

WCD RESOLUTION NO. 16-09-03

A RESOLUTION OF THE NORTH LAUDERDALE WATER CONTROL DISTRICT, RELATING TO THE PROVISION OF WATER CONTROL AND DRAINAGE SERVICES, FACILITIES AND PROGRAMS (THE "WATER MANAGEMENT SYSTEM") WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT; AMENDING RESOLUTION 2016-06-02 TO AMEND THE TIME OF THE PUBLIC HEARING; ESTABLISHING THE ASSESSMENT RATES FOR WATER MANAGEMENT SYSTEM ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016; APPROVING, CONFIRMING AND ADOPTING THE ASSESSMENT ROLL; APPROVING THE DISTRICT BUDGET FOR FISCAL YEAR 2016-2017 TO BE ADOPTED AS PART OF THE CITY'S BUDGET BY THE CITY COMMISSION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

I hereby certify that this is a true and correct copy of
WCD Resolution # 16-09-03
Witness my hand and the Official Seal of North Lauderdale
this 15 day of September 2016
Shirley Waterman
City Clerk

State of Florida
County of Broward
City of North Lauderdale



WHEREAS, on June 28, 2016, the Board of Supervisors of the North Lauderdale Water Control District (the "Board") approved Resolution 16-06-02 (the Preliminary Resolution), which adopted the Preliminary Assessment Roll, provided for or referenced the findings of special benefit and fair apportionment, and set forth or referenced the methodology used to apportion the Water Management System Assessed Costs; and

WHEREAS, the North Lauderdale Water Control District (the "District") desires to amend the time of the public hearing referenced in Section 9 and Appendix "A" of Resolution 16-06-02 from 5:01 p.m. to 6:00 p.m. which was inadvertently listed at the inappropriate time; and

WHEREAS, the North Lauderdale Water Control District (the "District") has held a public hearing on September 14, 2016, to adopt the non-ad valorem special assessment roll for funding a portion of the Water Management System Costs for the provision of water control and drainage services, facilities, and programs within the DISTRICT; and

WHEREAS, the District has provided proper notice of the hearing, through U.S. mail using the annual TRIM Notices, and publication in a newspaper generally circulated within Broward County, Florida, to each person owning property subject to the non-ad valorem special assessment; and

WHEREAS, affected property owners have had the right to file written objections to the non-ad valorem special assessment, and to appear at the public hearing; and

WHEREAS, the District has received the written objections, heard testimony from all interested persons, and considered all objections relating to the non-ad valorem special assessment; and

WHEREAS, the District has equalized or adjusted the non-ad valorem special assessment as dictated by fairness and right; and,

WHEREAS, the 2016-2017 budget estimates for the expenditures of the District including all of its departments, divisions, funds, and offices, have been prepared and submitted to the District.

NOW, THEREFORE, BE IT RESOLVED BY THE DISTRICT:

SECTION 1. RECITALS. The aforementioned WHEREAS clauses are hereby ratified and confirmed as true and correct, and incorporated herein.

SECTION 2. AUTHORITY. This Resolution is adopted pursuant to the provisions of Chapter 2005-316, House Bill 1875 (adopted in 1997), House Bill 1043 (adopted in 2007) (collectively known hereafter as "SPECIAL ACTS"), Chapters 189 and 298, Florida Statutes, and other applicable provisions of law.

SECTION 3. PUBLIC HEARING TIME. Resolution 2016-06-02 is amended to amend section 9 and Appendix "A" to provide that the time of the public hearing on September 14, 2016, is 6:00 p.m., which time has been properly noticed through the annual TRIM Notices and published notice by the City.

SECTION 4. PURPOSE AND DEFINITIONS. This Resolution constitutes the Assessment Resolution which imposes the annual special assessments, as authorized in the SPECIAL ACTS and Chapter 189, Florida Statutes; adopts and approves the Assessment Roll; directs the re-imposition of Water Management System Assessments for the Fiscal Year beginning October 1, 2016, and approves the budget for Fiscal Year 2016-2017. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the SPECIAL ACTS, and Chapters 189 and 197, Florida Statutes. Unless the context indicates otherwise, words imparting the singular number, include the plural number, and vice versa.

SECTION 5. PUBLIC PURPOSE. It is necessary, serves a public purpose consistent with the purposes of the District, and is in the best interests of the District to levy the non-ad valorem special assessment to fund a portion of the District's Water Management System Costs for the provision of water control and drainage services, facilities, and programs.

SECTION 6. LEVY OF ASSESSMENT. The North Lauderdale Water Control District shall levy the non-ad valorem special assessment to fund a portion of the Water Management System Costs for the provision of water control and drainage services, facilities, and programs.

SECTION 7. APPROVAL OF METHOD OF COMPUTING ASSESSMENT. The method for computing the Water Management System Special Assessment provided for or referenced within the Preliminary Resolution is hereby approved, as supplemented and modified herein.

SECTION 8. FINDINGS OF SPECIAL BENEFIT AND FAIR APPORTIONMENT. The findings set forth or referenced within the Preliminary Resolution as to special benefit to Assessed Properties, and the fairness and reasonableness of the methodology for the Assessment, are hereby confirmed and ratified, and fully incorporated herein.

SECTION 9. ASSESSMENT AMOUNT. The Water Management System Assessed Costs to be assessed and apportioned among benefited parcels pursuant to the Cost Apportionment shall be \$687,040. The Assessable Unit Apportionment for the Fiscal Year commencing October 1, 2016, is \$55.15 per unit. The approval of the Estimated Water Management System Rate Schedule by the adoption of this Final Assessment Resolution determines the amount of the Water Management System Assessed Costs. The remainder of the Fiscal Year budget for water control and drainage services, facilities, and programs shall be funded from available DISTRICT revenue other than Water Management System Assessment proceeds.

