

ORDINANCE NO. 190-09-128

AN ORDINANCE 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 STORM WATER SERVICES ONLY TO THOSE AREAS MORE COMMONLY KNOWN AS ST. GEORGE, WEST KEN LARK, BROWARD ESTATES, AND THE SWAP SHOP; DECLARING A STORM WATER ASSESSED COST FOR THE FISCAL YEAR 2020; PROVIDING FOR RE-IMPOSITION OF ANNUAL BILLING ON THE TAX BILL FOR ALL RELATED COSTS AND FEES FOR THE DESIGNATED AREAS; STATING A NEED FOR SUCH LEVY TO COVER THE ACTUAL COSTS AND FEES FOR SERVICES; ALLOWING FOR INCREASES EQUIVALENT TO THE ACTUAL COSTS CHARGED BY THE SERVICE PROVIDER; PROVIDING FOR THE MAILING OF THIS ORDINANCE; 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 storm water services to those areas within the incorporated area of the City of Lauderhill who are serviced by All Service Refuse, Inc., more commonly known as St. George, West Ken Lark, Broward Estates and the Swap Shop 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. 08R-12-272 on December 8, 2008; and

WHEREAS, the City Commission imposed these special assessments for the annual cost of providing storm water services to the annexed areas via Resolution No. 09R-09-165, the Final Resolution Approving and Certifying the Uniform Method for Collecting the Non-Ad Valorem Special Assessments and the Certified Assessment Roll, on September 14, 2009 following a public hearing; and

WHEREAS, Ordinance No. 090-09-137 approved the imposition of the uniform method of collection and the collection of the actual costs charged by the service provider for storm water services which was passed on first reading on September 14, 2009 and on second reading on September 29, 2009; 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-09-165 and first reading of Ordinance No. 090-09-137 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 imposition of the annual tax assessments for storm water, however,

any residents that were present were heard at the Public Hearing held on September 14, 2009 prior to the passage of Resolution 09R-09-165 and first reading of Ordinance 09O-09-137, with second reading on September 29, 2009; and

WHEREAS, the modified Storm Water rate for Fiscal Year 2010 was \$127.70 annually per ERU, as announced at both the September 14, 2009 and September 29, 2009 Public Hearing Meetings; and

WHEREAS, the City Commission imposed these special assessments for the annual cost of providing storm water services to the designated areas via Resolution No. 09R-09-165, the Final Resolution Approving and Certifying the Uniform Method for Collecting the Non-Ad Valorem Special Assessments and the Certified Assessment Roll, on September 14, 2009 following a public hearing; and

WHEREAS, Ordinance No. 09O-09-137 approving the imposition of the uniform method of collection and the collection of the actual costs charged by the service provider for storm water services was passed on first reading on September 14, 2009 and on second reading on September 29, 2009; 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. 10R-09-176 and first reading of Ordinance No. 10O-09-151 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 imposition of the annual tax assessments for storm water; however, any residents that were present were heard at the Public Hearing held on September 13, 2010 prior to the passage of Resolution 10R-09-176 and first reading of Ordinance 10O-09-151 and on second reading on September 27, 2010; and

WHEREAS, the City Commission imposed the special assessments for the annual cost of providing storm water services to the annexed areas via Resolution No. 11R-09-169, the Final Resolution Approving and Certifying the Uniform Method for Collecting the Non-Ad Valorem Special Assessments and the Certified Assessment Roll, on September 14, 2011 following a public hearing; and

WHEREAS, Ordinance No. 11O-09-164 approving the imposition of the uniform method of collection and the collection of the actual costs charged by the service provider for storm water services passed on first reading on September 14, 2011 and on second reading on September 28, 2011; 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. 11R-09-169 and first

reading of Ordinance No. 110-09-164 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 imposition of the annual tax assessments for storm water; however, any residents that were present were heard at the Public Hearing held on September 14, 2011 prior to the passage of Resolution 11R-09-169 and first reading of Ordinance 110-09-164, with second reading scheduled for September 28, 2011; and

WHEREAS, Ordinance No. 120-09-140 approving the re-imposition of the uniform method of collection and the collection of the actual costs charged by the service provider for storm water services is proposed to be passed on first reading on September 12, 2012 and scheduled on second reading 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 adoption of Resolution No. 12R-09-196 and first reading of Ordinance No. 120-09-140 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 imposition of the annual tax assessments for storm water; however, any residents that were present were heard at the Public Hearing held on September 12, 2012 prior to the passage of Resolution 12R-09-196 and first reading of Ordinance 120-09-140, with second reading scheduled for September 28, 2012;

