florida Statutes contain a number of procedural requirements that define the process for adoption of the proposed Fire Services Special Assessments to be collected through the uniform tax collection process under Florida Statutes §197.3632 (“Uniform Assessment Collection Act”). The process established in the Ordinance incorporates the current statutory requirements, including, for example, the provision of notice of proposed assessments by mail and by publication and a public hearing prior to final adoption of the assessments. The Town currently collects the special assessments on the annual property tax bill under the Uniform Assessment Collection Act and it is expected to continue that practice. The adoption of the Final Assessment Roll and Annual Assessment Resolution shall place a lien equal to the amount of the total assessment, including any accrued interest, on each assessed property. If collected on the ad valorem tax bill under the Uniform Assessment Collection Act, such lien is equal in rank and dignity to the lien of all state, county, district, and municipal taxes and other non-ad valorem assessments.

### **Estimated Cost of Fire Services**

Davie is expected to continue providing fire services to the Town. Davie has the equipment, fire flow, and personnel to service each property within the Town of Southwest Ranches. The Town has identified the costs for that service. The detail of those costs is presented in Appendix A of “*Fire Service Costs, Apportionment, and Maximum Assessment*”, but are summarized below in Table A:

**(continued next page)**

Table A

**Davie Southwest Ranches Division  
Fire Rescue Budget Total Allocated For Assessment, FY2020**

	Total Budget	Fire	Rescue/EMS
<b>Personnel Costs</b>			
Total All Personnel	2,270,199	1,362,119	908,080
<b>Operating Expenditures</b>			
Contractual Services	176,033	105,620	70,413
Internal Services _IT	89,667	53,800	35,867
Community Programs	1,000	600	400
Communications Services	14,817	8,890	5,927
Repairs and Maintenance, Vehicles	56,691	34,015	22,676
Repairs and Maintenance, Radios	3,500	2,100	1,400
Repairs and Maintenance, Equipment	4,400	2,640	1,760
Repairs and Maintenance, Equip. Directed	12,900	7,740	5,160
Repairs and Maintenance, SW Ranches	2,500	1,500	1,000
Offices Supply Expenses	500	300	200
Uniforms	6,600	3,960	2,640
Protective Fire Equipment	10,800	6,480	4,320
First Aid Supplies and Equipment	33,500	-	33,500
Emergency Preparedness	500	300	200
Fuel	7,884	4,730	3,154
Training and Education	7,259	4,355	2,904
<b>Total Operating Expenditures</b>	<b>428,551</b>	<b>237,031</b>	<b>191,520</b>
<b>Total Expenditures, Davie</b>	<b>2,698,750</b>	<b>1,599,150</b>	<b>1,099,600</b>
<b>Davie Administrative Contract Costs</b>	<b>725,568</b>	435,341	290,227
<b>TOTAL DAVIE CONTRACT</b>	<b>3,424,318</b>	<b>2,034,491</b>	<b>1,389,827</b>
<b>Equipment Setaside</b>	<b>50,000</b>	50,000	-
<b>Volunteer Fire Costs</b>	<b>331,000</b>	331,000	-
<b>Fire Wells</b>	<b>30,000</b>	30,000	-
<b>Assessment Expenses</b>	<b>41,100</b>	41,100	-
<b>Allocated Townwide Cost</b>	<b>196,793</b>	196,793	-
<b>Total SWR Fire Budget</b>	<b>4,073,211</b>	<b>2,683,384</b>	<b>1,389,827</b>

Personnel and most other costs were allocated based upon the personnel assigned to either fire apparatus or rescue trucks. Certain Town-wide indirect allocated costs as provided for and identified by the Town have been included. The organizational chart (Appendix B) of the Southwest Ranches department were used to determine the allocation of costs between fire and rescue services. This approach is rooted in the historical operation of the department. Were the rescue/ALS components to be removed from the costs of the Town, the Fire costs would remain: The Pumper would be staffed and with the same costs as have been allocated in this study. Some costs, such as medical equipment and supplies, which are clearly related to one service delivery or the other, were allocated as noted in Table F. These costs have been allocated in proportion to the staffing of the fire and rescue vehicles. The Town has also provided to us allocated identifiable Town costs indirectly related to the Fire Department budget. The estimated FY2021 fire services costs have been included in Table B. To estimate future funding requirements starting in Fiscal Year 2022, the apportionment methodology has assumed that these costs would annually increase based upon a 4.5% overall inflation factor, using historical trends. Table B summarizes the expected annual costs for the next five fiscal years are presented below; however, the annual assessments should be based upon the Town's expected annual costs adopted during the budget process:

**Table B**  
**Forecasted Costs of Fire Services**

<b>Fiscal Year</b>	<b>Forecasted Costs of Fire Costs</b>
2021	\$ 2,966,206
2022	\$ 3,099,685
2023	\$ 3,239,171
2024	\$ 3,384,934
2025	\$ 3,537,256

The Town Council may elect to include all or some portion of the total budget and projected fire services costs in the Fire Protection Assessment.

The Fire protection assessed costs, as provided in Ordinance No. 2001-9, can include, but are not limited to all or any portion of the cost of the provision of fire protection services, facilities, or



programs, referred to collectively in this Ordinance as Fire protection assessed costs, which provide a special benefit to Assessed Property, and may include, but is not limited to, the following components: (1) the cost of physical construction, reconstruction or completion of any required facility or improvement; (2) the costs incurred in any required acquisition or purchase; (3) the cost of all labor, materials, machinery, and equipment; (4) the cost of fuel, parts, supplies, maintenance, repairs, and utilities; (5) the cost of computer services, data processing, and communications; (6) the cost of all lands and interest therein, leases, property rights, easements, and franchises of any nature whatsoever; (7) the cost of any indemnity or surety bonds and premiums for insurance; (8) the cost of salaries, volunteer pay, workers' compensation insurance, pension or other employment benefits; (9) the cost of uniforms, training, travel, and per diem; (10) the cost of construction plans and specifications, surveys and estimates of costs; (11) the cost of engineering, financial, legal, and other professional services; (12) the costs of compliance with any contracts or agreements entered into by the Town to provide Fire Protection Services; (13) all costs associated with the structure, implementation, collection, and enforcement of the Fire Protection Assessments, including any service charges of the Tax Collector and/or Property Appraiser and amounts necessary to offset discounts received for early payment of Fire Protection Assessments pursuant to the Uniform Assessment Collection Act or for early payment of Fire Protection Assessments; (14) all other costs and expenses necessary or incidental to the acquisition, provision, or construction of fire protection services, facilities, or programs, and such other expenses as may be necessary or incidental to any related financing authorized by the Town Council by subsequent resolution; (15) a reasonable amount for anticipated delinquencies and uncollectible Fire Protection Assessments; and (16) reimbursement to the Town or any other person for any moneys advanced for any costs incurred by the Town or such person in connection with any of the foregoing components of Fire Protection Assessed Cost. Fire Protection Assessed Costs may, as determined by Council, include costs incurred directly or indirectly by the Town and costs incurred by another entity for the provision of fire protection services within the Town.

The Town may choose to include all or only some of these costs in the fire protection assessments so long as the total cost assessed does not exceed the actual cost of providing the service and the assessment imposed on a parcel does not exceed the special benefits to that parcel. The costs may be either direct or indirect cost so long as they related to the provision of fire protection services. Historically, the Town has chosen to recover all of its fire costs from this assessment.

## **Determination of Benefit & Delineation of Benefit Area**

An important step in the special assessment process is the determination of special benefit and delineating the geographic area that will benefit from the planned improvements (the “Benefit Area”). The proposed Fire Protection Services will serve all properties within the entire Town of Southwest Ranches; thus, the boundary of the Benefit Area is the same as the boundary of the Town.

Certain properties in the Town will not be required to pay the Fire Protection Assessment – “exempt” property and “excluded” property. “Exempt” properties/structures include properties that receive special benefit from the fire services but are not charged any or the full cost of the Fire Protection Assessment. The exempt category includes all government parcels and agricultural property exempt by statute. Under Florida Statutes §170.01(4), a municipality may not levy special assessments for the provision of fire protection services on lands classified as agricultural lands under Florida Statute §193.461, as may be amended from time to time, unless the land contains a residential dwelling or nonresidential farm building, with the exception of an agricultural pole barn, provided the nonresidential farm building exceeds a just value of \$10,000. Such special assessments must be based solely on the special benefit accruing to that portion of the land consisting of the residential dwelling and curtilage, and qualifying nonresidential farm buildings. Agricultural pole barn means a nonresidential farm building in which 70 percent or more of the perimeter walls are permanently open and allow free ingress and egress.

