

PROPOSED RESOLUTION NO. 2020-R-38

RESOLUTION NO. _____

CITY OF PEMBROKE PINES, FLORIDA

**FIRE ASSESSMENT ANNUAL RATE RESOLUTION
FOR FISCAL YEAR BEGINNING OCTOBER 1, 2020**

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RESOLUTION NO. _____

ADOPTED SEPTEMBER 14, 2020

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A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, RELATING TO THE PROVISION OF FIRE SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF PEMBROKE PINES, FLORIDA; RE-IMPOSING FIRE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF PEMBROKE PINES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Pembroke Pines, Florida (the “City Commission”), has enacted Ordinance No. 1174, as amended by Ordinance No. 1233 and Ordinance No. 1642 (collectively the “Ordinance”), which authorizes the imposition of Fire Assessments for fire services, facilities, and programs against Assessed Property located within the City;

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

WHEREAS, the City Commission desires to re-impose a Fire 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, 2020;

WHEREAS, on June 17, 2020, the City Commission adopted Resolution No. 3706 (the “Preliminary Rate Resolution”), containing and referencing a brief and general description of the fire facilities and services to be provided to Assessed Property, describing the method of apportioning the Fire Assessed

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Cost to compute the Fire Assessment for fire 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, and which was amended by Resolution 3713 solely to confirm the public hearing will occur during a virtual City Commission meeting using Communications Media Technology;

WHEREAS, Government Services Group submitted to the City its Fire Assessment Memorandum dated June, 2015, which was relied upon by the City to update and calculate the final assessment rates approved herein for the Fiscal Year beginning October 1, 2020;

WHEREAS, in order to re-impose Fire Assessments for the Fiscal Year beginning October 1, 2020, 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;

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 through the TRIM notices, which provides notice to all interested persons of an

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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, 2020, 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 PEMBROKE PINES, FLORIDA:

SECTION 1. RATIFICATION. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as true and correct and by this reference incorporated herein.

SECTION 2. AUTHORITY. This resolution is adopted pursuant to the provisions of Ordinance No. 1174, as amended by Ordinance No. 1233 and Ordinance 1642 (collectively the "Ordinance"), the Preliminary Rate Resolution (No. 3713); sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 3. 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 and the Preliminary Rate Resolution. Terms such as "Fire Assessment" and "Fire Assessed Costs" herein shall have the same meanings as terms defined in the Ordinance and Preliminary Rate Resolution that used

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the term "Fire Rescue."

SECTION 4. REIMPOSITION OF FIRE 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 services, facilities, and programs described or referenced in the Preliminary Rate Resolution in the amount of the Fire Assessment set forth in the updated Assessment Roll, a copy of which was present or available for inspection for 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 services, facilities, and programs in an amount not less than the Fire 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 Assessed Properties derive a special benefit in a manner consistent with the legislative declarations, determinations, and findings as set forth in the Ordinance and the Preliminary Rate Resolution, from the fire services, facilities, or programs to be provided and a legislative determination that the Fire Assessments are fairly and reasonably apportioned among the properties that receive the special benefit as set forth in the Preliminary Rate Resolution, ensuring that no property is assessed an amount greater than the special benefit received.

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

(C) For the Fiscal Year beginning October 1, 2020, the estimated Fire Assessed Cost to be assessed is \$27,452,116.00. The Fire Assessments to be assessed and apportioned among benefited parcels pursuant to the Cost Apportionment and Parcel Apportionment to generate the estimated Fire Assessed Cost for the Fiscal Year commencing October 1, 2020, are hereby established as follows:

Residential Property Use Categories	Rate Per Dwelling Unit
Residential	\$312.32
Non-Residential Property Use Categories	Rate Per Square Foot
Commercial	\$0.5231
Industrial/Warehouse	\$0.1073
Institutional	\$0.4994

(D) The above rates of assessment are hereby approved. Fire Assessments for fire services, facilities, and programs in the amounts set forth in the updated Assessment Roll, as herein approved, are hereby levied and re-imposed on all parcels of Assessed Property described in such Assessment Roll for the Fiscal Year beginning October 1, 2020. No portion of the Fire Rescue Assessed Costs is attributable to the Emergency Medical Services

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Costs.

(E) No Fire Assessment shall be imposed upon parcels exempted by the Ordinance or Preliminary Rate Resolution. Any shortfall in the expected Fire Assessment proceeds due to any reduction or exemption from payment of the Fire 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 Assessments.

