
CITY OF LAUDERHILL, FLORIDA

ANNUAL RATE ORDINANCE

ORDINANCE NO. 190-09-131

ADOPTED SEPTEMBER 26, 2019

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CITY OF LAUDERHILL, FLORIDA

ORDINANCE NO. 19O-09-131

AN ORDINANCE OF THE CITY OF LAUDERHILL, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF LAUDERHILL, FLORIDA; REIMPOSING FIRE RESCUE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF LAUDERHILL FOR FISCAL YEAR 2020; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA)

WHEREAS, the City Commission of Lauderhill, Florida (the "City Commission"), has enacted Ordinance No. 00O-6-39 (the "Ordinance"), which authorizes the imposition of Fire Rescue Assessments for fire rescue services, facilities, and programs against Assessed Property located within the City; and

WHEREAS, the reimposition of a Fire Rescue Assessment for fire rescue services, facilities, and programs each fiscal year is an equitable and efficient method of allocating and apportioning the Fire Rescue Assessed Cost among parcels of Assessed Property; and

WHEREAS, the City Commission desires to reimpose a Fire Rescue Assessment within the City using the procedures provided by the Ordinance, including the tax bill collection method for the Fiscal Year beginning on October 1, 2019; and

WHEREAS, the City Commission, on July 9, 2019, adopted Resolution No. 19R-07-145 (the "Preliminary Rate Resolution"), containing and referencing a brief and general description of the fire rescue facilities and services to be provided to Assessed Property, describing the method of apportioning the Fire Rescue Assessed Cost to compute the Fire Rescue Assessment for fire rescue services, facilities, and programs against Assessed Property, estimating a rate of assessment, and directing the updating and preparation of

the Assessment Roll, provision of published notice required by the Ordinance and mailed notice if circumstances described in Section 2.08(F) of the Ordinance so require; and

WHEREAS, in order to reimpose Fire Rescue Assessments for the Fiscal Year beginning October 1, 2019, the Ordinance requires the City Commission to adopt an Annual Rate Resolution, during its budget adoption process for each Fiscal Year, which establishes the rate of assessment and approves the Assessment Roll for the upcoming Fiscal Year, with such amendments as the City Commission deems appropriate, after hearing comments and objections of all interested parties; and

WHEREAS, the updated Assessment Roll has heretofore been made available for inspection by the public, as required by the Ordinance; and

WHEREAS, notice of a public hearing has been published and mailed on TRIM as required by the terms of the Ordinance, which provides notice to all interested persons of an opportunity to be heard; an affidavit regarding the form of notice mailed being attached hereto as Appendix A and the proof of publication being attached hereto as Appendix B; and

WHEREAS, a public hearing was held on September 12, 2019, and comments and objections of all interested persons have been heard and considered as required by the terms of the Ordinance.

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

SECTION 1. AUTHORITY. This Ordinance is adopted in support of the Fire Rescue Assessment Ordinance No. 00O-6-39, (the "Ordinance"); Resolution No. 17R-07-184 (the "Amended and Restated Initial Assessment Resolution" or "Initial Assessment Resolution"); Article VIII, Section 2, Florida Constitution; the City of Lauderhill Charter, sections 166.021

and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 2. FINDINGS, DEFINITIONS AND INTERPRETATION.

(A) The above findings are true and correct and incorporated herein by reference.

(B) This Ordinance constitutes the Final Assessment Ordinance and serves as the Annual Rate Ordinance in support of the Ordinance. All capitalized terms in this Ordinance shall have the meanings defined in the Ordinance and the Initial Assessment Resolution.

SECTION 3. REIMPOSITION OF FIRE RESCUE ASSESSMENTS.

(A) The parcels of Assessed Property described in the Assessment Roll, as updated, which is hereby approved, are hereby found to be specially benefited by the provision of the fire rescue services, facilities, and programs described or referenced in the Preliminary Rate Resolution in the amount of the Fire Rescue Assessment set forth in the updated Assessment Roll, a copy of which was present or available for inspection at the above referenced public hearing and is incorporated herein by reference.

(B) It is hereby ascertained, determined and declared that each parcel of Assessed Property within the City will be specially benefited by the City's provision of fire rescue services, facilities, and programs in an amount not less than the Fire Rescue Assessment for such parcel, computed in the manner set forth in the Preliminary Rate Resolution.

