

**RESOLUTION NO. 94-2011**

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

**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, 2011, 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, 2010, shall be billed by the Town of Malabar or its authorized representative, pursuant to the provisions of Section 13.5-8 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.

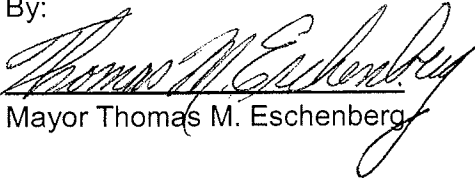
**Section 4.** That a certified copy of this Resolution shall be delivered to the Tax Collector of Brevard County, Florida.

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

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

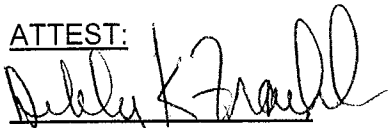
Council Member Carl Beatty	Aye
Council Member David White	Aye
Council Member Steven (Steve) Rivet	Aye
Council Member Jeffrey (Jeff) McKnight	Aye
Council Member Marisa Acquaviva	Aye

This Resolution was then declared to be duly passed and adopted this 15th day of August, 2011.

TOWN OF MALABAR  
 By:   
 Mayor Thomas M. Eschenberg

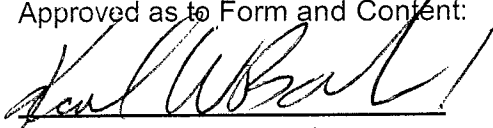
Legal Ad ran for Public Hearing on 7/28 and 8/4

ATTEST:

  
 Debby K. Franklin, C.M.C.  
 Town Clerk/Treasurer

(seal)

Approved as to Form and Content:

  
 Karl Bohne, Jr., Town Attorney



## 2011 Totals for Stormwater Billing

<b>Count</b>	<b>District - City</b>	<b>Billing Amount</b>
1,609	Malabar	68,157.71