

AGENDA
TOWN OF DAVIE
SEPTEMBER 12, 2014
SPECIAL ASSESSMENTS HEARING

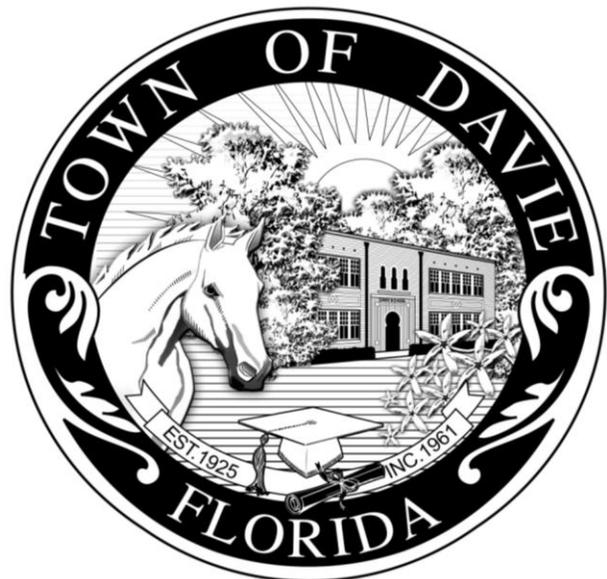
JUDY PAUL
MAYOR

CARYL HATTAN
VICE-MAYOR

SUSAN STARKEY
COUNCILMEMBER

BRYAN CALETKA
COUNCILMEMBER

MARLON LUIS
COUNCILMEMBER



RICHARD J. LEMACK
TOWN ADMINISTRATOR

JOHN RAYSON
TOWN ATTORNEY

EVELYN ROIG, CMC
TOWN CLERK

RULES FOR SPEAKING AT PUBLIC MEETINGS

The Town Council values citizen participation. Anyone who wishes to speak at a public hearing will be allowed to do so as follows:

SPEAKING AT THE OPEN PUBLIC MEETING

The first thirty (30) minutes of the first Town Council meeting of every month is reserved for the "Open Public Meeting." Speakers will not be limited to the number of topics; however, discussion will not be permitted on any issue agendaized for public hearing. Speakers will be limited to three minutes to address the Council. When there are a large number of speakers, there will be a strict time limitation of three minutes per speaker. Speakers will be taken in turn, beginning with those in the first row of seating, then taken row by row. In the event that the 30-minute time period has elapsed, the Council may extend the Open Public Meeting to allow further speakers. In the event that there are small numbers of speakers, two (2) additional minutes per speaker may be allowed, providing that each individual wishing to speak has the opportunity to do so within the thirty-minute time period.

SPEAKING ON ITEMS ON THE AGENDA

Consent Agenda Items: Consent Agenda items are items which the Council does not need to discuss individually and which may be voted on as a group. Any member of the Council may remove an item from the Consent Agenda for discussion. If any member of the public wishes to have an item on the Consent Agenda removed, that individual may contact the Mayor or any other Councilmember(s) before the meeting and request the item be pulled from the Consent Agenda. The Mayor or Councilmember may request that the individual making the request be allowed to address the Council. Members of the public shall limit their address to the item being discussed and shall be granted three (3) minutes to address that item, unless further time is granted by the Presiding Officer.

Quasi-Judicial Consent Agenda Items: Quasi-Judicial Consent Agenda items are items which the Council does not need to discuss individually and which may be voted on as a group. However, these items involve the application of Town requirements to specific interests, such as development applications, and are subject to Quasi-Judicial Procedures if removed from the Quasi-Judicial Consent Agenda. Any member of the Council may remove an item from the Quasi-Judicial Consent Agenda for discussion or for comment. Any member of the public may have an item removed from the Quasi-Judicial Consent Agenda by speaking to the Town Clerk and requesting to have the item removed prior to the meeting. In the event that an item is removed from the Quasi-Judicial Consent Agenda for discussion, the item will be reviewed pursuant to the Town's Quasi-Judicial Procedure, which provides for public comment and participation by the interested parties.