The ability to bill and collect special assessments on governmental properties is very limited and generally requires consent of the other governmental entity. Exemptions reflect both legal difficulties with collection of assessments and policy decisions of the Town. It is fair and reasonable not to impose the Fire Protection Assessment on such properties. Costs related to exempt properties are included in the cost allocation and assessment calculations so that those costs are not shifted to the assessments imposed on non-exempt properties. The costs related to exempt properties, as measured by the fire protection costs allocated to those properties in the assessment methodology, must be funded by the Town with other lawfully available non-fire assessment revenue.

“Excluded” property includes those parcels where no special benefit is provided to the parcel, such as roads and submerged lands. This category also includes any other parcels that may receive some special benefit from fire services but, based on a policy determination of the Town Council, do not receive sufficient special benefit to require imposition of the Fire Protection Assessment. Excluded properties are not part of the cost allocation process in the assessment calculations.

## **Cost Allocation Methodology**

The cost allocation and assessment methodology presented in this Report reflects the unique circumstances of the Town of Southwest Ranches with largely residential development, and a smaller amount of non-residential development. The Town is comprised primarily of residential assessable structures and otherwise assessable barns, stables, and other structures that the Town has determined benefit from fire protection services to the same degree as a residential dwelling unit, or, if the structure is on the same parcel as a residential dwelling unit, is an appurtenant use that is considered to have benefited as part of the parcel. The Town also has significant institutional properties which include houses of worship, non-public schools (most of which are owned by religious organizations), cemeteries, and sundry other uses. The Town also has commercial and industrial/warehouse parcels. Each use has demonstrated it's own demand for fire protection services, as evidenced by the number of incidents or calls for service by the fire rescue department.

Using the BCPA's tax roll data, benefited parcels were identified using the various categories of land use codes within that data set. Additionally, and to keep the proposed apportionment categories as close to the existing categories as possible, we relied upon the Fire Class codes currently maintained by the BCPA. The BCPA has previously identified and coded the improved properties by type and assigned each parcel an appropriate Fire Class Code. We reviewed consistency in this data and it was determined to be of high accuracy. This data has also undergone considerable review over time. The Fire Class codes thus used were as follows:

**Residential/other ("R")** This includes all residential dwelling units, be they single family, multifamily, and mobile homes not located in mobile home parks. This includes separate or attached guest houses or "granny flats" or anything considered a residential dwelling unit. This coding also includes assessable agricultural and other structures, excluding structures classified and assessed as commercial, institutional, or warehouse/industrial, that are located on a parcel with no residential units.

**Commercial (“C”)** This includes all property used for commercial activity, except where otherwise identified by its own Fire Class code, and includes office and retail uses.

**Government (“X”)** This includes any developed property owned by a federal, state, or local government.

**Special (“S”, and generally mixed use)** This includes property that has more than one use or improvement that contains more than one Fire Class code. An example might be a parcel which contained both a warehouse and a commercial use. Another example might be a commercial use that also has a residential use on the same parcel. Each use will be assigned the cost for that use.

**Acreage (“A”)** This includes undeveloped property typically in use for various purposes and which the Town assesses an acreage charge for fire services. Generally, the land is agricultural in nature. Some of this acreage, if given agricultural exemption by the property appraiser, is exempt from the assessment. It also includes other uses of property that are vacant, such as commercial and residential.

**Institutional (“I”)** This includes nursing homes and substance abuse centers; healthcare facilities located in shopping centers and office buildings, funeral homes and mausoleums; houses of worship, non-public schools, and various other uses.

**Warehouse/Industrial (“W”)** This includes manufacturing and processing sites, storage units (whether for commercial or non-commercial purposes), and warehousing sites.

It should also be noted that properties, or portions of properties, that can sometimes be exempt from this assessment remain variously classified, but are not assessed if the Town has excluded them from the assessment. Again, these codes are used by BCPA to assist them in the administration of their rolls and we believe them to be highly accurate at the parcel level. If they are not assessed by the Town, the costs are not re-allocated to the remaining assessable units or categories.

Each BCPA parcel for the Town of Southwest Ranches also has, in addition to a Fire Class code, a Fire Basis element, which indicates the number of applicable billing units located on the parcel. For example, a single-family residential dwelling unit would have a Fire Basis element of “1”, indicating that the fixed residential assessment rate would be multiplied by “1” to arrive at an assessment amount and a duplex residential dwelling unit would have a Fire Basis element of “2”, indicating that the fixed residential assessment rate would be multiplied by “2” to arrive at an assessment amount, and so on. Commercial, Warehouse/Industrial, and Not-for-profits are based upon the square footage of the

structure(s) on the property. The Fire Class code “S”, Special, generally includes mixed-use parcels that have mixed assessment rates applied to them. The sum of each category (e.g., “Residential”, “Commercial”, etc.) are added together within this coding. The Fire Basis element code in this Fire Class code in this category indicates the amount of the assessment for that Fire Class code. The BCPA handles mixed-use parcels as exceptions and manually calculates the assessment based upon the particular mix of uses that exist on those parcels.

Table C notes the various Fire Class Categories and Codes, the number of parcels benefitting from the assessment for that category, the unit of measure for the assessment, and the total number of units in that category that are being assessed. A parcel can have more than one Fire Class Category.

**(continued on next page)**

**Table C**  
**BCPA Fire Class Counts**

Fire Class Category	Category Code(s)	Sum of Total Number of Units	Unit of Measure	Number of Parcels
Commercial	C	336,209	Square Feet	29
Institutional	I	551,029	Square Feet	26
Acreage	A	1,914	Acres	622
Residential	R	2,886	Dwelling Units	2,456
Warehouse/Industrial	W	124,844	Square Feet	11
Government - Exempt	X	39,384	Square Feet	221
				<u>3,365</u>

Source: BCPA 2020 Southwest Ranches Fire June Detail File. Mixed-use parcels have been disaggregated; therefore the number of parcels listed here is greater than the total number of actual parcels.

Also, the BCPA combines 2 or more fire classes on the same parcel into a Special/Combination (Mixed Use) Fire Class “S”, which is not listed in the table above. The individual fire classes contained in each parcel coded “S” have been disaggregated and placed in their respective fire class code.

## **Fire/rescue Incidents**

Fire/rescue call for service data is maintained by Davie Fire Rescue. Davie provided call data related to the Town of Southwest Ranches for calendar years 2014-2019. The call data included all dispatched calls for all fire and rescue units at the Town’s stations. The call data contained fire service calls, calls for rescue services, and all other calls. Because rescue services do not benefit property, this call data was culled from further consideration, leaving only fire service call data in our analysis. We also excluded from the call data calls to property that was located outside of the Town limits (mutual aid calls).

The Town of Southwest Ranches and Davie use the National Fire Incident Reporting System (NFIRS) for the collection and categorization of all fire and rescue incident types. This system provides not only the nature of the call responded to but also includes the type of property involved in the call. This data forms the basis for determining not only which

properties benefit from fire services, but also to what degree those types of properties demand service. While evaluating the call data, we exercised discretion in reclassifying certain incidents that we determined, for the purposes of this study, needed to be reclassified to accurately tie it to the most appropriate property use. As an example, an automobile fire in a parking lot at a shopping center would be reclassified from “uncovered parking” to a commercial use as the parking lot is considered to be part of the parcel owned by the shopping center for purposes of this study.

During the five-year period studied, the Town of Southwest Ranches had a total of 3,662 recorded unique incidents of which 2,944 were non-fire related calls (generally rescue calls) and 718 were fire- or property-related incidents. Calls were categorized into the two main categories (Fire and Rescue) based upon the Incident Type Number used in the NFIRS coding system. Also placed into the “Rescue” category were calls that were clearly not fire related, or clearly did not benefit real property, or the address/location was indeterminate. As noted earlier, mutual aid calls were excluded because they did not benefit properties within the Town. A list of the types of calls recorded by Davie and how this study categorized them is detailed in Appendix C, *Fire Rescue Call Categorization*. Fire-related calls that could be attributed to property benefitted in the Town of Southwest Ranches accounted for about 19.6% of all incidents. This is slightly higher than other suburban municipalities in South Florida. Of those 718 calls, 60 were on streets and roads not identified with any particular land use and those 60 calls were discarded, leaving 658 fire calls to attribute to a fire class code.