SECTION 10. LEVY AND IMPOSITION OF SPECIAL ASSESSMENT. The above rates are hereby approved, and the Water Management System Assessments set forth herein are hereby levied and imposed on all assessed parcels of Assessed Property described in the Assessment Roll. Interim Water Management System Assessments are also levied and imposed against all property for which a Certificate of Occupancy is issued after adoption of this Resolution based upon the rates of assessment approved herein.

SECTION 11. CONFIRMATION OF ASSESSMENT ROLL / LIENS. The Assessment Roll shall be filed with the District's Clerk, through the Office of the City Clerk of the City of North Lauderdale, and such assessments shall stand confirmed. All Water Management System Assessments shall constitute legal, valid, and binding first liens, unless otherwise provided by law, upon property against which such assessments are made until paid.

SECTION 12. CERTIFICATION OF ASSESSMENT ROLL. The Assessment Roll, as adopted and approved herein, shall be certified by the Assessment Coordinator and delivered to the Broward County Finance and Administrative Services Department, which pursuant to the Broward County Charter performs all functions and duties of the office of tax collector.

SECTION 13. FINAL ADJUDICATION OF ISSUES. The adoption of this Resolution shall be the final adjudication of any and all issues relating to the District's Water Management System Special Assessment (including, but not limited to, the determinations of special benefit, the methods of apportionment and the assessment rates) unless proper steps are initiated in a court of competent jurisdiction within twenty (20) days of the adoption of this Assessment Resolution.

SECTION 14. APPROVAL OF BUDGET. The budget estimates, a copy of which are attached hereto and expressly made a part hereof as Exhibit "A," are hereby approved as the 2016-2017 Fiscal Year Budget and shall adopted as part of the City's budget by the City Commission at which time it will be in full force and effect for the fiscal year of the District, commencing on October 1, 2016, and terminating on September 30, 2017. From time-to-time, the District may transfer from one fund, account, or department to another as the necessity for the same may occur without being required to amend the terms and provisions of this Resolution. The provisions of this Resolution shall not be deemed to be a limitation of the power granted to the District by applicable law and which relate to the fiscal management of the District's funds.

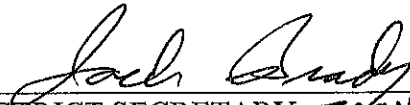
SECTION 15. CONFLICT. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 16. SEVERABILITY. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

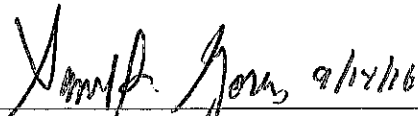
SECTION 17. EFFECTIVE DATE. This Resolution shall become effective immediately upon its passage and adoption.

PASSED, ADOPTED, AND APPROVED THIS 14th DAY OF SEPTEMBER, 2016.


DISTRICT CHAIRPERSON **RICH MOYLE**


DISTRICT SECRETARY **JACK BRADY**

APPROVED AS TO FORM:


SAMUEL S. GOREN
DISTRICT ATTORNEY

ATTEST:


CLERK TO THE BOARD OF SUPERVISORS



Appendix A

North Lauderdale Water Control District Special Revenue Fund Schedule of Revenue and Expenditures City of North Lauderdale Budget for Fiscal Year 2017

	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Budget	FY 2017 Budget
<u>North Lauderdale Water Control District Special Revenue Fund (131)</u>					
Maintenance Assessment (per unit):	\$ 55.15	\$ 55.15	\$ 55.15	\$ 55.15	\$ 55.15
<u>Revenue:</u>					
Special Assessments	\$ 617,906	\$ 616,589	\$ 617,068	\$ 610,815	\$ 611,600
Special Assessments-WCD Brookside	3,177	3,210	3,177	3,177	3,200
Interest Earnings	1,521	821	1,435	-	300
Miscellaneous Revenue-Other	2,111	9,089	40	-	-
Transfer In-General Fund for Exempt Properties	50,242	51,896	65,518	62,739	62,800
Use of Fund Balance or Net Position	-	-	-	3,396	9,140
Total revenue	\$ 674,957	\$ 681,605	\$ 687,238	\$ 680,127	\$ 687,040
<u>Expenditures:</u>					
Canal Maintenance					
Administrative Costs	\$ -	\$ -	\$ -	\$ 59,784	\$ 52,800
Canal Maintenance	540,296	540,298	531,464	607,543	621,440
Assessment Comm Fees	12,358	12,332	12,341	12,800	12,800
Cap Outlay-Machinery/Equip	-	-	24,099	-	-
Total expenditures	\$ 552,654	\$ 552,630	\$ 567,904	\$ 680,127	\$ 687,040
Change in Fund Balance	\$ 122,303	\$ 128,975	\$ 119,334	\$ (3,396)	\$ (9,140)
Fund balance					
Beginning balance	\$ 770,082	\$ 892,385	\$ 1,021,360	\$ 1,140,694	\$ 1,137,298
Ending balance	\$ 892,385	\$ 1,021,360	\$ 1,140,694	\$ 1,137,298	\$ 1,128,158

North Lauderdale Water Control District Assessment	
Assessable number of units	11,551
Assessment rate	\$ 55.15
Gross assessments	\$ 637,038
Less 4% discount	4%
Net assessments - Revenue	\$ 611,556
Exempt properties assessable number of units	1,186
Assessment rate	\$ 55.15
Gross exempt properties	\$ 65,408
Less 4% discount	4%
Exempt properties - Transfer from General Fund	\$ 62,792