Public Hearing Items: Any individual may address the Council on items listed under this portion of the agenda. Any individual addressing the Council must state his or her name and the entity that the individual represents (if applicable) and give his or her address for the record. In addition, individuals wishing to speak should complete a name/address slip and give the slip to the Town Clerk prior to addressing the Council. All individuals shall limit their address to the item being discussed and shall be granted three (3) minutes to address that item, unless further time is granted by the Presiding Officer. In the event that one or more large groups of people wish to speak for or against an agenda item, a spokesperson may be selected to speak on behalf of the group. Speakers who represent groups of people may be granted more time to speak including the opportunity for a three (3) minute rebuttal, provided that the group agrees that no further members will speak. All individual members of a group shall sign a sheet prior to the meeting signifying his or her membership in the group and his or her willingness to be represented by an authorized group spokesperson. For Quasi-Judicial Public Hearing items, the Town's Quasi-Judicial Procedure will also apply.

RULES OF ORDERLY CONDUCT

Each individual attending a Council meeting must confine his or her comments or opinions to those relevant to the agenda item under discussion with the exception of comments made during the Open Public Meeting. Any individual who engages in behavior that causes unreasonable delays, disruptions of the Council meeting, uses profanity or speaks/acts in an unruly, derogatory or threatening manner at any time during the meeting may be removed from the meeting room by the Sergeant-at-Arms at the direction of the Presiding Officer if they do not promptly desist.

Audience members are urged to turn cell phones and pagers to all electronic devices silent mode.



OFFICE OF THE TOWN CLERK

6591 ORANGE DRIVE • DAVIE, FLORIDA 33314
PHONE: 954.797.1023 • FAX: 954.797.1087 • WWW.DAVIE-FL.GOV

**NOTICE OF TOWN COUNCIL
SPECIAL MEETING
SPECIAL ASSESSMENTS HEARING
SEPTEMBER 12, 2014
12:00 P.M.**

***** AGENDA *****

**Location: Council Chambers
6591 Orange Drive**

On Friday, September 12, 2014 at 12:00 p.m. the Town Council of the Town of Davie, Florida will hold a public hearing on FY 2015 Special Assessments in the Council Chambers located at 6591 Orange Drive, Davie, Florida. The agenda is:

PUBLIC HEARING

1. A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS IN THE TOWN OF DAVIE, FLORIDA; REIMPOSING FIRE PROTECTION ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN OF DAVIE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.
2. A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE IN THE TOWN OF DAVIE, FLORIDA; REIMPOSING SOLID WASTE SERVICE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN OF DAVIE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; AND PROVIDING FOR AN EFFECTIVE DATE.

ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THIS BOARD OR COMMITTEE WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSES, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS MADE.

Persons with disabilities requiring accommodations in order to participate should contact the Town Clerk at 797-1023 at least five business days prior to the meeting to request such accommodation. If you are hearing or speech impaired, please contact the Florida Relay Service by using the following numbers: 1-800-955-8770 (voice) or 1-800-955-8771 (TDD).

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: William Ackerman, Budget & Finance Director / 797-1050

PREPARED BY: Colleen Ryan, Budget Manager, Resolution prepared by Nabors, Giblin & Nickerson, P.A.

SUBJECT: Resolution

AFFECTED DISTRICT: All Districts

ITEM REQUEST: Schedule for Council Meeting

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS IN THE TOWN OF DAVIE, FLORIDA; REIMPOSING FIRE PROTECTION ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN OF DAVIE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.

EXECUTIVE SUMMARY: With Ordinance 2013-16, the Town Council authorized the imposition of an annual Fire Protection Assessment. Pursuant to the Ordinance, enacting Town resolutions, and Florida statutes, in order to impose Fire Protection Assessments for Fiscal year 2015 (FY 2015), the Town Council must hold a public hearing and adopt an Annual Rate Resolution. Council approved the Preliminary Rate Resolution for FY 2015 on July 30, 2014 (R-2014-114).

