

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Carol Menke/797-1050

SUBJECT: Resolution

AFFECTED DISTRICT: TOWN WIDE

TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE TOWN OF DAVIE, FLORIDA; AMENDING THE PRELIMINARY RATE RESOLUTION REIMPOSING FIRE RESCUE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN OF DAVIE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2002; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF:

This final rate resolution is necessary to allow the Town to reimpose the annual assessment fee for fire rescue (ems) services, which will generate estimated revenue of \$1,772,685 in FY 2003.

In 1996, the Town adopted an ordinance to collect an assessment for fire rescue (EMS) services. The money is collected from each home/business owner through the tax bill collection method each November. Institutional property whose use is wholly exempt from ad valorem taxes (such as churches) is not charged. In August, the Council passed a preliminary rate resolution, which estimated the rate to be charged and authorized our consultant to prepare an assessment roll. The preliminary resolution also directed the Town to mail written notice to anyone whose assessment differed from last year and to publish notice of the assessment in the newspaper. Both were done August 14th. Without collecting this assessment from the home/business owners, the Town would have to increase its millage rate to collect the estimated cost of \$1,772,685. Any property owner who does not pay the assessment may have a lien placed against the property.

PREVIOUS ACTIONS:

N/A

CONCURRENCES:

N/A

FISCAL IMPACT:

Has request been budgeted? N/A

If yes, expected cost:

Account Name:

Additional Comments:

RECOMMENDATION(S):

Motion to approve the resolution.

Attachment(s):

The Preliminary rate resolution (R2002-188), original ordinance (96-33), and any past years' resolutions are available for review in the Town Clerk's Office during regular business hours.

TOWN OF DAVIE, FLORIDA

**FIRE RESCUE ASSESSMENT
ANNUAL RATE RESOLUTION
FOR
FISCAL YEAR BEGINNING OCTOBER 1, 2002**

ADOPTED SEPTEMBER 4, 2002

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TOWN OF DAVIE, FLORIDA

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE TOWN OF DAVIE, FLORIDA; REIMPOSING FIRE RESCUE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN OF DAVIE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2002; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of Davie, Florida (the "Town Council"), has enacted Ordinance No. 96-33 (the "Ordinance"), which authorizes the imposition of Fire Rescue Assessments for fire rescue services, facilities, and programs against Assessed Property located within the Town;

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

WHEREAS, the Town Council desires to reimpose a Fire Rescue Assessment within the Town using the procedures provided by the Ordinance, including the tax bill collection method for the Fiscal Year beginning on October 1, 2002;

WHEREAS, the Town Council, on August 7, 2002, adopted Resolution No. R-2002-188 (the "Preliminary Rate Resolution"), containing and referencing a brief and general description of the fire rescue facilities and services to be provided to Assessed Property, describing the method of apportioning the Fire Rescue Assessed Cost to compute the Fire Rescue Assessment for fire rescue services, facilities, and programs against Assessed Property, estimating a rate of assessment, and directing the updating

and preparation of the Assessment Roll, provision of published notice required by the Ordinance and mailed notice if circumstances described in Section 2.08(F) of the Ordinance so require;

WHEREAS, in order to reimpose Fire Rescue Assessments for the Fiscal Year beginning October 1, 2002, the Ordinance requires the Town Council to adopt an Annual Rate Resolution, during its budget adoption process for each Fiscal Year, which establishes the rate of assessment and approves the Assessment Roll for the upcoming Fiscal Year, with such amendments as the Town Council deems appropriate, after hearing comments and objections of all interested parties;

WHEREAS, the updated Assessment Roll has heretofore been made available for inspection by the public, as required by the Ordinance;

WHEREAS, notice of a public hearing has been published and mailed as required by the terms of the Ordinance, which provides notice to all interested persons of an opportunity to be heard; an affidavit regarding the form of notice mailed being attached hereto as Appendix A and the proof of publication being attached hereto as Appendix B; and

WHEREAS, a public hearing was held on September 4, 2002, and comments and objections of all interested persons have been heard and considered as required by the terms of the Ordinance.

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

SECTION 1. AUTHORITY. This resolution is adopted pursuant to the provisions of Ordinance No. 96-33, (the "Ordinance"), Resolution No. R-96-254 (the "Initial Assessment Resolution"), Resolution No. R-96-285 (the "Final Assessment Resolution"), as supplemented and modified by Resolution No. R-97-19, the Annual Rate Resolution for Fiscal Year commencing October 1, 1997 (Resolution No. R-97-303), the Annual Rate Resolution for Fiscal Year commencing October 1, 1998 (Resolution No. R-98-284), the Annual Rate Resolution for Fiscal Year commencing October 1, 1999 (Resolution No. R-99-287), the Annual Rate Resolution for Fiscal Year commencing October 1, 2000 (Resolution No. R-2000-215), the Annual Rate Resolution for Fiscal Year commencing October 1, 2001 (Resolution No. R-2001-233), the Preliminary Rate Resolution, Article VIII, Section 2, Florida Constitution; sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 2. DEFINITIONS AND INTERPRETATION. This resolution constitutes the Annual Rate Resolution as defined in the Ordinance. All capitalized terms in this resolution shall have the meanings defined in the Ordinance, the Initial Assessment Resolution, the Final Assessment Resolution, as supplemented and modified, and the Preliminary Rate Resolution.

