

RESOLUTION NO. 17-2007

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 5, 2007, 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, 2007; 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, 2007, 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, 2007, shall be billed by the Town of Malabar or its authorized representative, pursuant to the provisions of Section 15-104 and 15-106 of the Code of Ordinances, Town of Malabar, and shall be due and payable on November 1st 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 _____. This motion was seconded by Council Member _____ and, upon being put to vote, the vote was as follows:

Council member Nancy Borton	_____
Council member Brian Vail	_____
Council member Chuck McClelland	_____
Council member Bobbi Moccia	_____
Council member Pat Dezman	_____

This Resolution was then declared to be duly passed and adopted this 5th day of September, 2007. By: _____

Mayor Tom Eschenberg
Town of Malabar

ATTEST:

Susan Kabana, CMC
Town Clerk/Treasurer

(seal)