

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, RELATING TO THE PROVISION OF FIRE INSPECTION SERVICES IN THE CITY OF HOLLYWOOD, FLORIDA; ESTABLISHING THE ESTIMATED ASSESSMENT RATES FOR FIRE INSPECTION ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in June of 2009, the City of Hollywood implemented a recurring annual fire inspection special assessment program to provide a portion of the funding for the City's fire inspection services with the adoption of Ordinance No. O-2009-19, and imposed Fire Inspection Assessments for Fiscal Year 2009-10 with the adoption of Resolution Nos. R-2009-251 (hereinafter "the Initial Assessment Resolution") and R-2009-286 (hereinafter "the Final Assessment Resolution"); and

WHEREAS, pursuant to Ordinance No. O-2009-19, the reimposition of Fire Inspection Assessments for each successive fiscal year requires certain processes such as the preparation of the Assessment Roll; and

WHEREAS, annually a Preliminary Rate Resolution describing the method of assessing fire inspection costs against assessed property located within the City, directing the preparation of an assessment roll, authorizing a public hearing and directing the provision of notice thereof is required by Ordinance No. O-2009-19 for the reimposition of the Fire Inspection Assessments; and

WHEREAS, City staff is recommending that the residential rate for FY 2020 remain the same at \$28.00 which will result in a total collectible roll of approximately \$2,568,000.00; and

WHEREAS, setting the fire rescue assessment rates at this level funds approximately 95% of the total assessable costs of providing fire inspection services based on the point and time rate study last updated for FY 2019; and

WHEREAS, the annual Fire Inspection Assessment is to be levied against all residential properties of three or more units, and all non-residential properties in the City that are subject to fire inspections with the exception of government properties with building uses that are exempt from ad valorem taxation under Florida law; and

WHEREAS, the City Commission of the City of Hollywood, Florida, deems it to be in the best interest of the citizens and residents of the City of Hollywood to adopt this Preliminary Rate Resolution to begin the process of reimposing the Fire Inspection Assessments for FY 2020.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: "WHEREAS" CLAUSES. The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Resolution.

Section 2: AUTHORITY. This resolution is adopted pursuant to the provisions of the Fire Inspection Assessment Ordinance (Ordinance No. O-2009-19), the Initial Assessment Resolution (Resolution No. R-2009-251), the Final Assessment Resolution (Resolution No. R-2009-286), the Annual Rate Resolution for Fiscal Year commencing October 1, 2010 (Resolution No. R-2010-272), the Annual Rate Resolution for Fiscal Year commencing October 1, 2011 (Resolution No. R-2011-231), the Annual Rate Resolution for Fiscal Year commencing October 1, 2012 (Resolution No. R-2012-276), the Annual Rate Resolution for Fiscal Year commencing October 1, 2013 (Resolution No. R-2013-256), the Annual Rate Resolution for Fiscal Year commencing October 1, 2014 (Resolution No. R-2014-256), the Annual Rate Resolution for Fiscal Year commencing October 1, 2015 (Resolution No. R-2015-277), the Annual Rate Resolution for Fiscal Year commencing October 1, 2016 (Resolution No. R-2016-271), the Annual Rate Resolution for Fiscal Year commencing October 1, 2017 (Resolution No. R-2017-268), the Annual Rate Resolution for Fiscal Year commencing October 1, 2018 (Resolution No. R-2018-280), Florida Constitution, Article VIII, Section 2(b), Sections 166.021, 166.041 and 197.3632, Florida Statutes, the City Charter of the City of Hollywood, and other applicable provisions of law.

Section 3: PURPOSE AND DEFINITIONS. This resolution constitutes the Preliminary Rate Resolution as defined in the Ordinance which initiates the annual process for updating the Assessment Roll and directs the reimposition of Fire Inspection Assessments for the Fiscal Year beginning October 1, 2019. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance, the Initial Assessment Resolution and the Final Assessment Resolution. Unless the context indicates otherwise, words imparting the singular number, include the plural number, and vice versa. As used in this resolution, the following terms shall have the following meanings, unless the context hereof otherwise requires:

"Building Area" means the adjusted area of a Building expressed in square feet and reflected on the Tax Roll or, in the event such information is not reflected or determined not to be accurately reflected on the Tax Roll, that area determined by the City.

"DOR Code" means a property use code established in Rule 12D-8.008, Florida Administrative Code, assigned by the Property Appraiser to Tax Parcels within the City.

"Dwelling Unit" means a Building, or a portion thereof, available to be used for residential purposes, consisting of one or more rooms arranged, designed, used, or intended to be used as living quarters for one family only.