The proposed Annual Rate Resolution will impose the Fire Protection Assessment for FY 2015, set the assessment rates, approve the assessment roll, and authorize the tax bill collection method. The proposed assessment rates are the same as adopted for FY 2015. Affected properties were notified of the assessment rate and public hearing date via the Truth-in-Millage (TRIM) Notice and a newspaper advertisement.

KEY POINTS:

- **To impose the fire assessment for FY 2015, the Town Council must conduct a public hearing and adopt an Annual Rate Resolution, which sets the assessment rates, approves the assessment roll and authorizes the tax bill collection method.**
- **The proposed FY 2015 assessment rates are the same as the adopted FY 2014 rates.**
- **Affected properties were notified of the applicable assessment rate(s) and public hearing date via the TRIM Notice and newspaper advertisement.**

CONCURRENCES: Preliminary Rate Resolution for FY 2015 (R-2014-114). Fire Protection Assessment enacting ordinance and resolutions: Fire Protection Assessment Ordinance (O-2013-16);

Amended and Restated Initial Assessment Resolution (R-2013-138); and the Amended and Restated Final Assessment Resolution (R-2013-174).

FISCAL IMPACT: Yes

Has request been budgeted? Yes

The proposed FY 2015 Budget includes fire assessment revenues based on the rates in this resolution.

If yes, expected cost: \$

Account name and number:

If no, amount needed: \$

What account name and number will funds be appropriated from:

Additional Comments: If the proposed rates are adopted, the FY 2015 Fire Protection Assessment will total approximately \$10.4 million. These revenues will cover a portion of the Town's costs for fire services, facilities and/or programs for FY 2015. The Fire Protection Assessment cost is not attributable to emergency medical services.

RECOMMENDATION(S): Motion to approve resolution

Attachment(s): Fire Protection Assessment Annual Rate Resolution for Fiscal Year Beginning October 1, 2014.

TOWN OF DAVIE, FLORIDA

**FIRE PROTECTION ASSESSMENT
ANNUAL RATE RESOLUTION
FOR
FISCAL YEAR BEGINNING OCTOBER 1, 2014**

ADOPTED SEPTEMBER 12, 2014

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TOWN OF DAVIE, FLORIDA

RESOLUTION NO. R-2014-_____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS IN THE TOWN OF DAVIE, FLORIDA; REIMPOSING FIRE PROTECTION ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN OF DAVIE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014; 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 Amended and Restated Fire Protection Assessment Ordinance No. 2013-016 (the "Ordinance"), as it may be amended, which authorizes the imposition of Fire Protection Assessments for fire protection services, facilities, and programs against Assessed Property located within the Town;

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

WHEREAS, the Town Council desires to reimpose a Fire Protection 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, 2014;

WHEREAS, the Town Council, on July 30, 2014, adopted Resolution No. R-2014-114 (the "Preliminary Rate Resolution"), containing and referencing a brief and general description of the fire protection facilities and services to be provided to Assessed Property, describing the method of apportioning the Fire Protection Assessed Cost to compute the Fire Protection Assessment for fire protection 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 Protection Assessments for the Fiscal Year beginning October 1, 2014, 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, if 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 12, 2014, 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. 2013-016 (the "Ordinance"), as it may be amended, Resolution No. R-2013-

138 (the "Amended and Restated Initial Assessment Resolution"), Resolution No. R-2013-174 (the "Amended and Restated Final Assessment Resolution"), Resolution No. R-2014-114 ("Preliminary Rate Resolution"), the Charter of the Town of Davie, 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, as it may be amended, and the Preliminary Rate Resolution.

SECTION 3. REIMPOSITION OF FIRE PROTECTION 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 protection services, facilities, and programs described or referenced in the Preliminary Rate Resolution in the amount of the Fire Protection 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.

(B) 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 protection services, facilities, and programs in an amount not less than the Fire Protection 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, as it may be amended, the Amended and Restated Initial Assessment Resolution, the Amended

and Restated Final Assessment Resolution, and the Preliminary Rate Resolution, from the fire protection services, facilities, or programs to be provided and a legislative determination that the Fire Protection Assessments are fairly and reasonably apportioned among the properties that receive the special benefit as set forth in the Preliminary Rate Resolution.