The incident data also includes a “Property Use” code. These codes were then aggregated into larger Property Type codes that could be used to match more closely to the BCPA Category Codes used for fire assessments. The following Table D details the 658 fire or property incidents by the categories used to study fire service delivery and their corresponding BCPA Fire Class codes:

**(continued on next page)**

**Table D**  
**Fire Calls by Fire Class**

<b>Fire Call Categorization</b>	<b>Corresponding BCPA Fire Class Code</b>	<b>Number of Fire Calls</b>	<b>Percent of Total</b>
Commercial	C	84	12.77%
Institutional	I	148	22.49%
Acreage	A	36	5.47%
Residential	R	369	56.08%
Warehouse/Industrial	W	15	2.28%
Government - Exempt	X	6	0.91%
<b>Totals</b>		<b>658</b>	<b>100.00%</b>

As previously noted above, there were a total of 718 coded fire service incidents and this table includes a sub-set of 658 of them. The difference of 60 incidents is attributed to responses to parcels or areas that could not be attributed to any specific Fire Class Code. The overwhelming majority of these calls occurred on streets and roads and for which no particular fire class code could be determined.

The recoded incident data to the BCPA Fire Class coding was then distributed to the expected FY2021 Fire service costs. We then assigned the maximum assessment by category and in total, based upon the fire class categories base and percentage of benefit by Class for the Town of Southwest Ranches and the maximum expected cost of fire service delivery for fiscal year 2021 and expected through fiscal year 2025, as noted previously in this report. The result produced the following two tables:

**(continued on next page)**



**Table E****Fiscal Year 2021 Proposed Fire Services Cost and Fire Code Apportionment**

Class	Total Number of Units	Unit Type	Percent Apportioned	Amount Allocated To Class	Proposed Not To Exceed Rate Per Unit
Commercial	336,209	Per Square Feet	12.77%	\$ 378,785	\$ 1.1266
Institutional	551,028	Per Square Feet	22.49%	667,100	\$ 1.2106
Acreage	1,914	Per Acre	5.47%	162,251	\$ 84.76
Residential	2,886	Per Unit	56.08%	1,663,448	\$ 576.39
Warehouse/Industrial	124,843	Per Square Feet	2.28%	67,629	\$ 0.5417
Government - Exempt	39,384	Per Square Feet	0.91%	26,992	-
			<u>100.00%</u>	<u>\$ 2,966,206</u>	
				(94,367)	Less: Acreage Exemptions
				(6,539)	Less: Residential Exemptions
				(26,992)	Less: Government - Exempt
				<u>\$ 2,838,307</u>	Net Amount Realized

**Table F****Fiscal Year 2025 Anticipated Fire Services Cost and Fire Code Apportionment**

Class	Total Number of Units	Unit Type	Percent Apportioned	Amount Generated By Class	Estimated Maximum Rate Per Unit
Commercial	336,209	Per Square Feet	12.77%	\$ 451,708	1.3435
Institutional	551,028	Per Square Feet	22.49%	795,529	1.4437
Acreage	1,914	Per Acre	5.47%	193,488	101.0808
Residential	2,886	Per Unit	56.08%	1,983,693	687.35
Warehouse/Industrial	124,843	Per Square Feet	2.28%	80,649	0.6460
Government - Exempt	39,384	Per Square Feet	0.91%	32,189	-
			<u>100.00%</u>	<u>\$ 3,537,256</u>	
				(112,539)	Less: Acreage Exemptions
				(7,797)	Less: Residential Exemptions
				(32,189)	Less: Government - Exempt
				<u>\$ 3,384,730</u>	Net Amount Realized

It should also be noted that these tables are developed using the latest property information supplied by the Broward County Property Appraiser's Office, but this roll will change each year. ***The actual unit counts that exist from year-to-year and updated budget costs will need to be used in developing the annual rates. The parcel apportionment may vary if the Town chooses to analyze fire call data in subsequent years.***

## **Benefit and Fair Apportionment**

The improved properties in the Town are found to benefit from a special assessment because fire services, facilities, and programs possess a logical relationship to the use and enjoyment of property by: (i) protecting the value and integrity of improvements, structures and land through the availability and provision of comprehensive fire services; (ii) protecting the life and safety of intended occupants in the use and enjoyment of property; (iii) lowering the cost of fire insurance by the presence of a professional and comprehensive fire program; and (iv) containing fire incidents occurring on land and within miscellaneous buildings with the potential to spread and endanger other property and property features. Further, the availability and provision of comprehensive fire services enhance and strengthen the relationship of such services to the use and enjoyment of the parcels of property, the market perception of the area and the property and rental values within the assessable area.

The costs of the assessment have been fairly apportioned. While there can be many ways to fairly apportion the costs of the fire services to benefited properties, we note the following:

Apportioning costs among classifications of property based upon the historical demand for fire protection services is a fair and reasonable method because it reflects the property uses' potential fire risk based upon building use and is a reasonable proxy for the amount of fire flow, firefighters training and experience, quantity and size of apparatus, and other special firefighting equipment that must be available in accordance with the Town's standards and practices.

Apportioning costs among classifications of property based upon both historical demand for fire protection services is fair and reasonable and proportional to the special benefit received, and will ensure that no property is assessed an amount greater than the special benefit received.

Apportioning the percentage of the fire protection assessed costs relating to historical calls for service among classifications of property is fair and reasonable because it reflects the property uses' potential fire risk based upon use and is a reasonable proxy for the amount of fire flow, firefighters training, and experience, quantity and size of

apparatus, and other special firefighting equipment that must be available in accordance with the Town's standards and practices.

The fire rescue incident reports (NFIRS) are the most reliable data available to determine the potential demand for fire services from property use and to determine the benefit to property use resulting from the demand for fire protection services to protect and serve buildings and land located within assessed property and their intended occupants. There exist sufficient fire incident reports that document the historical demand for fire protection services from assessed property within the property use categories. The relative demand that has been determined for each property use category by an examination of such fire rescue incident reports is consistent with the experience of the Town. Therefore, the use of the relative percentages that were determined by an examination of fire rescue incident reports is a fair and reasonable method to apportion the fire protection assessed costs among the property use categories.

Neither the size nor the value of the residential property determines the scope of the required fire response. The potential demand for fire services is driven by the existence of each and every dwelling unit and the anticipated average occupant population.

Assessing otherwise assessable structures, such as barns and freestanding garages, that are located on a parcel without an associated dwelling unit in the same manner as a single residential dwelling unit is fair and reasonable because the response to those structures is similar to the response to a parcel with a single residential dwelling unit.

When an otherwise assessable structure, such as a barn, is located on the same parcel as a residential dwelling unit, it is fair and reasonable to assess the primary structure, the residential dwelling unit, because the responses to those structures is similar to a response to the residential dwelling unit.

Apportioning the percentage of the fire protection assessed costs relating to the relative demand for fire services attributable to residential property on a per dwelling unit basis, or, in the case of an otherwise assessable structure on a separate parcel, is required to avoid cost inefficiency and unnecessary administration and is a fair and reasonable method of parcel apportionment based upon historical call data.

The separation of non-residential property buildings by actual square footage is fair and reasonable for the purpose of parcel apportionment for the relative demand because the demand for fire service is determined and measured by the actual square footage of structures and improvements within benefited parcels.

The greater the building area, the greater the potential for a large fire and the greater amount of firefighting resources that must be available in the event of a fire in a structure of that building's size.

We believe that the apportionment methodology prepared here is fair and reasonable and benefits the property that will be assessed and that it fits the particular properties in and nature of the Town of Southwest Ranches.



7320 Griffin Road, Ste. 102  
Davie, Florida 33314  
954-903-0712

A handwritten signature in black ink, appearing to read "CW", is positioned above a horizontal line.