"Estimated Fire Inspection Assessment Rate Schedule" means that rate schedule attached hereto as Appendix A and incorporated herein by reference, specifying the Fire Inspection Assessed Costs and the estimated Fire Inspection Assessments established in Section 8 of this Preliminary Rate Resolution.

"Improvement Codes" mean the building use codes assigned by the Property Appraiser to Tax Parcels within the City.

"Multi-family Property" means those Tax Parcels with a Building, or portion of a Building, regardless of ownership, that contains three Dwelling Units or more that are subject to fire inspections which may include Dwelling Units under a condominium or cooperative form of ownership.

"Non-Residential Property" means those Tax Parcels with a Building, or portion of a Building, regardless of ownership, that does not contain Dwelling Units, and excludes government properties with building uses that are tax-exempt.

"Property Use Categories" means, collectively, Multi-family, Condominium, Cooperatives and Non-Residential Property.

"Tax Parcel" means a parcel of property located within the City to which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

Section 4: PROVISION AND FUNDING OF FIRE INSPECTION SERVICES.

(A) Upon the imposition of Fire Inspection Assessments for fire inspection services against Assessed Property located within the City and in accordance with the Broward County Local Amendments to the Florida Fire Prevention Code, Paragraph F-3.5 and § 94.172 of the City of Hollywood's Code of Ordinances, the City shall provide annual fire inspection services to such Assessed Property. A portion of the cost to provide fire inspections to each Building of Non-Residential Property and each Dwelling Unit and/or common or public areas as well as all public aisles, corridors, halls, rooms, storage areas, or other nonresidential areas of such buildings of a Multi-family Property shall be funded from proceeds of the Fire Inspection Assessments. The remaining cost, if any, required to provide fire inspection services shall be funded by legally available City revenues other than the Fire Inspection Assessment.

(B) It is hereby ascertained, determined, and declared that each parcel of Assessed Property located within the City will be benefited by the City's provision of fire inspection services in an amount not less than the Fire Inspection Assessment imposed against such parcel, computed in the manner set forth in this Preliminary Rate Resolution.

Section 5: IMPOSITION AND COMPUTATION OF FIRE INSPECTION ASSESSMENTS. Fire Inspection Assessments shall be imposed against all Tax Parcels within the Property Use Categories. Fire Inspection Assessments shall be computed in the manner set forth in this Preliminary Rate Resolution.

Section 6: LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT AND FAIR APPORTIONMENT. It is hereby ascertained and declared that the Fire Inspection Assessed Costs provide a special benefit to the Assessed Property based upon the following legislative determinations.

(A) Upon the adoption of this Preliminary Rate Resolution determining the Fire Inspection Assessed Costs and identifying the Assessed Property to be included in the Assessment Roll, the general legislative determinations and legislative determinations of special benefit ascertained and declared in Sections 1.03 and 1.04 of the Ordinance are hereby ratified and confirmed.

(B) It is fair and reasonable to use the DOR Codes and Improvement Codes for the apportionment of the Fire Inspection Assessed Costs because: (1) the Tax Roll database employing the use of such property use codes is the most comprehensive, accurate, and reliable information readily available to determine the property use and Building Area for improved property within the City, and (2) the Tax Roll database within such property use codes is maintained by the Property Appraiser and is thus consistent with parcel designations on the Tax Roll which compatibility permits the development of an Assessment Roll in conformity with the requirements of the Uniform Method of Collection.

(C) The data available in the Improvement Codes is more useful and accurate to determine Building Area than the data maintained in the DOR Codes because (1) the data maintained in the Improvement Codes reveals the existence of a Building with a different use from the use described on the DOR Codes, and (2) the Improvement Codes represent records maintained by the Property Appraiser with the most information relative to Building Area regardless of property use.

(D) Apportioning Fire Inspection Assessed Costs among Multi-family Properties and Non-Residential Properties based upon the time necessary to perform the annual fire inspections for such Tax Parcels of Assessed Property, as derived from the City fire prevention division's most recent activity analysis, in relation to the size of the Assessed Properties is fair and reasonable and proportional to the special benefit received.

(E) Of the total time spent on conducting annual inspections, there is a minimum amount of time necessary to inspect each Assessed Property regardless of its size, classification (Multi-family or Non-Residential), or occupancy. The minimum time is determined by analyzing the activities of the fire inspector and the time spent on conducting an annual inspection, as provided in the City fire prevention division's most recent activity analysis. The remainder of the time spent on an annual inspection is related to the size of the building or occupancy to be inspected as measured by Building Area in the case of Non-Residential Properties and number of Dwelling Units in the case of Multi-family Properties.

