

RESOLUTION NO. - R-2009-286

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; IMPOSING FIRE INSPECTION ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF HOLLYWOOD FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009; 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 impose a Fire Inspection Assessment within the City using the procedures provided by the Ordinance, including the tax bill collection method for the Fiscal Year beginning on October 1, 2009; and

WHEREAS, the City Commission, on July 15, 2009, adopted Resolution No. R-2009-251 (the "Initial Assessment 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 so required by the Ordinance; and

WHEREAS, in order to impose Fire Inspection Assessments for the Fiscal Year beginning October 1, 2009, the Ordinance requires the City Commission to adopt a Final Assessment Resolution, 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 hereto as Appendix A and the proof of publication being attached hereto as Appendix B; and

WHEREAS, a public hearing was held on September 14, 2009, 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. 2009-251 (the "Initial Assessment 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 Final Assessment Resolution as defined in the Ordinance. All capitalized terms in this resolution shall have the meanings defined in the Ordinance and the Initial Assessment Resolution.

Section 3: IMPOSITION OF FIRE INSPECTION 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 inspection services, facilities, and programs described or referenced in the Initial Assessment 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 by reference. It is hereby 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 Initial Assessment Resolution.

(B) Adoption of this Final Assessment 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 and the Initial Assessment 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 Initial Assessment Resolution.

(C) The method for computing Fire Inspection Assessments described and referenced in the Initial Assessment Resolution is hereby approved. The apportionment methodology adopted in Section 6 of the Initial Assessment Resolution is hereby approved.

(D) For the Fiscal Year beginning October 1, 2009, the estimated Fire Inspection Assessed Cost to be assessed is \$884,000.00. 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, 2009, are hereby established as follows:

Billing Unit Type	Building Area	Multifamily Rates	Non-Residential Rates
Dwelling Unit	N/A	\$22	
Building	≤ 1,999 sq ft		\$52
	2,000 - 3,499 sq ft		\$82
	3,500 - 4,999 sq ft		\$127
	5,000 - 9,999 sq ft		\$172
	10,000 - 19,999 sq ft		\$322
	20,000 - 29,999 sq ft		\$622
	30,000 - 39,999 sq ft		\$922
	40,000 - 49,999 sq ft		\$1,222
	≥ 50,000 sq ft		\$1,522

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 hereby approved. Fire Inspection Assessments for fire inspection services, facilities, and programs in the amounts set forth in the updated Assessment Roll, as herein approved, are hereby levied and imposed on all parcels of Assessed Property described in such Assessment Roll for the Fiscal Year beginning October 1, 2009.

(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 Final Assessment 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 hereto as Appendix C.

Section 4: CONFIRMATION OF INITIAL ASSESSMENT RESOLUTION. The Initial Assessment Resolution is hereby confirmed.

Section 5: EFFECT OF ADOPTION OF RESOLUTION. The adoption of this Initial Assessment 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 Final Assessment 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.

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; IMPOSING FIRE INSPECTION ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF HOLLYWOOD FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.

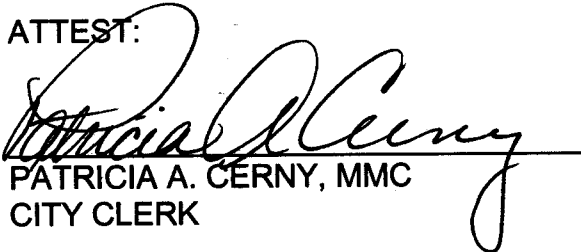
Section 7: EFFECTIVE DATE. This Final Assessment Resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this 14 day of Sept, 2009.



PETER BOBER, MAYOR

ATTEST:



PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGALITY
For the use and reliance of the
City of Hollywood, Florida, only.



JEFFREY P. SHEFFEL
CITY ATTORNEY

APPENDIX A

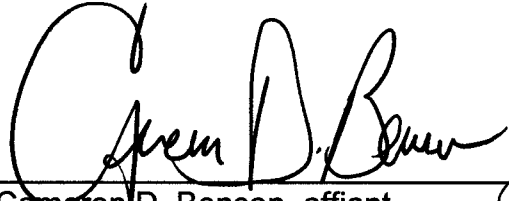
**AFFIDAVIT REGARDING NOTICE
MAILED TO PROPERTY OWNERS**

AFFIDAVIT OF MAILING

BEFORE ME, the undersigned authority, personally appeared Cameron D. Benson, who after being duly sworn, deposes and says:

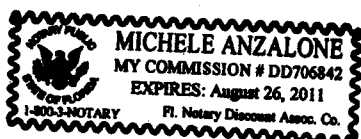
I am the City Manager for the City of Hollywood, Florida (the "City"). Pursuant to Section 200.069(11)(a), Florida Statutes, and with agreement of the Property Appraiser, the City Commission elected to combine notice of the public hearing authorized by the Initial Assessment Resolution with the truth-in-millage notification required pursuant to Section 200.069, Florida Statutes. Such mailed notice in the form required by Section 200.069(11)(a), Florida Statutes, and consistent with the Uniform Assessment Collection Act and the Ordinance for the purpose of imposing Fire Inspection Assessments for the Fiscal Year beginning October 1, 2009 was in fact mailed to all affected property owners by the Broward County Property Appraiser prior to or on August 24, 2009.