(C) The method for computing Fire Protection Assessments described and referenced in the Preliminary Rate Resolution, is hereby approved. The Cost Apportionment and Parcel Apportionment methodologies adopted in Sections 6 and 7 of the Preliminary Rate Resolution are hereby approved.

(D) For the Fiscal Year beginning October 1, 2014, the estimated Fire Protection Assessed Cost to be assessed is \$10,400,000.00. The Fire Protection Assessments to be assessed and apportioned among benefited parcels pursuant to the Cost Apportionment and Parcel Apportionment to generate the estimated Fire Protection Assessed Cost for the Fiscal Year commencing October 1, 2014, are hereby established as follows:

Fire Class Category	Fire Protection Assessment Rate	Billing Unit
Residential Property	\$166.00	Per Dwelling Unit
Commercial Property	\$0.2999	Per Square Foot
Warehouse/Industrial Property	\$0.0939	Per Square Foot
Institutional Property	\$1.0473	Per Square Foot
Educational Property	\$0.1371	Per Square Foot

(E) The above rates of assessment are hereby approved. Fire Protection Assessments for fire protection 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, 2014.

(F) No Fire Protection Assessment shall be imposed upon a parcel of Government Property or upon a Building located on a parcel of Institutional Property whose Building use is wholly exempt from ad valorem taxation under Florida law. The exemption provided herein for Government Property does not include Educational Property that is owned by a governmental entity; nor does it apply to any Government Property that is owned by federal mortgage entities such as the VA and HUD.

(G) Any shortfall in the expected Fire Protection proceeds due to any reduction or exemption from payment of the Fire Protection 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 Protection Assessments. In the event a court of competent jurisdiction determines any exemption or reduction by the Town Council is improper or otherwise adversely affects the validity of the Fire Protection Assessment imposed for this Fiscal Year, the sole and exclusive remedy shall be the imposition of a Fire Protection Assessment upon each affected Tax Parcel in the amount of the Fire Protection Assessment that would have been otherwise imposed save for such reduction or exemption afforded to such Tax Parcel by the Town Council.

(H) As authorized in Section 2.13 of the Ordinance, as it may be amended, interim Fire Protection Assessments are also levied and imposed against all property for which a Building Permit is issued after adoption of this Annual Rate Resolution based upon the rates of assessment approved herein.

(I) Fire Protection 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.

(J) 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; provided, however, that any Fire Protection Assessment imposed against Educational Property that is owned by a governmental entity shall be collected pursuant to the procedure provided in Section 3.03 of the Ordinance. The Town Administrator is hereby directed to send the separate bills required by Section 3.03 of the Ordinance no later than November 1, 2014, and said bills shall offer the same discounts for early payment as afforded for Fire Protection Assessments that are collected pursuant to the Uniform Assessment Collection Act. 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 Protection 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 12th day of September, 2014.

MAYOR/COUNCIL MEMBER

ATTEST:

TOWN CLERK

APPROVED THIS 12TH DAY OF SEPTEMBER, 2014

APPENDIX A

AFFIDAVIT REGARDING NOTICE MAILED TO PROPERTY OWNERS

AFFIDAVIT OF MAILING

BEFORE ME, the undersigned authority, personally appeared Richard J. Lemack, who, after being duly sworn, deposes and says:

1. Richard J. Lemack, as Town Administrator of the Town of Davie, Florida ("Town"), pursuant to 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 Amended and Restated Fire Protection Assessment Ordinance adopted by the Town Council on July 17, 2013 (the "Assessment Ordinance") and in conformance with the Preliminary Rate Resolution adopted by the Town Council on July 30, 2014 (the "Preliminary Rate Resolution"). The Preliminary Rate Resolution directed and authorized notice by First Class Mail only to affected owners in the event circumstances described in Section 2.08(F) of the Ordinance so required.