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 the Resolution and first reading of this corresponding Ordinance 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 imposition of the annual tax assessments for storm water; however, any residents that were present were heard at the Public Hearing held on September 12, 2013 prior to the passage of Resolution No. 13R-09-199 and first reading of this Ordinance No. 130-09-141, with second reading scheduled for 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 the Resolution and first reading of this corresponding Ordinance 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 imposition of the annual tax assessments for storm water; however, any residents that were present were heard at the Public Hearing held on September 15, 2014 prior to the passage of Resolution No. 14R-09-197 and first reading of this Ordinance No. 140-09-143, with second reading scheduled for 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 the Resolution and first reading of this corresponding Ordinance 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 imposition of the annual tax assessments for storm water; however, any residents that were present were heard at the Public Hearing held on September 11, 2015 prior to the passage of Resolution No. 15R-09-203 and first reading of this Ordinance No. 150-09-138, with second reading scheduled for September 21, 2015; 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 the Resolution and first reading of this corresponding Ordinance 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 imposition of the annual tax assessments for storm water; however, any residents that were present were heard at the Public Hearing held on September 14, 2016 prior to the passage of Resolution No. 16R-09-191 and first reading of this Ordinance No. 160-09-136, with second reading scheduled for 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 the Resolution and first reading of this corresponding Ordinance 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 imposition of the annual tax assessments for storm water; however, any residents that were present were heard at the Public Hearing held on September 13, 2017 prior to the passage of Resolution No. 17R-09-232 and first reading of this Ordinance No. 170-09-136, with second reading scheduled for 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 the Resolution and first reading of this corresponding Ordinance 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 imposition of the annual tax assessments for storm water; however, any residents that were present were heard at the Public Hearing held on September 12, 2018 prior to the passage of Resolution No. 18R-09-187 and first reading of this Ordinance No. 18O-09-135, with second reading scheduled for 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 the Resolution and first reading of this corresponding Ordinance 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 imposition of the annual tax assessments for storm water; however, any residents that were present were heard at the Public Hearing held on September 12, 2019 prior to the passage of Resolution No. 19R-09-182 and first reading of this Ordinance No. 19O-09-1128, with second reading scheduled for September 26, 2019;

NOW THEREFORE, BE IT ORDAINED 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 Annual Tax Bill mailed for each Fiscal Year thereafter, 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 storm water services *only* for those designated areas more commonly known as St. George, West Ken Lark, Broward Estates and the Swap Shop. Such non-ad valorem assessments shall be imposed and levied within the incorporated area of the City of Lauderhill *only* to the designated areas on the 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 declares the storm water service final assessed cost for Fiscal Year 2020 to be \$233.79 annually per ERU and determines that

the levy of such assessments is needed to fund the actual costs and fees to provide storm water services within the incorporated area of the City *only* to the designated areas. The proposed *final* rate to be assessed is attached hereto as Exhibit "B" and incorporated herein by reference thereto. The estimated preliminary rate of \$233.79 was fully disclosed at the Public Hearings on July 9, 2019. The final rate was fully disclosed at the Public Hearings on September 12, 2019 and on September 26, 2019. Only those actual costs and fees for storm water services necessary to be charged by the service provider will actually 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. 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 Lauderdale Hill previously certified the Non-Ad Valorem Assessment Roll via Resolution No. 19R-09-182 which was passed at the Public Hearing in September 12, 2019.

SECTION 5. Upon adoption, the City Clerk is hereby directed to send a copy of this Ordinance to the Florida Department of Revenue, the Broward County Department of Revenue Collection, and the Broward County Property Appraiser.

SECTION 6. All ordinances or parts of ordinances, all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed as to the extent of such conflict.

SECTION 7. Should this Ordinance or any part thereof be declared invalid by a Court of competent jurisdiction, the invalidity of any part of this Ordinance shall not otherwise affect the validity of the remaining provisions of this Ordinance, which shall be deemed to have been enacted without the invalid provision.

Section 8. This Ordinance shall take effect upon its passage and adoption.

DATED this ____ day of _____, 2019.

PASSED on first reading this ____ day of _____, 2019.

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

PRESIDING OFFICER

ATTEST:

CITY CLERK

FIRST READING

SECOND READING

MOTION
SECOND

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