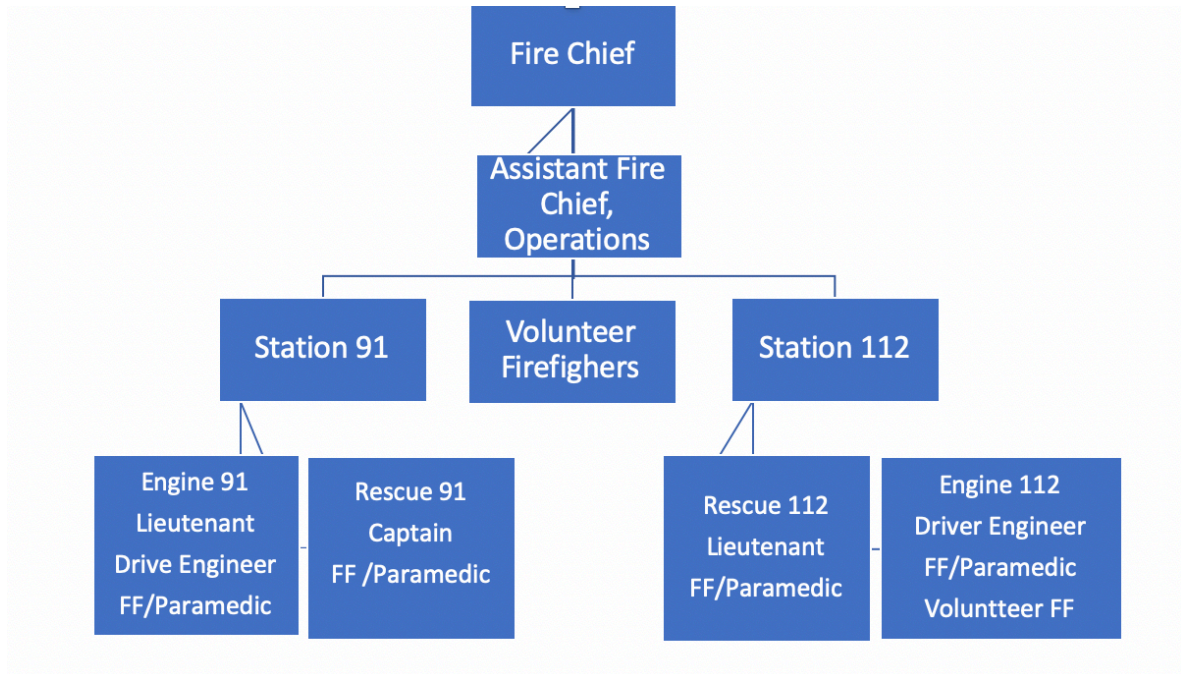
Christopher Wallace, President  
July 9, 2020

## Appendix A

### Fire Rescue Costs Apportionment, FY2020 Budget

	Total Budget	Fire Allocation	Rescue/EMS Allocation	Fire Costs	Rescue/EMS Costs
<b>Personnel Costs</b>					
Total All Personnel	2,270,199	60%	40%	1,362,119	908,080
<b>Operating Expenditures</b>					
Contractual Services	176,033	60%	40%	105,620	70,413
Internal Services _IT	89,667	60%	40%	53,800	35,867
Community Programs	1,000	60%	40%	600	400
Communications Services	14,817	60%	40%	8,890	5,927
Repairs and Maintenance, Vehicles	56,691	60%	40%	34,015	22,676
Repairs and Maintenance, Radios	3,500	60%	40%	2,100	1,400
Repairs and Maintenance, Equipment	4,400	60%	40%	2,640	1,760
Repairs and Maintenance, Equip. Directed	12,900	60%	40%	7,740	5,160
Repairs and Maintenance, SW Ranches	2,500	60%	40%	1,500	1,000
Offices Supply Expenses	500	60%	40%	300	200
Uniforms	6,600	60%	40%	3,960	2,640
Protective Fire Equipment	10,800	60%	40%	6,480	4,320
First Aid Supplies and Equipment	33,500	0%	100%	-	33,500
Emergency Preparedness	500	60%	40%	300	200
Fuel	7,884	60%	40%	4,730	3,154
Training and Education	7,259	60%	40%	4,355	2,904
<b>Total Operating Expenditures</b>	<b>428,551</b>			<b>237,031</b>	<b>191,520</b>
<b>Total Expenditures, Davie</b>	<b>2,698,750</b>			<b>1,599,150</b>	<b>1,099,600</b>
<b>Davie Administrative Contract Costs</b>	<b>725,568</b>	60%	40%	435,341	290,227
<b>Total Davie Contract</b>	<b>3,424,318</b>			<b>2,034,491</b>	<b>1,389,827</b>
<b>Equipment Setaside</b>	<b>50,000</b>	100%	0%	50,000	-
<b>Volunteer Fire Costs</b>	<b>331,000</b>	100%	0%	331,000	-
<b>Fire Wells</b>	<b>30,000</b>	100%	0%	30,000	-
<b>Assesment Expenses</b>	<b>41,100</b>	100%	0%	41,100	-
<b>Allocated Townwide Cost</b>	<b>196,793</b>	100%	0%	196,793	-
<b>Total SWR Fire Budget</b>	<b>4,073,211</b>			<b>2,683,384</b>	<b>1,389,827</b>

**Appendix B**  
**Town of Southwest Ranches Fire Rescue**  
**Organizational Table**



**Southwest Ranches Volunteer Fire Rescue**



## Appendix C

### Fire Rescue Call Categorization

NFIRS Fire Type	Fire Class Code
<b>100 - Fire, Other</b>	
1 or 2 family dwelling	R
NULL	R
Open land or field	A
Outside or special property, Other	A
Residential street, road or residential driveway	R
Street, Other	STREET
Water utility	X
<b>111 - Building fire</b>	
1 or 2 family dwelling	R
<b>112 - Fires in structure other than in a building</b>	
Outbuilding or shed	R
<b>113 - Cooking fire, confined to container</b>	
1 or 2 family dwelling	R
<b>118 - Trash or rubbish fire, contained</b>	
1 or 2 family dwelling	R
Outside or special property, Other	A
<b>122 - Fire in motor home, camper, recreational vehicle</b>	
Open land or field	A
<b>131 - Passenger vehicle fire</b>	
1 or 2 family dwelling	R
Highway or divided highway	STREET
Open land or field	A
Residential street, road or residential driveway	STREET
Street, Other	STREET
Vehicle parking area	C
<b>1311 - Passenger vehicle fire with MVC</b>	
Residential street, road or residential driveway	STREET
<b>138 - Off-road vehicle or heavy equipment fire</b>	
1 or 2 family dwelling	R
Funeral parlor	C
<b>140 - Natural vegetation fire, Other</b>	
1 or 2 family dwelling	R
Crops or orchard	C
Open land or field	A
Outside or special property, Other	A
<b>141 - Forest, woods or wildland fire</b>	
1 or 2 family dwelling	R
<b>142 - Brush or brush-and-grass mixture fire</b>	
1 or 2 family dwelling	R
Highway or divided highway	STREET
Livestock production	C
Open land or field	A
Street, Other	STREET
Vacant lot	A
<b>143 - Grass fire</b>	
Open land or field	A
<b>150 - Outside rubbish fire, Other</b>	
1 or 2 family dwelling	R
Open land or field	A
Outside or special property, Other	A
Vacant lot	A
<b>151 - Outside rubbish, trash or waste fire</b>	
1 or 2 family dwelling	R
Crops or orchard	C
Highway or divided highway	STREET
Open land or field	A
Outside or special property, Other	A
Professional supplies, services	C
Residential street, road or residential driveway	R
Street, Other	STREET
<b>153 - Construction or demolition landfill fire</b>	
1 or 2 family dwelling	R
<b>154 - Dumpster or other outside trash receptacle fire</b>	
1 or 2 family dwelling	R
Professional supplies, services	C
<b>160 - Special outside fire, Other</b>	
1 or 2 family dwelling	R
Church, mosque, synagogue, temple, chapel	I
Street or road in commercial area	C
Vehicle parking area	C
<b>162 - Outside equipment fire</b>	
Crops or orchard	C
<b>173 - Cultivated trees or nursery stock fire</b>	
1 or 2 family dwelling	R