2. In accordance with the Assessment Ordinance, Mr. Lemack timely provided all necessary information for notification of the Fire Protection Assessment to the Property Appraiser of Broward County to be included as part of the notice of proposed property taxes under section 200.069, Florida Statutes, the truth-in-millage notification. The information provided to the Property Appraiser to be included on the truth-in-millage notification included the following: 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 Town 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

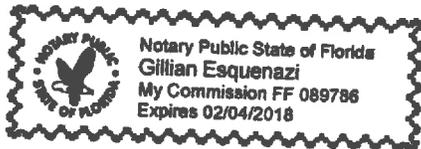
which may result in a loss of title; a statement that all affected property owners have a right to appear at the hearing and to file written objections with the local governing board within 20 days of the notice; and the date, time, and place of the hearing.

FURTHER AFFIANT SAYETH NOT.


Richard J. Lemack, affiant

STATE OF FLORIDA
COUNTY OF BROWARD COUNTY

The foregoing Affidavit of Mailing was sworn to and subscribed before me this 5 day of September, 2014 by Richard J. Lemack, Town Administrator, Town of Davie, Florida. He is personally known to me or has produced _____ as identification and did take an oath.




Printed Name: Gillian Esquenazi
Notary Public, State of Florida
At Large
My Commission Expires: 2/4/2018
Commission No.: FF 089786

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 protection 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, 2014.

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 _____, 2014.

TOWN OF DAVIE, FLORIDA

By: _____
Mayor

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

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: William Ackerman, Budget & Finance Director / 797-1050

PREPARED BY: Colleen Ryan, Budget Manager, Resolution prepared by Nabors, Giblin & Nickerson, P.A.

SUBJECT: Resolution

AFFECTED DISTRICT: All Districts

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE IN THE TOWN OF DAVIE, FLORIDA; REIMPOSING SOLID WASTE SERVICE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN OF DAVIE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; AND PROVIDING FOR AN EFFECTIVE DATE.

EXECUTIVE SUMMARY: In 2005, the Town enacted Ordinance 2005-19 which authorizes the imposition of an annual Solid Waste Service Assessment for residential solid waste collection and disposal services, facilities or programs. Pursuant to the Ordinance, the Initial Rate Resolution, and Florida statutes, in order to reimpose the assessment for Fiscal Year 2015 and use the tax bill collection method, the Town must hold a public hearing and adopt an Annual Rate Resolution. The Town Council approved the Preliminary Rate Resolution on July 30, 2014 (R-2014-115).

The proposed Annual Rate Resolution will impose the Solid Waste Assessment for FY 2015, set the assessment rate, approve the assessment roll, and authorize the tax bill collection method. For Fiscal Year 2015, the solid waste assessment is \$222.23 per dwelling unit, with a total solid waste cost of approximately \$5.02 million. The Fiscal Year 2015 assessment rate is \$9.31, or 4%, more per unit than the FY 2014 assessment rate of \$212.92. Affected properties were notified of the preliminary assessment rate and public hearing date via the Truth-in-Millage (TRIM) Notice and a newspaper advertisement.

KEY POINTS:

- **To impose the solid waste assessment for FY 2015, the Town Council must conduct a public hearing and adopt an Annual Rate Resolution.**
- **The proposed annual assessment rate for FY 2015 is \$222.23 per dwelling unit, a 4% increase from the FY 2014 rate of \$212.92.**

CONCURRENCES: O-2005-19; R-2005-255; R-2005-055; R-2006-208; R-2007-252; R-2008-212, R-2009-231; R-2010-236; R-2011-213; R-2012-195; R-2013-175. The preliminary rate resolution for FY 2015 was approved as R-2014-115.

FISCAL IMPACT: Yes

Has request been budgeted? Yes

If yes, expected cost: \$

Account name and number:

If no, amount needed: \$

What account name and number will funds be appropriated from:

Additional Comments: Most of the revenue received through the solid waste assessment is passed-through to Waste Management per the Town's solid waste collection contract (R-2013-82). In 2015, the Town will receive a \$3.85 franchise fee per unit per month, compared to \$3.77 in 2014. Such franchise fee revenues are included in the proposed FY 2015 Budget.

