

RESOLUTION NO. 19R-09-183

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA, ADOPTING, APPROVING, CERTIFYING, AND RE-IMPOSING THE UNIFORM METHOD FOR COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED WITHIN THE INCORPORATED AREA OF THE CITY OF LAUDERHILL ON THE ANNUAL TAX BILL FOR THE COSTS AND FEES OF PROVIDING GARBAGE, REFUSE AND RECYCLING SERVICES ONLY TO THOSE AREAS MORE COMMONLY KNOWN AS ST. GEORGE, WEST KEN LARK, BROWARD ESTATES, AND THE SWAP SHOP; CERTIFYING THE FINAL ASSESSMENT ROLL; PROVIDING FOR RE-IMPOSITION OF ANNUAL BILLING ON THE TAX BILL FOR ALL RELATED COSTS AND FEES FOR THE DESIGNATED AREAS; DECLARING A GARBAGE ASSESSED COST FOR THE FISCAL YEAR 2020; STATING A NEED FOR SUCH LEVY TO COVER THE COSTS AND FEES FOR SERVICES; ALLOWING FOR INCREASES EQUIVALENT TO THE COSTS CHARGED BY THE SERVICE PROVIDER; PROVIDING FOR THE MAILING OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission previously expressed its intent to use the uniform method for collecting non-ad valorem special assessments for the cost of providing garbage, refuse and recycling services areas property within the incorporated area of the City of Lauderhill as authorized by Section 197.3632 of the Florida Statutes, as amended, because this method would allow such special assessments to be collected annually, in the same manner as provided for ad valorem taxes via the Original Intent Resolution No. 07R-01-31 on February 26, 2007; and

WHEREAS, the City Commission imposed the special assessments for the annual cost of providing garbage, refuse and recycling services to the annexed areas via Resolution No. 07R-09-192, the Final Resolution Approving and Certifying the Uniform Method for Collecting the Non-Ad Valorem Special Assessments and the Certified Assessment Roll, on September 12, 2007; and

WHEREAS, the City Commission re-imposed the special assessments for the annual cost of providing garbage, refuse and recycling services to the annexed areas via Resolution No. 08R-09-192, the Final Resolution Approving and Certifying the Uniform Method for Collecting the Non-Ad Valorem Special Assessments and the Certified Assessment Roll, after public hearing on September 8, 2008; and

WHEREAS, Ordinance No. 080-09-154 approving the re-imposition of the uniform method of collection and the collection of the actual costs charged by All Service Refuse, Inc. was passed on first reading on September 8, 2008 and on second reading on September 24, 2008; and

WHEREAS, individual notice of the duly advertised public hearing was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 prior to the public hearing for the adoption of Resolution No. 09R-09-163 and first reading of Ordinance No. 090-09-135 on September 14, 2009 via the TRIM notice that was

sent by the Broward County Property Appraiser`s Office, and notice was also published in the newspaper; and

WHEREAS, no written objections were received from any residents regarding the certification and re-imposition of the annual tax assessments; however, any residents that were present were heard at the Public Hearing held on September 14, 2009 prior to the passage of the Resolution and first reading of the Ordinance, with the second reading of the Ordinance held on September 29, 2009;

WHEREAS, individual notice of the duly advertised public hearing was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 prior to the public hearing for the potential adoption of Resolution No. 10R-09-174 and first reading of Ordinance No. 100-09-149 on September 13, 2010 via the TRIM notice that was sent by the Broward County Property Appraiser`s Office, and notice was also published in the newspaper; and

WHEREAS, no written objections were received from any residents regarding the certification and re-imposition of the annual tax assessments, however, any residents that were present were heard at the Public Hearing held on September 13, 2010 prior to the passage of the Resolution and first reading of the Ordinance, with the second reading of the Ordinance having occurred on September 27, 2010; and

WHEREAS, individual notice of the duly advertised public hearing was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 prior to the public hearing for the potential adoption of Resolution No. 11R-09-170 and first reading of Ordinance No. 110-09-165 on September 14, 2011 via the TRIM notice that was sent by the Broward County Property Appraiser`s Office, and notice was also published in the newspaper; and

