

**RESOLUTION NO. 33-2008**

**A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING CERTIFICATION OF ANNUAL STORMWATER UTILITY ASSESSMENT ROLL; ADOPTING AN ANNUAL BUDGET FOR THE TOWN'S STORMWATER UTILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on September 8, 2008, the Town Council adopted a budget for the operation and maintenance of the Town's Stormwater Management Program for the fiscal year beginning October 1, 2008; and

**WHEREAS**, an annual assessment roll has been prepared by Brevard County, a summary of which is attached to and made part of this Resolution by reference and labeled Exhibit "A"; and

**WHEREAS**, a copy of such Annual Stormwater Utility Assessment Roll has been sent to the Brevard County Tax Collector for collection in the same manner as ad valorem taxes are collected; and

**WHEREAS**, the Town Council is satisfied that the annual Stormwater Utility Assessment Roll has been prepared in conformity with the Schedule of Rates and Classifications adopted by the Town Council on August 7, 2000; and

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, that:**

**Section 1.** The Town Council of Malabar, Brevard County, Florida, hereby ratifies, confirms, and certifies that the annual Stormwater Utility Assessment Roll for fiscal year beginning October 1, 2008, is in conformity with the Schedule of Rates adopted by the Town Council on August 7, 2000.

**Section 2.** Those stormwater utility assessments imposed during fiscal year beginning October 1, 2008, shall be billed by the Town of Malabar or its authorized representative, pursuant to the provisions of Section 13.5-104 and 15-106 of the Code of Ordinances, Town of Malabar, and shall be due and payable on November 1<sup>st</sup> of each year, pursuant to law.

**Section 3.** If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holdings

shall not effect the validity of the remaining portions of the Resolution.

**Section 4.** That a certified copy of this Resolution shall be delivered to the Tax Collector of Brevard County, Florida.

**Section 5.** This Resolution shall take effect immediately upon its adoption.

This Resolution was moved for adoption by Council Member Borton. This motion was seconded by Council Member Vail and, upon being put to vote, the vote was as follows:

Council member Nancy Borton	<u>Aye</u>
Council member Brian Vail	<u>Aye</u>
Council Member Charles (Chuck) McClelland	<u>Aye</u>
Council Member Jeffrey (Jeff) McKnight	<u>Aye</u>
Council Member Patricia (Pat) Dezman	<u>Aye</u>

This Resolution was then declared to be duly passed and adopted this 8th day of September, 2008.

TOWN OF MALABAR

By:

Thomas M. Eschenberg

Mayor Thomas M. Eschenberg, Chair

Approved as to Form and Content:

Karl W. Bohne, Jr.

Karl W. Bohne, Jr., Town Attorney

ATTEST:

Debby K. Franklin

Debby K. Franklin  
Town Clerk/Treasurer

(seal)