RECOMMENDATION(S): Motion to approve resolution

Attachment(s): Annual Rate Resolution for Solid Waste Service Assessments

TOWN OF DAVIE, FLORIDA

**ANNUAL RATE RESOLUTION
FOR
SOLID WASTE SERVICE ASSESSMENTS**

RESOLUTION NO. R-2014-_____

ADOPTED SEPTEMBER 12, 2014

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RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE IN THE TOWN OF DAVIE, FLORIDA; REIMPOSING SOLID WASTE SERVICE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN OF DAVIE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council (the "Council") of Davie, Florida (the "Town"), has enacted Ordinance No. 2005-19 (the "Ordinance"), which authorizes the imposition of annual Solid Waste Service Assessments for Solid Waste collection and disposal services, facilities or programs against certain Assessed Property within the Town;

WHEREAS, the imposition of an annual Solid Waste Service Assessment for Solid Waste collection and disposal services, facilities or programs for each Fiscal Year is an equitable and efficient method of allocating and apportioning the Solid Waste Cost among parcels of Assessed Property;

WHEREAS, the Council desires to reinstate an assessment program for Solid Waste collection and disposal services, facilities or programs within the Town using the tax bill collection method for the Fiscal Year beginning on October 1, 2014;

WHEREAS, the Council, on July 30, 2014, adopted Resolution No. R-2014-115 (the "Preliminary Rate Resolution"), containing a brief and general description of the Solid Waste collection and disposal services, facilities or programs to be provided to Assessed Property, describing the method of apportioning the Solid Waste Cost to compute the Solid Waste Service Assessment for Solid Waste collection and disposal services, facilities or

programs against Residential Property, designating a rate of assessment, and directing preparation of the Assessment Roll and provision of the notice required by the Ordinance;

WHEREAS, in order to reimpose Solid Waste Service Assessments for the Fiscal Year beginning October 1, 2014, the Ordinance requires the Town 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 Year, with such amendments as the 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 scheduled for September 12, 2014 has been published and, if required by the terms of the Ordinance, mailed to each Owner of Residential Property proposed to be assessed notifying such Owners of their opportunity to be heard, an affidavit regarding the form of notice mailed to each Owner of Residential Property 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 12, 2014, 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 DAVIE, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. This resolution is adopted pursuant to Ordinance No. 2005-19 (the "Ordinance"); Resolution No. R-2005-255 (the "Initial Assessment

Resolution"); Resolution No. R-2014-115 (the "Preliminary Rate Resolution"); the Charter of the Town of Davie; 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, and the Preliminary Rate Resolution.

SECTION 3. REIMPOSITION OF SOLID WASTE COLLECTION AND DISPOSAL ASSESSMENTS.

(A) The parcels of Assessed Property described in the Assessment Roll, which is hereby approved, are hereby found to be specially benefited by the provision of Solid Waste collection and disposal services, facilities or programs described in the Preliminary Rate Resolution in the amount of the Solid Waste Service Assessment set forth in the updated Assessment Roll, a copy of which was present at the above referenced public hearing and is incorporated herein by reference.

(B) It is hereby ascertained, determined and declared that each parcel of Assessed Property within the Town will be benefited by the Town's provision of Solid Waste collection and disposal services, facilities or programs in an amount not less than the Solid Waste Service 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, as set forth in the Ordinance, the Initial Assessment Resolution and the Preliminary Rate Resolution, from the Solid Waste collection and disposal services, facilities or programs to be provided

and a legislative determination that the Solid Waste Service Assessments are fairly and reasonably apportioned among the Residential Properties that receive the special benefit as set forth in the Preliminary Rate Resolution.

(C) The method for computing Solid Waste Service Assessments described in the Preliminary Rate Resolution is hereby approved.

(D) For the Fiscal Year beginning October 1, 2014, the Solid Waste Cost of \$5,018,000.00 shall be allocated among all parcels of Assessed Property, based upon each parcels' classification as Residential Property and the number of Dwelling Units for such parcels. An annual rate of assessment equal to \$222.23 is hereby approved for each Dwelling Unit. Solid Waste Service Assessments for Solid Waste collection and disposal services, facilities or programs in the amounts set forth in the Assessment Roll, as herein approved, are hereby levied and imposed on all parcels of Assessed Property described in the Assessment Roll.