SECTION 3. REIMPOSITION OF FIRE RESCUE ASSESSMENTS.

(A) The parcels of Assessed Property described in the Assessment Roll, as updated, which is hereby approved, are hereby found to be specially benefited by the provision of the fire rescue services, facilities, and programs described or referenced in the Preliminary Rate Resolution, in the amount of the Fire Rescue Assessment set forth in the updated Assessment Roll, a copy of which was present or available for inspection at the above referenced public hearing and is incorporated herein by reference. It is hereby ascertained, determined and declared that each parcel of Assessed Property within the Town will be specially benefited by the Town's provision of fire rescue services, facilities, and programs in an amount not less than the Fire Rescue Assessment for such parcel, computed in the manner set forth in the Preliminary Rate Resolution. Adoption of this Annual Rate Resolution constitutes a legislative determination that all parcels assessed derive a special benefit in a manner consistent with the legislative declarations, determinations and findings as set forth in the Ordinance, the Initial Assessment Resolution, the Final Assessment Resolution, as amended, and the Preliminary Rate Resolution from the fire rescue services, facilities, or programs to be provided and a legislative determination that the Fire Rescue Assessments are fairly and reasonably apportioned among the properties that receive the special benefit as set forth in the Preliminary Rate Resolution.

(B) The method for computing Fire Rescue Assessments described and referenced in the Preliminary Rate Resolution is hereby approved. The Parcel Apportionment methodology described in Appendix A of the Preliminary Rate Resolution and adopted in Section 7 of the Preliminary Rate Resolution is hereby approved.

(C) For the Fiscal Year beginning October 1, 2002, the estimated Fire Rescue Assessed Cost to be assessed is \$1,882,055.00. The Fire Rescue Assessments to be assessed and apportioned among benefited parcels pursuant to the Cost Apportionment and Parcel Apportionment to generate the estimated Fire Rescue Assessed Cost for the Fiscal Year commencing October 1, 2002, are hereby established as follows:

RESIDENTIAL PROPERTY USE CATEGORIES	Rate Per Dwelling Unit				
Single Family	\$ 37.94				
NON-RESIDENTIAL PROPERTY USE CATEGORIES	Building Classification (in square foot ranges)	Commercial	Industrial/ Warehouse	Institutional	Educational
	≤ 1,999	\$ 116.00	\$ 14.00	\$ 208.00	\$ 124.00
	2,000 - 3,499	\$ 231.00	\$ 27.00	\$ 416.00	\$ 248.00
	3,500 - 4,999	\$ 403.00	\$ 47.00	\$ 728.00	\$ 433.00
	5,000 - 9,999	\$ 577.00	\$ 68.00	\$ 1,040.00	\$ 619.00
	10,000 - 19,999	\$ 1,154.00	\$ 135.00	\$ 2,080.00	\$ 1,237.00
	20,000 - 29,999	\$ 2,308.00	\$ 269.00	\$ 4,159.00	\$ 2,474.00
	30,000 - 39,999	\$ 3,461.00	\$ 403.00	\$ 6,238.00	\$ 3,711.00
	40,000 - 49,999	\$ 4,615.00	\$ 537.00	\$ 8,316.00	\$ 4,948.00
	≥50,000	\$ 5,768.00	\$ 671.00	\$ 10,396.00	\$ 6,184.00

(D) The above rates of assessment are hereby approved. Fire Rescue Assessments for fire rescue services, facilities, and programs in the amounts set forth in the updated Assessment Roll, as herein approved, are hereby levied and reimposed on all parcels of Assessed Property described in such Assessment Roll for the Fiscal Year beginning October 1, 2002.

(E) No Fire Rescue Assessment shall be imposed upon a parcel of Institutional Property whose use is wholly exempt from ad valorem taxation under Florida law. Any shortfall in the expected Fire Rescue Assessment proceeds due to any reduction or exemption from payment of the Fire Rescue Assessments required by law or authorized by the Town Council shall be supplemented by any legally available funds, or combination of such funds, and shall not be paid for by proceeds or funds derived from the Fire Rescue Assessments.

(F) As authorized in Section 2.13 of the Ordinance, interim Fire Rescue Assessments are also levied and imposed against all property for which a Certificate of Occupancy is issued after adoption of this Annual Rate Resolution based upon the rates of assessment approved herein.

(G) Fire Rescue Assessments shall constitute a lien upon the Assessed Property so assessed equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid.

(H) The Assessment Roll, as herein approved, together with the correction of any errors or omissions as provided for in the Ordinance, shall be delivered to the Tax Collector for collection using the tax bill collection method in the manner prescribed by the Ordinance. The Assessment Roll, as delivered to the Tax Collector, shall be accompanied by a Certificate to Non-Ad Valorem Assessment Roll in substantially the form attached hereto as Appendix C.

SECTION 4. CONFIRMATION OF PRELIMINARY RATE RESOLUTION. The Preliminary Rate Resolution is hereby confirmed.