(C) Adoption of this Annual Rate Ordinance constitutes a legislative determination that all parcels assessed derive a special benefit in a manner consistent with the legislative declarations, determinations and findings as set forth in the Ordinance, the Amended and Restated Initial Assessment Resolution, the Amended and Restated Final Assessment Resolution, and the Preliminary Rate Resolution from the fire rescue services, facilities, or

programs to be provided and a legislative determination that the Fire Rescue Assessments are fairly and reasonably apportioned among the properties that receive the special benefit as set forth in the Preliminary Rate Resolution.

(D) The method for computing Fire Rescue Assessments described and referenced in the Preliminary Rate Resolution is hereby approved. The Cost Apportionment, Cost Factor, and Parcel Apportionment methodologies described and adopted in Sections 6, 7 and 8 of the Preliminary Rate Resolution are hereby approved.

(E) For the Fiscal Year beginning October 1, 2019, the estimated Fire Rescue Assessed Cost to be assessed is \$16,483,856.00. The Fire Rescue Assessments to be assessed and apportioned among benefited parcels pursuant to the Cost Apportionment and Parcel Apportionment to generate the estimated Fire Rescue Assessed Cost for the Fiscal Year commencing October 1, 2019, are hereby established as follows:

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY BLANK.]

RESIDENTIAL PROPERTY USE CATEGORIES	Rate per Dwelling Unit			
Residential	\$ 488			
NON RESIDENTIAL PROPERTY USE CATEGORIES	Building Classification (in square foot ranges	Commercial	Industrial/Warehouse	Institutional
	<1,999	\$514	\$323	\$880
	2,000-3,499	\$1,027	\$646	\$1,760
	3,500-4,999	\$1,798	\$1,129	\$3,078
	5,000-9,999	\$2,567	\$1,612	\$4,398
	10,000-19,999	\$5,135	\$3,223	\$8,795
	20,000-29,999	\$10,268	\$6,446	\$17,589
	30,000-39,999	\$15,402	\$9,669	\$26,382
	40,000-49,999	\$20,536	\$12,892	\$35,176
	50,000-59,999	\$25,670	\$16,115	\$43,970
	60,000-69,999	\$30,804	\$19,338	\$52,765
	70,000-79,999	\$35,938	\$22,561	\$61,558
	80,000-89,999	\$41,072	\$25,783	\$70,352
	90,000-99,999	\$46,205	\$29,007	\$79,146
	≥100,000	\$51,340	\$32,229	\$87,940

(F) The above rates for the Fire Rescue Assessment are hereby approved. Fire Rescue Assessments for fire rescue services, facilities, and programs in the amounts set forth in the updated Assessment Roll, as herein approved, are hereby levied and reimposed on all parcels of Assessed Property described in such Assessment Roll for the Fiscal Year beginning October 1, 2019.

(G) No Fire Rescue Assessment shall be imposed upon a parcel of Government Property; however, Government Property that is owned by federal mortgage entities, such as the VA and HUD, shall not be exempted from the Fire Rescue Assessment. No Fire Rescue Assessment shall be imposed against any Building of Non-Residential Property

located on a Tax Parcel that is classified by the Property Appraiser as agricultural lands pursuant to Section 193.461, Florida Statutes, unless that Building exceeds a just value of \$10,000 as determined by the Property Appraiser and is not an "agricultural pole barn" as defined in Section 170.01(4), Florida Statutes.

(H) Any shortfall in the expected Fire Rescue Assessment proceeds due to any reduction or exemption from payment of the Fire Rescue Assessments required by law or authorized by the City Commission shall be supplemented by any legally available funds, or combination of such funds, and shall not be paid for by proceeds or funds derived from the Fire Rescue Assessments.

(I) As authorized in Section 2.13 of the Ordinance, interim Fire Rescue Assessments are also levied and imposed against all property for which a Certificate of Occupancy is issued after adoption of this Annual Rate Resolution based upon the rates of assessment approved herein.

(J) Fire Rescue Assessments shall constitute a lien upon the Assessed Property so assessed equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid.

(K) The Assessment Roll, as approved on September 12, 2019 in the Final Assessment Resolution, together with the correction of any errors or omissions as provided for in the Ordinance, was delivered to the Tax Collector for collection using the tax bill collection method in the manner prescribed by the Ordinance by September 15, 2019. The Assessment Roll, as delivered to the Tax Collector, was accompanied by a Certificate to Non-Ad Valorem Assessment Roll in substantially the form attached hereto as Appendix C.