WHEREAS, no written objections were received from any residents regarding the certification and re-imposition of the annual tax assessments, however, any residents that were present were heard at the Public Hearing held on September 14, 2011 prior to the passage of Resolution and first reading of the Ordinance, with the second reading of the Ordinance scheduled on September 28, 2011; and

WHEREAS, individual notice of this duly advertised public hearing was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 prior to the public hearing for the adoption of Resolution No. 12R-09-197 and first reading of Ordinance No. 120-09-141 on September 12, 2012 via the TRIM notice that was sent by the Broward County Property Appraiser`s Office, and notice was also published in the newspaper; and

WHEREAS, no written objections were received from any residents regarding the certification and re-imposition of the annual tax assessments, however, any residents that were present were heard at the Public Hearing held on September 12, 2012 prior to the passage of Resolution No. 12R-09-197 and first reading of the Ordinance 120-09-141,

with the second reading of the Ordinance scheduled on September 28, 2012; and

WHEREAS, individual notice of this duly advertised public hearing was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 prior to the public hearing for the potential adoption of Resolution No. 13R-09-200 and first reading of the corresponding Ordinance No. 13O-09-142 on September 12, 2013 via the TRIM notice that was sent by the Broward County Property Appraiser`s Office, and notice was also published in the newspaper; and

WHEREAS, no written objections were received from any residents regarding the certification and re-imposition of the annual tax assessments, however, any residents that were present were heard at the Public Hearing held on September 12, 2013 prior to the passage of the Resolution and first reading of the Ordinance, with the second reading of the Ordinance scheduled on September 26, 2013; and

WHEREAS, individual notice of this duly advertised public hearing was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 prior to the public hearing for the potential adoption of Resolution No. 14R-09-198 and first reading of the corresponding Ordinance No. 14O-09-144 on September 15, 2014 via the TRIM notice that was sent by the Broward County Property Appraiser`s Office, and notice was also published in the newspaper; and

WHEREAS, no written objections were received from any residents regarding the certification and re-imposition of the annual tax assessments, however, any residents that were present were heard at the Public Hearing held on September 15, 2014 prior to the passage of the Resolution and first reading of the Ordinance, with the second reading of the Ordinance held on September 29, 2014; and

WHEREAS, individual notice of this duly advertised public hearing was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 prior to the public hearing for the potential adoption of Resolution No. 15R-09-204 and first reading of the corresponding Ordinance No. 15O-09-139 on September 11, 2015 via the TRIM notice that was sent by the Broward County Property Appraiser`s Office, and notice was also published in the newspaper; and

WHEREAS, no written objections were received from any residents regarding the certification and re-imposition of the annual tax assessments, however, any residents that were present were heard at the Public Hearing held on September 11, 2015 prior to the passage of the Resolution and first reading of the Ordinance, with the second reading of the Ordinance held on September 21, 2015; and

WHEREAS, the estimated preliminary rate of \$187.13 was passed via Resolution 15R-07-165. The final Resolution 15R-09-204 adopted the *amended* final rate to be imposed in the amount of \$184.75;

WHEREAS, individual notice of this duly advertised public hearing was mailed to

each affected property owner as required by the Florida Statutes, Section 197.3632 prior to the public hearing for the potential adoption of Resolution No. 16R-09-192 and first reading of the corresponding Ordinance No. 16O-09-137 on September 14, 2016 via the TRIM notice that was sent by the Broward County Property Appraiser`s Office, and notice was also published in the newspaper; and

WHEREAS, no written objections were received from any residents regarding the certification and re-imposition of the annual tax assessments, however, any residents that were present were heard at the Public Hearing held on September 14, 2016 prior to the passage of the Resolution and first reading of the Ordinance, with the second reading of the Ordinance held on September 28, 2016; and

WHEREAS, individual notice of this duly advertised public hearing was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 prior to the public hearing for the potential adoption of Resolution No. 17R-09-233 and first reading of the corresponding Ordinance No. 17O-09-137 on September 13, 2017 via the TRIM notice that was sent by the Broward County Property Appraiser`s Office, and notice was also published in the newspaper; and