(F) As authorized in Section 2.13 of the Ordinance, interim Fire 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 Assessments shall constitute a lien upon the Assessed Property so assessed equal in rank and dignity with the liens of all state, county, district, or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles, and claims, until paid.

(H) The Assessment Roll, as herein approved, together with the correction of any errors or omissions as provided for in the Ordinance, shall be delivered to the Tax Collector for collection using the tax bill collection method in the manner prescribed by the Ordinance. The Assessment Roll, as

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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 5. CONFIRMATION OF PRELIMINARY RATE RESOLUTION. The Preliminary Rate Resolution is hereby confirmed, except as modified and amended herein.

SECTION 6. 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 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 7 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.

SECTION 8 EFFECTIVE DATE. This Annual Rate Resolution shall take effect immediately upon its passage and adoption.

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**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF
PEMBROKE PINES, FLORIDA, THIS 14th DAY OF SEPTEMBER, 2020.**

CITY OF PEMBROKE PINES, FLORIDA

ATTEST:

BY: _____
MAYOR FRANK C. ORTIS

MARLENE GRAHAM, CITY CLERK

ORTIS _____

CASTILLO _____

GOOD _____

SCHWARTZ _____

APPROVED AS TO FORM:

SIPLE _____

OFFICE OF THE CITY ATTORNEY

APPENDIX A

AFFIDAVIT REGARDING NOTICE MAILED TO PROPERTY OWNERS

AFFIDAVIT OF MAILING

BEFORE ME, the undersigned authority, personally appeared Lisa Chong, who, after being duly sworn, deposes and says:

1. I, Lisa Chong, as Assessment Coordinator for the City of Pembroke Pines, Florida ("City"), pursuant to the authority and direction received from the City Commission, timely directed the preparation of the Assessment Roll and the preparation, mailing, and publication of notices in accordance with the Fire Assessment Ordinance (Ordinance No. 1174, as amended) (the "Assessment Ordinance"), and the Preliminary Rate Resolution (Resolution No. 3706) adopted by the City Commission on June 17, 2020 (the "Preliminary Rate Resolution"), as amended by Resolution 3713. 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, I timely provided all necessary information for notification of the Fire 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 unit of measurement to be applied against each parcel to

determine the assessment; the total revenue the City expects to collect by the assessment; 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.



Lisa Chong, Affiant

STATE OF FLORIDA

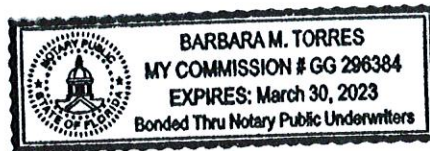
COUNTY OF BROWARD COUNTY

THE FOREGOING Affidavit of Mailing was sworn to and subscribed before me this 8th day of September, 2020, by Lisa Chong, Assessment Coordinator, City of Pembroke Pines, Florida. She is personally known to me or has produced _____ as identification and did take an oath.



Notary Public

My commission expires:



APPENDIX B

PROOF OF PUBLICATION

SUN-SENTINEL

Sold To:

City of Pembroke Pines- City Clerk's Office - CU00104390
601 City Center Way, 4th Floor
Pembroke Pines, FL 33025

Bill To:

City of Pembroke Pines- City Clerk's Office - CU00104390
601 City Center Way, 4th Floor
Pembroke Pines, FL 33025

Published Daily

Fort Lauderdale, Broward County, Florida
Boca Raton, Palm Beach County, Florida
Miami, Miami-Dade County, Florida

State Of Illinois

County Of Cook

Before the undersigned authority personally appeared
Charlie Welenc, who on oath says that he or she is a duly authorized representative of the SUN- SENTINEL,
a DAILY newspaper published in BROWARD/PALM BEACH/MIAMI-DADE County, Florida; that the
attached copy of advertisement, being a Legal Notice in:

The matter of , City of Pembroke Pines- City Clerk's Office
Was published in said newspaper in the issues of; Aug 09, 2020

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 been entered as second class matter at the post office in BROWARD County,
Florida, for a period of one year next preceding the first publication of the attached copy of advertisement;
and affiant further says that he or 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 the
said newspaper.