(E) Any shortfall in the expected Solid Waste Service Assessment proceeds due to any reduction or exemption from payment of the Solid Waste Service Assessments required by law or authorized by the Council shall be supplemented by any legally available funds, or combination of such funds, and shall not be paid for by proceeds or funds derived from the Solid Waste Service Assessments.

(F) Such Solid Waste Service 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.

(G) The Assessment Roll, as herein approved, 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.

(H) Interim Solid Waste Service Assessments are also levied and imposed against all Residential Property for which a Certificate of Occupancy is issued after adoption of this Annual Rate Resolution based upon the rate of assessment approved herein.

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 herein (including, but not limited to, the method of apportionment, the rate of assessment, the Assessment Roll and the levy and lien of the Solid Waste Service Assessments for Solid Waste collection and disposal services, facilities or programs) 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.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY BLANK.]

SECTION 6. EFFECTIVE DATE. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED this 12th day of September, 2014.

MAYOR/COUNCIL MEMBER

ATTEST:

TOWN CLERK

APPROVED THIS 12TH DAY OF SEPTEMBER, 2014

APPENDIX A

AFFIDAVIT REGARDING NOTICE MAILED TO PROPERTY OWNERS

AFFIDAVIT OF MAILING

BEFORE ME, the undersigned authority, personally appeared Richard J. Lemack, who, after being duly sworn, deposes and says:

1. Richard J. Lemack, as Town Administrator of the Town of Davie, Florida ("Town"), pursuant to 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 Solid Waste Service Assessment Ordinance adopted by the Town Council on September 15, 2005 (the "Assessment Ordinance") and in conformance with Resolution No. R-2014-115 (the "Preliminary Rate Resolution") adopted by the Town Council on July 30, 2014. The Preliminary Rate Resolution directed and authorized notice by First Class Mail only to affected owners in the event circumstances described in Section 2.07(F) of the Ordinance so required.

2. In accordance with the Preliminary Rate Resolution, Mr. Lemack timely provided all necessary information for notification of the Solid Waste Service Assessment to the Property Appraiser of Broward County to be included as part of the notice of proposed property taxes under section 200.069, Florida Statutes, the truth-in-millage notification. The information provided to the Property Appraiser to be included on the truth-in-millage notification included the following: 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 Town 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

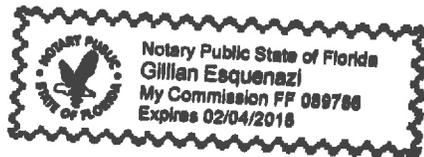
owners have a right to appear at the hearing and to file written objections with the local governing board within 20 days of the notice; and the date, time, and place of the hearing.

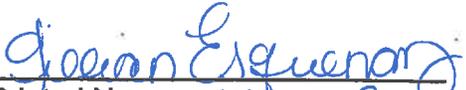
FURTHER AFFIANT SAYETH NOT.


ml Richard J. Lemack, affiant

STATE OF FLORIDA
COUNTY OF BROWARD COUNTY

The foregoing Affidavit of Mailing was sworn to and subscribed before me this 5 day of September, 2014 by Richard J. Lemack, Town Administrator, Town of Davie, Florida. He is personally known to me or has produced _____ as identification and did take an oath.




Printed Name: Gillian Esquenazi
Notary Public, State of Florida
My Commission Expires: 2/4/2018
Commission No.: FF089788

APPENDIX B
PROOF OF PUBLICATION

SUN SENTINEL

Published Daily

Fort Lauderdale, Broward County, Florida

Boca Raton, Palm Beach County, Florida

Miami, Miami-Dade County, Florida

STATE OF FLORIDA

COUNTY OF BROWARD/PALM BEACH/MIAMI-DADE

Before the undersigned authority personally appeared Mark Kuznitz who on oath says that he/she is a duly authorized representative of the Classified Department of the Sun-Sentinel, daily newspaper published in Broward/Palm Beach/Miami-Dade County, Florida, that the attached copy of advertisement, being, a

PUBLIC NOTICE In the matter of THE TOWN OF DAVIE - SOLID WASTE ASSESSMENT appeared in the paper on AUGUST 12, 2014 A.D ID 2569508

