

ORDINANCE NO. 240-09-134

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 HABITAT SAFE NEIGHBORHOOD IMPROVEMENT DISTRICT DESIGNATED AREA AS REFLECTED ON THE ANNUAL TAX BILL FOR COSTS AND EXPENSES ASSOCIATED WITH THE IMPROVEMENT DISTRICT; DECLARING A SAFE NEIGHBORHOOD SPECIAL ASSESSMENT FOR THE FISCAL YEAR 2025; PROVIDING FOR RE-IMPOSITION OF ANNUAL BILLING ON THE TAX BILL FOR THE ACTUAL COSTS AND EXPENSES FOR THE IMPROVEMENT DISTRICT DESIGNATED AREA; STATING A NEED FOR SUCH LEVY TO COVER THE ACTUAL COSTS ASSOCIATED WITH THE IMPROVEMENT DISTRICT; ALLOWING FOR INCREASES EQUIVALENT TO THE ACTUAL COSTS INCURRED NOT TO EXCEED NON-AD VALOREM SPECIAL ASSESSMENTS OF \$250.00 AND 2 MILLS FOR EACH INDIVIDUAL PARCEL OF LAND PER YEAR; PROVIDING FOR THE MAILING OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Ordinance No. 090-03-119 authorized the establishment of Local Government Safe Neighborhood Improvement Districts generally within the City of Lauderhill and granting the authority, *inter alia*, to collect special assessments; and

WHEREAS, Ordinance No. 100-06-132 created the specific Habitat Safe Neighborhood Improvement District and designated the specific Improvement District Area; and

WHEREAS, the City of Lauderhill City Commission declared its Initial Intent to use the uniform method for collecting non-ad valorem special assessments levied within the designated Local Government Safe Neighborhood Improvement District Areas via Original Intent Resolution 10R-12-244 following a public hearing that was held on December 13, 2010; and

WHEREAS, Ordinance No. 110-07-140 amended the specific Improvement District Area to include only the area more commonly known as Habitat II; and

WHEREAS, the City of Lauderhill has the authority to, and has opted to, levy a non-ad valorem assessment not to exceed \$500.00 for each individual parcel of land per year and to levy ad valorem taxes of up to 2 mills annually within the improvement district area as authorized by law; and

WHEREAS, the Habitat Advisory Council had approved the non-ad valorem assessment in the amount of \$250.00 in 2011 and requested that the City Commission reduce the estimated assessment rate and assess only \$250.00 per parcel per year; and

WHEREAS, individual notice of the duly advertised public hearing that was held on September 14, 2011 was mailed to each affected property owner as required by the

Florida Statutes, Section 197.3632 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, written objections received from residents within the designated District Area regarding the certification and imposition of the annual tax assessments; as well as residents of the area that were present were heard at the Public Hearing held on September 14, 2011 prior to the passage of Resolution 11R-09-164 and first reading of Ordinance 110-09-159, which passed on second reading on September 28, 2011; and

WHEREAS, the City Commission proposes to re-impose the non-ad valorem special assessment in the amount of \$250.00 and 2 mills for each individual parcel of land per year within the District Area; and

WHEREAS, individual notice of the duly advertised public hearing that was held on September 12, 2012 was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 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, Resolution No. 12R-09-191 provided the non-ad valorem special assessment rate for Fiscal Year 2013 was passed at a public hearing on September 12, 2012 and first reading of the Ordinance No. 120-09-135 with the second reading on September 28, 2012; and

WHEREAS, individual notice of the duly advertised public hearing that was held on September 12, 2013 was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 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, Resolution No. 13R-09-203 provided the non-ad valorem special assessment rate for Fiscal Year 2014 which was considered at a public hearing on September 12, 2013 with the first reading of Ordinance No. 130-09-145 and the second reading on September 26, 2013;

WHEREAS, for Fiscal Year 2015, individual notice of the duly advertised public hearing that was held on September 15, 2014 was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 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, Resolution No. 14R-09-193 re-imposed the non-ad valorem special assessment rate in the amount of \$250.00 and 2 mills for each individual parcel of land per year within the District Area for Fiscal Year 2015 at a public hearing held on September 15, 2014; and

WHEREAS, for Fiscal Year 2016, individual notice of the duly advertised public hearing that will be held on September 11, 2015 was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 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, Ordinance No. 150-09-134 provided the non-ad valorem special assessment rate which the City Commission passed to re-impose the non-ad valorem special assessment in the amount of \$250.00 and 2 mills for each individual parcel of land per year within the District Area for Fiscal Year 2016 as approved by the District Board of Directors, which passed at a public hearing on September 11, 2015 and September 21, 2015; and