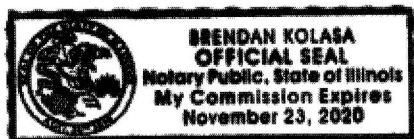
Charlie Welenc

Signature of Affiant

Sworn to and subscribed before me this: August 13, 2020.

Brendan Kolasa

Signature of Notary Public



Name of Notary, Typed, Printed, or Stamped
Personally Known (X) or Produced Identification ()

CITY OF PEMBROKE PINES

AMENDED NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF FIRE RESCUE SPECIAL ASSESSMENTS (CHANGE OF MEETING LOCATION)

Notice is hereby given that the City Commission of the City of Pembroke Pines will conduct a public hearing to consider the re-imposition of annual fire rescue special assessments for the provision of fire rescue services within the municipal boundaries of the City of Pembroke Pines.

In accordance with Executive Order 20-179 by the Governor of Florida, the hearing will be held virtually using communication media technology, at 5:45 p.m. on September 14, 2020, and can be accessed at www.ppines.com, 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 City Clerk's Office at (954) 450-1050, at least seven days prior to the date of the hearing.

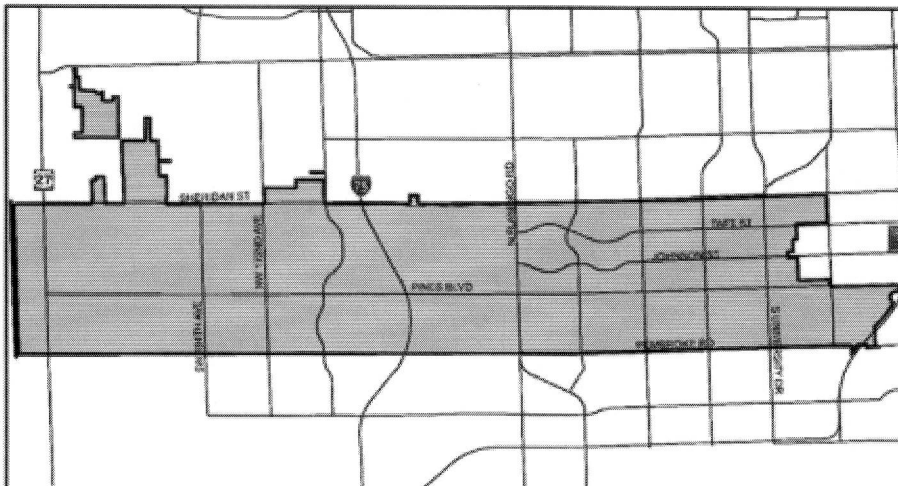
The assessment for each parcel of property will be based upon each parcel's classification and the total number of billing units attributed to that parcel. The following table reflects the proposed fire rescue assessment schedules.

Residential Property Use Categories	Rate Per Dwelling Unit
Residential	\$ 325.89
Non-Residential Property Use Categories	Rate Per Square Foot
Commercial	\$ 0.5477
Industrial/Warehouse	\$ 0.1120
Institutional	\$ 0.5211

Copies of the Fire Rescue Assessment Ordinance, the Preliminary Rate Resolution and the preliminary Assessment Roll are available for inspection in the office of the City Clerk, City Hall, located at 601 City Center Way, Pembroke Pines, Florida, 33025. In the event, City Hall is closed as a result of the COVID-19 global pandemic, the records are available by emailing the City Clerk's Office at mgraham@ppines.com.

The fire rescue service non-ad valorem assessment will be collected on the ad valorem tax bill to be mailed in November 2020, 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.

If you have any questions, please contact the Pembroke Pines Fire Rescue Department at (954) 499-9600, Monday through Thursday between 8:00 a.m. and 6:00 p.m.



CITY COMMISSION
CITY OF PEMBROKE PINES, FLORIDA
Marlene D. Graham, CMC
City Clerk

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 City of Pembroke Pines, or authorized agent of the City of Pembroke Pines, Florida (the "City"), and as such I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for fire 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 by September 15, 2020.

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 September, 2020.

CITY OF PEMBROKE PINES, FLORIDA

BY: _____
Title: _____

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

STATE OF FLORIDA
COUNTY OF BROWARD

I HEREBY CERTIFY that the above
Foregoing is a true and correct copy of
Resolution No. _____

As recorded in the Office of the City Clerk
Witness my hand and official seal this
_____ day of September A.D., 2020

CITY OF PEMBROKE PINES

BY: _____
Marlene Graham, City Clerk