Affiant further says that the said Sun-Sentinel is a newspaper published in said Broward/Palm Beach/ Miami-Dade County, Florida, and that the said newspaper has heretofore been continuously published in said Broward/Palm Beach/Miami-Dade County, Florida, each day, and has entered as second class matter at the post office in Fort Lauderdale, in said Broward County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant says that he/she has neither paid, nor promised, any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

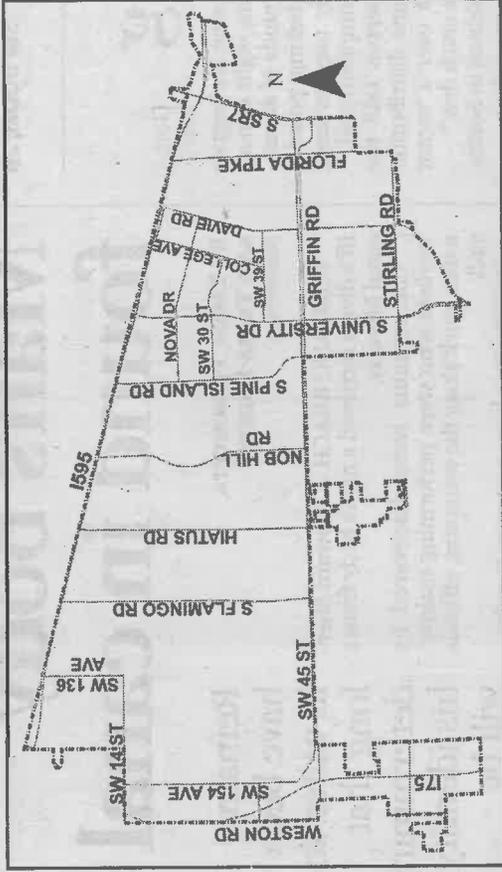


Mark Kuznitz, Affiant

Sworn to and subscribed before me on AUGUST 13, 2014, A.D.



Personally Known or Produced Identification _____



NOTICE OF HEARING TO REIMPOSE AND PROVIDE FOR COLLECTION OF SOLID WASTE SERVICE SPECIAL ASSESSMENTS

Notice is hereby given that the Town Council of the Town of Davie, will conduct a public hearing to consider reimposing solid waste service assessments for the Fiscal Year beginning October 1, 2014, against certain improved residential properties located within the incorporated area of the Town, to fund the cost of solid waste collection and disposal services, facilities and programs provided to such properties and to authorize collection of such assessments on the tax bill.

The public hearing will be held at 12:00 p.m. on September 12, 2014 in the Town Council Chambers of Town Hall, 6591 Orange Drive, Davie, Florida, for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at the hearing and to file written objections with the Town Council within 20 calendar days of the date of this notice. If a person decides to appeal any decision made by the Town Council with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Town Clerk at (954) 797-1020, at least two (2) business days prior to the date of the hearing.

The rate of assessment for the upcoming fiscal year shall be \$222.23 per dwelling unit. The total annual solid waste assessment revenue to be collected within the Town of Davie is estimated to be \$5,018,000.00. Copies of the Solid Waste Service Assessment Ordinance (Ordinance No. 2005-19), the Initial Assessment Resolution (Resolution No. R-2005-255), the Preliminary Rate Resolution initiating the annual process of updating the Assessment Roll and reimposing the Solid Waste Service Assessments, and the updated Assessment Roll for the upcoming fiscal year are available for inspection at the Town Clerk's Office of Town Hall, located at 6591 Orange Drive, Davie, Florida.

The assessments will be collected on the ad valorem tax bill to be mailed in November 2014, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property in accordance with Florida law which may result in a loss of title.

If you have any questions, please contact the Budget & Finance Department at (954) 797-1050, Monday through Friday between 8:30 a.m. and 5:00 p.m.

TOWN COUNCIL OF DAVIE, FLORIDA

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 the 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 solid waste 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, 2014.

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 _____, 2014.

TOWN OF DAVIE, FLORIDA

By: _____
Mayor

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