<b>251 - Excessive heat, scorch burns with no ignition</b>	
1 or 2 family dwelling	R
24-hour care Nursing homes, 4 or more persons	I
Food and beverage sales, grocery store	C
Mercantile, business, Other	C
Vehicle storage, Other	W
<b>400 - Hazardous condition, Other</b>	
1 or 2 family dwelling	R
Mercantile, business, Other	C
Street or road in commercial area	C
Street, Other	STREET
<b>411 - Gasoline or other flammable liquid spill</b>	
Convenience store	C
Street, Other	STREET
<b>412 - Gas leak (natural gas or LPG)</b>	
1 or 2 family dwelling	R
<b>424 - Carbon monoxide incident</b>	
1 or 2 family dwelling	R
<b>440 - Electrical wiring/equipment problem, Other</b>	
1 or 2 family dwelling	R
Educational, Other	I
High school/Junior high school/middle school	I
Residential street, road or residential driveway	R
Street or road in commercial area	C
Street, Other	STREET
<b>441 - Heat from short circuit (wiring), defective/worn</b>	
1 or 2 family dwelling	R
<b>442 - Overheated motor</b>	
1 or 2 family dwelling	R
Church, mosque, synagogue, temple, chapel	I
Educational, Other	I
Highway or divided highway	STREET
<b>443 - Breakdown of light ballast</b>	
1 or 2 family dwelling	R
<b>444 - Power line down</b>	
1 or 2 family dwelling	R
Church, mosque, synagogue, temple, chapel	I
Outside or special property, Other	A
Residential street, road or residential driveway	R
Street or road in commercial area	C
Street, Other	STREET
Vehicle parking area	C
<b>445 - Arcing, shorted electrical equipment</b>	
1 or 2 family dwelling	R
Electrical distribution	I
Open land or field	A
Residential street, road or residential driveway	R
Schools, non-adult, other	I
Street, Other	STREET
<b>460 - Accident, potential accident, Other</b>	
Street, Other	STREET
<b>463 - Vehicle accident, general cleanup</b>	
Highway or divided highway	STREET
Street, Other	STREET
<b>480 - Attempted burning, illegal action, Other</b>	
1 or 2 family dwelling	R
<b>481 - Attempt to burn</b>	
Open land or field	A
<b>500 - Service Call, other</b>	
1 or 2 family dwelling	R
Household goods, sales, repairs	C
Outside or special property, Other	A
Street, Other	STREET
Vehicle parking area	C
<b>522 - Water or steam leak</b>	
1 or 2 family dwelling	R
<b>531 - Smoke or odor removal</b>	
1 or 2 family dwelling	R
<b>553 - Public service</b>	
1 or 2 family dwelling	R
Adult education center, college classroom	I
Open land or field	A
Residential street, road or residential driveway	R
<b>561 - Unauthorized burning</b>	
1 or 2 family dwelling	R
Open land or field	A
<b>651 - Smoke scare, odor of smoke</b>	

1 or 2 family dwelling	R
Open land or field	A
Outside or special property, Other	A
Professional supplies, services	C
Residential street, road or residential driveway	R
Street, Other	STREET
<b>653 - Smoke from barbecue, tar kettle</b>	
1 or 2 family dwelling	R
<b>671 - HazMat release investigation w/no HazMat</b>	
1 or 2 family dwelling	R
<b>700 - False alarm or false call, Other</b>	
1 or 2 family dwelling	R
Adult education center, college classroom	I
Church, mosque, synagogue, temple, chapel	I
Food and beverage sales, grocery store	C
Household goods, sales, repairs	C
Mercantile, business, Other	C
Residential, Other	R
Storage, Other	W
Street, Other	STREET
Vehicle storage, Other	W
<b>710 - Malicious, mischievous false call, Other</b>	
Day care, in commercial property	C
<b>714 - Central station, malicious false alarm</b>	
1 or 2 family dwelling	R
Adult education center, college classroom	I
Business office	C
Educational, Other	I
Elementary school, including kindergarten	I
Mental retardation/development disability facility	I
Residential board and care	R
Vehicle storage, Other	W
<b>715 - Local alarm system, malicious false alarm</b>	
Educational, Other	I
High school/junior high school/middle school	I
<b>730 - System malfunction, Other</b>	
1 or 2 family dwelling	R
Adult education center, college classroom	I
Church, mosque, synagogue, temple, chapel	I
High school/junior high school/middle school	I
<b>732 - Extinguishing system activation due to malfunction</b>	
1 or 2 family dwelling	R
Church, mosque, synagogue, temple, chapel	I
<b>733 - Smoke detector activation due to malfunction</b>	
1 or 2 family dwelling	R
24-hour care Nursing homes, 4 or more persons	I
Church, mosque, synagogue, temple, chapel	I
Food and beverage sales, grocery store	C
High school/junior high school/middle school	I
Mercantile, business, Other	C
Residential board and care	R
<b>735 - Alarm system sounded due to malfunction</b>	
1 or 2 family dwelling	R
24-hour care Nursing homes, 4 or more persons	I
Adult education center, college classroom	I
Church, mosque, synagogue, temple, chapel	I
Educational, Other	I
High school/junior high school/middle school	I
Mental retardation/development disability facility	I
Mercantile, business, Other	C
<b>736 - CO detector activation due to malfunction</b>	
1 or 2 family dwelling	R
<b>740 - Unintentional transmission of alarm, Other</b>	
1 or 2 family dwelling	R
Boarding/rooming house, residential hotels	C
Church, mosque, synagogue, temple, chapel	I
Educational, Other	I
Elementary school, including kindergarten	I
Vehicle storage, Other	W
<b>743 - Smoke detector activation, no fire - unintentional</b>	
1 or 2 family dwelling	R
24-hour care Nursing homes, 4 or more persons	I
Alcohol or substance abuse recovery center	I
Boarding/rooming house, residential hotels	C
Church, mosque, synagogue, temple, chapel	I
Educational, Other	I
Fire station	I

Food and beverage sales, grocery store	C
High school/junior high school/middle school	I
Mental retardation/development disability facility	I
Mercantile, business, Other	C
Preschool	C
Public or government, Other	X
Residential, Other	R
Vehicle storage, Other	W
<b>744 - Detector activation, no fire - unintentional</b>	
1 or 2 family dwelling	R
24-hour care Nursing homes, 4 or more persons	I
Alcohol or substance abuse recovery center	I
Boarding/rooming house, residential hotels	C
Church, mosque, synagogue, temple, chapel	I
Dormitory-type residence, other	R
Eating, drinking places, other	C
Educational, Other	I
Fire station	X
High school/junior high school/middle school	I
Schools, non-adult, other	I
Vehicle storage, Other	W
<b>745 - Alarm system activation, no fire - unintentional</b>	
1 or 2 family dwelling	R
Adult education center, college classroom	I
Boarding/rooming house, residential hotels	R
Church, mosque, synagogue, temple, chapel	I
Educational, Other	I
Fire station	X
Food and beverage sales, grocery store	C
High school/junior high school/middle school	I
Household goods, sales, repairs	C
Mental retardation/development disability facility	I
Mercantile, business, Other	C
Property Use, Other	C
Residential board and care	R
Residential or self-storage units	W
Restaurant or cafeteria	C
Vehicle storage, Other	W
<b>Alarm system activation, no fire - unintentional</b>	
1 or 2 family dwelling	R
Adult education center, college classroom	I
Church, mosque, synagogue, temple, chapel	I
Elementary school, including kindergarten	I
Mercantile, business, other	C
Preschool	C
<b>Alarm system sounded due to malfunction</b>	
Church, mosque, synagogue, temple, chapel	I
Household goods, sales, repairs	C
Mental retardation/development disability facility	I
<b>Arcing, shorted electrical equipment</b>	
Open land or field	A
Pipeline, power line or other utility right-of-way	STREET
Street, other	STREET
<b>Attempted burning, illegal action, other</b>	
1 or 2 family dwelling	R
<b>Authorized controlled burning</b>	
Open land or field	A
<b>Brush or brush-and-grass mixture fire</b>	
1 or 2 family dwelling	R
Open land or field	A
Residential street, road or residential driveway	R
<b>Building fire</b>	
1 or 2 family dwelling	R
<b>Detector activation, no fire - unintentional</b>	
1 or 2 family dwelling	R
Alcohol or substance abuse recovery center	I
High school/junior high school/middle school	I
Reformatory, juvenile detention center	I
<b>Electrical wiring/equipment problem, other</b>	
1 or 2 family dwelling	R
24-hour care Nursing homes, 4 or more persons	I
Residential street, road or residential driveway	R
Street, other	STREET
<b>Excessive heat, scorch burns with no ignition</b>	
1 or 2 family dwelling	R
Alcohol or substance abuse recovery center	I
Church, mosque, synagogue, temple, chapel	I