(F) The City fire prevention division's recent activity analysis is the most reliable data available to determine the minimum time commitment for fire inspection services and the cost burden generated by these activities. There exists sufficient data within the fire prevention division's recent activity analysis documenting the historical demand for fire inspection services from Assessed Property within the Property Use Categories and the cost burden of such fire inspection activities. This historical data is consistent with the fire prevention division's current experience with regards to the required work effort and cost burden.

(G) The Tax Roll database maintained by the Property Appraiser is the most reliable data available to determine the Building area and number of Dwelling Units.

(H) The projected time necessary to perform a fire inspection of Multi-family Property is driven by the existence and number of Dwelling Units. Apportioning the Fire Inspection Assessed Costs for fire inspection services attributable to Multi-family Property on a per Dwelling Unit basis is required to avoid cost inefficiency and unnecessary administration and is a fair and reasonable method of apportionment.

(I) The projected time and associated cost required to perform a fire inspection of Non-Residential Property increases as the Building area increases. Accordingly, it is a fair and reasonable method of apportionment to use ranges of Building Area for Non-Residential Property.

(J) The time required to perform fire inspection services is substantially the same for Non-Residential Property below a certain minimum size and within certain size ranges; therefore, it is fair, reasonable and equitable to provide a lesser assessment burden on improved property containing such Non-residential Property by the creation of specific Building Area classification ranges for such parcels.

(K) The separation of improved Non-Residential Property into Building Area classification ranges is fair and reasonable for the purposes of the apportionment of the Fire Inspection Assessed Costs because: (1) the absence of a need for precise square footage data within the ad valorem tax records maintained by the Property Appraiser undermines the use of actual Building Area within each improved parcel as a basis for apportionment; (2) the administrative expense and complexity to determine by on-site

inspection and track the actual Building Area within each improved parcel assessed is impractical; (3) the degree or amount of fire inspection services is not precisely determined or measured by the actual Building Area within benefited parcels; and (4) the classification of parcels within Building Area classification ranges is a fair and reasonable method to classify benefited parcels and to apportion costs among benefited parcels that have a similar requirement for fire inspection services.

(L) There may be additional factors that could increase time demand for fire inspection services and the associated cost burden required for a specific Building; however, the administrative burden of collecting and maintaining such data for every property within the City makes it impractical for the City to utilize these factors and greatly outweighs the benefit that could be realized from a further refinement of the methodology.

Section 7: DETERMINATION OF FIRE INSPECTION ASSESSED COST; APPORTIONMENT METHODOLOGY.

(A) The City is mandated to conduct annual fire inspections under the Broward County Local Amendments to the Florida Fire Prevention Code, Paragraph F-3.5 and Section 94.172 of the City of Hollywood's Code of Ordinances. In accordance with Section 94.172 of the Hollywood City Code, all Non-Residential Property and Multifamily Property must be inspected at least annually by the City to ascertain any conditions which pose fire hazards and threats or otherwise obstruct or interfere with the Fire Department's operations.

(B) Conducting annual fire inspections is a fire prevention activity. The Department of Fire Rescue and Beach Safety has established a separate Fire Prevention Division which performs all related services, including fire inspections. Using the total annual budget for the City's Fire Prevention Division including all salaries, benefits, operating expenses and other applicable components, if any, the Fire Inspection Assessed Cost for performing fire inspections was determined. The Fire Inspection Assessed Cost to be assessed and apportioned among benefited parcels pursuant to the apportionment methodology described herein for the Fiscal Year commencing October 1, 2018, is the amount determined in the Estimated Fire Inspection Assessment Rate Schedule attached hereto as Appendix A.

(C) The apportionment of the Fire Inspection Assessed Cost among the Tax Parcels of Multi-family Property and Non-Residential Property shall be done in accordance with the apportionment methodology provided in that certain report entitled "City of Hollywood, Florida User Fee Cost Recovery Study," dated as of February 2007, prepared by Government Services Group, Inc., which study is attached as Appendix B in the Initial Assessment Resolution and incorporated herein by reference. The apportionment methodology contained in this study was approved and adopted and found to be a fair and reasonable method of apportioning the Fire Inspection Assessed Costs among parcels of Assessed Property located within the City.

(D) It is hereby acknowledged that the apportionment methodology described and determined in this Section 7 and referenced in paragraph (C) is to be applied in the calculation of the estimated Fire Inspection Assessment rates established in Section 8 of this Preliminary Rate Resolution.

Section 8: ESTABLISHMENT OF ANNUAL FIRE INSPECTION ASSESSMENTS

(A) The approval of the Estimated Fire Inspection Assessment Rate Schedule, which is attached hereto as Appendix A, by the adoption of this Preliminary Rate Resolution determines the amount of the Fire Inspection Assessed Costs. The remainder of such Fiscal Year budget for fire inspection services shall be funded from available City revenue other than Fire Inspection Assessment proceeds.