SECTION 4. CONFIRMATION OF ASSESSMENT RESOLUTION. The Preliminary Rate Resolution is hereby confirmed.

SECTION 5. EFFECT OF ADOPTION OF ORDINANCE. The adoption of the Amended and Restated Final Assessment Resolution on September 12, 2019 was the final adjudication of the issues presented (including, but not limited to, the determination of special benefit and fair apportionment to the Assessed Property, the method of apportionment and assessment, the rate of assessment, the Assessment Roll and the levy and lien of the Fire Rescue Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of the Amended and Restated Final Assessment Resolution. This Ordinance merely reaffirms and approves all steps taken up to and including the Final Assessment Resolution in an Ordinance format. The assessment roll is deemed certified and all rates are deemed approved as of September 12, 2019, the date of the Final Assessment Resolution.

SECTION 6. SEVERABILITY. If any clause, section or other part of this resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way effecting the validity of the other provisions of this resolution.

SECTION 7. EFFECTIVE DATE. This Final Assessment Ordinance shall be deemed to have taken effect immediately upon the passage and adoption of the Final Assessment Resolution on September 12, 2019.

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

APPENDIX A

AFFIDAVIT REGARDING NOTICE MAILED TO PROPERTY OWNERS

AFFIDAVIT OF MAILING

BEFORE ME, the undersigned authority, personally appeared Charles Faranda, who, after being duly sworn, deposes and says:

1. Charles Faranda, as City Manager of the City of Lauderdale, Florida ("City"), pursuant to the authority and direction received from the City Commission, timely directed the preparation of the Assessment Roll and the preparation, mailing, and publication of notices in accordance with Sections 2.03, 2.04, 2.05 and 2.08 of the Fire Rescue Assessment Ordinance No. 00O-6-39 adopted by the City Commission on July 10, 2000 (the "Assessment Ordinance") in conformance with the Preliminary Rate Resolution No. 19R-07-145 adopted by the City Commission on July 9, 2019 (the "Preliminary Rate Resolution").

2. In accordance with the Assessment Ordinance, Mr. Faranda timely provided all necessary information for notification of the Fire Rescue Assessment to the Property Appraiser of Broward County to be included as part of the notice of proposed property taxes under section 200.069, Florida Statutes, the truth-in-millage notification. The information provided to the Property Appraiser to be included on the truth-in-millage notification included the following: the purpose of the assessment; the total amount proposed to be levied against each parcel; the unit of measurement to be applied against each parcel to determine the assessment; the number of such units contained within each parcel; the total revenue the City expects to collect by the assessment; a statement that failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title; a statement that all affected property owners have a right to appear at the hearing and to file written objections with the local governing board within 20 days of the notice; and the date, time, and place of the hearing.

FURTHER AFFIANT SAYETH NOT.

Charles Faranda, affiant

STATE OF FLORIDA
COUNTY OF BROWARD COUNTY

The foregoing Affidavit of Mailing was sworn to and subscribed before me this day of _____, 2019 by Charles Faranda, City Manager, City of Lauderhill, Florida. He is personally known to me or has produced _____ as identification and did take an oath.

Printed Name: _____
Notary Public, State of Florida
At Large
My Commission Expires: _____
Commission No.: _____

APPENDIX B
PROOF OF PUBLICATION

APPENDIX C

**FORM OF CERTIFICATE TO
NON-AD VALOREM ASSESSMENT ROLL**

**CERTIFICATE
TO
NON-AD VALOREM ASSESSMENT ROLL**

I HEREBY CERTIFY that, I am the Mayor of the City of Lauderhill, or authorized agent of the City of Lauderhill, Florida (the "City"); as such I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for fire rescue services (the "Non-Ad Valorem Assessment Roll") for the City is properly assessed so far as I have been able to ascertain; and that all required extensions on the above described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law.

I FURTHER CERTIFY that, in accordance with the Uniform Assessment Collection Act, this certificate and the herein described Non-Ad Valorem Assessment Roll will be delivered to the Broward County Department of Finance and Administrative Services by September 15, 2019.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the Broward County Department of Finance and Administrative Services and made part of the above described Non-Ad Valorem Assessment Roll this 12th day of September, 2019.

CITY OF LAUDERHILL, FLORIDA

By: _____
KEN THURSTON
Mayor

**[to be delivered to Broward County Department of
Finance and Administrative Services prior to September 15]**