<b>False alarm or false call, other</b>	
1 or 2 family dwelling	R
Business office	C
Elementary school, including kindergarten	I
Food and beverage sales, grocery store	C
Household goods, sales, repairs	C
Mercantile, business, other	C
Places of worship, funeral parlors, other	I
Preschool	C
<b>Fire, other</b>	
Service station, gas station	C
<b>Gasoline or other flammable liquid spill</b>	
Service station, gas station	C
Lightning strike (no fire)	
1 or 2 family dwelling	R
<b>Malicious, mischievous false call, other</b>	
Food and beverage sales, grocery store	C
High school/junior high school/middle school	I
<b>Natural vegetation fire, other</b>	
1 or 2 family dwelling	R
Ind., utility, defense, agriculture, mining, other	I
<b>Outside equipment fire</b>	
1 or 2 family dwelling	R
<b>Outside rubbish, trash or waste fire</b>	
Dump, sanitary landfill	I
Open land or field	A
Outside or special property, other	G
<b>Overheated motor</b>	
Highway or divided highway	STREET
<b>Passenger vehicle fire</b>	
Street, other	STREET
Vehicle parking area	C
<b>Power line down</b>	
1 or 2 family dwelling	R
Residential street, road or residential driveway	R
Street, other	STREET
<b>Smoke detector activation due to malfunction</b>	
1 or 2 family dwelling	R
Elementary school, including kindergarten	I
<b>Smoke detector activation, no fire - unintentional</b>	
1 or 2 family dwelling	R
Alcohol or substance abuse recovery center	I
Church, mosque, synagogue, temple, chapel	I
Public or government, other	X
<b>Smoke or odor removal</b>	
1 or 2 family dwelling	R
<b>Smoke scare, odor of smoke</b>	
1 or 2 family dwelling	R
Business office	C
<b>System malfunction, other</b>	
1 or 2 family dwelling	R
<b>Trash or rubbish fire, contained</b>	
1 or 2 family dwelling	R
<b>Unauthorized burning</b>	
1 or 2 family dwelling	R
Unintentional transmission of alarm, other	
1 or 2 family dwelling	R
24-hour care Nursing homes, 4 or more persons	I
Alcohol or substance abuse recovery center	I
Bank	C
Residential or self-storage units	W
Storage, other	W
<b>Water or steam leak</b>	
Street, other	STREET
<b>Water problem, other</b>	
1 or 2 family dwelling	R
Mercantile, business, other	C
Street, other	STREET
<b>Water vehicle fire</b>	
Open land or field	A

# **EXHIBIT B** **Tentative Proposed Fire Assessment Rate Comparison**

Town of Southwest Ranches						
Proposed FY 2020/2021						
Fire Assessment Worksheet						
Sources:						
Fire Administration Department						
Volunteer Fire Service Department						
Volunteer Fire Fund						
Expenditures	Total FY 2020-2021 Proposed	General Fund Portion	Fire Assessment Portion			
% Allocation per Consultant Study for FR Contractual Services Only		40.00%	60.00%			
<b>Direct Expenses:</b>						
Fire Rescue Contractual Service	\$ 3,627,556	\$ 1,451,022	\$ 2,176,534			
Operating Expenses	320,769	N/A	320,769			
Non-Operating Debt	29,485	N/A	29,485			
Capital Outlay	50,209	19,500	30,709			
<b>Sub-Total</b>	<b>\$ 4,028,019</b>	<b>\$ 1,470,522</b>	<b>\$ 2,557,497</b>			
<b>Other Expenses</b>						
Publication & Notification Costs			1,407			
Statutory Discount			103,839			
Collections Cost			37,084			
Fire Assessment Cost Allocation of Townwide Personnel/Contractual Costs			227,379			
Fire Protection/Control Contingency			39,000			
<b>Total Fire Assessment Expenses</b>			<b>\$ 2,966,206</b>			
Based On Consultant Study						
Property Category	Assess Unit Type	% Effort Allocation	Amount	Total Proposed Rates FY 20/21	Total Assessed Rates FY 19/20	Difference: Increase / (Decrease)
<b>Commercial - 336,209 SF</b>	Per Sq.Ft. Bldg Area	12.77%	378,785	\$ 1.1266	\$ 0.9000	0.2266
<b>Institutional - 551,028 SF</b>	Per Sq.Ft. Bldg Area	22.49%	667,100	\$ 1.2106	\$ 0.2500	0.9606
<b>Acreage - 1.914 Acres</b>	Per Acre	5.47%	162,251	\$ 84.76	\$ 95.21	(10.45)
<b>Residential - 2,886 Units</b>	Per Unit	56.08%	1,663,448	\$ 576.39	\$ 523.51	52.88
<b>Warehouse/Industrial-124,843 SF</b>	Per Sq.Ft. Bldg Area	2.28%	67,629	\$ 0.5417	\$ 1.6000	(1.0583)
<b>Government-Exempt-39,384 SF</b>	Per Sq.Ft. Bldg Area	0.91%	26,992	-	-	0.00
<b>Total</b>		<b>100%</b>	<b>\$ 2,966,206</b>			

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**REGULAR MEETING MINUTES OF THE TOWN COUNCIL**  
**Southwest Ranches, Florida**

Thursday 7:00 PM

May 14, 2020

13400 Griffin Road

Present:

Mayor Doug McKay

Andrew Berns, Town Administrator

Vice Mayor Denise Schroeder

Russell Muñiz, Assistant Town Administrator/Town Clerk

Council Member Delsa Amundson

Martin D. Sherwood, Town Financial Administrator

Council Member Bob Hartmann

Keith Poliakoff, Town Attorney

Council Member Gary Jablonski

Regular Meeting of the Town Council of Southwest Ranches was held virtually via the ZOOM Meeting Platform. The meeting, having been properly noticed, was called to order by Mayor McKay at 7:00 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance.

**3. Public Comment**

The following members of the public addressed the Town Council: Debbie Green and Steve Breitzkreuz.

**4. Board Reports**

There were no board reports.

**5. Council Member Comments**

There were no Council Member Comments

**6. Legal Comments**

Town Attorney Poliakoff spoke about page 24 of the Governor's Reopening Plan that referenced governmental meetings. The Plan stated that starting in Phase Two governmental meetings shall be in person again as long as certain guidelines are followed such as, no more than 50 persons may attend at one time, the meeting must adhere to social distancing guidelines as well as other safety protocols that must be followed. For the general public that wishes to attend the meeting electronically, that option is still available. Town Attorney Poliakoff also stated under the current Phase One guidelines, even though the meetings are staying the same, activities like going to a restaurant or barber shop have been affected. Businesses have to follow the guidelines set forth by Broward County in order to operate at this time.

**7. Administration Comments**

Town Administrator Berns addressed some of the public comments that were brought up earlier. He started with the traffic on SW 188<sup>th</sup> Avenue. He has had conversations with multiple residents regarding the traffic issues and Davie P.D. who has stepped up their presence in that area and the Town has the speed trailer visible as well. SW 188<sup>th</sup> Avenue has been added to the list of hot spots and the Town works hard to address the traffic issues. Council Member Jablonski had previously suggested the Town implement an Enhanced Traffic Enforcement Plan to help combat the issues which the Town was working on and will continue to work on, however it seems the

Coronavirus has slowed down some of those efforts. Town Administrator Berns stated the Town communicates with Davie P.D. on a regular basis, from the officers to administrators, so he feels confident of the Town's awareness to the traffic hot spots and the ability to address them.

Town Administrator Berns then addressed the Frontier Trails/FP&L issue. FP&L is supposed to provide notice in advance to the Town and its residents prior to beginning any work, however the Town became aware of it and he and Assistant Town Administrator Muñiz immediately contacted FP&L to address the issue and curtail the excessive trimming they were looking to accomplish. Town Administrator Berns stated the Town is always happy to communicate with its residents and is always willing to listen. He stated there will be times where the Town cannot communicate something it doesn't know about. That is why open communication is so very important.

### Resolutions

**8.** A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, SUPPORTING THE SUBMISSION OF THE TRANSPORTATION SURFACE DRAINAGE AND ONGOING REHABILITATION (TSDOR) PROJECT TO BROWARD COUNTY AS A MUNICIPAL REHABILITATION AND MAINTENANCE SURTAX PROJECT TO BE CONSIDERED FOR CYCLE ONE FUNDING; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS DEEMED NECESSARY TO HELP EFFECTUATE THE INTENT OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Vice Mayor Schroeder, seconded by Council Member Jablonski and passed by 5-0 roll call vote. The vote was as follows: Council Members Amundson, Hartmann, Jablonski, Vice Mayor Schroeder and Mayor McKay voting Yes.

