

RESOLUTION NO. 2021-____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS LEVIED IN ALL OR PART OF THE TOWN OF DAVIE, FLORIDA; STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The Town of Davie is responsible for maintaining the public stormwater infrastructure (such as public water bodies, ditches, culverts and catch basins); and

WHEREAS, The Town Council of the Town of Davie adopted a stormwater master plan through R2017-340 that evaluated the Town's existing drainage infrastructure and identified solutions to address concerns such as increased flood frequency, growth and sea level rise; and

WHEREAS, The Town of Davie is desirous of enhancing its stormwater management system to meet operational and capital needs; and

WHEREAS, Additional funding is necessary to better manage the Town's stormwater system and improve the condition of our infrastructure; and

WHEREAS, A stormwater assessment would provide a dedicated funding source to allow the Town to better account for the measured management of the Town's stormwater system, make stormwater infrastructure improvements, provide pollution prevention education, monitor water quality, eliminate illegal connections and discharges, and enforce stormwater codes more proactively; and

WHEREAS, The Town intends to use the uniform method for collecting non-ad valorem special assessments for the cost of providing stormwater management services, facilities, and programs to property within the incorporated area of the Town as authorized by section 197.3632, Florida Statutes, as amended, because this method will allow such special assessments to be collected annually commencing in November 2021 in the same manner as provided for ad valorem taxes.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE THAT:

Section 1. Legislative Findings/Recitals. The above recitals are hereby adopted by the Town of Davie as its legislative findings relative to the subjects and matters set forth in this Resolution.

Section 2. Authority. This Resolution is adopted pursuant to the provisions of Article VIII, Section 2 of the Constitution of the State of Florida, Chapter 166, Florida Statutes, the

Charter of the Town of Davie, Florida, sections 197.3632 and 197.3635, Florida Statutes (collectively, the "Uniform Collection Act"), and other applicable provisions of law.

Section 3. Findings. It is hereby ascertained, determined and declared as follows:

(A) The Town Council of the Town of Davie, Florida ("Town") is contemplating the imposition of one or more series of special assessments, sometimes referred to as non-ad valorem assessments, for, among other essential services and capital facilities, the provision of stormwater management services, capital equipment and other capital facilities (hereinafter collectively the "Services and Improvements").

(B) The Town desires to preserve the option to use the uniform method for collecting non-ad valorem assessments to fund the cost of providing any such Services and Improvements to property within the Town as authorized by the Uniform Collection Act, which will allow such assessments to be collected each year commencing in November 2021, in the same manner as provided for ad valorem taxes.

(C) The Town held a duly advertised public hearing for the purpose of considering the adoption of this Resolution, proof of publication of such hearing being attached hereto as Exhibit A. The legal description of such area subjected to the assessment is attached hereto as Exhibit B and incorporated by reference.

(D) Pursuant to Section 197.3632, Florida Statutes, both the Broward County Property Appraiser and the Broward County Department of Finance and Administrative Services have consented to give the Town until March 1, 2021 to hold this duly advertised public hearing and adopt this resolution evidencing its intent to utilize the Uniform Collection Act.

Section 4. Uniform Method of Collecting Non-Ad Valorem Assessments.

(A) Commencing with the ad valorem tax bills issued in November 2021 and continuing until discontinued by the Town, the Town hereby announces its intention to use the uniform method authorized by the Uniform Collection Act for collecting non-ad valorem assessments associated with providing the Services and Improvements within the incorporated area of the Town, as provided in Exhibit B.

(B) The Town hereby determines that the levy of such assessments is needed to reduce demands upon other revenue sources and more equitably pay for or fund all or a portion of the cost of providing such Services and Improvements.

(C) Adoption of this Resolution is solely for the purpose of complying with the statutory requirements that the Town publicly announce to the Florida Department of Revenue, the Property Appraisers, and Tax Collectors that it may levy non-ad valorem special assessments and use the uniform method of collection.

(D) Adoption of this Resolution shall not be deemed to commit or require the Town to impose any assessments.

(E) Upon adoption, the Town Administrator of the Town, or designee thereof, is hereby directed to send a copy of this Resolution by United States mail to the Florida Department of Revenue, the Property Appraisers and Tax Collectors by March 10, 2021.

Section 5. Conflict. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

Section 6. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, it is the intent of the Town Council that such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application and, to this end, the provisions of this Resolution are declared severable.

Section 7. Construction; Effective Date. This Resolution shall be liberally construed to effect the purposes hereof and shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED at the meeting of the Town Council of the Town of Davie on the ____ day of _____, 2021.

Town of Davie

ATTEST:

TOWN CLERK

MAYOR

APPROVED THIS __ DAY OF _____, 2021.

I, Evelyn Roig, Town Clerk of the Town of Davie, do hereby certify that the above and foregoing resolution is a true and correct copy of a resolution adopted by the Town Council of the Town of Davie, Florida, in its public meeting of January 6, 2021, as the same appears on record in Minutes and the Public Records of the Town of Davie, Florida.

Witness my hand and official seal this ____ day of _____, 2021.

Approved as to form and legality:

TOWN ATTORNEY