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

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

SECTION 7. EFFECTIVE DATE. This Annual Rate Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED this 4th day of September, 2002.

MAYOR/COUNCIL MEMBER

ATTEST:

TOWN CLERK

APPROVED THIS 4TH DAY OF SEPTEMBER, 2002

APPENDIX A

AFFIDAVIT REGARDING NOTICE MAILED TO PROPERTY OWNERS

AFFIDAVIT OF MAILING

BEFORE ME, the undersigned authority, personally appeared Thomas J. Willi, Camille P. Tharpe, and Charles Daugherty, who, after being duly sworn, depose and say:

1. Thomas J. Willi, as Town Administrator of the Town of Davie, Florida ("Town"), pursuant to Resolution No. R-2000-76 which approved the Professional Services Agreement dated April 18, 2000 between Government Services Group, Inc. ("GSG") and the Town, and the authority and direction received from the Town Council, timely directed the preparation of the Assessment Roll and the preparation, mailing, and publication of notices in accordance with the Fire Rescue Assessment Ordinance adopted by the Town Council on August 8, 1996 (the "Assessment Ordinance") and in conformance with the Preliminary Rate Resolution adopted by the Town Council on August 7, 2002 (the "Preliminary Rate Resolution").

2. Camille P. Tharpe, is Vice President of GSG. GSG has caused the notices required by the Assessment Ordinance to be prepared in conformance with the Preliminary Rate Resolution. An exemplary form of such notice is attached hereto. GSG has caused such individual notices for each affected property owner to be prepared and each notice included the following information: the purpose of the assessment; the total amount proposed to be levied against each parcel; the unit of measurement to be applied against each parcel to determine the assessment; the number of such units contained within each parcel; the total revenue the City expects to collect by the assessment; a statement that failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title; a statement that all affected property owners have a right

to appear at the hearing and to file written objections with the local governing board within 20 days of the notice; and the date, time, and place of the hearing.

3. On or before August 14, 2002, GSG delivered and directed the mailing of the above-referenced notices by Mail Master of Tallahassee, Inc. ("Mail Master"), in accordance with the Assessment Ordinance and the Preliminary Rate Resolution by First Class Mail to each affected owner, at the addresses then shown on the real property assessment tax roll database maintained by the Broward County Property Appraiser for the purpose of the levy and collection of ad valorem taxes. Notices to property owners receiving multiple individual notices were mailed, or caused to be mailed by GSG on or before August 14, 2002.

4. Charles Daugherty is Production Manager of Mail Master. As directed above, Mail Master, mailed or caused to be mailed on or before August 14, 2002, the above-referenced notices delivered to Mail Master by GSG.

FURTHER AFFIANTS SAYETH NOT.

Thomas J. Willi, affiant

Camille P. Tharpe, affiant

Charles Daugherty, affiant

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing Affidavit of Mailing was sworn to and subscribed before me this _____ day of _____, 2002 by Thomas J. Willi, Town Administrator, Town of Davie, Florida. He is personally known to me or has produced _____ as identification and did take an oath.

Printed Name: _____
Notary Public, State of Florida
At Large
My Commission Expires: _____
Commission No.: _____

STATE OF FLORIDA
COUNTY OF LEON

The foregoing Affidavit of Mailing was sworn to and subscribed before me this _____ day of August, 2002 by Camille P. Tharpe, Vice President, Government Services Group, Inc., a Florida corporation. She is personally known to me or has produced _____ as identification and did take an oath.

Printed Name: _____
Notary Public, State of Florida
At Large
My Commission Expires: _____
Commission No.: _____

STATE OF FLORIDA
COUNTY OF LEON

The foregoing Affidavit of Mailing was sworn to and subscribed before me this _____ day of August, 2002 by Charles Daugherty, Production Manager, Mail Master of Tallahassee, Inc., a Florida corporation. He is personally known to me or has produced _____ as identification and did take an oath.

Printed Name: _____
Notary Public, State of Florida
At Large
My Commission Expires: _____
Commission No.: _____

APPENDIX B
PROOF OF PUBLICATION

APPENDIX C

**FORM OF CERTIFICATE TO
NON-AD VALOREM ASSESSMENT ROLL**

**CERTIFICATE
TO
NON-AD VALOREM ASSESSMENT ROLL**

I HEREBY CERTIFY that, I am the Mayor of the Town Council, or authorized agent of the Town of Davie, Florida (the Town); as such I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for fire rescue services (the Non-Ad Valorem Assessment Roll) for the Town is properly assessed so far as I have been able to ascertain; and that all required extensions on the above described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law.

I FURTHER CERTIFY that, in accordance with the Uniform Assessment Collection Act, this certificate and the herein described Non-Ad Valorem Assessment Roll will be delivered to the Broward County Department of Finance and Administrative Services by September 15, 2002.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the Broward County Department of Finance and Administrative Services and made part of the above described Non-Ad Valorem Assessment Roll this _____ day of _____, 2002.

TOWN OF DAVIE, FLORIDA

By: _____
Mayor

**[to be delivered to Broward County Department of
Finance and Administrative Services prior to September 15]**