### **MOTION:** TO APPROVE THE RESOLUTION

**9.** A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE SELECTION OF EDJ SERVICE, LLC AS THE LOWEST PRICE MOST RESPONSIVE AND RESPONSIBLE PROPOSER FOR TOWN-WIDE RIGHT OF WAY MAINTENANCE SERVICES AGREEMENT; APPROVING AN AGREEMENT WITH EDJ SERVICE LLC, WHICH ESTABLISHES THE SCOPE AND COMPENSATION FOR ITS SERVICES TO PROVIDE TOWN-WIDE RIGHT OF WAY MAINTENANCE SERVICES TO THE TOWN; APPROVING A FY 2019-2020 BUDGETARY APPROPRIATION FROM THE GENERAL FUND; APPROVING AN ADDITIONAL EXPENSE NOT TO EXCEED \$14,190.00 (FOURTEEN THOUSAND, ONE HUNDRED AND NINETY DOLLARS AND ZERO CENTS) FOR THE PRORATED CONTRACTUAL INCREASE; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO ENTER INTO AN AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Council Member Hartmann, seconded by Council Member Jablonski and passed by a 5-0 roll call vote. The vote was as follows: Council Members Amundson, Hartmann, Jablonski, Vice Mayor Schroeder and Mayor McKay voting Yes.

### **MOTION:** TO APPROVE THE RESOLUTION.



**10.** A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE SELECTION OF BUDGET SPRINKLER REPAIR, LLC AS THE LOWEST PRICED MOST RESPONSIVE AND RESPONSIBLE PROPOSER FOR TOWNWIDE IRRIGATION MAINTENANCE AND REPAIR SERVICES; APPROVING AN AGREEMENT WITH BUDGET SPRINKLER REPAIR, LLC, WHICH ESTABLISHES THE SCOPE AND COMPENSATION FOR ITS SERVICES TO PROVIDE TOWN-WIDE IRRIGATION MAINTENANCE SERVICES TO THE TOWN; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO ENTER INTO AN AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Council Member Jablonski, seconded by Council Member Hartmann and passed by a 5-0 roll call vote. The vote was as follows: Council Members Amundson, Hartmann, Jablonski, Vice Mayor Schroeder and Mayor McKay voting Yes.

**MOTION:** TO APPROVE THE RESOLUTION.

**11.** A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE SELECTION OF EDJ SERVICE, LLC AS THE LOWEST PRICED MOST RESPONSIVE AND RESPONSIBLE PROPOSER FOR TOWN-WIDE PARKS AND PROPERTY MAINTENANCE SERVICES; APPROVING AN AGREEMENT WITH EDJ SERVICE LLC, WHICH ESTABLISHES THE SCOPE AND COMPENSATION FOR ITS SERVICES TO PROVIDE TOWN-WIDE PARKS AND PROPERTY MAINTENANCE SERVICES TO THE TOWN; APPROVING A FY 2019-2020 BUDGETARY APPROPRIATION FROM THE GENERAL FUND; APPROVING AN ADDITIONAL EXPENSE NOT TO EXCEED \$5,700.00 (FIVE THOUSAND, SEVEN HUNDRED DOLLARS AND ZERO CENTS) FOR THE PRORATED CONTRACTUAL INCREASE; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO ENTER INTO AN AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Vice Mayor Schroeder, seconded by Council Member Hartmann and passed by a 5-0 roll call vote. The vote was as follows: Council Members Amundson, Hartmann, Jablonski, Vice Mayor Schroeder and Mayor McKay voting Yes.

**MOTION:** TO APPROVE THE RESOLUTION.

**12.** A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE SELECTION OF RELIANCE CONTRACTORS AS THE LOWEST MOST RESPONSIVE AND RESPONSIBLE PROPOSER FOR TOWN-WIDE FACILITIES MAINTENANCE SERVICES; APPROVING AN AGREEMENT WITH RELIANCE CONTRACTORS, WHICH ESTABLISHES THE SCOPE AND COMPENSATION FOR ITS SERVICES TO PROVIDE TOWN-WIDE FACILITIES MAINTENANCE SERVICES TO THE TOWN; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO ENTER INTO AN AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Council Member Hartmann, seconded by Vice Mayor Schroeder and passed by a 5-0 roll call vote. The vote was as follows: Council Members Amundson, Hartmann, Jablonski, Vice Mayor Schroeder and Mayor McKay voting Yes.

**MOTION: TO APPROVE THE RESOLUTION**

- 13.** Approval of Minutes
- a. April 9, 2020 Regular Meeting
  - b. April 23, 2020 Regular Meeting

The following motion was made by Council Member Jablonski, seconded by Council Member Hartmann and passed by a 5-0 roll call vote. The vote was as follows: Council Members Amundson, Hartmann, Jablonski, Vice Mayor Schroeder and Mayor McKay voting Yes.

**MOTION:** TO APPROVE THE APRIL 9, 2020 MINUTES ONLY. THE APRIL 23, 2020 MINUTES WILL BE WITHDRAWN AND MOVED TO THE MAY 28, 2020 MEETING ONCE THEY ARE AMENDED TO REFLECT THE SUBMISSION OF AN EMAILED PUBLIC COMMENT REGARDING THE APRIL 9, 2020 MEETING.

**14. ADJOURNMENT**

Meeting was adjourned at 7:50 p.m.

*Respectfully submitted:*

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*Russell Muñiz, Assistant Town Administrator/Town Clerk*

*Adopted by the Town Council on this 9<sup>th</sup> day of July, 2020*

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*Doug McKay, Mayor*

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 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.

**REGULAR MEETING MINUTES OF THE TOWN COUNCIL**  
**Southwest Ranches, Florida**

Thursday 7:00 PM

June 11, 2020

13400 Griffin Road

Present:

Mayor Doug McKay

Andrew Berns, Town Administrator

Vice Mayor Denise Schroeder

Russell Muñiz, Assistant Town Administrator/Town Clerk

Council Member Delsa Amundson

Martin D. Sherwood, Town Financial Administrator

Council Member Bob Hartmann

Keith Poliakoff, Town Attorney

Council Member Gary Jablonski

Regular Meeting of the Town Council of Southwest Ranches was held virtually via the ZOOM meeting platform. The meeting, having been properly noticed, was called to order by Mayor McKay at 7:02 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance.

**3. PUBLIC COMMENT**

The following members of the public addressed the Town Council: Debbie Green, David Sears and Steve Breitkruz.

**4. Board Reports**

There were no Board Reports.

**5. Council Member Comments**

Council member Jablonski spoke about the vehicle break-ins throughout Southwest Ranches. He advised the residents to make sure their cars are locked at night. He warned the residents that on top of physical items that could be stolen, identities could be stolen as well if the thieves got their hands on the usual glove box paperwork. Council Member Jablonski also spoke about the graduation parade that was held for the 2020 Southwest Ranches high school graduates. He stated it was a great event and praised all who had a hand in making it happen.

Council Member Hartmann also spoke on the rash of car break-ins. These are crimes of opportunity. He cautioned residents to lock their cars and remove their personal items out of the car. Council Member Hartmann also spoke about the graduation parade. He stated it was one of the nicest things the Town and the residents had done for the residents yet. He praised the Sullivan family, the Cunningham family, as well as Town Administration for all they did to make the event happen. Lastly Council Member Hartmann spoke on the pandemic. He talked about the rising number of cases and what the news outlets are reporting to be the contributing factors. He stated the best thing people can do right now is protect their families and themselves, because this virus doesn't seem to be going away any time soon. He mentioned Southwest Ranches seems to be doing better than most cities, with not many cases noted so far, but his heart goes out to people that live in condos and apartment buildings that may be unable to keep a safe distance apart from each other.

Council Member Amundson talked about She talked about mulch piles and how they can spontaneously combust if left in one position for too long in the heat. The bottom of the mulch pile gets very hot over time and if it isn't turned or moved in some way, it can catch fire. She wants to see if the Town can look into something that can ensure the nurseries and property

owners turn their piles of mulch every six months and maybe move the piles to a cooler area to prevent them from catching fire. Mayor McKay interjected that the Town has had mulch fires in the past and had to enlist the help of bulldozers and front-end loaders to help put out the fires. He also mentioned they should reach out to Town Administrator Berns, Assistant Town Administrator Muñiz or Community Development Director Medina for any ideas or suggestions to help with this issue. Town Administrator Berns stepped in and advised that he and Council Member Amundson had a conversation about the mulch problem, and he stated Community Development Director Medina is aware of the problem as well, however there isn't anything in the Town's Code yet. Town Administrator Berns stated Council can direct the Town to look into it and bring some information back to the Town Council. Mayor McKay thought that would be a great idea. Council Member Hartmann asked if Broward County had anything in their code. He suggested to check with Broward County first before drafting anything locally. Council Member Amundsen stated she wasn't necessarily asking for a new law to be drafted, just for the Town to do some research around other cities to see what is being done, if anything. Mayor McKay summarized Council Members Amundson and Hartmann's suggestions to research surrounding areas. The entire Town Council agreed this should be looked into.

