

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, RELATING TO THE PROVISION OF FIRE INSPECTION SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF HOLLYWOOD, FLORIDA; REIMPOSING FIRE INSPECTION ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF HOLLYWOOD FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of Hollywood, Florida (the "City Commission"), has enacted Ordinance No. O-2009-19 (the "Ordinance"), which authorizes the imposition of Fire Inspection Assessments for fire inspection services, facilities, and programs against Assessed Property located within the City; and

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

WHEREAS, the City Commission desires to reimpose a Fire Inspection Assessment within the City using the procedures provided by the Ordinance for the Fiscal Year beginning on October 1, 2018; and

WHEREAS, the City Commission, on July 3, 2018, adopted Resolution No. R-2018-245 (the "Preliminary Rate Resolution"), containing and referencing a brief and general description of the fire inspection facilities and services to be provided to Assessed Property, describing the method of apportioning the Fire Inspection Assessed Cost to compute the Fire Inspection Assessment for fire inspection services, facilities, and programs against Assessed Property, estimating a rate of assessment, directing the updating and preparation of the Assessment Roll, and authorizing a public hearing and the provision of related notice, both published and mailed, as required by the Ordinance; and

WHEREAS, in order to reimpose Fire Inspection Assessments for the Fiscal Year beginning October 1, 2018, the Ordinance requires the City Commission 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 City Commission deems appropriate, after hearing comments and objections of all interested parties; and

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

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 as Appendix "A" and the proof of publication being attached as Appendix "B"; and

WHEREAS, a public hearing was held on September 12, 2018, 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 CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: AUTHORITY. This resolution is adopted pursuant to the provisions of Fire Inspection Ordinance No. O-2009-19 (the "Ordinance"), the Initial Assessment Resolution No. R-2009-251 (the "Initial Assessment Resolution"), the Final Assessment Resolution No. R-2009-286 (the "Final Assessment Resolution"), the Annual Rate Resolution for the Fiscal Year commencing October 1, 2010 (Resolution No. R-2010-272), the Annual Rate Resolution for the Fiscal Year commencing October 1, 2011 (Resolution No. R-2011-231), the Annual Rate Resolution for the Fiscal Year commencing October 1, 2012 (Resolution No. R-2012-276), the Annual Rate Resolution for the Fiscal Year commencing October 1, 2013 (Resolution No. R-2013-256), the Annual Rate Resolution for the Fiscal Year commencing October 1, 2014 (Resolution No. R-2014-256), the Annual Rate Resolution for the Fiscal Year commencing October 1, 2015 (Resolution No. R-2014-277), the Annual Rate Resolution for the Fiscal Year commencing October 1, 2016 (Resolution No. R-2016-271), the Annual Rate Resolution for the Fiscal Year commencing October 1, 2017 (Resolution No. R-2017-268), Resolution No. R-2018-245 (the "Preliminary Rate Resolution"), 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 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 FIRE INSPECTION ASSESSMENTS.

(A) The parcels of Assessed Property described in the Assessment Roll, as updated, which is approved, are found to be specially benefited by the provision of the fire inspection services, facilities, and programs described or referenced in the Preliminary Rate Resolution in the amount of the Fire Inspection 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. It is ascertained, determined and declared that each parcel of Assessed Property within the City will be specially benefited by the City's provision of fire inspection services, facilities, and programs in an amount not less than the Fire Inspection Assessment for such parcel, computed in the manner set forth in the Preliminary Rate Resolution.

(B) 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, and the Preliminary Rate Resolution from the fire inspection services, facilities, or programs to be provided and a legislative determination that the Fire Inspection 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 Inspection Assessments described and referenced in the Preliminary Rate Resolution is approved. The apportionment methodology adopted in Section 6 of the Preliminary Rate Resolution is approved.

(D) For the Fiscal Year beginning October 1, 2018, the estimated Fire Inspection Costs to be assessed is \$2,427,193. The Fire Inspection Assessments to be assessed and apportioned among benefited parcels to generate the estimated Fire Inspection Assessed Cost for the Fiscal Year commencing October 1, 2018, are established as follows:

Residential Property Use Categories	Rate Per Dwelling Unit
Multi-family, Condominium and Cooperative (that are part of a building of 3 or more Units)	\$28

Non-Residential Property Use Categories	Building Classification (square foot ranges)	Rate
	≤ 1,999	\$87
	2,000 - 3,499	\$147
	3,500 - 4,999	\$237
	5,000 - 9,999	\$327
	10,000 - 19,999	\$626
	20,000 - 29,999	\$1,224
	30,000 - 39,999	\$1,822
	40,000 - 49,999	\$2,420
	50,000 - 74,999	\$3,018
	75,000 - 99,999	\$4,513
	100,000 - 149,999	\$6,008
	≥ 150,000	\$8,998

No Fire Inspection Assessment shall be imposed upon Buildings located on a parcel of Government Property whose Building uses are wholly exempt from ad valorem taxation under Florida law. Further, no Fire Inspection Assessment shall be imposed upon the portion of Buildings located on a parcel of Government Property whose Building uses are partially exempt from ad valorem taxation under Florida law. Only the portions of such Buildings that are subject to ad valorem taxation under Florida law and determined as such by the Property Appraiser shall be subject to the Fire Inspection Assessment.

Any shortfall in the expected Fire Inspection Assessment proceeds due to any reduction or exemption from payment of the Fire Inspection Assessments required by law or authorized by the City Commission 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 Inspection Assessments.

(E) The above rates of assessment are approved. Fire Inspection Assessments for fire inspection services, facilities, and programs in the amounts set forth in the updated Assessment Roll, as approved, are levied and reimposed on all parcels of Assessed Property described in such Assessment Roll for the Fiscal Year beginning October 1, 2018.

(F) As authorized in Section 2.13 of the Ordinance, interim Fire Inspection 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 Inspection Assessments shall constitute a lien upon the Assessed Property so assessed which shall be 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 as Appendix "C".

Section 4: CONFIRMATION OF PRELIMINARY RATE RESOLUTION. The Preliminary Rate Resolution is 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 Inspection 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 affecting the validity of the other provisions of this Resolution.

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Section 7: EFFECTIVE DATE. This Annual Rate Resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2018.

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