(B) The estimated Fire Inspection Assessments specified in the Estimated Fire Inspection Assessment Rate Schedule are hereby established to fund the specified Fire Inspection Assessed Costs determined to be assessed in the Fiscal Year commencing October 1, 2019. No portion of such Fire Inspection Assessed Costs is attributable to the provision of capital improvements necessitated by new growth or development, nor is any portion of the Fire Inspection Assessed Costs attributable to the provision of emergency medical services. Additionally, no portion of the Fire Inspection Assessed Costs will be recovered through the City's Fire Rescue Assessment program; however, all other costs of the City's Fire Prevention Division not assessable as part of the Fire Inspection Assessed Costs may be funded through the City's Fire Rescue Assessment program.

(C) The estimated Fire Inspection Assessments established in this Preliminary Rate Resolution shall be the estimated assessment rates applied by the City Manager in the preparation of the preliminary Assessment Roll for the Fiscal Year commencing October 1, 2019, as provided in Section 9 of this Preliminary Rate Resolution.

Section 9: ASSESSMENT ROLL.

(A) The City Manager is hereby directed to prepare, or cause to be prepared, a preliminary Assessment Roll for the Fiscal Year commencing October 1, 2019, in the manner provided in the Ordinance. The Assessment Roll shall include all Tax Parcels within the Property Use Categories. The City Manager shall apportion the estimated Fire Inspection Assessed Cost to be recovered through Fire Inspection Assessments in the manner set forth in this Preliminary Rate Resolution. A copy of this Preliminary Rate Resolution, the Ordinance, documentation related to the estimated amount of the Fire Inspection Assessed Cost to be recovered through the imposition of Fire Inspection Assessments, and the preliminary Assessment Roll (once prepared) shall be maintained on file in the office of the City Clerk and open to public inspection. The foregoing shall not be construed to require that the preliminary Assessment Roll be in printed form if the amount of the Fire Inspection Assessment for each parcel of property can be determined by the use of a computer terminal available to the public.

(B) It is hereby ascertained, determined, and declared that the method of determining the Fire Inspection Assessments for fire inspection services as set forth in this Preliminary Rate Resolution is a fair and reasonable method of apportioning the Fire Inspection Assessed Cost among parcels of Assessed Property located within the City.

Section 10: AUTHORIZATION OF PUBLIC HEARING. There is hereby established a public hearing to be held at 5:30 p.m. on September 12, 2019, in the City Commission Chamber, Room 219, 2600 Hollywood Boulevard, Hollywood, Florida at which time the City Commission will receive and consider any comments on the Fire Inspection Assessments from the public and affected property owners and consider imposing Fire Inspection Assessments for the Fiscal Year beginning October 1, 2019 and collecting such assessments on the same bill as ad valorem taxes for non-Government Property and pursuant to the alternative method of collection provided in Section 3.02 of the Ordinance for any Government Property assessed.

Section 11: NOTICE BY PUBLICATION. The City Manager shall publish a notice of the public hearing authorized by Section 10 hereof in the manner and time provided in Section 2.04 of the Ordinance. The notice shall be published no later than August 24, 2019, in substantially the form attached hereto as Appendix B.

Section 12: NOTICE BY MAIL.

(A) The City Manager shall also provide, or cause to be provided, notice by first class mail to the Owner of each parcel of Assessed Property, in the event circumstances described in Section 2.08(F) of the Ordinance so require. Such notice shall be in substantially the form attached hereto as Appendix C. Such notices shall be mailed no later than August 24, 2019.

(B) If the City determines that the truth-in-millage ("TRIM") notice that is mailed by the Property Appraiser under Section 200.069, Florida Statutes, also fulfills the requirements of paragraph (A) of this Section 12, then the separate mailing requirement described in paragraph (A) will be deemed to be fulfilled by the TRIM notice.

Section 13: APPLICATION OF ASSESSMENT PROCEEDS. Proceeds derived by the City from the Fire Inspection Assessments will be utilized for the provision of fire inspection services. In the event there is any fund balance from Fire Inspection Assessments remaining at the end of the Fiscal Year, such balance shall be carried forward and used only to fund fire inspection services.

Section 14: CONFLICTS. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 15: SEVERABILITY. If any clause, section, other part or application of this resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this resolution.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, RELATING TO THE PROVISION OF FIRE INSPECTION SERVICES IN THE CITY OF HOLLYWOOD, FLORIDA; ESTABLISHING THE ESTIMATED ASSESSMENT RATES FOR FIRE INSPECTION ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Section 16: EFFECTIVE DATE. That this Preliminary Rate Resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2019.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY for the use and reliance of the City of Hollywood, Florida, only.

DOUGLAS R. GONZALES, CITY ATTORNEY