Vice Mayor Schroeder thanked everyone for the graduation parade. She stated Town Administrator Berns and his crew did an incredible job, even though it was last minute notice. She felt Madison Sullivan did a great job and she is lucky to have a mom that is helping guide her into the future. Vice Mayor Schroeder also spoke about the rain and the flooding. She stated a lot of residents called her about it. She stated she advised them the water will recede after a while. She said the residents were complaining the canals were too high. Council Member Schroeder called South Broward Drainage District and she was told they were pumping the canals as fast as they can. She advised the residents to drive with caution or stay home and wait for the rain to stop.

Mayor McKay praised everyone that had a hand in bringing the graduation parade to fruition. He said what a great job staff and Madison Sullivan and her family did bringing it all together and he was very happy to see Principal Fatout at the event. Mayor McKay stated everyone was thrilled and happy and he appreciates the kids and their families coming out and participating. Vice Mayor Schroeder asked if she could say something and thanked Council Member Hartmann for taking pictures of all the graduates in their cars and maybe he could reach out to Principal Fatout to let the kids know where they can go to download their pictures. Council Member Hartman replied that he was happy to do it and stated his pictures were on his Facebook page, but he would get in touch with Principal Fatout.

## **6. Legal Comments**

Town Attorney Poliakoff congratulated the 2020 graduating seniors. He stated there was nothing new in the Legislature. The Governor still hasn't been presented with any of the Town's bills, so those projects are on hold for the time being.

## **7. Administration Comments**

Town Administrator Berns also spoke on the graduation parade. He acknowledged that while it was nice to hear the praise, he owed his thanks to Assistant Town Administrator Muñiz, Debra

Ruesga and Danielle Caban for all their hard work behind the scenes. He thanked Madison Sullivan for her hard work and stubbornness, and he also wanted to thank Vice Mayor Schroeder as well. Vice Mayor Schroeder provided assistance, acted as a sounding board and was very helpful. Second, Town Administrator Berns provided an update on the fire assessment. He advised the Town is working with our consultant, who is running behind, and he hopes to have something to bring to the next Town Council meeting. Next, Town Administrator Berns spoke about the surtax and our drainage and infrastructure projects. They cleared the Oversight Committee and all the projects were approved. The next step is to go to the County Commission for approval, which will be on June 16, 2020. Lastly, Town Administrator Berns spoke on the Governor's Executive Order allowing virtual meetings is due to expire June 30<sup>th</sup>, 2020 and at this point that date has not been extended. He stated there have been requests from Miami-Dade County and he thinks there will be a request from Broward County to extend the virtual meeting order soon. He mentioned that some of the Town Council had spoken to him about the Archbishop McCarthy quasi-judicial items and wanted to have a public meeting to allow the public to voice their opinions. Town Administrator Berns then asked the Council what their opinions were on having a public meeting instead of a virtual meeting for the June 25, 2020 Town Council meeting. Mayor McKay, Vice Mayor Schroeder and Council Members Amundson and Jablonski all agreed to have the Town Council meeting in person, however Council Member Hartmann preferred a hybrid meeting, with the option of attending in person or virtually. Council Member Hartmann was not comfortable meeting in person yet, especially the way the number of virus cases keep rising. Council Member Jablonski stated since there are two meetings per month, he wouldn't mind having one Town Council meeting in person for hot button items and the other Town Council meeting virtually for housekeeping items. Town Attorney Poliakoff stepped in to clarify the conversation. He said he wanted to make sure the Council understood that whatever consensus is reached is only in the event the Governor extends the virtual meeting Executive Order which at the time, he had not. Town Attorney Poliakoff then stated if the Town Council does implement the hybrid meeting approach, he suggests they hold the quasi-judicial items at the in-person meetings and the meeting without quasi-judicial items can be held virtually. Town administrator Berns then asked Town Attorney Poliakoff if the Executive Order isn't extended, will the Town then be required to hold physical meetings. Town Attorney Poliakoff stated yes. Town Administrator Berns went on to ask if a physical meeting requires a quorum present but would still allow up to two Council Members to attend virtually? Town Attorney Poliakoff clarified the way the law reads it's only permitted for emergency purposes; he would have to render an opinion saying the fear of sickness from the disease constitutes an emergency. Technically speaking you are not supposed to vote while not at a meeting, but most municipalities in the county allow it, he would just have to write it up ahead of time. Council Member Jablonski asked the Town Attorney if the Town Council could be in the same building, just in different rooms and Town Attorney Poliakoff stated a quorum requires everyone to be in the same room. The Town Council could spread out on the Dais and the Town Administrator, Assistant Town Administrator/Town Clerk and the Town Attorney could be in another room. A quorum is required to be in the same room in the presence of each other. That is the legal requirement. Town Attorney Poliakoff also clarified the maximum number of people allowed to attend the meeting is 50, that's the law and a big portion of that number are participants. The Town will have to keep an eye on the numbers and allow people who cannot be in the Council Chambers to participate telephonically. Town Administrator Berns stated he now

has a sense of what the Town Council wants, and he will watch to see what the Governor does going forward.

### Ordinance – 1<sup>st</sup> Reading

**8.** AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING ORDINANCE 2002-005 AND THE TOWN'S COMPREHENSIVE EMERGENCY MANAGEMENT PLAN (CEMP) AND ADOPTING A NEW CONTINUITY OF OPERATIONS PLAN (COOP) IN ORDER TO MINIMIZE HUMAN AND PROPERTY LOSSES AND TO PRESERVE THE CONTINUANCE OF THE TOWN'S MUNICIPAL ESSENTIAL OPERATIONS IN THE EVENT OF A NATURAL OR MANMADE DISASTER; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO APPROVE THE PLANS; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Council Member Jablonski and seconded by Council Member Hartmann and passed by a 5-0 roll call vote. The vote was as follows: Council Member Amundson, Hartmann, Jablonski, Vice Mayor Schroeder and Mayor McKay voting yes.

**MOTION:** TO APPROVE THE ORDINANCE ON 1<sup>st</sup> READING WITH THE STIPULATION TO MAKE THE FOLLOWING AMENDMENT TO THE COMPREHENSIVE EMERGENCY MANAGEMENT PLAN (CEMP): PAGE 6, UNDER "CONTENTS OF DECLARATION", LETTER "A" , SHALL NOW READ, "TOWN ADMINISTRATOR OR TOWN COUNCIL".

### Resolutions

**9.** A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT WITH BROWARD COUNTY PROVIDING FOR THE DEVELOPMENT OF EMERGENCY ORDERS RELATED TO COVID-19 AND THE REIMBURSEMENT BY THE COUNTY TO THE TOWN FOR DEVELOPMENT FUNCTIONS RELATED TO SAID EMERGENCY ORDERS; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE SAID AGREEMENTS; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Council Member Jablonski and seconded by Council Member Hartmann and passed by a 5-0 roll call vote. The vote was as follows: Council Member Amundson, Hartmann, Jablonski, Vice Mayor Schroeder and Mayor McKay voting yes.

**MOTION:** TO APPROVE THE RESOLUTION.

### **10. Approval of Minutes**

#### a. May 28, 2020 Regular Meeting

The following motion was made by Council Member Jablonski and seconded by Council Member Amundson and passed by a 5-0 roll call vote. The vote was as follows: Council Member Amundson, Hartmann, Jablonski, Vice Mayor Schroeder and Mayor McKay voting yes.

**MOTION:** TO APPROVE THE MINUTES.



**11. Adjournment** - Meeting was adjourned at 7:50 p.m.

*Respectfully submitted:*

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*Russell Muñiz, Assistant Town Administrator/Town Clerk*

*Adopted by the Town Council on this day of 9<sup>th</sup> day of July, 2020.*

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*Doug McKay, Mayor*

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 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.