WHEREAS, for Fiscal Year 2017, individual notice of the duly advertised public hearing that will be held on September 14, 2016 was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 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, Ordinance No. 160-09-132 provided the non-ad valorem special assessment rate which the City Commission passed to re-impose the non-ad valorem special assessment in the amount of \$250.00 and 2 mills for each individual parcel of land per year within the District Area for Fiscal Year 2017 as approved by the District Board of Directors, which passed at a public hearing on September 14, 2016 and September 28, 2016; and

WHEREAS, for Fiscal Year 2018, individual notice of the duly advertised public hearing that was on September 13, 2017 was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 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, Ordinance No. 170-09-132 provided the non-ad valorem special assessment rate which the City Commission passed to re-impose the non-ad valorem special assessment in the amount of \$250.00 and 2 mills for each individual parcel of land per year within the District Area for Fiscal Year 2018 as approved by the District Board of Directors, which passed at a public hearing on September 13, 2017 and September 25, 2017; and

WHEREAS, for Fiscal Year 2019, individual notice of the duly advertised public hearing that was held on September 12, 2018 was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 via the TRIM Notice that was sent by the Broward County Property Appraiser's Office, and notice was published in the newspaper; and

WHEREAS, this proposed Ordinance No. 180-09-131 provides the non-ad valorem special assessment rate which the City Commission proposes to re-impose the non-ad valorem special assessment in the amount of \$250.00 and 2 mills for each individual parcel of land per year within the District Area for Fiscal Year 2019 as approved by the District Board of Directors, which was considered at a public hearing on September 12, 2018 and September 26, 2018; and

WHEREAS, no written objections were received from any residents residing in the designated District Area regarding the certification and imposition of the annual tax assessments; nevertheless, any residents that were present were heard at the Public Hearing held on September 12, 2018 prior to the passage of this Resolution No. 18R-09-183 and the first reading of the corresponding Ordinance No. 180-09-131, which was heard on second reading on September 26, 2018; and

WHEREAS, for Fiscal Year 2020, individual notice of the duly advertised public hearing that was held on September 12, 2019 was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 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, Ordinance No. 190-09-124 re-imposed the non-ad valorem special assessment in the amount of \$250.00 and 2 mills for each individual parcel of land per year within the District Area for Fiscal Year 2020 as approved by the District Board of Directors at the public hearing on September 12, 2019 and September 26, 2019; and

WHEREAS, no written objections were received from any residents residing in the designated District Area regarding the certification and imposition of the annual tax assessments; nevertheless, any residents that were present were heard at the Public Hearing held on September 12, 2019 prior to the passage of the Resolution No. 19R-09-178 and the first reading of the corresponding Ordinance No. 190-09-124, which was heard on second reading on September 26, 2019; and

WHEREAS, for Fiscal Year 2021, individual notice of the duly advertised virtual public hearing that will be held on September 14, 2020 was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 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, Ordinance No. 200-09-129 re-imposed the non-ad valorem special assessment in the amount of \$250.00 and 2 mills for each individual parcel of land per year within the District Area for Fiscal Year 2021 as approved by the District Board of Directors, which was considered at a virtual public hearing on September 14, 2020 and September 29, 2020; and

WHEREAS, no written objections were received from any residents residing in the designated District Area regarding the certification and imposition of the annual tax

assessments; nevertheless, any residents that expressed any concerns were noted at the virtual Public Hearing held on September 14, 2020 prior to the passage of the Resolution No. 20R-09-176 and the first reading of the corresponding Ordinance No. 200-09-129, which was heard on second reading on September 29, 2020; and

WHEREAS, for Fiscal Year 2022, individual notice of the duly advertised virtual public hearing that was held on September 13, 2021 was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 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, Ordinance No. 210-09-126 re-imposed the non-ad valorem special assessment in the amount of \$250.00 and 2 mills for each individual parcel of land per year within the District Area for Fiscal Year 2022 as approved by the District Board of Directors, was considered at a virtual public hearing on September 13, 2021 and September 27, 2021; and

WHEREAS, no written objections were received from any residents residing in the designated District Area regarding the certification and imposition of the annual tax assessments; nevertheless, any residents that expressed any concerns were noted at the virtual Public Hearing held on September 13, 2021 prior to the passage of the Resolution No. 21R-09-191 and the first reading of the corresponding Ordinance No. 210-09-126, which was heard on second reading on September 27, 2021; and