FURTHER AFFIANT SAYETH NOT.


Cameron D. Benson, affiant *C.D.*

STATE OF FLORIDA
COUNTY OF BROWARD COUNTY

The foregoing Affidavit of Mailing was sworn to and subscribed before me this 26 day of August, 2009 by Cameron D. Benson, City Manager, City of Hollywood, Florida. He is personally known to me or has produced _____ as identification and did take an oath.

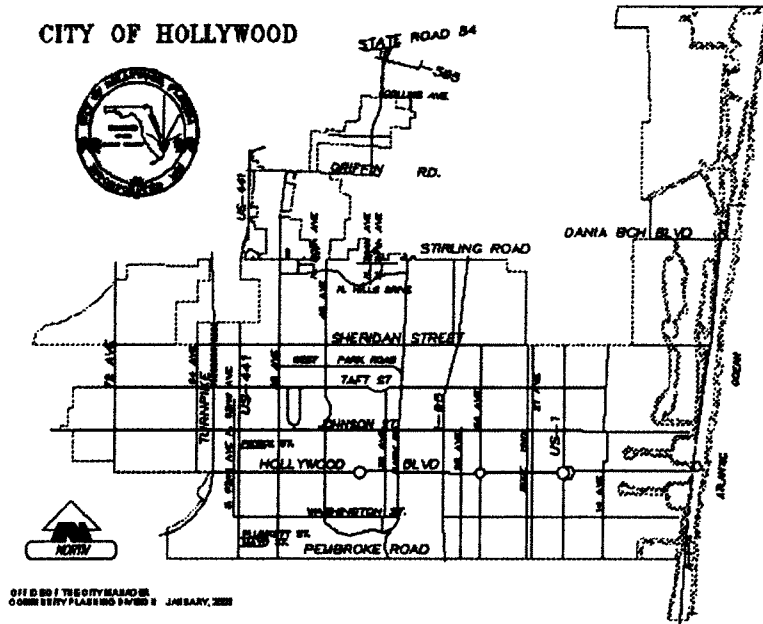



Printed Name: Michele Anzalone
Notary Public, State of Florida
At Large
My Commission Expires: 8/26/11
Commission No.: DD706842

APPENDIX B

PROOF OF PUBLICATION

**CITY OF HOLLYWOOD
NOTICE OF HEARING TO IMPOSE AND
PROVIDE FOR COLLECTION OF FIRE INSPECTION
SPECIAL ASSESSMENTS**



Notice is hereby given that the City Commission of the City of Hollywood will conduct a public hearing to consider imposing fire inspection special assessments for the provision of fire inspection services within the City of Hollywood.

The hearing will be held at 6:00 p.m. on September 14, 2009, in the City Commission Chamber, Room 219, General Joseph W. Watson Circle, 2600 Hollywood Boulevard, Hollywood, 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 City Commission within 20 days of this notice. If a person decides to appeal any decision made by the City Commission 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 Office of the City Manager at (954) 921-3201 (voice) or (800) 955-8771 (V-TDD) at least three business days prior to the date of the hearing.

The assessment for each parcel of property will be based upon each parcel's classification and the total number of billing units attributed to that parcel. The following table reflects the proposed fire inspection assessment schedule.

Residential Property Use Categories	Rate Per Dwelling Unit
Residential	\$22

Non-Residential Property Use Categories	Building Classification (square foot ranges)	Rate
	≤ 1,999	\$52
	2,000 - 3,499	\$82
	3,500 - 4,999	\$127
	5,000 - 9,999	\$172
	10,000 - 19,999	\$322
	20,000 - 29,999	\$622
	30,000 - 39,999	\$922
	40,000 - 49,999	\$1,222
	≥ 50,000	\$1,522

Copies of the Fire Inspection Assessment Ordinance (Ordinance No. O-2009-19), the Initial Assessment Resolution and the preliminary Assessment Roll are available for inspection at the City Clerk's Office in Room 221, General Joseph W. Watson Circle, 2600 Hollywood Boulevard, Hollywood, Florida.

The assessments for non-government property will be collected on the annual ad valorem tax bill to be mailed in November 2009, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title. The assessments for governmental property will be collected pursuant to a separate bill to be provided by the City.

If you have any questions, please contact the City's Treasury Services Division at (954) 921-3246.

Dated this 19th day of August, 2009.

Patricia A. Cerny, MMC
City Clerk

The Miami Herald
Display Ad: Broward Local News Section
¼ page, 3x 10-1/2
PUBLISH: Wednesday, August 19, 2009
FURNISH PROOF OF PUBLICATION

APPENDIX C

CERTIFICATE TO NON-AD VALOREM ASSESSMENT ROLL

CERTIFICATE
TO
NON-AD VALOREM ASSESSMENT ROLL

I HEREBY CERTIFY that I am the Mayor of the City of Hollywood, or authorized agent of the City of Hollywood, Florida (the "City"); as such I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for fire inspection services (the "Non-Ad Valorem Assessment Roll") for the City 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 on or before September 15, 2009.

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 15 day of Sept, 2009.

CITY OF HOLLYWOOD, FLORIDA

By: 
PETER BOBER, Mayor

[to be delivered to Broward County Department of
Finance and Administrative Services on or before September 15]