WHEREAS, no written objections were received from any residents regarding the certification and re-imposition of the annual tax assessments, however, any residents that were present were heard at the Public Hearing held on September 13, 2017 prior to the passage of the Resolution and first reading of the Ordinance, with the second reading of the Ordinance held on September 25, 2017; and

WHEREAS, individual notice of this duly advertised public hearing was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 prior to the public hearing for the potential adoption of this Resolution No. 18R-09-188 and first reading of the corresponding Ordinance No. 18O-09-136 on September 12, 2018 via the TRIM notice that was sent by the Broward County Property Appraiser`s Office, and notice was also published in the newspaper; and

WHEREAS, no written objections were received from any residents regarding the certification and re-imposition of the annual tax assessments, however, any residents that were present were heard at the Public Hearing held on September 12, 2018 prior to the passage of the Resolution and first reading of the Ordinance, with the second reading of the Ordinance held on September 26, 2018; and

WHEREAS, individual notice of this duly advertised public hearing was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 prior to the public hearing for the potential adoption of this Resolution No. 19R-09-183 and first reading of the corresponding Ordinance No. 19O-09-129 on September 12, 2019 via the TRIM notice that was sent by the Broward County Property Appraiser`s Office, and notice was also published in the newspaper; and

WHEREAS, no written objections were received from any residents regarding the

certification and re-imposition of the annual tax assessments, however, any residents that were present were heard at the Public Hearing held on September 12, 2019 prior to the passage of the Resolution and first reading of the Ordinance, with the second reading of the Ordinance scheduled on September 26, 2019;

NOW THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA:

SECTION 1. That commencing with the Fiscal Year beginning on October 1, 2019, and with the tax statement mailed for such Fiscal Year, the City of Lauderhill will continue to use the uniform method of collecting non-ad valorem assessments authorized in Section 197.3632 of the Florida Statutes, as amended, for collecting non-ad valorem assessments for the cost and fees associated with providing garbage, refuse and recycling services *only* for those areas who are serviced by the Service Provider, more commonly known as St. George, West Ken Lark, Broward Estates and the Swap Shop. Such non-ad valorem assessments shall be re-imposed and levied within the incorporated area of the City of Lauderhill *only* to the designated areas on their annual tax bill. Any and all delinquent amounts owed for such services rendered from unpaid prior monthly billing will appear on the tax bill as a lump sum due, if applicable. A map and/or legal description of the area subject to this assessment is attached hereto as Exhibit "A" and incorporated herein by reference thereto.

SECTION 2. The City of Lauderhill hereby determines that the levy of such assessments is needed to fund the actual costs and fees to provide garbage, refuse and recycling services within the incorporated area of the City *only* to the designated areas. The proposed final rates to be assessed are attached hereto as Exhibit "B" and incorporated herein by reference thereto. The attached *final* rate was fully disclosed at the Public Hearing on September 12, 2019, but only those actual rates charged by the Service Provider will be assessed.

SECTION 3. The assessment for each parcel will be billed through the Broward County Property Appraiser's Office, via the Ad Valorem Tax Bill and collected through the Broward County Revenue Collections Division, as authorized by Florida Statutes, Section 197.3632. The Florida Statutes require the disclosure to owners, that "Failure to pay the assessments will cause a Tax Certificate to be issued against the property, which may result in the loss of title."

SECTION 4. The City of Lauderhill hereby Certifies the Non-Ad Valorem Final Assessment Roll as presented at the time of the Public Hearing on September 12, 2019 and directs the City Manager to update the Assessment roll.

SECTION 5. Upon adoption, the City Clerk is hereby directed to send a certified copy of this Resolution and Certificate of Non-Ad Valorem Final Assessment Roll via United States mail to the Florida Department of Revenue, the Broward County Department of Revenue Collection, and the Broward County Property Appraiser by September 15, 2019.

SECTION 6. This Resolution shall take effect immediately upon its passage and adoption.

DATED this _____ day of _____, 2019.

PASSED AND ADOPTED on first reading this _____ day of _____, 2019.

PRESIDING OFFICER

ATTEST:

CITY CLERK

MOTION _____
SECOND _____

M. BATES _____
H. BERGER _____
R. CAMPBELL _____
D. GRANT _____
K. THURSTON _____

Approved as to Form

W. Earl Hall
City Attorney