WHEREAS, for Fiscal Year 2023, individual notice of the duly advertised public hearing that was held on September 14, 2022 was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 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, Ordinance No. 220-09-122 provided the non-ad valorem special assessment rate which the City Commission re-imposed in the amount of \$250.00 and 2 mills for each individual parcel of land per year within the District Area for Fiscal Year 2023 as approved by the District Board of Directors, which was considered at a public hearing on September 14, 2022 and initially scheduled on September 28, 2022; and

WHEREAS, no written objections were received from any residents residing in the designated District Area regarding the certification and imposition of the annual tax assessments; nevertheless, any residents that expressed any concerns were noted at the Public Hearing held on September 14, 2022 prior to the passage of the Resolution No. 22R-09-180 and the first reading of the corresponding Ordinance No. 220-09-122, which was initially scheduled to be heard on second reading on September 28, 2022; however, due to a Declared State of Emergency as a result of Hurricane Ian, was rescheduled and heard on an emergency basis on October 4, 2022; and

WHEREAS, for Fiscal Year 2024, individual notice of the duly advertised public hearing that was held on September 14, 2023 was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 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, Ordinance No. 230-09-122 provided the non-ad valorem special assessment rate which the City Commission re-imposed for the non-ad valorem special assessment in the amount of \$250.00 and 2 mills for each individual parcel of land per year within the District Area for Fiscal Year 2024 as approved by the District Board of Directors, at a public hearing on September 14, 2023 and September 2, 2023; and

WHEREAS, no written objections were received from any residents residing in the designated District Area regarding the certification and imposition of the annual tax assessments; nevertheless, any residents that expressed any concerns were noted at the Public Hearing held on September 14, 2023 prior to the passage of the Resolution No. 23R-09-217 and the first reading of the corresponding Ordinance No. 230-09-122 which was heard on second reading on September 28, 2023; and

WHEREAS, for Fiscal Year 2025, individual notice of the duly advertised public hearing to be held on September 12, 2024 was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 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, this proposed Ordinance No. 240-09-134 provides the non-ad valorem special assessment rate which the City Commission proposes to re-impose in the amount of \$250.00 and 2 mills for each individual parcel of land per year within the District Area for Fiscal Year 2025 as approved by the District Board of Directors, which will be considered at a public hearing on September 12, 2024 and on September 26, 2024; and

WHEREAS, any written objections that were received from any residents residing in the designated District Area regarding the certification and imposition of the annual tax assessments were noted at the Public Hearing held on September 12, 2024 prior to the passage of the Resolution No. 24R-09-176 and the first reading of the corresponding Ordinance No. 240-09-134, which is scheduled to be heard on second reading on September 26, 2024; and

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, 2024, and with the tax statement mailed for such Fiscal Year thereafter, the City of Lauderhill will 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 actual costs and expenses associated with the Habitat Safe

Neighborhood Improvement District Designated Area. The assessments shall be imposed and levied within the designated District Area as referenced on the Annual Tax Bill. A map of the designated Habitat District 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 non-ad valorem Habitat Safe Neighborhood Improvement District special assessed cost for Fiscal Year 2025, as well as the tax levy of ad valorem assessments, and determines that the levy of such assessments is needed to fund the actual costs and expenses associated with the Habitat Safe Neighborhood Improvement District Designated Area. The rates to be assessed are attached hereto as Exhibit "B" and incorporated herein by reference thereto. The estimated preliminary rates were fully disclosed at the Public Hearing on July 9, 2024, and the final rates were fully disclosed and voted upon on September 12, 2024, and are scheduled to be voted upon on second reading on September 26, 2024. Only those actual costs and expenses incurred 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 Lauderhill previously certified the Assessment Roll of Non-Ad Valorem and Ad Valorem Assessments via Resolution No. 24R-09-176 which was passed at the Public Hearing on September 12, 2024.

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 be deemed to take effect on its passage and adoption.

DATED this ____ day of _____, 2024.

PASSED on first reading this ____ day of _____, 2024.

PASSED AND ADOPTED on second reading this _____ day of _____, 2024.

PRESIDING OFFICER

ATTEST:

CITY CLERK

	FIRST READING	SECOND READING
MOTION	_____	_____
SECOND	_____	_____
M. DUNN	_____	_____
D. GRANT	_____	_____
L. MARTIN	_____	_____
S. MARTIN	_____	_____
K. THURSTON	_____	_____